

Queensland



Subordinate Legislation 1991 No. 217

*Child Care Act 1991*

**CHILD CARE (CHILD CARE CENTRES)  
REGULATION 1991**

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# **PART 1—PRELIMINARY**

## **Short title**

1. This regulation may be cited as the *Child Care (Child Care Centres) Regulation 1991*.

## **Commencement**

2. This regulation commences on 6 April 1992.

## **Definitions**

3. In this regulation—

“**adjunct care**” means care provided to a child for not more than 2 hours, in conjunction with a meeting, function or activity that involves a parent of the child;

“**age of compulsory attendance**” has the same meaning as in the *Education (General Provisions) Act 1989*;

**“assistant”** means a contact staff member who is engaged to assist a group leader in providing direct care to children at a child care centre;

**“commencing day”** means the day fixed under section 2 of the Act;

**“contact staff member”** means a person who provides direct care to children at a child care centre, but does not include—

- (a) a volunteer worker; or
- (b) a student on work experience or placement; or
- (c) staff engaged solely in administrative, clerical or other ancillary duties; or
- (d) a supplementary worker for a child with special needs;

**“core hours”** means the hours on any day (not less than 75% of the centre’s normal operating hours) when the greatest number of children are at a kindergarten, a long day care centre or an occasional care centre;

**“kindergarten”** means a child care centre that—

- (a) provides care for children 3 years or older, but not older than the age of compulsory attendance at school; and
- (b) operates for not more than 6 hours on a school day;

**“licensed capacity”** means the maximum number of children for whom child care may be provided at any 1 time under a licence;

**“limited hours care centre”** means a child care centre that—

- (a) provides care for not more than 21 children at any 1 time; and
  - (b) does not provide care to any 1 child for more than 12 hours in a week; and
  - (c) operates for not more than 20 hours in a week;
- but does not include a centre providing adjunct care;

**“long day care centre”** means a child care centre (not being a kindergarten or occasional care centre) that—

- (a) provides care for more than 21 children at any 1 time; or
- (b) operates for more than 20 hours in a week;

**“mixed age group”** means a group of children that consists of children of more than 1 age group;

**“occasional care centre”** means a child care centre providing care to children on an occasional basis and that—

- (a) provides care for more than 21 children at any 1 time; or
- (b) operates for more than 20 hours in a week;

**“school day”** has the same meaning as in the *Education (General Provisions) Act 1989*.

### **Interpretation—determination of numbers**

4. If a number determined under a provision of this regulation is not a whole number, the number is to be taken to be the next highest whole number.

## **PART 2—LICENSING**

### **Prescribed child care services**

5. For the purposes of section 8 of the Act, child care provided at—

- (a) a kindergarten; or
- (b) a limited hours care centre; or
- (c) a long day care centre; or
- (d) an occasional care centre;

is a prescribed type of child care service.

### **Disqualified premises**

6. For the purposes of section 24 of the Act, premises that are adjacent to a place on which activities are carried on that—

- (a) generate excessive heat, noise or environmental pollution; or
- (b) are likely to expose children to spray or other drift from aerial spraying, crop dusting or fertilising; or

- (c) are used for the manufacture or storage of flammable or combustible materials or dangerous chemicals;

are unsuitable to be used for the provision of child care.

### **Maximum licensed capacity**

**7.(1)** Subject to subsection (2), the maximum licensed capacity of a child care centre is 75 children.

**(2)** If the licensed capacity of a centre licensed under the *Children's Services (Day Care Centres) Regulations, 1973* before the commencing day is more than 75 children, the licensed capacity of that centre after the commencing day remains the same if the centre complies with the requirements of those Regulations as in force immediately before that day.

**(3)** If a child care centre licensed before the commencing day does not comply with the *Children's Services (Day Care Centres) Regulations, 1973* as in force immediately before that day, the licensed capacity of the centre is the licensed capacity determined under those Regulations.

**(4)** For the purposes of this section, school children cared for at a child care centre are to be counted as part of the centre's licensed capacity.

## **PART 3—FUNCTIONS OF LICENSEES**

### **Programs**

**8.(1)** The licensee must ensure that a program is provided that—

- (a) is based on a clear set of goals related to promoting development and skills in children, at their own pace; and
- (b) is planned from observation of the children and assessment of their individual needs and interests; and
- (c) nurtures each child's self esteem, self reliance and competence; and
- (d) meets the individual needs of children from different cultures, and values minority groups; and

- (e) meets the individual needs of children with disabilities and other special needs; and
- (f) offers a variety of developmentally appropriate activities and materials, emphasising concrete learning experiences; and
- (g) gives a balance of activities; and
- (h) is flexible and responsive to the children's present ability, interests and emerging skills; and
- (i) is developed in co-operation with staff and parents, and is sensitive to the parents' wishes for their children while at the child care centre, and advice provided by specialist advisers assisting families using the centre ; and
- (j) reflects the multicultural nature of our society.

(2) The program goals must be written, and the daily program displayed for parents to read.

### **Information for parents**

9. The licensee must ensure that the following written information about the child care centre is given to parents and is accessible to staff—

- (a) days and times when the centre is open;
- (b) the licensee's policy and practice in relation to—
  - (i) the fees payable for the provision of child care; and
  - (ii) the delivery and collection of children; and
  - (iii) excursions and escorted journeys; and
  - (iv) injuries, illness, infectious diseases; and
  - (v) the storage and administration of medication for children; and
  - (vi) hygiene, safety, emergency and evacuation procedures; and
  - (vii) staffing, staffing levels, staff development, and child-free preparation times; and
  - (viii) participation of students and volunteers in the centre's activities;

- (c) parents' rights, including, for example, the right to—
  - (i) information about the licensee's policy on non-discriminatory access to the centre and the application of the policy; and
  - (ii) information about parent participation; and
  - (iii) information about procedures for dealing with the concerns of parents; and
  - (iv) the address and telephone number of the nearest appropriate office of the department; and
- (d) parents' responsibilities, including, for example, responsibilities relating to—
  - (i) fees payable for the provision of child care; and
  - (ii) delivery and collection of children; and
  - (iii) notification of changes in information recorded about a child; and
  - (iv) compliance with relevant health and hygiene policies of the centre.

