

South Australia

## **Children's Services (Child Care Centre) Regulations 1998**

under the *Children's Services Act 1985*

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## Legislative history

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Children's Services (Child Care Centre) Regulations 1998*.

### 2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

### 3—Revocation

The *Child Care Centre Regulations 1985* (see *Gazette 5.9.1985 p753*), as varied, are revoked.

### 4—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*the Act* means the *Children's Services Act 1985*;

*contact staff member*, in relation to a child care centre, means an employee of the child care centre who is primarily engaged in providing direct care to children being cared for at the centre;

*director* of a body corporate means a member of the board or committee of management of the body corporate;

*excursion* means a journey or activity where children being cared for at a child care centre are taken outside the boundaries of the licensed premises (but does not include a journey only for the purpose of collecting or delivering a child on behalf of a guardian of the child);

*main road* means a road that has carriageways that are divided by a continuous or broken centre line or dividing strip;

*qualified contact staff member* means a contact staff member who has approved qualifications in child care within the meaning of regulation 23.

- (2) For the purposes of these regulations, a child will be counted as being cared for at a child care centre whether or not care is provided for monetary or other consideration.

### 5—Application

These regulations are in addition to and do not derogate from the requirements of the *Development Act 1993* (including the Building Rules and Code under that Act).

## Part 2—Licensed child care centres

### Division 1—Licence applications

#### 6—Licence applications

- (1) An application for a licence for a child care centre must—
  - (a) be made to the Director; and
  - (b) be in writing in the form prescribed in Schedule 2.
- (2) The Director may require—
  - (a) an applicant for a licence; and
  - (b) in the case of an application by a body corporate—the chief executive officer, the secretary or any director of the body corporate,

to furnish the Director with such further information (verified, if the Director so requires, by statutory declaration) or authorisations as the Director may require.
- (3) An applicant for a licence must, within 1 month prior to the application being lodged, place an advertisement, in a form determined by the Director, in a newspaper circulating generally throughout the State notifying the public of the applicant's intention to apply for a licence to conduct a child care centre.
- (4) The Director must not grant a licence to an applicant unless satisfied—
  - (a) that—
    - (i) in the case of an applicant that is a natural person—the applicant is aged 21 or over and is a fit and proper person to hold such a licence; or
    - (ii) in the case of an applicant that is a body corporate—the body corporate is a fit and proper person to hold such a licence; and
  - (b) that plans and specifications of the proposed child care centre have been approved in accordance with Division 2 of this Part.
- (5) The Director may refuse to grant a licence to a body corporate if the Director is of the opinion that the chief executive officer, the secretary or any director of the body corporate is not a fit and proper person to influence or exercise control over a body corporate that is the holder of such a licence.

### Division 2—Approval of premises

#### 7—Approval of premises

- (1) An applicant for a licence for a child care centre must submit to the Director an application in writing in the form prescribed in Schedule 2 for approval of the proposed child care centre premises.
- (2) If the licensee of a child care centre intends to alter or extend the licensed child care centre premises, the licensee must submit to the Director an application in writing in the form prescribed in Schedule 2 for approval of the proposed alterations or extensions.

- (3) An application for approval under this regulation must be accompanied by 2 copies of the plans and specifications of the proposed premises, or proposed alterations or extensions, showing such information and detail as the Director may require.

## **8—Conditions for approval**

The Director must not approve plans and specifications under this Division unless satisfied that—

- (a) the child care centre premises will comply with the requirements of these regulations; and
- (b) the design of the child care centre premises allows for adequate supervision of children cared for at the centre; and
- (c) children cared for at the child care centre will not be exposed to any undue threat to their health or safety arising from the nature of the premises or their environs.

## **9—Grant of approval**

- (1) When approving plans and specifications under this Division the Director must, on the basis of those plans and specifications, determine—
- (a) the maximum number of children to be cared for at the child care centre at any given time; and
  - (b) the maximum number of children aged under 2 years and the maximum number of children aged under 3 years to be cared for at the centre at any given time.
- (2) On approving plans and specifications under this Division, the Director must—
- (a) give the applicant notice, in writing, of the approval and of the Director's determination under subregulation (1); and
  - (b) where relevant, vary the licence conditions of an existing licence accordingly.
- (3) On the expiration of 12 months after the applicant receives notice of an approval under this Division, if substantial progress has not been made towards completion of the works referred to in the plans and specifications, the approval of those plans and specifications by the Director will lapse and no work may be commenced or continued in reliance on that approval.
- (4) If an approval lapses pursuant to subregulation (3), the applicant may make a new application in respect of the works required to complete the project.
- (5) The licensee of a child care centre must ensure that the child care centre premises conform with the plans and specifications approved by the Director under this Division.

## **10—Further information**

The Director may, at any time after an application for approval of plans and specifications has been lodged or granted, require the applicant or licensee to provide such further information relevant to the application or to the works to which the approval related as the Director may require.

## **11—Maximum number of children to be cared for at centre**

The licensee of a child care centre must ensure that—

- (a) the total number of children that are being cared for at the centre at any given time; and
- (b) the number of children aged under 2 years and the number of children aged under 3 years that are being cared for at the centre at any given time,

do not exceed the maximum numbers determined by the Director in approving plans and specifications under this Division.

## **Division 3—Grant of licence**

### **12—Register of licensed child care centres**

The Director must maintain a register of licensed child care centres.

### **13—Grant of licence**

- (1) Where an application for a licence for a child care centre is granted, the Director must—
  - (a) issue a licence, in the form prescribed in Schedule 2, on which are endorsed any conditions to which the licence is subject; and
  - (b) cause to be entered in the register of licensed child care centres the following particulars relating to the licence:
    - (i) the name and address of the centre; and
    - (ii) the name of the licensee; and
    - (iii) in the case of a licence granted to a natural person—the licensee's postal address and business hours telephone number; and
    - (iv) in the case of a licence granted to a body corporate—
      - (A) the address of the licensee's registered office; and
      - (B) the postal address and business hours telephone number of a contact person nominated by the licensee; and
    - (v) the maximum number of children to be cared for at the child care centre at any given time and the maximum number of children aged under 2 years and the maximum number of children aged under 3 years to be cared for at the child care centre at any given time; and
    - (vi) any conditions to which the licence is subject; and
    - (vii) the date on which the licence is due to expire.
- (2) The register of licensed child care centres must be made available for inspection by a member of the public during normal business hours.

## **Division 4—Renewal of licence**

### **14—Renewal of licence**

- (1) An application for renewal of a licence must—
  - (a) be in writing in the form prescribed in Schedule 2; and
  - (b) be lodged with the Director not less than 30 days before the expiry of the licence to which the application relates.
- (2) The applicant must furnish the Director with such further information (verified, if the Director so requires, by statutory declaration) as the Director may require.

## **Division 5—Miscellaneous**

### **15—Inspection**

The Director must ensure that all premises used as licensed child care centres are inspected at least once in every 2 year period.

### **16—Notice of relevant changes**

The licensee of a child care centre must give written notice to the Director, within 14 days, of a change in any circumstances previously notified to the Director (whether in an application lodged under this Part or otherwise) where that change in circumstances is, or might reasonably be expected to be, relevant to the licensee continuing to hold the licence, to the conditions of the licence or to the child care service provided (eg a charge or conviction of a criminal offence, the cancellation of another licence to operate a child care centre or the closure of the centre or part of the centre for any reason).

