

# Rapid Child Safety Review

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15 August 2025

Jay Weatherill AO  
Pam White PSM

# Acknowledgement of Country

**The Review Panel acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of Country.**

We respectfully acknowledge all First Peoples of Victoria and celebrate their enduring connection to land, skies and waters. We honour and pay our respects to First Peoples' Elders past and present.

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# Purpose of the Rapid Child Safety Review

On 2 July 2025, the Victorian Government announced an urgent review into child safety in early childhood education and care (ECEC) settings.

The Rapid Child Safety Review (the Review) was announced following allegations of sexual assault against children in long day care services in Melbourne. The Review has been careful to not take any actions that could interfere with live police or regulatory investigations, in-line with its Terms of Reference (see Appendix 1).

While those investigations are underway, the Review was asked to look at immediate steps the Victorian Government could take itself, and advocate for nationally, to improve child safety in ECEC in Victoria.

The Review was led by Jay Weatherill AO and Pam White PSM.

In the 6-week period, the Review focused on what will make the most difference to safeguard children in ECEC settings.

The Review has done this by considering relevant data from Victoria and other jurisdictions, research and evidence, including previous inquiries.

The Review also met with and received information from:

- experts, peak bodies, unions, providers and service leaders in early childhood education and care, including Aboriginal Community Controlled Organisations
- regulators in other sectors that work with vulnerable people; and
- groups representing parents and the rights and interests of children.

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*'For a lot of families, so much of the distress of this is that [early childhood education and care] in some form is a necessity - it is not a lifestyle preference or a sort of optional extra. We live in a society and an economy now where it is very rare for a household to stay afloat on one income. That means parents with smaller children (who don't have parents who can step in) have to use some form of early education and care.'*

- A parent perspective shared with the review.

*'It is really important to remember that it's not that early childhood educators are perpetrators of abuse, it is that some paedophiles have targeted some of the gaps that exist and exploited them. ... All of the incredible early educators who are absolutely not perpetrators, ... this is not about them.'*

- A parent perspective shared with the review.

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**Note to readers:**

The report often uses the term ‘parents’ for ease and shorthand. The Review recognises the many different family and care arrangements that support a child—including extended family members, foster, kinship, and other carers. The term ‘parent’ is intended to be inclusive of these different arrangements.

While the majority of the Review’s recommendations are intended to benefit and strengthen the entire ECEC system, in the 6 weeks available, the Review has focused on the centre-based ECEC services of long day care and kindergarten.

While most recommendations are applicable across the system, some will require nuanced consideration and application for family day care and outside school hours care services.

# Executive summary

## Introduction

This Review was commissioned to rapidly advise the Victorian Government on what needs to change in the ECEC system to protect very young children from sexual abuse.

It is difficult to imagine the horror of the families affected by the events that led to this Review and the deep anxieties of all families who use ECEC—they have been uppermost in our thoughts as we have approached this Review.

Our recommendations are directed at:

- the steps necessary to ensure predators do not get into the ECEC system
- that if they do, we quickly detect and exclude them; and
- finally, that we make sure that they never work with children again.

It is important to note that the circumstances that led to this review are not about the vast majority of early childhood educators who are committed professionals, dedicated to the wellbeing and development of the children in their care. They also feel betrayed by these events. The active cooperation of early educators and their representatives with our Review makes this clear.

The overwhelming conclusion we have reached is that while the current market-driven model for ECEC remains, the risks to quality and safety in early childhood education and care will persist.

## Findings and recommendations

The Review has identified immediate actions the Victorian Government can take to close gaps in the national ECEC system that compromise the safety of children. But the actions of Victoria alone will not fix the quality and safety issues in ECEC. Significant national action is also required to drive a system of services that deliver safe and quality education and care to the nation's youngest children. The ECEC market has rapidly expanded. It must now be actively managed.

The Review's 22 recommendations are set out below.

## Part 1: Governments to take greater responsibility for running the ECEC system

The ECEC system exists to teach, support and help children thrive—their safety, rights and best interests are paramount. Part 1 of the report calls for all Australian Governments to adopt a more assertive and directive approach to funding and managing the ECEC system to drive quality and safety for children.

### Chapter 1: Rethink the national ECEC system

The safety, rights and best interests of children must underpin all decision making in the ECEC system, from staff on the floor, right up-to the boardrooms of service providers. The National Law for ECEC should require this.

