Education and Care Services Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the *Education and Care Services Bill 2013*.

Policy objectives and the reasons for them

The objectives of the Bill are to:

1. establish a new regulatory framework for services currently regulated under the *Child Care Act 2002* that aligns with the *Education and Care Services National Law (Queensland) Act 2011* whilst retaining some elements of the *Child Care Act 2002*;
2. repeal the *Child Care Act 2002*; and
3. make consequential amendments to other legislation.

On 1 January 2012, the *Education and Care Services National Law (Queensland) Act 2011* (the National Law) commenced. The National Law implements the *National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care* (NPA) agreed to by the Council of Australian Governments. Under the NPA, states and territories agreed to pass legislation to apply nationally consistent laws in their jurisdictions to commence from 1 January 2012. The National Law applies a national scheme of regulation for education and care services in Queensland. The Department of Education, Training and Employment (DETE) is the Regulatory Authority in Queensland under the National Law.

The National Law regulates the approximately 98% of, or 2500, child care services in Queensland (long day care, kindergarten, outside school hours care, family day care, pre-Prep). The remaining 2% of services continue to be regulated under the *Child Care Act 2002*. The services that remain licensed under the *Child Care Act 2002* include:

- limited hours care services that receive Queensland Government funding;
- early childhood education and care services that are also disability services under the *Disability Services Act 2006*, which are excluded from the National Law*;*
- occasional care services; and
- Budget Based Funded services that do not receive child care benefit (CCB).

The services regulated under the *Child Care Act 2002* are generally speaking small scale services operating in regional and remote areas.

After the commencement of the National Law it was necessary to consider how services outside the National Law would be regulated. A Regulatory Assessment Statement (RAS) was released in March 2011 seeking feedback from stakeholders on different options for regulating services outside of the National Law. Because of the need to protect children and

ensure that they receive high quality education and care it was not appropriate to deregulate services outside of the National Law. The RAS considered three options for regulation:

(i) retain the *Child Care Act 2002*;
(ii) mirror the National Law; or
(iii) develop a hybrid model which took elements from the *Child Care Act 2002* and National Law in a way that did not increase the regulatory burden on services.

The majority of stakeholders who responded to the RAS supported the hybrid model. This approach has a number of benefits for both services and Government:

- the National Law has a perpetual approval system which means that once approved a provider does not need to reapply for a licence. The *Child Care Act 2002* has a 3 year licence and services need to reapply every three years. Adopting a perpetual system will reduce red tape for services;
- some providers operate services under both the National Law and the *Child Care Act 2002*, for example a combined kindergarten and limited hours care service, and adopting elements of the National Law will reduce the compliance burden for these services;
- adopting elements of the National Law into the Queensland regulatory framework will assist services that may seek, in the future, to change their business model and move to a National Law type of service delivery; and
- adopting similar processes and terminology to the National Law will reduce the complexity of the regulatory framework for departmental officers who regulate service providers.

The National Law adopts a different approach to regulation when compared to the *Child Care Act 2002*. It is proposed to replace the *Child Care Act 2002* with a new regulatory framework which is more closely aligned with the National Law without increasing the regulatory burden on Queensland education and care services. The Bill adopts elements of the National Law and the *Child Care Act 2002* to maximise the benefits to services without increasing the regulatory burden. For example, some elements of the National Law are not appropriate for services currently regulated under the *Child Care Act 2002* such as the staffing requirements and levels of qualifications required for staff and the system of rating and assessing services against national standards. The Bill does not adopt those types of requirements under the National Law because the costs of compliance outweigh the benefits.

To minimise the impact on services some elements of the *Child Care Act 2002* will continue to apply. These include, rest periods where the educator to children ratio can be temporarily reduced during the children's rest period to allow staff to take a break. In addition, services which are currently regulated but not licensed, stand-alone services, will continue to have that status under the Bill and will not notice any change in requirements.

By more closely aligning the Queensland regulatory framework with the National Law it will reduce the costs of compliance for services and for DETE as Regulatory Authority. Services will benefit from a perpetual approval avoiding the need to apply for renewal of their *Child Care Act 2002* licence every three years. The perpetual approval system will reduce fees and the time required to complete applications. Services will also benefit from the National Law approach in relation to counting educators across the service which may reduce the costs of operating a service in particular cases.

Achievement of policy objectives

To achieve its objectives, the Bill provides for a new regulatory framework for the regulation of education and care services in Queensland currently regulated under the *Child Care Act 2002*. The Bill adopts elements of the National Law and *Child Care Act 2002* to more closely align the regulation of services to the National Law without increasing the regulatory burden for services or DETE.

The Bill will be supported by a Regulation which prescribes the detailed requirements for services such as staff qualifications, staff ratios and fees payable. The key elements of the Bill are outlined below.

Provider and service approvals

The Bill provides, similar to the National Law, for a system of provider and service approvals to operate a Queensland education and care service (QEC service). The provider approval is given to a person who proposes to operate a service. The assessment of an application for a provider approval turns on the suitability of the person to operate an education and care service. Once a person has a provider approval they can then be granted a service approval. The service approval is an approval of particular premises for the delivery of education and care. A provider can hold multiple service approvals.

The Bill provides for a perpetual approval system to reduce red tape for the operators of QEC services. Currently the *Child Care Act 2002* issues three year licences which must be renewed requiring an application and payment of a fee. Under the Bill, and the proposed Regulation, once a service has the relevant approvals it is only required to pay an annual fee for the service approval. This is likely to result in reduced fees for services as well as a reduced compliance burden.

To ensure that the quality of services and compliance with the legislation is maintained, the Bill provides for a minimum of three yearly inspections of each service. This is consistent with current practice under the *Child Care Act 2002* where services are assessed for their compliance with the *Child Care Act 2002* before an application to renew a licence is granted. This will not impose any increased burden on services or DETE. Because the Bill adopts a perpetual approval system it is necessary to ensure that services are regularly inspected. The National Law includes a rating and assessment system against the National Quality Standard.

Exceptional circumstances service approval

The Bill includes a new process for exceptional circumstances service approvals which is not included in the National Law or *Child Care Act 2002*. The purpose of this approval is to allow a service affected by a natural disaster to obtain a quick approval to relocate and continue providing the service from alternative premises. The Bill provides for a streamlined assessment process to reduce the amount of time required to obtain approval. Recent experience in Queensland following natural disasters has confirmed that this kind of provision is essential to ensure families can continue to access education and care by allowing services to quickly relocate to alternative premises. The provisions balance the need to ensure the safety of children with the objective of allowing services to continue to operate.

