



Queensland

*Child Care Act 2002*

# Child Care Regulation 2003

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Reprint No. 1B revised edition

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This regulation is reprinted as at 21 May 2004. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

# Child Care Regulation 2003

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# **Child Care Regulation 2003**

[as amended by all amendments that commenced on or before 21 May 2004]

## **Part 1 Preliminary**

### **Division 1 Introduction**

#### **1 Short title**

This regulation may be cited as the *Child Care Regulation 2003*.

#### **2 Commencement**

This regulation commences on 1 September 2003.

#### **3 Notes in text**

A note in the text of this regulation is part of this regulation.

### **Division 2 Interpretation and application of provisions**

#### **4 Definitions**

The dictionary in schedule 4 defines particular words used in this regulation.

#### **5 Requirements relating to a stated number of children**

A requirement under this regulation applying in relation to a stated number of children applies each time there is the stated number of children or a part of the stated number.

*Example—*

There are 40 children in care at a school age care service. Section 30(5) requires that there be at least 1 qualified assistant for each 30 children in care. In this case, 2 qualified assistants would be required.

**6 References to a child's age**

A reference in this regulation to a child of a stated age is—

- (a) if the age is expressed as a whole number of years—a reference to a child who was of that age at the child's last birthday; or
- (b) otherwise—a reference to a child who is exactly that age.

*Examples—*

- 1 A reference to a 2 year old child is a reference to a child who is between 2 and 3 years old.
- 2 A reference to a group of children aged 2½ to 3 years does not include a group with a child who is 2 years and 2 months old but may include a group with a child who is 3 years and 11 months old.

**7 References to age brackets**

A reference in this regulation to children of one stated age to another stated age is a reference to children who are all at least the first stated age and not more than the second stated age.

*Example—*

A reference to a group of children whose ages are '15 months to 3 years' is a reference to a group of children, each of whom is at least 15 months old and less than 4 years old.

## **Part 2 Centre based services**

### **Division 1 Programs**

#### **8 Licensee must ensure compliance—Act, s 89**

The licensee of a centre based service must ensure this division is complied with in relation to each program under which child care is provided in the course of the service.

#### **9 Matters relevant to content of program**

The program's contents must have regard to—

- (a) the number of children at the child care centre to whom child care is provided at one time under the program; and
- (b) for each of the children—
  - (i) the time for which the child is in care on each occasion; and
  - (ii) how often the child is in care; and
  - (iii) the child's age.

#### **10 Specific requirements of program**

The program must—

- (a) include a balance of activities and learning experiences, including—
  - (i) indoor and outdoor activities; and
  - (ii) individual and group activities; and
- (b) allow, in appropriate circumstances, for supervised periods for the children to rest or sleep; and
- (c) include opportunities for the children to make choices; and
- (d) be flexible and responsive to changes in the children's abilities, interests and skills; and

- (e) be designed to nurture each child's self-esteem, self-reliance and competence; and
- (f) be inclusive of children of all abilities; and
- (g) ensure each child's social and cultural background is respected and valued; and
- (h) reflect an understanding of Australia's Aboriginal and Torres Strait Islander heritage and its multicultural heritage.

## **11 Planning and development of program**

The program must be planned and developed—

- (a) from an ongoing observation of the children and assessment of their individual strengths, needs and interests; and
- (b) with the involvement of the parents, children, staff members and, as appropriate, other relevant professionals; and
- (c) through regular evaluation of the program's implementation.

## **12 Documentation of program**

The program, in the form in which it is being implemented from time to time, must be set out in a written document that includes a statement of—

- (a) the service's philosophy in relation to learning and child development outcomes and how it is intended the outcomes will be achieved; and
- (b) the goals relating to the knowledge and skills to be developed through the program.

## **13 Giving information about program to parents and guardians**

- (1) A notice must be displayed, at an appropriate place at the child care centre accessible to parents and guardians, giving general information about the program.

- (2) A parent or guardian of a child in care must be given, on request, information about the content or operation of the program so far as it relates to the child.

## **Division 2                      Standard requirements for groups and staffing levels**

### **Subdivision 1                  Preliminary**

#### **14                      Standard requirements—Act, s 61**

This division states the standard requirements for section 61 of the Act.

*Note—*

Under section 62 of the Act, these requirements apply to a centre based service at all times the service is conducted on a day between 5.00a.m. and 10.00p.m.

#### **15                      Explanation about caring for children in groups**

- (1) Subdivision 2 requires that the children in care of a centre based service, other than a school age care service, be cared for in groups.
- (2) The purpose of the requirement is that, by assigning each child to a group while in care, the child may—
  - (a) undertake activities as part of a group that is of an appropriate size and composition, having regard to the ages of the children in the group; and
  - (b) receive direct care from staff members working with the group.
- (3) The requirement is not contravened merely because—
  - (a) a child is assigned to different groups at different times; or
  - (b) from time to time, the child is not physically present with the rest of the child's group; or

- (c) in order to undertake an activity in an appropriate way, the child's group mixes with another group.

*Example for paragraph (c)—*

Children assigned to a group may continue to be cared for in the group even while, for part of a day, they—

- (a) intermingle with other groups while using a playground; or
- (b) sit with other groups to hear a musician visiting the centre; or
- (c) travel with other groups on an excursion.

## 16 Reference to licensed capacity

- (1) This section applies to a centre based service if its licensed capacity is stated in its licence as different numbers applying to the service at different times.
- (2) A reference in this division or schedule 1<sup>1</sup> to the service's licensed capacity is a reference to the highest of the numbers.

## Subdivision 2 When is someone 'working with' children

### 17 Explanation

This subdivision explains when a person is, or is not, *working with* children for the purposes of this division.

### 18 References to *working with* children

A person is *working with* children only if the person—

- (a) is physically present with the children; and
- (b) is directly engaged in providing child care to the children; and
- (c) is not also engaged in another activity that may interfere with the proper provision of child care to the children; and

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<sup>1</sup> Schedule 1 (Groups in child care centres)

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*Examples for paragraph (c)—*

- undertaking general cleaning duties unrelated to the direct provision of care to the children
  - having a telephone conversation unrelated to the direct provision of care to the children
- (d) does not have responsibilities that involve being absent from the children from time to time and that are not directly related to providing child care to the children.

*Example for paragraph (d)—*

A responsibility for staffing reception at a child care centre, requiring the person to temporarily leave the children whenever someone comes to the reception area.

## 19 Rest pauses

- (1) This section applies to a staff member who is, under section 18, working with children (the *relevant children*).
- (2) Despite section 18, the staff member is taken to be continuing to work with the relevant children while he or she is absent on a rest pause if—
  - (a) the rest pause is not more than 10 minutes; and
  - (b) the staff member has not already been absent on 2 rest pauses on that day; and
  - (c) the rest pause is not being taken during a rest period for the service; and
  - (d) there is an adult staff member present at the centre who is—
    - (i) not working with children; and
    - (ii) able to attend with the relevant children immediately if required; and

*Note—*

The adult staff member may be the staff member who is absent on the rest pause.

- (e) none of the other persons required under this division to be working with the relevant children is absent at the same time; and

- (f) without limiting paragraph (e), there is at least 1 adult staff member working with the relevant children; and
  - (g) arrangements are otherwise in place to ensure the relevant children are kept safe.
- (3) In this section—
- adult staff member*** includes a 17 year old staff member who is a qualified assistant.

***rest pause*** means a break from the duties of a person's employment, under an entitlement in the employment conditions.

## 20 Other temporary absences

- (1) This section applies to a person who is, under section 18, working with children (the ***relevant children***).
- (2) Despite section 18, the person is taken to be continuing to work with the relevant children while he or she is temporarily absent, other than on a rest pause, if—
  - (a) the absence is not more than 5 minutes; and
  - (b) none of the other persons required under this division to be working with the relevant children is absent at the same time; and
  - (c) without limiting paragraph (b), there is at least 1 adult staff member working with the relevant children; and
  - (d) arrangements are otherwise in place to ensure the relevant children are kept safe.

*Example—*

A person working with a group of children may leave the group under this section to—

- (a) care for a child who has temporarily left the group; or
  - (b) prepare an area in which the children are about to undertake another activity; or
  - (c) undertake an activity unrelated to caring for the children.
- (3) In this section—
- adult staff member*** includes a 17 year old staff member who is a qualified assistant.



### **Subdivision 3      Standard requirements for service other than school age care service**

#### **21      Application of sdiv 3**

This subdivision applies to a centre based service other than a school age care service.

#### **22      Caring for children in groups**

The children in care at the child care centre must be cared for in groups, each of which—

- (a) is not more than the maximum size stated in schedule 1;<sup>2</sup> and
- (b) complies with any other limit for the group stated in schedule 1.

#### **23      Inclusion of a child of a different age**

- (1) When assigning children to groups for the purpose of section 22, the licensee may deal with a child as if the child were of a particular age (an *imputed age*) that is up to 3 months higher or 3 months lower than the child's actual age, if—
  - (a) the licensee is satisfied on reasonable grounds it is developmentally appropriate for the child to be dealt with as if the child were of the imputed age; and
  - (b) a parent or guardian of the child agrees to the child being dealt with in that way and endorses the record made under section 102(f).
- (2) For schedule 1, the child's age is taken to be the imputed age.

