

# **Education and Care Services National Law (Queensland) Regulation 2011**

### Subordinate Legislation 2011 No. 278

made under the

Building Act 1975
Education and Care Services National Law (Queensland) Act 2011
Fire and Rescue Service Act 1990
Food Act 2006
Health Act 1937
Public Health Act 2005
Queensland Civil and Administrative Tribunal Act 2009
Sanctuary Cove Resort Act 1985
Sustainable Planning Act 2009

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### Part 1 Preliminary

#### 1 Short title

This regulation may be cited as the *Education and Care Services National Law (Queensland) Regulation 2011.* 

#### 2 Commencement

This regulation commences on 1 January 2012.

### Part 2 Central governing bodies

### 3 Prescribed entity—Act, s 32

For section 32 of the Act, definition *central governing body*, the following entities are prescribed—

- (a) the Association of Independent Schools of Queensland Inc;
- (b) the Corporation of the Roman Catholic Bishops of Oueensland:
- (c) the Creche and Kindergarten Association of Queensland;
- (d) Queensland Lutheran Early Childhood Services;
- (e) the Gowrie (Qld) Inc.

# Part 3 Amendment of Building Fire Safety Regulation 2008

### 4 Regulation amended

This part amends the Building Fire Safety Regulation 2008.

### 5 Amendment of s 12 (Locking doors—children in child care centres or persons in custody)

(1) Section 12, heading, after 'children in'—

insert—

'education and care service premises or'.

(2) Section 12(1)(a), after 'conducting a'—

insert—

'centre based education and care service or'.

- (3) Section 12(4), definition *custodian— omit.*
- (4) Section 12(4)—

insert—

'centre based education and care service means an approved education and care service, other than a family day care service, under the Education and Care Services National Law (Queensland).

custodian, for an occupant, means-

- (a) if the occupant is a child in a building being used for conducting a centre based education and care service—a person providing education and care as part of the service; or
- (b) if the occupant is a child in a building being used for conducting a centre based child care service—a person providing child care as part of the service; or

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(c) if the occupant is being held in lawful custody in a building—a person who controls the movement of the occupant within the building.'.

## Part 4 Amendment of Fire and Rescue Service Regulation 2011

### 6 Regulation amended

This part amends the *Fire and Rescue Service Regulation* 2011.

### 7 Amendment of sch 2 (Annual contributions of owners of prescribed properties)

Schedule 2, item 3.03, after 'Child care centre'—

insert—

'or education and care service premises'.

### 8 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

'education and care service premises means education and care service premises under the Education and Care Services National Law (Queensland) for an education and care service other than a family day care service.'.

# Part 5 Amendment of Food Regulation 2006

### 9 Regulation amended

This part amends the Food Regulation 2006.

### 10 Amendment of sch 2 (Dictionary)

(1) Schedule 2—

insert-

'preparatory year means the year of schooling immediately before year 1.'.

(2) Schedule 2, definition relevant facility—

insert—

- '(e) an approved education and care service under the Education and Care Services National Law (Queensland), other than—
  - (i) a family day care service under that Law; or
  - (ii) an education and care service under that Law providing education and care primarily to children who attend school in the preparatory year or a higher year.'.

# Part 6 Amendment of Health (Drugs and Poisons) Regulation 1996

### 11 Regulation amended

This part amends the *Health (Drugs and Poisons) Regulation* 1996.

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### 12 Amendment of s 235 (Wholesale and retail sales by manufacturers and wholesalers)

Section 235(2)(b)—

insert—

- '(ix) an approved provider of an education and care service; or
- (x) an educator in an education and care service; or'.

### 13 Amendment of s 256A (Particular individuals who provide child care)

(1) Section 256A, heading, after 'child care'—

insert—

'or education and care'.

(2) Section 256A(1), 'This section'—

omit, insert—

'Subsection (2)'.

(3) Section 256A(3)—

renumber as section 256A(5).

(4) Section 256A—

insert—

- '(3) Subsection (4) applies to an individual who is—
  - (a) an approved provider of an education and care service; or
  - (b) an educator in an education and care service and an adult.
- '(4) The individual is authorised to administer an S2 or S3 poison to a child, with the written consent of a parent or guardian of the child, at education and care service premises or another place where education and care is being provided as part of the education and care service.'.

### 14 Amendment of appendix 9 (Dictionary)

Appendix 9—

insert—

'approved provider see the Education and Care Services National Law (Queensland), section 5(1).

*education and care service* see the Education and Care Services National Law (Queensland), section 5(1).

*education and care service premises* see the Education and Care Services National Law (Queensland), section 5(1).

*educator* see the Education and Care Services National Law (Queensland), section 5(1).'.

# Part 7 Amendment of Public Health Regulation 2005

### 15 Regulation amended

This part amends the Public Health Regulation 2005.

### 16 Amendment of sch 2A (Contagious conditions)

Schedule 2A, part 2, entry for measles, third column, after 'school'—

insert—

', education and care service'.

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# Part 8 Amendment of Queensland Civil and Administrative Tribunal Regulation 2009

### 17 Regulation amended

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

### 18 Amendment of sch 1 (Enabling Acts and provisions)

Schedule 1, part 5—

insert—

'Education and Care Services National Law (Queensland) Act 2011'.

# Part 9 Amendment of Queensland Civil and Administrative Tribunal Rules 2009

#### 19 Rules amended

This part amends the *Queensland Civil and Administrative* Tribunal Rules 2009

### 20 Amendment of r 20 (Notice given by principal registrar for particular proceedings)

(1) Rule 20(1)(f)—

renumber as rule 20(1)(g).

(2) Rule 20(1)—

insert—

[s 21]

'(f) the Education and Care Services National Law (Queensland);'.

### 21 Amendment of r 28 (Only original document required to be filed for particular proceedings)

- (1) Rule 28(1)(f)—

  renumber as rule 28(1)(g).
- (2) Rule 28(1)— *insert*
  - '(f) the Education and Care Services National Law (Queensland);'.

# Part 10 Amendment of Sanctuary Cove Resort Regulation 2009

### 22 Regulation amended

This part amends the Sanctuary Cove Resort Regulation 2009.

### 23 Amendment of schedule (Approved uses for zones)

(1) Schedule, entry for Recreation Club Zone, column 2—

insert—

'education and care service premises'.

(2) Schedule, entry for Village Zone, column 2—

insert—

'education and care service premises'.

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# Part 11 Amendment of Sustainable Planning Regulation 2009

### 24 Regulation amended

This part amends the Sustainable Planning Regulation 2009.

### 25 Amendment of sch 2 (Community infrastructure)

Schedule 2, part 2, item 4, after 'facilities where'—

insert—

'an education and care service under the Education and Care Services National Law (Queensland) is operated or'.

### Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)

(1) Schedule 3, part 1, table 2, item 8, column 2, before 'child care'—

insert—

'education and care,'.

(2) Schedule 3, part 1, table 2, item 9(b), column 2, before 'child care'—

insert—

'education and care,'.

### 27 Amendment of sch 11 (Development impacting on State-controlled roads and thresholds)

Schedule 11, item 19, column 1, 'Child care centre'—

omit, insert—

'Education and care service premises or child care centre'.

[s 28]

### 28 Amendment of sch 26 (Dictionary)

Schedule 26—

insert—

'education and care service premises see the Education and Care Services National Law (Queensland), section 5(1).'.

#### **ENDNOTES**

- 1 Made by the Governor in Council on 8 December 2011.
- 2 Notified in the gazette on 9 December 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education and Training.

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