

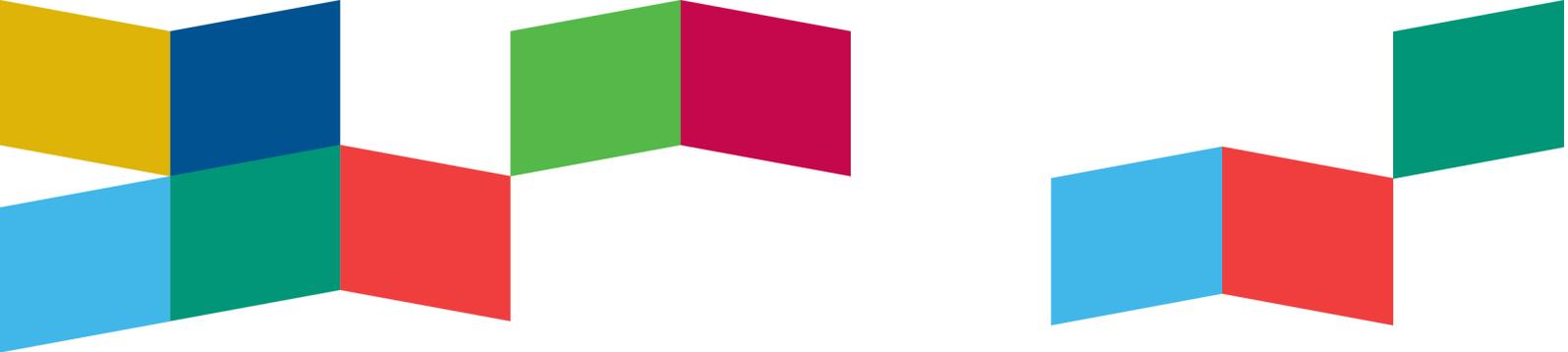


National Quality Framework (NQF) Review

#BestStartInLife



30 April 2021



Introduction

This submission was put together in response to the COAG Education Council's call for submissions to the *National Quality Framework Review*, as part of the Stage 2 review process - stakeholder consultation on the Consultation Regulatory Impact Statement.

The Australian Childcare Alliance (ACA) appreciates and welcomes the opportunity to contribute our views and experiences to this important discussion.

As the national peak body in the Australian Early Childhood Education and Care (ECEC) sector, ACA represents more than **2,500 members** with over **4,000 early learning services** and approximately **360,000 families throughout Australia**. We work on behalf of long day care service owners and operators, predominantly private, to ensure families have an opportunity to access affordable, quality ECEC throughout Australia.

The ACA has existed in various forms for more than 30 years. Our experience means that we understand the critical role a quality ECEC program plays in the life of families and the importance of a viable long day care sector in preparing children for the best start in life and learning.

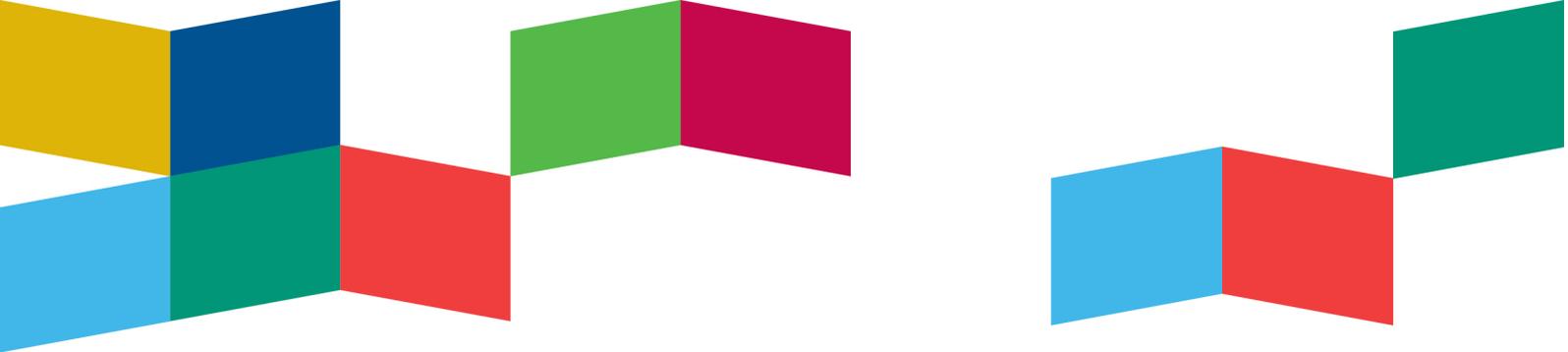
ACA's national and state bodies work collaboratively with all levels of government, regulatory bodies and other stakeholders to ensure that families are supported into the future with a sustainable, affordable and viable sector.

This submission paper reviews the Consultation Regulatory Impact Statement (CRIS) and provides ACA's recommended option for each chapter category with a view to ensuring the regulatory system supported by all Australian governments remains current and continues to drive quality improvement in supporting children's learning and development.

