

# **Department of Education**

## **Legislative Delegations**

### **Delegation of Director-General's Powers as the Regulatory Authority under the**

### ***Education and Care Services National Law (Queensland)***

(Version 18 – October 2023)

*NOTE: In accordance with the Managing delegations, authorisations and administrative approvals procedure, legislative delegations are centrally managed by Policy and Statutory Engagement. Policy and Statutory Engagement must be contacted for all proposed amendments to these delegations.*


# INSTRUMENT OF DELEGATION

## *Education and Care Services National Law (Queensland)*

I, Michael De'Ath, Director-General of the Department of Education and Regulatory Authority, under section 262 of the *Education and Care Services National Law (Queensland)*, DELEGATE those powers and functions conferred or imposed on the Regulatory Authority under the provisions of the *Education and Care Services National Law (Queensland)* which are specified in **Column 1** of Schedule 1, subject to the limitations (if any) specified in **Column 3** of Schedule 1, to the persons who are from time to time the holders of each position specified in **Column 4** of Schedule 1.

This Instrument of Delegation is comprised of this page, and Schedule 1 comprising 66 pages. No other material forms part of the Instrument.

This Instrument of Delegation revokes and replaces any Instrument of Delegation previously issued with respect to the powers and functions of the Director-General under the *Education and Care Services National Law (Queensland)*.

  
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**MICHAEL DE'ATH**  
**REGULATORY AUTHORITY AND DIRECTOR-GENERAL**  
**DEPARTMENT OF EDUCATION**

DATED AT BRISBANE THIS 9 day of October, 2023.

**SCHEDULE 1 – Table of Delegated Powers of Regulatory Authority**  
***Education and Care Services National Law (Queensland)***

Schedule 1 – Table of Director-General's Delegated Powers – <i>Education and Care Services National Law (Queensland)</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Part 2 – Provider approval</b>			
<b>Division 1– Application for provider approval</b>			
<b>s.12</b>	<p><b>Applicant must be fit and proper person</b></p> <p>(1) An applicant who is an individual must satisfy the Regulatory Authority that the applicant is a fit and proper person to be involved in the provision of an education and care service.</p> <p>(2) If the applicant is not an individual, the applicant must satisfy the Regulatory Authority that—</p> <p>(a) each person who will be a person with management or control of an education and care service to be operated by the applicant is a fit and proper person to be involved in the provision of an education and care service; and</p> <p>(b) the applicant is a fit and proper person to be involved in the provision of an education and care service.</p> <p>(3) The head of a government department administering an education law of a participating jurisdiction is taken to be a fit and proper person for the purposes of this Part.</p>	s.13 Matters to be taken into account in assessing whether fit and proper person	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>s.14</b>	<p><b>Regulatory Authority may seek further information</b></p> <p>(1) For the purpose of carrying out an assessment as to whether a person is a fit and proper person, the Regulatory Authority may—</p> <p>(a) ask the person to provide further information, including for the purposes of assessing the person's knowledge of the National Quality Framework;</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory</li> </ul>



Schedule 1 – Table of Director-General’s Delegated Powers – <i>Education and Care Services National Law (Queensland)</i>			
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	<p>and</p> <p>(b) undertake inquiries in relation to the person; and</p> <p>(c) by written notification, require the person to undergo an oral or written assessment of the person’s knowledge of the National Framework.</p> <p>(2) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of the request until the provision of the further information is not included in the period referred to in section 15 for the Regulatory Authority to make a decision on the application.</p> <p>(3) If the Regulatory Authority requires the applicant to undergo an assessment under this section, the period from the giving of the notification until the conduct of the assessment is not included in the period referred to in section 15 for the Regulatory Authority to make a decision on the application.</p>		<p>Officer</p> <ul style="list-style-type: none"> <li>Regulatory Officer</li> </ul>
s.15	<p><b>Grant or refusal of provider approval</b></p> <p>(1) On an application under section 10, the Regulatory Authority may—</p> <p>(a) grant the provider approval; or</p> <p>(b) refuse to grant the provider approval.</p> <p><i>Note—</i> A provider approval is granted subject to conditions in accordance with section 19.</p> <p>(2) The Regulatory Authority must not grant a provider approval unless the Authority is satisfied as to the matters in section 12.</p> <p>(3) Subject to subsection (4), the Regulatory Authority must make a decision on the application within 60 days after the Regulatory Authority receives</p>	<p>s.16 Duty of delegate to give notice of decision within 7 days after the decision has been made.</p> <p>s.20 Duty of delegate to provide a copy of the provider approval.</p>	<ul style="list-style-type: none"> <li>Executive Director, Early Childhood Regulatory Authority</li> <li>Director, Regulation</li> <li>Manager, Regulation</li> </ul>



Schedule 1 – Table of Director-General’s Delegated Powers – Education and Care Services National Law (Queensland)			
Column 1	Column 2	Column 3	Column 4
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	<p>the application.</p> <p><i>Note—</i></p> <p>1. If further information is requested under section 14(1)(a), the period between the making of the request and the provision of the information is not included in the 60 day period.</p> <p>2. If an assessment is required under section 14(1)(c), the period between the giving of the notification and the conduct of the assessment is not included in the 60 day period.</p> <p>(4) The period referred to in subsection (3) may be extended by up to 30 days with the agreement of the applicant.</p> <p>(5) The Regulatory Authority is taken to have refused to grant a provider approval if the Regulatory Authority has not made a decision under subsection (1)—</p> <p>(a) within the relevant period required under subsection (3); or</p> <p>(b) within the period extended under subsection (4)—</p> <p>as the case requires.</p>		
<b>s. 16</b>	<p><b>Notice of decision on application</b></p> <p>The Regulatory Authority must give written notice to the applicant of a decision under section 15 and the reasons for that decision within 7 days after the decision is made.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>s.19</b>	<p><b>Conditions on provider approval</b></p> <p>(1) A provider approval may be granted subject to any conditions that are prescribed in the national regulations or that are determined by the Regulatory Authority.</p> <p>(2) Without limiting subsection (1), a provider approval is subject to the condition that the approved provider must comply with this Law.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>(3) A condition of a provider approval applies to the provider as the operator of any education and care service or associated children's service, unless the condition expressly provides otherwise.</p> <p>(4) An approved provider must comply with the conditions of the provider approval.</p> <p>Penalty: \$11 400, in the case of an individual. \$57 400, in any other case.</p>		
s.20	<p><b>Copy of provider approval</b></p> <p>If the Regulatory Authority grants a provider approval under this Part, the Regulatory Authority must provide a copy of the provider approval to the approved provider stating—</p> <p>(a) the name of the approved provider; and</p> <p>(b) if the approved provider is not an individual, the address of the principal office of the provider; and</p> <p>(c) any conditions to which the approval is subject; and</p> <p>(d) the date that the provider approval was granted; and</p> <p>(e) the provider approval number; and</p> <p>(f) any other prescribed matters.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>Division 2 - Reassessment</b>			
s.21	<p><b>Reassessment of fitness and propriety</b></p> <p>(1) The Regulatory Authority may at any time assess—</p> <p>(a) whether an approved provider continues to be a fit and proper person to be involved in the provision of an education and care service; or</p> <p>(b) whether a person with</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>

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	<p>management or control of an education and care service operated by an approved provider continues to be a fit and proper person to be involved in the provision of an education and care service; or</p> <p>(c) whether a person who becomes a person with management or control of an education and care service operated by the approved provider after the grant of the provider approval is a fit and proper person to be involved in the provision of an education and care service.</p> <p>(2) Sections 13 and 14 apply to the reassessment.</p>		
<b>Division 3 – Amendment of provider approvals</b>			
<b>s.22</b>	<p><b>Amendment of provider approval on application</b></p> <p>(1) An approved provider may apply to the Regulatory Authority for an amendment of the provider approval.</p> <p>(2) The application must—</p> <p>(a) be in writing; and</p> <p>(b) include the prescribed information; and</p> <p>(c) include payment of the prescribed fee.</p> <p>(3) The Regulatory Authority must decide the application by—</p> <p>(a) amending the provider approval in the way applied for; or</p> <p>(b) with the applicant's written agreement, amending the provider approval in another way; or</p> <p>(c) refusing to amend the provider approval.</p> <p>(4) The Regulatory Authority must make a decision on the application within 30 days after the Regulatory Authority receives the application.</p> <p>(5) Without limiting subsection (3), an amendment may vary a</p>	s.24 Duty of delegate to provide copy of amended provider approval.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>



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	condition of the provider approval or impose a new condition on the provider approval.		
s.23	<p><b>Amendment of provider approval by Regulatory Authority</b></p> <p>(1) The Regulatory Authority may amend a provider approval at any time without an application from the approved provider.</p> <p>(2) Without limiting subsection (1), an amendment may vary a condition of the provider approval or impose a new condition on the provider approval.</p> <p>(3) The Regulatory Authority must give written notice to the approved provider of the amendment.</p> <p>(4) An amendment under this section has effect—</p> <p>(a) 14 days after the Regulatory Authority gives notice of the amendment under subsection (2); or</p> <p>(b) if another period is specified by the Regulatory Authority, at the end of that period.</p>	s.24 Duty of delegate to provide copy of amended provider approval.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
s.24	<p><b>Copy of amended provider approval to be provided</b></p> <p>If the Regulatory Authority amends a provider approval under this Division, the Regulatory Authority must—</p> <p>(a) provide an amended copy of the provider approval to the approved provider; and</p> <p>(b) make any necessary amendments to any service approval held by the provider and provide an amended copy of the service approval to the approved provider.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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<b>Division 4 – Suspension or cancellation of provider approval</b>			
s.26	<p><b>Show cause notice before suspension</b></p> <p>(1) This section applies if the Regulatory Authority is considering the suspension of a provider approval under section 25.</p> <p>(2) The Regulatory Authority must first give the approved provider a notice (show cause notice) stating—</p> <p>(a) that the Regulatory Authority intends to suspend the provider approval; and</p> <p>(b) the proposed period of suspension; and</p> <p>(c) the reasons for the proposed suspension; and</p> <p>(d) that the approved provider may, within 30 days after the notice is given, give the Regulatory Authority a written response to the proposed suspension.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.27	<p><b>Decision to suspend after show cause process</b></p> <p>After considering any written response from the approved provider received within the time allowed by section 26(2)(d), the Regulatory Authority may—</p> <p>(a) if the suspension was proposed on a ground referred to in section 25(a), accept an undertaking from the approved provider under section 179A; or</p> <p>(b) in any case—</p> <p>(i) suspend the provider approval for a period not more than the prescribed period; or</p> <p>(ii) decide not to suspend the provider approval.</p>	<p>s.29 Duty to give the approved provider a written notice of decision.</p> <p>s.179A Enforceable undertakings.</p> <p>s.180 Certain actions prohibited if undertaking is complied with.</p> <p>s.181 Failure to comply with enforceable undertakings.</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.28	<p><b>Suspension without show cause notice</b></p> <p>(1) The Regulatory Authority</p>	s.29 Duty to give the approved provider a written notice of decision.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>may suspend the provider approval on a ground referred to in section 25 without giving the approved provider a show cause notice under section 26 if the Regulatory Authority is satisfied that there is an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by an education and care service operated by the provider.</p> <p>(2) The suspension may not be for a period of more than 6 months.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> </ul>
s.29	<p><b>Notice and taking effect of suspension</b></p> <p>(1) The Regulatory Authority must give the approved provider written notice of the decision to suspend the provider approval.</p> <p>(2) The notice of a decision to suspend must set out the period of suspension and the date on which it takes effect.</p> <p>(3) The decision under section 27 to suspend takes effect at the end of 14 days after the date of the decision, or, if another period is specified by the Regulatory Authority, at the end of that period.</p> <p>(4) The decision under section 28 to suspend takes effect on the giving of the notice.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.32	<p><b>Show cause notice before cancellation</b></p> <p>(1) This section applies if the Regulatory Authority is considering the cancellation of a provider approval under section 31.</p> <p>(2) The Regulatory Authority must first give the approved provider a notice (show cause notice) stating—</p> <p>(a) that the Regulatory Authority intends to cancel the provider approval; and</p>	s.31 Duty to be satisfied of the grounds for cancellation.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>



