



THE CHILD CARE CENTRE REGULATIONS 1985

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 25th day
of March 1985

Present:

THE HON. R. O. DOUGLAS PRESIDING IN COUNCIL

PURSUANT to the Children and Young Persons Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

PART I

PRELIMINARY

1. Title and commencement—(1) These regulations may be cited as the Child Care Centre Regulations 1985.

(2) These regulations shall come into force on the 1st day of April 1985.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Children and Young Persons Act 1974:

“Child care centre” or “centre” means any premises which are or purport to be mainly for the care of 3 or more children under the age of 7 years by the day or for part of the day or for any period of less than 8 consecutive days, whether for reward or not; but does not include—

(a) Any residence within the meaning of the Act:

(b) Any home registered under Part IX of the Act:

(c) Any foster home under Part VIII of the Act when the number of children who are cared for in that home and who are not children of the foster parent does not exceed the number of infants which the foster parent is licensed to receive and maintain in that home:

(d) Any registered school within the meaning of the Education Act 1964 (whether or not residential accommodation is provided for children):

(e) Any free kindergarten recognised by the Minister of Education:

(f) Any nursery playcentre recognised by the Director-General of Education:

(g) Any licensed private hospital:

(h) Any institution under the control of the Department of Health or of an area health board or of a Hospital Board:

(i) Any institution within the meaning of the Hospitals Act 1957:

(j) Any hospital within the meaning of the Mental Health Act 1969:

(k) Any children's health camp within the meaning of the Children's Health Camps Act 1972:

(l) Any premises in which all the children are members of the one family in the care of a relative:

“Director-General” means the Director-General of Social Welfare:

“Licence” means a licence granted under these regulations:

“Licensee” means the person named in the licence issued under these regulations in respect of any child care centre as being the person responsible for the control and operation of the child care centre, either on the person's own behalf or on behalf of any incorporated or unincorporated body:

- “Premises” includes any building, enclosure, ground, or open-air space:
 “Relative”, in relation to any child, means a parent, step-parent, grandparent, brother, sister, or uncle or aunt (whether by consanguinity or affinity):
 “Supervisor” means the person who is directly involved in and responsible for the health, comfort, care, education, and safety of the children received in a child care centre.

PART II

LICENSING

3. Child care centres to be licensed—No premises shall be used as a child care centre except under the authority of and in accordance with the terms of a licence granted by the Director-General under these regulations.

4. Application for licence—(1) Every application for the licensing of any premises as a child care centre under these regulations shall be made on a form prescribed by the Director-General for the purpose.

(2) Every such application shall state the full name, residential address, and age of the proposed licensee, being a person who has attained the age of 20 years.

(3) Every such application shall incorporate or be accompanied by a floor plan of the buildings and a sketch map of the entire premises showing their dimensions and clearly indicating the uses to which each part of the buildings and premises will be put.

(4) Every such application shall state—

- (a) The full name, age, and residential address of the proposed supervisor, being a person who has attained the age of 20 years:
- (b) The full names and addresses of two referees, and evidence as to the character, temperament, and suitability for the care of children of the proposed supervisor:
- (c) The name of each proposed staff member, and evidence of all qualifications held by each proposed staff member:
- (d) The maximum number of children proposed to be in the centre at any one time:
- (e) Whether it is proposed that the children attending the centre shall belong to any specified age group or other special group or category:
- (f) The purposes and aims of the centre, the proposed methods of achieving those purposes and aims, and the educational programme to be undertaken at the centre:
- (g) The hours and days or occasions during or upon which it is proposed that the centre shall be open:
- (h) The arrangements to be made for the serving of food and drink to children attending the centre.

5. Grant of licence—Subject to regulation 7 of these regulations, within 30 days after receiving an application for a licence, the Director-General shall grant it if the Director-General is satisfied—

- (a) That the premises and equipment comply with the standards required under Part III of these regulations and are generally suitable for the purposes of a child care centre; and
- (b) That the staffing and the standard of care in the centre are likely to comply with the standards required under Part III of these regulations; and
- (c) That the supervisor of the centre is a suitable person to care for children.

6. Provisional licence—(1) Notwithstanding anything in regulation 5 of these regulations but subject to regulation 7 of these regulations, the Director-General may grant a provisional licence in respect of any child care centre which does not fully comply with the requirements of these regulations if the Director-General is satisfied that—

- (a) The supervisor of the centre is a suitable person to care for children; and
- (b) In all the circumstances the health, safety, and comfort of any children attending the centre will not be unduly prejudiced by the granting of the provisional licence.

(2) Subject to regulation 17 of these regulations, every provisional licence shall remain in force for such period (not exceeding 12 months) as may be determined by the Director-General and specified in the licence, and shall then expire unless it is renewed under subclause (3) of this regulation.

