

Education and Care Services Bill 2013

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable John-Paul Langbroek MP

Title of the Bill

Education and Care Services Bill 2013

Objective of the Amendments

The objective of the amendments is to ensure the Bill achieves its policy objectives.

Achievement of the Objective

The amendments achieve the objective by:

- correcting minor technical and typographical errors in the Bill;
- clarifying that 17 year old educators are required to be supervised by an educator who is at least 18 years old, consistent with current practice in education and care services; and
- clarifying that a supervisor can hold or be actively working towards the qualification prescribed in a Regulation.

Alternative Ways of Achieving Policy Objective

There is no alternative way to achieve the objective other than by amending the Bill.

Estimated Cost for Government Implementation

There is no cost to Government to implement the amendments.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

No consultation was conducted on the amendments as they are minor and technical in nature.

NOTES ON PROVISIONS

Amendment 1 amends clause 15 of the Bill to correct a punctuation error.

Amendment 2 amends clause 50 of the Bill to correct a spelling error in the example.

Amendment 3 amends the heading to clause 95 of the Bill to ensure that it is consistent with clause 95 and refers to matters that the chief executive may consider.

Amendment 4 amends clause 116 of the Bill to clarify how the requirement to have two adult staff members present applies to 17 year old educators employed by a service. The clause is amended to note that 17 year olds must be supervised at all times by a staff member who is at least 18 years old. While other requirements in the Bill indicate that an 18 year old person must be present, this amendment will remove any doubt and ensure that two 17 year old educators are not left alone to operate a service. The amendment also removes the term qualified assistant which is not used elsewhere in the Bill.

Amendment 5 amends clause 220 of the Bill to include a definition for the term ‘health practitioner’ which is used in the definition of URL data.

Amendment 6 amends clause 221 of the Bill to clarify that an authorised person for a CGB service may disclose URL data to the chief executive or an authorised officer of the central governing body.

Amendments 7 and 8 amend clause 244 to correct some minor errors in the regulation-making power provision.

Amendment 9 amends Schedule 1 of the Bill (Minor and consequential amendments). The purpose of this amendment is to ensure that the term education and care service in the *Education (Queensland Studies Authority) Act 2002* includes QEC approved services under the Bill.

Amendment 10 amends Schedule 2 (Dictionary) to omit definitions in relation to ‘qualified assistant’ and ‘qualified supervisor’ which are not required because these positions do not exist under the Bill. The Bill only provides for supervisor, nominee and educator.

Amendment 11 amends the definition of ‘supervisor’ in Schedule 2 of the Bill to provide that a person can hold or be actively working towards a prescribed qualification for a supervisor in the way prescribed in a Regulation. This is consistent with qualification requirements that will be prescribed in the Regulation, which refer to persons holding or actively working towards a qualification.