



New South Wales

# Children's Services Amendment (Fees) Regulation 2009

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

LINDA BURNEY, MP  
Minister for Community Services

## Explanatory note

The object of this Regulation is to amend the *Children's Services Regulation 2004*:

- (a) to provide for the charging of fees in connection with the administration of the licensing of the providers of children's services, and
- (b) to increase the maximum term for which a licence for the provision of a children's service may be granted from 3 years to 5 years.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 220 and 264 (the general regulation-making power).

## **2009 No 552**

Clause 1 Children's Services Amendment (Fees) Regulation 2009

---

## **Children's Services Amendment (Fees) Regulation 2009**

under the

Children and Young Persons (Care and Protection) Act 1998

### **1 Name of Regulation**

This Regulation is the *Children's Services Amendment (Fees) Regulation 2009*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

---

## **Schedule 1      Amendment of Children's Services Regulation 2004**

**[1]    Clause 8 How is an application for new licence made?**

Insert "new" after "a" in clause 8 (1).

**[2]    Clause 8 (2)**

Insert at the end of clause 8 (2) (b):

, and

(c) the application is accompanied by:

- (i) in the case of an application made by a person or body proposing to provide a children's service at premises that, immediately before the making of the application, were not used to provide a licensed children's service—the application fee specified in Schedule 1B, and
- (ii) the annual fee specified in that Schedule.

**[3]    Clause 21 Further licences**

Insert at the end of clause 21 (2) (b):

, and

(c) is to be accompanied by the annual fee specified in Schedule 1B.

**[4]    Clause 22A**

Insert after clause 22:

**22A    Refund or waiver of annual fee**

- (1) The Director-General may refund an annual fee that is required to accompany an application for a licence if:
  - (a) the Director-General refuses to grant the licence, or
  - (b) the applicant withdraws the application before the Director-General grants the licence.
- (2) The Director-General may waive the whole, or any part, of the annual fee required under clause 25A if the Director-General is satisfied that there are exceptional circumstances that justify waiving the whole or part of the annual fee.

**[5]    Clause 24 Term of licence**

Omit "3 years" from clause 24 (1). Insert instead "5 years".

## 2009 No 552

Children's Services Amendment (Fees) Regulation 2009

Schedule 1 Amendment of Children's Services Regulation 2004

---

### [6] Clause 25A

Insert after clause 25:

#### 25A Annual fee

- (1) A licensee must pay the annual fee specified in Schedule 1B for the licence held by the licensee in respect of the year commencing on the grant of the licence and each subsequent year, or part of a year, for which the licence remains in force.
- (2) An annual fee that is not required to accompany an application for a licence must be paid before the commencement of the year to which it relates and in the manner specified by the Director-General.

### [7] Clause 26 Grounds for variation, suspension or revocation of licence

Insert at the end of clause 26 (2) (e):

, or

- (f) the licensee has failed to pay an annual fee in accordance with clause 25A.

### [8] Schedule 1B

Insert after Schedule 1A:

## Schedule 1B Fees

(Clauses 8 (2) (c) and 25A)

Matter	Fee (\$)
Application fee under clause 8 in respect of a licence to provide:	
(a) a home based children's service	187
(b) a mobile children's service	241
(c) a family day care children's service	241
(d) a centre based children's service:	
(i) to not more than 29 children	187
(ii) to more than 29 children, but not more than 60 children	241
(iii) to more than 60 children	294

---

<b>Matter</b>	<b>Fee (\$)</b>
Annual fee in respect of a licence to provide:	
(a) a home based children's service	700
(b) a mobile children's service	900
(c) a family day care children's service:	
(i) with not more than 99 full time places or the equivalent of 99 full time places	700
(ii) with more than 99 full time places or the equivalent of 99 full time places, but not more than 199 full time places or the equivalent of 199 full time places	900
(iii) with more than 199 full time places or the equivalent of 199 full time places	1,100
(d) a centre based children's service:	
(i) to not more than 29 children	700
(ii) to more than 29 children, but not more than 60 children	900
(iii) to more than 60 children	1,100

---

**[9] Schedule 2 Savings and transitional provisions**

Insert after clause 15:

**16 Application fees**

Clause 8 (2) (c) does not apply in respect of an application lodged before 1 January 2010.

**17 Application of annual fees**

Clause 25A extends to a licence issued before the commencement of the *Children's Services Amendment (Fees) Regulation 2009*, but only in respect of a year that commences on or after 1 January 2010.

**18 Extension of licences**

A licence in force immediately before the commencement of the *Children's Services Amendment (Fees) Regulation 2009* that was granted for a term of 3 years is, on that commencement, taken to have been granted for a term of 5 years commencing when the licence was granted.

## 2009 No 552

Children's Services Amendment (Fees) Regulation 2009

Schedule 1 Amendment of Children's Services Regulation 2004

---

### [10] Dictionary

Insert in appropriate order:

*full time place*, in respect of a family day care children's service, means a place for one child for 35 hours in each week that the service is provided.