*Example—*

A child is aged 13 months. Because of the child's advanced development, the licensee assigns the child to a group under this section as if the child were aged 15 months. In deciding whether the child's group complies with schedule 1, the child's age is taken to be 15 months.

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2      Schedule 1 (Groups in child care centres)

- (3) The licensee may not deal with more than 1 child in each group under subsection (1).
- (4) This section does not affect the operation of a licence condition or another requirement applying to the licensee under the Act.

*Example—*

A licence condition prohibits the licensee from providing child care to a child younger than 15 months. The licensee would be contravening the licence condition by providing child care to a child aged 13 months even if the licensee is satisfied it would be developmentally appropriate to deal with the child as if the child were aged 15 months.

**24 Staffing requirements other than during a rest period**

- (1) This section applies to each of the groups at the child care centre other than during a rest period.
- (2) There must be a qualified group leader working with, and in charge of, the group.
- (3) The number of qualified carers working with the group must be at least the number required to comply with the ratio for the group stated in schedule 1.

- (4) In this section—

***qualified carer—***

- (a) means the qualified group leader in charge of the group and any other qualified assistant working with the group; and
- (b) includes 1 adult working with a group who is not a qualified assistant if—
  - (i) a qualified group leader and a qualified assistant are also working with the group; and
  - (ii) the service's licensed capacity is not more than 30.

**25 Staffing requirements during a rest period**

- (1) This section applies to the service during a rest period.
- (2) The number of qualified carers working with each of the groups at the child care centre must be at least—

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- (a) for a group including a child aged less than 2 years—the number required to comply with the ratio for the group stated in schedule 1; or
  - (b) for another group—the number that is 1 less than the number required to comply with the ratio for the group stated in schedule 1 (but at least 1).
- (3) In addition to the qualified carers working with the groups under subsection (2), there must be at least the following number of adult staff members present at the centre and able to attend with any of the groups immediately if required—
- (a) if the service’s licensed capacity is not more than 30—1 adult staff member;
  - (b) if the service’s licensed capacity is at least 31 but not more than 75—2 adult staff members;
  - (c) if the service’s licensed capacity is at least 76—3 adult staff members.
- (4) A director must be present at the centre.
- (5) The director present under subsection (4) may be one of the qualified carers under subsection (2) or other staff members under subsection (3).
- (6) The requirements under subsections (2) to (5) do not apply if the requirements under section 24 are being met.
- (7) In this section—

***adult staff member*** includes a 17 year old staff member who is a qualified assistant.

***director*** means a qualified director or an adult mentioned in section 64(3)(b)<sup>3</sup> of the Act.

***qualified carer***—

- (a) means a qualified assistant; and
- (b) includes 1 adult working with a group who is not a qualified assistant if—

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3 Section 64 (Director for centre based service) of the Act

- (i) 2 qualified assistants are also working with the group; and
- (ii) the service's licensed capacity is not more than 30.

*Note—*

A person who is a qualified group leader or qualified director is also a qualified assistant. See section 112(c).

## 26 Individual care

Sections 22, 24 and 25 are taken to have been complied with in relation to a child in care at a child care centre if the child is cared for individually by a qualified assistant.

## 27 Emergency care

- (1) This section applies if the number of children in a group at a child care centre is more than the group's prescribed limit.
- (2) In deciding, for this subdivision, the number or ages of children in the group, a child to whom emergency care is being provided is not to be included.
- (3) However, subsection (2) applies only if the number by which the prescribed limit is being exceeded is not more than—
  - (a) if emergency care is being provided to 2 or more children in the same family—that number of children; or
  - (b) otherwise—1.
- (4) This section applies whether or not the licensed capacity of the centre based service is being exceeded.
- (5) In this section—

*prescribed limit*, for a group, means the maximum size for the group stated in schedule 1.

## 28 Extra group leader required for large service

- (1) This section applies to a centre based service with a licensed capacity of at least 45.
- (2) An extra group leader must be present at the child care centre for at least the following times—

- (a) if the service's licensed capacity is at least 45 but not more than 65—10 hours each week;
  - (b) if the service's licensed capacity is at least 66—38 hours each week.
- (3) In this section—

*extra group leader* means a qualified group leader present at a child care centre in addition to the qualified group leaders required to be present at the centre to comply with section 24 or 25.<sup>4</sup>

## **Subdivision 4      Standard requirements for school age care service**

### **29      Application of sdiv 4**

This subdivision applies to a school age care service.

### **30      Number of carers**

- (1) This section applies at all times child care is being provided in the course of the service.
- (2) If all of the children in care are school children, there must be at least 1 carer for each 15 children.
- (3) If any of the children in care is a preschool child and all of the preschool children are being cared for in a group separate to the school children, there must be—
  - (a) for the preschool children—at least 1 carer for each 13 children; and
  - (b) for the school children—at least 1 carer for each 15 children.
- (4) If any of the children in care is a preschool child and is not being cared for in a group separate to the school children, there must be at least 1 carer for each 13 children.

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<sup>4</sup> Section 24 (Staffing requirements other than during a rest period) or 25 (Staffing requirements during a rest period)

- (5) Of the carers required under this section, there must be at least 1 qualified assistant for each 30 children.
- (6) A requirement in this section that there be a carer is a requirement—
  - (a) that there be a carer who is—
    - (i) an adult; or
    - (ii) a 17 year old qualified assistant; and
  - (b) that the carer be working with the children in care.

### **31 Emergency care**

- (1) This section applies if, at a particular time, emergency care is being provided to 1 or more children in the course of the service.
- (2) For section 30—
  - (a) the number of children in care is taken to be reduced by—
    - (i) if emergency care is being provided to 2 or more children in the same family—that number of children; or
    - (ii) otherwise—1; and
  - (b) in deciding if any of the children in care is a preschool child, a child to whom emergency care is being provided is to be disregarded.
- (3) This section applies whether or not the licensed capacity of the centre based service is being exceeded.

### **32 Presence of qualified staff member**

- (1) This section applies—
  - (a) for a day on which child care is provided in the course of the service for more than 7 hours and 15 minutes—for at least 7 hours and 15 minutes of the time during which child care is provided; or
  - (b) for another day—at all times child care is being provided in the course of the service.

- (2) There must be at least 1 person present at the child care centre who is an adult staff member of the service and has a qualification for a group leader prescribed under this regulation.<sup>5</sup>
- (3) The person may be 1 of the carers mentioned in section 30.

## **Division 3                      Notices about groups and emergency care**

### **33            Definitions for div 3**

In this division—

*groups*, at a child care centre, means the groups in which children at the centre are cared for in compliance with section 22.

*prescribed information*, about a group, means—

- (a) the maximum number of children in the group; and
- (b) the minimum and maximum ages of children in the group.

*prescribed limit*, for a group, means the maximum size for the group stated in schedule 1.

### **34            Licensee must comply**

A licensee must comply with this division.

Maximum penalty—1 penalty unit.

### **35            Display of notice about groups**

- (1) This section applies to the licensee of a centre based service other than a school age care service.
- (2) The licensee must display, at an appropriate place at the child care centre accessible to parents and guardians, a notice

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<sup>5</sup> See section 128 (Transitional—qualified staff member for s 32).

stating the prescribed information about each of the groups at the centre.

- (3) The notice must be headed 'INFORMATION ABOUT GROUPS' or have a similar heading.
- (4) The content of the notice must appear, in prominent and legible characters, in print no smaller than 18 point.

### **36 Display of notice about groups and emergency care**

- (1) This section applies to the licensee of a centre based service, other than a school age care service, if the number of children in a group is more than the prescribed limit because emergency care is being provided to a child in the group.
- (2) The licensee must display, at an appropriate place at the child care centre accessible to parents and guardians of children in the group, a notice stating that the number of children in the group is more than the prescribed limit because emergency care is being provided to a child in the group.
- (3) The notice must be headed 'EMERGENCY CARE' or have a similar heading.
- (4) The content of the notice must appear, in prominent and legible characters, in print no smaller than 18 point.

### **37 Notice to chief executive about groups**

- (1) This section applies to the licensee of a centre based service other than a school age care service.
- (2) The licensee must give the chief executive a notice, stating the prescribed information about each of the groups at the centre, at the following times—
  - (a) when the licensee starts conducting the service;
  - (b) immediately after there is a material change to the prescribed information previously given to the chief executive under this section.



**38 Notice about emergency care**

- (1) This section applies to a centre based service while emergency care is being provided to 1 or more children in circumstances to which section 33 of the Act applies.
- (2) The licensee must display, at an appropriate place at the child care centre accessible to parents and guardians of the children in care, a notice stating that the number of children being cared for is more than the service's licensed capacity because emergency care is being provided.
- (3) The notice must be headed 'EMERGENCY CARE' or have a similar heading.
- (4) The content of the notice must appear, in prominent and legible characters, in print no smaller than 18 point.

**39 Notice about rest pauses**

- (1) This section applies to the absence, on a rest pause, of a staff member working with children at a centre based service.

