

Version No. 023
Children's Services Act 1996
No. 53 of 1996

Version incorporating amendments as at
21 June 2011

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Version No. 023
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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Purpose

The main purpose of this Act is to provide for the licensing and regulation of children's services.

2 Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 1 July 1998, it comes into operation on that day.

S. 2(3)
substituted by
No. 72/1997
s. 14.

3 Definitions

- (1) In this Act—

approval of premises means an approval under section 11;

S. 3(1) def. of
*approval of
premises*
inserted by
No. 22/2008
s. 3(1).

authorised officer means a person appointed by the Secretary under section 35 for the purposes of this Act;

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Part 1—Preliminary

s. 3

S. 3(1) def. of
*children's
service*
amended by
No. 22/2008
s. 3(2).

children's service means a service providing care or education for 4 or more children under the age of 13 years in the absence of their parents or guardians—

- (a) for fee or reward; or
- (b) while the parents or guardians of the children use services or facilities provided by the proprietor of the service;

S. 3(1) def. of
Department
substituted by
No. 58/2007
s. 52(1)(a).

Department means the Department of Education and Early Childhood Development;

S. 3(1) def. of
*family day
care service*
inserted by
No. 22/2008
s. 3(1).

family day care service means a children's service providing a network of family day carers each of whom provide care or education for up to 7 children (including the carer's own children) of whom no more than 4 children may be under 6 years of age unless the children who are under 6 years of age are—

- (a) students enrolled at preparatory level or above at a school; or
- (b) siblings, who are not the carer's own children, in which case no more than 6 siblings may be under 6 years of age;

S. 3(1) def. of
*family day
care venue*
inserted by
No. 22/2008
s. 3(1).

family day care venue means premises (other than a residence) used by a family day care service to provide care and education to children;

S. 3(1) def. of
*family day
carer*
inserted by
No. 22/2008
s. 3(1).

family day carer, in relation to a family day care service, means a person approved by the family day care service to provide care or education to children primarily—

- (a) in the person's residence; or
- (b) at a family day care venue;

fit and proper person check means a consideration by the Secretary under this Act as to whether a person is a fit and proper person;

S. 3(1) def. of *fit and proper person check* inserted by No. 22/2008 s. 3(1).

guardian, in relation to a child, means the legal guardian of the child or the person who has the custody or control of the child but does not include a person providing children's services to a child;

licensee means a person who holds a licence to operate a children's service under this Act;

nominee, in relation to a children's service, means a person who is an approved nominee or an accepted nominee under Part 3 for that service;

S. 3(1) def. of *nominee* inserted by No. 22/2008 s. 3(1).

primary nominee, in relation to a children's service, means—

S. 3(1) def. of *primary nominee* inserted by No. 22/2008 s. 3(1).

- (a) if there is one nominee for that service, that nominee;
- (b) if there is more than one nominee for that service, the nominee who is approved under Part 3 as the primary nominee for that service;

proprietor, in relation to a children's service, includes the owner of the service, the primary nominee and any person who manages or controls the service and, in relation to any proposed children's service, includes the person who proposes to operate the service;

S. 3(1) def. of *proprietor* amended by No. 22/2008 s. 3(3).

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Part 1—Preliminary

s. 3

S. 3(1) def. of
*registered
medical
practitioner*
inserted by
No. 22/2008
s. 3(1),
substituted by
No. 13/2010
s. 51(Sch.
item 13).

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

relative, in relation to a child means a parent, grandparent, brother, sister, uncle, aunt or cousin of the whole blood or half-blood or by marriage including a defacto marriage, and whether or not the relationship depends on adoption of the child;

S. 3(1) def. of
school
inserted by
No. 22/2008
s. 3(1).

school means Government school or non-Government school, within the meaning of the **Education and Training Reform Act 2006**;

S. 3(1) def. of
Secretary
substituted by
No. 58/2007
s. 52(1)(b).

Secretary means the Secretary to the Department of Education and Early Childhood Development;

S. 3(1) def. of
sibling
inserted by
No. 22/2008
s. 3(1).

sibling, of a child, means—

- (a) a brother or sister of the whole blood or half-blood or by adoption or by marriage, including de facto marriage; or
- (b) a child to whom foster care is provided by a parent (including an adoptive parent) or guardian of the first-mentioned child;

this Act includes regulations made under the Act.

- (2) If, under the **Public Administration Act 2004**, the name of the Department of Education and Early Childhood Development is changed, a reference in the definitions of Department and Secretary in subsection (1) to that Department must, from the date when the name is changed, be treated as a reference to the Department by its new name.
- (3) In this Act a reference to an absence in relation to an applicant, licensee or proprietor that is a body corporate includes a reference to the absence of the directors of the body corporate.

S. 3(2)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 30),
58/2007
s. 52(2).

4 Act to bind the Crown

- (1) This Act binds the Crown, not only in right of Victoria but also, so far as the legislative capacity of Parliament permits, the Crown in all its other capacities.
- (2) Nothing in this Act makes the Crown in any of its capacities liable to be prosecuted for an offence.

5 Non-application of this Act

- (1) Nothing in this Act applies in circumstances where the children being cared for or educated are—
- (a) patients in a hospital which is a registered funded agency under the **Health Services Act 1988**;

* * * * *

S. 5(1)(b)
substituted by
No. 24/2006
s. 6.1.2(Sch. 7
item 6),
repealed by
No. 22/2008
s. 4(1).

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Part 1—Preliminary

s. 5

S. 5(1)(c)
substituted by
No. 48/2006
s. 42(Sch.
item 6).

- (c) recipients of protection, care or accommodation being provided by a community service or secure welfare service established under section 44 of the **Children, Youth and Families Act 2005** or a community service registered under Division 3 of Part 3.3 of that Act;
- (d) clients of a registered service or a residential program within the meaning of the **Intellectually Disabled Person's Services Act 1986**.

S. 5(1A)
inserted by
No. 22/2008
s. 4(2).

- (1A) Nothing in this Act applies in circumstances where the education provided to a child is education at a preparatory level or above at a Government school, or non-Government school, within the meaning of the **Education and Training Reform Act 2006**.

S. 5(1B)
inserted by
No. 22/2008
s. 4(2).

- (1B) Nothing in this Act applies—
 - (a) to a service principally conducted to provide instruction in a particular activity or sport; or
Example
Instruction in a particular activity could be instruction in dance, music or language or religious instruction.
 - (b) to a playgroup registered with Playgroup Victoria Inc.

S. 5(1C)
inserted by
No. 22/2008
s. 4(2).

- (1C) To avoid doubt, it is declared that a service may be a children's service even though it is conducted—
 - (a) by an entity that also carries on a school; or
 - (b) at premises at which a school is also carried on.
- (2) Nothing in this Act applies in circumstances where the children are being cared for or educated in the children's own home or by a relative of the children.

(3) Nothing in this Act applies in circumstances where—

S. 5(3)
substituted by
No. 22/2008
s. 4(3).

- (a) children are being cared for or educated under an informal arrangement between a parent or guardian of one or more of the children and the individual (the *carer*) providing the care and education; and
- (b) at least one of the children (other than a child of the carer) is being cared for or educated in his or her own home; and
- (c) not more than 4 children under the age of 6 who are not students enrolled at a preparatory level or above at a school are being cared for or educated by the carer.

Example

A group of parents arrange for their children to be cared for by a babysitter or nanny in one of the parent's homes.

(4) Nothing in this Act applies in circumstances where children who are 6 years of age or over or who are students enrolled at a preparatory level or above at a school are being cared for or educated outside their own home under an informal arrangement between a parent or guardian of the children and the individual providing the care or education.

S. 5(4)
inserted by
No. 22/2008
s. 4(3).

Example

A parent arranges for a neighbour or friend to care for his or her children after school.

6 Exemption

(1) The Minister, by notice published in the Government Gazette, may declare that all or any of the provisions of this Act do not apply to any specified children's service or any specified type of children's service.

S. 6(1)
amended by
No. 22/2008
s. 5.

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s. 6

- (2) A declaration may be made subject to any terms and conditions that are specified in the notice.
 - (3) A notice remains in force for any period that is specified in the notice or, if no period is specified, until the Minister, by notice published in the Government Gazette, revokes the earlier notice.
 - (4) A notice of revocation under subsection (3) does not apply to a children's service or a type of children's service until 60 days after the publication of the notice in the Government Gazette.
-

S. 6(4)
amended by
No. 22/2008
s. 5.

PART 2—OFFENCES

7 Offence to carry on unlicensed children's service

A person must not own, operate, manage or control a children's service if the service is not licensed under this Act.

Penalty: 240 penalty units.

S. 7
amended by
No. 22/2008
s. 6.

8 Offence to advertise unlicensed etc. children's service

- (1) A person must not publish or cause to be published an advertisement for a children's service unless the children's service is licensed to operate under this Act or an approval of premises has been granted for the children's service under this Act.

Penalty: 120 penalty units.

S. 8(1)
amended by
No. 22/2008
s. 7.

- (2) It is a defence to a charge under subsection (1) if the accused proves that he or she took reasonable steps or exercised due diligence to determine that the children's service was licensed to operate under this Act or an approval of premises had been granted for the children's service under this Act.

S. 8(2)
amended by
Nos 22/2008
s. 7(1),
68/2009
s. 97(Sch.
item 19).

s. 9

Pt 3 (Heading
and ss 9–25)
substituted as
Pt 3 (Heading
and ss 9–25U)
by No.
22/2008 s. 8.

