

Education and Care Services National Amendment Regulations 2022

under the
Education and Care Services National Law

The Education Ministers Meeting has made the following regulations
under section 301 of the *Education and Care Services National Law*, as
applied by the law of the States and Territories, on 4 January 2023.

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1 Title

These Regulations may be cited as the *Education and Care Services National Amendment Regulations 2022*.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 1 March 2023.

4 National Regulations

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

5 Application for service approval—centre-based service

After regulation 24(h) of the National Regulations **insert—**

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

6 New regulations 102E and 102F inserted

After regulation 102D of the National Regulations **insert—**

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

- (1) This regulation applies in relation to the regular transportation of children by or arranged by a centre-based service.
- (2) The approved provider of the service must ensure the requirements under subregulation (4) are complied with in relation to children embarking a means of transport at the education and care service premises.

Penalty: \$2000.

- (3) A nominated supervisor of the service must ensure the requirements under subregulation (4) are complied with in relation to children embarking a means of transport at the education and care service premises.

Penalty: \$2000.

- (4) The requirements are that—
- (a) a staff member or nominated supervisor of the service, who is not driving the means of transport, is present when the children embark the means of transport at the education and care service premises; and
 - (b) each child embarking the means of transport at the education and care service premises is accounted for by the person referred to in paragraph (a); and
 - (c) immediately after all the children have embarked the means of transport at the education and care service premises, a record is made that—
 - (i) confirms each child referred to in paragraph (b) has been accounted for; and
 - (ii) states how each child referred to in paragraph (b) has been accounted for; and
 - (iii) states the date and time the record is made; and
 - (iv) states the name of, and is signed by, the person referred to in paragraph (a).
- (5) Nothing in this regulation prevents the person referred to in subregulation (4)(a) from being counted as an educator in calculating the educator to child ratio of the service under Division 3 of Part 4.4 of Chapter 4.

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

- (1) This regulation applies in relation to the regular transportation of children by or arranged by a centre-based service.
- (2) The approved provider of the service must ensure the requirements under subregulation (4) are complied with in relation to children disembarking a means of transport at the education and care service premises.
Penalty: \$2000.
- (3) A nominated supervisor of the service must ensure the requirements under subregulation (4) are complied with in relation to children disembarking a means of transport at the education and care service premises.
Penalty: \$2000.
- (4) The requirements are that—
 - (a) a staff member or nominated supervisor of the service, who is not driving the means of transport, is present when the children disembark the means of transport at the education and care service premises; and
 - (b) each child disembarking the means of transport at the education and care service premises is accounted for by the person referred to in paragraph (a); and
 - (c) the person referred to in paragraph (a) examines the interior of the means of transport to confirm no children remain on the means of transport; and
 - (d) immediately after all the children have disembarked the means of transport at the education and care service premises, a record is made that—

- (i) confirms each child referred to in paragraph (b) has been accounted for; and
 - (ii) states how each child referred to in paragraph (b) has been accounted for; and
 - (iii) states the examination referred to in paragraph (c) has been carried out; and
 - (iv) states the date and time the record is made; and
 - (v) states the name of, and is signed by, the person referred to in paragraph (a).
- (5) Nothing in this regulation prevents the person referred to in subregulation (4)(a) from being counted as an educator in calculating the educator to child ratio of the service under Division 3 of Part 4.4 of Chapter 4.”.

7 Prescribed information to be notified to Regulatory Authority

In regulation 175(2) of the National Regulations—

- (a) in paragraph (e), for “Law).” **substitute** “Law);”;
- (b) after paragraph (e) **insert**—
 - “(f) for a centre-based service that starts providing, or arranging for, regular transportation of children—the first time the service provides, or arranges for, the transportation of children;
 - (g) for a centre-based service that stops providing, or arranging for, regular transportation of children—the final time the service provides, or arranges for, the transportation of children.”.

8 Prescribed enrolment and other documents to be kept by approved provider

In regulation 177(1) of the National Regulations—

(a) in paragraph (n), for “Law.” **substitute** “Law;”;

(b) after paragraph (n) **insert**—

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

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