



**NATIONAL  
FOUNDATION FOR  
AUSTRALIAN  
WOMEN**

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POLICY TOWARDS EQUALITY

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**Submission to the Senate Education and Employment References  
Committee Inquiry on the quality and safety of Australia's early  
childhood education and care system**

**Prepared by: NFAW Policy Committee**

3 October 2025

**Authorisation**

This submission has been authorised by the NFAW Board.

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## **NFAW submission on the quality and safety of Australia’s early childhood education and care system**

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. We are a feminist organisation, independent of party politics and working in partnership with other women’s organisations. In our advocacy work, we acknowledge the traditional custodians of Country throughout Australia and pay our respects to their elders past and present.

### **Background**

The issue of children’s safety in early childhood education and care (ECEC) services has become a [central issue for Australian governments](#) and parents around Australia following the arrest of two educators charged with numerous cases of child sexual abuse in [Queensland in August 2023](#) and [Victoria in May 2025](#), and two charged with assault of a toddler in [New South Wales in July 2025](#). An ongoing [Australian Broadcasting Corporation](#) (ABC) investigation into child safety in the ECEC sector has been the main source of publicly available information on incidents of abuse and follow up.

We note that the Australian Children’s Education and Care Quality Authority (ACECQA) published a [Review of Child Safety Arrangements under the National Quality Framework](#) (Child Safety Review) in December 2023. Following a consultation period which closed in June 2025, a [Decision Regulation Impact Statement](#) (DRIS) was published in mid-August 2025. Federal, state and territory governments have [responded](#) with a raft of measures and are working on joint initiatives to improve child safety. Our understanding is that options agreed by Education Ministers in August 2025 will proceed to legislation through the Victorian Parliament (as the host jurisdiction of the National Law) for adoption by other jurisdictions. Timeframes for legislative amendments to take effect will be determined by Education Ministers. [Legislation](#) was also introduced and passed by the Australian Parliament in July 2025 to address a number of key issues relating to child safety and quality in ECEC in Australia, regulation, compliance and training.

### **General comments**

The NFAW was shocked by revelations of child abuse in ECEC services in recent years, largely made public through the ABC’s ongoing [Betrayal of Trust](#) national investigation. Families have been let down badly by a system that has relied on individual ECEC services and providers to implement National Quality Standards (NQS) and comply with Education and Care Services National Law and regulations to provide a safe and caring environment for children.<sup>1</sup> They have also been let down by some state and territory regulatory body assessment and rating systems, as well as monitoring of compliance and investigation of incidents of abuse. After shocking cases of abuse came to light and child safety reviews were initiated and finalised at national, state and territory levels, we are wondering why has it taken so long for governments to take action.

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<sup>1</sup> Under article 3.2 of the Convention on the Rights of the Child, the Commonwealth government has undertaken to ensure children are provided with the protection and care necessary for their well-being, and is required to take all appropriate legislative and administrative measures to achieve that protection.

We acknowledge and support recent action by the federal government, state and territory governments to improve the quality and safety of early childhood education and care (ECEC) in Australia. The [Early Childhood Education and Care \(Strengthening Regulation of Early Education\) Act 2025](#), passed by the Australian Parliament in July 2025, includes mandatory national child safety training for all staff (from early 2026), shorter incident notification times, restrictions on personal device use, and the requirement for policies on digital technology. The federal government also introduced measures to link Child Care Subsidy approval to high-quality and safe care, ensuring regulatory authorities consider child safety when approving ECEC providers. We understand these amendments to the Family Assistance Administration Act will enhance the Government's ability to support the actions of state and territory regulators and respond to community concerns about safety and quality in parts of the ECEC sector.

The NFAW is also pleased to hear that Education Ministers had a [special meeting on child safety](#) in ECEC on 22 August 2025 to discuss and agree on a raft of measures to strengthen child safety in ECEC. The federal government, in coordinated action with state and territories, will invest up to \$189 million to strengthen safety and quality in ECEC. In spite of these encouraging developments, we remain concerned about the timelines for implementation of new safety measures, and the effectiveness of ongoing monitoring of services and oversight of quality and safety in ECEC.

