



Queensland

# Child Care Amendment Regulation (No. 1) 2005

## Subordinate Legislation 2005 No. 316

made under the

*Child Care Act 2002*

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**1 Short title**

This regulation may be cited as the *Child Care Amendment Regulation (No. 1) 2005*.

**2 Regulation amended**

This regulation amends the *Child Care Regulation 2003*.

**3 Amendment of s 23 (Inclusion of a child of a different age)**

Section 23(1)(b), ‘section 102(f)’—  
*omit, insert—*  
‘section 102(g)’.

**4 Replacement of pt 2, div 3 hdg**

Part 2, division 3 heading—  
*omit, insert—*

**‘Division 3 Notices’.****5 Insertion of new s 34A**

After section 34—  
*insert—*

**‘34A Display of notice about staffing**

- ‘(1) This section applies to the licensee of a centre based service other than a school age care service.
- ‘(2) The licensee must display, at an appropriate place at the child care centre accessible to parents and guardians, a notice stating the current information about—
- (a) the number of staff members working at the centre on each day of the week, including at different times on a single day; and
  - (b) each staff member’s qualifications and position.

- ‘(3) The notice must be headed ‘INFORMATION ABOUT STAFFING’ or have a similar heading.
- ‘(4) The content of the notice must appear, in prominent and legible characters, in print no smaller than 18 point.’.

## 6 Insertion of new s 50A

After section 50—

*insert—*

### ‘50A Storage of soiled items

- ‘(1) This section applies to a child care centre other than a centre for a school age care service.
- ‘(2) The child care centre must have a soiled items facility in every toilet area and nappy change area in the centre.
- ‘(3) In this section—

*soiled items facility* means a facility—

- (a) for storing soiled items until the items are rinsed using a sluice; and
- (b) capable of being sealed; and
- (c) adequate to prevent the spread of infection from the soiled items; and
- (d) inaccessible to children in care at the child care centre.

*toilet area* means an area in a child care centre where there is a toilet used by children in care at the centre.’.

## 7 Amendment of s 71 (Combined care with at least 3 carers)

Section 71(3)(b)—

*omit, insert—*

- ‘(b) the care is provided in the course of an activity conducted by an approved mobile service or approved remote areas service.’.

**8 Amendment of s 72 (Combined care while meeting excursion requirements)**

Section 72, 'section 95(1)'—

*omit, insert—*

'section 95(2)'.

**9 Replacement of s 81 (Outdoor play areas)**

Section 81—

*omit, insert—*

**'81 Outdoor play areas**

'A home must have, or have reasonable access to, an outdoor play area that is safe, has enough shade and is adequately fenced.

*Example of a reasonably accessible outdoor play area—*

*a nearby park'.*

**10 Amendment of s 94 (Information for parents and guardians about care provided away from principal place of care)**

Section 94(1)—

*insert—*

'(c) escorting a child in care to or from a child care centre.'.

**11 Replacement of s 95 (Excursion from child care centre)**

Section 95—

*omit, insert—*

**'95 Excursions and escorting to or from child care centre**

'(1) This section applies to the following activities carried out in the course of a centre based service—

(a) taking a child or children in care on an excursion from a child care centre;

(b) escorting a child or children in care to or from a child care centre.

*Example for paragraph (b)—*

walking to or from school with a child

- ‘(2) The licensee of the service must ensure that, while the activity is being carried out, at least the following number of adults are caring for the child or children—
- (a) for 1 child—1 adult;
  - (b) for children less than 3 years—1 adult for each 2 children;
  - (c) for children at least 3 years but not yet of school age—1 adult for each 4 children;
  - (d) for children of at least school age—1 adult for each 8 children.

Maximum penalty—10 penalty units.

- ‘(3) Subsection (2) does not apply while children are being transported in a private vehicle.’.

## **12 Amendment of s 102 (Other information—centre based service)**

- (1) Section 102(d)(iii), before ‘transportation’—

*insert—*

‘method of’.

- (2) Section 102(e) and (f)—

*renumber* as section 102(f) and (g).

- (3) Section 102—

*insert—*

‘(e) for each escort of a child in care in the course of the service—

- (i) the date and time of the escort; and
- (ii) the names of the carers, children in care and other persons involved in the escort; and
- (iii) the method of transportation used for the escort;’.

**13 Amendment of s 103 (Other information—home based service)**

- (1) Section 103(a), ‘the home’—

*omit, insert—*

‘each home’.

