Western Australia

Education and Care Services National Law Application Act 2026

Education and Care Services National Law Application (Local Regulations) Regulations 2026

As at 01 Nov 2026 Official Version
[PCO 00-c0-00] Published on www.legislation.wa.gov.au

Western Australia

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Education and Care Services National Law Application (Local Regulations) Regulations 2026

Part 1 — Preliminary

1. Citation

These regulations are the *Education and Care Services National Law Application (Local Regulations) Regulations 2026*.

2. Commencement

These regulations come into operation as follows —

(a) Parts 1, 2 and 3 and Schedule 1 — on 1 May 2026;

(b) Part 4 (other than regulations 53 to 55) — on the earlier of the following —

(i) 1 July 2027;

(ii) the day on which regulation 55 comes into operation under paragraph (d);

(c) regulation 53 and 54 — 1 July 2027;

(d) the rest of the regulations — if the *Education and Care Services National Further Amendment Regulations 2025* have effect for the purposes of Part 2 of the Act under section 13(2) of the Act — on the day on which regulation 62 of those regulations comes into operation under section 14 of the Act.

Part 2 — National Regulations modified

3. National Regulations modified

This Part modifies the National Regulations.

Note for this regulation:

See paragraph (b) of the definition of ***Education and Care Services National Law Regulations*** in section 11(1) of the Act.

4. Regulation 3 modified

In regulation 3 delete "1 January 2012." and insert:

1 May 2026.

Note:

The note at the end of regulation 3 is to read:

The *Education and Care Services National Regulations 2012* of Western Australia were repealed on 1 May 2026.

5. Regulation 4 modified

(1) In regulation 4(1) delete the definitions of:

child over preschool age

scheme commencement day

(2) In regulation 4(1) insert in alphabetical order:

authorised emergency contact, in relation to a child, means a person named in the child's enrolment record as a person who is to be notified of an emergency involving the child if any parent of the child cannot be immediately contacted;

child over preschool age means a child who —

(a) is enrolled or registered at a school; and

(b) attends, or in the current calendar year will attend, school in grade 1 or a higher grade;

hazardous water feature, at a family day care residence or approved family day care venue, means a permanent body of water, the primary purpose for which is not swimming or bathing, that is —

(a) situated outdoors; and

(b) more than 30 cm deep; and

(c) accessible to children being educated and cared for at the residence or venue;

preschool program means an early childhood educational program delivered by a qualified early childhood teacher to children in the year that is before grade 1 of school;

safety device, for a swimming pool or outdoor spa at a family day care residence or approved family day care venue, means a device designed to —

(a) warn an educator at the residence or venue that a child being educated and cared for at the residence or venue has entered the swimming pool or outdoor spa, or the area surrounding the swimming pool or outdoor spa; or

(b) cover the swimming pool or outdoor spa in such a way that the device —

(i) cannot be easily lifted or removed by a child being educated and cared for at the residence or venue; and

(ii) would prevent such a child from entering the swimming pool or outdoor spa;

scheme commencement day means —

(a) for all participating jurisdictions other than Western Australia — 1 January 2012; and

(b) for Western Australia — 1 August 2012;

water hazard safety inspection has the meaning given in regulation 32E(1)(a);

water hazard safety inspection report has the meaning given in regulation 32E(1)(b);

(3) In regulation 4(1) in the definition of ***approved education and care qualification*** delete "***qualification***, in regulations 126A, 135 and 324," and insert:

qualification

(4) In regulation 4(1A) delete the example and insert:

Example for this subregulation:

There are 33 children aged 36 months or over (not including children over preschool age) at a centre-based service. Regulation 123(1)(c) requires 1 educator for each 10 children. In this case 4 educators would be required.

6. Regulation 5 modified

In regulation 5(2)(b) before "a service providing" insert:

in all participating jurisdictions other than Western Australia —

Note:

The note at the end of regulation 5(2)(b) is to be deleted.

7. Regulation 24 modified

In regulation 24 delete "Subject to regulation 25A, an" and insert:

An

8. Regulation 25 modified

(1) In regulation 25(1) delete "Subject to subregulation (2) and regulation 25A, in" and insert:

In

(2) Delete regulation 25(2).

