



Queensland

Education and Care Services Act 2013

Education and Care Services Regulation 2026

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Education and Care Services Regulation 2026

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Education and Care Services Regulation 2026

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education and Care Services Regulation 2026*.

2 Commencement

This regulation commences on 1 September 2026.

3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

4 References to child, staff member and volunteer

In a provision of this regulation in relation to a QEC approved service—

- (a) a reference to a child, other than in section 31, is a reference to a child being provided regulated education and care by the service; and
- (b) a reference to a staff member is a reference to a staff member for the service; and
- (c) a reference to a volunteer is a reference to a volunteer for the service.

Part 2 Queensland provider approvals

5 Notice of suspension or cancellation of provider approval—Act, s 36

- (1) For section 36(8)(a) of the Act, a notice given or displayed under section 36 of the Act must state all of the following information—
 - (a) the name of the approved provider;
 - (b) the address of the approved provider;
 - (c) if the provider approval is suspended—
 - (i) the day the suspension takes effect; and
 - (ii) the effect of the suspension, including the effect under section 30(1) and (2) of the Act; and
 - (iii) the day the suspension ends;
 - (d) if the provider approval is cancelled—
 - (i) the day the cancellation takes effect; and
 - (ii) the effect of the cancellation, including the effect under section 34(1) of the Act.
- (2) Also, subsection (3) applies if the approved provider of a QEC approved service is also required to give a notice under section 88(3) of the Act.
- (3) For section 36(8) of the Act, a notice given or displayed under section 36 of the Act may also state the information required under section 7(1) of this regulation to be stated in a notice given or displayed under section 88 of the Act.

Part 3 Queensland service approvals

6 Insurance cover required for service approval—Act, s 49

For section 49(2)(c) of the Act, the insurance cover prescribed is public liability insurance of at least \$10m.

7 Notice of suspension or cancellation of service approval—Act, s 88

- (1) For section 88(8)(a) of the Act, a notice given or displayed under section 88 of the Act must state all of the following information—
 - (a) the name of the QEC approved service;
 - (b) the address of the QEC approved service;
 - (c) if the service approval is suspended—
 - (i) the day the suspension takes effect; and
 - (ii) the effect of the suspension; and
 - (iii) the day the suspension ends;
 - (d) if the service approval is cancelled—
 - (i) the day the cancellation takes effect; and
 - (ii) the effect of the cancellation.
- (2) Also, subsection (3) applies if the approved provider of a QEC approved service is also required to give a notice under section 36(3) of the Act.
- (3) For section 88(8) of the Act, a notice given or displayed under section 88 of the Act may also state the information required under section 5(1) of this regulation to be stated in a notice given or displayed under section 36 of the Act.

8 Service waivers—Act, s 92

For section 92(1) of the Act, the requirements about the following matters are prescribed—

- (a) administrative space;
- (b) design and maintenance of premises to facilitate supervision;
- (c) educator qualifications;
- (d) educator to child ratios;
- (e) fencing;

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- (f) indoor space—general;
- (g) indoor space—additional;
- (h) nappy changing facilities;
- (i) outdoor space—general;
- (j) outdoor space—additional;
- (k) supervision of educators under 18 years.

9 Temporary waivers—Act, s 99

For section 99(1) of the Act, the requirements about the following matters are prescribed—

- (a) administrative space;
- (b) design and maintenance of premises to facilitate supervision;
- (c) educator qualifications;
- (d) educator to child ratios;
- (e) fencing;
- (f) first aid qualifications;
- (g) indoor space—general;
- (h) indoor space—additional;
- (i) nappy changing facilities;
- (j) outdoor space—general;
- (k) outdoor space—additional;
- (l) supervision of educators under 18 years.

Part 4 General requirements for conduct of QEC approved services

Division 1 Educational programs

10 Purpose of division

For section 120(2) of the Act, this division imposes requirements about programs.

11 Developing educational program

- (1) The approved provider of a QEC approved service must develop a program (an *educational program*) based on the following documents—
 - (a) the document called ‘Belonging, Being & Becoming: The Early Years Learning Framework for Australia’, as in force from time to time, published by the National Authority on its website;
 - (b) the document called ‘My Time, Our Place: Framework for School Age Care in Australia’, as in force from time to time, published by the National Authority on its website;
 - (c) a document, prepared by the chief executive and published on the department’s website, providing for matters the chief executive considers are equivalent to the matters provided for in a document mentioned in paragraph (a) or (b).
- (2) If a matter provided for in a document mentioned in subsection (1)(c) is inconsistent with a matter provided for in a document mentioned in subsection (1)(a) or (b), the document mentioned in subsection (1)(c) prevails to the extent of the inconsistency.

12 Delivering educational program

The approved provider of a QEC approved service must ensure an educational program is delivered in a way that contributes to the following outcomes for a child—

- (a) the child will have a strong sense of identity;
- (b) the child will be connected with, and contribute to, the child's world;
- (c) the child will have a strong sense of wellbeing;
- (d) the child will be a confident and involved learner;
- (e) the child will be an effective communicator.

13 Preparing records about educational program

- (1) The approved provider of a QEC approved service must prepare a record of the following information for the purpose of delivering an educational program—
 - (a) for a child, other than a school child—
 - (i) assessments of the child's developmental needs, interests, experiences and participation in the program; and
 - (ii) assessments of the child's progress against the outcomes stated in the program;
 - (b) for a school child—evaluations of the child's wellbeing, development and learning.
- (2) In preparing a record under subsection (1), the approved provider—
 - (a) must consider—
 - (i) the period of time for which the QEC approved service provides regulated education and care to the child; and
 - (ii) how the educators of the service will use the information in the best interests of the child; and

- (b) must ensure the record is prepared in a way that is likely to be easily understood by—
 - (i) educators of the service, taking into account the experience and qualifications of the educators; and
 - (ii) the parents of the child.

14 Making information about educational program available

The approved provider of a QEC approved service must ensure—

- (a) information about the contents and operation of an educational program delivered by the service is displayed at the QEC service premises in a place accessible to a parent of a child; and
- (b) a copy of the educational program is available for inspection at the QEC service premises on request.

15 Giving information to parents

The approved provider of a QEC approved service must, on request by a parent of a child, give the parent—

- (a) information about the contents and operation of an educational program delivered by the service, as it relates to the child; and
- (b) information about the child's participation in the educational program.

Division 2 Safety, health and wellbeing of children—general

Subdivision 1 Offences

16 Serious incidents—Act, s 127

For section 127(3) of the Act, definition *serious incident*, the following incidents, or types of incidents, are prescribed in relation to the approved provider of a QEC approved service—

- (a) the death of a child—
 - (i) while the child is being provided regulated education and care by the service; or
 - (ii) following an incident that occurs while the child is being provided regulated education and care by the service;
- (b) an incident involving serious injury or trauma to, or illness of, a child while the child is being provided regulated education and care by the service—
 - (i) that a reasonable person would consider requires urgent medical attention from a medical practitioner; or
Examples of serious injury, trauma or illness—
anaphylaxis reaction, broken limb, whooping cough
 - (ii) for which the child attended, or should reasonably have attended, a hospital;
- (c) an incident for which an entity providing emergency services attended the QEC service premises;
- (d) if the approved provider reasonably believes physical abuse or sexual abuse of a child has occurred, or is occurring, while the child is being provided regulated education and care by the service;

- (e) if a child being provided regulated education and care by the service appears to be missing or can not be accounted for;
- (f) if a child appears to have been taken or removed from the service in a way that contravenes—
 - (i) the Act; or
 - (ii) an order of a court or tribunal;
- (g) if a child is mistakenly locked in, or locked out of, the QEC service premises or any part of the premises.

Note—

See section 83 for matters prescribed for section 127(1)(d) of the Act.

17 Health, hygiene and safe food practices

The approved provider of a QEC approved service must ensure staff members and volunteers implement the following measures to minimise risks to a child while the child is being provided regulated education and care by the service—

- (a) adequate health and hygiene practices;
- (b) safe practices for handling, preparing and storing food.

Maximum penalty—5 penalty units.

18 Providing food, water and beverages

- (1) The approved provider of a QEC approved service must ensure a child—

- (a) has access to safe drinking water at all times; and
- (b) is offered food and beverages, appropriate to the needs of the child, on a regular basis.

Maximum penalty—5 penalty units.

- (2) If the approved provider of a QEC approved service provides food or beverages for a child, the approved provider must ensure—

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- (a) the food or beverages are nutritious and adequate in quantity; and
- (b) the food or beverages are chosen for the child having regard to the child's dietary requirements, taking into account the following matters—
 - (i) the growth and development needs of the child;
 - (ii) the health requirements of the child;
 - (iii) the cultural or religious requirements of the child.

Maximum penalty—5 penalty units.

19 First aid kits

- (1) The approved provider of a QEC approved service must ensure first aid kits are kept by the service while the service provides regulated education and care to children.

