
COMMUNITY AND CHILD SERVICES

CN301

Education and Care Services National Law (WA) Act 2012

**Education and Care Services National
Amendment Regulations 2017**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Education and Care Services National Amendment Regulations 2017*.

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)(i) delete “for no more than 4 weeks per calendar year during school holidays;” and insert:

during school holidays for a total of not more than 28 days in a calendar year;

5. Regulation 43 amended

In regulation 43(1)(a) delete “60” and insert:

6. Regulation 49 amended

In regulation 49:

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

Tasmania;
- (b) after paragraph (g) insert:

 - (h) a person who, immediately before 1 October 2017, was the holder of a supervisor certificate that was —
 - (i) granted by a Regulatory Authority of another participating jurisdiction; and
 - (ii) neither cancelled nor suspended.

Note:

At the end of amended regulation 49 the following note is to be inserted:

Note for this regulation:

This regulation differs from regulation 49 of the national regulations made by the Ministerial Council.

7. Regulation 100 amended

In regulation 100(4):

- (a) in paragraph (b) delete “excursion.” and insert:

excursion; and
- (b) after paragraph (b) insert:

 - (c) that risk assessment has been conducted not more than 12 months before the excursion is to occur.

8. Regulation 135 amended

Delete regulation 135(2) and insert:

- (2) The combined total of all periods of absence for which persons are taken to be an early childhood teacher of an education and care service under subregulation (1) in any 12 month period must not exceed 60 days.

9. Regulation 136 amended**(1) In regulation 136(1):**

- (a) after “ensure that” insert:

each of

- (b) in paragraphs (a), (b) and (c) delete “one educator” and insert:

one staff member or one nominated supervisor of the service

(2) In regulation 136(2):

- (a) in paragraph (a) delete “an educator referred to in subregulation (1)(a) or” and insert:

for the purposes of subregulation (1)(a),

- (b) in paragraph (b) delete “an educator referred to in subregulation (1)(b) or” and insert:

for the purposes of subregulation (1)(b),

- (c) in paragraph (c) delete “an educator referred to in subregulation (1)(c) or” and insert:

for the purposes of subregulation (1)(c),

10. Regulation 173 amended**In regulation 173(2):**

- (a) in paragraph (c) delete “except in the case of a family day care residence or approved family day care venue,” and insert:

in the case of a centre-based service,

- (b) delete paragraphs (f) and (g) and insert:

- (f) if applicable —

- (i) in the case of a centre-based service, a notice stating that a child who has been diagnosed as at risk of anaphylaxis is enrolled at the service; or

- (ii) in the case of a family day care residence or approved family day care venue, a notice stating that a child who has been diagnosed as at risk of anaphylaxis —
 - (A) is enrolled at the family day care service; and
 - (B) attends the family day care residence or family day care venue;
- (g) if applicable —
 - (i) in the case of a centre-based service, a notice stating that there has been an occurrence of an infectious disease at the premises; or
 - (ii) in the case of a family day care residence or approved family day care venue, a notice stating that there has been an occurrence of an infectious disease at the family day care residence or family day care venue.

11. Regulation 208 amended

In regulation 208:

- (a) in paragraph (d) delete “Council; and” and insert:

Council.

- (b) delete paragraphs (e) and (f).

12. Regulation 219 amended

In regulation 219(a) delete “Ombudsman and the appointment of an acting”.

13. Regulation 239A amended

In regulation 239A(1) delete “2018” and insert:

2020

Note:

At the end of amended regulation 239A(1) the following note is to be inserted:

Note for this subregulation:

This subregulation differs from regulation 239A(1) of the national regulations made by the Ministerial Council.

14. Regulation 240 amended

In regulation 240(1)(a) delete “2018; or” and insert:

2020; or

Note:

At the end of amended regulation 240(1) the following note is to be inserted:

Note for this subregulation:

This subregulation differs from regulation 240(1) of the national regulations made by the Ministerial Council.

15. Regulation 242 amended

In regulation 242(1) delete “2018.” and insert:

2020.

16. Regulation 254 amended

Delete regulation 254(2) and (3) and insert:

- (2) For the purpose of section 323 of the Law, the Curriculum Framework for Kindergarten to Year 12 Education in Western Australia, as in force on the scheme commencement day, is a declared approved learning framework for the purpose of the Law as it applies in that jurisdiction.

R. NEILSON, Clerk of the Executive Council.
