

Education and Care Services National Amendment Regulations 2023

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.

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A/g First Assistant Secretary

Improving Student Outcomes Division

13 April 2023

Education and Care Services National Amendment Regulations 2023

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Education and Care Services National Law

Education and Care Services National Amendment Regulations 2023

Part 1—Preliminary

1 Title

These Regulations may be cited as the Education and Care Services National Amendment Regulations 2023.

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 Part 2) come into operation on 17 April 2023.
- (2) Part 2 comes into operation on 1 July 2023.

4 National Regulations

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

Part 2—Amendments to the National Regulations

5 Definitions

In regulation 4(1) of the National Regulations **insert** the following definition—

"approved education and care qualification, in regulations 126A, 135 and 324, means—

- (a) an approved certificate III level education and care qualification; or
- (b) an approved diploma level education and care qualification; or
- (c) an approved early childhood teaching qualification;".

6 Regulation 123A substituted

For regulation 123A of the National Regulations **substitute**—

"123A Family day care co-ordinator to educator ratios—family day care service

- (1) For the purposes of section 163(1) of the Law, if a family day care service has provided education and care to children for less than 12 months, the prescribed minimum number of qualified persons employed or engaged as family day care co-ordinators of the family day care service is 1 full-time equivalent family day care co-ordinator for every 15 family day care educators (or part of that number).

Example

If between 1 and 15 family day care educators are engaged by or registered with the family day care service, a full-time equivalent family day care co-ordinator is employed or engaged by the approved provider.

Part 2—Amendments to the National Regulations

If between 16 and 30 family day care educators are engaged by or registered with the family day care service, 2 full-time equivalent family day care co-ordinators are employed or engaged by the approved provider.

- (2) For the purposes of section 163(1) of the Law, if a family day care service has provided education and care to children for 12 months or more, the prescribed minimum number of qualified persons employed or engaged as family day care co-ordinators of the family day care service is to be calculated in accordance with the following ratios—
- (a) if the number of family day care educators engaged by or registered with the service is not more than 25—1 full-time equivalent family day care co-ordinator;
 - (b) if the number of family day care educators engaged by or registered with the service exceeds 25—an additional 0.2 full-time equivalent family day care co-ordinator for every additional 5 family day care educators (or part of that number).

Example

If between 1 and 25 family day care educators are engaged by or registered with the family day care service, a full-time equivalent family day care co-ordinator is employed or engaged by the approved provider.

If between 26 and 30 family day care educators are engaged by or registered with the family day care service, a full-time equivalent family day care co-ordinator is employed or engaged by the approved provider and a 0.2 full-time equivalent family day care co-ordinator is also employed or engaged.

If between 31 and 35 family day care educators are engaged by or registered with the family day care service, a full-time equivalent family day care co-ordinator is employed or engaged by the approved provider and a 0.4 full-time equivalent family day care co-ordinator is also employed or engaged."

7 Centre-based services—general educator qualifications

- (1) In regulation 126(1)(a) and (b) of the National Regulations, for "have" **substitute** "hold".
- (2) In note 2 at the foot of regulation 126 of the National Regulations, for "have" **substitute** "hold".

8 New regulation 126A inserted

After regulation 126 of the National Regulations
insert—

"126A Illness or absence of a qualified educator who is required to meet the relevant educator to child ratio

- (1) This regulation applies if an educator referred to in regulation 126(1)(a) or (b) is absent from a centre-based service in any of the following circumstances—
 - (a) short-term illness;
 - (b) the educator's resignation;
 - (c) a practicum placement required to be undertaken by the educator for an approved education and care qualification;
 - (d) leave.
- (2) During the educator's absence, for the purposes of regulation 126(1)(a) or (b), a person who holds a qualification in primary teaching may be taken to hold an approved diploma level education and care

qualification or an approved certificate III level education and care qualification (as the case requires).

- (3) An educator may be replaced in accordance with subregulations (1) and (2) for a maximum of 30 days in any 12 month period.
- (4) For the purposes of subregulation (3), in relation to a part-time educator, 30 days is to be calculated on a pro rata basis."