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	(b) the reasons for the proposed cancellation; and (c) that the approved provider may, within 30 days after the notice is given, give the Regulatory Authority a written response to the proposed cancellation.		
s.33	<p><b>Decision in relation to cancellation</b></p> <p>(1) After considering any written response from the approved provider received within the time allowed under section 32(2)(c), the Regulatory Authority—</p> <p>(a) may—</p> <p>(i) cancel the provider approval; or</p> <p>(ii) suspend the provider approval for a period not more than the prescribed period;</p> <p>(iii) decide not to cancel the provider approval; and</p> <p>(b) must give the approved provider written notice of the decision.</p> <p>(2) The decision to cancel the provider approval takes effect at the end of 14 days after the date of the decision or, if another period is specified by the Regulatory Authority, at the end of that period.</p> <p>(3) The notice of a decision to cancel the provider approval must set out the date on which it takes effect.</p> <p>(4) This Law applies to a suspension of a provider approval under this section as if it were a suspension under section 27.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.35	<p><b>Approved provider to provide information to Regulatory Authority</b></p> <p>(1) This section applies if a show cause notice has been given to an approved provider under section</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	<p>26 or 32.</p> <p>(2) The approved provider, at the request of the Regulatory Authority, must, within 7 days of the request, provide the Regulatory Authority with the contact details of the parents of all children enrolled at each education and care service operated by the approved provider.</p> <p>(3) The Regulatory Authority may use the information provided under subsection (2) solely to notify the parents of children enrolled at an education and care service about the suspension or cancellation.</p>		
s.36	<p><b>Notice to parents of suspension or cancellation</b></p> <p>(1) This section applies if a provider approval has been suspended or cancelled under section 27, 28, 33 or 34.</p> <p>(2) The Regulatory Authority may require the person who is or was the approved provider to give written notice of the suspension or cancellation and its effect to the parents of children enrolled at all or any of the education and care services operated by that person.</p> <p>(3) A person must comply with a requirement made of that person under subsection (2).</p> <p>Penalty: \$3 400, in the case of an individual. \$17 200, in any other case.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.37(4),(5)	<p><b>Voluntary suspension of provider approval</b></p> <p>(1) An approved provider may apply to the Regulatory Authority for a suspension of the provider approval for a period of not more than 12 months.</p> <p>(2) The application must— (a) be in writing; and</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>

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	<p>(b) include the prescribed information; and</p> <p>(c) include payment of the prescribed fee.</p> <p>(3) The approved provider must, at least 14 days before making an application under this section, notify the parents of children enrolled at the education and care services operated by the approved provider of the intention to make the application.</p> <p>(4) The Regulatory Authority must within 30 days after the application is made decide whether or not to grant the application.</p> <p>(5) The Regulatory Authority must give written notice of its decision (including the period of suspension) to the approved provider.</p> <p>(6) If the Regulatory Authority decides to grant the application, the suspension takes effect on a date agreed between the Regulatory Authority and the approved provider.</p> <p>(7) A suspension under this section remains in force for the period of time specified in the notice.</p> <p>(8) The approved provider may apply to the Regulatory Authority to revoke the suspension before the end of the suspension period.</p> <p>(9) If the Regulatory Authority grants the application to revoke the suspension, the suspension ceases on the date determined by agreement with the approved provider.</p> <p>(10) If a provider approval is suspended under this section, each service approval held by the provider is also suspended for the same period unless—</p> <p>(a) a person is approved under section 41 to manage or control the education and care service to which the approval relates; or</p>		



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	(b) the service approval is transferred under Division 3 of Part 3.		
<b>Division 5 – Approval of executor, representative or guardian as approved provider</b>			
s.41	<b>Decision on application</b>  (1) The Regulatory Authority must not grant a provider approval to a person who has made an application under section 39 or 40 unless the Regulatory Authority is satisfied that the person is a fit and proper person to be involved in the provision of an education and care service.  (2) Sections 12, 13 and 14 apply to the assessment of a person under subsection (1).  (3) Subject to this section, the Regulatory Authority may— (a) grant the provider approval; or (b) grant the provider approval subject to conditions; or (c) refuse to grant the provider approval.  (4) An approval under this section— (a) may be granted for a period of not more than 6 months; and (b) may be extended or further extended for periods of not more than 6 months— at the discretion of the Regulatory Authority.  (5) The provider approval is granted only in relation to the operation of the approved education and care services of the approved provider for whom the applicant is the executor, legal personal representative or guardian, as the case requires.		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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<b>Part 3 – Service approval</b>			
<b>Division 1 – Application for service approval</b>			
s.45	<b>Regulatory Authority may seek further information</b>  (1) The Regulatory Authority may ask an applicant for a service approval to provide any further information that is reasonably required for the purpose of assessing the application.  (2) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of the request until the provision of the further information is not included in the period referred to in section 48 for the Regulatory Authority to make a decision on the application.	s.47 Duty to have regard to the factors in s.47(1)(a) to (g) and s.47(3). Delegate may, if relevant, also have regard to the matters in s. 47(2).	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> </ul>
s.46	<b>Investigation of application for service approval</b>  (1) For the purposes of determining an application for a service approval, the Regulatory Authority may— (a) undertake inquiries and investigations, including inquiries relating to the previous licensing, accreditation or registration of the education and care service under a former education and care services law, a children's services law or an education law of any participating jurisdiction; and (b) inspect the education and care service premises; and (c) inspect the policies and procedures of the service.  (2) For the purposes of an inspection under subsection (1)(b) or (c), the Regulatory Authority may enter the education and care service premises at any reasonable time.		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>

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s.48	<p><b>Grant or refusal of service approval</b></p> <p>(1) On an application under section 43, the Regulatory Authority may—</p> <p>(a) grant the service approval; or</p> <p>(b) refuse to grant the service approval.</p> <p><i>Note—</i> A service approval is granted subject to conditions in accordance with section 51.</p> <p>(2) Subject to subsection (3), the Regulatory Authority must make a decision on the application within 90 days after the Regulatory Authority received the application.</p> <p><i>Note—</i> If further information is requested under section 45(2), the period between the making of the request and the provision of the information is not included in the 90 day period.</p> <p>(3) The period referred to in subsection (2) may be extended with the agreement of the applicant.</p> <p>(4) The Regulatory Authority may grant a service approval solely for an education and care service if—</p> <p>(a) the application includes an application for an associated children's service; and</p> <p>(b) that associated children's service does not comply with the criteria referred to in section 47(3).</p> <p>(5) The Regulatory Authority is taken to have refused to grant a service approval if the Regulatory Authority has not made a decision under subsection (1)—</p> <p>(a) within the relevant time required under subsection (2); or</p> <p>(b) within the period extended under subsection (3)—</p>	<p>s.50 Duty to give written notice to the applicant of a decision under s.48 and the reasons for the decision within 7 days after the decision is made.</p> <p>s.52 Duty to provide copy of the service approval if service approval is granted.</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>



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	as the case requires. (6) A service approval cannot be granted solely for an associated children's service.		
<b>s.49</b>	<b>Grounds for refusal</b>  (1) The Regulatory Authority must refuse to grant a service approval if— (a) the Regulatory Authority is satisfied that the service, if permitted to operate, would constitute an unacceptable risk to the safety, health or wellbeing of children who would be educated or cared for by the education and care service; or (b) the applicant does not have a provider approval. (2) The Regulatory Authority may refuse to grant a service approval on any other grounds prescribed in the national regulations.		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>s.50</b>	<b>Notice of decision on application</b>  The Regulatory Authority must give written notice to the applicant of a decision under section 48 and the reasons for the decision within 7 days after the decision is made.		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>s.50A</b>	<b>Approval of a place as a family day care venue</b>  The Regulatory Authority may, at the time of granting the service approval for a family day care service, approve a place (other than a residence) as a family day care venue for that service if the Regulatory Authority considers exceptional circumstances exist.		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>s.51</b>	<b>Conditions on service approval</b>  (1) A service approval is granted subject to the condition that the	For s.51(5), refer to s.32A of the National Regulations.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Education and Care Services National Law (Queensland)</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>education and care service is operated in a way that—</p> <p>(a) ensures the safety, health and wellbeing of the children being educated and cared for by the service; and</p> <p>(b) meets the educational and developmental needs of the children being educated and cared for by the service.</p> <p>(2) A service approval for a family day care service is granted subject to a condition that the approved provider must ensure that each family day care educator engaged by or registered with the service is adequately monitored and supported by a family day care co-ordinator.</p> <p>(2A) A service approval for a family day care service is granted subject to a condition that each family day care residence, and any approved family day care venue of the service, are to be located within this jurisdiction.</p> <p>(3) A service approval is granted subject to a condition that the approved provider must commence ongoing operation of the service within 6 months after the approval is granted unless the Regulatory Authority agrees to an extension of time.</p> <p>(4) A service approval is granted subject to a condition that the approved provider must hold the prescribed insurance in respect of the education and care service.</p> <p>(4A) A service approval for an education and care service other than a family day care service is granted subject to a condition that the approved provider must ensure that the number of children educated and cared for by the service at any one time does not exceed the maximum number of children specified in the service approval.</p> <p>(4B) An approved provider is not required to comply with</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>subsection (4A) if—</p> <p>(a) the maximum number of children is exceeded because a child is, or 2 or more children from the same family are, being educated and cared for by the education and care service in an emergency; and</p> <p>(b) the approved provider is satisfied on reasonable grounds that this will not affect the health, safety and wellbeing of any other child who is attending the education and care service.</p> <p><i>Example—</i> An emergency under this subsection would include circumstances where a child is in need of protection under a child protection order or where the parent of a child needs urgent health care that prevents that parent caring for the child.</p> <p>(5) A service approval is granted subject to any other conditions prescribed in the national regulations or imposed by—</p> <p>(a) this Law; or</p> <p>(b) the Regulatory Authority.</p> <p>(6) A condition of a service approval does not apply to an associated children's service unless the condition is expressed to apply to that associated children's service.</p> <p>(7) A condition of a service approval may be expressed to apply solely to an associated children's service only if the Regulatory Authority has first consulted with the children's services regulator.</p> <p>(8) An approved provider must comply with the conditions of a service approval held by the approved provider.</p> <p>Penalty: \$11 400, in the case of an individual. \$57 400, in any other case.</p>		



