

**CHILDREN (CARE AND PROTECTION) ACT 1987—  
REGULATION**

(Relating to the conditions of a licence for a family day care service)

NEW SOUTH WALES



*[Published in Gazette No. 83 of 24 June 1994]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Children (Care and Protection) Act 1987, has been pleased to make the Regulation set forth hereunder.

Jim Longley  
Minister for Community Services.

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**Commencement**

1. This Regulation commences on 1 July 1994.

**Amendments**

2. The Family Day Care Services Regulation 1989 is amended:
    - (a) by inserting in clause 10 (b) (i) after the words “children under the age of 6 years” the words “who do not ordinarily attend school and”;
    - (b) by omitting clause 10 (b) (ii) and by inserting instead the following subparagraph:
      - (ii) the number of children under the age of 6 years who do not ordinarily attend school and who are related to the caregiver and whom the caregiver educates, minds or cares for,
    - (c) by inserting in clause 10 (c) after the words “children under the age of 6 years”, wherever occurring, the words “who do not ordinarily attend school”.
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**EXPLANATORY NOTE**

At present, it is a condition of a licence for a family day care service that a registered caregiver have no more than 5 children under the age of 6 in his or her care at any one time (including children related to the caregiver). The object of this Regulation is to replace this restriction with a restriction based on the number of children under age 6 who do not ordinarily attend school that may be cared for by a registered caregiver at any one time.

The Regulation makes it a condition of a licence that a registered caregiver have no more than 5 children under the age of 6 who do not ordinarily attend school in his or her care at any one time (including children related to the caregiver). It remains a condition of a licence that the registered caregiver not have more than 7 children under the age of 12 in his or her care at any one time (including any children under age 6 who do not ordinarily attend school).

This Regulation is made under the Children (Care and Protection) Act 1987, including section 124 (1) (a) and Schedule 1 (6).

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