9 Family day care educator qualifications

In regulation 127 of the National Regulations, for "have, or be actively working towards," **substitute** "hold".

10 Family day care co-ordinator qualifications

In regulation 128 of the National Regulations, for "have" **substitute** "hold".

11 Illness or absence of early childhood teacher or suitably qualified person

- (1) In regulation 135(1) and (2) of the National Regulations, for "short-term illness or leave" **substitute** "a circumstance specified in subregulation (6)".
- (2) After regulation 135(5) of the National Regulations **insert**—
 - "(6) For the purposes of subregulations (1) and (2), the following circumstances are specified—
 - (a) short-term illness;
 - (b) the resignation of the early childhood teacher, the second early childhood teacher or the suitably qualified person (as the case may be);

- (c) a practicum placement required to be undertaken by the early childhood teacher or the second early childhood teacher (as the case may be) for an approved education and care qualification;
- (d) a practicum placement required to be undertaken by the suitably qualified person for an approved education and care qualification;
- (e) leave."

12 New regulations 152A and 152B inserted

After regulation 152 of the National Regulations
insert—

"152A Record of replacement of educator

The approved provider of a centre-based service must keep a record of an educator who is replaced in accordance with regulation 126A that includes the following information—

- (a) the full name of the educator;
- (b) the qualification that the educator who is replaced holds, or is actively working towards, for the purposes of regulation 126;
- (c) the qualification of the person who replaced the educator;
- (d) the dates on which the educator was replaced;
- (e) the reason for the educator's absence.

Note

See regulation 126A(1) for the circumstances in which an educator may be absent from a centre-based service.

152B Record of replacement of early childhood teacher or suitably qualified person

The approved provider of a centre-based service must keep a record of an early childhood teacher or a suitably qualified person who is replaced in accordance with regulation 135(1) or (2) that includes the following information—

- (a) the full name of the early childhood teacher or the suitably qualified person;
- (b) whether the person who is replaced is an early childhood teacher or a suitably qualified person at the service;
- (c) the qualification of the person who replaced the early childhood teacher or the suitably qualified person (as the case may be);
- (d) the dates on which the early childhood teacher or the suitably qualified person was replaced;
- (e) the reason for the early childhood teacher's or the suitably qualified person's absence.

Note

See regulation 135(6) for the circumstances in which an early childhood teacher or a suitably qualified person may be absent from a centre-based service."

13 Centre-based services in remote and very remote areas—attendance of early childhood teachers

In regulation 239A(1)(b) of the National Regulations, for "31 December 2023" **substitute** "31 December 2024".

14 Centre-based services in remote and very remote areas—qualifications for educators

In regulation 240(1)(b) of the National Regulations, for "31 December 2023" **substitute** "31 December 2024".

15 Persons taken to be early childhood teachers

For regulation 242(1) of the National Regulations **substitute**—

"(1) This regulation applies until 31 December 2024, in the case of the Australian Capital Territory, New South Wales, the Northern Territory, South Australia, Tasmania or Western Australia."

16 Declared approved learning frameworks

- (1) In regulation 254(1) of the National Regulations, after "frameworks" **insert** "until 1 February 2024".
- (2) Regulation 254(2) of the National Regulations is **revoked**.

17 General qualifications for educators—centre-based services

In regulation 264(1) of the National Regulations, for "31 December 2023" **substitute** "31 December 2024".

18 Early childhood teachers—children preschool age or under

- (1) In regulation 272(6) of the National Regulations, for "short-term illness or leave" **substitute** "short-term illness, leave or the early childhood teacher's resignation".

(2) After regulation 272(8) of the National Regulations **insert**—

"(9) The approved provider of a centre-based service must keep a record of an early childhood teacher who is replaced in accordance with subregulation (6) that includes the following information—

- (a) the full name of the early childhood teacher;
- (b) the qualification of the person who replaced the early childhood teacher;
- (c) the dates on which the early childhood teacher was replaced;
- (d) the reason for the early childhood teacher's absence."

19 Early childhood teachers—preschools

(1) In regulation 324(4A) of the National Regulations, for "short-term illness or leave" **substitute** "a circumstance specified in subregulation (4C)".

