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## Submission to the Productivity Commission Inquiry on Early Childhood Education and Care

**Prepared by: NFAW Social Policy Committee**

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### **Authorisation**

This submission has been authorised by the NFAW Board

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## **NFAW Submission to the Productivity Commission Inquiry into Early Childhood Education and Care**

The National Foundation for Australian Women (NFAW) is dedicated to promoting and protecting the interests of Australian women, including in intellectual, cultural, political, social, economic, legal, industrial and domestic spheres, and ensuring that the aims and ideals of the women's movement and its collective wisdom are handed on to new generations of women. The NFAW is a feminist organisation, independent of party politics and working in partnership with other women's organisations.

### **Key points**

The NFAW supports measures that improve the affordability, accessibility and quality of early childhood education and care (ECEC). In particular, we advocate for:

- better pay and supply of ECEC educators
- better access to ECEC, especially for families living in disadvantaged, regional or remote areas of Australia, including more outside school hours and vacation care places
- children's access to two years of preschool/kindergarten before school
- more affordable ECEC for families
- moving to a free, universal system of ECEC and support for early childhood development.

In NFAW's [Gender Lens on the Budget 2022-23](#) welcomed the Australian Government's commitment of \$4.7 billion over four years from 2022-23 to make ECEC more affordable for families and reduce barriers to women's workforce participation. From July 2023 the Child Care Subsidy will increase from 85 per cent to 90 per cent for families with a combined income of less than \$80,000. The smoother taper in the subsidy is also expected to benefit more families, including those earning up to a new threshold of \$530,000 combined family income per annum.

In spite of these promising developments, we are concerned that the complexity of Australia's ECEC system, persistent workforce shortages, lack of affordability and access to ECEC places for families are key barriers and disincentives for women's workforce participation and human capital development.

The NFAW supports the Productivity Commission's investigation of moving to a universal 90 per cent subsidy for all families. While we recognise the need for a progressive system of support for families accessing subsidised ECEC in the short and medium term (with more support provided to those who need it most), we support the goal of universal, free ECEC for all children in the longer term. This commitment should be part of a 10-15 year productivity agenda for long-term social and economic well-being across Australia, including measures to support early child development and family well-being under the Government's proposed [Early Childhood Strategy](#).

### **Address ECEC educator remuneration and supply**

As indicated in [Budget Paper No.1 October 2022-23](#) (p. 62), based on an analysis of past subsidy increases, the Treasury estimated the Government's Child Care Subsidy changes to be introduced in July 2023 will increase hours worked by women with young children by up to 1.4 million hours per week, equivalent to an extra 37,000 full-time workers in 2023-24. A key question regarding this modelling is whether families will be able to access ECEC places or sufficient hours of care to increase their hours of work – including after school care/vacation care for children, as well as ECEC for 0-5 year olds.

Submissions to the Senate Education and Employment Legislation Committee on the [Family Assistance Legislation Amendment \(Cheaper Child Care\) Bill 2022](#) in October 2022 reported chronic ECEC educator shortages, with around 7,000 job vacancies advertised in September 2022. There are reports of child care centres being forced to cap enrolments or families' hours of care owing to staff shortages. Outside school hours and vacation care services have also experienced [reduced enrolments](#) due COVID-19 and staff shortages. ECEC services cannot operate at capacity without the required number of educators, or meet the requirements of quality care under the [National Quality Standard](#).

The NFAW is concerned that ECEC educators (a predominantly female workforce) are underpaid and under-valued, despite their important role in the care economy. We strongly support calls from the sector for the Government to provide an interim wage supplement for educators, to be funded from the savings achieved through measures to be introduced from July 2023. A 10-15% Australian Government wage supplement for ECEC educators and early childhood teachers (ECTs) has been suggested by a number of child care providers and organisations (including [Goodstart](#) and [The Front Project](#)).

