



# Procedure

## Secondary use of Early Childhood Education and Care (ECEC) assets procedure

**Version:** 1.1 | **Version effective:** 24/04/2020

### Audience

Early childhood service providers that lease facilities from the Department of Education (DoE).

### Purpose

This procedure outlines the Department's approach to ensuring the effective use of the Department's Early Childhood Education and Care (ECEC) assets in line with Queensland Government priorities.

### Overview

This procedure provides a framework for supporting ECEC lessees to deliver additional ECEC services (where appropriate) from a department-owned ECEC facility.

### Responsibilities

#### Early Childhood and Education Improvement (ECEI):

- provide advice with respect to the lessees covered by this procedure
- encourage all lessees to develop collaborative partnerships with secondary providers to deliver complementary services at ECEC facilities
- facilitate the provision of consent by the department to lessees licensing or sub-letting part of an ECEC facility to secondary providers in accordance with the lessees' applications.

#### Legal and Administrative Law Branch (LALB):

- provide legal advice in relation to the licence or sub-lease proposed by the lessees and draft the Deeds of Consent.

#### Tenancy and Leasing, Infrastructure Branch:

- review the lessee's application for consent to licence or sub-let part of the premises to the secondary provider

- arrange and process the Deed of Consent in conjunction with LALB
- keep and maintain records of the Deeds of Consent.

### Lessees:

- engage with secondary provider(s) to explore possibility for complementary services to be delivered from an ECEC facility
- if appropriate, negotiate a responsible fee from the secondary provider(s) for cost recovery purposes based on the nature of the service provided and the types of expenses incurred from sharing a ECEC facility (e.g. electricity costs)
- apply to DoE for consent to licence or sub-let part of the ECEC facility to the secondary provider and submit all necessary information to enable DoE to assess that application
- conduct themselves in accordance with the terms and conditions of the executed lease and Deed of Consent
- advise ECEI of any changes in the arrangement with the secondary provider at the ECEC facility.

## Process

### 1. Application

- seeking DoE's written consent to licence or sub-let part of the ECEC facility for the purpose of the delivery of the proposed complementary service(s)
- completing and submitting the [Application for consent to licence or sub-let part of an ECEC facility](#)
- supplying copies of the proposed licence or sub-lease and any other information required by DoE for the purpose of assessing the application for consent.

### 2. Approval

- ECEI is responsible for responding to a lessee's application within 21 business days of the date of submission of the application and supporting documentation by the lessee.
  - If the lessee's application is approved, provide to the lessee:
    - a Deed of Consent for execution by the lessee and the secondary provider.
  - If the lessee's application is not approved, provide to the lessee:
    - the reasons for not approving their application
    - where appropriate, provide recommendations to the lessee on appropriate secondary service(s) to be delivered at the ECEC asset.

### 3. Finalising the Deed of Consent

- The lessee is responsible for:
  - arranging execution of the Deed of Consent by the lessee and the secondary provider as soon as possible and providing Tenancy and Leasing with all executed copies
  - arranging execution of the licence or sub-lease with the secondary provider(s) as soon as possible and providing a copy of that document to Tenancy and Leasing for DoE's records.

#### 4. Amending the Secondary Use

- If the lessee and the secondary provider have agreed to change the arrangements for delivering complementary service(s) at the ECEC facility, the lessee is responsible for:
  - notifying the department in writing and seeking its consent to the revised arrangement, submitting to ECEI:
    - the completed [Application for consent to the variation of the secondary use of an ECEC facility](#)
    - documentation that details the agreement reached by the lessee and the secondary provider(s) regarding changes in the arrangements for complementary services delivered at the ECEC facility.
- After the notice is received, ECEI will assess the application and advise the lessee in writing if the department approves the lessee's request and any requirements DoE may have in relation to documenting the approval
- 14 business days after receiving the written advice from ECEI, if required by DoE, the lessee is responsible for:
  - arranging execution of a new Deed of Consent by the lessee and the secondary provider as soon as possible and providing Tenancy and Leasing with all executed copies
  - arranging execution of the amended or new licence or sub-lease with the secondary provider(s) as soon as possible and providing a copy of that document to Tenancy and Leasing for DoE's records.

## Definitions

Term	Definition
<b>Business day</b>	A day which is not a Saturday, Sunday or public holiday in Brisbane.
<b>Complementary service</b>	Other early childhood education services to support children and families that are not the principal service delivered by the lessee at the government-owned ECEC facility. The service should provide a benefit for the family and the child(ren).
<b>Consent</b>	Written consent from the department, granting permission to the lessee to licence or sub-let part of the ECEC facility to the secondary provider for the purpose of delivering complementary service(s).
<b>Deed of Consent</b>	A legal document between the department, the lessee and the secondary provider in which the department grants consent to the lessee to licence or sub-let part of the ECEC facility to the secondary provider for the delivery of complementary services.
<b>Early Childhood and Education Improvement (ECEI)</b>	The division within DoE that is responsible for the regulation of ECEC services, funding kindergarten and integrated early years services, strengthening transitions to school, supporting parent and family support programs and approving and quality assessing ECEC services.

Term	Definition
<b>Early Childhood Education and Care (ECEC)</b>	Early learning programs for young children up to 5 years old including kindergarten and long day care with embedded kindergarten and playgroup.
<b>ECEC facility</b>	The building, centre and premises, constructed on the government-owned land and owned by the department, being used to provide early childhood education and care services including kindergarten, long day care, limited hours care or integrated early years services.
<b>ECEC services</b>	Early childhood education and care services that operate from ECEC facilities. These services are provided in various settings including kindergarten, long day care, limited hours care or occasional care, Early Years Centre, Children and Family Centre, and Child and Family Support Hub.
<b>Lessee</b>	An early childhood education and care service provider that is the lessee of an ECEC facility.
<b>Secondary provider</b>	A service provider who supports children and families by delivering service(s) other than kindergarten, long day care and limited hours care services.

## Legislation

- Nil

## Delegations/Authorisations

- Nil

## Policies and procedures in this group

- Nil

## Supporting information for this procedure

- [Application for consent to licence or sub-let part of an ECEC facility](#)
- [Application for consent to the variation of the secondary use of an ECEC facility](#)

## Other resources

- [Queensland Government Land Transaction Policy](#)
- [Leasing facilities for early years services procedure](#)
- [Early Childhood Education and Care Leasing Guidelines](#)

## Contact

For further information, please contact:

Phone: (07) 3328 6719; or

Email: [ecec.facilities@qed.qld.gov.au](mailto:ecec.facilities@qed.qld.gov.au)

## Review date

15/10/2018

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

1.0 Secondary Use of Early Childhood Education and Care (ECEC) Assets

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