



**QUEENSLAND**

**AMENDMENTS TO THE EDUCATION AND CARE SERVICES NATIONAL REGULATIONS**

**Changes affecting providers and educators in all states and territories**

The amendments to the Education and Care Services National Regulations came into effect on Sunday 1 September 2013 in all states and territories except Western Australia, where they started on 31 December 2013.

The minor amendments will deliver benefits for providers, educators and regulatory authorities by streamlining processes and reducing paperwork.

The main amendments include:

- clarifying the definition of a 'serious incident' (except in Western Australia)
- reducing the amount of paperwork providers need to show when they want to temporarily relocate a centre-based service for less than 12 months, or to locate the service on a school site
- clarifying the requirements to rehearse emergency and evacuation procedures every three months
- making it easier for educators who gained their qualification overseas to have it assessed for equivalence to Australian qualifications
- making it easier for centre-based service providers to educate and care for extra children in emergency situations by temporarily waiving space, educator-to-child ratios and early childhood teacher requirements.

The amendments also include notes under a range of regulations to reflect where Western Australia's Regulations are slightly different from the National Regulations as applied in other states and territories.

A copy of the National Regulations (except Western Australia) with the amendments included is available on the [NSW Legislation Register](#).

There are also a number of state and territory specific amendments. More information on those changes is available on the ACECQA website or from your [regulatory authority](#).

Changes affecting all states and territories		
Affected regulation	Topic	What the amendment means
Reg 12	Serious incident	<ul style="list-style-type: none"> <li>• The 'serious incidents' definition has been revised to clarify what matters have to be reported to regulatory authorities.</li> <li>• The modification of the 'serious incidents' definition means providers only need to notify their regulatory authority of serious injury, trauma or illness which a reasonable person would consider required urgent medical attention from a medical practitioner or hospital treatment. Examples of serious incidents include whooping cough, broken limb or anaphylaxis.</li> <li>• This change does not affect the other 'serious incidents' which must be reported, including the death of a child, the attendance of emergency services and any incident where a child is missing, locked in or out, or appears to have been taken or removed from the service.</li> </ul>

		<ul style="list-style-type: none"> <li>The definition has not changed for services in Western Australia.</li> </ul>
<b>Reg 97</b>	Emergency and evacuation procedure rehearsals	<ul style="list-style-type: none"> <li>This change makes it clear that a family day care educator must rehearse emergency and evacuation procedures every three months with the children who are present on that day.</li> <li>For centre-based services, procedures must be rehearsed every three months by staff members, volunteers and children attending the service on that day and the responsible person who is present at the time.</li> <li>This might be the nominated supervisor, approved provider or a person in day-to-day charge.</li> </ul>
<b>Reg 25</b>	Service approval applications	<ul style="list-style-type: none"> <li>This amendment makes it easier for providers to apply for a service approval if they need to temporarily relocate their centre-based service, or are seeking to establish a service on a school site.</li> <li>Regulatory authorities will have discretion to accept an application for service approval without certain information about the proposed new premises, such as plans prepared by a builder.</li> <li>This reduction in the amount of paperwork will be extremely helpful for providers who need to relocate their service in an emergency, such as a natural disaster.</li> </ul>
<b>Reg 139</b> <b>Reg 140</b> <b>Reg 141</b> <b>Reg 143</b>	Assessing qualifications for equivalence	<ul style="list-style-type: none"> <li>This amendment makes it easier to apply to ACECQA to have a qualification assessed for equivalence with an approved qualification. It removes the requirement to supply details of primary schooling and the certification of the level of qualifications gained overseas.</li> </ul>
<b>Reg 107</b> <b>Reg 108</b> <b>Reg 123</b> <b>Reg 129</b> <b>Reg 175</b> <b>Reg 176</b>	Educating and caring for extra children in emergency	<ul style="list-style-type: none"> <li>This change makes it easier for centre-based service providers to accommodate extra children in an emergency situation.</li> <li>An example of when this provision will apply is where a child is in need of protection under a child protection order, or if their parents need emergency health care.</li> <li>One extra child can be educated or cared for, or two or more children if they are in the same family for up to two consecutive days.</li> <li>The inclusion of extra children must not affect the health, safety and wellbeing of all children attending the service.</li> <li>The provider will need to notify the regulatory authority when they educate and care for extra children in an emergency. Notification forms are available on the ACECQA website and through the NQA IT System.</li> </ul>
<b>Reg 14</b> <b>Reg 20</b> <b>Reg 22</b>	Fitness and propriety checking	<ul style="list-style-type: none"> <li>Applicants for provider approval only have to submit a criminal history statement if they have used a criminal history record check as evidence of their fitness and propriety.</li> </ul>
<b>Reg 208</b>	FOI requests	<ul style="list-style-type: none"> <li>This amendment is a correction to align the National Regulations with the Commonwealth <i>Freedom of Information Act 1988</i>, which uses the term 'principal officer'.</li> </ul>
<b>Reg 242</b>	General saving and transitional provisions	<ul style="list-style-type: none"> <li>This change clarifies that to be recognised under regulation 242 the person must be working towards an <i>approved</i> early childhood teaching qualification.</li> </ul>
<b>Reg 4</b>	Interpreting ratio requirements	<ul style="list-style-type: none"> <li>This amendment ensures that each time a requirement applies to a stated number of children; it also applies to a part of the stated number. For example, if the educator to child requirement ratio requirement was 1:11, 3 educators would be required for 30 children.</li> </ul>
<b>Reg 9</b>	Definition of a person	<ul style="list-style-type: none"> <li>The 'person' definition has been amended to include 'body politics', to ensure local governments can apply to become approved providers.</li> </ul>