9. Regulation 25A deleted

Delete regulation 25A.

10. Regulation 31 modified

In regulation 31(c) delete "parents" and insert:

family members

11. Regulations 32B to 32E inserted

After regulation 32A insert:

32B. Conditions on service approval—restrictions on engaging or registering educators operating at residence or venue with swimming pool or outdoor spa

(1) A service approval for a family day care service is granted subject to the condition that the approved provider of the service must ensure that there is no swimming pool or outdoor spa at a family day care residence or approved family day care venue of the service unless —

(a) the swimming pool or outdoor spa existed at the residence or venue before 1 September 2022 (whether or not the residence or venue was a residence or venue of the service at that time); and

(b) each educator who provides education and care to children at the residence or venue was engaged by or registered with the service —

(i) before 1 September 2022; or

(ii) on or after 1 September 2022 with the approval of the Regulatory Authority under subregulation (3).

(2) A service approval for a family day care service is granted subject to the condition that the approved provider of the service must not, without the approval of the Regulatory Authority under subregulation (3), engage or register a family day care educator to provide education and care to children at a family day

care residence or approved family day care venue with a swimming pool or outdoor spa.

(3) The Regulatory Authority may give written approval for the approved provider of a family day care service to engage or register a family day care educator to provide education and care to children at a family day care residence or approved family day care venue with a swimming pool or outdoor spa if —

(a) the swimming pool or outdoor spa existed at the residence or venue before 1 September 2022; and

(b) the educator was, before 1 September 2022, engaged by or registered with another family day care service to provide education and care to children at the residence or venue; and

(c) the Regulatory Authority considers exceptional circumstances exist justifying the approval.

Note for this regulation:

See section 51(5) of the Law.

32C. Condition on service approval—register of residences and venues with swimming pool, outdoor spa or hazardous water feature

(1) A service approval for a family day care service is granted subject to the condition that the approved provider of the service must —

(a) keep a register that includes the information set out in subregulation (2) in respect of each family day care residence or approved family day care venue of the service with a swimming pool, outdoor spa or hazardous water feature; and

(b) make the register available for inspection by the Regulatory Authority on request.

(2) For the purposes of subregulation (1), the register must include the following information —

(a) the name of each educator who provides education and care to children at the residence or venue;

(b) the address of the residence or venue;

(c) each swimming pool, outdoor spa and hazardous water feature that is at the residence or venue;

(d) each safety device for a swimming pool or outdoor spa that is at the residence or venue;

(e) the date on which a water hazard safety inspection of the residence or venue was last conducted.

Note for this regulation:

See section 51(5) of the Law.

32D. Condition on service approval—safety devices for swimming pools and outdoor spas

A service approval for a family day care service is granted subject to the condition that the approved provider of the service must ensure that there is, at each family day care residence or approved family day care venue of the service with a swimming pool or outdoor spa, at least 1 safety device for the swimming pool or outdoor spa.

Note for this regulation:

See section 51(5) of the Law.

32E. Condition on service approval—water hazard safety inspections

(1) A service approval for a family day care service is granted subject to the condition that the approved provider of the service must ensure that —

(a) at the times set out in subregulation (2), an inspection (a ***water hazard safety inspection***) of each family day care residence or approved family day care venue of the service with a swimming pool, outdoor spa or hazardous water feature is conducted in accordance with this regulation to determine whether the residence or venue is a safe operating environment; and

(b) a written report (a ***water hazard safety inspection report***) of each water hazard safety inspection is prepared and given to the approved provider in accordance with this regulation.

(2) The times for conducting a water hazard safety inspection of a family day care residence or approved family day care venue are —

(a) for the 1st inspection — within 30 days after the day on which it becomes a residence or venue of the service; and

(b) after that, at monthly intervals.

(3) A water hazard safety inspection of a family day care residence or approved family day care venue cannot be conducted by —

(a) an educator who provides education and care to children at the residence or venue; or

(b) a person who resides at the residence or venue.

