

# Review of NQF Staffing and Qualifications Regulations

## Public consultation



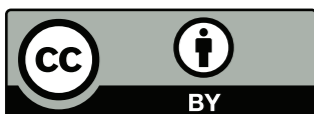
April 2023

*We acknowledge the Traditional Owners and Custodians of the Lands across Australia. We also acknowledge and extend our respect to Elders, past and present. We recognise and celebrate the contributions of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia, including their role in the education and care of children. We also acknowledge and recognise the rich histories and diverse cultures of Aboriginal and Torres Strait Islander peoples, and the valuable contribution their diversity brings.*



## Contents

1. What is this review about? . . . . .	4
2. What is the problem? . . . . .	5
3. Focus areas for consultation . . . . .	5
ECTs and early childhood educators . . . . .	10
OSHC services and programs . . . . .	17
4. How can I contribute to the review? . . . . .	21



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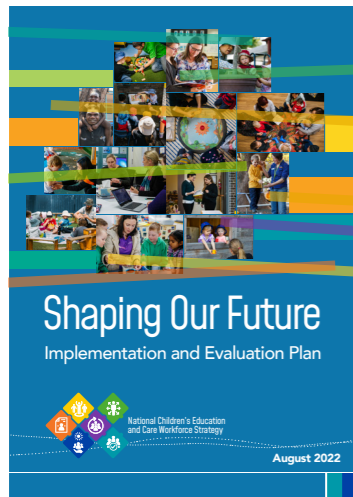
## 1. What is this review about?

**Highly skilled and experienced teachers and educators are integral to the NQF and the delivery of high-quality education and care.**

The children’s education and care sector has made significant progress since the introduction of the [National Quality Framework \(NQF\)](#) in 2012, driven by the efforts of hundreds of thousands of service providers, educational leaders, educators and early childhood teachers (ECTs). One of the fundamental features of the NQF was the introduction of new mandatory staffing and qualification requirements, including improved educator to child ratios, a requirement to employ an ECT in all relevant services, and a requirement for at least half of educators included in relevant ratios to hold, or be actively working towards, an approved diploma level (or higher) qualification.

These requirements have been progressively introduced over the past decade, supported by transitional and savings provisions designed to enable a staged approach to higher staffing and qualification requirements.

However, as we enter the second decade of the NQF, persistent and increasingly pressing issues with the attraction, supply and retention of qualified and experienced educators and ECTs continue. In addition, a range of national and state and territory government initiatives and reforms will increase participation in early childhood education, such as the upcoming changes to the Child Care Subsidy, the Preschool Reform Funding Agreement and three-year-old reforms, further increasing the demand for qualified and skilled educators and ECTs. There is a need to consider how best to uphold our commitment to quality, considering the increasing demand for educators and ECTs in a growing sector.



[Shaping Our Future](#), the co-designed ten-year national children’s education and care workforce strategy provides a roadmap for ongoing collaboration and partnership to progress this work between all parties, including governments, service providers, education and training providers, peak associations, regulatory bodies, educators and teachers, and their representative bodies.

One of the 21 actions within [Shaping Our Future](#) commits to a comprehensive review of staffing and qualification regulations, with a focus on the requirements for ECTs and Outside School Hours Care (OSHC) educators, as well as consideration of expiring transitional staffing provisions. The

Australian Children’s Education and Care Quality Authority (ACECQA) has been commissioned to coordinate this work on behalf of governments. This review aims to identify opportunities to improve the consistency, support the quality, and reduce the complexity of the current qualifications and staffing requirements and will inform options for Education Ministers to consider in December 2023.

## 2. What is the problem?

Over the last ten years, while the staffing and qualification requirements for approved services have progressively increased, enrolments in early childhood initial teacher education degrees and vocational courses have declined. This means that while the overall number of qualified educators is growing, there are still significant shortages. The COVID-19 pandemic differentially impacted services and further exacerbated workforce challenges, with the impacts continuing to be experienced.

Some approved providers and their services report difficulty in meeting staffing and qualification requirements. State and territory regulatory authorities may grant a waiver if an approved provider can demonstrate difficulty meeting staffing requirements. Most staffing waivers are temporary arrangements to address short term staffing challenges, particularly in relation to ECT requirements.

