



Inquiry into the Early Childhood Education and Care Sector in Victoria

Acknowledgment of Country

The Australian Education Union Victorian Branch acknowledges the Traditional Custodians of the lands on which union members educate children, young people, and adults in kindergartens, schools, TAFEs, Adult Migrant English Services, and disability services. We pay respect to elders past and present. We acknowledge Aboriginal and Torres Strait Islander Peoples as the first educators of these lands and honour their continuous connection to Country. Sovereignty was never ceded. This always was and always will be Aboriginal Land.

Introduction

The Australian Education Union Victorian Branch (AEU) welcomes the opportunity to make a submission to the Inquiry into the Early Childhood Education and Care Sector in Victoria. Important underlying principles for child safety in the early childhood education and care (ECEC) sector are contained in Article 3 of the *United Nations Convention on the Rights of the Child* (1989). After requiring that States Parties “take all appropriate legislative and administrative measures” to ensure protection and care of children, Article 3 states:

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.¹

Whilst there are a range of administrative and enforcement measures that can and should be introduced to improve child safety in ECEC settings, there are also issues around perverse incentives associated with the large and growing footprint of for-profit providers that must be addressed to ensure that the ECEC sector is effective, operates in the public interest, and safe for Victoria’s children. A move towards greater public provision of ECEC will improve child safety as well as delivering more equitable and efficient access to services.

¹ United Nations. (1989). Convention on the Rights of the Child. *Treaty Series*, 1577, 3.

(a) the adequacy of current quality and safety standards across all ECEC service types

Whilst the Australian National Quality Standards for ECEC are generally high, the AEU is concerned that they are not being enforced appropriately. According to the findings of the *Rapid Child Safety Review*:

The Review heard the National Quality Framework is highly regarded internationally as a leading approach to ECEC regulation. It provides a strong foundation for the system, but needs to be applied and overseen rigorously, and be responsive to changes in the system.²

It is important that standards are appropriately enforced. Whilst the announcement that the new Victorian Early Childhood Regulatory Authority (VECRA) will more than double compliance checks is welcome, there also needs to be frequent, unannounced checks in services as recommended by the *Rapid Child Safety Review* which also recommended that these occur at least once per service annually.

New national safety standards introduced in the Early Childhood Education and Care (Strengthening Regulation of Early Education) Bill 2025, as well as the ability to withdraw Child Care Subsidies for providers failing to meet the standards, are welcome. However, criteria for defining a safety breach and definitions around standards need to be strict and clearly articulated, as should the penalties. For example, what criteria, if any, will apply to providers who fail to meet the standards and subsequently attempt to regain funding? Will a failure to meet standards at a provider's individual services affect their eligibility to provide any of their services?

Regulators must also take a more 'hands on' approach for services currently operating whilst 'working towards' any of the National Quality Standards. The 'working towards' National Quality Standards category for services failing to meet standards should be replaced with a new category: 'mandated supported delivery'. Services under this category will be provided with long term, ongoing, intensive support of employers, management, and employees to drive quality improvement and outcomes for children via structured governance, procedural and compliance supports, professional development, coaching, and mentoring. This means that services which are 'working towards' would not be forced to close but nor will they operate without being actively supported to ensure that provision meets all of the National Quality Standards. This approach removes the current gap in support to those service who are currently largely left to their own devices to address and meet the standards when they deemed to be sub-standard.

² Victoria. Department of Premier and Cabinet., issuing body. (2025). *Rapid child safety review* Retrieved November 17, 2025, from <http://nla.gov.au/nla.obj-3772009195> p.52

This more active role in enforcing and supporting compliance undertaken by the new regulatory authority will necessitate appropriate levels of funding and higher levels of visibility for its operations.

(b) the quality and oversight of educator training, professional development and qualifications, including a review of the effectiveness of Working with Children Checks and of Registered Training Organisations issuing early childhood certifications;

Recent headlines highlight the risks associated with an under-regulated and overly-privatised training sector when they revealed that 30,000 graduates lost their qualifications in a crackdown on training providers.³ Data from the National Centre for Vocational Education Research (NCVER) shows that in Victoria in 2024 there were nearly four times as many students enrolled in the Certificate III in Early Childhood Education and Care at private providers than there were in TAFEs. There were more than seven times as many students enrolled in the Diploma of Early Childhood Education and Care in private providers than in TAFES in Victoria in that year.⁴ The *Rapid Child Safety Review* reported an “erosion in skills and knowledge” in new ECEC workers that was,

partly driven by some Registered Training Organisations delivering low-quality courses that emphasise speed and passing graduates, over quality and depth of knowledge. The Review heard that many people felt poor quality providers need to be regulated more strongly and exited from the system.⁵

Poor training outcomes put more pressures on services, particularly for existing staff who are already not supplied with the time required to mentor new educators. Because of this, Recommendation 19 of the *Rapid Child Safety Review* called for greater powers for the national vocational education and training regulator to address poor quality training providers.