(4) A water hazard safety inspection of a family day care residence or approved family day care venue may be conducted by a person who is —

(a) physically present at the residence or venue; or

(b) subject to subregulation (5), using technology that enables the person to inspect the residence or venue without being physically present (a ***virtual inspection***).

(5) A water hazard safety inspection of a family day care residence or approved family day care venue cannot, without the written approval of the Regulatory Authority, be a virtual inspection if —

(a) the previous 2 inspections of the residence or venue were virtual inspections; or

(b) 6 previous virtual inspections of the residence or venue have been conducted in the current calendar year.

Notes for this regulation:

1. See section 51(5) of the Law.
2. For water hazard safety inspection reporting requirements and offences relating to water hazard safety inspection reports see regulations 116D to 116F.

12. Regulation 38 modified

In regulation 38 delete “must” and insert:

may

13. Regulation 62 modified

(1) In regulation 62(2) delete “that is 2 years”.

(2) After regulation 62(3) insert:

(4) An education and care service in Western Australia is entitled to be given an Exceeding National Quality Standard for the education program and practice quality area if —

(a) the service has a documented arrangement for a kindergarten programme to be provided by a school for children who are educated and cared for by the service; and

(b) if the arrangement is generally available to children educated and cared for by the service, the service informs the parents of the arrangement.

(5) In subregulation (4) each of the following terms has the meaning given in regulation 368 —

kindergarten programme

provided by a school

school

14. Regulation 63 modified

(1) In regulation 63(1)(a)(iii)(B) delete "1 January 2012," and insert:

the scheme commencement day,

(2) In regulation 63(2)(d) delete "that is 2 years".

Note:

The note at the end of regulation 63(1)(a)(iii)(B) is to be deleted.

15. Guide to Chapter 4 modified

In the Guide to Chapter 4 after the item for Part 4.2 Division 6 insert:

Division 6A sets out requirements relating to the safe arrival of children who travel between an education and care service and any other education or early childhood service.

Division 7 sets out requirements relating to the transportation of children other than as part of an excursion.

16. Regulation 75 modified

In regulation 75(a) delete "parents" and insert:

family members

17. Regulation 80 modified

In regulation 80(1)(a), (2)(a) and (3)(a) delete "parents" and insert:

family members

18. Regulation 84B modified

In regulation 84B(m) delete "parent." and insert:

parent or family member.

19. Regulation 86 modified

In regulation 86 after "service" (2nd occurrence) insert:

or, if a parent cannot be immediately contacted, an authorised emergency contact for the child

20. Regulation 92 modified

In regulation 92(3)(c) delete "administered;" and insert:

administered and the medical condition the medication is being used to treat;

21. Regulation 94 modified

In regulation 94(2)(a) delete "child;" and insert:

child or, if a parent of the child cannot be immediately contacted, an authorised emergency contact for the child;

22. Regulation 98 modified

(1) In regulation 98:

(a) delete "The" and insert:

(1) The

(b) delete "parents" and insert:

parents, family members, other adults who may need to be in contact about a child

(2) At the end of regulation 98 insert:

(2) The approved provider of a family day care service must ensure that, when children are being educated and cared for at a family day care residence or approved family day care venue as part of the service —

(a) educators at the residence or venue have ready access to at least 2 operating telephones or other similar means of communication to enable immediate communication to and from parents, family members, other adults who may need to be in contact about a child and emergency services; and

(b) at least 1 of the telephones or other similar means of communication referred to in paragraph (a) is kept in a fixed location at the residence or venue.

Penalty: $3300.

[Regulation 22 amended: SL 2026/212 r. 4.]

23. Regulation 111 modified

In regulation 111(b) delete "parents" and insert:

family members

24. Regulations 116A to 116C deleted

Delete regulations 116A to 116C.

