

Queensland



# **FAMILY SERVICES ACT 1987**

**Reprinted as in force on 24 September 1996  
(includes amendments up to Act No. 57 of 1995)**

**Reprint No. 1A**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This Act is reprinted as at 24 September 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**FAMILY SERVICES ACT 1987**

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# **FAMILY SERVICES ACT 1987**

[as amended by all amendments that commenced on or before 24 September 1996]

## **An Act to provide for assistance to be made available to families and children and for other purposes**

### **PART 1—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Family Services Act 1987*.

#### **Commencement**

2. This section, section 1, section 69(4) and (5) and section 69(1) to the extent that it provides for the amendments made by sections 22 to 27 of the Schedule together with those sections of the Schedule shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act or such of them as are specified in the proclamation shall commence on a day or days to be appointed by proclamation for the commencement of those provisions.

#### **Interpretation**

4. In this Act—

“**certificate of approval**” means a certificate of approval issued under section 40.

“**child**” means a person who has not attained the age of 18 years.

“**criminal history**”, in relation to any person, means—

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- (a) convictions of that person for any offence committed in Queensland or elsewhere not being convictions that have been quashed or set aside; and
- (b) charges made against that person in respect of any offence committed in Queensland or elsewhere that have proceeded to final determination, which has resulted—
  - (i) in respect of an offence committed in Queensland, in the making of a probation order or a community service order under the *Offenders Probation and Parole Act 1980* or legislation repealed by that Act in relation to that person; or
  - (ii) in respect of an offence committed elsewhere, in the making of an order of a description similar to that of the order referred to in subparagraph (i) in relation to that person.

**“foster care”** does not include—

- (a) care provided to children at premises used principally for the purpose of providing care to children who have attained the age of 15 years and who are not—
  - (i) in the custody, temporary custody or guardianship of the chief executive; or
  - (ii) in temporary care pursuant to an arrangement made under Part 4; or
- (b) care provided to children by a person who is caring for the children pursuant to—
  - (i) a registration effected by the person under section 42; or
  - (ii) an approval given under section 58(1)(c) of the *Children’s Services Act 1965*.

**“foster care agent”** means a person who conducts a foster care agency pursuant to a licence issued to the person for that purpose under section 31.

**“foster parent”** means a person who is the holder of a certificate of approval authorising the person to provide foster care.

**“guardian”** means any person who is recognised in law as a legal guardian of a child.

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“**licensee**” means the holder of a licence issued under section 31 or a licensee of a family day care scheme under the *Child Care Act 1991*, as the case may be.

“**parent**” includes a person who, for the time being, has the right—

- (a) to the custody of a child; and
- (b) to make decisions concerning the day to day care and control of the child;

but does not include a foster parent or the chief executive.

“**person**” includes an association of persons that is not incorporated.

“**premises**” includes any land or building.

“**residential care**” means the care of a child, who is in the custody, temporary custody or guardianship of the chief executive, in premises used principally for the purpose of providing day to day care to such a child, but does not include—

- (a) child care; or
- (b) family day care; or
- (c) foster care; or
- (d) care provided to such a child at premises where the child’s parents, step-parent, relatives or guardian ordinarily reside.

## **PART 2—OBJECTS AND ADMINISTRATION**

### *Division 1—Objects*

#### **Objects**

5. Without limiting the operation of this Act, the objects of this Act include—

- (a) the promotion and support of the welfare of families as the basis of community wellbeing;

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- (b) the establishment of services and the encouragement of the development of services that promote, support and protect the wellbeing of families;
- (c) the encouragement of the development of coordinated social welfare services and programs that promote and strengthen local, neighbourhood and community interests;
- (d) the promotion of the wellbeing of the community by assisting individuals and families to overcome social problems with which they are confronted.

*Division 2—Administration***Administration of Act**

6. This Act shall be administered by the Minister and, subject to the Minister, by the chief executive and other officers of the department.

**Visiting justices**

7.(1) The Minister may appoint Stipendiary Magistrates to be visiting justices—

- (a) for the purposes of this Act and the *Children's Services Act 1965*; and
- (b) upon such terms and conditions as the Minister thinks fit.

(2) A visiting justice shall have and may exercise all such powers, authorities, duties and functions as are prescribed by the regulations or, if not so prescribed, as directed by the Minister.

