



Child Safety Review

Prioritising the safety, health, and well-being of every child in early childhood education and care services.

June 2025



Contents

Foreword.....	3
Summary of Key Recommendations	4
1. Management of Digital Devices	5
2. Child Safety Training	8
Additional recommendations	10
3. Responding to educator and staff member conduct.....	11
3.1 Making inappropriate conduct an offence	11
3.2 Enhancing Regulatory Authorities' ability to share information with approved providers.....	13
3.3 Expansion of regulatory responses to educator and staff member conduct	14
4. Working with Children Checks	16
4.1 Requiring an approved Working with Children's Check (WWCC) prior to commencing paid or volunteer work at an education and care service	16
4.2 Requiring approved providers and Regulatory Authorities to be notified about changes in WWCC status	17
5. Improving the safety of the physical service environment	19
6. Additional recommendations	20
6.1 Effective identification, monitoring and regulation of 'related providers'	20
6.2 Extending the limitation period for commencing proceedings under the National Law'	22
6.3 Information sharing provisions for recruitment agencies	23

Foreword

The Australian Childcare Alliance (ACA) welcomes the *National Child Safety Review* and the intent of reform to improve child safety.

We are a national peak body representing over 3,000 Early Childhood Education and Care (ECEC) providers, primarily small-to-medium-sized, family-owned and community-centric services.

The ACA advocates for child safety reforms that raise sector-wide standards while balancing practical, affordable, and considerate policies relevant to the diverse contexts in which ECEC services are delivered across Australia.

Our members provide safe, inclusive and high-quality learning environments, with many already exhibiting leadership in child safety through comprehensive policies, regular staff training and strong codes of conduct.

This is evidenced in this submission, through direct references and responses from providers and education leaders across Western Australia, South Australia, Victoria, New South Wales and Queensland.

In line with their deep commitment to child safety and embedded protective practices, our members have engaged in an ACA-led national consultation to inform this submission. The resulting feedback has been aggregated, and we have integrated the views of service providers across five states, drawing upon a wealth of operational experience and deep concern for children's well-being.

This submission underscores our members' commitment to child safety while emphasising the need for practical, proportionate and context-sensitive regulatory approaches.

The feedback in this paper also builds upon ACA's initial recommendations in the National Model Code and Guidelines and expands to include all six reform areas in the Child Safety Review.

We and our member services are committed to upholding the highest standards of child safety.

We welcome the opportunity to contribute further to the design and piloting of these reforms.

Paul Mondo
President



Summary of Key Recommendations

1. Management of Digital Devices
ACA Position: Support Option 3 conditionally with exemptions and guidance for smartwatches/remote excursions.
2. Mandatory Child Safety Training
ACA Position: Support Options 4 and 6 with conditions, including eliminating jurisdictional variations and developing a National Learning Management system.
3. Responding to Staff Conduct
3.1 Inappropriate Conduct Offence ACA Position: Conditional support for Option 3, including addressing inappropriate behaviours, definitions with legal clarity.
3.2 Enhancing Information Sharing ACA Position: Support for Options 3 and 4.
3.3 Expanding Regulatory Tools ACA Position: Support for Options 3 and 5.
4. Working with Children Checks
4.1 WWCC Before Employment Position: Support for Option 3.
4.2 WWCC Notification of Status Changes ACA Position: Support for Option 3.
5. Physical Environment Safety
ACA Position: Conditional support for Option 3 with consideration and flexibility due to site/geographical constraints.
6. Additional Recommendations
6.1 Identifying Related Providers ACA Position: Unresolved.
6.2 Limitation Period for Enforcement Action ACA Position: Support Option 2.
6.3 Regulating Recruitment Agencies ACA Position: Support Options 3, 4 and 5.

1. Management of Digital Devices

There is a growing trend towards strictly controlled device usage in Early Childhood Education and Care (ECEC) services, particularly for capturing and storing images and videos of children.

There are no current legal requirements under the National Law or Regulations to manage digital device use for taking images/videos of children. This is despite the need for such images as evidence of compliance, developmental observations, learning stories and daily updates for parents.

Our data shows that most services already use service-issued devices to capture and store images and videos of children. Daily documentation, including photos and videos, is central to educational programming in many services and includes the use of devices like iPads and laptops. Images are then uploaded to a variety of platforms for family access.

“Each room at our service has an iPad for daily communications. We also have a shared computer for programming. The problem we face is that because no one person uses the devices and they are shared, respect for them is low, and we end up having them broken regularly”.

ACA Member, Western Australia

Services have provided varying estimates on the number of devices required, depending on service size.