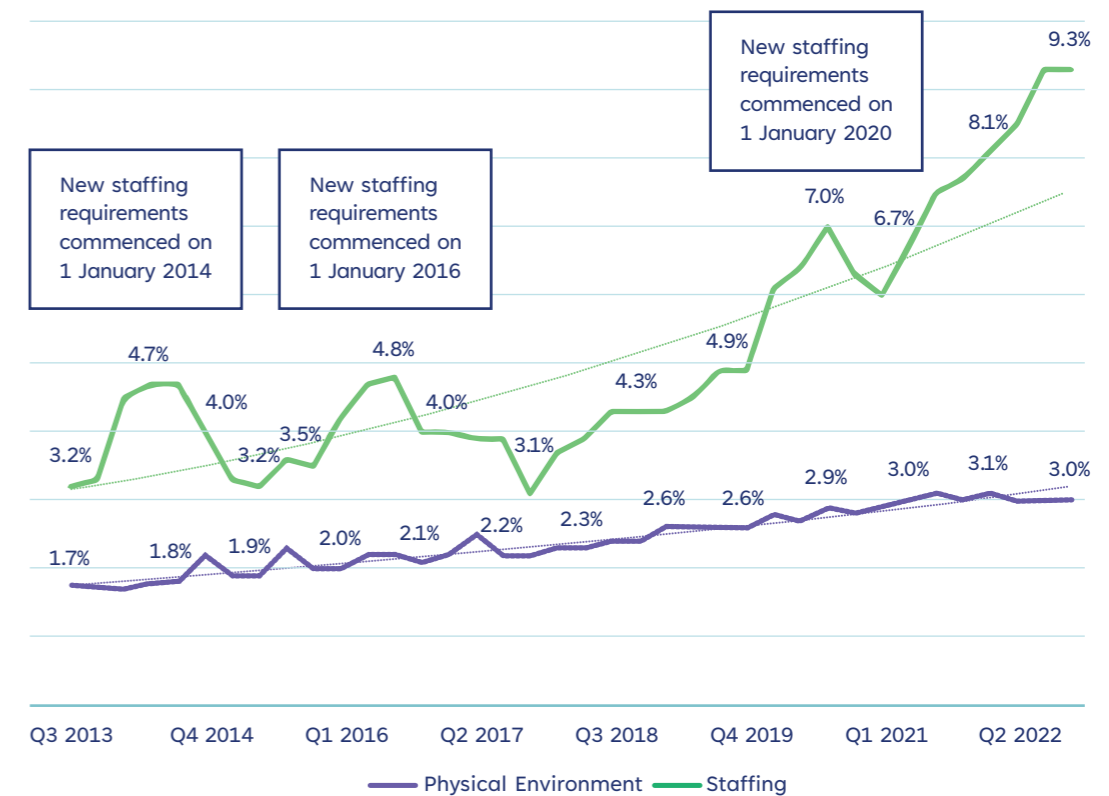
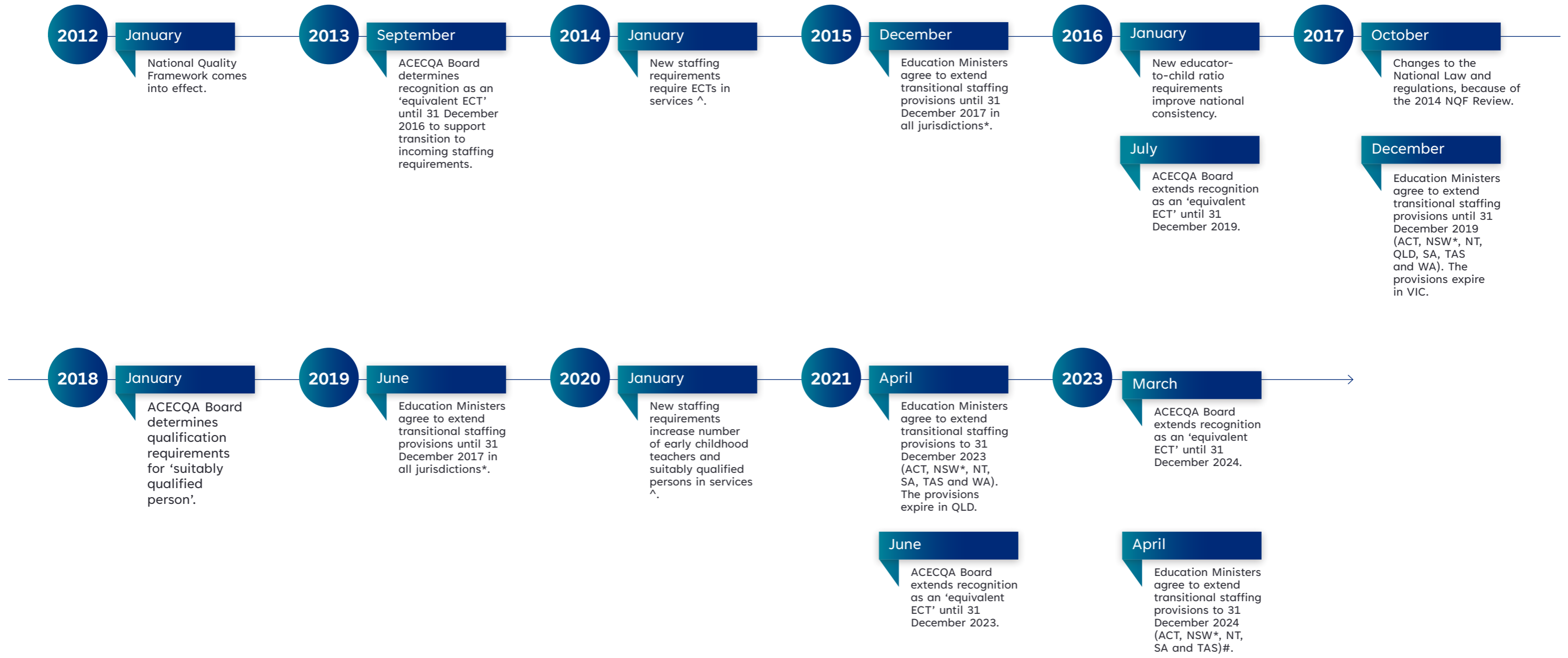