25. Regulations 116D to 116F inserted

Before regulation 117 insert:

116D. Water hazard inspection reports conducted at family day care residence or approved family day care venue

(1) The person who conducts a water hazard safety inspection of a family day care residence or approved family day care venue of a family day care service must —

(a) when conducting the inspection, complete a water hazard safety inspection checklist in a form approved by the Regulatory Authority; and

(b) prepare a water hazard safety inspection report in accordance with subregulation (2) and give it to the approved provider of the service —

(i) if a safety issue relating to a swimming pool, outdoor spa or hazardous water feature is identified in the course of the inspection — within 24 hours of completing the inspection; or

(ii) in any other case — within 7 days of completing the inspection.

(2) A water hazard safety inspection report must —

(a) be in a form approved by the Regulatory Authority; and

(b) include the information set out in subregulation (3); and

(c) include the water hazard safety inspection checklist completed by the person who conducted the inspection.

(3) For the purposes of subregulation (2)(b), the information is as follows —

(a) the address of the residence or venue;

(b) the date and time of the inspection;

(c) the full name of the person who conducted the inspection and the person's signature;

(d) whether the inspection was a virtual inspection;

(e) the type and condition of each safety device for a swimming pool or outdoor spa that is at the residence or venue;

(f) whether any safety issue relating to a swimming pool, outdoor spa or hazardous water feature was identified and, if so —

(i) a description of the safety issue; and

(ii) whether the safety issue was rectified during the inspection; and

(iii) if the safety issue has not been rectified, the action that the person who conducted the inspection considers should be taken to rectify it and mitigate risks associated with it before it is rectified; and

(iv) if relevant, an estimate of the time that is needed to complete the action referred to in subparagraph (iii);

(g) any other information required by the form approved under subregulation (2)(a).

Note for this regulation:

A water hazard safety inspection is a condition of a service approval for a family day care service: see regulation 32E.

116E. Offences relating to water hazard safety inspection reports—approved provider

(1) The approved provider of a family day care service must, as soon as practicable after being given a water hazard safety inspection report in relation to a family day care residence or approved family day care venue of the service, give a copy of it to each educator who provides education and care to children at the residence or venue.

Penalty: $6600.

(2) The approved provider of a family day care service must, within 24 hours of being given a water hazard safety inspection report that identifies a safety issue in relation to a swimming pool, outdoor spa or hazardous water feature at a family day care residence or approved family day care venue of the service, give written notice of the safety issue to the Regulatory Authority.

Penalty: $6600.

(3) If an unrectified safety issue relating to a swimming pool, outdoor spa or hazardous water feature is identified in a water hazard safety inspection report relating to a family day care residence or approved family day care venue of a family day care service, the approved provider of the service must, as soon as practicable after the safety issue is rectified, record on the report the date on which it was rectified.

Penalty: $6600.

(4) The approved provider of a family day care service must ensure that each water hazard safety inspection report in relation to a family day care residence or approved family day care venue of the service is kept

at the principal office of the service until the end of 3 years after the day on which it was completed.

Penalty: $6600.

(5) The approved provider of a family day care service must ensure that each water hazard safety inspection report kept under subregulation (4) is made available on request to the Regulatory Authority.

Penalty: $6600.

(6) The approved provider of a family day care service must ensure that each water hazard safety inspection report kept under subregulation (4) in relation to a family day care residence or approved family day care venue is made available on request to a parent of a child who is educated and cared for at the residence or venue as part of the service.

Penalty: $6600.

116F. Offences relating to water hazard safety inspection reports—family day care educator

(1) A family day care educator who is given a water hazard safety inspection report in relation to the family day care residence or approved family day care venue at which the educator educates and cares for children must ensure that the report is kept at the residence or venue until the end of 3 years after the day on which it was completed.

Penalty: $6600.

(2) A family day care educator must ensure that a water hazard safety inspection report kept under subregulation (1) is made available on request to the Regulatory Authority.

Penalty: $6600.

(3) A family day care educator must ensure that a water hazard safety inspection report kept under subregulation (1) is made available on request to a parent of a child who is educated and cared for at the residence or venue.

Penalty: $6600.

[Regulation 25 amended: SL 2026/212 r. 5.]