We acknowledge that many of the administrative ('red tape') measures affecting our sector under the NQF contribute to greater quality in ECEC services, increased uniformity, long term outcomes for children and families and overall a stronger ECEC sector.

However, it is important to recognise that regulatory requirements often come at a cost. Where it is possible to prevent the introduction of burdensome processes which may be excessive or not in line with the practical operating environment, ACA strongly supports all efforts to reduce these impacts and strive for efficiencies.

ACA strongly recommends that all proposed regulatory changes must be tested in live Early Childhood Education and Care (ECEC) environments, representing all service types, over a period of 12 months prior to their permanent adoption.



These trials would allow the flow-on educational, social wellbeing and financial outcomes to be measured and evaluated, with any unintended consequences identified and addressed prior to the changes becoming national regulation.

Please note that ACA has not responded to all Chapters of the Consultation Regulatory Impact Statement (CRIS). As we primarily represent long day care service owners and operators, predominantly private, we have reserved our recommendations to those Chapters which are directly relevant to this cohort of the early learning sector.



Paul Mondo
President

ACA Recommendations

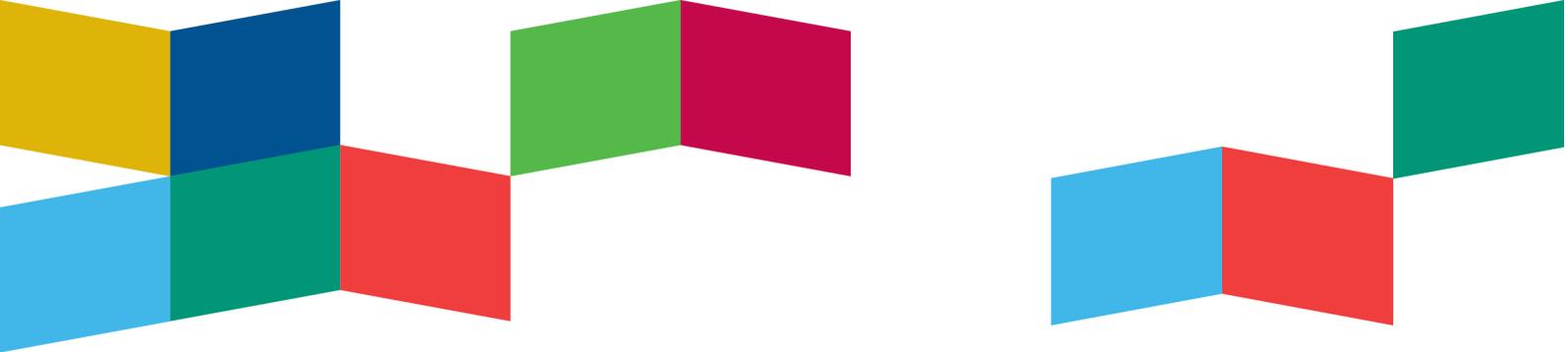
CRIS Chapter 3: Safety, health & wellbeing

Issue 3.1 Safety of children during transitions between services (e.g. school to ECEC)

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|--|
| 4 | A. No change. |
| 5 | B. Legislative change to specify staff supervision requirements during periods of transition between education and care services. |
| 3 | C. Recommendation to state and territory school authorities and non-government school sector organisations to develop policies and procedures to safely transfer children between schools and education and care services. |
| 1 | D. Require that where relevant, an education and care service has a policy and procedure for the transition period between education and care services (for example between school and OSHC, or OSCH and preschool), including a risk assessment process. |
| 2 | E. Develop further guidance to support policies and procedures relating to the delivery of children to, and the collection from, education and care service premises, with an emphasis on transition periods between services, as well as further guidance for parents and families around notifying when a child is unable to attend an education and care service. |

| Are there any other comments you would like to make about this issue? |
|--|
| <p>The existing legislation which can be applied to this scenario does not clearly stipulate whether it is the school or the Outside School Hours Care (OSHC) which ultimately holds the responsibility for the child between the student leaving the school premises and arriving at the OSHC premises (sometimes on the school site).</p> <p>If the child leaves the school premises, the OSHC generally takes responsibility. If the child stays on the school premises, this responsibility stays with school. However the transition responsibility changes</p> |



from school to school depending on school start/finish times, so there is a lack of clarity around where the responsibility for the child's welfare lies.

ACA concedes the difficulty of legislating for every varying circumstance.

ACA is therefore opposed to a legislative change in this space and believe it is up to each school and OSCH to work together to develop a collaborative, agreed approach to this issue.

We therefore recommend Option D.