*Note—*

Under section 19, if certain conditions are met, a staff member working with children is taken to be continuing to work with the children while he or she is absent on a rest pause.

- (2) The licensee must ensure that—
  - (a) at or before the time the rest pause starts, the staff member's name and the time of the rest pause is recorded on a notice; and
  - (b) the notice is displayed at an appropriate place at the child care centre accessible to parents and guardians of the children in care until at least the end of the day.
- (3) The notice must be headed 'REST PAUSES' or have a similar heading.
- (4) The content of the notice must appear, in prominent and legible characters, in print no smaller than 18 point.

## **Division 4                      Presence of qualified director or other qualified person at child care centre**

### **40                      Presence of qualified director or other qualified person—Act, s 64**

This division prescribes matters for the obligation applying to the licensee of a centre based service under section 64(3)<sup>6</sup> of the Act.

### **41                      Prescribed times**

- (1) For this section, the child care centre's *peak period* for a day is the part of the day for which, ordinarily, the number of children in care at the centre is at its highest level.
- (2) If the centre's normal operating hours for a day are not more than 10 hours, a qualified director must be present at the centre—
  - (a) for at least 75% of the centre's normal operating hours for that day; and
  - (b) for most of the centre's peak period for that day.
- (3) If the centre's normal operating hours for a day are more than 10 hours—
  - (a) a qualified director must be present at the centre—
    - (i) for at least 7½ hours on that day; and
    - (ii) so far as possible, for most of the centre's peak period for that day; and
  - (b) a qualified director, or a qualified group leader with at least 2 years experience as a carer in a child care service, must be present at the centre—
    - (i) for at least 75% of the centre's normal operating hours for that day; and
    - (ii) for most of the centre's peak period for that day.

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6 Section 64 (Director for centre based service) of the Act

*Example—*

A child care centre's normal operating hours for a day are from 7.00a.m. to 7.00p.m. Ordinarily, the following numbers of children in care are present at the following times—

- 10 children from 7.00a.m. to 8.00a.m.
- 50 children from 8.00a.m. to 12.00p.m. (the peak period for the day)
- 40 children from 12.00p.m. to 6.00p.m.
- 10 children from 6.00p.m. to 7.00p.m.

X, who is a qualified director, is present at the centre from 8.30a.m. to 4.00p.m.

Y, who is a qualified group leader with at least 2 years experience as a carer in a child care service, is present from 1.00p.m. to 7.00p.m.

The licensee of this service has complied with section 64(3) of the Act on this day, because—

- X was present for 7½ hours, including most of the peak period
- X or Y was present from 8.30a.m. to 7.00p.m., which is more than 75% of the centre's normal operating hours for that day and includes most of the peak period.

## Division 5                      Arrival and departure of children

### 42            Definitions for div 5

In this division—

**adult**, in relation to a person accompanying a child arriving at or leaving a child care centre, includes the child's parent who is not yet an adult.

**arrive**, at a child care centre, means arrive at the centre to start receiving child care in the course of the centre based service.

**attendance book**, of a child care centre, means 1 or more documents kept by the licensee of the centre for recording information about the attendance of each child in care.

**leave**, a child care centre, means leave the centre and stop receiving child care in the course of the centre based service.

**43 Arriving at, or leaving, a child care centre**

- (1) The licensee of a centre based service must take reasonable steps to ensure a child in care who is not a school child does not arrive at the child care centre other than—
- (a) with an adult; or
  - (b) if a parent or guardian of the child has advised the licensee that the child will be arriving accompanied only by a school child—with the school child.

Maximum penalty—10 penalty units.

- (2) The licensee of a centre based service must ensure that—
- (a) when a child in care arrives at the child care centre, the child is received by a staff member of the service; and
  - (b) when a child in care arrives at the child care centre—
    - (i) if the child is accompanied by an adult—the adult enters the arrival time and the adult’s name in the centre’s attendance book and signs the entry; or
    - (ii) otherwise—a staff member enters the arrival time in the centre’s attendance book and signs the entry; and
  - (c) a child in care does not leave the child care centre other than with, or with the permission of, a parent or guardian of the child; and
  - (d) a child in care who is not a school child does not leave the child care centre other than with an adult; and
  - (e) when a child in care leaves the child care centre—
    - (i) if the child leaves with an adult—the adult enters the departure time and the adult’s name in the centre’s attendance book and signs the entry; or
    - (ii) otherwise—a staff member enters the departure time in the centre’s attendance book and signs the entry.

Maximum penalty—10 penalty units.

**44 Arriving at, or leaving, another place**

- (1) This section applies to the provision of child care, in the course of a licensed centre based service, at a place other than the child care centre.
- (2) Section 43 applies to a child arriving at or leaving the place as if a reference in the section to the child care centre were a reference to the other place.

*Example—*

The licensee of a centre based service has a bus in which, under the licence, children in care are collected from their homes by a staff member and transported to the child care centre. A child is accompanied by the child's parent until the child enters the bus. Under section 43(2)(b), the licensee must ensure there is an attendance book for the child care centre in the bus and, when the child enters the bus, the parent enters the time and the parent's name in the attendance book and signs the entry.

**Division 6 Buildings and facilities****45 Licensee must ensure compliance**

The licensee of a centre based service must ensure the child care centre and facilities used to provide child care under the licence comply with this division.

Maximum penalty—5 penalty units.

**46 Bedding**

- (1) A child care centre must have—
  - (a) a cot with a waterproof cover for each infant; and
  - (b) a bed with a waterproof cover for—
    - (i) each child, other than a school child, attending the centre for more than 4 hours continuously; and
    - (ii) each child being cared for at any time between 10.00p.m. and 5.00a.m.
- (2) The beds must be placed so that there is enough space for an adult to walk between the beds and to gain easy access to each bed from either side of the bed.

**47 Bed linen**

- (1) A child care centre must have enough bed linen for the beds, suitable for the centre's climatic conditions.
- (2) The bed linen used at a child care centre must be laundered—
  - (a) at least once a week; and
  - (b) if wet or soiled; and
  - (c) before use by a different child.

**48 Telephone**

- (1) A child care centre must have a telephone on which intrastate calls may be sent and received.
- (2) At all times child care is being provided in the course of the centre based service, the telephone must be available for sending and receiving calls.

*Example—*

The telephone must not be disconnected in order to use the line for internet access.

**49 Refrigerators**

- (1) A child care centre must have enough refrigerators, with enough capacity, to meet the needs of the children in care, having regard to all the circumstances including the number of children who may be cared for at one time, their ages and the length of time for which they are in care.
- (2) Without limiting subsection (1)—
  - (a) a child care centre must have at least 1 refrigerator; and
  - (b) if any infants are cared for at a child care centre—
    - (i) there must be at least 1 refrigerator for each 16 infants for whom care is provided at one time; and
    - (ii) the refrigerators must be located in the bottle preparation area.

**50 Laundry facilities**

- (1) This section applies if bed linen, children's clothes, towels or other items are laundered in the course of a centre based service.
- (2) If the items are laundered at the centre, the child care centre must have a washing machine and facilities for cleaning soiled items before they are washed in the washing machine.
- (3) If the items are laundered elsewhere, the child care centre must have facilities for storing the items in a way that prevents the spread of infection from them.

**51 Bath for infants**

If any infants are cared for at a child care centre that does not have a built-in bath, the centre must have a portable bath.

*Note—*

Under the Building Act requirements, certain child care centres are required to have a built-in bath.

**52 Hand washing facilities**

- (1) A child care centre must have hand washing facilities in the nappy change area, kitchen and any other area where food is ordinarily prepared.
- (2) A child care centre must have hand washing facilities in the toilets, including facilities that are adequate and appropriate for the children ordinarily cared for at the centre.
- (3) In this section—  
*hand washing facilities* includes soap and hand drying facilities.

**53 Other facilities**

- (1) A child care centre must have other facilities, including furniture, indoor and outdoor equipment and utensils for eating and drinking, that are adequate for the children ordinarily cared for at the centre.

- (2) The facilities must be appropriate for the children, having regard to their age and other relevant matters.
- (3) The chief executive may issue guidelines about what facilities the chief executive considers to be adequate or appropriate for this section.

#### **54 Harmful plants**

A child care centre must not have any plants accessible to children that are poisonous or otherwise pose an unacceptable danger to the children.

### **Division 7 Other health and safety matters**

#### **55 Licensee must ensure compliance**

The licensee of a centre based service must ensure this division is complied with in relation to—

- (a) the child care centre and facilities used to provide child care under the licence; and
- (b) the conduct of the service.

Maximum penalty—5 penalty units.

#### **56 Health and hygiene practices**

Each staff member must observe good health and hygiene practices while providing care in the course of the service.

#### **57 Cleaning and maintenance generally**

A child care centre and its facilities must be kept in good repair, clean and free of pests.

#### **58 Nappy change areas**

Each nappy change area at a child care centre must be adequately cleaned after each use.



**59 Access to kitchen**

Children must not be allowed access to the kitchen at a child care centre without adult supervision.

