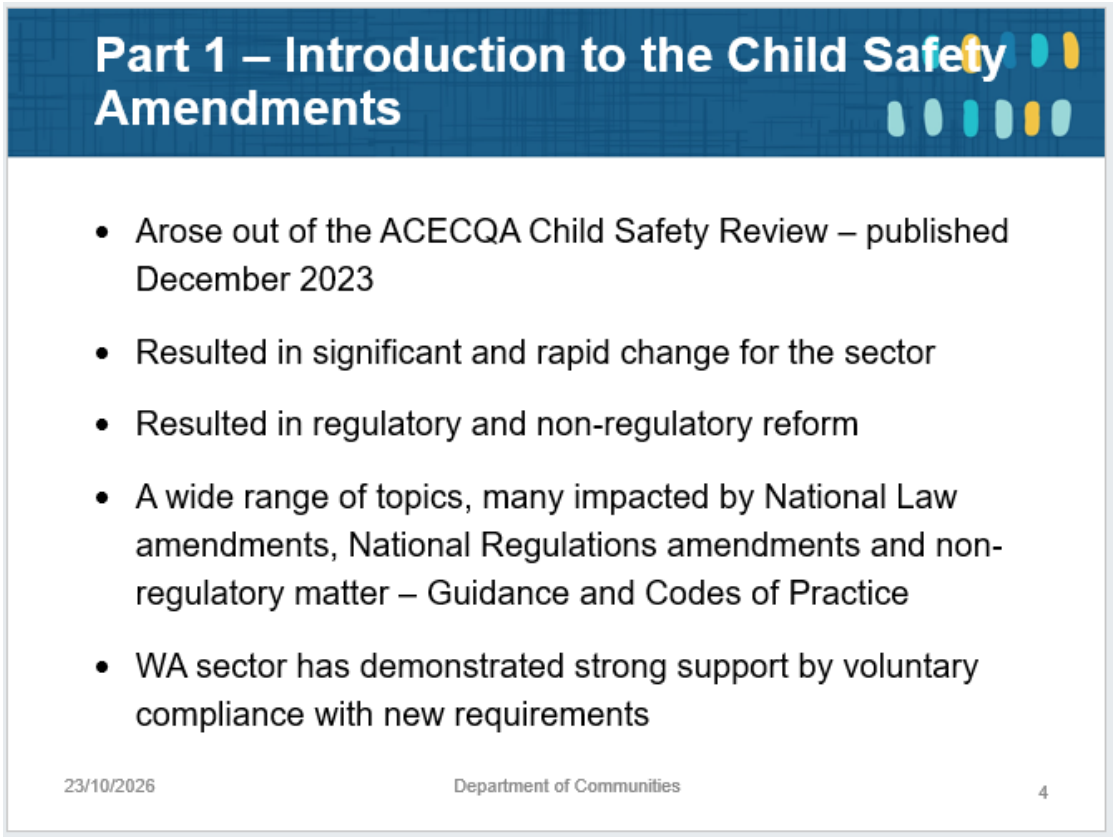




Note: The slides for Part 2 of the PowerPoint were not presented during the webiinar, but are included for information.



The child safety reforms arose from the ACECQA Child Safety Review, which was published in December 2023.

The reforms are broader than legislative change alone include both regulatory reforms, such as the amendments to the National Law and National Regulations, and non-regulatory reforms, including guidance materials, model codes of practice and other sector supports.



There are three separate sets of amendments that make up this reform package.

These are the amendments to the National Law made in December 2025, and two sets of amendments to the National Regulations made in December 2025 and February 2026.

In all other jurisdictions, these amendments commenced at various times throughout late 2025 and early 2026.

