

FACT SHEET

Education and Care Services National Law (Application) Bill 2011 ***Education and Care Services National Law (Application) (Consequential Amendments) Bill 2011***

The *Education and Care Services National Law (Application) Bill 2011*, will apply the *Education and Care Services National Law Act 2010* as passed in Victoria last year as a law of Tasmania. The National Law Act establishes a national education and care services quality framework for the delivery of education and care services to children.

The National Law Act sets out objectives for the quality framework. These include :

- Ensuring the safety, health and wellbeing of children attending education and care services;
- Improving the educational and developmental outcomes for children attending education and care services; and
- Promoting continuous improvement in the provision of quality education and care services.

Until now, licensing of child care services has been a function of State and Territory governments requiring compliance by services with relevant jurisdictional requirements. This has led to different regulations and standards between jurisdictions and has meant that national or cross jurisdictional service providers had numerous pieces of legislation with which they needed to comply. Accreditation has been the responsibility of the National Childcare Accreditation Council which has meant that each child care service had to deal with two distinct agencies for the purposes of licensing and accreditation.

The Bill is the final step in implementing the National Partnership Agreement (NPA) on the National Quality Agenda for Early Childhood Education and Care, as endorsed by the Council of Australian Governments in December 2009.

The NPA included the commitment to establish a jointly governed, uniform National Quality Framework and will facilitate the introduction through the national regulations of a new National Quality Standard. The National Quality Standard is organised across seven quality areas:

- Educational program and practice
- Children's health and safety
- Physical environment
- Relationships with children
- Collaborative partnerships with families and communities
- Leadership and service management.

The National Law establishes the various elements of the National Quality Framework including provider and service approval process, the issuing of supervisor certificates, assessment and rating processes, and monitoring and compliance requirements. The National Law also sets out the roles and responsibilities of the Australian Children's Education and Care Quality Authority and the Regulatory Authorities for the states and territories. The Regulatory Authorities will be responsible for approving persons and services that provide education and care; monitoring and compliance with the national law; and assessing and publicly rating services against the National Quality Standard.

The establishment of a jointly governed and uniform National Quality Framework will ensure less regulatory burden for approved providers and educators within services. It will mean the application of one legislative process through Australia without the need for large providers of education and care services to seek approval to operate in individual state and territories. The education and care sector is an open market and reducing the regulatory burden as far as practicable will assist in the ongoing provision of services.

The National Law includes an improved educator to child ratio from 1 January 2012, for children aged less than 2 years of age, and for more educators to hold, or be actively working toward, relevant education and care qualifications from 1 January 2014. The improved ratio and qualification requirements may exacerbate the currently recognised workforce shortages. The NPA recognises this and workforce issues are one of the specifically listed items for review in 2014. The qualification requirements will be implemented over a number of years with the aim of providing opportunities for the development of strategies to ensure a sufficient supply of suitably qualified educators.

In Tasmania, the National Law Act will apply to long day, family day and outside school hours care services. In most other jurisdictions it also applies to preschools, the equivalent of Tasmania's kindergartens. Generally preschools in these jurisdictions have been either previously unregulated or provided as part of a child care service and licensed and accredited as such.

Kindergartens in Tasmania are part of government schools or in non-government schools (which are registered by the Schools Registration Board). Kindergartens therefore will not be included in the new regulatory arrangements but will continue to be regulated through the *Education Act 1994*.

Processes, policies and other regulatory mechanisms will be put in place under that Act to ensure that Kindergartens substantially correspond with the requirements of the National Law Act and can demonstrate this.

This will ensure that Kindergartens meet the objectives of this legislation, continue to improve outcomes for children and implement the Early Years Learning Framework which is part of the National Quality Framework, but recognises that implementation of the National Law Act in its entirety would give rise to duplication of regulatory burden which would be costly.

The Education and Care Services National Law (Tasmania) will commence on 1 January 2012. Services will develop Quality Improvement Plans from 1 January 2012 in preparation for compliance with the National Law by 30 April 2012. Services will be advised in due course the time frames for assessing and rating individual services. It is expected that the first assessment and rating will commence in July 2012, although ratings will not be made public until the assessment process has been finalised by Ministers.

The *Education and Care Services National Law (Application) (Consequential Amendments) Bill 2011* provides for the necessary consequential amendments.