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Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
s.52	<p><b>Copy of service approval to be provided</b></p> <p>If the Regulatory Authority grants a service approval under this Part, the Regulatory Authority must provide a copy of the service approval to the approved provider stating—</p> <p>(a) the name of the education and care service; and</p> <p>(b) the location of the education and care service or, if the education and care service is a family day care service, the location of the principal office of the service and any approved family day care venue for the service; and</p> <p>(c) any conditions to which the service approval is subject; and</p> <p>and</p> <p>(d) the date the service approval was granted; and</p> <p>(e) the service approval number; and</p> <p>(f) the name of the approved provider; and</p> <p>(g) for a service other than a family day care service, the maximum number of children who can be educated and cared for by the service at any one time; and</p> <p>(h) the details of any service waiver under Division 5 or temporary waiver under Division 6 applying to the service; and</p> <p>(i) any other prescribed matters.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>Division 2 – Amendment of service approval</b>			
s.54	<p><b>Amendment of service approval on application</b></p> <p>(1) An approved provider may apply to the Regulatory Authority for an amendment of a service approval.</p> <p>(1A) An application under subsection (1) may include a</p>	<p>s.57 Duty to provide an amended copy of the service approval to the approved provider.</p> <p><i>Note—</i> the transitional provision impacting on timelines – s.326 Approved family day</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory</li> </ul>

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Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p>request for the approval of a place (other than a residence) as a family day care venue for a family day care service.</p> <p>(2) An application must—</p> <p>(a) be in writing; and</p> <p>(b) include the prescribed information; and</p> <p>(c) include payment of the prescribed fee.</p> <p>(3) The Regulatory Authority may ask the approved provider to provide any further information that is reasonably required for the purpose of assessing the application.</p> <p>(4) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of the request until the provision of the further information is not included in the period referred to in subsection (5).</p> <p>(5) The Regulatory Authority must make a decision on the application within 60 days after the Regulatory Authority receives the application.</p> <p>(6) The Regulatory Authority must decide the application by—</p> <p>(a) amending the service approval in the way applied for; or</p> <p>(b) with the applicant's written agreement, amending the service approval in another way; or</p> <p>(c) refusing to amend the service approval.</p> <p>(7) Without limiting subsection (6), an amendment may vary a condition of the service approval or impose a new condition on the service approval.</p> <p>(8) Subject to subsection (8A), an amendment cannot change a location of an education and care service.</p> <p>(8A) The Regulatory Authority may approve a place (other than a residence) as a family day care</p>	care venues	<p>Officer</p> <ul style="list-style-type: none"> <li>• Senior Regulatory Officer</li> </ul>

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Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	venue for a family day care service if the Regulatory Authority considers exceptional circumstances exist.  (9) The Regulatory Authority must give written notice of its decision to the approved provider.		
s.55	<p><b>Amendment of service approval by Regulatory Authority</b></p> <p>(1) The Regulatory Authority may amend a service approval at any time without an application from the approved provider.</p> <p>(2) Without limiting subsection (1), an amendment may vary a condition of the service approval or impose a new condition on the service approval.</p> <p>(3) The Regulatory Authority must give written notice of the amendment to the approved provider.</p> <p>(4) An amendment under this section has effect—</p> <p>(a) 14 days after the Regulatory Authority gives notice of the amendment under subsection (3); or</p> <p>(b) if another period is specified by the Regulatory Authority, at the end of that period.</p> <p>(5) The Regulatory Authority must amend a service approval to the extent that it relates to an associated children's service in accordance with any direction by the children's services regulator if that direction is given in accordance with the children's services law of this jurisdiction.</p>	<p>s.55A Condition relating to family day care co-ordinators</p> <p>Duty to have regard to the transitional provision in s.384(2) of the National Regulations.</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.57	<p><b>Copy of amended service approval to be provided</b></p> <p>If the Regulatory Authority amends a service approval under this Division, the Authority must provide an amended copy of the</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>



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	service approval to the approved provider.		<ul style="list-style-type: none"> <li>Principal Regulatory Officer</li> </ul>
<b>Division 3 – Transfer of service approval</b>			
s.59(1)(b)	<p><b>Regulatory Authority to be notified of transfer</b></p> <p>(1) The transferring approved provider and the receiving approved provider must jointly notify the Regulatory Authority of the transfer—</p> <p>(a) at least 60 days before the transfer is intended to take effect; or</p> <p>(b) if the Regulatory Authority considers that the circumstances are exceptional, a lesser period agreed to by the Regulatory Authority.</p> <p>(2) The notice must—</p> <p>(a) be in writing; and</p> <p>(ab) specify the date on which the transfer is intended to take effect; and</p> <p>(b) include the prescribed information; and</p> <p>(c) include payment of the prescribed fee.</p>	s.68 Duty to amend service approval, on receipt of notice of transfer, and provide an amended copy of the service approval to the receiving approved provider.	<ul style="list-style-type: none"> <li>Executive Director, Early Childhood Regulatory Authority</li> <li>Director, Regulation</li> <li>Manager, Regulation</li> <li>Principal Regulatory Officer</li> </ul>
s.60	<p><b>Consent of Regulatory Authority required for transfer</b></p> <p>A service approval cannot be transferred without the consent of the Regulatory Authority.</p>		<ul style="list-style-type: none"> <li>Executive Director, Early Childhood Regulatory Authority</li> <li>Director, Regulation</li> <li>Manager, Regulation</li> <li>Principal Regulatory Officer</li> </ul>
s.62	<p><b>Transfer may be subject to intervention by Regulatory Authority</b></p> <p>(1) The Regulatory Authority may intervene in a transfer of a service approval if the Regulatory Authority is concerned as to any of the following matters—</p>	s.63 Effect of intervention	<ul style="list-style-type: none"> <li>Executive Director, Early Childhood Regulatory Authority</li> <li>Director, Regulation</li> <li>Manager, Regulation</li> </ul>

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	<p>(a) whether the receiving approved provider is capable of operating the education and care service having regard to its financial capacity and management capability and any other matter the Regulatory Authority considers relevant;</p> <p>(b) the receiving approved provider's history of compliance with this Law as applying in a participating jurisdiction, including in relation to any other education and care service it operates or has operated;</p> <p>(c) any other matter relevant to the transfer of the service approval.</p> <p>(2) The Regulatory Authority must notify the transferring approved provider and the receiving approved provider of the decision to intervene.</p> <p>(3) Subject to subsection (5), the notice must be given at least 28 days before the date on which the transfer is intended to take effect.</p> <p>(4) A notification under subsection (2) must—</p> <p style="padding-left: 40px;">(a) be in writing; and</p> <p style="padding-left: 40px;">(b) include the prescribed information.</p> <p>(5) The period within which notice must be given under subsection (3) does not apply where the Regulatory Authority has not been notified of the intended transfer of a service approval in accordance with section 59.</p>		
<b>s.64</b>	<p><b>Regulatory Authority may request further information</b></p> <p>If the Regulatory Authority has intervened under section 62, the Regulatory Authority may—</p> <p style="padding-left: 40px;">(a) request further information from the transferring approved</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>provider or receiving approved provider for the purposes of deciding whether to consent to the transfer; and</p> <p>(b) undertake inquiries in relation to the receiving approved provider for that purpose.</p>		<ul style="list-style-type: none"> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> </ul>
s.65	<p><b>Decision after intervention</b></p> <p>(1) If the Regulatory Authority has intervened under section 62, it may decide—</p> <p>(a) to consent to the proposed transfer; or</p> <p>(b) to refuse to consent to the proposed transfer.</p> <p>(2) If the Regulatory Authority consents to the proposed transfer the Regulatory Authority may impose conditions on the consent, including specifying the date on which the proposed transfer is to take effect.</p> <p>(3) The service approval must be transferred in accordance with the conditions imposed on the consent.</p>	s.66 Duty to give notice in respect of intervention.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
s.66	<p><b>Regulatory Authority to notify outcome 10 days before transfer</b></p> <p>(1) If the Regulatory Authority has intervened in the transfer of a service approval, the Authority must, at least 10 days before the date on which the transfer is intended to take effect, give a notice to each party specifying that the Authority—</p> <p>(a) consents to the transfer; or</p> <p>(b) refuses to consent to the transfer; or</p> <p>(c) has suspended further consideration of the transfer until further information is received and that the transfer may not proceed until a further notice is given under</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>



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	<p>this section consenting to the transfer; or</p> <p>(d) has not yet made a decision on the transfer and that the Regulatory Authority will make a decision on the transfer within 28 days and that the transfer may not proceed until a further notice is given under this section consenting to the transfer.</p> <p>(2) If the Regulatory Authority consents to the transfer, the notice—</p> <p>(a) must specify—</p> <p>(i) the date on which the transfer is to take effect; and</p> <p>(ii) any conditions on the consent to the transfer; and</p> <p>(b) may include notice of any condition that the Regulatory Authority has imposed on the provider approval or a service approval of the receiving approved provider because of the transfer.</p> <p>(3) If the Regulatory Authority refuses to consent to the transfer, the notice must include the reasons for the refusal.</p>		
s.67A	<p><b>Request for earlier transfer date after consent given to transfer</b></p> <p>(1) This section applies if the Regulatory Authority has consented to or is taken to have consented to the transfer of a service approval.</p> <p>(2) The transferring approved provider and the receiving approved provider may request the transfer take effect on an earlier date than specified in the notification under section 59 or 59A.</p> <p>(3) The Regulatory Authority may agree to the requested</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>