Waivers

Consistent with the National Law, the Bill allows QEC services to seek service and temporary waivers. These waivers excuse services from complying with particular requirements in the Bill or regulation. For example, a service may apply for a waiver if due to renovations being undertaken, the service temporarily cannot meet the minimum outdoor space requirements. The ability to apply for a temporary waiver enables the service to continue operating without having to reduce the number of children for whom it provides education and care. A waiver can be granted enabling families and children to continue to access the service and minimise cost and disruption to the provision of education and care.

Staffing requirements

The Bill establishes the staff requirements for QEC services. The staffing requirements of both the National Law and *Child Care Act 2002* were not considered appropriate for these services so a new staffing model has been developed for this Bill. The end result is a slight reduction in staffing requirements compared to the *Child Care Act 2002* reflecting the nature of services regulated by this Bill. Centres will be required to appoint a supervisor and a nominee. The nominee is a contact point for the chief executive and the supervisor is the equivalent of the director for a child care service under the *Child Care Act 2002*.

Instead of an Advanced Diploma qualified director as required under the *Child Care Act 2002*, services will be required to have a supervisor who holds a 2 year Diploma qualification. The supervisor will be required to be present at prescribed times during the day, except for school age care services and those services with thirty or fewer approved places. The supervisor will be responsible for the provision of education and care by the service. The approved provider will be responsible for appointing a supervisor and will not be required to advise the chief executive or seek certification of the supervisor. The supervisor will be responsible for ensuring the service has appropriate policies and procedures in place and will ensure that the service complies with its service approval.

Compliance monitoring and enforcement

The Bill includes standard provisions for compliance, monitoring and enforcement consistent with the current powers in the *Child Care Act 2002*. These powers ensure that authorised officers from DETE are able to investigate compliance issues and take action where appropriate.

Stand-alone services

The Bill continues the approach to regulation of stand-alone services set out in the *Child Care Act 2002*. Stand-alone services care for six children or less, no more than four of whom can be under school age. These services can be run from a person's home or from another location. A stand-alone service is not required to hold a licence currently but is required to meet minimum requirements such as holding insurance and complying with the requirements for carers to hold positive notices under the *Commission for Children, Young People and Child Guardian Act 2000*. The Bill provides for minimum standards such as requiring insurance, limits on the number of children and the ability to request that carers obtain blue cards for adult occupants of the home.

Transitional provisions

Finally, the Bill includes detailed transitional provisions to ensure that existing services are seamlessly transferred to the new regulatory framework without having to make applications.

Alternative ways of achieving policy objectives

There is no alternative way of achieving the policy objective of establishing a new regulatory framework for QEC service to ensure that children are protected and that high standards are maintained by QEC services.

Estimated cost for government implementation

The implementation of the Bill will not result in any additional costs to government as current resources used to regulate services under the *Child Care Act 2002* will be used to regulate services under the Bill.

Consistency with fundamental legislative principles

Legislation should have sufficient regard to the rights and liberties of individuals - *Legislative Standards Act 1992*, section 4(2)(a)

Clause 15 Suitable person

Clause 15 of the Bill requires the chief executive to consider a number of factors in deciding whether an applicant for a provider approval is suitable to conduct a QEC service.

One of the factors that the chief executive must consider is whether the person has a current positive prescribed notice, or a current positive exemption notice, or has applied for an exemption notice under the *Commission for Children and Young People and Child Guardian Act 2000* (Commission's Act). This would make the person subject to criminal screening under that Act. In addition, a person would not be suitable to conduct a QEC service if a prohibition notice is in force for the person. These factors are the same as those which are currently considered by the chief executive when determining the suitability of a person to conduct a child care service, under the *Child Care Act 2002* (section 26).

These requirements would limit an individual's right and liberties by preventing an individual who does not meet the suitability test from working in the sector. This infringement is considered justified as:

- assessing an applicant's criminal history is essential to ensuring the safety, health and wellbeing of children attending education and care services;
- the applicant would be provided with review rights, natural justice and procedural fairness by being permitted to:
- appeal to the Queensland Civil and Administrative Tribunal (QCAT) to review the chief executive's decision to refuse a provider approval; and

- make a submission to the Commissioner for Children and Young People (Commissioner) if the applicant receives a negative prescribed notice.

Clause 196 Prohibition notices

The Bill gives the chief executive the power to give an individual a prohibition notice on the basis that the chief executive is satisfied there would be an unacceptable risk of harm to children. The power will only apply where the person is currently employed in a QEC service.

Although this power would limit an individual's rights and liberties by preventing an individual from working in the sector, it strikes an appropriate balance between the rights of an educator and a carer, and the need to protect children from an unacceptable risk of harm. This is similar to the existing arrangements for prohibition notices under the *Child Care Act 2002* and the National Law. Natural justice and due process is also followed by providing the person with a right to:

- provide a written submission to the chief executive, prior to the prohibition notice being issued;
- apply to the chief executive to cancel the prohibition notice; and
- to seek a review of the decision to give the prohibition notice, or a decision to refuse to cancel a prohibition notice.

Clauses 220 to 224 URL data

The Bill adopts the Unit Record Level (URL) provisions currently in the *Child Care Act 2002* to enable the recording, use and disclosure of URL data in accordance with the National Information Agreement on Early Childhood Education and Care (the National Information Agreement), signed by Queensland on 19 February 2010. The provisions may be perceived as affecting the right to privacy of personal information, given that URL data is data on individual children and staff members, including their name, date of birth, address and demographic information (such as Indigenous status, language background and whether the child has a disability).

However, similarly to the current URL provisions in the *Child Care Act 2002*, the Bill would provide safeguards by:

- ensuring that the information is only recorded, used and disclosed for the purposes set out in the legislation;
- prohibiting a person who is (or has been authorised) to collect or receive URL data from recording or using the data or disclosing the data (maximum of 40 penalty units for a contravention); and
- providing that the chief executive may only report URL data if it has been aggregated and does not identify, directly or indirectly, any person to whom it relates.

