

CN301*

Education and Care Services National Law (WA) Act 2012

Education and Care Services National Amendment Regulations 2012

Made by the Governor in Executive Council.

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.