(3) On receiving a written application for the extension of a provisional licence the Director-General, if satisfied after inquiry that there are special circumstances justifying an extension, may extend the licence for any period not exceeding 12 months.

7. Licence not to be granted unless approval under Town and Country Planning Act 1977 held—(1) The Director-General shall not grant any licence or provisional licence in respect of a child care centre unless the use of the premises concerned for a child care centre—

- (a) Is permitted or has been consented to under Part II of the Town and Country Planning Act 1977; or
- (b) Is permitted or has been consented to under an operative district scheme or under Part IV of the Town and Country Planning Act 1977.

(2) If any application, objection, or appeal has been made under the Town and Country Planning Act 1977 which may affect the use of the premises concerned as a child care centre, a licence or provisional licence shall not be granted until the application, objection, or appeal has been finally determined.

8. Classes of licences—Licences granted under these regulations shall be of the following classes:

- (a) Full-day child care centre licence, being a licence to operate a child care centre which receives any child for a period or more than 4 hours on any day;
- (b) Sessional child care centre licence, being a licence to operate a child care centre which receives any child on a basis of regular attendance for periods of 4 hours or less on any day;
- (c) Special-purpose child care centre licence, being a licence to operate a child care centre which receives a specific group of children and which has a programme of activities and facilities that significantly emphasise the special purpose of the centre or any special characteristics of the group of children received at the centre.

9. Advertisements to specify class of licence—Every advertisement or public notice in any form which directly or indirectly invites the placing of children in any licensed child care centre shall specify—

- (a) The class of licence granted in respect of the centre, being a class of licence specified in regulation 8 of these regulations:

- (b) If the class of licence granted in respect of the centre is a special-purpose child care centre licence, the special purpose of the centre:
- (c) If the licence granted in respect of the centre is a provisional licence, the fact that the centre is operated under a provisional licence.

10. Kohanga reo to be licensed as special-purpose centres, etc.—

(1) In this regulation, “kohanga reo” means a child care centre under the control and oversight of Te Kohanga Reo Trust (Incorporated).

(2) Every educational programme included in an application for a licence in respect of a kohanga reo pursuant to regulation 4 (4) (f) of these regulations shall be approved by Te Kohanga Reo Trust (Incorporated).

(3) Every licence granted in respect of a kohanga reo shall be a special-purpose child care centre licence.

(4) Every licensed kohanga reo shall have a supervisor whose training qualification is recognised by Te Kohanga Reo Trust (Incorporated).

(5) Regulation 29 of these regulations shall not apply in respect of any licensed kohanga reo.

11. Pre-school centres for disabled children to be licensed as special-purpose centres, etc.—

(1) In this regulation, “pre-school centre for disabled children” means a child care centre the purpose of which is to receive children suffering from physical or mental disablement or developmental delay.

(2) Every licence granted in respect of a pre-school centre for disabled children shall be a special-purpose child care centre licence.

(3) Every licensed pre-school centre for disabled children shall have a supervisor whose training qualification is recognised by the Director-General as adequate for the care of the children received at the centre.

(4) Regulation 29 of these regulations shall not apply in respect of any licensed pre-school centre for disabled children.

(5) In any premises used for the purposes of a pre-school centre for physically disabled children there shall be adequate provision for disabled persons in the means of access to and within the premises and in the sanitary conveniences.

12. Issue of licence, etc.—(1) On granting a licence the Director-General shall supply the applicant with a licence in such form as the Director-General prescribes.

(2) Every licence shall specify—

(a) The name of the licensee:

(b) The premises in respect of which it has been granted:

(c) The class of licence:

(d) The name and qualifications of the supervisor of the centre:

(e) If it is a provisional licence, the fact that it is a provisional licence and the reason for granting only a provisional licence:

(f) The dates of issue and expiry of the licence:

(g) The maximum number and age range of the children authorised to be received in the centre:

(h) The maximum number of children authorised to be present at the centre for each staff member present at the same time:

(i) The hours and days or occasions on or during which the centre is authorised to be open to receive children:

(j) Any special conditions attached to the licence.

(3) Every licence shall relate only to the licensee named in the licence and to the premises in respect of which it has been issued.

(4) A fee of \$50 shall be payable by the licensee to the Department of Social Welfare for the initial issue of a licence.

13. Licence to be displayed—Every licence, while it is in force, shall be prominently displayed at the premises in respect of which it was granted in such a way as to be readily available for inspection by any person making use of the child care centre.

14. Change of use—No change shall be made in the use of any part of the premises of any licensed child care centre until that change of use has been approved in writing by the Director-General.

15. Structural alterations—No structural alteration or addition shall be made to any licensed child care centre until a sufficient plan and description of the proposed alteration or addition has been given to the Director-General and approved by him in writing.

