

**Department of Education**

**Legislative Delegations**

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

**under**

***Education and Care Services Act 2013***

(Version 14 – Effective Date 1 July 2025)

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

# INSTRUMENT OF DELEGATION

## *Education and Care Services Act 2013*

I, Sharon Schimming, Director-General of the Department of Education, under section 240(1) of the *Education and Care Services Act 2013*, DELEGATE those powers and functions conferred or imposed on me under the provisions of the *Education and Care Services Act 2013*, 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 59 pages. No other material forms part of the Instrument.

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 and functions specified in Column 1 of Schedule 1.

This Instrument of Delegation takes effect on 1 July 2025 (Effective Date). On the Effective Date, this Instrument of Delegation will revoke and replace any Instrument of Delegation previously issued with respect to the powers and functions of the Director-General under the *Education and Care Services Act 2013* (Previous Instrument). Any Previous Instrument will remain in force until the Effective Date.



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**SHARON SCHIMMING**  
**DIRECTOR-GENERAL**  
**DEPARTMENT OF EDUCATION**

DATED AT BRISBANE THIS 26 day of June, 2025.

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

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Education and Care Services Act 2013</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Part 2 – Queensland provider approvals</b>			
<b>Division 2 – Application for Queensland provider approval</b>			
<b>s.13</b>	<p><b>Chief executive must decide application</b></p> <p>(1) The chief executive must decide the application by granting, or refusing to grant, the approval.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p> <p>(2) The chief executive may grant the approval on conditions the chief executive considers appropriate.</p> <p>(3) If the chief executive does not decide the application within the required period after receiving the application and fee, the application is taken to have been refused.</p> <p>(4) In this section— <b>required period</b>, for deciding an application, means—            (a) the period of 60 days—                (i) starting the day after the application and fee are given to the chief executive; but                (ii) if the chief executive asks for information under section 16—not including the period starting the day after the chief executive asks for the information until the day the applicant gives the information to the chief executive; or            (b) any period, ending up to 30 days after the end of the period under paragraph (a), agreed to between the chief executive and the applicant.</p>	<p>If the decision is to grant the approval, see section 18 (duty to give a copy of provider approval to the approved provider).</p> <p>If the decision is to refuse to grant the approval, or to grant the approval on a condition, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>s.14</b>	<p><b>Applicant must be suitable</b></p> <p>The chief executive must not grant the provider approval unless the chief executive is satisfied—            (a) the applicant is a suitable person to operate a QEC service; and</p>	<p>The matters that the delegate must consider in deciding a person’s suitability are set out in section 15.</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	(b) for an applicant that is a corporation—each person who will be a person with management or control of a QEC service operated by the applicant is a suitable person to be involved in the operation of a QEC service.		
s.16	<p><b>Chief executive may seek further information</b></p> <p>For deciding whether an applicant is a suitable person to operate a QEC service the chief executive may—</p> <p>(a) ask the person to provide other relevant information the chief executive reasonably requires to decide the application; or</p> <p>(b) undertake enquiries in relation to the person.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
s.18	<p><b>Form of provider approval</b></p> <p>(1) If the chief executive grants a provider approval, the chief executive must give a copy of the approval to the approved provider.</p> <p>(2) The provider approval must state—</p> <p>(a) the approved provider’s name; and</p> <p>(b) for an approval held by an individual—the individual’s address; and</p> <p>(c) for an approval held by more than one person—the address for service stated in the application for a provider approval; and</p> <p>(d) for an approval held by a corporation—the address of the approved provider’s registered office; and</p> <p>(e) any conditions applying to the approval; and</p> <p>(f) the day on which the approval was granted; and</p> <p>(g) the provider approval number; and</p> <p>(h) any other matters prescribed under a regulation.</p>	The provider approval must state the matters set out in section 18(2).	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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<b>Division 3 – Reassessment of Queensland provider approval</b>			
<b>s.20</b>	<b>Reassessment of suitability</b>  (1) The chief executive may at any time reassess— (a) whether an approved provider continues to be a suitable person to operate a QEC service; or (b) whether a person with management or control of a QEC service operated by an approved provider continues to be a suitable person to be involved in the operation of a QEC service; or (c) whether a person who becomes a person with management or control of a QEC service operated by an approved provider after the grant of the provider approval is a suitable person to be involved in the provision of a QEC service.  (2) Sections 15 and 16 apply to the reassessment.	(2) Sections 15 and 16 apply to the reassessment.	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>Division 4 – Amendment of Queensland provider approval</b>			
<b>s.21</b>	<b>Amendment of provider approval on application</b>  (1) An approved provider may apply to the chief executive for an amendment of the provider’s provider approval, including an amendment to remove a person from, or add a person to, the approval.  (2) The application must be in the approved form and accompanied by any fee prescribed under a regulation.  (3) The applicant also must provide any other relevant information reasonably required by the chief executive to decide the application.  (4) The chief executive must decide the application by— (a) amending the approval in the way applied for; or (b) with the applicant’s written agreement, amending the	<i>Note—</i> For a decision to amend, see section 24 (duty to give amended provider approval to approved provider).  For a decision to refuse to amend the approval in a way the approved provider has applied for, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>approval in another way; or (c) refusing to amend the approval.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p> <p>(5) However, if an application under this section is to add a person to a provider approval, the chief executive may grant the approval only if the chief executive is satisfied the person is a suitable person to operate a QEC service having regard to the matters stated in section 15.</p> <p>(6) Also, without limiting subsection (4), an amendment may vary a condition of the approval or impose a new condition on the approval.</p> <p>(7) If the chief executive does not decide the application within the required period after receiving the application and fee, the application is taken to have been refused.</p> <p>(8) In this section— <b><i>required period</i></b>, for deciding an application, means the period of 30 days— (a) starting the day after the application and fee are given to the chief executive; but (b) if the chief executive asks for information under subsection (3)—not including the period starting the day after the chief executive asks for the information until the day the applicant gives the information to the chief executive.</p>		
s.22	<p><b>Amendment of provider approval by chief executive</b></p> <p>(1) The chief executive may amend a provider approval at any time without receiving an application from the approved provider for the amendment.</p> <p><i>Example—</i> The chief executive may change a condition of the approval or impose a new condition.</p>	<p><i>Note—</i> For a decision to amend, see section 24 (duty to give amended provider approval to approved provider).</p> <p>For a decision to amend other than in the way the approved provider has applied for or agreed to, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>(2) However, the chief executive must first give the approved provider a notice (a <b>show cause notice</b>) stating—</p> <p>(a) that the chief executive proposes to amend the provider approval; and</p> <p>(b) the proposed amendment; and</p> <p>(c) the reasons for the proposed amendment; and</p> <p>(d) that the approved provider may, within a stated time of at least 30 days, give the chief executive a written response to the proposed amendment.</p> <p>(3) After considering any response from the approved provider within the time stated in the show cause notice, the chief executive may make some or all of the proposed amendment.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p> <p>(4) If the chief executive decides not to amend the provider approval, the chief executive must give the approved provider notice of the decision.</p> <p>(5) At the approved provider’s written request, or with the approved provider’s written agreement, the chief executive may—</p> <p>(a) amend a provider approval without giving a show cause notice; or</p> <p>(b) amend a provider approval in a way that has not been stated in a show cause notice; or</p> <p>(c) amend a provider approval before the expiration of the time stated in a show cause notice for the approved provider’s response to the proposed amendment.</p> <p>(6) An amendment under this section has effect 14 days after the chief executive gives notice of the amendment to the approved provider or at any later time stated in the notice.</p>	<p>For a decision to refuse to amend the approval in a way the approved provider has applied for, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	
<b>s.23</b>	<b>Urgent amendment of provider approval by chief executive</b>	<p><i>Note—</i> For a decision to amend, see section 24 (duty to give amended provider approval to</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>(1) This section applies if the chief executive is reasonably satisfied, in the interests of the safety, health and wellbeing of children being provided with education and care under a provider approval, it is necessary to immediately amend the approval.</p> <p>(2) The chief executive may immediately amend the provider approval without complying with section 22.</p> <p>(3) As soon as practicable after amending the approval, the chief executive must give notice of the amendment to the approved provider.</p> <p>(4) The notice must state the reasons for the amendment.</p> <p>(5) The amendment has effect for the period, of not more than 60 days, stated in the notice.</p>	<p>approved provider).</p> <p>For a decision to amend other than in the way the approved provider has applied for or agreed to, see section 211(reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	
s.24	<p><b>Amended provider approval to be given to approved provider</b></p> <p>As soon as practicable after amending a provider approval under this division, the chief executive must—</p> <p>(a) give an amended copy of the approval to the approved provider; and</p> <p>(b) if any consequential amendment is required to a service approval—amend the service approval and give an amended copy to the approved provider.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>Division 5 – Suspension or cancellation of Queensland provider approval</b>			
s.25	<p><b>Grounds for suspension of provider approval</b></p> <p>The chief executive may suspend a provider approval if—</p> <p>(a) the approved provider has been charged with an indictable offence; or</p>	<p><i>Note—</i></p> <p>Section 26 (duty to give a show cause notice before suspension of provider approval).</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>(b) the approved provider has failed to comply with a condition of the provider approval; or</p> <p>(c) action is being taken under a compliance notice, prohibition notice or an emergency action notice for a QEC approved service operated by the approved provider; or</p> <p>(d) the approved provider has not operated a QEC approved service for a period of more than 12 months including any period of suspension; or</p> <p>(e) the approved provider purported to transfer or receive a transfer of a QEC approved service without the chief executive's consent; or</p> <p>(f) the approved provider has not paid any outstanding fee prescribed under a regulation; or</p> <p>(g) the approved provider is contravening, or has contravened, the Working with Children Act in relation to the engagement of a staff member of the QEC approved service; or</p> <p>(h) the chief executive is satisfied the approved provider’s premises for providing education and care are unsafe or unsuitable; or</p> <p>(i) the approved provider has failed to comply with a notice given under section 194; or</p> <p>(j) the chief executive is satisfied the approved provider, or a person with management or control of a QEC approved service operated by the approved provider, may not be a suitable person to be involved in the provision of a QEC approved service.</p>		
s.26	<p><b>Show cause notice before suspension of provider approval</b></p> <p>(1) This section applies if the chief executive is proposing to suspend a provider approval.</p> <p>(2) The chief executive must first give the approved provider a notice (a <b><i>show cause notice</i></b>) stating the following—</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>(a) that the chief executive proposes to suspend the provider approval;</p> <p>(b) the proposed period of suspension;</p> <p>(c) the reasons for the proposed suspension;</p> <p>(d) that the approved provider may, within 30 days after the notice is given, give the chief executive a written response to the proposed suspension.</p>		
s.27	<p><b>Decision about suspension after show cause notice</b></p> <p>After considering any written response from the approved provider received within the period mentioned in section 26(2)(d), the chief executive may—</p> <p>(a) suspend the provider approval for a period of not more than 12 months; or</p> <p>(b) decide not to suspend the provider approval.</p>	<p><i>Note—</i></p> <p>For a decision to suspend the approval, see section 29 (duty to give notice of the decision), section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</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 of provider approval without show cause notice</b></p> <p>(1) This section applies if the chief executive is satisfied there is an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by a QEC approved service operated by an approved provider.</p> <p>(2) The chief executive may suspend the approved provider’s provider approval on a ground mentioned in section 25 without giving the approved provider a show cause notice under section 26.</p> <p>(3) The suspension may not be for a period of more than 6 months.</p>	<p><i>Note—</i></p> <p>For a decision to suspend the approval, see section 29 (duty to give notice of the decision) and section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.29	<p><b>Notice and taking effect of suspension</b></p> <p>(1) The chief executive must give the approved provider notice of the decision to suspend the provider approval.</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 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 a longer period is stated by the chief executive, 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> <p><i>Note—</i> See section 211 (Reviewable decisions).</p>		
s.31	<p><b>Grounds for cancellation of provider approval</b></p> <p>The chief executive may cancel a provider approval if—</p> <p>(a) the chief executive is satisfied the approved provider, or a person with management or control of a QEC approved service operated by the approved provider, is not a suitable person to be involved in the provision of a QEC approved service; or</p> <p>(b) the chief executive is satisfied the continued provision of education and care by the approved provider would constitute an unacceptable risk to the safety, health or wellbeing of any child or class of children being educated and cared for by a QEC approved service operated by the provider; or</p> <p>(c) the approved provider has been found guilty of an indictable offence; or</p> <p>(d) the approved provider has been found guilty of an offence under this Act; or</p> <p>(e) the chief executive is satisfied the approved provider’s premises for providing education and care are unsafe or unsuitable; or</p> <p>(f) the approved provider has failed to comply with a notice given under section 194; or</p> <p>(g) the approved provider has breached a condition of the provider approval; or</p> <p>(h) the approved provider has not operated any QEC approved service for</p>	<p><i>Note—</i> Section 32 (duty to give show cause notice before cancellation of provider approval)</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	more than 12 months (including any period of suspension).		
s.32	<p><b>Show cause notice before cancellation of provider approval</b></p> <p>(1) This section applies if the chief executive is proposing to cancel a provider approval under section 31.</p> <p>(2) The chief executive must first give the approved provider a notice (a <b><i>show cause notice</i></b>) stating—</p> <p>(a) that the chief executive proposes to cancel the provider approval; and</p> <p>(b) the reasons for the proposed cancellation; and</p> <p>(c) that the approved provider may, within 30 days after the notice is given, give the chief executive a written response to the proposed cancellation.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
s.33	<p><b>Decision about 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 chief executive—</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; or</p> <p>(iii) decide not to cancel the provider approval; and</p> <p>(b) must give the approved provider 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 a longer period is stated by the chief executive, at the end of that period.</p> <p>(3) The notice of a decision to cancel or suspend the provider approval must state the date on which it takes effect.</p> <p>(4) This Act applies to a suspension of a provider approval under this section as if it were a suspension under section 27.</p>	<p><i>Note—</i></p> <p>For a decision to cancel or suspend the provider approval, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</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.35	<p><b>Approved provider to give information to chief executive</b></p> <p>(1) This section applies if a show cause notice has been given to an approved provider under section 26 or 32.</p> <p>(2) The approved provider, at the request of the chief executive, must, within 7 days of the request, provide the chief executive with the contact details of the parents of all children enrolled at each QEC approved service operated by the approved provider.</p> <p>(3) The chief executive may use the information provided under subsection (2) only to notify the parents of children enrolled at a QEC approved service about the suspension or cancellation.</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.37	<p><b>Voluntary suspension of provider approval</b></p> <p>(1) An approved provider may apply to the chief executive for a suspension of the provider approval for a period of not more than 12 months.</p> <p>(2) The application must be in the approved form and be accompanied by 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 QEC service operated by the approved provider of the intention to make the application.</p> <p>(4) The chief executive must, within 30 days after the application is made, decide whether or not to grant the application.</p> <p>(5) The chief executive may grant the application only if the suspension is reasonable in all the circumstances.</p> <p>(6) The chief executive must give notice of its decision, including the period of suspension, 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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	<p>(7) If the chief executive decides to grant the application, the suspension takes effect on a date agreed between the chief executive and the approved provider.</p> <p>(8) A suspension under this section remains in force for the period of time stated in the notice.</p> <p>(9) The approved provider may apply to the chief executive to revoke the suspension before the end of the suspension period.</p> <p>(10) If the chief executive grants the application to revoke the suspension, the suspension ends on the date determined by agreement with the approved provider.</p>		
<b>Division 6 – Personal representatives as approved providers</b>			
<b>s.39</b>	<p><b>Death of sole holder of provider approval</b></p> <p>(1) This section applies if a service approval is held by an approved provider who is an individual and the individual dies.</p> <p>(2) However, this section does not apply if the individual who dies became an approved provider under this section because the individual was the personal representative of the estate of an approved provider.</p> <p>(3) For 6 months from the date of death (the <i>transitional approval period</i>), the personal representative of the individual’s estate is taken to be the approved provider holding—</p> <p style="padding-left: 40px;">(a) the provider approval (a <i>deemed approval</i>); and</p> <p style="padding-left: 40px;">(b) any service approval held under the provider approval (also a <i>deemed approval</i>).</p> <p>(4) To remove any doubt, it is declared that the chief executive may take action under this Act relating to a deemed approval.</p> <p><i>Examples—</i></p>	<p><i>Note—</i></p> <p>For a decision to refuse to extend the transitional approval period, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p> <p>For a decision to extend the transitional approval period other than for the further period applied for, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</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>1 The chief executive may impose a condition on the deemed provider approval under part 2, division 4 or on the deemed service approval part 3, division 4.</p> <p>2 The chief executive may cancel the deemed provider approval under part 2, division 5 or the deemed service approval under part 3, division 6.</p> <p>(5) Subsection (3) applies subject to—  (a) any earlier transfer, suspension, cancellation or surrender of the service approval under this Act; and  (b) any earlier suspension, cancellation or surrender of the deemed approval under this Act; and  (c) any extension, or earlier ending, of the transitional approval period under this section.</p> <p>(6) Also, subsection (3) does not apply if the personal representative is a disqualified person.</p> <p>(7) The personal representative may apply in writing to the chief executive for an extension of the transitional approval period.</p> <p>(8) On receiving the application, the chief executive may extend the transitional approval period by the further period, of not more than 6 months, that the chief executive considers appropriate in all the circumstances.</p> <p><i>Example—</i>  The chief executive may extend the transitional approval period for the period necessary for an application to transfer the service approval to be made and decided.</p> <p>(9) The transitional approval period ends unless, within 30 days after the individual’s death, the personal representative—  (a) holds a working with children authority; or</p>		

