

EDUCATION AND CARE SERVICES NATIONAL LAW (WA) AMENDMENT BILL 2018

Second Reading

Resumed from 16 May.

MR Z.R.F. KIRKUP (Dawesville) [4.49 pm]: It gives me great pleasure to speak on behalf of the opposition on the Education and Care Services National Law (WA) Amendment Bill 2018. I am the opposition's lead spokesperson in this case, which is a first for me.

Mr D.A. Templeman: Don't mess it up!

Mr Z.R.F. KIRKUP: I will try not to. The advice from the member for Mandurah not to mess it up was echoed similarly by my leader who told me not to screw it up either! I will see how long I can go for.

Mr D.A. Templeman: This could be a career-destroying move.

Mr Z.R.F. KIRKUP: That is right. Right here and now my career is over, 15 months into the job!

The ACTING SPEAKER (Ms S.E. Winton): What an honour it is to be in the chair, member for Dawesville!

Mr Z.R.F. KIRKUP: The honour is all mine, Madam Acting Speaker. In this case, Hon Tjorn Sibma is the opposition's actual spokesman on this bill, but I am his Legislative Assembly representative.

I would like to raise a couple of issues in relation to this bill. Given that it is my first time as lead speaker, I look forward to hopefully fleshing out some of those issues in an extensive consideration in detail, late into the evening, but I note at this point that the opposition supports the bill.

As many members may know, the work on this legislation, in various incarnations, dates back to a decision in 2009. The member for Morley would rightfully point out to me at this point through an interjection that it was under the Gillard–Rudd federal government, but of course in 2009 there was also a Liberal–National government here in Western Australia. The Council of Australian Governments wanted a consistent national approach to the regulation and quality of the delivery of early childcare services. The Minister for Child Protection can correct me if I am wrong but I think in Victoria in that same year, under the then Labor state government, legislation was introduced that was mirrored in basically every other jurisdiction except Western Australia; in the great state of WA, we always like to do things slightly differently. I have had the pleasure of going through the New South Wales and Victorian *Hansards* and reading the contributions made by members in those states in relation to the mirroring legislation and the enacting legislation. After reading those *Hansards*, it seems that Victoria led the development of the initial round of regulations for the national quality framework that was to be adopted or complied with by all states and territories by 2012.

According to the information provided to the opposition by the minister, a review that was undertaken in 2014 found that, by and large, the national framework was working quite well and that the intent and desire of state and territory governments was to ensure that a unified, standardised model was in good shape, although some changes were required, and that is the legislation that we see here today. It found that there needed to be a slight tightening of the overall technical and operational elements, and the legislation we have in front of us—some 286 pages—goes through a lot of the changes that were recommended as a result of that review.

Overwhelmingly, I think there is some capacity for an improvement in the provision of day care services, family day care in particular. This legislation goes a long way towards doing that. I commend the work of the previous Liberal–National government which, as late as 2016, concurred with the nature of the legislation before us. It is a bill that seeks to improve the variety of operational, administrative and technical arrangements that govern the operations of long–day care, family day care, preschool and outside-school-hours care. I think that is good. The legislation also seeks to simplify the enforcement provisions, and that is a good move. I think anything that removes unnecessary burdens on operators, such as the removal of the burden of seeking supervisor certificates, is a good thing. The performance requirements have been strengthened for facilities rated “excellent”, and from everything I have read I think that is also a good move. Importantly, I commend the bill for taking a far closer look at family day care and the requirements for operators in that space.

Having read through the bill, the explanatory memorandum, and the information that was kindly provided by the minister's office in response to some questions we asked, the opposition will also support this legislation because it seems to me that it will generate some net savings for operators in Western Australia and nationally. I thank the minister and her department for providing that information to the opposition. It is with all that in mind, especially considering the legacy of the previous Liberal–National government, that we will support this legislation. I think I am the only speaker on this side on this bill.

Extract from Hansard

[ASSEMBLY — Tuesday, 19 June 2018]

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Mr Zak Kirkup; Acting Speaker; Amber-Jade Sanderson; Ms Janine Freeman; Mr Shane Love; Ms Simone McGurk

I am concerned about why, after it has taken some 15 months to get the legislation here today, there is now a sense of urgency afoot; I hope we get to understand that a bit more. I understand—anecdotally, from operators that I have spoken to—that there has been a claim made that the legislation will be in place by 1 October. Given that it was introduced only last month, I am keen to understand why that should be. From my understanding of the standing orders of the upper house, this looks to me like legislation that might go to the Standing Committee on Uniform Legislation and Statutes Review or the Standing Committee on Legislation; no? Hopefully I can get some more information about what that looks like. Certainly, there is an expectation from my upper house colleagues that that might be the case, but I look forward to understanding why it might not be.

Moving away from the technical aspects of the legislation, I think this bill gives all members in this place an opportunity to recognise and speak to the importance of day care services in our communities. A number of members in this place—certainly in some maiden speeches that I witnessed and in other contributions—have talked about the benefits early child care can have for children, their brain development and their developmental abilities. As the Legislative Assembly lead speaker on this bill, I took the opportunity to read a number of articles and academic journals on the subject. Somewhere between 80 to 95 per cent of a child's brain is formed by the time they reach school. I came across a study that I think was referenced in one of the briefing notes provided by the minister, although I should have paid more attention to that footnote. It was a longitudinal study conducted between 1997 and 2003 by the Institute of Education at University College London and published in 2004. It looked at some 3 000 children aged three to seven and compared the developmental progress of those who had had the benefit of early childcare education and those who had not. There were a number of key findings about that preschool period, ages three to seven, that I thought were quite important and that we should recognise in this place, given that this legislation and childcare operators are so important in Western Australia and Australia more generally.