S. 9
substituted by
No. 22/2008
s. 8.

PART 3—LICENSING OF CHILDREN'S SERVICES

Division 1—Approval of premises

9 Application for approval of premises

- (1) A person may apply to the Secretary for approval of—
 - (a) the use of particular premises for operating a children's service; or
 - (b) premises proposed to be constructed for use in operating a children's service; or
 - (c) alterations or extensions to premises used or proposed to be use for operating a children's service.
- (2) An application must—
 - (a) be in writing; and
 - (b) contain the relevant prescribed information; and
 - (c) be accompanied by the relevant prescribed fee.
- (3) An applicant under this section must give the Secretary any further information relating to the application that the Secretary requests including design sketches, construction drawings, plans or specifications relating to the premises proposed to be used or constructed, altered or extended.

10 Criteria for grant of approval of premises

In deciding whether to grant, or to refuse to grant, an approval of premises, the Secretary must consider whether the design and the location of the premises are satisfactory for the operation of a children's service.

S. 10
substituted by
No. 22/2008
s. 8.

11 Decision on application

S. 11
substituted by
No. 22/2008
s. 8.

- (1) On receiving an application under section 9, the Secretary must decide whether to grant, or to refuse to grant, approval of—
 - (a) the use of particular premises for operating a children's service; or
 - (b) premises proposed to be constructed for use in operating a children's service; or
 - (c) alterations or extensions to premises used or proposed to be used for operating a children's service.
- (2) The approval may be granted subject to conditions.
- (3) The Secretary must give notice in writing to the applicant of his or her decision within 30 days after receiving the application under section 9 or, if the Secretary requests further information from the applicant, within 30 days after receiving that information.

12 Certificate of approval of premises

S. 12
substituted by
No. 22/2008
s. 8.

If the Secretary grants an approval of premises, the Secretary must issue a certificate of approval of premises stating—

- (a) the address at which the premises are located; and
- (b) any conditions to which the approval is subject.

13 Term of approval

S. 13
substituted by
No. 22/2008
s. 8.

An approval of premises remains in force for 5 years unless it is sooner cancelled.

s. 14

S. 14
substituted by
No. 22/2008
s. 8.

14 Cancellation of approval of premises

The Secretary may cancel an approval of premises if—

- (a) the premises do not conform to any condition of the approval of premises; or
- (b) the premises are otherwise not satisfactory for the operation of a children's service.

Division 2—Application for licence

S. 15
substituted by
No. 22/2008
s. 8.

15 Application for licence to operate children's service

- (1) A person may apply to the Secretary to obtain a licence of a prescribed type to operate a children's service at premises for which there is a current approval of premises.
- (2) This section does not apply to an application for a licence to operate a family day care service.

S. 16
substituted by
No. 22/2008
s. 8.

16 Application for licence to operate family day care service

A person may apply to the Secretary to obtain a licence to operate a family day care service.

S. 17
substituted by
No. 22/2008
s. 8.

17 Types of licence

The regulations may prescribe other types of licence for the purposes of this Act.

S. 18
substituted by
No. 22/2008
s. 8.

18 Form of application

An application under section 15 or 16—

- (a) must—
 - (i) be in writing; and
 - (ii) specify the type of licence sought; and
 - (iii) contain the relevant prescribed information; and

-
- (b) must be accompanied by—
- (i) the relevant prescribed fee; and
 - (ii) the name and address of any person nominated by the applicant to manage or control the children's service in the absence of the licensee; and
 - (iii) a declaration by the applicant that the person nominated is a fit and proper person to manage or control a children's service; and
 - (iv) if more than one person is nominated, the name of the person who is to have primary responsibility for the management or control of the service in the absence of the licensee; and
 - (v) if the applicant is a body corporate, the name and address of any director or officer of the body corporate who may exercise control over the operation of the children's service; and
 - (vi) if the applicant is a body corporate, the name and address of the person appointed to represent the licensee in relation to the application and the operation of the children's service; and
 - (vii) any other information required by this Division; and
 - (viii) any other things or information that are prescribed.

19 Further information about approval of premises

An application under section 15 must also be accompanied by—

- (a) a copy of the current certificate of approval of premises; and

S. 19
substituted by
No. 22/2008
s. 8.

s. 20

- (b) details of any circumstances that have changed with respect to the design or location of the premises where the service is to operate since the approval was granted.

S. 20
substituted by
No. 22/2008
s. 8.

20 Further information about family day care service

- (1) An application under section 16 must include—
 - (a) the address that is to be the service's principal office; and
 - (b) the address of any family day care venue proposed to be used by the service; and
 - (c) a statement of the process proposed to be used by the applicant to approve—
 - (i) a family day carer; and
 - (ii) a family day carer's residence.

S. 21
substituted by
No. 22/2008
s. 8.

21 Inspection of premises

- (1) An applicant for a licence to operate a children's service at premises for which there is a current approval of premises must permit the Secretary or an authorised officer to inspect the premises to determine whether the premises are still satisfactory for the operation of a children's service.
- (2) An applicant for a licence to operate a family day care service must permit the Secretary or an authorised officer to inspect any family day care venue proposed to be used by the service to determine whether the premises are satisfactory for the operation of a family day care service.

Division 3—Determination of fit and proper person

22 Secretary to consider whether persons are fit and proper persons

S. 22
substituted by
No. 22/2008
s. 8.

In determining an application under section 15 or 16, the Secretary must consider whether—

- (a) the applicant for the licence is a fit and proper person to operate a children's service; and
- (b) if the applicant is a body corporate, any director or other officer of the body corporate who exercises or may exercise control over the operation of the children's service is a fit and proper person; and
- (c) any person nominated by the applicant to manage or control the children's service in the absence of the licensee is a fit and proper person.

23 Exception for certain nominees

S. 23
substituted by
No. 22/2008
s. 8.

- (1) The Secretary is not required to carry out a fit and proper person check of a person who has been nominated by the applicant and in respect of whom the applicant has made a declaration under section 18(b)(iii) if the Secretary is satisfied that—
 - (a) the applicant will be attending and managing or controlling the children's service on a daily basis; or
 - (b) if the applicant is a body corporate, at least one of the directors of the body corporate whom the Secretary has determined is a fit and proper person will be attending and managing or controlling the children's service on a daily basis; or

- (c) more than one person has been nominated to manage or control the children's service and the person to whom the declaration relates will not have primary responsibility for managing or controlling the children's service.
- (2) A person in respect of whom a fit and proper person check is not carried out because of subsection (1) is an accepted nominee for the purposes of this Act.
- (3) The Secretary may revoke a person's acceptance as an accepted nominee under this Part if the Secretary is satisfied that the person has ceased to be a fit and proper person.

S. 24
substituted by
No. 22/2008
s. 8.

24 Secretary may require certain testing

The Secretary may require a person in respect of whom a fit and proper person check is being carried out under this Part—

- (a) to submit to any tests or provide any references or reports to determine the suitability of the person; and
- (b) to submit to any medical or psychiatric examination that the Secretary considers appropriate in order to determine the suitability of the person and, if required by the Secretary, provide any results or reports of the examination.

S. 25
substituted by
No. 22/2008
s. 8.

25 Matters to be taken into account

- (1) Subject to subsection (2), in carrying out a fit and proper person check on a person, the Secretary may take into account all or any of the following matters—

-
- (a) whether the person has within the 10 years preceding the application been found guilty of an indictable offence against the person or an offence involving dishonesty, fraud or trafficking in drugs of dependence for which the maximum penalty exceeds 3 months imprisonment;
 - (b) whether the person has been found guilty of an offence against this Act or any corresponding previous Act or regulations;
 - (c) whether the person is not of sound financial reputation and stable financial background;
 - (d) whether the person is not of good repute having regard to character, honesty and integrity.
- (2) The Secretary may take into account all or any of the matters referred to in subsection (1)(a), (1)(b) or (1)(d) in carrying out a fit and proper person check on a person who is nominated to manage or control a children's service in the absence of the licensee.
- (3) Nothing in this section limits the circumstances in which a person may be considered not to be a fit and proper person—
- (a) to operate a children's service; or
 - (b) in the case of a body corporate, to be the director or other officer of the body corporate who exercises or may exercise control over the operation of the children's service; or
 - (c) to manage or control a children's service in the absence of the licensee.

s. 25A

S. 25A
inserted by
No. 22/2008
s. 8.

25A Determination of fit and proper person

- (1) After carrying out a fit and proper person check in respect of a person, the Secretary must determine whether or not the person is a fit and proper person for the purposes of this Part.

Note

A fit and proper person check is not required to be carried out in certain circumstances (see section 23).

- (2) A determination under this section that a person is a fit and proper person—
 - (a) remains in force for a period not exceeding 5 years specified in the determination unless it is sooner revoked; and
 - (b) may be relied on by the Secretary in relation to any other application under this Act while the determination remains in force.
- (3) If a determination under this section that a person is a fit and proper person to manage or control a children's service in the absence of the licensee is in force, that person is an approved nominee for the purposes of this Act.
- (4) The Secretary may revoke a determination under this section if the Secretary is satisfied that the person has ceased to be a fit and proper person.

Division 4—Decision on application

25B Grant or refusal of licence

S. 25B
inserted by
No. 22/2008
s. 8.

The Secretary may grant or refuse to grant a licence.