Maximum penalty—5 penalty units.

- (2) The approved provider of a QEC approved service must, having regard to the number of children being provided regulated education and care by the service, keep an appropriate number of first aid kits at the service.

Maximum penalty—5 penalty units.

20 Provision of environment free from alcohol, illicit drugs, tobacco, vaping devices etc.

- (1) The approved provider of a QEC approved service must ensure children are provided with an environment free from the use of the following things—

- (a) alcohol;
- (b) illicit drugs;
- (c) tobacco;
- (d) vaping devices;
- (e) vaping substances.

Maximum penalty—5 penalty units.

(2) In this section—

vaping device see the *Tobacco and Other Smoking Products Act 1998*, section 7(1).

vaping substance see the *Tobacco and Other Smoking Products Act 1998*, section 7(1).

21 Staff members and volunteers not to be affected by alcohol or drugs

The approved provider of a QEC approved service must ensure the capacity of a staff member or volunteer to supervise a child, or provide regulated education and care to a child, is not impaired because the person is under the influence of alcohol or another drug, including prescription medication.

Maximum penalty—5 penalty units.

22 Notifying parent about particular matters

The approved provider of a QEC approved service must ensure that, as soon as practicable, but not later than 24 hours, after a child is injured or becomes ill, a parent of the child is notified of—

- (a) the injury or illness; and
- (b) any medical attention provided to the child.

Maximum penalty—5 penalty units.

23 Obligations under Child Protection Act 1999

The approved provider of a QEC approved service must ensure staff members are informed about their obligations under the *Child Protection Act 1999*, section 13E.

Maximum penalty—5 penalty units.

24 Infectious diseases

- (1) If there is an occurrence of an infectious disease at a QEC approved service, the approved provider of the QEC approved service must ensure all reasonable steps are taken to prevent the spread of the infectious disease at the service.

Maximum penalty—20 penalty units.

- (2) If there is an occurrence of an infectious disease at a QEC approved service, the approved provider of the QEC approved service must ensure a parent of, or an authorised emergency contact for, each child is notified of the occurrence as soon as practicable.

Maximum penalty—20 penalty units.

- (3) In this section—

authorised emergency contact, for a child, means a person authorised by a parent of the child to—

- (a) collect the child from a QEC approved service; or
- (b) respond to an incident involving the child.

25 Children leaving QEC service premises

- (1) The approved provider of a QEC approved service must ensure a child does not leave the QEC service premises other than under subsection (2).

Maximum penalty—20 penalty units.

- (2) A child may leave the QEC service premises only if—

- (a) the child is given into the care of—
 - (i) a parent of the child; or
 - (ii) an authorised nominee for the child who is recorded in the child's enrolment record as an authorised nominee; or
 - (iii) a person authorised, by a parent of the child or an authorised nominee mentioned in

- subparagraph (ii), to collect the child from the premises; or
- (b) the child leaves the premises in accordance with the written authorisation of a parent of the child or an authorised nominee mentioned in paragraph (a)(ii); or
 - (c) the child is taken on an excursion, and the approved provider has complied with division 6 in relation to the excursion; or
 - (d) the child is transported by, or on transportation arranged by, the QEC approved service, and the approved provider has complied with division 7 in relation to the transportation; or
 - (e) the child is given into the care of a person or taken outside the premises—
 - (i) because the child requires medical, hospital or ambulance care or treatment; or
 - (ii) because of another emergency.
- (3) In this section—

excursion, in relation to a QEC approved service, see section 72.

Subdivision 2 Safe arrival of children—risk assessments and policies and procedures

26 Definitions for subdivision

In this subdivision—

children's service 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).

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relevant place, in relation to a QEC approved service, means the place at which any of the following is operated—

- (a) another QEC approved service;
- (b) an education and care service;
- (c) a school;
- (d) a children’s service in another jurisdiction.

27 Risk assessments to be conducted—safe arrival of children travelling between service and relevant places

- (1) The approved provider of a QEC approved service must ensure a risk assessment of matters affecting the safe arrival of children travelling between the service and a relevant place is conducted under this section—
 - (a) in preparing the safe arrival policies and procedures of the service; and
 - (b) at intervals of not more than 12 months after the safe arrival policies and procedures are prepared; and
 - (c) as soon as practicable after the approved provider becomes aware of any circumstance that may affect the safe arrival of a child travelling between the service and a relevant place.

Maximum penalty—10 penalty units.

- (2) The risk assessment must—
 - (a) identify and assess any risks that travelling between the QEC approved service and a relevant place may pose to the safety, health or wellbeing of any child; and
 - (b) state how the identified risks will be managed and minimised; and
 - (c) without limiting paragraph (a) or (b), consider the matters stated in subsection (3).
- (3) For subsection (2)(c), the matters are as follows—

- (a) the ages, developmental stages and individual needs of the children travelling between the QEC approved service and a relevant place;
- (b) the role and responsibilities of each of the following persons—
 - (i) if the children leave the QEC service premises to travel to the education and care service premises of an education and care service—the nominated supervisor of the education and care service;
 - (ii) the parents of the children;
 - (iii) any authorised nominees for the children;
 - (iv) any person authorised by the parents or authorised nominees to collect the children from the QEC service premises;
- (c) the role and responsibilities of the QEC approved service from which, or to which, the children are travelling;
- (d) the communication arrangements between the QEC approved service and a relevant place to which, or from which, the children are travelling, including any communication arrangements to apply if a child is missing or can not be accounted for during the child's travel;
- (e) the procedure to be followed by the QEC approved service if the service identifies that a child is missing, or can not be accounted for, during the child's travel;
- (f) having regard to the risks posed by the children's travel, the appropriate number of educators or other responsible adults to provide supervision for the children while travelling;
- (g) the proposed route and destination, including any proximity to an identified potential harm or hazard;
- (h) the process for entering and exiting—
 - (i) the QEC service premises; and

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- (ii) a relevant place;
 - (i) the procedure to be followed by the QEC approved service to ensure the children leave the QEC service premises in accordance with section 25(2)(b).
- (4) In this section—
 - education and care service premises* see the Education and Care Services National Law (Queensland), section 5(1).
 - nominated supervisor* see the Education and Care Services National Law (Queensland), section 5(1).

28 Keeping risk assessments

The approved provider of a QEC approved service must keep a record of each risk assessment conducted under section 27.

29 Requirements for safe arrival policies and procedures

- (1) This section applies in relation to the policies and procedures the approved provider of a QEC approved service must make and keep under section 93 about the safe arrival of children travelling between the service and a relevant place (the *safe arrival policies and procedures*).
- (2) In preparing the safe arrival policies and procedures, the approved provider must consult with—
 - (a) the staff members; and
 - (b) the parents of the children; and
 - (c) if the approved provider considers there are special circumstances—the children.

30 Amendment of safe arrival policies and procedures

The approved provider of a QEC approved service must, as soon as practicable after conducting a risk assessment under section 27, amend the safe arrival policies and procedures to address any risks identified in the assessment.

Subdivision 3 Other general requirements

31 Authorisation to give medical attention

- (1) The approved provider of a QEC approved service must ensure regulated education and care is not provided to a child unless a parent of the child has given the approved provider a medical authorisation for the child.

- (2) In this section—

medical authorisation, for a child, means a written document, given by a parent of the child to the approved provider of a QEC approved service, authorising a staff member or volunteer to provide appropriate medical attention for the child in an emergency.

32 Medical attention

The approved provider of a QEC approved service must take all reasonable steps to provide appropriate medical attention for a child who is injured or becomes ill.

33 Record of incidents, injuries, traumas and illnesses

- (1) The approved provider of a QEC approved service must make a record (an ***incident record***) of the happening of either of the following in relation to a child while being provided regulated education and care by the service—
 - (a) an incident involving the child;
 - (b) an injury, trauma or illness suffered by the child.
- (2) The incident record must include the following—
 - (a) the name and age of the child;
 - (b) the date and time—
 - (i) the incident happened; or
 - (ii) the injury or trauma was suffered; or

- (iii) the child first displayed symptoms of the illness;
 - (c) the nature of, and circumstances surrounding, the incident, injury, trauma or illness;
 - (d) the action taken by a staff member or volunteer in relation to the incident, injury, trauma or illness, including, for example—
 - (i) the name and amount of any medication administered to the child; and
 - (ii) the name of any medical personnel contacted in relation the incident, injury, trauma or illness;
 - (e) the name of any person who witnessed the incident, injury or trauma, if known;
 - (f) if a staff member or volunteer notified, or attempted to notify, a person in relation to the incident, injury, trauma or illness—
 - (i) the name of the staff member or volunteer; and
 - (ii) the date and time of the notification or attempted notification;
 - (g) the name and signature of the person making the record and the date and time the record was made.
- (3) The incident record must be made as soon as practicable, but not later than 24 hours, after—
- (a) the incident happens; or
 - (b) the injury or trauma is suffered; or
 - (c) the child first displays symptoms of the illness.

