



Response to the Second Round of National Child Safety Reforms

April 2026



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Forward

The Australian Childcare Alliance (ACA) welcomes the opportunity to respond to the Department of Education's second round of National Child Safety Reforms. Child safety is the non-negotiable foundation of every early childhood education and care (ECEC) service, and our members have consistently been amongst the strongest advocates for reforms that strengthen protections for children.

I would like to take this opportunity to publicly acknowledge and thank our ACA members for their exhaustive participation in helping to shape the key issues and recommendations of this submission and for their contributions to so many others over the past 18 months.

We thank the Commonwealth and State Departments for enabling such a consultation - connecting in each state and territory to receive and hear feedback from those of us who not only advocate but hold the greatest responsibility to deliver high-quality and safe ECEC and put policy into practice.

The ACA membership comprises 78% of Australia's approved providers that operate a single service. These small businesses are established and operated by individuals and families as their chosen vocation. They represent community connectedness, with a natural accountability to their neighbourhood and the local economy.

Within these locally-owned services, there is no treasury function, no external capital, no capacity to reduce staffing without breaching ratios, and a limited ability to absorb unfunded regulatory change. The operators and their staff are people who care deeply and have continued to operate in uncertain and highly critical times.

Taking the time to participate and contribute to authoring this submission while working through the existing reforms is a big ask. What has been clear on the ground, and reinforced by the thousands of comments in this survey, is the significance of the reforms in daily practice.

While there is no resistance to any reform that increases child safety, participants were routinely concerned by constraints around timing, resourcing and consistency. Sector leaders are reporting heightened stress, resource strain and anxiety about inadvertent non-compliance due to volume and complexity.

The ACA is proud to present this submission as a reflection of the immense commitment and input from our member services. We urge the government to consider their views and to continue engaging in meaningful discussion with the sector.



Paul Mondo
President



Executive Summary

To inform this response, the ACA drew on three independent evidence streams: (i) eight facilitated national consultation webinars across five jurisdictions (NSW, QLD, SA, VIC, TAS and WA) capturing 131 approved-provider and service-leader respondents; (ii) an independent SurveyMonkey instrument running in parallel (n = 7); and (iii) three detailed written accounts submitted by members during the consultation period from Queensland and Victoria.

In each reform area, there are key threads: the sector supports genuine child-safety reform but is highly alert to duplication, disproportionality and implementation load.

Consistent with all other inquiries and consultations, ACA's results demonstrate overwhelming sector support for child safety reform in principle, but with important conditions.

Five of the seven reform areas attract combined support ('Yes' plus 'Yes with conditions') of more than 70%, with several individual proposals exceeding 90% in support. Four specific proposals are not supported by a majority of the sector and should be reconsidered or substantially redesigned before proceeding to legislation.

Where the sector strongly supports reform

- Clearer definition of 'adequate supervision' and strengthened supervision policies (93–94% combined support).
- Extending suspension, supervision and training directions to individuals as well as approved providers (87–97% combined support across all six sub-items).
- Strengthened whistleblower protections against reprisal and restrictive Non-Disclosure Agreements (NDA) (74–88% combined support).
- Proportionate, due-process-based Persons with Management or Control (PMC) fitness and propriety tools, including training directions and powers to intervene prior to PMC appointment (77–90% combined support).
- Updated fencing guidance and enhanced standards for entrapment and strangulation risks (up to 97.9% combined support).

Where the sector does not support the proposals as drafted

- Publication of PMC identities and provider type on Starting Blocks (42.2% combined support; majority oppose), with an unclear nexus to child safety.
- Compelling producers to disclose property ownership and leasing arrangements (33.7% combined support; the strongest opposition of any proposal), with no demonstrated child safety benefit.
- Updating quality ratings during an active investigation (37.7% combined support), with consideration of natural justice concerns and risk of reputational harm before findings are substantiated.
- The blanket application of 'under-the-roof' ratio tightening without exemptions yields 60.2% rendered the weakest result in the supervision area, as this risks disrupting continuity of care and destabilising workforce arrangements without measurable safety gains, and undermines the paramount consideration law.

The sector is not resistant to reform. It is resistant to reform that is duplicative, disproportionate, or disconnected from a clear child-safety nexus.

ACA cautions that over-reliance on legislative amendment can undermine the regulatory system and negate trust in the regulator's capacity to carry out its job and to design a system that truly focuses on the interests of the child.

Context and Methodology

Policy context

As of 27 February 2026, all National Law Child Safety measures from the Decision Regulation Impact Statement (DRIS) and associated National Law and Regulation amendments agreed by Education Ministers in 2025, are now in effect.

This is the eighth ECEC consultation since September 2025 and marks the second round of child safety measures aimed at addressing seven further reform areas with a nexus to improving child safety.

Survey methodology

The ACA facilitated webinar sessions across five jurisdictions with approved providers and service leaders. Participants were asked to record a primary response, 'Yes', 'Yes with conditions', 'No', or 'Other' to each of the seven reform areas and were invited to provide free-text comments.

Results were consolidated into a combined dataset of 131 responses, 7 additional online surveys, and a qualitative dataset containing more than 1,400 comments and three detailed written submissions from members during the consultation period.