For example:

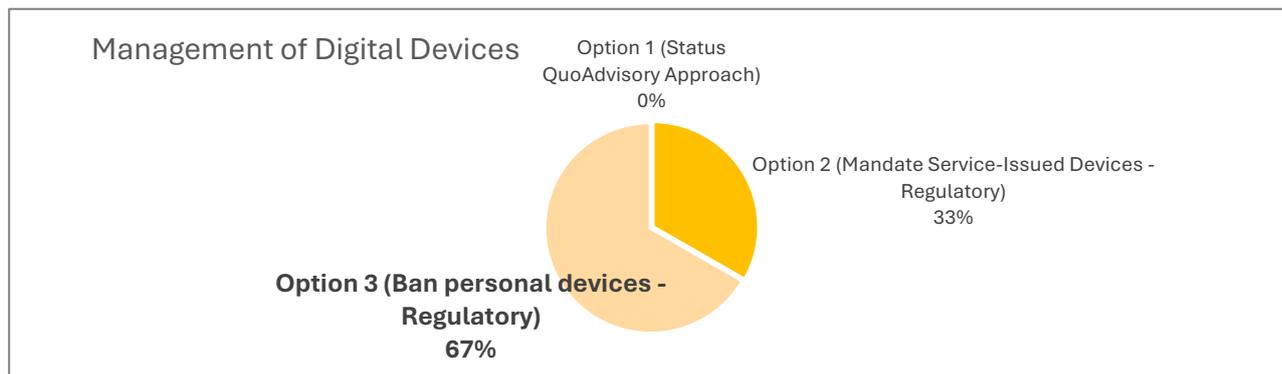
- Smaller Services may only need two to four devices (one per room).
- Larger Services may require anywhere from seven to 10 devices (with some having more to ensure adequate coverage across all rooms).

A nationally consistent approach to implementing service-issued devices enhances child safety and privacy while ensuring documentation is closely tied to educational objectives. Authorising service-issued devices has raised concerns regarding the financial and operational challenges, but it is a welcome opportunity for renewed cultural change.

“Mandating the exclusive use of service-owned devices would support a much-needed cultural shift and strengthen compliance, ensuring consistency in practice and privacy protections.”

ACA Member, Perth, Western Australia

Our members have indicated they do not want to continue with the status quo, with 67% favouring a regulatory change to ban personal devices.



The sector expressed strong opinions on child safety while also backing a balanced approach to using personal smart-watch devices, especially in managing health issues. Accessibility of personal devices during field trips was also advocated for.

“...we would not support banning non-camera devices such as smartwatches, as some staff rely on these for essential health monitoring functions, including glucose and heart rate tracking. A balanced approach is needed, one that protects children while respecting the needs and rights of educators.”

ACA Member, Victoria

“Access to a personal mobile phone on field trips is vital. Early Childhood Teachers and Educators need to be able to contact the centre, and the centre needs to be able to contact them. My team have also clarified that they are parents and partners, and they must be contactable while away from their workplace.”

ACA Member, Queensland

The sector has noted that guidance must be provided to support mandated policy changes, and funding for purchasing devices, especially for those with limited economic resources, is needed to navigate these changes more effectively.

The Australian Childcare Alliance recommends Option 3, a ban on personal devices, but also recommends amending the National Model Code and Guidelines to include excursions as an additional definition of exempt circumstances.

We echo our members’ concerns regarding smartwatches, especially for medical and emergency use, and we raise questions about blanket bans on smartwatch devices that do not have photo-taking functions.

We also raise concerns about the continued cost of purchasing service-issued devices, including the initial purchase, operating subscriptions, upgrades, and replacement costs when they break. The broader policy landscape, where the government fee restraints, impacts reinvestment in replacing items like iPads and laptops.

In addition to the Management of Digital Devices, we refer Deloitte Access Economics to our [2024 Response to Child Safety Review – National Model Code and Guidelines](#) for supplementary information specific to cybersecurity, permission practices, third-party software, and security standards. This information provides a deeper digital analysis to ensure child safety and privacy while balancing the sector’s operational realities. All of which are vital to ensuring child safety.

The sector welcomes a nationally-consistent device management policy. This approach would need a comprehensive communications package to guide service providers in adopting the new code. This would include a pilot program across various service types to test and refine the policy before full implementation and development of the necessary documentation to support each service in delivering the code effectively.

2. Child Safety Training

Child protection training is required under the National Quality Framework, but only in line with jurisdictional laws or protocols.

There are inconsistent requirements across states and territories and within ECEC's staffing arrangements. Knowledge gaps between employees mean some staff may not understand how to keep children safe or respond to harm.

A nationally consistent approach would ensure a baseline approach to child safety. Our members have indicated utilising different training resources, including state-based programs like Child Safe Standards and Department of Education and Training modules. These are often combined with more specialised courses on protective behaviours and well-being training for children.

“We annually ensure all staff members complete child protection and protective behaviours training, which includes mandatory reporting. We would welcome an expansion of this to include increased training on creating a child-safe culture. Perhaps the training must also become mandatory for approved providers, so they know their obligations.”

ACA Member, Western Australia

Our members raised concerns around who in the services and/or the sector should be undertaking child-safety training.

“Should non-educator roles like cooks, admin staff, or board-level approved providers also be required to complete child safe training? The consensus is yes. But how is this upheld? This should also be extended to investors. For example, investors can't say 'cut costs' when that might compromise safety, and parent committees can't say 'cut costs' when they don't understand the implications. Training for all stakeholders and investors would take the burden off educators fighting for basic safety standards in the face of additional costs. This will unfairly cost small operators.

ACA Member, South Australia

“..such training must also be a requisite for all Regulatory Authorities' Authorised Officers so that they know what is and what is not inappropriate conduct for the purposes of assessing Quality Area 2 – Children's Health and Safety.”

ACA Member, New South Wales

The cost of external trainers and the administrative burden of tracking training completion are significant, especially for services without digital Human Resources systems.

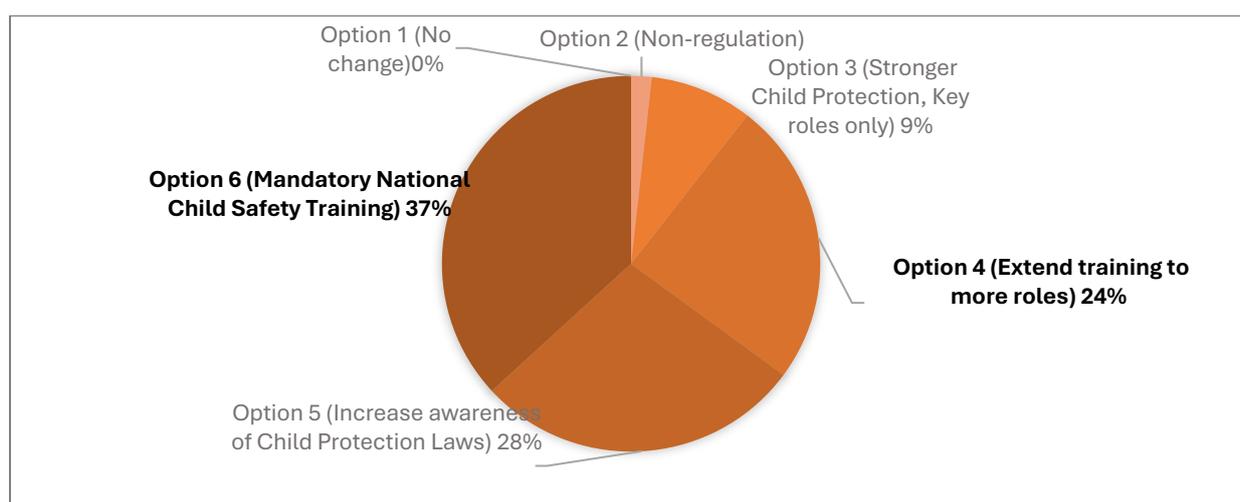
“Our service has the cost of an HR platform, but the trade-off is that this system monitors when training, checks, etc., are coming up for renewal. It emails both the service and the educator/staff member. On completion, staff

upload evidence, which is saved in the system. This adds significant admin load to services without a digital platform. It also requires a thorough system for tracking compliance, expiry dates, and refresher completion, especially for larger teams.

Member, Victoria

Amendments in legislation should provide financial support for training, which could be delivered through grants or subsidies for many services. Ongoing financial support will be imperative to help smaller, independent operators achieve and continually renew child safety training.

Our consultation illustrates that the sector has zero desire to maintain the status quo regarding child safety training. Our members advocated for regulatory changes in options 4, 5, and 6.



While most services provide training for child protection, a broader approach to child safety is required. Child safety training should focus on reporting harm and foster a deeper understanding of the wider cultural and environmental factors contributing to creating a safe learning environment.

The Australian Childcare Alliance recommends reform changes supporting Options 4 and 6. Broadening training coverage (extending training to more roles), standardised, high-quality training, and mandatory refresher courses would achieve nationally consistent child safety training.

We raise concerns regarding the proposal to include volunteers and work experience students in the scope of mandatory child safety training under Option 6. While we acknowledge that these individuals may interact with children during their engagement, they do not perform the duties or hold the responsibilities of an educator or staff member.

For small to medium ECEC providers, particularly those operating in regional or resource-constrained environments, this requirement may introduce unintended administrative and compliance burdens, especially for short-term or irregular engagements. Volunteers often contribute on an ad hoc basis (e.g. family

involvement in community events), and work experience students are typically supervised closely and engaged for brief periods.

We are concerned that this proposal could deter community participation and limit opportunities for students to explore careers in early education. If implemented without clear thresholds or exemptions, providers may be forced to restrict or eliminate placements and volunteer involvement to avoid compliance risk.

Additional recommendations

We also recommend that:

- ACECQA designs and delivers the training, extending beyond child safety to a comprehensive training package that can be completed every two years. This approach would eliminate jurisdictional variations, ensuring all ECEC services comply with the same standards for child safety.
- Introducing a refresher training requirement ensures that staff remain current with current practices. Including research and analysis before implementation helps ensure the approach is practical and effective for the sector and a baseline of knowledge and practice across the country.
- We also advocate for greater visibility and seek the development of a Nationwide Learning Management System tied to educator registration, allowing Approved Providers and Leadership staff to amend and access as required.
- We strongly recommend that students undertaking practicum placements only occur after successfully completing the child safety modules embedded in their accredited course. This ensures students are appropriately prepared before entering ECEC settings and avoids transferring the responsibility for foundational child safety knowledge onto host services.

3. Responding to educator and staff member conduct

3.1 Making inappropriate conduct an offence

The National Law only charges individual educators with one child-related offence: inappropriate discipline. Many services reported issues with miscommunication or inconsistent enforcement of codes of conduct, and the ambiguous definition of unacceptable behaviours.

The indeterminate definition makes it difficult for providers to address issues like verbal abuse, harsh behaviours, and other inappropriate actions that may not reach the threshold for criminal activity.

“Codes of Conduct do set general expectations around professional behaviours, including treating children with respect, maintaining appropriate boundaries, and following child safe policies, but could be significantly enhanced with the inclusion of guidance and resources like what is proposed in Option 2.

ACA Member, Western Australia

“Having some of the consequences of this conduct placed on educators when they have received adequate training and guidance, which has been demonstrated, is needed. Without it, it is largely a consequence-less event – i.e., a person moves from service to service, and no one will be wiser about a formal warning or termination.

ACA Member, Western Australia



Clearer definitions and guidelines regarding inappropriate conduct are critical to ensuring consistency and accountability across the sector.

The sector has a strong appetite for change, including greater guidance and resources to help approved providers and a regulatory change to make inappropriate conduct an offence.

Our members also raised concerns about whether misconduct should be a warning, an offence, or a crime and who houses this information.

“[we have].. serious concerns about subjectivity, e.g. defining emotional harm. Do parents get to say that because their child was served lunch for the last 3 days in a

row, they have experienced emotional harm? Does someone working for the department with no ECEC experience or quals, or no psych experience get to lead these investigations?

It's especially challenging for approved providers and supervisors to be held criminally liable for subjective definitions like "ensuring children are safe."- so again the 'show cause' option would need to be included in this.

And also, who defines these terms and carries the evidentiary burden?"

ACA Member, South Australia

The Australian Childcare Alliance advocates for a combination of Options 2 and 3. Option 2 is vital in ensuring and preventing unintended consequences. It provides the necessary definitions, documentation, and guidance for approved providers, while Option 3 ensures greater accountability to educators and staff for their actions.

We recommend that ACECQA establish and maintain a national register of educator and staff conduct findings, which is shared securely with Approved Providers. This mechanism would serve to:

- Enhance transparency in employment decisions across jurisdictions.
- Strengthen risk management for Approved Providers when recruiting or supervising staff;
- Support nationally consistent regulatory responses to misconduct; and
- Prevent individuals found to pose a risk to children from re-entering the sector undetected.

To ensure fairness and clarity, we further recommend that a comprehensive body of work be undertaken to define 'inappropriate conduct', including:

- Sector-wide consultation with employers, educators, and regulatory authorities.
- Alignment with existing employment and child protection laws.
- Development of a tiered framework distinguishing misconduct, reportable conduct, and criminal behaviour; and
- Creation of clear, procedural guidance for how substantiated findings are recorded, reviewed, and removed (if applicable).

3.2 Enhancing Regulatory Authorities' ability to share information with approved providers

The current law allows the Regulatory Authority to prohibit a person from working in the ECEC sector if they are deemed to pose an unacceptable risk to children, even if they have not breached section 166 of the National Law.

This provision is critical in ensuring that individuals who may not have been involved in criminal conduct but could still jeopardise child safety are removed from positions where they have access to vulnerable children.

"The proposed changes [Options 2 and 3] would ensure that those who display inappropriate conduct cannot work in the sector, this would then increase outcomes for children."

ACA Member, Western Australia

Services offered insight into how the proposed options would positively and negatively affect services if they were to be implemented.

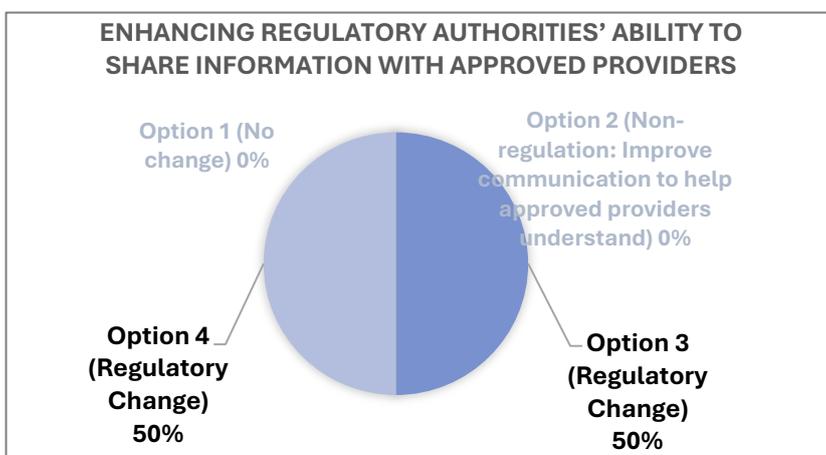
"I like the idea of having better access to prohibited persons or suspended persons. I do worry that if more people were made aware of this publicly what repercussions this would have on our industry. We already face negative attention in the media daily. Would this open the door to more negative stigma for childcare?"

ACA Member, Perth, Western Australia

"...about time we had two-way communication and didn't have to find out the hard way or not at all"

ACA Member, Victoria

Regulatory changes in Options 3 and 4 were the most popular among our members.



"I feel you can put all the training requirements in place and support staff in all manner of ways but if responsibility sits alone with the approved provider, there is no onus or buy-in from the educators – it's an all care no responsibility or consequences situation, with all the onus on the approved provider. This just isn't right. Actions have consequences – or so we teach the children."

The Australian Childcare Alliance advocates for Options 3 and 4. It supports the Regulatory Amendment to the National Law that allows a Regulatory Authority to share information about a person's current enforceable undertaking with their approved provider without a request.

3.3 Expansion of regulatory responses to educator and staff member conduct

The current approach is that approved providers are responsible for managing educator and staff conduct (e.g., via contracts and codes of conduct). However, some serious conduct is not appropriate to manage through these means alone, and providers do not receive enough support from the regulator.

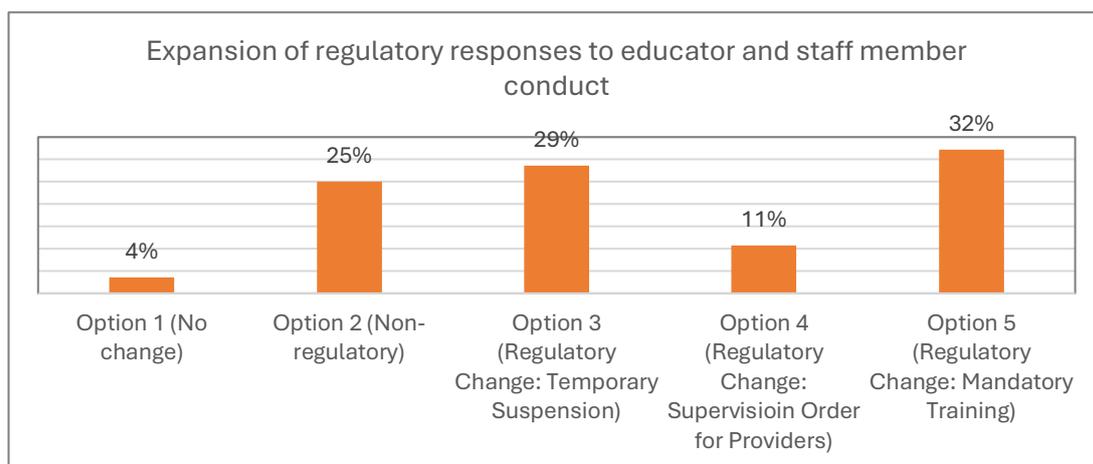
Our members see expanding the scope of inappropriate conduct as essential to capture more forms of harm, including psychological or emotional abuse, not just physical or verbal harm. This expansion aims to provide more precise boundaries and uniform guidelines for acceptable educator behaviours.

One of the key challenges in managing inappropriate conduct is determining whether an educator should continue to be paid while suspended, especially in cases where misconduct is under investigation. Some services advocate for suspending pay unless the conduct is later found to be unfounded.

“I think it should be suspension without pay if the approved provider has met all of the obligations under the law. An educator cannot successfully be moved into a role without contact with children in most services – this is impractical and a burden – the educator must be replaced, and this cannot always come at the cost to the approved provider. Paying 2 wages for one job is unsustainable. I also believe, though that any educator suspended should have access to any entitlements owed.

