

**Submission  
No 78**

## **INQUIRY INTO THE EARLY CHILDHOOD EDUCATION AND CARE SECTOR IN VICTORIA**

**Organisation:** Early Childhood Education and Law academics

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# **Submission to the Victorian Select Committee Inquiry into the Early Childhood Education and Care Sector in Victoria**

## INQUIRY INTO EARLY CHILDHOOD EDUCATION AND CARE SECTOR IN VICTORIA

### EXECUTIVE SUMMARY

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This submission has been compiled by Early Childhood Education and Law academics from Victoria University. It includes contributions by anonymous colleagues. These are our personal and professional views and are not expressed on behalf of Victoria University. Responses address the Terms of Reference, note Concerns and make Recommendations.

In summary, our views are:

- child safety is strongly connected to adequate staffing – factors that lead to staff turnover and casualisation should be addressed
- child safety is improved by trusting relationships built through stable staffing
- over-reliance on surveillance risks harming staff morale - increasing the pressures towards staff turnover – without delivering real improvements in safety
- for-profit provision of early childhood education and care is problematic
- the child safety reporting system has become overly complex, reducing its effectiveness – it needs to be clearer and seen to be active and fair
- the Working with Children Check needs to be a live and responsive system that more adequately collects and acts on information about educators
- some form of registration should cover all early childhood educators, not only those with a teaching degree
- consideration should be given to lifting qualifications for those caring for children under 3
- children’s service assessments should be more regular
- children’s services that are not meeting quality standards should have immediate intervention
- administrative and workload issues are continually raised by educators as a limiting factor on effective supervision of children - rather than adding to the administrative

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burden efforts should be made to ensure educators are free of other duties while working directly with children

Overall, we propose that the key focus for improving child safety should be ensuring that children are cared for by a stable team of trusted educators who are free to give their full attention to the children. Delivering this requires attention to factors that increase staff turnover, and restrict the conditions for good quality care of children.

Institutions responsible for systems to assure child safety must be well understood and be seen to be active and fair. Regulatory interventions should be geared towards delivering real and effective assurance of child safety, while avoiding negative side-effects that could have the opposite impact.

**Detailed consideration of the issues raised with us and suggested actions follows addressing each of the Terms of Reference.**

(a) the adequacy of current quality and safety standards across all ECEC service types;
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### **CONTEXT (Victoria)**

**There are 7 total service types:**

- Five regulated by the National Quality Framework (**NQF**): Long Day Care (centre-based day care), Family Day Care, Outside School Hours Care (OSHC), In-Home Care, Preschool/Kindergarten (sessional and LDC-based).
- Two regulated by the Children's Services Act 1996 (Vic) and Children's Services Regulations 2020: Occasional Care, Mobile/Limited Hours services.
- Our submission focuses principally on the service types where Early Childhood Teachers are employed (Long Day Care and Kindergarten), but with the understanding that regulation and quality assurance must be as effective as possible across the sector.

**Comments:** Adequacy of quality and safety standards **varies significantly** across types (above) and provider models (public, not-for-profit, and for-profit).

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## 1) PROVIDER MODELS

### CONCERNS

- **Marketisation/privatisation pressures:** Profit incentives risk cost-cutting on staffing, Professional Development (PD) and training, and program quality—particularly in large corporate chains.
- **Quality dispersion:** For-profit services are disproportionately represented among services rated “**Working Towards**” the NQS (sector commentary and the Rapid Review highlights uneven quality).
- **Transparency gaps:** Families have limited visibility of ownership structures, repeat non-compliance, and enforcement history.

### RECOMMENDATIONS

1. **Stronger compliance for private providers:** Increase frequency and scope of targeted audits, prioritising large operators and repeat non-compliant services.
2. **10-year public-interest plan:** Freeze growth of privatisation; expand **public and not-for-profit** capacity, especially in underserved areas. More involvement by local government would ensure the provision of services where there is need.
3. **Public reporting:** Publish **ownership structures**, breach histories, and quality ratings in a family-friendly dashboard to inform choice.
4. **Licence discipline:** Apply escalation (conditions, suspension, or refusal to expand) for operators with systemic non-compliance.

## 2) RATIOS & WORKFORCE ADEQUACY

### CONCERNS

- **Ratio breaches:** Persistent shortfalls in educator-to-child ratios undermine safety and learning (QA1), increase burnout, weaken supervision, and erode safeguarding.
- **Casualisation risks:** Reliance on casuals with limited induction/vetting widens supervision gaps and program inconsistency and increases risk of child offences. Consistent staffing develops relationships and builds trust.