### **17—Notice to guardians of cancellation of licence**

- (1) Where a licence for a child care centre is cancelled, the Director must take such steps as he or she considers necessary to give appropriate notice to the guardians of children who are cared for at the centre.
- (2) Subject to any direction of the Minister under section 46(5) of the Act, notice must not be given under this regulation until—
  - (a) the time allowed for an appeal against the cancellation has expired; or
  - (b) if an appeal against the cancellation has been lodged—the appeal is rejected or withdrawn.

## Part 3—Staffing

### Division 1—Management of centre

#### 18—Approval of manager

- (1) Subject to subregulation (2), the licensee of a child care centre must ensure that the centre is, at all times, managed under the personal supervision of a natural person who is—
  - (a) the licensee, or one of the licensees, of the centre; or
  - (b) a person approved by the Director to be the manager of the centre.
- (2) A child care centre may, however, be managed by some other suitable person for a period of no more than 2 months (or such longer period as the Director may in any special case allow) provided that during any such period, a responsible person is contactable by the Director during the normal operating hours of the centre.
- (3) A person is a responsible person for the purposes of subregulation (2) if he or she is the licensee of the centre or a director, agent or employee of the licensee.
- (4) An application under this regulation for approval of a person as the manager of a child care centre must be made by the licensee to the Director in writing in the form prescribed in Schedule 2.
- (5) A licensee of a child care centre who applies under this regulation for approval of a person as the manager of the centre or the person the subject of the application must furnish the Director with such further information (verified, if the Director so requires, by statutory declaration) as the Director may require for the purpose of determining the application.
- (6) The Director must not approve a person as the manager of a child care centre under this regulation unless satisfied that the person—
  - (a) is aged 21 years or over; and
  - (b) is a fit and proper person to manage the centre; and
  - (c) has sufficient knowledge and experience, including a proper understanding of the application of these regulations to the centre, for the purpose of managing the centre.
- (7) The Director may, by notice in writing to an approved manager and the licensee, revoke an approval given to a person under this regulation if—
  - (a) the approval was improperly obtained; or
  - (b) the person is not a fit and proper person to manage the centre.
- (8) This regulation does not apply in relation to a child care centre in existence immediately before the commencement of these regulations until the expiry of the current period of the centre's licence.

## Division 2—Contact staff

### 19—Interpretation

- (1) In determining how many contact staff members are on duty at a child care centre at any given time for the purposes of this Division—
  - (a) a staff member who is absent from the centre for any reason will not be counted as being on duty at the centre during that period of absence; and
  - (b) a staff member who, for a period longer than 10 minutes, is not in the presence of children being cared for at the centre will not be counted as being on duty at the centre during that period.
- (2) For the purpose of determining how many contact staff members or qualified contact staff members are required to be on duty at a child care centre, or accompanying an excursion from a child care centre, in accordance with this Division, only children being cared for at the centre or during the excursion will be counted (but any children present at the centre, or participating in the excursion, who are aged under 13 years will, in the absence of proof to the contrary, be taken to be so cared for)<sup>1</sup>.

**Note—**

- 1 For the total number of adults required to accompany excursions, see regulation 29(5) and (6).

### 20—Total contact staff

- (1) The licensee of a child care centre must ensure that the following minimum staffing requirements are met at all times at the centre or on excursions from the centre:
  - (a) for children under 2 years of age there must be at least one contact staff member on duty for every 5 children or part of that number;
  - (b) for children aged 2 years or over who do not yet attend school—
    - (i) if the number of such children does not exceed 8, there must be at least one contact staff member on duty;
    - (ii) if the number of such children exceeds 8 but does not exceed 20, there must be at least 2 contact staff members on duty;
    - (iii) if the number of such children exceeds 20, there must be at least one contact staff member on duty for every 10 children or part of that number;
  - (c) for children who attend school there must be at least one contact staff member on duty to every 15 children or part of that number.

### 21—Qualified contact staff

- (1) The licensee of a child care centre must ensure that, out of the total number of contact staff required to be on duty at any time under regulation 20, a minimum number of them are qualified staff members, to be determined as follows:
  - (a) for children under 2 years of age, there must be at least one qualified staff member for every 20 children or part of that number;

- (b) for children aged 2 years or over who do not yet attend school, there must be at least one qualified staff member for every 35 children or part of that number;
  - (c) for children who attend school, there must be at least one qualified staff member for every 30 children or part of that number.
- (2) However, the Director may exempt the licensee of a child care centre from the requirements of subregulation (1) if the Director is satisfied that—
  - (a) an exemption is necessary because the licensee is unable to recruit staff with the appropriate qualifications; or
  - (b) an exemption is appropriate because of specific community needs warranting exceptional consideration.
- (3) An exemption under subregulation (2)—
  - (a) may be granted for a maximum period of 2 years (but may, on the expiration of that period, be renewed); and
  - (b) may be subject to such conditions as the Director thinks fit.

## **22—Contact staff for small mixed age groups**

- (1) Despite regulation 20, if—
  - (a) the children being cared for at the child care centre or participating in an excursion from the centre fall into more than one age group; and
  - (b) the number of children involved is 7 or less; and
  - (c) no more than 4 of them are not yet attending school,only 1 contact staff member is required to be on duty, provided that he or she is a qualified contact staff member.
- (2) Despite regulation 21, if—
  - (a) the children being cared for at the child care centre or participating in an excursion from the centre fall into more than one age group; and
  - (b) the number of children involved is 15 or less,only 1 contact staff member is required to be a qualified contact staff member.

## **23—Approved qualifications**

- (1) A person has approved qualifications in child care if the person has obtained tertiary qualifications in child care or early childhood education of a type approved, in writing, by the Director for the purposes of this regulation.
- (2) The licensee of a child care centre must obtain and keep at the centre a copy of documentation establishing that each qualified contact staff member employed at the centre has approved qualifications in child care within the meaning of this regulation.

## **24—Other requirements in relation to contact staff**

- (1) This regulation applies in relation to persons commencing employment as contact staff members in a child care centre after the commencement of these regulations.

- (2) The licensee of a child care centre must at all times be satisfied that each person working as a contact staff member at the child care centre—
  - (a) has no criminal convictions arising out of the abuse, neglect or assault (including sexual assault) of a person and is otherwise a fit and proper person to be employed as a contact staff member at the centre; and
  - (b) is of or over the age of 15 years; and
  - (c) in the case of a staff member who is under the age of 18 years and is a contact staff member for the purposes of regulation 20, that he or she has obtained or is in the process of obtaining approved qualifications in child care within the meaning of regulation 23.
- (3) Before employing a person as a contact staff member at a child care centre, the licensee of the centre must obtain and keep at the centre—
  - (a) a statutory declaration from the person regarding the matters specified in subregulation (2); and
  - (b) the person's authorisation for the licensee to obtain, at any time while the person remains employed at the centre, details of criminal convictions recorded against the person.
- (4) The licensee may recover from a person referred to in subregulation (3), any costs or expenses reasonably incurred by the licensee in seeking or obtaining details of criminal convictions relating to that person.

## **25—Records of contact staff on duty**

The licensee of a child care centre must ensure—

- (a) that, on each day during which children are cared for at the centre, a record is made listing all contact staff members on duty at the centre during that day and the times during which each of those staff members was on duty; and
- (b) that such a record is kept at the centre for a period of at least 2 years.