**60 Dangerous places and items must be inaccessible to children**

Children must not have access to any dangerous part of a child care centre or dangerous item kept at the centre, including any of the following—

- (a) poisons, disinfectants and corrosive substances;
- (b) plastic cling film and plastic bags;
- (c) dangerous electrical equipment;
- (d) hot water pipes.

**61 Animals**

- (1) An animal must not be kept at a child care centre other than for educational purposes.
- (2) An animal must not be kept at a child care centre if it is likely to adversely affect the health, safety or wellbeing of anyone at the centre.

**62 Smoking**

A person may not smoke in the presence of a child if—

- (a) child care is being provided to the child in the course of a centre based service; and
- (b) the person and the child are at a child care centre or in a private vehicle.

**63 Food and nutrition**

- (1) Food and drink must be offered to each child in care frequently, at appropriate intervals.
- (2) If the food offered to children is supplied as part of a child care service—

- (a) the food must be adequate and nutritious; and
- (b) there must be a variety of food; and
- (c) the types of food must be chosen having regard to the child's age, health, dietary needs, culture and religion; and
- (d) a menu of the food must be displayed where it can be seen by parents and guardians.

## **Division 8                      Miscellaneous**

### **64            Exemptions—Act, s 188**

A child care centre mentioned in schedule 2 is exempt from compliance with each Building Act requirement stated opposite.

## **Part 3                              Home based services**

### **Division 1                      Activities and experiences**

#### **65            Licensee must ensure compliance—Act, s 98**

The licensee of a home based service must ensure this division is complied with in relation to the activities and experiences included in the child care provided under the licence.

#### **66            Specific requirements of activities and experiences**

The activities and experiences must—

- (a) include a balance of activities and learning experiences, including—
  - (i) indoor and outdoor activities; and
  - (ii) individual and group activities; and

- (b) allow, in appropriate circumstances, for supervised periods for the children to rest or sleep; and
- (c) include opportunities for the children to make choices; and
- (d) be flexible and responsive to changes in the children's abilities, interests and skills; and
- (e) nurture each child's self-esteem, self-reliance and competence; and
- (f) be inclusive of children of all abilities; and
- (g) ensure each child's social and cultural background is respected and valued; and
- (h) reflect an understanding of Australia's Aboriginal and Torres Strait Islander heritage and its multicultural heritage.

## **67 Information about activities and experiences**

- (1) A written document must be kept up-to-date that includes—
  - (a) a general description of the activities and experiences; and
  - (b) the service's philosophy in relation to learning and child development outcomes and how it is intended the outcomes will be achieved; and
  - (c) the goals relating to the knowledge and skills to be developed through the activities and experiences.
- (2) The document must be available for inspection, on request, by the parents or guardians of each child in care.

## **Division 2                      Carers coming together**

### **68            Application of div 2**

This division applies, for section 96(2)<sup>7</sup> of the Act, to a period of care provided at a home or other place by 2 or more carers in a licensed home based service.

### **69            Travelling time**

For this division, in deciding the length of a period of care, any travelling time is to be disregarded.

*Note—*

Section 96(4) of the Act defines *travelling time* as time during which the children in care are transported to or from a home or other place for the purpose of a period of care under that section.

### **70            Combined care with 2 carers**

Care may be provided at a place for a period of up to 3 hours in a day if—

- (a) there are 2 carers, and only 2 carers, providing the care at the place throughout the period; and
- (b) each of the children being provided with child care by the carers during the period is ordinarily provided with child care by 1 or both of the carers, in the course of a licensed home based service, at other times.

### **71            Combined care with at least 3 carers**

(1) Care may be provided at a place for a period of up to 3 hours in a day if—

- (a) there are at least 3 carers at the place throughout the period; and
- (b) there are not more than 16 children at the place being provided with care by the carers.

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<sup>7</sup> Section 96 (Playgroups and excursions involving other carers) of the Act

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- (2) Care may be provided at a place for a period of up to 3 hours in a day if—
- (a) there is a qualified coordinator and at least 3 carers at the place throughout the period; and
  - (b) the children are provided during the period with activities and experiences that have been planned by a qualified coordinator.
- (3) Care may be provided at a place for a period of up to 3 hours in a day if—
- (a) there are at least 3 carers at the place throughout the period; and
  - (b) the care is provided in the course of a playgroup or similar activity—
    - (i) organised by a member of the Playgroup Association of Queensland Incorporated; or
    - (ii) conducted in the course of an approved mobile service or approved remote areas service.
- (4) In this section—
- approved mobile service*** means—
- (a) the Goondiwindi Mobile Children’s Service operated by the Goondiwindi District Family Day Care Service; or
  - (b) the St. George Mobile Children’s Service operated by the Churches of Christ.

***approved remote areas service*** means a service conducted by the Uniting Church in Australia to provide playgroups and similar activities to families living in isolated communities.

## 72 Combined care while meeting excursion requirements

Care may be provided at a place for a period of any length during a day if, except while the children are being transported in a private vehicle, the number of adults caring for the children throughout the period complies with section 95(1).<sup>8</sup>

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<sup>8</sup> Section 95 (Excursion from child care centre)

*Note—*

For the requirements applying while the children are being transported in a private vehicle, see section 96.

**73 Limits on frequency of combined care**

- (1) A period of care may not be provided to a child under section 71(1) more than 3 times in a week.
- (2) However, subsection (1) does not apply to a period of care to which section 71(1) applies if section 71(2) or (3) also applies to the period of care.
- (3) A period of care may not be provided to a child under section 71 more than 6 times in a week.
- (4) A period of care of more than 3 hours during a day may not be provided to a child under section 72 more than once in a week.

**74 Licensee to be informed about place where combined care is regularly provided**

- (1) This section applies if a carer regularly participates in providing periods of care under this division at a particular place.
- (2) The carer must, before providing each period of care at the place, ensure the licensee is aware that the carer proposes to provide the care at the place.

**Division 3 Arrival and departure of children****75 Definitions for div 3**

In this division—

**adult**, in relation to a person accompanying a child arriving at or leaving a carer's home, includes the child's parent who is not yet an adult.

**arrive**, at a carer's home, means arrive at the home to start receiving child care in the course of a licensed home based service.

*carer's home* means a home at which child care is provided to a child in the course of a licensed home based service.

*leave*, a carer's home, means leave the home and stop receiving child care in the course of a licensed home based service.

## **76 Arriving at, or leaving, a carer's home**

- (1) The licensee of a home based service must take reasonable steps to ensure a child in care who is not a school child does not arrive at a carer's home other than—
  - (a) with an adult; or
  - (b) if a parent or guardian of the child has advised the carer that the child will be arriving accompanied only by a school child—with the school child.

Maximum penalty—10 penalty units.

- (2) The licensee of a home based service must ensure—
  - (a) a child in care does not leave a carer's home other than with, or with the permission of, a parent or guardian of the child; and
  - (b) a child in care who is not a school child does not leave a carer's home other than with an adult; and
  - (c) when a child in care arrives at a carer's home, the child is received by the carer.

Maximum penalty—10 penalty units.

## **77 Arriving at, or leaving, another place**

- (1) This section applies to the provision of child care, in the course of a licensed home based service, at a place other than a carer's home.
- (2) Section 76 applies to a child arriving at or leaving the place as if a reference in the section to a carer's home were a reference to the other place.

## **Division 4                      Buildings and facilities**

### **78            Licensee must ensure compliance**

The licensee of a home based service must ensure the homes and facilities used to provide child care under the licence comply with this division.

Maximum penalty—5 penalty units.

### **79            Bedding and bed linen**

A home must have enough appropriate beds and bed linen to meet the needs of the children in care.

### **80            Telephone**

- (1) A home must have a telephone on which intrastate calls may be sent and received.
- (2) At all times child care is being provided at the home or by a carer who lives at the home, the telephone must be available for sending and receiving calls.

*Example—*

The telephone must not be disconnected in order to use the line for internet access.

### **81            Outdoor play areas**

A home must have an outdoor play area that is safe, has enough shade and is adequately fenced.

### **82            Other facilities**

A home must have other facilities that are adequate and appropriate, having regard to the number of children ordinarily cared for at the home and the ages of the children.



**83 Harmful plants**

A home must not have any plants accessible to children that are poisonous or otherwise pose an unacceptable danger to the children.

**Division 5 Other health and safety matters****84 Licensee must ensure compliance**

The licensee of a home based service must ensure this division is complied with in relation to—

- (a) the homes and facilities used to provide child care under the licence; and
- (b) the conduct of the service.

Maximum penalty—5 penalty units.

**85 Health and hygiene practices**

A carer must observe good health and hygiene practices while providing care in the course of the service.

**86 Cleaning and maintenance generally**

A home and its facilities must be kept in good repair, clean and free of pests.

**87 Fire evacuation plan**

A carer must have a written evacuation plan for the home in the case of a fire or other emergency.

**88 Dangerous places and items must be inaccessible to children**

- (1) Children must not have access to any dangerous part of a home or dangerous item kept at a home, including any of the following—
  - (a) poisons, disinfectants and corrosive substances;

- (b) plastic cling film and plastic bags;
  - (c) dangerous electrical equipment;
  - (d) hot water pipes.
- (2) Any staircase at a home must be inaccessible to children to whom the staircase poses a safety hazard.