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	<p>(b) has made a working with children check (exemption) application and the application has not been decided or withdrawn.</p> <p>(10) The personal representative does not commit an offence against the Working with Children Act, section 176B by operating the QEC service under the service approval without a working with children clearance—</p> <p>(a) during the first 30 days of the transitional approval period; and</p> <p>(b) if the personal representative makes a working with children check application within the first 30 days of the transitional approval period and does not withdraw the application—until the application is decided.</p> <p>(11) The personal representative does not commit an offence against the Working with Children Act, section 176G by operating the QEC service under the service approval without a working with children exemption during the first 30 days of the transitional approval period.</p> <p>(12) A person who holds the service approval under this section in the person’s capacity as personal representative may transfer the approval to himself or herself, in his or her personal capacity, under part 3, division 5.</p>		
<b>Part 3 – Queensland service approvals</b>			
<b>Division 2 – Application for Queensland service approval</b>			
<b>s.45</b>	<p><b>Chief executive must decide application for service approval</b></p> <p>(1) The chief executive must decide the application by granting, or refusing to grant, the approval.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p> <p>(2) If the chief executive does not decide the application within the required period after receiving the application and</p>	<p>Under section 43, if a person applies for a provider approval and service approval at the same time, the delegate must not grant the service approval unless the provider approval is also granted.</p> <p><i>Note—</i> Sections 47 (relevant matters for deciding the application) and 48 (grounds on which the</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>