Participant distribution across all three evidence streams (n = 141)

Jurisdiction	Respondents	Notes
New South Wales	11	Facilitated ACA session, April 2026
Queensland	47	Largest jurisdictional sample; aligned to Qld consultation round
South Australia	8	Smaller sample — state-level percentages treated with caution
Victoria (inclusive of Tasmania)	35	Includes input informed by the Rapid Child Safety Review
Western Australia	30	Facilitated ACA session, April 2026
Facilitated sessions sub-total	131	Five jurisdictions, March–April 2026
SurveyMonkey cohort	7	Independent online instrument, 9–14 April 2026 (≈ 86% WA, 14% NSW)
Written submissions	3	2 QLD (small owner-operator + 3-service group) and 1 VIC Approved Provider
Total evidence base	141	Owner-operator service providers & leaders represented

Reform 1: Supervision Practices

For early childhood education and care (ECEC) service providers, child safety and adequate supervision are already mandatory legal requirements. They are not new concepts, nor are they optional or implied. They are enforceable obligations and are monitored by each regulatory body.

Reforms in this area should build on and clarify existing obligations, rather than create duplicative or inconsistent layers of compliance. The term "under the roof ratios" does not appear in the National Law or Regulations and is, instead, commonly described as the application of educator-to-child ratios across a service rather than within each individual room. Ratios were introduced as minimum safeguards and are not a tool to dilute supervision or turn supervision into merely an accounting task.

Compliance with the service-wide ratio should never be considered sufficient to demonstrate adequate supervision. The legal test remains whether children are being actively supervised at the point of care, regardless of how ratios are calculated across the wider service.

Reforms should explicitly prioritise functional supervision capacity at the point of care, with a focus on consistent national guidance and practical expectations for supervision, and on achieving genuine safety outcomes rather than regulatory formalism.

Survey findings

Supervision Practices		
Reform proposal (survey item)	Combined support	ACA position
1.2 Strengthen supervision through policies, procedures and single-educator risk assessment	93.3%	Support - align with Quality Area 2 child-safe environment policy; avoid duplication with existing obligations.
1.3 Define 'adequate supervision' in the National Law	94%	Support - definition must centre functional proximity, direct engagement and real-time capacity to intervene.
1.4 Amend Quality Area 4 / Element 4.1.1 to reference child safety	69%	Support with conditions - ensure it does not duplicate Quality Area 2 and that intent is clarified in guidance.
1.5 Tighten counting of 'working towards' staff in ratios	60.2%	Support with conditions and only with careful design - significant workforce, trainee and fee-cap impacts if mishandled, with distinction of 'working towards' between Cert III and Diploma. Consideration also to count staff who have completed mandatory training (beyond child safety, as identified collectively).

The sector supports reforms that clarify obligations but opposes those that create duplicative or inconsistent layers of compliance. Items 1.2 and 1.3 meet that test and received significant sector support.

Item 1.5, changes to how ‘working towards’ qualifications are counted, is the weakest result in the supervision area and should not be progressed without sector co-design. There must be a critical distinction between persons working towards a Certificate III and those working towards a Diploma, and these should not be treated identically.

‘Working towards’ qualifications require a nuanced, contextual discussion rather than a blunt instrument being applied before any changes are made. Firstly, there should be a differentiation between working towards a Cert III and a Diploma.

A working towards Diploma already holds a Cert III. In real terms, unless a working towards Diploma is appointed as a room leader, the practical application of that role is no different from that of a qualified Cert III. The opportunity should be tailored to the proportion of working towards Diplomas and fully qualified Diplomas in the workplace, rather than the full exclusion of ‘working towards’ Diplomas for that purpose.

For those working towards a Cert III, it is important to consider whether unit-based competencies achieved during their qualifications could trigger recognition in ratio. This allows the employee's TAFE or RTO to conduct an independent assessment and avoids an arbitrary period, given the different learning speeds of individual students.

The amendments come with risks, however.

In the first instance, with no current trainee incentives available for the ECEC sector whilst receiving the WRP, and under significant operating and viability pressures, there may be no capacity to employ trainees. This is counterproductive to one of the best ways to build a skilled workforce.

Additionally, the impact on rural and remote communities could be profound, requiring them to operate under waiver arrangements or preventing them from servicing their communities.

It is important to consider the level of support a service may provide to individuals working towards their qualifications, including workplace mentors, appropriate release time to undertake studies, and the age group they are paired with.

Service provider comments repeatedly raised concerns about the impact on trainee employment in a fee-capped environment, as well as on rural and remote long-day care and family-grouping services.

“Working towards qualifications can be good and helpful in a staffing crisis. Our service is mindful of the number of working-towards staff we have versus the number of experienced staff who train and support them.” VIC participant

On ‘under-the-roof’ ratios, ACA reiterates that the service-wide ratio is a minimum, noting that service size, structure and how children are arranged, particularly in small services, requires suitable flexibility.

This application fosters compliance and supports high-quality supervision practice.

Any reform should distinguish between services that misuse across-service ratios (already non-compliant under current law) and services that apply legitimate, supervised flexibility (e.g. early-morning arrivals, late-afternoon consolidation, mixed-age grouping that serves continuity of care).

Reform should clarify and enforce what ‘working directly with children’ means at the point of care, rather than re-legislate what is already law.

