

Victorian Children's Services

Who's who in the Children's Services Act?

Fact sheet | June 2015

This fact sheet outlines the definitions relating to persons and their titles under the *Children's Services Act 1996* and the *Children's Services Regulations 2009*.

Title	Definitions
Accepted nominee sections 3, 18 and 22A	<p>Persons who will or may manage or control the service on a short-term or irregular basis. An accepted nominee cannot have primary responsibility for managing or controlling the children's service.</p> <p>Accepted nominees are approved by the licensee not by the Secretary or Delegate of the Department. The licensee must notify the Department of the accepted nominees for the service and ensure that they are fit and proper to manage or control a children's service.</p>
Approved nominee sections 3, 18 and 22A	<p>Persons who will or may manage or control the service on a regular or scheduled basis. These persons must be approved as fit and proper persons by the Secretary or Delegate of the Department.</p>
Authorised Officer section 35	<p>A person appointed by the Secretary under section 35 for the purposes of this Act. Authorised officers perform functions such as:</p> <ul style="list-style-type: none"> • monitor and enforce compliance; and • investigate incidents and complaints.
Licensee section 3	<p>A person who holds a licence to operate a children's service</p> <p>A 'person' includes, for example, a natural person, company, incorporated association, partnership and trust.</p>
Licensee representative regulation 5	<p>A person appointed under the Act to represent the licensee.</p>
Member of staff	<p>A person who is employed at a children's service who is not responsible for the care or education of children. For example, administrative assistant, cook, gardener.</p>
Minimum trained staff member regulations 60 and 118	<p>A minimum trained staff member:</p> <ul style="list-style-type: none"> • holds a Certificate III in Children's Services, or holds a qualification or training that the Secretary is satisfied is substantially equivalent or superior to a Certificate III in Children's Services; or • holds a qualification included in the list of approved certificate III level education and care qualifications published under the National Regulations; or • is a qualified staff member or a teaching staff member; or • holds a primary school teaching qualification; or • in the case of an early childhood intervention staff member, holds a qualification in a field the Secretary is satisfied is acceptable. <p>School holidays care</p> <ul style="list-style-type: none"> • holds or commences to obtain any of the above within six months of commencing to care for or educate children (other than the early childhood intervention staff member); or • holds a qualification in a field the Secretary is satisfied is acceptable. <p>Minimum training requirements do not apply to staff members who have completed professional development in lieu of minimum training (regulation 118).</p>
Parent/lawful authority/guardian section 3 regulation 5	<p>The terms 'parent' and/or 'lawful authority' are used throughout the Act and Regulations.</p> <ul style="list-style-type: none"> • Lawful authority sits with the parents unless otherwise determined by a court. For example, a legal guardian is given lawful authority by a court order. • A legal guardian has the custody or control of the child but does not include a person providing children's services to a child.

Primary Nominee sections 3, 18, and 22A	The person who will have primary responsibility for managing or controlling the children's service in the licensee's absence. This person must be approved as a fit and proper person by the Secretary or Delegate of the Department.
Proprietor section 3	In relation to a children's service— <ul style="list-style-type: none"> the owner of the service and the primary nominee for the service; and any person who manages or controls the service (for example, nominees) or, in the case of an approved associated children's service, the responsible person for the service. In relation to any proposed children's service, includes the person who proposes to operate the service.
Qualified staff member regulation 5	A staff member who— <ul style="list-style-type: none"> is a teaching staff member; or has successfully completed a 2 year full-time, or part-time equivalent, post-secondary early childhood qualification approved by the Secretary or holds a qualification the Secretary is satisfied is substantially equivalent or superior; or holds a qualification included in the list of approved diploma level education and care qualifications or early childhood teaching qualification published under the National Regulations (regulation 5). In the case of School holidays care , a staff member who- <ul style="list-style-type: none"> has successfully completed a 2 year full-time, or part-time equivalent, post-secondary childcare or youth recreation qualification approved by the Secretary or holds a qualification the Secretary is satisfied is substantially equivalent or superior; or holds a primary school teaching qualification; or holds a qualification included in the list of qualifications for working with children over preschool age for Victoria published under the National Regulations.
School child regulation 5	A child who - <ul style="list-style-type: none"> is enrolled and attending school or is enrolled at school and will attend school at preparatory level or above once the school year commences; and will be at least five years old by 30 April in the year that they attend or will attend school.
Staff member regulation 5	A person who is employed, or has been appointed or engaged to be responsible for the care or education of children at a children's service. Where a staff member is under 18 years of age they must be under the direct supervision of a qualified staff member who is aged 18 years or over Does not include volunteers and visiting early childhood intervention staff members.
Teaching staff member regulation 5	A staff member who- <ul style="list-style-type: none"> holds an early childhood teaching qualification at degree level or above that has been approved by the Secretary or a qualification the Secretary is satisfied is substantially equivalent or superior; or holds a qualification included in the list of approved early childhood teaching qualifications published under the National Regulations.
Volunteer regulations 5 and 58	A volunteer, in relation to a children's service, means a person who cares for or educates children at the children's service in a voluntary or honorary capacity, and includes a student or a person on work experience (regulation 5). Short term or limited hours (regulation 58) No more than half of the individuals counted in the staff to child ratios may be volunteers (these volunteers must be over 18 years of age). Volunteers may not be counted in the child/qualified staff ratios or the minimum number on staff members on duty.

Further information

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