Our ref: 74-04271

Hon Michael Mischin MLC
Deputy Leader of the Opposition in the Legislative Council
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Dear Mr Mischin,

Western Australia has been a signatory to the COAG National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care since 2009. This Agreement ensures the safety, health and wellbeing of children attending education and care services through the provision of high quality early childhood education and care.

The 2014 Review of the National Quality Agenda found that the National Law is functioning effectively, noting some opportunities to reduce red tape for service providers, whilst continuing to improve learning outcomes for young children. The COAG Education Council agreed to all of the Review’s recommendations on 31 January 2017. The Education and Care Services National Law Amendment Bill 2017 passed Victorian Parliament on 23 March 2017, and received Royal Assent on Monday, 27 March 2017.

The amendments have been developed in consultation with all state and territory governments, the Australian Government and the Australian Children’s Education and Care Quality Authority (ACECQA). The amended National Law commenced on 1 October 2017 in every state and territory except Western Australia, which has its own corresponding legislation.

On 15 May 2018 I gave Notice of Motion to introduce a Bill into Parliament which gives effect to amendments to the Education and Care Services National Law (WA). On 16 May I delivered the second reading of the Bill ‘Education and Care Services National Law (WA) Amendment Bill 2018’.

Until the Amendment Bill is passed by Parliament, services in Western Australia will continue to operate under the previous version of the National Law. Urgent passage of the Bill through Parliament is required to minimise the period of inconsistency in the National Law, and fulfil the State’s obligations under the National Partnership Agreement on the National Quality Agenda.
Pursuant to Standing Order 126(1), I have received advice that this amendment Bill is not a uniform legislation Bill. It does not ratify or give effect to an intergovernmental agreement or multilateral agreement to which the Government of the State is a party. Nor does this Bill introduce a uniform scheme or uniform laws through the Commonwealth. Rather, it amends an existing scheme.

I am writing to seek your support to expedite this Bill through the uniform Legislation Committee process, to ensure these amendments are passed in a timely fashion. I would be happy to meet with you to discuss the Bill and related amendments in further detail to support its passage through the Legislative Council.

Yours sincerely

HON SIMONE McGURK MLA
MINISTER FOR CHILD PROTECTION; WOMEN'S INTERESTS;
PREVENTION OF FAMILY AND DOMESTIC VIOLENCE; COMMUNITY SERVICES

30 MAY 2018