“At times in our service a large group of mixed-age children may gather at our Yarning Circle. There might be 20, 25, even 30 children there because they are interested, engaged and choosing to be there. Educators move there too, not because someone blows a whistle, but because that is where the children are. On paper, if you tried to split those children up into their individual room/age ratio categories in a static way, it might look messy and non-compliant. In reality it is often far safer and far more appropriate than forcing children to disperse simply because the adults need the numbers to look neater. That is not lesser supervision. That is better supervision.” Approved provider, Queensland

“At the heart of our philosophy is a deep respect for children as capable, thinking, feeling individuals. We do not believe children should be corralled, grouped or restricted based on a number decided externally. We believe children should have the right to decide where they feel most comfortable, to choose who they want to be with, to build relationships with educators and peers across the service, and to follow their interests and ideas without unnecessary interruption. This is not a lack of structure - it is a thoughtful, intentional approach grounded in relationships, trust and professional knowledge.” Approved provider, Queensland

“Our educators are highly skilled professionals who continuously observe, reflect and respond to children. We work above required ratios and meet regularly to discuss each child’s learning, wellbeing, relationships and safety. Each child also has a Kindy Companion - an educator who advocates for them and ensures their voice is heard and their learning is progressing. Across-the-service ratio, when used as intended, supports this way of working. It allows flexibility, responsiveness and authenticity. It enables educators to follow children’s lead, rather than forcing children to fit into systems that do not serve them.” Approved provider, Queensland

“The legislation needs to have the capacity to reflect the capability of individual educators, and to recognise and respond reasonably to short periods of time - for example, one educator changing a nappy while an ECT supervises the remaining children in a glass-walled yard environment. This needs to be seen as acceptable. Under-roof/whole-service supervision should remain as an adequate supervision calculation, because we need to retain flexibility in unusual situations where educators from other rooms may be needed to assist- a child’s medical episode, a challenging behaviour episode, or unexpected mid-day staff illness such as gastro.” Approved provider, Victoria

“The Approved Provider should be able to demonstrate they rostered in ratio, covered daily sick leave, and took reasonable actions to maintain adequate supervision. Smaller groups

tend to be better for supervision, child relationships, consistency and learning. The risk of legislative change is that future centres are built with larger spaces to create labour efficiencies, which is less safe for children". Approved provider, Victoria

Further qualitative evidence from the national consultation:

"'Adequate supervision' needs to allow for indoor and outdoor programs. It needs to allow educators to respond to children's needs, rather than looking at numbers only." QLD participant

"It changes by the hour. The room leader should be responsible for directing supervision throughout the day. Supervision should be part of educator training as well." WA participant

"What does 'one educator with children' mean? When someone goes to the toilet for one minute, or is talking to a parent? It also depends on the space and whether you are indoor or outdoor." WA participant

"In a very remote service it is regrettably the case that often one educator is alone with children. It should be a requirement that if staff are alone the ratio changes." SurveyMonkey respondent (WA), 1.1

"'Alone with children' should refer to the centre, not the room. Our rooms have multiple windows and sufficient transparency if only one educator was present." SurveyMonkey respondent, 1.1

"Adequate supervision is subjective - you will never be able to clearly define it. It comes down to the circumstances. Educators and centres should be able to determine what is adequate." SurveyMonkey respondent (WA), 1.2

"Well, allowing across-the-service ratios is the only practical way to go, but the circumstances in which it will be allowed appear far too restrictive." SurveyMonkey respondent (WA), 1.4

"Changing 'under the roof' so it only applies in exceptional circumstances takes away providers' professional judgement and will give rise to inefficient staffing - a cost passed on to families." SurveyMonkey respondent, 1.4

"This just changes the mixture of children in groups. 'In-ratio under-the-roof' is a way to mix children in different groups that meets the ratio requirement. It removes flexibility and forces centres to move children to different rooms only based on biological age. It does not improve quality." SurveyMonkey respondent (WA), 1.4

"Educators 'working towards' qualifications should be counted towards ratios if they are together with other experienced staff in a room." SurveyMonkey respondent, 1.5

“How many reviews do we need? Especially when conducted by public servants with no real hands-on experience or understanding of how to run a business.” SurveyMonkey respondent (WA), 1.5

Decisions regarding ratios must incorporate the Paramount Consideration rule, which serves as a mandatory filter for both regulatory compliance (e.g., service ratios) and pedagogical flexibility.

Flexibility is encouraged when it serves the child's best interests. For example, if a child is tired and struggling to engage, educators are expected to be flexible, adapting routines, activities, and locations to meet that individual's needs, rather than sticking to a rigid service schedule and meeting a numerical value.

Recommendations: Reform 1

1. Proceed with proposals 1.2 and 1.3 to clarify ‘adequate supervision’ and align provider policy requirements to QA2, with nationally consistent guidance before any new provisions take effect.
2. Progress QA4/4.1.1 changes (1.4) only alongside ACECQA guidance that avoids duplication with Quality Area 2.
3. Pause proposal 1.5 (changes to how ‘working towards’ is counted) pending sector co-design that differentiates qualification pathways and assesses workforce, trainee and fee-cap impacts.
4. On under-the-roof practices: Supported only with conditions, including issuing clear, scenario-based guidance rather than new legislation, and distinguishing wilful misuse from legitimate supervised flexibility.

Reform 2: Increasing Transparency for Families

Information transparency for families must be meaningful. Simply increasing the volume of information provided does not necessarily improve understanding or safety outcomes and can equally create confusion or unwarranted alarm.

Any transparency reform should apply a seriousness threshold aligned to matters of genuine public interest, for example, enforcement action, conditions placed on approval, suspension, or serious incidents under active investigation. Over-disclosure of minor or administrative matters risks creating unnecessary concern for families without improving child safety.

All information provided to families must be balanced, proportionate, and supported by plain English explanations so that families can meaningfully interpret the information for their child's safety and wellbeing.

The consultation results propose minimum standards for proactive sharing of compliance and enforcement information with families, additions to National Regulations (NR) 167, penalties for providing false or misleading information, and supporting guidance.

Survey findings

Increasing transparency for families		
Reform proposal (survey item)	Combined support	ACA position
2.1 Minimum standards for proactive sharing of compliance information with families	61.8%	Conditional support - apply a clear seriousness threshold and national consistency.
2.2 Additions to NR 167 and penalties for false or misleading information	63.9%	Conditional support - penalties must target wilful misconduct, not administrative error.
2.3 Guidance and communications for providers	65.9%	Support - strong national guidance is preferable to jurisdictional drift.