Division 3 Sleep and rest

Subdivision 1 Offences

34 Sleep and rest—general requirements

The approved provider of a QEC approved service must ensure the individual needs of a child for sleep and rest are met, having regard to the child's age and developmental stage.

Maximum penalty—10 penalty units.

35 Bassinets not to be on QEC service premises

The approved provider of a QEC approved service must ensure a bassinet is not on the QEC service premises at any time a child is being provided regulated education and care by the service.

Maximum penalty—10 penalty units.

Subdivision 2 Risk assessments and policy and procedures

36 Definition for subdivision

In this subdivision—

sleep and rest area, of a QEC approved service, means an area at the QEC service premises used by children to sleep and rest.

37 Risk assessments to be conducted—sleep and rest of children

- (1) The approved provider of a QEC approved service must ensure a risk assessment of matters affecting the sleep and rest of children is conducted under this section—

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- (a) in preparing the sleep and rest policies and procedures of the service; and
- (b) at intervals of not more than 12 months after the sleep and rest policies and procedures are prepared; and
- (c) as soon as practicable after the approved provider becomes aware of any circumstance that may affect the safety, health or wellbeing of a child during sleep and rest periods.

Maximum penalty—10 penalty units.

- (2) The risk assessment must consider the following matters—
 - (a) the number, ages and developmental stages of the children at the QEC approved service;
 - (b) the sleep and rest needs of each child at the QEC approved service, including, for example, any health care needs, cultural preferences, sleep and rest needs of an individual child and any request from a family member of the child about the child's sleep and rest;
 - (c) the suitability of staffing arrangements to adequately supervise and monitor each child at the QEC approved service during sleep and rest periods;
 - (d) the level of knowledge, experience and training of the staff members supervising children during sleep and rest periods;
 - (e) the location of sleep and rest areas of the QEC approved service, including the arrangement of cots and beds within the sleep and rest areas;
 - (f) the safety and suitability of any cots, beds and bedding equipment, having regard to the ages and developmental stages of the children using, or who will use, the cots, beds and bedding equipment;
 - (g) any potential hazards—
 - (i) in the sleep and rest areas of the QEC approved service; or
 - (ii) to children during sleep and rest periods;

- (h) the physical safety and suitability of sleep and rest environments of the QEC approved service, including, for example, temperature, lighting and ventilation.

38 Keeping risk assessments

The approved provider of a QEC approved service must keep a record of each risk assessment conducted under section 37.

39 Requirements for sleep and rest policies and procedures

- (1) This section applies in relation to the policies and procedures the approved provider of a QEC approved service must make and keep under section 93 about sleep and rest (the *sleep and rest policies and procedures*).
- (2) The sleep and rest policies and procedures for the QEC approved service must address the following matters—
 - (a) how children will be protected from any risks identified in a risk assessment conducted under section 37;
 - (b) how the sleep and rest needs of children are met, including how the ages, developmental stages and sleep and rest needs of the children are considered;
 - (c) how the health care needs of children are met;
 - (d) how requests from a family member of a child about the child's sleep and rest and cultural preferences are considered;
 - (e) the supervision and monitoring of children during sleep and rest periods, including—
 - (i) the method and frequency of checking the safety, health and wellbeing of children during sleep and rest periods; and
 - (ii) documenting sleep and rest periods;
 - (f) how the sleep and rest practices of the service are consistent with any current health guidelines on the best

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- practices to adopt to ensure the safety of children during sleep and rest;
- (g) the induction, training and knowledge of staff members and volunteers who provide regulated education and care of children in relation to best practices for children's sleep and rest;
 - (h) the location and arrangement of sleep and rest areas of the service, and how these meet the sleep and rest needs of children;
 - (i) the safety and suitability of cots, beds and bedding equipment, having regard to the ages and developmental stages of the children using, or who will use, the cots, beds and bedding equipment;
 - (j) management of potential hazards—
 - (i) in sleep and rest areas; and
 - (ii) to children during sleep and rest periods;
 - (k) management of physical safety and suitability of sleep and rest environments of the service, including temperature, lighting and ventilation;
 - (l) how parents of a child will be advised of the sleep and rest policies and procedures.

40 Amendment of sleep and rest policies and procedures

The approved provider of a QEC approved service must, as soon as practicable after conducting a risk assessment under section 37, amend the sleep and rest policies and procedures to address any risks identified in the assessment.

Division 4 Physical environment

Subdivision 1 Offences

41 Nappy changing equipment and facilities

- (1) This section applies to the approved provider of a QEC approved service if the service provides regulated education and care to a child who wears nappies.
- (2) The approved provider must ensure the following are provided—
 - (a) if the child is under 3 years—at least 1 properly constructed nappy changing bench;
 - (b) facilities in the immediate vicinity of the area used for changing nappies to enable adults to wash and clean their hands.

Maximum penalty—10 penalty units.

Note—

See also section 52 for other requirements in relation to facilities used for changing nappies.

42 QEC service premises, furniture and equipment

The approved provider of a QEC approved service must ensure the following are safe, clean and in good repair—

- (a) the QEC service premises;
- (b) all equipment and furniture used in providing regulated education and care.

Maximum penalty—5 penalty units.

43 Fencing

- (1) This section applies in relation to a QEC approved service, other than a school age care service.

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- (2) The approved provider of the QEC approved service must ensure outdoor spaces used by children at the QEC service premises are enclosed by a fence or barrier of a height and design that a child, other than a school child, can not go through, over or under the fence or barrier.

Maximum penalty—5 penalty units.

44 Indoor space—general requirements

- (1) The approved provider of a QEC approved service must ensure the QEC service premises have at least 3.25 square metres of unencumbered indoor space, calculated under this section, for each child at the QEC service premises.

Maximum penalty—5 penalty units.

- (2) In calculating the area of unencumbered indoor space, the following areas must be excluded—
 - (a) any passageway or thoroughfare, including door swings;
 - (b) any toilets or other personal hygiene facilities;
 - (c) any nappy changing area or area for preparing bottles for use by children;
 - (d) any area permanently set aside for the use or storage of cots;
 - (e) any area permanently set aside for storage;
 - (f) any area or room used for staff or administration purposes;
 - (g) any other space that is not suitable for use by children;
 - (h) the area of any kitchen, unless the kitchen is used primarily by children as part of an educational program provided by the QEC approved service.
- (3) The area of a verandah may be included in calculating the area of unencumbered indoor space of the QEC service premises only if the chief executive has given written approval for the inclusion of the area.

- (4) However, if the area of a verandah is included in calculating the area of unencumbered outdoor space of the QEC service premises under section 46, the area of the verandah may not be included in calculating the area of the unencumbered indoor space of the premises.

45 Indoor space—additional requirements

The approved provider of a QEC approved service must ensure the indoor space used by children—

- (a) is well ventilated; and
- (b) has adequate natural light; and
- (c) is maintained at a temperature that ensures the safety and wellbeing of children.

Maximum penalty—5 penalty units.

46 Outdoor space—general requirements

- (1) The approved provider of a QEC approved service must ensure the QEC service premises have at least 7 square metres of unencumbered outdoor space, calculated under this section, for each child at the QEC service premises.

Maximum penalty—5 penalty units.

Note—

For other requirements in relation to outdoor space, see section 49.

- (2) In calculating the area of unencumbered outdoor space, the following areas must be excluded—
- (a) any pathway or thoroughfare, unless the pathway or thoroughfare is used by children as part of an educational program provided by the QEC approved service;
 - (b) any car park area;
 - (c) any storage shed or other storage area;
 - (d) any other space that is not suitable for use by children.

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- (3) If the area of a verandah is included in calculating the area of the unencumbered indoor space of the QEC service premises under section 44, the area of the verandah may not be included in calculating the area of unencumbered outdoor space.
- (4) If the QEC approved service is a school age care service, an area of indoor space may be included in calculating the area of the unencumbered outdoor space of the QEC service premises if—
 - (a) the indoor space could be, but has not been, included in calculating the area of unencumbered indoor space of the QEC service premises under section 44; and
 - (b) the chief executive has given written approval for the inclusion of the area of the indoor space.

47 Telephones and other equipment

The approved provider of a QEC approved service must ensure that, when providing regulated education and care to children, staff members and volunteers have access to a telephone or other similar equipment to enable immediate communication with the children's parents and emergency services.

Maximum penalty—5 penalty units.

Subdivision 2 Other requirements

48 Access to furniture, materials and equipment

The approved provider of a QEC approved service must ensure a child has access to sufficient furniture, materials and developmentally appropriate equipment suitable for providing regulated education and care to the child.