### RECOMMENDATIONS

1. **Improve ratios for 3–5-year-olds:** Lift staffing to enable sustained, high-quality interactions (process quality) and better supervision buffers.
2. **Minimum of two educators present:** Require **two-educator** supervision at all times, irrespective of small group sizes.

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3. **Better auditing & penalties:** Increase unannounced ratio checks; introduce **tougher, tiered penalties** linked to risk severity and recurrence.
4. **Workforce planning:** Incentivise stable staffing (permanent part-time/full-time), reduce reliance on agency/casual coverage.

### 3) HEALTH, SAFETY & WELLBEING

#### CONCERNS

- **High demands:** Caring for 0–5s is physically/emotionally taxing; long shifts and cumulative paperwork reduce educator self-regulation and quality of care.
- **Misplaced reliance on surveillance:** CCTV and peer-monitoring alone don't solve cultural, staffing, or PD and training issues and can harm morale; isolation “behind closed doors” can increase risk.
- **Hidden services:** Low community visibility fosters secrecy; predators exploit isolation.

#### RECOMMENDATIONS

1. **Shift caps:** Limit **direct-contact** time with children to **max 6 hours/day**, allocating remaining time to planning, pedagogical documentation, and regulatory tasks.
2. **Wellbeing programs:** Require providers to deliver **evidence-based wellbeing supports** (criteria set by regulator).
3. **ITE/TAFE curriculum:** Embed **self-care, self-efficacy, and trauma-aware practice** in educator preparation.
4. **Community visibility:** Mandate **community engagement strategies** (e.g., **one outing per term**) to increase transparency, collective oversight, and social accountability.
5. **Safeguarding by design:** Emphasise open, observable environments; use CCTV as **supplementary** in entry/exits and hallways only, as safeguarding—paired with culture, staffing, and PD and Training reforms.

### 4) PROGRAM QUALITY, TRAINING & PROFESSIONAL DEVELOPMENT

#### CONCERNS

- **Inconsistent training quality (RTOs):** Reports of “tick-and-flick” assessment and weak foundational skills, particularly from some private RTOs; TAFE system changes have had lingering effects.

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- **PD inequity:** Educators in baby/toddler rooms have **less access** to PD than those in kinder programs; PD is often rushed during child rest time; language barriers reduce learning impact.
- Unprecedented volume of pre-service educators requiring placements have resulted in a bottleneck. Too many placements are happening concurrently in the same space with limited support or practice occurring, reducing outcome quality.
- There is no requirement for a fully qualified teacher in babies' rooms, although they are in the most vulnerable period of life.
- Full time early childhood teachers can have 48+ children per week with 36 hours of face-to-face teaching. A primary teacher has 24 children per week with 21 hours of face-to-face teaching.

### RECOMMENDATIONS

1. **RTO regulation:** Intensify audits; **continue to deregister** poor-quality RTOs; align delivery standards across **TAFE/RTOs and universities**; require robust practical assessment.
2. **Entry pathway integrity:** Government to provide a quality mentoring program for all pre-service early childhood teachers specialising across typical developmental ages as well as 'special' education settings
3. Government provided mentor program, which provides high quality mentoring for pre-service educators, ensuring professionalism is nurtured, supported and practised adequately before graduation.
4. **Protected PD time:** Provide **dedicated non-contact time** for mandatory PD (e.g., child protection, mandatory reporting), with translated materials/support for educators with English as an additional language (EAL).
5. **Access parity:** Guarantee equal PD access for infant/toddler educators; fund **on-floor cover** (see staffing solutions below).
6. **Service-level cover models:**
  - **"Plus One" staffing** in large centres to backfill PD absences.
  - **Standardised PD days** (e.g., align with school sector)
  - A fully qualified early childhood teacher required in every infant-room/program.

### 5) SCREENING, SAFEGUARDING & REGISTRATION

#### CONCERNS

- **WWCC limitations:** Five-year validity is too long; WWCC treated as a one-off compliance tick; cases of clear WWCC but concerning police histories.

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- **Fragmented intelligence:** Limited integration with police/child protection intelligence and departmental prohibition notices.
- **Mobility of unsafe staff:** Lack of sector-wide tracking enables repeat entry across services and regions.

