

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.07 a.m.]:

That this bill be now agreed to in principle.

As members of this Chamber are acutely aware, access to quality child care is a clear and pressing priority for many parents throughout New South Wales. This is a priority that the New South Wales Government shares. Research has demonstrated the importance of the early years in a child's brain development and on their future intellectual and social potential. The lifelong benefits of quality early childhood education and care are well documented and create an obligation on all of us to ensure children are given the best possible start in life. It has been identified in numerous studies that children who have positive early childhood experiences in stimulating and nurturing environments have better outcomes throughout their life. It also has been demonstrated that quality early education and care can have a positive impact on developing better self-esteem, better educational outcomes and fewer health and social problems.

Population growth and modern workforce participation patterns, including more women working more hours, mean that more children are attending childcare services than ever before. Throughout Australia, the proportion of children using formal child care has increased from 14 per cent in 1996 to 23 per cent in 2009. The average time children are spending in care has also increased. In 2004 children attending long day care did so for an average of 19 hours per week. This has increased to an average of 26 hours in 2009. It is vital that childcare services are of a consistently high standard in a time when more children are spending more time attending these services.

This bill provides for the application in New South Wales of the Education and Care Services National Law. It is clear evidence that quality child care is a priority for the Keneally Labor Government. The bill lays the legislative foundation for nationally consistent standards to ensure quality education and care is provided by long day care, family day care, preschool and outside school hours care services. These national standards were agreed by the Council of Australian Governments in December 2009.

The major element of this Council of Australian Governments' agreement was the establishment of a jointly governed, unified national quality framework for early childhood education and care and school-age care to replace existing separate licensing and quality assurance processes administered by States and Territories and the Commonwealth. Australian Governments have agreed that the national quality framework will become operational from 1 January 2012 and will include a national system of provider and service approvals and supervisor certificates; the staged introduction of improved staff-to-child ratios and staff qualifications; the introduction of a quality assessment and rating system based on a national quality standard; and the establishment of a new national body to oversee the implementation of the framework. The Keneally Labor Government has been committed to the process of national reform for many years and has been a key driver for change through the Council of Australian Governments process.

This bill puts the national quality framework into operation, demonstrating our Government's continuing commitment to ensure that children in New South Wales are given the best opportunity to reach their full potential. The introduction of a single national quality standard will ensure the same quality standards are met by services across Australia. Improved staff-to-child ratios will give each child more individual care and attention, and higher staff qualifications will ensure staff have the skills to lead activities that help children learn, develop and participate fully in the programs on offer. The introduction of a transparent ratings system will give parents access to information about the quality of services so they can make more informed choices about the services their children attend. A more streamlined regulatory approach will reduce the regulatory burden for service providers and the establishment of a new national body will ensure the regulatory framework, including the national quality standard, is applied consistently across the country.

I will now outline the key features of the Education and Care Services National Law and the bill in greater detail. The bill provides for the application in New South Wales of the Education and Care Services National Law. The objectives of the national law include ensuring the safety, health and wellbeing of children and providing optimal conditions during their educational and developmental journey; promoting continuous improvement in the quality of education and care services for children and improving access to information about the quality of those services; and establishing a national regulatory framework. The national law applies to preschool, long day care, family day care and outside school hours care services. These service types constitute around 95 per cent of all childcare services in New South Wales.

The national law will not apply to a small number of existing licensed children's services, such as home-based care, occasional care and mobile services, which will continue to be regulated under State legislation. However, these service types may be included under the national law at a later time. A review of the national law planned for 2014 will consider this and other questions about how the law is working to achieve the goals of the Council

of Australian Governments' agreement. The national law provides for the approval of providers and services, and the certification of the supervisors of services. Provider approvals and supervisor certificates will be issued by a regulatory authority in a particular State or Territory, but they will be portable. This will mean that a person will not need to obtain a provider approval or supervisor certificate in more than one jurisdiction.

To reduce unnecessary regulatory burden on service providers, the national law includes provisions to integrate regulation where a provider operates a service that is subject to regulation under State legislation from the same premises as a service that is regulated under the national law. The national law provides for the quality of services to be assessed and for services to be given quality ratings that are published. Quality assessment will generally be carried out by the regulatory authority of the State or Territory in which the service is located. This represents a simplification of the current system whereby most services are licensed by States and Territories, which then monitor their compliance with various licence conditions, and as well they are accredited and their quality assessed by a separate agency, the National Childcare Accreditation Council.

The national law includes a number of offences and provides for a range of compliance and enforcement tools, such as compliance notices, enforceable undertakings and prosecution. The national law also provides a range of mechanisms for the review of significant decisions with respect to matters such as the approval of providers and services, the certification of supervisors, the quality rating of services and the issue of directions and notices. These mechanisms include show-cause processes, as well as internal and external review. The national law establishes a national body, the Australian Children's Education and Care Quality Authority [ACECQA], which will be located in New South Wales.

The functions of the Australian Children's Education and Care Quality Authority include guiding the implementation and administration of the regulatory framework, promoting national consistency in its application and reporting on this to the Ministerial Council for Education, Early Childhood Development and Youth Affairs. The Australian Children's Education and Care Quality Authority will be governed by a board that will be appointed by the ministerial council following nominations from Commonwealth, State and Territory Ministers. The national law sets out the financial management duties of the Australian Children's Education and Care Quality Authority and requires the authority to publish an annual report, including audited financial statements. The Australian Children's Education and Care Quality Authority's performance is subject to monitoring and review by the ministerial council and also by an Education and Care Services Ombudsman.

The national law also sets out the role of the regulatory authorities. This includes approving providers and services, certifying supervisors, assessing and rating the quality of services, and monitoring and enforcing compliance with the law. The bill provides that the regulatory authority in New South Wales will be the Department of Human Services, which is the New South Wales body currently responsible for regulating children's services in New South Wales. The national law provides for the exchange of information between regulatory authorities and between those authorities and the Australian Children's Education and Care Quality Authority.

It also provides for regulatory authorities and the Australian Children's Education and Care Quality Authority to publish information such as registers of approved providers, approved services and certified supervisors, and information about compliance action. As a result, it is important that a clear and consistent legal framework relating to the disclosure of information applies to all the regulatory authorities and the Australian Children's Education and Care Quality Authority. For this reason, the national law provides that the Commonwealth privacy and freedom of information legislation applies to all regulatory authorities and to the Australian Children's Education and Care Quality Authority in administering that law.

The national law allows the ministerial council to make regulations for the purposes of the law. Regulations to support the national law are currently being developed in consultation with the sector. These regulations will provide further detail on the national quality standard, the assessment and rating system, staff-to-child ratios and fees associated with the national quality framework. It is expected that a further bill will be considered by Parliament next year that will address any necessary amendments to the Children and Young Persons (Care and Protection) Act 1998 prior to the commencement of the national quality framework from January 2012.

In conclusion, it is vital that quality childcare services are available to children and their families. This bill provides for a new national approach to regulation, assessment and quality improvement for education and care services, taking forward New South Wales' part in making operational the national quality framework. The national quality framework provides the right balance between quality and affordability of children's services by focusing on improving the quality of education and care services, providing greater access to information about the quality of services, and reducing unnecessary regulatory burden for childcare providers. In New South Wales we have a proud record of commitment to high-quality, safe, affordable children's services, and in applying the national law we are demonstrating our ongoing commitment to ensuring that children and families benefit from these important reforms. I commend this bill to the House.