

**Proposed Wording for a Bylaw to Amend Bylaw 32M98,
the Business Licence Bylaw**

1. Bylaw 32M98, the Business Licence Bylaw, as amended, is hereby further amended.
2. The following is added after section 51 as section 51.1:

"PRIVATE HOME-BASED CHILD CARE

- 51.1 (1) Private Home-based Child Care means the *business* of offering, arranging or providing temporary care or supervision in a residence for six (6) or fewer children under the age of thirteen (13) years, not including the operator's children, that provides care or supervision for more than six (6) hours per week.
- (2) Private Home-based Child Care does not include:
- (a) a facility-based program or family day home that is licensed under the *Early Learning and Child Care Act, SA 2007, c E-0.1*;
 - (b) care or supervision of a child that is provided by a family member or friend of the child's guardian and that is provided without the expectation of compensation; and
 - (c) supervision of a child provided by a babysitter or nanny in the home where the child resides.
- (3) In addition to other requirements in this Bylaw, an *applicant* must provide the following to the *Director* within ninety (90) days of the application for a *licence* being made:
- (a) a Criminal Record Check with Vulnerable Sector Search for the care provider and any *employee* of the *business* who is at the residence where care is being provided on a regular basis during operating hours;
 - (b) a Criminal Record Check with Vulnerable Sector Search for every other *person* over the age of eighteen (18) who resides in the residence where care is being provided regardless of whether they are providing care to children; and
 - (c) a First Aid Certificate including CPR for the care provider and any *employee* of the *business* that was obtained within three (3) years of the application being made.
- (4) When applying for a renewal of a *licence* a Private Home-based Child Care *licensee* must provide the following to the *Director* if applicable:

- (a) an annual Criminal Record Check for the operator and any *employee* of the *business*; and
 - (b) a First Aid Certificate including CPR and Vulnerable Sector Search for the operator and any *employee* of the *business* every three (3) years after the initial application.
- (5) A Private Home-based Child Care *licensee* must:
- (a) advise the *Director* if the *business* becomes licensed under the *Early Learning and Child Care Act*, SA 2007, c E-0.1;
 - (b) provide a Criminal Record Check with Vulnerable Sector Search to the *Director* for:
 - (i) any *person* over the age of eighteen (18) who moves into the residence where care is provided within ninety (90) days of the *person* moving in; and
 - (ii) any new *employee* of the *business* prior to that *employee's* start date;
 - (c) not operate with more than six (6) children under the age of thirteen (13) years, not including the operator's own children; and
 - (d) not leave a child unsupervised with a resident over the age of eighteen (18) or a visitor of the residence where care is provided, not including the operator's own children.
- (6) For the purposes of this Bylaw, a "First Aid Certificate including CPR" means documentation from an organization approved by the *Director* that confirms a *person* has completed a course of instruction the organization provides in both first aid and cardiopulmonary resuscitation."

3. In Schedule "A", under the headings indicated, after:

<u>Section</u>	<u>Business</u>	<u>Consultation or Approval</u>	<u>New Application Fee</u>				<u>Renewal Fee</u>			
			<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
"51	Photographer	Fire Planning Police	\$191	\$172	\$172	\$172	\$146	\$131	\$131	\$131"

the following is added:

<u>Section</u>	<u>Business</u>	<u>Consultation or Approval</u>	<u>New Application Fee</u>				<u>Renewal Fee</u>			
			<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
"51.1	Private Home-based Child Care	Planning Police	\$191	\$172	\$172	\$172	\$146	\$131	\$131	\$131"

4. In Schedule "C", under the headings indicated, after the following:

	<u>Section</u>	<u>Specified Penalty</u>
"Personal Service		
Tattoo or pierce a <i>person</i> under 18 years of age without parental consent	50(2)	\$ 1000.00"

the following is added:

	<u>Section</u>	<u>Specified Penalty</u>
"Private Home-Based Child Care		
Fail to provide police check for new resident or new <i>employee</i>	51.1(5)(b)	\$ 1000.00
Operating with more than 6 children	51.1(5)(c)	\$ 1000.00
Leave a child unsupervised with a resident or visitor	51.1(5)(d)	\$ 1000.00"

5. This Bylaw comes into force on January 1, 2023.