Figure 1: Proportion of NQF services with a waiver, time series. Source: ACECQA, [NQF Snapshot Q4 2022](#)

As Figure 1 illustrates, the recent, relatively high proportions of services with staffing waivers follow the introduction of new staffing requirements, the cessation of some transitional provisions in certain jurisdictions and the impact of COVID-19, including disruption to international borders and skilled migration.

Some states and territories have extended transitional workforce provisions five times in response to ongoing workforce challenges and concerns. This review provides an opportunity for all stakeholders to consider a longer-term approach to staffing and qualification requirements and how we can realise our goal in [Shaping Our Future](#) to achieve a sustainable, high-quality children’s education and care workforce.

## Timeline of NQF staffing and qualification requirements



<sup>^</sup> NSW retains existing higher requirement.

\* NSW retains existing higher requirement for services educating and caring for 30 or more children preschool age or under.

# Western Australia will make corresponding regulations to extend the workforce transitional provisions for regulation 239A, 240 and 242 to continue to apply until 31 December 2024.

### 3. Focus areas for consultation

While most of the staffing and qualification regulations in the NQF remain fit-for-purpose, this paper outlines a small number of areas for further consultation to better support quality, reduce unnecessary complexity and improve national consistency. Analysis undertaken by ACECQA has identified the below focus areas for further consultation, with consideration of the four expiring transitional provisions and seven jurisdiction specific requirements for OSHC qualifications being the highest priority.

We will not be consulting on regulations that have recently been considered as part of the [2019 NQF Review](#) or on staff to child ratios, except where regulations specify proportions of qualified educators and staff. It should also be noted that there are related but separate actions under [Shaping our Future](#) that will focus on the requirements of approved early childhood teaching programs, and this work will be progressed separately.

#### Focus Area 1: Transitional provisions

These regulations predominantly vary the ECT and educator qualification requirements for centre-based care services educating and caring for children preschool age and under. They are intended to support specific service contexts where it may be challenging to meet the general qualification and staffing requirements, for example, in regional and remote Australia. Given some of the transitional provisions have been extended up to five times in response to continued workforce pressures, whilst some jurisdictions rely on waivers, this review represents an opportunity to consider options for the best approach to address these ongoing challenges without compromising high-quality education and care.

#### Focus Area 2: Jurisdiction specific provisions

These regulations reflect the different starting points across states and territories when the NQF came into effect more than a decade ago and in some instances, long-standing structural and policy differences. Of note, a consistent approach to qualification and staffing regulations for services providing education and care to children over preschool age has not yet been achieved at a national level, and this review provides the opportunity to consider how governments might better align the requirements to improve consistency, support quality and reduce complexity for the OSHC sector.