Issue 3.2 Sleep and rest requirements

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 6 | A. No change. |
| 3 | B. Legislative change to require compulsory safe sleep practices training for all educators who care for sleeping children (birth to five years) |
| 4 | C. Further guidance developed to support policies and procedures for sleep and rest, and to provide information to families on safe sleeping practices. |
| 2 | D. Amend the National Regulations to specify the matters that must be included in services' policies and procedures for sleep and rest. |
| 1 | E. Amend the National Regulations to require a risk assessment be conducted in relation to sleep and rest, including matters that must be considered within that risk management. |
| 5 | F. Legislative change to require that sleeping and resting children in education and care services are within sight and hearing distance of an educator at all times. |

Are there any other comments you would like to make about this issue?

ACA recognises that there is such a variety of settings for sleeping arrangements across early learning services, and a prescriptive change may not support the best outcomes with unintended consequences.

We believe a risk assessment would allow for an appropriately contextualised response for each individual setting.

Additionally ACA estimates that many service providers already implement safe sleep training programs for their teams of staff to ensure that they are fully trained and aware of all recommended procedures

based on the latest scientific evidence. These programs include the freely available government-funded Red Nose Safe Sleep Education & Training packages or other training providers.

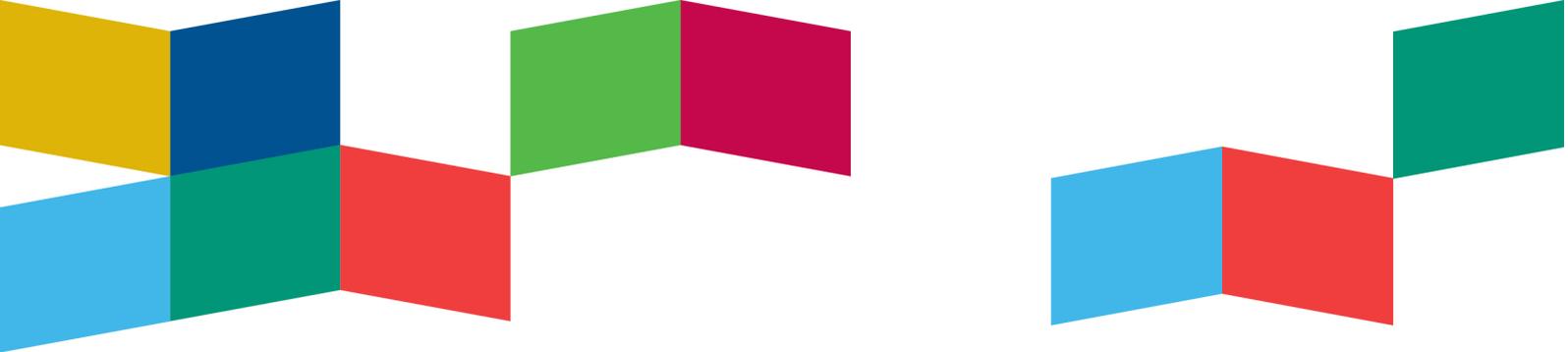
We therefore recommend Option E.

Issue 3.3 Improving children’s safety during regular transportation

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|--|
| 4 | A. No change. |
| 5 | B. Legislative change to require specific transport ratio requirements for when children are being transported by, or are on transportation arranged by, an education and care service. To clarify that the driver is counted in the ratio during transportation. For example, transportation specific ratio requirements could require: <ul style="list-style-type: none"> i. In the case of vehicles carrying no more than 7 children at any one time, only the driver of the vehicle is required to be in the vehicle; and ii. In the case of vehicles carrying more than 7 children at any one time, there must be the driver and at least one other additional staff member in the vehicle. Noting that for FDC services the FDC age limitations continue to apply. |
| 6 | C. Legislative change to specify in the case of vehicles transporting only school age children that ratio requirements would not apply in the vehicle. |
| 1 | D. Legislative change to require the presence of a staff member of the service (other than the driver) when children are embarking and disembarking from the vehicle at the service. |
| 2 | E. Legislative change to require that where the driver is not a staff member of the education and care service that prior to transportation of the children the approved provider must ensure that the driver holds a current working with children check (unless an exclusion applies), a current approved first aid qualification and has undertaken anaphylaxis and emergency asthma management training. |
| 3 | F. Further guidance around adequate supervision/risk assessment as it related to transportation. |

| Are there any other comments you would like to make about this issue? |
|--|
| ACA believes the safety and wellbeing of children must remain a priority in all policy and procedures pertaining to the early learning sector, whilst ensuring that critical transportation services continue to be available and affordable to families and their children (under five), who urgently rely on them. |



We know that for some families, these transport programs are a critical factor in allowing their young (0-5 YO) children, particularly those from disadvantaged and vulnerable backgrounds, to participate in early learning and/pr preschool/kindergarten programs.

We believe that Options B or C would pose the following risks to families, children and providers, particularly those in rural and remote areas:

- Increased costs to families
 - Eg. In Queensland, the bus and transport service offered in the majority of early learning services is free for families. In the event that additional staff were required or the bus service was capped at 7 children, this would not be viable, with many services also using the buses for Outside School Hours Care (OSHC) services. Many services would have to increase fees significantly to help cover costs or remove the service all together.
- Lower participation rates in all ages, but specifically in kindergarten, in vulnerable and disadvantaged communities. This outcome would fly in the face of the attempts from government and service providers to increase these attendance rates.