(2) After regulation 324(4B) of the National Regulations **insert**—

"(4C) For the purposes of subregulation (4A), the following circumstances are specified—

- (a) short-term illness;
- (b) the early childhood teacher's resignation;
- (c) a practicum placement required to be undertaken by the early childhood teacher for an approved education and care qualification;
- (d) leave."

20 Regulation 325 revoked

Regulation 325 of the National Regulations is **revoked**.

21 New Division 3B of Part 7.6 inserted

Before Division 4 of Part 7.6 of the National Regulations **insert**—

"Division 3B Additional ongoing requirements

325B Programs for children over preschool age

- (1) This regulation applies in place of regulation 74(1)(b).
- (2) The approved provider of the education and care service must ensure that, for the purposes of the educational program for a child over preschool age, evidence about the development of the program is documented."

22 Regulation 333A revoked

Regulation 333A of the National Regulations is **revoked**.

23 New Division 3A of Part 7.7 inserted

Before Division 4 of Part 7.7 of the National Regulations **insert**—

"Division 3A Additional ongoing requirements

345A Programs for children over preschool age

- (1) This regulation applies in place of regulation 74(1)(b).
 - (2) The approved provider of the education and care service must ensure that, for the purposes of the educational
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program for a child over preschool age, evidence about the development of the program is documented.".

24 New Division 3A of Part 7.8 inserted

Before Division 4 of Part 7.8 of the National Regulations **insert**—

"Division 3A Additional ongoing requirements

359A Programs for children over preschool age

- (1) This regulation applies in place of regulation 74(1)(b).
- (2) The approved provider of the education and care service must ensure that, for the purposes of the educational program for a child over preschool age, evidence about the development of the program is documented.".

25 New Division 3A of Part 7.9 inserted

Before Division 4 of Part 7.9 of the National Regulations **insert**—

"Division 3A Additional ongoing requirements

373A Programs for children over preschool age

- (1) This regulation applies in place of regulation 74(1)(b).
 - (2) The approved provider of the education and care service must ensure that, for the purposes of the educational program for a child over preschool age, evidence about the development of the program is documented.".
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26 Regulations 385 and 386 revoked

Regulations 385 and 386 of the National Regulations are **revoked**.

27 Regulations 389, 390, 391, 392, 393 and 394 revoked

Regulations 389, 390, 391, 392, 393 and 394 of the National Regulations are **revoked**.

28 Regulations 404, 405, 406, 407, 408, 409, 410 and 411 revoked

Regulations 404, 405, 406, 407, 408, 409, 410 and 411 of the National Regulations are **revoked**.

29 New Part 7.14 inserted

After Part 7.13 of the National Regulations **insert—**

"Part 7.14 Transitional and savings provisions—Education and Care Services National Amendment Regulations 2023

Division 1 General

415 Family day care educator qualifications

- (1) Regulation 127, as amended by the Education and Care Services National Amendment Regulations 2023, does not apply until 1 July 2024 in respect of a family day care educator who, immediately before 1 July 2023, was actively working towards at least an approved certificate III level education and care qualification.
- (2) This regulation does not apply in South Australia."

30 Schedule 3 Compliance directions—prescribed provisions

In Schedule 3 to the National Regulations, for all words and expressions beginning "Regulation 98" and ending "communication equipment" **substitute—**

"Regulation 98	Telephone or other communication equipment
Regulation 102B(1)	Transport risk assessment must be conducted before service transports child".

Part 3—Amendments relating to fees

31 Regulation 33 substituted

For regulation 33 of the National Regulations
substitute—

"33 Annual fees

The approved provider of an education and care service must pay the relevant prescribed annual fee for the service approval on or before 1 July in each year.

Note

Divisions 2 and 3 of Part 6.3 provide for the calculation of prescribed annual fees."

32 Application for qualification to be assessed for inclusion on the list of approved qualifications

For regulation 138(2)(b) of the National Regulations **substitute—**

"(b) the relevant fee calculated in accordance with Part 6.3."

33 Application for determination of equivalent qualification

For regulation 139(1)(b) of the National Regulations **substitute—**

"(b) be accompanied by the relevant fee calculated in accordance with Part 6.3."

