

CN302

Education and Care Services National Law (WA) Act 2012

Education and Care Services National Amendment Regulations (No. 2) 2021

SL 2021/140

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Education and Care Services National Amendment Regulations (No. 2) 2021*.

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) regulations 3, 8 and 11 — on 30 July 2021;
- (c) regulations 4 to 7 — on 1 October 2021;
- (d) the rest of the regulations — on 30 December 2021.

3. Regulations amended

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

4. Regulation 102 amended

In regulation 102(4) delete “parent or other person named in the child’s enrolment record as having authority to authorise the taking of the child outside the education and care service premises by an educator” and insert:

parent, or other person named in the child’s enrolment record as having authority given by a parent to authorise the taking of the child outside the education and care service premises by an educator,

5. Regulation 102D amended

In regulation 102D(4) delete “parent or other person named in the child’s enrolment record as having authority to authorise the child being transported by the service or on transportation arranged by the service” and insert:

parent, or other person named in the child’s enrolment record as having authority given by a parent to authorise the child being transported by the service or on transportation arranged by the service,

6. Regulation 160 amended

In regulation 160(3)(b):

(a) in subparagraph (v) delete “premises;” and insert:

premises; and

(b) after subparagraph (v) insert:

(vi) any person who is authorised to authorise the education and care service to transport the child or arrange transportation of the child;

7. Regulation 161 amended

(1) In regulation 161(1):

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

outings; and

- (b) after paragraph (b) insert:
 - (c) if relevant, an authorisation given under regulation 102D(4) for regular transportation of the child.

(2) In regulation 161(2):

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

outings; and

- (b) after paragraph (b) insert:

- (c) if relevant, an authorisation given under regulation 102D(4) for regular transportation of the child.

8. Regulation 173 amended

After regulation 173(2) insert:

- (3) An approved provider of an education and care service must display information specified in subregulation (1)(d) by displaying 1 or both of the following certificates —
 - (a) the certificate issued to the approved provider by or on behalf of the Regulatory Authority about —
 - (i) the current rating levels for each quality area stated in the National Quality Standard; and
 - (ii) the overall rating of the service;
 - (b) if the National Authority has given the service the highest rating level — the certificate about the overall rating of the service issued to the approved provider by the National Authority.

Penalty for this subregulation: a fine of \$2 000.

9. Regulation 394 amended

In regulation 394(2) delete “2021.” and insert:

2023.

10. Regulation 411 amended

In regulation 411(2) delete “2021.” and insert:

2023.

11. Part 7.13 inserted

At the end of Chapter 7 insert:

**Part 7.13 — Transitional and saving provisions for
*Education and Care Services National Amendment
Regulations (No. 2) 2021***

Division 1 — General transitional and savings provision

412. Requirement to display information in relation to the rating of an education and care service

The amendment made to regulation 173 by the *Education and Care Services National Amendment Regulations (No. 2) 2021* only applies to an approved provider if the provider is issued a certificate referred to in regulation 173(3) on or after 30 July 2021.

Division 2 — Northern Territory

Note for this Division:

The national regulations made by the Ministerial Council include provisions as Division 2 which are not relevant to Western Australia.

N. HAGLEY, Clerk of the Executive Council.