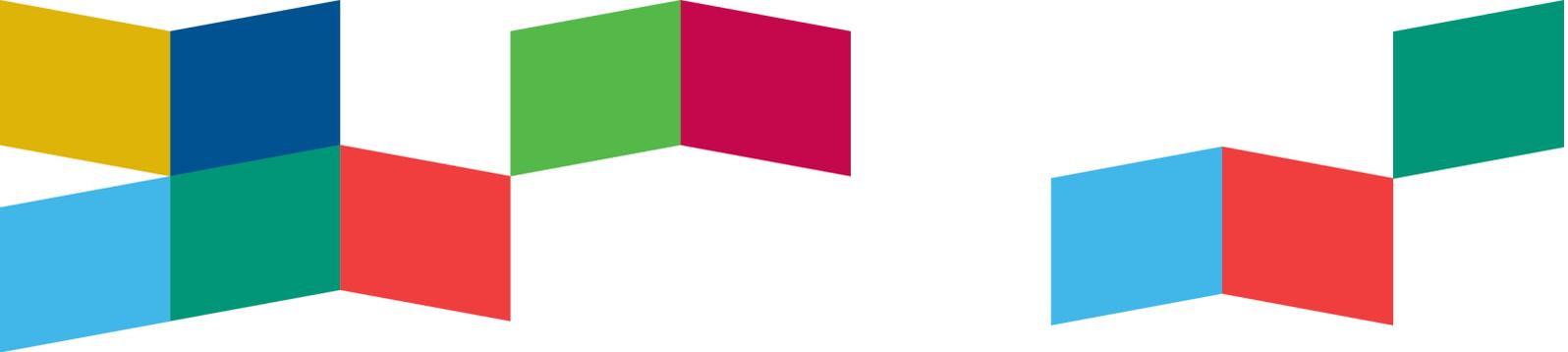
We support the option of reinforcing safety procedures at the entry and exit point from the service to the bus, as evidence suggests the number of incidents occurring during transportation is very low compared to that of at the service, so D is a suitable solution and one that most services have adopted already with detailed policies and procedures.

We therefore recommend Option D.

Issue 3.4 - Improving children's safety during emergency evacuations in multistory buildings

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|--|
| 4 | A. No change. |
| 1 | B. Amend the legislation about emergency and evacuation procedures to require that for centre-based services located in multi-storey buildings: <ul style="list-style-type: none"> i. appropriate experts (such as fire safety experts, fire safety engineers, or emergency management professionals) are required to be engaged in the development of emergency and evacuation procedures and/or plans; and to observe and report on one |



| | |
|---|--|
| | <p>full emergency evacuation rehearsal at least annual and provide a report (which is made available upon request to the regulatory authority); and</p> <p>ii. that the emergency and evacuation procedures must set out additional information in regard to instructions for what must be done in an emergency, staged evacuations, identification of the person-in-charge and staff roles and responsibilities, and a review and/or risk management, following certain prescribed events or a prescribed time period.</p> |
| 3 | <p>C. Strengthen service approval processes to require that for centre-based services located in multi-storey buildings, the regulatory authority, in assessing the suitability of the education and care service premises, is to consider the need for direct egress to safe evacuation areas for very young children and non-ambulatory children.</p> <p>This option would also apply to FDC requiring approved providers to assess the FEC residence as part of their approval processes, where located in multi-storey buildings</p> |
| 2 | <p>D. Enhance national guidance and communication strategies to improve understanding of service approval considerations for centre-based multi-storey buildings and reinforce existing emergency and evacuation requirements for the early childhood education and care sector.</p> <p>Guidance would also be prepared for persons involved in third-party planning and building development processes across states and territories.</p> |

Are there any other comments you would like to make about this issue?

The application of effective emergency and evacuation procedures are critical for the safety of the children in early learning services Australia-wide.

ACA believes that due to the variations of building types, sizes and features that may be used for ECEC services, the engagement of an Independent Fire Safety Expert by each individual service provider is critical to ensure the most appropriate evacuation procedures are in place across all services. This includes those services that take place in multistory buildings, which are defined in the National Construction Code as buildings of 3 storeys or higher.

Particularly in high rise buildings in inner city locations, the lack of an available safe temporary holding area away from the emergency for the children when they have been evacuated from the building could be a serious safety issue.

We believe the existing regulations are not adequate to ensure this happens across every service.

We therefore recommend Option B.

Chapter 4: Royal Commission

Issue 4.1 Embedding National Child Safe Principles

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 4 | A. No change. |
| 2 | B. Amend the "assessment guide" in the Guide of the NQF to align with the assessment of all the National Principles. |
| 1 | <p>C. Amend the National Regulations so that the requirement for services to have in place policies and procedures for providing a child safe environment specifically referring to implementing the National Principles.</p> <p>Amend the National Regulations and associated guidance so that approved providers will be required to:</p> <ul style="list-style-type: none"> i. Ensure that policies and procedures for their service/s address the National Principles for both staff members and volunteers. ii. Ensure all volunteers and staff at their service/s are advised of the existence and application of the National Principles. |
| 3 | <p>D. Amend the National Regulations and associated guidance to address identified gaps between the Child Safe Principles and the NQF to:</p> <ul style="list-style-type: none"> i. Clarify the volunteers must be aware of the existence and application of any child protection law and any obligations held under it. ii. Require that all FDC coordinators complete child protection training prior to commencing employment and undertake annual refresher training. iii. Include working with vulnerable people/children check details on volunteer staff records. iv. Clarify that service providers' child safe environment policies and procedures must also cover the creation of a child safe culture. v. Require services to develop and implement a policy and procedure around the safe use of online environments. vi. Require service complaint handling policies to include policies and procedures for managing complaints about children exhibiting harmful sexual behaviours. |

| Are there any other comments you would like to make about this issue? |
|--|
| In light of the importance of addressing the Royal Commission recommendations, ACA supports regulation change in this space. |

However we would like to ensure that regulation amendments are balanced and reasonable, addressing the issue effectively whilst preventing any unnecessary additional administrative burden on early learning services.

We believe Option D would create unnecessary administration and compliance processes, as well as additional enforcement activities for the government when put into practice.

ACA therefore recommends Option C as the most appropriate and effective regulatory setting to address the Royal Commission recommendations.

Issue 4.2 Updating record keeping requirements

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|--|
| 1 | A. No change. |
| 2 | B. Improved guidance to assist providers on record keeping utilising existing best practice instructions developed by relevant Commonwealth, State and Territory Archive Authorities (for example, the National Archives of Australia General Records Authority 41) as per Recommendation 8.3, along with the five high-level record keeping principles recommended by the Royal Commission in Recommendation 8.4. |
| 4 | C. Amend the National Regulations to increase record keeping requirements to 45 years (in relation to relevant records regarding actual or alleged instances of child sexual abuse) in line with the Royal Commission recommended minimum. |
| 3 | D. Require not-for-profit, community and for-profit providers to store records in accordance with recommended standards and timeframes of the Royal Commission. |

| Are there any other comments you would like to make about this issue? |
|---|
| <p>ACA does not support any regulatory change to record keeping requirements.</p> <p>We believe the existing requirement of 25 years to maintain data records provides an adequate, functional framework in terms of the practical needs of government departments seeking data, along with the storage requirements early learning services must comply with.</p> <p>We therefore recommend Option A.</p> |

Chapter 6: OSHC

Issue 6.1 Assessment and rating of OSHC services

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|--|
| 3 | A. No change. |
| 1 | B. Modify assessment and rating methodology for services whose main purpose is providing education and care to over preschool age. |
| 2 | C. Development of additional guidance to support the OSHC sector and regulatory authorities with assessment and rating. |

| Are there any other comments you would like to make about this issue? |
|--|
| <p>ACA believes the assessment and ratings methodology for educational programs under the NQF are entirely reasonable for children from 0-5 years of age, but not appropriate for school-aged children in Outside School Hours Care (OSHC).</p> <p>There is no doubt that OSCH need a specific and separate Assessment and Ratings system that reflects the variable and short hours of attendance during school term where the program should be dominantly recreational with perhaps a more specific program for vacation care at the end of term.</p> <p>ACA therefore recommends Option B to amend this methodology for school-aged children and bring it in line with their developmental and educational needs.</p> |

Chapter 7: Workforce

Issue 7.1 Restrictions on short term relief for early childhood educators

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 4 | A. No change. |
| 2 | B. Extend the requirements for 'short-term' absences to 80 days. |
| 1 | C. Broaden the qualification requirements for short-term staff replacements. For example, by allowing primary teachers and/or certificate III qualified educators to replace diploma qualified educators on a short-term basis. |
| 3 | D. Allow Suitably Qualified Persons to replace a third or fourth ECT to address workforce shortages (NSW only). |

| Are there any other comments you would like to make about this issue? |
|--|
| <p>In light of the now well-recognised skill shortages across all qualification levels in the ECEC sector¹, ACA supports policy provisions that allow greater flexibility in the context of meeting the need for short term staff replacement in the early learning sector.</p> <p>We therefore recommend Option C.</p> <p>ACA has long advocated for a nationally consistent approach to ECT requirements. However if the NSW Government is not prepared to amend their regulations to meet the national standards in this space, then we would additionally recommend Option D.</p> <p>ACA would also like to see a nationally recognised Early Childhood Teaching degree for ECTs that is totally focused on the 0-5 age group, which accords recognition of prior learning for Cert III and Diploma qualified and is mutually recognised by all of the states. We believe this would go a long way to overcome the shortage of ECTs who are willing to make a long-term career in long day care and who are appropriately trained and qualified to specialise in early years pre-school learning.</p> |

