



Queensland

Child Care and Another Act Amendment Bill 2010



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Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of Child Care Act 2002	
3	Act amended	4
4	Insertion of new pt 4, div 2A	4
	Division 2A Compliance history log books	
	88A Definitions	4
	88B Application of div 2A	5
	88C Where licensee must keep log book	5
	88D What log book must contain	5
	88E Licensee's identifying details that must be entered in log book	5
	88F Licensee's compliance history that must be entered in log book	6
	88G When licensee must enter information in log book . . .	7
	88H Licensee must not enter personal information in log book	8
	88I When licensee must update information in log book .	8
	88J When new licensee must include information from previous licensee's log book after transfer of licence .	9
	88K When previous licensee must ensure information about licence that has ended is included in new licensee's log book	10
	88L Licensee must not enter false or misleading information in log book	11
	88M When licensee must advise parent or guardian about log book and parent's or guardian's right to inspect it	12

Contents

	88N	When licensee must provide access to or copy log book	12
5		Insertion of new pt 9, div 1A.	12
	Division 1A	Review of certain compliance notices by chief executive	
	164B	Licensee may apply for review by chief executive of certain decisions to give compliance notices	12
Part 3	Amendment of Education (Queensland College of Teachers) Act 2005		
6		Act amended	14
7		Amendment of s 8 (Eligibility for full registration)	14
8		Amendment of s 9 (Eligibility for provisional registration)	15
9		Amendment of s 14 (Application for registration or permission to teach)	15
10		Insertion of new ch 2, pt 2, div 3.	15
	Division 3	Literacy, numeracy or science tests required for certain registrations	
	25A	Literacy, numeracy or science test may be prescribed	16
	25B	Person may apply for reassessment of test result . . .	16
	25C	Application for registration may lapse after unsatisfactory test result.	17
11		Amendment of s 29 (Requirements for renewal—full registration)	17
12		Insertion of new s 230A	18
	230A	College’s functions for testing applicants for registration	18
13		Amendment of sch 3 (Dictionary)	19

2010

A Bill

for

An Act to amend the *Child Care Act 2002* and the *Education (Queensland College of Teachers) Act 2005* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Child Care and Another Act
Amendment Act 2010*. 4
5

Clause 2 Commencement 6

Part 2 commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Child Care Act
2002** 8
9

Clause 3 Act amended 10

This part amends the *Child Care Act 2002*. 11

Clause 4 Insertion of new pt 4, div 2A 12

Part 4— 13

insert— 14

‘Division 2A Compliance history log books 15

‘88A Definitions 16

‘In this division— 17

compliance history means the matters mentioned in section
88F. 18
19

<i>compliance history log book</i> means a record kept by a licensee containing the licensee’s compliance history for the licensee’s service.	1 2 3
<i>log book</i> means a compliance history log book.	4
‘88B Application of div 2A	5
‘This division applies to the licensee of a licensed service other than a school age care service.	6 7
‘88C Where licensee must keep log book	8
‘The licensee must keep a log book for the licensee’s service at the following place—	9 10
(a) for a centre based service, at the child care centre; or	11
(b) for a home based service, at the licensee’s address stated on the licence.	12 13
Maximum penalty—10 penalty units.	14
‘88D What log book must contain	15
‘The licensee must enter the following in the log book—	16
(a) the details mentioned in section 88E that identify the licensee;	17 18
(b) the details of the licensee’s compliance history under section 88F.	19 20
Maximum penalty—10 penalty units.	21
‘88E Licensee’s identifying details that must be entered in log book	22 23
‘(1) For section 88D(a) the details the licensee must enter in the log book are the following—	24 25
(a) if the licence is for a centre based service—	26
(i) the address of the child care centre; and	27

[s 4]