16. Application for review of licence—(1) Every licensee shall apply to the Director-General for a review of or an amendment to the licence if—

- (a) The supervisor named in the licence permanently ceases to be the supervisor of the child care centre; or
- (b) The licensee proposes to make any alterations to the child care centre premises which would affect the conditions of the licence; or
- (c) The licensee proposes to make such changes to the operation of the centre as would make the matters specified in the licence incorrect; or
- (d) The licensee proposes to be absent from New Zealand for a period of more than 30 days.

(2) The Director-General shall from time to time, on a written application signed by the licensee, review the licence of the child care centre and shall, if he thinks appropriate, confirm the licence, suspend or revoke it under regulation 17 of these regulations, or amend any of the particulars specified in the licence.

(3) No fee shall be payable in respect of any amended licence issued in accordance with this regulation.

17. Suspension and termination of licence—(1) If the Director-General is satisfied that a licensed child care centre has ceased to comply with these regulations or with the conditions subject to which its licence has been issued, or that after notice in writing the licensee has omitted or failed to do or to provide anything required to be done or provided in accordance with these regulations, the Director-General may suspend the licence—

- (a) After giving the licensee not less than 21 days' written notice of the intention to do so and of the reasons for doing so; or
- (b) Forthwith, if the Director-General is satisfied that there are special circumstances justifying immediate suspension.

(2) Where any licence is suspended in accordance with subclause (1) of this regulation, the notice of suspension shall specify the reasons for the suspension and the terms and conditions upon which the licence will be reinstated.

(3) Where any licence is suspended in accordance with subclause (1) of this regulation, the suspension shall remain in effect for the period (not exceeding 21 days) stated by the Director-General and if, on the expiry of that period, the conditions for reinstatement of the licence notified in accordance with subclause (2) of this regulation have not been met, the Director-General shall revoke the licence:

Provided that where the Director-General considers that further investigation of the circumstances is necessary or desirable he may extend the term of the suspension for one further period of not more than 21 days.

(4) If a licensed child care centre—

(a) Permanently ceases to operate; or

(b) No longer continues in the premises specified in the licence; or

(c) Ceases to be a child care centre within the meaning of these regulations;
or

(d) Ceases permanently to be under the control of the licensee—
the licence issued in respect of the centre shall lapse.

(5) If a licence has been suspended or revoked, or has lapsed, under this regulation, or if a licence has been replaced by an amended licence under regulation 16 of these regulations, the licensee shall on demand surrender to the Director-General the suspended, revoked, lapsed, or replaced licence.

18. Renewal of licence—(1) Except as otherwise provided in this regulation or in regulation 17 of these regulations, every licence (other than a provisional licence) shall continue in force until the close of the 31st day of March next following the date on which it was issued, and shall then expire:

Provided that any licence granted during February or March in any year shall continue in force until the close of the 31st day of March in the next ensuing year:

Provided also that where application has been made in accordance with these regulations for the renewal of any licence not later than 14 days before it is due to expire, the existing licence shall continue in force until the decision of the Director-General on the application has been given or, in the case of an appeal against that decision, until the determination of the appeal.

(2) On receipt of an application on a form provided by the Director-General for the renewal of a licence and after making such inquiries as he considers necessary, the Director-General shall grant the renewal and issue a new licence unless he is satisfied that there has been some change in circumstances as a result of which the centre no longer meets the requirements of these regulations.

(3) In issuing a new licence under subclause (2) of this regulation, the Director-General, if satisfied that it is proper to do so, may—

(a) Substitute a different class of child care centre from that specified in the expiring licence; and

(b) Substitute different particulars and conditions from those specified in the expiring licence.

(4) A fee of \$25 shall be payable by the licensee to the Department of Social Welfare for the renewal of a licence.

19. Appeals—(1) Any person to whom any decision or requirement of the Director-General under these regulations applies and who objects to the decision or requirement may, within 14 days after receiving notice of

the decision or requirement, or within such further time as the Court on application may allow, appeal to a District Court having civil jurisdiction against that decision or requirement.

(2) For the purposes of hearing the appeal the Court shall have all the powers vested in it in its civil jurisdiction. On hearing the appeal the Court may make such order as it thinks fit, and every such order shall be binding on the parties.

(3) In every case where an appeal is made against a decision or requirement of the Director-General that decision or requirement shall, if the Director-General so requires by written notice, remain in full force until it has been varied in accordance with the order of a District Court Judge.

(4) Every decision of a District Court under this regulation shall be final.

PART III

STANDARDS TO BE OBSERVED IN CHILD CARE CENTRES

20. Premises—(1) The premises of every licensed child care centre shall be maintained in a good state of repair and shall conform with the bylaws of the territorial authority of the territorial authority district in which the centre is situated.

(2) Every child care centre shall have, to the satisfaction of the Director-General, adequate space for different types of indoor and outdoor play, including individual and group activities, quiet space, eating, sleeping, and toileting having regard to the number and age range of the children to be accommodated and the period for which they are to be cared for.