The study found that that preschool experience, compared with absolutely no exposure to early child care and education services, resulted in enhanced all-round development in children who were in child care in either full-time or part-time capacities. Oddly enough, there was not much difference between full time and part time. Developmentally, they were far better rounded and far better off for having gone through the early child care and education experience. I found it interesting that the earlier a child started in child care, the better off they were in terms of intellectual development. Something that mattered a great deal to me, as I am sure it would to many members in this place, is that disadvantaged children—that is, those from a lower socioeconomic background—were substantially better off for having had access early on to the early childcare environment. From a social perspective, when they are around children from a range of different backgrounds, it helps them from a developmental perspective. From an educational perspective, those children who were disadvantaged in an overall sense tended to be far better off for having gone to that sort of preschool early childcare environment.

Having read through the institute's Technical Paper 12, quality makes quite a significant difference. Although this legislation is extensive and seeks to amend three different pieces of legislation, from my reading it is thoroughly well-researched and well-thought through. To have a review commissioned and have the government respond to that review is a good thing. The institute's report found that there was a significant relationship between the quality of the offerings by those early childcare centres and the outcomes for the children. This legislation seeks to ensure that, as far as possible, early childcare centres and family long-day care centres comply with the national quality framework. That is a very good thing because we need to ensure that future generations are as best placed as possible, from a societal and developmental perspective, to have good and affordable access to quality childcare arrangements in the state of Western Australia. The institute's report specifically referred to making sure that there was appropriate training and qualifications for caregivers in those environments, and for those who help in those early childhood care settings. Referring to the types of child care that was on offer, the study found that the centres with children from mixed socioeconomic backgrounds were far better off. Mixing children from different socioeconomic backgrounds at a very early stage clearly had a far better impact on the development of children who attended. I spoke before about the impact on children from low socioeconomic backgrounds, and, having gone through this, this was one of the most important areas to me. Obviously it is the federal government operating more in this space, but I would like to reflect on the need to make sure that families from lower socioeconomic backgrounds have access to the quality child care we seek to introduce with this bill.

I have spoken a number of times in this place about my own family background. Despite assertions from some members opposite, my family is from, at the very least, a lower middle-class background. My family worked their entire lives. From when I was six months old, I was put into child care because my mother had to work. She has worked in the same pharmacy in Forrestfield for 34 years. Largely speaking, she would have had to work to pay for my childcare fees. From the age of six months until my immediate preschool years, I was in a family day care centre, and from the time I started preschool up until the time I graduated, I was at a community care centre in the Hartfield Park Recreation Centre in Forrestfield. I am not sure whether the day care centre still operates there, but it was at the very back. I have some rather fond memories of that centre.

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When I look back on the struggles my family went through, I compare it with my own personal circumstances now. The care of any future children of Michelle and me is a quite pertinent discussion topic that Michelle and I often have. At some point in time, I hope that we will get the opportunity to have children, but a conversation we have very regularly is about who will care for the children that we one day hope to have.

Mr D.A. Templeman: You are in a very productive seat, as I mentioned to you. It is very fertile. I think seven children have been born to members on those two back seats.

Mr Z.R.F. KIRKUP: The member for Mandurah informs me that these back two seats here have produced some seven children in a decade. Perhaps I am in the hot seat, in that case.

Access to affordable child care is a significant concern for us. It is something that I would not have thought about had it not been for Michelle, to be perfectly frank. There are some 14 centre-based care facilities in my electorate of Dawesville, and there are 24 in the electorate of Mandurah as well. From an agency perspective, I prefer that it be noted that they are in a regional area, not a metropolitan area. Nonetheless, we share some 38 centres across the Mandurah community. One in particular is operated by a former councillor of the City of Mandurah, Jane Field. I think it is called “Little People” or something.

Mr D.A. Templeman: “Little Friends”. All my children go there. Sorry—Small Friends.

Mr Z.R.F. KIRKUP: Small Friends—a great operation, clearly helping to shape the Templeman tribe!

Michelle is pursuing a professional career and continuing to go from strength to strength. Women and parents across all Western Australia have to balance our family and a career.

Ms J.M. Freeman: And men, as well.

Mr Z.R.F. KIRKUP: I did say “women and families” and parents more generally speaking, member for Mirrabooka. I am in awe of their efforts. I admire greatly especially the parents in this place who have to go through leaving their children in care or at home. This place takes a lot from a lot of us, and that is the topic of conversation that Michelle and I often have. If we have young children, she wants to get back into the workforce as quickly as she can, and I wonder whether it will be in a similar way as my mother did—within six months. I do not want her to give up her professional career. That is very unfair.

Dr A.D. Buti: You can give up yours.

Mr Z.R.F. KIRKUP: At the urging of members opposite, I could indeed remove myself from the seat of Dawesville, but I suspect I am not giving up on that dream either. I think it is something that we need to think about, and this legislation gave me cause to think about what that actually meant. While understanding fully the changes made by the federal government that come into place on 1 July, from a personal perspective, I want to make sure that not only Michelle, but also all women, parents or guardians are not disadvantaged professionally because they choose to have a child or they have a child. I think that disadvantage is inherently inequitable, and, beyond the equality issue, I think it is also an important economic imperative to ensure that there is access to affordable, professional quality child care from a very early age in a progressive nation such as Australia, and, indeed, in the great state of Western Australia. The cost barrier is a big issue, and that needs to be more broadly addressed, although obviously not in this place. It is a topic of conversation that Michelle and I have very regularly. I have spoken to friends of ours who have children, and a number of times they have said to us that they would be better off not going to work, because they get more funding from the federal government for the childcare places, and they are worse off having both parents employed.