#### Focus Area 3: Savings provisions

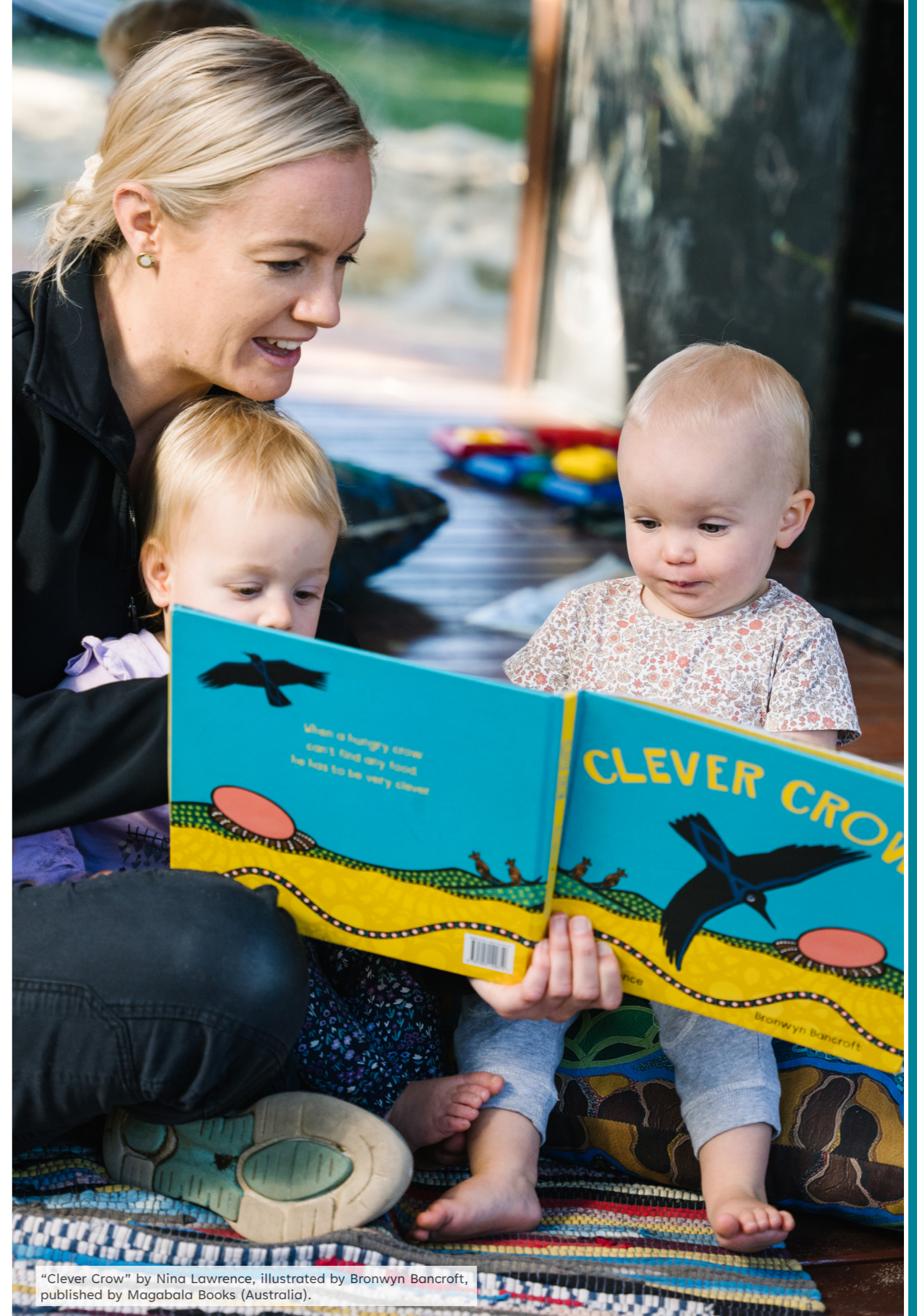
These provisions were included in the NQF to allow for the staged introduction of qualification and staffing requirements and to recognise certain circumstances as being exceptional and most have already expired. Given the historical nature of these provisions, fewer educators and teachers are recognised under these provisions each year. In some situations, these regulations may be better administered through waivers.