The combined-support numbers (61–66%) sit just above the ‘conditional support’ threshold, and the state breakdown shows genuine divergence (e.g. SA 14.3% support on 2.3 versus VIC 77.8%). The survey comments are consistent with ACA’s pre-survey position: families have a right to meaningful information, but additional disclosure obligations that are not proportionate to risk increase administrative burden, confuse families and deter staff from raising routine issues.

Members noted that services are already required to display compliance history and to make it available to families; that the regulator can already penalise false or misleading conduct; and that some current disclosure processes are slow and inconsistently applied. The concern is therefore less with the principle and more with the execution: a national seriousness threshold, plain-English explanations, and timely follow-up by regulators are essential.

“When a service is rated exceeding or meeting and then has a number of non-compliance issues recorded against them, parents should be aware of this — that the service is not actually exceeding.” NSW participant

“I think it opens a real can of worms and the regulator can be very petty — we need to be very careful here.” NSW participant

“The devil is in the detail. Natural justice should prevail. If it is an investigation, families should not be required to know.” QLD participant

“The confidentiality of educators and children should be considered carefully. Families may make judgments about educators if they know an investigation is under way.” QLD participant

“We need to be fair. A freak accident where a child falls and breaks an arm is not the same as a serious incident where broken equipment caused a broken arm — the family response should be proportionate.” VIC participant

“These need to be clear about what the breach was. If it just states ‘child safety’, that can cause alarm when the actual incident or issue could be minor.” VIC participant

“It creates stress and doubt for families.” WA participant

“Be cautious about what information is advertised.” SA participant

“What you are talking about is ‘cancel culture’. It is up to the regulator to police, not public opinion. If the regulator says a centre can operate, then that is all the parents need to know. If you force centres to advertise previous shortcomings, you might as well take their licence and shut them down. Compliance relies on financial viability.” SurveyMonkey respondent (WA), 2.1

“Reporting ‘under investigation’ is guilty before investigations are complete.” SurveyMonkey respondent, 2.2

Recommendations: Reform 2

1. Proceed with minimum transparency standards but define a national seriousness threshold linked to enforcement action, conditions on approval, suspension, or serious incidents under active investigation, rather than routine administrative compliance.
2. Pair any additions to NR 167 with a clear distinction between wilful misrepresentation (penalty warranted) and administrative error (guidance and rectification).
3. Resource the regulators to close the feedback loop quickly; a delayed investigation undermines both family trust and provider confidence.
4. Develop plain-English, culturally and linguistically appropriate communications materials co-designed with the sector.

Reform 3: PMC Fitness and Propriety

Proposals to publish PMC identities or to collect and disclose additional information regarding property and leasing arrangements should be carefully scrutinised to ensure there is a clear and demonstrable nexus to child safety. The purpose of such disclosures must be transparent and proportionate to the intrusion they represent.

Such requirements can have a disproportionate impact on small and medium non-aligned approved providers, as well as volunteers serving on local community boards. Overreach in this area risks deterring capable and community-minded individuals from governance roles, potentially reducing the quality of leadership and exposing organisations to reputational risk without demonstrable safety benefits.

The consultation proposes guidance on PMC responsibilities; new enforcement tools (suspension/training directions, intervention on new appointments, directed removal, prohibition orders, and provider offences), publication of PMC identities and provider type on Starting Blocks; and a power to compel property and leasing documentation.

Survey findings

PMC fitness & propriety		
Reform proposal (survey item)	Combined support	ACA position
3.1 Guidance on PMC responsibilities and fitness/propriety assessment	90.2%	Support - guidance is overdue and beneficial.
3.2a Suspension / training directions on a PMC	77.5%	Support with conditions - procedural fairness, clear thresholds, proportionality.
3.2b Intervene on new PMC appointments pending assessment	72.5%	Support with conditions - timely regulator response is essential (members cite two-year delays).
3.2c Direct removal of a PMC found not fit and proper	84.1%	Support - many members observe this power is already expected to exist.
3.2d Prohibition orders for individuals from acting as PMC	89.7%	Support - strong, consistent cross-jurisdictional response to unfit individuals.
3.2e Offence for providers who allow a prohibited/suspended PMC	80.2%	Support - aligns duties of providers with the new prohibition regime.
3.3 Publish PMC identities and provider type on Starting Blocks	42.2%	Do not support as drafted - nexus to child safety not demonstrated; risk of deterring community governance volunteers.
3.4 Compel disclosure of property ownership and leasing arrangements	33.7%	Do not support - lowest support of any proposal; unclear child-safety rationale; disproportionate impact on small providers.

PMC fitness & propriety		
Reform proposal (survey item)	Combined support	ACA position
3.5 Personal liability / accountability alignment for PMCs	84%	Support - parity with Nominated Supervisor obligations is reasonable.
3.6 PMC training / capability requirements	81%	Support - particularly relevant where school principals or boards act as PMC.
3.7 Related enforcement and implementation measures	71.7%	Support with conditions - implementation detail and resource impacts must be clear.

The sector strongly supports better-targeted PMC fitness and propriety tools where these are directly tied to children's wellbeing. Proposals 3.1, 3.2c, 3.2d, 3.2e, 3.5 and 3.6 all exceed 80% combined support and should proceed with a design that protects procedural fairness, timeliness of regulator decisions, and workforce attraction to leadership roles.

Two proposals, however, attract majority opposition and should be reconsidered. Proposal 3.3 (publication of PMC identities and provider type on Starting Blocks) drew only 42.2% combined support; members questioned the safety nexus and raised a concrete risk that volunteer board members in community-based services will withdraw. Proposal 3.4 (compelled disclosure of property ownership and leasing arrangements) drew 33.7% combined support - the lowest of any item in the consultation.

