



Queensland

Education and Care Services National Law (Queensland) Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 110

made under the

Education and Care Services National Law (Queensland) Act 2011

General outline

Short title

Education and Care Services National Law (Queensland) Amendment Regulation (No. 1) 2012.

Authorising law

Part 4, Division 2, of the *Education and Care Services National Law (Queensland) Act 2011* (the Act) provides for the use and disclosure of unit record level (URL) data relating to approved kindergarten programs. The provisions allow staff at approved education and care services that provide an approved kindergarten program to disclose URL data to a central governing body or the chief executive of the Department of Education, Training and Employment (the Department). URL data includes information about children enrolled at the service and staff of the service.

Section 32 of the Act provides that a central governing body means an entity prescribed under a regulation that receives funding from the Department for an approved kindergarten program provided by one or

more relevant services to which the entity provides all or part of the funding.

Section 3 of the *Education and Care Services National Law (Queensland) Regulation 2011* prescribes the entities that are central governing bodies.

Policy objectives and the reasons for them

A policy objective of the Act is that a quality assurance process applies to the government funding provided through central governing bodies to kindergarten services that are delivering approved kindergarten programs. Central governing bodies also act as the central point for provision of data that assists the Government in the quality assurance of approved kindergarten program funding entitlements. The role that a prescribed central governing body plays is integral to maintaining the integrity and accountability of government funding provided to kindergarten services.

The Crèche and Kindergarten Association of Queensland (C&K Association) is a prescribed central governing body. On 6 May 2011, a new legal entity was established as a company limited by guarantee - Crèche and Kindergarten Association Limited (C&K Limited). In October 2011, C&K Association approved the transfer of its operations and assets to C&K Limited and requested that all existing agreements between the Department and C&K Association be transferred to C&K Limited. A Deed of Novation, giving effect to the transfer was executed on 29 June 2012.

C&K Limited will be the central governing body responsible for collection of URL data on behalf of relevant kindergarten services.

Achievement of policy objectives

The Regulation amends the *Education and Care Services National Law (Queensland) Regulation 2011* to prescribe C&K Limited as a central governing body.

Consistency with policy objectives of authorising law

The proposed amendment is consistent with the policy objectives of the proposed law.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs to Government involved with the implementation. The benefit of the proposed amendment is that C&K Limited will be able to be the central governing body for relevant kindergarten services, assisting government to quality assure their funding entitlements.

Consistency with fundamental legislative principles

There is consistency with fundamental legislative principles.

Consultation

The C&K Association and C&K Limited were consulted and were supportive of the amendments.

Notes on Provisions

Clause 1 sets out the short title for the Regulation.

Clause 2 provides that the Regulation amends the *Education and Care Services National Law (Queensland) Regulation 2011*.

Clause 3 amends section 3 of the *Education and Care Services National Law (Queensland) Regulation 2011* to omit reference to Crèche and Kindergarten Association of Queensland and insert reference to Crèche and Kindergarten Association Limited.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Education, Training and Employment.

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