25C Grounds for refusal

S. 25C
inserted by
No. 22/2008
s. 8.

The Secretary must refuse to grant a licence if—

- (a) the Secretary has determined under Division 3 that—
 - (i) the applicant for the licence is not a fit and proper person to operate a children's service; or
 - (ii) any person nominated to manage or control the children's service in the absence of the licensee is not a fit and proper person to do so; or
 - (iii) if the applicant is a body corporate, any director or other officer of the body corporate who exercises or may exercise control over the operation of the children's service is not a fit and proper person to do so; or
- (b) except in the case of a family day care service, there is no current approval of premises for the premises proposed to be used for the children's service.

25D Licence to apply to single premises unless for family day care service

S. 25D
inserted by
No. 22/2008
s. 8.

The Secretary must not grant a licence to operate a children's service (other than a family day care service) in respect of more than one premises.

25E Conditions on licence

S. 25E
inserted by
No. 22/2008
s. 8.

- (1) A licence is granted subject to the condition that the children's service is operated in a way that—
 - (a) ensures the safety of the children being cared for or educated; and
 - (b) ensures that the developmental needs of those children are met; and

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- (c) supports the health and wellbeing of those children.
- (2) A licence is granted subject to the condition that a person must not manage or control the operation of the children's service in the absence of the licensee unless the person is an approved nominee or an accepted nominee under this Part.
- (3) A licence for a family day care service is granted subject to the condition that premises must not be used as a family day care venue unless the premises are first approved by the Secretary under this Part.
- (4) A licence may be granted subject to any other conditions or restrictions set out in the licence that are prescribed or that the Secretary imposes.
- (5) Without limiting the power of the Secretary to impose any other conditions or restrictions on a licence, the Secretary may impose conditions or restrictions about the following matters—
- (a) the premises or part of the premises from which the service can be provided;
 - (b) the maximum number of children that may be cared for or educated by the service;
 - (c) the ages of the children who may be cared for or educated by the service;
 - (d) any change to a person having the management or control of the service in the absence of the licensee;
 - (e) any change in a family day care venue;
 - (f) the minimum number of staff who must be in attendance at the service;
 - (g) the qualifications of the staff of the service.
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25F Notice of decision

The Secretary must give notice in writing to the applicant of the Secretary's decision within 30 days after receiving the application or, if the Secretary has required testing, examination or further information, within 30 days after receiving the results or report of the test or examination or that information.

S. 25F
inserted by
No. 22/2008
s. 8.

25G Grant of licence

- (1) If the Secretary grants a licence under this Division, the Secretary must send a copy of the licence to the licensee stating—
- (a) the name of the person to whom it is issued; and
 - (b) in the case of a licence other than a licence to operate a family day care service, the premises from which the service can operate; and
 - (c) in the case of a family day care service, the principal office of the family day care service; and
 - (d) any conditions or restrictions to which it is subject.
- (2) The licence to operate a family day care service must not state premises that are the residences of the family day carers or family day care venues.

S. 25G
inserted by
No. 22/2008
s. 8.

25H Term of licence

A licence remains in force for a period not exceeding 5 years determined by the Secretary and specified in the licence unless the licence is sooner cancelled.

S. 25H
inserted by
No. 22/2008
s. 8.

s. 25I

Division 5—Nominees and venues

S. 25I
inserted by
No. 22/2008
s. 8.

25I Notice of approved nominees and accepted nominees

If the Secretary grants a licence to operate a children's service, the Secretary must notify the licensee of the persons who are the approved nominees and the accepted nominees for the purpose of that service.

S. 25J
inserted by
No. 22/2008
s. 8.

25J Approved venues

- (1) If the Secretary grants a licence to operate a family day care service, the Secretary may approve a venue as a family day care venue for that service.
- (2) The Secretary must notify the licensee of any venue that is an approved family day care venue for that service.

S. 25K
inserted by
No. 22/2008
s. 8.

25K Approvals of new nominees

- (1) A licensee may apply to the Secretary for—
 - (a) approval of a person who is to have the management or control of the service in the absence of the licensee; or
 - (b) approval of a person who is to have primary responsibility for the management or control of the service in the absence of the licensee.
- (2) Division 3 applies (with any necessary changes) to an application under subsection (1).
- (3) The Secretary must notify the licensee of the persons who are approved nominees and accepted nominees for the service as a result of an application under this section.

25L Approval of new family day care venues

S. 25L
inserted by
No. 22/2008
s. 8.

- (1) The Secretary, on the application of the licensee of a family day care service, may approve a new family day care venue for that service.
- (2) Section 21 applies (with any necessary changes) to an application under subsection (1).
- (3) The Secretary must notify the licensee of the approval of a venue under this section.

25M Form of application

S. 25M
inserted by
No. 22/2008
s. 8.

An application under section 25K or 25L must—

- (a) be in writing and contain the relevant prescribed information; and
- (b) be accompanied by the relevant prescribed fee.

Division 6—Renewal and variation of licence

25N Application for renewal of a licence

S. 25N
inserted by
No. 22/2008
s. 8.

- (1) A licensee may apply to the Secretary for the renewal of the licensee's licence.
- (2) An application must—
 - (a) be in writing and contain the relevant prescribed information; and
 - (b) be accompanied by the relevant prescribed renewal fee.
- (3) A renewal application must be made at least 2 months before the expiry of the licence but not more than 3 months before that expiry.
- (4) The Secretary may, on receipt of the prescribed late application fee, consider an application for renewal of a licence that is received within the 2 month period referred to in subsection (3) but before the expiry of the licence.

s. 250

S. 250
inserted by
No. 22/2008
s. 8.

250 Renewal of a licence

- (1) The Secretary may renew a licence or refuse to renew a licence.
- (2) On renewing a licence, the Secretary may—
 - (a) renew the licence as then in force; or
 - (b) vary or revoke any of the conditions or restrictions to which the licence is subject; or
 - (c) impose new conditions or restrictions on the licence.
- (3) The conditions or restrictions to which a licence is subject must be set out in the licence.
- (4) A renewed licence remains in force for a period not exceeding 5 years determined by the Secretary and specified in the licence unless the licence is sooner cancelled.

S. 25P
inserted by
No. 22/2008
s. 8.

25P Variation of a licence

- (1) The Secretary may at any time—
 - (a) vary or revoke a condition or restriction of a licence; or
 - (b) impose a new condition or restriction on a licence; or
 - (c) vary the period of a licence.
- (2) The Secretary must not vary the period of a licence so that it exceeds 5 years.
- (3) The Secretary may act under subsection (1)—
 - (a) on the Secretary's own initiative after consultation with the licensee; or
 - (b) on the application of the licensee.

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- (4) An application must—
 - (a) be in writing and contain the relevant prescribed information; and
 - (b) be accompanied by the relevant prescribed fee.
 - (5) The Secretary must send a notice of the variation of the licence and a copy of the varied licence to the licensee within 7 days after determining that the licence should be varied.
 - (6) A variation of the period of a licence or a condition or restriction of a licence does not take effect until 30 days after the Secretary gives the licensee notice in writing of the variation unless the Secretary, with the consent of the licensee, determines that the variation takes effect earlier.

25Q Criteria for renewal or variation of licence

- (1) The Secretary must not renew a children's service licence unless the Secretary is satisfied that the licensee continues to be able to satisfy all or any of the requirements of Divisions 3 and 4 to be granted a licence for the children's service that the Secretary considers should be satisfied in the circumstances.
- (2) The Secretary must not vary a children's service licence on the application of a licensee unless the Secretary is satisfied that the licensee continues to be able to satisfy all or any of the requirements of Divisions 3 and 4 to be granted a licence for the children's service that the Secretary considers should be satisfied in the circumstances.
- (3) For the purposes of this section, the provisions of Divisions 3 and 4 determined by the Secretary under subsection (1) or (2) apply to the licensee as if the licensee were an applicant for a licence under Division 2.

S. 25Q
inserted by
No. 22/2008
s. 8.

s. 25R

S. 25R
inserted by
No. 22/2008
s. 8.

25R Transfer of licence prohibited

A licence is not transferable to another person.

S. 25S
inserted by
No. 22/2008
s. 8.

25S Voluntary suspension of a licence

- (1) A licensee may apply to the Secretary for a suspension of the licensee's licence.
- (2) An application must—
 - (a) be in writing and contain the relevant prescribed information; and
 - (b) be accompanied by the prescribed fee.
- (3) The Secretary may, by notice in writing, grant an application under subsection (1) if the Secretary is satisfied that—
 - (a) the applicant proposes to resume the operation of the children's service at the premises at the end of the period of suspension; and
 - (b) any other prescribed conditions have been met.
- (4) A period of suspension under this section remains in force for the period of time specified in the notice.
- (5) A period of suspension under this section must be added to the total period for which the licence was granted even if the new period of the licence exceeds 5 years.
- (6) A licensee whose licence is suspended under this section is deemed not to be a licensee in respect of the premises to which the licence applies for the period of the suspension.

25T Cancellation of a licence at request of licensee

S. 25T
inserted by
No. 22/2008
s. 8.

- (1) The Secretary may cancel a licence if the Secretary is satisfied that—
 - (a) the licensee has requested that the licence be cancelled; or
 - (b) the licensee has ceased operating the service.
- (2) If the Secretary cancels a licence, the Secretary must give written notice of the cancellation to the licensee at least 7 days before the cancellation takes effect.