#### General provisions

Given the above three focus areas intersect across the NQF staffing and qualification regulations, as part of this review we will also consider how any changes to the regulations will impact general staffing and qualification provisions as well as interrelated provisions and definitions, such as ‘actively working towards’.

It is important to consider that the NQF staffing and qualification regulations provide the minimum standard for services to meet regulatory requirements. There will continue to be circumstances where services may choose to, or need to, maintain staffing and qualification levels over and above the minimum regulatory requirements.

The next two sections will provide more detail on the regulations being considered as part of this consultation period.



“Clever Crow” by Nina Lawrence, illustrated by Bronwyn Bancroft, published by Magabala Books (Australia).



### Regulations for centre-based services educating and caring for children preschool age or under

NQF centre-based early childhood education and care services educating and caring for children preschool age or under include **long day care services**, as well as **preschools and kindergartens** in most states and territories. There are around 5,800 approved providers nationally and these services account for almost three quarters of the 17,000+ services approved under the NQF.

Long day care services typically operate for at least eight hours per day and 48 weeks per year and employ most of the educators and ECTs who work in the children's education and care sector. They are also typically larger than preschools and kindergartens (on average, long day care services are approved to educate and care for up to 70 children), often catering for very young children right up until they commence formal schooling.

Preschools and kindergartens typically cater for children in the year or two years before formal schooling, and generally operate in line with the public school terms, although increasingly, long day care services are also funded to provide integrated preschool/kindergarten programs.

### Staffing and qualification regulations for consultation

The below table details the specific staffing and qualification regulations for consultation and feedback, including four transitional provisions that are scheduled to expire by the end of December 2024.

Regulation		Rationale
10	Meaning of actively working towards a qualification	These definitions are outlined in the regulations and referenced in several qualification and staffing regulations. The review will consider how they interrelate with other provisions being reviewed, such as r126 (general educator qualifications) and r130 – 134 (requirements for early childhood teachers).
11	Meaning of in attendance at a centre-based service	
13	Meaning of working directly with children	
126	Centre-based services—general educator qualifications	These are general national provisions. There is an opportunity to review the national consistency in line with transitional, savings and jurisdictional specific regulations varying these regulations.
130	Requirement for early childhood teacher—centre-based services—fewer than 25 approved places	
131	Requirement for early childhood teacher—centre-based services—25 or more approved places but fewer than 25 children	
132	Requirement for early childhood teacher—centre-based services—25 to 59 children	
133	Requirement for early childhood teacher—centre-based services—60 to 80 children	
134	Requirement for early childhood teacher—centre-based services—more than 80 children	
239A	Centre-based services in remote and very remote areas—attendance of early childhood teachers	These are transitional provisions, applying in some states and territories, currently due to expire at the end of December 2024. There is an opportunity to consider the best approach for addressing these, considering ongoing workforce challenges.
240	Centre-based services in remote and very remote areas—qualifications for educators	
242	Persons taken to be early childhood teachers	
264	General qualifications for educators—centre-based services (ACT)	

Regulation		Rationale
239	Centre-based service offering a preschool program in a composite class in a school	These provisions vary the general national provisions, either relevant to specific education and care settings (e.g. school sites) or in jurisdictions where there are long-standing policy or structural differences.
272	Early childhood teachers—children preschool age or under (NSW)	
324	Early childhood teachers—preschools (SA)	
343	Qualifications for educators—preschools (TAS)	
373	Early childhood teachers—pre-kindergarten programme or kindergarten programme provided by a school (WA)	



### Considerations

- In recognition of the different jurisdictional starting points, the National Regulations include several transitional and savings provisions intended to provide a staged approach to the higher staffing and qualification requirements. However, some of these have been extended five times in some jurisdictions which does not reflect the intent of transitional arrangements. This level of variation in requirements and provisions also presents a challenge for service providers operating across states and territories and can act as a barrier to workforce mobility.
- ECTs are required to be [registered](#), and maintain their registration or accreditation, by teacher regulatory authorities across four states – South Australia, Western Australia, Victoria and New South Wales. Some believe that continued transitional and savings provisions undermine the professional status of qualified, registered ECTs and reinforce prevailing perceptions that ECTs are ‘less qualified’ than their school counterparts.