### **Dignity of child to be respected**

#### **10. The licensee must ensure that—**

- (a) the dignity and the rights of the child are respected at all times; and
- (b) positive guidance is used to assist a child to substitute appropriate for inappropriate behaviour; and
- (c) child management techniques used do not include physical, verbal or emotional punishment, including, for example, punishment that humiliates, frightens or threatens the child.

### **Records**

**11.(1)** The records that a licensee must keep under section 26 of the Act are up to date records of—

- (a) in relation to each child—



- (i) the child's full name, date of birth, residential address and gender; and
- (ii) the child's health (including, for example, illnesses, injuries, allergies and immunisations notified by a parent); and
- (iii) the full name, residential address, place of employment, and contact telephone number of a parent; and
- (iv) the date of the child's first attendance, the child's age on that day and the hours that the child is to attend; and
- (v) any special requirements notified by a parent including, for example, cultural or religious requirements; and
- (vi) the needs of a child with a disability or with other special needs; and
- (vii) the primary language spoken by the child or, if the child has not learned to speak, the child's parents; and
- (viii) court orders affecting custody of, or access to, the child notified by a parent; and
- (ix) the name, address and telephone number of a person authorised by a parent to collect the child; and
- (x) the name, address and telephone number of a person who may be contacted in an emergency (if the parent is not available); and
- (xi) the name, address and telephone number of the child's doctor or hospital; and
- (xii) if any medication is administered to the child while in the licensee's care—
  - (A) the name of the medication; and
  - (B) the date, time and dosage administered; and
  - (C) the name of the person who administered the medication; and
  - (D) the parent's written permission for, and any doctor's instructions relating to, its administration; and
- (xiii) a parent's permission for emergency medical, hospital and ambulance service; and

- (xiv) a parent's permission for a child to be taken on an excursion or escorted to or from a specified place; and
- (xv) the nature and circumstances of any injury to the child while at the centre; and
- (xvi) particulars of treatment given to a child who is injured or becomes ill while at the centre; and
- (xvii) if a child dies while at the centre, the circumstances of death; and
- (b) the name, address and telephone number of staff; and
- (c) copies of medical certificates furnished under section 33; and
- (d) copies of each staff member's qualifications or certificate of endorsement; and
- (e) the make, model and registration number of vehicles owned by the licensee and used to transport children cared for at the centre; and
- (f) equipment in use at the centre; and
- (g) excursions; and
- (h) fire drills; and
- (i) attendance records.

**(2)** The records kept under—

- (a) subsection (1)(a)(xv) and (xvi) are to be retained until the child is 21; or
- (b) subsection (1)(a)(xvii)—are to be retained for 6 years from the day the record is made; or
- (c) any other provision of subsection (1)(a) are to be retained for 2 years after the child leaves the centre; or
- (d) subsection (1)(b)(c) and (d) are to be retained for 2 years after the staff member leaves the centre; or
- (e) subsection (1)(g), (h) and (i) are to be retained for 2 years from the day the record is made.

**(3)** A parent of a child is entitled to view the records kept in relation to the child or under subsection (1)(d) to (h) on request.

(4) Subject to subsection (3) and section 15 of the Act, the records that the licensee maintains about a child or a staff member are confidential.

(5) The licensee must not disclose confidential information about a person to another person who does not have a genuine interest in obtaining it.

### **Insurance**

12. The insurance cover that a licensee is required under section 27 of the Act to take out and maintain is public liability insurance of not less than \$5 million.

### **Arrival and departure of child**

13.(1) When a child who is to stay at a child care centre arrives at the centre, the director or a person authorised by the director must receive the child.

(2) The person who brings the child to the centre is to record in the centre's attendance book, the time of the child's arrival at the centre and sign the record.

(3) The person who receives the child from the centre is to record in the centre's attendance book the time of the child's departure from the centre and sign the record.

(4) When a child leaves a child care centre, the person in charge must ensure that the person who receives the child is the child's parent or a person who is authorised in writing by the child's parent to receive the child.

(5) If it is not possible to comply with subsection (4), the person in charge must ensure that alternative arrangements that secure the safety and welfare of the child have been made before the child is permitted to leave the centre.

### **Authority for treatment, etc.**

14.(1) A child must not be enrolled at a child care centre unless the child's parent has authorised the centre to seek emergency medical, hospital and ambulance service.

(2) If a director or a person in charge of a child care centre authorises ambulance attention, transport or medical treatment under subsection (1), the director must notify a parent as soon as possible.

### **Staff levels—minimum requirements**

**15.(1)** Subject to subsection (5), the licensee of a kindergarten, a long day care centre or an occasional care centre must ensure that at least 2 contact staff members (1 of whom must be a director, assistant director or group leader) are directly engaged in the care of children in attendance at the centre at all times when children are present.

(2) The licensee of a limited hours care centre must ensure that at least 2 contact staff members (1 of whom must be a director and not more than 1 of the others may be a volunteer) are directly engaged in the care of children in attendance at the centre at all times when children are present.

(3) Subject to subsection (5), a director must be present at a child care centre—

- (a) during core hours; and
- (b) when more than 14 children are present outside core hours.

(4) The director is not required to be present for more than the number of hours that the director is required to work under an industrial award.

