




Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Wednesday, 16 November 2011

EDUCATION AND CARE SERVICES NATIONAL LAW (QUEENSLAND) BILL

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (3.07 pm): At the outset of my comments during this second reading debate, I want to thank the Industry, Education, Training and Industrial Relations Committee for its report on the Education and Care Services National Law (Queensland) Bill 2011. I know the committee worked hard to examine the bill. They called for public submissions, consulted departmental officers and held a public hearing before developing their report on the bill in a fairly short time frame, and I thank them for that.

I am also aware that a number of stakeholders interested in this bill appreciated the opportunity to provide submissions and to personally brief the committee about their own perspectives on the national law. I table the government's response to the committee's report and its recommendations which provide further information as requested by the committee.

Tabled paper: Industry, Education, Training and Industrial Relations Committee, Report No. 4 Education and Care Services National Law (Queensland) Bill 2011—government response [\[5889\]](#).

The committee's first recommendation was that the bill proceed, subject to the amendment recommended and consideration of the points raised in the committee's report. The government thanks the committee for its support of the bill. The committee's report advised that a copy of the national law to be adopted in Queensland by this bill should have been tabled with the bill. The national law is found in the schedule to the Victorian Education and Care Services National Law Act 2010 and is readily available on the Victorian parliamentary counsel's website. Despite this, I concur with the committee's view and agree that, as far as nationally applied laws processes go, it would be desirable to establish a practice of tabling a copy of the legislation to be applied in Queensland. Preferably, a copy of the legislation should be tabled at the time the bill is introduced. As invited by the committee, I table a copy of the schedule to the Victorian act for the information of honourable members.

Tabled paper: Schedule, Education and Care Services National Law. [\[5890\]](#)

The committee also expressed the view that the National Partnership Agreement on the Quality Agenda for Early Childhood Education and Care should have been tabled at the time the bill was tabled, given that the bill intends to give effect to Queensland's commitment under that agreement. A copy of the national partnership agreement, which was signed by all participating jurisdictions in December 2009, can, of course, be viewed at the Council of Australian Governments website. However, I agree with the committee that, in order to provide parliament with comprehensive information about the national law that the bill proposes to apply in Queensland, tabling a copy of the national partnership agreement would be beneficial. Therefore, I also table a copy of the national partnership agreement.

Tabled paper: Council of Australian Governments, National Partnership Agreement on the National Quality Agenda for Early Education and Care [\[5891\]](#).

The committee's second recommendation was that a clause be inserted into the bill to provide that the member of the ministerial council representing Queensland is to make arrangements for the tabling of any amendment to the education and care services national law in this Legislative Assembly. The

committee's report commented on the apparent inconsistency in the national law, which requires the tabling of any regulations made under the law but does not require the tabling of any amendments to the national law itself. The committee indicated that it has concerns about the ability of the Queensland parliament to scrutinise future amendments to the national law.

I would like to comment briefly on this issue, which arises from the way in which the national law has been developed based on precedents set by other nationally applied laws. The national regulations, which are made by the ministerial council, must be tabled in the houses of parliament in each participating jurisdiction, which may move a motion to disallow them if considered necessary. However, a disallowance motion does not have any effect unless the majority of the parliaments of the participating jurisdictions also disallow the regulations. In contrast, amendments to the national law will not be made by the ministerial council; they will be negotiated by the ministerial council and subsequently progressed by amending the Victorian act. Once passed in Victoria, the amendments will apply automatically in each participating jurisdiction because of the legislation which applies the national law. This process means that the Queensland parliament will not have an opportunity to scrutinise amendments before they are applied. However, the process aligns with the application-of-laws approach to developing national laws by having the jurisdictions agree to amendments to the national law before they can be passed in the host jurisdiction.

Nevertheless, the government is resolute in its determination to keep parliament and the people of Queensland fully informed about any future amendments to the national law. Therefore, I thank the committee for its recommendation to include a clause requiring future amendments to be tabled. This is a positive recommendation that the government supports, and I will move an amendment during the consideration in detail of the bill to insert the proposed new clause. For consistency with the national law process, the clause will clarify that if future amendments to the national law are not tabled this will not affect the application of the amendments in Queensland.

The committee's report did not make any other recommendations. However, it invited me to respond to three issues. Firstly, the committee's report asked whether the time frames for the implementation of the national quality framework should be extended to allow further time for training staff and to reduce the cost impacts of the legislation on parents. Some members of the committee expressed serious concerns about the cost impacts on parents and questioned whether the cost impacts are manageable under the stated time frames. In response, let me say that, while services will be required to meet certain requirements from 1 January 2012, many aspects of the national quality framework will be implemented gradually. This strategy acknowledges the need to transition to the new arrangements in a way that best manages the impacts on the sector, including staff and parents. For instance, the first of the new staffing arrangements, which is a requirement to have an early childhood teacher, will not commence until 2014. The revised educator-child ratios will come into effect only from 2016 and some of the new requirements will be delayed until 2018 because of special transitional arrangements negotiated by the Queensland government that are designed to assist Queensland services.

