

2011

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**CHILDREN AND YOUNG PEOPLE (EDUCATION AND CARE SERVICES
NATIONAL LAW) CONSEQUENTIAL AMENDMENT BILL 2011**

EXPLANATORY STATEMENT

**Presented by
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Minister for Community Services**

Children and Young People (Education and Care Services National Law) Consequential Amendment Bill 2011

Explanatory Statement

Outline

With the introduction of the *Education and Care Services National Law (ACT) 2011* a consequential amendment will be required to the *Children and Young People Act 2008*.

The *Education and Care Services National Law Bill (ACT) 2011* will replace the regulatory functions as currently outlined in the *Children and Young People Act 2008* for the majority of childcare services currently licensed in the ACT. These services fall within the definition of an education and care service and will be regulated by the *Education and Care Services National Law Bill (Act) 2011*.

A small number of childcare services currently licensed under the *Children and Young People Act 2008* will not transition into the *Education and Care Services National Law (Act) 2011*. These services fall within the definition of 'a prescribed class of services' within the exposure draft of the *Education and Care Services National Regulations*. A prescribed class of services is considered out of scope.

The out of scope services in the ACT will continue to be licensed and regulated under the *Children and Young People Act 2008*. The consequential amendments to the *Children and Young People Act 2008* will be required to maintain the licensing of these services while excluding those who will be encompassed by the *Education and Care Services National Law Bill (ACT) 2011*. Out of scope services include playschools, services that provide primarily occasional care and a budget base funded service.

Consequential Amendment

Proposed new subclause to section 731 (1)

Section 731 provides a list of circumstances in which the chapter does not apply to care provided for a child. The proposed consequential amendment is to exempt from its scope those services that will be regulated under the *Education and Care Services National Law* through inserting a paragraph that states that this chapter does not apply to services that are encompassed by the *Education and Care Services National Law*.