(5) An assistant director may be in charge of a child care centre—

- (a) if the director is temporarily absent; or
- (b) outside core hours, if more than 14 children are present; or
- (c) if the director has worked more than the number of hours that the director is required to work under an industrial award.

### **Group sizes and contact staff levels—general**

**16.(1)** In an age group that is not a mixed age group, the maximum number of children in the age group—

- (a) 0-2 years is 8; or
- (b) 15 months-2 1/2 years is 10; or
- (c) 2-3 years is 12; or

(d) 2 1/2-3 1/2 years is 16; or

(e) 3-5 years is 24.

(2) Despite subsection (1), a kindergarten may have not more than 25 children in the age group 4-5 years.

(3) There must be a group leader in charge of each group.

(4) If the number of children in an age group (other than the age group 4-5 years at a kindergarten) is more than half the maximum number, the group leader must have an assistant.

(5) If the number of children in the age group 4-5 years at a kindergarten is more than 12, the group leader must have an assistant.

### **Mixed age group sizes and contact staff levels—long day care centres**

**17.(1)** In the mixed age group 0-3 years at a long day care centre the maximum number of children in the age group is 10.

(2) The mixed age group 0-3 years must not include more than 4 children in the age group 0-2 years.

(3) In the mixed age group 0-5 years at a long day care centre, the maximum number of children in the age group is 21.

(4) The mixed age group 0-5 years must not include more than—

(a) 4 children in the age group 0-2 years; and

(b) 6 children in the age group 2-3 years.

(5) In the mixed age group 2-5 years, the maximum number of children in the age group is 21.

(6) The mixed age group 2-5 years must not include more than 6 children in the age group 2-3 years.

(7) There must be a group leader in charge of each mixed age group.

(8) If a mixed age group is—

(a) more than 7 but not more than 14 in number, there must be at least 2 contact staff members; or

(b) more than 14 in number, there must be at least 3 contact staff members.

**Mixed age group sizes and contact staff levels—limited hours and occasional care centres**

**18.(1)** The maximum number of children in the mixed age group 0-5 years at a limited hours care centre or an occasional care centre is 21.

(2) Not more than 4 children are to be in the age group 0-2 years.

(3) The director must be in charge of the group at a limited hours care centre.

(4) A group leader must be in charge of the group at an occasional care centre.

(5) In the age group 0-5 years, there must be at least—

(a) 2 contact staff members for a group of 8-14 children; or

(b) 3 contact staff members for a group of 15 or more children.

**Additional contact staff requirements—long day care and occasional care centres**

**19.(1)** If the number of children attending a long day care centre is 45 or more, the licensee must employ a person who has at least the qualifications specified in section 28 or has a certificate of endorsement under the Act, for a period of not less than—

(a) if the licensed capacity is 45-65—at least 10 hours each week; or

(b) if the licensed capacity is more than 65—40 hours each week.

(2) The person employed under subsection (1) is in addition to any person employed to satisfy the requirements of sections 15 to 18.

(3) The licensee of an occasional care centre must, in addition to any person employed to satisfy the requirements of sections 15 to 18, employ a person who has at least the qualifications specified in section 28 or has a certificate of endorsement under the Act, for a period of at least 10 hours each week.

**School children**

**20.(1)** School children cared for at a child care centre must be cared for in an area that is separate from that provided for other children.

- (2) A group leader must be in charge of school children.
- (3) If the group is more than 12 in number, the group leader must have an assistant.
- (4) There must not be more than 24 children in the group.

### **Swimming**

**21.(1)** If swimming is conducted as an activity at a child care centre, the person in charge of the activity must have a current resuscitation certificate and the knowledge and ability to implement safety procedures.

(2) When children are engaged in swimming activities there must be—

- (a) 1 contact staff member or other adult present at all times for each child in the age group 0-3 years; and
- (b) at least 1 contact staff member or other adult present at all times for each 2 children over 3 years.

### **Excursions**

**22.(1)** Subject to subsection (2), a director or group leader must be in charge of children taken on an excursion.

(2) Subject to subsection (3), the person in charge of the excursion must be assisted by staff members and other adults so that there is—

- (a) 1 adult for each 2 children in the age group 0-3 years; and
- (b) 1 adult for each 4 children over 3 years but not old enough to attend school; and
- (c) 1 adult for each 12 children who are old enough to attend school.

(3) If the excursion is to a place where children are to swim or where there is another significant hazard, there must be—

- (a) 1 staff member or other adult for each child in the age group 0-3 years; and
- (b) 1 staff member or other adult for each 2 children—
  - (i) over 3 years but not old enough to attend school; and

- (ii) old enough to attend school and who cannot swim at least 50 metres; and
- (c) 1 staff member or other adult for each 6 children old enough to attend school who can swim at least 50 metres; and
- (d) the person in charge of the excursion must have a current resuscitation certificate and the knowledge and ability to implement safety procedures.

### **Parent's permission required for excursion**

**23.(1)** A person must not take a child on an excursion without the written permission of the child's parent.

**(2)** The parent must be given written notice stating—

- (a) the date, proposed destination and times of departure and return to the centre; and
- (b) the names of the persons who are to be in charge of the excursion; and
- (c) the method of transport to be used and the type of safety restraints provided in a vehicle to be used.

### **Escorting children**

**24.(1)** If a person engaged by the licensee escorts a child to or from a child care centre, or to or from another place authorised by the child's parents (not being an excursion), section 22(2) applies as if the escort is taking the child on an excursion.

**(2)** An adult assistant may be in charge of children escorted under this section.



## **PART 4—PERSONNEL AND QUALIFICATIONS**

### **Director, etc., to be engaged**

**25.** The licensee must ensure that there is a director and as many group leaders and assistants as are required by this regulation for the operation of the child care service.