(ii)	the name by which the centre is known;	1
(b)	if the licence is for a home based service—	2
(i)	the address of the home based service; and	3
(ii)	the name by which the service is known.	4
‘(2)	Subsection (1)(b)(i) does not apply if the address of the home based service is also the home address of a carer in the service.	5 6 7
‘88F	Licensee’s compliance history that must be entered in log book	8 9
	‘For section 88D(b) the details the licensee must enter in the log book are the following—	10 11
(a)	details of an amendment of the licensee’s licence under section 42, other than under section 42(5), including—	12 13
(i)	the chief executive’s reasons for the amendment; and	14 15
(ii)	the day on which the amendment had effect;	16
(b)	details of an urgent amendment of the licensee’s licence under section 43 including—	17 18
(i)	the chief executive’s reasons for the urgent amendment; and	19 20
(ii)	the day on which the urgent amendment had effect; and	21 22
(iii)	the day on which it ceases to have effect;	23
(c)	details of a suspension of the licensee’s licence under section 45, other than section 45(7), including—	24 25
(i)	the chief executive’s reasons for the suspension; and	26 27
(ii)	the day on which the suspension had effect; and	28
(iii)	the day on which it ends;	29

(d)	details of an urgent suspension of the licensee’s licence under section 46 including—	1 2
(i)	the chief executive’s reasons for the urgent suspension; and	3 4
(ii)	the day on which the urgent suspension had effect; and	5 6
(iii)	the day on which it ends;	7
(e)	details of each compliance notice issued under section 142 including—	8 9
(i)	the authorised officer’s reasons for giving the compliance notice; and	10 11
(ii)	the steps stated in the compliance notice to remedy the contravention, or to avoid further contravention, of the relevant provision; and	12 13 14
(iii)	the day by which the person given the notice must take the steps stated in the notice.	15 16
‘88G	When licensee must enter information in log book	17
‘(1)	Subsection (2) applies if action mentioned in section 88F is taken in relation to a licensee and either—	18 19
(a)	the licensee does not apply for a review of, or appeal against, the action taken; or	20 21
(b)	the licensee starts a review or appeal but ends the review or appeal before it is decided.	22 23
‘(2)	The licensee must enter the relevant details under section 88F in the log book within 14 days after—	24 25
(a)	if the licensee does not apply for a review of, or appeal against, the action taken—the end of the period for starting a review or appeal; or	26 27 28
(b)	if the licensee starts a review or appeal but ends the review or appeal before it is decided—the licensee ends the review or appeal.	29 30 31
	Maximum penalty—10 penalty units.	32

[s 4]

‘(3) Subsection (4) applies if—	1
(a) action mentioned in section 88F is taken in relation to a licensee; and	2 3
(b) the licensee applies for a review of, or appeals against, the action taken; and	4 5
(c) a decision is made on the review or appeal.	6
‘(4) The licensee must enter details in the log book consistent with the decision on review or appeal within 14 days after the decision.	7 8 9
Maximum penalty—10 penalty units.	10
‘(5) Subsection (4) does not apply if the review or appeal decides—	11 12
(a) for an action mentioned in section 88F(a) to (d)—that the action mentioned should not have been taken; or	13 14
(b) for a compliance notice—that the compliance notice should not have been issued.	15 16
‘88H Licensee must not enter personal information in log book	17 18
‘A licensee must not enter information in the licensee’s log book that identifies a child or an adult other than the licensee.	19 20
Maximum penalty—10 penalty units.	21
‘88I When licensee must update information in log book	22
‘(1) Subsection (2) applies if—	23
(a) a suspension recorded in the log book has been lifted; or	24
(b) steps required under a compliance notice have been taken.	25 26

-
- ‘(2) The licensee must update the log book to indicate the suspension has been lifted or the steps taken within 14 days of this happening. 1
2
3
Maximum penalty—10 penalty units. 4