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Reference	Nature of Power	Observations / Limitations	Delegate
	earlier date if the Regulatory Authority considers that exceptional circumstances exist.		
s.68(2)	<p><b>Confirmation of transfer</b></p> <p>(1) The transferring approved provider and the receiving approved provider must give written notice to the Regulatory Authority within 2 days after the transfer takes effect specifying the date of the transfer.</p> <p>Penalty: \$4500, in the case of an individual. \$22 900, in any other case.</p> <p>(2) On receipt of a notice under this section, the Regulatory Authority must amend the service approval and provide an amended copy of the service approval to the receiving approved provider.</p> <p>(3) The amendment to the service approval is taken to take effect on the date of the transfer.</p> <p>(4) An approved provider who gives notice under this section is not guilty of an offence for a failure of any other person to give that notice.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>Division 4 – Suspension or cancellation of service approval</b>			
s.71	<p><b>Show cause notice before suspension</b></p> <p>(1) This section applies if the Regulatory Authority is considering the suspension of a service approval under section 70.</p> <p>(2) The Regulatory Authority must first give the approved provider a notice (show cause notice) stating—</p> <p>(a) that the Regulatory Authority intends to suspend the service approval; and</p> <p>(b) the proposed period of suspension; and</p> <p>(c) the reasons for the proposed</p>	<p>s.70 Duty to be satisfied of the circumstances contained in (a) to (i) before suspending service approval.</p> <p>s.74 (1) Duty to give the approved provider written notice of the decision to suspend.</p> <p>s.75 Duty to refer a suspension of an associated children’s service to a children’s services regulator of the relevant jurisdiction for determination under the children’s services law.</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	suspension; and (d) that the approved provider may, within 30 days after the notice is given, give the Regulatory Authority a written response to the proposed suspension.		
s.72	<p><b>Decision in relation to suspension</b></p> <p>After considering any written response from the approved provider received within the time allowed by section 71(2)(d), the Regulatory Authority may—</p> <p>(a) if the suspension was proposed on the ground referred to in section 70(a), (c) or (d), accept an undertaking from the approved provider under section 179A; or</p> <p>(b) in any case—</p> <p>(i) suspend the service approval for a period not more than the prescribed period; or</p> <p>(ii) decide not to suspend the service approval.</p>	<p>s.179A Enforceable undertakings</p> <p>s.180 Certain actions prohibited if undertaking is complied with</p> <p>s.181 Failure to comply with enforceable undertakings</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.73	<p><b>Suspension of service approval without show cause</b></p> <p>The Regulatory Authority may suspend the service approval without giving the approved provider a show cause notice under section 71 if the Regulatory Authority is satisfied that there is an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the education and care service.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.74	<p><b>Notice and effect of decision</b></p> <p>(1) The Regulatory Authority must give the approved provider written notice of the decision to suspend.</p> <p>(2) Subject to section 76, the decision under section 72 to</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>



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	<p>suspend takes effect at the end of 14 days after the date of the decision, or, if another period is specified by the Regulatory Authority, at the end of that period.</p> <p>(3) Subject to section 76, the decision under section 73 to suspend takes effect on the giving of the notice.</p> <p>(4) The notice of a decision to suspend must set out—</p> <p style="padding-left: 40px;">(a) the period of suspension; and</p> <p style="padding-left: 40px;">(b) the date on which it takes effect.</p> <p>(5) A suspension of a service approval also suspends the service approval to the extent that it relates to an associated children’s service.</p>		
s.75(1)	<p><b>Suspension of service approval to the extent that it relates to associated children’s service</b></p> <p>(1) If the Regulatory Authority considers that a service approval should be suspended to the extent only that it applies to an associated children’s service, the Regulatory Authority must refer the matter to the children’s services regulator of this jurisdiction for determination under the children’s services law.</p> <p>(2) The children’s services regulator must notify the Regulatory Authority if it proposes to conduct any investigation or inquiry into an associated children’s service under the children’s services law.</p> <p>(3) If a final determination is made under the children’s services law of this jurisdiction that a service approval should be suspended to the extent that it relates to an associated children’s service—</p> <p style="padding-left: 40px;">(a) the children’s services regulator must advise the</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	Regulatory Authority of that determination; and  (b) the service approval is suspended to the extent that it relates to the associated children’s service in accordance with that determination.		
s.76	<b>Transfer of suspended service</b>  (1) The Regulatory Authority may consent under this Part to the transfer of a service approval that is suspended under section 72 or 73.  (2) The suspension of the service approval ceases on the transfer taking effect, unless the conditions of the Regulatory Authority’s consent to the transfer otherwise provide.		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.78	<b>Show cause notice before cancellation</b>  (1) This section applies if the Regulatory Authority is considering the cancellation of a service approval under section 77.  (2) The Regulatory Authority must first give the approved provider a notice (show cause notice) stating— (a) that the Regulatory Authority intends to cancel the service approval; and (b) the reasons for the proposed cancellation; and (c) that the approved provider may, within 30 days after the notice is given, give the Regulatory Authority a written response to the proposed cancellation.	s.77 Duty to be satisfied of the circumstances in s.77 before cancelling a service approval.  s.80 Duty to refer a cancellation of an associated children’s service to a children’s services regulator of the relevant jurisdiction for determination under the children’s services law.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.79	<b>Decision in relation to cancellation</b>  (1) After considering any written response from the approved provider received within the time		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	<p>allowed by section 78(2)(c), the Regulatory Authority—</p> <p>(a) may—</p> <p>(i) cancel the service approval; or</p> <p>(ii) suspend the service approval for a period not more than the prescribed period; or</p> <p>(iii) decide not to cancel the service approval; and</p> <p>(b) must give the approved provider written notice of the decision.</p> <p>(2) Subject to section 81, the decision to cancel the service approval takes effect—</p> <p>(a) at the end of 14 days after the date of the decision; or</p> <p>(b) if another period is specified by the Regulatory Authority, at the end of that period.</p> <p>(3) The notice of a decision to cancel must set out the date on which it takes effect.</p> <p>(4) A cancellation of a service approval includes the cancellation of the service approval to the extent that it relates to an associated children's service.</p> <p>(5) This Law applies to a suspension of a service approval under this section as if it were a suspension under section 72.</p>		
s.80(1)	<p><b>Cancellation of service approval to the extent that it relates to associated children’s service</b></p> <p>(1) If the Regulatory Authority considers that a service approval should be cancelled to the extent only that it applies to an associated children’s service, the Regulatory Authority must refer the matter to the children’s services regulator of this jurisdiction for determination under the children’s services law.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>



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	<p>(2) The children’s services regulator must notify the Regulatory Authority if it proposes to conduct any investigation or inquiry into an associated children’s service under the children’s services law.</p> <p>(3) If a final determination is made under the children’s services law of this jurisdiction that a service approval should be cancelled to the extent that it relates to an associated children’s service—</p> <p style="padding-left: 40px;">(a) the children’s services regulator must advise the Regulatory Authority of that determination; and</p> <p style="padding-left: 40px;">(b) the service approval is cancelled to the extent that it relates to the associated children’s service in accordance with that determination.</p>		
s.82	<p><b>Decision on application to transfer cancelled service</b></p> <p>(1) If the Regulatory Authority consents to the transfer—</p> <p style="padding-left: 40px;">(a) the decision to cancel the service approval is revoked; and</p> <p style="padding-left: 40px;">(b) the suspension of the service approval ceases on the transfer taking effect, unless the conditions imposed by the Regulatory Authority on the consent to the transfer specify a later date for the suspension to cease.</p> <p>(2) If the Regulatory Authority refuses to consent to the transfer, the service approval is cancelled on the making of the decision to refuse to consent.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.83	<p><b>Approved provider to provide information to Regulatory Authority</b></p> <p>(1) This section applies if a show cause notice has been given to an</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	<p>approved provider under section 71 or 78.</p> <p>(2) The approved provider, at the request of the Regulatory Authority, must provide the Authority with the contact details of the parents of all children enrolled at the education and care service.</p> <p>(3) The Regulatory Authority may use the information provided under subsection (2) solely to notify the parents of children enrolled at an approved education and care service of a suspension or cancellation of the service approval for the service.</p>		
<b>s.84</b>	<p><b>Notice to parents of suspension or cancellation</b></p> <p>(1) This section applies if a service approval has been suspended or cancelled under section 72, 73, 79 or 82.</p> <p>(2) The Regulatory Authority may require the approved provider to give written notice of the suspension or cancellation and its effect to the parents of children enrolled at the education and care service to which the approval relates and any associated children's service.</p> <p>(3) The approved provider must comply with a requirement made under subsection (2).</p> <p>Penalty: \$3400, in the case of an individual. \$17 200, in any other case.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.85</b>	<p><b>Voluntary suspension of service approval</b></p> <p>(1) An approved provider may apply to the Regulatory Authority for the suspension of a service approval for a period of not more than 12 months.</p> <p>(2) The application must— (a) be in writing; and</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>

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	<p>(b) include the prescribed information; and</p> <p>(c) include payment of the prescribed fee.</p> <p>(3) The Regulatory Authority may agree to the suspension, having regard to whether the suspension is reasonable in the circumstances.</p> <p>(4) The approved provider must, at least 14 days before making an application under this section, notify the parents of children enrolled at the education and care service and any associated children's service of the intention to make the application.</p> <p>(5) The Regulatory Authority must, within 30 days after the application is made, decide whether or not to grant the application.</p> <p>(6) If the Regulatory Authority decides to grant the application, the suspension takes effect on a date agreed between the Regulatory Authority and the approved provider.</p>		
<b>Division 5 – Application for service waiver</b>			
<b>s.89</b>	<p><b>Powers of Regulatory Authority in considering application</b></p> <p>(1) For the purpose of determining an application under this Division, the Regulatory Authority may—</p> <p>(a) ask the applicant to provide further information; and</p> <p>(b) inspect the education and care service premises and the office of the applicant.</p> <p>(2) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of that request until the provision of further information is not included in the period referred to in section 91(2) for the Regulatory Authority to make a</p>	<p><i>Note—</i></p> <p>In respect of s.89(1)(b) the delegate should be an authorised officer under the Law</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>



