

EDUCATION AND CARE SERVICES NATIONAL LAW (WA) BILL 2011

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Robyn McSweeney (Minister for Child Protection)**, read a first time.

Second Reading

HON ROBYN MCSWEENEY (South West — Minister for Child Protection) [9.29 pm]: I move —

That the bill be now read a second time.

The Education and Care Services National Law (WA) Bill 2011 is the key step forward in achieving nationally agreed standards for the provision of high-quality education and care in long-day care, outside-school-hours care and family day care. Western Australia has also committed to apply the principles of the nationally agreed quality standards to kindergartens and pre-kindergartens on school sites, and will do so through the existing school-specific legislative and policy frameworks.

In December 2009, Western Australia signed to become a participating jurisdiction to the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care. The agreement is to establish a jointly governed unified national quality framework for early education and care and school-age care. The new national quality framework provides for the introduction of legislation based on the national quality standards, the establishment of a jointly governed national body, a nationally consistent assessment and rating system and a state-based, nationally consistent approvals system. This will replace all the current separate state licensing and national quality assurance processes.

The development of this bill has taken cooperation from every state and territory, as well as input from stakeholders in every jurisdiction, including providers and staff of centre-based child care, outside-school-hours care, family day care providers, parents, and child development experts. The extensive consultation with stakeholders has taken into account the needs of rural and remote area services, including regional centres, agricultural districts and high-growth mining areas.

The development of this bill has taken careful consideration of any potential cost of implementation. A review has found that, with their history of high standards, Western Australian services are well placed for affordable implementation of the requirements of the proposed new legislation. The commitment of the sector to these reforms and the collaborative manner of the development of the law are the reasons that we have before us a bill that will produce real benefits for children, parents and service providers. This bill continues the approach implemented in Western Australia with the amendments to the Child Care Services Act 2007 earlier this year.

Research has demonstrated the importance of the early years in a child's development and on their future potential. The lifelong benefits of quality early childhood education and care are well documented and have created an obligation on all of us to ensure that children are given the best possible starts in life. Research has demonstrated that high-quality education and care services will have a positive impact on developing better self-esteem, better educational outcomes and fewer health and social problems. This bill represents the government's continuing commitment to ensure that all children across this state are given the best opportunity to reach their full potentials.

The primary objective of the law is that the best interests of children are paramount. The focus of the bill is on ensuring the safety, health and wellbeing of children and on providing the optimal conditions at the beginning of their educational and developmental journey. The bill provides real benefits for families and emphasises the importance of family involvement in their children's education and care services. The introduction of a new, nationally consistent and transparent assessment and ratings system will allow all families to have access to information relating to the quality of education and care services covered by this bill so that they can make informed choices about their children's care.

I refer now to the impact for families. The bill requires centre-based care, outside-school-hours care and family day care providers across Western Australia to provide quality education and care for the children attending their services. Any cost impact for families is dependent on the type of service they attend, the number of hours their child or children are enrolled for, their family income and their personal eligibility for commonwealth government fee support through the childcare benefit and childcare rebate programs. The costs of the new staffing requirements for Western Australia were modelled by Deloitte Access Economics in the report "Localised Cost Impacts of the NQF" in October 2011. This report estimated an increase on current fees of approximately \$1.83 a child a day. The increase was found to be due entirely to the new qualification requirements. The Western Australian government will seek a commitment from the commonwealth government to meet any cost increases for parents as a result of the requirements of the national quality framework. The

introduction of a single national quality standard for children's services will apply the same quality standards across Australia.

The new national quality standard will contain seven quality areas that will be defined in the concomitant regulations: educational program and practice, including the development of programs based on an approved learning framework and taking into account each child's strengths, capabilities, interests and experiences; children's health and safety; physical environment; staffing arrangements; relationships with children; collaborative partnerships with families and communities; and leadership and service management. Services will plan for their continual improvement based on these standards and receive a rating for each quality area and an overall rating. These ratings will be published to inform parents and the community about how well services are providing education and care to their children and inform services about their progress.

