

# Review of Child Safety Arrangements under the National Quality Framework

**Executive Summary – Findings and recommendations for the NQF and inter-related child safety mechanisms**

**December 2023**



Australian Children's  
Education & Care  
Quality Authority



## EXECUTIVE SUMMARY

In December 2007, the nine governments of Australia, through the Council of Australian Governments, agreed to work together for *substantial reforms in the areas of education, skills and early childhood development to deliver significant improvements in human capital outcomes for all Australians*. The National Quality Framework (NQF) was one of the major national improvement reforms for the Early Childhood Education and Care (ECEC) and Outside School Hours Care (OSHC) sector<sup>1</sup>.

The NQF commenced in 2012 and replaced a complex system of nine overlapping regulatory and quality assurance schemes and introduced a comprehensive, evidence-based, consistent national regulatory system with six objectives to deliver high-quality educational and developmental outcomes for children. The first and foremost objective of the NQF is to ensure the safety, health and wellbeing of all children attending an approved<sup>2</sup> education and care service.

The NQF is jointly governed by the Australian Government and all state and territory governments, supported by the Australian Children's Education and Care Quality Authority (ACECQA), the independent national authority that assists governments in administering the NQF. It is an internationally recognised framework for setting and achieving a high national benchmark for quality. In addition to mandatory minimum requirements that services must meet to operate, all services are quality assessed and rated against the National Quality Standard (NQS): the proportion of services Meeting or Exceeding the NQS has increased from 56% in 2013 to 90% today.

While the 2014 and 2019 reviews have supported the NQF to improve, it is timely to consider what reforms could and should be made to further protect more than 1.4 million children and growing, who annually attend over 17,000 approved services, with attendance ranging from a handful of irregular hours through to more than 50 hours every week.

At the request of the Australian Government Minister for Education and Minister for Early Childhood Education, and supported by all state and territory Education Ministers, the Review of the Child Safety Arrangements under the NQF ('CSA Review') commenced in May 2023 to identify new or refined systemic safeguards needed to support Approved Providers of education and care services to protect children, with a focus on reducing harm, abuse and neglect. In recognition that the NQF does not exist in a vacuum, the Terms of Reference for the CSA Review ([Attachment 1](#)) enabled consideration of inter-related child safety mechanisms operating in each jurisdiction, such as working with children checks (WWCC)<sup>3</sup>/vulnerable people checks, teacher registration, mandatory reporting and reportable conduct schemes.

While the CSA Review does not address the facts of any particular alleged incident, its need and urgency are highlighted by reported critical incidents and allegations<sup>4</sup> emerging as the CSA Review was being undertaken. None more so than the very alarming and distressing 1 August 2023 announcement about Operation Tenterfield. An Australian Federal Police (AFP) investigation with Queensland and New South Wales police, Operation Tenterfield led to a former childcare worker being charged with 1623 child abuse offences against 91 children, alleged to have been committed in Brisbane, Sydney and overseas between 2007 and 2022. In addition, there have been recent findings<sup>5</sup> that child maltreatment in Australian society is associated with early and persistent harm.

1 Collectively referred to as 'children's education and care' under the NQF and in this report.

2 Approved service means an approved education and care service under the National Quality Framework.

3 WWCC is used to represent working with children checks and working with vulnerable people checks throughout the rest of the report.

4 ABC News. (2 August 2023). [Man charged with child sex offences known to be involved with photography at a childcare centre, ABC confirms](#), accessed 2 August 2023.

5 Haslam, D., Mathews, B., Pacella, R., Scott, J.G., Finkelhor, D., Higgins, D.J., Meinck, F., Erskine, H.E., Thomas, H.J., Lawrence, D., Malacova, E. (2023). *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report*. Australian Child Maltreatment Study, Queensland University of Technology, accessed 8 June 2023.

This Report confirms that the NQF is a robust regulatory scheme with a strong focus on continuous quality improvement to ensure children are safe, healthy and thriving in approved education and care services. Since 2012, comprehensive and targeted reviews have been undertaken to increase safeguards. The most recent 2019 NQF Review, for example, included changes to the NQF to strengthen alignment with the National Principles for Child Safe Organisations (National Principles) ([Attachment 2](#)) where some gaps were identified. This was in recognition of the importance of building protective factors and supporting a child safe culture in every service.

However, monitoring the effectiveness of a regulatory scheme like the NQF – which is vital to ensuring the safety, health and wellbeing of children – will always require constant vigilance to respond to rapidly evolving societal change.

As this Report outlines, the NQF exists in the context of a broader, inter-related child protection landscape with numerous child safety mechanisms, often at the jurisdictional level, that can result in overlap and be confusing to navigate. This is particularly relevant in the context of a sector where many Approved Providers are operating across state and territory borders and/or facing the challenges of high demand and an undersupply of teachers and educators.

### Targeted Stakeholder Consultation

It was vital to work with a number of child safety organisations as well as Regulatory Authorities in this review of child safety provisions and arrangements, with a particular focus on reducing harm, including abuse and neglect, in approved education and care services.

Through targeted consultation with Regulatory Authorities, the National Office for Child Safety (NOCS) within the Commonwealth Attorney-General's Department, the Department of Social Services and the eSafety Commissioner, it is clear that, although the NQF is aligned with child protection mechanisms and principles, there are opportunities to address emerging issues, close loopholes, strengthen policies and practices, support staff capabilities and improve the protection of children in the face of new online technologies.

These can be achieved through regulatory changes, national innovation, alignment of current complex child safety schemes and the development of professional guidance and high-quality resources.

Regardless of the maturation of related child safe mechanisms and the experience of service staff, there is complexity in navigating state/territory child safety requirements alongside the NQF. For example, the current inability to share information across borders and between related schemes, particularly in regard to individuals and unsubstantiated allegations or concerns (an early warning system). Other emerging concerns are:

- **Increase in the number of reported incidents and allegations** occurring in services with additional support required to improve educators' ability to identify, respond to and understand differences between developmentally expected sexual behaviour and concerning or harmful sexual behaviour by children or between children.
- **Increase in reported use of inappropriate discipline or interactions by educators**, often in relation to children with additional needs and in situations where multiple educators may be present.
- **The absence of a consistent and coherent national framework to manage risks of 'persons of interest'**<sup>6</sup> including knowledge about how and when to share information about these persons both within and across jurisdictions.
- Educators and staff working with children having **difficulty in understanding and navigating different thresholds of obligations and reporting requirements** across jurisdictional schemes, such as WWCC and mandatory reporting.

6 While work would be needed to agree a definition of 'persons of interest', for the purposes of this report and in a children's education and care context, this refers to a service staff member against whom an allegation(s) has been made, but there is insufficient evidence to confirm a breach of the National Law or other schemes has occurred. This may assist regulators and relevant agencies to identify, and provide appropriate disclosure to Approved Providers about patterns of behaviour that are of potential concern for the health, safety and wellbeing of children and young people.

- Approved Providers and staff working with children **do not always understand their respective responsibilities to create and maintain a child safe culture and environment**. This includes their understanding of the requirements to identify, respond to, and appropriately report suspicion of child maltreatment.
- **Some Approved Providers do not understand the importance of undertaking thorough and comprehensive due diligence when hiring or engaging staff**, including:
  - » use of the Prohibited Person Register and WWCCs
  - » understanding the WWCC is only one element of protective screening
  - » the potential for time lags for information to be updated in systems
  - » adequate induction and training of staff, including accountability for their actions at a service specific level, particularly important given increased usage of agency staff.

Furthermore, with rapidly evolving technologies, including the risks associated with artificial intelligence (AI), **Approved Providers and educators are not always confident and proficient about online safety** and their roles and responsibilities in creating and maintaining a child safe environment.

### **Children's Protection First and Foremost**

A significant feature of Aboriginal and Torres Strait Islander cultures, one of the oldest cultures in the world, is the belief that it is vital for the health of the entire community to place children at the centre of decision-making within society, government systems and frameworks. The intent of the NQF is to mirror this belief and place children - their safety, rights and best interests - at the heart of decision making by the sector's system guardians: Approved Providers, educators, governments, Regulatory Authorities and ACECQA.

This intent needs to be refreshed and bolstered, with the protection and safety of children as the central priority. To this end, the CSA Review provides 16 recommendations which focus on what needs to be done within the NQF and more broadly. Enhancing the NQF alone and in isolation is insufficient to enhance child safety and support the teachers and educators who devote their careers to children and young people. The recommendations need to deliver the best outcomes through the most effective contemporary safeguards expected by parents/carers and communities.

Finally, these findings and recommendations are made in the context that ongoing workforce pressures, with challenges exacerbated by the prolonged effects of COVID-19, continue to impact the implementation of effective child safe requirements while meeting the growing demand for a stable, well qualified and professional workforce.

## Recommendations

Based on the evidence gained through this desktop Review and targeted consultation, the 16 recommendations are grouped into two inter-related categories – Additional Safeguards under the NQF and Inter-related Child Protection Mechanisms.

**A. NQF Additional Safeguards** recommends improvements within the NQF as outlined in Chapters 2, 3 and 4. Under the *Education and Care Services National Law 2010* (National Law), Education Ministers have the power to agree and approve implementation of the ‘NQF Additional Safeguards’ recommendations. There are also a small number of recommendations outside of the NQF where they directly relate to the NQF recommendations, for example, the National Construction Code structural safety recommendation outlined below.

**B. Inter-related Child Protection Mechanisms** recommends improvements in areas across broader child safe systems that complement the proposed child safety improvements under the NQF as outlined in Chapter 5. These mechanisms already interface with the NQF, or should do so, with many improvements being considered through broader national policy platforms, such as the National Care and Support Economy Workforce agenda.

### A. NQF Additional Safeguards

Recommendations to strengthen safeguards within the NQF are structured under three aims:

- Strengthening Child Safe Governance, Leadership and Culture
- Embedding Prevention and Early Intervention
- Building and Sustaining Child Safe Capabilities

#### **Strengthening Child Safe Governance, Leadership and Culture**

Governance and leadership are pivotal to improving the overall quality and safety of approved education and care services. The collective commitment by governments and the education and care sector – including service providers and leaders – is paramount to achieving child safe environments.