ACA notes that **property ownership and PMC identity are separate issues**, that the relevance of personal asset disclosure to child safety is not established, and that such disclosures can disproportionately deter community-minded governance.

"Why does PMC have to identify profit or not-for-profit?" NSW participant

"In the school preschools the principal is the provider; they have no training in ECEC." NSW participant

"Increasing accountability on PMCs will improve child safety in the ECEC sector. Focusing on improved governance systems should be the focus of these legislative changes." QLD participant

"The current legislation has a gap here. This proposed change will address the gap." QLD participant, on intervention in new PMC appointments (3.2b)

"When you submit a new Provider Approval, the PMC needs to undertake an online test if they do not have experience. This should be the same." QLD participant

"I work at a private centre — my service puts just as much back in. I know they make money but I am happy with how much goes back into the service." VIC participant, on 3.1

“There would need to be clear evidence as to why they felt a PMC was not fit...” VIC participant, on 3.2d

“Needs to be a relevant reason to suspect this.” VIC participant, on 3.4 property disclosure

“What is the timeframe to decide if someone is fit and proper?” WA participant

“How does the regulator authority decide who is fit and proper - what are the measurement tools?” SA participant

“Yes, PMCs should do the new child safety training.” WA participant, on 3.6

“Given the stringent checks by regulators and authorities of PMCs, it doesn’t seem necessary to make their identities public.” SurveyMonkey respondent, 3.3

“Leasing arrangements are commercial - right to occupy is already provided to obtain service approval.” SurveyMonkey respondent, 3.4

“Financial confidential information is not related to quality.” SurveyMonkey respondent (WA), 3.4

“They already do when applying for PA01. This seems to be already covered.” SurveyMonkey respondent, 3.5

Members also consistently raised concerns about regulator timeliness: multiple comments describe PMC fitness and internal-review applications taking up to two years to be assessed. New intervention powers under 3.2b must therefore be paired with enforceable service standards for regulator responsiveness.

Separately, the SurveyMonkey cohort surfaced a classification concern that had not appeared in the facilitated sessions: proposal 3.3’s binary public labelling of providers as ‘for-profit’ or ‘not-for-profit’ does not accommodate local-government centres, which are operated on a non-commercial basis but cannot describe themselves as ‘not-for-profit’ on Starting Blocks.

“Any public provider-type labelling should account for local-government and community-operated services, and should distinguish small family owner-operators from corporate/equity-backed providers”. VIC participant

Recommendations: Reform 3

1. Proceed with proposals 3.1, 3.2c, 3.2d, 3.2e, 3.5 and 3.6, with statutory thresholds, clear procedural fairness protections, and explicit timeliness commitments from regulators.
2. Redesign proposal 3.2a (suspension/training directions on a PMC) with proportionality safeguards and a right of review before any career-ending order.
3. Redesign proposal 3.2b (intervention on new PMC appointments) with statutory timeframes to prevent regulator inaction from effectively suspending appointments indefinitely.
4. Do not proceed with proposal 3.3 (publication of PMC identities on Starting Blocks) as currently drafted. If retained, publish only where a fitness-and-propriety finding has been made, not by default.
5. Do not proceed with proposal 3.4 (compelled property/leasing disclosure). If the Department believes there is a demonstrable financial viability or safety risk that requires this information, develop a narrowly scoped financial risk framework rather than a general disclosure power

Reform 4: Suspension, Supervision and Training Directions

Extending suspension, supervision and training directions to individuals, in addition to approved providers, can strengthen accountability where non-compliant conduct is attributable to specific decision-making or behaviour. This approach reflects the principle that child safety obligations rest with both organisations and individuals, rather than relying solely on organisational-level sanctions.

Clear thresholds, defined timeframes, and robust procedural fairness safeguards are essential to prevent disproportionate or premature regulatory action. Information-sharing frameworks must carefully balance transparency and child safety with privacy rights, reputational fairness, and the risk of career-long or career-ending consequences arising from unresolved or minor matters.

Consistency in regulatory interpretation across jurisdictions will be critical. Poorly designed disclosure or direction mechanisms could inadvertently discourage experienced educators from taking on leadership roles. If these reforms proceed, they should be accompanied by clear national guidance, accessible appeal pathways, and proportionality principles, ensuring the objective remains child safety, not regulatory overreach.

The consultation proposes extending suspension, supervision, and training directions to individuals as well as providers (aligning with the family day care educator suspension model), enabling the regulator to automatically disclose direction status to current providers and, on request, to prospective providers or recruitment agencies.

Survey findings

Suspension, Supervision & Training directions		
Reform proposal (survey item)	Combined support	ACA position
4.1 Apply directions to individuals as well as providers	90.9%	Support with conditions - thresholds, due process and appeal pathways.
4.2 Individual accountability for non-compliant conduct	89%	Support - already a principled ACA position.
4.3 Direct supervision requirements for individuals	86.8%	Support with conditions - clear exit pathway once remediated.
4.4 Information sharing with current approved provider	96%	Strong support - addresses a well-known information gap.
4.5 Information sharing with prospective providers on request	94.7%	Support - critical to prevent jurisdiction-hopping.

Suspension, Supervision & Training directions		
Reform proposal (survey item)	Combined support	ACA position
4.6 Information sharing with recruitment agencies on request	96%	Strong support - consistent with workforce-integrity objective.