(3) A child care centre which conforms to the standards set out in the First Schedule to these regulations shall be regarded as complying with subclause (2) of this regulation.

(4) Every child care centre, other than a sessional child care centre, shall be provided with adequate and suitable kitchen and laundry facilities to the satisfaction of the Director-General.

(5) Where children under the age of 2 years are cared for, or children over the age of 2 years attend for more than 4 hours on any day, there shall be adequate space and facilities at the centre for undisturbed rest for the children.

(6) Where children under the age of 2 years are cared for, safe spaces for crawling, walking, and floor play shall be provided in the centre to the satisfaction of the Director-General.

(7) Outside doors, fences, and gates at a child care centre shall be secure and safe to the extent that children are not able to leave the centre without it being known to a member of the staff.

(8) Any swimming pool, or excavation, structure, or site capable of holding water, at a child care centre, shall, in the manner prescribed by New Zealand Standard 9201, Chapter 21:1984, "Restriction of Access to Private Swimming Pools", be secured against entry by children.

21. Sanitary facilities—(1) Every child care centre, to the satisfaction of the Director-General, shall be provided with adequate sanitary facilities which are conveniently accessible, safe, and comfortable for use by children.

(2) A child care centre which conforms to the standards set out in the Second Schedule to these regulations shall be regarded as complying with subclause (1) of this regulation.

22. Lighting, ventilation, and heating—(1) Every room in a child care centre used by children shall have, to the satisfaction of the Director-General, adequate natural or artificial lighting, adequate ventilation, acoustics which ensure that noise is kept at a reasonable level, and adequate heating equipment.

(2) Heating equipment which is capable of maintaining a temperature of 15°C measured between 0.5 m to 1 m above the floor shall be adequate for the purposes of this regulation.

(3) No person shall smoke indoors at a child care centre in those areas used by the children.

23. Fire protection—(1) Every child care centre shall be provided with such safeguards against fire and means of escape in case of fire—

(a) As are required by the bylaws of the territorial authority of the territorial authority district in which the centre is situated applying to the centre; or

(b) If no such bylaws are in force, as are approved by a member of the fire service established by the Fire Service Act 1975 authorised to undertake fire safety inspections.

(2) An annual check of fire-protection procedures and equipment shall be arranged by the licensee who shall inform the Director-General of the result before the centre's licence is renewed.

24. Play and other equipment for use by children—(1) In every child care centre there shall be provided and maintained in good condition furniture and indoor and outdoor play equipment of types and of a quantity and variety considered by the Director-General to be adequate and suitable for the needs of the children.

(2) Individual beds and bedding of a suitable and safe type shall be provided having regard to the number and age range of the children to be accommodated and the period for which they are to be accommodated.

(3) All beds used by children in a child care centre shall be so spaced or arranged as to ensure adequate means of access, hygiene, and safety.

25. Safety and hygiene—(1) In every child care centre—

(a) The premises, furniture, furnishings, fittings, equipment, and materials to which the children have access shall be maintained in a safe and hygienic condition:

(b) All equipment and materials shall be stored in a safe manner:

(c) All floor surfaces shall be suitable and safe for the activities to be carried out, and capable of being maintained in a hygienic condition:

(d) At least 2 external doors allowing easy egress shall be provided:

(e) Where the centre occupies premises which are not at ground level, reliable safety standards in relation to stairs, windows, balconies, and fire exits shall be maintained to the satisfaction of the Director-General:

(f) A handrail shall be fitted on all steps and ramps:

(g) Any window less than 80 cm above floor level shall have a protective barrier on the inside:

(h) All electrical power sockets shall either be out of the reach of children or be adequately shielded to prevent danger to the children:

(i) There shall be ready access to a telephone in the event of an emergency:

(j) A plan for the evacuation and care of the children in the event of an emergency shall be displayed on the premises and a copy of it provided to the Director-General.

(2) Every licensee shall notify—

(a) The Local Controller of Civil Defence; or

(b) Where there is no Local Controller or person acting as Local Controller, the Regional Controller of Civil Defence—
of the location of the child care centre.

(3) Every licensee shall ensure that all persons employed at the child care centre receive training in fire and earthquake drill and in other emergency procedures.

(4) A child shall not be permitted to leave the care of a child care centre with any person who has not been authorised to collect the child by the parent or guardian of the child.

(5) If a child travels in a motor vehicle while in the care of a child care centre, the person in charge of the child shall ensure that the child is restrained as required by regulation 30 of the Traffic Regulations 1976.

(6) It shall be the duty of—

(a) The licensee of a child care centre; and

(b) Every person responsible for the control of a child care centre; and

(c) Every member of the staff of a child care centre—

to ensure that, so far as is reasonably practicable, hazards to the safety of the children attending the centre are corrected, repaired, removed, or made inaccessible to the children.