49 Outdoor space—additional requirements

The approved provider of a QEC approved service must ensure the outdoor space provided at the QEC service premises—

- (a) allows children to explore and experience the natural environment; and

Example—

using natural features such as trees, sand and natural vegetation

- (b) includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

50 Administrative space

The approved provider of a QEC approved service must ensure an adequate area is available at the QEC service premises to enable staff members to—

- (a) perform the administrative functions of the service; and
- (b) consult with the parents of children; and
- (c) conduct other private conversations.

51 Laundry and hygiene facilities

- (1) The approved provider of a QEC approved service must ensure the service—

- (a) has laundry facilities at the QEC service premises or access to laundry facilities; or
- (b) has other arrangements in place for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage before their disposal or laundering.

- (2) The approved provider must ensure the facilities and arrangements mentioned in subsection (1) are—

- (a) adequate and appropriate for the needs of the QEC approved service; and

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- (b) located in an area and maintained in a way that does not pose a risk to children.

52 Nappy changing facilities

- (1) This section applies to the approved provider of a QEC approved service if the service provides regulated education and care to a child who wears nappies.
- (2) The approved provider must ensure adequate, appropriate and hygienic facilities are provided for nappy changing.
- (3) Also, the approved provider must ensure nappy changing facilities are designed, located and maintained in a way that prevents unsupervised access by children.

53 Design and maintenance of QEC service premises to facilitate supervision etc.

The approved provider of a QEC approved service must ensure the QEC service premises are designed and maintained in a way that—

- (a) facilitates supervision of children at all times they are at the premises; and
- (b) has regard to the need to maintain the rights and dignity of children.

54 Toilet and other hygiene facilities

The approved provider of a QEC approved service must ensure—

- (a) there are adequate and appropriate toilet, washing and drying facilities for use by children; and
- (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by children.

Division 5 Staffing arrangements

Subdivision 1 Preliminary

55 Definitions for division

In this division—

actively working towards a qualification see section 56.

approved certificate III level education and care qualification means—

- (a) an approved certificate III level education and care qualification within the meaning of the Education and Care Services National Regulations, regulation 4(1); or
- (b) a qualification determined, under the Education and Care Services National Law (Queensland), section 169(7), to be equivalent to a qualification mentioned in paragraph (a).

approved diploma level education and care qualification means—

- (a) an approved diploma level education and care qualification within the meaning of the Education and Care Services National Regulations, regulation 4(1); or
- (b) a qualification determined, under the Education and Care Services National Law (Queensland), section 169(7), to be equivalent to a qualification mentioned in paragraph (a).

meets the educator to child ratio, for a QEC approved service, see section 57.

working directly with children see section 58.

56 Meaning of *actively working towards a qualification*

A person is *actively working towards a qualification* if—

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- (a) the person is enrolled in the course for the qualification; and
- (b) the person provides the approved provider of a QEC approved service with documentary evidence from the provider of the course that the person—
 - (i) has started the course; and
 - (ii) is making satisfactory progress towards completing the course; and
 - (iii) is meeting the requirements for maintaining the enrolment; and
- (c) for a qualification that is an approved diploma level education and care qualification, the person—
 - (i) holds an approved certificate III level education and care qualification; or
 - (ii) has completed the units of study in an approved certificate III level education and care qualification determined by the National Authority; or
 - (iii) is a registered teacher within the meaning of the *Education (Queensland College of Teachers) Act 2005*, schedule 3.

57 Meaning of *meets the educator to child ratio*

A QEC approved service *meets the educator to child ratio*, for the service, if the service has at least the number of educators required for the service under section 62 or 63.

58 Meaning of *working directly with children*

An educator is *working directly with children* at a given time if the educator—

- (a) is physically present with the children; and
- (b) is directly engaged in providing regulated education and care to the children.

Subdivision 2 Standard requirements

59 Purpose of subdivision

For section 110 of the Act, this subdivision prescribes standard requirements about the presence of staff members, and adult supervision of children, at QEC service premises.

60 Qualifications for educators at QEC approved services other than school age care services

- (1) This section applies in relation to a QEC approved service, other than a school age care service, when providing regulated education and care to children.
- (2) At least 50% of the educators required to meet the educator to child ratio for the QEC approved service must hold, or be actively working towards, an approved diploma level education and care qualification.
- (3) All of the other educators required to meet the educator to child ratio for the QEC approved service must hold, or be actively working towards, a qualification that is at least an approved certificate III level education and care qualification.

61 Qualifications for educators at QEC approved services that are school age care services

- (1) This section applies in relation to a QEC approved service that is a school age care service when providing regulated education and care to children.
- (2) At least 1 of the educators required to meet the educator to child ratio for the QEC approved service must—
 - (a) hold at least a 2 year relevant qualification; or
 - (b) be actively working towards at least a 2 year relevant qualification.
- (3) Also, at least 1 staff member for each 30 children being provided regulated education and care must—

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- (a) hold at least a 1 year relevant qualification; or
 - (b) be actively working towards at least a 1 year relevant qualification.
- (4) If the QEC approved service provides regulated education and care to not more than 30 children, a single educator may satisfy the requirements under subsections (2) and (3).
- (5) In this section—
relevant qualification see the Education and Care Services National Regulations, regulation 299(7).

Note—

The National Authority publishes on its website a list of the qualifications approved for the purposes of the Education and Care Services National Regulations.

62 Educator to child ratios generally

- (1) The approved provider of a QEC approved service must ensure that, for each age range of children stated in schedule 1, column 1 for which the service provides regulated education and care, the service has at least the number of educators calculated in accordance with the ratio stated in column 2 of the schedule opposite the age range.
- (2) However, subsection (1) does not apply to the approved provider of a QEC approved service if—
- (a) section 63 applies to the approved provider; and
 - (b) the number of educators for the service calculated under section 63 is less than the number of educators calculated under subsection (1).

63 Educator to child ratio for particular groups of children

- (1) This section applies to the approved provider of a QEC approved service if—
- (a) the service provides regulated education and care to children in a group of not more than 21 children; and

- (b) there are not more than 4 children aged 1 year or less in the group; and
 - (c) there are not more than 2 children aged 1 year or less for each educator at the service; and
 - (d) for a service that has a service capacity of more than 30 children—the service provides regulated education and care to not more than 10 children aged 2 years or less.
- (2) The approved provider must ensure the QEC approved service has at least 1 educator for every 7 children in the group.

64 Particular educators not counted for purpose of meeting educator to child ratio

An educator at a QEC approved service does not count towards the number of educators required to meet the educator to child ratio for the service unless the educator is working directly with children.

65 Rest pauses and temporary absences

- (1) This section applies to an educator who is working directly with children at a QEC approved service.
- (2) If the educator takes a rest pause, the educator is taken to be continuing to work directly with children while on the rest pause if—
- (a) the rest pause is not more than 10 minutes; and
 - (b) the educator has not already been on 2 or more rest pauses during the day; and
 - (c) there is an educator present at the QEC approved service who—
 - (i) is not working directly with children; but
 - (ii) is able to attend to the children immediately if required; and

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- (d) no other educators required to meet the educator to child ratio for the QEC approved service are absent on a rest pause.
- (3) For subsection (2), the educator mentioned in subsection (2)(c) may be the educator who is on the rest pause.
- (4) Also, if the educator is temporarily absent, other than on a rest pause, the educator is taken to be continuing to work directly with children during the absence if—
 - (a) the absence is not more than 5 minutes; and
 - (b) no other educators required to meet the educator to child ratio for the QEC approved service are absent at the same time.
- (5) In this section—
rest pause means a break from the duties of an educator's employment under an entitlement in the employment conditions.

Subdivision 3 Other requirements and offences

66 Times supervisor must be present—Act, s 113

- (1) For section 113(4)(a) of the Act, the following times are prescribed—
 - (a) if the normal operating hours of a QEC approved service for a day are 10 hours or less—
 - (i) for at least 75% of the service's normal operating hours for the day; and
 - (ii) as far as possible, for most of the service's peak period for the day;
 - (b) if the normal operating hours of a QEC approved service for a day are more than 10 hours—
 - (i) for at least 7.5 hours for the day; and

- (ii) as far as possible, for most of the service's peak period for the day.

- (2) In this section—

peak period, in relation to the normal operating hours of a QEC approved service, means the part of the day for which, ordinarily, the number of children at the service is at its highest level.

67 Qualification required when supervisor not present—Act, s 113

For section 113(4)(b) of the Act, the qualification prescribed is that the adult holds, or is actively working towards, an approved diploma level education and care qualification.

68 When unqualified person may fulfil requirement for qualified person—Act, s 117

- (1) This section prescribes—

- (a) for section 117(1) of the Act, the circumstances in which a reference in the Act to a person with a qualification includes a person who does not have the qualification (an *unqualified person*); and
- (b) for section 117(3) of the Act, definition *prescribed time*, the time that is the maximum time of engagement for an unqualified person mentioned in section 117(1)(a) of the Act.