## **Part 4—Operational duties in relation to children**

### **26—Administering medication**

- (1) The licensee of a child care centre must ensure that medication is only administered to a child being cared for at the centre on and in accordance with the written request of a guardian of the child.
- (2) A written request made by a guardian in accordance with this regulation must specify—
  - (a) the name of the medication; and
  - (b) when the medication is to be administered; and
  - (c) the dosage to be administered; and
  - (d) any doctor's instructions relating to administering of the medication; and
  - (e) any other instructions that the guardian wishes to be followed.

- (3) This regulation does not apply where, in the opinion of a medical practitioner, medication is required to be administered to a child as a matter of urgency.

## **27—Obtaining emergency services**

- (1) The licensee of a child care centre must ensure that no child is cared for at the centre unless a guardian of the child has given written permission to the licensee for emergency medical, hospital or ambulance services to be obtained for the child when the person managing the centre at any time thinks it is necessary to do so.
- (2) A guardian may, in giving that permission, nominate a particular medical, hospital or ambulance service that the guardian wishes to be used in an emergency.
- (3) If emergency medical, hospital or ambulance services are required for a child being cared for at the centre, the licensee—
  - (a) must ensure that, so far as it is reasonably practicable to do so, any service nominated by the child's guardian is used; and
  - (b) must ensure that a guardian of the child is notified as soon as possible; and
  - (c) may recover any costs or expenses incurred by the licensee in relation to those services from all or any of the child's guardians by action in a court of competent jurisdiction.

## **28—Collecting child from centre**

- (1) Subject to subregulation (2), the licensee of a child care centre must ensure that a child departing from the centre is given into the care of a guardian or of a person authorised in writing by a guardian to collect the child from the centre.
- (2) The licensee of a child care centre may only allow a child to depart from the centre in circumstances other than those specified in subregulation (1) if satisfied that alternative arrangements that safeguard the safety and welfare of the child have been made.
- (3) The licensee of a child care centre must ensure that a child departing from the centre is not given into the care of a person in contravention of a court order the details of which have been recorded in the register in accordance with these regulations.

## **29—Excursions**

- (1) The licensee of a child care centre must ensure that no child being cared for at the centre is taken on an excursion, or escorted to or from a particular place, unless a guardian has given written permission for the child to be taken on excursions or escorted to or from that place.
- (2) Subregulation (1) does not apply where, in the opinion of the licensee, a child needs to be escorted to or from a particular place as a matter of urgency and any delay in order to obtain a guardian's written permission would result in the child's health or safety being placed at risk.
- (3) Except in relation to excursions described in subregulation (4), a guardian's permission may be given in general terms.

- (4) The licensee of a child care centre must ensure that no child being cared for at the centre is taken on an excursion that involves the use of transport, the crossing of a main road, swimming or any other significant hazard without a guardian's written permission having been given in respect of—
- (a) the date and destination of the proposed excursion; and
  - (b) the method of transport; and
  - (c) the activities to be undertaken by children during the excursion; and
  - (d) the number of adults who will accompany and supervise the children throughout the excursion.
- (5) The licensee of a child care centre must ensure that, during all excursions that involve the use of transport or the crossing of a main road, the minimum number of adults accompanying the excursion is as follows:
- (a) for every 4 children (or part of that number) who do not yet attend school, there must be at least 1 adult;
  - (b) for every 8 children (or part of that number) who attend school, there must be at least 1 adult.
- (6) The licensee of a child care centre must ensure that during all excursions that involve swimming or any other significant hazard—
- (a) the minimum number of adults accompanying the excursion is as follows:
    - (i) for every 1 child aged under 3 years, there must be at least 1 adult;
    - (ii) for every 2 children (or part of that number) aged 3 years or over who do not yet attend school, there must be at least 1 adult;
    - (iii) for every 5 children (or part of that number) who attend school, there must be at least 1 adult; and
  - (b) at least 1 adult accompanying the excursion holds a current first aid qualification, of a class approved by the Director, that includes training in resuscitation.
- (7) Despite subregulations (5) and (6), if—
- (a) the children participating in a particular excursion fall into more than one age group; and
  - (b) the minimum number of adults required to accompany the excursion would be reduced if the children in the older age group or groups were counted as children falling into a younger age group,
- the minimum number of adults required is so reduced.

## **Part 5—Records relating to children to be kept by licensee**

### **30—Interpretation**

In this Part—

*register* means the register required to be kept under section 28 of the Act.

### **31—Particulars to be included in register<sup>1</sup>**

- (1) The licensee of a child care centre must ensure that the following particulars, as far as they are reasonably ascertainable, and the following documents are kept in the register in relation to each child who is cared for at the centre:
  - (a) the child's gender and residential address; and
  - (b) the full name, residential address and telephone number and work address and telephone number of each guardian of the child; and
  - (c) the name, address and telephone number of each person authorised under regulation 28 by a guardian to collect the child and the name, address and telephone number of any other person who may be able to collect the child in an emergency if a guardian or authorised person is not available; and
  - (d) any special requirements of the child notified by the guardians; and
  - (e) the primary language spoken by the child and the guardians; and
  - (f) details of any court orders relating to guardianship of and access to the child and of any parenting orders issued in relation to the child by the Family Court of Australia; and
  - (g) details of the child's allergies, immunisations, medical conditions and other relevant medical history; and
  - (h) a guardian's written permission to obtain emergency medical, hospital or ambulance services for the child given in accordance with regulation 27 and the name, address and telephone number of any particular service that has been nominated by a guardian for emergency treatment of the child; and
  - (i) if medication is to be administered to the child, a written request by the child's guardian given in accordance with regulation 26; and
  - (j) in respect of medication that is administered to the child while in the licensee's care—
    - (i) the name of the medication; and
    - (ii) the date and time of administering the medication; and
    - (iii) the name of the person who administered the medication; and
    - (iv) the dosage administered and the name of the person who checked the dosage; and
  - (k) if the child is involved in an accident at the centre or suffers from an injury or illness that occurred, or became apparent, at the centre—
    - (i) a description of the accident, injury or illness; and
    - (ii) the time, circumstances and names of staff in attendance when the accident, injury or illness occurred or became apparent; and
    - (iii) particulars of the treatment given to the child; and
    - (iv) if the child dies while being cared for at the centre, the details surrounding the death; and
    - (v) a signed statement by a guardian of the child indicating that the guardian has been advised of the above particulars; and

- (1) if the child is taken on an excursion or escorted to and from a specified place, a guardian's written permission given under regulation 29 for the child to be taken on the excursion or escorted to and from that place.
- (2) The licensee of a child care centre must ensure that—
  - (a) the register is kept in a safe and secure place; and
  - (b) the particulars relating to a child are kept for the period of time specified by the Director.

**Note—**

- 1 That the particulars required to be entered in the register under this regulation are in addition to those specified in section 28 of the Act.

### **32—Attendance records**

The licensee of a child care centre must ensure that—

- (a) when a child who is to be cared for at the centre arrives at the centre—
  - (i) the child is received by the licensee or a person authorised by the licensee; and
  - (ii) the licensee, a person authorised by the licensee or a person accompanying the child to the centre makes a signed record in the register of the time of the child's arrival; and
- (b) when a child who has been cared for at the centre departs from the centre—
  - (i) the licensee or a person authorised by the licensee observes the child's departure; and
  - (ii) the licensee, a person authorised by the licensee or the person collecting the child from the centre makes a signed record in the register of the time of the child's departure.