### **Director's qualifications**

**26.(1)** A person who is a director of a long day care centre or an occasional care centre that has a licensed capacity of more than 30 children, must have successfully completed a tertiary course of at least 3 years in early childhood studies or a qualification that, in the chief executive's opinion, is a similar qualification.

**(2)** A person who is a director of a limited hours care centre, a long day care centre or an occasional care centre that has a licensed capacity of 30 children or less must have at least—

- (a)** successfully completed a post-secondary course of at least 2 years in early childhood studies conducted by a college of technical and further education or a qualification awarded by another institution that, in the chief executive's opinion, is a similar qualification; and
- (b)** had employment in the early childhood profession for at least 5 years, or at least 3 years' employment as a group leader.

**(3)** A person who is a director of a kindergarten must have successfully completed a tertiary course of at least 3 years in early childhood studies.

### **Assistant director's qualifications**

**27.** A person who is an assistant director of a kindergarten, a long day care centre or an occasional care centre must have at least—

- (a)** successfully completed a post-secondary course of at least 2 years in early childhood studies conducted by a college of technical and further education or a qualification awarded by another institution that, in the chief executive's opinion, is a similar qualification; and
- (b)** have had at least 2 years employment in the early childhood

profession.

### **Group leader's qualifications**

**28.(1)** A person who is a group leader at a long day care centre or an occasional care centre must be—

- (a) an adult who has successfully completed at least a post-secondary course of at least 2 years in early childhood studies conducted by a college of technical and further education or a qualification awarded by another institution that, in the chief executive's opinion, is a similar qualification; or
- (b) a registered nurse who is enrolled in, or has successfully completed, an appropriate bridging course in early childhood studies.

**(2)** A person who is, on the day of the person's employment, enrolled in a bridging course mentioned in subsection (1), must successfully complete that course within 5 years of the employment.

### **Assistant's qualifications**

**29.(1)** A person who is an assistant must—

- (a) be an adult; or
- (b) have successfully completed year 12 at secondary school; or
- (c) on the day the person is first employed as an assistant, be at least 17 and be undertaking, or have completed, a child care practice certificate at a college of technical and further education; or
- (d) be a child care trainee under the Australian Traineeship Scheme who is at least 17.

**(2)** An assistant who is a person mentioned in subsection(1)(c) or (d) must be supervised by an appropriately qualified group leader.

**Certain persons may continue to be employed**

**30.(1)** A person who was employed as a director, an assistant director or a group leader immediately before the commencing day and does not have the appropriate qualifications may continue in that employment but must—

- (a) commence a course of study appropriate to the person's employment within 2 years of the commencing day; and
- (b) obtain those qualifications within 8 years after the commencing day.

**(2)** Subject to subsection (4), the licensee must not continue to employ as a director, an assistant director or a group leader, a person mentioned in subsection (1) who does not comply with subsection 1(a) or (b).

**(3)** The chief executive may, on written application made before the end of the period mentioned in subsection (1)(a) or (b), extend the period mentioned by up to 3 years if the chief executive is satisfied that the applicant has been unable to comply with that subsection for reasons beyond the applicant's control.

**(4)** Subsection (1) does not apply to a person who is 45 or older on the commencing day.

**Information to be given to chief executive**

**31.(1)** Within 7 days of the license deciding to employ a person, the licensee must give the chief executive a written notice.

**(2)** The notice must—

- (a) state the full name, previous names (if any), date and place of birth, and address of the employee; and
- (b) state particulars of the employee's previous child care employment and any other relevant employment; and
- (c) if the person is a director, assistant director or group leader, be accompanied by a certified copy of the person's qualifications; and
- (d) if the person has applied for a certificate of endorsement, state the special circumstances existing that relate to the application.

**First aid, etc. certificate**

**32.(1)** Subject to subsections (2) and (3), the licensee must not employ as a director, an assistant director, a group leader or an assistant, a person who does not have a current certificate in first aid and a current resuscitation certificate.

**(2)** A person who—

- (a) was employed in a capacity mentioned in subsection (1) immediately before the commencing day; and
- (b) did not, on that day, have a certificate mentioned in subsection (1);

may continue in that employment, but must obtain the certificate within 6 months of that day.

**(3)** Subject to subsection (4), the licensee must not continue to employ a person as a director, assistant director, group leader or assistant if that person does not obtain the certificates mentioned in subsection (2) within 6 months of first commencing that employment

**(4)** If it is not possible to comply with subsection (2) for reasons beyond the person's control, the person must obtain the relevant certificate as soon as is possible.

**(5)** On or after the commencing day, the licensee may employ as a director, an assistant director, a group leader or an assistant, a person who does not have a certificate in first aid and a certificate in resuscitation if there is at all times when there are children at the centre a person who has those certificates.

**Medical certificate**

**33.(1)** A person who is to be employed at a child care centre must give the licensee a certificate from a medical practitioner that states that there is no medical reason that would prevent the person performing the duties for which the person is to be employed.

**(2)** A person who is employed at a child care centre must give the licensee a certificate that complies with subsection (1) at least every 2 years of the person's employment.

**Functions of director, assistant director and group leader**

**34.(1)** The licensee must ensure that the director, assistant director and group leader perform the functions specified in this section.

**(2)** The functions of a director are—

- (a) to supervise the programs and the quality of care that the service provides; and
- (b) to maintain the service's policies and practices; and
- (c) to establish a process for the recruitment, orientation and support of staff; and
- (d) to identify and assist in meeting in-service training needs of staff; and
- (e) to establish and maintain effective communication systems with staff and parents; and
- (f) to establish and maintain liaison with other agencies in the community; and
- (g) to maintain the child care centre's records.