- (2) For a reference in the Act to a person holding an approved diploma level education and care qualification—

- (a) the circumstance prescribed for section 117(1) of the Act is that the unqualified person is appointed as a supervisor for a school age care service; and
- (b) for section 117(3) of the Act, definition *prescribed time*, the time prescribed is 6 months.

- (3) For a reference in the Act to a person holding an approved certificate III level education and care qualification—

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- (a) the circumstance prescribed for section 117(1) of the Act is that both of the following apply—
 - (i) the position in which the unqualified person is engaged is a position in a QEC approved service that has approval to provide regulated education and care to not more than 30 children at one time;
 - (ii) when the unqualified person is performing the functions of the position, an educator holding an approved diploma level education and care qualification and another educator holding an approved certificate III level education and care qualification are also present; and
- (b) for section 117(3) of the Act, definition *prescribed time*, the time prescribed is 3 months.

69 Supervisor—Act, sch 1

For schedule 1 of the Act, definition *supervisor*, paragraph (c)—

- (a) the qualification prescribed is an approved diploma level education and care qualification; and
- (b) the way prescribed is actively working towards the qualification within the meaning given by section 56.

70 First aid qualifications

- (1) This section applies to the approved provider of a QEC approved service at all times children are being provided regulated education and care by the service.
- (2) The approved provider must ensure the following persons are present and immediately available in an emergency—
 - (a) at least 1 educator who holds a current approved first aid qualification;
 - (b) at least 1 educator who has undertaken approved anaphylaxis management training within the previous 3 years;

- (c) at least 1 educator who has undertaken approved emergency asthma management training within the previous 3 years.

Maximum penalty—20 penalty units.

- (3) For subsection (2)(a), an approved first aid qualification is taken to be current if—
 - (a) for emergency life support training and cardiopulmonary resuscitation training that forms part of the approved first aid qualification—the training was completed within the previous year; and
 - (b) for any other training that forms part of the approved first aid qualification—the training was completed within the previous 3 years.
- (4) In this section—

approved anaphylaxis management training see the Education and Care Services National Regulations, regulation 136(5).

approved emergency asthma management training see the Education and Care Services National Regulations, regulation 136(5).

approved first aid qualification see the Education and Care Services National Regulations, regulation 136(5).

71 Educators under 18 to be supervised

- (1) This section applies to the approved provider of a QEC approved service if any educator of the service is under 18 years.
- (2) The approved provider must ensure the educator—
 - (a) does not perform their duties at the service alone; and
 - (b) is adequately supervised at all times by an educator who is an adult.

Maximum penalty—5 penalty units.

Division 6 Excursions

72 Definitions for division

In this division—

excursion, in relation to a QEC approved service, means an outing organised by the service to and from a destination outside the QEC service premises.

excursion authorisation, in relation to a child, see section 73.

regular outing, in relation to a QEC approved service, means an outing—

- (a) that is a walk, drive or trip to and from a destination the service visits regularly as part of an educational program; and
- (b) for which the matters relevant to a risk assessment under section 75 are substantially the same for each outing.

73 Meaning of ***excursion authorisation***

- (1) An ***excursion authorisation***, in relation to a child, is a written document that—
 - (a) states the name of the child; and
 - (b) is given by—
 - (i) a parent of the child; or
 - (ii) a person who is recorded in the child's enrolment record as being authorised, by a parent of the child, to authorise the taking of the child on an excursion by an educator of the QEC approved service; and
 - (c) authorises an educator of the QEC approved service to take the child on an excursion; and
 - (d) includes the information stated in subsection (2) about the excursion, as completed by the approved provider of the QEC approved service.

- (2) For subsection (1)(d), the information about the excursion is as follows—
- (a) the reason the child is to be taken on the excursion;
 - (b) for an excursion other than a regular outing—the day the child is to be taken on the excursion;
 - (c) a description of the proposed destination for the excursion;
 - (d) the transportation to be used for the excursion;
 - (e) the activities proposed to be undertaken by the child during the excursion;
 - (f) the period of time the child will be away from the QEC service premises;
 - (g) the anticipated number of children likely to be participating in the excursion;
 - (h) the anticipated ratio of educators to the anticipated number of children on the excursion;
 - (i) the anticipated number of staff members and any other adults who will accompany and supervise the children on the excursion;
 - (j) that a risk assessment for the excursion has been conducted as required under section 75 and is available for inspection at the QEC service premises.

74 Requirement for excursion authorisation

- (1) The approved provider of a QEC approved service must ensure a child is not taken on an excursion by an educator unless the approved provider has been given an excursion authorisation in relation to the child.

Maximum penalty—10 penalty units.

- (2) An excursion authorisation given for an excursion that is a regular outing has effect as an excursion authorisation for regular outings of the same type for a period of 12 months after the day the authorisation is given.

75 Risk assessments to be conducted before seeking excursion authorisation

- (1) The approved provider of a QEC approved service must ensure a risk assessment of an excursion is conducted under this section before a person is asked to give the approved provider an excursion authorisation in relation to a child.

Maximum penalty—10 penalty units.

- (2) However, subsection (1) does not apply in relation to an excursion if—
- (a) the excursion is a regular outing; and
 - (b) a risk assessment has previously been conducted under this section in relation to the regular outing.
- (3) A risk assessment of an excursion must—
- (a) identify and assess any risks the excursion may pose to the safety, health or wellbeing of any child being taken on the excursion; and
 - (b) state how the identified risks will be managed and minimised; and
 - (c) without limiting paragraph (a) or (b), consider the matters stated in subsection (4).
- (4) For subsection (3)(c), the matters are as follows—
- (a) the proposed route and destination for the excursion;
 - (b) the activities proposed to be undertaken during the excursion;
 - (c) potential water hazards;
Examples—
creeks, swimming pools, water features
 - (d) risks associated with water-based activities;
 - (e) transport to and from the proposed destination for the excursion;
 - (f) the number of adults and children participating in the excursion;

- (g) having regard to any identified risks posed by the excursion—
 - (i) the appropriate number of educators or other responsible adults required to provide supervision for the excursion; and
 - (ii) whether any adults with specialised skills are required for the excursion;

Example of specialised skills—

life-saving skills

- (h) the proposed duration of the excursion;
- (i) items to be taken on the excursion.

Examples of items—

a mobile phone, a list of emergency contact numbers, a device used to administer a life-saving dose of adrenaline (epinephrine) in the event of a severe allergic reaction

Division 7 Transporting children other than for excursions

Subdivision 1 Preliminary

76 Application of division

- (1) This division applies in relation to a QEC approved service if the service provides, or arranges, for the transportation of a child as part of the provision of regulated education and care to the child.
- (2) However, this division does not apply in relation to the transportation of a child if the transportation—
 - (a) is part of an excursion under division 6; or
 - (b) is for a purpose mentioned in section 25(2)(e)(i) or (ii).

77 Definitions for division

In this division—

regular transportation, in relation to a QEC approved service, means the transportation of a child, other than for an excursion under division 6—

- (a) by, or arranged by, the service; and
- (b) for which the matters relevant to a transport risk assessment are substantially the same for each occasion the child is transported.

transport authorisation, in relation to a child, see section 78.

transport risk assessment means a risk assessment of transportation conducted under section 80.

78 Meaning of *transport authorisation*

- (1) A ***transport authorisation***, in relation to a child, is a written document that—
 - (a) states the name of the child; and
 - (b) is given by—
 - (i) a parent of the child; or
 - (ii) a person authorised, by a parent of the child, to authorise a QEC approved service to provide, or arrange for, transportation of the child; and
 - (c) authorises the approved provider of a QEC approved service to provide, or arrange for, transportation of the child; and
 - (d) includes the information stated in subsection (2) about the transportation, as completed by the approved provider of the QEC approved service.
- (2) For subsection (1)(d), the information about the transportation is as follows—
 - (a) the reason the child is being transported;

- (b) if the authorisation is for regular transportation—the times at which the child is to be transported;
- (c) if the authorisation is for transportation other than regular transportation—the day the child is to be transported;
- (d) a description of the pick-up point and destination;
- (e) the vehicle to be used to transport the child;
- (f) the estimated duration of the journey;
- (g) the estimated number of children likely to be transported;
- (h) the estimated number of staff members and any other adults who will accompany and supervise the children during the journey;
- (i) the requirements for seatbelts or safety restraints under a law of this State or another State in which the children are to be transported;
- (j) that a transport risk assessment has been conducted and is available for inspection at the QEC service premises;
- (k) that written policies and procedures for transporting children are available for inspection at the QEC service premises.

Subdivision 2 Offences and requirements

79 Requirement for transport authorisation

- (1) The approved provider of a QEC approved service must ensure a child is not transported by, or on transportation arranged by, the service unless the approved provider has been given a transport authorisation in relation to the child.

Maximum penalty—5 penalty units.