26. Regulation 117 modified

Delete regulation 117(1)(b) and insert:

(b) is either —

(i) 1 metre or less above floor level; or

(ii) if the residence or family day care venue was approved before 1 December 2014 — 75 cm or less above floor level.

Note:

The note at the end of regulation 117(1) is to be deleted.

27. Regulation 123 modified

(1) At the beginning of regulation 123 insert:

(1A) In this regulation —

emergency, in relation to a child, means a serious and unexpected short-term care emergency that requires the child to be provided with immediate education and care.

(2) Delete regulation 123(1)(c) and (d) and insert:

(c) for children aged 36 months of age or over (not including children over preschool age) — 1 educator to 10 children;

(d) for children over preschool age — the ratio set out in the Table to regulation 369.

(3) After regulation 123(1) insert:

(2A) Despite regulation 122, if an educator at a centre-based service is not working directly with children, that educator is counted as an educator at the service for the purposes of this regulation if —

(a) the educator is present on the premises of the service; and

(b) the educator is available immediately to provide education and care to the children at the service if required; and

(c) the period of time during which the educator is not working with children is not more than 30 minutes in a day.

(4) After regulation 123(6) insert:

(7) 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.

Notes:

1. The note at the end of regulation 123(6) is to be deleted.
2. At the end of regulation 123(7) the following note is to be inserted:

Note: The modifications of the National Regulations that insert subregulations (2A) and (7) for the purposes of the *Education and Care Services National Law Regulations (WA)* will be deleted on 1 July 2027 (see the *Education and Care Services National Law Application (Local Regulations) Regulations 2026* r. 53, which will delete regulation 27(3) and (4) of those regulations when it comes into operation on 1 July 2027).

[Regulation 27 amended: SL 2026/212 r. 6.]

28. Regulation 124 modified

(1) In regulation 124(2)(a) delete "preschool age or under; and" and insert:

children who are 4 years of age or under on 30 June of the current calendar year; and

(2) In regulation 124(5) delete "preschool age or under," and insert:

4 years of age or under on 30 June of the current calendar year,

28A. Regulation 154B modified

After regulation 154B(2) insert:

(3) However, if the effect of subregulation (1) or (2) would be that information or a notification is required to be given under section 269E(1) or 269E(2) of the Law before 30 November 2026, the prescribed time for the purposes of section 269E(1) or (2) (as the case requires) is the period ending on 30 November 2026.

[Regulation 28A inserted: SL 2026/212 r. 7.]

29. Regulation 160 modified

In regulation 160(3)(g) delete "parents;" and insert:

parents or any other family members;

30. Regulation 177 modified

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(7);

Note:

The note at the end of regulation 177(1) is to be altered by deleting the passage that begins with "The *Education*" and ends with "Australia.".

31. Regulation 185 modified

In regulation 185 delete "parents" and insert:

family members

31A. Regulation 190 modified

In regulation 190:

(a) delete paragraphs (x) and (y);

(b) in paragraph (zo) delete "check);" and insert:

check).

(c) delete paragraph (zp).

[Regulation 31A inserted: SL 2026/212 r. 8.]

*[**32.** Deleted: SL 2026/51 r. 55.]*

33. Regulation 192 modified

In regulation 192(a) delete "approved".

34. Regulation 201 modified

In regulation 201(e) delete "Administrative Appeals Tribunal" and insert:

Administrative Review Tribunal

35. Regulation 209 modified

In regulation 209(e):

(a) in subparagraph (i) delete "Administrative Appeals Tribunal" and insert:

Administrative Review Tribunal

(b) in subparagraph (ii) delete "*Administrative Appeals Tribunal Act 1975*" and insert:

Administrative Review Tribunal Act 2024 (Cth)

36. Regulation 223 modified

In regulation 223(g):

(a) in subparagraph (i) delete "Administrative Appeals Tribunal" and insert:

Administrative Review Tribunal

(b) in subparagraph (ii) delete "*Administrative Appeals Tribunal Act 1975*" and insert:

Administrative Review Tribunal Act 2024 (Cth)

37. Regulation 227 modified

(1) In regulation 227(1) delete "(2)." and insert:

(2) and any matter prescribed in subregulation (2A).