**Honorary officers**

8.(1) The chief executive may appoint, in writing, such persons, having qualifications or experience appropriate to the proper discharge of their duties, as the chief executive thinks fit, to be honorary officers—

- (a) for the purpose of assisting officers of the department in giving effect to this Act or any other Act; and



- (b) for a term not exceeding 2 years; and
- (c) upon such terms and conditions as the chief executive thinks fit and specifies in the officers' appointments.

(1A) An honorary officer may be reappointed from time to time for a term not exceeding 2 years in respect of any reappointment.

(2) The chief executive, by writing addressed to an honorary officer, may remove the officer from his or her appointment at any time.

(3) The chief executive may pay an honorary officer such amounts as the chief executive thinks fit to reimburse the officer for expenses reasonably incurred, or reasonably expected to be incurred, in the course of the officer's duties.

(4) The chief executive shall arrange for an honorary officer to receive such training and to be subject to such supervision as the chief executive thinks fit.

(5) An honorary officer, whilst carrying out the duties of an honorary officer, shall be deemed to be a worker within the meaning of the *Workers' Compensation Act 1990* employed by the chief executive and the provisions of that Act shall apply accordingly.

### **Engagement of agents**

9. The chief executive may enter into contracts for services with such persons having qualifications and experience appropriate to the proper discharge of the contracts as the chief executive thinks fit with a view to those persons acting as the chief executive's agents in giving effect to this Act or any other Act.

### **Delegation, and exercise of powers on behalf of chief executive**

10.(1) Subject to any direction by the Minister to the contrary, the chief executive, by signed writing, may delegate, either generally or in a particular case and whether given or imposed under this or any other Act, all or any of the chief executive's powers, authorities, functions and duties as specified therein (other than this power of delegation) to—

- (a) any officer of the department; or

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- (b) any holder of an office within the department specifying its title but not the name of the holder for the time being; or
- (c) any honorary officer appointed under section 8; or
- (d) any agent who is party to a contract made under section 9;

and may in like manner and subject as aforesaid revoke at any time a delegation made by the chief executive under this subsection.

**(1A)** In making a delegation under subsection (1)(c) or (d) the chief executive may only delegate such of the chief executive's powers, authorities, functions and duties as are necessary to enable the honorary officer to carry out the duties of his or her office or, as the case may be, the agent to discharge his or her contract.

**(2)** Subject to any direction by the Minister to the contrary, the chief executive, by signed writing, may delegate to an individual who has the care of a child of whom the chief executive is guardian all or any of the chief executive's powers, authorities, functions and duties specified therein (other than this power of delegation) had by the chief executive as such guardian, and may in like manner and subject as aforesaid revoke at any time a delegation made by the chief executive under this subsection.

**(3)** The chief executive may make pursuant to subsection (1) such and as many delegations of the same power, authority, function or duty and to such number of persons as the chief executive considers necessary or desirable.

**(4)** A delegation—

- (a) may be made subject to such conditions as the chief executive thinks fit and specifies in the instrument of delegation or free of any condition; and
- (b) shall be authority to the delegate thereunder to exercise the delegated power or authority or discharge the delegated function or duty subject to and in accordance with the instrument of delegation; and
- (c) shall not prevent or prejudice the exercise or discharge by the chief executive of the power, authority, function or duty thereby delegated.

**(5)** A delegation under subsection (2) shall not be made, if the child has

attained the age of 15 years, unless the child consents thereto.

(6) If the chief executive is at any time absent from duty or unable to perform the duties of office, any power, authority, function or duty had by the chief executive pursuant to this or any other Act or arising by reason of the chief executive having guardianship or custody of a child may be exercised or discharged by another officer of the department authorised in writing in that behalf by the Minister, without any delegation by the chief executive in respect thereof.

### **Advisory committees**

**11.(1)** The Minister, from time to time, by signed writing may appoint such number of persons as the Minister thinks fit to constitute a committee with such functions and duties as from time to time are assigned to it by the Minister to investigate, to report to the Minister and to advise the Minister in respect of, such matters as the Minister thinks fit.

(2) The Minister shall appoint 1 of the members of a committee to be chairperson thereof upon the first constitution of the committee and thereafter as often as a vacancy occurs in the office of chairperson.

(2A) The chairperson of a committee shall preside at each meeting of the committee at which the chairperson is present and in his or her absence another member of the committee, appointed by the members present or the majority of them, shall preside.

