Early Learning Commission

Education and Care Services (Child Safety Training) Order 2026

I, Daryl Currie, in my capacity as the New South Wales Early Learning Commissioner, make this Order under section 261A of the *Children (Education and Care Services) National Law (NSW) No 104a of 2010* as applied in the State of New South Wales by the *Children (Education and Care Services National Law Application) Act 2010 No 104*, giving directions to relevant persons to take the actions specified in this Order for the safety, welfare or wellbeing of children attending family day care services.

In making this Order, I confirm that I have reasonable grounds to believe that the giving of the directions in this Order is necessary to prevent unacceptable risk to the safety, welfare or wellbeing of a child or children attending education and care services.

This Order

(a) takes effect from the Commencement Date and will remain in force until revoked, withdrawn or varied, notwithstanding the termination of my appointment as the Early Learning Commissioner; and

(b) is to be notified by publication on the Directions and Guidelines page of the NSW Early Learning Commission, found on the NSW Department of Education website.

Daryl Currie

Early Learning Commissioner

Dated: 29/09/2026

Explanatory note

The object of this Order is to prevent unacceptable risk to the safety, welfare and wellbeing of children attending family day care services by giving directions to relevant persons involved in the provision of family day care services regarding the completion of specified child safety training. The directions supplement existing requirements under the *Education and Care Services National Regulations (NSW)*, including regulation 143A, which requires an approved provider of a family day care service to take reasonable steps to ensure a family day care educator has adequate knowledge and understanding of the provision of education and care to children, and regulation 128E, which prescribes the persons required to complete Advanced Child Safety Training.

All relevant persons to whom this Order applies must comply with the directions given under this Order.

It is intended that the directions regarding the mandatory completion of the child safety training will:

a) strengthen and standardise safe sleep knowledge and practices among approved providers, nominated supervisors, family day care coordinators, educational leaders, family day care educators and family day care educator assistants through completion of the Safe Sleep Microskill;

b) address an identified gap in the application of the Advanced Child Safety Training requirements by requiring family day care coordinators and other specified leadership or oversight roles not otherwise captured by regulation 128E to complete Advanced Child Safety Training; and

c) support consistent child safety capability among persons who have responsibilities for providing, supporting, monitoring or overseeing the provision of education and care to children.

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Education and Care Services (Child Safety Training) Order 2026

Under the *Children (Education and Care Services) National Law (NSW) No 104a of 2010* as applied in the State of New South Wales by the *Children (Education and Care Services National Law Application) Act 2010 No 104*.

Part 1 Preliminary

1 Name of Order

This Order is the *Education and Care Services (Child Safety Training) Order 2026.*

2 Commencement

This Order commences on 30 September 2026.

3 Definitions

(1) In this Order-

Act means the *Children (Education and Care Services) National Law (NSW)* as applied in NSW by the *Children (Education and Care Services National Law Application) Act 2010 No 104*.

Regulations means the *Education and Care Services National Regulations (NSW)* (2025 SI 601a)

Relevant person means a person involved in the provision of an approved education and care service as any of the following-

(a) an approved provider;

(b) a nominated supervisor;

(c) an educator;

(d) a family day care educator;

(e) an employee;

(f) a contractor;

(g) a volunteer;

or in any other capacity.

(2) Unless otherwise specified, words used in this Order have the same meaning as words used in the Act or words used in the Regulations.

(3) In this Order, a reference to a word or expression in the plural form includes a reference to the word or expression in the singular form, and a reference to a word or expression in the singular form includes a reference to the word or expression in the plural form.

Part 1A Application of the *Education and Care Services (Child Safety Training) Order 2026*

4 Application

(1) This Order applies to the following relevant persons:

(a) an approved provider of a family day care service;

(b) a nominated supervisor;

(c) a family day care educator;

(d) a family day care coordinator;

(e) an educational leader;

(f) an assistant family day care educator;

(g) a person in leadership or oversight position.

Part 2 Directions – Child Safety Training

5 Requirement to complete Safe Sleep Microskill

(1) A person who is an approved provider, nominated supervisor, family day care coordinator, educational leader, family day care educator or family day care educator assistant must complete the Safe Sleep Microskill in accordance with this Order.

(2) A person to whom subclause (1) applies must complete the Safe Sleep Microskill;

(a) Within **6 months** of the commencement of this Order if the person is employed, engaged or appointed to provide services as part of a family day care service before the commencement of this Order; or

(b) within **3 months** after being employed, engaged or appointed to provide services as part of a family day care service, if the person is employed, engaged or appointed on or after the commencement of this Order.

(3) An approved provider, nominated supervisor, family day care coordinator, educational leader, family day care educator or family day care educator assistant who has completed the Safe Sleep Microskill before the commencement of this Order is taken to have complied with subclause (1), provided the training was completed through the Safe Sleep Microskill as specified by the NSW Regulatory Authority.

6 Requirement to complete Advanced Child Safety Training

(1) A family day care coordinator or others in a specified leadership or oversight role, as defined by the Act who is not otherwise required to complete Advanced Child Safety Training under regulation 128E must complete the Advanced Child Safety Training specified under regulation 128E.

(2) A person to whom subclause (1) applies must complete the Advanced Child Safety Training within 6 months of the commencement of this direction or within **3 months** after being employed, engaged or appointed to provide services as part of a family day care service.

(3) A person who has already completed the relevant Advanced Child Safety Training within the period specified by the National Authority is taken to have complied with this clause.

7 Training completion and evidence of completion

(1) An approved provider of a family day care service must take reasonable steps to support persons to whom Directions 5 and 6 in this Order apply to complete the training within the applicable timeframe.

(2) A person to whom Directions 5 and 6 in this Order applies must retain evidence of completion of the relevant training and:

(a) provide that evidence to the approved provider; and

(b) provide that evidence to the NSW Regulatory Authority if requested.

(3) An approved provider must maintain evidence of completion of the training for each person to whom Directions 5 and 6 in this Order apply in accordance with the applicable record-keeping requirements.

8 Existing training obligations

(1) This Order does not limit or otherwise affect an obligation imposed on a person under the Act or the Regulations.

(2) Compliance with this Order does not constitute compliance with any other training requirement imposed under the Act, the Regulations or any other applicable NSW law.