Further safeguards are provided through Commonwealth legislation which applies to the collection, storage and use of this data:

- The *Commonwealth Privacy Act 1988* requires the Australian Bureau of Statistics and the Australian Institute of Health and Welfare (as agencies) to comply with Commonwealth Information Privacy Principles (IPPs). Commonwealth IPPs encompass how and when an agency can collect personal information, how it should be used and disclosed, and how it should be stored and secured.

- In applying the National Information Agreement, the Australian Bureau of Statistics must return URL data to the supplying agency; and information must not be directly or indirectly divulged or communicated to another person (other than the person from whom the information was obtained).
- The Commonwealth *Australian Institute of Health and Welfare Act 1987* prohibits a person either directly or indirectly from making a record of the information or divulging or communicating that information to any person, producing that document to any person, or being required to divulge or communicate any of that information to a court.

Clause 219 Reporting matters of concern to other departments

Clause 219 of the Bill allows a person to disclose confidential information to the chief executive of the department in which another Act is administered if the information concerns a matter that the person reasonably believes:

- involves a contravention of that other Act; and
- is relevant to ensuring the safe and appropriate conduct of a QEC service, or the safe and appropriate provision of education and care to a child.

This provision may infringe an individual's rights and liberties, particularly an individual's right to privacy. However, the provision is narrowly worded and the matters that might be reported are confined to those that are relevant to ensuring the safe and appropriate conduct of a QEC service. Reporting matters of concern to other departments would also be consistent with the Bill's guiding principles that the best interests of children are paramount and education and care should be provided in a way that protects them from harm. In addition, this provision aligns with provisions relating to reporting matters of concern to other departments, under the *Child Care Act 2002* (section 170).

Clause 192 Disqualified person

Clause 192 of the Bill allows an authorised officer to notify a person who the officer knows, or reasonably suspects, provides, or proposes to provide, a stand-alone service at a home where an occupant of that home is a disqualified person. A disqualified person is a person for whom a negative prescribed notice, a negative exemption notice, or a prohibition notice is in force. This aligns with the current provisions under the *Child Care Act 2002* (section 141) relating to notification of disqualified persons.

An authorised officer's notice would alert a carer not to provide care of children in the home while the disqualified person is an occupant. This notice would ensure a carer complies with another provision of the Bill that prohibits the carer from providing care of a child in a home if the carer knows, or ought reasonably to know, that an occupant of the home is a disqualified person.

There might be a perception that this provision would infringe an individual's rights and liberties, particularly an individual's right to privacy. However, any potential infringement of an individual's rights is outweighed by the guiding principle to protect children from harm when attending a stand-alone care service.

Legislation should confer power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer - *Legislative Standards Act 1992*, section 4(3)(e)

Clause 144 General power to enter places

Part 6, Division 3 of the Bill provides authorised officers with powers of entry to a QEC service premises to undertake their regulatory functions. The Bill would also allow an authorised officer to seize a thing at the place if the officer reasonably believes it is evidence of an offence against the Bill. This aligns with the existing provisions relating to the entry of authorised officers under Part 7 of the *Child Care Act 2002*. These provisions may limit an individual's rights and liberties.

Even though these provisions confer the power to enter premises and to seize evidence after entry, the powers are appropriately confined. For instance, an authorised officer would only be able to enter a place without the occupier's consent if it is a public place and it is open to the public, the place is not a home and the entry is when the place is open for the conduct of business, or to request an occupier's consent. These powers are essential to enable the chief executive to monitor and enforce compliance with the Bill.

Legislation should provide appropriate protection against self-incrimination - *Legislative Standards Act 1992*, section 4(3)(f)

Clauses 159 and 179 Protection against self-incrimination

Clauses 159 and 179 of the Bill protect a person against self-incrimination when the person is required to give information or a document to an authorised officer. This protection would not apply if the requirement relates to a person's service approval or a document required to be kept by a person under the Bill. This provision aligns with the provision under the *Child Care Act 2002* relating to protections against self-incrimination (section 144).

This requirement may limit an individual's rights and liberties, in particular, the requirement for legislation to provide appropriate protection against self-incrimination. However, inspecting such documents would be essential to monitoring and enforcing compliance with the Bill. In addition, the record keeping obligations would be unworkable if the person required to keep the records claimed they could not do so because the records might incriminate them. Clause 189 of the Bill provides that where an individual provides information or a document under clauses 158 and 178 evidence of that information is not admissible against the individual in any proceeding. This ensures that individuals who provide information are adequately protected when providing that information.

Legislation is unambiguous and drafted in a sufficiently clear and precise way - *Legislative Standards Act 1992*, section 4(3)(k)

Clause 121 Children must be adequately supervised

Clause 121 of the Bill introduces a new offence provision that is equivalent to section 165 of the National Law. This provision requires the Queensland approved provider to ensure all children being educated and cared for by the service are adequately supervised at all times

that the children are in the care of that service. Procedural manuals and other guidance notes have been developed at the national level for use in administering the National Law. The Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011 prepared by the Australian Children's Education and Care Quality Authority (ACECQA) provides further detail about how to determine adequate supervision.

Consultation

DETE released an explanatory paper outlining the approach taken in the Bill and made a consultation draft of the Bill available to services currently regulated under the *Child Care Act 2002* in April 2013. Services were supportive of most elements of the Bill, particularly the incorporation of key elements of the National Law such as the perpetual approvals and the retention of key sections of the *Child Care Act 2002*, such as the requirement to have two adults present whenever education and care is being provided, as well as the grace periods to meet the qualification requirements.

DETE will release a further explanatory paper consulting on provisions in the Regulation in mid-2013.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland but does complement the National Law by more closely aligning the National Law. Other jurisdictions continue to regulate out-of-scope services under pre-existing child care legislation or have adopted a hybrid legislation approach combining elements of the National Law with pre-existing legislative frameworks. New South Wales, South Australia and Western Australia have amended state-based legislation to align more closely with the National Law, where appropriate. Victoria and the Australian Capital Territory have opted to leave their existing out-of-scope legislation in place. Tasmania intends to review its current legislation, but as yet does not have a timeframe for this review.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *Education and Care Services Act 2013*.

Clause 2 provides that the Act commences on a day to be fixed by proclamation.

Clause 3 provides that the Act binds all persons.

Clause 4 provides that the object of the Act is to ensure the safety, health and wellbeing of children attending a Queensland education and care service.

Clause 5 sets out the guiding principles for the conduct of Queensland approved education and care services and stand-alone services.

Clause 6 provides that the dictionary in schedule 2 defines particular words used in this Act.