(3) The conditions of appointment of members of a committee and whether a committee shall be or continue as a standing committee or shall be appointed for a particular purpose, shall be as determined from time to time by the Minister.

(4) Members of a committee may be paid by the chief executive such expenses reasonably incurred by them in connection with the discharge by them of their functions and duties and, if the Minister so approves, may be paid such fees as are from time to time approved by the Governor in Council.

(5) However, any member of a committee who is an officer of the public service or any statutory body shall not be entitled to payment of any fee in respect of the discharge of the functions and duties of the committee during the member's ordinary hours of work.

**Offences with respect to officers of the department etc.**

**12.(1)** A person who, with intent to influence any officer of the department or any other person in the exercise of the person's powers or authorities or the discharge of the person's duties or functions under this Act, gives, offers or promises any bribe, recompense, inducement or reward to that officer or other person, or attempts so to do, commits an offence against this Act.

**(2)** A person who—

- (a)** falsely assumes or uses the name, designation or description of any honorary officer, agent, visiting justice or other person appointed for any purpose of this Act; or
- (b)** pretends that the person is any honorary officer, agent, visiting justice or other person appointed for any purpose of this Act;

for the purpose of assuming to do any act, exercise any power or authority or discharge any duty or function had by, or imposed on, that officer, agent, justice or person pursuant to this Act or any other Act administered in the department commits an offence against this Act.

**Annual report**

**13.(1)** In each year the chief executive shall furnish to the Minister a report on the operation of this Act and any other Act administered in the department during the year covered by the report.

**(2)** The Minister shall lay every such report before the Legislative Assembly within 14 sitting days from the date on which the Minister receives the report.

**PART 3—FAMILY AND COMMUNITY SERVICES****Chief executive may develop or carry out programs**

**14.(1)** The chief executive may—

- (a)** develop or carry out; or

- (b) where the Minister so approves under section 15(3), make grants to any body corporate or association of persons that is not incorporated to develop or carry out;

programs for the provisions of family or community services.

(2) In considering whether to develop or carry out a program referred to in subsection (1), or whether to recommend to the Minister that a grant be made for that purpose, the chief executive shall consider whether the program has as its object—

- (a) the promotion and protection of family life; or
- (b) the development and strengthening of local, neighbourhood and community interests; or
- (c) the preservation and fostering of the dignity and independence of individuals; or
- (d) the provision of assistance to individuals who are disadvantaged or disabled; or
- (e) any other object that is consistent with the objects of this Act.

## **Grants**

**15.(1)** An application for a grant under section 14 shall be made in writing to the chief executive and shall be made in accordance with such guidelines as are issued by the chief executive, with the approval of the Minister, and shall contain such information as is required by the chief executive.

(2) The chief executive may make such inquiries in respect of an application for a grant as the chief executive thinks fit.

(3) The Minister may approve or refuse an application for a grant as the Minister thinks fit.

(4) If a grant is approved the Minister may subject to the grant to such conditions as the Minister thinks fit.

(5) If the chief executive has reasonable cause to suspect that the conditions of a grant are not being, or have not been, complied with, the chief executive may call upon the person who received the grant, by notice served upon the person, to show cause to the chief executive within 21 days

of receipt of the notice why further payments of the grant should be made or, as the case may be, monies paid under the grant should not be refunded.

(6) If after the expiration of the 21 days, the chief executive, after considering any submission made by the person, is satisfied that the conditions of a grant are not being or have not been complied with, the chief executive, with the approval of the Minister, may refuse to make further payments of the grant.

(7) If that noncompliance consists of the application of moneys paid under the grant to a purpose other than the purpose for which the grant was approved the amount of those moneys may be recovered from the applicant by action in a court of competent jurisdiction as a debt due and owing to the Crown.

### **Chief executive may inspect books etc.**

**16.(1)** If the chief executive has reasonable cause to suspect that the conditions of a grant made under section 14 are not being, or have not been, complied with, the chief executive may request the person to whom the grant has been made to produce to the chief executive any books and records kept by that person in respect of moneys received under that grant.

(2) The chief executive may examine and make copies of, or take extracts from, the books and records so produced relating to the receipt and expenditure of those moneys.

