

Transfer of a licence

Transfer of licence

Section 51 of the *Child Care Act 2002* (Act) allows a person to apply to the Department for the transfer of a licence to another person.

The current licensee must give written consent to the transfer of the licence.

The person, to whom the licensee consents to transfer the licence, is the applicant for the licence. The applicant must make application to the department using Child Care Form 10 - Application for Transfer of a Licence, and with the prescribed fee (\$300).

A transfer of a licence may occur in the event of a sale of a service or change of licensee. In the event of a sale the Department does not require confirmation of the settlement of the sale. Alternatively a prospective licensee can apply for a new licence.

The application process

The chief executive must be satisfied that each of the following persons is suitable to conduct the child care service:

- (a) the licensee; and
- (b) if the licensee is a corporation:
 - (i) each of its executive officers; and
 - (ii) the nominee for the licence.

Evidence of a current positive prescribed notice issued by the Commission for Children and Young People and Child Guardian must be provided with the application. A licence cannot be transferred unless this evidence is provided.

(See sections 26 and 165 of the Act).

The applicant must also provide additional information to support the licence application by completing Child Care Form 2, Licensing Information for a Home Based Service or Child Care Form 3, Licensing Information for a Centre Based Service.

This additional information includes:

- information about the licensee and related persons;
- information about staff members and carers at the service including

qualifications, first aid certificates, role statements etc;

- information about the suitability of the licensee and related persons;
- information about the suitability of carers and staff members;
- information about the appointment of a nominee (if the licence is to be held by a corporation);
- policies as required under the *Child Care Regulation 2003* (Regulation);
- evidence of current public liability insurance;
- information about programming/activities and experiences;
- information about the suitability of facilities; and
- any other information required to decide the application.

All of the required information must be provided to the Department **20 days** before the nominated preferred transfer date to allow the application to be decided and the licence to be issued.

The transfer date

The application form requires the applicant to nominate a preferred transfer date. The nominated date is the date that the Department will transfer the licence if all of the required information has been provided and the application can be decided.

Both the current licensee and the applicant must advise the Department in writing if the transfer date is to be changed from the date nominated on the application form.

The Department cannot transfer the licence until the applicant provides all of the information required.

Nominee

Section 34 of the Act requires a licence held by a corporation to have at least one nominee. The nominee/s must be an adult and must hold a current positive prescribed notice issued by the Commission for Children and Young People and Child Guardian.

The purpose of requiring a nominee for a licence held by a corporation is to ensure the licensed service is conducted in compliance with the Act and to help communication between the chief executive and the licensee. The nominee's name and address appears on the licence.

The appointment of a nominee does not affect the licensee's responsibility to ensure the licensed service is conducted in compliance with the Act.

The transferred licence

The transferred licence will be issued to reflect the following changes:

- licensee's name and address;
- name and address of the nominee for a licence held by a corporation;
- the name by which the service is known; and
- the day on which the term of the transferred licence starts.

Should the new licensee wish to amend the licence to change the conditions, the new licensee must make an application for amendment to the licence. An application for an amendment must be made on the approved form, Child Care Form 7 - Application for an Amendment to a Licence, and accompanied by the prescribed fee (\$75).

Licensing visit

Within two weeks of the licence being transferred to the new licensee an authorised officer will visit the service to monitor compliance with all provisions of the Act and the Regulation.

During this visit the authorised officer will:

- complete Child Care Form 4 - Licence Report for a Centre Based Service, or Child Care Form 5 - Licence Report for a Home Based Service;
- inspect the building, facilities and equipment;
- view programming requirements (if required);
- view information about staffing including evidence of qualifications, blue cards etc;
- monitor health and safety matters;
- inspect records; and
- monitor any other relevant matters.

Further information

For more information please see Policy Number 434-1 Licensing child care services. This policy and other relevant information is available on the Department of Communities website at www.communities.qld.gov.au/childcare.

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.

For a list of Department of Communities Regional Office contacts please call the Child Care Information Service on 3224 4225 or freecall outside of Brisbane 1800 637 711.