### RECOMMENDATIONS

1. **WWCC overhaul:** Shorten validity; trigger **continuous reassessment** upon new intelligence; integrate with police databases and departmental prohibition notices; embed **mandatory online child safety** PD and Training before approval.
2. **Educator register:** Establish a **National/State Early Childhood Worker Register** to record employment history, disciplinary actions, and de-registration; require **verification of at least two previous employers/pre-service mentors** during hiring process.
3. **Mandatory safeguarding** PD and Training: Annual refreshers (face-to-face or high-fidelity online) with scenario-based assessment, time protected from child contact.

## 6) GOVERNANCE, LEADERSHIP & TRANSPARENCY

### CONCERNS

- **Leadership capacity:** Some services operate without qualified, experienced leaders on-site; variable enforcement of NQS and Regulations.
- **Opaque performance:** Families and local communities lack accessible information about service performance, breaches, and ownership.

### RECOMMENDATIONS

1. **Leadership requirements:** All leaders including directors and second-in charge must hold **Diploma+** and **≥5 years** sector experience; be **present during operational hours** to actively oversee compliance and pedagogy.
2. **Public dashboards:** Publish **service ratings, breaches, improvement notices, ownership links** in an accessible format; spotlight repeat non-compliance.
3. **Licence controls:** Restrict expansion for operators with persistent “Working Towards” ratings or serious breaches; require remedial improvement plans.
4. Assessment and rating inspections should occur annually in every service regardless of provider type.

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### 7) STAFFING MODELS & RELEASE FOR NON-CONTACT DUTIES

#### CONCERNS

- **Insufficient time to do quality work:** Planning, documentation, and reflective practice are squeezed by long contact hours; supervision suffers.
- **Morale impacts:** Surveillance-heavy approaches and constant vigilance expectations erode trust and well-being.

#### RECOMMENDATIONS

1. **Roster redesign:** Embed **non-contact blocks** for educators weekly (planning, documentation, reflection); protect these from being repurposed as cover.
2. **Funding levers:** Tie public funding to demonstrated **staffing adequacy**, protected PD time, and **wellbeing supports**.
3. **Community-facing programming:** Expand excursions, nature programs, and partnerships with local organisations to lift quality and visibility.

### 8) EQUITY & INCLUSION

#### CONCERNS

- **International students & educators with EAL:** High costs, visa pressures, and limited placement support reduce preparedness and retention.
- **Access inequities:** Infants/toddlers miss out on higher quality care; services in low-SES areas face greater recruitment and compliance barriers.

#### RECOMMENDATIONS

1. **Support packages:** Provide **scholarships, mentoring, translated resources**, and **placement supports** for international/educators with EAL; incentivise ethical, high-quality providers.
2. **Targeted funding:** Prioritise **low-SES** and rural services for workforce incentives, leadership coaching, and compliance assistance.

#### GUIDING PRINCIPLES

*The responsibility of the Early Childhood Education and Care sector is much greater than historically credited. The years of conception through to 3yrs old are the most important time in all of life-span development. Followed by ages 4-8yrs. It is past due that the profession is taken seriously for their knowledge, skills and expertise.*

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***Reframe ECEC as a public good, not a commodity. Quality and safety depend on adequate staffing, competent leadership, robust training and PD, and transparent regulation—not surveillance alone. Community visibility, relational pedagogy of social connectedness and educator wellbeing are essential safeguards.***

(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;

### **CONCERNS**

#### **1. Inconsistent Training Quality**

- a. Significant variation in standards across RTOs; some provide inadequate training (“tick and flick” approach).
- b. Lack of clear regulation and oversight of RTOs; uncertainty about ACECQA’s role.
- c. Unprecedented demand for pre-service placements has reduced the quality of placement experience and mentor availability, thus reducing quality of graduate capabilities
- d. Shake-up of TAFE system also had negative impacts to sector capacity and quality.

#### **2. Professional Development Gaps**

- a. Limited access for educators in baby/toddler rooms compared to kindergarten programs.
- b. Pressure on staffing when educators attend PD; small services struggle to release staff.
- c. Many educators complete initial education & training but engage in little or low quality ongoing PD.

#### **3. Safeguarding Weaknesses**

- a. Working With Children Checks (WWCC) seen as insufficient and infrequent (5-year gap too long).
- b. WWCC does not always detect serious criminal history
- c. Lack of transparency and reporting processes for WWCC concerns.