- Early childhood qualifications are strongly associated with improved child outcomes, as appropriately qualified educators and ECTs are better able to involve children, stimulate positive interactions, and use a range of strategies to extend and support their learning. When providers rely too heavily on transitional and savings provisions, there may be impacts to the quality of education and care provided to children.
- Flexibility can assist to address specific contexts and challenges. In remote and regional Australia, the access to and availability of qualified and experienced educators and ECTs can be limited. Transitional and savings provisions provide flexibility for providers of these services to respond to acute workforce shortages, however waivers can also be used for this purpose.
- Provisions that allow individuals to work while studying can support upskilling and career pathways for existing educators. This is particularly relevant as part of broader supports and targeted programs for priority groups of potential educators and teachers, such as Aboriginal and Torres Strait Islander peoples and culturally and linguistically diverse educators and teachers.
- The general qualification requirements for centre-based early childhood education and care services have a strong focus on pedagogical leadership and recognise the critical importance of high quality children’s education and care to support lifelong learning and skill development.
- There are some specific allowances for short term illness and absences where a primary trained teacher can provide relief for a certificate III or diploma qualified educator, or an ECT, for a specific time period.

## Consultation questions

These questions relate to the staffing and qualification that generally apply in long day care and preschool/kindergarten services, however, may also apply to outside school hours care and vacation care services that cater for children preschool age and under.

### 1. To what extent do you support the following options for improving the national consistency, supporting the quality and reducing the complexity of qualification requirements for early childhood teachers?

- Recognising only approved ECT degrees for work as an ECT in an early childhood education and care service.
- Recognising any registered / accredited teacher to work as an ECT in an early childhood education and care services, regardless of their pedagogical specialisation.
- Recognising educators who are half-way through studying and 'actively working towards' an approved ECT qualification as equivalent to an ECT.
- Different requirements for ECTs for services in remote and regional areas or areas experiencing significant workforce shortages.  
*For example: more flexible options to meet the qualification requirements for services located in geographically remote or very remote areas.*
- Different qualification requirements for second and subsequent ECTs and suitably qualified persons.  
*For example: more flexible options to meet qualification requirements for second and subsequent ECTs provided the first ECT is fully qualified.*

### 2. To what extent do you support the following options for improving the national consistency, supporting the quality, and reducing the complexity of qualification requirements for other qualified early childhood educators (for example: certificate III and diploma qualified educators)?

- Recognising only approved early childhood qualifications for educators in an early childhood education and care service.
- Recognising a broader range of education, allied health and social service qualifications for some educators in an early childhood education and care service.  
*(For example: a two year nursing, physiotherapy, occupational therapy, diversional therapy or speech pathology qualification).*
- Recognising educators who are studying their education and care qualifications and 'actively working towards' as equivalent to a qualified educator.
- Recognising short courses ('microcredentials') as the minimum qualification requirement for some educators.
- Recognising short courses ('microcredentials') in addition to an approved qualification for some educators.
- Requiring at least half of all educators to hold an approved diploma level (or higher) early childhood education and care qualification.

### 3. To what extent are the following issues important to you?

- Nationally consistent staffing and qualification requirements.
- Recognising a broader range of professionals and qualifications for work in early childhood education and care settings.
- Different staffing and qualification requirements for services in different geographic locations or operating in a specific context.
- Mandatory minimum qualification requirements for all ECTs.
- Mandatory minimum qualification requirements for all early childhood educators.  
*For example: certificate III and diploma qualified educators.*
- Recognising individuals who are studying an approved qualification and 'actively working towards' to meet staffing requirements.
- Probationary (grace) periods of at least three months for new staff prior to commencement of any formal qualifications or training.
- At least half of all educators working with children hold an approved diploma level (or higher) early childhood education and care qualification.

### 4. Do you have any additional comments about your experience with, or how you are impacted by, any of the specific transitional, jurisdiction-specific or variations on qualifications and staffing regulations?

- [239](#) – Centre-based service offering a preschool program in a composite class in a school
- [239A](#) – Centre-based services in remote and very remote areas—attendance of early childhood teachers
- [240](#) – Centre-based services in remote and very remote areas—qualifications for educators
- [242](#) – Persons taken to be early childhood teachers
- [264](#) – General qualifications for educators—centre-based services (ACT)
- [272](#) – Early childhood teachers—children preschool age or under (NSW)
- [324](#) – Early childhood teachers—preschools (SA)
- [343](#) – Qualifications for educators—preschools (TAS)
- [373](#) – Early childhood teachers—pre-kindergarten programme or kindergarten programme provided by a school (WA)

### 5. Do you have any additional feedback on the NQF staffing and qualification requirements for teachers and educators working in centre based early childhood education and care services? For example: the impacts of potential options on you or your service.