Over the past decade, the ECEC system has undergone rapid growth. This growth has occurred without a coherent plan. Rather, the market has been left to respond to financial incentives that do not drive investment in quality, safety, or in a stable and well-supported workforce.

Since 2015 in Victoria, the number of long day care services has grown from 1,280 to 2,049, a 60 per cent increase.<sup>1</sup> Of the 769 new long day care services in Victoria since 2015, 726 (94 per cent) are operated by for-profit providers. The rapid growth of for-profit providers in the sector has expanded the number of ECEC services, but it has also created a number of challenges for the operation and regulation of the system.

For-profit long day care services in Victoria are more likely to be rated as 'Working Towards the National Quality Standard' than not-for-profit long day care services, and less likely to exceed the National Quality Standard. They are also more likely to be working towards Quality Area 2 (child health and safety) and less likely to exceed Quality Area 2 than not-for-profit long day care services. There are now thousands of ECEC services in Australia run by providers with a complex array of business structures and priorities.

The sector faces significant workforce challenges including shortages, casualisation and the use of labour hire, and high turnover rates. In Victoria, 66.8 per cent of long day care and standalone kindergarten service staff have worked at their service for 3 or fewer years, including 22.7 per cent for less than one year. Analysis of large providers nationally by the Australian Competition and Consumer Commission showed not-for-profit long day care services had a 27 per cent turnover rate, and for-profit services had a 41 per cent turnover rate.

Ultimately, the workforce is core to the delivery of high quality and safe services for children. Proper planning for workforce growth linked to a funding model that invests in quality, professional development, and proper conditions is essential.

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<sup>1</sup> An overview of the ECEC system in Victoria, including data and sources, is in Appendix 2.



The Commonwealth Government must lead an urgent rethink of the ECEC system. This needs to prioritise quality and safety, reconsider the current funding model and reliance on the market, plan for the workforce children need, and set a 10-year strategy to fundamentally reform the system.

A new, time-limited, Early Childhood Reform Commission should be established and tasked by the Commonwealth and state and territory governments to support the fundamental reset of the sector. The Commission should be supported by a parent advisory group, so that the people who know what children need most inform the direction of the whole system.

Removing bad actors from the system cannot wait for this longer-term work to occur. In addition to state regulatory powers, the Commonwealth Government has established new powers to stop child care subsidy funding for providers with safety or quality concerns. However, closing a service suddenly can significantly disrupt the lives of families and children who rely on it. Commonwealth and state and territory governments should establish a process in advance, to allow trusted, high-quality providers to step-in and take over a service, similar to the way an administrator can be appointed in other settings. This would maintain the continuity of a service's operation and allow the new provider to make the necessary quality and safety improvements. Any necessary changes to the National Law to facilitate this should be made.

### **Recommendation 1: Safety, rights, and best interests of children**

Make the safety, rights, and best interests of children the paramount consideration for staff in services, managers, service providers, their owners, funders and board members. This should be done by changing the National Law.

### **Recommendation 2: Commonwealth Government-led rethink of the ECEC system**

2.1 Call for the Commonwealth Government to lead a rethink of the ECEC system. This needs to prioritise quality and safety, reconsider the current funding model and reliance on the market, and set a 10-year strategy to fundamentally reform the ECEC system, including careful planning for workforce growth and quality.

2.2 Call for the Commonwealth Government to establish a process to quickly appoint a trusted, high-quality provider to take over a service that has had its funding or other approvals cancelled, to quickly improve quality and safety, and enable continuity of access for families. This process should include consultation with the relevant state or territory government. Where necessary, the National Law should be amended to facilitate this.

### **Recommendation 3: National Early Childhood Reform Commission**

Advocate for National Education Ministers to establish and resource a time-limited Early Childhood Reform Commission to provide dedicated focus and capacity to prioritise national ECEC reforms. National Education Ministers should direct the Commission's work program and deliverables, and it should be informed by a parent advisory group.

## **Part 2: Preventing predators entering the ECEC system**

The best way to prevent child harm and abuse in ECEC services is to ensure unsafe and unsuitable people do not enter them in the first place.

Part 2 of the report looks at ways to prevent dangerous individuals from working in the sector.

There is no silver bullet. The Review recommends a system of checks and balances that work together to keep children safe. All parties need to play a role in this system of checks and balances.

A new National Early Childhood Worker Register (National Register) is essential. This register should include people's employment history (so it is known to potential employers) and record if a worker has been involved in misconduct.

Recruitment practices need to be significantly improved by employers, including for casual and labour hire staff.

