

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

Introduction and First Reading

Bill introduced, on motion by **Ms S.F. McGurk (Minister for Community Services)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MS S.F. MCGURK (Fremantle — Minister for Community Services) [12.13 pm]: I move —

That the bill be now read a second time.

Quality early childhood education and care plays a vital role in supporting the learning and development of Australian children in the early years and helps to lay the foundation for better health, education and employment outcomes later in life. A recent large-scale Australian study, *Effective Early Educational Experiences—E4Kids—* found high-quality education and care programs had strong positive effects on children’s outcomes. This complements the growing body of international research that shows attendance at high-quality early childhood education and care services contributes to children’s cognitive, health, social and emotional development, and is significantly related to higher standardised test scores, increased independence, and decreased antisocial behaviour in primary school. Education and care services in Western Australia operate under a unified national quality framework for long day care, family day care, preschool and outside-school-hours care to raise quality and consistency in the education and care sector and improve outcomes for all Australian children.

Since 2012, all states and territories have cooperated to ensure there is largely uniform regulation of early childhood education and care services. A review of the national quality framework was undertaken in 2014 and concluded that it is largely effective. Feedback from the consultation process indicated that the education and care services sector and the community generally consider the framework has a positive impact in terms of enhancing the quality of service provision and the introduction of a streamlined regulatory framework. However, there were areas that could be improved, and these were mainly for technical and operational improvements, which are the subject of this bill.

The WA bill now seeks to implement the review’s recommendations for changes to the national law. The key features of the bill include improving oversight of, and support for, educators engaged by family day care services; removing the supervisor certificate requirements and making approved providers responsible for ensuring that only fit and proper persons with suitable skills to perform the role are appointed nominated supervisors; simplifying administrative and enforcement provisions; making other minor and technical improvements to the operation of the national law; and strengthening the eligibility criteria for an application for the “excellent” rating as part of implementing the national quality standards. The standards set a benchmark for assessing and rating the performance of education and care services. It is critical that ratings provide accurate and meaningful information about service quality and that the assessment and rating system is sustainable and comparable across services.

Strengthening eligibility requirements for “excellent” rating: The standards will be complemented by the proposal in the bill to strengthen the eligibility requirements for the excellent rating. The purpose of the excellent rating—the highest possible rating—is to celebrate highly accomplished practice, innovation and sector leadership in the delivery of education and care to children. To ensure that the excellent rating recognises consistent performance and to further differentiate the excellent rating, the bill proposes amendments to require a service to be rated as “exceeding the standards” in all seven quality areas to be eligible to apply for the excellent rating.

Strengthening family day care service provisions: Another key element of the bill is strengthening the family day care provisions. The key changes include requiring approved providers of family day care services to only operate from a jurisdiction in which they hold a service approval and to have a principal office in each jurisdiction in which they operate; ensuring approved family day care services engage a minimum number of family day care coordinators based on the number of family day care educators at the service; and clarifying that a family day care service can only operate from a venue that is a location other than a family residence in exceptional circumstances, such as in rural and remote Western Australia when a venue in a central location is used rather than the educator’s more remote home. Previously, family day care providers approved the use of venues but this will now be the responsibility of the regulatory authority. Other key changes include requiring approved providers of family day care services to notify the regulatory authority of a change in the location of its principal office prior to the change and provide proof of occupancy of the new premises; requiring family day care educators to notify approved providers of changes to the circumstances at the educator’s residence and of other information such as serious incidents and complaints alleging serious incidents or breaches of the national law; clarifying the provisions regarding the role and use of family day care educator assistants; and allowing authorised officers to enter a family day care residence to investigate an offence if there is a reasonable belief that a service is operating at the time of

entry. These amendments will improve the support provided by approved services to family day care educators and allow regulatory authorities to better monitor family day care services.

Removal of supervisor certificates: The bill also repeals the supervisor certificate requirements in the national law. The current supervisor certificate application process is considered unnecessarily burdensome on approved providers and to be of limited benefit to the regulatory authority in ensuring quality and compliance. The review has identified a more efficient way of ensuring only suitable persons oversee the operation of a service. The bill contains amendments that do this by making approved providers responsible for assessing the suitability of the service's nominated supervisors or persons in day-to-day charge when appointing people to those positions. The regulatory authority maintains its oversight over who is fit and proper to be a nominated supervisor and can intervene if required.

Simplifying administrative and enforcement provisions: State and territory regulators have requested some flexibility in applying enforceable undertakings. Instead of suspending an approval or issuing a prohibition notice, the proposed amendments expand the grounds on which the regulatory authority may accept an undertaking. Other technical amendments in the bill seek to improve and simplify the administrative provisions in relation to the approvals processes; service waivers and temporary waivers; the operational requirements of education and care services; the investigative and enforcement powers of regulatory authorities; and information sharing between regulatory authorities, the national authority, state and territory governments and the commonwealth.

In Western Australia we are committed to and have a proud record of high-quality, safe and affordable education and care services for children. We are also strongly committed to improving children's educational and developmental outcomes in the early years and providing access to high-quality education and care services for all Western Australian children. This bill gives effect to changes agreed by national consensus. In introducing this bill, we are honouring our shared commitment to ensuring that children and families benefit from this important national framework.

I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.