**(3)** The functions of an assistant director are—

- (a) to supervise the programs and the quality of care that the service provides; and
- (b) to maintain the service's policies and practices; and
- (c) to maintain effective communication with staff and parents; and
- (d) to maintain effective liaison with other agencies in the community; and
- (e) to maintain the child care centre's records;

in the director's absence.

**(4)** The functions of a group leader are—

- (a) to ensure that a developmentally appropriate program is planned and implemented for each child; and
- (b) to assess the needs of each child and monitor the child's progress; and

- (c) to maintain effective communication with a parent of each child in the group that the person leads.

## **PART 5—BUILDINGS AND PHYSICAL ENVIRONMENT**

### **Standards**

- 35.** The licensee must comply with the standards set out in Schedule 1.

## **PART 6—MAINTENANCE, HEALTH AND SAFETY**

### **Maintenance, etc. of centre**

- 36.** The licensee must ensure—
- (a) that the premises of a child care centre, and all furniture, fittings, buildings, equipment, cooking and eating utensils are maintained in a safe, clean and hygienic condition, in good repair and proper working order; and
  - (b) that the child care centre is treated by a pest control operator licensed under the *Health Act 1937*, as often as is necessary for the control of pests.

### **Health and hygiene**

- 37.** The licensee must ensure that employees observe strict health and hygiene practices that have regard to current community standards and current information provided by relevant Government departments, to minimise health risks to children and staff at the centre.

**Illness, injury etc.**

**38.** The licensee must ensure that—

- (a) if a child has an accident or becomes ill while attending a child care centre—
  - (i) the child is kept under adult supervision until the child recovers or the child's parent or some other responsible person takes charge of the child; and
  - (ii) if the child requires immediate medical aid, all reasonable steps are taken to secure that attention and to notify the parent or other responsible person of the accident or illness; and
- (b) a parent or other responsible person is notified of any medication administered to the child and any other matter concerning the child's health that comes to the notice of the licensee while the child is at the centre; and
- (c) if a child has a serious accident or dies at a child care centre, the chief executive is notified not later than the next working day of that fact and the circumstances of the injury or death.

**Reporting of suspected child abuse**

**39.** If the licensee suspects that a child attending a child care centre has suffered abuse or neglect at the centre, the licensee must, in addition to any other action that the licensee having regard to current information provided by relevant Government departments, give the chief executive written notice of the suspected child abuse or neglect within 7 days of the licensee becoming aware of the suspected abuse or neglect.

**First aid kit**

**40.(1)** The licensee must ensure that there is provided at the child care centre a child resistant first aid kit or cabinet out of the reach of children.

**(2)** The first aid kit or cabinet must contain sufficient first aid materials to cater for the likely first aid needs of the children at the centre having regard to—

- (a) the centre's licensed capacity; and

- (b) the recommendations of the chief executive, as notified to the licensee from time to time.

(3) The director or another person authorised by the director must inspect the first aid kit at least once each month and must replenish its contents as necessary.

### **Food standards**

**41.** The licensee must ensure that—

- (a) food and drink is offered to children frequently and at appropriate intervals; and
- (b) food prepared at a child care centre is adequate and nutritious, offers variety, and has regard to the age, culture, religion, health and dietary needs of individual children; and
- (c) if food is provided to children, a menu for the children is displayed in a place where it can be seen by parents; and
- (d) perishable foods are stored under refrigeration.

### **Rest periods for children**

**42.** The licensee must ensure that—

- (a) there is provision for supervised rest or sleep periods in the child care centre program; and
- (b) not more than 1 child uses a cot, stretcher or sleeping mat at the same time; and
- (c) separate, clearly identified bed linen is provided for each child; and
- (d) bed linen is clean, adequate for climatic conditions experienced at the centre, and laundered—
  - (i) at least once a week; and
  - (ii) if wet or soiled; and
  - (iii) before use by a different child.



**Safety precautions**

**43.(1)** The licensee must ensure that at the child care centre—

- (a) poisons, disinfectants, corrosive substances, and other dangerous items are marked and kept out of reach of children in a child-resistant cupboard; and
- (b) electrical appliances, urns and hot water pipes are not accessible, and are not dangerous, to children; and
- (c) an approved earth leakage device is installed; and
- (d) all electric light and power fittings are at a minimum height of 1.5 metres from the floor or are fitted with safety plugs when not in use; and
- (e) hot water supplied to taps in areas accessible to children is thermostatically controlled to a temperature of not more than 38 degrees celsius; and
- (f) children are not permitted to be in the kitchen without adult supervision; and
- (g) plastic cling film, polystyrene or plastic bags are not accessible to children; and
- (h) heating and cooling systems are adequately guarded to prevent accidental contact with hot surfaces or moving parts; and
- (i) the equipment in the playground does not constitute a hazard to children because of—
  - (i) the lack of a soft surface under and around the equipment; or
  - (ii) the height from which a child can fall; or
  - (iii) the likelihood that a child can be trapped, pinched or crushed in the equipment or struck by it; or
  - (iv) sharp or rough edges and projections; and
- (j) all poisonous, irritant and harmful trees, plants and shrubs including those overhanging from neighbouring properties are removed from the child care centre and its outdoor playing areas; and
- (k) playgrounds and sandpits are checked daily for the removal of foreign objects; and

- (l) when sandpits are not in use they are covered sufficiently to prevent access by animals and vermin; and
- (m) sand used in a sandpit is changed at least annually; and
- (n) paddling pools are emptied after use and stored to prevent the collection of water; and
- (o) if an incinerator is installed, the incinerator is inaccessible to children and is not used while children are present at the centre; and
- (p) animals are not kept at the child care centre other than for educational purposes and then only under conditions approved by an authorised person; and
- (q) smoking is prohibited in areas where children are being cared for or food is being prepared.