The broader focus of this bill is on continuing improvement rather than just compliance; that strategy will benefit all services, but especially those in rural and remote areas. The bill provides for a continual improvement style in the regulation of education and care services, requiring planning for improvement at a service level and providing incentives through public recognition of standards of care in the descriptive ratings scale. This represents a different approach from the current regulatory style, and is the result of considerable consultation with the sector. The approach means that the issues faced by services in, for example, rural and remote areas or central metropolitan Perth can be taken into account when seeking a solution to regulatory compliance issues.

The bill includes a broad range of tools that vary according to the nature of the issue. This range includes powers for the regulatory authority to issue penalty notices and compliance notices or to refer an action to the State Administrative Tribunal. The broadest range of tools are available in the State Administrative Tribunal, from requiring mandatory conciliation to support identification of issues and their resolution through to requiring a service provider or staff to undertake education on the issues under examination. The Western Australia-based regulatory authority can, when necessary, seek to prosecute for prescribed offences, suspend or cancel approvals and certifications and undertake emergency actions such as closing or evacuating services. The right to internal and external review of decisions of the regulator ensures that the principles of fairness apply at the same time as ensuring the safety, health and wellbeing of children.

For services, eliminating duplication and reducing the regulatory burden is a key objective of the bill. This bill reduces the significant duplication that exists under the current national accreditation and state licensing systems. It will introduce a system of nationally consistent approval processes for providers and services. The national quality framework includes two types of approval: provider approval, by which a person is permitted to provide an education and care service; and service approval, which permits the provision of a service at particular premises. An approval to provide an education and care service is valid in all jurisdictions. This means a person or organisation will not have to receive separate provider approval for each state or territory in which they wish to operate. A service approval is required for each service as it is specific to the service in its location. This allows a tailored examination of the proposed service in the location and environment in which it proposes to operate.

In regard to family day care, the scheme or service, not the individual family day care educator, is subject to provider and service approval. Family day care schemes in Western Australia are well placed for this regulatory approach; their current working relationships with individual providers will ensure close support for these family day care providers in the future.

A certification process is also in place for supervisors of a service, whereby the holder of a supervisor certificate is deemed fit and proper to manage the day-to-day operation of a service. As with approved providers, these supervisors will have their certification recognised nationwide, which is an important reform as Australia's workforce becomes ever more mobile. Nationally consistent approval processes for certified supervisors ensures that the same minimum requirements must be met across Australia for this pivotal position.

The administration of the national system detailed in this bill will be an efficient national process in which Western Australia is an equal party. The new national quality framework establishes the national body, the Australian Children's Education and Care Quality Authority, which will have a key role in monitoring and promoting the consistent application of the law across Australia. The national quality framework also establishes a national system of state and territory regulatory authorities. The Western Australian regulatory authority remains accountable to the state minister and will continue to be the main point of contact for services through its operational responsibility for the national quality framework. Services that are not currently under the scope of this bill will continue to be regulated under the Child Care Services Act 2007. For those providers that operate integrated services that comprise a service type that falls within the national quality framework as well as a service type that is to remain within the state regulatory regime, approvals will also be streamlined. To further

reduce regulatory burden, existing approved providers and services and certified supervisors will be moved over in a seamless transition from the old system to the new.

The regulations to accompany this law are currently being developed. They have been subject to extensive consultation and received strong sector support. These regulations will provide further detail on the national quality standard, the assessment and rating system, qualifications, staff to child ratios and fees associated with the national quality framework.

This bill provides for a new approach to the regulation of quality education and care services for children and their families. It provides the right balance between quality and affordability of children's services. The bill uses a continual improvement focus for the regulation of the quality of education and care services. It provides greater access to information about the quality of services for families. The bill reduces the regulatory burden on services. The cooperative approach to the development of this national law creates a shared responsibility for improving children's educational and developmental outcomes. In Western Australia, we have a proud record of commitment to high-quality, safe, affordable children's services and in this law we are demonstrating our ongoing commitment to ensuring that children and families benefit from this important reform.

Pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill. It is a bill that ratifies or gives effect to an intergovernmental or multilateral agreement to which the government of the state is a party. I commend the bill to the house and table the explanatory memorandum.

[See paper 4292.]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.