I do not want to harp on too much. I had prepared only a 20-minute speech, rather than a 60-minute speech, and I am not going to continue taking up the chamber’s time too much. This is a good piece of legislation, with the representation of the former Liberal–National government. It is important for all of us in this place to congratulate those in the childcare sector, in whatever capacity, because they look after the most important members of our community, and help shape their future, for which we will all be better off. There is a great need to ensure a high quality standard of childcare services right across our state. I am concerned about the regional implications of some parts of this legislation, especially with the ratio of coordinators and the like, but I look forward to going through that in consideration in detail. In that context, the opposition hopes that this bill goes some way towards making sure child care in this state is as affordable and accessible as possible, and this bill should give us some cause to reflect on the important matter of community care services for our children. There is a need to get this right, and that will be done through a nationally consistent approach and, as such, the opposition commends this bill to the house.

MS A. SANDERSON (Morley — Parliamentary Secretary) [5.08 pm]: I rise to make my contribution to the debate on the Education and Care Services National Law (WA) Amendment Bill 2018. I thank the member for Dawesville for his contribution to the debate, and I thank the Minister for Child Protection for introducing the

legislation. Essentially, we have before us Western Australia's responsibility, if you like, as part of the national quality framework to enact some of the changes agreed upon after the review of 2012. The national quality framework was essentially established by the federal Labor government, starting under Prime Minister Kevin Rudd and continuing under Prime Minister Julia Gillard. After many years of lobbying, it was a very fractured sector made up of for-profit companies, not-for-profit organisations and individuals operating in their households, which looked after our children, the most important people in our lives, and obviously needed important regulation.

Governments have always played a very important role in child care, in funding as well as in regulation. We saw the need for governments to have a very stringent and tight influence on the provision of childcare services with the collapse of ABC Learning. That potentially would have led to the closure of one-third of this country's childcare centres overnight and put at risk the tens of thousands of people who relied on those centres to enable them to go to work every day, all because of one man's over-ambitious greed, frankly, in expanding too quickly. The federal government then had to step in, and that is how we ended up with Goodstart Early Learning, which is now probably the biggest childcare player across the country and the biggest single player in Western Australia.

The national quality framework was developed partly as a result of that scenario and the different standards that applied across the sector. As has been mentioned previously, numerous studies have indicated that early education is very important. The national quality framework seeks to ensure that a child at a childcare centre in Maddington is provided with the same quality of care and early education as a child at a childcare centre in Cottesloe, Morley or Nedlands. It does not matter where the children go; the same quality framework applies at all childcare centres, and the workers in those centres use the same curriculum, to prepare kids for school. Child care is very much about preparing children for school. When kids go to kindy, we can see the difference between kids who have gone to child care and kids who have not. Child care teaches kids to understand that there are other rules and structures in the world, not just mum's rules, and that we need to learn how to work as a group and with other people. Child care provides an important base for children when they enter their school years.

We know that brain development is most rapid in the early years of life. We know also the importance of quality stimulation and support—if that is missing, it may cause significant developmental delays. We have seen the effects of early disadvantage in children. Quality child care can help tackle a lot of that. We know that early intervention for disadvantaged children often leads to improvements in children's survival, health, growth and cognitive and social development. This is from the Unicef website on early childhood development. It goes on to state that children who receive assistance in their early years achieve more success at school; and, as adults, they have higher employment and earnings, better health, and lower levels of welfare dependence and crime rates than those who do not have these early opportunities. Efforts to improve early child development are an investment, not a cost. Some figures about early intervention indicate that for every dollar spent on improving early childhood development, the returns in later life are, on average, four to five times the amount invested.

It is incredibly important that governments are involved in early childhood development and child care. The 2015 Australian Early Development Census provides some interesting statistics about Australian children's development and vulnerability. It found that 22 per cent of children were developmentally vulnerable in one or more domains; 11.1 per cent of children were developmentally vulnerable in two or more domains; and 15.5 per cent of girls and 28.5 per cent of boys were developmentally vulnerable in one or more domains. It identified 42.1 per cent of Aboriginal and Torres Strait Islander children as developmentally vulnerable. It found that where children live and their socioeconomic status has a significant impact on their development. Children who live in socioeconomically disadvantaged Australian communities are more likely to have developmental delays. That is why the provision of consistent quality child care across this country is so important. A core Labor value is to provide children with a quality education no matter where they live. That is in addition to the economic benefits of getting more people into the workforce.

Another benefit of child care is that childcare workers are often best placed to identify early signs of syndromes and other developmental delays. We know that with these types of conditions, early intervention is the key. We have seen that with the increase in the prevalence of autism. It is often childcare workers who pick up for mum and dad that their child's fine motor skills or gross motor skills are an issue, or that communication or eye contact are an issue, and alert the parents. The parents may be working, and often they have other children to take care of as well, and they get used to their child and their particular ways and may not necessarily pick that up.

The national quality framework was implemented in response to the review of the childcare sector that was undertaken by the federal government in 2012. The review recommended a range of changes, which I will go into. I want to talk now about the importance of regulation in this sector and the role that is played by the state government. Essentially, the state government is the regulator of child care, not necessarily the funder, if you like. Children are the most important people in our lives. I have used long day care and I use out-of-hours school care. Out-of-hours school care has traditionally been much less regulated across the country. It is good to see that Western Australia is ahead of the curve in that area. Nationally, better regulation is being brought in. Child care is

no longer a babysitting service. Child care is a hard, skilled and very important job, because childcare workers are responsible for vulnerable people—our little children. However, breaches do occur, because child care is run by humans, and humans make mistakes. The role of the government is to put in place every mechanism possible to manage the safety of childcare centres and the safety of children, while allowing kids to be kids and play and do all the things they need to do. It is a huge balancing act that governments of all political persuasions have to do.