### Regulations for centre-based services educating and caring for children over preschool age

**Outside School Hours Care (OSHC)** services are approved under the NQF to deliver education and care to children over preschool age and make up more than one quarter of all services approved under the NQF. They typically cater for primary school aged children in the hours before and after school, as well as during school holidays. There are around 1,500 different approved providers of OSHC services approved under the NQF, with more than 80% of providers approved to operate a single service.

Note: these regulations may also be relevant to long day care and preschool / kindergarten services that provide care to children over preschool age.

### Staffing and qualification regulations for consultation

There are no national qualification requirements for OSHC educators, although some states and territories have retained their own jurisdictional specific requirements from previous legislation. The below table details the seven jurisdiction specific regulations for consultation and feedback, as well as interrelated provisions and definitions that need to be considered as part of this review.

Regulation		Rationale
10	Meaning of actively working towards a qualification	These are general definitions outlined in the regulations.
11	Meaning of in attendance at a centre-based service	These definitions need to be considered in the context of how they interrelate with any proposed changes to qualification and staffing requirements for OSHC educators as well as national consistency.
13	Meaning of working directly with children	
261	General qualifications for educators—children over preschool age—centre-based services (ACT)	
262	Required qualifications to be a qualified educator for children over preschool age (ACT)	There is an opportunity to consider how national consistency can be improved for these requirements, including consideration of: <ul style="list-style-type: none"> <li>• minimum qualifications</li> <li>• role of unqualified staff</li> <li>• scope and discipline of approved qualifications, and</li> <li>• consistent application of ‘actively working towards’ a qualification.</li> </ul>
290	General qualification requirements for educators—children over preschool age (NT)	
299	General qualification requirements for educators—children over preschool age (QLD)	
321	General qualification requirements for educators—children over preschool age (SA)	
356	Qualifications for educators—children over preschool age (VIC)	
370	General qualification requirements for educators—children over preschool age (WA)	

On 1 July 2023 the former WA Education and Care Services National Regulations 2012 were amended to delete r 369 and 370 and replace them with a new r 369 that now provides for both educator/children ratios and qualification requirements (see the Education and Care Services National Amendment Regulations (No. 2) 2023 published in the WA Gazette on 30 June 2023). The amendments are consolidated into the WA Regulations, and may be accessed on the [WA Legislation website](#). The approved qualifications for the various qualification requirements under the new r 369 are published on the ACECQA website.



## Considerations

- Across Australian states and territories, a range of qualification and staffing requirements are in place for OSHC services, ranging from no minimum educator qualification requirements<sup>1</sup> (NSW; Tasmania), to broad lists of relevant disciplines for working with children (Queensland; Northern Territory; Victoria), to specific lists of approved qualifications with a strong pedagogical focus (South Australia; Western Australia).
- Most OSHC educators work part-time, with university students making up an important part of the overall workforce. The range of qualification disciplines recognised for educators reflects the play and leisure recreational focus and the spirit of the refreshed [My Time Our Place V2.0](#), the nationally approved learning framework, and

ranges from education and care specific qualifications to multidisciplinary qualifications such as youth work, sport and recreation, psychology and allied health. There is an increasing trend towards broadening the lists of recognised qualifications and disciplines to provide increased flexibility and acknowledge the unique nature of OSHC.

- The casual nature of the work often with split shifts, combined with competition from other parts of the children's education and care sector, particularly the long day care sector where full-time hours are much more readily available, can contribute to very high staff turnover.
- With most OSHC services operating on school sites, the relationship between the school and the service is crucial to ensure high quality children's education and care. When the relationship is strong and collaborative, it is mutually beneficial.
- While there are no national mandatory minimum qualifications prescribed in the NQF, in August 2021 a national accredited course, the [Certificate III in Outside School Hours Care](#), was developed by the National Outside School Hours Services Alliance (NOSHSA) to provide a tailored qualification and provide training pathways for new educators.
- Internationally, a growing number of countries are taking an extended education approach for school age care, where before and after school care and vacation care is an extension of the school continuum supported by shared curriculum and learning outcomes<sup>2</sup>. Employment opportunities before, during and after the formal school day are more seamless and there is a shared responsibility for children's learning and development.
- An emerging opportunity for consideration is the appropriate use of 'micro credentials' - short certification courses that allow individuals to gain new professional skills more quickly than a traditional qualification to meet growing demand but ensure core OSHC safety and contextual knowledge is acquired.