This is the most strongly supported reform area – where every item attracts at least 86.8% combined support, and the two information-sharing proposals (4.4 and 4.6) each reach 96%. This mirrors ACA’s continued position, which endorses the extension of directions to individuals subject to appropriate safeguards and proportionality.

The conditional aspects the sector is seeking relate to design, not direction: clear thresholds; defined timeframes for decisions and for the duration of any direction; accessible appeal pathways; and a proportional distinction between minor unresolved matters and patterns of serious misconduct.

Participants noted disclosure frameworks must balance transparency with privacy and reputational fairness, particularly for educators and leaders whose matters may ultimately be unfounded.

“After a period of training, they should be freed.” - NSW participant - reflecting sector expectation that directions should have a clear remediation and exit pathway.

“When workers are entered on the register, the Approved Provider could be made aware of supervision, suspension and training directions.” QLD participant

“Yes, this is needed. It should be like the Worker Register — as an employer I should be able to put the name in somewhere to see if there are any supervision things in place. People give false references.” VIC participant, on 4.5

“It’s hard. As a service we avoid agency where possible, but sometimes it’s needed and we are trusting the agency. It would be good to have back-up.” VIC participant, on 4.6

“Isn’t this what the Worker Registry is for? Would have made more sense to attach this to the worker register.” WA participant

“More clarity will assist providers in doing the right thing.” SA participant

“We need more accountability and responsibility from all individuals in the sector.” SA participant

“It needs to be a consistent and non-discretionary standard.” SurveyMonkey respondent (WA), 4.1 – 4.3

“The existing process of finding something, plus the appeal process, is already very long. Give people time to respond.” SurveyMonkey respondent, 4.4 – 4.5

Recommendations: Reform 4

1. Proceed with all six proposals, subject to nationally consistent guidance and proportionality principles
2. Develop and provide clear, nationally consistent, and proportionate key performance indicators (KPIs) and measurable benchmarks to support both providers and authorised officers in interpreting and applying regulations more objectively.
3. Publish statutory maximum timeframes for directions and for their review.
4. Provide accessible, low-cost appeal pathways to guard against career-ending consequences arising from unresolved matters.
5. Align implementation with the ACA's pre-budget call for a comprehensive, interactive National Educator Register so that employers can verify qualifications, WWCC status, and any substantiated findings consistently across jurisdictions.

Reform 5: Whistleblower Protections

Any legislative amendments addressing non-disclosure agreements (NDAs) or contractual confidentiality clauses must make clear that such provisions cannot override an individual's right, and in some cases, obligation, to report child safety concerns to the appropriate authority.

No contractual arrangement should operate to suppress disclosures of conduct that may constitute a breach of law or harm to a child. A clear understanding of the current legislative framework is needed before pursuing further reform to identify gaps, what is already protected, and what additional protections are required to achieve the policy objective.

The consultation proposes to strengthen existing National Law whistleblower protections (Part 14, Division 7; sections 297–300) through guidance and education, and legislative change to ensure non-disclosure agreements cannot suppress child-safety disclosures.

Survey findings

Whistleblower Protections		
Reform proposal (survey item)	Combined support	ACA position
5.1 Guidance and education on current whistleblower protections	87.5%	Support - clear information gap to close.
5.2 Legislative change on NDAs / contractual confidentiality	73.9%	Support with conditions - target clauses that suppress child-safety disclosures, not blanket prohibition.

Both proposals are supported, with stronger support for the guidance and education measure. Members indicated that knowledge of the existing protections is uneven, particularly around what can still be disclosed to the regulator while an NDA is in place. The survey confirms sector appetite for this approach, provided reform targets the specific content of clauses rather than a blanket prohibition on all confidentiality.

“NDAs that are in place addressing issues that breach National Law should be prohibited.” QLD participant

“I support this fully. These are the areas of the National Law that need addressing.” QLD participant, on 5.1

“Yes, but people also need to realise the impact of allegations. The person making an allegation needs to understand how that can affect a whole person and their career.” VIC participant

“When safety is at risk, we should have the right to report.” WA participant

“Yes, if relating to child safety or law - but not on business or day-to-day company information shared.” WA participant, on 5.2

“Impose sector-specific NDAs that allow for whistleblowing to the regulatory authority.” SA participant

“Some false accusations by unhappy staff or parents can make an impact - any protection framework needs to guard against this too.” SurveyMonkey respondent (WA), 5.1

“There should be limits to any carve-outs on confidentiality.” SurveyMonkey respondent, 5.2

Recommendations — Reform 5

1. Release comprehensive guidance and training on current whistleblower protections ahead of any legislative change.
2. Introduce legislation rendering void any NDA or contractual confidentiality clause that purports to prevent disclosure to a regulator, law enforcement, or child protection body of conduct that may constitute a breach of the National Law or harm to a child; and preserve legitimate confidentiality obligations for commercial and personal information unrelated to child safety.

Reform 6: Updating Quality Ratings During and After Investigation

Premature or poorly contextualised updates to quality ratings during an ongoing investigation may destabilise services, trigger rapid enrolment withdrawals, and cause serious reputational harm, even when allegations are ultimately not substantiated. This creates real risks for services, families, and the children currently in care.

Any reform in this area must therefore be proportionate and accompanied by plain-language explanations, ensuring that families can accurately and responsibly interpret what any change in rating status means and does not mean.

The consultation proposes to extend section 138 of the National Law so Regulatory Authorities may update a quality rating during an investigation and move a rating to ‘under review’ immediately after an investigation, pending reassessment.

Survey findings

Updating Quality Ratings during and after Investigations		
Reform proposal (survey item)	Combined support	ACA position
6.1 Update quality rating during an active investigation	37.7%	Do not support - natural justice and reputational harm before substantiation.
6.2 Update quality rating immediately following an investigation	52.1%	Conditional support - only where a pattern of persistent or systemic non-compliance is established.

