

Requesting an increase to the maximum number of children at an approved service

Photography: Welcome to the Fold

An Approved Provider may apply to the Queensland Regulatory Authority (the Chief Executive of the Department of Education and Training), to amend their service approval condition (section 54 of the National Law) to increase the maximum number of children receiving education and care at their service.

When determining an amendment application, the Regulatory Authority will take into account whether the Approved Provider can demonstrate:

- compliance with all aspects of the Education and Care Services National Law and Education and Care Services National Regulations
- children's safety, health and wellbeing will not be compromised.

The Regulatory Authority may ask the Approved Provider for further information when assessing the amendment application (section 54(3) of the National Law).

The period between requesting further information and the provision of the information is not included in the 60 days allowed to decide the application (section 54(4) of the National Law).

Local planning and development requirements

Applications may also have implications for local authority (local council) planning and development requirements, for example, the need for a ratio of car spaces, traffic installations, maximum land lot sizes, fire egress requirements or maximum allowable occupancy rates at the service's premises.

Approved Providers will need to give the Regulatory Authority written evidence from the local council that increasing the service's maximum number of children will not breach any planning and development requirements.

Approved Providers will also need to provide the Regulatory Authority with written evidence from a building practitioner of the following:

- the ongoing compliance of the service's premises

with the relevant version of building standards under the building approval (e.g. the Queensland Development Code or the Building Code of Australia)

- that the amenities offered at the premises align with those required under the relevant building standards (for example the correct ratio of junior toilets, washbasins and suitable nappy change facilities).

National Regulations requirements

To eliminate, reduce and manage any direct adverse impacts on children and the program from any increase to the maximum number of children at a service, Approved Providers must also demonstrate to the Regulatory Authority that the service premises comply with the National Law, National Regulations and National Quality Standard, including:

- the physical environment requirements contained in regulations 103-115 National Regulations, which include minimum unencumbered indoor and outdoor space, fencing, developmentally appropriate equipment for children, adequate developmental and age-appropriate toilets and premises designed to facilitate supervision; and
- the standards and elements relating to children's health and safety (quality area 2) and the physical environment (quality area 3).

Approved Providers are also required to provide written verification from a building practitioner that the indoor and outdoor space at the premises align with the requirements under Regulations 107 and 108 (i.e. 3.25 square metres of unencumbered indoor space per child and 7 square metres of unencumbered outdoor space per child proposed).

More information

- Email the department at ecis@det.qld.gov.au
- Contact your regional office (visit the department's website at www.earlychildhood.qld.gov.au and search for "regional offices").
- Phone the Regulation, Assessment and Service Quality team on (07) 3328 6780.

