

**2025**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**ELEVENTH ASSEMBLY**

**EDUCATION AND CARE SERVICES NATIONAL AMENDMENT REGULATIONS 2025**

**Presented by  
YVETTE BERRY MLA  
MINISTER FOR EDUCATION AND EARLY CHILDHOOD  
JUNE 2025**



# **Education and Care Services National Amendment Regulations 2025**

under the

Education and Care Services National Law

The Education Ministers Meeting has made the following regulations under sections 301 and 324 of the *Education and Care Services National Law* as applied by the law of the States and Territories.

SOPHIE JACOBSEN

Director, Intergovernmental

National Reform Division

Australian Government Department of Education

12 June 2025

**Education and Care Services National Amendment  
Regulations 2025**

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*Education and Care Services National Law*

**Education and Care Services National Amendment  
Regulations 2025**

**Part 1—Preliminary**

**1 Title**

These Regulations may be cited as the Education and Care Services National Amendment Regulations 2025.

**2 Authorising provisions**

These Regulations are made under sections 301 and 324 of the Education and Care Services National Law.

**3 Commencement**

- (1) These Regulations (other than Part 3) come into operation on 1 September 2025.
- (2) Part 3 comes into operation on 1 January 2026.

**4 National Regulations**

In these Regulations, the Education and Care Services National Regulations are called the National Regulations.

## **Part 2—Amendments to the National Regulations**

### **5 Definitions**

In regulation 4(1) of the National Regulations  
**insert** the following definitions—

*"optical surveillance device* has the same meaning  
as in section 6(1) of the Surveillance Devices  
Act 2004 of the Commonwealth;

*vaping device* has the same meaning as in  
section 41P of the Therapeutic Goods  
Act 1989 of the Commonwealth;

*vaping substance* has the same meaning as in  
section 41P of the Therapeutic Goods  
Act 1989 of the Commonwealth;"

### **6 Tobacco, drug and alcohol-free environment**

- (1) For the heading to regulation 82 of the National  
Regulations **substitute**—

**"Environment to be free from tobacco,  
vaping devices, vaping substances, drugs  
and alcohol".**

- (2) In regulation 82(1) and (2) of the National  
Regulations, after "tobacco," **insert**  
"vaping devices, vaping substances,".

### **7 Education and care service must have policies and procedures**

For regulation 168(2)(h) of the National  
Regulations **substitute**—

- "(h) providing a child safe environment,  
including matters relating to the promotion  
of a culture of child safety and wellbeing  
within the service;

- (ha) the safe use of digital technologies and online environments at the service, including—
    - (i) the taking, use, storage and destruction of images and videos of children being educated and cared for by the service; and
    - (ii) obtaining authorisation from parents to take, use and store images and videos of children being educated and cared for by the service; and
    - (iii) the use of any optical surveillance device at the service; and
- Example**
- The use of closed-circuit television.
- (iv) the use of any digital device issued by the service; and
  - (v) the use of digital devices by children being educated and cared for by the service;"

#### **8 Time to notify certain information to Regulatory Authority**

After regulation 176(2)(ba) of the National Regulations **insert**—

- "(bb) in the case of a notice under regulation 175(2)(d), within 24 hours of the incident or within 24 hours of the approved provider becoming aware of the incident;
  - (bc) in the case of a notice under regulation 175(2)(e), within 24 hours of the allegation being made or within 24 hours of the approved provider becoming aware of the allegation;"
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## **Part 3—Amendments to the National Quality Standard**

### **9 Schedule—National Quality Standard**

- (1) For Element 2.2.3 of the National Quality Standard in Schedule 1 to the National Regulations **substitute—**

**"Element 2.2.3—Child safety and protection**

Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect."

- (2) In Quality area 7 of the National Quality Standard in Schedule 1 to the National Regulations, for "management of the service" **substitute** "management of a quality service that is child safe".
- (3) In Standard 7.1 of the National Quality Standard in Schedule 1 to the National Regulations, after "service" **insert** "that is child safe".
- (4) In Element 7.1.2 of the National Quality Standard in Schedule 1 to the National Regulations, after "service" **insert** "that is child safe".
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## **Endnotes**