

CHILD CARE SERVICES AMENDMENT BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Hon Robyn McSweeney (Minister for Community Services)**, and read a first time.

Second Reading

HON ROBYN McSWEENEY (South West — Minister for Community Services) [5.54 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 state 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, therefore, 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' child care 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. To support this local work, the amendments to the childcare services regulations made under this act will provide for a new workforce support provision, reducing the regulatory burden in the application for approval as a supervising officer.

Lengthy and inclusive consultation with key stakeholders has occurred over a number of years in the development of this bill. The childcare services regulations review, conducted during 2007 and 2008, was the most extensive consultation ever held for a child care services act or regulations review in Western Australia. Consultation was undertaken with the childcare sector, including providers, staff, and with parents and families. Consultations also took place with local government, childcare services support organisations and relevant government departments. It canvassed the broad range of policy issues related to licensed childcare services, including: the need for regulating childcare services; what makes for good regulations; the relationship between regulating and quality care; requirements for the licensing of services; health and safety of children; qualifications of staff and related workforce issues; the provision of child care outside the metropolitan area; defining an acceptable burden focused on the safety and wellbeing of children; and actions that could be taken to reduce the existing regulatory burden whenever possible. 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. In addition, 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.

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 objective of the Child Care Services Act 2007—to protect and promote the best interests of children in licensed childcare services—to be met. 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 of the Standing Committee on Legislation's inquiry into the jurisdiction and operation of the State Administrative Tribunal report of May 2009, which states —

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, a regulatory impact assessment 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 Finance 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 will ensure a fairer system and a level playing field for small and larger childcare services. The extensive feedback to the children's services regulations review from the rural sector provided a large body of information on the very specific issues faced by services outside the metropolitan area. The feedback also contained a range of proposals for solutions and included information on the impact those solutions would have. The legislative reform proposed for childcare services will positively impact 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 are under development to assist the childcare services sector to better understand the legislative framework within which they operate. This increased understanding will support compliance, better serving the needs of the children in the sector. The cost to government of the 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 anticipated 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 during 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 are well regulated.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 6.03 to 7.30 pm