(2) Subsection (1)(d) does not apply to a limited hours care centre if hot water supplied to taps is inaccessible to children or is only used under adult supervision.

## **Fire drills**

**44.** The licensee must ensure that—

- (a) a fire drill is held at least monthly and all staff and volunteers at the child care centre are given adequate instruction in—
  - (i) safely evacuating the child care centre in the case of fire and other emergencies; and
  - (ii) the use of the fire safety equipment; and
- (b) a fire officer is invited to attend at least one fire drill during the term of the licence.

## **Additional requirements—children under 15 months**

**45.(1)** The licensee of a child care centre that accepts children under 15 months must ensure that the rooms and layout are organised so that children under 15 months are accommodated in groups of 8, in units providing for not more than 16 children of that age.

**(2)** Each unit must have—

- (a) a sink with hot and cold running water, and other facilities for hygienic bottle preparation, including a refrigerator, provided adjacent to the nursery, but separate from the changing area; and
- (b) at least 1 bath connected to the drainage system installed at bench height in a place that is adjacent to the area used by children in the 0-15 months age group, and provided with hot and cold running water; and
- (c) at least 1 bath for each 8 children; and
- (d) suitable facilities for drying, dressing and changing babies provided next to each bath; and
- (e) a stable napkin change area with a washable surface provided for each designated group; and
- (f) a sluice or other equipment with a flushing mechanism adequate to serve that purpose provided beside the napkin change area; and
- (g) a hand basin provided with hot and cold running water beside where napkins are changed provided for use by the staff; and
- (h) for each group, a separate sleeping room fitted with fly screens and an observation window for use by staff; and
- (i) for each group, a comfortable chair in which to nurse children; and
- (j) a play area with soft furnishings and floor coverings.

**(3)** The surface of the napkin change area mentioned in subsection (2)(e) must be adequately washed or sterilised after each use or, if covered, the cover is replaced.

**(4)** Subsections (2) and (3) apply to a mixed age group that caters for children under 15 months.

**(5)** Subsection (2)(a),(b),(f),(g) and (h) do not apply to a limited hours care centre if kitchen facilities, adult hand washing facilities and a flushing mechanism for soiled napkins are provided on the premises.

**Additional requirements—children 15 months—2 1/2 years**

**46.(1)** The licensee of a child care centre that accepts children 15 months to 2 1/2 years must ensure that—

- (a) a stable napkin change area with a washable surface is provided for each designated group; and
- (b) the napkin change area surface is adequately washed or sterilised and, if covered, the cover is replaced, after each use; and
- (c) a hand basin provided with hot and cold running water beside where napkins are changed is provided for use by the staff; and
- (d) a play area with soft furnishings and floor coverings is provided; and
- (e) a sluice or other equipment with a flushing mechanism adequate to serve that purpose is provided beside the napkin change area; and
- (f) there are suitable cleaning facilities for training commodes, if provided.

**(2)** Subsection (1)(c) and (d) do not apply to a limited hours care centre if adult handwashing facilities and a flushing mechanism for soiled napkins are provided on the premises.

**Additional requirements—overnight care**

**47.(1)** The licensee of a child care centre that accepts children who are to be cared for overnight must ensure that, when a child is being cared for, there is present at the centre between 8 pm on each day and 6 am on the next day—

- (a) 1 contact staff member for each 6 children in the age group 0-2 years; and
- (b) 1 contact staff member for each 10 children in the age group 2-3 years; and
- (c) 1 contact staff member for each 15 children in the age group 3 years to the age of compulsory attendance at school.

**(2)** At least 2 staff members must be present at all times while a child is being cared for, and must remain awake.

**(3)** The licensee must provide—

- (a) rooms for eating and playing separate from the sleeping areas; and
- (b) adequate clean bed linen that is washed—
  - (i) at least once a week; and
  - (ii) if wet or soiled; and
  - (iii) before use by a different child.

## **PART 7—REGISTER**

### **Prescribed particulars**

**48.** For the purposes of section 60 of the Act, the following particulars are prescribed as particulars that are to be recorded in the register in relation to a licensee—

- (a) the name, postal address and telephone number of—
  - (i) if the licensee is an individual—the licensee; or
  - (ii) if the licensee is a partnership—each partner; or
  - (iii) if the licensee is a body corporate—the body corporate; or
  - (iv) if the licensee is an unincorporated community organisation—the nominated contact person; and
- (b) the particulars that under section 17 of the Act are required to be specified on a licence; and
- (c) the name and qualifications of the centre’s director including, if relevant, the conditions of issue of a certificate of endorsement for such a person; and
- (d) the day that the licence expires; and
- (e) particulars of any suspension, revocation or cancellation of the licence; and
- (f) particulars of any conviction for a breach of the Act.

## **PART 8—GENERAL**

### **Copy of regulation**

**49.** A licensee must ensure that a copy of the Act and this regulation is—

- (a) given to the director and the assistant director; and
- (b) available at the child care centre and accessible to staff and parents.

### **Exemptions—mobile kindergartens**

**50.(1)** For the purposes of section 83 of the Act, the Creche and Kindergarten Association of Queensland mobile kindergartens Nos. 1, 2, 3, 4 and 5 are exempt from section 24 and from sections 4, 10, 11, 14, 16 and 21 of Schedule 1.

**(2)** The Association is only exempt from—

- (a) section 24 if the escort for children being transported in a vehicle is not the driver; and
- (b) sections 4, 10, 11 and 14 of Schedule 1 if the requirements for a limited hours care centre mentioned in those sections are met.