The Working with Children Check scheme needs to be overhauled so that an individual's clearance can be suspended or refused when there are credible allegations or patterns of concerning behaviour with children. This cannot be done in isolation.

Urgent changes also need to be made to the Reportable Conduct Scheme so that information relevant to risk, whether substantiated or not, is proactively and consistently shared with the Working with Children Check screening authority to form a complete picture of risk.

This should be supported by a new Shared Intelligence and Risk Assessment Capability that brings together, and assesses information and intelligence, that is currently held in different places.

In Victoria currently, the Working with Children Check and Reportable Conduct schemes sit in 2 separate entities. The Review recommends that they (and the Child Safe Standards) be brought together in a single entity. The Review considers the Social Services Regulator would be an appropriate entity to consolidate those functions. Immediate steps should be taken to design and establish the new Shared Intelligence and Risk Assessment Capability. Together, these changes will significantly strengthen the safety net around children.

## **Chapter 2: Establish a new National Early Childhood Worker Register**

There is currently no national register of early childhood workers, noting Victoria is establishing its own. This makes it very difficult to get an accurate picture of an individual—including their qualifications and work history, which may span across the country—and can make it difficult to make the best recruitment decisions and to trace a person's movements if a concern or incident arises.

Victoria establishing an Early Childhood Workforce Register (Victorian Register) is a step forward. However, a national register needs to be hosted by the Commonwealth Government to protect against predatory and unsafe individuals moving between jurisdictions.

There is an urgent need to create a national register of people that shows who is banned from working in the sector—with providers compelled to look at this list before employing staff. The

Review therefore recommends a National Early Childhood Worker Register to capture and verify information about ECEC educators and staff.

However, this should not simply be a static list. To be meaningful, state and territory ECEC regulators should have legislated powers to suspend and remove people from the National Register. In Victoria, consideration should be given to how the new Shared Intelligence and Risk Assessment capability could support this decision making and avoid duplication of effort across the system (see Chapter 4).

Establishing the National Register must be a high priority for the Commonwealth Government, and legislated register powers for regulators a high National Law reform priority. However, if the Commonwealth Government does not action this, the Victorian Government should act and establish a nation-leading approach. The Victorian Register, in the meantime, needs to be designed to be consistent with the findings of this Review, and it should be built in a way that it can be compatible with a National Register at a later date.

#### **Recommendation 4: National Early Childhood Worker Register**

4.1 Accelerate a National Early Childhood Worker Register covering all early childhood education and care staff across Australia who have regular contact with children, including casual staff. The Commonwealth Government should host the Register, and access to information should be differentiated for regulators and employers.

4.2 Amend the National Law to give regulators the ability to de-register individuals based on an assessment of their suitability to work in ECEC settings.

4.3 Victoria should ensure the design of its Register is consistent with the findings of this Review, and be designed in a way that it will be compatible with a National Register.

### **Chapter 3: Ensure best practice screening and recruitment**

Employers also must take the steps necessary to ensure predators do not gain access to the system.

Rigorous recruitment practices are essential. No one should be able to work in an ECEC service unless their credentials have been verified, and their work history checked. This means contacting referees, including prior employers who may not have been specifically nominated by an applicant. Potential employers should consider whether there are any red flags in a person's employment history both through reference checks, and by checking the National Early Childhood Worker Register (when in place). Both actions mean employers gain more information about a person's qualifications, background and work history, including previous complaints or findings made against them.

#### **Recommendation 5: Require best practice for recruitment and induction**

Issue an updated Statement of Expectations to the ECEC Regulator that asks it to increase its focus on approved providers':

- a) recruitment of new staff, casuals and labour-hire, including undertaking background checks; child safety questions in interviews; and checking at least 2 previous employers, including when not listed as referees
- b) induction of staff, casuals, labour-hire and volunteers, so that staff know their responsibilities to keep children safe, staff codes of conduct, expected behaviours, and how to report or raise concerns; and
- c) child safe cultures, including their leadership, governance, and codes of conduct.

## **Chapter 4: Overhaul the Working with Children Check and Reportable Conduct schemes in a single entity with a new risk function**

Victoria's Working with Children Check scheme should be overhauled and made the most effective in the country. These Working with Children Check changes must also be accompanied by changes to Victoria's Reportable Conduct Scheme because these schemes operate together to provide a protective safety net for children. Currently the Working with Children Check scheme and Reportable Conduct scheme sit in 2 separate entities. The Review recommends that they (and the Child Safe Standards) be brought together in a single entity. The Social Services Regulator would be an appropriate entity to consolidate these functions.