(2) After regulation 227(2) insert:

(2A) For the purposes of section 270(5)(b) of the Law, the following matters are prescribed —

(a) proceedings commenced by an allegation made under section 188AB of the Law that grounds for disciplinary action exist;

(b) any order made in such proceedings.

(3) In regulation 227(3) after "information" insert:

in relation to an enforcement action

(4) After regulation 227(3) insert:

(3A) The following information in relation to a matter prescribed in subregulation (2A) may be published —

(a) the nature of the allegation made under section 188AB of the Law that grounds for disciplinary action exist;

(b) the provision of the Law that there has been a failure, or alleged failure, to comply with, and the circumstances of that failure, or alleged failure;

(c) any relevant dates regarding the proceedings or any order made;

(d) information about the content of any order made, and the reasons given for the making of the order.

38. Chapter 6 Part 6.3 Division 2 heading modified

In the heading to Chapter 6 Part 6.3 Division 2 delete "**17 April 2023**" and insert:

17 June 2023

39. Regulation 236B modified

In regulation 236B(1), (2) and (3) delete "17 April 2023" and insert:

17 June 2023

Note: The heading to amended regulation 236B is to read:

Prescribed fees and other fees between 17 June 2023 and 30 June 2023

40. Regulation 239A modified

(1) Delete regulation 239A(1) and insert:

(1) This regulation applies until 31 December 2026 to a centre-based service that is located in a remote area or a very remote area.

(2) In regulation 239A(2) delete "or 272(1A)".

41. Regulation 241 modified

(1) At the beginning of regulation 241 insert:

(1A) In this regulation —

interstate preschool program means a preschool program as defined in the Education and Care Services National Law section 5(1), set out in the Schedule to the *Education and Care Services National Law Act 2010* (Vic) section 5(1).

(2) In regulation 241(1)(e) and (f) delete "a preschool" and insert:

an interstate preschool

42. Regulation 242 modified

(1) Delete regulation 242(1) and insert:

(1) This regulation applies until 31 December 2026.

(2) Delete regulation 242(3) and insert:

(3) In this regulation —

relevant regulation means regulation 130, 131, 132, 133, 134 or 379.

43. Regulation 254 deleted

Delete regulation 254.

44. Regulation 256 modified

Delete regulation 256(3) and insert:

(3) In this regulation —

prescribed regulation means regulation 239, 248, 250, 251 or 383.

45. Regulation 257 modified

Delete regulation 257(5) and insert:

(5) In this regulation —

prescribed regulation means regulation 239, 248, 250, 251 or 383.

46. Regulation 369 modified

Delete regulation 369(1) and insert:

(1) This regulation sets out, for children over preschool age, educator to child ratios for the purposes of regulation 123(1)(d).

47. Regulation 370 modified

Delete regulation 370(3) and insert:

(3) At least 1 of the qualified educators at the service must be a first qualified educator.

(4) In this regulation —

advanced course means a course for a qualification on the qualifications list if, in respect of the qualification, the list specifies that an individual will be recognised as a first qualified educator if the individual —

(a) has completed at least 50% of the qualification; and

(b) is continuing study towards completion of the qualification;

first qualified educator means —

(a) an educator who holds a qualification on the qualifications list that the list specifies is for the position of first qualified educator; or

(b) an educator who —

(i) is enrolled in an advanced course; and

(ii) has completed at least 50% of the course; and

(iii) is meeting the requirements for maintaining enrolment in the course; and

(iv) is making satisfactory progress towards completing the course;

qualifications list means the list of approved qualifications for working with children over preschool age for Western Australia published under regulation 137(2)(c);

qualified educator means —

(a) an educator who holds a qualification on the qualifications list that the list specifies is for the position of qualified educator; or

(b) an educator who is actively working towards a diploma, certificate III or certificate IV qualification on the qualifications list; or

(c) an educator who is a first qualified educator.

47A. Part 7.9 Division 6 deleted

Delete Part 7.9 Division 6.

