

Portfolio Policy Statement

Department of Communities

Disability Services Queensland

Title: Licensing Home Based Services
Related Policy No.: 463-1
Policy Category: Child care and family support > child care

Date of approval: 16 June 2006
Date of operation: 19 June 2006
Date to be reviewed: 1 July 2007

Office: Program Management Directorate
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Authority:

Section 19 of the *Child Care Act 2002*

Upon application by a person, the *Chief Executive* or delegated officer may issue a licence to operate a child care service on conditions the *Chief Executive* considers appropriate.

Section 20 of the *Child Care Act 2002*

Before finally deciding an application for a licence the decision maker may issue a provisional licence if one or more minor matters are still to be resolved and are able to be resolved within the term of the provisional licence. The provisional licence is issued for a maximum of 3 months. The applicant must agree to the issue of the provisional licence and pay the prescribed fee.

Section 21 of the *Child Care Act 2002*

A person may apply to the *Chief Executive* for renewal of a licence to operate a child care service, providing the relevant information. The licence does not lapse before the application is decided and the licence may continue in force.

Section 22 of the *Child Care Act 2002*

The *Chief Executive* may make a requirement for further information to decide the application for the renewal of the licence.

The considerations for the *Chief Executive* are set out in these provisions of the *Act*. This includes the requirement for the *Chief Executive* to give the licensee a notice requiring any other relevant information, within a stated time, in order to decide the application for renewal of the licence. The stated time must be reasonable and at least 14 days. A further notice may be issued extending the stated time. If the licensee does not comply within the stated time, or any extension, the application lapses.

Basis for making licensing decision

Sections 23 to 27 of the *Child Care Act 2002*.

Sections 29 to 31 of the *Child Care Act 2002*.

Objectives:

This policy aims to clarify the appropriate conditions under which the *Chief Executive* or a delegated officer may issue a licence to operate a home based service, for example, suitability of the licensee, suitability of carers and suitability of homes and facilities.

Scope:

This policy refers to the licensing of home based services.

Principles:

The department will:

- Conduct a transparent process for licensing home based child care services;
- Ensure applicants are afforded natural justice in the licensing process; and

- Ensure that the Objects and Guiding Principles of the *Child Care Act 2002* (sections 8 and 9) are reflected in all licensing decisions.

Policy Statement:

This policy will ensure that the system of licensing home based services is conducted fairly and properly and in a way that protects and promotes the best interest of children receiving child care.

Roles and Responsibilities:

- Upon application by a person, the *Chief Executive* may issue a licence to operate a home based service on conditions the *Chief Executive* considers appropriate.
- A person may apply to the *Chief Executive* for renewal of a licence to operate a home based child care service, providing the relevant information. The licence does not lapse before the application is decided and the licence may continue in force.
- The *Chief Executive* may make a requirement for further information to decide the application for the renewal of the licence.
- In making a licensing decision, the *Chief Executive* must consider the suitability of the licensee and other relevant persons, suitability of the place where child care is proposed to be provided (ie a home) and other relevant matters outlined in sections 23 to 27 and section 29 to 31 of the *Child Care Act 2002*.

Delegations:

Managers, Community Capacity & Service Quality are the delegated decision makers for all licences except provisional licences.

Regional Directors are the delegated decision makers for issuing a provisional licence.

Links:

Procedures – Licensing Home Based Services

Child Care Act 2002

Child Care Regulation 2003