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	<p>fee, the application is taken to have been refused.</p> <p>(3) In this section—  <b>required period</b>, for deciding an application, means—            (a) the period of 90 days—                (i) starting the day after the application and fee are given to the chief executive; but                (ii) if the chief executive asks for information under section 46—not including the period starting the day after the chief executive asks for the information until the day the applicant gives the information to the chief executive; or            (b) any longer period agreed between the chief executive and the applicant.</p>	<p>chief executive must refuse application).</p> <p>For a grant of service approval, see sections 49, 50 and 52.</p> <p>For a refusal to grant the approval, see section 211 (Reviewable decisions and 212 (duty to give notice after making reviewable decision).</p>	
s.46	<p><b>Chief executive may seek further information</b></p> <p>The chief executive may ask an applicant for a service approval to provide any further information that is reasonably required for the purpose of assessing the application.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
s.47	<p><b>Relevant matters for deciding application</b></p> <p>(1) The chief executive must consider the following matters in deciding whether to grant an application for a service approval—            (a) the suitability of the QEC service premises and their location for the operation of a QEC approved service;            (b) the adequacy of the policies and procedures of the QEC service for the operation of the service;            (c) any suspension (other than a voluntary suspension) of the applicant's provider approval;            (d) any current voluntary suspension of the applicant's provider approval;            (e) whether the QEC service is proposed to be operated principally</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>within an Aboriginal or Torres Strait Islander community and, if so, the culturally specific needs of Aboriginal or Torres Strait Islander children;</p> <p>(f) the matters mentioned in section 48 on which the chief executive must refuse an application;</p> <p>(g) any other matters the chief executive considers appropriate.</p> <p>(2) In deciding whether to grant the application for a service approval, the chief executive must also have regard to each of the following matters relating to the proposed provision of the regulated education and care under the approval—</p> <p>(a) the number of children to whom the regulated education and care will be provided at one time;</p> <p>(b) the ages of the children;</p> <p>(c) the length of time for which each child will be provided with the regulated education and care.</p> <p>(3) In deciding whether to grant the application, the chief executive may also consider the applicant’s history of compliance with this Act, the repealed Act or the Education and Care Services National Law (Queensland).</p>		
s.48	<p><b>Grounds on which chief executive must refuse application</b></p> <p>The chief executive must refuse to grant a service approval if—</p> <p>(a) the chief executive is satisfied the QEC 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 service; or</p> <p>(b) the applicant does not have a provider approval; or</p> <p>(c) the chief executive is not satisfied the applicant is capable of operating the proposed service in a way that meets the requirements of this Act; or</p> <p>(d) the applicant is not entitled to lawfully occupy or use the QEC</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	service premises to operate the QEC service.		
s.49	<p><b>Conditions of Queensland service approval</b></p> <p>(1) The chief executive may grant a service approval on conditions the chief executive considers appropriate.</p> <p>(2) In addition, the following conditions apply to each service approval—</p> <p>(a) the approved provider must operate the QEC approved service in a way that ensures the safety, health and wellbeing of children who attend the service and meets their educational and developmental needs;</p> <p>(b) the condition mentioned in section 50;</p> <p>(c) the approved provider must ensure there is in force, for the service, the insurance cover prescribed under a regulation;</p> <p>(d) subject to subsection (3), the approved provider must start operating the QEC approved service within 6 months after the approval is granted (the <i>start-up period</i>).</p> <p>(3) On application by the approved provider, the chief executive may extend the start-up period by the further period, of not more than 6 months, that the chief executive considers appropriate in all the circumstances.</p>	<p><i>Note—</i> Subsection 2 (conditions that apply to each service approval), section 50 (service capacity) and section 112 (rest periods).</p> <p>For a decision to grant the approval on a condition, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
s.52	<p><b>Form of Queensland service approval</b></p> <p>(1) If the chief executive grants a service approval, the chief executive must give a copy of the approval to the approved provider.</p> <p>(2) The service approval must state the following—</p> <p>(a) the name of the approved provider;</p> <p>(b) the name of the QEC service;</p> <p>(c) the address of the QEC service premises;</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	(d) the conditions applying to the service approval; (e) the details of any service waiver applying to the service approval; (f) the date the service approval was granted; (g) the number of the service approval (the <i>service approval number</i> ); (h) the maximum number of children who can be cared for by the service at any time.		
<b>Division 3 – Application for Queensland service approval in exceptional circumstances</b>			
s.57	<b>Chief executive must decide application</b>  The chief executive must within 7 days grant, or refuse to grant, the application and notify the applicant in writing of the chief executive’s decision.	<i>Note—</i> Section 59 (delegate must be satisfied of certain matters before granting approval). Under section 64(1), Division 2 also applies to an application under this Division: <ul style="list-style-type: none"> <li>• Duty to consider relevant matters for deciding the application (section 47);</li> <li>• Grounds on which the delegate must refuse the application (section 48);</li> <li>• Power to grant a service approval on conditions (sections 49(1) to (2)(c));</li> <li>• Service capacity (section 50);</li> <li>• Emergency care (section 51);</li> <li>• Duty to give a copy of the service approval to the approved provider (section 52);</li> <li>• Offence for approved provider not to comply with conditions of Queensland service approval (section 53);</li> <li>• Annual fee (section 54).</li> </ul> For a decision to refuse to grant the application, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.58	<b>Chief executive may seek further information</b>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	The chief executive may ask an applicant for an exceptional circumstances service approval to provide any further information that is reasonably required for the purpose of assessing the application.		<ul style="list-style-type: none"> <li>• Principal Regulatory Officer</li> </ul>
s.59	<p><b>Relevant matters for deciding application</b></p> <p>The chief executive must not grant an application for an exceptional circumstances service approval unless the chief executive is satisfied—</p> <p>(a) the approved provider holds a service approval for the affected premises; and</p> <p>(b) exceptional circumstances have caused the affected premises to be unsuitable for the provision of the regulated education and care for which the premises are approved; and</p> <p>(c) the replacement premises are suitable for providing regulated education and care; and</p> <p>(d) the operation of the service at the replacement premises will not constitute an unacceptable risk to the safety, health or wellbeing of children to be educated or cared for at the replacement premises.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.60	<p><b>Conditions of exceptional circumstances service approval</b></p> <p>The chief executive may grant an exceptional circumstances service approval on the conditions the chief executive considers appropriate.</p>	<p><i>Note—</i></p> <p>For a decision to grant the service approval on a condition, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.61	<p><b>When exceptional circumstances service approval ends</b></p> <p>(1) The chief executive may revoke an exceptional circumstances service approval for an approved provider by giving at least 14 days notice in writing to the provider.</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>(2) In deciding whether to revoke the approval the chief executive may have regard to any of the following matters—</p> <p>(a) whether the exceptional circumstances that caused the affected premises to be unsuitable still apply;</p> <p>(b) the efforts the approved provider has made—</p> <p>(i) to again make the affected premises suitable for providing regulated education and care; or</p> <p>(ii) to find new premises suitable for providing the regulated education and care;</p> <p>(c) whether the continued provision of regulated education and care to children at the replacement premises constitutes an unacceptable risk to the safety, health or wellbeing of the children;</p> <p>(d) other circumstances the chief executive considers relevant.</p>		
<b>s.62</b>	<p><b>Approved provider to provide information to chief executive</b></p> <p>(1) This section applies if a notice has been given to an approved provider under section 61.</p> <p>(2) The approved provider, at the request of the chief executive, must, within 7 days of the request, provide the chief executive with the contact details of the parents of all children enrolled at the QEC approved service operated by the provider.</p> <p>(3) The chief executive may use the information provided under subsection (2) only to notify the parents of children enrolled at the QEC approved service of the ending of the exceptional circumstances service approval for the service.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>s.63</b>	<p><b>Duration of temporary suspension of service approval of affected premises</b></p> <p>(1) The chief executive may cancel or suspend a service approval for affected premises during, or after the end of, the</p>	<p><i>Note—</i> For a decision to suspend a service approval (other than on application by the approval holder) or cancel the approval, see section 211 (reviewable</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory</li> </ul>

