



Early Childhood Education and Care (Strengthening Regulation of Early Education) Act 2025

No. 31, 2025

**An Act to amend the law relating to family
assistance, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
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No. 31, 2025

An Act to amend the law relating to family assistance, and for related purposes

[Assented to 2 August 2025]

The Parliament of Australia enacts:

1 Short title

This Act is the *Early Childhood Education and Care
(Strengthening Regulation of Early Education) Act 2025*.

No. 31, 2025

*Early Childhood Education and Care (Strengthening Regulation of
Early Education) Act 2025*

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	2 August 2025
2. Schedule 1, Parts 1 to 4	The day after this Act receives the Royal Assent.	3 August 2025
3. Schedule 1, Part 5	The later of: (a) 1 January 2026; and (b) the day after this Act receives the Royal Assent.	1 January 2026 (paragraph (a) applies)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Provider quality and safety measures

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

1 After paragraph 194C(e)

Insert:

- (ea) the Secretary is satisfied that it is appropriate for the provider to be approved having regard to the matters mentioned in section 194EA (quality and safety considerations); and

2 After subparagraph 194D(f)(v)

Insert:

- (va) the matters mentioned in section 194EA (quality and safety considerations);

3 After section 194E

Insert:

194EA Quality and safety considerations

- (1) For the purpose of paragraph 194C(ea) and subparagraph 194D(f)(va), the matters are the following:
 - (a) the provider's record of demonstrating commitment to, and achievement of, high quality education and care;
 - (b) any previous assessment of child care services of the provider (whether or not the provider currently operates, or proposes to operate, the service) done in accordance with the National Quality Standard (within the meaning of the Education and Care Services National Law), including any relevant rating level for the service;
 - (c) any notifications of the following by the provider in respect of child care services of the provider (whether or not the

provider currently operates, or proposes to operate, the service):

- (i) serious incidents that have occurred or are occurring;
 - (ii) occurrences of circumstances that could have resulted in the occurrence of a serious incident;
- (d) any complaints of the following received by the provider, or that the Secretary is otherwise aware of, in respect of child care services of the provider (whether or not the provider currently operates, or proposes to operate, the service);
- (i) serious incidents alleged to have occurred;
 - (ii) serious incidents alleged to be occurring;
- (e) for notifications or complaints referred to in paragraphs (c) and (d) in relation to a serious incident that the Secretary reasonably believes has occurred, is occurring or is likely to occur—the nature of the serious incident;
- (f) any previous or current conditions relating to quality or safety imposed on the provider’s approval under section 195E or 195F;
- (g) any previous or current conditions relating to quality or safety imposed on child care services of the provider (whether or not the provider currently operates, or proposes to operate, the service) under section 195E or 195F;
- (h) the provider’s record of non-compliance (if any) with the family assistance law;
- (i) the provider’s record of non-compliance (if any) with laws of the Commonwealth or a State or Territory relating to quality or safety;
- (j) whether the quality and safety of child care services of the provider (whether or not the provider currently operates, or proposes to operate, the service) has improved over time and the extent of any improvement;
- (k) any other matter prescribed by the Minister’s rules;
- (l) any other matter relating to quality or safety that the Secretary considers relevant.
- (2) For the purposes of this section, ***serious incident*** has the meaning prescribed by the Minister’s rules.

4 Before paragraph 199B(1)(a)

Insert:

- (aaa) the Secretary refuses under subsection 194B(7) to approve a provider in respect of a child care service;
- (aab) the Secretary imposes under subsection 195F(2) a condition for continued approval on an approved provider;

5 Before paragraph 199B(1)(b)

Insert:

- (aa) the Secretary refuses under subsection 196B(4) to vary an approved provider's approval by adding a service to the approval;

6 At the end of subsection 199B(1)

Add:

- ; (e) an infringement notice has been issued to a person under Part 5 of the Regulatory Powers Act in relation to an alleged contravention of a civil penalty provision of this Act.

7 After paragraph 199B(2)(c)

Insert:

- (ca) if the information relates to a condition imposed under subsection 195F(2)—the condition or details of the condition;

8 Subparagraph 199B(2)(d)(iii)

After “complying”, insert “, and details of the non-compliance”.

9 At the end of subsection 199B(2)

Add:

- ; (h) if the information relates to the issuing of an infringement notice—details of the infringement notice.

Division 2—Application, transitional and saving provisions

10 Application of amendments

- (1) The amendments of sections 194C and 194D of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by Division 1 of this Part apply in relation to:
 - (a) a decision under section 194B (provider approval) of that Act made on or after the commencement of that Division in relation to an application for approval made before, on or after the commencement of that Division; and
 - (b) for the purposes of subsection 195A(1) (conditions for continued approval) of that Act:
 - (i) a provider approved before, on or after the commencement of that Division; and
 - (ii) a service approved before, on or after the commencement of that Division.
- (2) The amendments of section 199B of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by Division 1 of this Part apply in relation to an event occurring on or after the commencement of that Division, including in relation to:
 - (a) a provider approved before, on or after the commencement of that Division; or
 - (b) a service approved before, on or after the commencement of that Division.