Victoria's Working with Children Check should not tolerate risks to children's safety in any setting. The Working with Children Check screening authority should have the power to act swiftly and decisively if it receives information that puts children's safety in doubt. This means making sure all information and intelligence—from police, child protection authorities and other bodies—can be rapidly shared and used to assess, immediately suspend, and ban someone from working with children.

Review of Working with Children Check decisions should also be made by a body with a specialist child safety lens, so the right decisions are made in the interests of children. Further, anyone who wants the privilege of working with children must undertake online child safety training and testing to build their knowledge and affirm their commitment to safety.

The Review also recommends urgent changes to Victoria's Reportable Conduct Scheme. Currently, the trail of information that can identify a predator's behaviour sits in too many different places. In practice, what this means is the repository of risk-relevant information held by the Commission for Children and Young People in the form of unsubstantiated allegations can sit unused. The Review heard repeatedly about the 'breadcrumbs' that can be missed by the failure to piece information together. One of the most critical changes that must happen with the Reportable Conduct Scheme is to make sure that the limitations on the Commission for Children and Young People's ability to share unsubstantiated allegations are removed.

To support these changes to the Working with Children Check and Reportable Conduct schemes, a new Shared Intelligence and Risk Assessment Capability must be established. That is, information and intelligence currently held in multiple places must come together. Staff must be resourced with the necessary expertise and evidence-based tools to make sound

judgements around the level of risk an individual poses to a child, and provide that information to relevant decision makers so that they can act swiftly.

In designing this new Shared Intelligence and Risk Assessment Capability, there are opportunities to streamline effort, minimise overlap and ensure investigative efforts are complementary, rather than duplicative. Information sharing and decision-making in relation to a person of concern for the purposes of the Working with Children Check must be automatically shared with the ECEC Regulator and the Victorian Register and National Register (when developed).

We also know that perpetrators of abuse will often move between sectors, chasing weak points to access vulnerable people. To this end, the Victorian Government should look at how it sets up this Shared Intelligence and Risk Assessment Capability for child safety, so in time, it could support broader social services regulation, including those relating to out-of-home care, disability and aged care services, to offer the greatest protection to vulnerable Victorians.

#### **Recommendation 6: Working with Children Checks**

6.1 Change the Working with Children Check regulatory framework to:

- a) Allow unsubstantiated information or intelligence (for example, from police, child protection or other relevant bodies) to be obtained, shared, and considered in order to assess, refuse, temporarily suspend or revoke a Working with Children Check.
- b) Permit a Working with Children Check re-assessment when the screening authority is notified or becomes aware of new unsubstantiated information or intelligence.
- c) Require organisations to verify or validate that they have engaged a Working with Children Check clearance holder to provide accurate historical and current information of movements across different organisations.

6.2 Create an internal review process for Working with Children Check decisions and remove the ability to seek review at the Victorian Civil and Administrative Tribunal.

6.3 All applicants must complete mandatory online child safety training and testing before being granted a Working with Children Check.

6.4 Fund the Working with Children Check screening authority so it is resourced to undertake more manual assessments and interventions under new Working with Children Check settings, noting any efficiencies delivered by the new Shared Intelligence and Risk Assessment Capability (see Rec 8.1).

6.5 Work with the Commonwealth Government and other states and territories to develop a national approach to the Working with Children Check laws and advocate for an improved national database that is able to support real-time monitoring of Working with Children Check holders.

#### **Recommendation 7: Change the Reportable Conduct Scheme to improve information sharing**

7.1 Change the Reportable Conduct Scheme regulatory framework so there is a clear proactive power to share unsubstantiated allegations with relevant regulators and agencies, remove discretion to not share substantiated findings, and recognise a finding or investigation under another state or territory's Reportable Conduct Scheme where the reportable allegation is also captured under the Victorian Scheme.

7.2 Fund the administration of the Reportable Conduct Scheme so that it keeps pace with demand and the number of notifications, noting any efficiencies delivered by the new Shared Intelligence and Risk Assessment Capability (see Rec 8.1).