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	<p>term of the exceptional circumstances service approval for replacement premises.</p> <p>(2) Otherwise, a suspension of the service approval for affected premises remains in force for as long as the exceptional circumstances service approval for the replacement premises is in force.</p>	<p>decisions) and 212 (duty to give notice after making reviewable decision).</p>	Officer
<b>Division 4 – Amendment of Queensland service approval</b>			
<b>s.65</b>	<p><b>Amendment of service approval on application</b></p> <p>(1) An approved provider holding a service approval may apply to the chief executive for an amendment of the approval.</p> <p>(2) The application must be in the approved form and accompanied by any fee prescribed under a regulation.</p> <p><i>Note—</i> Section 112 states that an application for an amendment of a service approval may include a request for a condition relating to rest periods.</p> <p>(3) The applicant also must provide any other relevant information reasonably required by the chief executive to decide the application.</p> <p>(4) The chief executive must decide the application by—</p> <ul style="list-style-type: none"> <li>(a) amending the approval in the way applied for; or</li> <li>(b) with the applicant’s written agreement, amending the approval in another way; or</li> <li>(c) refusing to amend the approval.</li> </ul> <p><i>Note—</i> See section 211 (Reviewable decisions).</p> <p>(5) Without limiting subsection (4), an amendment may vary a condition of the approval or impose a new condition on the approval.</p> <p>(6) If the chief executive does not decide the application within the required</p>	<p><i>Note—</i> For a decision to amend, see section 69 (amended service approval to be given to approved provider).</p> <p>For a decision to refuse to amend the approval in a way the approved provider has applied for, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</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>period after receiving the application and fee, the application is taken to have been refused.</p> <p>(7) In this section—  <b>required period</b>, for deciding an application, means—            (a) the period of 60 days—                (i) starting the day after the application and fee are given to the chief executive; but                (ii) if the chief executive asks for information under subsection (3)—not including the period starting the day after the chief executive asks for the information until the day the applicant gives the information to the chief executive; or            (b) any longer period agreed between the chief executive and the applicant.</p>		
s.67	<p><b>Amendment of service approval by chief executive</b></p> <p>(1) The chief executive may amend a service approval at any time without receiving an application for the amendment from the approved provider holding the approval.  <i>Example—</i>            The chief executive may change a condition of the approval or impose a new condition.</p> <p>(2) The chief executive must first give the approved provider a notice (<b>show cause notice</b>) stating—            (a) that the chief executive proposes to amend the approval; and            (b) the proposed amendment; and            (c) the reasons for the proposed amendment; and            (d) that the approved provider may, within a stated time of at least 30 days, give the chief executive a written response to the proposed amendment.</p> <p>(3) After considering any response from the approved provider within the time stated in the show cause notice, the chief</p>	<p><i>Note—</i>            For a decision to amend, see section 69 (Amended service approval to be given to approved provider).</p> <p>For a decision to amend the approval other than in a way the approved provider has agreed to, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</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>executive may make some or all of the proposed amendment.</p> <p>(4) If the chief executive decides not to amend the approval, the chief executive must give the approved provider notice of the decision.</p> <p>(5) At the approved provider’s written request, or with the approved provider’s written agreement, the chief executive may—</p> <p style="padding-left: 40px;">(a) amend an approval without giving a show cause notice; or</p> <p style="padding-left: 40px;">(b) amend an approval in a way that has not been stated in a show cause notice; or</p> <p style="padding-left: 40px;">(c) amend an approval before the expiration of the time stated in a show cause notice for the approved provider’s response to the proposed amendment.</p> <p>(6) An amendment under this section has effect 14 days after the chief executive gives notice of the amendment to the approved provider or at any later time stated in the notice.</p> <p><i>Note—</i></p> <p>See section 211 (Reviewable decisions).</p>		
<b>s.68</b>	<p><b>Urgent amendment of service approval by chief executive</b></p> <p>(1) This section applies if the chief executive is reasonably satisfied, in the interests of the safety, health and wellbeing of children being provided with education and care under a provider approval, it is necessary to immediately amend the provider’s service approval.</p> <p>(2) The chief executive may immediately amend the service approval without complying with section 67.</p> <p>(3) As soon as practicable after amending the approval, the chief executive must give notice of the amendment to the approved provider.</p> <p>(4) The notice must state the reasons for the amendment.</p>	<p><i>Note—</i></p> <p>See section 69 (Amended service approval to be given to approved provider), section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</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>(5) The amendment has effect for the period, not more than 60 days, stated in the notice.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p>		
s.69	<p><b>Amended service approval to be given to approved provider</b></p> <p>As soon as practicable after amending a service approval under this division, the chief executive must give an amended copy of the approval to the approved provider.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>Division 5 – Transfer of Queensland service approval</b>			
s.72	<p><b>Application for transfer to be dealt with as an application for a service approval</b></p> <p>The chief executive may require information, and conduct investigations, as if the transferee were an applicant for a service approval under part 3, division 2.</p>	<p><i>Note—</i> Division 2 of Part 3 deals with an application for Queensland service approval. It includes power to seek further information (section 46) and the matters relevant for deciding the application (section 47).</p>	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.73	<p><b>Chief executive must decide application</b></p> <p>(1) The chief executive must decide the application by granting, or refusing to grant, the transfer and must give notice of the decision to both the transferor and transferee.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p> <p>(2) The chief executive may grant the transfer on conditions the chief executive considers appropriate and must give notice of any conditions to both the transferor and transferee.</p> <p>(3) Without limiting subsection (2), a condition under subsection (2) may—  (a) include a condition the chief executive could have imposed if the application were an application for a service approval under part 3, division 2; or</p>	<p><i>Note—</i> Under section 71, if, while an approved provider’s service approval is suspended, the delegate consents to the transfer of the service approval under this division, a condition of the consent may provide for the suspension to continue.</p> <p>Section 74(2) (duty to provide an amended copy of the service approval).</p> <p>For an application to transfer a service approval that is to be cancelled, see section 86 (decision on application to transfer cancelled service).</p> <p>For a decision to refuse an application for the transfer of a service approval to the person, see section 211 (reviewable decisions) and 212 (duty to give</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 a condition stating the date on which the transfer takes effect; or</p> <p>(c) apply to the provider approval or the service approval of the transferee.</p> <p>(4) If the chief executive does not decide the application within the required period after receiving the application and fee, the application is taken to have been refused.</p> <p>(5) In this section—  <b>required period</b>, for deciding an application, means—            (a) the period of 30 days—                (i) starting the day after the application and fee are given to the chief executive; but                (ii) if the chief executive asks for information from the transferor or transferee—not including the period starting the day after the chief executive asks for the information until the day the transferor or transferee gives the information to the chief executive; or            (b) any longer period agreed between the chief executive and the transferor or transferee.</p>	notice after making reviewable decision).	
<b>s.74</b>	<p><b>Confirmation of transfer</b></p> <p>(1) The transferor and the transferee must each give notice to the chief executive within 2 days after the transfer takes effect stating the date of the transfer. Maximum penalty—5 penalty units.</p> <p>(2) On receipt of a notice under this section, the chief executive must amend the service approval and provide an amended copy of the service approval to the transferee.</p> <p>(3) The amendment of the service approval takes effect on the date of the transfer.</p> <p>(4) A transferor or transferee who gives</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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	notice under this section is not guilty of an offence for a failure of the other party to the transfer to give the notice.		
<b>Division 6 – Suspension or cancellation of Queensland service approval</b>			
<b>s.76</b>	<p><b>Grounds for suspension of service approval</b></p> <p>The chief executive may suspend a service approval if—</p> <p>(a) the chief executive reasonably believes it would not be in the best interests of children being educated and cared for by the QEC service for the service to continue; or</p> <p>(b) a condition of the service approval has not been complied with; or</p> <p>(c) the service is not being managed in accordance with this Act; or</p> <p>(d) the approved provider has failed to comply with a compliance notice and the noncompliance is substantial; or</p> <p>(e) the approved provider—</p> <p>(i) has ceased operating a QEC service at the QEC service premises for which the service approval was granted; and</p> <p>(ii) within 6 months of ceasing operating the service, has not transferred the service to another approved provider; or</p> <p>(f) the approved provider has not, within 6 months after being granted a service approval, started ongoing operation of the service; or</p> <p>(g) the approved provider has not paid the prescribed annual fee for the service approval.</p>	<p><i>Note—</i></p> <p>Section 77 (show cause notice before suspension of service approval).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.77</b>	<p><b>Show cause notice before suspension of service approval</b></p> <p>(1) This section applies if the chief executive is considering the suspension of a service approval under section 76.</p> <p>(2) The chief executive must give the approved provider a notice (a <i>show cause notice</i>) stating the following—</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>(a) that the chief executive intends to suspend the service approval;</p> <p>(b) the proposed period of suspension;</p> <p>(c) the reasons for the proposed suspension;</p> <p>(d) that the approved provider may, within 30 days after the notice is given, give the chief executive a written response to the proposed suspension.</p>		
<b>s.78</b>	<p><b>Decision about suspension after show cause notice</b></p> <p>After considering any written response from the approved provider received within the period mentioned in section 77(2)(d), the chief executive may—</p> <p>(a) suspend the service approval for a period of not more than 12 months; or</p> <p>(b) decide not to suspend the service approval.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p>	<p><i>Note—</i> For a decision to suspend the service approval, see section 80 (notice and taking effect of suspension), section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.79</b>	<p><b>Suspension of service approval without show cause notice</b></p> <p>(1) This section applies if the chief executive is satisfied there is an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by a QEC approved service operated by an approved provider.</p> <p>(2) The chief executive may suspend the approved provider’s service approval on a ground mentioned in section 76 without giving the approved provider a show cause notice under section 77.</p> <p>(3) The suspension may not be for a period of more than 6 months.</p> <p><i>Note—</i> See section 211 (Reviewable decisions).</p>	<p><i>Note—</i> Section 80 (notice and taking effect of suspension).</p> <p>For a decision to suspend the service approval, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.80</b>	<b>Notice and taking effect of suspension</b>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>(1) The chief executive must give the approved provider notice of the decision to suspend the provider’s service 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 78 to suspend takes effect at the end of 14 days after the date of the decision, or, if a longer period is stated by the chief executive, at the end of that period.</p> <p>(4) The decision under section 79 to suspend takes effect when the notice is given to the approved provider.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> </ul>
<b>s.81</b>	<p><b>Lifting of suspension</b></p> <p>(1) The chief executive may, on application by an approved provider, lift the suspension of the provider’s service approval before the suspension would otherwise end.</p> <p>(2) The application must be in the approved form and be accompanied by any fee prescribed under a regulation.</p>	<p><i>Note—</i> For a decision to refuse to lift the suspension of the approval, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.82</b>	<p><b>Grounds for cancellation of service approval</b></p> <p>The chief executive may cancel a service approval if—</p> <p>(a) the chief executive reasonably believes the continued operation of the QEC service would constitute an unacceptable risk to the safety, health or wellbeing of any child or class of children being educated and cared for by the QEC service; or</p> <p>(b) the approval has been suspended under this division and the reason for the suspension has not been rectified by the end of the period of suspension; or</p> <p>(c) the service approval was obtained improperly; or</p> <p>(d) the approved provider has failed to comply with a compliance notice</p>	<p><i>Note—</i> Section 83 (show cause notice before cancellation of service approval).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	and the noncompliance is substantial; or (e) a condition of the service approval has not been complied with.		
<b>s.83</b>	<p><b>Show cause notice before cancellation of service approval</b></p> <p>(1) This section applies if the chief executive is considering the cancellation of a service approval under section 82.</p> <p>(2) The chief executive must first give the approved provider a notice (a <b><i>show cause notice</i></b>) stating the following—</p> <p>(a) that the chief executive intends to cancel the service approval;</p> <p>(b) the reasons for the proposed cancellation;</p> <p>(c) that the approved provider may, within 30 days after the notice is given, give the chief executive a written response to the proposed cancellation.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.84</b>	<p><b>Decision about cancellation of service approval</b></p> <p>(1) After considering any written response from the approved provider received within the time allowed under section 83(2)(c), the chief executive—</p> <p>(a) may—</p> <p>(i) cancel the service approval; or</p> <p>(ii) suspend the service approval for a period of not more than 12 months; or</p> <p>(iii) decide not to cancel the service approval; and</p> <p>(b) must give the approved provider notice of the decision.</p> <p>(2) The decision to cancel the service approval takes effect at the end of 14 days after the date of the decision or, if a longer period is stated by the chief executive, at the end of that period.</p> <p>(3) The notice of a decision to cancel or suspend the service approval must state the date on which it takes effect.</p>	<p><i>Note—</i> For a decision to suspend a service approval or cancel a service approval, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	(4) This Act applies to a suspension of a service approval under this section as if it were a suspension under section 78.		
<b>s.87</b>	<p><b>Approved provider to provide information to chief executive</b></p> <p>(1) This section applies if a show cause notice has been given to an approved provider under section 77 or 83.</p> <p>(2) The approved provider, at the request of the chief executive, must, within 7 days of the request, provide the chief executive with the contact details of the parents of all children enrolled at the QEC approved service operated by the approved provider.</p> <p>(3) The chief executive may use the information provided under subsection (2) only to notify the parents of children enrolled at the QEC approved service of a suspension or cancellation of the service approval for the service.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.89</b>	<p><b>Voluntary suspension of service approval</b></p> <p>(1) An approved provider may apply to the chief executive for a suspension of the provider’s service approval for a period of not more than 12 months.</p> <p>(2) The application must be in the approved form and be accompanied by 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 relevant QEC service of the intention to make the application.</p> <p>(4) The chief executive must, within 30 days after the application is made, decide whether or not to grant the application.</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>(5) The chief executive may grant the application only if the suspension is reasonable in all the circumstances.</p> <p>(6) The chief executive must give notice of its decision, including the period of suspension, to the approved provider.</p> <p>(7) If the chief executive decides to grant the application, the suspension takes effect on a date agreed between the chief executive and the approved provider.</p> <p>(8) A suspension under this section remains in force for the period of time stated in the notice.</p> <p>(9) The approved provider may apply to the chief executive to revoke the suspension before the end of the suspension period.</p> <p>(10) If the chief executive grants the application to revoke the suspension, the suspension ends on the date determined by agreement with the approved provider.</p>		
<b>Division 7 – Chief executive to give information about disciplinary action to chief executive (employment screening)</b>			
<b>s.91</b>	<p><b>Chief executive to give information to chief executive (employment screening)</b></p> <p>(1) This section applies if the chief executive—</p> <p style="padding-left: 40px;">(a) amends, suspends or cancels a provider approval or service approval under this Act (a <b><i>disciplinary action</i></b>); and</p> <p style="padding-left: 40px;">(b) reasonably believes the disciplinary action may be relevant to the functions or powers of the chief executive (employment screening) under the Working with Children Act.</p> <p>(2) The chief executive must give notice of the disciplinary action to the chief executive (employment screening).</p> <p>(3) A notice under subsection (2) must state the following—</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>(a) the approved provider’s name and address;</p> <p>(b) the approved provider’s date and place of birth, if known;</p> <p>(c) that disciplinary action has been taken against the approved provider, without stating anything further about the disciplinary action.</p> <p>(4) Subsection (5) applies if the chief executive (employment screening)—</p> <p>(a) requests further information about the disciplinary action; and</p> <p>(b) notifies the chief executive that the approved provider—</p> <p>(i) holds a working with children authority or negative notice; or</p> <p>(ii) has made a working with children check application.</p> <p>(5) The chief executive must give the chief executive (employment screening) a notice stating the following—</p> <p>(a) the form of the disciplinary action taken;</p> <p>(b) when the conduct happened that constituted a ground for the disciplinary action;</p> <p>(c) the nature of the conduct that constituted a ground for the disciplinary action;</p> <p>(d) any other information about the disciplinary action the chief executive considers may be relevant to employment screening under the Working with Children Act, chapter 8, including, for example, details about the nature of the disciplinary action.</p> <p>(6) However, if the notice given under subsection (2) did not contain the approved provider’s date and place of birth, subsection (5) applies only if—</p> <p>(a) the request from the chief executive (employment screening) for the notice under subsection (5) includes the approved provider’s date and place of birth; and</p> <p>(b) the chief executive confirms the approved provider’s date and place of birth with the approved provider.</p>		