#### **4. Workforce Structure & Oversight**

- a. No central database to track educator employment history.
- b. Directors sometimes lack qualifications or experience; oversight of NQS compliance inconsistent.

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- c. Students face high costs and limited support during placements.

### **RECOMMENDATIONS**

#### **1. Strengthen Training & Qualifications**

- a. Regulate and audit RTOs rigorously; continue to deregister poor-quality providers.
- b. More government funding to align TAFE, RTO and University EC courses to high delivery standards with robust and highly practical course components.
- c. Require pre-service educators and teachers to complete specially mentored placements supported by the government – which is part of an ongoing mentor program

#### **2. Improve Professional Development Access**

- a. Introduce “plus one” staffing model for large centres to cover PD absences.
- b. Standardize PD days with school sector (increase from 1 to 5 days for small services).
- c. Ensure equitable PD opportunities for educators in baby/toddler rooms.
- d. Implement mandatory annual PD hours (e.g., 10 hrs for Cert III, 15 hrs for Diploma, aligned with VIT standards).

#### **3. Enhance Safeguarding**

- a. Make WWCC checks more frequent and rigorous; integrate with police checks.
- b. Improve transparency and reporting processes for WWCC concerns.
- c. Embed child protection training alongside WWCC compliance.
- d. Incorporate cert III and diploma educator qualifications into the existing Victorian Institute of Teaching (VIT) register

#### **4. Increase Workforce Oversight**

- a. Create a searchable educator employment history database as part of registration system.
- b. Ensure qualified leadership is present during all operational hours.
- c. Random spot-checks by government auditors
- d. Provide financial and placement support for students.

(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;

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## **CONCERNS**

### **1. Profit Motive Undermining Quality**

- a. Private operators cut corners to maximise profit, compromising quality and safety.
- b. For-profit centres prioritise shareholder returns and occupancy targets over children's wellbeing.
- c. Marketisation of care transforms a relational service into a transactional one.

### **2. Staffing and Wages**

- a. Inadequate staffing and low wages in private centres.
- b. Employment of trainees rather than qualified educators to save costs, compromising safety and education quality.
- c. Poor staff retention and exploitation of workers in for-profit settings.

### **3. Safety and Resource Issues**

- a. Safety concerns ignored by management (e.g., missing emergency exit keys).
- b. Nobody at front desk checking WWCC checks or sign-ins/outs
- c. Budget constraints lead to unsafe practices (e.g., lack of gloves for hygiene procedures).
- d. Poor food quality and insufficient meals; cooks lacking allergy/anaphylaxis knowledge.

### **4. Equity and Access**

- a. Not-for-profit and cooperative centres often serve middle-class families, leaving vulnerable children in lower-quality, profit-driven centres.
- b. Fees in private centres are typically higher, reducing affordability for families.

### **5. Structural and Ethical Issues**

- a. ECEC is the only education stage dominated by for-profit provision in Australia—ethically troubling and unsustainable.
- b. Public subsidies flow to corporate entities prioritising growth over quality.

## **RECOMMENDATIONS**

### **6. Shift to Not-for-Profit and Community Models**

- a. Transition toward not-for-profit, cooperative, and council-run services.
- b. Local government provision suggested as best for meeting community needs.
- c. Universities and public institutions should place students in ethically governed, community-based centres.

### **7. Improve Equity**

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- a. Reserve places for health care card holders in high-quality kindergarten services.
- b. Gradually redirect public funding away from corporate providers toward community-run centres.

### **8. Regulation and Pricing**

- a. Cap daily fees for for-profit services to improve affordability.
- b. Address loopholes where “not-for-profit” centres pay excessive leadership salaries.

### **9. Quality and Safety Standards**

- a. Ensure adequate staffing ratios with qualified educators.
- b. Strengthen safety protocols and food quality standards across all services (including e.g. %of meat in a meat and veg dish)

### **10. Structural Reform**

- a. Move beyond regulation toward systemic change to dismantle profit-driven dominance.
- b. Reinvest in community and council-run long day care services for sustainability and trust.

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

## **CONCERNS**

### **1. Low Pay and Poor Conditions**

- a. Educators earn less than retail workers despite high responsibility.
- b. Lack of planning and administration time; short or missed breaks.
- c. Wages and entitlements insufficient for the complexity of the role.
- d. Recognition issues: educators perceived as “babysitters,” devaluing professional status. (Early years are most important years in all of life-span development – it is often also about what ‘not to do’. Qualifications are paramount.