- (2) A transport authorisation given for transportation that is regular transportation has effect as a transport authorisation

for regular transportation for a period of 12 months after the day the authorisation is given.

80 Transport risk assessment to be conducted before seeking transport authorisation

- (1) The approved provider of a QEC approved service must ensure a transport risk assessment is conducted before a person is asked to give the approved provider a transport authorisation in relation to a child.

Maximum penalty—10 penalty units.

- (2) However, subsection (1) does not apply in relation to the transportation of a child if—
- (a) the transportation of the child is regular transportation; and
 - (b) a transport risk assessment for the regular transportation has been conducted within 12 months before the transportation of the child.
- (3) A transport risk assessment must—
- (a) identify and assess any risks the transportation may pose to the safety, health or wellbeing of any child being transported; and
 - (b) state how the identified risks will be managed and minimised; and
 - (c) without limiting paragraph (a) or (b), consider the matters stated in subsection (4).
- (4) For subsection (3)(c), the matters are as follows—
- (a) the proposed route and duration of the journey;
 - (b) the proposed pick-up location and destination for the journey;
 - (c) the vehicle to be used for the journey;
 - (d) the requirements for seatbelts or safety restraints;

- (e) the existence of any water hazards that may affect the journey;
- (f) the number of adults and children involved in the journey;
- (g) having regard to any identified risks posed by the transportation—
 - (i) the appropriate number of educators or other responsible adults required to provide supervision during the journey; and
 - (ii) whether any adults with specialised skills are required to be involved during the journey;
- (h) whether any items are required to be readily available during the journey;

Examples of items—

a mobile phone, a list of emergency contact numbers, a device used to administer a life-saving dose of adrenaline (epinephrine) in the event of a severe allergic reaction

- (i) the procedures for entering and exiting—
 - (i) the QEC service premises; and
 - (ii) the pick-up location or destination;
- (j) procedures for embarking and disembarking the vehicle, including how each child is accounted for.

81 Embarking vehicles

- (1) This section applies to the approved provider of a QEC approved service if children embark a vehicle at the QEC service premises as part of the regular transportation of children by, or arranged by, the service.
- (2) The approved provider must ensure—
 - (a) a staff member, other than a staff member driving the vehicle, is present when the children embark the vehicle at the QEC service premises; and

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- (b) each child embarking the vehicle at the QEC service premises is accounted for by the staff member; and
- (c) immediately after all the children have embarked the vehicle at the QEC service premises, the staff member makes a record that—
 - (i) states that each child embarking the vehicle has been accounted for; and
 - (ii) states how each child embarking the vehicle has been accounted for; and
 - (iii) states the date and time the record is made; and
 - (iv) states the staff member's name; and
 - (v) is signed by the staff member.

Maximum penalty—10 penalty units.

- (3) If the staff member is an educator, nothing in this section prevents the staff member from being counted towards the number of educators required to meet the educator to child ratio for the service under division 5.

82 Disembarking vehicles

- (1) This section applies to the approved provider of a QEC approved service if children disembark a vehicle at the QEC service premises as part of the regular transportation of children by, or arranged by, the service.
- (2) The approved provider must ensure—
 - (a) a staff member, other than a staff member driving the vehicle, is present when the children disembark the vehicle at the QEC service premises; and
 - (b) each child disembarking the vehicle at the QEC service premises is accounted for by the staff member; and
 - (c) the staff member examines the interior of the vehicle to confirm no child remains on the vehicle; and

- (d) immediately after all the children have disembarked the vehicle at the QEC service premises, the staff member makes a record that—
 - (i) states that each child disembarking the vehicle has been accounted for; and
 - (ii) states how each child disembarking the vehicle has been accounted for; and
 - (iii) states that the examination required under paragraph (c) has been conducted; and
 - (iv) states the date and time the record is made; and
 - (v) states the staff member's name; and
 - (vi) is signed by the staff member.

Maximum penalty—10 penalty units.

- (3) If the staff member is an educator, nothing in this section prevents the staff member from being counted towards the number of educators required to meet the educator to child ratio for the service under division 5.

83 Reporting particular matters—Act, s 127

For section 127(1)(d) of the Act, the following matters are prescribed—

- (a) the QEC approved service provides, or arranges, for the regular transportation of children to and from the service for the first time;
- (b) the QEC approved service stops providing, or arranging, for the regular transportation of children to and from the service.

Note—

See section 16 for matters prescribed for section 127(3) of the Act, definition *serious incident*.

Division 8 Access to, and interactions and relationships with, children

84 Access for parents

- (1) The approved provider of a QEC approved service must ensure a parent of a child may access the QEC service premises at any time the child is being provided regulated education and care.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to the extent compliance would—
- (a) pose a risk to the safety of a child or staff member; or
 - (b) allow a parent access in contravention of an order of a court or tribunal; or
 - (c) be inconsistent with a provision of the Act.

85 Interactions with children

The approved provider of a QEC approved service must ensure the service provides regulated education and care to a child in a way that—

- (a) encourages the child to express themselves and their opinions; and
- (b) allows the child to undertake experiences that develop self-reliance and self-esteem; and
- (c) maintains the dignity and rights of the child at all times; and
- (d) gives the child positive guidance and encouragement towards acceptable behaviour; and
- (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of the child.

86 Relationships in groups

- (1) The approved provider of a QEC approved service must ensure the service provides children with opportunities to interact and develop respectful and positive relationships with each other and with staff members and volunteers.
- (2) In complying with subsection (1), the approved provider must have regard to the size and composition of the groups in which children are provided regulated education and care.

Part 5 Information and records

87 Display of information—Act, s 123

- (1) For section 123(a) of the Act, the following information is prescribed—
 - (a) the name of the approved provider;
 - (b) the provider approval number;
 - (c) any conditions applying to the provider approval.
- (2) For section 123(b) of the Act, the following information is prescribed—
 - (a) the name of the QEC approved service;
 - (b) the service approval number;
 - (c) any conditions applying to the service approval;
 - (d) the hours and days of operation of the QEC approved service;
 - (e) the name and contact details of the person at the QEC approved service to whom complaints may be made.
- (3) For section 123(d) of the Act, the following information is prescribed for any service waiver or temporary waiver applying to the service approval—
 - (a) the details of the waiver;
 - (b) the duration of the waiver.

- (4) For section 123(e) of the Act, the following information is prescribed—
- (a) notice of an occurrence of an infectious disease;
 - (b) whether a child at risk of anaphylaxis is enrolled at the QEC approved service;
 - (c) the contact details of the chief executive.

88 Enrolment records

The approved provider of a QEC approved service must ensure a record containing the following information (an *enrolment record*) is kept for each child—

- (a) the full name, date of birth and address of the child;
- (b) the name, address and contact details of—
 - (i) each known parent of the child; and
 - (ii) any person who is an authorised emergency contact for the child under section 24; and
 - (iii) any person who is an authorised nominee for the child; and
 - (iv) any person who is authorised to consent to medical treatment of, or to authorise administration of medication to, the child; and
 - (v) any person who is authorised, by a parent of the child, to authorise an educator to take the child outside the QEC service premises; and
 - (vi) any person who is authorised, by a parent of the child, to authorise the service to provide, or arrange for, transportation of the child;
- (c) details of any parenting orders or other court orders, or any parenting plans, provided to the approved provider relating to the powers, duties, responsibilities or authorities of any person in relation to the child, including access to the child;

- (d) details of any other court orders provided to the approved provider relating to the child's residence or the child's contact with a parent or another person;
- (e) the gender of the child;
- (f) the language spoken in the child's home;
- (g) the cultural background of the child and the child's parents;
- (h) any special considerations for the child, for example, any cultural, religious or dietary requirements or additional needs;
- (i) the authorisations required to be kept under section 89;
- (j) the child's health related information stated in section 90.

89 Authorisations to be kept in enrolment records

The approved provider of a QEC approved service must keep the following authorisations in the enrolment record for each child—

- (a) an authorisation, signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the child, for the approved provider, a supervisor or an educator to seek—
 - (i) medical treatment for the child from a medical practitioner, hospital or ambulance service; and
 - (ii) transportation of the child by an ambulance service;
- (b) a medical authorisation for the child given as mentioned in section 31;
- (c) an excursion authorisation in relation to the child given under part 4, division 6;
- (d) a transport authorisation in relation to the child given under part 4, division 7.

90 Health related information to be kept in enrolment records

For section 88(j), the health related information for a child is—

- (a) the name, address and telephone number of the child's medical practitioner or medical service; and
- (b) the child's Medicare number, if available; and
- (c) details of—
 - (i) any specific healthcare needs of the child, including any medical condition; and
 - (ii) any allergies, including whether the child has been diagnosed as being at risk of anaphylaxis; and
- (d) any medical management plan, anaphylaxis medical management plan or risk minimisation plan to be followed with respect to a specific healthcare need, medical condition or allergy mentioned in paragraph (c); and
- (e) details of any dietary restrictions for the child; and
- (f) the immunisation status of the child; and
- (g) if the approved provider or a staff member has sighted a health record for the child—a notation to that effect.

