



Speech by

**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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## **EDUCATION AND CARE SERVICES NATIONAL LAW (QUEENSLAND) BILL**

**Mr POWELL** (Glass House—LNP) (5.07 pm): I rise to speak on the Education and Care Services National Law (Queensland) Bill 2011. As speakers before me have outlined, the principal objectives of this bill are, firstly, to apply the education and care services national law—which from here on will be called the national law—set out in the schedule to the Education and Care Services National Law Act 2010 of Victoria as a law of Queensland; secondly, to amend the Child Care Act 2010 so that it no longer applies to the early childhood education and care services that will be covered by the national law; and, thirdly, to make consequential amendments to other legislation.

I and the LNP certainly support the best possible start for all Queensland children when it comes to their education and to their care. Certainly I have that in mind for my own children, and I would hope that parents across the state do. I believe and accept that a lot of this national law goes a long way to achieving that best standard across the state. My understanding is that the law will bring into effect a uniform national quality framework as well as a number of key features.

The national quality framework, as the shadow minister indicated, includes the national law, the national regulations, the national quality standard and the prescribed rating system. It aims to provide a national approach to the regulation, assessment and quality improvement of early childhood education and care and outside hours school care. It aims to do that by creating a single system to replace existing separate licensing and quality assurance processes in each jurisdiction of a preschool—that is, kindergartens in Queensland—long day care, family day care and outside school hours care. It also aims to institute a new national quality assessment and public rating system. It gives primary responsibility for approval, monitoring and quality assessment of services to state and territory authorities, and it establishes the Australian Children's Education and Care Quality Authority to oversee the framework.

Other features of the law include a perpetual service and provider approval system, which replaces Queensland's existing three-year licensing scheme, assessment of providers and supervisors of education and child-care services, aligning management and oversight responsibilities, the ability to grant temporary and permanent waivers to ensure adequate flexibility, and the power to publish information including noncompliance information and each service's rating level.

As with any legislation—and I heard the shadow minister go into some detail on this—particularly legislation that is national legislation where we are assigning Queensland state responsibilities to a national law, there are always going to be concerns. The shadow minister did a sterling job of highlighting the concerns of the LNP, the concerns of the Child Care National Association and those concerns that have been identified by the department itself.

I think the two main concerns relate to cost of living. The department in its information for families has identified this cost impost for families. At a time when families can least afford it, when there are cost-of-living increases across-the-board, this will be another slug on families. We know the federal child-care

benefit and the child-care rebate may cover half of these costs, but the increase for families especially with two or more children will significantly impact upon those families in very uncertain times.

Furthermore, the coalition's review of the 2009 forecast for the COAG changes indicates most of the cost increases will impact in Queensland as early as 2015. The second big issue other than the cost-of-living increases is the potential shortage of staff. It is interesting that the Australian government's Productivity Commission has already commented upon the shortage of qualified staff needed to meet this initiative. It has said that the government's timetable is optimistic, and I quote—

- The supply of suitably qualified workers is likely to take some time to respond, and exemptions from the new standards (waivers) will be required. Government timelines for reform appear optimistic.

That is taken from the Australian government's Productivity Commission draft report overview of 30 June 2011. As I said, though, there are a lot of positives in this bill, and I look forward to hearing the debate and the consideration in detail. I do acknowledge the work undertaken by the committee in preparing its report and the information that the members of that committee have shared this afternoon.

In summing up, I will turn to a related matter and raise with the minister my concern that we have missed yet another opportunity to address an ongoing issue for a number of schools in the state around this child-care legislation. I have raised this issue before in this House and I know other members have as well, and that is there are a group of schools, albeit independent schools mainly, Montessori schools and Steiner schools, in particular, that are looking for a change in the legislation to allow them to take 3½-year-olds. Currently any child under four has to be educated or cared for under child-care legislation. Unfortunately, that then precludes schools who offer pre-prep programs. In the case of Montessori and Steiner, as the minister may well be aware, they commence their cycle 1 or can commence their cycle 1 at the age of 3½. No-one is saying, and certainly not the schools in question, that they should include children who are incapable of meeting certain standards in an educational environment, in a school environment, as opposed to a child-care environment. So we are talking about things like toilet training and a level of independence. The schools have very strict guidelines and policies around which children would be acceptable at 3½.

Montessori schools, in particular, have a very well established curriculum that includes elements in four main areas such as practical life, sensorial, language and mathematics. Considerable emphasis is also placed on creative arts, music, science, geography and cultural studies, and the acquisition of one's own first culture as the child's central development drive in this first cycle of development. A lot of those things are already being picked up in child care now as we move our education further down the age bracket. What we are achieving under child-care legislation we are not allowing under education legislation.

I think the frustration that a lot of these schools are having is that there is a function example within another jurisdiction—namely, the Western Australian jurisdiction—where such legislative approval would be given to schools like Caboolture Montessori School to undertake cycle 1 education of 3½-year-olds. This was first brought to the attention of former minister Welford when he was the minister for education. I brought it to the attention of Minister Wilson when he was the minister for education in 2009. I now bring it to the current minister's attention and hope that we do not waste another opportunity like we appear to have now to address this. For the minister's information, the legislation in Western Australia is called the Western Australian Children and Community Services Act 2004. The particular clause in that act that is relevant in this matter talks about the meaning of a child-care service. It states—

- (1) A 'child care service' is a service for the casual, part-time or day-to-day care of a child or children under 13 years of age, or such other age as may be prescribed for the purposes of this subsection, that is provided—
  - (a) for payment or reward. Whether directly or indirectly through payment or reward for some other service;
  - (b) as a benefit of employment, or
  - (c) as an ancillary service to a commercial or recreational activity.

It goes on to state that the term 'child-care service' does not include specifically under subsection (e)—

care provided to a child enrolled at a school if

- (i) the child has reached 3 years of age; and
- (ii) the care is provided in the course of the child's participation in an educational programme and the School Education Act 1999.

When former minister Welford was presented with this information, we were told the time was not right. When Minister Wilson was presented with this information, we were again told the time was not right. As we move into this national law era, my understanding would be that the time is perfect for us to address this issue. If it is working and working well in Western Australia, then surely it can work here in

Queensland. If the minister does not address this in his summing-up, perhaps in further discussions at a later date I am happy to bring down representatives of Caboolture Montessori School and other Montessori, Steiner and independent schools. This applies to Nambour Christian College and other colleges that have pre-prep programs that are now having to meet the significant requirements under the Child Care Act. I would be pleased to meet with the minister on this matter. Hopefully we can address it sooner than later. It seems to be a glitch that continues to hang on, and I think there is a viable solution to it.