### **Auditor-General may audit books etc.**

**17.(1)** If the chief executive has reasonable cause to suspect that the conditions of a grant made under section 14 are not being, or have not been, complied with, the chief executive may request the Auditor-General to audit the accounts of the person to whom the grant has been paid.

(2) The Auditor-General shall have with respect to such audit all the powers and authorities conferred on the Auditor-General by the *Financial Administration and Audit Act 1977* in respect of an audit of the description of audit that the Auditor-General is performing under subsection (1) and the provisions of that Act shall apply in respect of such audit and to all persons concerned therein.

## **PART 6—MISCELLANEOUS**

### **Service of documents**

**56.(1)** A notice required by this Act to be served or any direction or notification required by this Act to be given to any person shall be taken to have been duly served or given if it is—

- (a) served personally on the person to whom it is directed or on a person authorised by the person to whom it is directed, either generally or in a particular case, to accept service of documents on the person's behalf;
- (b) left at the place of residence or business of the person to whom it is directed last known to the person serving or giving it;
- (c) sent by post to the place of residence or business of the person to whom it is directed last known to the person serving or giving it.

**(2)** A notice, direction or notification referred to in subsection (1) shall be deemed to have been received by the person to whom it is directed where it has been served or given in the manner referred to in—

- (a) subsection (1)(a)—on the day it is served in accordance with that subsection;
- (b) subsection (1)(b)—on the day next following the day it is left at the place specified therein;
- (c) subsection (1)(c)—unless the contrary is proved, at the time when it would be delivered in the ordinary course of post.

### **Right to appear**

**57.** In any proceedings for an offence against this Act—

- (a) a police officer; or
- (b) the chief executive;

although not the complainant may appear and act in court on behalf of the complainant.

**General penalty**

**58.** A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.

Maximum penalty—40 penalty units or imprisonment for 2 years.

**Evidentiary provisions**

**59.(1)** Any document purporting to be any licence, notice, direction, approval or registration under the hand of—

- (a) the chief executive; or
- (b) the Director or Deputy Director of the Department of Children's Services;

in any legal proceedings shall be evidence of the licence, notice, direction, approval or registration duly made by the chief executive, Director or, as the case may be, Deputy Director and in the absence of evidence to the contrary, shall be conclusive such evidence.

**(2)** A document purporting to be executed by a delegate of the chief executive or the Director of the Department of Children's Services shall be received in evidence as if it were a document executed by the chief executive or, as the case may be, Director and, until the contrary is proved, shall be deemed to be executed by a delegate appointed by the chief executive or, as the case may be, Director.

**Liability for offences by bodies corporate and unincorporate**

**60.(1)** Where an offence against this Act is committed by a body corporate each of the following persons is deemed to have committed the offence and may be proceeded against and punished in respect of the offence—

- (a) the body corporate;
- (b) the managing director, manager or other governing officer (by whatever name called).

**(2)** Where an offence against this Act is committed and any association of persons that is not incorporated is by this Act liable therefor, each member of the committee or other governing body (by whatever name



called) of the association is deemed to have committed the offence and may be proceeded against and punished in respect of the offence.

(3) If an individual referred to in subsection (1) or (2) is charged with an offence against this Act it shall be a defence to show that the contravention or failure to comply in question occurred without his or her consent or connivance and that he or she exercised all due diligence to prevent it.

## **PART 7—TRANSITIONAL PROVISION**

### **Family and Youth Services Act 1987 references**

**68.** In an Act or document, a reference to the *Family and Youth Services Act 1987* is a reference to this Act.

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## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 September 1996. Future amendments of the Family Services Act 1987 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only]

Reprint No.	Amendments included	Reprint date
1	to Act No. 87 of 1994	8 February 1995

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Family Services Act 1987 No. 32**

date of assent 30 April 1987

ss 1–2, 69(4) and (5), 69(1) to the extent that it provides for amendments made by ss 22–27 of sch hereto and ss 22–27 thereof commenced on date of assent  
ss 3–17, 56–60, 68, 69(2)–(3), (6)–(11) and (13), 69(1) to the extent that it provides for amendments made by ss 1(a), 2, 3(b), 4, 9–10, 16, 18, 20–21, 28–30, 32–36 and 38 of sch hereto and ss 1(a), 2, 3(b), 4, 9–10, 16, 18, 20–21, 28–30, 32–36 and 38 thereof commenced 9 June 1987 (proc pubd gaz 30 May 1987 p 846)

remaining provisions never proclaimed into force and om 1994 No. 87 s 3 sch 3, pt 1

as amended by—

### **Acts Amendment and Construction Act 1988 No. 47 s 3 sch 1**

date of assent 12 May 1988

commenced on date of assent

### **Child Care Act 1991 No. 79 ss 1–2, 85 sch 1**

date of assent 9 December 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 5 June 1992 (1992 SL No. 119)