## **89 Animals**

An animal must not be kept at a home if it is likely to adversely affect the health, safety or wellbeing of any of the children in care.

## **90 Smoking**

A person may not smoke in the presence of a child if—

- (a) child care is being provided to the child in the course of a home based service; and
- (b) the person and the child are at a home or in a private vehicle.

## **91 Food and nutrition**

- (1) A carer must ensure food and drink is offered to each child in care frequently, at appropriate intervals.
- (2) If the food offered to children is supplied as part of a child care service—
  - (a) the food must be adequate and nutritious; and
  - (b) there must be a variety of food; and
  - (c) the types of food must be chosen having regard to the child's age, health, dietary needs, culture and religion.

## Part 4                      Other requirements applying to all services

### Division 1                Supervision during certain activities

#### 92      Meaning of *adult* for div 1

In this division—

*adult* includes a 17 year old staff member of a centre based service who is a qualified assistant.

#### 93      Swimming

- (1) This section applies while the children in care of a licensed service are swimming, whether at a child care centre, at a home or on an excursion.
- (2) The licensee must ensure at least the following number of adults are caring for the children—
  - (a) for children who are less than 3 years—1 adult for each child;
  - (b) for children who are at least 3 years but not yet of school age—1 adult for each 2 children;
  - (c) for children who are of at least school age—1 adult for each 5 children.

Maximum penalty—10 penalty units.

- (3) In this section—

*swimming* includes any activity where children are likely to enter water in which swimming could be undertaken.

*Examples*—

- 1 Children who have been swimming in a pool are taken to be still swimming if they continue to play around the pool.
- 2 Children are taken to be swimming while they are playing in and out of the water at a beach.

- 3 Children are not taken to be swimming merely because they are visiting a park in which there is a pond.

**94 Information for parents and guardians about care provided away from principal place of care**

- (1) This section applies to the following activities undertaken in the course of a licensed service—
  - (a) taking a child in care on an excursion;
  - (b) transporting a child in care to or from the principal place of care.
- (2) The licensee must ensure that, before the activity is undertaken, a parent or guardian of the child is properly informed about the proposed arrangements, including—
  - (a) the day of the activity; and
  - (b) the estimated times of departure and return; and
  - (c) for an excursion—the destination; and
  - (d) the method of transportation; and
  - (e) the number of accompanying adults.
- (3) The information given to a parent or guardian may relate to more than 1 activity.
- (4) If there is a material change in any of the information given to a parent or guardian about an activity, the licensee must ensure the parent or guardian is notified of the change.

*Example for subsections (3) and (4)—*

The XYZ Family Day Care Scheme is a licensed home based service. A carer in the service conducts a regular excursion from the carer's home. The licensee of the service has ensured that the carer has given information to parents and guardians about the excursion. The information states that, every Wednesday, the children in care leave the home at 3.00p.m., walk to the XYZ school accompanied by the carer and 1 other adult, and return to the home at 3.30p.m. One week, it is proposed to leave the home at 4.30p.m. The licensee must ensure that, before the excursion happens that week, a parent or guardian of each child going on the excursion is informed of the change.

**95 Excursion from child care centre**

- (1) The licensee of a centre based service must ensure that, while children in care are on an excursion, at least the following number of adults are caring for them—
  - (a) for children who are less than 3 years—1 adult for each 2 children;
  - (b) for children who are at least 3 years but not yet of school age—1 adult for each 4 children;
  - (c) for children who are of at least school age—1 adult for each 8 children.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply while the children are being transported in a private vehicle.

**96 Transportation in a private vehicle**

- (1) The licensee of a child care service must ensure this section is complied with in relation to the transportation of children, in a private vehicle, in the course of the service.

Maximum penalty—

- (a) for a contravention relating to subsection (2) or (3)—10 penalty units; or
  - (b) for a contravention relating to subsection (5) or (6)—5 penalty units.
- (2) If every child in the vehicle is at least 3 years, there must be at least the following number of adults in the vehicle, caring for the children, during the transportation—
    - (a) if there are 12 or more children in the vehicle—2 adults;
    - (b) if there are 11 or less children in the vehicle—1 adult.
  - (3) If there is a child in the vehicle who is less than 3 years, there must be at least the following number of adults in the vehicle, caring for the children, during the transportation—
    - (a) if there are 12 or more children in the vehicle—
      - (i) for children who are less than 3 years—1 adult for each 2 children;

- (ii) for children who are at least 3 years but not yet of school age—1 adult for each 4 children;
  - (iii) for children who are of at least school age—1 adult for each 8 children;
- (b) if there are 11 or less children in the vehicle—
  - (i) if there are 5 or more children who are less than 3 years—2 adults; or
  - (ii) otherwise—1 adult.
- (4) The adult, or 1 of the adults, required under subsection (2) or (3) may be the driver of the vehicle.
- (5) During the transportation, the driver of the vehicle must carry, for each of the children in the vehicle, the name and phone number of a parent or guardian, or another person nominated by a parent or guardian, who may be contacted in case of an emergency involving the child.
- (6) Before a child is transported in the vehicle, a parent or guardian of the child must be notified about the restraints fitted in the vehicle.
- (7) To remove any doubt, it is declared that the transportation of children in a vehicle is taken to continue until they reach their destination, even if the vehicle temporarily stops before reaching the destination.

*Example—*

Under a licence for a centre based service, a staff member is transporting children to the child care centre in a private vehicle. On the way, the staff member stops at a home to pick up another child. Subsection (2) or (3) continues to apply while the vehicle is stopped at the home.

## **Division 2                      Illness or injury**

### **97                      Authority to give medical attention**

- (1) The licensee of a child care service must ensure child care is not provided to a child in the course of the service unless a parent or guardian of the child has given the licensee a medical authorisation for the child.

(2) In this section—

*medical authorisation*, for a child, means written authorisation for a carer in, or staff member of, a child care service to provide appropriate medical attention for the child in an emergency.

## **98 Medical attention**

The licensee of a child care service must ensure that, if a child in care is injured or becomes ill, all reasonable steps are taken to provide appropriate medical attention for the child.

## **99 Notice to parent or guardian**

The licensee of a child care service must ensure that, as soon as practicable after a child in care is injured or becomes ill, a parent or guardian of a child is notified of the illness or injury and of any medical attention provided.

## **Division 3 Records**

### **100 Record keeping requirements—Act, s 85**

For section 85<sup>9</sup> of the Act, the licensee of a child care service must keep the records required under this division.

### **101 Information about children in care**

The licensee of a child care service must keep a record of all of the following information about each child in care—

- (a) the child's name, address, sex and date of birth;
- (b) the name, address and contact telephone number of—
  - (i) a parent or guardian of the child; and
  - (ii) any other person who may be contacted in an emergency involving the child; and

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9 Section 85 (Licensee must keep records) of the Act

*Child Care Regulation 2003*

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- (iii) any other person authorised to collect the child from the child care centre or home where child care is provided to the child;
- (c) the day and time of each occasion that child care is provided to the child in the course of the service;
- (d) particulars of the child's health relevant to the provision of child care to the child;

*Examples—*

- 1 Allergies suffered by the child.
- 2 Diseases against which the child has been immunised.
- (e) any special requirements of the child of which the licensee is aware;

*Examples—*

- 1 Requirements arising from the culture or religion of the child's family.
- 2 Requirements arising from a disability of the child.
- (f) the child's primary language or, if the child has not learned to speak, the primary language of the child's family;
- (g) details of any parenting order or parenting plan under the *Family Law Act 1975* (Cwlth), of which the licensee is aware, relating to the child;
- (h) the name, address and telephone number of the child's doctor or hospital;
- (i) any authorisation or instructions received from the child's parents or guardians about giving medication to the child;
- (j) if any medication is given to the child while the child is in the licensee's care—
  - (i) the name of the medication; and
  - (ii) how much medication is given; and
  - (iii) the day and time the medication is given; and
  - (iv) the name of the person giving the medication;



*Child Care Regulation 2003*

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- (k) any permission given by a parent or guardian of the child about—
  - (i) providing medical care to the child, including medical care provided in an emergency; or
  - (ii) taking the child away from the relevant child care centre or home; or
  - (iii) another matter;
- (l) if the child suffers an illness or injury while the child is in the licensee's care—
  - (i) particulars of any incident or circumstances relating to the suffering of the illness or injury; and
  - (ii) particulars of any treatment given to the child;
- (m) if the child dies while the child is in the licensee's care—the circumstances of the death.

**102 Other information—centre based service**

The licensee of a centre based service must keep a record of the following information—

- (a) the name, address and telephone number of each staff member;
- (b) the attendance of staff members;
- (c) rest pauses taken by staff members;
- (d) for each excursion in the course of the service—
  - (i) the date and time of the excursion; and
  - (ii) the names of the children in care, staff members and other persons who went on the excursion; and
  - (iii) the transportation used;
- (e) for each occasion on which emergency care is provided to a child in care in circumstances to which section 33 of the Act applies—
  - (i) the child's name; and
  - (ii) the period for which the emergency care is provided; and

- (iii) a brief description of the emergency or other circumstances giving rise to the need for the care;
- (f) if a child is assigned to a group under section 23<sup>10</sup>—
  - (i) the child's name, age and imputed age; and
  - (ii) the period during which the child is dealt with as if the child's age were the imputed age; and
  - (iii) the group to which the child is assigned; and
  - (iv) the reason for dealing with the child as if the child's age were the imputed age.