Approved Providers are responsible for fostering a child safe culture, building staff capacity for responsive relationships, and supporting staff/child engaging experiences within a safe and healthy environment. To ensure there is transparency and accountability across these responsibilities, Approved Providers need to be aware of, and continually monitor the impact of, these child protection and safety obligations. Creating and maintaining a child safe culture in education and care cannot be a ‘set and forget’ approach.

In this context this report recommends the following NQF regulatory changes, including working with relevant experts to make modest adjustments to the National Quality Standard, with a focus on broadening existing elements or standards, rather than creating new ones.

1. Amend the National Quality Standard to:

- 1.1 enshrine ‘Child Safe Culture’ in *Quality Area 7: Governance and Leadership* to authorise and promote the importance of the role played by, and responsibilities of, Approved Providers and their service leaders in fostering a child safe culture, responsive relationships, engaging experiences and a safe and healthy environment;
- 1.2 reflect the inclusion of the safe online environment provisions in the Education and Care Services National Regulations (National Regulations) by strengthening:
  - *Quality Area 2 – Children’s health and safety* at the element level, to make explicit mention of online safety when using technologies.

- *Quality Area 3 – Physical environment* to cover physical and online environments and reflect this across relevant standards and elements. This will ensure the use of technology is risk-assessed and monitored, including that devices are child-safe and have age-appropriate features enabled.

### **Embedding Prevention and Early Intervention**

Regulatory Authorities use contemporary risk-based regulatory approaches to develop tailored and evidence-based solutions for identified risks in the sector. Prevention and early intervention are essential for creating a child safe environment for children at all times. The recent changes to strengthen and ‘join up’ approval processes for Approved Providers across the NQF and Family Assistance Law have been another important step in ensuring the fitness and propriety of those seeking to enter our ECEC system.

Additional strategies for embedding child safety practices across all staff roles and levels of the organisational structure will minimise the risk of harm and hazard to children attending approved services.

#### 2. Amend the National Regulations to:

- 2.1 remove the ability to apply for a waiver, except in exceptional circumstances, under regulation 115 which requires the Approved Provider to ensure the approved service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of children and to strengthen the requirements of the child safe environment policy;
- 2.2 to support this for new services, outside of the NQF, review structural building requirements under the National Construction Code (NCC) with the Australian Building Codes Board (ABCB) to ensure building design facilitates unimpeded supervision of children at all times;
- 2.3 mandate that only service-issued/approved devices may be used in centre-based services when taking images or videos of children, with further requirements for Approved Providers to have strict controls in place for the appropriate storage and retention of images;
- 2.4 further to this, anyone who is working or engaged in a centre-based service in any capacity is prohibited from having personal electronic devices that can take images or video, such as tablets and phones, on their person whilst with children;
- 2.5 require parental authority to record children, including images and videos, and to clearly state the purpose for which they are to be used, including on any social media platforms;
- 2.6 with respect to the use of closed-circuit television (CCTV) in an education and care service, require an Approved Provider to have a policy and procedure in place if they intend using CCTV in an education and care service (regulation 168) to:
  - inform families of the use of the CCTV, including the purpose of its use and require permissions
  - explain how data are stored, kept secure and accessed
  - ensure timely access to CCTV footage for Authorised Officers and other authorised persons such as police, when requested.

#### 3. In the immediate period, while the above legislative changes are being made, Regulatory Authorities could consider alternative strategies such as encouraging voluntary compliance and inserting additional conditions on service approvals for centre-based services relating to recommendations 2.3 and 2.4.

4. Further amend the National Regulations to:
  - 4.1 reduce notification reporting timeframes for any physical and sexual abuse complaints, allegations or incidents to 24 hours (currently 7 days), with consideration being given to incorporating educators in the scope of the penalty provisions for failures to report;
  - 4.2 require Approved Providers of family day care (FDC) services, during the initial assessment of the residence or venue and all subsequent annual visits, to conduct an assessment (including a risk assessment) and approvals of all areas of the residence and place, not just the area being used as part of the approved service (expanding regulation 116);
  - 4.3 require the service environment to be free from e-cigarettes, for example, vaping (expanding regulation 82 which requires the environment to be free from the use of tobacco, illicit drugs and alcohol).
5. Amend the powers of entry in Division 2 in the National Law to enable authorised officers' access to all areas of a FDC residence and venue, not just the area that is being used as part of the approved service (service premises), noting in recognition of privacy concerns the threshold for entry into an FDC residence would need to be determined, for example, conditional on reasonable belief of risk of harm.

### ***Educator Safeguards and Teacher Registration/Accreditation***

The ECEC sector is experiencing persistent and increasingly acute shortages of appropriately qualified early childhood teachers and educators. This shortage has been exacerbated by a long period of lower completion rates in ECEC qualifications and the lingering effects of the COVID-19 pandemic. This has resulted in concerns about the screening and monitoring of behaviour of people seeking to work with children and young people. With the increased use of casual and agency relief staff, concerns have also been raised about the level of vetting being undertaken pre-employment.

Although not within the NQF, teacher registration/accreditation schemes are an important aspect to ensure only qualified and 'fit and proper' people are *in loco parentis* and responsible for children's safety and educational development.

Whilst enabling early childhood teacher registration is an already committed action in *Shaping our Future – the National Children's Education and Care Workforce Strategy 2022–2031*, where possible, consideration should be given to support the Teacher Regulatory Authority (TRA) in each jurisdiction to fast-track **mandatory** registration for early childhood teachers regardless of the setting in which they work. The requirement to mandate will ensure that reliance is not on the individual to choose to be registered/accredited.

To ensure mandatory registration/accreditation operates effectively, it has been a longstanding challenge for teachers in non-school settings to demonstrate their practice against, and move through the career stages under, the Australian Professional Standards for Teachers (APST) not the least of which is that the APST were designed for a teacher's practice in a classroom setting. To address these challenges, consideration could be given to either reviewing the APST or developing equivalent standards aligned with the National Quality Standard to enable monitoring of teachers' practice across their career stages when they work in an approved service in a non-school setting.

Accordingly, it is recommended that consideration be given to:

6. Accelerating Action FA1-2 *Shaping Our Future 2022-2031*, where possible, to enable the mandatory registration of all early childhood teachers, including those working in non-school settings, in Queensland, Australian Capital Territory (ACT), Tasmania and Northern Territory to ensure the safeguards provided by teacher registration/accreditation schemes apply to all teachers regardless of workplace setting or personal accountability.

7. In the interim, authorising and supporting work underway with TRAs to strengthen safeguards for protecting children and young people to enable Automatic Mutual Recognition (AMR) to be in place as quickly as possible for all jurisdictions.
8. Assisting teachers in non-school settings to be registered and to successfully progress through their career stages by considering how the APST may be adapted or equivalent standards be developed in the longer term.

The majority of the sector's workforce are certificate and diploma qualified educators who are not eligible to be registered or accredited under jurisdictional teacher registration/accreditation schemes. As such, the safeguards for entry into the sector and for monitoring behaviours and professional practice are not applicable to them. Instead, Approved Providers must rely on the jurisdictional WWCC mechanisms. While these mechanisms provide an important scrutiny for anyone wishing to work with children, they have their limitations not least of which is that they do not easily enable sharing of consistent and up to date information across borders.

Approved Providers have obligations when recruiting staff and meeting these obligations effectively is a vital control mechanism. When not exercised with due diligence and care, or when information may not be current or complete, there may be unacceptable risks about a person's suitability to work with children and young people. For example, there can be issues with the timeliness of changes to a person's WWCC suitability status and referee checks can be ambiguous/uninformative, particularly if the person has unsubstantiated allegations or has moved between services and/or across jurisdictions. The WWCC may not be successful in identifying issues or patterns of inappropriate behaviour that fall below mandatory reporting levels or in another jurisdiction. WWCC issues are outlined in [Attachment 4b](#), including a number of opportunities to strengthen and reduce complexity on the WWCC requirements within the NQF which are outlined below.

This Review provides options for strengthening safeguards at both the pre-service (screening) and in-service phases of employment (monitoring and reporting) for all educators, similar to those safeguards afforded by teacher registration/accreditation schemes as outlined in Chapter 3. A successful and effective system/mechanism will:

- enable Approved Providers and Regulatory Authorities to efficiently undertake due diligence through a one stop mechanism for the validation of qualifications, relevant child safety checks and mandatory training completions;
- enhance information recording regardless of the jurisdiction or type of service in which an educator is employed;
- provide a secure mechanism for Regulatory Authorities to appropriately record, and share with other regulators, information about 'persons of interest' who may be the subject of unsubstantiated allegations/potential concerns for the safety, health and wellbeing of children and young people (aligning with fit and proper checks of Approved Providers);
- enable more effective sharing of information between the early childhood and the school sectors within jurisdictions and across borders.

Whichever option is considered, its implementation should enable a co-design approach with Approved Providers, Regulatory Authorities and key stakeholders to ensure the maximum protection of children's right to be in a safe environment while reducing complexity and regulatory burden for the sector.

9. Accelerating these options are being considered, amendments to the National Law/Regulations could be considered to reduce complexity, provide clarity and consistency with WWCCs, while taking into account existing jurisdictional legislation, noting where these arrangements are already in place the intent is not to duplicate requirements:



- 9.1 clarifying beyond doubt that an Approved Provider cannot allow a person to commence work, or work as a volunteer, in an approved education and care service without a current WWCC or confirmed teacher registration/accreditation;
  - 9.2 requiring all staff regardless of roles/service types to notify their Approved Provider of a change in status to their WWCC or teacher registration/accreditation obligations and the Approved Provider to notify the Regularity Authority;
  - 9.3 requiring all centre-based staff to notify the Approved Provider of any circumstance that may affect whether someone is fit and proper to be in the company of children (mirroring the obligations for FDC educators introduced in 2023).
10. In addition, to support pre-service vetting and in-service safeguarding and monitoring, section 166 of the National Law (inappropriate discipline – corporal punishment and unreasonable discipline) could be expanded to include inappropriate interactions as an offence (definition and guidance to be developed with relevant experts, including the Commonwealth Attorney-General’s Department) which will clarify what criteria applies to inappropriate interactions.
11. Consideration could also be given to enhancing the ability to prohibit and share information, for example, enabling the Regulatory Authority to share information about a prohibition with a prospective educator’s Approved Provider, without a request being received from the Approved Provider. Additionally, potential expansion of the use of enforceable undertakings with educators, including in situations where the threshold for prohibition is not met, could be used as another risk management strategy.