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	decision on the application.		
s.90	<p><b>Matters to be considered</b></p> <p>In considering whether the grant of a service waiver is appropriate, the Regulatory Authority may have regard to—</p> <p>(a) any matters disclosed in the application; and</p> <p>(b) any other matter the Regulatory Authority thinks fit.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
s.91	<p><b>Decision on application</b></p> <p>(1) On an application under this Division, the Regulatory Authority may decide to grant the service waiver or refuse the application.</p> <p>(2) Subject to subsection (3), the Regulatory Authority must notify the applicant within 60 days after the application is made of the Authority's decision on the application.</p> <p>(3) If an application for a service waiver has been made together with an application for service approval, the Regulatory Authority may notify the applicant of the Authority's decision on the application at the same time as the notice of the decision on the application for the service approval.</p> <p>(4) If a service waiver is granted, the Regulatory Authority may place any conditions on the service waiver, including any condition limiting the use of the service waiver.</p> <p>(5) The Regulatory Authority may, at any time remove, add to or vary any conditions placed on a service waiver under subsection (4).</p> <p>(6) If a service waiver is granted or its conditions are amended under subsection (5), the</p>	s.87(3) Duty not to grant a service waiver unless the service approval is granted	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	Regulatory Authority must issue or reissue the service approval specifying— (a) the national regulations that have been waived; and (b) any conditions placed on the waiver.		
s.92	<b>Revocation of service waiver</b>  (1) The Regulatory Authority may, at its discretion, revoke a service waiver. (2) An approved provider may apply to the Regulatory Authority for the revocation of a service waiver applying to any education and care service that it operates. (3) A revocation under this section takes effect at the end of the period prescribed in the national regulations.		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>Division 6 – Temporary waiver</b>			
s.96	<b>Regulatory Authority may seek further information</b>  (1) For the purpose of determining an application under this Division, the Regulatory Authority may— (a) ask the applicant to provide further information; and (b) inspect the education and care service premises and the office of the applicant. (2) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of that request until the provision of further information is not included in the period referred to in section 98(1) for the Regulatory Authority to make a decision on the application.	s.97 Duty to have regard to whether special circumstances disclosed in the application reasonably justify the grant of the temporary waiver.  <i>Note—</i> In respect of s.96(b) the delegate should be an authorised officer under the Law	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>

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s.98	<p><b>Decision on application</b></p> <p>(1) The Regulatory Authority must notify the applicant within 60 days after the application is made of the Authority's decision on the application.</p> <p>(2) A temporary waiver must specify the period of the waiver which cannot be for a period of more than 12 months.</p> <p>(3) The Regulatory Authority, on the application of the approved provider, may—</p> <p style="padding-left: 40px;">(a) extend and further extend the period of a temporary waiver by periods of not more than 12 months; and</p> <p style="padding-left: 40px;">(b) grant a further temporary waiver for an education and care service under this Division.</p> <p>(4) An application under subsection (3) must include payment of the prescribed fee.</p> <p>(5) If a temporary waiver is granted, the Regulatory Authority may place any conditions on the temporary waiver, including any condition limiting the use of the temporary waiver.</p> <p>(6) The Regulatory Authority may, at any time remove, add to or vary any conditions placed on a temporary waiver under subsection (5).</p> <p>(7) If a temporary waiver is granted or its conditions are amended under subsection (6), the Regulatory Authority must issue or reissue the service approval specifying—</p> <p style="padding-left: 40px;">(a) the national regulations that have been temporarily waived; and</p> <p style="padding-left: 40px;">(b) the period of the waiver; and</p> <p style="padding-left: 40px;">(c) any conditions placed on the waiver.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>



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s.99	<b>Revocation of temporary waiver</b>  The Regulatory Authority may, at its discretion, revoke a temporary waiver.		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>
<b>PART 5 – Assessments and ratings</b>			
<b>Division 1– Assessment and rating</b>			
s.133	<b>Assessment for rating purposes</b>  (1) The Regulatory Authority that granted the service approval for an education and care service may at any time assess the service in accordance with the national regulations to determine whether and at what rating level the service meets the National Quality Standard and the requirements of the national regulations.  (2) Until an approved education and care service is first assessed under this Part, it is taken to have the prescribed provisional rating.	s.137(2) Duty to give the approved provider written notice that the notice of the outcome of the rating assessment will be given under s.136 within 60 days after –  (a) the end of the final period of review of the decision or action referred to in subsection (1); or  (b) if that review is sought, the determination of the review.	<ul style="list-style-type: none"> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>
s.135	<b>Rating of approved education and care service</b>  (1) After carrying out a rating assessment of an approved education and care service, the Regulatory Authority must determine the rating level (other than the highest rating level)— (a) for each quality area stated in the National Quality Standard; and (b) for the overall rating of the service.  (2) In determining a rating level, the Regulatory Authority may have regard to— (a) any information obtained in the rating assessment; and (b) any information obtained in	s.136 Duty to give written notice to the approved provider of the outcome of the rating assessment and rating levels for that service determined under s.135.	<ul style="list-style-type: none"> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>

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	<p>any monitoring or investigation of the service under this Law; and</p> <p>(c) the service's history of compliance with this Law as applying in any participating jurisdiction; and</p> <p>(d) any other prescribed information.</p>		
s.136	<p><b>Notice to approved education and care service of rating</b></p> <p>(1) The Regulatory Authority must give written notice to the approved provider of an approved education and care service of the outcome of the rating assessment and the rating levels for that service determined under section 135.</p> <p>(2) The notice under subsection (1) must be given within 60 days—</p> <p>(a) after the completion of the assessment by an authorised officer under Part 9 of the premises of the approved education and care service for the purpose of the rating assessment; or</p> <p>(b) if section 137 applies, after the end of the final period for review of the applicable decision or action referred to in section 137(1).</p> <p>(3) A rating level set out in the notice is to be a rating level for the education and care service for the purposes of this Law unless a review of the rating level is sought under Division 3 or 4.</p>		<ul style="list-style-type: none"> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>
s.137	<p><b>Suspension of rating assessment</b></p> <p>(1) This section applies in respect of a rating assessment of an approved education and care service if the assessment has not been completed and—</p> <p>(a) the provider approval or the</p>		<ul style="list-style-type: none"> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>

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	<p>service approval for the service is suspended or cancelled; or</p> <p>(b) a compliance notice has been given to the approved provider in respect of the service; or</p> <p>(c) a notice has been given under section 179 in respect of the service; or</p> <p>(d) an action has been taken under section 189 in respect of a child or children being educated and cared for by the service.</p> <p>(2) The Regulatory Authority must give the approved provider a written notice stating that notice of the outcome of the rating assessment will be given under section 136 within 60 days after—</p> <p>(a) the end of the final period for review of the decision or action referred to in subsection (1); or</p> <p>(b) if that review is sought, the determination of the review.</p>		
<b>Division 2 - Reassessment and re-rating</b>			
<b>s.138</b>	<p><b>Regulatory Authority may reassess and re-rate approved education and care service</b></p> <p>The Regulatory Authority may at any time reassess an approved education and care service or any aspect or element of an approved education and care service in accordance with the national regulations to determine whether and at what rating level it meets the National Quality Standard and the requirements of the national regulations for the purpose of rating that service.</p>		<ul style="list-style-type: none"> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>
<b>Division 3 – Review by Regulatory Authority</b>			
<b>s.141</b>	<p><b>Review by Regulatory Authority</b></p> <p>(1) This section applies to an approved provider that is given a notice under section 136.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>



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	<p>(2) The approved provider may ask the Regulatory Authority that determined the rating levels to review the rating levels.</p> <p>(3) A request must be made within 14 days after the approved provider receives the notice.</p> <p>(4) A request must—</p> <ul style="list-style-type: none"> <li>(a) be in writing; and</li> <li>(b) set out the grounds on which review is sought; and</li> <li>(c) be accompanied by the prescribed information; and</li> <li>(d) include payment of the prescribed fee.</li> </ul>		
<b>s.142</b>	<p><b>Process for review</b></p> <p>(1) The person who conducts a review of rating levels for an approved education and care service for the Regulatory Authority must not be a person who was involved in the assessment or rating of the service.</p> <p>(2) The person conducting the review may ask the approved provider and any person who was involved in the assessment or rating of the service for further information.</p> <p>(3) A review under this section must be conducted within 30 days after the application for review is received.</p> <p>(4) The Regulatory Authority may extend the 30 day review period under subsection (3) in one of the following circumstances—</p> <ul style="list-style-type: none"> <li>(a) for an additional period of up to 30 days, if a request for further information is made under subsection (2);</li> <li>(b) for an additional period of up to 30 days, by agreement between the approved provider and the Regulatory Authority;</li> <li>(c) for an additional period of up to 60 days, where the Regulatory Authority considers</li> </ul>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	there are special circumstances that warrant an extension of time to conduct the review.		
s.143	<p><b>Outcome of review by Regulatory Authority</b></p> <p>(1) Following a review under section 142, the Regulatory Authority may—</p> <p>(a) confirm the specific rating levels or the overall rating or both; or</p> <p>(b) amend the specific rating levels or the overall rating or both.</p> <p>(2) The Regulatory Authority must give the approved provider written notice of the decision on the review within 30 days after the decision is made.</p> <p>(3) The notice must set out—</p> <p>(a) the rating levels and overall rating for the approved education and care service; and</p> <p>(b) the reasons for the decision.</p> <p>(4) Unless an application is made under Division 4 for a review of the rating levels, the rating levels set out in the notice are the rating levels for the approved education and care service for the purposes of this Law.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>PART 6 – Operating an education and care service</b>			
s.171	<p><b>Offence relating to direction to exclude inappropriate persons from education and care service premises</b></p> <p>(1) The Regulatory Authority may direct an approved provider, a nominated supervisor or a family day care educator to exclude a person whom the Authority is satisfied is an inappropriate person from the education and care service premises while children are being educated and cared for at the premises for such time as the Authority considers appropriate.</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>(2) A person to whom a direction is given under subsection (1) must comply with the direction.</p> <p>Penalty: \$11 400, in the case of an individual. \$57 400, in any other case.</p> <p>(3) In this section— <b>inappropriate person</b> means a person—</p> <p>(a) who may pose a risk to the safety, health or wellbeing of any child or children being educated and cared for by the education and care service; or</p> <p>(b) whose behaviour or state of mind or whose pattern of behaviour or common state of mind is such that it would be inappropriate for him or her to be on the education and care service premises while children are being educated and cared for by the education and care service.</p> <p><i>Example—</i> A person who is under the influence of drugs or alcohol.</p>		
<b>PART 7 – Compliance with this Law</b>			
<b>Division 1 – Notices</b>			
s.176	<p><b>Compliance directions</b></p> <p>(1) This section applies if the Regulatory Authority is satisfied that an education and care service has not complied with a provision of this Law that is prescribed by the national regulations.</p> <p>(2) The Regulatory Authority may give the approved provider a written direction (a compliance direction) requiring the approved provider to take the steps specified in the direction to comply with that provision.</p> <p>(3) An approved provider must comply with a direction under subsection (2) within the period</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>