## **Part 6—Access to information**

### **33—Licensee must produce documents for Director**

The licensee of a child care centre must, at the request of the Director or a person authorised in writing by the Director, produce any document, information or a copy of any document required to be kept by the licensee under these regulations.

### **34—Access to the centre by guardians**

- (1) The licensee of a child care centre must ensure that, subject to any court order relating to access to a child, a guardian of a child being cared for at the centre can enter the centre unannounced at any time during its hours of operation for the purposes of observing the child, viewing the centre in operation or exchanging information about the child with staff who are available for that purpose.
- (2) The licensee of a child care centre must ensure that guardians of children being cared for at the centre have access to all written policies of the centre (whether those policies are required under these regulations or not).

### **35—Documents to be displayed**

The licensee of a child care centre must ensure that the following documents and information are displayed in a conspicuous position inside and near to the main entrance to the centre:

- (a) a copy of the licence; and
- (b) the hours and days of operation of the centre; and
- (c) a statement, in a form determined by the Director, advising guardians of children being cared for at the centre of the requirements under these regulations relating to contact staff members employed at the centre; and
- (d) details of any exemption granted by the Director relating to the number of qualified contact staff members required to be on duty at the centre under these regulations; and
- (e) a statement, in a form determined by the Director, giving the name, address and telephone number of the Public Service administrative unit responsible for administering these regulations; and
- (f) the emergency evacuation procedures for the centre; and
- (g) the procedures for dealing with a guardian's concerns; and
- (h) the procedures for the delivery and collection of children; and
- (i) a list of all the child care centre policies, with a clear statement to the effect that all guardians of children being cared for at the centre have access to the policy documents.

## **Part 7—Curriculum**

### **36—Curriculum policy and implementation strategy**

- (1) The licensee of a child care centre must ensure that the centre has a curriculum policy and implementation strategy that addresses the following matters:
  - (a) a statement of the centre's philosophy in relation to learning; and
  - (b) guardian and staff participation in the development of the centre curriculum; and
  - (c) individual developmental needs of children; and
  - (d) cultural relevance; and
  - (e) child self-reliance and self-esteem; and
  - (f) children with disabilities; and
  - (g) gender equity; and
  - (h) excursions.
- (2) The licensee of a child care centre must ensure that the curriculum developed by the centre—
  - (a) is designed to stimulate and develop each child's social, emotional, physical, intellectual, language and creative potential; and

- (b) details activities that are appropriate to the different stages of development of the children; and
- (c) has a balance of indoor and outdoor activities; and
- (d) includes activities that can be freely chosen by a child.

### **37—Daily program**

The licensee of a child care centre must ensure that a written daily program detailing the general routine to be followed at the centre and any specific activities that are planned for the day is prominently displayed in all children's indoor play areas at the centre.

### **38—Appropriate furniture and equipment to be provided**

The licensee of a child care centre must ensure that appropriate furniture and equipment is available at the centre to meet the developmental needs of children being cared for at the centre and to support the curriculum that has been planned by the centre.

### **39—Behaviour management**

- (1) The licensee of a child care centre must ensure that the centre has a behaviour management policy that outlines the centre's approach to interactions between children and staff, including—
  - (a) details of behaviour management practices at the centre that ensure children are guided towards positive and responsible behaviour; and
  - (b) details of child/staff interaction practices at the centre that ensure children have the opportunity to freely choose activities and to participate in problem solving exercises; and
  - (c) child access to staff to assist with learning experiences at the centre.
- (2) The licensee of a child care centre must ensure that in the development and implementation of a behaviour management policy—
  - (a) the dignity and the rights of children being cared for at the centre are respected at all times; and
  - (b) behaviour management techniques used do not include physical, verbal or emotional punishment, including (for example) punishment that humiliates, frightens or threatens the child; and
  - (c) a child is not isolated for any reason other than illness, accident or an appointment that has been pre-arranged with the guardian's consent; and
  - (d) a child is given positive guidance towards acceptable behaviour with the encouragement of the staff of the centre.

## **Part 8—Health and safety**

### **Division 1—General**

#### **40—Maintenance of child care centre**

The licensee of a child care centre must ensure that—

- (a) the buildings and grounds of the centre, and all equipment and furnishings at the centre, are maintained in a safe, clean and hygienic condition and are in good repair at all times; and
- (b) the centre is (as far as is reasonably practicable) kept free from vermin and that any measures taken to control flies or mice and other vermin do not constitute a hazard to the children.

#### **41—Telephone**

The licensee of a child care centre must ensure that all staff at the centre have ready access to an operating telephone located in the centre.

#### **42—First aid**

- (1) The licensee of a child care centre must ensure that, at all times when children are being cared for at the centre, there is at least 1 staff member present at the centre who holds a current first aid qualification of a class approved by the Director.
- (2) The licensee of a child care centre must maintain a first aid kit, of a type approved by the Director, in a position at the centre that is accessible to staff at all times but inaccessible to children.

#### **43—Accidents, injuries and illnesses**

If a child has an accident, suffers an injury or becomes ill while being cared for at a child care centre, the licensee of the centre must ensure that—

- (a) all reasonable attempts are made to secure appropriate medical aid for the child where required; and
- (b) all reasonable attempts are made to notify a guardian of the accident, injury or illness as soon as possible; and
- (c) the child is kept under adult supervision until he or she recovers or is delivered into the care of a medical, hospital or ambulance service, or until a guardian, or a person authorised by a guardian, takes responsibility for the child; and
- (d) a guardian is notified of—
  - (i) any medication administered to the child by the licensee or a member of staff; and
  - (ii) all other matters concerning the incident of which the licensee has notice; and

- (e) if the child is hospitalised or dies— the Director is notified, no later than the next working day, of the accident, injury or illness and the circumstances surrounding it.

#### **44—Emergency procedures**

- (1) The licensee of a child care centre must—
  - (a) develop a code of emergency procedures for the centre, in consultation with State Emergency Service South Australia; and
  - (b) ensure that all staff have access to the centre's code of emergency procedures; and
  - (c) ensure that emergency procedures are practised at the centre at least twice in every 12 month period; and
  - (d) ensure that a record of every practice session undertaken pursuant to this regulation is maintained at the centre for a period of at least 2 years after the practice has occurred.
- (2) The licensee of a child care centre must ensure that the code of emergency procedures developed pursuant to this regulation specifically addresses the procedures to be followed in an emergency when only 1 contact staff member is present at the centre.

#### **45—Insurance**

The licensee of a child care centre must obtain and keep current a policy of insurance that will adequately meet the licensee's public liability in respect of the provision of child care services.

### **Division 2—Health**

#### **46—Nutrition**

- (1) Where food is provided by the child care centre to children cared for at the centre, the licensee of the centre must ensure that—
  - (a) the centre has developed a food policy that outlines the centre's approach to children's dietary needs, having regard to culture, religion and health; and
  - (b) a weekly menu, outlining the food to be provided daily, is prominently displayed; and
  - (c) the food provided is varied, nutritious and adequate in quantity; and
  - (d) food is stored at the centre in a manner that minimises the risk of contamination of the food; and
  - (e) food is offered to the children at frequent and regular intervals.
- (2) The licensee of a child care centre must ensure that drinks are available at all times to children being cared for at the centre.

#### **47—Ventilation**

The licensee of a child care centre must ensure that all rooms at the centre that are used by children are adequately ventilated at all times while children are being cared for at the centre.