The committee's report also queried whether long-day-care services would be ready for the upcoming changes, such as quality assessments and ratings. Long-day-care services have been undertaking quality accreditation processes under the National Childcare Accreditation Council for many years. Therefore, they are well placed in relation to the new assessment processes. The government is confident about their readiness to implement the changes being introduced by the national law over the next few years.

The rollout of the Queensland Kindergarten Funding Scheme to the long-day-care sector has also seen many long-day-care services taking up the opportunity to employ a four-year qualified early childhood teacher to deliver the program. The government has also been undertaking continuous engagement with the sector during the development of the national law and national regulations to keep everyone informed about the coming changes, such as staged time frames for the introduction of the new educator-child ratios and staff qualification requirements. Following the ministerial council's approval and release of the draft national regulation on 14 October, we have been running a series of information sessions around the state. These sessions have been popular and very well attended. I am advised that the level of interest and the detailed questions asked of departmental officers by participants at the sessions indicate that the sector already has a very good grasp of the legislation.

Secondly, the committee's report invited me to consider, in negotiations over the content of what will be published about service assessments, taking the Queensland position that a centre that has obtained a waiver either is rated as not required to meet a relevant requirement with reasons or is taken to comply with the requirement. The granting of a waiver, whether it is temporary or ongoing, recognises that, because of factors beyond its control, a service is unable to comply with a particular regulatory requirement but has other measures in place to ensure the health, safety and wellbeing of the children being educated and cared for at the service. If granted a service waiver, the service is taken to comply with the element of the national quality standards and the national regulations specified in the waiver. Therefore, a service

waiver does not impact on the service's rating. A service with a temporary waiver is not required to comply with the element or elements that have been waived. The way in which this may affect a service's rating is currently being considered, and the department is participating in discussions at the national level to determine the policy in relation to this issue.

Information about the rating level of a service will be contained in the register of approved services. However, the legislation does not authorise information about waivers to be included in the register. Despite that, there are other means by which information about waivers will be made available to the public. For instance, the approved provider is obliged to display information at their service about a range of matters including any waivers that have been granted to the service. Displaying this information at the service will enable parents and others visiting the service to be aware of the existence of the waiver.

Thirdly, the committee's report invited me to comment on what Queensland will do between now and 2016 and 2017, when the most significant cost drivers take effect in Queensland, to support parents and ensure that access to a quality kindergarten program is truly universal and that parents have a choice between community kindergartens and private providers, including long-day-care centres. The Queensland government is working hard to ensure that the national quality framework strikes the right balance of enhanced quality and service provision at an affordable price for parents. From 2014, long-day-care services will be required to engage an early childhood teacher, and family-day-care educators will require a minimum certificate III qualification. However, our rollout of universal access to kindergarten will offset some of the impact of having to employ a teacher for kindergartens and long-day-care centres eligible for funding under the Queensland Kindergarten Funding Scheme. To achieve universal access from 2014, the Queensland government is investing in kindergarten reforms through improving the quality and consistency of early childhood programs, building kindergarten infrastructure in areas of unmet need, supporting the development of a skilled early childhood education workforce and increasing access and participation for children across Queensland, ensuring that cost is not a barrier to access.

The government is investing \$321 million to establish up to 240 extra kindergarten services across Queensland in the areas they are needed most by 2014. These extra services are targeted at kindergarten-age children who do not attend centre based child-care services. We will establish a total of 108 extra kindergarten services by the end of 2012 on state and non-state school sites, with a further 13 to open in 2013. In 2009, for the first time, long-day-care services were able to apply for government funding to offset the cost of providing a teacher to deliver an approved kindergarten program for 15 hours a week, 40 weeks a year. This assistance for long-day-care services to deliver kindergarten programs provides more choice for Queensland families and creates new opportunities for long-day-care services.

The national quality framework ensures that parents will have access to information to help families make informed choices about which service is the best for their child. Services will be rated against seven quality areas and will be given an overall rating that they will be required to display. Parents will also be able to view these ratings online, thereby providing them with useful information to guide their decision making about education and care for their child.

Again, I would like to take this opportunity to thank the committee for its consideration and reporting on the bill. As I outlined to the House in my explanatory speech, the bill provides for Queensland to be part of the national approach to the regulation, assessment and quality improvement of early childhood education and care services through the creation of the National Quality Framework for Early Childhood Education and Care. It establishes a new nationally consistent set of quality standards for all kindergartens, long-day-care centres, family day care, outside-school-hours care and pre-prep services that all states and territories are committed to delivering. I commend the bill to the House. I move—

That the bill be now read a second time.