

House of Assembly—No 119

As laid on the table and read a first time, 21 February 2013

South Australia

**Education and Early Childhood Services
(Registration and Standards) (Modification of
National Law) Amendment Bill 2013**

A BILL FOR

An Act to amend the *Education and Early Childhood Services (Registration and Standards) Act 2011*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Education and Early Childhood Services (Registration and Standards) (Modification of National Law) Amendment Act 2013*.

5 **2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Education and Early Childhood Services (Registration and Standards) Act 2011*

10 **3—Amendment of heading to Part 2—Adoption of *Education and Care Services National Law***

Heading to Part 2—after "Adoption" insert:
and modification

4—Insertion of heading to Part 2 Division 1

15 Before section 10 insert:

Division 1—Adoption of *Education and Care Services National Law*

5—Insertion of Part 2 Division 2

After section 15 insert:

Division 2—Modification of *Education and Care Services National Law*

15A—Interpretation

A term or phrase used in this Division and that is defined in the *Education and Care Services National Law (South Australia)* or the national regulations has the same meaning as in that Law or regulations, or in the relevant provision of that Law or those regulations (as the case requires).

15B—Modification of *Education and Care Services National Law*—indoor space requirements at child care centres

- (1) This section applies in relation to a declared approved service that is a centre-based service consisting of a child care centre.
- (2) Regulations 107 and 337 of the national regulations are, as they apply to a declared approved service to which this section applies, modified as follows:
 - (a) for the purposes of the *Education and Care Services National Law (South Australia)*, an approved provider of a declared approved service to which this section applies will be taken to have complied with regulation 107(2) if—
 - (i) if the declared approved service was, immediately before the commencement of this Act, the subject of an exemption relating to the minimum useable indoor play space under the *Children's Services (Child Care Centre) Regulations 1998*—the approved provider continues to comply with any conditions of that exemption relating to the minimum useable indoor play space that must be provided at the service; or
 - (ii) in any other case—the approved provider ensures that the minimum available play room floor area for each child satisfies the requirements of the *Child Care Centre Regulations 1985* (as in force immediately before their revocation);
 - (b) regulation 107(3) will be taken not to apply;
 - (c) regulation 337 will be taken not to apply.
- (3) For the purpose of a rating assessment under Part 5 of the *Education and Care Services National Law (South Australia)*, a declared approved service is taken to comply with regulation 107 of the national regulations if the requirements under this section are complied with.

15C—Modification of *Education and Care Services National Law*—educator to child ratios

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- (1) This section applies in relation to a declared approved service that is a centre-based service.
 - (2) Regulation 326 of the national regulations is, as it applies to a declared approved service to which this section applies, modified such that it applies in place of regulation 123(1)(b) of the national regulations until 31 December 2019.

10 **15D—Modification of *Education and Care Services National Law*—educator qualifications**

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- (1) A requirement under the *Education and Care Services National Law (South Australia)* or the national regulations that an educator hold an approved diploma level education and care qualification will, in relation to any reasonable break (not exceeding 1 hour) taken by the educator, be taken to be satisfied if the educator is replaced during the break by an educator who holds—
 - 20 (a) an approved certificate III level education and care qualification; or
 - (b) any other qualification approved by the Minister for the purposes of this section.
 - (2) The *Education and Care Services National Law* and the national regulations are modified to the extent necessary to ensure consistency with subsection (1).
 - 25 (3) A requirement under a provision set out in the national regulations (being a specific provision applying to South Australia) that a person hold a particular acceptable tertiary qualification in children's services or early childhood education will be taken to be satisfied if the person is actively working towards the qualification.