Wages make up a high proportion of child care services' expenditure and are unlikely to increase without some incentives for employers (i.e. ECEC providers and services) to pay higher wages. In addition to considering a wage supplement, the adequacy of the Government's hourly fee caps for each child care service type also needs to be considered by the Productivity Commission, or by the Australian Competition and Consumer Commission (ACCC) [Child care Inquiry 2023](#). The fee caps and provider hourly fees determine what is paid by the Australian Government to subsidise the cost of child care for families. The adequacy/inadequacy of the hourly caps and fees to meet rising operating costs is a driver of increasing gap fees for families, as well as providers' ability to meet any wage rises.

In the short term, with expected increased demand for ECEC from July 2023, educator shortages are likely to continue unless urgent measures are taken to increase the number of free or subsidised Certificate III training places. Strategies proposed under the Australian Children's Education and Care Authority (ACECQA) [National Children's Education and Care Workforce Strategy – Shaping our Future](#) need to be expedited and funded by the Australian Government and state and territory governments, working with education and training institutions and registered training organisations. In addition, ECEC educator shortages may need to be addressed through skilled migration.

In the longer term proposed changes to the *Fair Work Act 2009* should help address gender pay equity and improvements to bargaining processes. The Australian Government will need to consider mechanisms to fund any wage increases agreed to by the Fair Work Commission, 'in accordance with historical practice' (Select Committee on Work and Care [Recommendation 8.91](#)).

### **Improve access to ECEC through planning, regulation and support for services in disadvantaged, regional and remote areas**

As documented in numerous reports and [case studies](#), many families struggle to find the ECEC they need for workforce participation. Those who are in the workforce often rely on patchwork arrangements involving a mix of full-time and part-time work and shared care or combining formal and informal care, either because of the cost of care, family preferences or because they cannot access sufficient hours of care.

To date there has been no robust measure or monitoring by Government of demand for ECEC in Australia. Child care centre waiting lists and vacancies posted by services are not good measures of unmet demand or supply of available places.

In a study comparing the supply of centre-based child care and potential demand across Australia, the Mitchell Institute 2022 [Deserts and Oases report](#) highlighted that the demand for child care outpaces local capacity to provide services in 'child care deserts' (defined as areas where there are more than three children for each child care space). They are disproportionately located in rural and regional areas and where there are higher proportions of children and families on lower incomes or below the poverty line. In addition, these areas generally have a higher proportion of culturally and linguistically diverse populations. The report estimates that about one million Australians have no access to child care at all. The population centres most likely not to have any child care accessible within a twenty-minute drive are towns with a population under 1,500.

When examining the relationship between cost and relative access, the Mitchell Institute found that areas with the highest fees also generally have the highest levels of child care accessibility ('child care oases'). This suggests that many child care providers are not only establishing services where there are greater levels of demand, but where they are likely to make greater profits. Providers decide where they will operate and what fees to charge. As a result, they largely determine the availability of child care.

The NFAW believes that Australian market-driven child care system results in inequality of access to ECEC. Children and families should have a universal right to access quality ECEC before school – it should not depend on where they live and what profit can be made by child care providers. Thin markets emerge where profits are non-existent or harder to maintain. There should be more government incentives and support for services to establish in disadvantaged, regional or remote areas – similar to the kind of support provided under the Australian Government's [Community Child Care Fund](#).

All levels of government need to play a role in supporting thin markets by implementing more joint planning for provision and access to ECEC. The Senate Select Committee Final Report on Work and Care recommends the Department of Prime Minister and Cabinet consider the operation of markets in the aged, disability and ECEC sectors and the effectiveness of current models of provision (including profit and not-for-profit models) in delivering quality care and addressing provision in thin markets ([Recommendation 20](#)).

A related concern is the increasing privatisation of the child care sector. According to ACECQA, there are currently 17, 094 services across Australia. Based on provider management type, 51% are private for-profit and 33% are private not-for-profit services. A further 11% are managed by state or local governments and 4% by non-government schools ([ACECQA, Q4 2022](#)).