#### 48—Drugs, alcohol and smoking

- (1) The licensee of a child care centre must ensure that illegal drugs are not present, consumed or used on the premises of the centre.
- (2) The licensee of a child care centre must ensure that alcohol is not consumed at the centre during its operating hours.
- (3) The licensee of a child care centre must ensure that no staff member of the centre who appears to be adversely affected by drugs or alcohol supervises or remains in the presence of a child.
- (4) The licensee of a child care centre must ensure that—
  - (a) no person while on the premises of the centre smokes in the presence or view of children being cared for at the centre; and
  - (b) if smoking is permitted in any part of the centre, children being cared for at the centre are not exposed to smoke from that part of the centre.

#### 49—Infectious diseases

- (1) The licensee of a child care centre must ensure that—
  - (a) the centre has a policy on infectious diseases that outlines the exclusion practices for children who have an infectious disease or who have been exposed to an infectious disease and that is consistent with recommendations contained in the document titled "*Staying Healthy in Child Care*" published by the National Health and Medical Research Council and the Commonwealth Department of Health and Family Services in 1997, as amended from time to time ; and
  - (b) the policy on infectious diseases is adhered to at all times at the centre; and
  - (c) information about the occurrence of infectious disease affecting a member of staff or a child at the centre (with the exception of those diseases dealt with pursuant to the *Privacy Act 1988* of the Commonwealth, as amended from time to time, or any Act enacted in substitution of that Act or pursuant to the *Public and Environmental Health Act 1987*) is made available to the guardians of children being cared for at the centre in a manner that does not reveal the identity of individual children or staff.
- (2) If the licensee of a child care centre knows or suspects that a child is suffering from an infectious disease for which recommendations relating to exclusion practices are not included in the document referred to in subregulation (1)(a), the licensee must not allow that child to be cared for at the centre unless the Director has determined that the child does not pose a threat to the health or safety of other children cared for at the centre.
- (3) An approval granted under subregulation (2) may be subject to conditions and may be varied or revoked at any time.

## 50—Health and hygiene standards

The licensee of a child care centre must ensure that—

- (a) all staff at the centre observe health and hygiene standards that are consistent with current community standards and that comply with recommendations contained in the document titled "*Staying Healthy in Child Care*" published by the National Health and Medical Research Council and the Commonwealth Department of Health and Family Services in 1997, as amended from time to time ; and
- (b) all staff at the centre encourage children being cared for at the centre to observe such health and hygiene standards.

## 51—Medical examination

The Director may, at any time, require the licensee of a child care centre, a member of the staff of the centre, or a person involved in the provision of services, whether for payment or not, to the centre to submit to a medical examination the results of which are to be made available to both the person examined and the Director.

## Division 3—Safety

### 52—General obligation

The licensee of a child care centre must ensure—

- (a) that all reasonable action is taken to ensure the comfort, safety and well-being of children being cared for at the centre and that all reasonable precautions are taken to avoid hazards that are likely to cause injury to those children; and
- (b) that children being cared for at the centre are adequately supervised at all times.

### 53—Pools and water receptacles

The licensee of a child care centre must ensure that—

- (a) all paddling pools, water troughs and other water receptacles at the centre are emptied after use and stored in such a manner that they cannot collect water while not in use; and
- (b) unless supervised by an adult, children being cared for at the centre do not have access to a paddling pool, water trough or other body of water in which a child could drown.

### 54—Heating and cooling

The licensee of a child care centre must ensure that—

- (a) at all times when children are being cared for at the centre, the temperature inside the child care centre building is maintained at a level that provides reasonable comfort to the majority of people within the building; and
- (b) all heating and cooling units at the centre that are accessible to children are adequately guarded to prevent—
  - (i) accidental contact with hot surfaces or moving parts; and

- (ii) the emission of sparks or flames.

### **55—Equipment controls**

The licensee of a child care centre must ensure that all equipment controls at the centre are either positioned or guarded so as to be inaccessible to children.

### **56—Fans**

The licensee of a child care centre must ensure that any fan in a room that children have access to while being cared for at the centre is in a fixed position and is inaccessible to children.

### **57—Hazardous appliances**

The licensee of a child care centre must ensure that children do not have access to potentially hazardous appliances at the centre except under adult supervision.

### **58—Safety switch**

The licensee of a child care centre must ensure that an earth leakage protection device, with a tripping current exceeding 30mA, is installed at the centre.

### **59—Hot water**

The licensee of a child care centre must ensure that—

- (a) if children being cared for at the centre have access to hot water in any part of the centre, the temperature of that water is controlled so that it does not exceed 45 degrees Celsius at the point of delivery; and
- (b) any hot water pipes at the centre that may carry water in excess of 45 degrees Celsius are completely encased or are otherwise inaccessible to children.

### **60—Outdoor equipment**

The licensee of a child care centre must ensure that outdoor play equipment at the centre does not constitute a hazard to children because of—

- (a) its lack of structural soundness; or
- (b) the composition or condition of the surfaces under or around the equipment;  
or
- (c) the height from which a child can fall; or
- (d) the likelihood that a child could be pinched, trapped or crushed in the equipment or struck by the equipment; or
- (e) sharp or rough edges or projections or rust.

### **61—Poisonous vegetation**

The licensee of a child care centre must, as far as is reasonably practicable, identify and remove any poisonous vegetation on the centre's premises.

## 62—Animals

The licensee of a child care centre must ensure—

- (a) that any animals kept at the centre are maintained in a clean and healthy condition; and
- (b) that no animal that is likely to be a source of infection or that may constitute a hazard to the health or well-being of children is brought onto or remains on the centre's premises.

## 63—Fencing and gates

- (1) The licensee of a child care centre must ensure that there are fences and gates around any outdoor play space at the centre that prevent the egress of children (without the assistance of an adult) from the centre and are a minimum of 1.2 metres high.
- (2) However, where the child care centre is adjacent to, or within easy access of, any hazard (eg water or a main road) the licensee of the centre must ensure that there are fences and gates around any outdoor play space at the centre that prevent the egress of children (without the assistance of an adult) from the centre and are a minimum of 1.5 metres high or are of pool fencing standard.
- (3) The licensee of a child care centre must ensure that every gate in the perimeter fence of any outdoor play area—
  - (a) is equipped with a self-closing mechanism and a child proof self-locking mechanism; or
  - (b) is kept locked while children are being cared for at the centre.

## Part 9—Facilities and equipment

### 64—Interpretation

- (1) For the purposes of this Part, the useable indoor play space provided by a child care centre includes children's sleeping areas but does not include—
  - (a) passageways; or
  - (b) kitchens, toilets, showers, storage or administration areas or other ancillary areas; or
  - (c) areas taken up by fixed furniture, cupboards or lockers or heating or cooling equipment.
- (2) For the purposes of this Part, the useable outdoor play space provided by a child care centre does not include—
  - (a) permanent storage areas, sheds or other outdoor buildings; or
  - (b) an area surrounding a building if that area is less than 3 metres in width; or
  - (c) other land that is not useable as a play space (eg land used for parking vehicles).

### **65—Indoor play space**

Subject to these regulations, the licensee of a child care centre must ensure that the centre provides a minimum of 3.25 square metres of useable indoor play space for each child permitted to be cared for at the centre<sup>1</sup>.

**Note—**

- 1 See also Schedule 1—Transitional provisions.