The worst possible scenario occurred a couple of years ago with the North Perth out-of-hours childcare centre. The centre was essentially a hall, with a park attached to it, with some gates. It would not pass any long day care centre test. I had wondered about it myself. I had heard really good reports about that centre. We lived locally. My daughter had been enrolled at that centre and would have attended the day after the incident. Two children who were playing were lured out of the centre and walked to Hyde Park and sexually assaulted. That would be the worst possible nightmare of every parent—without a doubt. There is no doubt that centre failed those children and that family. It also failed the whole community, because it never reopened. That is quite right, in my opinion, because it lost the confidence of the community. However, it had been providing an important service to the parents in that area who used the after-school care, and also for the parents of children at North Perth Primary School. That service was picked up by Mulberry Tree Childcare and Kindy, which is the only childcare service covering the entire area of North Perth. That service has now moved to the Loftus Centre, which is not anywhere near North Perth, so parents have to ferry their kids to that centre. That does not come anywhere near to dealing with the personal tragedy for that family, but it is providing a community service and there is a responsibility for everyone. The first thing people ask when something like that happens is, “What could the government have done better? What needs to be fixed? What needs to be looked at? How can we stop this from happening again?” That is why it is important to constantly review the regulations to make sure they meet today’s expectations and meet the requirements for the proper development of our children.

One area that has received a lot of attention is family day care. That is a growing sector and an absolutely legitimate option for parents. It is also an option for parents who want to look after their own children in their own home and also provide child care for other children. I have friends who use family day care. I probably would have used it if I had any centres around me, but I do not. I use long day care. It is certainly a legitimate option.

There have been some incidents. Some of these reforms will certainly tighten the oversight of family day care. There is high noncompliance in this sector compared with that in the long day care sector, which tends to have more staff. The law mandates the ratio of family day care coordinators to educators at one to 15 for the first 12 months of operation and one to 25 after the first 12 months of operation. It introduces some new penalties for providers for breaches of those minimum ratios. It clarifies some of the regulations to make clear that family day care assistants can stand in the place of the family day care educator only in the event of unforeseen and exceptional circumstances. It introduces new penalties to apply to breaches to ensure that the activities of family day care educator assistants are limited to those in the regulations. Previously, family day care providers approved the use of venues, but this will now be the responsibility of the regulatory authority. Approved providers will be required to notify the regulatory authority of any change of location at least 14 days before the change and provide proof of the new address. People will not be able to just pop up in new locations, if you like. The power of entry for regulators will be expanded for family day care. Authorised officers will be able to enter the premises during operating hours or if there is a reasonable belief that a service is operating, and they will be able to enter without a warrant to determine whether a service is operating without approval at a premises. New offences apply for the failure to keep an accurate record of educators and assistants and family day care coordinators. The law will allow for the regulatory authority to publish service approval numbers for family day care services. It will also clarify that information can be shared within departments and between state governments when it relates to the funding of a service. One of the issues we have, and I am sure the previous government had and many other governments have, is the lack of sharing data and information between departments. It really hinders the ability of those departments to do their work. The law will also allow authorities to publish information about enforcement actions that identifies a person with management or control of a service if it is in the public interest to do so. That information will be provided for the public. The law will tighten up a lot of the family day care regulations. There may be more work to do in this sector in light of the recent coronial findings, and I am sure the minister will enlighten the chamber on that.

More generally, the bill will help to refine and streamline some of the national quality processes and standards and reduce a lot of duplication and overlapping. There are a lot of quite legitimate standards, requirements, forms and red tape in child care, but some of it has been identified as being unnecessary. It will be good to release educators from doing that so that they can educate kids. The eligibility for the “excellent” rating will be strengthened, so that it is much more consistent. Services will have to reach a higher standard to achieve that “excellent” rating. The fee for “excellent” rating applications also will be removed. These applications will be limited to those exceeding the national quality standards in all quality areas. The bill will also restrict persons from being nominated as

a supervisor or regulatory authority when necessary. These are very much machinery changes, but they are important to the management and day-to-day working of those centres.

I think it is important also to talk about essentially the lifeblood of the sector, which is childcare workers and the incredible work that they do. Similar to the National Disability Insurance Scheme, one of the great challenges when a government provides funding for an important community service, whether it be disability, aged-care or childcare services, is the enormous workforce that goes with it. People want and demand, and rightly so, high-quality child care. They want childcare workers to be trained. They want diploma-level educators in their centres and, when possible, teachers. That is absolutely appropriate. Those people have careers and deserve to be properly remunerated. There is not a lot of money in child care if people are doing the right thing. There is not a lot of fat on the goose in this particular instance. Parents cannot afford to pay more. Some centres provide a more upscale service, such as music and art lessons, but, generally, most parents cannot afford the fees of \$150 to \$250 a day at those centres.

[Member's time extended.]

Ms A. SANDERSON: Parents cannot afford to pay more. Childcare workers certainly can and should earn more, so the responsibility lies with the federal government to support the sector by providing adequate funding to support the wages and a proper career path for those workers. That is the way to improve the quality of the training and the service provided for childcare users. It is not about imposing higher fees and more burdens on those centres. It will fall on early childcare workers to implement a lot of the regulations in this area. The increase in regulation can affect frontline staff and add to workloads. Some of these reforms are aimed at reducing some of the red-tape burden, but it is important to understand that this falls to the people who look after our children.