There has been strong private sector interest in the child care market over a period of time, in spite of the [collapse of ABC Learning](#) in 2008 (Australia's largest private provider at the time). Financial/market reviews emphasise the potential for assets and profits in the child care market, which make it attractive to Real Estate Investment Trusts (REITs), private investors, syndicates, funds, as well as owner-operators. According to [JLL's Australian Child Care Market Update](#) in August 2021, the market for child care real estate and assets in Australia was projected to be worth more than \$28 billion.

If the mixed-market system (for profit, not-for-profit providers, community and government providers) is to remain, Australian Government, state and territory and local governments need to intervene more in planning, monitoring and regulation of the sector – for example, via provider and service approvals, building approvals, allocation of real estate, leases and rental regulation. This would help ensure that there is not oversupply of child care in profitable areas and under (or no) supply in other areas where families badly need access to ECEC.

## **Improve access to preschool/kindergarten programs for 3 and 4 year olds**

The [2022 ABS Preschool data](#) indicates that 87% of all 4 year old and 22% of all five year old children were enrolled in preschool/kindergarten programs. We note that the Senate Select Committee [Final Report on Work and Care](#) (March 2023, pp. 40-46) provides a useful overview of increased state/territory provision and priorities for preschool/kindergarten funding. Despite these promising developments, there are still many children who are missing out on early learning and development before school. Department of Education [quarterly child care data](#) indicate that in the June quarter 2022, 48% of children aged 0-5 years used approved ECEC.

According to the 2021 Australian Early Development Census (AEDC), one in five children are developmentally vulnerable in one or more AEDC domains when they start school. This increases to two in five children for First Nations children. [AEDC data](#) has consistently highlighted inequities in children's development related to where they live and how well the system of services and supports is oriented to their cultures and contexts.

We note that the model of provision of preschool/kindergarten is also changing. [ABS data](#) indicate that enrolments across service delivery models varied by state and territory in 2022. Western Australia (68%), Tasmania (58%), and the Northern Territory (54%) had the highest proportion of children enrolled in dedicated preschools, while Queensland (70%), New South Wales (64%) and Victoria (43%) had the highest proportion of children enrolled in preschool programs in centre-based day care services.

The NFAW strongly supports increased funding for universal access to early childhood education (preschool/kindergarten) and stability of ongoing funding, particularly for government sector preschool/kindergarten provision co-located with primary schools. In particular, we advocate for more support under the Preschool Reform Agreement to implement universal access to a quality preschool/kindergarten program for all 3 and 4 year olds (i.e. two years before school). We also recommend increasing provision from 15 hours a week to 30 hours a week for all vulnerable and disadvantaged children, and an ongoing focus on delivery of quality programs under the National Quality Framework and National Quality Standard.

## **Increase affordability of ECEC, reduce barriers and disincentives to work**

In the Cheaper Child Care Bill [Second Reading Speech](#) in September 2022, the Minister for Education, the Hon Jason Clare MP, noted that the cost of child care had increased by 41 per cent over the past eight years, representing a significant barrier to workforce participation, particularly for women.

The Productivity Commission and the ACCC should consider a range of issues outlined below, some of which were considered in the context of the [2015 Productivity Commission Inquiry into child care and early childhood learning](#), but now need further scrutiny and review.

### *Consider child care subsidies in the context of the tax and transfer system*

In 2021 around [72,600 Australians](#) reported that they were not in the labour force due to the cost of ECEC. Currently, Australia ranks in the top three OECD countries (well above the OECD average) for [financial disincentives](#) to enter employment with child care costs.

Child care costs are still the main financial barrier to going full-time, with many women losing more than they gain by working an extra day ([Wood et al.](#)). The cost of ECEC can be a significant barrier for women and secondary earners taking on additional hours or days of work.