25U Death, bankruptcy or incapacity of licensee

S. 25U
inserted by
No. 22/2008
s. 8.

- (1) This section applies to a children's service in respect of which there is only one licensee and that licensee is a natural person.
 - (2) If the Secretary is satisfied that the licensee of a children's service to which this section applies has died or has become bankrupt or incapacitated, the Secretary may appoint any person that the Secretary considers appropriate as licensee of the children's service for a period not exceeding 6 months.
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PART 4—OPERATION OF CHILDREN'S SERVICES

26 Protection of children from hazards

S. 26(1)
amended by
No. 22/2008
s. 9(1)(2).

- (1) The proprietor of a children's service must ensure that every reasonable precaution is taken to protect children being cared for or educated by the service from harm and from any hazard likely to cause injury.

Penalty: 120 penalty units.

S. 26(2)
amended by
No. 22/2008
s. 9(3)(4).

- (2) A staff member of a children's service must ensure that every reasonable precaution is taken to protect a child in the care of that staff member from harm and from any hazard likely to cause injury.

Penalty: 120 penalty units.

S. 26(3)
inserted by
No. 22/2008
s. 9(5).

- (3) A family day carer must ensure that every reasonable precaution is taken to protect a child in his or her care as a family day carer from harm and from any hazard likely to cause injury.

Penalty: 120 penalty units.

S. 26A
inserted by
No. 3/2008
s. 3,
amended by
No. 22/2008
s. 9(6).

26A Children's service to have anaphylaxis management policy

The proprietor of a children's service must ensure that the service has in place an anaphylaxis management policy containing the prescribed matters.

Penalty: 60 penalty units.

S. 26B
inserted by
No. 22/2008
s. 10.

26B Educational or recreational programs

- (1) The proprietor of a children's service must ensure that there is made available to all children cared for or educated by the children's service an educational or recreational program—
- (a) that is based on the developmental needs, interests and experiences of each child; and

- (b) that is designed to take into account the individual differences of those children; and
- (c) that enhances each child's development.

Penalty: 60 penalty units.

- (2) A family day carer must ensure that there is made available to all children who are being cared for or educated by the carer as a family day carer an educational or recreational program—
 - (a) that is based on the developmental needs, interests and experiences of each child; and
 - (b) that is designed to take into account the individual differences of those children; and
 - (c) that enhances each child's development.

Penalty: 60 penalty units.

27 Inadequate supervision of children

- (1) The proprietor of a children's service must ensure that all children being cared for or educated by the service are adequately supervised at all times that children are on the premises where the service operates or in the care of that service.

S. 27(1)
amended by
No. 22/2008
s. 11(1).

Penalty: 120 penalty units.

- (2) A staff member of a children's service must ensure that any child in the care of that staff member is adequately supervised.

S. 27(2)
amended by
No. 22/2008
s. 11(2).

Penalty: 120 penalty units.

- (3) A family day carer must ensure that any child in the care of the carer as a family day carer is adequately supervised.

S. 27(3)
inserted by
No. 22/2008
s. 11(3).

Penalty: 120 penalty units.

28 Discipline of children

S. 28(1)
amended by
No. 22/2008
s. 12(1).

(1) The proprietor of a children's service must ensure that no child being cared for or educated by the service is subjected to—

- (a) any form of corporal punishment; or
- (b) any discipline which is unreasonable in the circumstances.

Penalty: 120 penalty units.

S. 28(2)
amended by
No. 22/2008
s. 12(2).

(2) A staff member of a children's service must not subject any child being cared for or educated by the service to—

- (a) any form of corporal punishment; or
- (b) any discipline which is unreasonable in the circumstances.

Penalty: 120 penalty units.

S. 28(3)
inserted by
No. 22/2008
s. 12(3).

(3) A family day carer must not subject any child being cared for or educated by the carer as a family day carer to—

- (a) any form of corporal punishment; or
- (b) any discipline which is unreasonable in the circumstances.

Penalty: 120 penalty units.

29 Premises to be kept clean and in good repair

S. 29
amended by
No. 22/2008
s. 13(1)(2)
(LA s. 39B(1)).

(1) A proprietor of a children's service must take reasonable steps to ensure that the buildings, the grounds and all equipment and furnishings used in operating the service are maintained in a safe, clean and hygienic condition and in good repair.

Penalty: 120 penalty units.

- (2) A family day carer must take reasonable steps to ensure that the building, the grounds and all equipment and furnishings used by the carer, as a family day carer, for the care or education of a child are maintained in a safe, clean and hygienic condition and in good repair.

S. 29(2)
inserted by
No. 22/2008
s. 13(2).

Penalty: 120 penalty units.

29A Child/staff ratios

S. 29A
inserted by
No. 22/2008
s. 14.

- (1) A proprietor of a children's service must ensure that, whenever children are being cared for or educated by the children's service, the number of staff members caring for or educating the children is no less than the number prescribed for this purpose.

Penalty: 120 penalty units.

- (2) Subsection (1) does not apply to any children's service or any type of children's service that the Secretary, by notice published in the Government Gazette, declares to be a children's service or type of children's service to which subsection (1) does not apply.

29B Authorisation to administer medication

S. 29B
inserted by
No. 22/2008
s. 14.

- (1) A proprietor of a children's service must ensure that medication is not administered to a child being cared for or educated by the children's service unless—
- (a) the prescribed authorisation has first been obtained; and
 - (b) the medication is administered in the prescribed manner.

Penalty: 120 penalty units.

- (2) A family day carer must ensure that medication is not administered to a child in his or her care as a family day carer unless—

s. 29C

- (a) the prescribed authorisation has first been obtained; and
- (b) the medication is administered in the prescribed manner.

Penalty: 120 penalty units.

S. 29C
inserted by
No. 22/2008
s. 14.

29C Secretary to be notified of a serious incident

A proprietor of a children's service must notify the Secretary in the prescribed manner—

- (a) of the death of a child while being cared for or educated by the service; or
- (b) of any incident involving injury or trauma to a child while being cared for or educated by the service requiring the attention of a registered medical practitioner or admission to a hospital; or
- (c) if a child appears to be missing or otherwise cannot be accounted for or appears to have been taken or removed from the service contrary to the regulations; or
- (d) if an incident of a kind that is prescribed as a serious incident occurs in relation to the children's service.

Penalty: 120 penalty units.

S. 30
substituted by
No. 22/2008
s. 15.

30 Licensee or nominee to be present at children's service

- (1) The licensee of a children's service must ensure that the licensee or a nominee is present at the premises where the children's service is operating at all times when any child is being cared for or educated by the service at the premises.

Penalty: 120 penalty units.

- (2) Subsection (1) does not apply to the licensee of a family day care service.

31 Offence to contravene condition etc. of licence

A person who holds a children's services licence must not contravene a condition or restriction to which the licence is subject.

Penalty: 120 penalty units.

S. 31
amended by
No. 22/2008
s. 16.

32 Change of directors etc.

If a person ceases to be, or is appointed as—

- (a) a director of a body corporate which is a licensee; or
- (b) an officer of a body corporate which is a licensee who may exercise control over the operation of the children's service—

the licensee must, within 30 days after the change occurs, give the Secretary notice of the change.

Penalty: 60 penalty units.

S. 32
amended by
No. 22/2008
s. 17.

32A Family day care service to provide Secretary with certain information

A proprietor of a family day care service must provide the Secretary with the following information in writing—

- (a) the name and address of each family day carer—
 - (i) who is engaged by the service; or
 - (ii) who ceases to be engaged by the service—

within 30 days after the day on which the family day carer is engaged, or ceases to be engaged, by the service;

S. 32A
inserted by
No. 22/2008
s. 18.

- (b) if the family day care service ceases to provide care or education at a family day care venue, within 30 days after that care or education ceases to be provided at that venue.

Penalty: 60 penalty units.

Note

The Secretary is required to keep a register of family day carers (see section 53A).

S. 32B
inserted by
No. 22/2008
s. 18.

32B Enrolment and other documents

- (1) A proprietor of a children's service must keep the relevant prescribed documents available for inspection by an authorised officer in accordance with this section.

Penalty: 60 penalty units.

- (2) Documents referred to in subsection (1)—
- (a) must be kept at the premises from which the children's service operates, if they relate to—
- (i) the operation of the service; or
 - (ii) any staff member employed by the service; or
 - (iii) any child cared for, or educated at, those premises—
- in the previous 12 months; and
- (b) in any other case, must be kept at a place, and in a manner, that they are readily accessible by an authorised officer.

- (3) A family day carer who cares for a child, as a family day carer, at the carer's residence or a family day care venue must keep the relevant prescribed documents available for inspection by an authorised officer at that residence or venue.

Penalty: 60 penalty units.

33 Licence must be displayed

A licensee must ensure that a copy of the licence is displayed conspicuously at the entrance to—

- (a) the premises where the children's service operates at all times when the service is operating; or
- (b) in the case of a family day care service, the service's principal office.

Penalty: 60 penalty units.

S. 33
substituted by
No. 22/2008
s. 19.

34 Licensee to notify clients of certain changes

- (1) A licensee whose licence has been varied under section 25P must notify the parents or guardians of children who are cared for or educated by the service of the variation by notice posted conspicuously at the entrance to the premises where the service operates within 7 days after the licensee has been notified of the variation by the Secretary.

Penalty: 60 penalty units.

- (2) A licensee who has applied to the Secretary to have the licensee's licence cancelled must notify the parents or guardians of children who are cared for or educated by the service of the application by notice in writing posted conspicuously at the entrance to the premises where the service operates within 24 hours after applying to the Secretary for the cancellation.