### ***Building and Sustaining Child Safe Capabilities***

Extending the 2019 NQF Review amendments, the following recommendations aim to ensure Approved Providers and staff working with children are well informed and prepared to respond to children’s disclosures, be attuned to risks, and be ready and able to effectively manage those risks to further safeguard children (such as identifying grooming behaviours). Approved Providers and their staff need to be supported to report child safety concerns appropriately and in a timely manner for children who may be at risk of, or who are experiencing, maltreatment.

12. Building on regulation 84 which requires the Approved Provider to ensure that nominated supervisors and staff members who work with children are advised of the existence and application of the current child protection law and any obligations that they may have under that law, amend section 162A of the National Law to require mandatory child safe training for any Approved Providers, Persons with Management or Control (PMCs), nominated supervisors and staff *who work with children*, including volunteers. Mandatory child safety training must include:
- identifying, reporting and responding to child maltreatment through trauma informed practice;
  - differences in behaviour and responding appropriately, along with identifying grooming behaviour in children and adults around them;
  - understanding the difference between developmentally expected sexual behaviour and concerning or harmful behaviour by children or between children;
  - effective supervision and behaviour guidance, including the offence of using inappropriate discipline.

This training program should be made available through a combination of pre-service qualifications and in-service professional development (microcredentials) with a refresher course required every two years. Changes to pre-service formal qualifications may take time but the development of a high-quality national child safety and mandatory reporting training program should be progressed as a priority.

## B. Inter-related Child Protection Mechanisms – Recommendations outside NQF

The NQF sits in a broader context of child protection mechanisms such as WWCC, reportable conduct and mandatory reporting schemes. The [Australian Child Maltreatment Study \(ACMS\)](#) results underscore the importance of strengthening relevant child safety arrangements within and across jurisdictions, for example, there is parallel work to strengthen national child safety safeguards across the Australian Government and in partnership with state and territory governments.

To further support the NQF safeguards, governments could consider the following recommendations:

13. Continuing to support the Commonwealth Attorney-General's Department to help organisations understand and further embed the National Principles into legislation, policies and practices.
14. Exploring the requirement for mandatory training on child safe standards, principles and practices as part of the application process for a WWCC.
15. Enabling information sharing and streamlining reporting within jurisdictions and nationally to reduce complexity and over-reporting, enabling appropriate agencies to receive and effectively respond to reports by exploring:
  - 15.1 nationally consistent WWCC schemes;
  - 15.2 the alignment of thresholds for what constitutes reportable conduct, mandatory reporting and information sharing;
  - 15.3 harmonising each of these reporting schemes to minimise gaps and simplify interactions with the Additional Child Care Subsidy (ACCS) (Child Wellbeing);
  - 15.4 the establishment of a single, central and holistic point of referral ('one-stop shop') to access resources and referrals to targeted and broad support services for children, families and educators impacted by sexual abuse;
  - 15.5 national consistency in relation to obligations of jurisdictional legislation for failure to report and protect children, and offences, with greater promotion of these laws to increase awareness that it is an offence to fail to report or protect children;
  - 15.6 links between relevant agencies with statutory obligations and disclosure provisions to support understanding, information sharing and to enhance risk assessment, with continuous monitoring. For example:
    - A coordinated national website that explains all intersecting statutory obligations and disclosure provisions that relate to child safety, to better support understanding about information sharing and identify any barriers;
    - A national, centralised mechanism to appropriately record and share national intelligence/record keeping between authorised agencies to more effectively monitor and respond to suspected misconduct and allegations about a 'person of interest' who has unsubstantiated allegations. Such a mechanism would need to long-term link with other data systems, such as teacher registration/accreditation, WWCC and to an NQF secure mechanism, with one option being an educator register; and
    - Promulgating a risk-based approach to the monitoring of, and taking action in the interests of, the health, safety and well-being of children that does not wait for an offence to occur, noting that supporting the right to safety of the child takes precedence, whilst maintaining natural justice principles including the right of reply for a 'person of interest'.

The 2019 NQF Review amendments set a baseline from which further improvements can be made to strengthen and close loopholes in the NQF through this CSA Review. Given the critical importance of vigilance in the protection of children, the final recommendation (Recommendation 16) is to undertake a supplementary child safety review within two years informed by an AFP intelligence analysis of Operation Tenterfield.

### **Next steps**

In developing the above recommendations, primary consideration was given to further strengthening children's protection and safety, while being mindful of the associated requirements for swift change that will inevitably impact services, their staff and Regulatory Authorities. To this end, implementation of recommendations will require a significant commitment of governments to act decisively:

- to undertake any required consultation and regulatory impact analysis to enact legislative changes to the Education and Care Services National Law and Regulations, and corresponding legislation in Western Australia;
- to fast-track mandatory teacher registration/accreditation where possible and consider improvements to the APST or the development of equivalent standards;
- to work with stakeholders to co-design, adapt or develop an effective mechanism by which information about persons of interest can be shared across sectors and borders as an early warning system for the protection of children such as national WWCC, reportable conduct, or a mandatory registration system for educators similar to the registration/accreditation schemes for teachers;
- to commission a cohort of experts to refine and update relevant aspects of the NQS.

All of the recommendations are based on the premise that generous change management support will be given to the sector and Regulatory Authorities including clear communications about why changes are needed; timely guidance and resources for effective implementation; quality professional development for practice improvements; and assistance with technology infrastructure.

## ATTACHMENT 1: TERMS OF REFERENCE

### May 2023

The National Quality Framework (NQF) was established a decade ago to provide a comprehensive national regulatory system to ensure the safety, health and wellbeing of children attending approved early childhood education and care (ECEC) services. The NQF is designed to support ECEC services in meeting their obligations to provide a child safe environment to minimise the risk of harm and hazard to children attending ECEC services. These services include long day care, family day care, kindergarten, preschool and outside school hours care.

The safety and protection of children attending services is the highest priority for all governments.

There are numerous child protection safeguards nationally and within jurisdictions, including requirements for Working with Children Checks, reportable conduct schemes, child protection training, teacher registration processes, mandatory reporting and, under the NQF, requirements to report risks and serious incidents to Regulatory Authorities.

Given the critical importance of child safety and the numbers of reported critical incidents, it is timely and imperative that the NQF system remains contemporary and fit for purpose. This Review will take into account and build on the additional safeguards achieved through the 2019 NQF Review. To this end, at the request of the Federal Minister for Education and Minister for Early Childhood Education, the Department of Education has engaged the Australian Children's Education and Care Quality Authority (ACECQA) to undertake a comprehensive review of the child safety provisions under the NQF and related jurisdictional arrangements.

### Objectives

A review of child safety provisions and arrangements, with a particular focus on reducing harm, including abuse and neglect, in approved ECEC settings to identify:

- existing provisions for child safe environments under the NQF in relation to three key areas including:
  - » physical and online environment
  - » staffing and supervision
  - » child protection requirements
- how these provisions interact with, and are supported by, broader child safety and protection arrangements in each state and territory
- contemporary best practice international standards for child safe environments in ECEC settings
- any gaps within, and opportunities for strengthening, NQF provisions.

### Scope

#### 1. NQF and child protection

A review and analysis of how the NQF operates to ensure a child safe environment including what is covered, potential gaps and the upcoming changes to the NQF involving child protection training and obligations and mapping of the National Principles for Child Safe Organisations. This will be informed by analysis of National Quality Agenda Information Technology System (NQA ITS) data regarding prescribed notifications to Regulatory Authorities about:

- serious incidents
- complaints
- circumstances at the service which pose a risk to the health, safety or wellbeing of children; and

- any incident or allegation that abuse, including physical or sexual, of a child/children has occurred or is occurring while the child/children are being educated and cared for by the service.

The review will consider the effectiveness and adequacy of record-keeping and information sharing arrangements between jurisdictions and within the NQA ITS.

## **2. Inter-related child protection mechanisms**

Analysis of the child protection safeguards nationally and within states and territories including Working with Children Check processes, mandatory reporting and teacher registration processes. The review would identify the intersections with the NQF, areas for improvement and better alignment of these mechanisms. The review will be undertaken with consideration of the National Office for Child Safety's (NOCS) work with the States and Territories to improve national consistency of Working with Children Checks.

## **3. International best-practice**

A literature review and research of international best practice in systems and structures comparative to the NQF and its intersecting child protection regulatory frameworks. This would help inform the recommendations for the final comprehensive report, outlining any potential options and their impacts.

## **4. Targeted Stakeholder Consultation**

As part of the review, ACECQA will conduct targeted consultations with NQF regulatory authorities, governments and relevant statutory bodies. ACECQA will liaise with NOCS and the Department of Social Services (DSS) to consider how the NQF interacts with the National Principles for Child Safe Organisations, the Commonwealth Child Safe Framework, the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030* and *Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031*.

## **5. Existing or proposed reforms**

ACECQA will examine existing strategies, action plans or system reviews/reforms designed to further support and enhance the safety and wellbeing of children. For example, [Shaping our Future – the National Children's Education and Care Workforce Strategy \(2022–2031\)](#) has a number of actions that will provide for more effective assessment, and monitoring, of suitability for people seeking to work with children, such as the development of an educator register.

Recommendations from the [Royal Commission into Institutional Responses to Child Sexual Abuse](#) will be considered, where relevant for example, NQF intersections with reportable conduct schemes established by state and territory governments.

## Deliverable

A comprehensive report on the effectiveness of the NQF and related national and jurisdictional systems and structures (laws, regulations, standards and practices) to safeguard children's safety while attending an approved ECEC service will be provided to the Australian Education Senior Officials Committee and the Education Ministers Meeting later this year.

The report will include an analysis of, and comparison with, international best practice systems and structures for the protection of children attending ECEC, and recommendations for improvements and opportunities for improved systems' alignment and/or integration.

### ***Governance arrangements***

It is proposed to use existing and targeted mechanisms across relevant portfolios and agencies to ensure that this project is both time and cost efficient. The NQF Regulatory Practice Committee, the Early Childhood Policy Group (ECPG), the Australian Education Senior Officials Committee (AESOC) and Education Ministers (EMM) will be briefed as the project progresses. A draft report will be provided by end of October 2023, along with any updated advice, to NOCS and DSS, ECPG, AESOC and EMM, with a final report due by end of 2023.

## ATTACHMENT 2: NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes for complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

## ATTACHMENT 3: NQF AND CHILD SAFETY TIMELINE





## ATTACHMENT 4a: NQF FITNESS AND PROPRIETY REQUIREMENTS UNDER THE NQF

Role	Working with Children Check (WWCC) considered	Fitness and propriety requirement
Approved provider (AP)/ Persons with Managements or Control	<p>As part of provider application approval and when considering fitness and propriety.</p> <p>Applications must include:</p> <ul style="list-style-type: none"> <li>• WWC card or WWCC or teacher registration of the jurisdiction applying to (except in NSW and Qld)</li> <li>• If applying in NSW – WWCC number, WWC card, or WWCC</li> <li>• If applying in Qld – WWC card or WWCC</li> <li>• If applying in Tas – WWVP registration</li> <li>• WWVP check or a criminal history record check issued within previous 6 months plus a criminal history statement covering the time between the check and the application for provider approval (except in Qld)</li> <li>• An overseas criminal history statement if the person lived outside Australia within the previous 3 years.</li> </ul>	<p>Must be fit and proper to be involved in education and care provision.</p> <p>When assessing fitness and propriety, the Regulatory Authority (RA) must consider:</p> <ul style="list-style-type: none"> <li>• compliance with the National Law</li> <li>• compliance with/decisions under related children’s services/education laws</li> <li>• criminal history (includes whether the person holds a current WWC card or check or is a registered teacher in the jurisdiction and a criminal history record check (except in Qld)), or a check of a WWVP law</li> <li>• bankruptcy/insolvency.</li> </ul> <p>Regulatory Authority (RA) may consider:</p> <ul style="list-style-type: none"> <li>• medical conditions</li> <li>• financial circumstances</li> <li>• management capability</li> <li>• actions under the Family Assistance Law</li> <li>• any other matter.</li> </ul>
Nominated supervisor	<p>As part of staff record requirements.</p> <p>The staff record must include:</p> <ul style="list-style-type: none"> <li>• current WWCC or WWVP check number and expiry date or</li> <li>• teacher registration number and expiry date.</li> <li>• in Tas, current WWVP registration and expiry date.</li> </ul> <p>Additional requirement in Vic: the AP must read a person’s WWCC or check the relevant teacher registration register.</p>	<p>AP nominates them after considering compliance with/decisions under the National Law and related children’s services/education laws. Nominated Supervisor (NS) must also be 18+, have adequate knowledge and understanding of education and care provision, and the ability to effectively supervise and manage a service.</p>

Role	Working with Children Check (WWCC) considered	Fitness and propriety requirement
Person in day-to-day charge (PIDTC)	No requirements for this role, but anyone holding this role would have WWCC requirements under the “staff member” requirements or “Family Day Care (FDC) register” requirements. Additional requirement in Vic: the AP or NS must read a person’s WWCC or check the relevant teacher registration register.	AP or NS appoints them after considering compliance with/decisions under the National Law and related children’s services/education laws. Persons in day-to-day charge must also be 18+, the AP/NS must have taken steps to ensure they have adequate knowledge and understanding of education and care provision, and an ability to effectively supervise and manage a service.
Staff members of centre-based services (includes educators but excludes nominated supervisors)	As part of staff record requirements (as above). Additional requirement in Tas: must hold WWVP registration. Additional requirement in Vic: the AP or NS must read a person’s WWCC or check the relevant teacher registration register.	
FDC coordinators	As part of FDC register requirements. The FDC register must include: <ul style="list-style-type: none"> <li>• current WWCC or WWVP check number and expiry date or</li> <li>• teacher registration number and expiry date (except in NSW, Qld and Tas)</li> <li>• in Tas, current WWVP registration and expiry date</li> <li>• the date the check or registration was sighted by the AP or NS.</li> </ul> Additional requirement in Tas: must hold WWVP registration. Additional requirement in Vic: the AP or NS or PIDTDC must read the person’s WWCC or check the relevant teacher registration register	
FDC educators	As part of FDC register requirements (as above). Additional requirement in Tas: must hold WWVP registration. Additional requirements in Vic: the AP or NS or PIDTDC must read the person’s WWCC or check the relevant teacher registration register. Must also read the person’s criminal history check	

Role	Working with Children Check (WWCC) considered	Fitness and propriety requirement
FDC educator assistants	<p>As part of FDC register requirements (as above).</p> <p>Additional requirement in Tas: must hold WWVP registration.</p> <p>Additional requirements in Vic: the AP or NS or PIDTDC must read the person's WWCC or check the relevant teacher registration register.</p>	<p>Must be fit and proper people to be in the company of children.</p> <p>When assessing fitness and propriety (except in NSW, Qld, Tas and Vic), the AP must consider one of the following:</p> <ul style="list-style-type: none"> <li>• a criminal history record check issued within the previous 6 months</li> <li>• a current WWCC or WWVP check or WWC card issued on the basis of a criminal history record check</li> <li>• current teacher registration</li> </ul> <p>In NSW or Qld, the AP must consider a current WWCC or card.</p> <p>In Vic, the AP must consider a current WWCC or current teacher registration.</p> <p>In Tas, the AP must consider current WWVP registration.</p>
FDC residents	<p>As part of FDC register requirements.</p> <p>For residents, the FDC register must include:</p> <ul style="list-style-type: none"> <li>• current WWCC, WWVP check, WWC card or</li> <li>• criminal history record check; or</li> <li>• current teacher registration; and</li> <li>• expiry dates if applicable; and</li> <li>• the date the check or registration was sighted by the AP or NS.</li> </ul>	<p>All adults must be fit and proper people to be in the company of children.</p> <p>When assessing fitness and propriety (except in NSW, Qld, Tas and Vic), the AP must consider one of the following:</p> <ul style="list-style-type: none"> <li>• a criminal history record check issued within the previous 6 months</li> <li>• a current WWCC or WWVP check or WWC card issued on the basis of a criminal history record check</li> <li>• current teacher registration</li> </ul> <p>In NSW or Qld, the AP must consider a current WWCC or card.</p> <p>In Vic, the AP must consider a current WWCC or current teacher registration.</p> <p>In Tas, the AP must consider current WWVP registration.</p> <p>From October 2023 and December 2023 in WA, AP must notify RA of circumstances that affect whether any resident is fit and proper to be in the company of children.</p>

Role	Working with Children Check (WWCC) considered	Fitness and propriety requirement
FDC residents, cont.		Circumstances that may affect fitness and propriety include: <ul style="list-style-type: none"> <li>the person is charged with or convicted of an offence of a sexual or violent nature, or an offence involving drugs or weapons</li> <li>rejection of an application, revocation or suspension of a WWCC or card, WWVP check or WWVP registration</li> <li>if the person is prohibited from working with children.</li> </ul>
Volunteers and students	From October 2023 and December 2023 in WA, for centre-based services, as part of staff record requirements. For volunteers, the staff record must include: <ul style="list-style-type: none"> <li>WWCC number and expiry (if they are required or permitted to obtain one) or</li> <li>teacher registration number and expiry date (except in NSW, Qld, SA and Tas).</li> </ul> Additional requirement in Tas: Must hold proof of WWVP registration (if aged 18+). Additional requirement in Vic: the AP or NS or PIDTDC must read the person's WWCC or check the relevant teacher registration register.	

## ATTACHMENT 4b: CRIMINAL HISTORY SCREENING UNDER THE NQF

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Approved providers (APs) and persons with management or control (PMC) of services</b></p> <p><b>Application to be an approved provider</b></p> <p>Application to be an AP must include working with children or vulnerable people check (WWCC) information and/or a criminal history record check, and if the person has lived outside Australian with the previous 3 years, an overseas criminal history statement (section 10 and regulation 14).</p> <p>Regulatory Authority (RA) must have regard to a person's criminal history when determining if a person is fit and proper to be an AP, including if the person holds a current WWCC or card, is a registered teacher and matters in a criminal history record check (section 13, regulation 16).</p> <p>Applicant must satisfy the RA they are fit and proper to provide education and care (section 12).</p>	<p>AP must notify the RA if there is any change relevant to the AP's fitness and propriety. Penalty \$4500 or \$22 900 (section 174).</p> <p>General notification requirements:</p> <p>AP must notify the RA of any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service, any incident where the AP reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring; allegations that physical or sexual abuse of a child or children has occurred or is occurring (regulation 175).</p> <p>AP must notify the RA of any serious incident, complaints alleging a serious incident has occurred or is occurring (section 174.)</p>	<p>RAs in all jurisdictions in which the provider operates may reassess fitness and propriety and suspend or cancel provider approvals (section 42).</p> <p>If the RA suspects an offence has or may have been committed against the National Law, they may require them to produce documents or evidence, including on oath or affirmation. Penalty \$9100 or \$45 900 (sections 215-217).</p>	<p>Other than being informed by the AP directly, it is unclear how the RA would become aware the provider has been charged with an offence, or may no longer be a fit and proper person.</p> <p>Recommendation: There could be an obligation on PMCs to notify the RA if they become aware other PMCs are not fit and proper.</p> <p>Recommendation: Opportunities for national consistency in WWCC and registration requirements.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history <ul style="list-style-type: none"> <li>• Who to and what are their obligations, based on how they know about changes (i.e. own changes or another person)</li> <li>• Under what disclosure provisions, where relevant?</li> <li>• Any offence provisions?</li> </ul>		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Reassessment</b></p> <p>The RA may at any time reassess fitness and propriety (section 21).</p> <p><b>Suspension and cancellation of provider approval</b></p> <p>The RA may suspend a provider approval if the approved provider has been charged with an indictable offence, or may not be a fit and proper person to be involved in education and care service provision. A show cause notice must be given first (section 26), unless the RA is satisfied there is an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by a service operated by the provider (section 28).</p> <p>The RA may cancel a provider approval if the provider or a PMC is not a fit and proper person to be involved in providing education and care, or continued provision by the provider would constitute an unacceptable risk to the safety health or wellbeing of any child being educated and cared for, or the provider has been found guilty of an indictable offence or an offence under the National Law (section 31). A show cause notice must be given first (section 32).</p>			

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Prohibition notice</b></p> <p>The RA may give a prohibition notice if there is an unacceptable risk of harm to a child if the person were allowed to remain on the education and care premises, or provide education and care to children. Penalty \$22 900 (section 182).</p>			
<p><b>Nominated supervisors</b></p> <p>AP must nominate a nominated supervisor that meets prescribed requirements (section 161A). The prescribed requirements include the person's compliance with the National Law, a former education and care services law, a children's services law and an education law (regulation 117C).</p> <hr/> <p>Must have child protection training (if any) required in the jurisdiction (section 162A).</p> <hr/> <p>The staff record must include a record of the identifying number of the current WWCC or vulnerable people check/registration conducted under that law and the expiry date of that check, if applicable or if the nominated supervisor is a teacher registered under an education law of a participating jurisdiction and has provided proof of that registration, a record of the identifying number of the teacher registration and the expiry date of that registration (regulation 146).</p>	<p>AP must notify the RA if the nominated supervisor's WWCC card or teacher registration is suspended or cancelled, or if there are disciplinary proceedings under an education law. Penalty \$4500 or \$22 900 (section 173).</p> <hr/> <p>A person must not give false or misleading information about a prohibition notice they are subject to. Penalty \$6000 (Section 188A).</p>	<p>RAs must disclose to other RAs the suspension or cancellation of a WWCC, card or teacher registration of a nominated supervisor (section 271).</p> <hr/> <p>RAs may disclose to the department responsible for administering WWCC laws any prohibition notice given under the National Law (section 271).</p> <hr/> <p>At the request of an AP, RAs (and ACECQA) may disclose to an AP if a person is subject to a prohibition notice (section 272).</p>	<p>RAs must disclose to each other changes to a nominated supervisor's WWCC/teacher registration status, but this requirement does not apply to other positions, including APs.</p> <hr/> <p>The AP could be required to consider compliance with a child protection law/WWCC/registration when appointing a nominated supervisor.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p>The AP must ensure nominated supervisors are aware of child protection law and obligations (regulation 84).</p> <p><b>Prohibition notice</b></p> <p>The RA may give a prohibition notice if there is an unacceptable risk of harm to a child if the person were allowed to remain on the education and care premises, or provide education and care to children. Penalty \$22 900 (section 182). An AP must not nominate a prohibited person if they know or out to know a prohibition notice is in force. Penalty \$22 900 or \$114 900 (section 188).</p> <p><b>Vic provision</b></p> <p>In Vic, the AP must read a person’s WWCC before nominating that person as a nominated supervisor, or check the relevant teacher registration register if the person is a registered teacher (regulation 358).</p>		<p>If the RA suspects an offence has or may have been committed against the National Law, they may require them to produce documents or evidence, including on oath or affirmation. Penalty \$9100 or \$45 900 (sections 215-217).</p>	<p>APs to notify the RA if any staff member’s WWCC / Teacher registration status changes (if they are not already notified under other systems). As above, opportunities for national consistency in WWCC and registration requirements.</p>



Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Person in day-to-day charge</b></p> <p>Must have child protection training (if any) required in the jurisdiction (section 162A).</p> <hr/> <p>APs or nominated supervisors must only place someone in day-to-day charge if they have had regard to their history of compliance with the National Law, a former education and care services law, a children’s services law and an education law (regulation 117B).</p> <p><b>Vic provision</b></p> <p>In Vic, the AP must read, or ensure the nominated supervisor has read, a person’s WWCC before placing the person as a person in day-to-day charge, or check the relevant teacher registration register if the person is a registered teacher (regulation 358).</p>			<p>The AP and nominated supervisor could be required to consider compliance with a child protection law/ WWCC/registration when appointing someone in day-to-day charge.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Staff members of centre-based services (includes educators)</b></p> <p>The staff record must include a record of the identifying number of the current WWCC or vulnerable people check/registration conducted under that law and the expiry date of that check, if applicable or (in NSW, Qld, Tas) if the staff member has provided proof of teacher registration, a record of the identifying number of the teacher registration and the expiry date of that registration (regulation 147).</p> <hr/> <p>The AP must ensure staff members who work with children are aware of child protection law and obligations (regulation 84).</p> <hr/> <p>Only authorised persons are to be on the education and care service premises while children are being educated and cared for unless they are under direct supervision (section 170). Staff and educators are authorised through having a WWCC or card or being authorised by the WWCC law to be at the premises without a check or card (section 170).</p>	<p>A person must not give false or misleading information about a prohibition notice they are subject to. Penalty \$6800 (Section 188A).</p>	<p>RAs may disclose to the department responsible for administering WWCC laws any prohibition notice given under the National Law (section 271).</p> <hr/> <p>At the request of an AP, RAs (and ACECQA) may disclose to an AP if a person is subject to a prohibition notice (section 272).</p> <hr/> <p>If the RA suspects an offence has or may have been committed against the National Law, they may require them to produce documents or evidence, including on oath or affirmation. Penalty \$9100 or \$45 900 (sections 215-217).</p>	<p>As above, opportunities for national consistency in WWCC and registration requirements.</p> <hr/> <p>As above, if teacher registration or WWCC status changes, does the AP get notified? There is no requirement to update the AP about change to this.</p> <hr/> <p>The Tas/Vic provisions should be used across roles nationally – i.e. make it a requirement to consider the WWCC, or only allow the person to be engaged if they hold a current WWCC.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history <ul style="list-style-type: none"> <li>• Who to and what are their obligations, based on how they know about changes (i.e. own changes or another person)</li> <li>• Under what disclosure provisions, where relevant?</li> <li>• Any offence provisions?</li> </ul>		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Prohibition notice</b></p> <p>The RA may give a prohibition notice if there is an unacceptable risk of harm to a child if the person were allowed to remain on the education and care premises, or provide education and care to children. Penalty \$22 900 (section 182). An AP must not engage a prohibited person if they know or out to know a prohibition notice is in force. Penalty \$22 900 or \$114 900 (section 188).</p> <p><b>Tasmanian requirement</b></p> <p>In Tas, the AP must not engage a person as a staff member unless the staff member holds a working with vulnerable people registration. Penalty \$2200 (regulation 344).</p> <p><b>Vic provision</b></p> <p>In Vic, the AP must read, or ensure the nominated supervisor or person in day-to-day charge has read, a WWCC before engaging or registering the person as an educator, or check the relevant teacher registration register if the person is a registered teacher (regulation 358).</p>			

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Family day care coordinators</b></p> <p>The register must include a record of the identifying number of the current WWCC or vulnerable people check/registration and the expiry date of that check, if applicable or (in NSW, Qld, Tas) if the educator has provided proof of teacher registration, the identifying number of the teacher registration and the expiry date, and the date the check or registration was sighted by the AP or nominated supervisor (regulation 153).</p>			<p>As above, opportunities for national consistency in WWCC and registration requirements.</p> <hr/> <p>Family day care (FDC) educators are not specifically mentioned as being roles that can be the subject of prohibition notices, although they are likely captured by the terms “employees” and “staff members”.</p> <hr/> <p>As above, if teacher registration or WWCC status changes, does the AP get notified? There is no requirement to update the AP about change to this.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Family day care educators</b></p> <p>The register must include a record of the identifying number of the current WWCC or vulnerable people check/registration and the expiry date of that check, if applicable or (in NSW, Qld, Tas) if the educator has provided proof of teacher registration, the identifying number of the teacher registration and the expiry date, and the date the check or registration was sighted by the AP or nominated supervisor (regulation 153)</p> <p>RA may give the AP a show cause notice directing them to suspend an FDC educator if there is a risk to the safety, health or wellbeing of children (section 178).</p> <p><b>Prohibition notice</b></p> <p>The RA may give a prohibition notice if there is an unacceptable risk of harm to a child if the person were allowed to remain on the education and care premises, or provide education and care to children. Penalty \$22 900 (section 182). An AP must not engage a prohibited person if they know or out to know a prohibition notice is in force. Penalty \$22 900 or \$114 900 (section 188).</p>	<p>A person must not give false or misleading information about a prohibition notice they are subject to. Penalty \$6800 (Section 188A).</p> <p>FDC educator must notify the AP of any serious incident, complaints alleging a serious incident or contravention of the National Law (section 174).</p>	<p>RAs may disclose to the department responsible for administering WWCC laws any prohibition notice given under the National Law (section 271).</p> <p>At the request of an AP, Ras (and ACECQA) may disclose to an AP if an FDC educator has been suspended (section 272).</p> <p>At the request of an AP, Ras (and ACECQA) may disclose to an AP if a person is subject to a prohibition notice (section 272).</p> <p>If the RA suspects an offence has or may have been committed against the National Law, they may require them to produce documents or evidence, including on oath or affirmation. Penalty \$9100 or \$45 900 (sections 215-217).</p>	<p>As above, opportunities for national consistency in WWCC and registration requirements.</p> <p>As above, if teacher registration or WWCC status changes, does the AP get notified? There is no requirement to update the AP about change to this.</p> <p>As above, the Vic provisions should be used across roles. Note the Vic requires the FDC educator's criminal history check to be <i>read and considered</i> while the WWCC only needs to be read.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Victoria provisions</b></p> <p>In Vic, the AP must read, or ensure the nominated supervisor or person in day-to-day charge has read a person's WWCC before engaging or registering the person as an FDC educator, or check the relevant teacher registration register if the person is a registered teacher.</p> <hr/> <p>In Vic, the AP must read and consider, or ensure the nominated supervisor or person in day-to-day charge has read and considered, a person's criminal history record check before engaging or registering the person as an FDC educator (regulation 358).</p>			