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	<p>(being not less than 14 days) specified in the direction.</p> <p>Penalty: \$2200, in the case of an individual. \$11 400, in any other case.</p>		
s.177	<p><b>Compliance notices</b></p> <p>(1) This section applies if the Regulatory Authority is satisfied that an education and care service is not complying with any provision of this Law.</p> <p>(2) The Regulatory Authority may give the approved provider a notice (a compliance notice) requiring the approved provider to take the steps specified in the notice to comply with that provision.</p> <p>(3) An approved provider must comply with a compliance notice under subsection (2) within the period (being not less than 14 days) specified in the notice.</p> <p>Penalty: \$6800, in the case of an individual. \$34 400, in any other case.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.178	<p><b>Notice to suspend education and care by a family day care educator</b></p> <p>(1) This section applies if the Regulatory Authority is satisfied that because of the conduct of, or the inadequacy of the service provided by, a family day care educator engaged by or registered with a family day care service—</p> <p>(a) the approved provider or a nominated supervisor of an approved family day care service is not complying with any provision of this Law; or</p> <p>(b) there is a risk to the safety, health or wellbeing of children being educated and cared for</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	<p>by the family day care educator.</p> <p>(2) The Regulatory Authority may give the approved provider, the nominated supervisor (if applicable) and the educator a notice (<i>show cause notice</i>) stating—</p> <p>(a) that the Regulatory Authority intends to give the approved provider a notice directing the provider to suspend the provision of education and care by the educator; and</p> <p>(b) the reasons for the proposed direction; and</p> <p>(c) that the approved provider, nominated supervisor or educator, (as the case requires) may, within 14 days after the show cause notice is given, make submissions to the Regulatory Authority in respect of the proposed direction.</p> <p>(3) The show cause notice must be served by delivering it personally to the family day care educator.</p> <p>(4) The Regulatory Authority—</p> <p>(a) must consider any submissions from the approved provider, the nominated supervisor and the family day care educator received within the time allowed by subsection (2)(c); and</p> <p>(b) may consider any other submissions and any matters the Regulatory Authority considers relevant; and</p> <p>(c) may—</p> <p>(i) give the approved provider a notice directing the provider to suspend the provision of education and care of children by the family day care educator; or</p> <p>(ii) decide not to give that direction.</p>		

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	<p>(5) The Regulatory Authority must give the family day care educator a notice of the decision under subsection (4).</p> <p>(6) If the Regulatory Authority decides not to give the direction to suspend, the Regulatory Authority must give the approved provider notice of the decision.</p> <p>(7) A person must comply with a direction under subsection (4).</p> <p>Penalty: \$6800, in the case of an individual. \$34 400, in any other case.</p>		
<b>s.179</b>	<p><b>Emergency action notices</b></p> <p>(1) This section applies if the Regulatory Authority is satisfied that an education and care service is operating in a manner that poses, or is likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the service.</p> <p>(2) The Regulatory Authority may, by written notice, direct the approved provider of the education and care service to take the steps specified in the notice to remove or reduce the risk within the time (not more than 14 days) specified in the notice.</p> <p>(3) An approved provider must comply with a direction given under subsection (2).</p> <p>Penalty: \$6800, in the case of an individual. \$34 400, in any other case.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>Division 2 – Enforceable undertakings</b>			
<b>s.179A</b>	<p><b>Enforceable undertakings</b></p> <p>(1) This section applies—</p> <p>(a) if a person has contravened, or if the Regulatory Authority</p>	s.179B Certain actions prohibited while undertaking is in force	<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-</li> </ul>



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	<p>alleges a person has contravened, a provision of this Law; or</p> <p>(b) in the circumstances set out in section 27(a), 72(a) or 184(3).</p> <p>(2) If subsection (1)(a) applies, the Regulatory Authority may accept a written undertaking from the person, under which the person undertakes to take certain actions, or refrain from taking certain actions, to comply with this Law.</p> <p>(3) If subsection (1)(b) applies in relation to the approved provider of an education and care service, the Regulatory Authority may accept a written undertaking from the approved provider, under which the approved provider undertakes to take certain actions, or refrain from taking certain actions in relation to the education and care service.</p> <p>(4) If subsection (1)(b) applies in relation to a person other than the approved provider of an education and care service, the Regulatory Authority may accept a written undertaking from the person, under which the person undertakes to take certain actions, or refrain from taking certain actions in relation to an education and care service.</p> <p>(5) A person may, with the consent of the Regulatory Authority, withdraw or amend an undertaking.</p> <p>(6) The Regulatory Authority may withdraw its acceptance of the undertaking at any time and the undertaking ceases to be in force on that withdrawal.</p> <p>(7) The Regulatory Authority may publish on the Regulatory Authority's website an undertaking accepted under this section.</p>	<p>s.180 Certain actions prohibited if undertaking is complied with</p> <p>s.181 Failure to comply with enforceable undertakings</p>	<p>General, Early Childhood</p> <ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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s.181	<p><b>Failure to comply with enforceable undertakings</b></p> <p>(1) If the Regulatory Authority considers that a person who gave an undertaking under section 179A has failed to comply with any of its terms, the Regulatory Authority may apply to the relevant tribunal or court for an order under subsection (2) to enforce the undertaking.</p> <p>(2) If the relevant tribunal or court is satisfied that the person has failed to comply with a term of the undertaking, the relevant tribunal or court may make any of the following orders—</p> <p>(a) an order directing the person to comply with the term of the undertaking;</p> <p>(b) an order that the person take any specified action for the purpose of complying with the undertaking;</p> <p>(c) any other order that the relevant tribunal or court considers appropriate in the circumstances.</p> <p>(3) If the relevant tribunal or court determines that the person has failed to comply with a term of an undertaking under section 179A(2), proceedings may be brought for any offence constituted by the contravention or alleged contravention in respect of which the undertaking was given.</p> <p>(4) If the relevant tribunal or court determines that an approved provider has failed to comply with a term of an undertaking under section 179A(3), the Regulatory Authority may without further notice—</p> <p>(a) if the undertaking was given in circumstances set out in section 27(a), suspend the provider approval under section 27; or</p> <p>(b) if the undertaking was</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>given in circumstances set out in section 72(a), suspend the service approval under section 72; or</p> <p>(c) if the undertaking was given in circumstances set out in section 184(3), give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.</p> <p>(5) If the relevant tribunal or court determines that a person has failed to comply with a term of an undertaking under section 179A(4), the Regulatory Authority may, without further notice, give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.</p> <p>(6) Proceedings referred to in subsection (3) may be brought within 6 months of the determination or within 2 years of the date of the alleged offence, whichever occurs last.</p>		
<b>Division 3 – Prohibition notices</b>			
<b>s.182</b>	<p><b>Grounds for giving prohibition notice</b></p> <p>(1) The Regulatory Authority may give a prohibition notice to a person who is in any way involved in the provision of an approved education and care service if it considers that there may be an unacceptable risk of harm to a child or children if the person were allowed –</p> <p>(a) remain on the education and care premises; or</p> <p>(b) to provide education and care to children.</p> <p>(2) For the purposes of subsection (1), a person may be involved in the provision of an approved education and care service as any of the following—</p> <p>(a) an approved provider;</p> <p>(b) a nominated supervisor;</p>	<p>s.184(1) Duty to have regard to any written submissions from the person before deciding whether to give a prohibition notice, if a show cause notice has been given to the person under s.183.</p> <p>s.184(2) If decision is to not give prohibition notice, duty to give notice of the decision to the person.</p> <p>s.185 Duty to state certain things in prohibition notice.</p>	<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>



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	<p>(c) an educator;  (d) a family day care educator;  (e) an employee;  (f) a contractor;  (g) a volunteer;  (h) a person who was formerly a person referred to in paragraphs (a) to (g) in relation to the approved education and care service—  or in any other capacity.</p> <p>(3) The Regulatory Authority may give a prohibition notice to a person to—</p> <p>(a) prohibit the person from being nominated as a nominated supervisor if the Regulatory Authority considers the person is not a fit and proper person to be nominated as a nominated supervisor of a service; or</p> <p>(b) impose one or more conditions on the nomination of the person as a nominated supervisor that the Regulatory Authority considers appropriate, if the Regulatory Authority considers the person is a fit and proper person to be nominated as a nominated supervisor of a service subject to those conditions.</p>		
s.183	<p><b>Show cause notice to be given before prohibition notice</b></p> <p>(1) Before giving a person a prohibition notice, the Regulatory Authority must give the person a notice (a <i>show cause notice</i>)—</p> <p>(a) stating that the Regulatory Authority proposes to give the person a prohibition notice; and</p> <p>(b) stating the reasons for the proposed prohibition; and</p> <p>(c) inviting the person to make a written submission to the Regulatory Authority, within a stated time of at least 14 days,</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>about the proposed prohibition.</p> <p>(2) Subsection (1) does not apply if the Regulatory Authority is satisfied it is necessary, in the interests of the safety, health or wellbeing of a child or children, to immediately issue a prohibition notice to the person.</p>		
s.184	<p><b>Deciding whether to give prohibition notice</b></p> <p>(1) If the Regulatory Authority gives a show cause notice under section 183 to a person, the Regulatory Authority must have regard to any written submission received from the person within the time stated in the show cause notice before deciding whether to give the person a prohibition notice.</p> <p>(2) If the Regulatory Authority decides not to issue a prohibition notice to the person, the Regulatory Authority must give the person notice of the decision.</p> <p>(3) The Regulatory Authority may accept an undertaking from a person under section 179A instead of giving a prohibition notice under this Division.</p>	<p>s.179A Enforceable undertakings</p> <p>s.180 Certain actions prohibited if undertaking is complied with</p> <p>s.181 Failure to comply with enforceable undertakings</p>	<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>
s.186	<p><b>Cancellation of prohibition notice</b></p> <p>(1) If the Regulatory Authority is satisfied there is not a sufficient reason for a prohibition notice to remain in force for a person, the Regulatory Authority must cancel the prohibition notice and give the person notice of the cancellation.</p> <p>(2) A person for whom a prohibition notice is in force may apply to the Regulatory Authority to cancel the notice.</p> <p>(3) The application must—</p> <p>(a) be in writing; and</p> <p>(b) include the prescribed information; and</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>(c) be signed by the person.</p> <p>(4) The person may state in the application anything the person considers relevant to the Regulatory Authority's decision about whether there would be an unacceptable risk of harm to children if the person were—</p> <p>(a) to remain at the education and care service premises; or</p> <p>(b) to provide education and care to children.</p> <p>(4A) The person may state in the application anything the person considers relevant to the Regulatory Authority's decision about whether the person is a fit and proper person to be nominated as a nominated supervisor with or without conditions.</p> <p>(5) The application may include a statement setting out any change in the person's circumstances since the prohibition notice was given or since any previous application under this section that would warrant the cancellation of the notice.</p> <p>(6) The Regulatory Authority must decide the application as soon as practicable after its receipt.</p>		
<b>Division 4 – Emergency removal of children</b>			
<b>s.189</b>	<p><b>Emergency removal of children</b></p> <p>(1) This section applies if the Regulatory Authority considers, on reasonable grounds, that there is an immediate danger to the safety or health of a child or children being educated and cared for by an education and care service.</p> <p>(2) The Regulatory Authority may remove, or cause the removal of, the child or children from the education and care service premises.</p> <p>(3) In exercising a power under</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>



