

AUSTRALIAN CAPITAL TERRITORY
CHILDREN AND YOUNG PEOPLE ACT 1999

EXEMPTION

EXPLANATORY STATEMENT

Instrument No. 125 of 2000

The *Children and Young People Act 1999* commences on 10 May 2000. Under this Act Family Day Care Schemes will be licensed for the first time in the ACT.

The new Act reduces from 8 to 7, the number of children that may be cared for before a licence as a child care centre is required. This follows the national standards for Family Day Care.

Although most Family Day Care Schemes have reduced numbers to the new level there remains some problems with some schemes not being able to achieve the appropriate level by 10 May 2000. A transition period until the start of the 2001 school year is proposed under this instrument to enable all schemes to reduce numbers to the correct level by that time.

The transition period will allay concern from schemes, carers and parents in relation to many of these children who have been in settled care, sometimes for many years. As continuity of their care is very important, families need time to make alternate arrangements. It is also expected the additional time will allow for natural attrition.

A transition period may be provided under section 331 of the *Children and Young People Act 1999* that states:

- (1) The Minister may, by notice published in the Gazette, exempt a class of children's services from the application of all or any of the provisions of this Chapter.
- (2) An exemption may be made subject to any term or condition stated in the notice.
- (3) An exemption remains in force for the period stated in the notice unless sooner revoked.
- (4) A notice is a disallowable instrument for section 10 of the *Subordinate Laws Act 1989*.

The Minister has signed an instrument to this effect.