Penalty: 60 penalty units.

S. 34(1)
amended by
No. 22/2008
s. 20(1)(2).

S. 34(2)
amended by
No. 22/2008
s. 20(3).

Pt 5 (Heading)
amended by
No. 22/2008
s. 21.

PART 5—MONITORING AND ENFORCEMENT

Division 1—Authorised officers

35 Authorisation of officers

S. 35(1)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 30).

- (1) The Secretary, by instrument, may authorise any person employed under Part 3 of the **Public Administration Act 2004** to be an authorised officer for the purposes of this Act.
- (2) The Secretary may determine the terms and conditions of authorisation of officers.
- (3) The Secretary, by instrument, may revoke the authorisation of an officer at any time.
- (4) The Secretary must issue an identity card to each authorised officer.
- (5) The identity card issued to an officer must—
 - (a) contain a photograph of the officer; and
 - (b) contain the signature of the officer; and
 - (c) be signed by the Secretary; and
 - (d) state that the officer is authorised to exercise powers under this Act.
- (6) An authorised officer must—
 - (a) carry the identity card whenever the officer is exercising his or her functions under this Act; and
 - (b) show the identity card upon being requested to do so.

Penalty applying to this subsection: 10 penalty units.

36 Powers of entry

(1) An authorised officer may at any reasonable time, with such assistants as may reasonably be required, for the purpose of monitoring whether this Act is being or has been complied with—

S. 36(1)
amended by
No. 22/2008
s. 22(1).

(a) enter—

S. 36(1)(a)
substituted by
No. 22/2008
s. 22(2).

- (i) subject to subparagraph (ii), any premises where a licensed children's service is operating or where the authorised officer believes on reasonable grounds that a licensed children's service is operating; or
 - (ii) any part of a family day carer's residence that the authorised officer believes on reasonable grounds is being used to provide care or education to a child on behalf of a family day care service, during the hours that the care or education is being provided;
- (b) inspect the premises and any plant, equipment, vehicle or other thing used or suspected of being used in the provision of a children's service;
- (c) take photographs or video recordings, or make sketches, of the premises or anything at the premises;
- (d) inspect and make copies of, or take extracts from, any document kept at the premises;
- (e) seize any document, record or any other thing at the premises used or suspected of being used in the provision of a children's service;

Children's Services Act 1996
No. 53 of 1996
Part 5—Monitoring and Enforcement

s. 36

S. 36(1)(f)
amended by
No. 22/2008
s. 22(3)(a).

(f) require a person at the premises—
(i) to answer a question to the best of that person's knowledge, information and belief;

S. 36(1)(f)(ii)
amended by
No. 22/2008
s. 22(3)(b).

(ii) to take reasonable steps to provide information or produce a document.

- (2) If the authorised officer seizes any document, record or thing under subsection (1), he or she must—
- (a) give notice of the seizure to the person apparently in charge of it or to an occupier of the premises; and
 - (b) return the document or thing to that person or the premises within 48 hours after seizing it.

S. 36(3)
amended by
No. 22/2008
s. 22(4),
substituted by
No. 29/2011
s. 3(Sch. 1
item 10.3).

- (3) An authorised officer may not, under this section (except as provided in subsection (1)(a)(ii)), enter a residence unless—
- (a) a children's service licensed to operate under this Act is operating at the premises of the residence; or
 - (b) the occupier of the residence has consented in writing to the entry and the inspection.
- (4) An occupier who consents in writing to the entry and search of his or her premises or residence under this section must be given a copy of the signed consent immediately.
- (5) If, in any proceeding, a written consent is not produced to the court, it must be presumed until the contrary is proved, that the occupier did not consent to the entry and search.

36A Power of authorised officers to obtain information, documents and evidence

S. 36A
inserted by
No. 22/2008
s. 23.

For the purpose of monitoring whether this Act is being or has been complied with, an authorised officer may, by notice in writing, require a person who is or has been a licensee, a nominee or a staff member of a children's service or a family day carer—

- (a) to provide to the authorised officer, by writing signed by that person or, in the case of a body corporate, by a competent officer of the body corporate, within the time and in the manner specified in the notice, any relevant information that is specified in the notice; or
- (b) to answer a question to the best of that person's knowledge, information or belief; or
- (c) to produce to the authorised officer, in accordance with the notice, any relevant document referred to in the notice.

37 Entry to premises of unlicensed service—search warrant

- (1) An authorised officer may apply to a magistrate for the issue of a search warrant in relation to particular premises if the officer believes on reasonable grounds that a person is carrying on or operating a children's service at those premises in contravention of section 7.
- (2) If the magistrate to whom the application is made is satisfied by evidence on oath, whether oral or by affidavit, that there are reasonable grounds for suspecting that a person is carrying on or operating a children's service at the premises in contravention of section 7, the magistrate may issue a search warrant.

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- (3) A search warrant issued under this section must be directed to the applicant for it and must authorise him or her, and any assistants he or she reasonably requires, to enter the premises, or the part of the premises, named or described in the warrant to search for any article, thing or material of a kind named or described in the warrant which there is reasonable ground to believe will afford evidence as to the commission of an offence against section 7.
- (4) In addition to any other requirement, a search warrant issued under this section must state—
- (a) any conditions to which the warrant is subject; and
 - (b) whether entry is authorised to be made any time of the day or night or during stated hours of the day or night; and
 - (c) a date, not being later than 7 days after the date of issue of the warrant, on which the warrant ceases to have effect.
- (5) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and be in the form prescribed under that Act.
- (6) Subdivisions 1 and 5 of Division 3 of Part 4 of the **Magistrates' Court Act 1989** extend and apply to warrants under this section.

38 Offence related search and seizure at licensed premises

- (1) If an authorised officer has reasonable grounds for suspecting that there is on any of the following premises a particular thing that may be evidence of a commission of an offence against this Act, the authorised officer may exercise powers under this section—

S. 38(1)
substituted by
No. 22/2008
s. 24.

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- (a) a licensed premises where a children's service is operating;
 - (b) premises in respect of which an approval of premises has been granted;
 - (c) any part of a family day carer's residence that is used to provide care or education to children on behalf of a family day care service;
 - (d) any other premises approved by the Secretary that is used to provide care or education by a family day carer on behalf of a family day care service;
 - (e) the principal office of a family day care service.
- (2) The authorised officer, with any necessary assistants, may with or without the consent in writing of the occupier of the premises, enter the premises and search for the thing without applying for a search warrant.
- (3) If the thing is found during a search under subsection (2), the Secretary or authorised officer may—
- (a) inspect and take photographs or video recordings, or make sketches, of the premises or thing;
 - (b) seize the thing if the authorised officer believes on reasonable grounds that it is necessary to seize it in order to prevent its concealment, loss or destruction.

39 Return of seized things

- (1) If an authorised officer seizes a thing under section 37 or 38, the authorised officer must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists.

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- (2) If the thing has not been returned within 60 days after it was seized, the authorised officer must take reasonable steps to return it unless—
- (a) proceedings have been commenced within the period of 60 days and those proceedings (including any appeal) have not been completed; or
 - (b) a court makes an order under section 40 extending the period the thing can be retained.
- (3) Nothing in this section limits the powers of the Court under section 78(6) of the **Magistrates' Court Act 1989**.

40 Magistrates' Court may extend period

- (1) An authorised officer may apply to the Magistrates' Court within the period of 60 days referred to in section 39 or within a period extended by the Court under this section for an extension of the period for which the thing can be held.
- (2) The Magistrates' Court may order such an extension if satisfied that retention of the thing is necessary—
- (a) for the purposes of an investigation into whether an offence has been committed; or
 - (b) to enable evidence of an offence to be obtained for the purposes of a prosecution.
- (3) The Court may adjourn an application to enable notice of the application to be given to any person.

41 Identity card must be shown

An authorised officer may not exercise any powers under this Division if he or she fails to produce, on request, his or her identity card for inspection.

S. 41
amended by
No. 22/2008
s. 25.

42 Protection against self-incrimination

It is a reasonable excuse for an individual to refuse to answer an authorised officer's question or produce information to an authorised officer if the requirement is made by the authorised officer for the purpose of determining whether that individual has committed an offence.

S. 42
amended by
No. 22/008
s. 26.

Division 2—Non-complying services

42A Power of Secretary to obtain information, documents and evidence

S. 42A
inserted by
No. 22/2008
s. 27.

- (1) If the Secretary believes that a person who is or has been a licensee, a nominee or a staff member of a children's service or a family day carer is capable of providing information, producing documents or giving evidence relating to a matter that constitutes, or may constitute, a contravention of section 26, 27 or 28, the Secretary may, by notice in writing, require that person—
- (a) to provide to the Secretary, by writing signed by that person or, in the case of a body corporate, by the person who is or was nominated by the licensee to represent the licensee in relation to the application and the operation of the children's service, within the time and in the manner specified in the notice, that information; or
 - (b) to produce to the Secretary, or to a person specified in the notice acting on the Secretary's behalf, in accordance with the notice, those documents; or
 - (c) to appear before the Secretary, or a person specified in the notice acting on the Secretary's behalf, at a time and place specified in the notice to give that evidence,

S. 42A(1)
amended by
No. 22/2008
s. 28.

either orally or in writing, and produce those documents.

