




Speech By
Hon. John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

EDUCATION AND CARE SERVICES BILL

Introduction

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (3.33 pm): I present a bill for an act to regulate the provision of education and care by particular services, amend this act and the Commission for Children and Young People and Child Guardian Act 2000 for particular purposes and make consequential and minor amendments to other legislation stated in schedule 1. I table the bill and the explanatory notes. I nominate the Education and Innovation Committee to consider the bill.

Tabled paper: Education and Care Services Bill 2013 [[2829](#)].

Tabled paper: Education and Care Services Bill 2013, explanatory notes [[2830](#)].

This bill will establish a new regulatory framework for education and care services currently regulated under the Child Care Act 2002. This bill will repeal the Child Care Act 2002. On 1 January 2012, the Education and Care Services National Law (Queensland) Act 2011 commenced. This act applies a national law for the regulation of most education and care services. It was developed as a Council of Australian Government commitment to implement a national quality framework for education and care services in Australia.

The national law replaced the Child Care Act 2002—the Child Care Act—in Queensland as the regulatory framework for services covered by the national law. The vast majority of education and care services in Queensland, approximately 2,500 services, are regulated under the national law. These services include long-day-care centres, kindergartens, outside school hours care, family day care and pre-prep services. Some service types were excluded from the national law in each jurisdiction. In Queensland, around 66 services are excluded from the national law. These include limited hours care services funded by the Queensland government, occasional care services, education and care services that are also disability services and budget based funded services not in receipt of Commonwealth child-care benefit. These services are currently required to hold a licence under the Child Care Act and are subject to requirements about staffing levels, health and safety, staff qualifications and other matters. After the commencement of the national law, it was necessary to consider how to regulate the services that remained outside the national law. In addition, the regulation made under the Child Care Act 2002 is due for review as it will expire on 1 September 2013 and it is appropriate at this point to review both the act and regulation.

In March 2011, a regulatory assessment statement—RAS—was released seeking feedback from stakeholders on their preferred option for regulating services not covered by the national law. The RAS considered three options: mirror the national law, retain the Child Care Act or create a new framework which is a hybrid of the national law and the Child Care Act. Stakeholders supported the development of new hybrid legislation, and this is the approach adopted in the bill. The bill also seeks to reduce red tape for services while maintaining the high-quality service that Queenslanders expect for their children.

Incorporating elements of both the national law and the Child Care Act has the greatest benefits for Queensland. Adopting certain elements of the national law will reduce costs and the regulatory burden for services by having a system of perpetual service approvals rather than a licence which expires every three years. Greater consistency between the national and Queensland frameworks will also reduce the burden for those providers who operate under both frameworks, such as providers who operate a limited hours care service and kindergarten from the same premises. Finally, it will reduce the complexity of the regulatory environment and streamline implementation because departmental staff will be applying similar frameworks for services regulated under the Queensland and the national regimes.

Mr Deputy Speaker, in light of the time, I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

Under the bill a Queensland provider approval is granted to a person who proposes to operate a Queensland education and care service by the Chief Executive. Queensland approved providers may apply for one or more Queensland service approvals to operate in Queensland. A Queensland approved provider must have a Queensland service approval for each Queensland education and care service they operate.

This change in legislation will not represent increased costs for services. Currently under the Child Care Act services pay \$500 for an application for a licence and a \$300 renewal fee every three years totalling \$800 for their first 3 year licence. For the same period, a service will only be required to pay \$500 due to a reduction in the effective cost of an application to operate a service. Instead of a three yearly renewal fee services will pay an annual fee of \$100. The Bill provides for a perpetual approval system to reduce red tape for the operator of a Queensland education and care service. There will be a one-off \$100 fee for granting a Queensland provider approval and a one-off \$100 fee for granting a Queensland service approval, a total of \$200 compared to the \$500 charged under the Child Care Act 2002. Once approved, an approved provider will pay an annual fee of \$100 for each service approval they hold. These fees will be prescribed in a regulation.

To ensure that the quality of services is maintained, the Bill provides for a minimum of three-yearly inspections of each service. This is consistent with requirements under the Child Care Act.

Consistent with the national law, the Bill allows services to seek service or temporary waivers. These waivers excuse services from complying with particular requirements in the Bill or Regulation. For example, a service may apply for a waiver if due to renovations being undertaken, the service temporarily cannot meet the minimum outdoor space or staffing requirements. The ability to apply for a temporary waiver enables the service to continue operating without having to reduce the number of children for whom it provides education and care. A waiver can be granted enabling families and children to continue to access the service and minimise cost and disruption to the provision of education and care. This is consistent with the national law.

The Bill also includes a new process to allow services to temporarily relocate in exceptional circumstances, for example, where premises are damaged by a natural disaster. In recent years Queenslanders have experienced natural disasters that have unfortunately wiped out their homes and businesses. The Bill provides an expedited approval process to enable services affected by natural disaster to relocate to alternative premises as quickly as possible to provide for continuity of care. The Bill balances the need to ensure the safety of children with the objective of allowing services to continue to operate.

The Bill also establishes the staffing requirements for Queensland education and care services and requires each service to appoint a supervisor responsible for providing education and care by the service. Whilst this represents a change from the current requirements in the Child Care Act, the supervisor role will have similar functions to that of a Director under the Child Care Act. A Queensland approved provider will be required to appoint a supervisor for every service.

The supervisor will be required to hold or be actively working towards a 2 year Diploma level qualification in a course related to early childhood education and care. Currently under the Child Care Act the Director usually holds a 3 year Advanced Diploma in Children's Services.

The supervisor will be required to be present at prescribed times during the day. This requirement will not apply to services with a licensed capacity of 30 places or less and school age care services, consistent with the approach currently taken in the Child Care Act. This recognises that for services with a capacity of 30 places or less and school age care services, a requirement for the supervisor to be present at prescribed times is not practicable.

The Bill also provides for the maintenance and publication of registers of Queensland approved providers and services. The Child Care Act requires a register of licensed services to be kept but does not require that it be published online. This Bill adopts the national law approach of having registers available online to increase parents' access to information about services. This is also consistent with the Queensland Government's policy of providing open access to data.

The Bill provides for a regulation to prescribe the requirements for qualifications of staff, staffing levels and physical space.

The Bill continues the approach to the regulation of stand-alone services set out in the Child Care Act. Stand-alone services care for six children or less, of whom no more than four can be under school age. These services can operate from a person's home or from another location. The Department of Education, Training and Employment does not license these services. If a person wishes to operate a stand-alone service they are required to hold a blue card and have adequate insurance cover, as prescribed under regulation. Finally, the Bill includes detailed transitional provisions to ensure that existing services are seamlessly transferred to the new regulatory framework without having to make applications.

This Bill will provide clear benefits for education and care services, families accessing these services and for officers regulating these services. In addition to reducing red tape and providing savings through the perpetual Queensland provider and Queensland service approvals, services will be able to organise their staffing and physical environments to maximise efficiencies while also ensuring high quality education and care is being provided.

Furthermore, the high quality of education and care is only expected to increase with a higher number of educators holding or actively working towards a Diploma level qualification, and ensuring services have educators who are competent in first aid as well as asthma and anaphylaxis management.

I commend this Bill to the House.

First Reading

Hon. JH LANGBROEK (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (3.37 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Education and Innovation Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Education and Innovation Committee.