We address below particular concerns about quality and safety in the ECEC system: the length of time reviews of child safety are taking and any consequential outcomes, a lack of transparency for parents on outcomes of the regulatory system under the Education and Care Services National Law and regulations, an under-resourced ECEC assessment and rating system managed by state and territory regulatory authorities and the increasing number of 'for profit' providers and services (raising concerns that child safety may be compromised by considerations of cost and profit).

### **Comments on particular references**

#### *1) the health and safety of children in childcare services across the country*

The NFAW strongly supports quality, accessible and affordable ECEC to promote child development and facilitate parents' workforce participation. Above all, parents need to be reassured their child will be safe and supported to adjust and thrive in care over time.

Unfortunately, there is evidence of a crisis of confidence in the ECEC system among parents. [Minderoo Foundation research](#) indicates that one in 10 parents have withdrawn their child from ECEC, and another 16 per cent have cut back hours in the wake of horrifying abuse allegations.

Promoting and improving children's health and safety in ECEC is a priority if we want women to return to work, or increase their hours of work — it's a productivity priority for governments and, more importantly, it's human rights issue for children and families.

#### *2) the effectiveness of Australia's childcare regulatory system, including the performance and resourcing of state and territory regulators and the Australian Children's Education and Care Quality Authority, in maintaining and improving quality;*

We are concerned that the latest process of review, commencing in 2023 with the ACECQA Child Safety Review, and subsequent responses to child safety incidents are taking too long. It is 13 years since the National Quality Framework (NQF) was introduced, yet governments are only now

committing to implement mandatory child safety training for all staff and introduce shorter, mandatory incident notification times (24 hours, instead of 7 days), a ban on the use of mobile phones when educators are working with children, improved transparency for parents and the establishment of a national educator register. As announced by the federal Education and Early Childhood Education Ministers on [25 June 2025](#), child safety will be explicitly embedded into the National Quality Standard from 1 January 2026. Why were recently legislated safety measures not considered or implemented earlier?

In preparing this submission, we were surprised to learn that there is only one child-related offence for which educators are liable under the National Law – namely, the use of inappropriate discipline. Pursuant to section 166(3)(4) of the National Law, it is an offence for an educator, staff member or volunteer to use inappropriate discipline. We are keen to know what changes will be made as a result of the Child Safety Review to the list of child-related offences for which educators, providers and services can be held responsible.

The slow process of reporting and investigating abuse cases and breaches of National Law and regulations and inadequate actions taken following reporting of incidents are a major cause of concern. Some services have reported incidents and not had appropriate follow up. The ABC has [highlighted](#) many cases where educators were simply let off with a warning or offered an ‘enforceable undertaking’ to abide by a centre’s policies or procedures for a period of time. There have also been cases, as reported by [Goodstart Early Learning](#), where services and even ‘persons of interest’ have not been made aware of prohibitions issued by a regulator. The NSW Government, prompted by the Greens, has only recently made a [legislative amendment](#) to close a longstanding loophole in the Child Protection (Working with Children) and Other Legislation Amendment Bill 2025, which previously allowed individuals banned from the ECEC sector to retain a valid Working with Children Check, without any automatic review.

While we appreciate the need for greater coordination, collaboration and stewardship by all levels of government on matters related to the quality and safety of ECEC, we are not convinced this would be achieved through the establishment of a proposed ECEC Commission, as recommended by the 2024 final report of the [Productivity Commission Inquiry into ECEC](#) (Recommendation 9.2). The funding needed to staff and manage an ECEC Commission could be used more appropriately to improve coordination, oversight, reporting and inspection mechanisms across state and territory governments and regulatory authorities, ACECQA and the federal Department of Education. The monitoring and regulatory system needs an overhaul, but let’s not reinvent it – each jurisdiction needs to step up and play their part, rather than rely on a national ECEC Commission to monitor and regulate the ECEC system.

*3) early learning providers’ compliance with quality standards and legislative requirements, including compliance with workplace laws and regulations;*

The NFAW is aware that many policies, guidelines and procedures have been formulated and reviewed over time to support health and safety under the NQF, National Law and regulations. Many of these policies, guidelines and procedures allow for local adaptation.

In implementing outcomes of the [Decision Regulation Impact Statement on the Child Safety Review](#) (29 August 2025) and legislative changes, it will be very important to decide how much local adaptation or flexibility is allowed in relation to implementation of:

- child safety training
- management of devices
- enforcement options
- information sharing
- inappropriate conduct including by individuals
- service waivers for the design of premises to facilitate supervision of children
- assessment of family day care residences
- powers of entry to family day care residences
- working with children checks.