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	<p>(7) A notice given under subsection (2) or (5) must not contain information that identifies, or is likely to identify, a particular child.</p> <p>(8) If the chief executive gives the chief executive (employment screening) information under subsection (5) about disciplinary action and the disciplinary action is set aside on review or appeal, the chief executive must notify the chief executive (employment screening) of the following—</p> <p style="padding-left: 40px;">(a) the disciplinary action has been set aside;</p> <p style="padding-left: 40px;">(b) the reasons given by the entity that set the disciplinary action aside for setting it aside.</p> <p>(9) A reference in this section to an approved provider includes a person who was an approved provider before the suspension or cancellation of the person’s provider approval.</p>		
<b>Division 8 – Application for service waiver</b>			
<b>s.94</b>	<p><b>Chief executive may request information and inspect premises</b></p> <p>For deciding an application for a service waiver, the chief executive may—</p> <p style="padding-left: 40px;">(a) ask the applicant to provide further information; and</p> <p style="padding-left: 40px;">(b) inspect the QEC service premises.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>s.95</b>	<p><b>Matters chief executive may consider for service waiver</b></p> <p>In considering whether to grant a service waiver, the chief executive may have regard to whether the QEC service is able to meet the requirements prescribed under this Act by alternative means that satisfy the objectives of the requirements.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>s.96</b>	<b>Decision on application</b>	<i>Note—</i> See section 92(3) (when a	<ul style="list-style-type: none"> <li>• Director, Regulation</li> </ul>

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	<p>(1) The chief executive must decide the application by granting, or refusing to grant, the service waiver.</p> <p>(2) Subject to subsection (3), the chief executive must notify the applicant of the chief executive's decision within 60 days after the application is made.</p> <p>(3) If an application for a service waiver has been made together with an application for service approval, the chief executive may notify the applicant of the chief executive'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 chief executive must issue or reissue the service approval stating the requirements prescribed under this Act to which the service waiver applies.</p>	<p>person applies for a service waiver together with an application for a service approval).</p>	<ul style="list-style-type: none"> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.97	<p><b>Revocation of service waiver</b></p> <p>(1) The chief executive may revoke a service waiver if the chief executive considers the approved provider is not meeting the requirements prescribed under this Act by alternative means that satisfy the objectives of the requirements.</p> <p>(2) A revocation under subsection (1) takes effect—</p> <p style="padding-left: 40px;">(a) 60 days after the chief executive gives the approved provider notice of the decision to revoke; or</p> <p style="padding-left: 40px;">(b) at the end of the period agreed between the chief executive and the approved provider.</p> <p>(3) An approved provider may apply to the chief executive in the approved form for the revocation of a service waiver applying to a QEC approved service the provider operates.</p> <p>(4) A revocation under subsection (3) takes effect—</p> <p style="padding-left: 40px;">(a) 14 days after the chief executive gives the approved provider notice</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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	that the provider’s application to revoke is approved; or (b) at the end of the period agreed between the chief executive and the approved provider.		
<b>Division 9 – Temporary waiver</b>			
<b>s.101</b>	<b>Chief executive may request information and inspect premises</b>  For deciding an application for a temporary waiver, the chief executive may— (a) ask the applicant to provide further information; and (b) inspect the QEC service premises.		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>s.102</b>	<b>Matters chief executive must consider for temporary waiver</b>  In considering whether to grant a temporary waiver, the chief executive must have regard to whether the QEC service is able to meet the requirements prescribed under this Act by alternative means that satisfy the objectives of the requirements.		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>s.103</b>	<b>Decisions on application for temporary waiver</b>  (1) The chief executive must decide the application by granting, or refusing to grant, the temporary waiver.  (2) The chief executive must notify the applicant within 60 days after the application is made of the chief executive's decision.  (3) A temporary waiver must specify the period of the waiver which can not be for more than 12 months.  (4) If the chief executive grants a temporary waiver, the chief executive must issue or reissue the service approval stating— (a) the requirements of this Act to which the temporary waiver applies; and	<i>Note—</i> See section 99(3) (when a person applies for a temporary waiver together with an application for a service approval).	<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>

