



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

Children's Services Regulations 2020

Notice is given that, in accordance with section 11 of the **Subordinate Legislation Act 1994**, a Regulatory Impact Statement (RIS) has been prepared for the proposed Children's Services Regulations 2020 (the proposed Regulations).

The Children's Services Regulations 2009 (the expiring Regulations) made under the **Children's Services Act 1996** (the Principal Act) expire on 18 May 2020.

The Principal Act establishes the regulatory framework for certain types of children's services in Victoria, including occasional care, limited hours, mobile services and activity groups for three-year-old children.

The National Quality Framework (NQF) comprises the National Law (adopted by states and territories) and the Education and Care Services National Regulations (National Regulations). Its purpose was to establish a nationally uniform regulatory regime for all early childhood services.

The NQF came into effect on 1 January 2012 and, at that time, most Victorian early childhood services formerly regulated under the Principal Act became 'education and care services' regulated under the NQF. The NQF regulates services such as long day care, kindergarten/preschool, outside school hours care and family day care services. However, a number of service types continued to be regulated under the Principal Act, and currently make up less than eight per cent of the sector.

To reduce the regulatory burden on service providers regulated by both the Principal Act and the NQF, the Principal Act was amended by the **Children's Services Amendment Act 2019** (the Amendment Act) to align the Victorian regulatory framework with the NQF, where appropriate. The Amendment Act will commence on 17 May 2020.

The objective of the proposed Regulations is to align, where appropriate, the Victorian and national regulatory regimes and simplify regulatory arrangements for service providers to ensure more consistent minimum standards and reduce administrative burden.

The proposed Regulations will commence on 17 May 2020, the same date the Amendment Act comes into operation. The proposed Regulations allow changes to be phased in over an 18 to 24 month period, enabling a smooth transition for affected service providers.

The RIS examines the impact of the proposed Regulations and possible alternatives and concludes that the proposed Regulations are the most efficient and effective method of supporting the alignment of the Victorian and national regulatory regimes for children's services.

A copy of the RIS and proposed Regulations is available to view, download or print by visiting the Engage Victoria website at www.engage.vic.gov.au/childrens-services-regulations-2020, or emailing cs.law.reform@edumail.vic.gov.au

A hardcopy of the RIS to view is also available from the Department of Education and Training, Level 20, 80 Collins Street, Melbourne, Victoria 3000. Please telephone (03) 7022 0673 to arrange access to the hardcopy.

The purpose of this notice is to invite public comment on the RIS and the proposed Regulations. All comments must be:

- in writing and marked 'Children's Services Regulations 2020'
- received by no later than midnight, Tuesday 17 March 2020

(Note, if the comments do not meet the above requirements, they may not be considered).

SPECIAL

The comments may be submitted by:

- Website – www.engage.vic.gov.au/childrens-services-regulations-2020
- Email – cs.law.reform@edumail.vic.gov.au
- Post – Attn: Children’s Services Regulations 2020, Department of Education and Training, Level 20, 80 Collins Street, Melbourne, Victoria 3000.

All comments and submissions will be:

- treated as public documents unless clearly marked as ‘confidential’
- available in a de-identified summary report on the Department of Education and Training website for review following the public consultation period
- used to inform the final Children’s Services Regulations 2020.

Dated 17 February 2020

HON. JAMES MERLINO MP
Minister for Education

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