26. First aid—(1) At every child care centre there shall be provided, kept in good condition, and ready for immediate use a first-aid cabinet equipped to a standard approved by the Medical Officer of Health.

(2) Every first-aid cabinet at a child care centre shall be fitted with a child-proof lock or other device which prevents children from opening it, or shall be so situated as to be inaccessible to children.

(3) Every child care centre shall have available on call a person trained in administering first aid.

27. Provision of food—(1) Every full-day child care centre shall have access to cooking facilities, a refrigerator, and a dishwashing machine or other hygienic dishwashing facilities.

(2) In every child care centre meals and snacks shall be served at such times and in such variety, quantity, and quality as will meet the nutritional needs of the children.

(3) In every child care centre—

(a) An ample supply of potable drinking water shall be available for the children at all times:

(b) Children less than 6 months old shall, if practicable, be held while they are being fed:

(c) A child shall not be unattended while the child is having food:

(d) All food provided shall be stored, prepared, and served under hygienic conditions:

(e) A record of the meals served to children, showing the types of food provided, shall be kept and be available for inspection.

28. Staffing—(1) Every child care centre shall be so staffed that children in attendance are at no time left without supervision.

(2) The maximum number of children of the age groups stated which may be cared for at any time in any child care centre in relation to the

hours the centre is open and the numbers of adult staff members present and on duty at that time shall be as set out in the Third Schedule to these regulations.

(3) For the purposes of subclause (2) of this regulation, every child who attends a child care centre for care (except a child of the licensee or supervisor of the centre) shall irrespective of the child's age be included in the total present.

(4) Notwithstanding anything to the contrary in subclause (2) of this regulation, the following provisions shall apply:

- (a) The Director-General may, in respect of any child care centre in respect of which a special-purpose child care centre licence is in force, after having regard to the purpose of the centre, the particular needs of the children attending the centre, and the programme of activities offered by the centre, authorise for the centre a different staffing ratio from that set out in the Third Schedule to these regulations:
- (b) The Director-General may, if he is satisfied that the use made of any child care centre, or its design and construction, or any other special circumstances, makes it desirable to do so, authorise for that centre a different staffing requirement from that set out in the Third Schedule to these regulations:
- (c) In the case of a centre which is authorised to receive not more than 8 children at any time, not more than 2 children under the age of 2 years shall be in the care of 1 person:
- (d) Except in the case of a centre which is authorised to receive not more than 8 children at any time, the staffing requirements set out in the Third Schedule to these regulations shall be applied separately in respect of children under the age of 2 years and those of that age or over:
- (e) In the case of a mixed-age centre licensed to care for 20 or more children, a staff/child ratio of 1 to 4 for children under the age of 2 years shall apply if 4 or more of the children are under 2 years of age:
- (f) In every centre caring for 15 or more children, food preparation and serving, administrative duties, and maintenance shall be carried out by staff not included in the number required to satisfy the requirements of the Third Schedule to these regulations.

29. Trained staff—(1) Every child care centre shall have a supervisor who holds a recognised training qualification.

(2) For the purposes of subclause (1) of this regulation, a training qualification shall be regarded as recognised if the holder has successfully completed a course of study or courses of study, including field work, which singly or in total is or are considered by the Director-General to meet the requirements in curricula and field work for the care of children in a child care centre.

30. Accreditation board—(1) For the purpose of advising and assisting the Director-General in determining the qualifications to be recognised under regulation 29 of these regulations, the Director-General may from time to time appoint or discharge or alter or reconstitute an accreditation board consisting of 6 persons having qualifications in early childhood care and education.

- (2) The accreditation board shall comprise—
- (a) A chairman who has experience in child care:
 - (b) A representative of the Department of Social Welfare:
 - (c) A representative of the Department of Education:
 - (d) A person engaged in the training of child care workers:
 - (e) A person engaged as a child care worker in a child care centre:
 - (f) A licensee of a child care centre.
- (3) It shall be the function of the accreditation board—
- (a) To recommend to the Director-General the requirements in both curricula and field work for a recognised training qualification:
 - (b) To assess, and recommend recognition of, any course of study or courses of study and field work which singly or in total meet the requirements for a recognised training qualification approved by the Director-General:
 - (c) To advise the Director-General on any other matters concerning child care training which the Director-General refers to it for consideration.

31. Programme of activities, etc.—The licensee of every child care centre, to the satisfaction of the Director-General, shall—

- (a) Provide throughout the time the centre is open a range of activities which cater for the needs of the children present, fostering their physical, emotional, social, cultural, creative, and cognitive development, including both individual and group experiences indoors and outdoors:
- (b) Ensure that the daily activities at the centre are in accordance with the purposes and aims of the centre as set out in its application for a licence in accordance with regulation 4 (4) (f) of these regulations:
- (c) Periodically review the educational programme undertaken at the centre after having regard to developments in child care practice and the developmental needs of children.