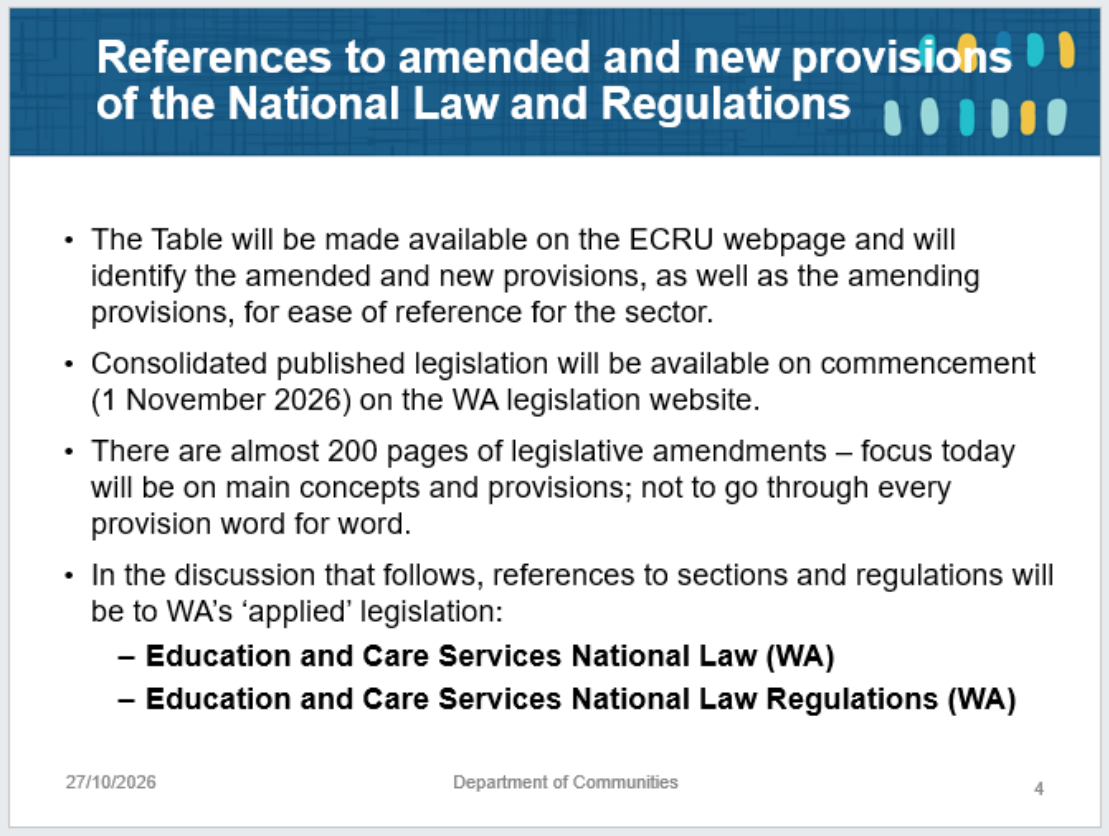
The reforms include specific compliance dates for compliance with the National Worker Register and mandatory foundation child safety training. These dates have been modified for WA.

Part 1 – Key topics of the Child Safety Amendments – preliminary comments

- Child safety amendments will commence in WA on 1 November 2026.
- Child safety amendments are spread over the three amendment instruments
- Reforms can be broadly grouped into 15 'topics'
- WA has had to make some minor 'modifications' .e.g dates for compliance
- Communities has prepared a Table to identify the legislative provisions for each 'topic' (to be published on ECRU website)
  - Example : Child Protection and Safety Training in WA - the Table identifies the relevant 'sections' of the National Law and 'regulations' under the National Regulations, and the 'modifications' (changes to dates) as will 'apply' in WA