### **66—Outdoor play space**

- (1) Subject to these regulations, the licensee of a child care centre must ensure that the centre provides a minimum of 7.00 square metres of useable outdoor play space for each child permitted to be cared for at the centre<sup>1</sup>.
- (2) The Director may exempt the licensee of a child care centre from compliance with subregulation (1) where—
  - (a) the centre provides a minimum of 5.00 square metres of useable outdoor play space for each child cared for at the centre; and
  - (b) the centre provides a minimum of 5.25 square metres of useable indoor play space for each child cared for at the centre; and
  - (c) the Director is satisfied that a lesser outdoor space requirement will not have an adverse effect on children being cared for at the centre.

**Note—**

- 1 See also Schedule 1—Transitional provisions.

### **67—Separate indoor play space for children of different age groups**

The licensee of a child care centre that cares for both children aged under 2 years and for children aged 2 years or over must ensure that the centre is arranged so that children aged under 2 years can use indoor play space that is separate from the indoor play space used by children aged 2 years or over.

### **68—Administration area**

The licensee of a child care centre must ensure that the centre has an area for administration, private consultations with parents and respite for staff.

### **69—Kitchen facilities**

The licensee of a child care centre must ensure that the centre has a kitchen that is equipped with—

- (a) a stove or microwave oven; and
- (b) a refrigerator; and
- (c) a hot water supply.

### **70—Laundering facilities**

The licensee of a child care centre must ensure that—

- (a) the centre has adequate laundering arrangements on the premises or provided through an outside service; and

- (b) the centre provides hygienic facilities, that are inaccessible to children being cared for at the centre, for the storage of soiled clothes, linen and nappies pending their disposal or laundering.

### **71—Change facilities for infants under 3 years**

The licensee of a child care centre must ensure that, if children aged under 3 years are cared for at the centre, the centre is equipped with—

- (a) at least 1 changing bench or mat, with an impervious washable top, for every 10 children aged under 3 years who are cared for at the centre (provided that, if more than 10 children aged under 3 years are cared for at the centre, the centre must be equipped with at least 1 fixed changing bench of a class approved by the Director); and
- (b) a sink type bath equipped with hot and cold running water, in or adjacent to a nappy change area; and
- (c) an electric hand drier or other hand drying facility of a class approved by the Director.

### **72—Sleeping arrangements**

The licensee of a child care centre must ensure that—

- (a) the centre provides a minimum of—
  - (i) 1 cot or other appropriate bedding for each child cared for at the centre who is aged under 2 years; and
  - (ii) 1 bed or mattress for every 2 children cared for at the centre who are aged 2 years or over but under 6 years; and
- (b) the centre provides individual bed linen and blankets for each child aged under 6 years who is cared for at the centre; and
- (c) the centre develops procedures for ensuring that children do not share the same bed linen between laundering; and
- (d) beds, mattresses, cots or other bedding provided by the centre—
  - (i) are of a type approved by the Director; and
  - (ii) are arranged within the centre so as to facilitate adult access to each child while maintaining ease of exit for the child.

### **73—Storage**

The licensee of a child care centre must ensure that there are available, and used, at the centre—

- (a) storage facilities that are secure and inaccessible to children for—
  - (i) cleaning materials;
  - (ii) disinfectants;
  - (iii) flammable, poisonous and other dangerous substances;
  - (iv) tools;
  - (v) toiletries;

- (vi) first aid equipment;
- (vii) medications; and
- (b) adequate storage facilities for indoor equipment; and
- (c) storage space for the personal belongings of each child cared for at the centre (and that, in the case of children aged 3 years or over, is accessible to those children).

#### **74—Display of equipment**

The licensee of a child care centre must ensure that the centre has display areas that are accessible to children being cared for at the centre for the placement or storage of indoor play equipment.

### **Part 10—Exemptions for occasional care**

#### **75—Exemptions for centres providing only occasional care**

- (1) The licensee of a child care centre that provides a maximum of 4 hours of care per child per day may apply to the Director for an exemption from any of the following requirements:
  - (a) the requirements relating to useable outdoor play space (regulation 66);
  - (b) the requirement to provide a separate area for the care of children aged under 2 years (regulation 67);
  - (c) the requirement to provide a fixed changing bench where more than 10 children aged under 3 years are cared for (regulation 71(a));
  - (d) the requirement to provide a sink type bath (regulation 71(b));
  - (e) the requirements relating to sleeping arrangements (regulation 72).
- (2) An exemption may be granted subject to any conditions that the Director thinks fit.

### **Part 11—Extended hours care**

#### **76—Interpretation**

In this Part—

*extended hours care* means the provision of child care services before 6 a.m. or after 9.30 p.m. on any given day.

#### **77—Application of Part**

- (1) This Part only applies where a child care centre provides extended hours care.
- (2) Where a child care centre provides extended hours care, this Part applies in addition to the other requirements contained in these regulations.

#### **78—Toilet and bathing facilities**

Where a child care centre provides extended hours care for children who attend school, the licensee of the centre must provide—

- (a) a bath or shower for children's use in private; and

- (b) an adult sized toilet for children's use in private.

### **79—Bedding**

The licensee of a child care centre must ensure that the centre provides 1 cot, bed or other appropriate sized bedding for each child cared for at the centre during extended hours care.

### **80—Safety equipment**

The licensee of a child care centre that provides extended hours care must ensure that the centre—

- (a) is equipped with a security alarm system of a type approved by the Director; and
- (b) has torches or lanterns of a type approved by the Director available in each room used during extended hours care; and
- (c) is equipped with adequate smoke detection systems.

### **81—Minimum staff on duty**

The licensee of a child care centre must ensure that during extended hours care at the centre there are at least 2 contact staff members on duty at all times.

## **Schedule 1—Transitional Provisions**

### **1—Interpretation**

In this Schedule—

*licensee* in relation to a child care centre, includes a person who becomes a licensee of the centre after the commencement of these regulations;

*the revoked regulations* means the *Child Care Centre Regulations 1985*.

### **2—Qualified contact staff**

- (1) Subject to this clause, a person who was, at any time within the period of 2 years before the commencement of these regulations, approved for employment as trained staff pursuant to the revoked regulations will, on the commencement of these regulations, be taken to have approved qualifications within the meaning of regulation 23.
- (2) If a person to whom this clause applies is not, for a period of more than 2 years, employed as a qualified contact staff member in this State (or in an equivalent capacity in another State or Territory), that person will no longer be taken to have approved qualifications within the meaning of regulation 23.

### **3—Compliance with certain requirements of these regulations not required until 6 months after commencement**

- (1) The licensee of a child care centre in existence at the commencement of these regulations is exempted from compliance with the following regulations until 6 months after that commencement:
  - (a) regulation 35(f), (g) and (i) (Display of certain information);

- (b) regulation 39 (Behaviour management policy);
  - (c) regulation 46(1)(a) (Food policy);
  - (d) regulation 58 (Safety switch);
  - (e) regulation 63(3)(a) (Fencing and gates)—but only as to the requirement for a child proof self-locking mechanism on a gate.
- (2) A licensee must, while exempt under subclause (1)(e), continue to comply with the requirements of regulation 32 of the revoked regulations as to gates being equipped with bolts and latches (and the revoked regulations will, to that extent and for that purpose, continue to apply accordingly).