[Regulation 47A inserted: SL 2026/212 r. 9.]

47B. Regulation 417 modified

In regulation 417 delete the passage that begins with "27 August 2026 if the person was —" and ends with "14 August 2026." and insert:

30 April 2027 if the person was employed, engaged or appointed before 17 April 2027.

[Regulation 47B inserted: SL 2026/212 r. 9.]

47C. Regulation 418 modified

In regulation 418 delete the passage that begins with "27 August 2026 if the person was —" and ends with "14 August 2026." and insert:

30 April 2027 if the person was employed, engaged or appointed before 17 April 2027.

[Regulation 47C inserted: SL 2026/212 r. 9.]

47D. Regulation 419 modified

In regulation 419 delete the passage that begins with "before the date" and ends with "from the date the training is published." and insert:

before 1 February 2027 must complete the training on or before 30 April 2027.

[Regulation 47D inserted: SL 2026/212 r. 9.]

47E. Regulation 419A inserted

After regulation 419 insert:

419A. Training completed before commencement of requirements

(1) This regulation applies to a person required to complete —

(a) child protection training by regulation 128B; or

(b) foundation child safety training by regulation 128D; or

(c) advanced child safety training by regulation 128E.

(2) Despite regulations 128B, 128D and 128E and 417, 418 and 419, the person is taken to have satisfied the requirement if the person completed the training before 1 November 2026.

[Regulation 47E inserted: SL 2026/212 r. 9.]

48. Schedule 2 heading and reference replaced

Delete the heading to Schedule 2 and the reference after it and insert:

Schedule 2 — Prescribed fees for period beginning on 17 June 2023 and ending on 30 June 2023

[r. 236B]

49. Schedule 3 of National Regulations modified

In Schedule 3 of the National Regulations:

(a) in the item for regulation 82(1) delete "Tobacco, drug and alcohol-free environment" and insert:

Environment to be free from tobacco, vaping devices, vaping substances, drugs and alcohol

(b) delete the item for regulation 84;

(c) delete "Regulation 98" and insert:

Regulation 98(1), (2)

(d) delete the items for regulations 116A(1) and 116C;

(e) delete the item for regulation 383A(1) and (2).

[Regulation 49 amended: SL 2026/212 r. 10.]

Notes:

1. The note at the end of regulation 99 is to be deleted.
2. The note at the end of regulation 141(2)(b) is to be deleted.
3. The note at the end of regulation 368 is to be deleted.
4. Note 2 at the end of regulation 383 is to be deleted.

Part 3 — Infringement Notices

50. Term used: Regulatory Authority

In this Part —

Regulatory Authority has the meaning given in the *Education and Care Services National Law (WA)* section 5(1).

51. Regulations for the purposes of *Education and Care Services National Law (WA)*

For the purposes of the *Education and Care Services National Law (WA)* —

(a) an authorised officer or other person authorised by the Regulatory Authority referred to in section 291(1) of the Law are authorised officers for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for an offence referred to in section 291(1) of the Law; and

(b) the Regulatory Authority may, in writing, appoint persons or classes of persons to be approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2; and

(c) if a person who is an authorised officer under paragraph (a) is not issued with an identity card under section 196(1) of the Law, the Regulatory Authority must issue to the person a certificate, badge or identity card identifying the person as a person authorised to issue infringement notices; and

(d) a person who is an authorised officer under paragraph (a) may show that they are an authorised officer by producing the certificate, badge or identity card issued to them under section 196(1) of the Law or paragraph (c); and

(e) the forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.

Part 3A — Transitional modifications

[Heading inserted: SL 2026/212 r. 11.]

51A. Transitional modification because of *Early Childhood Legislation Amendment (Child Safety) Act 2025* (Vic)

(1) The modification set out in section 63(3) of the Act is disapplied.

(2) The National Law is modified as set out in subregulation (3).

(3) In section 219(4) of the National Law in the definition of ***disclosed information***:

(a) in paragraph (b) delete "216B; or" and insert:

216B.

(a) delete paragraph (c).