Disincentives for women to work more hours/days need further consideration, including through an examination of the tax and transfer system. As pointed out in several submissions to the 2022 [Senate Select Committee on Work and Care](#), for some second income earners (usually mothers) who return to work and use ECEC, the combination of a decrease in Family Tax Benefits, progressive income tax rates and reduced CCS at higher income levels, can result in high effective marginal tax rates. The Productivity Commission ([submission 2](#)) noted that changes in the tax and transfer system and other policy areas are likely to have a far greater impact on workforce participation than any changes in ECEC policies (a finding of the Productivity Commission's 2015 Inquiry into child care and early childhood learning). Risse ([submission 95](#)) advocates for innovative approaches such as designing subsidies that increase in accordance with the number of hours or days worked per week by the second-income earner, rather than decrease in accordance with household income.

#### *Remove/simplify the activity test*

The Coalition Government's Child Care Package introduced in July 2018 included new requirements for eligible families to meet an activity test to qualify for the child care subsidy. It limited access to between 24 and 100 hours of subsidised care per fortnight, depending on families' activity levels. This added complexity to families' eligibility for subsidised care, even though the Child Care Package was meant to introduce a simpler system.

An independent Australian Institute of Family Studies [Child Care Package Evaluation](#), commissioned by the Australian Government and published in 2022, reported that:

- the allocation of 24 hours a fortnight subsidised care for families who do not meet the activity test had disproportionately impacted children in more disadvantaged circumstances
- the limit of 24 hours per fortnight subsidised CCS support for families who do not meet the activity test in general only enabled the purchase of a day of subsidised care a week in most child care services, which is usually insufficient for children's early learning and development
- implementation of the Child Care Package appeared to have had only a limited impact on changing access to child care.

We note the recommendation to remove the activity test in a report by Impact Economics and Policy (2022) on the [Child Care Subsidy activity test: Undermining child development and parental participation](#). The Report found that the activity test is contributing to at least 126,000 children from the poorest households missing out on ECEC:

- single parent families are over three times more likely to be limited to one day of subsidised child care per week
- First Nations families are over five times more likely to be limited to one day of subsidised child care per week
- non-English speaking families are over six times more likely to be limited to one day of subsidised child care per week
- low-income families earning between \$50,000 and \$100,000 are over six times more likely to be limited to one day of subsidised child care per week.

The NFAW welcomed the October 2022 Budget announcement of an increase from 24 to 36 hours of subsidised care per fortnight for First Nations families who do not meet the activity test. Extending this to all low-income families should be investigated by the Productivity Commission or the ACCC. We note that families still need to be able to afford the subsidised care, even with this increase in subsidised hours. Our understanding is that only those families that are eligible for the Additional Child Care Subsidy would receive free child care, and only then in certain circumstances and for a limited period of time. The rest would need to pay gap fees. We also recommend that the Productivity Commission reviews the input on First Nations communities and workforce issues in the Senate Select Committee on [Work and Care Final Report](#) (March 2023, pp.66-72), Chapter 3 on ECEC and related recommendations.

Along with many other ECEC stakeholders and advocacy groups in pre-Budget submissions for 2023-24 ([The Front Project](#), [Equal Rights Alliance](#)), the NFAW advocates simplifying or preferably removing the activity test for *all* families. Vulnerable families benefited from increased access to subsidised child care when the activity test was suspended during COVID-19 lock downs.

#### *Consider changes to the 'session of care'*

The NFAW is aware that the cost of child care is driven by a range of factors including the fee-charging practices of child care services (e.g. the hourly fee and the length of the 'session of care' charged by services, whether or not families use the whole session). Services generally charge for sessions of care of 10-12 hours per day, irrespective of how much care is used.

The length, appropriateness and flexibility of session of care needs to be considered by the Productivity Commission or the ACCC, as well as the 100 hours limit on allowable subsidised care per fortnight. For a family where both partners are working full-time, the limit of 100 hours per fortnight subsidised care leaves them paying for 11-20 hours of unsubsidised care per fortnight, in addition to out-of-pocket/gap fees for the subsidised hours/sessions of care (i.e. 10 days of care x 11-12 hour sessions totalling 110-120 hours, of which only 100 hours is subsidised).