**Recommendation 8: Establish a new Shared Intelligence and Risk Assessment Capability and bring child safety risk information together in one place**

8.1 Invest in the design and establishment of a new Shared Intelligence and Risk Assessment Capability that:

- a) provides up-to-date information to join up the 'breadcrumbs', including opportunities to use new technologies such as Artificial Intelligence that can quickly scan information and flag patterns of concern
- b) equips assessors with fit-for-purpose risk assessment tools so they can exercise sound judgement about an individual's suitability to work with children; and
- c) complements and works together with other regulatory schemes so there is a common foundation across social services, disability, and aged care to better protect vulnerable people.

This new consolidated approach should deliver:

- A 'no wrong door' model to reporting and triaging concerns and complaints, so that connections are also made to the ECEC Regulator where a matter relates to early childhood education and care.
- Comprehensive intelligence and evidence-based risk assessment training, tools, and resources to support decision making in relation to the suitability of individuals working with children.
- Streamlined effort and reduced duplication—where possible, joint investigations should be conducted and there should be mutual recognition of findings across different regulatory schemes.

8.2 Bring together administration of the Working with Children Check and Reportable Conduct schemes in a single entity to strengthen the safety net around children.

## **Part 3: Quickly identifying and excluding predators within the ECEC system**

While safeguards to entering the ECEC sector will be strengthened, services and regulators will need to maintain vigilance around individuals who engage in inappropriate or unsafe behaviour with children.

No matter how hard we try to keep predators out, some will get through. The system needs to be able to spot them and act quickly.

Part 3 recommends that the ECEC Regulator be made independent from government, with contemporary risk assessment capability to reflect the growth and complexity of the ECEC system. It needs to conduct more frequent unannounced compliance visits.

ECEC services also need to make every effort to mitigate risks within their centres through best practice staffing arrangements and building designs with lines of sight.

## Chapter 5: Most rigorous inspection regime in the nation

The Review has taken care not to interfere with live investigations by the ECEC Regulator or to jeopardise criminal proceedings. However, the Review was asked to highlight priorities to support regulatory activity and reform.

The current ECEC Regulator, Quality Assessment and Regulation Division, (QARD) is located within the Department of Education. While internal protocols are in place to allow QARD to operate with independence from the broader department, the risk of conflict of interest is now higher with the roll-out of department-run early learning and childcare centres. The Review is of the view that the ECEC Regulator should be made independent and significantly strengthened. Given the specialist nature of the regulatory function and the complexity of the sector, particularly at this time, the Review recommends the independent ECEC Regulator should be standalone entity.

More eyes are needed on ECEC services to catch issues at the earliest opportunity. The number of unannounced visits being made to services is not sufficient to drive vigilance and compliance. Victoria should lead the nation in compliance visits to ECEC services, with unannounced visits to all services every year.

The ECEC Regulator must also have the tools and wherewithal to tackle the much more complex regulatory environment it now faces. A Capability Review for the ECEC Regulator should be undertaken as a priority to support its work. The scale and composition of the ECEC service landscape has grown and changed since the ECEC Regulator was initially established. Regulation needs not only to catch-up to these changes but be ahead of the curve to anticipate future risks and trends. To do this, it needs risk assessment and Authorised Officers informed by the latest technology, evidence about child safety, and the tools needed to regulate large, complex for-profit providers. Penalties need to increase to match the seriousness of breaches and also be significant for providers with bigger balance sheets.

The Commonwealth Government must play its part in this. When the National Quality Framework was first introduced, regulation of ECEC services was a shared endeavour between the Commonwealth Government and state and territory governments. The Commonwealth Government stopped contributing funding in 2018. In the final year of the National Quality Agenda National Partnership Agreement (2017–18), the payments to states and territories were \$20.33 million.<sup>2</sup> This represented just 0.22 per cent of the \$8.9 billion the Commonwealth Government spent on child care services that year.<sup>3</sup> Since then, the scale and complexity of the system has grown significantly, rising to \$14.15 billion Commonwealth Government

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<sup>2</sup> Australian Governments, *National Partnership on the National Quality Agenda for Early Childhood Education and Care 2015–16 to 2017–18*, 10.

<sup>3</sup> Australian Government (Productivity Commission), *Report on Government Services 2025* (Part B, Section 3: Early childhood education and care) Table 3A.2.



expenditure in 2023-24<sup>4</sup>. The Review recommends Commonwealth Government funding for state and territory regulators is reinstated.

### **Recommendation 9: An independent ECEC Regulator**

The ECEC Regulator should be made independent of the Department of Education, to avoid conflicts of interest, and should be strengthened to regulate an increasingly complex ECEC system.