<sup>1</sup> Note: the approved provider still must ensure that at least one staff member (or nominated supervisor) in attendance and immediately available in an emergency holds a current approved first aid, anaphylaxis management and asthma management qualification in line with Regulation 136.

<sup>2</sup> Cartmel, J. and Hurst, B. (2021) [More than 'just convenient care': what the research tells us about equitable access to outside school hours care](#).

## Consultation questions

These questions relate to the staffing and qualification that generally apply in outside school hours care and vacation care services that provide care for children over preschool age.

This section may also be relevant to long day care and preschool / kindergarten services that provide care to children over preschool age.

1. **To what extent do you support the following potential options for improving the national consistency, supporting the quality and reducing the complexity of qualification requirements for educators working with children over preschool age?**
  - a. No minimum qualification requirement for educators working with children over preschool age.
  - b. A national mandatory minimum qualification standard for all educators.  
*For example: a national requirement for educators to hold at least an approved certificate III level qualification.*
  - c. A national mandatory minimum qualification requirement for some educators.  
*For example: a minimum diploma level qualification requirement for lead educators, supervisors and OSHC coordinators.*
  - d. Recognising an approved national list of specific educator qualifications developed to educate and care for children over preschool age.
  - e. Recognising a broad range of education, sports and recreation, allied health and social service disciplines to educate and care for children over preschool age.
  - f. Recognising short courses ('microcredentials') as the minimum skills and knowledge required to educate and care for children over preschool age.
  - g. Recognising short courses ('microcredentials') in addition to mandatory minimum qualifications to educate and care for children over preschool age.
  - h. Recognising relevant employment experience educating and caring for children over preschool age.
  - i. Nationally consistent probationary (grace) periods for new staff prior to the commencement of formal qualifications and training.

## 2. To what extent are the following issues important to you?

- a. Nationally consistent staffing and qualification requirements.
- b. A multidisciplinary approach to approved qualifications for educating and caring for children over preschool age.
- c. Specialised pedagogical qualifications for educators working with children over preschool age.
- d. Differentiated staffing and qualification requirements for services in different geographic locations or operating in a specific context.
- e. Mandatory minimum qualification requirements for some educators, for example lead educators, supervisors and OSHC coordinators. *For example: a minimum diploma level qualification requirement for lead educators, supervisors and OSHC coordinators.*
- f. Mandatory minimum qualification requirements for all educators. *For example: a national requirement for educators to hold at least an approved certificate III level qualification.*
- g. Recognising individuals who are studying and ‘actively working towards’ approved qualification to meet staffing requirements.
- h. Recognising employment experience in lieu of formal qualifications.
- i. Probationary (grace) periods for individuals prior to commencement of their formal qualifications and training.

## 3. Do you have any additional feedback on NQF staffing and qualification requirements for centre-based services educating and caring for children over preschool age? (For example: the impacts of potential options on you or your service.)



Throughout May, June and July we want to hear your perspective on how the staffing and qualification requirements could be improved.

## 4. How can I contribute to the review?

Several resources, including [Frequently Asked Questions](#) are available to assist you to contribute to this review.

Between **Monday 1 May** and **Friday 4 August 2023**, you and all interested parties are strongly encouraged to provide feedback via the [online survey](#).

The survey starts by asking some demographic questions, for example the state and territory in which you live, whether you work in the children’s education and care sector, and if so, what transitional and savings regulations are used in your service. Please note that you will not be asked any personally identifiable or confidential questions. The survey then takes you through the focus areas and asks for your level of support for potential options the impact on your and your service, as well as the relative importance you place on them. It also provides an opportunity for you to suggest options and offer any overarching feedback.

Between **Monday 5 June** and **Friday 28 July 2023** you can also attend an [online consultation webinar](#) to understand more about the goals of the review and discuss the options for consideration.

It is important to emphasise that the potential opportunities are suggestions only at this stage, and further discussion and agreement by governments is required to inform options and consideration of impacts for Education Ministers. This consultation period will provide valuable feedback to inform that process.

Thank you in advance for your contribution to this important work.

