

South Australia



**CHILDREN'S SERVICES (CHILD CARE) AMENDMENT ACT 1998**

**No. 7 of 1998**

**SUMMARY OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of s. 3—Interpretation
4. Amendment of s. 25—Business of child care not to be carried on without licence
5. Amendment of s. 33—Application for approval of family day care
6. Amendment of s. 48—Restriction on child minding advertisements



ANNO QUADRAGESIMO SEPTIMO

**ELIZABETHAE II REGINAE**

A.D. 1998

\*\*\*\*\*

**No. 7 of 1998**

**An Act to amend the Children's Services Act 1985.**

[Assented to 2 April 1998]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Children's Services (Child Care) Amendment Act 1998*.
- (2) The *Children's Services Act 1985* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 3—Interpretation**

3. Section 3 of the principal Act is amended—

- (a) by striking out the definition of "child care centre" and substituting the following definition:

"child care centre" means any place or premises in which more than 4 young children are, for monetary or other consideration, cared for on a non-residential basis apart from their guardians;;

- (b) by striking out "and relatives" from the definition of "family day care agency";

- (c) by inserting after the definition of "the repealed Act" the following definition:

"young child" means a child under the age of 6 years who has not yet commenced attending school.

**Amendment of s. 25—Business of child care not to be carried on without licence**

4. Section 25 of the principal Act is amended—

- (a) by striking out subsection (3) and substituting the following subsection:

(3) A licence will be granted for a period of 2 years and may be renewed for successive periods of 2 years.;

(b) by striking out from subsection (6) "and relatives".

**Amendment of s. 33—Application for approval of family day care**

5. Section 33 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) who proposes, for monetary or other consideration, to care for not more than 4 young children on a non-residential basis in a family environment away from their own homes and apart from their guardians;;

(b) by inserting after subsection (2) the following subsections:

(2a) It is a condition of every approval under this section (whether given before or after the commencement of this subsection) that the care provider must not, at any one time, have the care of—

(a) more than 4 young children; or

(b) more than 7 children, in total.

(2b) The Director may exempt an approved family day care provider from the conditions specified in subsection (2a) if—

(a) all children being cared for by the care provider are of the same family; or

(b) no more than 8 children are being cared for by the care provider and the Director is satisfied that special circumstances exist; or

(c) immediately before the commencement of this subsection, the care provider had the care of more than 4 young children or more than 7 children, in total.

(2c) An exemption granted under subsection (2b) will apply only in relation to—

(a) if the exemption is granted under subsection (2b)(a)—children of the family specified in the exemption; or

(b) if the exemption is granted under subsection (2b)(b)—the children in the care of the care provider at the time the exemption is granted; or

(c) if the exemption is granted under subsection (2b)(c)—the children in the care of the care provider immediately prior to the commencement of that subsection.

(2d) An exemption granted under subsection (2b) may be subject to such conditions as the Director thinks fit.;

(c) by striking out subsection (4) and substituting the following subsection:

(4) In determining the number of children being cared for by a care provider for the purposes of this section, the care provider's own children and any other children residing in the approved premises will be taken into account if those children are under the age of 13 years.

**Amendment of s. 48—Restriction on child minding advertisements**

6. Section 48 of the principal Act is amended by striking out "children under the age of six years" and substituting "young children".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor