




Speech By
Hon. John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

EDUCATION AND CARE SERVICES BILL

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (4.54 pm), in reply: I want to thank all members on both sides of the House for their contribution to the Education and Care Services Bill on which we have just concluded debate. I thank the member for Gladstone, the member for Gaven and my assistant minister, who made a contribution. We have heard some interesting perspectives about child care expressed. It is interesting to look at the statistics regarding the services that are covered by this bill. I want to go into the details of some of those because it is an interesting debate that we have had federally, as the member for Mount Coot-tha referred to in her contribution, about the national partnership regarding early childhood and kindergarten services which has led to an 18-month extension for something that was due to expire just a few months ago. We did get an extension til the end of 2014. It is important that, in an area that has traditionally been a federal responsibility, we ensure we have certainty for the parents of Queensland children, who deserve to have these services. It is something that I was at great pains to point out to the former federal minister, Kate Ellis, who would speak about the fact that, to her mind using her inner city latte-sipping approach, it was all about planning. The services about which we are speaking here are obviously not about planning; they are about affordability, and that is something that a number of members have brought up in the debate this afternoon.

I want to go through some detail about the bill in my summing-up. I thank the opposition for their support for this bill, and I will refer to the contribution of the member for Bundamba a little later. People have spoken about the fact that 66 services are excluded from the national law, and that is because of their unique nature. I do note that it was not all rural members who mentioned some of the services. I have the list of the 66 services. At the risk of incurring the displeasure of the honourable Minister for Natural Resources, who is beside me, I will not read them out as I did regarding a certain list of school closures a couple of weeks ago during question time. I will not do that. It is interesting to see where those services are located and to look at the range of services that are provided. It will give some explanation for members of the House as to why we are changing the way that out-of-scope services are regulated and the process by which this has come about.

These services generally operate in regional and remote locations, serving the particular needs of the local community. They are currently regulated under the Child Care Act 2002. The 66 services—and this is interesting—receive a range of Commonwealth and state government funding support. Twenty-one services receive funding under the Commonwealth budget based funded program. Nine of these services also receive funding under the Department of Education, Training and Employment's remote area Aboriginal and Torres Strait Islander child-care funding program. Twenty-one services receive funding under the department's limited hours care funding program. Twelve of these services also offer a kindergarten program, which receives funding under the department's Queensland kindergarten funding scheme. Seven services receive Queensland government disability funding under the Disability Services Act 2006. Six of these currently receive funding under the department's kindergarten funding scheme.

Some of these services may also receive funding under the Commonwealth government's Helping Children With Autism package and a number of the programs are AEIOU programs. Four receive funding under the department's rural children's centre funding program to deliver mobile child-care services. One service receives funding under the Department of Communities, Child Safety and Disability Services' Community Development Support and Sector Development Program, the Neighbourhood Centre Initiative. Twelve occasional care and seven disability funded services are also eligible for the Commonwealth child-care benefit as CCB approved child-care services.

Honourable members can hear that there is a fair bit of diversity in these services and where they are provided. That is something that the government has committed to: ensuring that Queenslanders who are in these locations or who face other challenges if they are not located in those far-flung locations also deserve to have the support of child-care services. That is something that we as a government want to recognise. At the same time we did not want to prescribe onerous regulation for these particular people because of the challenges that they face in providing their services, either because of their clientele or because of where they are located.

It is 66 out of 2½ thousand in Queensland. That is, of course, the two per cent issue that a lot of people have spoken about. As the Child Care Act and Regulation are now over 10 years old, and in accordance with Queensland government policy, they are due for review, with the regulation due to expire this year in accordance with the Statutory Instruments Act 1992. During the review it was identified that many elements of the Child Care Act would be retained and some elements of the act required adjustment to align with the national law.

Therefore a new regulatory framework for these education and care services has been developed, and the Education and Care Services Bill will repeal the Child Care Act. A new regulation will be made under the bill. This bill is the best approach to regulate these services in the future. It will ensure relative consistency across the sector and minimise variations in the quality of early childhood education and care provided to children in Queensland.