32. Management practices for child behaviour—The licensee of every child care centre shall formulate and apply a written policy on management practices for child behaviour which ensures that—

- (a) Guidance and control is afforded the children in the centre:
- (b) A child receiving guidance and control is not subjected to any form of physical ill-treatment, corporal punishment, solitary confinement, or immobilisation:
- (c) Every child is given positive guidance using praise and encouragement and avoiding blame, harsh language, or belittling or degrading responses:
- (d) Every child is given positive guidance directed towards promoting appropriate behaviour having regard to the child's stage of development.

33. Penalty for ill-treatment of children—(1) If the Director-General has reasonable grounds to believe that any member of the staff of a child care centre, or any other person,—

- (a) Has physically ill-treated a child while the child is attending the centre; or
- (b) In disciplining any such child, has subjected the child to corporal punishment, solitary confinement, or immobilisation—

the Director-General may direct that the person concerned be excluded from coming into contact with the children attending the centre and, if it is necessary for that purpose, direct that the person be excluded from entering the centre.

(2) If any person acts in contravention of a direction given by the Director-General under subclause (1) of this regulation, the Director-General may forthwith suspend the licence under which the centre operates under regulation 17 of these regulations.

34. Child health—(1) Any child who is suffering from any infectious disease listed in the Second Schedule to the Health (Infectious and Notifiable Diseases) Regulations 1966 shall be excluded from attending any child care centre.

(2) Regulation 14 of the Health (Infectious and Notifiable Diseases) Regulations 1966, with the necessary modifications, shall apply in respect of every child care centre as if it were a school.

(3) Any child who is suffering from any disease (other than a disease referred to in subclause (1) of this regulation) or from any ailment or illness or other condition affecting the child's health may be excluded from attending any child care centre at the discretion of the supervisor for such period as the supervisor considers appropriate.

(4) Every child care centre shall have available an area and facilities suitable for the temporary isolation and care of at least 1 sick child. In any case of minor illness all practicable steps shall be taken to isolate the sick child from the others attending the centre and to ensure that the child is returned to the care of the child's parent or guardian without delay.

(5) In the case of an accident to or serious illness of a child occurring at or noticed at a child care centre in circumstances which call for immediate medical aid, the person in charge of the child at the time shall without delay ensure that all reasonable steps are taken to secure the necessary medical aid and to notify the parent or guardian of the child.

(6) Medicine shall not be administered to a child attending a child care centre without the authority of a parent or guardian of the child.

35. Staff health—(1) Every person working in any capacity in a child care centre shall be in good physical condition and shall not be suffering from any infectious disease listed in the Second Schedule to the Health (Infectious and Notifiable Diseases) Regulations 1966.

(2) If the Director-General has reason to believe that any member of the staff of a child care centre, or any person on the premises who comes into contact with the children, is suffering from any disease or condition which is likely to have a detrimental effect upon the children in the care of the centre, the Director-General may direct that the person be excluded from entering the premises or from coming into contact with the children until the Director-General is satisfied that the person is free from that disease or condition.

(3) If any person acts in contravention of a direction given by the Director-General under subclause (2) of this regulation, the Director-General may forthwith suspend the licence under which the centre operates under regulation 17 of these regulations.

36. Records—In every child care centre records shall be kept which shall be available at all times for inspection by authorised persons having the right of entry to the centre under regulation 38 of these regulations, and which shall include—

- (a) The name and home address of each child who attends the centre:
- (b) The name and, if this differs from the child's address, the home address of at least 1 parent or guardian of each child who attends the centre:
- (c) The place at which, or the means by which, the parent or guardian of each child may be reached in case of illness or other emergency while the child is attending the centre:
- (d) An attendance roll showing the times and dates of attendance of each child at the centre:
- (e) Particulars of accidents or illnesses occurring to children while they are at the centre and of the action taken:
- (f) Details of any chronic illness from which any child attending the centre is suffering and of any medication required to be administered to the child:
- (g) Details of prescription and non-prescription medicine administered to any child, of the occasions on which medicine was administered, and on whose authority and by whom the medicine was administered:
- (h) In respect of each child who attends the centre, the name of the medical practitioner from whom the admitting parent or guardian directs that medical advice should first be sought in the event of illness or emergency affecting the child:
- (i) In respect of each child who attends the centre, the names of the persons who are authorised to collect the child and, where appropriate, details of persons who have the right of legal access to the child.

PART IV

MISCELLANEOUS

37. Regulations to be provided—Every person applying for a licence under these regulations shall be supplied by the Director-General with a copy of these regulations free of charge.

38. Right of entry—(1) Any person empowered in that behalf in accordance with subclause (2) of this regulation may at any reasonable time enter and inspect any licensed child care centre.