Above all, it will be important to close loopholes in the legislation and regulations to better mitigate risks and support child safety. According to a United Workers Union survey of 2,100 child care educators, [83 per cent of workers](#) reported centres used a common staffing loophole called the ‘under the roof’ ratio, which counted all educators in a centre, rather than numbers in individual rooms with different age groups. This loophole has been applied where there are staff shortages, high turnover or to maximise profits for a service. Forty-two per cent of educators surveyed said their centre was operating below minimum staffing levels on a daily basis. Even where ratios were being met, some staff reported an increase in children with additional needs in ECEC, without extra support, meant safety was compromised.

The NFAW thinks this is unacceptable. We understand that there will be a review of implementation of ‘under the roof’ ratios flexibility by end of 2025. Federal, state and territory governments need to review *all* known or potential loopholes under the National Law and regulations which compromise ECEC quality and children’s safety, with the view to putting in place more preventative measures or further legislated changes and sanctions.

According to The Front Project, around 1,300 (7 per cent) of services are yet to be assessed under the NQF. The 2024 [Productivity Commission Inquiry report](#) found that most services not meeting the NQS go more than three years before they are reassessed. We are concerned that funding and capacity issues will continue to affect state and territory regulation of the ECEC sector, causing delays in quality assessments or re-assessment, or unannounced spot checks on services. These issues may affect the effectiveness of legislated changes to improve quality and child safety in ECEC.

- 4) the impact of child care providers’ employment practices on quality and safety;*
- 5) the role of worker compensation and pay on childcare quality and safety;*

The post-COVID period highlighted persistent ECEC workforce shortages which have affected services and families’ access to ECEC. In times of workforce shortage, there may be fewer checks by employers or agencies of people seeking work in the ECEC sector. Workforce shortages and high staff turn-over, combined with pressure to meet occupancy and other targets, can result in high casualisation, rushed recruitment and onboarding, and inadequate supervision practices that increase safety risks.

While workforce shortages seem to have eased somewhat in the last year, employment practices (including hiring, retention, training and workloads) still need to be addressed through a *properly funded* [National Workforce Strategy](#) and monitored through the Fair Work Commission and Ombudsman, as well as via the NQF assessment and rating system.

6) *the role of private for-profit incentives and their impact on childcare quality and safety;*

The NFAW is concerned that the for-profit sector is increasingly dominating the ECEC sector and that as a result, ECEC quality and safety may be compromised by considerations of cost and profit. As summarised by [The Front Project and Mandala](#) (based on an analysis of the 2024 [ACEQA Snapshot](#)), 70 per cent of all long day care (LDC) services were operated by for-profit providers in Australia in 2024, an increase from 60 per cent in 2013. In contrast, the share operated by not-for-profit providers declined from 32 per cent in 2013 to 23 per cent in 2024. Nearly a third of all LDC services are operated by large providers, an increase from one quarter in 2013. There were 103 large providers of LDC in 2024, up from 47 large providers in 2013.

There is also evidence that for-profit providers show higher rates of non-compliance and lower quality ratings compared to public or non-profit services, though high-quality for-profit providers exist. Based on NQS ratings, not-for-profit providers on average offer higher quality services than for-profit providers. According to ACECQA data in 2024, 28 per cent of not-for-profit LDC centres were above the NQS, i.e. either exceeding NQS or rated excellent, compared to 15 per cent of for-profits. Similarly, there are fewer not-for-profits who had not yet met NQS standards (7 per cent) compared to for-profits (12 per cent).

Other comparisons by The Front Project and Mandala focus on issues of profit. Ninety-five per cent of staff working for large not-for-profits are paid above the award rate wage, compared to 64 per cent of staff in large for-profits. Amongst large not-for-profit services, only 15 per cent charge a fee above the hourly rate cap, compared to 43 per cent amongst large for-profit services.

The 2023 report of the Australian Competition and Consumer Commission [Child Care Inquiry](#) also noted that providers' supply decisions 'are highly influenced by expectations of profitability and viability within a particular area or local market, with household incomes a key consideration in this assessment'.