Part 2—Powers of entry measures

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

11 Section 219UC (at the end of the heading)

Add “(entry with consent)”.

12 After section 219UC

Insert:

219UCA Modification of Part 2 of the Regulatory Powers Act (entry without consent)

- (1) Subsections (3) to (5) apply if:
 - (a) an authorised person enters premises during:
 - (i) if a child care service is operated at the premises—the operating hours for the service; or
 - (ii) if a child care service is not operated at the premises—ordinary business hours; and
 - (b) the authorised person’s entry is not made under a monitoring warrant issued under section 32 of the Regulatory Powers Act, as that section applies in relation to this Act; and
 - (c) the occupier of the premises has not consented to the authorised person’s entry; and
 - (d) the Secretary has authorised the authorised person’s entry for the purposes of this paragraph; and
 - (e) before entering the premises, the authorised person:
 - (i) announces that they are authorised to enter the premises; and
 - (ii) shows their identity card to the occupier of the premises, or to another person who apparently represents the occupier, if the occupier or other person is present at the premises; and

- (iii) gives any person at the premises an opportunity to allow entry to the premises.
- (2) For the purposes of paragraph (1)(d), the Secretary may, in writing, authorise an authorised person to enter premises in accordance with this section if:
 - (a) the Secretary is satisfied that entry is necessary for the purposes of exercising monitoring powers (within the meaning of the Regulatory Powers Act) or powers under section 24 of that Act in relation to:
 - (i) a provision that is subject to monitoring under Part 2 of that Act; or
 - (ii) information that is subject to monitoring under Part 2 of that Act; and
 - (b) if an in home care service is operated at the premises—the Secretary is satisfied that the consent of the occupier to the entry cannot reasonably be obtained.

No requirement to obtain consent

- (3) Despite paragraph 18(2)(a) and sections 24 and 25 of the Regulatory Powers Act, the authorised person is not required to obtain the consent of the occupier of the premises to the authorised person's entry.
- (4) However, if consent is not obtained, the authorised person must not exercise powers under section 22 of the Regulatory Powers Act in relation to a related provision.

Note: For related provisions, see subsection 219UA(3).

Responsibility to provide facilities and assistance

- (5) The occupier of premises to which this section relates, or another person who apparently represents the occupier, must provide:
 - (a) an authorised person entering the premises in accordance with this section; and
 - (b) any person assisting the authorised person;with all reasonable facilities and assistance for the effective exercise of their powers under Part 2 of the Regulatory Powers Act.

Fault-based offence

- (6) A person commits an offence if:
- (a) the person is subject to subsection (5); and
 - (b) the person fails to comply with that subsection.

Penalty: 60 penalty units.

Civil penalty

- (7) A person is liable to a civil penalty if the person contravenes subsection (5).

Civil penalty: 30 penalty units.

Meaning of operating hours

- (8) For the purposes of this section, **operating hours** has the meaning prescribed by the Minister's rules.

13 Before paragraph 221(4)(b)

Insert:

- (ab) subsection 219UCA(2) (authorising entry to premises without consent);

Division 2—Application, transitional and saving provisions

14 Application of amendments

The insertion of section 219UCA of the *A New Tax System (Family Assistance) (Administration) Act 1999* made by Division 1 of this Part applies in relation to an entry to premises that occurs on or after the commencement of that Division.

Part 3—Regulatory powers measures

A New Tax System (Family Assistance) (Administration) Act 1999

15 After subsection 219UA(4)

Insert:

Delegation by authorised applicant

- (4A) The authorised applicant may, in writing, delegate the powers and functions mentioned in subsection (4B) to an officer within the meaning of this Act who holds or performs the duties of an Executive Level 1 position, or an equivalent or higher position, in the agency.
- (4B) The powers and functions that may be delegated under subsection (4A) are as follows:
 - (a) powers and functions under Part 2 of the Regulatory Powers Act in relation to the provisions mentioned in subsection (1) of this section;
 - (b) powers and functions under the Regulatory Powers Act that are incidental to a power or function mentioned in paragraph (a) of this subsection.
- (4C) A person exercising powers or performing functions under a delegation under subsection (4A) must comply with any directions of the authorised applicant.

Part 4—Auditor measures

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

16 Subsection 221(1)

Repeal the subsection, substitute:

Delegation of Secretary's powers

- (1) Subject to this section, the Secretary may delegate to an officer all or any of the Secretary's powers under the family assistance law other than the power to make Secretary's rules under subsection 85GB(2) of the Family Assistance Act.