Since the introduction of the Child Care Package in 2018, some child care providers and services have decided to offer shorter sessions of care, although they tend to charge a higher hourly rate for shorter sessions. In general, families are paying for more hours of care than they need. Department of Education quarterly [child care data for June 2022](#) indicate that average weekly hours per child across all service types was 25.9 hours, while for centre-based day care the average weekly hours were 32 hours per child (or approximately 3 days per week).

It would be timely for the Productivity Commission review to consider the effect of sessions of care on child care affordability and accessibility, including the limit of 100 hours of subsidised care per fortnight – neither was considered in 2022 as part of the [Family Assistance Legislation Amendment \(Cheaper Child Care\) Act Bill Provisions](#), even though they are important features of the child care system which affect the affordability of child care for families.

#### *Review the Government's hourly fee caps for different types of services*

The effectiveness of the hourly rate cap in applying 'downward pressure' on child care fees should also be considered by the Productivity Commission review or the ACCC inquiry. The hourly rate cap was a key feature of the Coalition's Child Care Package, following recommendations of the [2015 Productivity Commission Inquiry](#) on a 'benchmark price for quality ECEC'. The caps determine what is paid by the Australian Government to services to subsidise the cost of care for families. As mentioned earlier, the

adequacy/inadequacy of the hourly fee payment to meet rising operating costs is a driver of increasing gap fees for families and providers' ability (or inability) to meet any wage rises.

## Conclusion and recommendations

If Australia is to move towards a universal system of free (or even 90 per cent subsidised) ECEC, there needs to be more consideration of what kind of ECEC system governments, families, communities and employers want and need going forward. In addition to considering the subsidy system, there is a broader range of issues requiring attention, including ECEC supply and demand; planning and regulation of ECEC; workforce remuneration, recruitment and retention; children's early learning and development needs and school readiness; women's workforce participation and role in the care economy. With regard to the care economy and gendered patterns of work and care in Australia, the NFAW commends to the Productivity Commission the recent Senate Select Committee [Final Report on Work and Care](#).

In addition to considering moving to a 90 per cent child care subsidy, the [Productivity Commission](#) and/or the ACCC review should consider ways of increasing affordability and accessibility of ECEC, including (but not limited to):

- whether the activity test should be removed (whether it is an incentive/disincentive for families and women, in particular, to work more days/hours)
- whether the activity test is preventing disadvantaged or vulnerable children (not eligible for the Additional Child Care Subsidy) from accessing affordable
- whether the fortnightly limit of 100 hours of subsidised care is adequate or whether it operates as a financial disincentive for women wanting to work more days/hours
- services' fee charging practices, including the length and flexibility sessions of care
- changes to the Government's hourly fee cap, whether it is sufficient and operating as intended to place downward pressure on child care fees
- whether an hourly fee cap increase or wage subsidy is needed to fund ECEC educator increases
- ECEC workforce requirements to increase access to ECEC (including ways of boosting recruitment, training and retention).

The Productivity Commission's review of ECEC should not only be driven by issues of the cost to government of raising child care subsidies, or the cost of regulation. It needs to include a broader consideration of the human capital benefits of a universal system of quality ECEC, provided at low, or preferably no cost to families – as in many other countries. As noted in the Senate Select Committee [Work and Care Final Report](#) (2023, p. xxv):

*The case for universal, quality ECEC is unassailable, proven in many countries including Australia. Good early childcare and learning narrows inequality, improves life chances and can help narrow intergenerational inequity. The return on investment in the sector is multiple.*

International standards on work and care have moved ahead, leaving Australia behind (p. xxiv):

*Things can be different. Other countries do it differently. There is overwhelming evidence that structural reforms to the architecture of Australia's work and care system would reap significant social and economic benefits not just for individuals and families, but for communities and the national gross domestic product (GDP). It would improve wellbeing.*

For more information on the NFAW's position, see the [Gender Lens on the Budget](#) for ECEC.

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