Clause 7 defines 'regulated education and care'. Only regulated education and care is regulated under the Act.

Clause 8 defines Queensland education and care service (QEC service) as a service that provides regulated education and care to children under 13 years of age. Subsection (1) excludes a number of services from the definition to remove any doubt about the scope of QEC service such as services regulated under the National Law.

Clause 9 defines stand-alone service by reference to the definition of QEC service.

Clause 10 defines mobile service. Mobile services, as defined in this provision, are not regulated under the Act. Currently mobile services are not regulated under the *Child Care Act 2002* and are expressly excluded from regulation under the National Law.

Part 2 Queensland provider approvals

Clause 11 provides that a person holding a Queensland provider approval is authorised to operate a QEC service for which the provider also holds a service approval.

Clause 12 provides for a person to apply to the chief executive for a Queensland provider approval.

Clause 13 provides that the chief executive must decide an application for provider approval by granting or refusing to grant the application. Subsection (2) allows the chief executive to impose conditions on the approval. Subsection (3) provides that if the application is not decided within the required period it is taken to be refused. Subsection (4) defines the required period.

Clause 14 provides that the chief executive must not grant a Queensland provider approval unless satisfied that the applicant is a suitable person or, if the applicant is a corporation, a person with management and control of the corporation is a suitable person.

Clause 15 sets out the matters that the chief executive must consider when deciding whether an individual is a suitable person to operate or be involved in the operation of a QEC service.

Clause 16 allows the chief executive to seek further information when deciding whether an applicant is a suitable person to operate a QEC service. A request for further information extends the required period for deciding an application for provider approval.

Clause 17 provides that a provider approval has effect until it is cancelled or surrendered.

Clause 18 provides for the form of a Queensland provider approval and the information that must be included in the form.

Clause 19 makes it an offence for a provider not to comply with the conditions applying to a provider approval.

Clause 20 allows the chief executive to at any time reassess the suitability of a Queensland approved provider or a person with management or control of a QEC service operated by a Queensland approved provider.

Clause 21 provides for an approved provider to apply to the chief executive to amend a Queensland provider approval and describes the process for making the amendment.

Clause 22 provides for the chief executive to amend a Queensland provider approval without receiving an application from the approved provider and describes the process for making the amendment.

Clause 23 provides for the urgent amendment of a Queensland provider approval by the chief executive.

Clause 24 provides that after amending a Queensland provider approval under Part 2 Division 4 the chief executive must give an amended copy of the approval to the approved provider.

Clause 25 provides for the grounds on which the chief executive may suspend a Queensland provider approval.

Clause 26 provides that if the chief executive is considering the suspension of a Queensland provider approval, the chief executive must first give the Queensland approved provider a show cause notice. The approved provider may, within 30 days after the notice is given, give the chief executive a written response to the proposed suspension.

Clause 27 provides for the chief executive to make a decision in relation to the suspension after considering any written response made by the approved provider within the timeframe specified in section 26(2)(d).

Clause 28 provides for the chief executive to suspend a Queensland provider approval without issuing a show cause notice if satisfied that there is an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by a QEC approved service. The suspension may not be for a period of more than 6 months.

Clause 29 provides for the chief executive to give notice of a decision to suspend a Queensland provider approval and when the decision takes effect.

Clause 30 provides for the effect of a suspension on a provider approval and service approvals held by the approved provider. The suspension of a provider approval results in all service approvals held by the provider also being suspended. Subsections (3) and (4) allow for an application to be made to transfer a service approval that is suspended.

Clause 31 provides for the grounds on which the chief executive may cancel a Queensland provider approval.

Clause 32 provides that if the chief executive is considering the cancellation of a provider approval under section 31 the chief executive must first give the approved provider a show cause notice. Subsection (2) provides that the approved provider has 30 days after the notice is given to give a written response to the proposed cancellation.

Clause 33 provides for the chief executive to make a decision in relation to a proposed cancellation after considering any written response to the proposed cancellation. The decision can be to cancel, suspend or not cancel the provider approval. The decision takes effect 14 days after the date of the decision or after another period stated by the chief executive.

Clause 34 provides for the effect of a decision to cancel a provider approval made under section 33. The cancellation of a provider approval has the effect of cancelling all service approvals held by the provider. Subsections (2) – (6) provide for a provider to apply to transfer service approvals held by the provider where the provider approval is to be cancelled under section 33.

Clause 35 applies to approved providers given a show cause notice under sections 26 or 32. Approved providers must, if requested by the chief executive, provide contact details for parents of children enrolled at the service.

Clause 36 provides for approved providers to give notice to parents of the suspension or cancellation of their provider approval.

Clause 37 provides for an approved provider to apply to the chief executive for a voluntary suspension of their provider approval.

Clause 38 provides for an approved provider to surrender their service approval by giving written notice to the chief executive.

Clause 39 provides for the transfer of provider and service approvals held by a single individual to the individual's personal representative in the event of the individual's death.

Clause 40 provides for the situation where more than one individual jointly holds a provider approval and one of those individuals dies. The surviving individuals continue as the holder/s of the approval. If there are no surviving individuals, section 39 applies with necessary changes.

Part 3 Queensland service approvals

Clause 41 provides for the effect of a service approval. It enables an approved provider to operate the QEC service to which the service approval relates.

Clause 42 notes that an approved provider may hold more than one service approval.

Clause 43 provides for an approved provider to apply to the chief executive for a service approval.

Clause 44 provides for the form of application for a service approval and the payment of a prescribed fee.

Clause 45 provides for the chief executive to decide an application for a service approval.

Clause 46 provides for the chief executive to ask an applicant to provide further information.

Clause 47 provides for the matters which are relevant to deciding an application for a service approval.

Clause 48 provides for the grounds on which the chief executive must refuse an application for service approval.

Clause 49 provides for the chief executive to impose conditions on a service approval and for conditions that apply to all service approvals.

Clause 50 provides that each service approval must include as a condition the service capacity of the service.

Clause 51 provides for emergency care and allows a service to exceed its service capacity in particular circumstances.

Clause 52 provides for the form of a service approval.

Clause 53 makes it an offence to fail to comply with the conditions of a service approval.

Clause 54 provides that an approved provider must pay an annual fee for each service approval.