Proposal to update quality rating during an active investigation (6.1) received the third-lowest support of any item in the consultation (37.7%), and the survey comments reinforce this, with members expressing concern about natural justice and noting that a single incident is not representative of a service’s entire quality profile.

The survey comments reinforce the point: members expressed concern about natural justice, noting that a single incident is not representative of a service’s entire quality profile.

“Serious or continuous incidents - yes. But once the investigation is complete, not during. This makes people scared to report...” WA participant

“Natural justice should apply here. I do not support this when the service is under investigation.” QLD participant

“There is a real risk to the ECEC profession here.” QLD participant

"I felt this says a service is guilty unless proven not guilty - and that is hardly fair to services."
VIC participant

"This is going to push providers to stop self-reporting incidents. How long will it take to get re-assessed? What if it is a one-off scenario?" SA participant

"Immediate - no. After proven serious misconduct - then yes." SA participant

"There is more to the assessment and rating than one negative incident." NSW participant

"This will result in Approved Providers being found guilty in the court of parent opinions before investigations conclude." SurveyMonkey respondent, 6.1

"Consider actual harm versus near-miss incidents, severity levels, and relevant actions."
SurveyMonkey respondent, 6.1

"Consider the longevity of A&R results. There are many concerns around 'that's not every-day practice, only for A&R'. Look at the extended time frames between A&Rs for review, which will put further strain on the Regulatory Authority to push through reviews in a timely manner."
SurveyMonkey respondent (WA), 6.2

Proposal 6.2 is more evenly split (52.1% combined support), with the strongest support in VIC (71.4%) and weakest in NSW, QLD and WA. ACA supports a review of Assessment and Rating where investigations reveal a pattern of persistent or systemic non-compliance. It does not support a default move to 'under review' after every completed investigation, regardless of the finding.

"I believe a slightly greater level of awareness needs to be placed on a single poor action of a single individual. It can detrimentally impact an entire service and group of committed early childhood educators and service leaders. We've seen and experienced this. And it tarnishes an entire sector." (QLD), 6.2

Recommendations: Reform 6

1. Do not proceed with proposal 6.1 (rating change during active investigation) as drafted.
2. Do not proceed with 6.2 – instead, strengthen the existing transparency proposals (Reform 2) so that families are informed, through plain-English channels, that a service is under investigation, while the rating itself is preserved pending findings.
3. If 6.2 proceeds, limit its application to findings of persistent or systemic non-compliance, with a defined threshold and a transparent pathway for reinstatement.
4. Pair any rating-change mechanism with plain-language explanations so families can correctly interpret what ‘under review’ does and does not mean.

Reform 7: Safer Fencing

The early childhood education and care sector already adheres to strict building standards and physical environment requirements, including fencing. Any further amendments to fencing standards must be supported by expert instruction and a clear evidence base to justify the specific requirements proposed.

The consultation proposes ACECQA guidance and a Kidsafe-partnered awareness campaign on entrapment, hanging, and strangulation risks; strengthened Regulation 104 (non-retrospective); notes referencing AS 1926.1; and national advocacy to amend AS 1926.1 to align with AS 4685.

Survey findings

Safer Fencing		
Reform proposal (survey item)	Combined support	ACA position
7.1a ACECQA guidance on safe fencing profiles	97.2%	Strong support - highest support of any item.
7.1b Awareness campaign in partnership with Kidsafe	94%	Strong support - practical and proportionate.
7.2a Strengthen Regulation 104 (non-retrospective)	76.9%	Support with conditions - clarity on transition, costs and waivers required.
7.2b Add note to Regulation 104 referring to AS 1926.1	90.3%	Support.
7.3a National advocacy to amend AS 1926.1	92.5%	Support.
7.3b Further notes and alignment with AS 4685	97.9%	Strong support.

Fencing is the most consistently supported reform area in the consultation. Guidance, awareness and standards alignment proposals all attract 90%+ combined support. The single item that does not reach 80% is 7.2a (strengthening Regulation 104), reflecting practical concern about implementation, not disagreement with the safety goal.

Fencing modifications can trigger digging, re-landscaping, remediation of underground services, and, in some cases, broader building works or a temporary closure. For services operating 52 weeks per year or operating from leased premises, the practical and financial implications are significant. Survey comments also highlight the risk of inconsistent interpretation between Authorised Officers.

“Guidance is good, but if it is open for interpretation AOs often have different opinions.” QLD participant

“It is important to inform families and stakeholders, as well as reaching an agreement on having higher expectations of children as capable human beings who have the ability to take risks.” VIC participant

“There should be a bridging timeline for all services to meet the regulations.” VIC participant, on 7.2a

“We recently changed our fence - it took me more than a year to find funds and apply for a grant. We need support from the government.” WA participant

“For family day care some have glass barrier fencing - how does that look?” WA participant

“It’s about time this guidance was available, instead of us trawling through other websites.” SA participant

“Get clarification out to providers to stop them receiving breaches with regulations that are vague.” SA participant, on 7.1b

Recommendations: Reform 7

1. Proceed with 7.1a, 7.1b, 7.2b, 7.3a and 7.3b immediately - high support, low burden, clear safety rationale.
2. Implement 7.2a (strengthened Regulation 104) on a strictly non-retrospective basis, with national transition guidance, funding support where capital works are required, and a coordinated waiver pathway.
3. Resource Authorised Officers with nationally consistent interpretation guidance to prevent divergent assessment outcomes.

Final commentary

In addition to the points made above, ACA urges the government to sequence a system-level delivery, including:

1. Publish a national implementation roadmap that sequences reforms to allow the sector to reset between phases.
2. Treat regulator capacity uplift (timeliness, consistency, training of Authorised Officers) as a precondition for new intervention powers.
3. Align every reform progress with a published child-safety nexus statement and evidence base.
4. Integrate implementation with the ACA's 2026–27 pre-budget priorities — particularly the National Educator Register, the joint Fair Work Ombudsman/regulator/sector taskforce, and the recalibration of the CCS hourly rate cap so that small-business operators retain the viability to deliver safety reform in practice.

Appendix A - Combined Support by Reform Item

The table below provides the combined support percentage ('Yes' plus 'Yes with conditions') for each reform item, alongside the national and jurisdictional breakdown from the ACA combined Child Safety Analysis (2026). Cells are colour-coded: green $\geq 80\%$, amber 60–79%, red $< 60\%$, grey indicates no data.

Reform item	NSW	QLD	SA	VIC	WA	National
SUPERVISION PRACTICES						
1.2 Supervision policies and procedures	100%	84%	100%	92.9%	100%	95.4%
1.3 Define adequate supervision	83.3%	91.3%	100%	96.4%	94.4%	93.1%
1.4 Amend QA4 / Element 4.1.1	50%	63.6%	100%	67.9%	70%	70.3%
1.5 Working towards qualifications in ratios	37.5%	52%	42.9%	82.1%	55%	53.9%
INCREASING TRANSPARENCY FOR FAMILIES						
2.1 Minimum standards for sharing compliance info	25%	66.7%	87.5%	75%	42.9%	59.4%
2.2 Additions to NR 167 / penalties	50%	63.6%	0%	81.5%	70.6%	53.1%
2.3 Guidance and communications	66.7%	59.1%	14.3%	77.8%	75%	58.6%
PMC FITNESS & PROPRIETY						
3.1 Guidance on PMC responsibilities	100%	95.7%	57.1%	92.3%	90.5%	87.1%
3.2a Suspension / training directions on PMC	50%	90.9%	71.4%	80.8%	68.4%	72.3%
3.2b Intervention on new PMC appointments	66.7%	52.2%	66.7%	88.5%	78.9%	70.6%
3.2c Directed removal of non-fit PMC	50%	78.3%	71.4%	96.2%	90%	77.2%
3.2d Prohibition orders for individuals	100%	91.7%	57.1%	96.2%	88.2%	86.6%
3.2e Offence for providers (prohibited PMC)	60%	75%	87.5%	88.5%	77.8%	77.8%
3.3 Publish PMC identities / provider type	50%	30.4%	25%	65.4%	27.8%	39.7%
3.4 Compel property / leasing disclosure	42.9%	17.4%	0%	61.5%	25%	29.4%
3.5 Liability / accountability alignment	80%	83.3%	83.3%	76.9%	95%	83.7%
3.6 PMC training / capability	83.3%	83.3%	50%	88%	81.2%	77.2%
3.7 Related enforcement / implementation	n/a	94.7%	66.7%	53.8%	80%	73.8%
SUSPENSION, SUPERVISION & TRAINING DIRECTIONS						
4.1 Directions apply to individuals	83.3%	95.8%	100%	87%	88.2%	90.9%

Reform item	NSW	QLD	SA	VIC	WA	National
4.2 Individual accountability	75%	90%	62.5%	95.7%	100%	84.6%
4.3 Direct supervision for individuals	100%	77.3%	87.5%	87%	100%	90.4%
4.4 Share info with current provider	100%	90.9%	100%	95.7%	100%	97.3%
4.5 Share info with prospective provider	85.7%	91.7%	100%	95.7%	100%	94.6%
4.6 Share info with recruitment agency	100%	90.9%	100%	95.7%	100%	97.3%
WHISTLEBLOWER PROTECTIONS						
5.1 Guidance / education on current protections	100%	91.3%	85.7%	90.9%	66.7%	86.9%
5.2 Legislative change on NDAs	100%	72.2%	57.1%	63.6%	87.5%	76.1%
UPDATING QUALITY RATINGS						
6.1 Rating change during active investigation	33.3%	28.6%	0%	71.4%	21.4%	30.9%
6.2 Rating change immediately after investigation	28.6%	42.9%	75%	71.4%	35.7%	50.7%
SAFER FENCING						
7.1a ACECQA guidance on safe fencing profiles	100%	95.5%	100%	100%	92.9%	97.7%
7.1b Awareness campaign with Kidsafe	100%	95.2%	100%	95%	84.6%	95%
7.2a Strengthen Regulation 104 (non-retrospective)	100%	89.5%	50%	90%	46.2%	75.1%
7.2b Add note referring to AS 1926.1	75%	84.2%	100%	90%	100%	89.8%
7.3a National advocacy to amend AS 1926.1	100%	84.2%	100%	100%	86.7%	94.2%
7.3b Further alignment with AS 4685	100%	94.4%	100%	95%	100%	97.9%

Source: ACA Combined Child Safety Analysis 2026 - State Breakdown sheet. Combined support = 'Yes' + 'Yes with conditions' as percentage of respondents for each item in each jurisdiction.

About the Australian Childcare Alliance

The Australian Childcare Alliance (ACA) is the national peak body for small- and medium-sized family-owned and operated Early Childhood Education and Care providers. The ACA's membership spans more than 3,900 services, 75,000 educators, 360,000 families and approximately 468,000 children. For nearly three decades, ACA has represented the lived experiences of ECEC providers, contributing to reviews by the Productivity Commission, the Australian Competition and Consumer Commission (ACCC), the Senate Education and Employment References Committee, and the National Child Safety Review.



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