Note for this regulation:

Under section 33(3) of the Act, this regulation expires 18 months after the day on which it comes into operation (that is, at the end of 1 May 2028).

[Regulation 51A inserted: SL 2026/212 r. 11.]

Part 4 — Amendments to these regulations

52. Regulations amended

This Part amends these regulations.

*[**53, 54.** Have not come into operation.]*

55. Regulation 32 deleted

Delete regulation 32.

Schedule 1 — Forms

[r. 51(e)]

Form 1 — Infringement notice relating to offence under *Education and Care Services National Law (WA)*

Education and Care Services National Law (WA) **INFRINGEMENT NOTICE**			Infringement notice no.
Alleged offender	Name		
	Address		
Details of alleged offence	Date or period		
	Place		
	Written law contravened	Section of the *Education and Care Services National Law (WA)* or Regulation of the *Education and Care Services National Law Regulations (WA)**]***	
	Details of offence		
Date	Date of notice		
Issuing officer	Name		
	Office		
	Signature		
Modified penalty	$_____		

Form 1

<table>
<tr><td rowspan="2">Penalty</td><td>Individual</td><td>$_____</td><td rowspan="2">You do not have to pay this amount. This is the maximum fine that can be imposed if you are prosecuted in a court and convicted of this offence.</td></tr>
<tr><td>Body corporate</td><td>$_____</td></tr>
<tr><td>TAKE NOTICE</td><td colspan="3">It is alleged that you have committed the above offence.

If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Approved Officer* within 28 days after the date of this notice.

If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If you need more time to pay the modified penalty, you should contact the Approved Officer* at the address below.

Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.

If you want this matter to be dealt with by prosecution in court, sign and date here:

_____ / /20

and send this notice to the Approved Officer* at the address below within 28 days after the date of this notice.</td></tr>
</table>

Form 2

	If you consider that you have good reason to have this notice withdrawn, you can write to the Approved Officer* at the address below requesting that this notice be withdrawn and setting out the reasons why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.
How to Pay	[Insert details for how and where modified penalty may be paid.]

***The following are approved officers for the purposes of receiving payment of modified penalties:**

Method of service		**Date of service**	

[Form 1 amended: SL 2026/212 r. 12.]

Form 2 — Withdrawal of infringement notice relating to offence under *Education and Care Services National Law (WA)*

Education and Care Services National Law (WA) **WITHDRAWAL OF INFRINGEMENT NOTICE**		Withdrawal no.
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	

Form 2

Details of alleged offence	Date or period	
	Place	
	Written law contravened	Section of the *Education and Care Services National Law (WA)* or Regulation of the *Education and Care Services National Law Regulations (WA)*
	Details of offence	
Approved Officer withdrawing notice	Name	
	Office	
	Signature	
Date	Date of withdrawal	
Withdrawal of infringement notice [*Delete whichever is not applicable]	The above infringement notice issued against you for the above alleged offence has been withdrawn. If you have already paid the modified penalty for the alleged offence, you are entitled to a refund. Your refund is enclosed. or If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to: Approved Officer — *Education and Care Services National Law (WA)* Department for Communities [Address]	

Form 2

Your signature		**Date**	

Notes

This is a compilation of the *Education and Care Services National Law Application (Local Regulations) Regulations 2026*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
Education and Care Services National Law Application (Local Regulations) Regulations 2026 (other than r. 53 and 54)	SL 2026/51 30 Apr 2026	Pt. 1-3 and Sch. 1: 1 May 2026 (see r. 2(a)); Pt. 4 (other than r. 53 and 54): 1 Nov 2026 (see r. 2(b)(ii) and (d) and SL 2026/211 cl. 3)
Education and Care Services National Law Application (Local Regulations) Amendment Regulations 2026	SL 2026/212 14 Oct 2026	r. 1 and 2: 14 Oct 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2026 (see r. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA legislation website.

Citation	Published	Commencement
Education and Care Services National Law Application (Local Regulations) Regulations 2026 r. 53 and 54	SL 2026/51 30 Apr 2026	1 Jul 2027 (see r. 2(c))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
Regulatory Authority	50

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