

Children (Education and Care Services) Supplementary Provisions Amendment Act 2018 No 46

[2018-46]



New South Wales

Status Information

Currency of version

Repealed version for 28 May 2019 to 31 October 2019 (accessed 17 July 2024 at 19:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 1.11.2019.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 November 2019

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Children (Education and Care Services) Supplementary Provisions Amendment Act 2018 No 46



New South Wales

An Act to amend the *Children (Education and Care Services) Supplementary Provisions Act 2011* to further provide for the regulation of certain children’s education and care services and to further align the regulation of those services with the *Children (Education and Care Services) National Law (NSW)*; and for other purposes.

1 Name of Act

This Act is the *Children (Education and Care Services) Supplementary Provisions Amendment Act 2018*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.
- (2) Schedule 1 [34]-[37] commence on the date of assent to this Act.

Schedule 1 (Repealed)

Schedule 2 Consequential amendments

2.1 Child Protection (Working with Children) Act 2012 No 51

[1] Section 5 Definitions

Omit the definitions of ***certified supervisor*** and ***home based education and care service*** from section 5 (1).

[2] Section 5 (1), definition of “notifiable person”

Omit “home based education and care service or” from paragraph (c).

[3] (Repealed)

[4] Section 10 Adult persons residing with authorised carers or persons providing family

day care services

Omit “home based education and care service or” wherever occurring in section 10 (1) and (2).

[5] Section 11B Responsible agency must verify person has clearance or current application

Omit “a home based education and care service or” from section 11B (1) (c).

[6] Section 17 Interim bars

Omit “home based education and care service or” from section 17 (1) (c).

2.2 Child Protection (Working with Children) Regulation 2013

[1] Clause 18 Proof of identity

Omit “home based education and care service or” from clause 18 (3) (a).

[2] (Repealed)

2.3 Standard Instrument (Local Environmental Plans) Order 2006

Standard instrument, Dictionary

Omit the definition of **home-based child care**. Insert instead:

home-based child care means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

2.4 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause 5 Interpretation

Omit the definition of **home-based child care** from the note to clause 5 (1). Insert instead:

home-based child care means a family day care residence (within the meaning of the

Children (Education and Care Services) National Law (NSW)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

2.5 Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011

Dictionary

Omit the definition of **home-based child care**. Insert instead:

home-based child care means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

2.6 Sydney Local Environmental Plan (Green Square Town Centre) 2013

Dictionary

Omit the definition of **home-based child care**. Insert instead:

home-based child care means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

2.7 Sydney Local Environmental Plan (Green Square Town

Centre—Stage 2) 2013

Dictionary

Omit the definition of **home-based child care**. Insert instead:

home-based child care means a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the [Children \(Education and Care Services\) National Law \(NSW\)](#).