1. **Citation**

These regulations are the *Education and Care Services National Amendment Regulations 2012*.

2. **Commencement**

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day after that day.

3. **Regulations amended**

These regulations amend the *Education and Care Services National Regulations 2012*.

4. **Regulation 5 amended**

In regulation 5(2)(b) delete “that Western” and insert:

than Western

5. **Regulation 49 amended**

In regulation 49:

(a) in paragraph (g) delete “Tasmania;” and insert:

Tasmania.

(b) delete paragraph (h).
6. Regulation 123 amended

After regulation 123(4) insert:

(5) Despite subregulations (1) and (2), for the purposes of determining the minimum number of educators required under this regulation, a child of a certain age is to be treated as up to 6 months older or 6 months younger than the child’s actual age if —

(a) the approved provider or, if the approved provider is not an individual, the nominated supervisor, of the service —

(i) is satisfied on reasonable grounds that it is developmentally appropriate for the child to be so treated; and

(ii) makes and keeps a record of that decision;

and

(b) a parent of the child has agreed with that decision and has signed the record of the decision to indicate that agreement.

7. Regulation 177 amended

After regulation 177(1)(d) insert:

(da) a record of a decision about a child, that affects educator to child ratios at a centre-based service, made under regulation 123(5);

8. Regulation 227 amended

(1) In regulation 227(2):

(a) in paragraph (e) delete “enforcement.” and insert:

enforcement;

(b) after paragraph (e) insert:

(f) an allegation of disciplinary action leading to an order referred to in section 188B(3)(a) to (c) of the Law.

(2) In regulation 227(3)(d):

(a) in subparagraph (vi) delete “effect.” and insert:

effect;
(b) after subparagraph (vi) insert:

(vii) for an allegation of disciplinary action leading to an order referred to in section 188B(3)(a) to (c) of the Law —

(A) the provision of the Law that there has been a failure to comply with, and the circumstances of that failure; and

(B) the date on which the order was made; and

(C) information about the content of the order and the reasons for it.

Note: Delete the Note to amended regulation 227 and insert:

Notes:

1. This regulation differs from regulation 227 of the national regulations made by the Ministerial Council.

2. Section 270(6) of the Law further restricts the publication of identifying information.

9. Regulation 376 amended

In regulation 376(3) delete “2 educators” and insert:

3 educators

10. Regulation 385 amended

In regulation 385 delete “2004” and insert:

2007

11. Schedule 4 amended

Delete the reference after the heading to Schedule 4 and insert:

Regulation 190(2)(d)

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.