



INFORMATION SHEET

ALL STATES AND TERRITORIES AMENDMENTS TO THE EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 1 JUNE 2014

Changes affecting providers and educators in all states and territories

On 1 June 2014 amendments to the Education and Care Services National Regulations came into effect in all states and territories except Western Australia, where they started on 1 December 2014.

The amendments are in response to feedback from the sector and will deliver benefits for providers, educators and regulatory authorities by streamlining processes, reducing paperwork and providing greater flexibility.

The main amendments include:

- Streamlining the supervisor certificate application process (except in Western Australia¹)
- Greater flexibility for centre-based services to meet staffing requirements when employing new educators. New South Wales and South Australia are retaining current requirements for certificate III educators in centre-based services.
- Extending the timeframe for a person who is actively working towards an early childhood teaching qualification to be counted towards early childhood teacher requirements
- A more practical approach to submission of Quality Improvement Plans for approved providers with a new service, who are now required to submit the QIP for the new service to their regulatory authority on request, rather than within a mandatory three month period.

A copy of the National Regulations (except in Western Australia) with the amendments is available [here](#).

There are also a number of state and territory specific amendments. Information about the WA amendments is available [here](#) and for all other states and territories [here](#). More information about these regulation amendments is available on the [ACECQA website](#) or from your [regulatory authority](#).

¹ Western Australia will make changes to the *Education and Care Services National Law (WA) 2012* regarding supervisor certificates at a later date. Until then, the application process for supervisor certificates in Western Australia will remain unchanged.

Changes affecting all states and territories		
Affected regulation	Topic	What the amendment means
Reg 10 Reg 137	Actively working towards an early childhood teaching (ECT) qualification	<ul style="list-style-type: none"> This change is to clarify the requirements for a person who is actively working towards an approved ECT qualification. The amendment clarifies that ACECQA can publish the percentage of total units required for recognition as actively working towards a qualification (i.e. educators studying an approved ECT qualification can be counted as a diploma level educator once they have completed a 30% of the total units of their ECT qualification).
Reg 55	Quality Improvement Plan (QIP)	<ul style="list-style-type: none"> Services no longer need to send a copy of their QIP to their regulatory authority within three months of being granted service approval. The approved provider of a new service must still complete a QIP within three months, and submit it to the regulatory authority on request (as required under regulation 31).
Reg 104	Fencing requirements for family day care (FDC) venues	<ul style="list-style-type: none"> Fencing requirements no longer apply to FDC residences or venues where education and care is only provided for children over preschool age. This means that the approved provider of a family day care service will not need to apply for a waiver for fencing requirements where an FDC educator provides a service solely for children over preschool age in a similar way to an outside school hours care service. Requirements that all children are adequately supervised at all times and protected from harm and any hazard likely to cause injury continue to apply.
Reg 117	Safety glass for family day care (FDC) services	<p>This change is to align the National Regulations with the Australian Standard for safety glass. The exact requirement for the height of glass varies depending on whether the premises are a FDC residence or a venue, and more information is available in the FAQ on the ACECQA website.</p> <p><i>*Amendment only applies to FDC residences or venues approved by the approved provider of the FDC service from 1 June 2014</i></p>
Reg 126	Probationary period	<ul style="list-style-type: none"> A new educator without an approved qualification can be counted as a certificate III qualified educator for the purposes of educator-to-child ratios during a three month probationary period. This change applies only for centre-based services that educate and care for children preschool age or under. The probationary period is linked to the approved provider. This means the probationary period is not extended if the educator moves to another service operated by the same approved provider. However, if the educator is employed by a different approved provider, they are eligible for another three month probationary period. <p><i>*Amendment does not apply in New South Wales and South Australia</i></p>
Reg 126	ECT absence	<ul style="list-style-type: none"> Amendment to regulation 126 to refer to regulation 135. This is a change to ensure an individual with a primary teaching qualification covering for an ECT's illness or absence can be counted towards educator-to-child ratios.

Reg 136	First aid requirements	<ul style="list-style-type: none"> For services operating on a school site, a staff member other than an educator can meet the first aid qualification requirements, including anaphylaxis and asthma management, if they are in attendance and immediately available in case of emergency. For example, a school nurse may be counted towards these requirements.
Reg 157	Access for parents	<ul style="list-style-type: none"> Clarification of the circumstances in which an approved provider, nominated supervisor or family day care educator can refuse to allow a parent to enter the education and care premises, if they reasonably believe that permitting entry would contravene a court order.
Reg 238A	Prescribed class supervisor certificates*	<ul style="list-style-type: none"> A service supervisor certificate will be issued for each education and care service (unless the service already has a supervisor certificate for a prescribed class, under regulation 49). Most individuals will no longer need to apply to the regulatory authority for a supervisor certificate. A service supervisor certificate can apply to any person working at a service who has been identified by the approved provider within the service who: <ul style="list-style-type: none"> is responsible for the day-to-day management of the service; or has supervisory and leadership responsibilities for part of the service; or is a family day care coordinator. More information about these changes is available on the ACECQA website. <p><i>*Amendment does not apply in Western Australia</i></p>
Reg 239A	ECT requirements for services in remote and very remote areas	<ul style="list-style-type: none"> This change allows centre-based services in remote and very remote areas educating and caring for 25 or more children* preschool age or under to meet the ECT requirements by 'accessing' an ECT, rather than having an ECT 'in attendance'. These services must have access to the ECT for at least 20% of the time they provide education and care. This access could be through information technology. This provision applies until 1 January 2018. Existing provisions about access to an ECT for services educating and caring for less than 25 children preschool age or under continue to apply. <p><i>*Note: this provision does not apply for NSW services that educate and care for 30 or more children.</i></p>
Reg 240	Qualification requirements for services in remote and very remote areas	<ul style="list-style-type: none"> This change extends the timeframe for centre-based services in remote and very remote areas, to allow an unqualified educator with at least 15 years' experience to be counted as a certificate III qualified educator, until 1 January 2018.
Reg 242	Taken to be an ECT	<ul style="list-style-type: none"> Transitional arrangements allowing educators that are actively working towards an approved ECT qualification to be considered an ECT have been extended from 1 January 2016 to 1 January 2018.²
Reg 241 Reg 243 Reg 244	Taken to hold a certificate III, diploma or ECT qualification	<ul style="list-style-type: none"> This change is to clarify that a person is taken to hold an ECT qualification if they were recognized before 2012 under a former education and care services law (or for preschool funding purposes for recognition as an ECT), and they were working in a declared approved service.

For more information about these amendments and how they affect your service you are encouraged to contact your [regulatory authority](#).

² Note: for NSW, this provision applies only to services with fewer than 30 children.