

2011

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

EDUCATION AND CARE SERVICES NATIONAL LAW (ACT) BILL 2011
GOVERNMENT AMENDMENTS

SUPPLEMENTARY EXPLANATORY STATEMENT

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Education and Care Services National Law (ACT) Bill 2011
Government Amendments - Explanatory Statement

Outline

The *Education and Care Services National Law Bill (ACT) 2011* was tabled in the ACT Legislative Assembly on 7 April 2011.

The Government amendments to the *Education and Care Services National Law Bill (ACT) 2011* are to allow the smooth transition and implementation of the National Quality Framework for the ACT. The adjustments to be made are to the transitional arrangements in the *Education and Care Services National Law Bill (ACT) 2011*.

Government Amendment 1

Amendment to Clause 13

Page 6

This Government amendment provides that the *Education Act 2004* will be, by definition, a *former education and care services law* for transition purposes to the *Education and Care Services National Law (the National Law)*.

Government Amendment 2

Amendment to clause 20

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This Government amendment provides for the definition of a government preschool.

Government Amendment 3

Amendment to clause 21 (2)

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This Government amendment provides that the Director-General responsible for the administration of the *Education Act 2004* will be, by definition a *declared approved provider* for transition purposes to the *National Law*.

Government Amendment 4

Amendment to clause 21 (3)

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This Government amendment provides that government preschools will be, by definition a *declared approved service* for transition purposes to *the National Law*.

Government Amendment 5

Amendment to clause 21 (4)

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This Government amendment provides for a broader range of educators including those who are coordinators, group leaders and other qualified positions to become *declared certified supervisors* for transition purposes to the *National Law*.

The *National Law* provides for an application process for a supervisor certificate. To obtain a supervisors certificate the Regulatory Authority must be satisfied that the person is fit and proper to be a supervisor of the education and care service and they meet the prescribed minimum requirements for qualifications, experience and management capability.

Educators currently in coordinator, group leader or other qualified positions have been through an assessment process conducted by their service provider. This assessment process has included a fit and proper assessment and obtaining documentation that confirms they hold an approved qualification. This qualification is higher than that which will be required by the *National Law* for a supervisor certificate.

Transitioning these educators will mean they will not have to apply and pay the fee associated with the application to receive a supervisor's certificate within the National Quality Framework. This amendment will reduce the regulatory burden on educators and the Regulatory Authority.

Government Amendment 6

Removal of clause 21 (6)

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This Government amendment is to remove subclause (6) as it would provide for a director or senior teacher to become *declared nominated supervisors* for transitional purposes under the *National Law*.

The nominated supervisor of an education and care service bears a range of responsibilities under the *National Law*.

Within the *National Law* it is the responsibility of the approved provider to determine who should be the nominated supervisor for their service, and there is a requirement that the person accept that responsibility.

The removal of this subclause would allow the approved provider to nominate a suitable person with a supervisor's certificate to be the nominated supervisor. It would also provide for the suitable person to make an informed decision and accept the responsibility of the nominated supervisor position.

Government Amendment 7

Amendment to Clause 21 (7)

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This Government amendment provides that the *Education Act 2004* will be, by definition a *former approval* for transition purposes to the *National Law*.