



New South Wales

# Education and Care Services National Amendment Regulations 2021

under the

Education and Care Services National Law

The Education Ministers Meeting has made the following regulations under sections 301 and 324 of the *Education and Care Services National Law* as applied by the law of the States and Territories.

GREG DONAGHUE  
Deputy Secretary  
Education Ministers Meeting

# Education and Care Services National Amendment Regulations 2021

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## Education and Care Services National Amendment Regulations 2021

under the

Education and Care Services National Law

### 1 Title

These Regulations may be cited as the *Education and Care Services National Amendment Regulations 2021*.

### 2 Authorising provisions

These Regulations are made under sections 301 and 324 of the *Education and Care Services National Law*.

### 3 Commencement

- (1) These Regulations, other than regulations 5–9, 11–14 and 16–21, come into operation on 30 July 2021.
- (2) Regulations 5–9 come into operation on 1 October 2021.
- (3) Regulations 11–14 and 16–21 come into operation on 30 December 2021.

### 4 National Regulations

In these Regulations, the Education and Care Services National Regulations are called the National Regulations.

### 5 Transporting children from education and care service premises

After regulation 99(4)(c) of the National Regulations, **insert**—

“(ca) is transported by the service or on transportation arranged by the service in accordance with Division 7; or”.

### 6 Persons authorised to authorise taking of children on excursion

In regulation 102(4) of the National Regulations **insert** “, given by a parent,” after “authority”.

### 7 Persons authorised to authorise transportation of children

In regulation 102D(4) of the National Regulations **insert** “, given by a parent,” after “authority”.

### 8 Keeping of records of persons authorised to authorise transportation of children

In regulation 160(3)(b) of the National Regulations—

(a) in paragraph (v), for “premises;” **substitute** “premises; and”;

(b) after paragraph (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;”.

**9 Enrolment record to include authorisation for regular transportation of children**

- (1) In regulation 161(1) of the National Regulations—
- (a) in paragraph (b), for “outings.” **substitute** “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) of the National Regulations—
- (a) in paragraph (b), for “outings.” **substitute** “outings; and”;
  - (b) after paragraph (b) **insert**—
    - “(c) if relevant, an authorisation given under regulation 102D(4) for regular transportation of the child.”.

**10 Display of information in relation to the rating of education and care service**

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 one 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: \$2,000”.

**11 Attendance of early childhood teachers at centre-based services in remote and very remote areas**

In regulation 239A(1) of the National Regulations—

- (a) in paragraph (a), for “New South Wales, Queensland, South Australia or Tasmania” **substitute** “Queensland”;
- (b) in paragraph (b), for “the Northern Territory” **substitute** “New South Wales, the Northern Territory, South Australia, Tasmania”.

**12 Qualifications for educators at centre-based services in remote and very remote areas**

In regulation 240(1) of the National Regulations—

- (a) in paragraph (a) **omit** “, South Australia or Tasmania”;
- (b) in paragraph (b) **insert** “South Australia, Tasmania or” after “very remote area of”.

**13 Persons taken to be early childhood teachers**

In regulation 242(1) of the National Regulations—

- (a) in paragraph (a), for “the Australian Capital Territory, New South Wales, Queensland, South Australia or Tasmania” **substitute** “Queensland”;

- (b) in paragraph (b), for “the Northern Territory” **substitute** “the Australian Capital Territory, New South Wales, the Northern Territory, South Australia, Tasmania”.

**14 Regulation 264 date amended**

In regulation 264(1), for “31 December 2021” **substitute** “31 December 2023”.

**15 New regulation 333A inserted**

After regulation 333 of the National Regulations **insert**—

**“333A Resignation of early childhood teacher or suitably qualified person**

- (1) Regulation 135 applies as if the reasons for the early childhood teacher or the suitably qualified person to be absent included resignation.
- (2) This regulation ceases to have effect on 31 December 2023.”.

**16 Regulation 386 date amended**

In regulation 386(2), for “31 December 2021” **substitute** “31 December 2023”.

**17 Regulation 392 date amended**

In regulation 392(2), for “31 December 2021” **substitute** “31 December 2023”.

**18 Regulation 394 date amended**

In regulation 394(2), for “31 December 2021” **substitute** “31 December 2023”.

**19 Regulation 405 date amended**

In regulation 405(2), for “31 December 2021” **substitute** “31 December 2023”.

**20 Regulation 409 date amended**

In regulation 409(2), for “31 December 2021” **substitute** “31 December 2023”.

**21 Regulation 411 date amended**

In regulation 411(2), for “31 December 2021” **substitute** “31 December 2023”.

**22 New Part 7.13 inserted**

After Part 7.12 of the National Regulations **insert**—

**“Part 7.13—Transitional and savings provisions—  
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**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 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**

### **413 Application of Division**

This Division applies to the Northern Territory.

### **414 Transportation of and taking children from education and care service premises**

The amendments made to regulations 99(4), 102(4), 102D(4), 160(3)(b) and 161 by the *Education and Care Services National Amendment Regulations 2021* do not apply until 31 December 2021.”.