- (2) The Secretary or the person specified in the notice acting on the Secretary's behalf may require the evidence referred to in subsection (1)(c) to be given on oath or affirmation and for that purpose may administer an oath or affirmation.
- (3) A person must not—
 - (a) refuse or fail to comply with a notice under this section to the extent that the person is capable of complying with it; or
 - (b) in purported compliance with a notice under this section, knowingly provide information or give evidence that is false or misleading; or
 - (c) obstruct or hinder the Secretary in exercising a power under this section.

Penalty: 120 penalty units.

- (4) Subject to subsection (5), a person is not excused from answering a question, providing information or producing, or permitting the inspection of, a document on the ground that the answer, information or document may tend to incriminate the person.
- (5) Despite subsection (4), the answer by a person to any question asked in a notice under this section or the provision by a person of any information in compliance with a notice under this section, is not admissible in evidence against the person—
 - (a) in the case of a person not being a body corporate—in any criminal proceedings other than proceedings under this section; or
 - (b) in the case of a body corporate—in any criminal proceedings other than proceedings under this Act.

43 Notice to enforce requirements

(1) If the Secretary is satisfied that a children's service is not operating in accordance with any provision of this Act the Secretary, by notice in writing, may direct the proprietor of the service to take the steps specified in the notice to comply with that provision.

(2) If a notice under subsection (1) has been served on a proprietor and has not been complied with within 14 days after that service or any further time that the Secretary allows, the Secretary, by order in writing served on the proprietor, may—

(aa) in the case of a licensed children's service, impose on the licence to operate the children's service any condition or restriction of a kind referred to in section 25E(5) or vary any such condition or restriction in the licence; and

S. 43(2)(aa)
inserted by
No. 22/2008
s. 29(1).

(a) in the case of a licensed children's service, suspend the licence; and

(ab) in the case of a licensed family day care service, direct the proprietor to suspend the provision of care or education of children by a family day carer; and

S. 43(2)(ab)
inserted by
No. 22/2008
s. 29(2).

(b) in all cases, direct the proprietor to cease operating the children's service and to suspend the care or education of children by the service—

from a date specified in the order.

(2A) If the Secretary, by order under subsection (2)(ab), directs the proprietor of a licensed family day care service to suspend the provision of care or education of children by a family day carer, the Secretary must, as soon as practicable after the giving of the direction, give the family day carer written notice—

S. 43(2A)
inserted by
No. 22/2008
s. 29(3).

s. 43

- (a) of the giving of the direction; and
- (b) that he or she may make submissions to the Secretary within 7 days after the giving of the notice.

(3) The Secretary must—

- (a) consider any submissions, whether oral or in writing, made to the Secretary by—
 - (i) the proprietor of the children's service within 7 days after the service of an order under subsection (2); or
 - (ii) a family day carer referred to in subsection (2)(ab) within 7 days after the giving of the notice under subsection (2A)—

and may consider any other submissions and any matters the Secretary considers appropriate; and

- (b) decide—
 - (i) in the case of a suspension, whether or not the suspension should be withdrawn or confirmed and, if confirmed, the period for which the suspension should operate; and
 - (ii) in any other case, whether to confirm or revoke the order; and
- (c) give notice of his or her decision to the proprietor of the children's service.

(4) A person must not contravene an order under subsection (2) which has been confirmed under subsection (3).

Penalty: 120 penalty units.

S. 43(3)(a)
substituted by
No. 22/2008
s. 29(4).

S. 43(3)(b)
substituted by
No. 22/2008
s. 29(5).

S. 43(4)
amended by
No. 22/2008
s. 29(6).

43A Notice to take emergency action

- (1) If the Secretary is satisfied that a children's service is operating in a manner that poses, or is likely to pose, a risk to the health, welfare or safety of a child being cared for or educated by the service, the Secretary may, by written notice, direct the proprietor of the children's service to take the steps specified in the notice to remove or reduce the risk within the time specified in the notice.
- (2) A proprietor of a children's service must comply with a direction given under subsection (1).

S. 43A
inserted by
No. 22/2008
s. 30.

Penalty: 120 penalty units.

44 Removal of children in emergency

- (1) If the Secretary is satisfied that there is an immediate danger to the health, welfare or safety of any child or children being cared for or educated by a children's service, the Secretary may remove or cause the removal of any child or children from the premises where the children's service is operating and arrange for them to be returned to their parent's or guardian's care or to be placed temporarily in the care of another licensed children's service.
- (2) The Secretary must take all reasonable steps to inform the parents or guardians of a child removed from premises under subsection (1) of that removal, the circumstances of the removal and the present location of the child.

45 Cancellation of a licence

- (1) The Secretary may cancel a licence if the Secretary is satisfied—
- (a) that the licence was obtained improperly; or
 - (b) that the licensee has contravened or failed to comply with a condition of the licence; or

S. 45
amended by
No. 72/1997
s. 15.

- (c) that the licensee has been found guilty of an offence against this Act; or
 - (d) that the licensee or, if the licensee is a body corporate, any director or other officer of the body corporate who exercises or may exercise control over the operation of the service has ceased to be a fit and proper person to operate a children's service or to exercise such control; or
 - (e) that the licensee has failed to operate the children's service in a way which ensures the safety of the children being cared for or educated by the service.
- (2) The Secretary must not cancel a licence under subsection (1) unless—
- (a) the Secretary has sent to the licensee, by post or electronic transmission, notice in writing of his or her intention to cancel the licence and the grounds on which the intention is based; and
 - (b) the Secretary has given the licensee at least 21 days to make submissions to the Secretary and has considered any submission received within that period.
- (3) If the Secretary cancels a licence he or she must give written notice of the cancellation to the licensee at least 7 days before the cancellation takes effect.

Division 3—Offences and legal proceedings

46 Offences relating to enforcement

A person must not—

- (a) without reasonable excuse, obstruct an authorised officer in exercising his or her powers under this Act; or

S. 46
amended by
No. 22/2008
s. 31(3).

- (b) refuse to answer a question lawfully asked by an authorised officer or to provide information or produce a document lawfully required by an authorised officer; or
- (c) knowingly make any false or misleading statement in any application or request to the Secretary under this Act or in any notification referred to in section 29C or 54; or
- (d) without lawful authority, destroy or damage any notice or document given or prepared or kept under or in accordance with this Act; or
- (e) impersonate the Secretary or an authorised officer in the performance of his or her powers or duties under this Act.

S. 46(b)
amended by
No. 22/2008
s. 31(1).

S. 46(c)
amended by
No. 22/2008
s. 31(2).

Penalty: 120 penalty units.

47 Power to file charges under this Act

A charge for an offence against this Act may only be filed by—

- (a) a member of the police force; or
- (b) an officer authorised under section 35.

48 Offences by bodies corporate

If a body corporate is guilty of an offence against this Act, any person who is concerned in or takes part in the management of that body corporate who knowingly authorised or permitted the contravention is also guilty of that offence and liable to the penalty for that offence.

49 Service of documents

A notice, order or other document under this Act authorised or required by this Act to be served on or given to a person is to be taken to be served on or given to that person—

Children's Services Act 1996
No. 53 of 1996
Part 5—Monitoring and Enforcement

s. 49

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- (a) if a true copy of the document is delivered to him or her personally; or
 - (b) if a true copy of the document is left at his or her last known or usual place of residence or of business with a person who apparently resides or works there and who apparently is over the age of 16 years; or
 - (c) by sending by post a true copy of the document addressed to that person at that person's last known place of residence or business.
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PART 6—FUNDING, ADMINISTRATION AND REGULATIONS

50 Power to fund children's services

The Secretary may provide grants, payments, subsidies or other financial assistance to any person or body of persons—

(a) providing or operating a children's service;
or

(b) responsible for administering children's services or arranging for the provision of children's services—

from funds administered by the Secretary for that purpose on terms and conditions that the Secretary considers appropriate.

51 Guidelines

(1) The Secretary, by notice published in the Government Gazette, may issue guidelines about the establishment, management and operation of children's services.

(2) The Secretary, by notice published in the Government Gazette, may revoke or amend any guidelines.

52 Ministerial delegation

The Minister, by instrument, may delegate to the Secretary or any employee in the Department any power of the Minister under this Act other than this power of delegation and the powers under section 6.

S. 52
amended by
No. 46/1998
s. 7(Sch. 1).

s. 52A

S. 52A
inserted by
No. 58/2007
s. 52(3),
amended by
No. 22/2008
s. 32.

52A Delegation by Secretary

The Secretary, by instrument, may delegate to any employee in the Department any power or function of the Secretary under this Act other than this power of delegation and the power under section 29A(2).

53 Register

- (1) The Secretary must keep a register of licensed children's services under this Act.
- (2) The register must contain the prescribed information about licensed children's services.
- (3) The register may be inspected during normal office hours without charge.
- (4) A person may obtain a copy of, or extract from, the register on payment of the prescribed fee.

S. 53A
inserted by
No. 22/2008
s. 33.

53A Register of family day carers

- (1) The Secretary must keep a register of each family day carer engaged by a family day care service.
- (2) The purpose of the register is to assist the Secretary in monitoring and investigating complaints about family day carers.
- (3) The register must contain the prescribed information in respect of each family day carer.
- (4) The register may only be inspected by the Secretary or an authorised officer.