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Family day care assistants</b></p> <p>The register must include a record of the identifying number of the current WWCC or vulnerable people check/registration and the expiry date of that check, if applicable or (in NSW, Qld, Tas) if the educator has provided proof of teacher registration, the identifying number of the teacher registration and the expiry date, and the date the check or registration was sighted by the AP or nominated supervisor (regulation 153).</p> <hr/> <p>The AP must take reasonable steps to ensure FDC assistants are fit and proper people to be in the company of children. Penalty \$2200 (regulation 163). In NSW, Qld this means considering the person’s WWCC or card. In Vic this means considering the person’s WWCC or teacher registration. In Tas this means considering the person’s working with vulnerable people registration. In other jurisdictions this means considering a criminal history record check issued not more than 6 months before it is considered, a current WWCC, card, vulnerable people check or teacher registration.</p>			<p>The requirement to ensure “fitness and propriety” is only for FDC assistants, not for other roles. Also, a criminal history record check is something that is considered in some jurisdictions for FDC assistants and FDC residents (and for FDC educators in Vic and AP fitness and propriety checks) but not for other roles.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history <ul style="list-style-type: none"> <li>• Who to and what are their obligations, based on how they know about changes (i.e. own changes or another person)</li> <li>• Under what disclosure provisions, where relevant?</li> <li>• Any offence provisions?</li> </ul>		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Residents at family day care</b></p> <p>The register must include a record of the identifying number of the current WWCC card, vulnerable people check or criminal history record check or teacher registration and the expiry of the check, card or registration, and the date the check, card, record or registration was sighted by the AP or nominated supervisor (regulation 153).</p> <hr/> <p>The AP must take reasonable steps to ensure all adults residing at FDC residences are fit and proper people to be in the company of children. Penalty \$2200 (regulation 163). In NSW, Qld this means considering the person’s WWCC or card. In Vic this means considering the person’s WWCC or teacher registration. In Tas this means considering the person’s working with vulnerable people registration. In other jurisdictions this means considering a criminal history record check issued not more than 6 months before it is considered, a current WWCC, card, vulnerable people check or teacher registration.</p>	<p>AP must require each FDC educator to notify, and the FDC educator must notify, of any new persons aged 18 or over who reside or intend to reside at the residence and any change in circumstance that may affect whether a person is fit and proper to be in the company of children (regulation 164).</p> <hr/> <p>From October 2023 and December 2023 in WA, the AP must require each FDC educator to notify, and the FDC educator must notify of any circumstance that may affect whether any person who resides or intends to reside at the residence that may affect whether they are fit and proper to be in the company of children. Penalty \$2200 (regulation 164) This includes if the person is charged with or convicted of an offence of a sexual or violent nature, involving drugs or a weapon, or if the person’s application for a WWCC, card or registration has been rejected, revoked or suspended or if they are prohibited from working with children (regulation 164).</p>		<p>As above, opportunities for national consistency in WWCC and registration requirements.</p> <hr/> <p>As above, if teacher registration or WWCC status changes, does the AP get notified? There is no requirement to update the AP about change to this.</p> <hr/> <p>There could be a requirement for centre-based staff that mirrors the new provision requiring FDC educators to notify of any circumstance that may affect whether someone is fit and proper to be in the company of children.</p>



Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history <ul style="list-style-type: none"> <li>• Who to and what are their obligations, based on how they know about changes (i.e. own changes or another person)</li> <li>• Under what disclosure provisions, where relevant?</li> <li>• Any offence provisions?</li> </ul>		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Volunteers (and students)</b></p> <p><b>Prohibition notice</b></p> <p>The RA may give a prohibition notice if there is an unacceptable risk of harm to a child if the person were allowed to remain on the education and care premises, or provide education and care to children. Penalty \$22 900 (section 182). An AP must not engage a prohibited person if they know or out to know a prohibition notice is in force. Penalty \$22 900 or \$114 900 (section 188).</p> <p><b>New requirements</b></p> <p>From October 2023 and December 2023 in WA, the AP must ensure volunteers and students who work with children are aware of child protection law and obligations (regulation 84).</p> <p>From October 2023 and December 2023 in WA, for centre-based services, the staff record must include a record of the identifying number of the current WWCC or vulnerable people check/registration conducted under that law and the expiry date of that check, or (in NSW, Qld, SA, Tas) if the student or volunteer has provided proof of teacher registration, a record of the identifying number of the teacher registration and the expiry date of that registration (regulation 149).</p>	<p>A person must not give false or misleading information about a prohibition notice they are subject to. Penalty \$6800 (Section 188A)</p>	<p>RAs may disclose to the department responsible for administering WWCC laws any prohibition notice given under the National Law (section 271).</p> <p>If the RA suspects an offence has or may have been committed against the National Law, they may require them to produce documents or evidence, including on oath or affirmation. Penalty \$9100 or \$45 900 (sections 215-217).</p>	<p>As above, opportunities for national consistency in WWCC and registration requirements.</p> <p>As above, if teacher registration or WWCC status changes, does the AP get notified? There is no requirement to update the AP about change to this.</p> <p>The Tas and Vic requirements highlight difficulties with WWCC only applying to those over 18 years.</p>

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Tasmanian requirement</b></p> <p>The AP must ensure volunteers and students on practicum placements that are over 18 years of age hold proof they hold a working with vulnerable people registration (regulation 344).</p>			
<p><b>Victorian provision</b></p> <p>In Vic, the AP must read, or ensure the nominated supervisor or person in day-to-day charge has read, a person's WWCC before permitting them to be a volunteer, or check the relevant teacher registration register if the person is a registered teacher (regulation 358).</p>			

Requirements about different roles, what screening, record keeping for different positions/roles?	Obligations to notify about changes to criminal history		Gaps or opportunities to strengthen?
	Sector	Regulatory Authorities	
<p><b>Authorised persons</b></p> <p>Only authorised persons are to be on the education and care service premises while children are being educated and cared for, unless they are under the direct supervision (section 170). Authorised persons are people with WWCCs or cards, a parent or family member of a child (not including a person whose access is prohibited or restricted or who is an inappropriate) or an authorized nominee of a parent or family member of a child, medical personnel or emergency services personnel, a person permitted under the WWCC law to remain without a check or card.</p> <p><b>Inappropriate persons</b></p> <p>The RA may direct an AP, nominated supervisor or FDC educator to exclude an inappropriate person from the service. This is someone who may pose a risk to the safety, health or wellbeing of a child or whose behaviour or state of mind or whose pattern of behaviour or common state of mind is inappropriate (section 171).</p>	N/A	N/A	N/A

## ATTACHMENT 5: NQF OBLIGATIONS TO MAKE NOTIFICATIONS

Type of notification	Responsible	Timeframe	Reference
The suspension or cancellation of a working with children card or teacher registration, or disciplinary proceedings under an education law of a participating jurisdiction in respect of a nominated supervisor engaged by the service.	Approved provider	Within 7 days of the approved provider being notified	Section 173(2)(a)
Any change relevant to approved provider's fitness and propriety.	Approved provider	Within 7 days	Section 174(1)(a)
Change of a nominated supervisor's name or contact details.	Approved provider	Not specified	Section 56A
Nominated supervisor ceases to be employed or engaged at the service, is removed from the role, or withdraws consent to the nomination.	Approved provider	Within 7 days	Section 173(2) (b)
Death of a child.	Approved provider	As soon as practicable, but within 24 hours	Section 174(2)(a) Regulation 12 Regulation 176(2) (a) (i)
Any incident involving serious illness of a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital.	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
Any incident involving serious injury or trauma to a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital, or a reasonable person would consider that the child would require urgent attention from a registered medical practitioner.	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
Any emergency for which emergency services attended.	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
A child is missing or cannot be accounted for or appears to have been removed from the premises by a person not authorised by a parent.	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
A child is mistakenly locked in or out of the premises or any part of the premises.	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
Any complaint alleging that a serious incident has occurred or is occurring at an education and care service, or the National Law has been contravened.	Approved provider	Within 24 hours of the complaint	Section 174(2)(b) Regulation 12

Type of notification	Responsible	Timeframe	Reference
Any circumstance at the service that poses a risk to the health, safety or wellbeing of a child attending the service.	Approved provider	Within 7 days	Section 174(2)(c) Regulation 175(2)(c)
Any incident where the provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service.	Approved provider	Within 7 days	Section 174(2)(c) Regulation 175 (2) (d)
Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child or children are being educated and cared for by the service.	Approved provider	Within 7 days	Section 174(2)(c) Regulation 175 (2) (e)
<b>Information for FDC Educators to report to their Approved Provider</b>			
Any serious incident while a child is being educated and cared for by the educator.	FDC Educator	None specified	Section 174A Regulation 12
Any complaint alleging that a serious incident has occurred or the National Law has been contravened while a child was being educated and cared for.	FDC Educator	None specified	Section 174A Regulation 12
Any new person over 18 years who resides at the FDC residence and any circumstance relevant to whether a resident who is over 18 years is fit and proper.	FDC Educator	None specified	Regulation 164
Renovations or other changes to the FDC residence or approved venue that create a serious risk to the health, safety and wellbeing of children attending the residence or venue.	FDC Educator	None specified	Regulation 176A
<b>Notification to parents</b>			
A parent of a child being educated and cared for by the service is to be notified if the child is involved in any incident, injury, trauma or illness while at the service.	Approved provider	As soon as practicable, no more than 24 hours	Regulation 86

## ATTACHMENT 6: NQF OBLIGATIONS TO RECORD INFORMATION

Type of information to be recorded	Responsible	Timeframe	Reference
For nominated supervisors, the staff record must include a record of the identifying number of the current WWCC conducted under that law and the expiry date of that check, if applicable or if the nominated supervisor is a teacher registered under an education law of a participating jurisdiction and has provided proof of that registration, a record of the identifying number of the teacher registration and the expiry date of that registration.	Approved provider	Ongoing	Regulation 146
For all educators, the staff record must include a record of the identifying number of the current WWCC conducted under that law and the expiry date of that check, if applicable or (in NSW, Qld, Tas) if the staff member has provided proof of teacher registration, a record of the identifying number of the teacher registration and the expiry date of that registration.	Approved provider	Ongoing	Regulation 147
From October 2023, for students and volunteers at centre-based services, the staff record must include a record of the identifying number of the current WWCC conducted under that law and the expiry date of that check, or (in NSW, Qld, SA, Tas) if the student or volunteer has provided proof of teacher registration, a record of the identifying number of the teacher registration and the expiry date of that registration.	Approved provider	Ongoing	Regulation 149
For family day care (FDC) coordinators, FDC educators, FDC assistants and residents at FDC, the register must include a record of the identifying number of the current WWCC and the expiry date of that check, if applicable or (in NSW, Qld, Tas) if the educator has provided proof of teacher registration, the identifying number of the teacher registration and the expiry date, and the date the check or registration was sighted by the approved provider or nominated supervisor.	Approved provider	Ongoing	Regulation 153
A record of assessments of FDC residences and approved FDC venues conducted under regulation 116.	Approved provider	Ongoing	Regulation 177 (d)
For centre-based service must ensure that a staff record is kept for that service.	Approved provider	Ongoing	Regulation 145

