



NSW Department of  
Community Services

## Registration of Out of School Hours Care Services

### Q & A's

**Q: I have been operating an out of school hours care service for some time, why do I now have to register?**

A: Registration of out of school hours care services is a new requirement in NSW introduced under the *Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007*. This Regulation commenced on 23 February 2007, with registration becoming compulsory from 1 July 2007.

**Q: Why has the requirement to register OSHC services been introduced?**

A: The new *Regulation* is the first step of a two-staged regulatory process to introduce a regulatory framework for OSHC services in NSW. A regulatory framework for the sector is being developed in order to encourage the delivery of quality OSHC services, thereby ensuring that children's developmental outcomes are supported in a safe, well-regulated environment. Other types of children's services operating in NSW are already regulated in this way.

**Q: When do I have to be registered by?**

A: All operating services must be registered by 1 July 2007. After this date unregistered services are prohibited from operating in NSW.

**Q: What happens if I don't apply for registration?**

A: As from 1 July 2007, unregistered services are prohibited from operating in NSW.

After 1 July 2007 DoCS will be taking steps to contact any known unregistered services to advise them that it is now unlawful to operate an unregistered service in the State and to assist services in applying for registration.

The *Regulation* provides that fines of up to \$1,100 can apply for operating an unregistered OSHC service after 1 July 2007. Enforcement action may be taken against services that refuse to apply for registration.

**Q: How do I apply for registration?**

A: To apply for registration you will need to complete and lodge an 'Out of School Hours Care Service Registration application'.

The application form is available from the DoCS website or can be mailed out to you. To request application forms call 1800 155 633.

**Q: Where do I lodge my application?**

A: Applications should be lodged by mail to:

Out of School Hours Care Regulation Team  
Children's Services Directorate  
Department of Community Services  
Locked Bag 4028  
Ashfield NSW 2131

**Q: Is there a cost for registering a service?**

A: No, there is no fee for registering a service.

**Q: For how long is the registration valid?**

A: Registrations will remain valid until such time as the second stage of the regulatory framework is developed. Further details about any ongoing registration processes will be included in future draft regulations, which will be released for public consultation prior to the making of any further formal regulation.

**Q: Why do I need to lodge a separate application for each premise where I operate a service?**

A: Each service is being individually registered so that, in future, issues affecting one registered service will not affect the registration of other services being operated by the same provider.

**Q: How will I know if my registration is accepted?**

A: Letters of confirmation will be issued to applicants.

**Q: I understood that questionnaires were required to be completed and lodged as part of an application for registration – is this still the case?**

A: No, questionnaires are no longer required as part of an application for registration. Questionnaires were originally required to enable a 'profile' of the current OSHC sector to be built up. Once the majority of OSHC services had been registered, the questionnaires were dispensed with.

**Q: What will the information that was provided in the questionnaires be used for?**

A: Information that was collected by DoCS via the new registration process provided up-to-date data about the current operations of OSHC services. This data will now be used to develop a regulatory framework for the OSHC sector in NSW.

**Q: I am currently licensed by DoCS to provide a Long Day Care service (or Preschool/Family Day Care/Occasional Care/Home Care) and provide OSHC in accordance with that licence. Do I also have to register as an OSHC service?**

A: Yes, at this stage, licensed children's services that provide OSHC as authorised under their licence are included in the requirement to register.

At present, issue of a children's services licence automatically allows that service to provide OSHC to a specified percentage of school aged children.

The new OSHC registration process is being used to take stock of the 'take-up' rate by current licensed services of the authority to care for school-aged children.

Part of the stage two regulatory development process will be to determine how to deal with care provided to school aged children in other licensed services so that it does not create overlap or duplication in licensing.

**Q: I am currently registered with the National Childcare Accreditation Council – do I still have to register with DoCS?**

A: Yes, the Commonwealth NCAC registration and the NSW DoCS registration are two separate and independent processes.

Information gathered as part of the two systems may be similar, but may not be shared between the respective agencies as it is gathered by each agency for its specific purpose. The agencies are keeping in contact to ensure that each is aware of the others activities and processes.

**Q: Does the new DoCS registration affect my access to the Child Care Benefit?**

A: The Child Care Benefit (CCB) is a Commonwealth subsidy and is not related to the NSW DoCS registration. However, the Commonwealth may require services to comply with any relevant State legislation before being eligible for Commonwealth funding – you can check on the Commonwealth requirements for accessing the CCB by calling 1300 653 227.

Note that services must register and be accredited by the National Childcare Accreditation Council (NCAC) in order to access the CCB. Information on the NCAC Accreditation process is available at: [www.ncac.gov.au](http://www.ncac.gov.au) or by calling (02) 8260 1900 or 1300 136 554 (for callers outside Sydney).

**Q: Why do I need to register with both DoCS and the NCAC?**

A: Registration with NSW DoCS and registration with the Commonwealth National Childcare Accreditation Council (NCAC) are two independent processes.

Registration with DoCS is compulsory and allows an OSHC service to operate in NSW.

Registration with NCAC is optional, but is a prerequisite for access to the Commonwealth Government's Child Care Benefit scheme. Registration with NCAC also gives services, children and parents access to the benefits of participating in a quality assurance program.

**Q: The definition of an OSHC service refers to 'a designated agency' – what is 'a designated agency'?**

A: A 'designated agency' is defined in section 139 of the *Children and Young Persons (Care and Protection) Act 1998*.

Basically a 'designated agency' can be either a Government Department or an organisation that arranges the provision of out of home care, that have been accredited under the Regulations as

a 'designated agency'. Designated agencies authorise and manage carers who provide out of home care to children.

**Q: The definition of an OSHC service refers to 'exempt premises' – what are 'exempt premises'?**

A: Exempt premises are premises that have been declared as exempt under either the *Regulations* or by an order of the Minister published in the Gazette. At this time no premises or class of premises have been declared as exempt.

**Q: What are the next steps in developing regulations for OSHC, and when might they commence?**

A: Following collection of information about the sector via the registration process, the data provided will be assessed and analysed by DoCS.

A proposed regulatory framework for OSHC services will then be developed based on the assessment of the data collected.

The provisions of the *National Standards for Outside School Hours Care* will also be a reference point in developing the proposed framework. Part of the purpose of the questionnaires that were used in the initial registration process is to gauge whether the provisions of the *National Standards* are an appropriate reference point for the development of a regulatory framework or whether alternative and/or more flexible provisions would be more appropriate for the sector in NSW.

Once a proposed regulatory framework has been developed, further public consultation will take place. Any proposed regulatory approach will be released for a period of public consultation during which service providers' and other interested parties will have the opportunity to provide comment on the proposals, prior to the making of any further formal regulation.