

Education and Care Services National Amendment Regulations (No. 2) 2023

SL 2023/105

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Education and Care Services National Amendment Regulations (No. 2) 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

These regulations amend the *Education and Care Services National Regulations 2012*.

4. Regulation 369 replaced

Delete regulation 369 and insert:

369. Educator to child ratios and qualification requirements for educators — children over preschool age

- (1) In this regulation —

approved educator qualification means a qualification for the education and care of children over preschool age that —

- (a) is approved as a qualification for an educator, other than a first educator, by the National Authority; and
- (b) is included in the list of approved qualifications for educators, other than first educators, published under regulation 137(2)(c) for Western Australia;

approved first educator qualification means a qualification for the education and care of children over preschool age that—

- (a) is approved as a qualification for a first educator by the National Authority; and
- (b) is included in the list of approved qualifications for first educators published under regulation 137(2)(c) for Western Australia;

approved qualification means a qualification for the education and care of children over preschool age that —

- (a) is approved as a qualification for an educator by the National Authority; and
- (b) is included in the list of approved qualifications for educators published under regulation 137(2)(c) for Western Australia;

first qualified educator means an educator who meets the following qualification requirements —

- (a) the educator holds an approved qualification; or
- (b) the educator —
 - (i) is enrolled in a course that is an approved first educator qualification; and
 - (ii) has completed at least 50% of the course; and
 - (iii) is making satisfactory progress towards completion of the course; and
 - (iv) is meeting the requirements for maintaining the enrolment in the course;

qualified educator means an educator who meets the following qualification requirements —

- (a) holds an approved qualification or an approved educator qualification; or
- (b) is actively working towards an approved qualification or an approved educator qualification; or
- (c) is a first qualified educator.

- (2) This regulation sets out, for children over preschool age —

- (a) the educator to child ratios for the purposes of regulation 123(1)(d); and
- (b) the qualification requirements for educators for the purposes of regulation 126(2).

- (3) The educator to child ratios for children over preschool age are set out in the 3rd column of the following Table.

Table

<i>Age group</i>	<i>Number of children</i>	<i>Number of educators</i>	<i>Number of qualified educators</i>
Over preschool age (no preschool child attending session)	1-10 children	1	1
	11-26 children	2	1
	27-39 children	3	1
	40-52 children	4	2
	53-65 children	5	2
	66-78 children	6	2
	79-91 children	7	3
	92-104 children	8	3
	105-117 children	9	3
	118-130 children	10	4
	131-143 children	11	4
Over preschool age (at least one preschool child attending session)	1-10 children	1	1
	11-20 children	2	1
	21-30 children	3	1
	31-40 children	4	2
	41-50 children	5	2
	51-60 children	6	2
	61-70 children	7	3
	71-80 children	8	3
	81-90 children	9	3
	91-100 children	10	4
	101-110 children	11	4

- (4) The number of educators at the service who are required to be qualified educators is the relevant number set out in the 4th column of the Table to subregulation (3) in relation to the service.
- (5) One of the qualified educators at the service must be a first qualified educator.

Note for this regulation:

This regulation differs from regulation 369 of the national regulations made by the Ministerial Council.

5. Regulation 370 deleted

Delete regulation 370.

K. COLLERAN, Clerk of the Executive Council.