
COMMUNITY AND CHILD SERVICES

CN301

Education and Care Services National Law (Western Australia)

**Education and Care Services National
Amendment Regulations 2023****SL 2023/15**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Education and Care Services National Amendment Regulations 2023*.

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 1 March 2023.

3. Regulations amended

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

4. Regulation 24 amended

After regulation 24(h) insert:

- (ha) a description of any proposed regular transportation of children by or arranged by the education and care service;

5. Regulations 102E and 102F inserted

At the end of Part 4.2 Division 7 insert:

102E. Children embarking a means of transport — centre-based service

- (1) This regulation applies in relation to the regular transportation of children by or arranged by a centre-based service.
- (2) The approved provider of the service must ensure the requirements under subregulation (4) are complied with in relation to children embarking a means of transport at the education and care service premises.
Penalty for this subregulation: a fine of \$2 000.
- (3) A nominated supervisor of the service must ensure the requirements under subregulation (4) are complied with in relation to children embarking a means of transport at the education and care service premises.
Penalty for this subregulation: a fine of \$2 000.
- (4) The requirements are that —
 - (a) a staff member or nominated supervisor of the service, who is not driving the means of transport, is present when the children embark the means of transport at the education and care service premises; and
 - (b) each child embarking the means of transport at the education and care service premises is accounted for by the person referred to in paragraph (a); and
 - (c) immediately after all the children have embarked the means of transport at the education and care service premises, a record is made that —
 - (i) confirms each child referred to in paragraph (b) has been accounted for; and
 - (ii) states how each child referred to in paragraph (b) has been accounted for; and
 - (iii) states the date and time the record is made; and
 - (iv) states the name of, and is signed by, the person referred to in paragraph (a).

- (5) Nothing in this regulation prevents the person referred to in subregulation (4)(a) from being counted as an educator in calculating the educator to child ratio of the service under Chapter 4 Part 4.4 Division 3.

102F. Children disembarking a means of transport — centre-based service

- (1) This regulation applies in relation to the regular transportation of children by or arranged by a centre-based service.
- (2) The approved provider of the service must ensure the requirements under subregulation (4) are complied with in relation to children disembarking a means of transport at the education and care service premises.
Penalty for this subregulation: a fine of \$2 000.
- (3) A nominated supervisor of the service must ensure the requirements under subregulation (4) are complied with in relation to children disembarking a means of transport at the education and care service premises.
Penalty for this subregulation: a fine of \$2 000.
- (4) The requirements are that —
 - (a) a staff member or nominated supervisor of the service, who is not driving the means of transport, is present when the children disembark the means of transport at the education and care service premises; and
 - (b) each child disembarking the means of transport at the education and care service premises is accounted for by the person referred to in paragraph (a); and
 - (c) the person referred to in paragraph (a) examines the interior of the means of transport to confirm no children remain on the means of transport; and
 - (d) immediately after all the children have disembarked the means of transport at the education and care service premises, a record is made that —
 - (i) confirms each child referred to in paragraph (b) has been accounted for; and
 - (ii) states how each child referred to in paragraph (b) has been accounted for; and
 - (iii) states the examination referred to in paragraph (c) has been carried out; and

- (iv) states the date and time the record is made; and
 - (v) states the name of, and is signed by, the person referred to in paragraph (a).
- (5) Nothing in this regulation prevents the person referred to in subregulation (4)(a) from being counted as an educator in calculating the educator to child ratio of the service under Chapter 4 Part 4.4 Division 3.

6. Regulation 175 amended

In regulation 175(2):

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

Law);

- (b) after paragraph (e) insert:

- (f) for a centre-based service that starts providing, or arranging for, regular transportation of children — the first time the service provides, or arranges for, the transportation of children;
 - (g) for a centre-based service that stops providing, or arranging for, regular transportation of children — the final time the service provides, or arranges for, the transportation of children.

7. Regulation 177 amended

In regulation 177(1):

- (a) in paragraph (n) delete “Law.” and insert:

Law;

- (b) after paragraph (n) insert:

- (o) in the case of a centre-based service, a record of children embarking a means of transport at the education and care service premises as set out in regulation 102E(4)(c);
 - (p) in the case of a centre-based service, a record of children disembarking a means of transport at the education and care service premises as set out in regulation 102F(4)(d).

8. Regulation 190 amended

In regulation 190(1):

- (a) in paragraph (1) delete “educator.” and insert:

educator);

- (b) after paragraph (1) insert:

- (m) regulation 102E(2) and (3) (requirements in relation to children embarking a means of transport);
- (n) regulation 102F(2) and (3) (requirements in relation to children disembarking a means of transport).

N. HAGLEY, Clerk of the Executive Council.