We are concerned that when profits and market competition are primary motivators, incentives may prioritise cost efficiency, occupancy rates, and shareholder returns over pedagogical quality or child wellbeing – all of which are likely to affect ECEC quality and child safety. This can shape service delivery in subtle but systemic ways, for example: [limiting educator-child ratios](#), reducing [opportunities for professional development](#), or skewing investments [away from relational, high-quality interactions](#) (a feature of high quality early learning and care).

For-profit and not-for-profit ECEC providers and services alike have been caught up in child abuse cases across Australia. Some of the country's largest for-profit child care providers and services are named in regulatory documents that the NSW Government and regulator tried to keep hidden from the public, according to the [ABC's investigation of child abuse in ECEC in NSW](#). This has prompted further debate about the profit motive in ECEC.

If the current mixed-market ECEC system (with for profit, not-for-profit, community and government providers and services) is 'here to stay', we are of the view that federal, state and territory and local governments and regulators need to intervene more in planning, monitoring and regulation of the sector – for example, via review of provider and service approval processes, employment practices, building approvals, allocation of real estate, leases and rental regulation. The whole 'system' needs to be monitored and reviewed regularly.

*7) transparency within the early childhood education and care system, including access to information and data;*

The NFAW believes that there is a lack of transparency and insufficient information available to families about providers' and services' compliance with the NQF, National Law and regulations. Other than via an overall NQF rating of a service published by the service and ACECQA and details of when the service was last assessed, or via word-of-mouth reputation, visits to a service or impressions of their interactions with staff, parents enrolling their child in ECEC have little to go on to understand whether there are any quality or safety risks.

The [Starting Blocks](#) website managed by ACECQA assists parents to find details of ECEC services in their area and provides useful [general information](#) on the NQF, National Law and regulations and approved learning frameworks. When it comes to understanding more about a particular [provider](#) or [service](#), there is very little detail provided on a quality assessment and rating, or on particular conditions placed on a service. Conditions can follow a complaint, a regulatory visit, or an incident. Starting Blocks now provides information on [large providers](#) (i.e. those with 25 or more services), including the number of services under a particular provider that have conditions imposed, but there is no detail on which service(s) has conditions or what conditions are imposed.

Starting Blocks also provides a [list of questions for parents](#) to ask a service or provider about compliance with child safe practices. While these are all good questions, we are doubtful that they are questions parents focused on securing a place in ECEC would feel confident to ask. We suggest that federal, state and territory governments and regulators undertake an information campaign to educate parents on what to ask of services and educators, as well as when and how to raise concerns about child safety.

The NFAW understands that Ministers agreed in August 2025 to improved transparency for families, including information on services' safety record, compliance and enforcement breaches. As a starting point, we suggest that federal, state and territory governments, regulatory bodies and Ministers consider publication of information on which breaches have occurred, as well as any conditions that have been imposed on a service and for how long. A quick review of information provided on the UK's Office for Standards in Education (Ofsted) [website](#), which includes ECEC providers, indicates that parents are able to access full reports of inspections and the history of inspection outcomes – see an example [here](#). Warnings about services in breach of requirements are publicly available. Ofsted also offers parents the opportunity to provide their views via the [Parent View](#) portal.

*8) the suitability and flexibility of the funding of early education and care across Australia*

*9) the choice of care options available to parents and families*

*10) any related matters*

In addition to high quality and safety in ECEC, NFAW advocates for:

- ECEC workplace conditions that ensure that working in ECEC is a sustainable and attractive career path, with better pay, conditions and pathways for professional development and growth for ECEC educators
- more affordable and accessible ECEC for families
- monitoring access to ECEC across Australia (including unmet demand), with a particular focus on families living in disadvantaged, regional or remote areas of Australia

- development of flexible ECEC care models that support women’s workforce participation, including outside school hours and vacation care and care for the children of parents working shifts
- children’s access to two years of quality preschool/kindergarten prior to beginning school
- moving to a free, universal system of ECEC and support for early childhood development.

In conclusion, there have been systemic failings in the ECEC sector relating to child safety, in spite of the National Law and NQF being in place since 2010 and 2012 respectively. The NFAW believes that these systemic failures were due to individuals, providers, services, regulators and governments not working together in the interests of child safety. We agree with Goodstart CEO’s statement on [18 August 2025](#): ‘the only way things will change is if every provider, and every one of our regulatory and workplace systems, agrees with the child first principle: children’s safety first, always’.