### **103 Other information—home based service**

The licensee of a home based service must keep a record of the following information—

- (a) for each child in care—the home in which the child care is provided;
- (b) for each carer in the service—
  - (i) the carer's name, address for correspondence and telephone number; and
  - (ii) the address and telephone number of the home in which the carer provides the child care (if different to the address and telephone number mentioned in subparagraph (i)); and
  - (iii) the name, address and age of each occupant of the home in which the carer provides the child care;

*Note—*

The occupant's address is not necessarily the same as that of the home in which the carer provides the child care. The definition *occupant* in schedule 2 of the Act includes a person who lives elsewhere but is ordinarily present in the home when the child care is provided.

- (c) for each excursion in the course of the service—
  - (i) the date and time of the excursion; and

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10 Section 23 (Inclusion of a child of a different age)

- (ii) the names of the carers, children in care and other persons who went on the excursion; and
  - (iii) the transportation used;
- (d) for each occasion on which emergency care is provided to a child in care in circumstances to which section 94 of the Act applies—
  - (i) the child's name; and
  - (ii) the period for which the emergency care was provided; and
  - (iii) a brief description of the emergency or other circumstances giving rise to the need for the care;
- (e) the name, address and telephone number of each staff member.

#### **104 Times for which records must be kept**

For section 85<sup>11</sup> of the Act, each of the following records kept by a licensee under this division must be kept for at least the time stated for the record—

- (a) a record relating to a child in care—
  - (i) about an illness or injury suffered while in the licensee's care—until the child turns 21; or
  - (ii) about the child's death while in the licensee's care—6 years after the death; or
  - (iii) otherwise—3 years after the last time child care is provided to the child under the licence;
- (b) a record relating to a carer in a home based service—3 years after the last time the carer provides child care under the licence;
- (c) a record relating to a staff member—3 years after the staff member stops being a staff member;
- (d) another record—3 years after the record is made.

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11 Section 85 (Licensee must keep records) of the Act

**105 Records for a centre based service must be kept at the centre**

- (1) This section applies to the records kept under this division for a centre based service.
- (2) The licensee must keep the records at the child care centre.
- (3) Subsection (2) does not apply to a record while it is required to be elsewhere for good reason.

*Example for subsection (3)—*

A record may need to be sent to a Commonwealth office temporarily for the purpose of calculating the amount of a child care benefit.

*Note—*

Under section 137 of the Act, an authorised officer may require a record to be produced for inspection at a reasonable time and place nominated by the officer.

**106 Personal information about child in care—Act, s 87**

For section 87(4)<sup>12</sup> of the Act, definition *personal information*, the following information relating to a child in care is personal information—

- (a) information about a parenting order or parenting plan under the *Family Law Act 1975* (Cwlth) relating to the child;
- (b) information about giving medication to the child.

*Note—*

The definition *personal information* in section 87(4) of the Act also includes information about the child's health or special needs.

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12 Section 87 (Confidentiality of records) of the Act

## **Part 5                      Qualifications**

### **Division 1                Preliminary**

#### **107      Description of qualifications**

- (1) This division refers to certain qualifications by their names under the AQF.
- (2) A reference in this division to a qualification in terms of a stated number of years is a reference to a qualification ordinarily completed in the stated number of years of full-time study.

*Example for subsection (2)—*

A reference to a '3 year qualification' is a reference to a qualification ordinarily completed in 3 years of full-time study.

#### **108      List of qualifications**

- (1) The chief executive must keep a list of qualifications that the chief executive is satisfied are qualifications mentioned in division 3.

*Example—*

The chief executive may include on the list a qualification that the chief executive is satisfied is a 3 year qualification in early childhood studies.

- (2) A qualification is a qualification prescribed for a purpose under division 3 if it is included on the list for that purpose.
- (3) To remove any doubt, it is declared a qualification not included on the list may also meet the description of a qualification under division 3.
- (4) The list must also include any qualification approved for a purpose under section 109.
- (5) The chief executive must make the list available for inspection, free of charge, during office hours on business days at the department's head office and other places the chief executive considers appropriate.

## **Division 2                      Approval of qualifications**

### **109      Approval of equivalent qualifications**

- (1) The chief executive may approve a qualification for a purpose mentioned in division 3 if the chief executive is satisfied it is equivalent to a qualification prescribed for the purpose under division 3.

*Example—*

The chief executive is satisfied a particular qualification from a foreign university is equivalent to a qualification mentioned in section 112(a). The chief executive may approve the qualification as being a qualification prescribed for an assistant.

- (2) A qualification approved for a purpose under subsection (1) is prescribed for the purpose.

### **110      Approval of particular qualifications held by a person**

- (1) The chief executive may approve a qualification held by a person for a purpose mentioned in division 3 if the chief executive is satisfied the studies completed by the person to obtain the qualification are equivalent to the studies ordinarily completed to obtain a qualification prescribed for the purpose under division 3.

*Example—*

A person has a bachelor degree that does not meet the description of a qualification under section 114. However, the studies the person completed to obtain the degree included several subjects that were mainly concerned with early childhood studies. The chief executive is satisfied the studies completed by the person to obtain the degree are equivalent to the studies ordinarily completed to obtain a bachelor degree in early childhood studies. The chief executive approves the person's degree for the purpose mentioned in section 114.

- (2) In making a decision under subsection (1), the chief executive must have regard to the level of the person's studies for the qualification and the areas with which the studies were concerned.
- (3) If a person's qualification is approved for a purpose under subsection (1), the person is taken to have a qualification prescribed for the purpose.

- (4) The approval of a qualification under this section operates only for the person for whom the approval was made.

### **111 Application for approval**

- (1) A person may apply to the chief executive for an approval mentioned in section 109 or 110.
- (2) The application must be in the approved form and accompanied by the fee stated in schedule 3.
- (3) The applicant also must provide any other relevant information and documents reasonably required by the chief executive to decide the application.
- (4) The chief executive must decide the application within 90 days after receiving the application, fee and any other required information and documents.
- (5) The applicant and the chief executive may agree to an extension of the time for deciding the application.
- (6) If the chief executive fails to decide the application within the time stated in subsection (4), or any later time agreed under subsection (5), the chief executive is taken to have refused the application.
- (7) A decision by the chief executive to refuse the application is a reviewable decision for section 163 of the Act.

## **Division 3 Prescribed qualifications**

### **112 Qualifications for assistant—Act, sch 2, definition *qualified assistant***

A person has a qualification prescribed for an assistant if the person has—

- (a) a certificate III or IV in an area of study applying to child care workers under the AQF; or
- (b) a 1 year qualification in early childhood studies or child care studies; or
- (c) a qualification mentioned in section 113(a) or (b) or 114; or

- (d) if the person is a school age carer—
  - (i) a certificate III or IV in community services under the AQF; or
  - (ii) a 1 year qualification in an area of study mentioned in section 120; or
  - (iii) a qualification mentioned in section 113(d).

**113 Qualifications for group leader—Act, sch 2, definition *qualified group leader***

A person has a qualification prescribed for a group leader if the person has—

- (a) a diploma in an area of study applying to child care workers under the AQF; or
- (b) a 2 year qualification in early childhood studies or child care studies; or
- (c) a qualification mentioned in section 114; or
- (d) if the person is a school age carer—
  - (i) a diploma in community services under the AQF; or
  - (ii) a 2 year qualification in an area of study mentioned in section 120.

**114 Qualifications for director—Act, sch 2, definition *qualified director***

A person has a qualification prescribed for a director if the person has—

- (a) an advanced diploma in an area of study applying to child care workers under the AQF; or
- (b) a qualification that is at least a 3 year qualification in early childhood studies or child care studies; or
- (c) a postgraduate qualification that is at least a 1 year qualification in early childhood studies or child care studies.



**115 Qualifications for coordinator—Act, sch 2, definition *qualified coordinator***

A person has a qualification prescribed for a coordinator if the person has—

- (a) a diploma in an area of study applying to child care workers under the AQF; or
- (b) a 2 year qualification in early childhood studies or child care studies; or
- (c) a qualification mentioned in section 114; or
- (d) a diploma in community services under the AQF; or
- (e) a 2 year qualification in an area of study mentioned in section 120.

**116 Early childhood qualification for a coordinator—Act, s 67**

Each of the qualifications mentioned in section 115(a) to (c) is an *early childhood qualification* for section 67 of the Act.

## **Division 4 Unqualified persons fulfilling requirements for qualified person**

**117 Operation of div—Act, s 70**

This division prescribes matters for section 70<sup>13</sup> of the Act.