Example – Child protection and safety training

Item	Relevant provisions of the National Law and the National Regulations (amended or inserted)	Amending provision	Commencement other than WA	Tabled in WA Parliament	Commencement in WA
5	Child protection and safety training:				
	Substituted section 162A and new section 162B inserted into NL – child protection and child safety training	see CS Act section 78	27 Feb 2026	5 May 2026	1 November 2026
	New Division 4A in Part 4.4 – National Regulations 128A, 128B inserted; and New Division 4B in Part 4.4 – National Regulations 128C – 128E inserted	Set Two Regulations item [5]	27 Feb 2026	5 May 2026	1 November 2026
	National Regulations 146 and 147 amended	Set Two Regs items [6] and [7]	27 Feb 2026	5 May 2026	1 November 2026
	National Regulations 153 and 154A amended	Set Two Regs items [11] - [16]	27 Feb 2026	5 May 2026	1 November 2026
	New National Regulation 179A inserted – record of child safety training	Set Two Regs item [18]	27 Feb 2026	5 May 2026	1 November 2026
	New National Regulations 417 and 418 and 419 – 425 transitional provisions	Set Two Regs item [28]	27 Feb 2026	5 May 2026	1 November 2026
	WA modification – modifies regulations 417, 418 and 419 (training to be completed by 30 April 2027) and inserts new regulation 419A – training completed before 1 November 2026 is taken to satisfy the requirements.	Local Regulations 47B – 47E			1 November 2026



- The consolidated versions will be available on 1 November on the WA legislation website.
- The consolidated versions will bring together the national amendments that have commenced in WA, and any additional WA-specific modifications.
- The child safety reforms involve a significant volume of legislative change, there are almost 200 pages of amendments across the National Law and National Regulations.
- For the next part of the webinar, any references to the sections or regulations will be to WA's applied version of the National Law and Regulations.