(2) The following persons are hereby empowered to exercise the power of entry and inspection conferred under subclause (1) of this regulation:

- (a) The Director-General or any officer of the Department of Social Welfare authorised in writing by the Director-General for the purpose:
- (b) The Medical Officer of Health for the health district in which the centre or premises is situated or any officer of the Department of Health authorised in writing by the Medical Officer of Health for the purpose.

(3) Every written authorisation under subclause (2) of this regulation shall contain—

- (a) A reference to this regulation; and
- (b) The full name of the authorised person; and
- (c) A statement of the powers conferred on the authorised person by this regulation.

(4) Every person exercising any power of entry to a licensed child care centre under this regulation shall be in possession of the appropriate written authorisation, and evidence of identity, and shall produce them to the person in charge of the centre—

- (a) On first entering the centre; and
- (b) Whenever subsequently reasonably required to do so by the person in charge of the centre.

(5) If any person authorised under subclause (2) of this regulation has reasonable cause to believe that any premises are being used as a child care centre in contravention of these regulations, the authorised person may make an application in writing on oath to a District Court Judge, Justice of the Peace, or Registrar or Deputy Registrar of any Court who, if satisfied that there is reasonable cause to believe that the premises are being so used, may issue a warrant directed to the authorised person by name authorising that person to enter the premises.

(6) Every warrant issued under subclause (5) of this regulation shall contain—

- (a) A reference to this regulation; and
- (b) The full name of the person authorised to enter; and
- (c) A description of the premises in respect of which it was issued; and
- (d) The date on which it was issued and the date on which it expires.

(7) Every such warrant shall authorise the person named in it, at any reasonable time within 4 weeks after the date on which it is issued, to enter the premises described in the warrant and to do on the premises all such things as are necessary to ascertain whether the premises are being used as a child care centre in contravention of these regulations.

(8) Every person exercising any power under subclause (7) of this regulation shall be in possession of the appropriate warrant, and evidence of identity, and shall produce them to the occupier of the premises—

- (a) On first entering the premises; and
- (b) Whenever subsequently reasonably required to do so by the occupier.

(9) Every warrant issued under subclause (5) of this regulation shall expire when the purpose for which it was issued has been satisfied.

39. Parents' right of entry—The parent of every child attending a child care centre shall have a right of entry to the centre whenever the child is in attendance if the parent has legal access to the child at the time of entry.

40. Offences—Every person who—

- (a) Knowingly makes any false statement in any application made under these regulations:
- (b) Knowingly makes any false statement which implies that a child care centre is licensed when it is not licensed:
- (c) Wilfully fails to comply with any direction given by the Director-General under regulation 33 or regulation 35 of these regulations:
- (d) Wilfully obstructs, hinders, resists, or deceives any person exercising a power of entry under regulation 38 of these regulations:
- (e) Wilfully acts in contravention of or fails to comply in any respect with any provision of these regulations—

commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$300 and, if the offence is a continuing one, to a further fine not exceeding \$20 for every day or part of a day during which the offence has continued.

41. Transitional provisions—(1) Every child care centre which, immediately before the commencement of these regulations, is registered under the Child Care Centre Regulations 1960 shall be deemed to be licensed under these regulations.

(2) Notwithstanding anything to the contrary in these regulations, as soon as practicable after the commencement of these regulations the Director-General shall review every child care centre to which subclause (1) of this regulation applies and issue a licence of the appropriate class under these regulations.

(3) Before issuing a licence in accordance with subclause (2) of this regulation the Director-General may require the licensee of the child care centre to make an application in accordance with regulation 4 of these regulations.

(4) If the licensee of a child care centre fails to make an application within 30 days after being required to do so under subclause (3) of this regulation, subclause (1) of this regulation shall cease to apply to that child care centre.

42. Revocations—(1) The following regulations are hereby revoked:

(a) The Child Care Centre Regulations 1960*:

(b) The Child Care Centre Regulations 1960, Amendment No. 1†:

(c) The Child Care Centre Regulations 1960, Amendment No. 2‡:

(d) The Child Care Centre Regulations 1960, Amendment No. 3§:

(e) The Child Care Centre Regulations 1960, Amendment No. 4||.

(2) So much of the Second Schedule to the Age of Majority Act 1970 as relates to the Child Care Centre Regulations 1960 is hereby consequentially revoked.

*S.R. 1960/167
†S.R. 1967/100
‡S.R. 1970/29
§S.R. 1972/114
||S.R. 1973/64

SCHEDULES
FIRST SCHEDULE
SPACE REQUIREMENTS

Reg. 20 (3)

Part of Premises	Time	Age of Children	Area Required Per Child
Indoor space—computed clear of all furniture, fittings, fixed equipment, and stored goods, and excluding passageways, toilet facilities, staff rooms, specific sleeping areas for children under 2 years of age, and other areas not available for play or nursery purposes	7 a.m. to 9 p.m.	All ages	2.5 square metres
	9 p.m. to 7 a.m.	All ages	4.5 square metres
Outdoor space (which shall comprise adequate suitably surfaced and drained space for a variety of activities in a safe play area closed in by secure fences and gates)	7 a.m. to 9 p.m.	All ages	5 square metres

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Reg. 21 (2)

SECOND SCHEDULE
SANITARY FACILITIES REQUIRED

1. *Water Closet Pans:*

A minimum of 1 water closet pan shall be available for every 10, or part of 10, persons over 3 years of age present at the centre.