The bill also ensures that education and care provided to children in these services aligns with COAG's national policy objectives for early childhood education and care services, namely, the provision of quality services. This bill helps reduce red tape and minimise costs, including the adoption of perpetual provider and service approvals and the ability to count educators across the service rather than by group.

The new requirements for operating a service under the bill and proposed regulation include—and I know many speakers referenced this—perpetual provider approvals and service approvals, removing the need to apply for renewal of a licence every three years. There will be a requirement to visit each service at least every three years, but no application process. I want to refer to the inquiry of the member for Gladstone, which was about the inspection schedule. Her concern was if there is a problem at a service, how is it going to be detected? I can assure the honourable member that the bill provides for a minimum of one inspection every three years, in line with current requirements under the Child Care Act, but my department will seek to continue the current practice of annual visits to ensure that services are supported in their compliance. That is something I have seen when we have had community cabinet visits. There are always early childhood workers when I visit regional offices. Those workers are often out there at the particular services working with the providers to assess them and also to make sure that they are doing the things that they should be doing and giving them guidance about the regulation. I just wanted to reassure the member for Gladstone about that particular issue.

Currently it is a requirement that the centre director hold a three-year qualification. This will be replaced by a supervisor with a two-year qualification. This change will make it easier for centres to attract and retain staff. I had a discussion with the member for Gregory about some areas in his electorate—and the member for Whitsunday referred to this as well—Ilfracombe, Isisford, Aramac and Muttaborra. If we make the qualification requirements too prescriptive in some of these areas, then it will make it more and more difficult to attract and retain staff. The two-year diploma qualification is the most appropriate qualification for the service types regulated under the bill, which brings me to another issue.

There was some discussion about the advanced diploma qualification, and there was a suggestion that perhaps the quality of services would be diminished if people no longer held advanced diplomas. I can advise the House that the Advantaged Diploma in Children's Services qualification has been removed from the national training package. The relevant units that existed under the former advanced diploma qualification have now been incorporated into the diploma qualification. That is why the bill makes the practical step of removing the requirement for supervisors to hold advanced diplomas. I thought that is something I would clarify for the House as well.

The other requirement for operating a service under the bill will be for there to be at least one educator trained in anaphylaxis and asthma management in addition to first aid training. This improves on the current requirement for first aid training and ensures that educators are able to respond to a wider range of incidents.

I want to turn now to red-tape reduction. The bill and proposed regulation include a number of red-tape reductions for services without compromising our ability as a department and as a government to regulate services and maintain high standards. The most significant red-tape reduction—a number of members referred to this—is the adoption of perpetual provider approvals and service approvals, removing the need to apply for the renewal of a licence every three years. I have already mentioned that we will visit every service at least once every three years to ensure quality, and this is consistent with current practice. Each service is visited before its application for renewal is approved. The regulation will prescribe the qualifications for educators. As I have already mentioned, this two-year diploma qualification is the most appropriate for the service types regulated under the bill. The regulation will provide for services to count educators across the service rather than by group, giving services more flexibility for their staffing arrangements.

There was a query as to why some services are regulated under the national law and some under the Child Care Act. When the national law was developed, it was agreed by jurisdictions that some service types would not be regulated under the national law. I have already referred in detail to the 66 that are contained within Queensland. Importantly, because of the limited number of people affected my department has been able to meet with all of those people, which means that you do not normally get consultation that is so comprehensive. Some exclusions apply generally, such as the exclusion of occasional care services and budget based funded services, to which I have already referred.