**‘88J When new licensee must include information from previous licensee’s log book after transfer of licence 5
6**

- ‘(1) This section applies if the licence for a licensed service is transferred from a licensee (the *previous licensee*) to another person (the *new licensee*). 7
8
9
- ‘(2) The new licensee must start and keep a new log book and ensure the compliance history entered in the log book of the previous licensee is entered in the log book kept by the new licensee— 10
11
12
13
- (a) if— 14
- (i) before the transfer, the licence was held by a corporation; and 15
16
- (ii) after the transfer, a person who is or was an executive officer of the corporation is— 17
18
- (A) the person, or one of the persons, to whom the licence was transferred; or 19
20
- (B) an executive officer of a corporation to whom the licence was transferred; or 21
22
- (b) if— 23
- (i) before the transfer, the licence was held by an individual; and 24
25
- (ii) after the transfer, the individual is— 26
- (A) one of the persons to whom the licence was transferred; or 27
28
- (B) an executive officer of a corporation to whom the licence was transferred; or 29
30

[s 4]

- (c) if— 1
 - (i) before the transfer, the licence was held by a group 2
of persons; and 3
 - (ii) after the transfer, one of the persons is— 4
 - (A) the person, or one of the persons, to whom 5
the licence was transferred; or 6
 - (B) an executive officer of a corporation to 7
whom the licence was transferred. 8
- Maximum penalty—10 penalty units. 9

**‘88K When previous licensee must ensure information 10
about licence that has ended is included in new 11
licensee’s log book 12**

- ‘(1) This section applies if— 13
- (a) a person (the *previous licensee*) holds a licence or an 14
interest in a licence (the *previous licence*) for premises; 15
and 16
 - (b) the previous licence ends; and 17
 - (c) a new licence is issued for the same premises; and 18
 - (d) the previous licensee is the new licensee or has an 19
interest in the new licence. 20
- ‘(2) The previous licensee must ensure the following is included in 21
the new licensee’s log book if it happened during the stated 22
period— 23
- (a) the compliance history relating to the previous licence; 24
and 25
 - (b) if the previous licence ended because it was revoked 26
under section 45(3) or renewal was refused under 27
section 21(8)—details of the reasons for the revocation 28
or refusal to renew. 29

Maximum penalty—10 penalty units. 30

‘(3)	However, the details mentioned in subsection (2)(b) do not have to be included if—	1 2
	(a) the previous licensee applied for a review of, or appealed against, the action taken; and	3 4
	(b) the review or appeal decided the action mentioned should not have been taken.	5 6
‘(4)	For subsection (1)(a), a person is taken to have an interest in the previous licence if the person—	7 8
	(a) held the previous licence jointly with another person; or	9
	(b) was an executive officer of the corporation that held the previous licence.	10 11
‘(5)	For subsection (1)(d), a person is taken to have an interest in the new licence if the person—	12 13
	(a) holds the new licence jointly with another person; or	14
	(b) is an executive officer of the corporation that holds the new licence.	15 16
‘(6)	In this section—	17
	<i>commencement</i> means the commencement of this section.	18
	<i>stated period</i> means the period of 3 years before the issue of the new licence but does not include any period before the commencement.	19 20 21
‘88L	Licensee must not enter false or misleading information in log book	22 23
	‘A licensee must not enter information in the licensee’s log book that the licensee knows is false or misleading in a material particular.	24 25 26
	Maximum penalty—10 penalty units.	27

[s 5]

‘88M	When licensee must advise parent or guardian about log book and parent’s or guardian’s right to inspect it	1 2
‘(1)	This section applies if a child starts to receive care at a licensed service.	3 4
‘(2)	The licensee of the service must, within 7 days of the child starting to receive care at the service, advise a parent or guardian of the child in writing of—	5 6 7
(a)	the existence of the log book containing the licensee’s compliance history; and	8 9
(b)	the parent’s or guardian’s right to inspect it under section 88N.	10 11
	Maximum penalty—10 penalty units.	12
‘88N	When licensee must provide access to or copy log book	13 14
‘(1)	Subsection (2) applies if a person asks the licensee—	15
(a)	to inspect the licensee’s log book; or	16
(b)	to copy part of the log book and give the copy to the person.	17 18
‘(2)	The licensee must comply with the person’s request as soon as practicable.	19 20
	Maximum penalty—10 penalty units.’.	21
Clause 5	Insertion of new pt 9, div 1A	22
	Part 9—	23
	<i>insert—</i>	24
‘Division 1A	Review of certain compliance notices by chief executive	25 26
‘164B	Licensee may apply for review by chief executive of certain decisions to give compliance notices	27 28
‘(1)	This section applies if—	29