91 Attendance records

- (1) The approved provider of a QEC approved service must ensure a record of the following information is kept for the service—
 - (a) the full name of each child attending the service;
 - (b) the date and time each child arrives at and leaves the QEC service premises.
- (2) Also, the approved provider must ensure the record kept under subsection (1) is signed, at the time the child arrives at or leaves the QEC service premises, by—

- (a) the person who delivers the child to, or collects the child from, the QEC service premises; or
- (b) a supervisor or other educator at the QEC approved service.

92 Keeping of records—Act, s 128

- (1) For section 128 of the Act, a record of each of the matters stated in schedule 2 is prescribed.
- (2) For section 128 of the Act, the following periods are prescribed for the keeping of records by the approved provider of a QEC approved service—
 - (a) for a record relating to an incident, illness, injury or trauma suffered by a child while being provided regulated education and care by the service—until the child turns 25;
 - (b) for a record relating to an incident, illness, injury or trauma suffered by a child that may have occurred following an incident while the child was being provided regulated education and care by the service—until the child turns 25;
 - (c) for a record relating to the death of a child while being provided regulated education and care by the service—for 7 years after the child’s death;
 - (d) for a record relating to the death of a child that may have occurred as a result of an incident while the child was being provided regulated education and care by the service—for 7 years after the child’s death;
 - (e) for any other record relating to a child—for 3 years after the last day on which the child is provided regulated education and care by the service;
 - (f) for a record relating to the approved provider—for 3 years after the last day on which the approved provider operates the service;

[s 93]

- (g) for a record relating to a staff member or volunteer—for 3 years after the last day on which the staff member or volunteer provides regulated education and care for the service;
- (h) for any other record—for 3 years after the day on which the record is made.

Part 6 Policies and procedures and notification of particular matters

93 Required policies and procedures

- (1) The approved provider of a QEC approved service must make and keep policies and procedures in relation to the matters mentioned in subsection (2).

Maximum penalty—5 penalty units.

- (2) For subsection (1), the matters are as follows—
 - (a) health and safety, including matters relating to—
 - (i) nutrition, food and beverages, and dietary requirements; and
 - (ii) sun protection; and
 - (iii) water safety, including safety during any water-based activities; and
 - (iv) administering first aid; and
 - (v) sleep and rest;

Note—

See section 39 in relation to the requirements for the sleep and rest policies and procedures.

- (b) dealing with infectious diseases, including procedures for complying with section 24;

- (c) dealing with incidents, injury, trauma and illnesses, including procedures for complying with section 33;
- (d) dealing with medical conditions in children;
- (e) emergency and evacuation;
- (f) delivery of a child to, and collection of the child from, the QEC service premises;
- (g) the safe arrival of children travelling between a QEC approved service and a relevant place;

Note—

See section 29 in relation to the requirements for the safe arrival policies and procedures.

- (h) conducting excursions, including procedures for complying with part 4, division 6;
- (i) the transportation of children, including procedures for complying with part 4, division 7;
- (j) provision of a safe environment for children, including matters relating to the promotion of a culture of child safety and wellbeing within the QEC approved service;
- (k) the safe use of digital technologies and online environments at the QEC approved service, including—
 - (i) the taking, use, storage and destruction of images and videos of children; and
 - (ii) obtaining authorisation from parents to take, use and store images and videos of children; and
 - (iii) the use of any optical surveillance device at the service; and

Example—

the use of closed-circuit television

- (iv) the use of any digital device issued by the service; and
 - (v) the use of digital devices by children;
- (l) staffing of the QEC approved service, including—

[s 94]

- (i) a code of conduct for staff members and volunteers; and
 - (ii) determining the supervisor required to be present at the service; and
 - (iii) the participation of volunteers and students performing duties at the service;
 - (m) interactions with children at the QEC approved service, including procedures for complying with section 85;
 - (n) the enrolment and orientation of children at the QEC approved service;
 - (o) governance and management of the QEC approved service, including confidentiality of records;
 - (p) the acceptance or refusal of an authorisation required to be kept under section 89;
 - (q) payment of fees and provision of a statement of fees charged by the QEC approved service;
 - (r) how complaints are to be dealt with, including—
 - (i) the provision of a complaint handling system at the QEC approved service that is child focused; and
 - (ii) the management of a complaint alleging a child is exhibiting harmful sexual behaviours.
- (3) In this section—

optical surveillance device see the *Police Powers and Responsibilities Act 2000*, section 322.

relevant place, in relation to a QEC approved service, see section 26.

94 Policies and procedures to be available

- (1) The approved provider of a QEC approved service must ensure copies of the policies and procedures required to be made and kept under section 93 are readily accessible to staff members and volunteers.

Maximum penalty—5 penalty units.

- (2) The approved provider of a QEC approved service must ensure copies of the policies and procedures required to be made and kept under section 93 are available for inspection at the QEC service premises—
 - (a) on request; and
 - (b) at all times a child at the service is being provided regulated education and care.

Maximum penalty—5 penalty units.

95 Notice of change to policies and procedures affecting particular matters

- (1) This section applies to the approved provider of a QEC approved service if—
 - (a) the approved provider proposes to make a change to a policy or procedure required to be made and kept under section 93; and
 - (b) the change may have a significant impact on—
 - (i) the service’s provision of regulated education and care to a child; or
 - (ii) the ability of a child’s parents to use the service.
- (2) The approved provider must ensure the parents of the child are given notice of the change at least 14 days before the change is made.
- (3) However, if the approved provider considers compliance with subsection (2) would pose a risk to the safety, health or wellbeing of a child, the approved provider—
 - (a) may make the change without complying with subsection (2); but
 - (b) must ensure the parents of the child are notified as soon as practicable after the change is made.

96 Notice of change to policies and procedures affecting fees

- (1) This section applies if the approved provider of a QEC approved service proposes to make a change mentioned in section 95(1)(a) that will affect—
 - (a) the fees charged by the service; or
 - (b) the way fees are payable.
- (2) The approved provider must ensure the parents of each child are given notice of the change at least 14 days before the change is made.

Part 7 Miscellaneous

97 Insurance cover for stand-alone service—Act, s 135

For section 135 of the Act, the insurance cover prescribed is public liability insurance of at least \$10m.

98 Fees

- (1) The fees payable under the Act are stated in schedule 3.
- (2) The maximum fee for obtaining a copy of a register, or part of a register, under schedule 3, item 12 or 14 is \$400.00.

Part 8 Transitional provisions

99 Definitions for part

In this part—

expired regulation means the expired *Education and Care Services Regulation 2013*.

former, in relation to a provision, means the provision of the expired regulation as in force from time to time before the commencement.

new, in relation to a provision, means the provision of this regulation as in force from the commencement.

100 Particular QEC approved services exempt from outdoor space requirements

- (1) This section applies to the approved provider of a QEC approved service if, immediately before the commencement, former section 32 did not apply to the approved provider in relation to the service because of the application of former 73.
- (2) From the commencement, new section 46 does not apply to the approved provider in relation to the QEC service premises.
- (3) However, if, after the commencement, the approved provider starts to carry out assessable development under the *Planning Act 2016* on the QEC service premises—
 - (a) subsection (2) ceases to apply in relation to the approved provider; and
 - (b) new section 46 starts to apply to the approved provider in relation to the QEC service premises.

101 Saving of operation of particular provisions of expired regulation

Former sections 76 and 77 are declared to be laws to which the *Acts Interpretation Act 1954*, section 20A applies.

102 Delayed application of requirement to inform staff of obligations under Child Protection Act 1999

New section 23 does not apply to the approved provider of a QEC approved service until the day that is 1 month after the day this section commences.

103 Delayed application of provisions relating to particular risk assessments and policies and procedures

The following provisions do not apply to the approved provider of a QEC approved service until the day that is 3 months after the day this section commences—

- (a) new section 25(1), to the extent it relates to the circumstance mentioned in new section 25(2)(d);
- (b) new part 4, division 2, subdivision 2;
- (c) new part 4, division 3, subdivision 2;
- (d) new part 4, division 7;
- (e) new section 93(1), to the extent it relates to a matter mentioned in new section 93(2)(a)(v), (g), (i), (j), (k) or (r).

104 Risk assessments for excursions carried out before commencement

- (1) This section applies if—
 - (a) before the commencement, a risk assessment was carried out under former section 55 for an excursion; and
 - (b) the excursion—
 - (i) is an excursion within the meaning of new section 72 and is to be conducted after the commencement; or
 - (ii) is a regular outing within the meaning of new section 72.
- (2) The risk assessment for the excursion is taken to have been conducted under new section 75.