The AEU welcomes provisions in the Victorian Early Childhood Legislation Amendment (Child Safety) Bill 2025 that mandate child safety and protection training. It is vital that this training occurs at least annually and is mandated for all employees including CEOs, board members, managers, and team leaders. The training should be inclusive of duty of care, responsibilities, accountability and reporting processes. Body Safety training needs to be completed by staff and also be made accessible to families. All child safety and protection training should be supported by funding that allows professional learning to be undertaken

³ Cassidy, C. (2025, 14 November). At least 30,000 graduates lose qualifications in Australia’s vocational education crackdown. *The Guardian Australia*. <https://www.theguardian.com/australia-news/2025/nov/13/at-least-30000-graduates-lose-qualifications-in-australias-vocational-education-crackdown>

⁴ NCVER (2025). Total VET students and courses 2024: program enrolments, Total, Provider type, State/territory of delivery location, FOE 2-digit, Program name by Year. *DataBuilder*. <https://www.ncver.edu.au/research-and-statistics/data/databuilder>

⁵ Victoria. Department of Premier and Cabinet., issuing body. (2025). *Rapid child safety review*. Retrieved November 17, 2025, from <http://nla.gov.au/nla.obj-3772009195> p.70

during paid hours. Ongoing child safety and protection training must also be a requirement for those holding a Working with Children Check and working in the sector.

(c) the impacts of Victoria's predominantly privatised ECEC system, including a comparison with public, not-for-profit and cooperative models in terms of accessibility, affordability, safety and outcomes;

Put simply, the experiment in marketised ECEC provision has failed to meet the needs of children, families, and the community more broadly. Instead, the interests of those who seek to make a profit from provision have been overtly served aided by lazy policy, governance, and compliance approaches. The government must actively put in place mechanisms that shift provision away from for profit providers to public providers.

The drive to maximise income and minimise costs for many for-profit providers poses a significant risk for safety and quality in ECEC. As stated by the *Rapid Child Safety Review*: "there are tensions in the system that lead some providers to prioritise other things, including profit in some instances." ⁶The Review also heard that the "rapid expansion of the sector has created perverse incentives for shortcuts in education and training and that some for-profit providers may feel pressure to maximise value to shareholders." ⁷ Where providers charge a premium to provide access to higher quality and lower risk services means that there is a potential equity gradient in access to safe and effective ECEC. There is less profit to be made in areas where families cannot meet higher costs, and this is reflected in National Quality Standard data which shows that the proportion of for-profit long day care and kindergartens not meeting standards was more than twice as high for lower socioeconomic status (SES) postcodes (7.2%) than higher SES postcodes (3.2%) in Victoria. This difference was not evident for state and local government managed providers. The same data showed that more than one in 20 for-profit services were not meeting National Quality Standards across all service categories in Victoria, a higher rate than any other provider type. ⁸

There are also differences in where for-profit services tend to be located. In Victoria, 82% of private for-profit services are in major cities (Melbourne and Geelong) compared to just 53% of state and local government managed services. ⁹ Another weakness with private for-profit providers is with staffing practices. In an article in *The Conversation* this year, Professors Gabrielle Meagher and Marianne Fenech reported:

Large for-profit providers have a higher proportion of part-time and casual staff than not-for-profits. They also employ less experienced early childhood teachers. On top

⁶ Ibid, p.21

⁷ Ibid, p.22

⁸ Australian Children's Education and Care Quality Authority (2025). *National Quality Standard Data, as at 1 October 2025*. <https://www.acecqa.gov.au/resources/snapshot-and-reports/nqf-snapshots>

⁹ Ibid.

of this, they are more likely to use award rates of pay, which are typically lower than enterprise agreement rates.¹⁰

How these employment practices affect ECEC quality and safety will be expanded upon below.

