



New South Wales

Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

REBA MEAGHER, M.P.,
Minister for Community Services

Explanatory note

The object of this Regulation is to establish a system of registration of out of school hours care services (that is, services that provide care to school children outside school hours and during school vacations). Registration of such a service will become compulsory on 1 July 2007.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including section 220B (Regulations for or with respect to out of school hours care services) and section 264 (the general regulation-making power).

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Clause 1

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**Children and Young Persons (Care and Protection)
Amendment (Out of School Hours Care Services)
Regulation 2007**

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007*.

2 Amendment of Children and Young Persons (Care and Protection) Regulation 2000

The *Children and Young Persons (Care and Protection) Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Part 8

Insert after Part 7:

Part 8 Out of school hours care services

42 Definitions

In this Part:

children who are at school has the same meaning as it has in section 220A of the Act.

out of school hours care service has the same meaning as it has in section 220A of the Act.

registered premises, in relation to an out of school hours care service, means the premises (if any) in respect of which the service is registered under this Part.

registered provider, in relation to an out of school hours care service, means the person who is registered under this Part as the provider of the service.

43 Provision of unregistered service prohibited

- (1) This clause commences on 1 July 2007.
- (2) A person must not provide an out of school hours care service for any children who are at school unless:
 - (a) the service is registered under this Part, and
 - (b) the person is the registered provider for the service, and
 - (c) if the service is provided at fixed premises, the premises are the registered premises for the service.

Maximum penalty: 10 penalty units.

Note. A person does not provide such a service just because the person is a carer for the service, or is otherwise employed within the service, whether on a paid or voluntary basis.

- (3) Subclause (2) does not apply to the proposed registered provider for the service under an application under clause 44 that has been made before 1 July 2007 but not yet determined under clause 45.

44 Application for registration

- (1) Any person who provides, or intends to provide, an out of school hours care service may apply for registration of the service.

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Schedule 1 Amendment

- (2) An application for registration must be in the form approved by the Director-General and must include the following information:
 - (a) the name, address and contact details of the proposed registered provider for the service,
 - (b) the name, address and contact details of the person who is proposed to have charge of the service,
 - (c) if the service is to be provided at fixed premises, the address of the proposed registered premises for the service,
 - (d) such other information as the application form may require.
- (3) The application must be accompanied by such supporting documents and information as the application form may require.

Note. Section 253 of the Act makes it an offence to make a false or misleading application under this clause.

45 Registration

- (1) The Director-General may determine an application for registration of an out of school hours care service by registering the service or by refusing the application.
- (2) Registration of an out of school hours care service is subject to such conditions as are imposed on the registration by this Part.
- (3) The Director-General may cancel the registration of an out of school hours care service for breach of any such condition.

46 Condition as to provision of further information

- (1) It is a condition of registration of an out of school hours care service that the registered provider for the service will furnish the Director-General with such information (including financial information) relevant to the provision of the service as the Director-General may from time to time require by notice in writing served on the registered provider.
- (2) A registered provider of an out of school hours care service is guilty of an offence if he or she fails to comply with the requirements of a notice served under this clause.

Maximum penalty: 10 penalty units.

BY AUTHORITY
