



# **Wage Justice for Early Childhood Education and Care Workers (Special Account) Act 2024**

**No. 140, 2024**

**An Act to establish the Wage Justice for Early  
Childhood Education and Care Workers Special  
Account, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**No. 140, 2024**

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**An Act to establish the Wage Justice for Early Childhood Education and Care Workers Special Account, and for related purposes**

*[Assented to 10 December 2024]*

**The Parliament of Australia enacts:**

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*No. 140, 2024*

*Wage Justice for Early Childhood Education and Care Workers  
(Special Account) Act 2024*

*1*

Section 1

Part 1—Preliminary

1 Short title

This Act is the *Wage Justice for Early Childhood Education and Care Workers (Special Account) Act 2024*.

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. The whole of this Act	The day after this Act receives the Royal Assent.	11 December 2024

Note: This table relates only to the provisions of this Act as originally enacted.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 Objects

- (1) The object of this Act is to support remuneration increases for workers in the early childhood education and care sector, a sector that provides an essential service, in order to:
- (a) address current workforce shortages by helping to attract and retain early childhood education and care workers; and
  - (b) contribute to the ongoing professionalisation of the early childhood education and care sector; and

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- (c) ensure that early childhood education and care remains accessible and affordable to families; and
  - (d) encourage good faith bargaining and the making of enterprise agreements in the early childhood education and care sector.
- (2) Another object of this Act is to implement Australia's international obligations under the Convention on the Rights of the Child done at New York on 20 November 1989.

Note: The Convention on the Rights of the Child is in Australian Treaty Series 1991 No. 4 ([1991] ATS 4) and could in 2024 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

#### 4 Simplified outline of this Act

This Act establishes the Wage Justice for Early Childhood Education and Care Workers Special Account to support remuneration increases for workers in the early childhood education and care sector.

Amounts may be debited from the Account to make grants to approved providers to support those remuneration increases.

#### 5 Definitions

In this Act:

***Account*** means the Wage Justice for Early Childhood Education and Care Workers Special Account established by section 8.

***Appropriation Act*** means an Act appropriating money for expenditure out of the Consolidated Revenue Fund.

***approved provider*** has the same meaning as in the *A New Tax System (Family Assistance) (Administration) Act 1999*.

***non-corporate Commonwealth entity*** has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

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***official*** has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

***Secretary*** means the Secretary of the Department.

**6 Crown to be bound**

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

**7 Extension to external Territories**

This Act extends to every external Territory.



## **Part 2—Wage Justice for Early Childhood Education and Care Workers Special Account**

### **8 Wage Justice for Early Childhood Education and Care Workers Special Account**

- (1) The Wage Justice for Early Childhood Education and Care Workers Special Account is established by this section.
- (2) The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

Note: An Appropriation Act may contain a provision to the effect that, if any of the purposes of a special account is a purpose that is covered by an item in the Appropriation Act (whether or not the item expressly refers to the special account), then amounts may be debited against the appropriation for that item and credited to that special account.

- (3) The Secretary is responsible for the Account.

### **9 Purpose of the Account**

The purpose of the Account is to make grants under section 10 to provide funding to support remuneration increases for workers in the early childhood education and care sector in order to facilitate access to quality early childhood education and care.

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

## Part 3—Grants

### 10 Grants

- (1) The Secretary may, on behalf of the Commonwealth, make a grant of financial assistance to a person or body (including a partnership) that is an approved provider, in relation to the remuneration of workers engaged by the provider.
- (2) Without limiting subsection (1), a grant under that subsection may be made by way of the reimbursement, or partial reimbursement, of costs or expenses.
- (3) Subsection (1) does not authorise the making of a loan.
- (4) A grant under subsection (1) must not be made to a person or body unless the person or body has applied for the grant.

### 11 Terms and conditions of grants

- (1) The terms and conditions of a grant made under section 10 must be set out in a written agreement between the Commonwealth and the recipient of the grant.
- (2) The recipient must comply with the terms and conditions.
- (3) Without limiting subsection (1), the terms and conditions must:
  - (a) include provisions to permit amounts paid to the recipient under the grant to be used in relation to the remuneration of workers within a class specified in the agreement for this purpose; and
  - (b) include provisions to limit any increase in fees that may be charged by the recipient for providing early childhood education and care; and
  - (c) provide for the circumstances in which the recipient must repay amounts to the Commonwealth.

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Note: An amount repayable to the Commonwealth would be a debt due to the Commonwealth.

- (4) An agreement under subsection (1) is to be entered into, and may be varied and administered, by the Secretary on behalf of the Commonwealth.

## **12 Application of this Act to approved providers that are not legal persons**

- (1) This Act applies to the following as if it were a person, but with the changes set out in this section:
- (a) a partnership;
  - (b) an unincorporated entity or body, other than a partnership.

### *Partnerships*

- (2) An obligation that would otherwise be imposed on a partnership by this Act is imposed on each partner instead, but may be discharged by any of the partners.
- (3) A permission that would otherwise be conferred on a partnership by this Act is conferred on each partner instead, but may be exercised by any of the partners.
- (4) For the purposes of this Act, a change in the composition of a partnership does not affect the continuity of the partnership.

### *Unincorporated entities*

- (5) An obligation that would otherwise be imposed by this Act on an unincorporated entity or body (other than a partnership) is imposed on each member of the entity or body's governing body instead, but may be discharged by any of the members.
- (6) A permission that would otherwise be conferred on such an entity or body by this Act is conferred on each member of the entity or body's governing body instead, but may be exercised by any of the members.

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**13 Conferral of powers on the Secretary**

The Secretary may exercise a power conferred on the Secretary by an agreement under section 11.

**14 Executive power of the Commonwealth**

This Part does not, by implication, limit the executive power of the Commonwealth.

## **Part 4—Miscellaneous**

### **15 Delegation by the Secretary**

- (1) The Secretary may, by writing, delegate any or all of the Secretary's functions or powers under Part 3 to a person who:
  - (a) is an official of a non-corporate Commonwealth entity; and
  - (b) has the expertise appropriate to the function or power.
- (2) In performing functions, or exercising powers, under a delegation under subsection (1), the delegate must comply with any directions of the Secretary.

### **16 Transitional provision—funding agreements made under *A New Tax System (Family Assistance) Act 1999***

- (1) This section applies to a written agreement that is:
  - (a) in effect under section 85GA of the *A New Tax System (Family Assistance) Act 1999* immediately before 1 July 2025; and
  - (b) entered into under the program known as the ECEC Workforce Retention Payment program.
- (2) The written agreement has effect, on and after 1 July 2025, as if it were a written agreement entered into for the purposes of section 11 of this Act for a grant under section 10 of this Act.

### **17 Sunset provision**

This Act ceases to have effect at the end of 30 June 2028.

### **18 Rules**

- (1) The Minister may, by legislative instrument, make rules prescribing matters:

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- (a) required or permitted by this Act to be prescribed by the rules; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  - (e) directly amend the text of this Act.

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*[Minister's second reading speech made in—  
House of Representatives on 12 September 2024  
Senate on 18 November 2024]*

(111/24)