

# Queensland



## Subordinate Legislation 2001 No. 5

### *Child Care Act 1991*

# **CHILD CARE (CHILD CARE CENTRES) AMENDMENT REGULATION (No. 1) 2001**

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**Short title**

1. This regulation may be cited as the *Child Care (Child Care Centres) Amendment Regulation (No. 1) 2001*.

**Regulation amended**

2. This regulation amends the *Child Care (Child Care Centres) Regulation 1991*.

**Omission of s 6 (Disqualified premises)**

3. Section 6—  
*omit.*

**Insertion of new pt 4A**

4. After section 34—  
*insert—*

**‘PART 4A—SUITABILITY OF PREMISES FOR  
CHILD CARE CENTRE**

**‘Purpose**

‘34A. The purpose of this part is to give the chief executive information about the suitability of premises for a child care centre, for making decisions under the Act including, for example, deciding whether—

- (a) to declare premises to be unsuitable to be used for the provision of child care;<sup>1</sup> or
- (b) to issue or renew a licence;<sup>2</sup> or

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<sup>1</sup> See section 24 (Licensee not to use disqualified premises) of the Act.

<sup>2</sup> See section 12 (Issue and term of licences) of the Act.

- (c) to impose or amend a condition for a licence;<sup>3</sup> or
- (d) to suspend or revoke a licence.<sup>4</sup>

**‘Definition**

**‘34B.** In this part—

**“assessable centre”** means a child care centre—

- (a) that is, or is likely to be, exposed to—
  - (i) noise, other than noise generated by a school or child care centre, at a level higher than the level to which residential premises are ordinarily exposed; or
  - (ii) more heat or pollution than that to which residential premises are ordinarily exposed; or
  - (iii) drift from aerial spraying, crop-dusting or fertilising; or
- (b) at which there are chemicals or flammable or combustible materials of a type, or in a quantity, that would not ordinarily be stored at residential premises; or
- (c) that adjoins premises to which paragraph (b) applies.

**‘Applicant to give notice to chief executive**

**‘34C.(1)** This section applies to an applicant for a licence for an assessable centre.

**‘(2)** If the applicant is aware, when making the application, that the centre is an assessable centre, the applicant must give a written notice to the chief executive with the application.

**‘(3)** Also, the applicant must give a written notice to the chief executive if, after making the application but before it is decided, the applicant becomes aware of anything relating to the centre that has not been notified to

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<sup>3</sup> See section 17 (Conditions of licences) and section 34 (Amendment of licence) of the Act.

<sup>4</sup> See section 35 (Suspension or revocation of licence) of the Act.

the chief executive under this part and that is relevant to a matter mentioned in section 34B, definition, “assessable centre”.

**‘Licensee to give notice to chief executive**

**‘34D.** The licensee for an assessable centre must immediately give a written notice to the chief executive if, at any time, the licensee becomes aware of anything relating to the centre that has not been notified to the chief executive under this part and that is relevant to a matter mentioned in section 34B, definition, “assessable centre”.

**‘Requirements of notice**

**‘34E.** A notice under this part must contain the following—

- (a) the name of the applicant or licensee;
- (b) the address of the child care centre;
- (c) details of anything relating to the centre that has not been notified to the chief executive under this part and that is relevant to a matter mentioned in section 34B, definition, “assessable centre”.

**‘Risk assessment report**

**‘34F.(1)** This section applies if the chief executive—

- (a) has been given a notice under this part relating to a child care centre; or
- (b) reasonably considers that a child care centre is an assessable centre; or
- (c) reasonably considers that a change in circumstances, relevant to a matter mentioned in section 34B, definition, “assessable centre”, has increased the risk to the wellbeing or safety of children at a child care centre.

**‘(2)** The chief executive may ask the applicant or licensee for the centre to give the chief executive, within a stated period, a written report assessing any risk to the wellbeing or safety of children at the centre.’.

## **Insertion of new pt 9**

### **5. After section 52—**

*insert—*

## **‘PART 9—INDEPENDENT HOME–BASED CARE**

### **‘Approval of forms**

‘53. The chief executive may approve forms for section 73G of the Act.<sup>5</sup>’.

### **Amendment of schedule (Building and physical environment standards)**

#### **6. Schedule, section 2—**

*omit, insert—*

### **‘Domestic premises adjoining child care centre**

‘2.(1) A child care centre must not form part of a building of which a part is used as a dwelling.

‘(2) Subsection (1) does not apply to a child care centre to which section 2A applies.

### **‘Continued use of certain centres adjoining domestic premises**

‘2A.(1) This section applies to a child care centre if—

- (a) the licensee for the centre was issued a licence under the *Children’s Services (Day Care Centres) Regulation 1973*; and
- (b) the licensee for the centre is, and has been since the commencement day, the person who was licensee for the centre immediately before the commencement day; and
- (c) the centre forms part of a building of which a part—

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<sup>5</sup> Section 73G (Criminal history checks) of the Act

- (i) is being used as a dwelling; or
- (ii) has been used as a dwelling at any time since the licensee became the licensee for the centre.

‘(2) The centre must have an entrance that is separate from the entrance to the part of the building used as a dwelling.

‘(3) The licensee for the centre must ensure no part of the centre is used for domestic purposes while child care is being provided at the centre.

‘(4) In this section—

**“commencement day”** means the day this regulation commenced.’.

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#### ENDNOTES

1. Made by the Governor in Council on 1 February 2001.
2. Notified in the gazette on 2 February 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is Families, Youth and Community Care Queensland.