

**Key changes to the *Children's Services Regulation 2004* and the *Children and Young Persons (Care and Protection) Act 1998***

Requirements from January 2011	Requirements prior to January 2011
<b>Part 2 Licensing, approvals &amp; probity</b>	
<p>Part 2 has been restructured to reflect the new licensing system which provides for separate provider licences, children's service approvals and supervisor approvals. The capacity to issue separate licences and approvals is established by the <i>Children &amp; Young Persons (Care &amp; Protection) Amendment (Children's Services) Act 2010</i> which also commences on 1 January 2011.</p> <p>Current licensees will be treated as holding a single provider licence and a separate service approval for every service that they operate. Licensees will no longer need to vary their licence when they engage a new approved authorised supervisor for their service, or if they want to take over a service that has already been approved.</p>	<p>Part 2 previously reflected the old licensing system which provided for a single licence to be issued allowing a provider to operate a particular children's service and specifying the authorised supervisor for that service.</p>
<p>A person is no longer required to advertise their intention to apply for a licence or approval.</p>	<p>Previously, a person was required to advertise their intention to apply for a licence (cl 20).</p>
<p>Licences and approvals may now be granted without a fixed term.</p>	<p>Licences could be granted for a term not exceeding 5 years (cl 24).</p>
<b>Part 3 Facilities and equipment requirements</b>	
<p>Children's services may provide cots that comply with the requirements of either <i>AS/NZ Standard 2172: 2010, Cots for household use- Safety requirements</i> or <i>AS/ NZ Standard 2195: 2010- Folding cots-Safety requirements</i> (cl 36(6)).</p>	<p>Children's services previously had to comply with <i>AS/ NZ Standard 2172: 2003: Cots for household use-Safety requirements</i> (cl 36(6)).</p>
<p>Clause 41(1) now states that each premises of a children's service must have a suitably equipped and well stocked first aid kit.</p>	<p>Previously, children's services had to be equipped with a first aid kit as approved by the WorkCover Authority under the <i>Occupational Health &amp; Safety Act 2000</i>.</p>
<p>Clause 42(3) now requires the licensee of a children's service to ensure that records are kept of the testing of fire protection equipment.</p>	<p>Clause 42 did not previously require records to be kept of the testing of fire protection equipment.</p>
<b>Part 4 Staffing Requirements for centre based &amp; mobile services</b>	
<p>A staff to child ratio of 1: 4 for children aged under 2 years is now required under clause 53(1)(a).</p>	<p>A staff to child ratio of 1:5 for children under two years was previously required under clause 53(1)(a).</p>
<b>Part 5 Child number requirements for centre based &amp; mobile services</b>	
<p>There is no longer a cap on the total number of children who may attend a service. The maximum number is that which is specified on the approval (cl 58(1)).</p>	<p>The maximum number of children able to attend a service was 90 (cl 58(2)).</p>

**Note:** This document is a summary of key changes to the Regulation only. For full details of all changes please refer to the *Children's Services Amendment Regulation 2010*.

<b>Requirements from January 2011</b>	<b>Requirements prior to January 2011</b>
There is no longer a cap on the number of children aged 2 to under 6 years who may attend a service.	The maximum number of children aged 2 to under 6 years able to attend a service was 60 (cl 58(2)(b)).
The maximum number of children under 2 years who may attend a service is now 40 (cl 58(2)).	The maximum number of children under 2 years able to attend a service was 30 (cl 58(2)(a)).
Children aged under 2 years must now be supervised in groups of not more than 12 (cl 61(a)).	Children aged under 2 years were to be supervised in groups of not more than 10 (cl 61(a)).
<b>Part 6 Operational Requirements</b>	
The licensee and authorised supervisor of a children's service must ensure that a risk assessment is carried out prior to an excursion (cl 77A).	There was no previous requirement to undertake a risk assessment prior to an excursion.
<b>Part 7 Administrative Requirements</b>	
A licensee who intends to transfer a service to another licensee and the licensee who intends to provide that service must each give 6 weeks written notice of this intention. Also, within one week of the new licensee starting, both parties must give written notice of this (cl 111A)	There was previously no equivalent provision in the Regulation.
A licensee must notify the Director-General within 2 weeks of appointing an authorised supervisor (AS) and within 2 weeks of a person ceasing to be an AS (cl 113A).	Clause 102, which required the licensee to apply to have a new AS appointed, and clause 105, which required the licensee to give notice 1 week before a new AS commenced duty, have been deleted.
An authorised supervisor must immediately provide written notice to the Director-General if he or she is charged with or convicted of a notifiable offence (cl 114(2))	There was previously no equivalent provision in the Regulation.
<b>Part 9 Miscellaneous</b>	
A person who has been served with a compliance notice may apply to the Director-General for a review of this decision (cl 123A). The power to issue a compliance notice is provided in the Act.	There was previously no equivalent provision in the Regulation.
Community Services will publish a register of all provider licenses, and children's service and authorised supervisor approvals along with information about compliance and enforcement actions. This may include information about enforceable undertakings (cl 123B).	There was previously no equivalent provision in the Regulation.
Clause 124A allows a penalty notice to be issued for failure to comply with a compliance notice (cl 124A). The power to issue penalty notices is in the Act.	There was previously no equivalent provision in the Regulation.

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