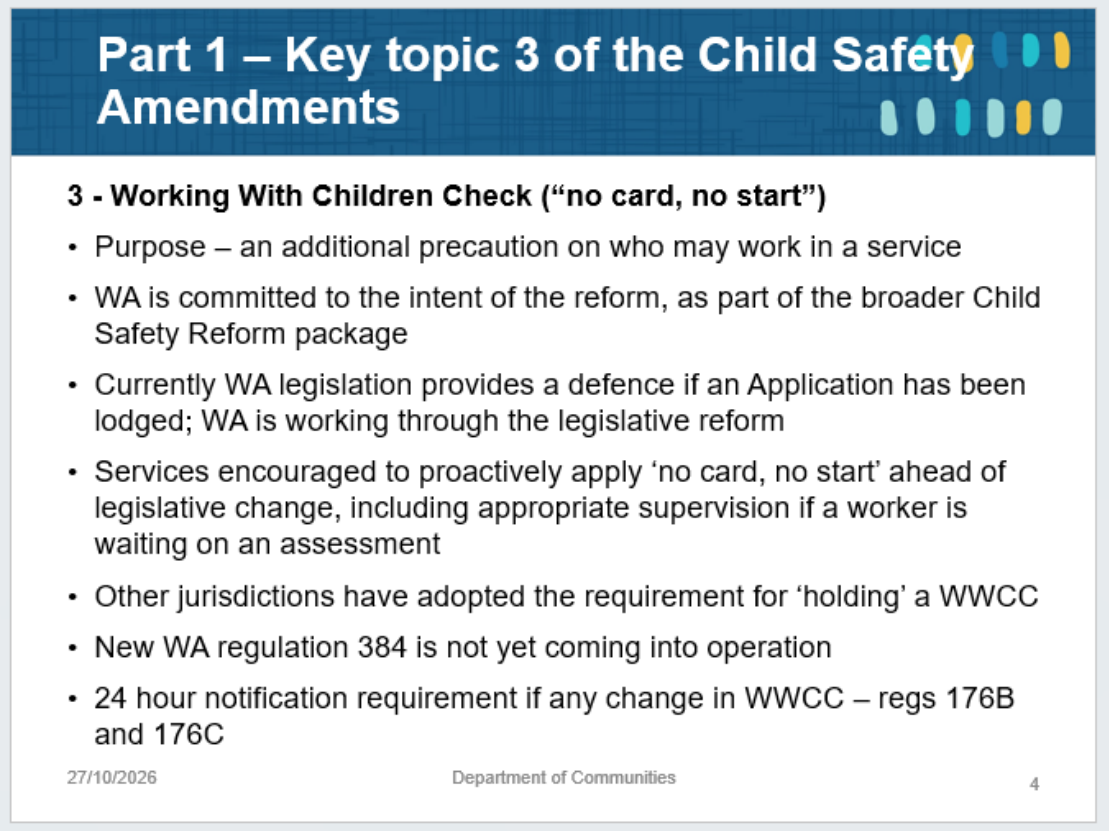


New National Early Childhood Worker Register

- In practical terms, approved providers (themselves or through their staff) are required to provide information about workers for inclusion on the register with ACECQA - this is for all staff who are not visitors.
- For WA providers, there is a transition period to support implementation of this requirement. Existing worker information must be submitted by 30 November 2026, providing the same one month compliance timeframe provided nationally.
- After 30 November 2026, new workers must be entered on the register within 14 days of engagement. Providers must also enter or update a worker's details within 14 days of any change.

Child Protection and Safety Training

- These requirements are established through section 162A, which deals with child protection training requirements, and section 162B, which deals with child safety training requirements.
- The prescribed training is the training that ACECQA publishes on its website for each jurisdiction.
- Foundation Child Safety Training consists of Modules 1 and 2, while the Advanced Child Safety Training consists of Modules 3,4 and 5.
- In WA, ACECQA has published the Foundation Child Safety Training to satisfy both requirements. By completing the Foundation Child Safety training modules, a person in WA automatically meets both the child protection and child safety training requirement.
- For WA there is a six-month transition period for the Foundation Child Safety training which means that existing workers have until 30 April 2027 to complete the Foundation training. The same six-month transition period will also apply for the Advanced Child Safety Training, until 30 April 2027.
- Following the transition period, the standard completion timeframes will apply for newly engaged workers and educators: Foundation training must be completed within 14 days of engagement or before working directly with children (whichever occurs first), and Advanced training within 3 months of engagement. Both must then be refreshed every 2 years.



- WA remains strongly committed to the intent of this reform as part of the broader national Child Safety Reform package.
- WA is still progressing the legislative changes needed to fully implement the 'no card, no start' approach.
- Approved providers are strongly encouraged to proactively implement 'no card, no start' wherever possible and carefully consider risk management measures, including supervision arrangements.
- Regulations 176B and 176C require a person with a WWCC who has any change in status must notify the Approved Provider within 24 hours, and the Approved Provider is to notify the Regulatory Authority within 24 hours from when they become aware.

Part 1 – Key topics 4 - 6 of the Child Safety Amendments

4 - Paramount consideration

- Purpose – a continuous state of mind when providing services
- Sections 2A and 3(3)

5 - Tripled penalty amounts and more infringement offences

- Purpose – increased deterrent for breaching the legislation
- All provisions; for example, s 165 - $11,400 is now $34,200
- More infringement notice offences – section 291 and regulation 190

6 - Awareness of child protection law

- Regulation 84 ‘whether or not the person works with children’

Part 1 – Key topics 7- 8 of the Child Safety Amendments

7 - Devices in ECEC

- Purpose – restricting opportunity for electronic devices to be misused
- New Part 6A in the National Law – sections 175A – 175J
- Record-keeping – new regulations 179A and 179B
- Establishes expectations and a practical framework

8 - Inappropriate conduct

- Purpose – establish an explicit expectation, aligning with ‘paramount consideration’
- Section 166A – child not to be subjected to inappropriate conduct in a service

Devices in ECEC

- Devices in education and care services – seeks to balance restricted use with some flexibility.
- Definitions of personal device, service authorised device (s 175C), and service issued device (s 175B).
- Section 175D – is directed at ensuring people use a service-issued device, not a personal device.
- Section 175E – for family day care, may also use a service-authorised device.
- Section 175F – offences relating to capturing., storing transmitting child images unless for proper purposes on an allowable device.
- Sections 175G – J – are about personal devices when physically present with children – requirements to not have possession or control, with some flexibility in section 175J and reasonable necessity
- Records – for three years – name, role, person who made record, the device, the purpose, and time it is authorised
- Penalty $6,600 or $34,200

Inappropriate conduct

- ‘Conduct’ – act or omission
- Subsection 166A(7) – considerations relating to ‘inappropriate’
- Penalty - $34,000 – personal.

