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GOVT--Government

LEGISLATIVE COUNCIL

Children (Education and Care Services National Law Application) Amendment Bill 2025

Second print

Proposed amendments

No. 1 **Commencement**

Page 2, clause 2, line 6. Omit all words on the line. Insert instead—

This Act commences as follows—

- (a) for Schedule 1[4], [5], to the extent it inserts Schedule 1[1A], [1B], to the extent it inserts the definitions of *disciplinary agreement*, *disciplinary notice*, *disciplinary order*, *disciplinary proceedings*, *supervision notice* and *suspension notice*, [1C], [1G] and [1ZF], [7], to the extent it inserts Schedule 1[4O], [4PA] and [4W]–[4Y], [8], to the extent it inserts Schedule 1[10], [11], [19], [35], [41], [43] and [44], to the extent it inserts section 300E, and [9], to the extent it inserts Schedule 1A, Schedule 1[10], [16]–[23], [25], [26] and [31]—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

No. 2 **Regulatory Authority's functions and powers**

Page 6, Schedule 1[5], proposed Schedule 1[1E], line 32. Omit “**5B**”. Insert instead “**5C**”.

No. 3 **Offence relating to mandatory training**

Pages 16 and 17, Schedule 1[5], proposed Schedule 1[1ZZC], line 24 on page 16 to line 5 on page 17. Omit all words on the lines.

No. 4 **Review of prohibition notice**

Page 23, Schedule 1[7]. Insert after line 11—

[4PA] Section 186A

Insert after section 186—

186A Review of decisions about prohibition notices [NSW]

- (1) This section applies if the Regulatory Authority makes either of the following decisions (each a *prohibition notice decision*)—
 - (a) a decision to issue a prohibition notice to an educator,
 - (b) a decision to refuse to grant an application by an educator for the cancellation of a prohibition notice in force for the educator.

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- (2) The educator may, within 30 days after being notified of the prohibition notice decision, apply to the independent arbiter appointed under Division 3C for a review of the decision.
 - (3) Despite subsection (2), an educator cannot apply for, and the independent arbiter cannot accept an application for, a review of a prohibition notice decision if the Regulatory Authority has notified the educator and independent arbiter that—
 - (a) the educator is subject to allegations of conduct in New South Wales or another State or Territory that, if proven, would constitute a criminal offence against a child, and
 - (b) the Regulatory Authority considers there may be an unacceptable risk of harm to a child or children if the educator were allowed to—
 - (i) remain on education and care services premises, or
 - (ii) provide education and care to children.
 - (4) After reviewing the prohibition notice decision, the independent arbiter may—
 - (a) confirm the prohibition notice decision, or
 - (b) amend the prohibition notice decision, or
 - (c) substitute the prohibition notice decision with another decision that—
 - (i) revokes the decision of the Regulatory Authority to issue the prohibition notice, or
 - (ii) revokes the decision of the Regulatory Authority to refuse to grant the application for cancellation of the prohibition order and directs the Regulatory Authority to cancel the prohibition notice, or
 - (iii) remits the matter to the Regulatory Authority for fresh consideration.
 - (5) An application for review of a prohibition notice decision does not stay the operation of the decision.

Note— This section is an additional NSW provision.

No. 5 **Functions of independent arbiter**

Page 26, Schedule 1[7], proposed Schedule 1[4W], section 188L. Insert after line 34—

- (3) The independent arbiter has the functions conferred or imposed on the independent arbiter by—
 - (a) a NSW provision, or
 - (b) the NSW Minister.

No. 6 **Reviewable decision**

Page 27, Schedule 1[7], proposed Schedule 1[4ZB], line 32. Omit “(iv)”. Insert instead “(vi)”.

No. 7 **Reviewable decision**

Page 27, Schedule 1[7], proposed Schedule 1[4ZB], line 33. Omit “(iv)”. Insert instead “(vi)”.

No. 8 **Reviewable decision**

Page 27, Schedule 1[7], proposed Schedule 1[4ZB], line 34. Omit “(iv)”. Insert instead “(vi)”.

No. 9 **Publication of information**

Page 34, Schedule 1[8], proposed Schedule 1[26], line 14. Omit “orders;”. Insert instead “notices;”.

No. 10

Disclosure of information

Page 35, Schedule 1[8], proposed Schedule 1[30], line 39. Omit “order.”. Insert instead “notices.”.