Western Australia

Education and Care Services National Law (Western Australia)

Education and Care Services National Amendment Regulations 2024

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Made by the Governor in Executive Council.

1. Citation

These regulations are the *Education and Care Services National Amendment Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;

(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 236C amended

Delete regulation 236C(2) and insert:

(2) For the purposes of section 11(d) of the Law, the prescribed fee for the financial year beginning on 1 July 2024 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

> **P** is the amount of the fee payable for the financial year beginning on 1 July 2023 calculated in accordance with subregulation (1);
>
> **FX** is the indexation factor for the financial year beginning on 1 July 2024.

(3) For the purposes of section 11(d) of the Law, the prescribed fee for the financial year beginning on 1 July 2025 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

> **P** is the amount of the fee payable for the financial year beginning on 1 July 2024 calculated in accordance with subregulation (2);
>
> **FX** is the indexation factor for the financial year beginning on 1 July 2025.

(4) For the purposes of section 11(d) of the Law, in a financial year beginning on 1 July 2026 or 1 July in a later year (the *relevant financial year*), the prescribed fee is to be calculated in accordance with the following formula —

$$P \times FX$$

where —

> **P** is the amount of the fee payable in the previous financial year;
>
> **FX** is the indexation factor for the relevant financial year.

Note:

The note at the end of regulation 236C is to be deleted.

5. Regulation 236D amended

Delete regulation 236D(4) and insert:

(4) For the purposes of section 44(1)(e) of the Law, the prescribed fee for the financial year beginning on 1 July 2024 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

P   is the amount of the relevant fee payable for the financial year beginning on 1 July 2023 calculated in accordance with subregulation (1), (2) or (3);

FX is the indexation factor for the financial year beginning on 1 July 2024.

(5) For the purposes of section 44(1)(e) of the Law, the prescribed fee for the financial year beginning on 1 July 2025 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

P   is the amount of the relevant fee payable for the financial year beginning on 1 July 2024 calculated in accordance with subregulation (4);

FX is the indexation factor for the financial year beginning on 1 July 2025.

(6) For the purposes of section 44(1)(e) of the Law, in a financial year beginning on 1 July 2026 or 1 July in a later year (the *relevant financial year*), the prescribed fee is to be calculated in accordance with the following formula —

$$P \times FX$$

where —

P is the amount of the relevant fee payable in the previous financial year;

FX is the indexation factor for the relevant financial year.

6. Regulation 236E amended

Delete regulation 236E(3) and insert:

(3) For the purposes of section 53 of the Law, the prescribed annual fee for the financial year beginning on 1 July 2024 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

P is the amount of the relevant fee payable for the financial year beginning on 1 July 2023 calculated in accordance with subregulation (1) or (2);

FX is the indexation factor for the financial year beginning on 1 July 2024.

(4) For the purposes of section 53 of the Law, the prescribed annual fee for the financial year beginning on 1 July 2025 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

P is the amount of the relevant fee payable for the financial year beginning on 1 July 2024 calculated in accordance with subregulation (3);

FX is the indexation factor for the financial year beginning on 1 July 2025.

(5) For the purposes of section 53 of the Law, in a financial year beginning on 1 July 2026 or 1 July in a later year (the *relevant financial year*), the prescribed annual fee is to be calculated in accordance with the following formula —

$$P \times FX$$

where —

P is the amount of the relevant fee payable in the previous financial year;

FX is the indexation factor for the relevant financial year.

Note:

The note at the end of regulation 236E is to be deleted.

7. **Regulation 236G amended**

Delete regulation 236G(2) and insert:

(2)   For the purposes of section 59(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2024 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

P   is the amount of the fee payable for the financial year beginning on 1 July 2023 calculated in accordance with subregulation (1);

FX is the indexation factor for the financial year beginning on 1 July 2024.

(3)   For the purposes of section 59(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2025 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.1$$

where —

P   is the amount of the fee payable for the financial year beginning on 1 July 2024 calculated in accordance with subregulation (2);

FX is the indexation factor for the financial year beginning on 1 July 2025.

(4) For the purposes of section 59(2)(c) of the Law, in a financial year beginning on 1 July 2026 or 1 July in a later year (the *relevant financial year*), the prescribed fee is to be calculated in accordance with the following formula —

$$P \times FX$$

where —

P   is the amount of the fee payable in the previous financial year;

FX is the indexation factor for the relevant financial year.

Note:
    The note at the end of regulation 236G is to be deleted.

8.   Regulation 236L amended

Delete regulation 236L(3) and insert:

(3) For the purposes of section 145(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2024 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.12$$

where —

P   is the amount of the relevant fee payable for the financial year beginning on 1 July 2023 calculated in accordance with subregulation (1) or (2);

FX is the indexation factor for the financial year
beginning on 1 July 2024.

(4)   For the purposes of section 145(2)(c) of the Law, the
prescribed fee for the financial year beginning on
1 July 2025 is to be calculated in accordance with the
following formula —

$$P \times FX \times 1.12$$

where —

P   is the amount of the relevant fee payable for the
financial year beginning on 1 July 2024
calculated in accordance with subregulation (3);

FX is the indexation factor for the financial year
beginning on 1 July 2025.

(5)   For the purposes of section 145(2)(c) of the Law, in a
financial year beginning on 1 July 2026 or 1 July in a
later year (the *relevant financial year*), the prescribed
fee is to be calculated in accordance with the following
formula —

$$P \times FX$$

where —

P   is the amount of the relevant fee payable in the
previous financial year;

FX is the indexation factor for the relevant financial
year.

9. Regulation 236O amended

Delete regulation 236O(2) and insert:

(2) For the purposes of regulation 138, the relevant fee for the financial year beginning on 1 July 2024 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.12$$

where —

P is the amount of the fee payable for the financial year beginning on 1 July 2023 calculated in accordance with subregulation (1);

FX is the indexation factor for the financial year beginning on 1 July 2024.

(3) For the purposes of regulation 138, the relevant fee for the financial year beginning on 1 July 2025 is to be calculated in accordance with the following formula —

$$P \times FX \times 1.12$$

where —

P is the amount of the fee payable for the financial year beginning on 1 July 2024 calculated in accordance with subregulation (2);

FX is the indexation factor for the financial year beginning on 1 July 2025.

(4) For the purposes of regulation 138, in a financial year beginning on 1 July 2026 or 1 July in a later year (the

relevant financial year), the relevant fee is to be calculated in accordance with the following formula —

$$P \times FX$$

where —

P   is the amount of the fee payable in the previous financial year;

FX is the indexation factor for the relevant financial year.

Note:
     The note at the end of regulation 236O is to be deleted.

V. MOLAN, Clerk of the Executive Council