### **Exemptions—other child care centres**

**51.(1)** A person who is required to be licensed under the Act and, on the commencing day is licensed under the *Children's Services (Day Care Centres) Regulations 1973* authorising that person to conduct a day care centre, is exempt from—

- (a) sections 16 to 19 and sections 4(1)(b) and (2), 5(1) and (2), and 21 of Schedule 1 for 2 years after the commencing day; and
- (b) sections 43(1)(c), 45(1) and (2)(a), (f) and (h) and sections 3(1) and (4)(c) and (d), 4(1)(a), 10, 11, 12 and 15(1)(a) of Schedule 1 for 10 years after the commencing day.

**(2)** A person who, before the commencing day, has applied for and obtained the approval of the Local Authority for the construction of a building for use as a child care centre, is exempt from—

- (a) sections 16 to 19 and sections 4(1)(b) and (2), 5(1) and (2), and 21 of Schedule 1 for 2 years after the commencing day; and
- (b) sections 43(1)(c), 45(1) and (2)(a), (f) and (h) and sections 3(1) and (4)(c) and (d), 4(1)(a), 10, 11, 12 and 15(1)(a) of Schedule 1 for 10 years after the commencing day.

(3) Subsections (1) and (2) only apply if the person complies with the *Children's Services (Day Care Centres) Regulations 1973* as in force immediately before the commencing day.

### **Fees**

52. The fee payable for a licence, or a renewal of a licence, is \$100.

### **Repeal**

53. The *Children's Services (Day Care Centres) Regulations 1973* are repealed.

## **SCHEDULE 1**

### **Section 35**

### ***Building and Physical Environment Standards***

#### **Child care centres to be at ground level**

1.(1) Child care centre facilities must be provided at or close to ground level.

(2) The chief executive may, in a particular case, approve the use of above ground premises as a child care centre if the premises are safe and suitable for that use.

**Domestic premises adjoining child care centre**

**2.(1)** A child care centre must not form part of premises used as a dwelling.

**(2)** If a building used as a child care centre under a licence issued under the *Children's Services (Day Care Centres) Regulations 1973* is also used as a dwelling—

- (a) a part of the building that is used as a dwelling must have a separate entrance; and
- (b) rooms and outdoor space used for child care purposes must not be used for domestic purposes when children are being cared for at the centre.

**Indoor play areas and design**

**3.(1)** In a child care centre there must be an open floor space with an area of at least that determined using the formula—

$$\text{Floor space (m}^2\text{)} = \text{licensed capacity} \times 3.25\text{m}^2$$

**(2)** The open floor space does not include passageways, storage areas, fixed furniture, areas occupied by cots, separate sleeping areas, toilet areas, bathrooms, washrooms, kitchens, offices, laundries, entrances and staff rooms.

**(3)** The design of the centre must permit supervision of all areas where children are cared for.

**(4)** There must be—

- (a) a separate play area for each age group at the centre; and
- (b) separation of play areas by sound reducing partitions or by location in separate rooms; and
- (c) convenient access from indoor and outdoor play areas to toilets and handbasins; and
- (d) convenient access to outside play areas.



**Outdoor play areas and design**

**4.(1)** In a kindergarten, long day care centre or an occasional care centre, there must be—

- (a) outdoor play areas of at least the area determined using the formula—

$$\text{outdoor play area (m}^2\text{)} = \text{licensed capacity} \times 7\text{m}^2; \text{ and}$$

- (b) a shaded area of at least that determined using the formula—

$$\text{shaded area (m}^2\text{)} = \text{licensed capacity} \times 2\text{m}^2.$$

**(2)** At least one half of the minimum shaded area mentioned in subsection (1) must be roofed.

**(3)** In a limited hours care centre, there must be—

- (a) an outdoor play area of at least that determined using the formula—

$$\text{outdoor play area (m}^2\text{)} = \text{licensed capacity} \times 5\text{m}^2; \text{ and}$$

- (b) a shaded area of at least 1m<sup>2</sup> for each child of the licensed capacity.

**(4)** An outdoor play area must—

- (a) be capable of being supervised; and
- (b) be designed to allow for open, active and quiet areas; and
- (c) have a range of surface types.

**(5)** In this section, “**outdoor play area**” does not include—

- (a) the area of garden beds, permanent storage areas, sheds or land that is unusable, in the chief executive’s opinion, as a play area; or
- (b) the area of any fenced body of water and its surrounds within the fencing.

**Fences and gates**

**5.(1)** Fences and gates around a child care centre that is not a limited hours care centre must provide an effective barrier to young children and be at least 1.2 m high, and gates must be self-closing and self-latching childproof gates.

(2) Fences and gates around the play area of a limited hours care centre must provide an effective barrier to young children.

(3) A gate use as a service access for vehicles must be locked at all times when children are in the playground.

(4) If the centre is adjacent to water or other hazards, the chief executive or an authorised person may, by written notice, require the licensee to provide fencing of at least pool fencing standard.

(5) If the entrance to a child care centre leads directly to a street or a car park, there must not be direct access from the centre to the street or car park.

(6) If there is a swimming pool on the premises the pool must be fenced to the standard required under the *Standard Building By-laws 1991*.

### **Fire safety and emergency facilities**

6.(1) There must be a clear and effective means of escape from a child care centre for use in case of a fire or other emergency.

(2) Fire and emergency evacuation plans must be clearly displayed in each room.

(3) Fire safety equipment must be properly maintained.

### **Storage areas**

7.(1) In a kindergarten, a long day care centre or an occasional care centre there must be—

- (a) storage space for program materials and play equipment, including safe, stable storage areas accessible by children; and
- (b) outdoor storage facilities accessible from the playground; and
- (c) an open storage area, suitably marked, for each child's possessions, accessible by a child of or above 2 years; and
- (d) ventilated storage space for stretchers, sleeping mats and bed linen; and
- (e) storage space for towels, napkins and other linen.

