

NORTHERN TERRITORY OF AUSTRALIA

COMMUNITY WELFARE (CHILD CARE) REGULATIONS

As in force at 11 December 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 11 December 1996

COMMUNITY WELFARE (CHILD CARE) REGULATIONS

Regulations under the *Community Welfare Act*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Community Welfare (Child Care) Regulations*.

2 Definitions

In these Regulations, unless the contrary intention appears:

application means an application under section 83(2) of the Act.

indoor play space means play space of not less than 3 metres square having a roof and a floor.

licence means a licence granted under section 83(3) of the Act.

outdoor play space means play space which is not indoor play space.

play space means space freely accessible to children, other than:

- (a) space containing furniture or other objects which may unduly interfere with reasonable children's play;
- (b) toilets, bathrooms, nurseries, kitchens and storage and office areas; and
- (c) service or utility areas, sheds, garden beds, pool areas and motor vehicle parking areas.

Part II Child care centres

3 Register of child care centres

- (1) The Minister shall cause to be kept a register of child care centres.
- (2) The Minister shall cause to be entered in the register such particulars in relation to each licence as he thinks fit.

4 Standards, &c., for child care centres

- (1) The Minister may, from time to time, publish a document setting out what he considers to be appropriate:
 - (a) standards relating to the design, use and construction of buildings to be used as and the quantity and quality of equipment to be used in;
 - (b) qualifications to be held by licensees of and persons employed in; and
 - (c) standards relating to the conduct of,
child care centres.
- (2) The Minister shall cause a notice of the publication of a document referred to in subregulation (1) to be published in the *Gazette* and indicating where copies of the document may be purchased or otherwise obtained.

5 Grant of licence

- (1) The Minister may refuse to grant a licence where the applicant for the licence, on being requested by the Minister to do so:
 - (a) does not appear before the Minister; or
 - (b) refuses or fails, within the time approved by the Minister, to:
 - (i) furnish to the Minister information pertaining to the application; or
 - (ii) produce to the Minister documents pertaining to the application,requested by the Minister.

- (2) In the exercise of his discretion to grant or refuse to grant a licence, the Minister may take into account a report given to him by a person he has directed to inspect the premises specified in the application for the licence and the Minister may so direct a person for that purpose.
- (3) Without limiting the Minister's discretion under section 83(3) of the Act, in forming his opinion as to whether:
 - (a) premises specified in an application are suitable for use as a child care centre;
 - (b) an applicant is a suitable person to have the conduct or control of the child care centre to which his application relates and the persons proposed to be employed at the child care centre are suitable persons to be so employed; and
 - (c) the arrangements proposed for the conducting of the child care centre are otherwise suitable,the Minister may have regard to the standards and qualifications specified in a document published under regulation 4 by him.
- (4) The Minister may, by reference to a provision in a document published under regulation 4 by him and specified in the licence document, make compliance with that provision a condition of the licence.

6 Cancellation of licence

- (1) For the purposes of section 86 of the Act, the grounds for the cancellation of a licence are:
 - (a) the voluntarily surrender of the licence;
 - (b) the structural or other alteration of the premises of the child care centre without the Minister's approval first having been obtained;
 - (c) the conviction of the licensee for an offence of such a kind as, in the opinion of the Minister, to make him unsuitable to conduct or control a child care centre or of an offence against the Act or these Regulations;
 - (d) the failure of the licensee to operate the premises to which the licence relates as a child care centre for a continuous period of not less than 3 months;
 - (e) the failure of the licensee to carry out the obligations and duties imposed on him by these Regulations; or

- (f) the failure of the licensee to comply with a condition of his licence.
- (2) The Minister shall, not later than 21 days before the date on which he intends to cancel a licence, by notice in writing, advise the licensee of his intention to cancel the licence and his reasons for so intending.

7 Maximum number of children

The maximum number of children who may be received into a child care centre is:

- (a) the number specified in the licence in respect of the child care centre; or
- (b) where there is no maximum number so specified:
 - (i) a number that will permit, for each child, not less than 14 m² of outdoor play space and 3.25 m² of indoor play space; or
 - (ii) a number less than that determined in subparagraph (i), being the number of children for whom the applicant, in the opinion of the Minister, is capable of providing adequate care,

but, in any case, not more than 75.

8 Notice to be displayed at certain child care centres

The licensee of a child care centre which does not have an outdoor play space shall cause to be conspicuously displayed at the child care centre a notice, printed in plain type, in the form of the Schedule.

9 Conditions of licence

- (1) Without derogating from section 83(3) of the Act, it is a condition of every licence that the licensee will:
 - (a) ensure that the child care centre is conducted in accordance with the *Public Health Act* and the *Planning Act* (including instruments of a legislative or administrative nature made under those Acts);
 - (b) ensure that the numbers of children (including children of the licensee, of persons employed at the child care centre and of relatives, neighbours or friends of the licensee or those persons so employed) present at the child care centre at any

time does not exceed the maximum number that may lawfully be received into the child care centre.

- (c) ensure that a child who is brought to the child care centre is not returned, without the written permission of a parent or other person having authority over the child, otherwise than to a parent or other person having authority over the child;
 - (d) insure himself and the person from time to time responsible for the safety of the children at the child care centre against personal liability in respect of the death of or injury to a child at the child care centre for an amount fixed from time to time by the Minister by notice in the *Gazette*;
 - (e) ensure that proper and effective supervision of the children being cared for at the child care centre is provided and maintained; and
 - (f) subject to regulation 11, permit and encourage a parent or other person having authority over a child who is enrolled at the child care centre, or a person nominated in writing by the parent or that other person, to visit the child at any time.
- (2) For the purposes of subregulation (1)(d), the Minister may from time to time, by notice in the *Gazette*, fix an amount as the minimum amount of insurance against personal liability of the licensee of, and the person from time to time responsible for the safety of the children at, a child care centre.

10 Renewal of licence

A person desiring to renew a licence shall, not later than 28 days before the expiration of the licence, apply to the Minister for that renewal.

11 Infected children and adults

The licensee or person in charge of a child care centre shall not permit a child or an adult, whom he suspects on reasonable grounds to be suffering from a disease, other than the common cold, which is reasonably likely to be communicated to a child, to enter or remain on or in a child care centre.

Penalty: \$500.

12 Maximum period in child care centre

For the purpose of section 89 of the Act, the prescribed period in the case of child care centre which does not have an outdoor play space is 4 hours in any period of 8 hours.

Schedule

regulation 8

NOTICE

OUTDOOR PLAY SPACE

Under the *Community Welfare (Child Care) Regulations*, this child care centre has been licensed as a child care centre which does not have an outdoor play space. A requirement of the Regulations is that a child shall not remain at the child care centre for a period longer than 4 hours in any period of 8 hours. Would you please ensure that your child does not remain at this child care centre in excess of that period.

ENDNOTES

1

KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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LIST OF LEGISLATION

Community Welfare (Child Care) Regulations (Act No. 14, 1987)

Notified	25 February 1987
Commenced	25 February 1987

Amendment of Community Welfare (Child Care) Regulations (Act No. 55, 1996)

Notified	11 December 1996
Commenced	11 December 1996

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LIST OF AMENDMENTS

r 7 amd No. 55, 1996