Part 1 – Key topic 9 of the Child Safety Amendments

9 - Directions to suspend/undertake training

- Purpose – enable a Regulatory Authority to intervene if considered necessary
- Sections 178A – 178E
- Regulatory Authority may give notice to Approved Provider directing a nominated supervisor, staff member, volunteer be suspended or supervised
- Regulatory Authority may give notice to a nominated operator, staff member or volunteer to undertake training
- There are 'show cause' processes, unless the Regulatory Authority is reasonably satisfied that there is an immediate risk to the safety, health or wellbeing or a child and the direction is necessary

Part 1 – Key topics 10- 11 of the Child Safety Amendments

10 - Approved provider to approve areas – family day care

- Purpose – clarify primary responsibility of approved provider
- Regulations 116(2) (amended), 116AA (new), 173A(amended) and Schedule 3 (amended) – satisfaction and approval of suitability
- Need to keep records

11 – Powers of entry - family day care service premises

- Purpose – broader regulator powers to support child safety
- Sections 197A (new) and 199 (amended) and 199A (new)– authorised officer entry powers – to assess or monitor compliance, or where reasonably suspects an offence may be/has been committed
- Subsection (2) – consent, and conditions on entry

Part 1 – Key topic 12 of the Child Safety Amendments

12 - Recruitment agencies

- Purpose – better integrate agency staff into the regulatory framework
- New definition – section 5 – 'recruitment agency' – the business of procuring education and care related work for individuals
- New sections:
  - 188B (person subject to a prohibition notice must not make a false statement to a recruitment agency)
  - 206A (authorised officer may require a recruitment agency to provide information
- Amended section 272 and new 272A – disclosure by ACECQA or Regulatory Authority of certain information to a recruitment agency

Part 1 – Key topic 13 of the Child Safety Amendments

13 - Related Providers

- Purpose – improved regulatory intervention where issues are shared by services
- Key definitions – 'related provider' (s 5B), 'systemic risk' (s 5D), 'related provider determination' – (s 5C)
- Many consequential amendments to other sections – examples:
  - power to impose a condition under section 23(2) and 55(2) – impose a new condition if satisfied there is a systemic risk
  - power to issue a compliance direction under section 176(2A) - same basis
  - Powers of entry extended to related provider office

Part 1 – Key topics 14 - 15 of the Child Safety Amendments

14 - Reviewable decisions

- Purpose – consequential changes to review rights
- Sections 190 – internal review – includes new rights relating to Regulatory Authority issuing a direction to suspend, supervise or complete training (including of family day care educator – s 178)

15 - Other amendments

- Section 284 – limitation period
- Service waivers – no longer for regulation 115
- Minor and textual changes - various

Part 1 - Other amendments

Set Three National Regulation amendments

- Tabled in WA parliament
- Expected to come into operation late 2026 (related provider, NSW/Vic fees)

Regulation 239A

- Will become a new regulation after 31 December 2026
- Tabled in WA Parliament
- See ACECQA and NSW Legislation websites

Regulations 242 and 123(2A) and (7)

- 242 - expires 31 December 2026
- 123(2A) and (7) - expire 30 June 2027

Accessing the legislation in WA

- **National Law**
- Each jurisdiction maintains its own legislation website
- For the National Law, as made and consolidated, and for Amendment Acts, go to Victoria's legislation website
- **Accessing the legislation in WA**
- WA legislation is available at www.legislation.wa.gov.au
- WA providers and services should refer to the WA versions of the National Law and National Regulations
- The WA versions include any WA-specific modifications, including revised compliance dates where relevant

Questions? Comments…..



Any questions or comments?

If you have any subsequent questions or comments -

eclir@communities.wa.gov.au

[please read relevant provisions and consider any ACECQA resources first, and refer to relevant legislative provisions in your questions]

Part 2 (optional) - 'how' legislation and amendments work

Part 2 is optional, and will cover:

- Recap how 'applied' legislation works in WA
- How national amendments are brought into operation in WA
- How WA-specific 'modifications' work

Part 2 - Recap - WA's transition from 'corresponding' to 'applied' legislation

On 1 May 2026, WA moved to an applied legislation model.