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	(b) the period of the waiver.		
s.104	<p><b>Chief executive may extend temporary waiver on application</b></p> <p>The chief executive, on the application by the approved provider in approved form, may extend and further extend the period of a temporary waiver by periods of not more than 12 months.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
s.105	<p><b>Revocation of temporary waiver</b></p> <p>The chief executive may revoke a temporary waiver if the chief executive considers the approved provider is not meeting the requirements prescribed under this Act by alternative means that satisfy the objectives of the requirements.</p>		<ul style="list-style-type: none"> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>
<b>Part 4 – Conduct of QEC approved services</b>			
<b>Division 2 – Staff members</b>			
<b>Subdivision 1 – Staffing requirements</b>			
s.112	<p><b>Rest periods</b></p> <p>(1) A service approval for a QEC approved service may include a condition providing for one or more periods during a day, totalling not more than 2 hours during the day, to be rest periods for the service.</p> <p>(2) An application under this Act for a service approval, an amendment of a service approval or an exceptional circumstances service approval may include a request for a condition under subsection (1).</p> <p>(3) The chief executive must have regard to the matters under subsection (4) in deciding—</p> <p style="padding-left: 40px;">(a) whether to include a condition under subsection (1) in a service approval; or</p> <p style="padding-left: 40px;">(b) if the chief executive decides to include the condition— the timing and length of a rest period.</p> <p>(4) The matters are—</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>(a) the ages of the children being provided with education and care and the times they will usually be resting; and</p> <p>(b) the service capacity of the QEC service; and</p> <p>(c) how the physical layout of the QEC service premises allows for the adequate supervision of the children; and</p> <p>(d) the staffing arrangements for the service; and</p> <p>(e) the information given to parents and guardians about the staffing arrangements; and</p> <p>(f) any other matters prescribed under a regulation.</p> <p>(5) Subsections (3) and (4) do not limit part 3, division 2.</p>		
s.115	<p><b>Purpose and effect of appointment of nominee</b></p> <p>(1) The purpose of requiring an approved service to have a nominee is to help communication between the chief executive and the service.</p> <p>(2) The appointment of a nominee for an approved service does not affect the approved provider’s responsibility to ensure the approved service is conducted in compliance with this Act.</p> <p>(3) If this Act requires or permits the chief executive to give a notice to an approved provider, the chief executive may give the notice to the approved provider by giving it to a nominee for the provider’s approved service.</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>
<b>Part 6 – Monitoring and enforcement</b>			
<b>Division 4 – Seizure by authorised officers and forfeiture</b>			
<b>Subdivision 4 – Forfeiture</b>			
s.171	<p><b>Forfeiture by chief executive decision</b></p> <p>(1) The chief executive may decide a seized thing is forfeited to the State if an authorised officer—</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>(a) after making reasonable enquiries, can not find an owner; or (b) after making reasonable efforts, can not return it to an owner.</p> <p>(2) However, the authorised officer is not required to— (a) make enquiries if it would be unreasonable to make enquiries to find an owner; or (b) make efforts if it would be unreasonable to make efforts to return the thing to an owner. <i>Example for paragraph (b)—</i> the owner of the thing has migrated to another country</p> <p>(3) Regard must be had to the thing’s condition, nature and value in deciding— (a) whether it is reasonable to make enquiries or efforts; and (b) if enquiries or efforts are made—what enquiries or efforts, including the period over which they are made, are reasonable.</p>		<ul style="list-style-type: none"> <li>• Manager, Regulation</li> </ul>
s.172	<p><b>Information notice about forfeiture decision</b></p> <p>(1) If the chief executive decides under section 171(1) to forfeit a thing, the chief executive must as soon as practicable give a person who owned the thing immediately before the forfeiture (the <b>former owner</b>) an information notice about the decision.</p> <p>(2) The information notice may be given by leaving it at the place where the thing was seized, in a conspicuous position and in a reasonably secure way.</p> <p>(3) The information notice must state that the former owner may apply for a stay of the decision if he or she appeals against the decision.</p> <p>(4) However, subsections (1) to (3) do not apply if the place where the thing was seized is— (a) a public place; or</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) a place where the notice is unlikely to be read by the former owner.		
<b>Subdivision 5 – Dealing with property forfeited or transferred to State</b>			
<b>s.174</b>	<p><b>How property may be dealt with</b></p> <p>(1) This section applies if, under section 173, a thing becomes the property of the State.</p> <p>(2) The chief executive may deal with the thing as the chief executive considers appropriate, including, for example, by destroying it or giving it away.</p> <p>(3) The chief executive must not deal with the thing in a way that could prejudice the outcome of an appeal against the forfeiture under this part.</p> <p>(4) If the chief executive sells the thing, the chief executive may, after deducting the costs of the sale, return the proceeds of the sale to the former owner of the thing.</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 7 – Monitoring suitability of relevant persons</b>			
<b>s.191</b>	<p><b>Chief executive may obtain information about suitability checks</b></p> <p>(1) This section applies to the following individuals—</p> <p>(a) the approved provider of a QEC approved service;</p> <p>(b) a carer in a stand-alone service;</p> <p>(c) a supervisor, educator or staff member of a QEC service;</p> <p>(d) a person with management or control of a QEC service;</p> <p>(e) an adult occupant of a home in which stand-alone education and care is provided;</p> <p>(f) an adult if a carer who provides stand-alone education and care in a home has been asked under section 190 to ensure the adult makes a working with children check application.</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</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>(2) On receiving a written request from the chief executive, the chief executive (employment screening) must give the chief executive the following information about a stated individual mentioned in subsection (1)—</p> <p>(a) whether the individual has made a working with children check application and, if so—</p> <p>(i) the date of the application; and</p> <p>(ii) if the application has been withdrawn—the date of the withdrawal;</p> <p>(b) whether the individual holds a working with children authority and, if so, the date of issue of the authority;</p> <p>(c) whether a negative notice is in force for the individual and, if so, the date of issue of the notice;</p> <p>(d) whether a working with children authority held by the individual has been cancelled and, if so, the date of the cancellation.</p> <p>(3) The chief executive (employment screening) may give the chief executive the information mentioned in subsection (2)(c) about an individual whether or not the chief executive has requested the information.</p>		
<b>Division 8 – Compliance</b>			
<b>Subdivision 2 – Emergency action notices</b>			
<b>s.195</b>	<p><b>Emergency action notices</b></p> <p>(1) This section applies if the chief executive is satisfied a QEC approved 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 chief executive may, by notice, direct the approved provider of the 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>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>

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	(3) An approved provider must comply with a direction given under subsection (2). Maximum penalty—100 penalty units.		
<b>Subdivision 3 – Prohibition notices</b>			
<b>s.196</b>	<p><b>Basis for giving a prohibition notice</b></p> <p>The chief executive may give a prohibition notice to a person if the chief executive is reasonably satisfied—</p> <p>(a) the person is involved in the provision of education and care at a QEC service; and</p> <p>(b) there would be an unacceptable risk of harm to a child or children if the person were allowed to provide education and care for children.</p>	<p>Under section 199, a prohibition notice given to a person must state—</p> <p>(a) that the person is prohibited from doing any of the following—</p> <p>(i) providing education and care to children for a QEC service or an education and care service under the Education and Care Services National Law (Queensland);</p> <p>(ii) being engaged as a supervisor, educator, contractor or other staff member of, or being a volunteer for, a QEC service or an education and care service under the Education and Care Services National Law (Queensland);</p> <p>(iii) carrying out any other activity relating to a QEC service or an education and care service under the Education and Care Services National Law (Queensland);</p> <p>(iv) providing care for a child, other than a child of whom the person is a parent, for reward; and</p> <p>(b) that the person may apply for cancellation of the notice; and</p> <p>(c) how an application for cancellation must be made.</p> <p><i>Note—</i> Section 197 (show cause notice before prohibition notice) and 198 (deciding whether to issue prohibition notice).</p> <p>For a decision to give a prohibition notice to the person, see sections 200 (chief</p>	<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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		executive must give notice to chief executive (employment screening)), 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).	
s.197	<p><b>Show cause notice to be given before prohibition notice</b></p> <p>(1) Before giving a person a prohibition notice, the chief executive must give the person a notice (a <i>show cause notice</i>)—</p> <p>(a) stating that the chief executive 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 chief executive, within a stated time of at least 14 days, about the proposed prohibition.</p> <p>(2) Subsection (1) does not apply if the chief executive 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>	<p><i>Note—</i></p> <p>Section 198 (duties when deciding whether to issue prohibition notice).</p>	<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>
s.198	<p><b>Deciding whether to issue prohibition notice</b></p> <p>(1) If the chief executive gives a show cause notice to a person, the chief executive 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 chief executive decides not to issue a prohibition notice to the person, the chief executive must give the person notice of the decision.</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>
s.200	<p><b>Chief executive must give notice to chief executive (employment screening)</b></p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> </ul>

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	<p>(1) If the chief executive gives a prohibition notice to a person, the chief executive must give the chief executive (employment screening) a notice (an <b>initial notice</b>) stating only—</p> <p>(a) the person’s name and address; and</p> <p>(b) the person’s date and place of birth, if that information is within the chief executive’s knowledge; and</p> <p>(c) that the chief executive has given the person a prohibition notice.</p> <p>(2) If the initial notice includes the person’s date and place of birth, the chief executive must give the chief executive(employment screening) a further notice under subsection (4) (a <b>further notice</b>) if the chief executive (employment screening)—</p> <p>(a) requests additional relevant information about the prohibition notice; and</p> <p>(b) notifies the chief executive the person holds a working with children authority or negative notice or has made a working with children check application.</p> <p>(3) However, if the initial notice does not include the person’s date and place of birth, the chief executive may give the chief executive (employment screening) a further notice only if—</p> <p>(a) the chief executive (employment screening)—</p> <p>(i) requests additional relevant information about the prohibition notice; and</p> <p>(ii) notifies the chief executive the person holds a working with children authority or negative notice or has made a working with children check application; and</p> <p>(iii) includes the person’s date and place of birth in the request; and</p> <p>(b) the chief executive confirms with the person that the date and place of birth stated in the request</p>		<ul style="list-style-type: none"> <li>Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>are the person’s date and place of birth.</p> <p>(4) A further notice must state—</p> <p>(a) when the conduct that caused the chief executive to give the prohibition notice to the person happened; and</p> <p>(b) the nature of the conduct; and</p> <p>(c) any other information the chief executive reasonably considers relevant for employment screening under the Working with Children Act, chapter 8.</p> <p><i>Example for paragraph (c)—</i> details about the nature of the prohibition notice</p> <p>(5) If the chief executive gives the chief executive (employment screening) a further notice and the prohibition notice is later set aside on review or appeal, the chief executive must give the chief executive (employment screening) a notice stating—</p> <p>(a) that the prohibition notice has been set aside; and</p> <p>(b) the reason for setting the prohibition notice aside given by the decision-maker who set it aside.</p> <p>(6) If the chief executive gave a prohibition notice to a person because of the person’s conduct in relation to a particular child, an initial notice or a further notice must not contain information that identifies, or is likely to identify, the child.</p>		
<b>s.201</b>	<p><b>Cancellation of prohibition notice</b></p> <p>(1) If the chief executive is satisfied there is not a sufficient reason for a prohibition notice to remain in force for a person, the chief executive 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 chief executive to cancel the notice.</p>	<p><i>Note—</i> For a decision to refuse to cancel a prohibition notice in force for the person, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>(3) The application must be in the approved form and accompanied by any fee prescribed under a regulation.</p> <p>(4) The person may state in the application anything the person considers relevant to the chief executive's decision about whether there would be an unacceptable risk of harm to children if the person were—</p> <p style="padding-left: 40px;">(a) to be involved in the provision of education and care at a QEC service; or</p> <p style="padding-left: 40px;">(b) to provide education and care for children.</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 chief executive must decide the application as soon as practicable after its receipt.</p>		
<b>Division 9 – Publication about enforcement action</b>			
<b>s.204</b>	<p><b>Compliance and enforcement information</b></p> <p>(1) For section 215, the chief executive may publish on the department’s website the information stated in subsection (3) for any enforcement action stated in subsection (2).</p> <p>(2) The enforcement actions are—</p> <p style="padding-left: 40px;">(a) a prosecution for an offence against this Act leading to a conviction; or</p> <p style="padding-left: 40px;">(b) the giving of a compliance notice; or</p> <p style="padding-left: 40px;">(c) the suspension or cancellation (other than a voluntary suspension or surrender) of a provider approval or service approval; or</p> <p style="padding-left: 40px;">(d) an amendment made to a provider approval or service approval for the purposes of enforcement; or</p> <p style="padding-left: 40px;">(e) a prohibition notice.</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>(3) The following information may be published on the department’s website—</p> <ul style="list-style-type: none"> <li>(a) the nature of the enforcement action;</li> <li>(b) the details of the person in relation to whom the enforcement action was taken, including— <ul style="list-style-type: none"> <li>(i) for an approved provider— the provider’s name, the address of the provider’s QEC service premises and the name under which the service is conducted; or</li> <li>(ii) for a stand-alone service— the name under which the service is conducted and its address, if the service is not conducted from a home; or</li> <li>(iii) for an individual—the name of the individual;</li> </ul> </li> <li>(c) the reason for taking the enforcement action, including details of the breach or alleged breach by the person of this Act and the provision that was breached or alleged to be breached;</li> <li>(d) details of the enforcement action taken, including— <ul style="list-style-type: none"> <li>(i) for a prosecution leading to a conviction— <ul style="list-style-type: none"> <li>(A) the provision of this Act that the person was convicted of breaching; and</li> <li>(B) the date of the conviction; and</li> <li>(C) any penalty imposed for the offence; and</li> <li>(D) information about any steps taken to remedy the subject of the prosecution and the date the steps were taken; or</li> </ul> </li> <li>(ii) for a compliance notice— <ul style="list-style-type: none"> <li>(A) the steps specified in the compliance notice that the person must take to comply with this Act; and</li> <li>(B) the date specified in the notice by which the steps must be taken; and</li> <li>(C) information about any steps taken to remedy the</li> </ul> </li> </ul> </li> </ul>		



