



PERTH, MONDAY, 3 FEBRUARY 2003 No. 14 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 10.00 AM

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Community Services Act 1972

Community Services (Out of School Hours Care) Exemption Order 2003

Made by the Minister under section 17D of the Act.

1. Citation

This order may be cited as the *Community Services (Out of School Hours Care) Exemption Order 2003*.

2. Definitions

In this order —

“**home education**”, in relation to a child, means instruction provided by a parent who is registered under the *School Education Act 1999* as the child’s home educator;

“**non-residential premises**”, means premises that are not used as a residence;

“**out of school hours care**”, in relation to a child, means any time outside the hours during which the child is required to —

- (a) attend school or otherwise participate in an educational programme of a school; or
- (b) receive home education;

“**regulations**”, means the *Community Services (Outside School Hours Care) Regulations 2002*;

“**school**”, has the same meaning as it has in the *School Education Act 1999*.

3. Exemption from section 17A

- (1) At any point in time a child care service is exempt from the application of section 17A of the Act if —
 - (a) it is provided only at non-residential premises;

- (b) it consists only of out of school hours care for children who attend school or receive home education; and
 - (c) the only children to whom it is provided reach 5 years of age within that calendar year.
- (2) The exemption granted in subclause (1) expires —
- (a) if the person providing the service does not apply under the regulations for registration as an outside school hours care provider in relation to the service before 28 November 2003;
 - (b) if that person does not apply under the regulations for a licence or permit in relation to the service before 28 August 2005; or
 - (c) if the Director-General issues or refuses to issue a licence or permit under the regulations to that person.
- (3) Beginning 28 August 2003 the exemption granted in subclause (1) does not apply if the service was not provided immediately before 28 August 2003.

4. Cancellation of Order

The Community Services (Out of School Hours Care) Exemption Order 2002 is cancelled.

5. Expiry

This order expires on 27 August 2005.

SHEILA McHALE, Minister for Community Development,
Women's Interests, Seniors and Youth