### **2. Job Insecurity and Casualisation**

- a. High proportion of insecure, casual roles undermines stability and trust.
- b. Limited career pathways and lack of systemic supports for retention.

### **3. Workload and Administrative Burden**

- a. Increased administrative tasks without clear regulatory guidance.

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- b. Inconsistent expectations for planning cycles across providers.
- c. Planning time rarely allocated fairly; often only room leaders receive time.

### 4. Impact on Wellbeing and Retention

- a. Emotional labour and financial stress lead to burnout and attrition.
- b. Poor conditions cause good educators to leave the sector.
- c. Workforce strain described as “unsustainable care,” affecting service quality.

### 5. Declining Standards

- a. Perceived deterioration in care quality over the past 20 years.
- b. Difficulty attracting high-calibre educators due to poor pay and recognition.

## RECOMMENDATIONS

- **Improve Pay and Conditions**
  - Increase wages to reflect responsibility and professional expertise.
  - Provide entitlements for planning, administration, and professional development.
- **Enhance Job Security**
  - Shift from casualised roles to permanent, secure positions.
  - Funded mentoring for early career educators to support retention.
- **Reduce Workload and Support Planning**
  - Allocate planning time fairly, calculated per child rather than blanket hours.
  - Provide clear regulatory guidance on planning cycles to reduce confusion.
- **Professional Recognition**
  - Raise the profile of EC educators as vital professionals in child development.
  - Recognise education and care work as a profession through systemic funding and policy.
- **Structural Supports**
  - Government investment to sustain a qualified, committed workforce.
  - Protected time for collaboration and reflective practice.
  - Service-wide PD days (e.g., shutdown days for PD) to support wellbeing and quality.

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

## CONCERNS

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- **Under-the-Roofline Averaging**
  - Ratios applied across entire services rather than per group of children lead to unsafe and poor-quality care.
  - Companies use ratio tracking software to send staff home when “spare,” prioritising cost over quality.
  - Minimum ratios often treated as maximum staffing, ignoring additional needs or transitions.
- **Insufficient Ratios**
  - Current ratios for 3–5-year-olds (e.g., 1:11) are unrealistic given care needs like nappy changes.
  - Ratios do not account for children with additional needs or induction of new educators.
  - Under-1 and under-3 ratios considered inadequate.
- **Quality of Supervision and PD**
  - Meeting ratios does not guarantee quality engagement or supervision.
  - Educators lack understanding of quality practices; some act like “security guards” rather than engaging.
  - Mandatory PD often rushed or completed superficially,
- **Systemic Issues**
  - “Working towards” clause and under-the-roofline regulation seen as excuses for poor quality.
  - No enforcement or penalties for ratio breaches; companies exploit loopholes.

## **RECOMMENDATIONS**

- **Apply Ratios Per Room**
  - Ratios should be calculated for each group of children, not averaged across the service.
  - Maintain flexibility for short breaks and indoor-outdoor programs without compromising safety.
- **Increase Ratio Standards**
  - automatic KIS support available in many services, especially those with a history of attracting enrolments of high needs children.
  - Review current ratios for feasibility and child safety.
- **Remove ‘Under-the-Roofline’**
  - Change the National Law & Regulation 122 requiring educators to be working directly with children to count in ratios (known as under-the-roofline)
  - Eliminate this regulation to ensure consistent room-based ratios.

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- Enforce compliance through penalties for services that misuse ratio rules.
- **Improve PD and Supervision Quality**
  - Provide adequate time away from children for mandatory PD.
  - Ensure PD is meaningful
  - Strengthen qualification standards and monitoring to prevent superficial completion.
- **Support Educator Wellbeing and Quality Practice**
  - Allocate planning time and resources so educators can focus on engagement rather than just meeting ratios.
  - Encourage flexibility in staffing for training and leave without compromising ratios.