On average, childcare workers earn \$21 an hour, which is half the average Australian wage rate of \$40 an hour. There is a very high turnover in the sector because of this, and that is bad. One of the first things that anyone who has children in child care should look for at a centre is permanency of staff. It is a good indication of a happy centre and experienced staff. A lot of younger women with less experience tend to enter the sector, when a good mix is needed of both younger childcare workers and men and women who have been in the sector for a lot longer and have some experience and can mentor those staff. Shortfalls in staffing is a massive issue in the sector. I would certainly like the federal government to step into this space and provide much more certainty and funding to allow those workers to earn a living wage, because the wage they earn now is very close to the minimum wage and they deserve a lot better for the work that they do.

In terms of the state government's other initiatives in child care, there is no question that the McGowan Labor government is very supportive of this area. One of the things that we managed to do in this budget was reinstate \$4 million worth of funding to community childcare services. I think community child care is really important for the sector in Western Australia, because it sets the standard for the sector. Community child care puts all the funding it receives back into those early learning centres. In doing that, it provides often higher ratios of staff and better quality services. These centres have fantastic playgrounds and really stimulating outdoor areas. They are not the centres that have astroturf and a sandpit. I get angry when I drive past those centres. They are not all for-profit centres. There are some not-for-profit centres, and there are a couple in my electorate. I shake my head and get really, really cranky when I see the astroturf, a little shade sail, a bike and a sandpit. I think those centres can do a lot better than that. Where is the money from those centres going, because it is not going back into those services? Community childcare centres are important because they set the standard in the sector. Both my children have been through community-based child care, but they were at different centres. The waitlists are longer, but the care is better and it is consistent. They really are very important. When the previous government cut funding to support their maintenance and rent assistance, there was a real risk of that sector collapsing. It is important for the whole community that they remain. I am really proud to be part of that and congratulate the minister for ensuring that the funds are in this budget, despite our incredibly tight economic circumstances. We have also seen the introduction of the regional community childcare development fund to ensure sustainable regional childcare services in the wheatbelt region, funded through royalties for regions.

There is also the no job, no play strong position this government, in particular the health minister, has taken on immunisation in this state. I congratulate the federal Liberal government for its strong stance on this. I feel very strongly that vaccinations are really important. I support the federal government's move to suspend childcare subsidies to people who opt out of vaccinations. I will admit here that I have been a victim of that. I am a big supporter of vaccinations but I missed my son's 18-month vaccinations. I had moved house and for some reason, I was not notified on my MyGov update, although I normally religiously put it up, and all of a sudden the childcare rebate stopped, so we were quickly down there getting the vaccination. It works because I reckon the majority of people do not vaccinate because they are busy and it slips their mind. A very small number are objectors. I want to support both the federal and state governments for the important stance they have taken on this to ensure

mandatory immunisations, which benefit the whole community. We have seen the \$49.3 million investment into the early childhood initiative with the Minderoo Foundation and the Telethon Kids Institute, which will be a 10-year partnership, to design and deliver services for children aged from zero to four. The world has moved on from when child care was glorified babysitting. It is now a really important part of our education system. Whether we want to stay at home or go to work, it is of most benefit to our children in preparing them for school.

I congratulate the minister for bringing this forward. I wish that Western Australia could sometimes just make these amendments, as the other states do, without bringing in separate legislation, because that is often the reason for delay with these issues. Having spent time on the Standing Committee on Uniform Legislation and Statutes Review, I do not think it is uniform legislation, but I am not an expert, and I am sure the standing committee will tell us. I do not think there is a danger of our relinquishing our sovereignty when we sign up to something like the national childcare framework. It could automatically flow through in Western Australia rather than our having to have these debates in the chamber, and we could just get on with it and put things in place. I congratulate the minister.

MS J.M. FREEMAN (Mirrabooka) [5.32 pm]: I too want to rise and speak on the Education and Care Services National Law (WA) Amendment Bill 2018 and thank the previous speakers. I particularly thank the member for Morley, whom I agree with totally that this legislation needs to be in a national framework. We have a consumer law national framework that, I understand, like the rest of the states, we may adopt. The same applies to this bill. We should make sure that we work with the other states whereby the ministers work together on a nationally consistent framework; one state moves and adopts, and it simply becomes part of law in the rest of the states. I think that would benefit childcare workers, early childhood education centres and parents because it is clear. It would benefit the general community by getting rid of a lot of red tape and delays. However, we know that Western Australia would remain the regulator. Western Australia has a proud history of being a very good early childhood education regulator. I congratulate those people in the Department of Communities who undertake the regulation. They take their jobs very seriously. Over the years, they have certainly seen changes and, I suppose, variations in resources as well as an expansion of childcare centres, particularly in the family day care area. That has made regulation much more difficult but they have kept up with the task.

As we have heard previously, quality child care is key to unlocking a child's potential. I have personal experience of that and often say to people that if it were not for early childhood education, my 22-year-old may still not be toilet trained! As working parents, both my partner and I obviously wanted to continue in the workforce. As a working parent, I was able to rely on people who were not only skilled and qualified to work with and develop my son in early childhood education, but also they cared for him in a manner that gave me great confidence and gave him great capacity and resilience and his own self-confidence. I strongly believe early quality child care and quality early childhood education is the key to unlocking a child's potential. As the member for Morley said, we know that one dollar spent on every child in early childhood education gives a return of \$5.

I certainly see that as another personal experience in the seat of Mirrabooka where I have great early childhood education centres. One I want to point out in particular is Sudbury House. Sudbury House is a multicultural, early childhood education centre, which employs a high level of people, some on a very low income. Some people are very vulnerable and some children have been placed there by the Department for Child Protection and Family Support. They run it extraordinarily well in a facility in which people feel welcome and the children feel valued. There is a little cafe there where they can sit and learn social interaction and behaviours. It is great. It is also great to see that this government has committed—the facility is owned by the Department for Child Protection and Family Support—to ensuring that the facilities are upgraded to and maintained at a standard that meets the needs of the children, the parents and the workers.