Other exclusions were specific to particular states, such as the exclusion of limited hours care services funded by the Queensland government. The service types excluded from the national law are generally smaller services located in regional areas. I have referred to those as well. There was a RAS, or regulatory assessment statement, that was released in March 2011. Feedback was sought through peak stakeholder consultation sessions, written submissions and online surveys. The majority of stakeholders supported a new regulatory framework that adopts elements of national law and the Child Care Act 2002. The bill underwent targeted consultation throughout April-May 2013, and consultation drafts of the bill were available for review by affected services, peak sector bodies, other government agencies and key stakeholders. This demonstrates once again that this government consults with people who are affected by legislation so that we can ensure we come up with the best possible response for the people who they are serving—the children—but also balancing that out with the need for less red tape if we can, and in this case reducing some charges as well.

Stand-alone care services and whether they should be regulated is a topic that is often raised with me. Stand-alone services were not required to be licensed under the Child Care Act 2002. They will not be required to have a Queensland provider or Queensland service approval under the bill. Stand-alone care is an informal care arrangement usually delivered in a person's home to six children or less, no more than four of whom can be under school age. As there is no licence required, it is not possible to say how many stand-alone carers are operating in Queensland. We do expect minimum requirements from stand-alone carers: they must be an adult; there is a minimum public liability insurance requirement of \$10 million; they must not provide education and care to more than six children at a time, with no more than four not yet school age; and they must not provide education and care if the stand-alone carer knows, or ought reasonably to know, that an occupant of the home is a disqualified person under the Commission for Children and Young People and Child Guardian Act 2000.

That brings me to another point. I know the member for Gaven, an upcoming grandfather, expressed concerns about the safety of children. Of course we all share those concerns, but it is important that parents understand exactly where their children are going.

Whilst the member was speaking about his own daughter and her peers who are concerned about these child-care services, I note that it is very important that, in their desire to get child-care services, parents make sure they understand to whom they are entrusting their children. There are certain things this government will not necessarily step in to try to regulate. Stand-alone care services in these very small, almost personal situations are not ones this government is seeking to regulate, in the interests of having less red tape.

I take the point of the member for Gaven about the increasing demand for child-care services, as more and more families are reliant on two incomes. I have already mentioned in my reply concerns about affordability. I raised these concerns with the former child-care minister, Kate Ellis, who

believed it was not necessarily about affordability but about planning and whether there were enough places available. These things certainly happen in some metropolitan areas and we have to be aware of them, but I am not aware of too many councils that do not expedite the planning process where a child-care service is needed, because they want to please their ratepayers and local residents, to make sure they have enough child-care services.

People often ask us about transitioning existing services to the new framework. There are comprehensive transitional arrangements to ensure existing services can transfer seamlessly to the new regulatory framework. The transitional arrangements will ensure existing licences are converted into provider and service approvals. The chief executive will issue new Queensland provider and Queensland service approvals for existing services within three months of the commencement of the act. Services can then display these documents at their premises. Services will be required to advise the chief executive or their nominee who will be the contact point for all services regulated under this act.

Approved qualifications under the Child Care Act 2002 will be transitioned and recognised under the new legislation. To further support services to transition to the new legislative framework and in recognition of fees already paid under the Child Care Act, the government is considering the waiving of the annual fee for existing services until 1 July 2015. Regular communications will be provided by the Department of Education, Training and Employment in the lead-up to proclamation. Fact sheets will be available on the website of the Office for Early Childhood Education and Care on the passage of the legislation.

That brings me to another piece of correspondence I dealt with this week. I received a complaint from a provider about the duplication of resources being provided by both our state office and the relevant federal body. Of course, sometimes there is a duplication because the federal body is doing something similar. I understand that that frustrates people who see that as a waste, but we want to make sure people are given regular communication. We will also make sure training is provided to authorised officers to assist them in transitioning services to the new legislation.

I have mentioned red tape and costs. I point out that the change in legislation will not result in increased costs for services. Currently, under the Child Care Act 2002 services must pay a \$300 application fee to renew their licence every three years. Under the proposed regulation, providers must pay an annual fee of \$100 for each service approval they hold.

There are some new offences under the new legislation, but penalties carried over from the Child Care Act have not been increased. Counting educators across the service affords services more staffing flexibility than previously provided. As such, there is no anticipated cost to services relating to staffing requirements prescribed by this legislation.

