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Education and Innovation Committee Inquiry into the Education and Care Services Bill 2013

As the national peak body for community owned, not for profit children's service's Australian Community Children's Services (ACCS) Queensland branch, welcomes this opportunity to provide a submission in response to the above proposed Bill.

These comments from ACCS Qld relate to the proposed new legislative framework *The Education and Care Services Bill* that is to replace the *Child Care Act 2002* with affected services being:

- Limited Hours Services that receive Queensland Government Funding
- Early Childhood Education and Care services that are also disability services under the Disability Services Act 2006 which are excluded from the National Law
- Occasional Care services
- Budget Based Funded services that do not receive child care benefit

ACCS Qld acknowledges that the affected services are, generally speaking, small services located in regional, rural and Aboriginal & Torres Strait Islander communities, and these services are now to be transitioned from the current *Child Care Act 2002* to become regulated by this new bill. However, this generalised statement omits to define how the unfunded Limited Hours Care Centre's (including those in metropolitan areas), with and without an approved Queensland Kindergarten program will be regulated.

Provider and service approvals

ACCS Qld notes, "Where possible, the bill aligns the new legislation with the national law for the purpose of consistency and also reducing red tape. For example, similar to the national law, the bill provides for a perpetual approval process. Once a provider is approved, they do not need to reapply for a licence every three years as they previously did under the child care act". Whilst the effort to reduce "red tape" is commendable, there is no clarification of how these services will be benchmarked for quality of education and care, as provided by the system of rating and assessment of the National Quality Standard that is part of the national law.

Exceptional circumstances service approval

The proposed bill includes emergency care relocation legislation and ACCS Qld believes that this is a commendable part of the bill that recognises professionals in the sector have the knowledge and capability to provide safe and high quality care in a temporary location in the event of a disaster occurring in order to support the families in need at this time.

Waivers

ACCS believes the inclusion of temporary 'waivers' in the proposed bill is important in providing continuity of care for children and families. This also acknowledges children's services professionals have the ability to provide safe and high quality care during temporary situations such as renovations, thus ensuring continued operation of the service, supporting access for children and families.

Staffing Requirements

The bill refers to the educational program being based upon an *approved learning framework (Division 3 120 1-2)* yet fails to recognise the importance of an Early Childhood Teacher as being integral to the design and delivery of educational and care programs to the children attending these services.

The statement made in the bill's public briefing: "*A limited hours care service under this bill...is operating for only up to 20 hours a week anyway, whereas a long hours day care service would operate for much longer than that. So the programming that is needed around a limited hours care service would be very different from a long hours day care service, for example*", gives the impression that children attending a limited hours or occasional care service are not entitled to the same high level of education and care than that of their peers attending long hours care.

There is also no specific mention of BBF services in this regard, many of whom are located in remote Aboriginal and Torres Strait Islander communities and where children already receive less opportunities for early years education than their metropolitan counterparts.

ACCS Qld supports the withdrawal of an Advanced Diploma Qualification if this qualification is to be no longer recognised nor required in the sector. However, ACCS Qld notes the provision for the Supervisor to only be required for prescribed hours, except when the service has 30 or fewer approved places. As the Bill notes that the supervisor will be responsible for the provision of education and care by the service, then we trust that the prescribed hours are those when the majority of children are attendance and surely the supervisor must be required in all services during these periods – including in services with less than 30 places. This will ensure that children attending all services, including those up to 29 places, will benefit from the presence of a supervisor.

Clause 121 Children must be adequately supervised is an important improvement to the offense provisions. ACCS Qld supports the provision of determining 'adequate supervision' will be based on the Guide to the National Law.

ACCS Qld believes the issues above are a question of equity for all children that need to be addressed as a matter of urgency.

Stand-alone services

In relation to the *Stand Alone Care (clause 134)*, ACCS Qld understands that the Family Day Care Association does not support all aspects of the proposed legislation and trust that the Committee will receive a submission outlining their issues in more detail.

However ACCS Qld is concerned these services are not licensed and have minimal regulatory requirements despite operating similarly to individual educators under licensed FDC schemes currently covered by National law. In the interests of equity for all children, we are disappointed there is no improvement in regulatory requirements or strengthening of standards for these services operating outside of a FDC scheme.

Transitional provisions

ACCS Qld supports transitional provisions and believes these must be monitored on a regular basis to ensure services have the capacity and available resources required to meet the specific requirements in this regard, and to ensure the intended 'seamless' transition.

General

The introduction of the National Law has been well supported in all jurisdictions, including Queensland. The National Law, National Regulation and National Quality Standard have all been developed to raise the standard and quality of services for young children. The *Education and Care Services Bill 2013* should also mirror enhanced standards. Reducing the regulatory burden on services should not diminish quality aspects, such as qualifications and ratios (as identified by research), that lead to better child outcomes.

Therefore, ACCS Qld again stresses that equity in the design and delivery of care and education of children in all services, especially those covered by this bill, be the primary driver of any proposed changes.



Catherine Hardcastle

President

For & on behalf of ACCS Qld