

Department of Education

Legislative Delegations

Delegation of Director-General's Powers

under

Education and Care Services Regulation 2026

(Version 1 – September 2026)

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

INSTRUMENT OF DELEGATION

Education and Care Services Regulation 2026

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 Regulation 2026*, 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 3 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.



SHARON SCHIMMING
DIRECTOR-GENERAL
DEPARTMENT OF EDUCATION

DATED AT BRISBANE THIS 14 day of September, 2026.

SCHEDULE 1 – Table of Delegated Powers of Director-General *Education and Care Services Regulation 2026*

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Education and Care Services Regulation 2026</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
Part 4 – General requirements for conduct of QEC approved services			
Division 4 – Physical environment			
s.44(3)	Indoor space—general requirements (1) The approved provider of a QEC approved service must ensure the QEC service premises have at least 3.25 square metres of unencumbered indoor space, calculated under this section, for each child at the QEC service premises. Maximum penalty—5 penalty units. (2) In calculating the area of unencumbered indoor space, the following areas must be excluded— (a) any passageway or thoroughfare, including door swings; (b) any toilets or other personal hygiene facilities; (c) any nappy changing area or area for preparing bottles for use by children; (d) any area permanently set aside for the use or storage of cots; (e) any area permanently set aside for storage; (f) any area or room used for staff or administration purposes; (g) any other space that is not suitable for use by children; (h) the area of any kitchen, unless the kitchen is used primarily by children as part of an educational program provided by the QEC approved service. (3) The area of a verandah may be included in calculating the area of unencumbered indoor space of the QEC service premises only if the chief executive has given written approval for the inclusion of the area. (4) However, if the area of a verandah is included in calculating the area of		• Executive Director, Early Childhood Regional Operations • Director, Regulation • Manager, Regulation • Principal Regulatory Officer

**Schedule 1 – Table of Director-General’s Delegated Powers –
Education and Care Services Regulation 2026**

Column 1	Column 2	Column 3	Column 4
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	unencumbered outdoor space of the QEC service premises under section 46, the area of the verandah may not be included in calculating the area of the unencumbered indoor space of the premises.		
s.46(4)(b)	Outdoor space—general requirements (1) The approved provider of a QEC approved service must ensure the QEC service premises have at least 7 square metres of unencumbered outdoor space, calculated under this section, for each child at the QEC service premises. Maximum penalty—5 penalty units. <i>Note—</i> For other requirements in relation to outdoor space, see section 49. (2) In calculating the area of unencumbered outdoor space, the following areas must be excluded— (a) any pathway or thoroughfare, unless the pathway or thoroughfare is used by children as part of an educational program provided by the QEC approved service; (b) any car park area; (c) any storage shed or other storage area; (d) any other space that is not suitable for use by children. (3) If the area of a verandah is included in calculating the area of the unencumbered indoor space of the QEC service premises under section 44, the area of the verandah may not be included in calculating the area of unencumbered outdoor space. (4) If the QEC approved service is a school age care service, an area of indoor space may be included in calculating the area of the unencumbered outdoor space of the QEC service premises if— (a) the indoor space could be, but has not been, included in calculating the area of unencumbered indoor space of		• Executive Director, Early Childhood Regional Operations • Director, Regulation • Manager, Regulation • Principal Regulatory Officer

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	the QEC service premises under section 44; and (b) the chief executive has given written approval for the inclusion of the area of the indoor space.		