Type of information to be recorded	Responsible	Timeframe	Reference
A centre-based service must keep a record of educators working directly with children.	Approved provider	Ongoing	Regulation 151
Approved providers must keep an incident, injury, trauma and illness record.	Approved provider	Within 24 hours after the occurrence	Regulation 87 (1)
The incident, injury, trauma and illness record must be kept confidential and stored until the child is 25 years old.	Approved provider	25 years	Regulation 183 (2) (a)
Approved FDC educators must keep an incident, injury, trauma and illness record.	FDC educator	Within 24 hours after the occurrence	Regulation 87 (2)
In the case of a centre-based service, a staff record as set out in regulation 145.	Approved provider	Ongoing	Regulation 177 (e)
A record of volunteers and students as set out in regulation 149.	Approved provider	Ongoing	Regulation 177 (f)
The records of the responsible person at the service as set out in regulation 150.	Approved provider	Ongoing	Regulation 177 (g)
In the case of a centre-based service, a record of educators working directly with children as set out in regulation 151.	Approved provider	Ongoing	Regulation 177 (h)
In the case of a FDC service, a record of staff engaged or employed by the service kept under regulation 154.	Approved provider	Ongoing	Regulation 177 (j)
A record of each nominated supervisor and any person in day-to-day charge of the education and care service under section 162 of the Law.	Approved provider	Ongoing	Regulation 177 (n)
If a service approval is to be transferred, the transferring approved provider must obtain consent from parents to transfer their children's records listed to the new approved provider on the date the transfer takes effect.	Approved provider	Before taking possession of the records	Regulation 184 (2)
A FDC educator must provide all documents referred to in regulation 178(1) to the approved provider of the FDC service on ceasing to be engaged by or registered with the service.	FDC educator	Before ceasing as a FDC educator	Regulation 179

## ATTACHMENT 7: OVERVIEW OF NATIONAL AND JURISDICTIONAL CHILD SAFETY SCHEMES

QLD	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p>Child Safe Standards (Consultation Regulation Impact Statement has been published)</p>	<p><b>Legislation:</b> <i>Child Protection Act 1999</i> (Qld)</p> <p><b>Mandatory reporters:</b> Early childhood professionals and teachers in schools, Approved providers, nominated supervisors, educators, family day care (FDC) coordinators, but not volunteers or people under 18 years.</p> <p><b>What must be reported:</b> reasonable suspicions about significant harm caused by physical or sexual abuse.</p> <p><b>Information sharing:</b> between colleagues and the Department of Child Safety, Seniors and Disability Services is supported.</p> <p><b>Child protection training:</b> Progressing a protocol.</p>	<p>Reportable Conduct Scheme (CRIS has been published).</p> <p><b>Information sharing:</b> supported under the <i>Child Protection Act 1999</i>. Cross-jurisdictional information sharing is not supported.</p>	<p><b>Legislation:</b> <i>Criminal Code Act 1899</i> (Qld)</p>	<p><b>Name:</b> Working with Children Check (Blue Card)</p> <p><b>Legislation:</b> <i>Working with children (Risk Management and Screening) Act 2000</i> (Qld)</p> <p><b>Validity:</b> 3 years</p> <p><b>Age:</b> 18+</p>	<p>Only mandatory for schools.</p> <p>Registration is enabled in other settings, such as kindergartens and long day care in certain circumstances and some employers require as a condition of employment. Voluntary registration does not have the same obligations and reporting on the employer as the employing authority in a school. For example, employers in NQF settings are not obligated to report any disciplinary matters to the Queensland College of Teachers.</p>



NSW	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p><b>Name:</b> The Child Safe Scheme includes implementation of NSW Child Safe Standards (Consultation Regulation Impact Statement has been published)</p> <p><b>Legislation:</b> <i>Children's Guardian Act 2019</i> (NSW)</p> <p><b>Description:</b> Slightly different to the National Principles, however, if implementing National Principles aligns to NSW CSS. Came into effect 1 February 2022.</p>	<p><b>Legislation:</b> <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)</p> <p><b>Mandatory reporters:</b> Professional work or paid employment, deliver education and care services under the National Quality Framework (NQF) and those in management positions with direct responsibility for, or direct supervision of the provision of these services i.e. educators, FDC coordinators, nominated supervisors, approved providers.</p> <p><b>What must be reported:</b> Suspicion on reasonable grounds that a child is at risk of significant harm which is prescribed.</p> <p><b>Information sharing:</b> is supported by protecting mandatory reporters.</p> <p><b>Child protection training:</b> NSW requires child protection training under s162A of the National Law.</p>	<p><b>Legislation:</b> <i>Children's Guardian Act 2019</i> (NSW)</p> <p><b>Reportable conduct:</b></p> <ul style="list-style-type: none"> <li>• A sexual offence</li> <li>• Sexual misconduct</li> <li>• Ill-treatment of a child</li> <li>• Neglect of a child</li> <li>• Assault against a child</li> <li>• An offence under section 43B or 316A of the Crimes Act 1900 (failure to reduce or remove risk of child becoming victim of child abuse; concealing child abuse)</li> <li>• Behaviour that causes significant emotional or psychological harm to a child.</li> </ul> <p>Information sharing: supported under the reportable conduct scheme and the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW).</p>	<p><b>Legislation:</b> <i>Crime Act 1900</i> (NSW)</p> <p><b>Threshold:</b></p> <ul style="list-style-type: none"> <li>• Failure to <b>report</b> child <b>sexual abuse</b> applies to all adults.</li> <li>• Failure to <b>protect</b> a child <b>from sexual abuse</b> applies to all adults associated with an institution that provides services to children.</li> <li>• Failure to <b>protect</b> a child <b>from any other forms of harm</b> including any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing, whether temporary or permanent applies to a person having the lawful care or charge of a child.</li> </ul>	<p><b>Name:</b> Working with Children Check</p> <p><b>Legislation:</b> <i>Child Protection (Working with Children) Act 2012</i> (NSW)</p> <p><b>Validity:</b> 5 years</p> <p><b>Age:</b> 18+</p>	<p><b>Status:</b> Registration requirements for ECTs teaching in approved centre-based settings (excludes FDC and outside school hours care).</p>

ACT	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p><b>Status:</b> ACT endorsed the Child Safe Principles in 2019. A Bill to introduce a Child Safe Standards Scheme was delayed due to COVID-19 and will be rescheduled for introduction later.</p>	<p><b>Legislation:</b> <i>Children and Young People Act 1998</i> (ACT)</p> <p><b>Mandatory reporters:</b> a person caring for a child at a child care centre (including paid assistants or aides), a person coordinating or monitoring home-based care for a FDC scheme proprietor, a teacher at a school (includes paid assistants and aides). Volunteers excluded. (i.e. under the NQF is educators, FDC coordinators but excludes approved providers and nominated supervisors (unless they are caring for children).</p> <p><b>What must be reported:</b> a belief, on reasonable grounds, that a child / young person has experienced or is experiencing sexual abuse or non-accidental physical injury.</p> <p><b>Child protection training:</b> Education and care staff are encouraged to complete free online training.</p>	<p><b>Legislation:</b> <i>Ombudsman Act 1989</i> (ACT)</p> <p><b>Reportable conduct:</b></p> <ul style="list-style-type: none"> <li>• Ill-treatment or neglect of the child</li> <li>• Psychological harm</li> <li>• Sexual misconduct and offences</li> <li>• Physical assault or harm</li> <li>• Offences under the NQF: offence to use inappropriate discipline and offence relating to protection of children from harm and hazards.</li> </ul> <p><b>Information sharing:</b> to the Ombudsman.</p>	<p><b>Legislation:</b> <i>Crime Act 1900</i> (ACT)</p> <p><b>Threshold:</b></p> <ul style="list-style-type: none"> <li>• Failure to <b>report</b> child <b>sexual abuse</b> applies to all adults.</li> <li>• Failure to <b>protect</b> a child <b>from sexual abuse</b> applies to all people in authority, including in child care centres.</li> </ul>	<p><b>Name:</b> Working with Vulnerable People Registration</p> <p><b>Legislation:</b> <i>Working with Vulnerable People (Background Screening) ACT 2011</i> (ACT)</p> <p><b>Validity:</b> 5 years</p> <p><b>Age:</b> 16+</p>	<p>Registration requirements for ECTs in NQF settings attached to a school.</p> <p>ACT is consulting on potential legislation changes that would allow ECTs in ECEC settings to voluntarily register.</p>