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

### **CONCERNS**

- **Insufficient Oversight**
  - Monitoring and enforcement by the Department of Education are inconsistent and slow.
  - Some services go years without assessment, rating, or spot checks.
  - Complaints from educators and parents often receive no follow-up.
  - Department appears understaffed and unable to respond promptly.
- **Marketised System**
  - Uneven quality and safety across the sector are systemic, linked to profit-driven models.
  - For-profit services disproportionately rated “Working Towards” under the National Quality Standard.
  - Current oversight does not address structural issues of marketisation.
- **Accountability and Transparency Gaps**
  - Lack of public reporting on ownership structures, breaches, and quality ratings.
  - Non-compliance notices sometimes lack clear links to regulations, creating confusion.
  - Authorised officers perceived as punitive rather than supportive; inconsistent advice.

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- Some officers lack early childhood qualifications, leading to poor interpretation of standards.
- **Impact on Workforce and Safety**
  - Poor pay and conditions reduce expectations and quality.
  - Services feel unsupported by the Department, fostering an “us vs them” dynamic.

### **RECOMMENDATIONS**

- **Strengthen Oversight and Accountability**
  - Increase Department staffing and resources for spot checks, follow-ups, and timely responses.
  - Implement penalties for repeat non-compliance and misuse of regulations.
  - Require all authorised officers to hold early childhood qualifications and sector experience.
- **Improve Transparency**
  - Create a public reporting framework on:
    - Ownership structures
    - Quality ratings
    - Breaches and compliance history
  - Enable families to make informed choices based on transparent data.
- **Collaborative Approach**
  - Foster cooperative relationships between the Department and services rather than adversarial dynamics.
  - Provide clear, consistent guidance linked explicitly to regulations.
- **Systemic Reform**
  - Reframe education and care as a public good, not a commodity.
  - Address structural issues of marketisation through policy and funding reform.
- **Registration and Information Sharing**
  - Establish a nationally searchable register of ECEC staff.
  - Combine with state-based registration for educators and carers to strengthen accountability.

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

### **CONCERNS**

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- **Privatisation and Systemic Issues**
  - The root cause of inadequate safety standards lies in the privatisation of ECEC, where profit-driven models dominate.
  - Private services often cut corners to maximise profit, reducing quality and safety.
  - Services rated as “not meeting standard” are allowed to remain operational, and operators with poor compliance histories can own multiple services, perpetuating systemic problems.
- **Compliance and Enforcement Gaps**
  - Current enforcement allows repeat offenders to continue operating without meaningful consequences.
  - Regulatory complexity without corresponding pay or workforce improvements creates unrealistic expectations.
- **Training, PD and Practice**
  - Lack of embedded child safety standards and NQS in daily practice.
  - Educators need ongoing refresher training and PD to maintain compliance and awareness.
- **Philosophical and Cultural Challenges**
  - A compliance-focused system cannot achieve the cultural change needed to restore trust.
  - Care is treated as a bureaucratic requirement rather than an ethical foundation.
  - Marketisation prioritises financial gain over children’s rights, wellbeing, and safety.

### **RECOMMENDATIONS**

- **Stronger Enforcement**
  - Prevent services rated as “not meeting standard” from continuing operations until compliance is achieved.
  - Restrict operators with poor compliance histories from owning additional services.
  - Introduce meaningful penalties for repeat breaches.
- **Training and Professional Development**
  - Provide regular refresher training and PD on child safety standards and NQS.
  - Ensure standards are embedded in everyday practice, not treated as a checklist.
- **Systemic Reform**

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- Reframe ECEC as core societal infrastructure, equivalent to public education and healthcare.
- Fully government-fund ECEC to remove profit-driven distortions.
- Prioritise relationships, collaboration, and quality over unchecked growth.
- **Cultural Change**
  - Shift from compliance-driven approaches to ethical, care-centred principles.
  - Position care as a collective responsibility and a condition of justice.
- **Practical Measures**
  - Implement policies like the “four eyes” supervision rule to reduce vulnerability.
  - Simplify regulatory expectations while aligning them with workforce capacity and pay improvements.

### **FURTHER CONSIDERATIONS**

There is no Commonwealth head of power for education or childcare, only for “benefits to students and family allowances”. As in so many other areas, the Commonwealth becomes involved through funding and then setting standards connected to funding. The States have the experience in providing, regulating and supervising education and frontline care. As the Rapid Review noted, it is vital that Commonwealth and States work together, but this is easier said than done.

There needs to be a national register of childcare workers and educators, though this could be created by co-operation between the States. While the Working With Children Check (WWCC) is a vital part of the system, it is insufficient. A positive registration system is necessary. There is the infrastructure to have this for teachers through the Victorian Institute of Teaching, but ideally, registration of both educators and carers would be in a single system.