¹ Page 24, ACA 2021-2022 Pre-Budget Submission Dec 2020 - <https://childcarealliance.org.au/documents/reports-of-interest/161-aca-pre-budget-submission-dec-2020/file>

Issue 7.2 Educators who are 'actively working towards' a qualification

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 1 | A. No change. |
| 3 | B. Limit the 'actively working towards' provision by: <ul style="list-style-type: none"> i. Introducing a minimum proportion of educators with a completed qualification (as opposed to 50 per cent of educators required within ratios to be qualified or 'actively working towards' a qualification); or ii. Introducing a timeframe in which staff 'actively working towards' a qualification must complete their qualification in order to be counted in ratios; or iii. Specifying a threshold staff must meet to make "satisfactory" progress through their course in order to be counted in ratios. |
| 2 | C. Develop guidance for providers to ensure staff who are "actively working towards" qualifications are making satisfactory progress |

| Are there any other comments you would like to make about this issue? |
|--|
| <p>In the context of the critical skill shortages across all qualification levels in the ECEC sector², ACA supports the flexible option of allowing early childhood educators to be actively working towards a qualification whilst working and contributing to the early learning environment.</p> <p>However as Registered Training Organisations (RTOs) regularly update their training plans for their students, we believe this practice is sufficient to ensure that students are making progress in their studies and no change is required.</p> <p>We therefore recommend Option A.</p> |

² Page 24, ACA 2021-2022 Pre-Budget Submission Dec 2020 - <https://childcarealliance.org.au/documents/reports-of-interest/161-aca-pre-budget-submission-dec-2020/file>

Chapter 8: Understanding Quality Ratings

Issue 8.1 The quality ratings system labels

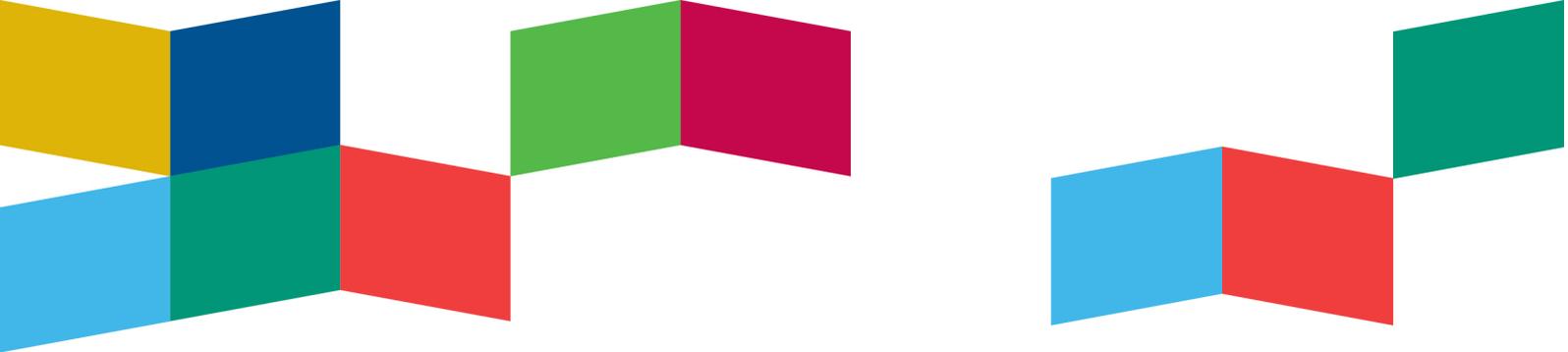
| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 3 | A. No change. |
| 1 | B. Modify the quality rating terminology. |
| 4 | C. Introduce a visual representation for communicating and promoting the quality ratings. |
| 2 | D. Provide further guidance and advice to the community about the purpose of quality ratings, and the differentiation between a quality rating and minimum standards required under the National Law. |

| Are there any other comments you would like to make about this issue? |
|---|
| <p>ACA supports the collective State and Federal Government objective to raise quality and drive continuous improvement and national consistency in children’s education and care services and the role of the NQF and the Quality Ratings in achieving this goal.</p> <p>However ACA has always expressed concerns that in the context of the Quality Ratings, the terminology “Working Towards National Quality Standard”, which technically indicates that a service “provides a safe education and care program and has 1 or more areas identified for improvement”, would be and in fact IS widely interpreted as a failure of the service, by the media as well as by families.</p> <p>The constant media attention surrounding the Quality Ratings scores does not inspire confidence among families. This problematic issue was reflected recently by ACECQA’s decision to talk to the media with comments from Gabrielle Sinclair, CEO of ACECQA, to assure the general public that the “Working Towards” rating still provides a safe choice (ie a safe environment and program) for families³.</p> <p>ACA therefore recommends revising the terminology to more accurately reflect the technical meaning behind each category, with a view to instilling greater confidence among families and the media around</p> |

³ How safe is your child? See how your childcare centre compares on safety here by Susie Obrien, Herald Sun,

11 April, 2021



the ongoing operations of Australia's individual early learning services as well as the early learning sector at large.