**Juvenile Justice Act 1992 No. 44 ss 1–2, 235 sch 3**

date of assent 19 August 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 1993 (1993 SL No. 313)

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 3, pt 1**

date of assent 1 December 1994

commenced on date of assent

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 2**

date of assent 28 November 1995

commenced on date of assent

**7 List of annotations****Long title** amd 1988 No. 47 s 3 sch 1; 1991 No. 79 s 85 sch 1**Short title****s 1** amd 1988 No. 47 s 3 sch 1**Arrangement****s 3** om 1991 No. 79 s 85 sch 1**Interpretation**

**s 4** def “**child care**” om 1991 No. 79 s 85 sch 1  
 def “**Department**” om R1 (see RA s 39)  
 def “**family day care**” om 1991 No. 79 s 85 sch 1  
 def “**family day care agent**” om 1991 No. 79 s 85 sch 1  
 def “**foster care**” amd 1992 No. 44 s 235 sch 3  
 def “**licensee**” amd 1991 No. 79 s 85 sch 1  
 def “**local authority**” om R1 (see RA s 39)  
 def “**Minister**” om R1 (see RA s 39)  
 def “**permanent head**” om R1 (see RA s 39)  
 def “**police officer**” om R1 (see RA s 39)

**Objects****s 5** amd 1988 No. 47 s 3 sch 1**Honorary officers****s 8** amd 1992 No. 44 s 235 sch 3**Engagement of agents****s 9** amd 1992 No. 44 s 235 sch 3**Offences with respect to officers of the department etc.****s 12** amd 1992 No. 44 s 235 sch 3**Annual report****s 13** amd 1992 No. 44 s 235 sch 3**PART 3—FAMILY AND COMMUNITY SERVICES****pt hdg** amd 1988 No. 47 s 3 sch 1