### **Recommendation 10: Most rigorous inspection regime in the country**

The ECEC Regulator should conduct more visits to services each year, to:

- a) increase the volume and frequency of unannounced compliance visits to a nation-leading standard of at least once per service every 12 months; and
- b) reduce the average time between Assessment and Rating visits.

### **Recommendation 11: Capability Review and modern risk assessment for a complex and growing sector**

11.1 A Capability Review for the ECEC Regulator should be initiated as a priority. This should support the ECEC Regulator to modernise its risk assessment framework, tools, and training for Authorised Officers to: address complex for-profit approved providers, associated entities and corporate relationships; improve consistency of Authorised Officer's assessments; incorporate contemporary evidence on child sexual offending; regulate individual employees under the proposed National Register powers; and better utilise technology in assessing risk, including exploring safe use of Artificial Intelligence.

11.2 Call for the Commonwealth to commission the Australian Children's Education and Care Quality Authority and the Australian Securities and Investments Commission to investigate ways to address the complex legal structures and arrangements being used in the ECEC sector, so Regulatory Authorities have the information, tools, and powers to effectively regulate approved providers and the 'fit and proper person test' in the National Law.

### **Recommendation 12: Increase penalties for offences**

Call for a material increase to the maximum penalty amounts for offences under the National Law to better align penalties with the seriousness of offences.

### **Recommendation 13: Funding for effective regulation**

13.1 The ECEC Regulator should be appropriately funded to deliver its functions, including for the recommendations of this Review, and to make sure funding is in-line with the number of services to be regulated.

13.2 Call for the Commonwealth to reinstate funding for state and territory ECEC regulators and increase it to recognise the significant growth in the ECEC system. Funding should enable Victoria to meet its obligations in national arrangements, including as host jurisdiction of the National Law for early childhood education and care.

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<sup>4</sup> Australian Government (Productivity Commission), *Report on Government Services 2025* (Part B, Section 3: Early childhood education and care) Table 3A.2.



## Chapter 6: Improve the centre environment

Adults having eyes on each other protects children and protects the majority of educators and other staff who are doing the right thing. Improvements can be made to the centre environment to support this.

At least 2 adults should be in the presence of a child in ECEC services, wherever possible. To support this, changes are needed within ECEC services to improve lines of sight and limit the opportunities for an adult to be alone with children. Staffing arrangements should be reviewed, including consideration of key educator to child ratios and the practice of 2 adults being visible to each other when with children (known as the ‘four eyes on the child’ principle).

The Review also has concerns that under the National Law there is no general limit on the number or proportion of staff that can be ‘actively working towards’ their qualifications in any one service. While this measure was designed to enable people to get valuable work experience, it can be misused by services to put cheaper, and less experienced staffing arrangements in place. Tightening the use of these arrangements should be part of the review of staffing arrangements.

A national trial of Closed-Circuit Television (CCTV) in centres should also take place to evaluate its use as a regulatory and investigative tool—but with care taken to listen to the concerns of parents, services, and staff. The Review also notes that the Victorian Government is implementing a ban on personal devices in ECEC settings in September 2025.

### **Recommendation 14: Improve staffing arrangements in services**

Call for a national review of staffing arrangements in early childhood education and care centres, including consideration of: a ‘four eyes’ rule of 2 adults visible to each other while with children; removing or amending the ‘roofline’ rule; and tightening rules permitting ‘working towards qualification’ staff so that there are more qualified eyes on children at any one time.

### **Recommendation 15: Improve lines of sight in ECEC centres**

Call for the Commonwealth Government to fund a Child Safe Buildings Grants Program for fixtures and fittings or minor construction works that address physical barriers to clear lines of sight in existing ECEC centres. This should be funded by the Commonwealth Government but could be delivered through the state and territory jurisdictions. Service and building owners should make a co-contribution, based on their level of financial resources.

### **Recommendation 16: Trial the use of Closed-Circuit Television (CCTV)**

Call for a national trial of CCTV in early childhood education and care settings that focuses on its use as a regulatory and investigative tool. The trial should address data security and access concerns and gauge the views of regulators, providers, staff and families. The trial should also address any current barriers to regulators accessing existing CCTV evidence for investigations.

## Chapter 7: Strengthen transparency and parents' right to know

Parents will often be the first ones to notice that something may be wrong for their child. When parents and educators work together in partnership and have the right information, they can and will act decisively to identify risks, raise concerns, and protect children.

