

CHILD CARE SERVICES AMENDMENT BILL 2011

First Reading

Bill read a first time, on motion by **Mr J.H.D. Day (Minister for Planning)**.

Explanatory memorandum presented by the minister.

Second Reading

MR J.H.D. DAY (Kalamunda — Minister for Planning) [12.30 pm]: I move —

That the bill be now read a second time.

This bill marks an important milestone in the regulation of childcare services in this state. The Western Australian government has an unshakeable commitment to the protection of children and to maintaining and improving the quality of care they receive in licensed childcare services. The government is also committed to supporting small business. Childcare services are provided by a range of private for-profit and community-based not-for-profit organisations across metropolitan and regional Western Australia. The changes in this bill are designed to assist these organisations to carry out their important business of providing quality care to children and to reduce the regulatory burden on them. Most importantly, however, the safety and wellbeing of children is at the heart of this legislation. The easing of the regulatory burden on providers is designed to enhance the responsibility of childcare services to ensure that children are safe and well cared for. To this end, the proposed amendments improve the ability of the Department for Communities' childcare licensing and standards unit to investigate any concern through improved investigative powers and compliance functions.

The government is also committed to support for regional communities. These amendments to the Child Care Services Act 2007 are the result of a significant consultation process, with a special focus on the needs of regional communities and regional services. The provision of viable and sustainable childcare options for regional communities is vital to ensure that the economic growth in these communities, and indeed in all communities, is supported by growth in the childcare sector. It is recognised that retention of a stable workforce in childcare services can provide considerable challenges for rural and regional communities.

Lengthy and inclusive consultation with key stakeholders has occurred over a number of years in the development of this bill. The Child Care Services Regulations review, conducted during 2007 and 2008, was the most extensive consultation ever held for a childcare services act or regulations review in Western Australia. In response, the Child Care Services Amendment Bill 2011 is the first stage in the regulatory reform program being carried out by the Department for Communities to update the regulatory environment for child care and to better protect children in licensed childcare services. The state government is a signatory to the Council of Australian Governments reforms to improve the quality of early childhood education and care. The WA government's participation in these reforms for childcare services and our commitment to enact corresponding, nationally consistent legislation will form the second stage of the regulatory reform program to come later this year.

I will now turn to the details of the bill. The objective of the Child Care Services Amendment Bill 2011 is to further enable the implementation of the Child Care Services Act 2007—to protect and promote the best interests of children in licensed childcare services. The amendments represent essential changes to childcare regulation including amendments designed to clarify the definition of managerial officer of a childcare service to better identify the accountability of those with management and control of licensed childcare services; enhance the protection of children enrolled in childcare services by clarifying authorised officers' investigative powers; and, broaden the jurisdiction of the State Administrative Tribunal to bring equity to the compliance provisions of the act between individual licensees, who are at risk of acquiring a criminal record, and corporate licensees, whose directors and shareholders escape any form of vicarious liability. With regard to the latter, the bill fulfils promises made to the childcare services sector on the transition of disciplinary proceedings from a court-based process to the State Administrative Tribunal, a decision welcomed by the sector. This transition also aligns with government policy as per recommendation 57 on page 414 of the Standing Committee on Legislation's report "Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal" of May 2009, and I quote —

The Committee recommends that the *Child Care Services Act 2007* be amended to empower the State Administrative Tribunal to hear and determine allegations of breaches of the regulations by child care service licensees.

The amendments to the act will also be supported with amendments to the suite of childcare services regulations. Further to the aim of improving the service delivery of childcare providers, an assessment of the regulatory impacts of the amendments to the Child Care Services Act 2007 was undertaken. The childcare services sector is predominantly made up of small businesses and community-based organisations across metropolitan and rural Western Australia. The Department for Communities held discussions with officers from the Department of

Treasury and the Small Business Development Corporation to assist with the assessment of the impact of the proposed amendments to the act on small business.

The amendments represent a significant legislative reform program for childcare services. Positive impacts of these amendments include reducing business licensing time and costs; increasing sector understanding of the legislative requirements; and, ensuring clarity in the requirements for the safety and health of children enrolled in licensed childcare services. Proposals within the drafting instructions to allow compliance and enforcement actions to be determined through the State Administrative Tribunal are an important development that will ensure a level playing field for small and larger childcare services.

The legislative reform proposed for childcare services will impact positively on rural and remote childcare services by reducing business licensing time and costs; reducing the regulatory burden on volunteer managerial officers and management committees; and ensuring that small rural services have equity with corporate metropolitan services when issues are brought before the State Administrative Tribunal rather than the Magistrates Court. In order to implement these changes a range of resources is under development to assist the childcare services sector to better understand the legislative framework. This increased understanding will support compliance, better serving the needs of the children in the sector.

The cost to government of implementation of amendments to the act is contained within the current budget. The cost to the childcare services sector of implementation of amendments to the act will be minimal as it will be balanced with the reduction in time and cost of licensing processes.

The approach to regulation encapsulated through these amendments reflects contemporary best practice. Child care in all its forms is critical to supporting the workforce participation of parents, and the evidence also clearly demonstrates that quality early learning and early childhood services promote positive outcomes for children in childhood and throughout their lives. The focus on children is the most important underlying principle of this legislation. We owe it to the children of this state and to their parents and families to ensure that childcare services continue to be of a high quality and appropriately regulated.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.