ACA Member, Victoria

Our members illustrated varied responses to the options in expanding regulatory responses to misconduct, with slightly higher rates for Options 3 and five.



The Australian Childcare Alliance advocates for combining Options 3 and 5. Combining them will help ensure that staff who pose a risk to children are identified and managed effectively by more comprehensively addressing inappropriate conduct. Challenges remain around fairness, reputational damage, legal complexities, and the administrative burden on services.

Clear guidelines, support for services, and training will be essential to making this regulatory expansion effective and sustainable. We also seek additional information regarding the “Supervision Order” and a clear definition in practice.

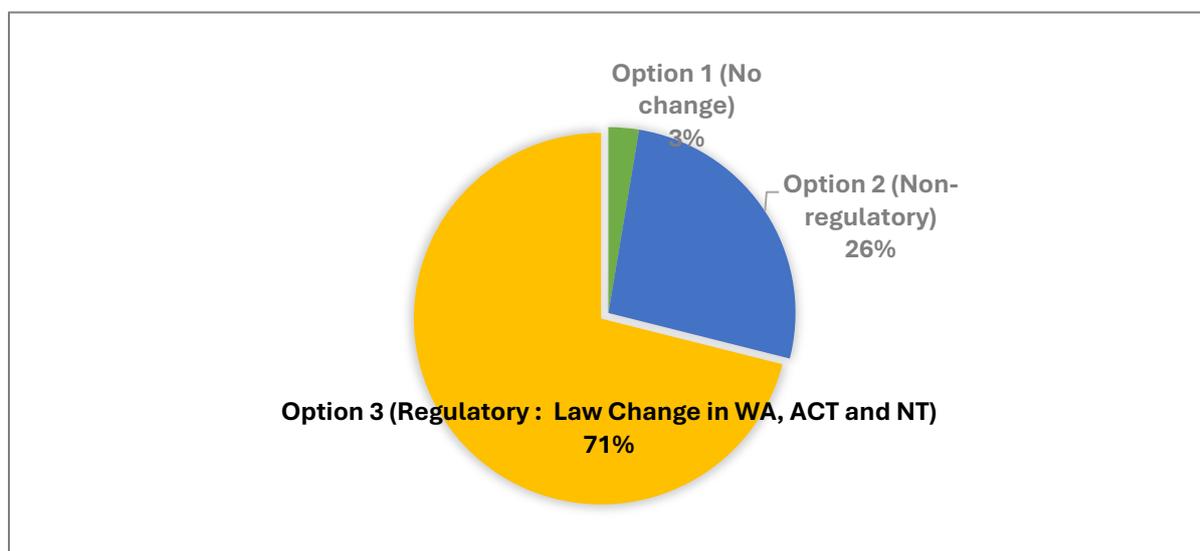
4. Working with Children Checks

4.1 Requiring an approved Working with Children’s Check (WWCC) prior to commencing paid or volunteer work at an education and care service

All people working or volunteering with children in Australia must have a WWCC (or equivalent), but each state and territory has different rules. In some states, people can start working before their WWCC is approved if they meet certain conditions (e.g., they are supervised). Not all states require that changes in a person’s WWCC status be shared with their employer or the Regulatory Authority.

These differences can result in confusion, errors, and risks, such as unsuitable people working with children.

In the pursuit of a nationally consistent approach to child safety, our members are largely supportive of Option 3, a law change in Western Australia, the Australian Capital Territory and the Northern Territory.



Western Australian ACA members had the following to contribute to how the proposed options would affect the staff or service if implemented.

“If option 3 is implemented, it could delay new staff members’ recruitment and onboarding process. The positive is that it ensures those who have a valid WWCC can gain employment, volunteer or complete the practicum as a student.

“Recruitment process would be impacted if checks took as long as they do currently to come back. But I still support the change.

“This would be challenging in our state’s current situation as the WWCC can take up to 6 weeks to come through from our experience.

“Provided the process for the WWCC was quicker, I do think there is a lot of benefits in having everyone on the same page - Option 3.

The Australian Childcare Alliance supports Option 3 with the caveat about previously raised concerns regarding the proposal to include volunteers and work experience students in the scope of mandatory child safety training.

4.2 Requiring approved providers and Regulatory Authorities to be notified about changes in WWCC status

Currently, there is no national system for reporting changes in WWCC status, which increases the risk that an unsuitable person may continue working with children. This situation arises because employers are unaware of any changes to WWCC, and the Regulators are not informed.

The current system works in isolation as WWCC status is different across Australia. There was substantial evidence in the sector for a regulatory change to update the national regulations and law.

“This is a very positive move and one that we feel should already be in place to ensure that children are protected from harm. It is hard to understand the point of the reporting authority if employers are not informed of these types of changes, particularly when we are linking our organisation to all new employees for that reason.”