Clause 55 provides for an approved provider to apply for a new service approval where exceptional circumstances have caused a service's premises to be unsuitable for provision of regulated education and care. The application will include an application to temporarily suspend the service approval for the affected premises and an application for a new service approval for alternative premises. This application is intended to be used in exceptional circumstances only, such as where the approved provider’s premises are affected by a natural disaster.

Clause 56 provides for the form of the application for exceptional circumstances service approval.

Clause 57 provides that the chief executive must decide the application for an exceptional circumstances service approval within seven days.

Clause 58 provides for the chief executive to request further information from an applicant for an exceptional circumstances service approval.

Clause 59 provides for the relevant matters to be considered when deciding an application for an exceptional circumstances service approval.

Clause 60 provides for the conditions to be imposed on an exceptional circumstances service approval.

Clause 61 allows the chief executive to revoke the exceptional circumstances service approval by giving at least 14 days notice in writing to the approved provider. Subsection (2) lists the matters the chief executive may have regard to when deciding whether to revoke the approval.

Clause 62 provides for the approved provider to give the contact details of parents with children enrolled at the service when the chief executive has given a notice under section 61 that an exceptional circumstances service approval will be revoked.

Clause 63 provides for the duration of the temporary suspension of the service approval for the affected premises.

Clause 64 provides for the application of other provisions of this Act to an application for exceptional circumstances service approval. This is necessary because Queensland service approval is defined to include service approvals issued under Part 3 divisions 2 and 3. Once the exceptional circumstances service approval is granted other provisions of the Act apply to it in the same way as any other service approval.

Subsection (1) provides that sections 43 to 46 do not apply to an application for exceptional circumstances approval because Part 3, Division 3 sets out a different application process for exceptional circumstances service approval. Section 49(2)(d), a condition about operating a service within six months of approval, is not relevant to an exceptional circumstances approval.

Subsection (2) provides that section 89, which provides for voluntary suspension of a service approval, does not apply to an application for exceptional circumstances service approval. An application under section 55 includes an application to suspend the service approval at the affected premises. It is necessary to exclude the application of section 89 as the process for voluntary suspension of a service approval is not consistent with the application process for exceptional circumstances service approval.

Clause 65 provides for an approved provider to apply to the chief executive to amend a service approval.

Clause 66 provides for restrictions on the amendment of a service approval. Subsection (1) provides that a change of location of QEC service premises may only be made by applying

for a new service approval. Subsection (2) provides that a change in approved provider can only be made by transferring a service approval.

Clause 67 provides for the amendment of a service approval by the chief executive and allows the chief executive to amend the approval at any time without receiving an application from the approved provider.

Clause 68 provides for the urgent amendment of a service approval by the chief executive where the chief executive is satisfied that it is necessary to make an immediate amendment.

Clause 69 provides for the chief executive to provide a copy of an amended service approval to the approved provider after making an amendment under Part 3 Division 4.

Clause 70 provides for an approved provider to apply to the chief executive to transfer a service approval to another approved provider.

Clause 71 applies to the transfer of a suspended service approval and allows the chief executive to continue the suspension of the approval as part of the decision to consent to the transfer.

Clause 72 provides for an application for transfer to be dealt with as if it was an application for a new service approval. This allows the chief executive to request information and conduct investigations about the transferee.

Clause 73 provides how the chief executive must decide an application for a transfer of a service approval.

Clause 74 requires the transferee and transferor to give notice to the chief executive confirming that the transfer has occurred.

Clause 75 provides for the transferee to give notice of the transfer to the parent or guardian of children who receive education and care at the service.

Clause 76 provides for the grounds on which the chief executive may suspend a service approval.

Clause 77 requires the chief executive to give a show cause notice to an approved provider when the chief executive is considering the suspension of a service approval under section 76.

Clause 78 provides for the chief executive to make a decision to suspend or not suspend a service approval after considering any written response from the approved provider to the show cause notice.

Clause 79 provides for the suspension of a service approval without a show cause notice where the chief executive is satisfied there is an immediate risk to the safety, health or wellbeing of children being educated and cared for by an approved QEC service. However, suspension under this section can only be for a maximum of six months.

Clause 80 provides for the notice and taking effect of a decision to suspend a service approval.

Clause 81 provides for the chief executive, on application, to lift a suspension.

Clause 82 provides for the grounds on which the chief executive may cancel a service approval.

Clause 83 provides for the chief executive to give a show cause notice to an approved provider where the chief executive is considering the cancellation of a service approval.

Clause 84 provides for the chief executive to make a decision to cancel, suspend or not cancel a service approval after considering any written response from the approved provider to the show cause notice about the proposed cancellation.

Clause 85 provides for an approved provider to apply for the transfer of a service approval that is to be cancelled under Part 3 Division 6. The application must be made before the cancellation decision takes effect. If the application is made, the cancellation does not take effect until a decision is made on the application for transfer.

Clause 86 provides for the chief executive to make a decision on an application to transfer a service approval that is to be cancelled.

Clause 87 applies when an approved provider has been given a show cause notice under section 77 or 83. The approved provider must, if requested by the chief executive, provide the contact details of the parents of all children enrolled at an education and care service operated by the approved provider.

Clause 88 provides for the approved provider to notify parents of the suspension or cancellation of a service approval.

Clause 89 provides for the voluntary suspension of a Queensland service approval.

Clause 90 provides for an approved provider to surrender a service approval.

Clause 91 provides for the chief executive to give information to the Commissioner about disciplinary action taken under this Act in relation to a provider or service approval.

Clause 92 provides for an approved provider to apply for a service waiver. A service waiver will excuse a service from complying with a requirement under the Act. Only certain requirements are eligible for a service waiver. These requirements will be prescribed in a Regulation.

Clause 93 provides that an application for a service waiver must be in the approved form and accompanied by the prescribed fee.

Clause 94 provides that the chief executive may request information and inspect premises when considering an application for a service waiver.

Clause 95 provides for the matters the chief executive must consider when deciding an application for a service waiver.

Clause 96 provides for the chief executive to make a decision on an application for a service waiver.

Clause 97 provides for the revocation of a service waiver by the chief executive.

Clause 98 provides that while a service waiver is in force the QEC approved service is taken to comply with the requirements under this Act that are stated in the service waiver.

Clause 99 provides for an approved provider to apply for a temporary waiver for a QEC approved service. Only certain requirements are eligible for a temporary waiver. These requirements will be prescribed in a Regulation.