When my son went into child care, operational subsidies were available for quality care. However, I recall the point at which the operational subsidies were taken away from community-based child care and in Western Australia predominantly we saw a rush of profit-based childcare centres. We saw child care change from an industry very much based on early childhood education and centres run by majority not-for-profit organisations to an industry, particularly in Western Australia, when they became very dominated by profit-based organisations and, as a result, they became vulnerable. When one of the childcare organisations went into receivership, parents' childcare arrangements were put at risk. We need to look at that history and remind ourselves how rich the capacity was for early childhood education and what it delivered to the community as a whole in a broad way.

In the brief time I have, I will talk about the wages of workers. My other personal experience of early childhood education issues is that is my sister-in-law, two great nieces and the mother-in-law of my great niece are early childhood educators. On family occasions I am often surrounded by early childhood educators who want to make me aware of what is going on in their sector. I have to give them credit: they hardly ever raise with me their paltry wages and conditions. They always raise with me the needs of the parents, and how difficult parents find meeting

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childcare fees among their ever-increasing costs. Doubtless, the wages of childcare workers are insufficient and unreflective of their skills, qualifications and capacities, and also unreflective of the benefits they provide to parents, children and society as a whole. The Queensland commissioner conducted a really telling pay equity review about 10 years ago. The review compared the pay levels of childcare workers who held certificates III and IV with that of mechanics who held certificates III and IV. Getting a car fixed was more valued in our society than having a child cared for in terms of pay and conditions.

A certificate III-qualified educator receives \$109 a week before tax. The recently-awarded state minimum wage, which in Western Australia is higher than most—the minister may correct me, but that is what I read—is \$726.90 a week. I base these figures on the federal award wage; the state award wage may be more. Given that most profit-based childcare centres would be incorporated under this, I am quoting the national simplified award. It is \$109 a week for a certificate III-qualified educator, compared with \$726.90 for the state minimum wage that will be in place on 1 July. Basically, the state minimum wage is \$19 an hour. Sorry; when is it coming in?

Mr P.A. Katsambanis: On 2 July, which is a Monday.

Ms J.M. FREEMAN: Thank you, member for Hillarys. I should remember those things, given that I used to run state —

Mr P.A. Katsambanis: Yes, given your background.

Ms J.M. FREEMAN: Yes.

So just over \$19 an hour will be the rate, versus \$21 an hour for a certificate III childcare worker. About 70 per cent of early childhood educators are award-dependent. Even the 30 per cent who are able to negotiate enterprise bargaining agreements rarely exceed about 10 per cent of additional wages. Preschool teachers in early childhood education centres such as Sudbury House are really important. Centres like that have a high proportion of culturally and linguistically diverse children for whom English is not their primary language. The early childhood educators are important, because they spend a lot of time with those children so that by the time they go to school, it is much easier for those kids to fit in and reach their potential. A preschool teacher in a childhood education centre receives about \$8 less than if they were in a school. That is about \$13 000 a year less. Imagine what could be achieved if they earned equivalent salaries.

We wonder why we have a pay gap. Around 70 per cent to 80 per cent of the early childhood educator workforce is women. We have this idea that they do it because they are caring and all those sorts of aspects, but this is a really important qualification and skill used at a vital time in early childhood education. Zero to five years old—some people say zero to seven years old—is a critical time for a child's development. One in five early childhood educators plan to leave the sector within a very short time of taking up employment because of the wages, and that turnover means we lose those qualifications, skills, capacities, learnings and knowledge—all things that benefit the development of early childhood education in the broader sense, but also develop the children in the centres. Wages are about 70 per cent of the operating costs of early childhood education centres. Frankly, it is a supply-side issue that the federal government needs to stump up on and recognise. It needs to recognise that through childcare benefits, and work out how it can better fund the childcare sector. Unfortunately, I do not think the federal government is up to that task. Get ready, because from 2 July people will come into members' offices because of the childcare reforms, and the fact that many people have not signed up for the reforms and may not get their childcare subsidies; many will lose them.

There will be a single means and activity-tested subsidy. Both parents will need to work, study or volunteer for at least eight hours a fortnight to be eligible for the new subsidy. Families on less than \$66 958 will not need to meet the activity test, but they will have only 12 hours' subsidised care for early childhood education; previously they had 24 hours. For the people in the community I represent, that means they will not be able to go to English classes or undertake other study on those additional days because they will lose half of the care subsidy. Among a series of other issues, the subsidies will be capped. Some reports are that about 160 000 families will be worse off after these changes. We in Western Australia need to be mindful of that when we talk to our federal counterparts. Early childhood education needs funding from the federal government to make it efficient, affordable and available to people in our communities because it benefits the community as a whole.

MR R.S. LOVE (Moore) [5.47 pm]: I rise on behalf of the National Party to say we do not find anything too controversial or that needs to be fleshed out in too much detail in the Education and Care Services National Law (WA) Amendment Bill 2018. It is very timely. I will ask a question in committee, or perhaps the minister might address it in her reply, about clause 21, which is about the approval of family day care venues—there will be changes in that area. My question pertains to remote areas and whether a person can use a venue that is not their home. That practice is used in places where the house might be too remote to be accessed by potential clients. I would like a bit of information about how the assessments will be carried out and whether there will be any

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changes, positive or negative, in terms of the availability of family day care services in remote areas. Within my electorate, for instance, in many small communities a formal centre with a large number of persons will never be in place, but a family day care arrangement might be viable anywhere that can facilitate that. It might be that a person does not have a premise that is suitable and cannot afford to provide one, but can provide something somewhere else that is suitable for their needs. Bear in mind that some of the people doing this are on perhaps not a very large income and may not have the benefit of a lovely four-bedroom brick-and-tile home in a comfortable suburb. It would be good if that could be addressed in those types of circumstances.