-
- (a) a licensee is given a compliance notice; and 1
- (b) the decision to give the compliance notice is not 2
reviewable under division 1. 3
- ‘(2) The licensee may apply in writing to have the decision 4
reviewed by the chief executive within 28 days of receiving 5
the notice. 6
- ‘(3) The application must include enough information to enable 7
the chief executive to decide the application. 8
- ‘(4) The chief executive must review the decision as soon as 9
practicable and either— 10
- (a) confirm the decision; or 11
- (b) revoke the compliance notice. 12
- ‘(5) The chief executive must notify the licensee in writing of the 13
chief executive’s decision on the review as soon as practicable 14
after making the decision. 15
- ‘(6) If the chief executive decides to confirm the decision, the 16
notice under subsection (5) must state the reasonable time 17
within which the licensee must remedy the contravention 18
stated in the compliance notice. 19
- ‘(7) The chief executive must ensure that the application for 20
review of the decision to give the compliance notice is not 21
dealt with by— 22
- (a) the authorised officer who gave the notice; or 23
- (b) a person in a less senior position than the authorised 24
officer.’. 25

[s 6]

Part 3	Amendment of Education (Queensland College of Teachers) Act 2005	1 2 3
Clause 6	Act amended	4
	This part amends the <i>Education (Queensland College of Teachers) Act 2005</i> .	5 6
Clause 7	Amendment of s 8 (Eligibility for full registration)	7
	(1) Section 8(1)(c)—	8
	<i>renumber</i> as section 8(1)(d).	9
	(2) Section 8(1)—	10
	<i>insert</i> —	11
	‘(c) if the person is a person prescribed by regulation as being required to take a test for literacy, numeracy or science prescribed by regulation, the person—	12 13 14
	(i) has taken the test; and	15
	(ii) achieved a test result the college considers is satisfactory for full registration; and	16 17
	<i>Note</i> —	18
	Chapter 2, part 2, division 3 states the matters that may be prescribed for tests for literacy, numeracy or science.’	19 20
	(3) Section 8(2), ‘(1)(a) and (c)’—	21
	<i>omit, insert</i> —	22
	‘(1)(a) and (d)’.	23
	(4) Section 8(3), ‘(1)(a) to (c)’—	24
	<i>omit, insert</i> —	25
	‘(1)(a) to (d)’.	26

Clause 8	Amendment of s 9 (Eligibility for provisional registration)	1
(1)	Section 9(1)(c)—	2
	<i>renumber</i> as section 9(1)(d).	3
(2)	Section 9(1)—	4
	<i>insert</i> —	5
	‘(c) if the person is a person prescribed by regulation as being required to take a test for literacy, numeracy or science prescribed by regulation, the person—	6
	(i) has taken the test; and	7
	(ii) achieved a test result the college considers is satisfactory for provisional registration; and	8
	<i>Note</i> —	9
	Chapter 2, part 2, division 3 states the matters that may be prescribed for tests for literacy, numeracy or science.’.	10
(3)	Section 9(2), ‘(1)(a) and (c)’—	11
	<i>omit, insert</i> —	12
	‘(1)(a) and (d)’.	13
(4)	Section 9(3), ‘(1)(a) to (c)’—	14
	<i>omit, insert</i> —	15
	‘(1)(a) to (d)’.	16
Clause 9	Amendment of s 14 (Application for registration or permission to teach)	17
	Section 14(2)(b)(i), after ‘requirements’—	18
	<i>insert</i> —	19
	‘, other than the eligibility requirement mentioned in section 8(1)(c) or section 9(1)(c)’.	20
Clause 10	Insertion of new ch 2, pt 2, div 3	21
	Chapter 2, part 2—	22

[s 10]