(Urinals and a staff toilet, provided separately, may be included in the determination of the number of water closet pans.)

2. *Chamber Pots:*

(a) A least 1 shall be available in each centre.

(b) A minimum of 1 additional chamber pot shall be available for every 4, or part of 4, children under 3 years of age.

3. *Hand Washing Facilities:*

(a) One handbasin for every 10, or part of 10, persons shall be adjacent to the toilets.

(b) Handbasins shall be set at suitable heights for the children that are to use them.

(c) A hot water cylinder of sufficient size with an adjustable thermostat shall be provided. The temperature of the water accessible to children shall be effectively controlled so as not to exceed 40°C at the outlet.

(d) Individual washcloths and towels or hygienic alternatives shall be available.

4. *Bathing Facilities:*

Facilities shall be available for bathing sick or soiled children.

5. *Napkin Changing Facilities:*

Suitable arrangements for changing napkins shall be available.

THIRD SCHEDULE
STAFFING REQUIREMENTS

Reg. 28 (2), (4) (a), (b), (d), (f)

Type of Child Care Centre	Ages of Children	Staff/Child Ratio
Full-day centre between 7 a.m. and 9 p.m.	Under 2 years of age exclusively	1 staff member for every 5, or part of 5, children up to a maximum of 25 children.
Full-day centre licensed for 20 or more children between 7 a.m. and 9 p.m.	Mixed age group including children under 2 years of age	1 staff member for every 4, or part of 4, children up to a maximum of 25 children.
Full-day centre between 7 a.m. and 9 p.m.	Over 2 years of age exclusively	1 staff member for 6 children or less. 2 staff members for more than 6 children but less than 21 children. Where there are more than 20 children, 2 staff members plus 1 additional staff member for every 10, or part of 10, children in excess of 20 up to a maximum of 50 children.
Overnight child care centre between 9 p.m. and 7 a.m.	All ages	1 staff member for every 4, or part of 4, children up to a maximum of 16 children.
Pre-school centre for disabled children	Under 3 years of age	1 staff member for every 3, or part of 3, children up to a maximum of 25 children.
Pre-school centre for disabled children	Over 3 years of age	1 staff member for every 5, or part of 5, children up to a maximum of 50 children.
Sessional centre	Under 2 years of age	1 staff member for every 5, or part of 5, children up to a maximum of 25 children.

THIRD SCHEDULE—*continued*

STAFFING REQUIREMENTS

Type of Child Care Centre	Ages of Children	Staff/Child Ratio
Sessional centre	Over 2 years of age	1 staff member for 8 children or less. 2 staff members for more than 8 children but less than 31 children. Where there are more than 30 children, 2 staff members plus 1 additional staff member for every 15, or part of 15, children in excess of 30 up to a maximum of 50 children.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations consolidate and amend the Child Care Centre Regulations 1960 and amendments.

The main changes are as follows:

- (a) Three classes of licences are provided for. They are a full-day child care centre licence, a sessional child care centre licence, and a special-purpose child care centre licence (Regulation 8).
- (b) There are special provisions relating to kohanga reo (Regulation 10).
- (c) There are special provisions relating to pre-school centres for disabled children (Regulation 11).
- (d) Swimming pools, etc., are required to be fenced (Regulation 20 (8)).
- (e) All fully licensed child care centres (other than kohanga reo and pre-school centres for disabled children) must have a supervisor with a recognised training qualification (Regulation 29). Every kohanga reo must have a supervisor with a training qualification recognised by Te Kohanga Reo Trust (Incorporated) (Regulation 10 (4)). Every pre-school centre for disabled children must have a supervisor with a training qualification recognised by the Director-General of Social Welfare as adequate (Regulation 11 (3)).
- (f) An accreditation board is established to assist in the assessment and recognition of training qualifications (Regulation 30).
- (g) Every child care centre is required to provide an appropriate range of activities and to periodically review the educational programme undertaken (Regulation 31).
- (h) The licensee of every child care centre must formulate and apply a written policy on management practices for child behaviour which ensure that specified standards are met (Regulation 32).
- (i) The Director-General of Social Welfare is empowered to give certain directions if he has reasonable grounds to believe that any child at a centre has been ill-treated (Regulation 33).

Issued under the authority of the Regulations Act 1936.

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These regulations are administered in the Department of Health.