

**CHILDREN (EDUCATION AND CARE SERVICES (SUPPLEMENTARY PROVISIONS) BILL**

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**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Duncan Gay.**

**Second Reading**

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.33 p.m.]: I move:

That this bill be now read a second time.

As members of the Chamber would be aware, a national system for the regulation of early childhood education and care services, known as the National Quality Framework, is to start on the 1 January 2012. The purpose of the Children (Education and Care Services (Supplementary Provisions) Bill 2011 is twofold: first, it amends the existing New South Wales law to take account of the changes that will result from the commencement of the National Quality Framework in this State; and, second, it makes some adjustment to the National Quality Framework law and New South Wales Act from 1 January 2012. The National Quality Framework law was passed by the New South Wales Parliament in November 2010 under the previous Government. Early childhood education and care services called "children's services" under existing State law are currently regulated under the Children and Young Persons (Care and Protection) Act 1998. Today I will refer to that Act as the care and protection Act.

From 1 January 2012 most types of early childhood education and care services that are currently regulated under the Care and Protection Act will be regulated under the National Quality Framework instead. The types of services concerned are commonly known in New South Wales as long day care, preschools, family day care and out of school hours care, which also includes vacation care. Amendments are needed to take these service types out of the coverage of existing New South Wales laws—making sure they are not regulated under two schemes—when the National Quality Framework takes effect in January 2012. Rather than leave the service types that are not part of the National Quality Framework under the care and protection Act, the bill before us today will place them under a new Act.

Members familiar with the care and protection Act will know it relates predominantly to child protection. It makes good sense to place the services concerned—occasional care, home based care and mobile services—under a separate Act about early childhood education care. It is also a logical progression from the changes earlier in the year when the Minister for Education assumed responsibility for early childhood education and care services instead of the Minister for Community Services. These changes recognise that early childhood education and care services are mainstream services with a focus on early childhood education and development, and that they are available to all families, rather than forming part of the statutory child protection system.

The bill makes other very practical changes also. To the extent feasible, it aligns administrative provisions that apply to services that would not fall under the National Quality Framework with those that will be under it. Examples include the timeframes for processing applications for licences and approvals and the processes and timeframes for suspending and revoking licences and approvals. This sort of alignment provides more equity and transparency across the early childhood education and care sector in day-to-day dealings with

the regulator. A discussion paper about the alignment proposal was issued by the Department of Education and Communities to its National Quality Framework reference group this year and feedback from this group was reflected in the development of this bill.

An important feature of this bill is that it will ensure that an authorisation issued to a service provider under the National Quality Framework will also authorise the holder to provide a type of service that is regulated under the other Act, without having to make a separate application. Recognising authorisations issued under the National Quality Framework for the purposes of this new Act avoids the red tape of having to get authorisations under two similar systems.

Another area of alignment by this bill is in the field of investigation, compliance and enforcement provisions. The result will be that both the early childhood education and care sector and the regulator will need to be familiar with one set of powers only in this area. The risk of confusion is eliminated by having the same provisions applying regardless of whether the service is, or is not, the type covered by the National Quality Framework. The service providers can have greater confidence that there is equity across the sector in terms of compliance measures that apply.

The final area of alignment achieved by this bill is in the structure and amount of penalties for offences. Again, the bill provides for equity across the sector. The main maximum penalty amount that will apply under the Act to home-based occasional and mobile services will align with the most common maximum penalty amount under the National Quality Framework. Also under both schemes, there will be differential penalty amounts for individuals and corporations.

I will now briefly touch on another aspect of this bill—its proposed amendments to the Children (Education and Care Services National Law Application) Act 2010, which is the Act that put the National Quality Framework in place in this State. A small number of that Act's machinery provisions do not quite fit the operating environment of the early childhood education and care sector in this State. The bill makes minor amendments to ensure that the National Quality Framework law can be appropriately applied in New South Wales when it commences on 1 January 2012. I commend the bill to the House.

**Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.**