The dire consequences of cost-cutting in the ECEC sector have been seen in recent disturbing media reports. There are too many conflicting interests between profit-maximising firms and the needs of children in ECEC. The AEU wants to see a cap on profits so that beyond a specified profit level, money must be reinvested back into the service and workforce. This requirement should be linked to funding and licensing of providers. The AEU agrees with the *Rapid Child Safety Review* and would also like to see move away from “market-driven model to a system that is actively managed with greater emphasis on quality and safety for children.”¹¹ Victoria’s move to establish 50 government-owned early learning and childcare centres is a good start and these should be expanded as existing ECEC providers are defunded in a more rigorous regulatory environment.

(d) the impact of workforce conditions, such as pay, job security, workload and recognition on educator wellbeing, retention and service quality;

Educators and early childhood teachers are dedicated, highly trained professionals who are deeply committed to the wellbeing of children, and a well-supported, respected and professionally paid workforce positively impacts the wellbeing of teachers and educators. Staff thriving in their roles have a direct impact on the wellbeing, safety and educational outcomes of children.

Research conducted by the Front Project found that services operating in low-SES areas and covered by enterprise bargaining agreements (i.e. with superior pay and conditions than award-reliant services) were also more likely to be exceeding National Quality standards or rated as excellent compared to services where award conditions were most common.¹²

Conversely, as noted by Meagher and Fenech, poor pay and job insecurity are related to high staff turnover “which makes it difficult for educators to establish and maintain the trusting relationships with children and families that underpin high quality.”¹³ Excessive workloads

¹⁰ Meagher, G. and Fenech, M. (2025). Amid claims of abuse, neglect and poor standards, what is going wrong with childcare in Australia? *The Conversation*. <https://theconversation.com/amid-claims-of-abuse-neglect-and-poor-standards-what-is-going-wrong-with-childcare-in-australia-252493>

¹¹ Victoria. Department of Premier and Cabinet., issuing body. (2025). *Rapid child safety review*. Retrieved November 17, 2025, from <http://nla.gov.au/nla.obj-3772009195>, p.25

¹² The Front Project (2025). *The hidden leaver: How pay and conditions support child outcomes in low SES early childhood education and care services*. <https://www.thefrontproject.org.au/policy-and-research/research/383-pay-conditions-and-quality-ecec>

¹³ Meagher, G. and Fenech, M. (2025). Amid claims of abuse, neglect and poor standards, what is going wrong with childcare in Australia? *The Conversation*. <https://theconversation.com/amid-claims-of-abuse-neglect-and-poor-standards-what-is-going-wrong-with-childcare-in-australia-252493>

also contribute to staff attrition. Of the nearly 1200 preschool members surveyed for the AEU's *State of Our Kinders* survey in 2024/2025, fewer than 24% intended to stay in early education until retirement. The most influential factors driving the intentions to leave were workloads, large group sizes, and an inability to improve salaries.

In a literature review from 2008, Dr Leone Huntsman reported a range of studies finding that staffing stability and higher wages were positively associated with indicators of higher ECEC quality.¹⁴ The Organisation for Economic Co-operation and Development (OECD) also recommended addressing sources of staff stress, including workloads, improving opportunities for professional learning, and competitive wages in ensuring high-quality ECEC. They recommended that wages "are aligned with those proposed to teachers in other levels of education, especially primary education, to recognise ECEC staff as key contributors in education systems."¹⁵ Working conditions and salary must be competitive, consistent with the AEU's claims in the current round of bargaining, to attract and retain staff considering growing shortages. This needs to be supported with improved funding.

The AEU recommends the establishment of Child Safety Consultative Committees that would be in place at either a service level if the provider only has one service, or across services where they are a provider of more than one service. The Child Safety Consultative Committee should be a requirement of funding and licensing. The role of this committee is to further develop workplace cultures to ensure child safe practices at all levels of a service, enable accountability, and continually promote awareness of management and employees roles, responsibilities and obligations. Properly instituted, the Committee would also support a workplace environment where staff can report any safety risks or breaches without fear of retribution.

(e) the adequacy of staff-to-child ratio regulations, including ratios being averaged across entire services rather than applied per room;

The practice of 'under the roof ratios' needs to cease. This ensures that there are always at least two staff members with children. As stated in the *Rapid Child Safety Review*:

At least 2 adults should be in the presence of a child in ECEC services, wherever possible. To support this, changes are needed within ECEC services to improve lines of sight and limit the opportunities for an adult to be alone with children. Staffing arrangements should be reviewed, including consideration of key educator to child

¹⁴ Huntsman, L. (2008). *Determinants of quality in childcare: A review of the research evidence*. NSW Department of Community Services. <https://dcj.nsw.gov.au/documents/about-us/facsiar/past-research-reports/prevention-and-early-intervention/determinants-of-quality-in-childcare-april-2008.pdf>

¹⁵ OECD (2019), *Providing Quality Early Childhood Education and Care: Results from the Starting Strong Survey 2018*, TALIS, OECD Publishing, Paris, <https://doi.org/10.1787/301005d1-en>, p.36

ratios and the practice of 2 adults being visible to each other when with children (known as the ‘four eyes on the child’ principle).¹⁶

When toileting, nappy changing or sleeping occurs it may not be operationally viable to have two staff members with children during these times, so services and teams need to have robust and embedded policies and practices to ensure child safety and to minimise risk.