34 Part 6.3 substituted

For Part 6.3 of the National Regulations
substitute—

"Part 6.3 Fees

Division 1 Provisions applying generally to fees

232 Definitions

In this Part and Schedule 2—

extra-large service means—

- (a) in relation to a centre-based service, a centre-based service that has 101 or more approved places or places to be offered; or
- (b) in relation to a family day care service, a family day care service that has 61 or more family day care educators engaged by or registered with the service;

indexation factor, in relation to a financial year, means the indexation factor for the financial year calculated in accordance with regulation 233;

large service means—

- (a) in relation to a centre-based service, a centre-based service that has 81 or more but fewer than 101 approved places or places to be offered; or
- (b) in relation to a family day care service, a family day care service that has 21 or more but fewer than 61 family day care educators engaged by or registered with the service;

medium service means—

- (a) in relation to a centre-based service, a centre-based service that has 25 or more but fewer than 81 approved places or places to be offered; or
 - (b) in relation to a family day care service, a family day care service that has 6 or more but fewer than 21 family day care
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educators engaged by or registered with the service;

small service means—

- (a) in relation to a centre-based service, a centre-based service that has 24 or fewer approved places or places to be offered; or
- (b) in relation to a family day care service, a family day care service that has 5 or fewer family day care educators engaged by or registered with the service.

233 Calculation of indexation factor for a financial year

- (1) For the purposes of this Part, the indexation factor for a financial year is to be worked out using the following formula—

$$\frac{\text{Sum of index numbers for quarters in most recent March year}}{\text{Sum of index numbers for quarters in previous March year}}$$

where—

index number, for a quarter, means the All Groups Consumer Price Index Number (being the weighted average of the 8 capital cities) published by the Australian Bureau of Statistics for that quarter;

most recent March year means the period of 12 months ending on 31 March in the immediately preceding financial year;

previous March year means the period of 12 months immediately preceding the most recent March year;

quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

- (2) The result worked out under subregulation (1) must be rounded up or down to 3 decimal places, rounding up if the result ends in 0.0005.
- (3) A calculation under subregulation (1) is to be made—
 - (a) using the index numbers published in terms of the most recently published reference base for the Consumer Price Index; and
 - (b) disregarding index numbers that are published in substitution for previously published index numbers (unless the substituted numbers are published to take account of changes in the reference base).

234 Fee amount to be rounded down to nearest whole dollar

The amount of a prescribed fee calculated in accordance with this Part is to be rounded down to the nearest whole dollar.

235 Late payment fees (annual fees)

- (1) If the annual fee for a service approval is not paid on or before 1 July, the Regulatory Authority may charge the approved provider a late payment fee, in addition to the annual fee, for every 30 days (or part of every 30 days) that the annual fee is overdue.
 - (2) For the purposes of subregulation (1), the late payment fee is 15 per cent of the relevant prescribed annual fee that is overdue.
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236 Waiver, reduction, deferral and refund of fees

The National Authority may waive, reduce, defer or refund any fee payable or paid to it under the Law if there are exceptional circumstances.

236A Publication of prescribed and other required fees

- (1) The National Authority must publish, before the financial year beginning on 1 July in each year, the fees applicable for that financial year calculated in accordance with this Part.
- (2) The Regulatory Authority may also publish the fees referred to in subregulation (1).

Division 2—Prescribed and other fees between 17 April 2023 and 30 June 2023

236B Prescribed fees and other fees between 17 April 2023 and 30 June 2023

- (1) For the purposes of the Law, for the period beginning on 17 April 2023 and ending on 30 June 2023, the prescribed fee for the purposes of a provision of the Law specified in column 2 of Table 1 or 2 set out in Schedule 2 is the relevant corresponding fee in column 4 of that Table.
 - (2) For the purposes of regulation 138, for the period beginning on 17 April 2023 and ending on 30 June 2023, the relevant fee is \$2426.
 - (3) For the purposes of regulation 139, for the period beginning on 17 April 2023 and ending on 30 June 2023, the relevant fee is \$116.
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**Division 3—Prescribed and other fees
on and after 1 July 2023**

236C Prescribed fee—application for provider approval

- (1) For the purposes of section 11(d) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 is to be calculated in accordance with the following formula—

$$\$241 \times FX \times 1.05$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (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.