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	<p>subsection (2)—</p> <p>(a) the Regulatory Authority may be given such assistance by other persons (including police officers) as is reasonably required; and</p> <p>(b) the Regulatory Authority and any person assisting the Regulatory Authority may—</p> <p>(i) enter the education and care service premises, without warrant; and</p> <p>(ii) use reasonable force as necessary.</p> <p>(4) If a child is removed from the education and care service premises under subsection (2), the Regulatory Authority must ensure that the child's parents are immediately notified of the situation and the child's current location.</p>		
<b>PART 8 – Review</b>			
<b>Division 1 – Internal review</b>			
<b>s.191</b>	<p><b>Internal review of reviewable decisions</b></p> <p>(1) A person who is the subject of a reviewable decision for internal review may apply to the Regulatory Authority in writing for review of the decision.</p> <p>(2) An application under subsection (1) must be made—</p> <p>(a) within 14 days after the day on which the person is notified of the decision; or</p> <p>(b) if the person is not notified of the decision, within 14 days after the person becomes aware of the decision.</p> <p>(3) The person who conducts the review for the Regulatory Authority must not be a person who was involved in the assessment or investigation of the person or service to whom or which the decision relates.</p> <p>(4) The person conducting the review may ask the person who applied for the review for further</p>	<p>Exercise of this power by the delegate is limited to a reviewable decision under s.190(a) in respect of a decision to refuse to grant a:</p> <ul style="list-style-type: none"> <li>- provider approval under s.15(1)(b)</li> <li>- service approval under s.48(1)(b).</li> </ul> <p>Delegates may not exercise power if they were the original decision maker under s.15(1)(b) or s.48(1)(b).</p> <p>Exercise of this power by the delegate is limited to a reviewable decision under s.190(b) in respect of a decision to amend or refuse to amend a</p> <ul style="list-style-type: none"> <li>- provider approval under s.22(3)(c) or s.23(1)</li> <li>- service approval under s.54(6)(c) or s.55.</li> </ul> <p>Delegates may not exercise</p>	<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul> <ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>information.</p> <p>(5) A review under this section must be conducted within 30 days after the application is made.</p> <p>(6) The period specified in subsection (5) may be extended by up to 30 days—</p> <p>(a) if a request for further information is made under subsection (4); or</p> <p>(b) by agreement between the person who applied for the review and the Regulatory Authority.</p> <p>(7) The Regulatory Authority may, in relation to an application under subsection (1)—</p> <p>(a) confirm the decision; or</p> <p>(b) make any other decision that the Regulatory Authority thinks appropriate.</p>	<p>power if they were the original decision maker under s.22(3)(c), s.23(1), s.54(6)(c) or s.55.</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> </ul>
		<p>Exercise of this power by the delegate is limited to a reviewable decision under s.190(c) in respect of a decision to impose a condition on a</p> <ul style="list-style-type: none"> <li>- provider approval under s.19(1)</li> <li>- service approval under s.51(5).</li> </ul> <p>Delegates may not exercise power if they were the original decision maker under s.19(1) or s.51(5).</p>	<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>
		<p>Exercise of this power by the delegate is limited to a reviewable decision under s.190(d) in respect of a decision to suspend a</p> <ul style="list-style-type: none"> <li>- provider approval under s.28</li> <li>- service approval under s.73.</li> </ul> <p>Delegates may not exercise power if they were the original decision maker under s.28 or s.73.</p>	
		<p>Exercise of this power by the delegate is limited to a reviewable decision under s.190(e) in respect of a decision to refuse to consent to the transfer of a service approval under s.65(1)(b).</p> <p>Delegates may not exercise power if they were the original decision maker under s.65(1)(b).</p>	

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		Exercise of this power by the delegate is limited to a reviewable decision under s.190(f) in respect of a decision to revoke a service waiver under s.92(1).	
		Exercise of this power by the delegate is limited to a reviewable decision under s.190(g) in respect of a decision to issue a compliance direction under s.176.	
		Exercise of this power by the delegate is limited to a reviewable decision under s.190(h) in respect of a decision to issue a compliance notice under s.177.	
PART 9 - Monitoring and enforcement			
Division 1 – Authorised officers			
s.195	<p><b>Authorisation of authorised officers</b></p> <p>(1) The Regulatory Authority may authorise any person who the Regulatory Authority is satisfied is an appropriate person to be an authorized officer for the purposes of this Law.</p> <p>(2) In considering whether a person is an appropriate person to be an authorised officer, the Regulatory Authority must take into account the requirements for the authorisation of authorised officers determined by the National Authority under subsection (5).</p> <p>(3) An authorised officer holds office on any terms and conditions stated in the authorisation.</p> <p>(4) A defect in the authorisation of an authorized officer does not affect the validity of any action taken or decision made by the authorised officer under this Law.</p>		<ul style="list-style-type: none"><li>• Executive Director, Early Childhood Regulatory Authority</li><li>• Director, Regulation</li></ul>



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	<p>(5) The National Authority may determine the requirements for the authorisation of authorized officers under this section.</p> <p>(6) A determination under subsection (5) must be published on the website of the National Authority.</p>		
<b>s.196</b>	<p><b>Identity card</b></p> <p>(1) The Regulatory Authority must issue to each authorised officer an identity card in the form prescribed by the national regulations.</p> <p>(2) The identity card must identify the authorised officer as an authorised officer authorised by the Regulatory Authority under this Law.</p> <p>(3) An authorised officer must—</p> <p>(a) carry the identity card whenever the officer is exercising his or her functions under this Law; and</p> <p>(b) show the identity card—</p> <p>(i) before exercising a power of entry under this Law; and</p> <p>(ii) at any time during the exercise of a power under this Law when asked to do so.</p> <p>Penalty: \$1 100.</p> <p>(4) An authorised officer who fails to comply with subsection (3)(b) in relation to the exercise of a power ceases to be authorised to exercise the power in relation to the matter.</p> <p>(5) An authorised officer must return his or her identity card to the Regulatory Authority on ceasing to be authorised as an authorised officer for the purposes of this Law.</p> <p>Penalty: \$1 100.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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<b>Division 5 – Powers of Regulatory Authority</b>			
s.214	<p><b>Powers of Regulatory Authority to obtain information for rating purposes</b></p> <p>The Regulatory Authority may, for the purpose of a rating assessment –</p> <p>(a) ask the approved provider of the approved education and care service for any information and documents; and</p> <p>(b) make any inquiries it considers appropriate.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> </ul>
s.215	<p><b>Power of Regulatory Authority to obtain information, documents and evidence by notice</b></p> <p>(1) This section applies if the Regulatory Authority reasonably suspects that an offence has or may have been committed against this Law.</p> <p>(2) The Regulatory Authority may, by written notice, require a specified person—</p> <p>(a) to provide to the Regulatory Authority, in writing signed by that person or, if the person is not an individual, by a competent officer of that person, within the time and in the manner specified in the notice, any relevant information that is specified in the notice; or</p> <p>(b) to produce to the Regulatory Authority, or to a person specified in the notice acting on the Regulatory Authority's behalf, in accordance with the notice, any relevant document referred to in the notice; or</p> <p>(c) to appear before the Regulatory Authority, or a person specified in the notice acting on the Regulatory Authority's behalf, at a time</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> </ul>

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	<p>and place specified in the notice to give any evidence or to produce any relevant document specified in the notice.</p> <p>(3) The notice must—</p> <p>(a) warn the person that failure or refusal to comply with the notice would constitute an offence; and</p> <p>(b) warn the person about the effect of sections 217, 218 and 219.</p> <p>(4) The Regulatory Authority or the person specified in the notice acting on the Regulatory Authority's behalf may require the evidence referred to in subsection (2)(c) to be given on oath or affirmation and for that purpose may administer an oath or affirmation.</p> <p>(5) The person may give evidence under subsection (2)(c) by telephone or video conference or other electronic means unless the Regulatory Authority, on reasonable grounds, requires the person to give that evidence in person.</p> <p>(6) In this section, <i>specified person</i> has the meaning given in section 206(4).</p>		
s.216	<p><b>Power of Regulatory Authority to obtain information, documents and evidence at education and care service</b></p> <p>(1) This section applies if the Regulatory Authority reasonably suspects that an offence has or may have been committed against this Law.</p> <p>(2) The Regulatory Authority may require a specified person at an education and care service—</p> <p>(a) to provide the Regulatory Authority, or a person acting on the Regulatory Authority's behalf, with any specified information that is relevant to the suspected offence; or</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> </ul>