S. 53B
inserted by
No. 22/2008
s. 33.

53B Publication of information

- (1) The Secretary may publish on the Department's Internet site the following information about a children's service—
 - (a) the name of the service;

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- (b) except in the case of a family day care service, the address of the approved premises;
 - (c) in the case of a family day care service, the address of the principal office;
 - (d) the name of the licensee;
 - (e) information about the performance of the children's service in complying with its obligations under this Act;
 - (f) actions taken and the results of actions taken under this Act in respect of the children's service.
- (2) If the Secretary proposes to publish under subsection (1) any information of a kind referred to in subsection (1)(e) or (1)(f), the Secretary must notify the licensee of the children's service in respect of which the information relates—
- (a) of that proposal; and
 - (b) that the person may seek review of that proposal under section 54A.
- (3) Information published under this section must not include information that could identify or lead to the identification of a person other than a licensee.

53C Disclosure of information to other authorities

- (1) The Secretary may provide the following information relating to a children's service to a Government Department or public authority or municipal council or equivalent body in another jurisdiction for a purpose relating to the health, safety and wellbeing of children or the operation of children's services—
- (a) statistical information in relation to licences;

S. 53C
inserted by
No. 22/2008
s. 33.

- (b) information about the performance of children's services in complying with their obligations under this Act;
 - (c) actions taken and the results of actions taken under this Act in respect of children's services.
- (2) The Secretary may, for a purpose relating to the health, safety and wellbeing of children, provide any information that the Secretary reasonably believes shows a contravention of any other Act or regulations made under any other Act by a children's service to a Government Department or public authority or municipal council or equivalent body in another jurisdiction.
- (3) Information provided under this section must not include information that could identify or lead to the identification of a person other than a licensee.

54 Immunity

- (1) Any person who believes on reasonable grounds that any provisions of this Act are being contravened and notifies the Secretary or an authorised officer of that belief and the reasonable grounds for it—
- (a) is not liable to any action or proceedings for unprofessional conduct or a breach of professional ethics; or
 - (b) if it is made in good faith, is not subject to any liability—
- with respect to that notification.
- (2) In any legal proceedings evidence as to the grounds contained in a notification under subsection (1) for the belief that this Act is being contravened may be given but evidence that a particular matter is contained in such a notification or evidence that identifies the person

who made the notification as the notifier or is likely to lead to the identification of that person as the notifier is only admissible in the proceedings if the court or tribunal grants leave for the evidence to be given or if the notifier consents in writing to the admission of that evidence.

- (3) A witness in a proceeding referred to in subsection (2) must not be asked and, if asked, is entitled to refuse to answer—
- (a) any question to which the answer would or might identify the person who made a notification under subsection (1) as the notifier or might lead to the identification of that person as the notifier; or
 - (b) any question as to whether any matter is contained in a notification made under subsection (1)—

unless the court or tribunal grants leave for the question to be asked or the notifier has consented in writing to the question being asked.

- (4) A court or tribunal may only grant leave under subsection (2) or (3) if—
- (a) in the case of a proceeding in the court or in any other court arising out of a proceeding in the court or in the Victorian Civil and Administrative Tribunal on a review under section 55 it is satisfied that it is necessary for the evidence to be given to ensure the safety and well-being of any child being cared for or educated by a children's service;
 - (b) in any other case, it is satisfied that the interests of justice require that the evidence be given.

S. 54(4)(a)
amended by
No. 10/2005
s. 3(Sch. 1
item 4.1).

- (5) If a notification is made under subsection (1), a person (other than the person who made it or a person acting with the written consent of the person who made it) must not disclose to any person other than the Secretary, a member of the police force or an officer of the Department or any other person or class of persons authorised by the Secretary—
- (a) the name of the person who made the notification; or
 - (b) any information that is likely to lead to the identification of the person who made the notification.

Penalty applying to this subsection: 10 penalty units.

- (6) Subsection (5) does not apply to a disclosure made to a court or tribunal in accordance with this section.

S. 54A
inserted by
No. 22/2008
s. 34.

54A Internal review

- (1) The licensee of a children's service may apply to the Secretary in writing for review of a proposal by the Secretary to publish information relating to the children's service under section 53B(1).
- (2) An application under subsection (1) must be made within 30 days after the day on which the licensee is notified of the proposal, or within such longer period as the Secretary, either before or after the end of that period, allows.
- (3) The Secretary may, in relation to an application under subsection (1)—
 - (a) affirm the decision to publish the information; or
 - (b) make such other decision as the Secretary thinks appropriate.

55 Application to VCAT for review

Any person aggrieved by a decision of the Secretary—

S. 55
(Heading)
inserted by
No. 10/2005
s. 3(Sch. 1
item 4.2).

S. 55
amended by
No. 10/2005
s. 3(Sch. 1
item 4.3).

(a) to refuse to grant an approval of premises or a licence; or

S. 55(a)
amended by
No. 22/2008
s. 35(a).

(b) to refuse to renew or vary a licence; or

S. 55(b)
amended by
No. 22/2008
s. 35(b).

(c) to suspend or cancel a licence—

may apply to the Victorian Civil and Administrative Tribunal for a review of that decision.

56 Regulations

(1) The Governor in Council may make regulations for or with respect to prescribing—

(a) requirements about the siting, design, layout, space and security of premises used for providing children's services;

(b) requirements to be complied with for safety, security, cleanliness, hygiene and repair of premises, grounds, fencing, gates and equipment used for providing children's services;

(c) requirements to be complied with for the security, safety, health and welfare of children being cared for or educated by a children's service;

Children's Services Act 1996
No. 53 of 1996
Part 6—Funding, Administration and Regulations

s. 56

S. 56(1)(d)
amended by
No. 22/2008
s. 36(1).

(d) requirements for the staffing of children's services including, but not limited to, the recruitment (including the conduct of police or other security checks), the appointment, numbers and qualifications of staff and staffing arrangements;

(e) requirements as to the provision of recreational and educational programs by children's services and the quality of those programs;

S. 56(1)(f)
amended by
No. 22/2008
s. 36(2).

(f) the records to be kept by proprietors of children's services and family day carers;

S. 56(1)(fa)
inserted by
No. 3/2008
s. 4.

(fa) requirements about anaphylaxis management including—

(i) matters (including plans and procedures) to be included in an anaphylaxis management policy; and

(ii) the development, implementation, maintenance and availability of an anaphylaxis management policy, including the plans and procedures required to be included in a policy; and

(iii) the training of staff; and

(iv) the storage and availability of anaphylaxis medication;

(g) forms for the purposes of this Act;

(h) fees for the purposes of this Act;

(i) requirements for the provision and display of information by the proprietor of a children's service;

(j) any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

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- (2) The regulations—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstances; and
 - (ba) may differ according to the type of children's service; and
 - (c) may exempt any children's service or any type of children's service from complying with all or any of the regulations; and
 - (d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Secretary or an authorised officer; and
 - (e) may apply, adopt or incorporate by reference any document either—
 - (i) as in force at the date the regulations come into operation or at any date before then; or
 - (ii) wholly or in part or as amended by the regulations; and
 - (f) may impose penalties not exceeding 10 penalty units for any contravention of the regulations.

S. 56(2)(ba)
inserted by
No. 22/2008
s. 36(3).

S. 56(2)(c)
amended by
No. 22/2008
s. 5.

Children's Services Act 1996
No. 53 of 1996
Part 7—Transitional And Saving Provisions

s. 61

Pt 7 (Heading)
substituted by
No. 22/2008
s. 37.

PART 7—TRANSITIONAL AND SAVING PROVISIONS

S. 57
repealed by
No. 22/2008
s. 38.

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S. 58
amended by
No. 74/2000
s. 3(Sch. 1
item 19),
repealed by
No. 22/2008
s. 38.

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Ss 59, 60
repealed by
No. 22/2008
s. 38.

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61 Transitional and saving provisions

- (1) A children's services centre which was—
- (a) registered under section 208C of the **Health Act 1958**; or
 - (b) exempted from being registered under that Act—

immediately before the commencement of this section is deemed to be a children's service licensed to operate under this Act at the premises which, at that commencement, were the premises of the registered children's services centre for the remainder of the period for which that centre was registered under section 208C or exempted from being registered under that Act and for a further 3 months after the end of that period.

- (2) A person who was nominated under section 208C(4)(c) of the **Health Act 1958** to manage a centre referred to in subsection (1)

immediately before the commencement of this section continues to be a person who can manage or operate a children's service at the premises which, at that commencement, were the premises of the registered children's services centre in the absence from the premises of the licensee of the service for the remainder of the period for which that centre was registered under section 208C and for a further 3 months after the end of that period.

- (3) If a children's service was operating from a children's services centre or child minding centre which was—
- (a) a relevant centre within the meaning of regulation 118 of the Children's Services Centres Regulations 1988; and
 - (b) registered under section 208C of the **Health Act 1958**—

immediately before the commencement of this section—

- (c) the children's service is exempted from any requirements under this Act relating to the maximum number of places for children corresponding with regulation 8 of the Children's Services Centres Regulations 1988 for the remainder of the period for which that centre was registered under section 208C;
- (d) the proprietor of the children's service is exempted from any requirements under this Act relating to the approval of that person as a proprietor of a children's service corresponding with regulation 13 of the Children's Services Centres Regulations 1988 for the remainder of the period for which that centre was registered under section 208C;

- (e) the children's service is exempted from complying with any requirements under this Act relating to space, lighting, junior toilets, fencing and gates and power outlets corresponding with the requirements of the Children's Services Centres Regulations 1988 referred to in regulation 118 for 5 years after the commencement of this section in respect of the premises where the children's service was operating immediately before that commencement if the requirements of the Child Minding Centres Regulations 1984 and the Health (Pre-School Centres Building) Regulations 1984 referred to in regulation 118 are complied with during that period.