Clause 100 provides that an application for a temporary waiver must be in the approved form and accompanied by the prescribed fee.

Clause 101 provides that the chief executive may request information and inspect premises when considering an application for a temporary waiver.

Clause 102 provides for the matters the chief executive must consider when deciding an application for a temporary waiver.

Clause 103 provides for the chief executive to make a decision on an application for a temporary waiver.

Clause 104 provides for the chief executive to extend a temporary waiver on application.

Clause 105 provides for the revocation of a temporary waiver.

Clause 106 provides that while a temporary waiver is in force the QEC approved service is taken to comply with the requirements under this Act stated in the temporary waiver.

Clause 107 provides that it is an offence to provide an education and care service without a service approval.

Clause 108 provides that it is an offence to advertise an education and care service unless it is a QEC approved service. This offence does not apply to stand-alone services as they are not eligible to apply for a service approval.

Part 4 Conduct of QEC approved services

Clause 109 provides for an approved provider's overriding responsibility when conducting a QEC approved service.

Clause 110 provides for a regulation to prescribe standard requirements about the presence of suitably qualified staff members and related matters about adult supervision of children attending a QEC service.

Clause 111 provides that an approved provider must comply with the standard requirements.

Clause 112 provides for a service approval to include a condition providing for rest periods for a QEC approved service. A rest period allows for reduced staff numbers while children are having a rest.

Clause 113 provides for the appointment of a suitably qualified person as the supervisor at each QEC approved service. Subsection (2) describes the functions of the supervisor. Subsection (3) requires that each service appoint a supervisor. Subsection (4) provides that a supervisor must be present during prescribed times. Subsection (5) provides that subsection (4) does not apply to a school age care service or a service with a capacity of not more than 30.

Clause 114 provides for the appointment of a nominee for a QEC approved service. The nominee is the contact point at the service for the chief executive.

Clause 115 provides for the purpose and effect of the appointment of a nominee.

Clause 116 provides for the presence of at least two adult staff members while the service is operating.

Clause 117 provides for unqualified persons to fulfil the requirement of having a qualified person at a service in certain circumstances.

Clause 118 provides for a defence in proceedings against a person for an offence under this Act of relying on evidence of qualifications, training or study. This defence is relevant where the alleged offence relates to employing a person who was not qualified to provide education and care.

Clause 119 provides for an approved provider to maintain evidence of staff qualifications.

Clause 120 provides for an approved provider to deliver an educational program to children being educated and cared for by the service. A Regulation may make provision about the program.

Clause 121 provides that an approved provider must ensure that children are adequately supervised at all times. A failure to comply with this requirement is an offence.

Clause 122 provides that an approved provider must ensure that children are protected from harm and hazards. A failure to comply with this requirement is an offence.

Clause 123 provides that an approved provider must display prescribed information at the main entrance of the premises. A failure to comply with this requirement is an offence.

Clause 124 provides that an approved provider must notify the chief executive of certain changes in relation to the persons with management and control of the approved provider, the name of the approved provider or whether the provider fails to start operating a service within six months of receiving the service approval. A failure to comply with this requirement is an offence.

Clause 125 provides that an approved provider must notify the chief executive of an intention to transfer a service approval. A failure to comply with this requirement is an offence.

Clause 126 provides that an approved provider must notify the chief executive of changes in suitability to operate a QEC service. A failure to comply with this requirement is an offence.

Clause 127 provides that an approved provider must notify the chief executive of serious incidents or complaints about the compromise of a child's health, safety or wellbeing or a contravention of the Act. A failure to comply with this requirement is an offence.

Clause 128 provides that an approved provider must keep all records prescribed under a regulation. A failure to comply with this requirement is an offence.

Clause 129 provides that an approved provider must allow parents access to records about their child.

Clause 130 provides for the confidentiality of records kept by a QEC service containing personal information and allows for information to be disclosed in certain circumstances.

Clause 131 provides for the record keeping obligations of a person who ceases to be a Queensland approved provider for a QEC approved service.

Part 5 Stand-alone services

Clause 132 provides that a child must not conduct a stand-alone service and a person must not engage a child as a carer in a stand-alone service. A failure to comply with these requirements is an offence.

Clause 133 provides for the suitability of persons in a home where a stand-alone service operates. Subsection (1) prohibits a carer from providing education and care in a home if the carer knows, or ought reasonably to know, that an occupant is a disqualified person or there is a section 190 notice in force. Subsection (2) provides that a person conducting a stand-alone service must take all reasonable steps to ensure carers in the service comply with subsection (1).

Clause 134 provides for the maximum number of children that may be cared for in a stand-alone service. A failure to comply with the maximum number of children requirement is an offence.

Clause 135 provides that a person must not conduct a stand-alone service unless the person has the prescribed insurance. A failure to comply with this requirement is an offence.

Part 6 Monitoring and enforcement

Clause 136 defines terms used in Part 6.

Clause 137 provides for the functions of authorised officers.

Clause 138 provides for the appointment of authorised officers. An authorised officer appointed under the *Education and Care Services National Law (Queensland) Act 2011* is taken to be an authorised officer for this Act.

Clause 139 provides for when a person's appointment as an authorised officer ends.

Clause 140 provides that an identity card issued under the *Education and Care Services National Law (Queensland) Act 2011* is taken to be an identity card for this Act.

Clause 141 provides for the production and display of an authorised officer's identity card when exercising a power.

Clause 142 provides for how references to exercise of a power by an authorised officer are to be interpreted under this Act.

Clause 143 provides for a reference to a document to include references to electronic reproductions of the document.

Clause 144 provides for the powers of an authorised officer to enter a place.

Clause 145 provides that Part 6, Division 3, Subdivision 2 (Entry by consent) applies if an authorised officer intends to ask the occupier of a place to consent to the authorised officer entering the place.

Clause 146 provides for the incidental entry of an authorised officer to premises to ask for the occupier's consent.

Clause 147 provides for the matters that the authorised officer must tell the occupier when asking for consent.

Clause 148 provides for the authorised officer to ask for a written acknowledgement of consent given by an occupier.

Clause 149 provides for an authorised officer to apply to a magistrate for a warrant to enter a place.

Clause 150 provides for a magistrate to issue a warrant upon application.

Clause 151 provides for an electronic application for a warrant in urgent or other special circumstances.

Clause 152 provides for the additional procedures that apply for an electronic application for a warrant.