#### **4—Exemption from useable play space requirements**

The following provisions apply to the licensee of a child care centre in existence at the commencement of these regulations:

- (a) the licensee is exempt from the requirements as to minimum useable indoor and outdoor play space specified in regulations 65 and 66, but only in respect of the number of children permitted to be cared for at the centre as at the date of that commencement;
- (b) the licensee must, while so exempt, continue to comply with the requirements of the revoked regulations as to indoor and outdoor play space for that number of children (and the revoked regulations will, to that extent and for that purpose, continue to apply accordingly);
- (c) if the number of children permitted to be cared for at the centre is increased at any time, the requirements of regulations 65 and 66 will apply in relation to that extra number of children;
- (d) the exemption of a licensee under paragraph (a) will cease on demolition or destruction of the buildings comprising the centre.

#### **5—Exemption from certain other facility requirements**

- (1) The licensee of a child care centre in existence at the commencement of these regulations is exempt from the requirements of—
  - (a) regulation 68 (Administration area); and
  - (b) regulation 73(b) (Storage facilities for indoor equipment).
- (2) The exemption of a licensee under subclause (1) will cease on demolition or destruction of the buildings comprising the centre.

#### **6—Exemption granted under revoked regulations to continue**

Where—

- (a) the number of children cared for at a child care centre at any one time does not exceed 8; and
- (b) the licensee of the centre was, immediately before the commencement of these regulations, exempted from compliance with any requirements under the revoked regulations by reason of that fact,

the licensee will continue to be exempt from any equivalent requirements under these regulations.

## **Schedule 2—Forms**

- 1 Application by a natural person for a licence to conduct a child care centre (regulation 6)
- 2 Application by a body corporate for a licence to conduct a child care centre (regulation 6)
- 3 Application for approval of premises (regulation 7)
- 4 Licence for a child care centre (regulation 13)
- 5 Application for renewal of licence (regulation 14)
- 6 Application for approval of manager (regulation 18)

## Form 1

*Children's Services Act 1985*  
(regulation 6)

### **Application by a natural person for a licence to conduct a child care centre**

#### **To the Director of Children's Services**

*Please read the notes at the end of this form before continuing*

I/We hereby apply for a licence to conduct a child care centre called .....

situated at .....

1 Applicant's full name .....

2 Former names .....

3 Date of birth .....

4 Postal address .....

5 Residential address .....

6 Telephone: Home .....

Business hours .....

7 Provide details of—

- any other child care centre or service (whether here or interstate) you have either operated or been involved in the operation of (whether currently or in the past) including a description of your role and the full name and address of the centre or service; and
- all other relevant experience or training, including the full name and address of the organisation or institution with which experience or training was undertaken, relevant dates and a description of the duties performed or qualifications obtained.

If space provided is insufficient please add annexure.

8 Have you ever—

- lodged an application for a licence to operate a child care centre or service that has been refused (either here or interstate); or
- held a licence to operate a child care centre or service (either here or interstate) that has been cancelled?

If so, please provide details (eg where and when the application was lodged or licence cancelled and the reasons given for the refusal or cancellation):

.....  
.....  
.....  
.....

9 Provide names and contact details for 2 referees (who are not related to the applicant and do not have any pecuniary interest in the granting of the licence) who can provide details relating to the applicant's suitability to conduct a child care centre.

1 .....

.....

2 .....

.....

10 Provide details of any criminal convictions (other than convictions as a juvenile), including a description of the offence, the court that recorded the conviction and the date of conviction, and of any criminal proceedings pending.

.....  
.....  
.....  
.....  
.....

Statutory Declaration:

I .....

of .....

.....

do solemnly and sincerely declare that the information contained in this application is true to the best of my knowledge, information and belief.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date ..... Signature .....

Declared at ..... this ..... day of .....20 .....

before me .....

(signature of JP or other authorised person)

Notes—

- 1 The statutory declaration must be made before a Justice of the Peace, or a proclaimed post master, manager or member of the police force or a commissioner for taking affidavits in the Supreme Court.
- 2 The applicant must also complete the authorisation set out in the annexure to this form.
- 3 Applicants should be aware that the Director cannot grant a licence for a new centre until plans and specifications of the child care centre have been approved in accordance with Part 2 of the *Children's Services (Child Care Centre) Regulations 1998*.
- 4 Applicants should contact the Department of Education, Training and Employment for further information and assistance.

**Annexure to Form 1**

Authorisation to obtain information:

I .....  
authorise the police (whether of this or any other State or place) and any authority administering a law regulating the provision of child care to release to the Director of Children's Services such records or information relating to me as may be in the possession or control of the police or authority.

Date ..... Signature .....

## Form 2

*Children's Services Act 1985*  
(regulation 6)

### **Application by a body corporate for a licence to conduct a child care centre**

#### **To the Director of Children's Services**

*Please read the notes at the end of this form before continuing*

I/We hereby apply for a licence to conduct a child care centre called .....  
situated at .....

1 Name of body corporate .....

2 Registered office (Corporations Law) .....  
..... Postcode .....

3 Postal address .....  
..... Postcode .....

4 Name of person to be contacted for further information .....

Telephone (Bus) ..... A/H .....

5 Provide details of any other child care centre or service (whether here or interstate) that the body corporate has either operated or been involved in the operation of (whether currently or in the past) including a description of the body corporate's role and the full name and address of the centre or service.  
.....  
.....  
.....

6 Has the body corporate ever—

- lodged an application for a licence to operate a child care centre or service that has been refused (either here or interstate); or
- held a licence to operate a child care centre or service (either here or interstate) that has been cancelled?

If so, please provide details (eg where and when the application was lodged or licence cancelled and the reasons given for the refusal or cancellation):  
.....  
.....  
.....

7 Provide details of any criminal convictions recorded against the body corporate, including a description of the offence, the court that recorded the conviction and the date of conviction, and of any criminal proceedings pending.  
.....  
.....  
.....

8 Please list below the names and dates of birth of the chief executive officer, the secretary and each member of the governing body of the body corporate.

NAME	DATE OF BIRTH	POSITION
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Statutory Declaration:

I .....  
of .....

do solemnly and sincerely declare that the information contained in this application is true to the best of my knowledge, information and belief.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date ..... Signature .....  
(Member of governing body or secretary authorised by body corporate to sign on its behalf)

Declared at ..... this ..... day of ..... 20 .....  
before me .....  
(signature of JP or other authorised person)

Notes—

- 1 This form, and the authorisation set out in the annexure to this form, must be completed by a member of the governing body or the secretary authorised by the body corporate to sign on its behalf.
- 2 The statutory declaration must be made before a Justice of the Peace, or a proclaimed post master, manager or member of the police force or a commissioner for taking affidavits in the Supreme Court of South Australia.
- 3 Applicants should be aware that the Director cannot grant a licence for a new centre until plans and specifications of the child care centre have been approved in accordance with Part 2 of the *Children's Services (Child Care Centre) Regulations 1998*.
- 4 Applicants should contact the Department of Education, Training and Employment for further information and assistance.

**Annexure to Form 2**

Authorisation to obtain information:

I [insert name of person].....  
authorise the police (whether of this or any other State or place) and any authority administering a law regulating the provision of child care to release to the Director of Children's Services such records or information relating to [insert name of body corporate] .....  
.....  
as may be in the possession or control of the police or authority.

Date ..... Signature .....  
(Member of governing body or secretary authorised by body corporate to sign on its behalf)

**Form 3**

*Children's Services Act 1985*  
(regulation 7)

**Application for approval of premises**

**To the Director of Children's Services**

*Please read the notes at the end of this form before continuing*

I/We .....  
hereby apply for approval of the attached plans and specifications.