ACA Member, Western Australia

“Option 3 would ensure that services can check the status of the WWCC upon recruitment and would ensure that only approved persons can work with children.

On how the proposed options would positively and negatively influence the sector -

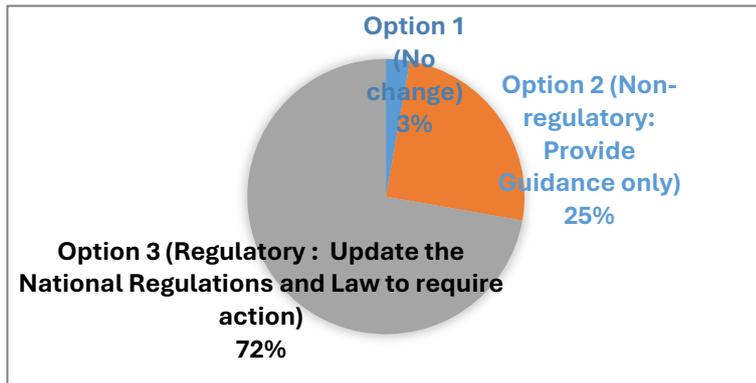
“Positively: Increased transparency, improved risk management, clearer responsibilities.

Negatively: Slight administrative burden; may require additional training or updates to internal systems.”

ACA Member, Victoria

Administrative burden was mentioned a few times, and so too were potential concerns for the migrant workforce and ensuring there are no gaps in the system, including capturing crimes against adults or those crimes committed overseas.

The sector consultation in South Australia emphasised the responsibility of WWCC authorities to notify employers.



“Do we need a national employment register where WWCC can track workplaces. Does this invade privacy? Perhaps when employers do WWCC they are therefore notified if there is a subsequent issue”

ACA Member, South Australia

The Australian Childcare Alliance supports Option 3A and B.

5. Improving the safety of the physical service environment

Regulation 115 requires ECEC-purpose-built buildings to be designed and maintained so that staff can always supervise children. Services can apply for waivers (exceptions) if their building doesn't meet this rule, for example, if it's a heritage building or a temporary setup.

The rationale is that poor building design may lead to inadequate supervision, which increases the risk of harm to children. While there's limited evidence directly linking waivers to harm, it's still a possible risk.

There have been only 87 waiver applications made since 2013, and as of October 2024, 10 waivers are active. Amongst our members, Options 2 and 3 were the most popular. Commentary around the matter indicated the potential unintended consequences.

“The option to amend the National Regulations to remove the ability to apply for service and temporary waivers of regulation 115, could impact the services ability to provide care in an emergency or when services need to temporarily relocate. About 10 years ago, our service had to relocate to the local school due to an asbestos exposure. If the waiver had not been granted, the service would have had to temporarily close, which would have had significant implications for the families requiring care.”

ACA Member, Western Australia

“When renovations occur to improve the service, due to the design of our service, we might have to apply for a temporary waiver. If this option is removed, we may have to temporarily shut down the service.”

ACA Member, Western Australia

We echo the same sentiment about the unintended consequences for small regional or remote services or short-term waiver requirements for services.

The Australian Childcare Alliance advocates for Option 3, specifically considering services operating in older buildings and centres in rural and remote locations.

6. Additional recommendations

6.1 Effective identification, monitoring and regulation of ‘related providers’

Regulators have indicated that monitoring providers can be challenging when multiple services are technically operated by different businesses yet controlled by the same people or company. These are called "related providers", although this term isn't legally defined in the National Law yet.

Some states have found serious child safety risks across services owned by related providers. However, even after major investigations, enforcement can only occur against one provider at a time because the law doesn't allow action at the group level.

The current laws are built around one provider running multiple services. But now, more providers are setting up separate businesses under different names, making it hard for regulators to see the whole picture.

“Option 3A and 3B – Together, they allow timely identification and oversight of related entities, preventing unsuitable providers from operating under separate banners and avoiding scrutiny.”

ACA Member, Victoria

Regulators can only act against individual providers, even when issues are part of a broader pattern across related providers.

Different states handle these situations differently, making it harder to take coordinated action, especially when related providers operate in multiple states.

“Consideration should be given for the definition of ‘related providers’, including shared PMCs, shared governance/ownership, use of common operational systems/policies, and control via a parent or holding company.”

ACA Member, Victoria

The Australian Childcare Alliance recognises the intended benefit of regulatory changes, which balances three distinct but related components: legislative amendments to define related providers, powers for Regulatory Authorities to take compliance and enforcement action at the related provider level, and requirements for providers to disclose their relatedness.

While our data illustrate a strong aspiration for regulated child-safe practices in related provider identification, the ACA is also concerned about this option's unintended legal and operational consequences.