Clause 153 provides that defects in a warrant or compliance with this subdivision do not invalidate a warrant unless the defect affects the substance of a warrant in a material particular.

Clause 154 describes the entry procedure where an authorised officer intends to gain entry to a place using a warrant.

Clause 155 provides in subsection (1) that an authorised officer must before entering a home under Part 6, other than under a warrant, make a reasonable attempt to comply with the

requirement to display an identity card as set out in section 141. Subsection (2) provides that when entering a home an authorised officer must preserve the privacy of anyone living at the home.

Clause 156 provides that Part 6, Division 3, Subdivision 4 applies when an authorised officers enters a place under section 144(1)(a), (c), (d) or (e).

Clause 157 provides for the general powers of an authorised officer when entering a home.

Clause 158 provides for an authorised officer to make a requirement of an occupier or person at a place to give the authorised officer reasonable help (help requirement).

Clause 159 makes it an offence to fail to comply with a help requirement.

Clause 160 provides for an authorised officer to seize evidence at a place the officer may enter without consent or a warrant.

Clause 161 provides for an authorised officer to seize evidence at a place the officer may only enter with consent or a warrant.

Clause 162 provides for the effect of liens or other security over things seized by an authorised officer. The seizure does not affect the lien or other security against a person other than the authorised officer.

Clause 163 provides for an authorised officer to require a person in control of a thing to be seized to take certain action in relation to the thing.

Clause 164 makes it an offence for a person to fail to comply with a seizure requirement given under section 163.
Clause 165 provides for the powers of an authorised officer to secure a thing seized under Part 6 Division 4 including imposing a requirement on another person to do something in relation to the thing.

Clause 166 makes it an offence for a person to fail to comply with a requirement made under section 165(2)(c).

Clause 167 provides for two offences in relation to seized things. Subsection (1) makes it an offence for a person to tamper with the thing or anything used to restrict access to the thing. Subsection (2) makes it an offence to tamper with anything used to restrict access to a place where the authorised officer restricted access under section 165.

Clause 168 provides for an authorised officer to provide a receipt and information notice after seizing a thing.

Clause 169 provides for access to a seized thing by an owner.

Clause 170 provides for the return of a seized thing to an owner.

Clause 171 provides for the chief executive to make a decision that a seized thing is forfeited to the State.

Clause 172 provides for the chief executive to provide an information notice about a forfeiture decision.

Clause 173 provides for when a thing becomes the property of the State.

Clause 174 provides for how the chief executive may deal with a thing that becomes the property of the State under section 173.

Clause 175 provides for an authorised officer to have the power to require a person's name and address (a personal details requirement).

Clause 176 makes it an offence for a person to contravene a personal details requirement.

Clause 177 provides for an authorised officer to require evidence of age, name and address for a person suspected of being an underage carer in a stand-alone service.

Clause 178 provides an authorised officer with the power to require production (a document production requirement) or certification of a document (a document certification requirement).

Clause 179 makes it an offence for a person to contravene a document production requirement.

Clause 180 makes it an offence for a person to contravene a document certification requirement.

Clause 181 gives an authorised officer the power to require information in relation to offences under the Act (an information requirement).

Clause 182 makes it an offence for a person to contravene an information requirement.

Clause 183 provides that an authorised officer has a duty to avoid inconvenience and minimise damage when exercising a power.

Clause 184 provides for an authorised officer to give notice of damage caused whilst exercising a power.

Clause 185 provides for persons to claim compensation from the State for losses incurred because of the exercise of a power by an authorised officer.

Clause 186 makes it an offence to give an authorised officer false or misleading information.

Clause 187 makes it an offence for a person to obstruct an authorised officer.

Clause 188 makes it an offence for a person to impersonate an authorised officer.

Clause 189 provides for the immunity of individuals who provide information or documents to authorised officers under sections 158 or 178.

Clause 190 provides for an authorised officer to ask a carer who provides stand-alone care in a home to apply for a prescribed notice or exemption notice about a person who is an occupant in the home.

Clause 191 provides for the chief executive to obtain information about suitability checks in relation to individuals listed in subsection (1).

Clause 192 provides for an authorised officer to notify a person that an occupant of a home is a disqualified person.

Clause 193 provides for an authorised officer to issue a compliance notice to a person asking the person to remedy a contravention of the Act. It is an offence to fail to comply with a compliance notice.

Clause 194 provides for an authorised officer to give an approved provider a notice requiring the approved provider to comply with a *Building Act 1975* requirement.

Clause 195 provides for the chief executive to issue an emergency action notice if satisfied a QEC approved service is being operated in a manner that poses, or is likely to pose, an immediate risk to the safety, health or wellbeing of children. Subsection (2) provides for the chief executive to give a notice directing the approved provider to take certain steps to remove or reduce the risk. Subsection (3) provides that an approved provider must comply with a direction and a failure to do so is an offence.

Clause 196 provides for the chief executive to issue a person with a prohibition notice. A prohibition notice may only be given to a person who is involved in the provision of education and care at a QEC service.

Clause 197 provides that the chief executive must give a person a show cause notice before issuing the person with a prohibition notice. Subsection (2) provides that the requirement to give a show cause notice does not apply if the chief executive is satisfied it is necessary to immediately issue a prohibition notice.

Clause 198 provides for the chief executive to have regard to any written submissions received in response to a show cause notice.

Clause 199 provides for the content of a prohibition notice.

Clause 200 provides that if the chief executive gives a prohibition notice to a person the chief executive must also give a written notice to the Commissioner.

Clause 201 provides for the process to cancel a prohibition notice.

Clause 202 provides that it is an offence for a person to contravene a prohibition notice issued under this Act. The clause provides for the effect of prohibition notices issued under this Act as well as the effect of prohibition notices issued under the National Law. Where a prohibition notice is issued under this Act subsections (2) and (4) will apply. Where a prohibition notice is issued under the National Law subsection (2) will apply. The National Law already provides for the effect of a prohibition notice issued under that Act on providing education and care under the National Law.

Clause 203 provides that it is an offence for an approved provider to engage a person to whom a prohibition notice applies.

Clause 204 provides for the publication of compliance and enforcement information on the department's website and lists the types of information that may be published.

Clause 205 provides for when information about enforcement action under section 204 may be published.

Clause 206 provides for the period for which information published under Part 6 Division 9 may be displayed on the department's website.

Clause 207 provides for the chief executive to undertake a three yearly inspection of each QEC approved service.

