

FACTSHEET

Child Care Act 2002

Child Care Regulation 2003

Building standards for child care centres

1. What are the building standards for child care centres?

The building standards are based on the building requirements located in the previous *Child Care (Child Care Centres) Regulation 1991*, however the building requirements for child care centres have been translated into the language of the building code. These standards are less prescriptive and are expressed as performance based standards and will, therefore, allow for flexibility in how services can meet these.

2. Where are these Standards located?

The building standards for child care centres are located in building legislation in a specific part of the Queensland Development Code (QDC), Part 22: Child Care Centres.

3. When did these Standards commence?

The *Integrated Planning Regulation 1998* was amended to enable the building standards for child care centres to commence at the same time as the new *Child Care Act 2002*. The *Child Care Act 2002* commenced on 1 September 2003.

4. How can I get a copy of these Standards?

A copy can be obtained by accessing the Department of Local Government and Planning (Building Codes) web site at:

<http://www.lgp.qld.gov.au/?id=247>

The standards can also be accessed through a link on the Department of Communities web site at http://www.lgp.qld.gov.au/docs/building_codes/queensland_development_code/QDC_Part22.pdf

5. Who is responsible for ensuring that child care centres are constructed in accordance with these Standards and other relevant building requirements?

Local authorities or private building certifiers are responsible for ensuring that child care centres are constructed in accordance with the standards outlined in the QDC. Their role is to ensure that building work for which they are engaged complies with all requirements within their area of

jurisdiction. Individuals planning to build and operate child care centres will still, however, refer to the Department of Communities for information relevant to the licensing and operation of a child care centre.

6. How are the standards written?

The building standards are written as **performance based standards**. This allows for flexibility and innovation. The standards focus on outlining the intention of rationale behind each requirement making it possible to achieve the objective in more than one way.

The standards are structured around **performance criteria**. Each performance criteria specifies the outcome but does not specify the means to achieve it.

For each performance criteria there is an **acceptable solution**, which sets out the detailed steps that will guarantee achieving the performance criteria. If a licensee uses the acceptable solution, he/she will meet the standard.

Part 22 contains three sections that outline the particular standards for:

- Long day care centres (including kindergartens);
- School age care centres (a service only providing care to children from preschool to school age including school children); and
- Limited Hours care centres (a service that operates for a maximum of 20 hours a week and with a licensed capacity of not more than 30 children).

7. What if the licensee is unable to meet the acceptable solution?

The **acceptable solution** is only one way of complying with the performance criteria.

If a licensee is unable to meet the acceptable solution he/she may offer an **alternative solution**. The alternative solution must satisfy the performance criteria to be acceptable. The alternative solution may be offered in place of or together with parts of the acceptable solution.

8. Who will be responsible for assessing alternative solutions?

The building certifier will lodge these applications with the Department of Communities, which is a "concurrence agency" and responsible for determining whether the 'alternative solution' meets the intent of the performance criteria and is acceptable.

9. Do school age care services have to meet the same Standards?

The building standards are based on the building requirements in the *Child Care (Child Care Centres) Regulation 1991*. However, the standards contain specific building requirements for school age care services, based on the *National Standards for Outside School Hours Care* and include indoor and outdoor space requirements, the number of toilets required and kitchen/food preparation requirements. These National Standards were released in 1995 and school age care services have been working towards meeting these Standards.

N.B. In addition, school age care services that existed **immediately before the commencement day** of the *Child Care Act 2002* (i.e 1 September 2003) have until 31 August 2008 to demonstrate compliance with the building standards for child care centres.

10. Do small centres (eg limited hours care centres), need to meet all of the same standards as larger centres?

No. Some of the requirements for small centres, (ie centres that care for no more than 30 children at any one time), are different to those of larger centres.

11. What if the Department is concerned that the service is not complying with building standards?

If the Department is concerned that the building standards are not being complied with, the Department can require the licensee to demonstrate that he/she is compliant (*See Section 143 of the Act*).

These questions and answers have 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.

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