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	<p>subject of the compliance notice and the date the steps were taken; or</p> <p>(iii) for the amendment of a provider approval or service approval—</p> <p>(A) the details of the amendment; and</p> <p>(B) the date the amendment took effect; or</p> <p>(iv) for a suspension of a provider approval or service approval—</p> <p>(A) the date the suspension took effect; and</p> <p>(B) the date the suspension ends; or</p> <p>(v) for a cancellation of a provider approval or service approval—the date the cancellation took effect.</p> <p>(4) In this section, a reference to information does not include information that could identify or lead to the identification of a child.</p> <p><i>Note—</i></p> <p>Section 215(4) further restricts the publication of identifying information.</p>		
s.205	<p><b>When information about enforcement action may be published</b></p> <p>(1) The chief executive must not publish information about an enforcement action under section 204 until—</p> <p>(a) for a prosecution for an offence against this Act leading to a conviction—the end of the period within which the person convicted may appeal against the conviction; or</p> <p>(b) for the giving of a compliance notice—the end of the period within which the person given the notice may apply for a review of the decision to give the notice; or</p> <p>(c) for the suspension or cancellation of a provider approval or service approval—the end of the period within which the approved provider may apply for a review of</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>the decision to suspend or cancel the approval; or</p> <p>(d) for an amendment made to a provider approval or service approval for the purposes of enforcement—the end of the period within which the approved provider may apply for a review of the decision to amend the approval; or</p> <p>(e) for a prohibition notice—the end of the period within which the person given the notice may apply for a review of the decision to give the notice.</p> <p>(2) If the person appeals, or applies for a review—</p> <p>(a) the chief executive must not publish the information until the appeal or application for review is finally dealt with or otherwise ends; and</p> <p>(b) if the appeal or application for review is finally dealt with, the chief executive may publish the information only to the extent the information is consistent with the decision on appeal or review.</p>		
s.206	<p><b>Period of publication of information</b></p> <p>(1) The chief executive must ensure information published under this division remains on the department’s website until the day that is one year after the day it is published.</p> <p>(2) However, if the information relates to a QEC service and the service approval is transferred to another approved provider before the day mentioned in subsection (1), the chief executive must remove the information from the website as soon as practicable after the transfer takes effect.</p> <p>(3) Subsection (2) does not apply in any of the following circumstances—</p> <p>(a) if—</p> <p>(i) before the transfer, the service approval was held by an approved provider that was a corporation; and</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>(ii) after the transfer, a person who is or was an executive officer of the corporation is—</p> <p>(A) the person, or one of the persons, to whom the service approval was transferred; or</p> <p>(B) the person, or one of the persons, comprising the approved provider to whom the service approval was transferred; or</p> <p>(C) an executive officer of a corporation to whom the service approval was transferred;</p> <p>(b) if—</p> <p>(i) before the transfer, the service approval was held by an approved provider that is an individual; and</p> <p>(ii) after the transfer, the individual is—</p> <p>(A) one of the persons to whom the service approval was transferred; or</p> <p>(B) one of the persons comprising the approved provider to which the service approval was transferred; or</p> <p>(C) an executive officer of a corporation to whom the service approval was transferred;</p> <p>(c) if—</p> <p>(i) before the transfer, the service approval was held by an approved provider that is group of persons; and</p> <p>(ii) after the transfer, one of the persons is—</p> <p>(A) the person, or one of the persons, comprising the approved provider to whom the service approval was transferred; or</p> <p>(B) an executive officer of a corporation to whom the service approval was transferred.</p>		

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<b>Division 10 – Periodic review of QEC approved services</b>			
<b>s.207(1)</b>	<p><b>Chief executive must undertake 3-yearly inspection of QEC approved service</b></p> <p>(1) The chief executive must ensure that each QEC approved service is inspected by an authorised officer at least once every 3 years to assess whether the service is complying with this Act (the <i>triennial inspection</i>).</p> <p>(2) For subsection (1), a QEC approved service is inspected at least once every 3 years if it is inspected within 3 years of—</p> <p style="padding-left: 40px;">(a) the last inspection day; or</p> <p style="padding-left: 40px;">(b) if there has not been a last inspection day—the day the service became a QEC approved service under this Act.</p> <p>(3) In this section— <i>last inspection day</i> means—</p> <p style="padding-left: 40px;">(a) the day the last triennial inspection was conducted under this Act; or</p> <p style="padding-left: 40px;">(b) for a centre based service taken to be QEC approved service under part 11 and for which a triennial inspection has not been conducted under this Act—the last day the service had its licence granted or renewed under the repealed Act.</p>	<p><i>Note—</i> Section 208 (procedure for 3-yearly inspection).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>Part 7 – Review</b>			
<b>Division 1 – Review of certain decisions by chief executive</b>			
<b>s.209</b>	<p><b>Approved provider may apply for review of decision to give a compliance notice</b></p> <p>(1) This section applies if an approved provider is given a compliance notice by an authorised officer.</p> <p>(2) The approved provider may apply in writing to have the decision reviewed by the chief executive within 14 days of receiving the notice.</p>	<p><i>Note—</i> If the delegate confirms the original decision to give a compliance notice, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>(3) The application must include enough information to enable the chief executive to decide the application.</p> <p>(4) However, if the chief executive considers he or she needs further information to decide the application, the chief executive may ask for the information.</p> <p>(5) The chief executive must review the decision within 30 days after receiving the application and confirm the decision or revoke the compliance notice.</p> <p>(6) The chief executive may extend the period mentioned in subsection (5) by up to 30 days—</p> <p style="padding-left: 40px;">(a) if a request for further information is made under subsection (4); or</p> <p style="padding-left: 40px;">(b) by agreement between the chief executive and the applicant.</p> <p>(7) The chief executive must notify the approved provider in writing of the chief executive’s decision on the review as soon as practicable after making the decision.</p> <p>(8) If the chief executive decides to confirm the decision, the notice under subsection (7) must state the reasonable time within which the approved provider must remedy the contravention stated in the compliance notice.</p> <p>(9) The chief executive must ensure that the application for review of the decision to give the compliance notice is not dealt with by—</p> <p style="padding-left: 40px;">(a) the authorised officer who gave the notice; or</p> <p style="padding-left: 40px;">(b) a person in a less senior position than the authorised officer.</p>		
<b>s.210</b>	<p><b>Approved provider may apply for review of decision to revoke service waiver</b></p> <p>(1) This section applies if an approved provider is given notice by the chief</p>	<p>Limitation:</p> <p>The application for review of the decision to revoke a service waiver must not be dealt with by—</p> <p style="padding-left: 20px;">(a) the officer who gave the notice; or</p>	<ul style="list-style-type: none"> <li>Executive Director, Early Childhood Regulatory Authority</li> </ul>

