

# Amendments to the *Child Care Regulation 2003*

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## **Background**

Amendments to the *Child Care Regulation 2003* (the Regulation) take effect on 3 November 2008. These amendments are a result of reviews of the Regulation, including the transport and staff qualifications provisions, and extensive consultations with the child care sector across Queensland.

### ***Improving safety for children in child care***

The amendments aim to improve safeguards for children in child care, reduce regulatory burden on some services, and implement the first phase of recommendations as a result of the Qualifications Review Report, released in August 2007.

## **Transport amendments**

### ***1. Information for parents and guardians (Section 94)***

The information for parents and guardians and consent requirements of section 94 of the Regulation for excursions has been strengthened. In addition to the information required under section 94 a licensee must provide parents and guardians with:

- the address and brief description of the destination, and
- the estimated travelling time for the activity; and
- details of the activities to be undertaken.

A licensee must obtain **written consent** from a parent or guardian **before** their child goes on an excursion.

### ***2. Other information – centre based services (Section 102)***

The record-keeping requirements for excursions and escorting children, outlined in section 102 of the Regulation, have been expanded to include information about:

- the address of the destination for the excursion or escort; and
- the approximate travelling time for the excursion; and
- the activities undertaken at the excursion.

### **3. Transportation in a private vehicle (Section 96)**

Licensees are now required to display emergency contact details **on or in** the vehicle and the driver of the vehicle, or at least one adult in the vehicle, **must carry a mobile phone during transportation**. The Regulation is NOT prescriptive in relation to the location of the sign displaying the contact details and is flexible in relation to the size of the sign, however a business card would not satisfy the requirement.

*For example*, while children are being transported, a service may choose to temporarily attach an A4 size sign or notice to the dashboard of the vehicle and remove the sign when the journey is complete.

## **Operational amendments**

### **4. Kindergartens and similar services (Section 28)**

The requirement for some larger services to have an extra group leader has been removed. Section 28 of the Regulation has been amended to remove the requirement for kindergartens and similar sessional services to have an additional group leader for administrative and programming purposes, as these tasks are undertaken in this type of service when children are not present at the service.

This amendment applies only to a service that:

- does not operate for more than 6 hours a day;
- caters for children aged between 3 years and school age; and
- is conducted by an adult who is present for the duration of the service and is a registered teacher, or is eligible for full or provisional registration and:
  - holds a degree in early childhood studies; or
  - primary education and holds or is studying an appropriate qualification mentioned in section 114 (a) to (c) of the Regulation.

### **5. Child care centres 'co-located' with schools (Section 95A)**

A licensee must now seek **written consent** from a parent or guardian for an excursion to move children between a co-located or adjoining child care centre and a school, where the excursion route passes a safe distance from an unrestricted hazard and inform them of the route and any hazards. An **unrestricted hazard** is defined as a hazard where there is no barrier preventing access to the hazard.

These requirements are in addition to the information requirements of section 94 of the Regulation. The excursion ratios set out in section 95 of the Regulation **do not apply** to the new provision, allowing the ratios set out in **Schedule 1** to apply.

The same penalty as for section 95 of the Regulation will apply if a licensee is in breach of these supervision requirements.

## Qualifications amendments

Following the review of the qualifications provisions, the amendments to the Regulations will implement the first phase of recommendations arising from the Qualifications Review Report. The amendments are as follows.

### **6. Period of time to enrol in a course of study (Section 118)**

The period of time for an assistant or director in a centre-based service to enrol in an appropriate course of study has been **reduced from 6 months to 3 months**. This amendment aims to improve the requirements for enrolment.

This amendment **applies to**:

- a person working as a qualified assistant in a licensed centre-based service, including a school age care service; and
- a person working as a qualified director in a licensed centre-based service.

This amendment **does not apply to**:

- a person with a qualification prescribed for a group leader who is **engaged in a coordinating position** at a school age care service will **continue to have 6 months** to enrol in an appropriate course of study (Refer to section 118 (3) of the Regulation).

#### Persons engaged in a position **prior** to the commencement of the amendment

A person engaged as a **qualified director or a qualified assistant** in a centre-based service, or a **qualified assistant** in a school age care service that commenced operation after 1 September 2003, who was engaged in the position **prior to 3 November 2008** has 6 months to enrol in an appropriate course of study from the time they commenced in the position.

*For example*, a person engaged as a director in a licensed long day care centre who commenced in the position on 15 October 2008 has until 15 April 2009 to enrol in an appropriate course of study for the position, as prescribed under the Regulation.

#### End of Transitional Provisions applying to existing school age care services

Transitional Provisions of the *Child Care Act 2002* for **existing school age care services**, that is services that commenced operation prior to 1 September 2003, **ended on 1 September 2008**. This means that, regardless of their commencement in a position, all persons engaged as a qualified coordinator, qualified group leader or qualified assistant have 6 months from 1 September 2008 to enrol in a course of study.

**After 1 March 2009** this condition **will no longer apply** to a person engaged as a qualified assistant in an existing service, and they will have to enrol in a course of study within 3 months of commencing in a position.

### **7. Relevant areas of study (Section 120)**

The range of qualifications acceptable under section 120 of the Regulation has been broadened to include creative arts, fine arts, drama and music. This section applies to persons working as qualified school age carers and family day care coordinators. By broadening the areas of study, this amendment aims to address recruitment issues experienced by the sector.

## **8. Policies for monitoring staff's progress in course of study (Section 126A)**

A new provision, section 126A of the Regulation, requires a licensee to prepare, and keep up-to-date, a **policy for monitoring the progress of staff** of a child care service through a relevant course of study.

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This fact sheet has been prepared by the Department of Communities to assist users of the *Child Care Act 2002* and the *Child Care Regulation 2003* in understanding the requirements of important provisions. If there are any inconsistencies between this document and the legislation, the legislation must be followed. You should refer to the legislation to properly understand its requirements.

### **Related information resources**

Qualifications Review Report  
Qualifications Review Information Paper

### **Further Information**

Information has been developed to support you in understanding how the amendments of the *Child Care Regulation 2003* will affect you and can be accessed at [www.communities.qld.gov.au](http://www.communities.qld.gov.au).

For further information you can contact the Child Care Information Service on 1800 637 711 \* to speak to a Child Care Resource Officer.

\*Calls from mobile phones are charged at applicable rates.

The Child Care Information Service operates 24 hours 7 days a week, however, Child Care Resource Officers are available during office business hours only.

Copies of the *Child Care Regulation Amendment 2008* are available for purchase from the Queensland Government Bookshop website at [www.bookshop.qld.gov.au](http://www.bookshop.qld.gov.au) or call (07) 3883 8700 or 1800 801 123 (outside of Brisbane).