

South Australia

# Children's Services (Membership of Committees) Regulations 2001

under the *Children's Services Act 1985*

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### Legislative history

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Children's Services (Membership of Committees) Regulations 2001*.

### 5—Interpretation

In these regulations, unless the contrary intention appears—

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

*regional advisory committee* see Part 4.

## **Part 2—Returning officer**

### **6—Returning officer**

- (1) For the purposes of elections conducted under these regulations, the Director is to be the returning officer.
- (2) Subject to the Act and these regulations, the procedure of an election may be determined by the returning officer.
- (3) The returning officer has responsibility for ensuring that elections are conducted in accordance with these regulations.

## **Part 3—Children's Services Consultative Committee**

### **7—Term of office of elected members of Children's Services Consultative Committee**

An elected member of the Children's Services Consultative Committee holds office for a term of 1 year and, on the expiration of that term, is eligible for re-election.

### **8—Election of members of Children's Services Consultative Committee**

For the purposes of section 15(2)(a) of the Act, each regional advisory committee is to elect 2 of its members (being persons whose children are enrolled at, or attending establishments that provide different kinds of children's services) to be members of the Children's Services Consultative Committee.

### **9—Constitution of panel**

The panel from which 6 persons are to be selected by the Minister for appointment to the Children's Services Consultative Committee under section 15(2)(b) of the Act is to consist of persons nominated as follows:

- (a) each regional advisory committee is to nominate 2 of its members, being persons involved in the provision of different kinds of children's services; and
- (b) each of the following organisations is to nominate 1 person involved in the provision of children's services:
  - (i) South Australian Association of Community Based Child Care Centres Inc.;
  - (ii) Toy Libraries Association of South Australia Inc.;
  - (iii) Playgroups Association of South Australia Inc.;
  - (iv) National Association of Community Based Children's Services Inc.;
  - (v) Australian Early Childhood Association Inc.;
  - (vi) Preschool Directors Association Inc..

## **Part 4—Regional advisory committees**

### **10—Membership of regional advisory committees**

- (1) For the purposes of section 22 of the Act—
- (a) the regional advisory committee for the area of the State designated by the Minister as the Northern Metropolitan Region is to consist of 34 members of whom—
    - (i) 7 are to be appointed on the nomination of the Director; and
    - (ii) 1 is to be appointed on the nomination of the Local Government Association; and
    - (iii) 18 are to be elected, in accordance with these regulations, by persons whose children are enrolled at, or attending, any establishment that provides children's services within the Northern Metropolitan Region; and
    - (iv) 8 are to be elected, in accordance with these regulations, by persons involved in the provision of children's services within the Northern Metropolitan Region; and
  - (b) the regional advisory committee for the area of the State designated by the Minister as the Eastern Metropolitan Region is to consist of 32 members of whom—
    - (i) 7 are to be appointed on the nomination of the Director; and
    - (ii) 1 is to be appointed on the nomination of the Local Government Association; and
    - (iii) 16 are to be elected, in accordance with these regulations, by persons whose children are enrolled at, or attending, any establishment that provides children's services within the Eastern Metropolitan Region; and
    - (iv) 8 are to be elected, in accordance with these regulations, by persons involved in the provision of children's services within the Eastern Metropolitan Region; and
  - (c) the regional advisory committee for the area of the State designated by the Minister as the Southern Metropolitan Region is to consist of 34 members of whom—
    - (i) 7 are to be appointed on the nomination of the Director; and
    - (ii) 1 is to be appointed on the nomination of the Local Government Association; and
    - (iii) 18 are to be elected, in accordance with these regulations, by persons whose children are enrolled at, or attending, any establishment that provides children's services within the Southern Metropolitan Region; and

- (iv) 8 are to be elected, in accordance with these regulations, by persons involved in the provision of children's services within the Southern Metropolitan Region; and
- (d) the regional advisory committee for the area of the State designated by the Minister as the Western Metropolitan Region is to consist of 32 members of whom—
  - (i) 7 are to be appointed on the nomination of the Director; and
  - (ii) 1 is to be appointed on the nomination of the Local Government Association; and
  - (iii) 16 are to be elected, in accordance with these regulations, by persons whose children are enrolled at, or attending, any establishment that provides children's services within the Western Metropolitan Region; and
  - (iv) 8 are to be elected, in accordance with these regulations, by persons involved in the provision of children's services within the Western Metropolitan Region; and
- (e) the regional advisory committee for the area of the State designated by the Minister as the Northern Country Region is to consist of 32 members of whom—
  - (i) 7 are to be appointed on the nomination of the Director; and
  - (ii) 1 is to be appointed on the nomination of the Local Government Association; and
  - (iii) 16 are to be elected, in accordance with these regulations, by persons whose children are enrolled at, or attending, any establishment that provides children's services within the Northern Country Region; and
  - (iv) 8 are to be elected, in accordance with these regulations, by persons involved in the provision of children's services within the Northern Country Region; and
- (f) the regional advisory committee for the area of the State designated by the Minister as the Southern Country Region is to consist of 32 members of whom—
  - (i) 7 are to be appointed on the nomination of the Director; and
  - (ii) 1 is to be appointed on the nomination of the Local Government Association; and
  - (iii) 16 are to be elected, in accordance with these regulations, by persons whose children are enrolled at, or attending, any establishment that provides children's services within the Southern Country Region; and
  - (iv) 8 are to be elected, in accordance with these regulations, by persons involved in the provision of children's services within the Southern Country Region.