Clause 208 describes the procedure for the three yearly inspection.

Part 7 Review

Clause 209 provides that an approved provider may apply to the chief executive for review of a compliance notice issued by an authorised officer.

Clause 210 provides that an approved provider may apply to the chief executive for a review of a decision by the chief executive to revoke a service waiver.

Clause 211 provides for a person to apply to the Queensland Civil and Administrative Tribunal for the review of decisions of the chief executive listed in subsection (1).

Clause 212 provides that after making a decision listed in section 211, the chief executive or authorised office must give a notice to the person complying with the *Queensland Civil and Administrative Tribunal Act 2009* section 157(2).

Part 8 Information, records and privacy

Clause 213 provides for the chief executive to keep a register of Queensland approved providers.

Clause 214 provides for the chief executive to keep a register of QEC approved services.

Clause 215 provides for the publication by the chief executive of information about approved providers and services.

Clause 216 creates a duty of confidentiality for persons involved in administering this Act.

Clause 217 provides for the recording, use and disclosure of information.

Clause 218 provides for the disclosure of information to an officer of a department in another state or the Commonwealth.

Clause 219 provides for the reporting of matters of concern involving the contravention of another Act to the chief executive of the department in which the other Act is administered.

Clause 220 defines terms used in Part 8, Division 3 Subdivision 2 relating to the use and disclosure of URL data relating to approved kindergarten programs.

Clause 221 provides for the disclosure of URL data to the chief executive and central governing bodies by relevant services.

Clause 222 provides for the use and disclosure of URL data by the chief executive.

Clause 223 provides for the disclosure of URL data to the Australian Bureau of Statistics and Australian Institute of Health and Welfare.

Clause 224 provides for the recording, use and disclosure of URL data by an authorised officer of a central governing body.

Part 9 Legal proceedings

Clause 225 provides that Part 9 Division 1 applies to a proceeding under this Act.

Clause 226 provides that it is not necessary to prove the appointment of, or the authority of, the chief executive or an authorised officer to do anything under this Act unless a party, by reasonable notice, requires proof of the appointment or authority.

Clause 227 provides that a signature purporting to be a signature of the chief executive or an authorised officer is evidence of the signature it purports to be.

Clause 228 provides for a certificate signed by the chief executive to be evidence of the matters listed in the provision.

Clause 229 provides for summary proceedings for offences against this Act and the time for commencing proceedings.

Clause 230 provides that a statement that the matter of a complaint came to the complainant's knowledge on a stated day is evidence of the matter stated.

Clause 231 provides for the responsibility of a person for acts or omissions of their representatives.

Clause 232 provides for the liability of executive officers of a corporation for particular offences. The provision imposes Type 1 liability as defined in the Council of Australian Governments' Principles for the Imposition of Directors' Liability. The onus of proof remains on the prosecution when seeking to prove that an executive officer should be liable for an offence committed by a corporation.

Clause 233 provides for the accessorial liability of executive officers for offences committed by a corporation. This provision applies when an executive officer authorised or permitted the corporation's conduct or was knowingly concerned in the corporation's conduct. This is an additional type of liability to the directors' liability imposed in section 232.

Clause 234 provides an approved provider with a defence of exercising reasonable diligence to ensure compliance in proceedings taken against the approved provider for an offence under this Act.

Clause 235 provides for a defence in proceedings against a person for an offence under this Act where the first person has a reasonable belief about a second person's age and the act or omission that is the offence would not be an offence if the second person was of a particular age.

Clause 236 provides for a defence in proceedings against a person for an offence under this Act that the offence was reasonably required because of an emergency.

Part 10 Miscellaneous

Clause 237 provides for the application of the Commission's Act to corporations. It provides for which persons are taken to be carrying on a business of conducting a QEC service.

Clause 238 provides for the application of the Commission's Act to a pending application for a prescribed notice or exemption notice by a corporation holding a provider approval.

Clause 239 provides for how a carer providing stand-alone care in the carer's home, who has been requested under section 190 of this Act to apply for a prescribed notice or exemption notice for an occupant of the home, may apply for the notice.

Clause 240 provides for the chief executive to delegate powers under this Act.

Clause 241 provides prescribed persons with protection from liability for acts done or omissions made, honestly and without negligence, under this Act.

Clause 242 clarifies how multiple holders of a provider are responsible for compliance with this Act

Clause 243 provides for the chief executive to approve forms for use under this Act.

Clause 244 provides for regulations to be made by Governor in Council under this Act.

Part 11 Repeal, savings and transitional provisions

Clause 245 repeals the *Child Care Act 2002*.

Clauses 246 to *260* set out savings and transitional provisions for this Act. The provisions will ensure that licensed services under the *Child Care Act 2002* can transition to approval under this Act without the need for applications. The provisions also provide for the management of applications or processes pending at the time of commencement.

Part 12 Amendment of Commission for Children, Young People and Child Guardian Act 2000

Clause 261 omits the definition of employment in the Commission's Act as this term is not defined in this Act and it is no longer necessary to refer to employment.

Clause 262 omits section 163 Commission's Act which refers to a definition of employment in child care in the *Child Care Act 2002* which is not included in this Bill.

Clause 263 amends section 368 Commission's Act to refer to the relevant section of this Act for decisions reviewable by the Queensland Civil and Administrative Tribunal.

Clause 264 replaces Schedule 1, Part 1, section 4 which provides for regulated employment. The new section 4 will provide for regulated employment at a QEC service or other commercial service. Persons engaged in regulated employment are required to hold a positive notice or positive exemption notice, also known as a blue card.

Clause 265 replaces Schedule 1, Part 1, section 4A which provides for regulated employment. The new section 4A will provide for regulated employment at premises where child care is provided.

Clause 266 replaces Schedule 1, Part 1, section 18 which provides for regulated businesses. The new section 18 provides for a QEC service to be a regulated business.

Clause 267 replaces Schedule 1, Part 1, section 18A which provides for regulated businesses. The new section 18A provides for businesses providing child care to be a regulated business.

Clause 268 amends terms in the Schedule 7 dictionary to reflect the new terminology used in this Act and remove definitions which are no longer required.

Part 13 Consequential amendments

Clause 269 notes that Schedule 1 amends the Acts mentioned in it.

Schedule 1

This schedule contains minor and consequential amendments.

Schedule 2

This schedule defines terms used in the Act.