(2) In a limited hours care centre, there must be storage space of a type that is satisfactory having regard to the licensed capacity of the centre.

**Administration facilities**

8. A child care centre must have an area for administration and for private consultations with parents.

**Telephone**

9. A child care centre must have a telephone in working order at the centre.

**Children's toilets**

10.(1) Subject to subsection (2), a kindergarten, a long day care centre or an occasional care centre that provides care to children over 15 months, must have at least 1 child size toilet for each 10 children of its licensed capacity.

(2) There must be at least 2 toilets in each location.

(3) For the purposes of subsection (2), 1 of the toilets in a location used by children in the age group 15 months to 2 1/2 years may be a training commode.

(4) A limited hours care centre must have at least 2 toilets.

(5) If adult toilets are used at a limited hours care centre, the toilets must have a junior toilet seat and a stable platform for a child to step on.

**Handbasins**

11.(1) A long day care centre, kindergarten or occasional care centre must have—

- (a) 1 lowset basin for each 10 children over 15 months of the licensed capacity; or
- (b) as many lowset troughs as are necessary to provide 1 tap for each 10 children over 2 years of the licensed capacity.

(2) A low set trough must—

- (a) have taps spaced at least 500mm apart; and
- (b) must not be accessible to children under 2 years.

(3) There must be at least 1 hand basin in a limited hours care centre.

(4) If a hand basin at a limited hours care centre is at adult height, there must be a stable platform that allows a child to reach and use the basin.

### **Baths and showers**

**12.** A bath or shower with hot and cold running water and a hand held shower rose, located adjacent to the area catering for the youngest age group above 15 months, must be provided in a long day care centre or an occasional care centre.

### **Towels and hand dryers**

**13.(1)** There must be provided—

- (a) disposable towelling; or
- (b) warm air hand dryers; or
- (c) a towel for each child over 2 years of age.

(2) If individual towels are provided, each towel must be—

- (a) individually hung in a manner that prevents it overlapping or coming into contact with another towel; and
- (b) washed—
  - (i) at least once a week; and
  - (ii) when soiled; and
  - (iii) before it is used by another child.

### **Kitchens**

**14.(1)** A kitchen at a child care centre must be used only for the preparation and storage of food and non-toxic play materials, and associated activities.

(2) A kitchen at a kindergarten, a long day care centre or an occasional care centre must be painted with washable paint and be equipped with—

- (a) sufficient refrigerated space for the storage of perishable food, having regard to the centre's licensed capacity and hours of operation; and
- (b) cupboards and bins for the storage of food, crockery, tableware and kitchen utensils, that provide protection from dust, flies, vermin and other forms of contamination; and
- (c) impervious benchtops and tables; and
- (d) hot and cold running water supplied to a double bowl sink, or single bowl sink and a dishwasher; and
- (e) vermin-proof receptacles for refuse; and
- (f) a handbasin.

(3) A kitchen at a limited hours care centre must provide at least the facilities mentioned in subsection (2)(a), (b) and (e), a sink, and facilities for heating water.

### **Laundry facilities**

**15.(1)** Subject to subsection (2) and (3), laundry facilities provided at a long day care or occasional care centre must include—

- (a) a laundry tub; and
- (b) a washing machine; and
- (c) facilities that prevent the spread of infection, for use as storage for soiled clothes and napkins that are to be laundered off the premises ; and
- (d) facilities for sterilising articles soiled with body fluids before laundering on the premises.

(2) A kindergarten or a limited hours care centre must include facilities that prevent the spread of infection, for use as storage for soiled clothes and napkins that are to be laundered off the premises.

(3) Subsections (1)(b) and (d) do not apply to a centre that does not launder children's clothes.

(4) Laundry facilities must be located in a separate room.

**Cleaner's facilities**

**16.(1)** A child care centre must have a cleaner's sink that is supplied with hot and cold water in a location that is inaccessible to children.

(2) The cleaner's sink must not be in a kitchen.

(3) This section does not apply to a limited hours care centre.

**Furniture and equipment**

**17.(1)** There must be indoor and outdoor equipment and furnishings, that are adequate and appropriate, having regard to—

- (a) the centre's licensed capacity; and
- (b) the age range of the children cared for at the centre; and
- (c) the recommendations of the chief executive as notified to the licensee from time to time.

(2) Indoor and outdoor equipment and furnishings must be maintained in a safe and useable condition, and must be available to meet the developmental needs of children.

**Utensils**

**18.** A child care centre must provide eating and drinking utensils for each child.

**Cooling and heating**

**19.** Where climatic conditions are such that artificial cooling or heating of the centre is necessary, there must be adequate and suitable cooling and heating systems to provide cooling or heating to each room used by children.

**Bedding**

**20.(1)** If a child attends at a centre for more than 4 hours, there must be—

- (a) a stretcher, or a sleeping mat or cot, with a waterproof cover, for each child; and

- (b) sufficient bed linen for children who are to use the bedding; and
- (c) sufficient space for an adult to walk between each bed and to gain easy access to each bed from both sides.

(2) For the purposes of subsection (1)(a) there must be a cot for each child under 15 months of the centre's licensed capacity.

### **Sandpits**

**21.(1)** There must be a sandpit at a kindergarten, a long day care centre and an occasional care centre.

(2) The sandpit must be in an area that is at least partly covered by a roof.

(3) The sandpit must be sufficiently drained and large enough for the number of children likely to use it.

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### ENDNOTES

1. Made by the Governor in Council on 19 December 1991.
2. Published in the Gazette on 21 December 1991.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Family Services and Aboriginal and Islander Affairs.