## **11—Terms and conditions of membership of regional advisory committees**

- (1) An elected member of a regional advisory committee holds office for a term of 1 year and, on the expiration of that term, is eligible for re-election.
- (2) An appointed member of a regional advisory committee holds office for a term of 1 year and, on the expiration of the member's first term of office, is eligible for reappointment for not more than 2 further terms of office.
- (3) The Director may remove a member of a regional advisory committee from office—
  - (a) for misconduct; or
  - (b) for failure or incapacity to carry out official duties satisfactorily.
- (4) The office of a member of a regional advisory committee becomes vacant if the member—
  - (a) dies; or
  - (b) completes his or her term of office and is not re-elected or reappointed; or
  - (c) resigns by written notice to the Director; or
  - (d) is absent from 3 successive meetings without proper excuse; or
  - (e) is removed from office under subregulation (3).

## **12—Procedure at meetings of regional advisory committees**

- (1) A quorum of a regional advisory committee consists of 7 elected members of whom at least 4 must be parents of children enrolled at, or attending, an establishment that provides children's services.
- (2) If the person appointed to chair a regional advisory committee is absent from a meeting of the committee, a person chosen by the members present at the meeting will preside.
- (3) A decision carried by a majority of the votes cast by the members present at a meeting of a regional advisory committee is a decision of the committee.
- (4) Each member present at a meeting of a regional advisory committee has 1 vote on any question arising for decision and, if the votes are equal, the person presiding may exercise a casting vote.
- (5) Regional advisory committee meetings are to be open to observers who may, at the discretion of the members present, take part in the business of the meeting but may not vote on any question arising for decision at the meeting.
- (6) Each regional advisory committee must, at least once each year, invite each establishment that provides children's services within its region to send one or more observers to attend a meeting of the committee.
- (7) Subject to the Act and these regulations, the business of a regional advisory committee is to be conducted in such manner as it determines.

## **13—Validity of acts of regional advisory committees**

An act or proceeding of a regional advisory committee is not invalid by reason of a vacancy in the membership of the committee or a defect in an appointment or election to the committee.

## 14—Election of parents to regional advisory committees

- (1) For the purposes of an election of members of a regional advisory committee by persons whose children are enrolled at, or attending, an establishment that provides children's services, the area of the State in relation to which the committee is established is to be divided into a number of subregions determined in accordance with the following formula:

$$N = \frac{n}{2}$$

where—

*N* is the number of subregions; and

*n* is the number of members to be elected.

- (2) An election under this regulation is to be conducted at a time and place determined by the returning officer.
- (3) Each establishment may nominate a person who is a parent of a child enrolled at, or attending the establishment, to attend at the election.
- (4) At an election, the persons nominated to attend must elect two persons to be members of the regional advisory committee, being parents of children enrolled at, or attending establishments that provide different kinds of children's services.

## 15—Election of service providers to regional advisory committee

- (1) For the purposes of an election of members to a regional advisory committee by persons involved in the provision of children's services, each of the following groups of persons must elect 1 person from their number to be a member of the committee:
- (a) persons involved in the provision of toy libraries; and
  - (b) persons involved in the provision of playgroups; and
  - (c) persons involved with kindergartens that are registered children's services centres or that were registered under the repealed Act as affiliated kindergartens; and
  - (d) persons involved with licensed child care centres that operate on a non-profit basis; and
  - (e) public sector employees involved in the provision of family day care; and
  - (f) persons involved in the provision of occasional care services; and
  - (g) persons involved in the provision of Out of School Hours and Vacation Care services; and
  - (h) persons involved with child parent centres, pre-schools provided by non-government schools, and any other children's services not specified in the preceding paragraphs.
- (2) An election under this regulation is to be conducted by means of a postal ballot or at a meeting of a particular group of persons at a time and place determined by the returning officer.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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 (Membership of Committees) Regulations 2001* were revoked by r 8 of the *Regulation (Education and Early Childhood Services) Variation and Revocation Regulations 2011* on 1.1.2012.

### Legislation revoked by principal regulations

The *Children's Services (Membership of Committees) Regulations 2001* revoked the following:

*Children's Services Act (Membership of Committees) Regulations 1986*

### Principal regulations and variations

Year	No	Reference	Commencement
2001	209	<i>Gazette 30.8.2001 p3464</i>	1.9.2001: r 2
2003	188	<i>Gazette 28.8.2003 p3403</i>	30.8.2003: r 2
2010	11	<i>Gazette 28.1.2010 p356</i>	Pt 2 (r 4)—1.2.2010: r 2

### Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.8.2003</i>
<i>r 3</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.8.2003</i>
<i>r 4</i>	<i>revoked by 188/2003 r 4</i>	<i>30.8.2003</i>
Pt 4		
r 15		
r 15(1)	varied by 11/2010 r 4	1.2.2010

## Historical versions

30.8.2003