

## Caveat Brief

**To:** Minister for Early Childhood Development

**Subject:** Tabling of Technical Amendments to Education and Care Services National Law with ACT Legislative Assembly.


**Date:** 5 May 2022

1. The Education and Care Services National Law is a federated law that is applied by the ACT through the Education and Care Services National Law (ACT) Act 2010 (the enabling Act.) <https://www.legislation.act.gov.au/a/2011-42/>
2. Victoria maintains the legislation on behalf of States and Territories and NSW the regulations.
3. The enabling Act requires amendment to the National Law to be tabled in the Assembly within six sitting days of the amendments being made. These provisions in the enabling Act were made via amendments in the chamber. Briefing on the challenges with these provisions were provided in 2018. (MIN2018/00342)

### *Notification of Victorian Royal Assent for Technical Amendments to National Law*

4. On 4 May 2022, ECRS was told that on 29 March 2022, Royal Assent had been given to the Victorian Regulatory Legislation Amendment (Reform) Act.
5. This Act makes various technical amendments to a multitude of Victorian Acts. Embedded within this Act includes varied technical amendments to the National Law such as correcting incorrect words, tenses and updating references.
6. The ACTs enabling law requires all amendments to the National Law and Regulations to be tabled with the Legislative Assembly within 6 sitting days. Given the date of Victoria's Royal Assent yesterday the last day for tabling is today — 5 May 2022. A deadline which is unable to be met.
7. [REDACTED]
8. The provisions in the enabling Act are unique to the ACT. Jurisdictions like Northern Territory, NSW and the like adopt these sorts of amendments automatically. Consequently, there are no formal national process for notification or packaged

information to progress amendments to the Assembly in a timely and coherent manner.

9. It should be noted that the enabling law excludes the ACT's Legislation Act 2001. Consequently, any obvious course of action open to ACT based Laws and Regulations in a similar situation do not apply.
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Title: Executive Branch Manager

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