- (2) Section 103(b)—

*omit, insert—*

‘(b) for each carer in the service—

- (i) the carer’s name, home address and home telephone number; and
- (ii) the carer’s address for correspondence, if different to the carer’s home address; and
- (iii) the name, address and age of each occupant of the carer’s home;

*Note—*

The occupant’s address may not be the same as that of the carer’s home. The definition *occupant* in schedule 2 of the Act includes a person who lives elsewhere but is ordinarily present in the home when the child care is provided.’.

- (3) Section 103(c)(iii), before ‘transportation’—

*insert—*

‘method of’.

- (4) Section 103(d) and (e)—

*renumber* as section 103(e) and (f).

- (5) Section 103—

*insert—*

‘(d) for each escort of a child in care in the course of the service—

- (i) the date and time of the escort; and
- (ii) the names of the carers, children in care and other persons involved in the escort; and
- (iii) the method of transportation used for the escort;’.

**14 Insertion of new pt 4, div 4**

Part 4—

*insert—***‘Division 4 Information for parents and guardians****‘106A Giving information to parents and guardians**

- ‘(1) The licensee of a child care service must ensure that, when a child first receives child care at a child care centre, a parent or guardian of the child is given written information about the following—
- (a) that the child care service—
    - (i) is licensed under the Act; and
    - (ii) must comply with the Act and this regulation, including, for example, with requirements about activities, experiences and programs, numbers of staff members and children and staff members’ qualifications;
  - (b) the telephone number for the department’s information service about child care;
  - (c) the ages of the children in the group in which the child will receive care;
  - (d) the name, position and qualifications of each of the child’s carers;
  - (e) the content and operation of the program in which the child will be involved;
  - (f) that notices stating current information about groups and staffing at the centre are displayed at the centre;
  - (g) that the parent or guardian can ask for information about the following—
    - (i) a general description of the activities and experiences given by the service;
    - (ii) the service’s philosophy about learning and child development outcomes and how it is intended the outcomes will be achieved;

(iii) the goals about knowledge and skills to be developed through the activities and experiences.

‘(2) Written information given under this section must appear, in prominent and legible characters, in print no smaller than 12 point.’.

**15 Amendment of s 119 (Person enrolled in a course of study)**

(1) Section 119(1)(c)(i), after ‘assistant’—

*insert—*

‘or an eligible primary teacher’.

(2) Section 119(4)—

*insert—*

‘***eligible primary teacher*** means a person who—

- (a) has full registration as a teacher under the *Education (Teacher Registration) Act 1988*; and
- (b) holds a qualification that enables the person to teach in a school that provides primary education.’.

**16 Replacement of s 121 (First aid training—Act, s 59)**

Section 121—

*omit, insert—*

**‘121 First aid training—Act, s 59**

‘(1) For section 59(a) of the Act, a person has the prescribed first aid training if the person has a qualification for both of the following—

- (a) senior first aid;
- (b) cardiopulmonary resuscitation.

‘(2) For section 59(b) of the Act, the prescribed time is—

- (a) for a qualification for senior first aid—3 years; or
- (b) for a qualification for cardiopulmonary resuscitation—1 year.

‘(3) In this section—

*qualification* see the *Vocational Education, Training and Employment Act 2000*, section 19.’.

**17 Insertion of new pt 7, hdg and pt 7, div 1 hdg**

After section 127—

*insert—*

**‘Part 7 Transitional provisions**

**‘Division 1 Transitional provision for Child Care Regulation 2003’.**

**18 Insertion of new pt 7, div 2**

After section 128—

*insert—*

**‘Division 2 Transitional provision for Child Care Amendment Regulation (No. 1) 2005**

**‘129 First aid training**

‘(1) This section applies to a person who, immediately before the commencement day, had the prescribed first aid competency under section 59 of the Act.

‘(2) Despite section 121, the person is taken to have the prescribed first aid competency from the commencement day for the time the person would have had the competency if the *Child Care Amendment Regulation (No. 1) 2005*, section 16, had not commenced.

‘(3) In this section—

*commencement day* means the day this section commences.’.

**19 Amendment of sch 3 (Fees)**

(1) Schedule 3, item 4(c)—

*omit, insert—*

- '(c) for a licence for a home based service—to  
change the number of coordinator hours . . . . . nil
- (d) otherwise . . . . . 75.00'.

(2) Schedule 3, item 5, 'or (b)'—

*omit, insert—*

‘, (b) or (c)’.

(3) Schedule 3, item 12, ‘s 110’—

*omit, insert—*

‘s 111(2)’.

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ENDNOTES

- 1 Made by the Governor in Council on 15 December 2005.
- 2 Notified in the gazette on 16 December 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Communities.