VIC	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p><b>Name:</b> The 11 Child Safe Standards</p> <p><b>Legislation:</b> <i>Child Wellbeing and Safety Act 2005</i> (VIC)</p> <p><b>Description:</b> 11 standards with an additional one, as compared to the National Child Safe Standards which is establishing a culturally safe environment for Aboriginal and Torres Strait Islander children / young people. Minimum requirement and Regulatory Authority regulate these. Revised standards came into effect on 1 July 2022.</p>	<p><b>Legislation:</b> <i>Children, Youth and Families Act 2005</i> (VIC)</p> <p><b>Mandatory reporters:</b> approved provider, nominated supervisor of or a person with a post-secondary qualification who is employed or engaged by an education and care service, a school principal, or person who is registered as a teacher or an early childhood teacher.</p> <p><b>What must be reported:</b> : Belief on reasonable grounds that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child.</p> <p><b>Information sharing:</b> supported.</p> <p><b>Child protection training:</b> Early childhood professionals are encouraged to complete free online training.</p>	<p><b>Legislation:</b> <i>Child Wellbeing and Safety Act 2005</i> (VIC)</p> <p><b>Reportable conduct:</b></p> <ul style="list-style-type: none"> <li>• a sexual offence committed against, with, or in the presence of a child</li> <li>• sexual misconduct committed against, with, or in the presence of a child</li> <li>• physical violence committed against, with, or in the presence of a child.</li> <li>• any behaviour that causes significant emotional or psychological harm to a child</li> <li>• significant neglect of a child.</li> </ul> <p><b>Information sharing:</b> supported.</p>	<p><b>Legislation:</b> <i>Crimes Act 1958</i> (VIC)</p> <p><b>Threshold:</b></p> <ul style="list-style-type: none"> <li>• Failure to <b>report</b> child <b>sexual abuse</b> applies to all adults.</li> <li>• Failure to <b>protect</b> a child <b>from sexual abuse</b> applies to adults in authority within a relevant organisation, which is one that exercises care, supervision or authority over children.</li> </ul> <p><b>Legislation:</b> <i>Children Youth and Families Act 2005</i> (VIC)</p> <p><b>Threshold:</b> Failure to <b>protect</b> a child <b>from other forms of harm</b> applies to a person who has a duty in respect of a child who intentionally takes action that results in or is likely to result in a child suffering significant harm.</p>	<p><b>Name:</b> Working with Children Check</p> <p><b>Legislation:</b> <i>Worker Screening Act 2020</i> (Vic) (Replaces <i>Working with Children Act 2005</i>)</p> <p><b>Validity:</b> 5 years</p> <p><b>Age:</b> 18+</p>	<p><b>Status:</b> Registration requirements for all ECTs working or engaged in an ECT role.</p>

TAS	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p><b>Name:</b> The Child and Youth Safe Organisations Framework includes the Child and Youth Safe Standards (commences 1 January 2024)</p> <p><b>Legislation:</b> <i>The Child and Youth Safe Organisations Act 2023</i> (TAS)</p> <p><b>Description:</b> The Standards align with the National Principles.</p>	<p><b>Legislation:</b> <i>Children, Young Persons and their Families Act 1997</i> (TAS)</p> <p><b>Mandatory reporters:</b> a teacher, a person who provides child care, management of an approved education and care service; employees and volunteers in government agencies that provide child care (i.e. approved providers, nominated supervisors, educators, and likely FDC coordinators, includes volunteers).</p> <p><b>What must be reported:</b> the person believes or suspects on reasonable grounds, or knows that: a child has been or is being abused or neglected or is an affected child (including family violence) and wide range of prescribed factors.</p> <p><b>Information sharing:</b> is supported.</p> <p><b>Child protection training:</b> nil.</p>	<p><b>Legislation:</b> <i>The Child and Youth Safe Organisations Act 2023</i> (TAS) commences 1 January 2024)</p> <p><b>Reportable conduct:</b></p> <ul style="list-style-type: none"> <li>an offence committed against, with or in the presence of a child</li> <li>sexual misconduct, that does not form part of a sexual offence, against, with or in the presence of a child</li> <li>physical violence against a child</li> <li>grooming of child</li> <li>conduct that causes, or is likely to cause, a significant emotional or psychological harm to a child</li> <li>significant neglect of a child.</li> </ul>	<p><b>Legislation:</b> <i>Criminal Code Act 1924</i> (TAS)</p> <p><b>Threshold:</b></p> <ul style="list-style-type: none"> <li>Failure to <b>report</b> child <b>sexual abuse</b> applies to all adults.</li> <li>Failure to <b>protect</b> a child <b>from sexual abuse</b> applies to a person with a duty of care, including early childhood teachers and early childhood educators.</li> </ul>	<p><b>Name:</b> Working with Vulnerable People Check</p> <p><b>Legislation:</b> <i>Registration to Work with Vulnerable People Act 2013</i> (TAS)</p> <p><b>Validity:</b> 5 years</p> <p><b>Age:</b> 16+</p>	<p><b>Status:</b> Registration requirements for ECTs working in NQF settings that are kindergartens or schools. (Fewer than 10 of these are in scope).</p>

SA	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p><b>Legislation:</b> <i>Children and Young People (Safety) Act 2017 (SA)</i></p> <p><b>Description:</b> Prescribed organisations (including those who provide child care) must have policies and procedures to ensure safe environments for children and young people. These must align with the National Principles.</p>	<p><b>Legislation:</b> <i>Children and Young People (Safety) Act 2017 (SA)</i></p> <p><b>Mandatory reporters:</b> teachers in schools, pre-schools/ kindergartens; employees or volunteers in, an organisation that provides education/child care, a person who: provides services directly to children and young people/ holds a management position with direct responsibility or supervision of services (i.e. early childhood teachers, educators, approved providers, nominated supervisors, FDC coordinators/ volunteers).</p> <p><b>What must be reported:</b> If the person suspects on reasonable grounds that a child or young person is, or may be, at risk.</p> <p><b>Information sharing:</b> supported.</p> <p><b>Child protection training:</b> Early Childhood Teachers and educators complete <a href="#">Responding to Risks of Harm, Abuse and Neglect – education and care training</a> and maintain currency update certificate.</p>	<p>May not be required as existing mechanisms in place.</p> <p>Under the <i>Children and Young People (Safety) Act 2017 (SA)</i>, a prescribed person (including people in child care services) who suspect on reasonable grounds that a child or young person is or may be at risk must report that suspicion.</p>	<p><b>Legislation:</b> <i>Criminal Law Consolidation Act 1935 (SA)</i></p> <p><b>Threshold:</b></p> <ul style="list-style-type: none"> <li>Failure to <b>report</b> child <b>sexual abuse</b> or failure to <b>protect</b> a child from <b>sexual abuse</b> applies to all employees, contractors and volunteers of all organisations who operate facilities or provide services to children under their supervision.</li> <li>Failure to <b>protect</b> a child <b>from other forms of harm</b> where the child dies or suffers harm applies to a person who has a duty of care to the child.</li> </ul>	<p><b>Name:</b> Working With Children Check</p> <p><b>Legislation:</b> <i>Child and Young People Safety Act 2017 (SA)</i></p> <p><b>Validity:</b> 5 years</p> <p><b>Age:</b> 14+</p>	<p>All ECTs must be registered.</p>

WA	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p><b>Status:</b> WA endorsed the Child Safe Principles in 2019. A Bill to introduce a Child Safe Standards Scheme was delayed due to COVID-19 and will be rescheduled for introduction later.</p>	<p><b>Legislation:</b> <i>Children and Community Services ACT (2004)</i> (WA)</p> <p><b>Mandatory reporters:</b> teachers (including registered early childhood teachers).</p> <p>From 1 November 2024, early childhood workers will be included. An early childhood worker will be an adult who is an approved provider, persons with management or control, nominated supervisor, educator, FDC coordinator, FDC assistant under the NQF. Volunteers are included.</p> <p><b>Information sharing:</b> is supported.</p> <p><b>Child protection training:</b> nil.</p>	<p><b>Legislation:</b> <i>Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022 (WA)</i> (commenced 1 January 2023)</p> <p><b>Reportable conduct:</b> (in the first year - 2023):</p> <ul style="list-style-type: none"> <li>• a sexual offence</li> <li>• sexual misconduct</li> <li>• a physical assault committed against, with or in the presence of, a child</li> <li>• prescribed offences.</li> </ul> <p>After 12 months (2024 onwards):</p> <ul style="list-style-type: none"> <li>• significant neglect of a child</li> <li>• any behaviour that causes significant emotional or psychological harm to a child.</li> </ul>	<p><b>Legislation:</b> <i>Children and Community Services Act 2004 (WA)</i></p> <p><b>Threshold:</b></p> <ul style="list-style-type: none"> <li>• Failure to <b>report</b> child <b>sexual abuse</b> or failure to <b>protect</b> a child <b>from sexual abuse</b> applies to all employees, contractors and volunteers of all organisations who operate facilities or provide services to children under their supervision.</li> <li>• Failure to <b>protect</b> a child <b>from other forms of harm</b> applies to a person with the care and control of a child who engages in a conduct, knowing that the conduct may result in the child suffering harm in the form of physical or emotional abuse or neglect.</li> </ul>	<p><b>Name:</b> Working with Children Check</p> <p><b>Legislation:</b> <i>Working with Children (Screening) ACT 2004</i></p> <p><b>Validity:</b> 3 years</p> <p><b>Age:</b> 13+</p>	<p><b>Status:</b> All ECTs must be registered.</p>

NT	Child Safe Standards/ Regulation	Reporting obligations			WWCC	Teacher Registration
		Mandatory Reporting and Child Protection training	Reportable Conduct Scheme	Failure to report/ protect		
	<p><b>Status:</b> Legislative reform is being considered as part of the development of a single Act to replace the <i>Youth Justice Act</i> and the <i>Care and Protection of Children Act</i>.</p>	<p><b>Legislation:</b> <i>Care and Protection of Children Act 2007</i> (NT)</p> <p><b>Mandatory reporters:</b> all adults.</p> <p><b>What must be reported:</b> If the person believes on reasonable grounds a child has suffered or is likely to suffer harm or exploitation; a child aged less than 14 years has been or is likely to be a victim of a sexual offence; a child has been or is likely to be a victim of an offence against section 128 of the Criminal Code (sexual intercourse or gross indecency involving child over 16 years under special care).</p> <p><b>Information sharing:</b> between information sharing authorities (including approved providers) is supported.</p> <p><b>Child protection training:</b> nil.</p>	<p><b>Status:</b> NT has not accepted the Royal Commission's recommendations regarding establishment of a reportable conduct scheme.</p>	<p><b>Legislation:</b> <i>Care and Protection of Children Act 2007</i> (NT)</p> <p><b>Criminal offence:</b></p> <ul style="list-style-type: none"> <li>Failure to <b>report</b> child <b>sexual abuse</b> applies to all adults.</li> </ul>	<p><b>Name:</b> Working with Children Clearance (Ochre Card)</p> <p><b>Legislation:</b> <i>Care and Protection of Children Act 2007</i></p> <p><b>Validity:</b> 2 years</p> <p><b>Age:</b> 15+</p>	<p><b>Status:</b> Registration requirements for ECTs working in preschools (attached to schools).</p>



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