We therefore recommend Option B.

Chapter 9: Fees

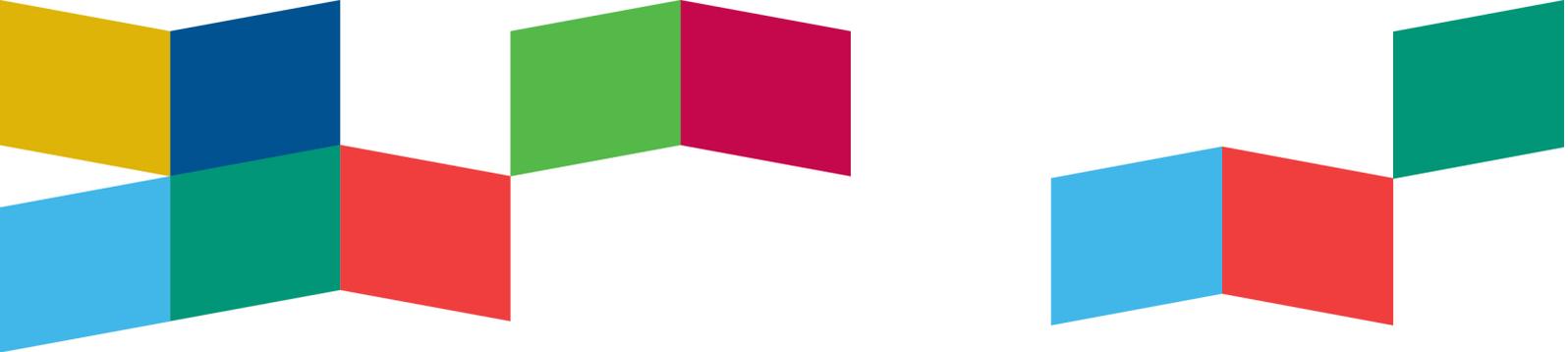
Issue 9.1 Changes in fees for Regulatory Authorities

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| If all proposed fee increases for Regulatory Authority functions were to be adopted, what would be the level of impact on you? | | | | |
|--|-----------------|----------------------|-----------------|-----------------------------|
| Substantial negative impact | Negative impact | Minimal or no impact | Positive impact | Substantial positive impact |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 1 | A. No change |
| | B. Create a fourth category of application/annual fee for centre-based services with 101 or more places and FDC services with 61 or more educators. |
| | C. Increase fees for the following: 1. Annual fees 2. Approved provider applications 3. Service approval applications 4. Transfer of service notifications. |
| | D. Introduce a new fee for approval applications for amendment to service approval (which is currently free). |
| | E. Introduce an annual fee for approved providers that is scaled by the number of services operated by the provider. |
| | F. Change legislation to allow states and territories to set their own fees (except for provider application fees). |

Note: Options B-E are not mutually exclusive and can be taken in any combination. Option F will only be considered by governments where agreement cannot be reached on options B-E.



In your opinion, what would be the benefits or negative impacts of the proposed options? You may like to focus on your preferred option, or any of the other options listed above.

Whilst ACA acknowledges the cost to government to administer the NQF, ACA believes any increases to the operation of early learning services should be approached with caution, in the context of recognising the critical need for affordable early learning services for all Australians.

Any increased costs of administering an early learning service will generally be passed on to the families, making them a consumer cost which drives the cost of early learning services up.

The cost is currently covered by the Federal and State Governments, and we recommend continuing this approach.

We therefore recommend Option A.

Issue 9.2 Changes in application fees for ACECQA functions

| In your opinion, what is the scale of this problem? | | | | |
|--|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|--|--|
| 1 | A. No change. |
| | B. Increase application fee for a review by the Ratings Review Panel of rating level (s145(2)(c) of the National Law). |
| | C. Increase application fee for determination of equivalent qualification (regulation 139). |
| | D. Increase application fee for assessment of a course to be included as an approved qualification (regulation 138). |
| | E. Introduce a fee for an application for the highest rating (Excellent rating). |

Are there any other comments you would like to make about this issue?

Again, ACA believes any increases to the operation of early learning services should be approached with caution, in the context of recognising the critical need for affordable early learning services for all Australians.

Any increased costs of administering an early learning service will generally be passed on to the families, making them a consumer cost which drives the cost of early learning services up.

We therefore recommend Option A.