**118 Person engaged in a position**

- (1) A reference to a person with a qualification prescribed for an assistant includes an adult who is engaged in a position in a centre based service as an assistant and has not been engaged in the position for more than 6 months.
- (2) A reference to a person with a qualification prescribed for a group leader includes an adult—

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13 Section 70 (Certain unqualified persons may fulfil requirement for qualified person) of the Act

- (a) who is engaged in a position in a centre based service, other than a school age care service, as a group leader and has not been engaged in the position for more than 3 months; and
  - (b) who is (apart from this section) a qualified assistant.
- (3) A reference to a person with a qualification prescribed for a group leader includes an adult who is engaged in a coordinating position at a school age care service and has not been engaged in the position for more than 6 months.
- (4) For subsection (3), a position at a school age care service is a ***coordinating position*** if the responsibilities of the position include being present at the child care centre for some or all of the times required under section 32.<sup>14</sup>
- (5) A reference to a person with a qualification prescribed for a director includes an adult—
- (a) who is engaged in a position in a centre based service as a director and has not been engaged in the position for more than 6 months; and
  - (b) who is (apart from this section) a qualified group leader.

### **119 Person enrolled in a course of study**

- (1) A reference to a person with a qualification includes an adult person who is enrolled in a course leading to the qualification if—
- (a) the course has started and the person is undertaking the course; and
  - (b) the due day for completing the course has not passed; and
  - (c) the person is (apart from this section)—
    - (i) for a course leading to a qualification for a group leader—a qualified assistant; or
    - (ii) for a course leading to a qualification for a director—a qualified group leader.

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14 Section 32 (Presence of qualified staff member)

- (2) Subsection (1)(c)(i) does not apply to a person engaged in a position at a school age care service.
- (3) A reference to a person with a qualification prescribed for an assistant includes a 17 year old person who is enrolled in a course leading to the qualification if the course has started and the person is undertaking the course.
- (4) In this section—

*due day*, for a person to complete a course, means—

- (a) if the prescribed finishing period for the course ends on a day between 1 January and 30 June in a particular year—30 June in that year; or
- (b) if the prescribed finishing period for the course ends on a day between 1 July and 31 December in a particular year—31 December in that year.

*prescribed finishing period*, for a course, means the period that is twice as long as the period in which the course would ordinarily be completed by a person undertaking the course by full-time study.

## Division 5                      Miscellaneous

### 120      Related areas of study

The relevant areas of study for sections 112(d)(ii), 113(d)(ii) and 115(e) are the following—

- (a) nursing, physiotherapy, occupational therapy, diversional therapy or speech pathology;
- (b) primary, secondary or special education;
- (c) human welfare studies and services;
- (d) behavioural science;
- (e) sport and recreation.

**121 First aid training—Act, s 59**

- (1) For section 59(a)<sup>15</sup> of the Act, a person has the prescribed first aid training if the person has both of the following—
  - (a) training, conducted by an authorised entity, leading to a senior first aid certificate;
  - (b) training, conducted by an authorised entity, leading to a certificate in the area of cardiopulmonary resuscitation.
- (2) For section 59(b) of the Act, the prescribed time is—
  - (a) for training leading to a senior first aid certificate—3 years; or
  - (b) for training leading to a certificate in the area of cardiopulmonary resuscitation—1 year.
- (3) The chief executive may approve an entity for the purposes of conducting training leading to a senior first aid certificate, or conducting training leading to a certificate in the area of cardiopulmonary resuscitation, if the chief executive is satisfied the entity conducts the training to an acceptable standard.
- (4) For subsection (3), training is conducted to an acceptable standard only if the standard is equivalent to the standard of training conducted by an entity mentioned in subsection (6), definition *authorised entity*, paragraphs (b) to (d).
- (5) The chief executive must keep a list of entities the chief executive has approved under subsection (3) and make the list available for inspection, free of charge, during office hours on business days at the department's head office and other places the chief executive considers appropriate.
- (6) In this section—

***authorised entity*** means any of the following entities—

  - (a) the Queensland Ambulance Service;
  - (b) St John Ambulance Australia-Queensland;
  - (c) Australian Red Cross, Queensland division;

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15 Section 59 (Prescribed first aid competency) of the Act

- (d) Surf Life Saving Association of Australia, Queensland State Centre Inc.;
- (e) a medical practitioner;
- (f) an employee of the department in which the *Health Services Act 1991* is administered, authorised by the chief executive of that department to provide the relevant training;
- (g) for training leading to a senior first aid certificate—an entity that the chief executive has approved under subsection (3) for the purpose of conducting that training;
- (h) for training leading to a certificate in the area of cardiopulmonary resuscitation—an entity that the chief executive has approved under subsection (3) for the purpose of conducting that training.

***medical practitioner*** includes a person registered as a medical practitioner under a law of another State corresponding to the *Medical Practitioners Registration Act 2001*.

## **122 Certification of certain evidentiary documents—Act, ss 72 and 73**

A copy mentioned in section 72(3)(b) or 73(3)(b)<sup>16</sup> of the Act must be certified to be a true copy by a justice, commissioner for declarations, notary public or lawyer.

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<sup>16</sup> Section 72 (Evidence of staff qualifications and competencies) or 73 (Evidence of enrolment in a course of study) of the Act



**126 Prescribed entity for disclosing confidential information—Act, s 169**

The National Childcare Accreditation Council Inc. is prescribed for section 169(1)(b)<sup>19</sup> of the Act.

**127 Fees**

The fees payable under the Act are stated in schedule 3.

**128 Transitional—qualified staff member for s 32**

- (1) This section applies for a period of 5 years starting on the commencement day.
- (2) A reference in section 32(2)<sup>20</sup> to a person who has a qualification for a group leader prescribed under this regulation includes a person who does not have the qualification but who, immediately before the commencement day, was engaged as a school age carer.
- (3) In this section—

*commencement day* means the day section 32 commences.

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19 Section 169 (Disclosure to relevant entities in other jurisdictions) of the Act

20 Section 32 (Presence of qualified staff member)

## Schedule 1      Groups in child care centres

sections 22, 24 and 25

<b>Ages of children in group</b>	<b>Qualified carer: child ratio</b>	<b>Maximum group size</b>	<b>Other limits or exceptions</b>
birth to 2 years	1 : 4	8	
birth to 3 years, including at least 1 child aged 3 years	1 : 5	10	The group may not include more than 2 children aged birth to 1 year for each qualified carer.
15 months to 3 years	1 : 5	10	
2 to 3 years	1 : 6	12	
2½ to 3 years	1 : 8	16	
3 years to 6 years	1 : 12	24	
4 years to 6 years	1 : 13	25	
4 to 12 years, including at least 1 child of more than 6 years	1 : 12	no maximum	The group may not include more than 13 children aged 4 or 5 years.
ages for which no other entry applies	1 : 7	21	<ol style="list-style-type: none"> <li>1 The group may not include more than 4 children aged birth to 1 year.</li> <li>2 The group may not include more than 2 children aged birth to 1 year for each qualified carer.</li> <li>3 If the group is in a centre based service with a licensed capacity of more than 30, the group may not include more than 10 children aged birth to 2 years.</li> </ol>



**Schedule 1 (continued)***Notes—*

- 1 Sections 6 and 7 explain references to age.
- 2 If more than 1 entry in this schedule could apply to a group, it is enough if the group complies with 1 of the entries.

*Example—*

In a group of children, the youngest child is aged 2 years and 7 months and the eldest child is aged 3 years and 1 month. There are 8 children in the group and 1 qualified carer is caring for the group. The 2nd, 3rd, 4th and 5th entries all describe the group. It is enough that the group complies with the 5th entry.

- 3 The above age groupings have been included to establish minimum requirements for group sizes and staffing levels. Except where column 1 specifically describes a group as including a child of a stated age, it is not necessary for a group to include any children of the minimum age or maximum age mentioned in the above entries. For example, all the children in a group may be 1 year old.

## Schedule 2 Exemptions

section 64

*Notes—*

- 1 The Building Act requirements mentioned in this schedule are requirements under the performance criteria in the Queensland Development Code, part 22.
- 2 It is a condition of an exemption applying to a child care centre under this schedule that the licensee must give written notice to the chief executive before building work is carried out at the centre.

