

Health (Children's Services) Bill

EXPLANATORY MEMORANDUM

Clause 1 cites the purpose of the Bill, which is to amend the *Health Act 1985* to regulate the conduct of children's services.

Clause 2 provides for the Bill to come into operation on a day to be proclaimed.

Clause 3 cites the *Health Act 1958* as the Principal Act.

Clause 4 changes the title of Part XIA of the Principal Act from "Child Minding Centres" to Children's Services Centres".

Clause 5 (1) inserts definitions of "Children's Services Centre", "Guardian" and "Registered Children's Services Centre" and amends the definition of "Proprietor".

(2) provides situations which are exempt from the operation of Part XIA.

Clause 6 provides the circumstances in which a person is deemed to conduct a children's services centre and also provides that it is an offence to conduct a centre which is not registered or conducted in accordance with Part XIA or the regulations.

Clause 7 amends the powers, provided in section 208BA of the Principal Act, of authorized persons to question individuals when it is suspected that a children's services centre is being conducted.

Clause 8 amends section 208C of the Principal Act, which concerns the registration of centres.

8 (a) makes consequential amendments to sub-section (1)

8 (b) makes consequential amendments to sub-section (4) and introduces a requirement for the Director-General, in assessing an application for registration, to also consider the suitability of a nominated person who will control a centre in the absence of a proprietor.

8 (c) inserts sub-sections (4A) and (4B)

(4A) provides that the Director-General may require a person applying for registration, and any nominated person who will manage the centre in the applicant's absence, to submit to any medical or psychiatric examination which the Director-General considers appropriate.

(4B) provides that the conditions placed on a certificate of registration shall include:

- (i) the maximum number of places for children at the centre;
- (ii) the ages of children who may attend the centre;
- (iii) that no more than 30 per cent of the places may be filled by children over the age of six or who attend school;
- (iv) that the proprietor or a nominated person must be present at the centre at all times when it is open; and
- (v) that the registration is suspended when a proprietor relinquishes ownership, occupation, care or management of the centre, until the registration is transferred to a person approved by the Director-General.

8 (d) makes consequential amendments to sub-section (5).

Clause 9 substitutes "children's services" for "child minding" wherever it occurs in Section 208D of the Principal Act.

Clause 10 substitutes a new section 208E in the Principal Act.

Section 208E (1) requires the proprietor of a centre to notify the Director-General if the proprietor proposes to relinquish the ownership, occupation, care, or management of the centre, or if a nominated person will no longer be present to control the centre in the absence of the proprietor.

Section 208E (2) provides that the Director-General may transfer the registration of a centre to another person or to another premises, if the Director-General is satisfied that this is appropriate.

Clause 11 makes consequential amendments to Section 208FA of the Principal Act.

Clause 12 makes consequential amendments to Section 208G of the Principal Act.

Clause 13 makes consequential amendments to Section 208H of the Principal Act.

Clause 14 makes changes to the regulation making powers of Section 208I.

14 (a), (b) and (c) make consequential amendments and provide the power to make regulations concerning the qualifications and training of persons operating or employed in centres.

14 (d) provides that regulations may:

- (i) allow the Director-General to exempt any centres or classes of centres from being registered, in accordance with prescribed requirements or standards;
- (ii) be general or specific; and
- (iii) differ according to differences in time, place, or circumstances.

Clause 15 substitutes “children’s services” for “child minding” where it occurs in the Principal Act outside of Part XIA.

Clause 16 concerns transitional and savings provisions in relations to regulations and registration of centres prior to commencement of the amendments to the Principal Act.