



Queensland

Education and Care Services National Law (Queensland) Regulation 2011

Subordinate Legislation 2011 No. 278

made under the

Building Act 1975

Education and Care Services National Law (Queensland) Act 2011

Fire and Rescue Service Act 1990

Food Act 2006

Health Act 1937

Public Health Act 2005

Queensland Civil and Administrative Tribunal Act 2009

Sanctuary Cove Resort Act 1985

Sustainable Planning Act 2009

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education and Care Services National Law (Queensland) Regulation 2011*.

2 Commencement

This regulation commences on 1 January 2012.

Part 2 Central governing bodies

3 Prescribed entity—Act, s 32

For section 32 of the Act, definition *central governing body*, the following entities are prescribed—

- (a) the Association of Independent Schools of Queensland Inc;
- (b) the Corporation of the Roman Catholic Bishops of Queensland;
- (c) the Creche and Kindergarten Association of Queensland;
- (d) Queensland Lutheran Early Childhood Services;
- (e) the Gowrie (Qld) Inc.

[s 4]

Part 3 **Amendment of Building Fire Safety Regulation 2008**

4 **Regulation amended**

This part amends the *Building Fire Safety Regulation 2008*.

5 **Amendment of s 12 (Locking doors—children in child care centres or persons in custody)**

- (1) Section 12, heading, after ‘children in’—

insert—

‘education and care service premises or’.

- (2) Section 12(1)(a), after ‘conducting a’—

insert—

‘centre based education and care service or’.

- (3) Section 12(4), definition *custodian*—

omit.

- (4) Section 12(4)—

insert—

‘***centre based education and care service*** means an approved education and care service, other than a family day care service, under the Education and Care Services National Law (Queensland).

custodian, for an occupant, means—

- (a) if the occupant is a child in a building being used for conducting a centre based education and care service—a person providing education and care as part of the service; or
- (b) if the occupant is a child in a building being used for conducting a centre based child care service—a person providing child care as part of the service; or

12 Amendment of s 235 (Wholesale and retail sales by manufacturers and wholesalers)

Section 235(2)(b)—

insert—

‘(ix) an approved provider of an education and care service; or

(x) an educator in an education and care service; or’.

13 Amendment of s 256A (Particular individuals who provide child care)

(1) Section 256A, heading, after ‘child care’—

insert—

‘or education and care’.

(2) Section 256A(1), ‘This section’—

omit, insert—

‘Subsection (2)’.

(3) Section 256A(3)—

renumber as section 256A(5).

(4) Section 256A—

insert—

‘(3) Subsection (4) applies to an individual who is—

(a) an approved provider of an education and care service;
or

(b) an educator in an education and care service and an adult.

‘(4) The individual is authorised to administer an S2 or S3 poison to a child, with the written consent of a parent or guardian of the child, at education and care service premises or another place where education and care is being provided as part of the education and care service.’

[s 14]

14 Amendment of appendix 9 (Dictionary)

Appendix 9—

insert—

‘approved provider see the Education and Care Services National Law (Queensland), section 5(1).

education and care service see the Education and Care Services National Law (Queensland), section 5(1).

education and care service premises see the Education and Care Services National Law (Queensland), section 5(1).

educator see the Education and Care Services National Law (Queensland), section 5(1).’.

Part 7 Amendment of Public Health Regulation 2005

15 Regulation amended

This part amends the *Public Health Regulation 2005*.

16 Amendment of sch 2A (Contagious conditions)

Schedule 2A, part 2, entry for measles, third column, after ‘school’—

insert—

‘, education and care service’.

[s 21]

‘(f) the Education and Care Services National Law (Queensland);’.

21 Amendment of r 28 (Only original document required to be filed for particular proceedings)

(1) Rule 28(1)(f)—

renumber as rule 28(1)(g).

(2) Rule 28(1)—

insert—

‘(f) the Education and Care Services National Law (Queensland);’.

Part 10 Amendment of Sanctuary Cove Resort Regulation 2009

22 Regulation amended

This part amends the *Sanctuary Cove Resort Regulation 2009*.

23 Amendment of schedule (Approved uses for zones)

(1) Schedule, entry for Recreation Club Zone, column 2—

insert—

‘education and care service premises’.

(2) Schedule, entry for Village Zone, column 2—

insert—

‘education and care service premises’.

[s 28]

28 Amendment of sch 26 (Dictionary)

Schedule 26—

insert—

‘education and care service premises see the Education and Care Services National Law (Queensland), section 5(1).’.

ENDNOTES

- 1 Made by the Governor in Council on 8 December 2011.
- 2 Notified in the gazette on 9 December 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education and Training.

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