Educator qualification and educator-child ratio requirements prescribed under the Child Care Act 2002 will be retained in the regulations to be made under this bill. All services, except school-age-care services, will be required to have 50 per cent of educators holding or actively working towards a diploma level qualification, with the remaining educators required to hold or be actively working towards a certificate III level qualification. Other issues I have dealt with before.

I want to deal with the member for Bundamba. I have already noted my thanks to the opposition for supporting the bill. The member did acknowledge that we have taken steps to reduce the burden on services and the regulatory authority. I note that the member referred to the committee's report, which noted that certain elements will be prescribed in regulation. I reassure the opposition and the House that this is a continuation of practice under the Child Care Act which has been widely accepted by the sector. There are no secrets here. This is something that has been accepted by the sector and is widely accepted practice.

I have already acknowledged the Education and Innovation Committee but I want to specifically acknowledge its chair, Rosemary Menkens. The government has made a commitment to provide the committee with a copy of the regulations and the explanatory paper regarding the regulations as well as to provide a briefing should the committee request it. It is common practice to prescribe elements such as qualifications and specific details of operational matters of services in regulation so that these can reflect contemporary practices.

I am pleased that members have spoken in support of the revised fees. I note the initial savings in the first year for new entrants to the sector. I have dealt with the amount. It represents a reduction in fees. That is something for us to proclaim: the Newman government delivered a reduction in fees payable in the first year for new providers under this legislation. Isn't that good news? I have dealt with the issue of qualifications—the advanced diploma and the diploma. The diploma is the most suitable qualification. It actually contains a lot of the elements the advanced diploma had within it.

Once again I thank honourable members for their contributions. Early childhood is a very important part of my portfolio. Early childhood was never a DETE responsibility until the last few years—it was actually in Communities—but we have all acknowledged the importance of the early years. In terms of my portfolio budget, early childhood is allocated just over \$300 million. We rely on that national partnership with the federal government. I do look forward to sitting down and having a grown-up discussion with whoever Prime Minister-elect Tony Abbott puts in charge of the relevant portfolio. The state now provides a lot more of these services and we acknowledge that parents want their children in their early years to be learning, not just playing. In that regard I thank a lot of organisations with which we have partnered such as C&K, with whom I meet quite regularly, and other providers. We have to make sure we provide these services for children throughout Queensland and the nation. The training component of my portfolio is worth about \$1.3 billion and the school education component is worth over \$8 billion. But early childhood is a very important aspect of education, because we all know the importance of the early years.

I am proud to have brought the Education and Care Services Bill to the House. I thank all of the people in my department who deal with these particular issues. They are a hardworking bunch of people. It is my great pleasure to lead the department and the ministry. I look forward to more and more legislation coming before the House as we reform aspects of education. There is no doubt that if we are looking to increase productivity and improve the Queensland economy we need to focus on the education we are providing to our youngest. These children will go on to school, training and employment. Delivering improvements to them will lead to the greatest productivity.

We often hear the Premier talking about supercharging the Queensland economy, as well as providing an efficient Public Service. There is no doubt that, in looking at productivity, we need to have pathways for more and more people. That applies also to the far-flung parts of the state—Indigenous and non-Indigenous people. If people in those areas do not receive the services, they will not have access to the same pathway to a good education, leading to productive jobs and lives. Productivity will be reflected by an increasing number of people that we can get into the workforce. Being unable to gain access to early childhood services, even child care, could lead to diminished opportunities for children into the future as they progress through their education.

That is why it is a great acknowledgement by the government of the challenges that are faced in many parts of Queensland as we increase our participation rate. The other great aspect of increasing productivity is to have pathways and participation—more and more people participating in all of these elements. I like to think that my portfolio is the most positive in the whole government. It is all about our kids. We have heard from members yesterday and this afternoon. I want to thank all of those members for their contributions. We all speak passionately when we are speaking about our children and the children of Queensland. With those words. I commend the bill to the House.