S. 62
inserted by
No. 22/2008
s. 39.

**62 Transitional and saving provisions—Children's
Legislation Amendment Act 2008**

The Schedule has effect.

SCHEDULE
TRANSITIONAL AND SAVING PROVISIONS

Sch.
inserted by
No. 22/2008
s. 40.

PART 1—PRELIMINARY

1 Definitions

In this Schedule—

application period means the period ending 3 months after the commencement day or such longer period as is prescribed;

commencement day means the day on which section 8 of the **Children's Legislation Amendment Act 2008** comes into operation;

determination period, in relation to an application for a full licence or a provisional licence, means the period beginning on the day on which the application is received by the Secretary and ending when the application is finally determined;

family day care service means a children's service that operated as a family day care service immediately before the commencement day;

full licence means a licence granted under Part 3 to operate a children's service that is a family day care service or an outside school hours care service but does not include a provisional licence;

outside school hours care service means a service that, immediately before the commencement day, provided care or education to students under the age of 13 years outside school hours;

provisional licence means a licence granted under Division 3 of Part 2 of this Schedule.

2 General transitional provisions

- (1) Except where the contrary intention appears, this Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) Without limiting subclause (1), nothing in this Schedule limits the operation of section 13 of the **Interpretation of Legislation Act 1984**.

3 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings and transitional nature consequent on the coming into operation of section 8 of the **Children's Legislation Amendment Act 2008**.
- (2) Regulations under this clause may have retrospective effect to a day on or after the day on which the **Children's Legislation Amendment Act 2008** receives the Royal Assent.
- (3) Regulations under this clause have effect despite anything to the contrary in any Act (other than this Act or the Charter of Human Rights and Responsibilities) or in any subordinate instrument.

PART 2—LICENCES FOR EXISTING FAMILY DAY CARE AND OUTSIDE SCHOOL HOURS CARE SERVICES

Division 1—Application of Act

4 Application of Act during application period

This Act (other than Part 1, sections 26, 26A, 27, 28, 29 and 29C and Parts 5 and 6) does not apply during the application period to or in respect of—

- (a) a family day care service; or
- (b) an outside school hours care service—

that was operating immediately before the commencement day.

Division 2—Full licence

5 Application of Act during determination period

- (1) This Act (other than Part 1, Divisions 1, 2, 3 and 4 of Part 3 (except section 25F), sections 26, 26A, 27, 28, 29 and 29C and Parts 5 and 6) does not apply during the determination period to or in respect of a family day care service or outside school hours care service if—
 - (a) an application was made under Part 3 of the Act for a full licence for the service before the end of the application period; and
 - (b) the service was operating immediately before the commencement day.
- (2) The Secretary must give written notice to the applicant of the Secretary's decision within 60 days after receiving the application, or, if the Secretary has required testing, examination or further information on the application, within 30 days after requiring that testing, examination or information.
- (3) Despite section 15, an applicant for a full licence may, at the same time, apply for an approval of premises to which the licence is to apply.

Division 3—Provisional licence

6 Existing service may apply to Secretary for provisional licence

- (1) A person may apply to the Secretary for a provisional licence at any time before the end of the application period if the person was, immediately before the commencement day, operating a family day care service or an outside school hours care service.

Sch.

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- (2) An application for a provisional licence must include the prescribed information relating to the children's service.
 - (3) The Secretary must give written notice to the applicant of the Secretary's decision within 60 days after receiving the application, or, if the Secretary has required testing, examination or further information on the application, within 30 days after requiring that testing, examination or information.

7 Application of Act during determination period

This Act (other than Part 1, sections 26, 26A, 27, 28, 29 and 29C and Parts 5 and 6) does not apply during the determination period to or in respect of a family day care service or an outside school hours care service if—

- (a) an application was made under this Division for a provisional licence for the service before the end of the application period; and
- (b) the service was operating immediately before the commencement day.

8 Secretary may grant provisional licence

- (1) The Secretary may grant a provisional licence to an applicant if the Secretary is satisfied that the applicant—
 - (a) immediately before the commencement day, operated a family day care service or an outside school hours care service; and
 - (b) is otherwise eligible to be granted a full licence.
- (2) Despite subclause (1)(a), the Secretary may grant a provisional licence to an applicant who did not, immediately before the commencement day, operate a family day care service or an outside

school hours care service, if the Secretary is satisfied that the applicant—

- (a) operated a family day care service or outside school hours care service at some time before the commencement day; and
 - (b) is otherwise eligible to be granted a full licence.
- (3) A provisional licence expires 12 months after the day it is granted.
- (4) The Secretary must ensure that a provisional licence bears the words "Provisional Licence".
- (5) Part 1, Division 4 of Part 3, sections 26, 26A, 27, 28, 29 and 29C and Parts 5 and 6 apply in respect of a family day care service or an outside school hours care service for which a provisional licence is granted under this clause, as if it were a full licence.

9 Conditions on provisional licence

The power of the Secretary under section 25E to impose any condition or restriction on a licence applies to a provisional licence.

Division 4—Application for a full licence by holder of provisional licence

10 Approval of premises

Despite section 15, the holder of a provisional licence may apply for a full licence during the period of operation of the provisional licence, and may, at the same time, apply for an approval of premises to which the licence is to apply.

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11 Provisional licence is cancelled on granting full licence

Without limiting the operation of any other provision of this Act relating to the cancellation of licences, a provisional licence is cancelled on the grant of a full licence to the licensee.

Division 5—Other transitional provisions

12 Saving of approvals in principle

An approval in principle existing under this Act immediately before the commencement day in respect of premises is deemed to be an approval of premises for the purposes of this Act.

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 30 May 1996

Legislative Council: 8 October 1996

The long title for the Bill for this Act was "to provide for the licensing and regulation of children's services, to repeal Part XIA of the **Health Act 1958** and to make consequential amendments to other Acts."

The **Children's Services Act 1996** was assented to on 3 December 1996 and came into operation as follows:

Sections 1 and 2 on 3 December 1996: section 2(1); rest of Act on 1 June 1998: Government Gazette 28 May 1998 page 1189.

Children's Services Act 1996
No. 53 of 1996

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Children's Services Act 1996** by Acts and subordinate instruments.

Disability Services and Other Acts (Amendment) Act 1997, No. 72/1997

Assent Date: 25.11.97
Commencement Date: Ss 14, 15 on 25.11.97: s. 2(1)
Current State: This information relates only to the provision/s amending the **Children's Services Act 1996**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Children's Services Act 1996**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 19) on 3.12.96: s. 2(2)(d)
Current State: This information relates only to the provision/s amending the **Children's Services Act 1996**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 30) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Children's Services Act 1996**

Statute Law Revision Act 2005, No. 10/2005

Assent Date: 27.4.05
Commencement Date: S. 3(Sch. 1 item 4) on 28.4.05: s. 2
Current State: This information relates only to the provision/s amending the **Children's Services Act 1996**

Education and Training Reform Act 2006, No. 24/2006

Assent Date: 16.5.06
Commencement Date: S. 6.1.2(Sch. 7 item 6) on 1.7.07: Government Gazette 28.6.07 p. 1304
Current State: This information relates only to the provision/s amending the **Children's Services Act 1996**

Children, Youth and Families (Consequential and Other Amendments) Act 2006, No. 48/2006

Assent Date: 15.8.06
Commencement Date: S. 42(Sch. item 6) on 23.4.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Children's Services Act 1996**

**Education and Training Reform Miscellaneous Amendments Act 2007,
No. 58/2007**

Assent Date: 27.11.07
Commencement Date: S. 52 on 28.11.07: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Children's Services Act 1996**

**Children's Services and Education Legislation Amendment (Anaphylaxis
Management) Act 2008, No. 3/2008**

Assent Date: 4.3.08
Commencement Date: Ss 3, 4 on 14.7.08: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Children's Services Act 1996**

Children's Legislation Amendment Act 2008, No. 22/2008

Assent Date: 3.6.08
Commencement Date: Ss 6, 7(2), 9(1)–(4), 11(1)(2), 12(1)(2), 13(1), 16, 17,
20(2)(3), 27, 29(6), 30 on 4.6.08: s. 2(1); ss 3–5, 7(1),
8, 9(5)(6), 10, 11(3), 12(3), 13(2), 14, 15, 18, 19,
20(1), 21–26, 28, 29(1)–(5), 31–40 on 25.5.09: s. 2(3)
Current State: This information relates only to the provision/s
amending the **Children's Services Act 1996**

**Criminal Procedure Amendment (Consequential and Transitional Provisions)
Act 2009, No. 68/2009**

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 19) on 1.1.10: Government Gazette
10.12.09 p. 3215
Current State: This information relates only to the provision/s
amending the **Children's Services Act 1996**

**Statute Law Amendment (National Health Practitioner Regulation) Act 2010,
No. 13/2010**

Assent Date: 30.3.10
Commencement Date: S. 51(Sch. item 13) on 1.7.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Children's Services Act 1996**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 10.3) on 25.5.09: s. 2(2)(a)
Current State: This information relates only to the provision/s
amending the **Children's Services Act 1996**

Endnotes

3. Explanatory Details

No entries at date of publication.