<i>insert—</i>	1
‘Division 3	2
Literacy, numeracy or science tests	3
required for certain registrations	
‘25A Literacy, numeracy or science test may be prescribed	4
‘A regulation prescribing a test for literacy, numeracy or	5
science for full or provisional registration may provide for the	6
following—	7
(a) details of the matters to be tested;	8
(b) who must take the test;	9
(c) the times at which the test is available to be taken;	10
(d) how often a person may take the test;	11
(e) the fees payable for taking or retaking the test or	12
applying for a reassessment of the test result;	13
(f) that the college may decide the matters to be tested and	14
publish these matters;	15
(g) any other matter that is necessary or convenient for	16
literacy, numeracy or science testing.	17
‘25B Person may apply for reassessment of test result	18
‘(1) A person who has taken a literacy, numeracy or science test	19
may ask the college to reassess the person’s result for the test.	20
‘(2) The request must—	21
(a) be in the approved form; and	22
(b) be made within 20 days after the person is issued with	23
the person’s result for the test; and	24
(c) be accompanied by the reassessment fee.	25
‘(3) The college must as soon as practicable reassess the person’s	26
result for the test.	27

-
- ‘(4) If, after reassessing the person’s result, the college decides the test result is satisfactory for registration the college must as soon as practicable—
- (a) issue the person with a replacement result; and
 - (b) refund the reassessment fee to the person.
- ‘(5) If, after reassessing the person’s result, the college decides the test result is not satisfactory for registration, the college must give the person notice of the decision.
- ‘(6) In this section—
- reassess*, a person’s test result, means to check the accuracy of the test result in the way decided by the college.

‘25C Application for registration may lapse after unsatisfactory test result

- ‘(1) This section applies to a person who applies for registration and is required to take a literacy, numeracy or science test but does not take the test or achieve a satisfactory test result.
- ‘(2) A regulation may prescribe the circumstances in which the person’s application for registration lapses.’.

Clause 11 Amendment of s 29 (Requirements for renewal—full registration)

- Section 29(2)(c)—
- omit, insert—*
- ‘(c) the person—
- (i) has practised as a teacher, whether or not on a full-time basis, for a period that is—
 - (A) of at least the duration prescribed under a regulation; and
 - (B) within the period prescribed under a regulation; or

[s 12]

	(ii) has attained experience the college recognises is the equivalent of teaching at a school for a period that is—	1 2 3
	(A) of at least the duration prescribed under a regulation; and	4 5
	(B) within the period prescribed under a regulation; and’.	6 7
Clause 12	Insertion of new s 230A	8
	After section 230—	9
	<i>insert—</i>	10
‘230A	College’s functions for testing applicants for registration	11 12
	‘(1) The college has the function of testing of applicants for registration in relation to literacy, numeracy or science.	13 14
	‘(2) Without limiting subsection (1), the college may do the following—	15 16
	(a) develop and revise the tests;	17
	(b) purchase and revise tests developed by entities other than the college;	18 19
	(c) develop and revise documents and procedures for the administration of the tests;	20 21
	(d) conduct and mark the tests;	22
	(e) assess or reassess the results of a person who took the test and give the results to the person;	23 24
	(f) analyse systemic information about the performance of persons who took the test and report the results of the analysis to the Minister, the chief executive and higher education institutions.	25 26 27 28
	‘(3) The college may engage another entity to undertake a function mentioned in subsection (1) or (2).	29 30
	‘(4) In this section—	31

higher education institution means a higher education institution that provides a course of education for a qualification required for registration as a teacher.’

- Clause 13 Amendment of sch 3 (Dictionary)**
- Schedule 3, definition *teacher*—
- omit, insert*—
- ‘teacher*—
- (a) means—
- (i) a person who undertakes duties in a school including any of the following—
- (A) delivering an educational program;
- (B) assessing student participation in an educational program;
- (C) otherwise administering or providing consistent and substantial educational leadership to an educational program; or
- (ii) a person who undertakes duties, other than in a school, for an educational program prescribed under a regulation, including any of the following—
- (A) delivering the program;
- (B) assessing student participation in the program;
- (C) otherwise administering or providing consistent and substantial educational leadership to the program; and
- (b) does not include a teacher’s aide, a teacher’s assistant or a student teacher.’.