



Procedure

Leasing facilities for early years services

Version number

3.1

Version effective

12/10/2015

Scope

Early Years Services operating from Department of Education and Training owned facilities.

Purpose

To assist with the preparation of leases and leasing arrangements for Early Years Services proposed within Department of Education and Training owned buildings.

Overview

The Department of Education and Training aims to provide:

- universal access to early childhood education and care for children in the years prior to Prep
- access to integrated early childhood services for expectant parents and families with children birth to 8 years.

A strategy for achieving these aims is to support community organisations providing Early Childhood Education and Care (ECEC) services through the provision of leases to operate in Departmental owned buildings.

This procedure provides a framework for the development and management of leases. The objectives of this procedure are to:

- standardise leases for each program
- encourage good governance of leased assets
- support universal access to Early Years Services and government priorities.

Responsibilities

Real Estate Unit:

Facilitates and manages DET leases, including:

- negotiating lease conditions, such as the term of the lease agreement, with service providers
- applying the relevant charges to the particular lease, as advised by Asset Maintenance Unit
- arranging signatories and appropriate approval
- managing lease renewals
- advising lessee of breaches to the lease and managing breaches to the lease.

Asset Maintenance Unit:

- managing the ECEC Asset Maintenance Program to ensure DET facilities for Early Years Services are maintained to an appropriate standard in accordance with the Department of Public Works Maintenance Management framework
- liaise with the Office for Early Childhood Education and Care and the Real Estate Unit to determine the appropriate leasing conditions and maintenance levy, in accordance with the [Early Years Services - Lease Development Guidelines](#)
- calculate and collect the maintenance levy.

Legal and Administrative Law Branch:

- providing legal advice in relation to leases.

Office for Early Childhood Education and Care:

- providing advice with respect to the Early Years Services covered by this procedure.
- assisting Asset Maintenance Unit with advice to determine the appropriate lease conditions and charges applicable to each lease.

Lessee:

- access the Early Years Services - Lease Development Guidelines and familiarise themselves with the content ensuring all conditions of the proposed lease are fully understood
- negotiate and sign the lease template ensuring compliance to this procedure and Early Years Services - Lease Development Guidelines
- conduct themselves in accordance with the terms and conditions of the signed lease.

Process

- [Early Years Services - Lease Development Guidelines](#)

Online Resources

- [Lease Development Guidelines](#)

Review Date

9/07/2013



Definitions

Prep

Prep is an early education program only offered in primary schools. Children must be aged 5 by 30 June in the year they start Prep

Lease

A contract which conveys real estate, equipment or facilities for a specified term and for a specified rent.

Governance

Administration, rule or management.

Appropriate approval

Necessary authorisations required to receive formal or official consent.

Breaches

Infraction or violation of an agreement or condition.

Authority

- [Building Act 1975 \(Qld\)](#)
- [Competition and Consumer Act 2010 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(General Provisions\) Regulation 2006 \(Qld\)](#)
- [Community Services Act 2007 \(Qld\)](#)
- [Financial and Performance Management Standard 2009 \(Qld\)](#)
- [Education and Care Services National Legislation](#)
- [Education and Care Services Act 2013](#)

Related Policy Instruments

- [*Department of Treasury National Competition Policy*](#)
- [*Department of Environment and Resource Management Secondary Use Policy*](#)
- [*Australian Building Codes Board Building Code of Australia*](#)
- [*Department of Public Works Maintenance Management Framework*](#)
- [*Compliance, Internal Review and Enforcement under the Child Care Act 2002 \(Qld\)*](#)
- [*Management of Asbestos Containing Materials in DET Facilities*](#)
- [*Education and Care Services National Law \(Qld\) Act 2011*](#)

Attachments

- [Lease Development Guidelines](#)

Contact

For further information, please contact:

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