1 Name and address of child care centre:  
.....

2 District Council area .....

3 Full name of applicant .....

4 Postal address of applicant .....

5 Telephone (business hours): .....

6 Current licence number and date of issue of licence (if applicable) .....

7 Maximum number of children proposed to be cared for at the centre at any given time—  
Total number of children .....

Number of children under 2 years .....

Number of children under 3 years .....

8 Proposed hours and days of operation of the centre .....

9 Full name and address of person responsible for the supervision of any building work  
involved in the application (if applicable) .....

10 Estate or interest of the applicant in the premises .....

11 I lodge the block plan, plans and sections and specifications referred to on the back of  
this form.

Date ..... Signature .....

Notes—

- 1 This application must be completed by the licensee or proposed licensee of the child care centre described or, in the case of a body corporate, by a member of the governing body or secretary of the body corporate authorised to apply on behalf of the body corporate.
- 2 Approval of this application by the Director does not relieve the applicant of any obligation to meet requirements of other statutory and local government authorities.
- 3 This application must be accompanied by 2 sets of plans and specifications, including—
  - (a) a block plan drawn to a scale of not smaller than 1 to 200 showing the position of the proposed building in relation to the boundaries of the site and to any existing buildings or outbuildings on the site, or adjacent to the site, and to the thoroughfares, rights of way or lanes upon which the site abuts; the names of adjacent public thoroughfares; the provision for access to such thoroughfares; the position and dimensions of the playground or playgrounds and the height and type of fencing or walls around the playground or playgrounds, and of the street or road entrance to the playground or playgrounds; the position of each toilet, or other fixed sanitary convenience; the cardinal points, the scale to which the plan has been drawn and (if applicable) the signed name and postal address of the architect or other person undertaking the supervision of the erection, alteration or extension of the centre; and
  - (b) a written specification giving details of the materials and method of construction; and
  - (c) plans and sections drawn to a scale of not smaller than 1 to 100 of each floor of the building showing—
    - (i) the internal length, width and height of each room or passageway in figures;
    - (ii) the position of each doorway, window and ventilator and of each fireplace or other provision for heating and cooling;
    - (iii) the area of glazed lighting surface of each window and glazed door;
    - (iv) the proposed purpose and use of each room in the building or proposed building including, where possible, the age-groups to be accommodated in each room;
    - (v) the positions and dimensions of all cloakrooms, toilets, baths, hand-basins, sinks, fixed change benches and built in cupboards;
    - (vi) the location of hot water pipes and the provisions for hot water temperature control devices;
    - (vii) the positions and nature of the fire protection appliances;
    - (viii) the scale to which the plans and sections have been drawn; and
    - (ix) the signed name and postal address of the architect or other person undertaking the supervision of the proposed work (if applicable).
- 4 Before preparing plans and specifications an applicant should contact the Department of Education, Training and Employment for further information and assistance in relation to the details required by the Director in the plans and specifications to be lodged with this form.

## Form 4

*Children's Services Act 1985*  
(regulation 13)

### Licence for a child care centre

Licence No .....

The Director of Children's Services grants a licence to .....  
.....  
of .....  
to operate a child care centre known as .....  
situated at ..... ("the centre")  
for a period of 2 years from .....  
subject to the provisions of the *Children's Services Act 1985*.

#### Conditions

- 1 The number of children to be cared for at the centre at any given time must not exceed:  
..... children in total.
- 2 Additional conditions (if any):  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Date .....  
.....  
Director of Children's Services



8 Provide details of any criminal convictions or criminal proceedings pending of which the Director has not previously been notified.

.....  
.....  
.....  
.....  
.....

Statutory Declaration:

I .....  
of .....

do solemnly and sincerely declare that—

- as the holder of licence No ..... issued by the Director of Children's Services on ..... I have at all times complied with the obligations and requirements of a licensee under the *Children's Services Act 1985*; and
- the information contained in this application is true to the best of my knowledge, information and belief.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date ..... Signature .....

Declared at ..... this ..... day of ..... 20 .....

before me .....

(signature of JP or other authorised person)

Notes—

- 1 Where the applicant is a body corporate this form must be completed by a director or the secretary authorised by the body corporate to sign on its behalf, and that person must also, on behalf of the body corporate, complete the statutory declaration set out above and the authorisation set out in the annexure to this form.
- 2 The statutory declaration must be made before a Justice of the Peace, or a proclaimed post master, manager or member of the police force or a commissioner for taking affidavits in the Supreme Court.
- 3 Applicants should contact the Department of Education, Training and Employment for further information and assistance.

**Annexure to Form 5**

Authorisation to obtain information:

I .....  
authorise the police (whether of this or any other State or place) and any authority administering a law regulating the provision of child care to release to the Director of Children's Services such records or information relating to me as may be in the possession or control of the police or authority.

Date ..... Signature .....

## Form 6

*Children's Services Act 1985*  
(regulation 18)

### Application for approval of manager

#### Part A—To be completed by licensee

- 1 Full name of licensee .....
  - 2 Name and address of child care centre .....
  - 3 Current licence number .....
  - 4 Date of issue of current licence .....
  - 5 Provide the following details of the proposed manager of the child care centre described above: .....
- Full name of proposed manager: .....
- Length of time that the licensee has known the person named as proposed new manager: .....

#### Part B—To be completed by the proposed manager

- 1 Full name .....
- 2 Former names .....
- 3 Date of birth .....
- 4 Postal address .....
- 5 Residential address .....
- 6 Telephone: Home .....
- Business hours .....
- 7 Provide details of all relevant experience or training, including the full name and address of the organisation or institution with which experience or training was undertaken, relevant dates and a description of the duties performed or qualifications obtained.  
If space provided is insufficient please add annexure.  
.....  
.....  
.....
- 8 Provide names and contact details for 2 referees (not related to the applicant) who may be able to provide details relating to the applicant's suitability to conduct a child care centre.
  - 1 .....
  - 2 .....

- 9 Provide details of any criminal convictions (excluding any offences or convictions as a juvenile) including a description of the offence, the court that recorded the conviction and the date of conviction.

.....  
.....  
.....  
.....

Statutory Declaration:

I .....  
of .....

do solemnly and sincerely declare that the information contained in this application is true to the best of my knowledge, information and belief.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Date ..... Signature .....

Declared at ..... this ..... day of ..... 20 .....

before me .....

(signature of JP or other authorised person)

Notes—

- 1 If the licensee of a child care centre is a natural person, the proposed manager may be the licensee (and in that case approval is not required).
- 2 A child care centre may have more than one approved manager.
- 3 The statutory declaration must be made by the proposed manager before a Justice of the Peace, or a proclaimed post master, manager or member of the police force or a commissioner for taking affidavits in the Supreme Court.
- 4 The proposed manager must also complete the authorisation set out in the annexure to this form.
- 5 Licensees should contact the Department of Education, Training and Employment for further information and assistance.

**Annexure to Form 6**

Authorisation to obtain information:

I .....

authorise the police (whether of this or any other State or place) and any authority administering a law regulating the provision of child care to release to the Director of Children's Services such records or information relating to me as may be in the possession or control of the police or authority.

Date ..... Signature .....

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Children's Services (Child Care Centre) Regulations 1998* were revoked by r 7 of the *Regulation (Education and Early Childhood Services) Variation and Revocation Regulations 2011* on 1.1.2012.

### Principal regulations

Year	No	Reference	Commencement
1998	207	<i>Gazette 3.12.1998 p1749</i>	3.4.1999: r 2