Particularly when assessed in the context of duplicating Regulatory powers already available under the Education and Care Services National Law (ECSNL), including sections 23(1), 25(b), 55(1), 70, 73, 77, and others, they raise concerns about this

(undefined) new law overextending regulatory powers, in a climate where the sector is culturally predisposed toward not challenging their Regulatory Authority.

Existing law provides the Regulatory Authorities with broad and enforceable mechanisms to address inappropriate, unethical, or unsafe conduct by providers or staff.

The hesitation for this regulatory change is that the lack of clarity could result in services or individuals facing regulatory action for lower-level professional concerns that would be better managed through performance support, mentoring, or local HR processes.

While the sentiment for effective identification, monitoring and regulation of ‘related providers’ exists amongst most of our services, who are small, owner-operators, we urge the government to:

- Comprehensively define “inappropriate conduct” and the relationship to existing regulatory and quality powers.
- Map the existing legislative powers before introducing new offence provisions; and
- Ensure all new powers are supported by transparent, nationally consistent guidance and subject to appropriate appeal and procedural fairness mechanisms.

ACA cannot provide a definitive recommendation on this proposal without clear definitions and a complete understanding of the legislative powers that would be enacted. The potential for unintended consequences and overreach stemming from imprecise or overly broad regulation presents a significant concern. Without this clarity, we cannot adopt a firm position on the proposal.

6.2 Extending the limitation period for commencing proceedings under the National Law'

Under the National Law, regulators have only two years to take legal action after an offence. This time limit is called a statute of limitations.

While two years may seem reasonable, it often isn't enough time in severe cases, especially when:

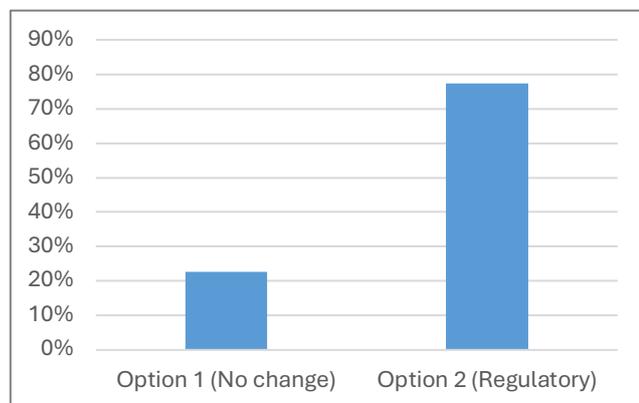
- Offences (like child abuse or serious harm) are not reported straight away
- Investigations are complex and take time
- Regulatory Authorities have limited resources compared to the police.

As a result, there have been cases where serious harm to children occurred, but regulators could not prosecute because the two-year window had closed.

An overwhelming majority of approved providers and service staff support a regulatory amendment.

Participants who voted for Option 1 raised concerns about the additional workload for service providers, management, and staff years after the disclosure date.

“Those that worked for the service provider at the time, may not be able to recall or remember details of the incident. They might be occasions when the people required to give evidence are deceased. This however would be a positive impact for those who disclose historical abuse.”



The Australian Childcare Alliance supports Option 2.

This regulatory change will ensure that prosecution can occur when there has been a significant delay (more than two years) between an offence under the National Law and the time that the Regulatory Authority has been notified. It is not feasible to restrict the application of the amended limitation period to offences related to child abuse, as there are no direct offences of child abuse under the National Law and National Regulations.

6.3 Information sharing provisions for recruitment agencies

Many education and care services use agency (labour hire) educators to meet staffing needs, primarily due to workforce shortages. These educators often:

- Work at short notice
- Work for different services and providers
- Stay only briefly at each service

While useful, this creates risks for children if recruitment processes aren't strong and recruitment agencies may not fully vet staff, provide training or mentoring or track qualifications or meet legal requirements.

This lack of oversight means that regulatory authorities often don't have complete staff records, no complaint systems, and no easy way to stop a banned educator from continuing to work through an agency.

Many participants said a regulatory change would have limited operational impact, and some noted the policy amendment's positive aspects.

“These changes would improve transparency and safety across the sector. Minor admin impact if record-keeping responsibilities increase.

ACA Member, Victoria

“Whilst the proposed changes would impact educators that work for agencies. The outcomes for children would increase, as it would reduce the number of educators who do not meet the legal requirements to work with children.”

ACA Member, Western Australia

The Australian Childcare Alliance will advocate for Options 3, 4 and 5.

Regulatory combinations that include recruitment agencies as a specified person in section 206(4); amendments to section 206(4) of the National Law to include recruitment agencies supplying educators to education and care services; information sharing about prohibited agency educators with their recruitment agency and sharing false or misleading information about a prohibition notice must not be shared with a recruitment agency.



Let's give our children the best start in life.