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	<p>executive of a decision to revoke a service waiver.</p> <p>(2) The approved provider may apply in writing to have the decision reviewed by the chief executive within 14 days after receiving the notice.</p> <p>(3) The application must include enough information to enable the chief executive to decide the application.</p> <p>(4) However, if the chief executive considers he or she needs further information to decide the application, the chief executive may ask for the information.</p> <p>(5) The chief executive must review the decision within 30 days after receiving the application and either confirm the decision or make any other decision the chief executive considers appropriate.</p> <p>(6) The chief executive may extend the period mentioned in subsection (5) by up to 30 days—</p> <p style="padding-left: 40px;">(a) if a request for further information is made under subsection (4); or</p> <p style="padding-left: 40px;">(b) by agreement between the chief executive and the applicant.</p> <p>(7) The chief executive must notify the approved provider in writing of the chief executive’s decision on the review as soon as practicable after making the decision.</p>	<p>(b) a person in a less senior position than the officer who gave the notice.</p> <p><i>Note—</i> If the delegate confirms the original decision to revoke a service waiver, see section 211 (reviewable decisions) and 212 (duty to give notice after making reviewable decision).</p>	
<b>Division 2 – Review by QCAT</b>			
<b>s.212</b>	<p><b>Chief executive or authorised officer must give notice after making reviewable decision</b></p> <p>(1) Immediately after making a decision mentioned in section 211, the chief executive or authorised officer must give the person a notice for the decision complying with the QCAT Act, section 157(2).</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> </ul>

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	<p>(2) The chief executive or authorised officer may give a notice for the purpose of complying with subsection (1) and for another purpose.</p> <p><i>Example—</i></p> <p>The chief executive or authorised officer may give a person a prohibition notice stating—</p> <p>(a) the matters required to be stated under subsection (1) about the decision to give the prohibition notice; and</p> <p>(b) the matters required to be stated in the notice under section 199.</p>		
<b>Part 8 – Information, records and privacy</b>			
<b>Division 1 – Registers</b>			
<b>s.213</b>	<p><b>Register of approved providers</b></p> <p>(1) The chief executive must keep a register of approved providers.</p> <p>(2) The register of approved providers must contain the following for each approved provider—</p> <p>(a) the provider’s name;</p> <p>(b) the provider’s address;</p> <p>(c) any conditions to which the provider’s approval is subject;</p> <p>(d) the date the provider’s provider approval was granted;</p> <p>(e) the provider’s provider approval number;</p> <p>(f) the service approval numbers for all QEC approved services operated by the provider.</p> <p>(3) A person may inspect the register, or obtain a copy of the register or a part of it, on payment of the fee prescribed under a regulation.</p>		<ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> </ul>
<b>s.214</b>	<p><b>Register of QEC approved services</b></p> <p>(1) The chief executive must keep a register of QEC approved services.</p> <p>(2) The register of QEC approved services must contain the following information for each service—</p> <p>(a) the name of the service;</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>(b) the name of the approved provider of the service;  (c) the address of the premises for the service;  (d) the contact details for the service;  (e) the hours and days of operation of the service;  (f) any conditions to which the service’s service approval is subject;  (g) any service waivers and temporary waivers applying to the service;  (h) the maximum number of children who can be cared for by the service at any time;  (i) the date the approved provider was granted the service approval for the service;  (j) the service approval number for the service;  (k) the provider approval number of the approved provider that operates the service.</p> <p>(3) A person may inspect the register, or obtain a copy of the register or a part of it, on payment of the fee prescribed under a regulation.</p>		
<b>Division 2 – Publication</b>			
<b>s.215</b>	<p><b>Publication of information about providers and services</b></p> <p>(1) The chief executive may publish the following information about each approved provider and each QEC approved service—</p> <p>(a) the name of the provider or service;  (b) the address of the QEC service premises for a service;  (c) the contact details for the service;  (d) the hours and days of operation of the service;  (e) any conditions to which the provider approval or service approval for the service is subject;</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>(f) any service waivers and temporary waivers applying to the service;</p> <p>(g) the maximum number of children who can be cared for by the service at any time;</p> <p>(h) the date the approved provider was granted the service approval for the service;</p> <p>(i) the service approval number for the service;</p> <p>(j) the provider approval number of the approved provider that operates the service.</p> <p>(2) The chief executive must publish the register of approved providers and QEC approved services on the department’s website.</p> <p>(3) The chief executive may publish information about the following on the department’s website—</p> <p>(a) enforcement actions taken under this Act, including information about compliance notices, prosecutions, or suspension of cancellation of approval;</p> <p>(b) other matters prescribed under a regulation.</p> <p>(4) 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</p> <p>(b) a person who is being prosecuted for an offence against this Act.</p>		
<b>Division 3 – Confidentiality</b>			
<b>Subdivision 2 – Use and disclosure of URL data relating to approved kindergarten programs</b>			
<b>s.222</b>	<p><b>Use and disclosure of URL data by chief executive</b></p> <p>(1) The chief executive may use URL data received under this subdivision for the following purposes—</p> <p>(a) quality assuring of funding provided to relevant services and</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Strategy and Performance, Early</li> </ul>

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	<p>central governing bodies for approved kindergarten programs;</p> <p>(b) planning for, monitoring of outcomes of, and reporting on, early childhood initiatives;</p> <p>(c) preparing the data for disclosure under section 223.</p> <p>(2) For the purpose of subsection (1)(a), the chief executive may disclose URL data, including URL data that has been aggregated, to an authorised officer of a central governing body.</p> <p>(3) For subsection (1)(b), URL data may be reported only if it has been aggregated and does not identify, directly or indirectly, any person to whom it relates.</p>		<p>Childhood</p> <ul style="list-style-type: none"> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Executive Director, Programs and Funding, Early Childhood</li> <li>• Director, Regulation</li> <li>• Director, Grants Management and Funding, Early Childhood</li> <li>• Manager, Grants Management and Funding, Early Childhood</li> <li>• Principal Program Officer, Grants Management and Funding, Early Childhood</li> <li>• Senior Program Officer, Grants Management and Funding, Early Childhood</li> <li>• Program Officer, Grants Management and Funding, Early Childhood</li> <li>• Program Support Officer, Grants Management and Funding, Early Childhood</li> <li>• Principal Grants Officer, Grants Management and Funding, Early Childhood</li> <li>• Senior Contracts Officer, Grants</li> </ul>

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			<p>Management and Funding, Early Childhood</p> <ul style="list-style-type: none"> <li>• Assistant Director-General, Strategy and Performance</li> <li>• Executive Director, Performance Monitoring and Reporting</li> <li>• Director, Early Childhood Performance and Corporate Surveys</li> <li>• Manager, Performance Monitoring and Reporting</li> <li>• Principal Information Officer, Performance Monitoring and Reporting</li> <li>• Principal Statistical Officer, Performance Monitoring and Reporting</li> <li>• Senior Information Officer, Performance Monitoring and Reporting</li> <li>• Information Officer, Performance Monitoring and Reporting</li> <li>• Data Management Officer, Performance Monitoring and Reporting</li> <li>• Head of Internal Audit</li> <li>• Manager, Systems and Data, Infrastructure Services</li> </ul>

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Reference	Nature of Power	Observations / Limitations	Delegate
			<ul style="list-style-type: none"> <li>Facilities Services Officer, Infrastructure Services</li> </ul>
s.223	<p><b>Disclosure of URL data to Australian Bureau of Statistics and Australian Institute of Health and Welfare</b></p> <p>(1) The chief executive may disclose URL data to a prescribed entity for the purpose of meeting Queensland’s obligations under the early childhood data agreement.</p> <p>(2) A prescribed entity that receives URL data under this section must ensure the data is collected, stored and used in a way that ensures the privacy of the persons to whom it relates is protected.</p> <p>(3) In this section—  <b>early childhood data agreement</b> means the agreement between the Commonwealth and the States called the ‘National information agreement on early childhood education and care’, signed on behalf of the Queensland Government by the chief executive on 19 February 2010.  <b>prescribed entity</b> means—            (a) the Australian Bureau of Statistics; or            (b) the Australian Institute of Health and Welfare established under the <i>Australian Institute of Health and Welfare Act 1987</i> (Cwlth).</p>		<ul style="list-style-type: none"> <li>Assistant Director-General, Strategy and Performance</li> <li>Executive Director, Performance Monitoring and Reporting</li> <li>Executive Director, Strategy and Performance, Early Childhood</li> <li>Executive Director, Programs and Funding, Early Childhood</li> <li>Director, Early Childhood Performance and Corporate Surveys</li> </ul>
<b>Part 10 – Miscellaneous</b>			
<b>Division 2 – Other matters</b>			
s.243	<p><b>Approved forms</b></p> <p>The chief executive may approve forms for use under this Act.</p>		<ul style="list-style-type: none"> <li>Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>Executive Director, Early Childhood Regulatory Authority</li> <li>Director, Regulation</li> </ul>

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Education and Care Services Act 2013</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
<b>Part 11 – Repeal, savings and transitional provisions</b>			
<b>Division 2 – Savings and transitionals for the Education and Care Services Act 2013</b>			
<b>s.260</b>	<p><b>Information retention and sharing</b></p> <p>(1) The chief executive must keep all information held by the chief executive in relation to—</p> <p>(a) the licensing of child care services under the repealed Act to which this Act applies; and</p> <p>(b) the monitoring and enforcement under the repealed Act in relation to child care services to which this Act applies.</p> <p>(2) Information referred to in subsection (1) may be—</p> <p>(a) used for information purposes under this Act; and</p> <p>(b) held by the chief executive in any form; and</p> <p>(c) made available to the Regulatory Authorities of other participating jurisdictions and the National Authority.</p> <p>(3) A licensee of a child care service existing immediately before the commencement and to which this Act applies must, in the way prescribed under a regulation—</p> <p>(a) continue to keep all documents that were required under the repealed Act to be kept for the service immediately before the commencement; and</p> <p>(b) make those documents available to the chief executive on request.</p> <p>Maximum penalty—20 penalty units.</p> <p>(4) In this section—  <i>National Authority</i> has the meaning given in the Education and Care Services National Law (Queensland).  <i>Regulatory Authority</i> has the meaning given in the Education and Care Services National Law (Queensland).</p>		<ul style="list-style-type: none"> <li>• Deputy Director-General, Early Childhood, Regulation and Communication</li> <li>• Executive Director, Early Childhood Regulatory Authority</li> <li>• Director, Regulation</li> <li>• Manager, Regulation</li> <li>• Principal Regulatory Officer</li> </ul>