Parents need clear and transparent information about early childhood education and care services' quality and compliance so that they can provide additional eyes and raise the alarm when things are amiss. However, parents don't always have the information they need to make informed decisions. All information about service quality ratings and non-compliance must be shared openly, quickly, and accessibly with parents and the broader community. This information should be made available in a variety of commonly used languages to be accessible to families for whom English may be a second language.

The Review heard that many parents don't feel confident in identifying signs of abuse or grooming and can hesitate to raise concerns. Parents should be supported with evidence-based guidance to empower them to identify and act on safety concerns.

Open and timely conversations between parents and services are more likely to happen when processes for responding to complaints and concerns are clear and transparent. When an investigation occurs, parents need to be confident the matter will be handled in an appropriate manner, and that everything is being done to keep their children safe.

### **Recommendation 17: Make accessing information about service quality ratings easier for parents**

17.1 Call for the Commonwealth Government to improve information for parents about service quality and compliance on the Starting Blocks website, including: clear information on the National Quality Standard and which of the sub-elements are being met or not; details of service and provider ownership; and compliance history of services.

17.2 Call for the National Law to require services to display on their website, and inform families of, their quality ratings and any enforcement actions against them, prior to enrolment, when ratings change, and when new enforcement actions are imposed.

17.3 The ECEC Regulator should issue a modified ratings certificate which includes the period of time that a service has been rated as 'Working Towards' that must be prominently displayed in a service's reception area and on its website.

17.4 The ECEC Regulator should more regularly publish the full scope of permitted compliance and enforcement activity information on its website.

### **Recommendation 18: Support parents to raise and report concerns**

18.1 Work with experts to promote evidence-based advice for parents on prevention education, signs of grooming, and how to raise concerns. This should be promoted on existing and trusted channels, such as through Maternal and Child Health Services, supported playgroups, the Raising Children Network, Better Health Channel or Victorian Parents Portal, and be accessible and available in multiple languages.

18.2 Update and promote advice for parents on how to make complaints or raise concerns with their early childhood education and care service, and the ECEC Regulator, including via the public complaints and enquiry hotline.

## Chapter 8: Support the workforce

The ECEC workforce is our greatest asset when it comes to educating and protecting children. The ECEC workforce is overwhelmingly made up of committed, capable professionals. We should be supporting and investing in them, their professional development, and their careers. Educators and other staff in ECEC services need to be trained to confidently identify and act on any signs of abuse or harm and be encouraged to speak up for safety.

The ECEC system needs to give the workforce time and space to train, develop and pursue best practice in their services.

Investing in our ECEC professionals will help make a career in early education more attractive and sustainable, so we have experienced people in ECEC centres. In the meantime, action is needed to crack down on poor quality Registered Training Organisations which deliver sub-par ECEC qualifications. Educators deserve access to a quality education themselves—with courses that recognise the importance and complexity of the work, promote best practice and are grounded in children's rights and safety. This will ensure all educators are skilled and capable.

Beyond initial qualifications, child safety training must be mandatory for all people involved in ECEC services throughout their careers—from the educators on the floor, to the cooks in the kitchen, through to the managers and board directors of services. The Commonwealth Government's child care subsidy only funds services when parents pay the fee for their children to attend. This means that to have a dedicated professional development day with staff, services need to charge parents fees for the day they are closed, or not have any revenue that day. The Commonwealth Government should fund long day care services to release staff for training, which will strengthen their skills and knowledge on child safety.

The Commonwealth Government should invest in quality improvement programs for services in long day care, akin to the Kindergarten Quality Improvement Program established by Victoria. The program should support service leaders and educators to improve their governance and educational programs. The Commonwealth Government should consider rolling this program out to other service types, such as family day care and outside school hours care.

Staff working within ECEC services are best placed to report suspected misconduct or child safety risks in their workplace. However, educators and workers are met with a confusing range of places to report when they have a child safety concern. Another barrier can be workplace cultures that discourage feedback and complaints and make staff fearful of reprisal for making reports. Staff need to feel safe to raise concerns and be given the tools and confidence to speak-up and step-in.

### **Recommendation 19: Stronger action on poor quality training courses**

Call for Commonwealth Government action to improve ECEC training and placements, including stronger Australian Skills Quality Authority powers to address poor quality registered training organisations, including those who are also ECEC service providers. This should focus on training

outcomes that better prepare students for working in an ECEC setting, including child safety knowledge and skills.