Chapter 10: Governance

10.1 Assessing suitability of individuals to work directly or indirectly with children

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 5 | A. No change. |
| 2 | B. Align the matters that must be taken into account in a fitness and propriety assessment under the National Law to be the same as the FAL, including in defining who is a PMC. |
| 4 | C. Specify in the National Law that the regulatory authority can administer questions to an applicant in any format, in addition to the already existing powers to ask the person to provide further information and undertake inquiries in relation to the person. |
| 3 | D. Make a provision in the National Law to require applicants to undertake an assessment of their knowledge of the NQF prior to making an application, if requested by the regulatory authority. |
| 1 | E. Include an explicit obligation for FDC educators to notify the approved provider of circumstances arising that pose a risk to the health, safety or wellbeing of children of the service and that Approved Providers use this information in a risk assessment. |

10.2 Cancellation of Provider Approval under Family Assistance Law

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|--|
| 3 | A. No change. |
| 1 | B. Legislative change that provides for FAL cancellation as explicit grounds for cancellation of provider approval under the NQF in circumstances where the FAL cancellation relates to fitness and propriety and/or a breach of the NQF. |
| 2 | C. Legislative change that provides for refusal of provider approval under the FAL as explicit grounds for cancellation of provider approval under the NQF, where the FAL refusal relates to fitness and propriety and/or a breach of the NQF. |

10.3 Arrangements to transfer a service to another approved provider

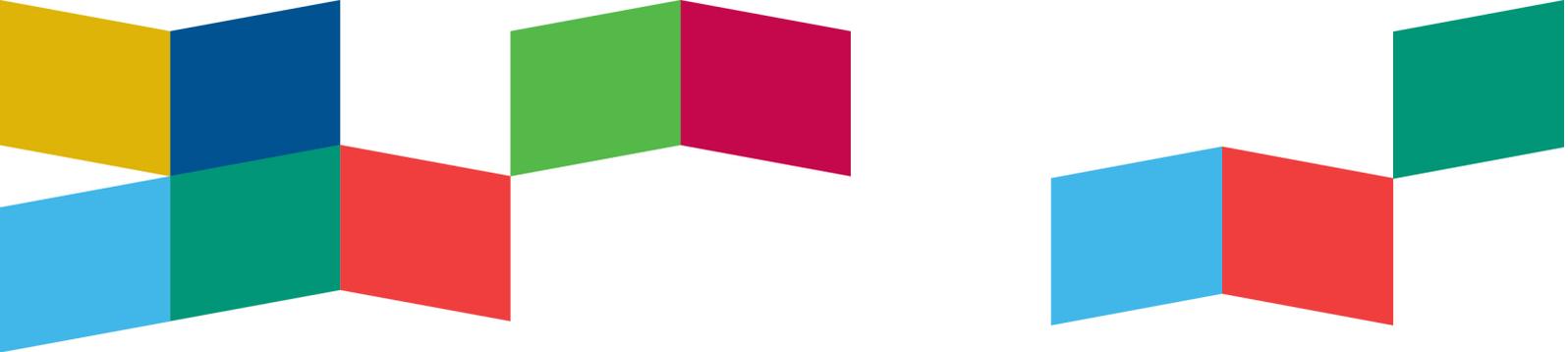
| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |

| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|---|
| 3 | A. No change. |
| 2 | B. Develop guidance for services and providers about the service transfer process and how to best advise families about the transfer (for example, in relation to storage of children's records). |
| 4 | C. Minor legislative changes to address challenges associated with timeframes including: <ul style="list-style-type: none"> i. Increasing the notification period to 60 days; ii. Allowing the regulatory authority to refuse or delay a transfer if a significant issue arises after the intervention period has ended (intervention period is at least 28 days prior to intended transfer date) but before the transfer date; and/or iii. Making it mandatory for transferring and receiving providers to notify the regulatory authority of any change or delay to the intended date of transfer. iv. Increase the notice period to parents from 2 to 7 days |
| 1 | D. Amend the National Regulations to 'deem' the transfer to have occurred based on the advice of the receiving provider only, with receipt of the receiving provider's right to occupy. |

| Are there any other comments you would like to make about this issue? |
|--|
| <p>ACA understands the importance of refining and improving the process of transferring a service to a new provider and informing the families. There are a number of requirements in this context which are unique to the various circumstances for which a transfer can take place, and it is critical that the regulation supports the variety of scenarios.</p> <p>We therefore recommend Option D.</p> |

10.4 Maintaining current information about service delivery

| In your opinion, what is the scale of this problem? | | | | |
|---|---------------|------------------|---------------------|--------------------------|
| Not a problem | Minor problem | Moderate problem | Significant problem | Very significant problem |



| Based on the options presented in the CRIS, which do you consider to be the most suitable solution to the stated problem? | |
|---|--|
| 4 | A. No change. |
| 2 | B. Amend the National Regulations to require notification of changes to the ages of children being cared for and nature of care provided to the regulatory authority, with an associated offence for failing to notify. |
| 3 | C. Amend the National Regulations to introduce an approval requirement, which obliges providers to apply to the regulatory authority to change the ages of children cared for and nature of care delivered by a service. |
| 1 | D. Regulatory authorities to provide guidance and resources in relation to age-appropriate programs and facility requirements. |





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