This means that:

- WA now applies the National Law and National Regulations
- National amendments do not automatically apply in WA but can be adopted more efficiently in WA
- WA must bring amendments into operation under its applied legislation framework.
- WA can continue to make limited modifications where required.

Part 2 – Bringing in the Child Safety Amendments

- National amendments must be tabled in WA Parliament before they can commence in WA.
- This allows Parliament an opportunity to review the amendments.
- Once that process is complete, the amendments can be proclaimed and brought into operation in WA.
- ***National Regulations, Set One*** regulation amendments and ***Set Two*** regulation amendments
  - Tabled 5 May 2026 (first sitting day after transition to 'applied' law)
  - Parliamentary review time ended 13 August 2026
  - A Proclamation must be published in WA, and specify a date of coming into operation in WA (1 November 2026)
- ***Set Three*** regulation amendments – Tabled on 16 September 2026 and likely to come into operation late 2026

Part 2 - Summary – WA's current laws

Education and Care Services National Law Act (WA)

- Based on 30 April 2025 version of the Schedule (National Law) to the Education and Care Services National Law Act 2010 (Vic)
- Incorporates 'modifications' set out in Part 3 of WA's Application Act
- Will include (consolidate) the Child Safety Amendments (as 'modified')

Education and Care Services National Law Regulations (WA)

- Based on 1 October 2025 version of the Education and Care Services National Regulations 2011 (made by Education Ministers)
- Incorporates 'modifications' set out in the Education and Care Services National Law Application (Local Regulations) Regulations 2026
- Will include (consolidate) the Child Safety Amendments (as 'modified')

Note: WA legislation website – is updated as and when national amendments 'come into operation in WA' – for the Child Safety Amendments that will be 1 November 2026

Part 2 - How to find WA's legislation on the WA legislation website No. 1

WA's legislation website is : www.legislation.wa.gov.au

- Current consolidated versions of WA's National Law and National Regulations
- Also the Application Act and Application Regulations (modifications

Edith Cowan University Act 1984	018 of 1984
Education Act 1928	033 of 1928 (19 Geo. V
Education and Care Services National Law Application Act 2026	002 of 2026
Education and Care Services National Law (WA)	-
Education and Care Services National Law (WA) Act 2012	011 of 2012
Education Service Providers (Full Fee Overseas Students) Registration Act 1991	058 of 1991
Election of Senators Act 1903	011 of 1903 (3 Edw. VII
Electoral Act 1907	027 of 1907 (7 Edw. VII

Part 2 - How to find WA's legislation on the WA legislation website No. 2

Subsidiary legislation – In force and ceased

Economic Regulation Authority (Transitional) Regulations 2003	Regulations	30 Dec 2003 p. 5
Education and Care Services National Law Application (Local Regulations) Regulations 2026	Regulations	SL 2026/51
Education and Care Services National Law Regulations (WA)	Regulations	1 May 2026
Education and Care Services National Law (Transitional) Regulations 2012	Regulations	25 Jul 2012 p. 34
Education and Care Services National Regulations 2012	Regulations	25 Jul 2012 p. 341

- Blue – in force
- Red - ceased

Part 2 - Summary – how future amendments become 'applied' in WA

- National amendment is made (Victorian Parliament for National Law, Education Ministers for National Regulations)
- National amendment instrument must be tabled in WA Parliament (must be on a 'sitting day')
- Scrutiny time (minimum 14 'sitting days' – at least 2 months)
- Proclamation to be published on WA legislation website – to advise community that the amendments 'have effect' (that is, not disallowed)
- If not yet commenced nationally, commences in WA when commences nationally
- If already commenced nationally, Proclamation will specify the day for 'coming into operation in WA'
- If necessary, 'modifications' by Local Regulations to tailor the amendments to WA (has some complexity – Communities will try to avoid)

Questions? Comments…..



Any questions or comments?

If you have any subsequent questions or comments -

eclir@communities.wa.gov.au