**Chief executive may develop or carry out programs**

**s 14** amd 1988 No. 47 s 3 sch 1

**Establishment of residential care facilities, etc.**

**s 18** amd 1988 No. 47 s 3 sch 1  
om 1994 No. 87 s 3 sch 3

**PART 4—VOLUNTARY ARRANGEMENTS FOR CARE OF CHILDREN**

**pt hdg** om 1994 No. 87 s 3 sch 3

**Welfare and interests of child to be paramount**

**s 19** om 1994 No. 87 s 3 sch 3

**Interpretation and application of Part**

**s 20** amd 1991 No. 79 s 85 sch 1  
om 1994 No. 87 s 3 sch 3

**Applications**

**s 21** om 1994 No. 87 s 3 sch 3

**Consideration of applications**

**s 22** om 1994 No. 87 s 3 sch 3

**Arrangements may be entered into**

**s 23** om 1994 No. 87 s 3 sch 3

**Duration of arrangements**

**s 24** amd 1991 No. 79 s 85 sch 1  
om 1994 No. 87 s 3 sch 3

**Termination of arrangements**

**s 25** om 1994 No. 87 s 3 sch 3

**Duties of permanent head and licensees**

**s 26** om 1994 No. 87 s 3 sch 3

**Effect of arrangements**

**s 27** om 1994 No. 87 s 3 sch 3

**Aid for caring for children**

**s 28** om 1994 No. 87 s 3 sch 3

**Offence to remove certain children without authority**

**s 29** om 1994 No. 87 s 3 sch 3

**PART 5—LICENSING**

**pt hdg** om 1994 No. 87 s 3 sch 3

**Division 1—Application of Part**

**div hdg** om 1994 No. 87 s 3 sch 3

**Application of Part**

**s 30** om 1994 No. 87 s 3 sch 3

**Division 2—Licences**

**div hdg** om 1994 No. 87 s 3 sch 3

**Types of licences**

**s 31**           amd 1991 No. 79 s 85 sch 1  
                  om 1994 No. 87 s 3 sch 3

**Application for licences**

**s 32**           om 1994 No. 87 s 3 sch 3

**Consideration of applications**

**s 33**           amd 1991 No. 79 s 85 sch 1  
                  om 1994 No. 87 s 3 sch 3

**Form and content of licences**

**s 34**           amd 1991 No. 79 s 85 sch 1  
                  om 1994 No. 87 s 3 sch 3

**Authority and duration of licences**

**s 35**           amd 1991 No. 79 s 85 sch 1  
                  om 1994 No. 87 s 3 sch 3

**Conditions of licences**

**s 36**           om 1994 No. 87 s 3 sch 3

**Cancellation, suspension, etc. of licences**

**s 37**           om 1994 No. 87 s 3 sch 3

**Emergency suspension of licences**

**s 38**           om 1994 No. 87 s 3 sch 3

**Variation of certain terms and particulars**

**s 39**           amd 1991 No. 79 s 85 sch 1  
                  om 1994 No. 87 s 3 sch 3

**Issue of certificates of approval**

**s 40**           amd 1991 No. 79 s 85 sch 1  
                  om 1994 No. 87 s 3 sch 3

**Suspension etc., of certificates of approval**

**s 41**           amd 1991 No. 79 s 85 sch 1  
                  om 1994 No. 87 s 3 sch 3

**Registration of persons having care of certain of children**

**s 42**           om 1994 No. 87 s 3 sch 3

**Offence to have certain children in care if not registered**

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**Licensees may appoint individuals to carry out duties**

**s 44**           om 1994 No. 87 s 3 sch 3

**Disclosure of criminal histories**

**s 45**           om 1994 No. 87 s 3 sch 3

**Division 3—Supervision**

**div hdg**       om 1994 No. 87 s 3 sch 3

**Permanent head to supervise standard of programs and premises**

**s 46**           om 1994 No. 87 s 3 sch 3

**Power to enter premises**

s 47 om 1994 No. 87 s 3 sch 3

**Supervision by licensees**

s 48 amd 1991 No. 79 s 85 sch 1  
om 1994 No. 87 s 3 sch 3

**Division 4—General**

div hdg om 1994 No. 87 s 3 sch 3

**Production of licences and certificates**

s 49 om 1994 No. 87 s 3 sch 3

**Licensees to produce records and furnish information**

s 50 om 1994 No. 87 s 3 sch 3

**Permanent head to authorize receipt into care of certain children**

s 51 om 1994 No. 87 s 3 sch 3

**Deaths and serious injuries to be notified**

s 52 om 1994 No. 87 s 3 sch 3

**Offence not to have licence or certificate of approval**

s 53 amd 1991 No. 79 s 85 sch 1  
om 1994 No. 87 s 3 sch 3

**Offence to conduct programme or provide care while licence or certificate suspended**

s 54 amd 1991 No. 79 s 85 sch 1  
om 1994 No. 87 s 3 sch 3

**Members of Legislative Assembly may be foster parents**

s 55 om 1994 No. 87 s 3 sch 3

**General penalty**

s 58 amd R1 (see RA s 39)

**Control of child care centres**

s 61 om 1991 No. 79 s 85 sch 1

**Regulations**

s 62 om 1994 No. 87 s 3 sch 3

**Saving of licensed institutions**

s 63 om 1994 No. 87 s 3 sch 3

**Saving of registration of certain persons**

s 64 om 1994 No. 87 s 3 sch 3

**Saving of approval of persons as foster parents**

s 65 om 1994 No. 87 s 3 sch 3

**Saving of family day care licences, etc.**

s 66 om 1991 No. 79 s 85 sch 1

**Saving of day care centre licences**

s 67 om 1991 No. 79 s 85 sch 1

**PART 7—TRANSITIONAL PROVISION**

**pt hdg** prev pt hdg om 1994 No. 87 s 3 sch 3  
pres pt hdg ins 1995 No. 57 s 4 sch 2

**Family and Youth Services Act 1987 references**

**s 68** sub 1995 No. 57 s 4 sch 2

**Amendments to certain Acts**

**s 69** om 1994 No. 87 s 3 sch 3

**SCHEDULE**

amd 1988 No. 47 s 3 sch 1; 1991 No. 79 s 85 sch 1  
om 1994 No. 87 s 3 sch 3