<b>Child care centre</b>	<b>Building Act requirement</b>
ABC Developmental Learning Centre—Ashgrove 22 Trout Street Ashgrove	P3(c) P5(e)
Busy Bees Child Care Centre 87 Eumundi Road Noosaville	P3(c) P5(e)
Daisy Hill Playschool 16 Allamanda Drive Daisy Hill	P3(c) P5(e) P9, to the extent it relates to the location of a built-in bath or shower
Eagleby Children's Centre Fryars Road Eagleby	P3(c) P5(e)
Harbourtown Babyland 146 Bayview Street Runaway Bay	P3(c) P5(e)

## Schedule 2 (continued)

<b>Child care centre</b>	<b>Building Act requirement</b>
Jimboomba Early Childhood Education and Care Centre 1 651 Cusack Lane Jimboomba	P3(c) P5(e)
Kiddie Care Child Care Centre 3 Anchor St Noosaville	P3(c) P5(e)
Kinder Cottage 38 Armstrong Way Highland Park	P1(b) P3(d) P5(f)
Kingston Early Learning Centre 3–7 Yalumba Street Kingston	P9, to the extent it relates to the location of a built-in bath or shower
Little Aussies Child Care Centre 4 Fedrick Street Boronia Heights	P3(c) P5(e)
Mother Goose Child Care Centre 8 Smithwick Street North Rockhampton	P3(c) P5(e)
Noah's Ark Kindergarten and Day Care Centre 230 Bayswater Road Currajong	P3(c) P5(e) P7, to the extent it relates to the number of child size water closet suites
Parfrey Road Early Childhood Education and Care Centre 190 Parfrey Road Rochedale	P3(c) P5(e)
Pinnocchio's Early Learning Centre 987 South Pine Road Everton Hills	P7, to the extent it relates to the number of child size water closet suites P9, to the extent it relates to the number of washbasins

## Schedule 2 (continued)

<b>Child care centre</b>	<b>Building Act requirement</b>
Playhouse Children's World 25 Villa Street Annerley	P1(b) P3(c) and (d) P5(e) and (f)
Playhouse Parent & Child Care Centre University of Queensland St Lucia	P1(b) P3(d) P5(f)
Robina Kindyland 40–42 Commerce Drive Robina	P3(c) P5(e) P9, to the extent it relates to the location of a built-in bath or shower
Rockhampton PCYC Tiny Tots Limited Hours Child Care Centre Bridge Street North Rockhampton	P3(c) P5(e)
Stones Corner Children's Development Centre 22 Edith Street Stones Corner	P3(c) P5(e)
Yellow Brick Road Children's Centre 8–10 Allora Street Waterford	P3(c) P5(e)

## Schedule 3 Fees

section 127

	\$
1 Application for a licence . . . . . (Act, s 19)	500.00
2 Issue of a provisional licence. . . . . (Act, s 20)	100.00
3 Application to renew a licence . . . . . (Act, s 21)	300.00
4 Application to amend a licence—	
(a) for a licence held by a corporation—to change the nominee for the licence . . . . .	nil
(b) for a licence for a centre based service—to change the service’s licensed capacity. . . . .	nil
(c) otherwise . . . . . (Act, s 40)	75.00
5 Application to renew a licence and amend the licence other than in a way mentioned in item 4(a) or (b) . . . . .	350.00
(Act, ss 21 and 40)	
6 Application to lift the suspension of a licence. . . . . (Act, s 50)	50.00
7 Application to transfer a licence . . . . . (Act, s 51)	300.00
8 Application for a replacement licence. . . . . (Act, s 53)	50.00
9 Application to cancel a prohibition notice. . . . . (Act, s 108)	50.00
10 Inspection of the register . . . . . (Act, s 171)	75.00
11 Copy of the register or part of it—	
(a) for the first 40 pages . . . . .	nil
(b) for each subsequent page. . . . .	.50
(Act, s 171)	

## Schedule 3 (continued)

	\$
12 Application for approval of a qualification . . . . . (regulation, s 110)	25.00

## Schedule 4      Dictionary

### section 4

**1 year qualification** means—

- (a) a 1 year qualification conferred or awarded by—
  - (i) a higher education institution established or recognised as a university under an Act; or
  - (ii) an interstate university; or
- (b) a 1 year qualification conferred or awarded as a result of the successful completion of a higher education course that is, or has been, accredited or recognised under the *Higher Education (General Provisions) Act 2003*, a former Act or a corresponding law.

**2 year qualification** means—

- (a) a 2 year qualification conferred or awarded by—
  - (i) a higher education institution established or recognised as a university under an Act; or
  - (ii) an interstate university; or
- (b) a 2 year qualification conferred or awarded as a result of the successful completion of a higher education course that is, or has been, accredited or recognised under the *Higher Education (General Provisions) Act 2003*, a former Act or a corresponding law.

**3 year qualification** means—

- (a) a 3 year qualification conferred or awarded by—
  - (i) a higher education institution established or recognised as a university under an Act; or
  - (ii) an interstate university; or
- (b) a 3 year qualification conferred or awarded as a result of the successful completion of a higher education course that is, or has been, accredited or recognised under the *Higher Education (General Provisions) Act 2003*, a former Act or a corresponding law.

## Schedule 4 (continued)

**adult**—

- (a) for part 2, division 5<sup>21</sup>—see section 42; and
- (b) for part 3, division 3<sup>22</sup>—see section 75; and
- (c) for part 4, division 1<sup>23</sup>—see section 92.

**AQF** means the policy framework entitled ‘Australian Qualifications Framework’ that defines all qualifications recognised nationally in education and training within Australia, endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs so as to commence on 1 January 1995, and that policy framework as amended from time to time.

**bed** includes a stretcher, sleeping mat or cot.

**bed linen** means pillow cases, sheets, blankets and similar coverings.

**birth**, as a reference to a child’s age, means the age of a child who is less than 1 year old.

**bottle preparation area**, of a child care centre, means the area that the centre is required to have, under the Building Act requirements, for bottle preparation.

**commissioner for declarations** see the *Justices of the Peace and Commissioners for Declarations Act 1991*, section 3.

**corresponding law** means a law applying, or that applied, in the Commonwealth or another State that provides, or provided, for the same matter as the *Higher Education (General Provisions) Act 2003* or a provision of that Act.

**former Act** means a repealed Act, or repealed provisions of an Act, that provided for the same matter as the *Higher Education (General Provisions) Act 2003* or a provision of that Act.

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21 Part 2 (Centre based services), division 5 (Arrival and departure of children)

22 Part 3 (Home based services), division 3 (Arrival and departure of children)

23 Part 4 (Other requirements applying to all services), division 1 (Supervision during certain activities)



## Schedule 4 (continued)

**higher education course** see the *Higher Education (General Provisions) Act 2003*, schedule 2.

**higher education institution** see the *Higher Education (General Provisions) Act 2003*, schedule 2.

**infant** means a child of less than 15 months.

**interstate university** see the *Higher Education (General Provisions) Act 2003*, schedule 2.

**licensed capacity**, for part 2, division 2 and schedule 1, see section 16.

**nappy change area** means an area in a child care centre ordinarily used for changing nappies.

**private vehicle** means a vehicle that is not being used, or available for use, by the public.

*Example—*

A bus that is sometimes used for public transport is a *private vehicle* while it is being privately hired to transport a group of children.

**qualified carer** see sections 24(4) and 25(7).

**Queensland Development Code** means the document, Queensland Development Code,<sup>24</sup> published by the department in which the *Building Act 1975* is administered.

**rest pause** see section 19(3).

**school age—**

A child is of *school age* if the child is 6 years or is a school child.

**working with** children, see section 18.

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24 Copies of the Queensland Development Code are available for inspection at the office of the Department of Local Government and Planning at 41 George Street, Brisbane. The Queensland Development Code is also available for inspection on that department's website at <[www.dlgp.qld.gov.au](http://www.dlgp.qld.gov.au)>.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 May 2004. Future amendments of the Child Care Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2003	
1AA	none	1 January 2004	prov exp 31 December 2003
1A rv	none	2 January 2004	provs exp 1 January 2004
1B rv	2004 SL No. 57	21 May 2004	

## 5 List of legislation

### **Child Care Regulation 2003 SL No. 189**

made by the Governor in Council on 21 August 2003

notfd gaz 22 August 2003 pp 1372–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2003 (see s 2)

exp 1 September 2013 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Higher Education (General Provisions) Regulation 2004 SL No. 57 ss 1, 15**

notfd gaz 21 May 2004 pp 191–4

commenced on date of notification

## 6 List of annotations

### **Exemptions—Act, s 188**

s 64 (2)–(3) exp 1 January 2004 (see s 64(3))

### **List of qualifications**

s 108 amd 2004 No. 57 s 15(2)

### **Qualifications for assistant—Act, sch 2, definition “qualified assistant”**

s 112 amd 2004 No. 57 s 15(3)

### **Qualifications for group leader—Act, sch 2, definition “qualified group leader”**

s 113 amd 2004 No. 57 s 15(3)

### **Qualifications for director—Act, sch 2, definition “qualified director”**

s 114 amd 2004 No. 57 s 15(4)

**Qualifications for coordinator—Act, sch 2, definition “qualified coordinator”**  
s 115      amd 2004 No. 57 s 15(3)

**PART 7—AMENDMENTS**

**pt 7 (ss 129–132)** om R1 (see RA ss 7(1)(k) and 40)

**SCHEDULE 2—EXEMPTIONS**

entry for Nudgee-Virginia Kindergarten and Day Care exp 31 December 2003  
(see s 64(2))

**SCHEDULE 4—DICTIONARY**

def “**1 year qualification**” ins 2004 No. 57 s 15(6)

def “**2 year qualification**” ins 2004 No. 57 s 15(6)

def “**3 year qualification**” ins 2004 No. 57 s 15(6)

def “**corresponding law**” ins 2004 No. 57 s 15(6)

def “**former Act**” ins 2004 No. 57 s 15(6)

def “**higher education course**” ins 2004 No. 57 s 15(6)

def “**higher education institution**” sub 2004 No. 57 s 15(5)–(6)

def “**interstate university**” ins 2004 No. 57 s 15(6)