## Amendments specific to Queensland

There are also a number of state and territory specific amendments. The amendments specific to Queensland include:

Amendments affecting services in Queensland only		
Affected regulation	Topic	What the amendment means
Reg 241	People taken to hold an approved early childhood teaching qualification	<ul style="list-style-type: none"> <li>This amendment corrects a reference to the <i>Education (Queensland College of Teaching) Act 2005</i>, to say the <i>Education (Queensland College of Teachers) Act 2005</i>, which is the correct name of that legislation.</li> </ul>
Reg 243	People taken to hold an approved diploma qualification	<ul style="list-style-type: none"> <li>This change clarifies that if a person in Queensland held a qualification on the list of qualifications for family day care coordinators in Queensland immediately before 1 January 2012, they are taken to hold a diploma level qualification for the purpose of regulation 128.</li> </ul>
Reg 299	Qualification requirements	<ul style="list-style-type: none"> <li>This amendment corrects an error related to qualification requirements for centre-based services in Queensland that primarily educate and care for children over preschool age.</li> </ul>
Reg 301 Reg 310	Staffing requirements	<ul style="list-style-type: none"> <li>These changes correct the age brackets to which educator to child ratios apply in Queensland</li> </ul>
Reg 305	Educator to child ratios – family day care services	<ul style="list-style-type: none"> <li>This amendment aligns provisions for approved providers of a family day care service in Queensland with the national provision (regulation 124).</li> <li>It allows the approved provider to approve a family day care educator to care for extra children in exceptional circumstances.</li> <li>It also introduces a new requirement, specific to Queensland, requiring approved providers to notify the regulatory authority within 24 hours that an educator is educating and caring for extra children.</li> </ul>
Reg 14 Reg 20 Reg 22 Reg 46	Fitness and propriety checking	<ul style="list-style-type: none"> <li>These changes clarify that an applicant for provider approval or supervisor certificate in Queensland must provide a copy of their current working with children card or check, for the regulatory authority to assess their fitness and propriety.</li> </ul>
Reg 163	Fitness and propriety checking	<ul style="list-style-type: none"> <li>This amendment requires that the approved provider of a family day care service in Queensland must consider a current working with children check or card for family day care educator assistants, and for people aged over 18 who reside at a family day care residence.</li> </ul>

For more information about these amendments and how they affect your service you are encouraged to contact your [regulatory authority](#).