### **Obligations on staff**

It is noted that staff already have extensive reporting duties. These are overly complex and staff may not be confident that their reports will be actioned. They may also fear the consequences of reporting.

- Reporting structures in Victoria are too complex but consolidation of agencies also has dangers.

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- Staff are forbidden to carry personal phones.
- Staff are also being required to enforce non-use of phones by parents.
- The burden of implementation of new rules is borne by staff.
- While sufficient staffing is a necessary part of minimising the risk of abuse, it is an additional burden placed on staff to keep their colleagues under surveillance.
- Staff need to be able to concentrate on caring for and educating the children in their care.
- Surveillance cameras are problematic. Who will monitor them? AI-assisted CCTV is being trialled, which raises more questions about data security. What if the footage finds its way into the wrong hands?

### **Data protection**

Extensive data is held by childcare providers on the children in their care including photos and biometrics. Arrangements for the protection and privacy of this data seem inadequate. While the use of this data may meet the legal requirements of the relevant data and privacy laws, operationally, more needs to be undertaken to safeguard personal data of children, parents and staff. This would require improved harmonisation of systems and processes across the sector, through a model framework or industry standard – code of practice.

### **Harmonisation with other States and Territories**

Since coming to the attention of the public and government, states and territories have had to rapidly respond at a jurisdictional level. It is important that Victoria implement a high level of consistency and harmonisation not only of the law, but more importantly the operational processes – at a childcare centre level.

As of 6 November, **New South Wales**<sup>1</sup> is implementing the following that:

- Personal devices will be banned in family day care for the first time, having already been banned in long day care, preschools, and before and after school care services.
- Banned devices include any capable of capturing, storing or transmitting video, such as phones, tablets, computers, cameras, smartwatches and wearables, such as glasses.

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<sup>1</sup> NSW - <https://www.news.com.au/lifestyle/parenting/nsw-childcare-centres-given-two-weeks-to-enact-reforms-told-phone-ban-to-be-enforced/news-story/3a40b00b12f09c8f901b6ecda7e13df9>

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- Family daycare providers will only be able to use a service-issued or approved device to take images of children.
- centres are required to display a short-form compliance and quality history, including current and previous quality ratings, as well as if there were any serious breaches in the past two years.
- Centres will also be required to display any prosecutions where there is a plea of guilt, a finding of guilt, or a conviction.
- **Penalties** - Failure to comply with new measures could result in a fine of \$5160 for a service or \$15,480 for a large provider and, in the most serious cases, potential prosecution where a court can issue fines of up to \$154,800.
- The Regulator will be empowered to publish information about high-risk services, including details of current investigations.

Note that NSW have not finalised their Parliamentary Inquiry as of 25 November 2025 and a report has not been made public.

In **Queensland**<sup>2</sup> status remains at Inquiry stage and include:

The next phase of changes, as set out in the Bill, will commence on 27 February 2026, with a small number of provisions to take effect earlier. Key reforms include:

- making the safety, rights and best interests of children the paramount consideration in the operation of an education and care service
- ensuring the safe use of digital devices
- mandating national child safety and child protection training
- establishing 'inappropriate conduct' as an offence
- enabling regulators to share the identity of prohibited individuals with their approved provider
- broadening the range of regulatory responses available for addressing misconduct
- removing the ability to apply for ongoing service waivers related to regulation 115—premises designed to facilitate supervision
- allowing effective identification, monitoring and regulation of 'related providers'
- making it an offence for anyone subject to a prohibition notice to give a recruitment agency false or misleading information about that notice
- expanding the powers of regulators to information-share with recruitment agencies
- establishment of a mandatory national early childhood educator register
- extending the limitation period for offences to enable prosecution to be undertaken, including a 'stop the clock' provision for prosecuting offences
- a three-fold increase to all maximum penalties under the National Quality Framework

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<sup>2</sup> Queensland - <https://earlychildhood.qld.gov.au/about-us/strategies-and-initiatives/child-safety-reforms>

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- expanding the use of Penalty Infringement Notices
- strengthening requirements around working with children checks.

Additional measures for family day care (FDC) include:

- requiring assessments of FDC residences to include nearby areas accessible to children
- enabling authorised officers to access the FDC service premises and areas beyond residence for monitoring and compliance or investigation of offences or alleged offences.

No actual reforms have been made public to date.