105 Application of new s 83 to particular QEC approved services

- (1) This section applies if—

- (a) before the commencement, a QEC approved service provided, or arranged, for the transportation of children that would, if provided or arranged after the commencement, be the regular transportation of children; and
 - (b) after the commencement, the service continues to provide, or arrange, for the regular transportation of children.
- (2) New section 83 applies in relation to the QEC approved service as if the reference in new section 83(a) to the first time the service provides, or arranges, for the regular transportation were a reference to the first time, after new section 83 starts to apply in relation to the service, that the service provides, or arranges, for the regular transportation.

106 Application of new s 89

The reference in new section 89(c) to an excursion authorisation given under part 4, division 6 is taken to include a reference to an authorisation given for an excursion before the commencement under former section 56.

107 Policies and procedures in place before commencement

- (1) Subsection (2) applies if, immediately before the commencement, the approved provider of a QEC approved service had in place policies and procedures in relation to a matter set out in former section 65(2)(a) to (g) or (i) to (n).
- (2) From the commencement, the policies and procedures in relation to the matter are taken to have been made and kept under new section 93 in relation to the corresponding matter mentioned in new section 93(2).
- (3) Despite its expiry, former section 65(1), to the extent it relates to a matter set out in former section 65(2)(h) or (o), continues to apply to the approved provider of a QEC approved service until the day that is 3 months after the day this section commences.

108 Application of new sch 2

The reference in new schedule 2, item 17 to an excursion under part 4, division 6 of this regulation is taken to include a reference to an excursion mentioned in former schedule 4, item 16.

Schedule 1 Educator to child ratios

section 62

Column 1**Age of child**

Birth to 2 years

Birth to 3 years

15 months to 3 years

2 years to 3 years

2.5 years to 3 years

3 years to 12 years

School age children

Column 2**Educator to child ratio**

1 educator for every 4 children

1 educator for every 5 children

1 educator for every 5 children

1 educator for every 6 children

1 educator for every 8 children

1 educator for every 12 children

1 educator for every 15 children

Schedule 2 Records

section 92

- 1 the name, address, sex and date of birth of a child enrolled at a QEC approved service operated by the approved provider
- 2 the name, address and contact telephone number of—
 - (a) a parent of the child; and
 - (b) any other person who may be contacted in an emergency involving the child; and
 - (c) any other person authorised to collect the child from the QEC service premises where regulated education and care is provided to the child
- 3 the date and time of each occasion regulated education and care is provided to the child by the QEC approved service
- 4 particulars of the child's health relevant to the provision of regulated education and care

Examples—

- allergies suffered by the child
 - diseases against which the child has been immunised
- 5 any special requirements of the child of which the approved provider is aware

Examples—

- requirements arising from the culture or religion of the child's family
 - requirements arising from a disability experienced by the child
- 6 the child's primary language or, if the child has not learned to speak, the primary language of the child's family
 - 7 details of any parenting order or other court order, or any parenting plan, of which the approved provider is aware, relating to the child
 - 8 the name, address and telephone number of the child's doctor or hospital

-
- 9 any authorisation or instructions received from the child's parents about giving medication to the child
 - 10 if any medication is given to the child while the child is being provided regulated education and care—
 - (a) the name of the medication; and
 - (b) how much medication is given; and
 - (c) the date and time the medication is given; and
 - (d) the name of the person giving the medication
 - 11 any permission given by a parent of the child about—
 - (a) providing medical care to the child, including medical care provided in an emergency; or
 - (b) taking the child away from the QEC approved service; or
 - (c) another matter
 - 12 if the child dies while being provided regulated education and care by the QEC approved service—the circumstances of the death
 - 13 if the child dies and the death may have occurred as a result of an incident while the child was being provided regulated education and care by the QEC approved service—the circumstances of the incident
 - 14 the name, address and telephone number of each staff member and volunteer
 - 15 the attendance of staff members and volunteers
 - 16 rest pauses taken by staff members and volunteers
 - 17 for each excursion, under part 4, division 6 of this regulation, a child is taken on by the QEC approved service—
 - (a) the date and time of the excursion; and
 - (b) the names of the children, staff members and other persons who went on the excursion; and
 - (c) the method of transportation used; and
 - (d) the address of the destination for the excursion; and

Schedule 2

- (e) the approximate travelling time for the excursion; and
 - (f) the activities undertaken at the destination
- 18 for each occasion on which emergency care is provided to a child in circumstances to which section 51 of the Act applies—
 - (a) the child's name; and
 - (b) the period for which the emergency care is provided; and
 - (c) a brief description of the emergency or other circumstances giving rise to the need for the emergency care
- 19 the name of the supervisor of the QEC approved service
- 20 incident records
- 21 evidence of the insurance cover prescribed for the QEC approved service
- 22 details of any amendment of the service approval made by the chief executive under section 65 of the Act
- 23 details of any suspension of the service approval, other than details that identify a person who is not the approved provider holding the approval, including—
 - (a) the reasons stated by the chief executive for the suspension; and
 - (b) the day the suspension took, or takes, effect; and
 - (c) the day the suspension ends
- 24 details of any compliance notice issued to the approved provider of the QEC approved service, other than details that identify a person who is not the approved provider, including—
 - (a) the reasons for issuing the notice; and
 - (b) the steps stated in the notice; and
 - (c) the day by which the steps must be taken
- 25 a record prepared under section 13 of this regulation

- 26 a record made under section 81(2)(c) of this regulation
- 27 a record made under section 82(2)(d) of this regulation

Schedule 3 Fees

section 98

		\$
1	Application for Queensland provider approval (Act, s 12(2))	125.00
2	Application for amendment of Queensland provider approval (Act, s 21(2))	nil
3	Application for service approval for a QEC service (Act, s 44(1))	125.00
4	Annual fee for service approval (Act, s 54)	121.00
5	Application for amendment of service approval (Act, s 65(2))	nil
6	Application for transfer of service approval (Act, s 70(2))	125.00
7	Application for lifting of suspension of service approval (Act, s 81(2))	58.00
8	Application for service waiver (Act, s 93)	125.00
9	Application for temporary waiver (Act, s 100)	125.00
10	Application for cancellation of prohibition notice (Act, s 201(3))	58.00
11	Inspection of register of approved providers (Act, s 213(3))	94.00
12	Obtaining a copy of the register of approved providers or part of the register (Act, s 213(3))—	
	(a) for 1 to 40 pages	nil

		\$
	(b) for each additional page	0.50
	<i>Note—</i>	
	See section 98(2) of this regulation for the maximum fee under this item.	
13	Inspection of register of QEC approved services (Act, s 214(3))	94.00
14	Obtaining a copy of the register of QEC approved services or part of the register (Act, s 214(3))—	
	(a) for 1 to 40 pages	nil
	(b) for each additional page	0.50
	<i>Note—</i>	
	See section 98(2) of this regulation for the maximum fee under this item.	

Schedule 4 Dictionary

section 3

actively working towards a qualification, for part 4, division 5, see section 56.

administrative space means the area of QEC service premises that must be available under section 50.

approved certificate III level education and care qualification, for part 4, division 5, see section 55.

approved diploma level education and care qualification, for part 4, division 5, see section 55.

authorised nominee, for a child, means a person who has been given permission, by a parent or other family member of the child, to collect the child from an educator of a QEC approved service.

children's service, for part 4, division 2, subdivision 2, see section 26.

educational program see section 11(1).

education and care service, for part 4, division 2, subdivision 2, see section 26.

enrolment record, for a child, see section 88.

excursion, in relation to a QEC approved service, for part 4, division 6, see section 72.

excursion authorisation, in relation to a child, for part 4, division 6, see section 73.

family member, of a child, means—

- (a) a parent, grandparent, sibling, uncle, aunt or cousin of the child; or
- (b) a person who, under Aboriginal tradition or Island custom, is regarded as a person mentioned in paragraph (a); or

- (c) a person who is recognised in the child's community as having a familial role in respect of the child.

incident record see section 33(1).

infectious disease has the same meaning as a contagious condition under the *Public Health Act 2005*, section 158.

meets the educator to child ratio, for a QEC approved service, for part 4, division 5, see section 57.

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

parenting order see the *Family Law Act 1975* (Cwlth), section 64B(1).

parenting plan see the *Family Law Act 1975* (Cwlth), section 63C(1).

regular outing, in relation to a QEC approved service, for part 4, division 6, see section 72.

regular transportation, for part 4, division 7, see section 77.

relevant place, in relation to a QEC approved service, for part 4, division 2, subdivision 2, see section 26.

rest pause see section 65(5).

safe arrival policies and procedures see section 29(1).

sleep and rest area, of a QEC approved service, for part 4, division 3, subdivision 2, see section 36.

sleep and rest policies and procedures see section 39(1).

transport authorisation, in relation to a child, for part 4, division 7, see section 78.

transport risk assessment, for part 4, division 7, see section 77.

working directly with children, for part 4, division 5, see section 58.