I also refer to recent unfortunate events around swimming pools. I note that the guidelines state that water is taken into account when doing a risk analysis of a building, but I wonder whether there will be any more tightening of those arrangements in the future. I understand that we do not want to stop people operating already from being able to continue to operate, but will there be any tightening of the requirements in that area in the future? They are a couple of questions. I do not know whether this bill will go into consideration in detail, but they are the two issues I would like the minister to flesh out a little if she could.

MS S.F. MCGURK (Fremantle — Minister for Community Services) [5.50 pm] — in reply: I thank members who were good enough to get across some of the detail of this Education and Care Services National Law (WA) Amendment Bill 2018 and contribute in a thoughtful way to the issues either directly relating to the amendments we are seeking to put in place or surrounding the provision of early education care, which is often called child care, including long day care, family day care and out-of-school-hours care.

I will briefly address some of the issues raised by members. I may or may not be able to address some of them, but I will endeavour to do so. The member for Dawesville was keen to understand why there was a delay in introducing this legislation, given it was dealt with by joint ministers in January 2016—in fact, just a day or two before the Barnett government went into caretaker mode, and Hon Peter Collier was the minister responsible. First of all, that takes away any contention about whether the government of the day had any concerns about it. I am not aware that it did. What these changes should be was agreed across states and territories. That change took place at the end of January. The member pointed out time frames of what occurred then. The legislation was assented to in Victoria on 27 March 2017. Other jurisdictions then made their changes. By 1 October 2017, the amended law commenced in every state and territory except Western Australia. The matter was approved by the joint ministers at the end of January 2017, and there was a caretaker government in Western Australia. Fortunately for all of us, there was a change of government and cabinet took up the matter in April 2017. We came to government in March 2017 and in April there was approval to draft. Really, it has taken that long to get through the parliamentary drafting process. There were challenges with the drafting process and I think that has been experienced across the board. Eleven versions of the bill were drafted to try to get the legislation right. I have to say that WA has made changes to the regulations under the National Quality Standard, which was drafted ahead of the bill and is now in place. There have been a couple of regulations to make sure the individual centres are no worse off; however, I join the member in his frustration at being up against a relatively tight time frame. We will try to get this legislation in ideally by early October and, if not, as soon as we can.

The next point the member for Dawesville raised was the importance of early childhood education. The significant development that happens in children really happens from conception. Since becoming minister, I have been lucky enough to have had briefings from world experts on what occurs in those early years, and the role of child care—early education—in helping to stimulate that development is crucial for socialisation, stimulation and organised play, if you like, depending on the age. The depth and quality of work that has been put in place is really significant, and that is relevant from babies to children who are the maximum age that they can be cared for under these regulations, and because they include out-of-school-hours care, that can go well into the school years. All members who spoke understand the importance of that and I appreciate the comments made. In fact, the member for Morley pointed out, and people would know, that we have got into a project in cooperation with the Telethon Kids Institute and the Minderoo Foundation called the Early Years Initiative. Minderoo is contributing half of the funding to a project worth just under \$50 million over 10 years in which we will work with four communities, with a focus on early years—in fact, it will be from preconception to four years old—in the understanding that if there are particularly vulnerable cohorts, our best chance of making an impact on getting those kids ready for school is through a coordinated, innovative and measured intervention with those children. It is quite an exciting prospect for us to do that work with those partners. We are just getting organised to finalise those sites and start to roll out the project. That is the Early Years Initiative.

Only this week I met with Nature Play WA and Griff Longley, whom many people here would know, to discuss play. Other advocates talk about the importance of understanding the role of play for children. Of course, many parents grapple with the role of devices, whether they be phones or tablets, and I have heard Donna Cross from the Telethon Kids Institute and others speak about making sure as a community we are giving parents practical skills not to set up an adversarial relationship with their children in which they say no devices or no internet time

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at all, but to set up realistic interactions. Organised play, particularly in a natural environment, is really important. I know that early education centres are very, very aware of that and implement it at all stages.

It is great to see that the member for Dawesville is living, breathing proof of the benefits of child care at an early age. He is a really good outcome, even if his mother needed to balance her work. I had a working mother as well, but we were latchkey kids and just made do at home, so we probably got up to a lot more no good!

Finally on the contribution of the member for Dawesville, he was talking about the regional implications of any of the changes and what they might mean. I could jump to the issue that the member for Moore raised about family day care and the incident in the public mind of the very tragic death of Lachlan Mitchell, who was just shy of his third birthday, because of the coronial findings that have just come down. He was at a family day care and managed to climb a nearby pot plant to get over the pool fence and he fell in and drowned. There are recommendations from the coronial inquest. I will address them now. I have made these points before publicly. The recommendations from the coroner were that no family day care centres with any sort of water feature, pool or spa be allowed to be registered, so there is a ban on any water feature in any family day care centre. If they are in place and while they are being phased out, there is to be increased regulation. There is also to be a fixed phone line, because when the woman overseeing the family day care centre found Lachlan, she could not find her phone. She was caring for other children there while trying to give him cardiopulmonary resuscitation and find her phone, and she ended up having to go next door. My response has been that I am very sympathetic to a provision that would stop any future accreditation of family day care centres that have water features, pools or spas, and that could be a new regulation.