236D Prescribed fees—application for service approval

- (1) For the purposes of section 44(1)(e) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 in relation to a small service, a medium service or a large service is to be calculated in accordance with the following formula—

$$F \times FX \times 1.05$$

where—

F is—

- (a) in the case of a small service other than a family day care service, \$482;
- (b) in the case of a medium service other than a family day care service, \$725;

(c) in the case of a large service other than a family day care service, \$967;

(d) in the case of a small service, medium service or large service that is a family day care service, \$725;

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (2) For the purposes of section 44(1)(e) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 in relation to an extra-large service that is a centre-based service is to be calculated in accordance with the following formula—

$$\$967 \times FX \times 1.3125$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (3) For the purposes of section 44(1)(e) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 in relation to an extra-large service that is a family day care service is to be calculated in accordance with the following formula—

$$\$725 \times FX \times 1.05$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (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) or (2);

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 (3);

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 fee payable in the previous financial year;

FX is the indexation factor for the relevant financial year.

236E Prescribed annual fees

- (1) For the purposes of section 53 of the Law, the prescribed annual fee for the financial year beginning on 1 July 2023 in relation to a small service, a medium service or a large service is to be calculated in accordance with the following formula—

$$F \times FX \times 1.05$$

where—

F is—

- (a) in the case of a small service, \$218;
- (b) in the case of a medium service, \$329;
- (c) in the case of a large service, \$438;

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (2) For the purposes of section 53 of the Law, the prescribed annual fee for the financial year beginning on 1 July 2023 in relation to an extra-large service is to be calculated in accordance with the following formula—

$$\$438 \times FX \times 1.3125$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (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 fee payable in the previous financial year;

FX is the indexation factor for the relevant financial year.

236F Prescribed fee—application for amendment of service approval

- (1) For the purposes of section 54(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 is to be calculated in accordance with the following formula—

$$\$116 \times FX$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (2) For the purposes of section 54(2)(c) of the Law, in a financial year beginning on 1 July 2024 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.

236G Prescribed fee—notification of intended transfer of service approval

- (1) For the purposes of section 59(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 is to be calculated in accordance with the following formula—

$$\$116 \times FX \times 1.05$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (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.

236H Prescribed fee—application for service waiver

For the purposes of section 88(c) of the Law, in a financial year beginning on 1 July 2023 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.

236I Prescribed fee—application for temporary waiver

For the purposes of section 95(c) of the Law, in a financial year beginning on 1 July 2023 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.

236J Prescribed fee—application to extend temporary waiver

For the purposes of section 98(4) of the Law, in a financial year beginning on 1 July 2023 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.

236K Prescribed fee—application for reassessment and re-rating

- (1) For the purposes of section 139(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 in relation to a small service, a medium service or a large service is to be calculated in accordance with the following formula—

$$F \times FX$$

where—

F is—

- (a) in the case of a small service, \$482;
- (b) in the case of a medium service, \$725;
- (c) in the case of a large service, \$967;

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (2) For the purposes of section 139(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 in relation to an extra-large service is to be calculated in accordance with the following formula—

$$\$967 \times FX \times 1.25$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (3) For the purposes of section 139(2)(c) of the Law, in a financial year beginning on 1 July 2024 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.

236L Prescribed fee—application for review by the Ratings Review Panel of rating level

- (1) For the purposes of section 145(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 in relation to a small service, a medium service or a large service is to be calculated in accordance with the following formula—

$$F \times FX \times 1.06$$

where—

F is—

- (a) in the case of a small service,
\$482;
- (b) in the case of a medium service,
\$725;
- (c) in the case of a large service,
\$967;

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (2) For the purposes of section 145(2)(c) of the Law, the prescribed fee for the financial year beginning on 1 July 2023 in relation to an extra-large service is to be calculated in accordance with the following formula—

$$\$967 \times FX \times 1.325$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (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—
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$$P \times FX \times 1.12$$

where—

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

FX is the indexation factor for the relevant financial year.