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	<p>(b) to produce to the Regulatory Authority, or to a person acting on the Regulatory Authority's behalf, any specified document that is relevant to the suspected offence.</p> <p>(3) The Regulatory Authority must—</p> <p>(a) warn the person that failure or refusal to comply with the requirement would constitute an offence; and</p> <p>(b) warn the person about the effect of sections 217, 218 and 219.</p> <p>(4) The Regulatory Authority must not require a person to remain at the education and care service more than a reasonable time for the purposes of providing information or producing documents under subsection (2).</p> <p>(5) In this section, <i>specified person</i> has the meaning given in section 206(4).</p>		
s.262(2)	<p><b>Delegations</b></p> <p>(1) The Regulatory Authority may in writing delegate any of its functions and powers under this Law (other than this power of delegation) to—</p> <p>(a) any person employed under a public sector law of this jurisdiction; or</p> <p>(b) a prescribed person or a person in a prescribed class of persons.</p> <p>(2) A delegate of the Regulatory Authority must disclose to the Regulatory Authority, at the request of the Authority, any direct or indirect personal or pecuniary interest the delegate may have in relation to the delegated functions and powers.</p>	Power to request delegates to provide disclosure of personal or pecuniary conflicts of interest.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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<b>PART 13 – Information, records and privacy</b>			
<b>Division 4 – Registers</b>			
s.267	<p><b>Register of education and care services</b></p> <p>(1) The Regulatory Authority must keep a register of approved education and care services operating in the participating jurisdiction.</p> <p>(2) The register of approved education and care services must contain the following information—</p> <p>(a) the name of each service;</p> <p>(b) the name of the approved provider of each service;</p> <p>(c) except in the case of a family day care service, the address of each education and care service premises;</p> <p>(d) in the case of an approved family day care service, the address of the principal office of the service;</p> <p>(e) the rating levels for each service;</p> <p>(f) any other prescribed information.</p> <p>(3) The register of approved education and care services may be inspected at the office of the Regulatory Authority during normal office hours without charge.</p> <p>(4) A person may obtain a copy of, or extract from, the register of approved education and care services on payment of the prescribed fee.</p> <p>(5) The Regulatory Authority must provide a copy of the register of approved education and care services (as updated from time to time) to the National Authority and the relevant Commonwealth Department.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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s.269(3)	<p><b>Register of family day care educators, co-ordinators and assistants</b></p> <p>(1) The approved provider of a family day care service must keep a register at the principal office of the service that contains the prescribed information in respect of the following persons—</p> <p>(a) each family day care educator engaged by or registered with the service;</p> <p>(b) each family day care co-ordinator employed or engaged by the service;</p> <p>(c) each family day care educator assistant engaged by or registered with the service.</p> <p>Penalty: \$4500, in the case of an individual. \$22 900, in any other case.</p> <p>(2) The approved provider must take reasonable steps to ensure that the information contained in the register is accurate.</p> <p>Penalty: \$2200, in the case of an individual. \$11 400, in any other case.</p> <p>(3) The approved provider must provide any information on the register and any changes to the information on the register to the Regulatory Authority on request within 24 hours of the Regulatory Authority's request.</p> <p>Penalty: \$4500, in the case of an individual. \$22 900, in any other case.</p> <p>(4) The approved provider must keep the register in accordance with the prescribed requirements (if any).</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> <li>• Senior Regulatory Officer</li> <li>• Regulatory Officer</li> <li>• Authorised officers (authorised pursuant to s.195(1) of the Education and Care Services National Law (Queensland)).</li> </ul>



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	Penalty: \$4500, in the case of an individual \$22 900, in any other case.		
<b>Division 5 – Publication of information</b>			
s.270	<p><b>Publication of information</b></p> <p>(1) The National Authority and the Regulatory Authority may publish the following information about approved providers, approved education and care services and nominated supervisors—</p> <p>(a) the name of each provider, service or supervisor;</p> <p>(b) except in the case of approved family day care services, the address of each education and care service premises;</p> <p>(c) in the case of approved family day care services, the address of the principal office of each service;</p> <p>(d) the rating levels of each approved education and care service;</p> <p>(e) other prescribed information in respect of approved education and care services.</p> <p>(2) The National Authority—</p> <p>(a) must publish on its website the register of approved providers; and</p> <p>(b) may publish on its website the register of approved education and care services as kept by a Regulatory Authority.</p> <p>(3) The Regulatory Authority must publish on its website the register of approved education and care services kept by the Regulatory Authority.</p> <p>(4) The relevant Commonwealth Department is authorised to publish the register of approved</p>	For s.270(5)(a), refer to s.227(3) of the National Regulations.	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	<p>education and care services on a website kept by that department.</p> <p>(5) The Regulatory Authority may publish the prescribed information about—</p> <p>(a) enforcement actions taken under this Law, including information about compliance notices, prosecutions, enforceable undertakings, suspension or cancellation of approvals; and</p> <p>(b) any prescribed matters.</p> <p>(6) Information published under this section must not include information that could identify or lead to the identification of an individual other than—</p> <p>(a) an approved provider or nominated supervisor; or</p> <p>(b) a person who is being prosecuted for an offence against this Law; or</p> <p>(c) if the Regulatory Authority is satisfied that it is in the public interest to do so, a person with management or control of an education and care service.</p>		
<b>Division 6 - Disclosure of information</b>			
<b>s.271</b>	<p><b>Disclosure of information to other authorities</b></p> <p>(1) The National Authority may disclose information in respect of an education and care service for a purpose listed in subsection (4), to—</p> <p>(a) a relevant Commonwealth Government Department; or</p> <p>(b) any State or Territory Government Department; or</p> <p>(c) any Commonwealth, State or Territory public authority; or</p> <p>(d) any State or Territory local authority; or</p> <p>(e) a Regulatory Authority of a participating jurisdiction.</p> <p>(2) The Regulatory Authority may disclose information in</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>

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	<p>respect of an education and care service for a purpose listed in subsection (4), to—</p> <p>(a) a relevant Commonwealth Government Department; or</p> <p>(b) any State or Territory Government Department; or</p> <p>(c) any Commonwealth, State or Territory public authority; or</p> <p>(d) any State or Territory local authority; or</p> <p>(e) a Regulatory Authority of another participating jurisdiction.</p> <p>(3) The National Authority, the Regulatory Authority and any Government Department, public authority or local authority may disclose information to each other in respect of an education and care service for a purpose listed in subsection (4).</p> <p>(4) The purposes for disclosure of information under this section are—</p> <p>(a) the disclosure is reasonably necessary to promote the objectives of the national education and care services quality framework; or</p> <p>(b) the disclosure is for the purposes of enabling or assisting the other entity to perform or exercise any of its functions or powers under this Law; or</p> <p>(c) the disclosure is for the purposes of research or the development of National, State or Territory policy with respect to education and care services; or</p> <p>(d) the disclosure is for a purpose relating to the funding of education and care services; or</p> <p>(e) the disclosure is for a purpose relating to the payment of benefits or allowances to persons using education and care services, provided the disclosure of information is not</p>		



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	<p>otherwise prohibited by law.</p> <p>(5) The Regulatory Authority must disclose to the Regulatory Authorities of other participating jurisdictions the suspension or cancellation of a working with children check, working with children card or teacher registration of a nominated supervisor of which it is notified under this Law.</p> <p>(6) The Regulatory Authority may disclose to the head of the government department responsible for the administration of a working with children law, any prohibition notice given under this Law as applying in any participating jurisdiction in respect of the person.</p> <p>(7) A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—</p> <p>(a) the National Authority, all participating jurisdictions and the Commonwealth; and</p> <p>(b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.</p> <p>(8) Information disclosed under this section for the purpose of research or the development of National, State or Territory policy with respect to education and care services must not include information that could identify or lead to the identification of an individual other than—</p> <p>(a) an approved provider or a nominated supervisor; or</p> <p>(b) a family day care educator who has been suspended from providing education and care to children as part of a family day</p>		

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	care service; or (c) a person to whom a prohibition notice applies; or (d) a person who is being prosecuted for an offence against this Law.		
s.272	<p><b>Disclosure of information to approved providers</b></p> <p>(1) At the request of an approved provider, the National Authority or the Regulatory Authority may disclose the following information to the provider, if the National Authority or Regulatory Authority considers on reasonable grounds that the provider requires the information to comply with the provider’s obligations under this Law—</p> <p>(a) whether a person named in the request is subject to a prohibition notice given under section 182;</p> <p>(b) whether a family day care educator named in the request has been suspended from providing education and care to children as part of a family day care service under section 178.</p> <p>(2) A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—</p> <p>(a) the National Authority, all participating jurisdictions and the Commonwealth; and</p> <p>(b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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<b>PART 14 - Miscellaneous</b>			
<b>Division 4 - Legal Proceedings</b>			
<b>s.283</b>	<p><b>Who may bring proceedings for an offence?</b></p> <p>(1) The following persons may bring proceedings for an offence under this Law—</p> <p>(a) the Regulatory Authority;</p> <p>(b) a person authorised by the Regulatory Authority;</p> <p>(c) a police officer.</p> <p>(2) In a proceeding for an offence against this Law or the regulations it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorised to bring it.</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> </ul>
<b>s.292</b>	<p><b>Evidentiary certificates</b></p> <p>A certificate purporting to be signed by the chief executive officer of the National Authority or by a Regulatory Authority and stating any of the following matters is prima facie evidence of the matter—</p> <p>(a) a stated document is one of the following things made, given, issued or kept under this Law—</p> <p>(i) an appointment, approval or decision;</p> <p>(ii) a notice, direction or requirement;</p> <p>(iii) (Repealed)</p> <p>(iv) a register, or an extract from a register;</p> <p>(v) a record, or an extract from a record;</p> <p>(b) a stated document is another document kept under this Law;</p> <p>(c) a stated document is a copy of a document mentioned in paragraph (a) or (b);</p> <p>(d) on a stated day, or during a stated period, a stated person was or was not an approved provider;</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> </ul>



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	<p>(e) on a stated day, or during a stated period, an education and care service was or was not an approved education and care service;</p> <p>(f) on a stated day, or during a stated period, an approval was or was not subject to a stated condition;</p> <p>(g) on a stated day, an approval was suspended or cancelled;</p> <p>(h) on a stated day, or during a stated period, an appointment as authorised officer was, or was not, in force for a stated person;</p> <p>(i) on a stated day, a stated person was given a stated notice or direction under this Law;</p> <p>(j) on a stated day, a stated requirement was made of a stated person.</p>		
<b>PART 15 – Transitional provisions</b>			
<b>Division 2 - Education and care services</b>			
<b>s.318</b>	<p><b>Offences</b></p> <p>The Regulatory Authority may bring or continue a prosecution for any offence under a former education and care services law in relation to a service that is taken to be an education and care service.</p>		<ul style="list-style-type: none"> <li>• Associate Director-General, Early Childhood and State Schools</li> <li>• Deputy Director-General, Early Childhood</li> </ul>