Ceasing the custom and practice of ‘under the roof ratios’ minimises large groupings of children in rooms, and smaller group sizes supports quality, child safety, inclusion, supervision and also minimises risk, OHS incidents, and the stress and burnout of the workforce. As reported by the OECD: “several studies indicate that smaller group sizes and child-staff ratios support staff-child interactions, both in centres for children aged 3-5 and in centres for children under age 3”.¹⁷ In kindergartens, 65% of respondents to the *State of Our Kinders* survey agreed that group sizes were too large at their workplaces. Large proportions of respondents reported that because of large group sizes, they were unable to “provide all children with intentional teaching moments each day” (86%). Sixty-eight per cent of respondents reported negative impacts for their own “overall mental health and wellbeing” due to large group sizes.

(f) whether there is sufficient oversight of the Department of Education and the role it plays in monitoring and maintaining child safety;

As mentioned above, the AEU welcomes greater integration and involvement of the Department of Education in ECEC. The Department of Education has capabilities to support efficient planning and provision of school infrastructure that could be utilised to more effectively roll out ECEC infrastructure. The Department of Education would be able to take advantage of economies of scale to reduce the duplication of many functions that exist across providers currently. A more centralised human resourcing function could also improve oversight of hiring and registration processes. For example, the Department of Education could institute an applicant pool as it currently does for public schools or have a central register of suitably vetted casual staff. Such a consolidation could facilitate better integration of child/student services across ECEC and schools, particularly with a move towards full-service models of schools. Ultimately, the Department of Education should become the provider of ECEC services as well as the employer of ECEC staff.

(g) any other matter in relation to the adequacy, implementation, compliance and/or enforcement of child safety standards and regulations in the ECEC sector.

¹⁶ Ibid, p.25

¹⁷ OECD (2019), *Providing Quality Early Childhood Education and Care: Results from the Starting Strong Survey* 2018, TALIS, OECD Publishing, Paris, <https://doi.org/10.1787/301005d1-en>, p.54

One of the major concerns for the workforce is the installation of CCTV. AEU members strongly oppose the implementation of CCTV cameras as it is not an effective investment to enhance child safety and will lead to an expansion of workforce surveillance practices and cultures.

Every dollar spent on surveillance is a dollar not being spent on improving ratios, access to funded Professional Development, wages, additional planning time and embedding child safe practices.

CCTV is passive, it records but it does not protect. There are limitations of CCTV, there is visual footage but no sound to be able to identify verbal grooming. If bad behaviour, conduct and abuse is captured on CCTV it means the abuse has already occurred, we need investment to be focused on preventative measures to be put in place and there is insufficient evidence to suggest CCTV is an effective deterrent compared to other approaches.

Sophisticated data systems in Australia and overseas have been hacked, even in ECEC settings.¹⁸ Where CCTV is in use there needs to be considerations on how the footage will be managed, stored, protected and kept confidential. There also needs to be considerations on who will be authorised to access the footage.

In September the national code that includes the banning of personal devices was implemented, yet there is the potential for 24/7 surveillance via CCTV. The implications and risks of the installation of CCTV must be genuinely and thoroughly considered before any decision is made about the installation of CCTV in EC services.

In line with the ban of personal devices, the AEU calls for an end to the use of educational software apps as part of their teaching practice, such as StoryPark. Teachers and educators should not be spending their time uploading photos consistently throughout the day for families, they should be able to focus on their core work, which is establishing strong, positive relationships with children that provides the opportunity for 'serve and return' intentional teaching for all children. This is best practice, and ensures safety, inclusion and quality early childhood education and care.

¹⁸ Brocki, L., Phillips, A., Price, K. (2025). A UK hack shows Australia needs to be very careful about its CCTV trial for daycare centres. *The Conversation*. <https://doi.org/10.64628/AA.g69ryjfkf>