236M Prescribed fees—copy of or extract from registers

- (1) For the purposes of section 266(4) of the Law, the prescribed fee in a financial year beginning on 1 July 2023 or 1 July in a later year (the *relevant financial year*), 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.

- (2) For the purposes of section 267(4) of the Law, the prescribed fee in a financial year beginning on 1 July 2023 or 1 July in a later year (the *relevant financial year*), 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.

236N Prescribed fees for other applications

For the purposes of sections 22(2)(c), 37(2)(c), 39(6)(c), 40(3)(c), 85(2)(c), 141(4)(d), 152(3)(c) and 159(3)(c) of the Law, the prescribed fee is nil.

236O Relevant fee for an application for qualification to be assessed for inclusion on the list of approved qualifications

- (1) For the purposes of regulation 138, the relevant fee for the financial year beginning on 1 July 2023 is to be calculated in accordance with the following formula—

$$\$2426 \times FX \times 1.06$$

where—

FX is the indexation factor for the financial year beginning on 1 July 2023.

- (2) For the purposes of regulation 138, the relevant fee for the financial year beginning

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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 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.

236P Relevant fee—application for determination of equivalent qualification

For the purposes of regulation 139, in a financial year beginning on 1 July 2023 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."

35 Schedule 2 substituted

For Schedule 2 to the National Regulations substitute—

**"Schedule 2 Prescribed fees for 17
April 2023—30 June 2023**

Regulation 236B

Table 1—Prescribed fees for provider approvals, service approvals, assessments and ratings

<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>
<i>Item</i>	<i>Section of the Law</i>	<i>Description</i>	<i>Fee</i>
1	Section 11(d)	Application for a provider approval	\$241
2	Section 22(2)(c)	Application to amend a provider approval	Nil
3	Section 37(2)(c)	Application to voluntarily suspend a provider approval	Nil
4	Section 39(6)(c)	Application to approve an executor as approved provider	Nil

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Part 3—Amendments relating to fees

<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>
<i>Item</i>	<i>Section of the Law</i>	<i>Description</i>	<i>Fee</i>
5	Section 40(3)(c)	Application to approve legal personal representative or guardian as approved provider	Nil
6	Section 44(1)(e)	Application for service approval—centre-based service	Small service \$482 Medium service \$725 Large service \$967 Extra-large service \$967
7	Section 44(1)(e)	Application for service approval—family day care service	\$725
8	Section 53	Annual fee—centre-based service	Small service \$218 Medium service \$329 Large service \$438 Extra-large service \$438
9	Section 53	Annual fee—family day care service	Small service \$218 Medium service \$329 Large service \$438 Extra-large service \$438
10	Section 54(2)(c)	Application to amend service approval	Nil
11	Section 59(2)(c)	Notification of intended transfer of service approval	\$116

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Part 3—Amendments relating to fees

<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>
<i>Item</i>	<i>Section of the Law</i>	<i>Description</i>	<i>Fee</i>
12	Section 85(2)(c)	Application to voluntarily suspend service approval	Nil
13	Section 88(c)	Application for service waiver	\$116
14	Section 95(c)	Application for temporary waiver	\$116
15	Section 98(4)	Application to extend temporary waiver	\$116
16	Section 139(2)(c)	Application for reassessment and re-rating	Small service \$482 Medium service \$725 Large service \$967 Extra-large service \$967
17	Section 141(4)(d)	Request for review by Regulatory Authority	Nil
18	Section 145(2)(c)	Application for further review by Ratings Review Panel	Small service \$482 Medium service \$725 Large service \$967 Extra-large service \$967
19	Section 152(3)(c)	Application for highest rating	Nil
20	Section 159(3)(c)	Re-application for highest rating	Nil

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Part 3—Amendments relating to fees

Table 2—Other prescribed fees

<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>
<i>Item</i>	<i>Section of the Law</i>	<i>Description</i>	<i>Fee</i>
1	Section 266(4)	Copy of or extract from register of approved providers	\$5 per page or \$75 for an electronic copy
2	Section 267(4)	Copy of or extract from register of approved education and care services	\$5 per page or \$75 for an electronic copy

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Endnotes