Sitting suspended from 6.00 to 7.00 pm

Ms S.F. McGURK: I will pick up from where I left off before the dinner break. I think I was mid-sentence. I was talking about the importance of early childhood education and the development that occurs in the early years, and the contribution by the member for Dawesville. I will make a few comments about the member for Morley's very thoughtful contribution. She talked about the worrying Australian Early Development Census outcomes that state one in five children in Western Australia are vulnerable in one or more domains. That is something we need to be concerned about and is another argument for why quality early education care is so important.

The member for Morley also addressed the North Perth out-of-school-hours care issue, which of course sent fear into the hearts of parents. I think there can be assurances that the physical protections around that environment is much tighter because there are much younger children. Essentially, out-of-school-hours care includes holiday care. They could be housed, for instance, in a school environment so the children are technically school aged and do not have the same physical environment around them. They still have to be supervised and watched, but that was how that occurred. There were very heavy fines against the North Perth out-of-school-hours care centre that was involved in that incident. They are no longer operating.

The member for Morley also talked about family day care as a growing sector and why there is such a clear need to regulate it. Now that I think about it, I might have been talking about the swimming pools issue before we broke for dinner. I will quickly address that again. The coroner's recommendations from the Lachlan Mitchell inquest included no water features, including swimming pools. Where there are swimming pools and while they are being phased out, there will be increased regulation and a fixed phone line. I certainly accept the latter two points. I am very sympathetic. New regulated family day care centres do not have water features at all. However, we have to look at how this would impact them. If we think about the question in the regions—for instance, in the Pilbara and the Kimberley—a lot of houses have swimming pools. What will be the impact on the supply of family day care? I want to ensure that I consult with the sector before making a final decision from a ministerial point of view about what this government's response will be to the coroner's recommendations out of the terrible death of Lachlan Mitchell. My heart really goes out to his family. I cannot imagine what they must have been through. This time in particular must be very difficult for them.

The member for Mirrabooka talked about quality centres, including community-based child care; that is essentially not-for-profit-based child care. By and large, they are very high quality and a fantastic model that encourages parents to get involved in their local childcare centre. We have just reversed a Barnett government cut to accommodation. In total, I think about 32 community-based childcare centres were getting a bit of accommodation support, but that was cut under the previous government. We have just reinstated that. I have just given them a bit of an assurance. The importance of quality staff has been crucial in all childcare centres. The genesis of the quality framework has really come about from the combined lobbying of centre operators as a union group that was representing the workforce and the sector that cares about early education child care saying that we have to properly recognise the professional work that is done by early education carers. As a result of those negotiations over many years—since the quality framework was put in place—we now have a minimum requirement of a certificate III for those workers. It has been a bit of a dance because the sector has no capacity to pay extra. It is not as though we are talking about the resources sector or private companies of different descriptions. I know that

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varies but if we are trying to get more pay for those workers, it has to come from somewhere. It will come from parents in the form of increased fees. I understand that is very important.

I will go through a couple of other points that were raised by members. The member for Moore asked about clause 21 in relation to family day care other than at a residence. Under these new regulations, the accreditation regulatory authority will physically inspect that new venue. The member for Moore asked what that meant for existing family day care centres operating in a venue other than a house. If they were already regulated and approved, they will continue. I hope that answers his question.

The member for Dawesville might be interested in how the penalties came about. Essentially, they were decided on nationally. We have slipped into a national scheme and the penalty is the same. It is important to have uniformity, particularly for those operators who have business across state lines. Even though some of those individual penalties might look minor, often accreditation holders or centres are prosecuted on more than one item. An example of that was Camp Australia, which does out-of-school-hours care. It is a really big provider. It was recently prosecuted and fined the largest amount we have had in Western Australia, which is \$100 000. That was because it was not maintaining its supervision ratios or some of its paperwork. Even though some of the individual penalties might look a little minor, often an accumulation of offences ends up being taken to the State Administrative Tribunal.

Mr Z.R.F. Kirkup: The other area that you may have some more explanation of is the entry without warrant to a premises. Have you got more information about that rather than what is in the bill? Can you explore that? I am happy to go into consideration in detail. That was the other area I was keen to know about.

Ms S.F. McGURK: I do not know the answer to that just now. I have been impressed by the regulatory unit doing quite a bit of surveillance work. I have met some of the people who are involved in that and they were previously trained as police officers who did covert operations. A lot of the offences that end up on my desk involve small operators, particularly family day care operators who claim the childcare benefit from the federal government but in fact they have not had kids there that day. They claim that they had kids there when they did not. They claim the benefit from the federal government. That has been the nature of a number of the prosecutions that I have seen, so covert surveillance work and unexpected visits to centres are quite important elements of maintaining the centres. I do not know whether that answers the member's question, but if I get an opportunity while I am standing here, perhaps I might be able to get some advice from my advisers over there.

The other big development is the Australian government childcare package, which will be put in place on 2 July. A few members referred to the fact that there are a number of families who have not properly registered for that. They will be worse off and it will be a scramble for them. I have heard that the figure was around 30 per cent; I do not know what the current figure is. It is a question also of who is going to be better or worse off under that system. The member for Mirrabooka raised some issues about the activity test and whether it disadvantages vulnerable families that we really want to encourage to bring their children to child care to engage with other kids and get school-ready. That is a big part of what happens in the later years of early education care, so the children are used to operating in that environment and doing organised activities and socialising with other children. This is so important; we do not want the federal government scheme or anything we do to be a disincentive to the encouragement of that activity.

With those comments, I will finish up. I do not know whether I have answered the member for Dawesville's questions, but if I get an opportunity to do so informally and put it on the record at some stage, I will do that; otherwise, we will do it during consideration in detail.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Debate adjourned until a later stage of the sitting, on motion by **Mr D.A. Templeman (Leader of the House)**.