

**Department of Education and
Training**

Legislative Delegations

**Delegation of
Director-General's Powers**

under

***Education and Care Services
Regulation 2013***

(Version 6 – December 2016)

NOTE: The Executive Director, Legal and Administrative Law Branch must be consulted regarding all proposed amendments to these delegations.

INSTRUMENT OF DELEGATION

Education and Care Services Regulation 2013

I, Dr Jim Watterston, Director-General of the Department of Education and Training, pursuant to section 240(1) of the *Education and Care Services Act 2013*, HEREBY DELEGATE to the persons who are from time to time the holders of the position specified in Column 4 of Schedule 1, those powers, functions, authorities and duties, conferred or imposed on me under the provisions of the *Education and Care Services Regulation 2013*, which are specified in Column 1 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1.

This Instrument of Delegation is comprised of this page and Schedule 1 comprising 3 pages. No other material forms part of the Instrument. Appendix 1 – Director-General’s Powers Not Delegated is provided as a guide to the powers of the Director-General which can only be exercised personally by the Director-General.

This Instrument of Delegation does not authorise the persons who are from time to time the holders of the position specified in Column 4 of Schedule 1 to sub-delegate any of the powers, functions, authorities or duties specified in Column 1 of Schedule 1.

This Instrument of Delegation revokes any Instrument of Delegation previously issued with respect to the powers, functions, authorities and duties of the Director-General under the *Education and Care Services Regulation 2013*.



**DR JIM WATTERSTON
DIRECTOR-GENERAL
DEPARTMENT OF EDUCATION AND TRAINING**

DATED AT BRISBANE THIS 5th day of December, 2016.

**SCHEDULE 1 – Table of Delegated Powers of Director-General
*Education and Care Services Regulation 2013***

Schedule 1 – Table of Director-General's Delegated Powers – <i>Education and Care Services Regulation 2013</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
Part 4 – Conduct of QEC approved services			
Division 3 – Physical environment			
s.29(3)	<p>General requirements for indoor space—Act, s 244(2)(e)</p> <p>(1) The Queensland approved provider of a QEC approved service must ensure that, for each QEC service child, the QEC service premises has at least 3.25 square metres of unencumbered indoor space. Maximum penalty—5 penalty units.</p> <p>(2) In calculating the area of unencumbered indoor space—</p> <p>(a) the following areas are to be excluded—</p> <p>(i) any passageway or thoroughfare (including door swings);</p> <p>(ii) any toilet and hygiene facilities;</p> <p>(iii) any nappy changing area or area for preparing bottles;</p> <p>(iv) any area permanently set aside for the use or storage of cots;</p> <p>(v) any area permanently set aside for storage;</p> <p>(vi) any area or room for staff or administration;</p> <p>(vii) any other space that is not suitable for children;</p> <p>and</p> <p>(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the QEC service.</p> <p>(3) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the chief executive.</p> <p>(4) A verandah that is included in calculating the area of outdoor space can not be included in calculating the area of indoor space.</p>		<ul style="list-style-type: none"> • Director, Regulation, Assessment and Service Quality • Regional Early Childhood Education and Care Director • Manager, Regulation, Assessment and Service Quality • Regional Early Childhood Manager • Early Childhood Manager • Early Childhood Team Leader
s.32(4)(a)	<p>General requirements for outdoor space—Act, s 244(2)(e)</p> <p>(1) The Queensland approved provider of</p>		<ul style="list-style-type: none"> • Director, Regulation, Assessment and Service Quality

	<p>a QEC approved service must ensure that, for each QEC service child, the QEC service premises has at least 7 square metres of unencumbered outdoor space.</p> <p>Maximum penalty—5 penalty units.</p> <p>(2) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—</p> <p>(a) any pathway or thoroughfare, other than where used by children as part of an educational program provided by the QEC service;</p> <p>(b) any car parking area;</p> <p>(c) any storage shed or other storage area;</p> <p>(d) any other space that is not suitable for children.</p> <p>(3) A verandah that is included in calculating the area of indoor space can not be included in calculating the area of outdoor space.</p> <p>(4) An area of unencumbered indoor space may be included in calculating the outdoor space of a school age care service if—</p> <p>(a) the chief executive has given written approval; and</p> <p>(b) that indoor space has not been included in calculating the indoor space under section 29.</p>		<ul style="list-style-type: none"> • Regional Early Childhood Education and Care Director • Manager, Regulation, Assessment and Service Quality • Regional Early Childhood Manager • Early Childhood Manager • Early Childhood Team Leader
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Part 7 – Miscellaneous

<p>s.71</p>	<p>Fees</p> <p>(1) The fees payable under the Act are stated in schedule 1.</p> <p>(2) For schedule 1, items 12 and 14 the maximum fee for copying is \$400.00 for each item.</p> <p>(3) The chief executive may waive, reduce, defer or refund a fee if the chief executive considers that there are exceptional circumstances to do so.</p>		<ul style="list-style-type: none"> • Deputy Director-General, Early Childhood and Community Engagement • Executive Director, Regulation, Assessment and Service Quality • Director, Regulation, Assessment and Service Quality • Regional Early Childhood Education and Care Director • Manager, Regulation, Assessment and Service Quality
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APPENDIX 1 – Director-General's Powers Not Delegated – *Education and Care Services Regulation 2013*

Appendix 1 – Director-General's Powers Not Delegated – <i>Education and Care Services Regulation 2013</i>	
Reference	Nature of Power
s.9(c)	Development of educational programs—Act, s 244(2)(b)