Note: The powers of the Secretary as the authorised applicant and relevant chief executive for the purposes of provisions of Part 2 (monitoring) of the Regulatory Powers Act may also be delegated under section 219UA of this Act.

17 Subsection 221(4)

After “under”, insert “any of the following provisions”.

18 After paragraph 221(4)(a)

Insert:

- (aa) section 203C (power to engage an expert to carry out an independent audit of an approved provider);

Division 2—Application, transitional and saving provisions

19 Saving provision

Despite the repeal and substitution of subsection 221(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999* by Division 1 of this Part, a delegation under subsection 221(1) of that Act that was in force immediately before the day this item commences continues in force on and after that day as if the delegation had been made under subsection 221(1) of that Act as so substituted.

Part 5—Direct gap fee collection measures

Division 1—Amendments

A New Tax System (Family Assistance) (Administration) Act 1999

20 Subsections 201B(1), (1A) and (1B)

Repeal the subsections, substitute:

Duty to enforce payment of hourly session fees

- (1) A provider to whom a notice is given of a fee reduction decision referred to in item 1 or 2 of the table in subsection 67EB(2) for an individual, for sessions of care provided by a child care service to a child in a week, must take all reasonable steps to ensure that:
 - (a) the individual pays the provider the amount referred to in subsection (1AB) of this section; and
 - (b) subject to any decision or direction of the Secretary under subsection (1A) or (1B) of this section applicable to the individual or the provider (as the case requires)—the individual makes the payment in accordance with subsection (1AA) of this section.
- (1AA) For the purposes of paragraph (1)(b), a payment is made in accordance with this subsection in the following circumstances:
 - (a) for all providers—the payment is made using an electronic funds transfer system;
 - (b) for sessions of care provided by a family day care service or an in home care service—the payment is made:
 - (i) directly to the credit of a bank account that is nominated by the provider, and maintained directly by the provider or a person with management or control of the provider; or
 - (ii) using the payment gateway service, nominated by the provider, of a third party supplier of management software to the provider;

- (c) for sessions of care provided by services other than a family day care service or an in home care service—the payment may be made using the payment gateway service, nominated by the provider, of a third party supplier of management software to the provider.

Amount to be paid

(1AB) The amount is the difference between:

- (a) the total of the hourly session fees for all sessions of care provided by the service to the child in the week to which the fee reduction decision relates; and
- (b) the sum of:
 - (i) the fee reduction amount for the decision; and
 - (ii) the amount of any payment prescribed by the Minister's rules for the purposes of paragraph 2(2A)(c) of Schedule 2 to the Family Assistance Act that the individual benefited from in respect of the sessions of care.

Note 1: If, under subsection 201BA(1), the provider allows the individual, or the individual's partner, a permissible staff discount for the week, the amount of the discount is not recoverable from the individual or the individual's partner: see subsection 201BA(3).

Note 2: If, under subsection 201BB(1), the provider allows the individual, or the individual's partner, a discount in relation to a session of care provided to the child in the week, the amount of the discount is not recoverable from the individual or the individual's partner: see subsection 201BB(3).

Exceptions to requirements for making payments

- (1A) If the Secretary is satisfied that circumstances prescribed by the Minister's rules exist in relation to a particular individual, the Secretary may decide that one or both of the requirements referred to in paragraph (1AA)(a) or (b) of this section do not apply to the individual.
- (1B) If the Secretary is satisfied that exceptional circumstances exist in relation to a particular child care service, the Secretary may direct that one or both of the requirements referred to in paragraph (1AA)(a) or (b) of this section do not apply to the

making of a payment of all, or a part, of an amount to the provider of the service.

Division 2—Application, transitional and saving provisions

21 Saving provisions

Decisions by the Secretary

- (1) Subitem (2) applies if a decision by the Secretary under subsection 201B(1A) of the *A New Tax System (Family Assistance) (Administration) Act 1999* was in effect immediately before the commencement of this item.
- (2) The decision continues in effect on and after that commencement, in accordance with the decision, as if the repeal and substitution of subsection 201B(1A) of the *A New Tax System (Family Assistance) (Administration) Act 1999* by this Part had not happened.

Directions by the Secretary

- (3) Subitem (4) applies if a direction by the Secretary under subsection 201B(1B) of the *A New Tax System (Family Assistance) (Administration) Act 1999* was in effect immediately before the commencement of this item.
- (4) The direction continues in effect on and after that commencement, in accordance with the direction, as if the repeal and substitution of subsection 201B(1B) of the *A New Tax System (Family Assistance) (Administration) Act 1999* by this Part had not happened.

[Minister's second reading speech made in—
House of Representatives on 23 July 2025
Senate on 30 July 2025]

(31/25)