#### **Recommendation 20: Mandatory child safety training**

20.1 Accelerate national mandatory child safety training for all people involved in the provision of ECEC through a change to the National Law. This should include people who may not directly work with children, such as Approved Providers, board members and office holders, management and administrative or non-educator staff, with tailoring based on role and contact with children. The approach should be national, but with local training tailored to capture specific state and territory laws, such as Victoria's legislated Child Safe Standards and Reportable Conduct Scheme.

20.2 Call for the Commonwealth Government to fund time release for staff to undertake relevant training. This could be done by direct funding allocation or by changing Commonwealth Government child care subsidy rules to fund services to provide training to staff on child safety.

20.3 To complement any national mandatory training, the Department of Education should update its existing 'PROTECT' training on identifying and reporting concerns and provide training on child sexual abuse prevention education for educators, including how to teach children about body safety, consent, and social and emotional learning, including seeking help.

#### **Recommendation 21: Professional support program on quality, child safety and safeguarding**

21.1 The Department of Education should partner with Early Childhood Australia to expand its Children's Safety and Safeguarding in Early Childhood Settings professional support program of webinars and resources. This program should provide service leaders and staff with the latest evidence and best practice on child safety and safeguarding and cover how to build a child safe culture, recruit, train and supervise a child safe workforce, and respond to risks.

21.2 Call for the Commonwealth Government to fund a Child Care Quality Improvement Program for child care subsidy-approved services, similar to the Victorian Kindergarten Quality Improvement Program.

#### **Recommendation 22: Give ECEC workers the confidence to raise concerns**

Provide training and clear guidance on how ECEC staff can report concerns, allegations and complaints, as part of a 'speak-up' culture. This should include how to anonymously report to regulators if staff do not feel supported to speak-up in their service.

## **Conclusion and next steps**

The Victorian Government commissioned a rapid review, and its recommendations warrant a rapid response.

The Victorian Government should share this Review at the earliest opportunity with the Commonwealth Government and other jurisdictions, recognising the need for greater national collaboration and consistency. National Education Ministers are due to meet on 22 August 2025, which would provide a timely opportunity to start coordinated action on these important recommendations.

Recommendations that are directed at the Commonwealth Government or that require changes to the National Law are set out in Figure 1 below, and should be raised at the Education Ministers Meeting. This includes expediting a National Register and legislative

power to remove individuals from it, and making the safety, rights and best interests of the child the paramount consideration in law.

Key matters in this Review require the urgent attention of the Victorian Government. Most importantly the Victorian Government should focus on putting in place additional checks and steps that prevent predators working in the system. These actions will make a profound change in the system.

This will require overhauling the Working with Children Check scheme and addressing gaps in the Reportable Conduct Scheme as a matter of priority. These schemes should be brought together in a single entity. Immediate steps should be taken to design and establish the new Shared Intelligence and Risk Assessment Capability.

These changes should not be made in isolation but need to be seen as part of the strengthened child safety regime described in this Review. This work is complex, and consideration should be given to how it can be phased.

Work to make the ECEC Regulator independent should commence immediately and be in place within 12 months, supported by a Capability Review that will guide the skills, functions and powers needed to be a cutting-edge regulator of an increasingly complex market of providers. This should happen alongside the recruitment of additional Authorised Officers and the development of modern risk assessment tools.

In parallel, the focus of all tiers of government needs to be on the broader re-think of the ECEC system and development of an overarching strategy to fundamentally reform the system.

**Figure 1. Overview of recommendations by jurisdiction**

<b>For the Victorian Government</b>	<b>Rec</b>
Require ECEC employers to have best practice for recruitment and induction	5
Working with Children Checks overhaul	6.1–6.4
Change the Reportable Conduct Scheme to improve information sharing	7
Shared Intelligence and Risk Assessment Capability	8
An independent ECEC Regulator	9
Most rigorous inspection regime in the country	10
Capability review and modern risk assessment for a complex and growing sector	11.1
Funding for effective regulation	13.1
Modify ratings certificates and publish enforcement activity more regularly	17.3–17.4
Support parents to raise and report concerns	18
Mandatory child safety training – attuned to evidence on risks and prevention	20.3
Professional support program on quality, child safety and safeguarding	21.1
Give workers the confidence to raise concerns	22
<b>For the Commonwealth Government</b>	<b>Rec</b>
Capability review and modern risk assessment for a complex and growing sector	11.2
Funding for effective regulation	13.2
Improve lines of sight in ECEC centres	15
Make accessing information about service quality ratings easier for parents	17.1
Stronger action on poor quality training courses	19
Mandatory child safety training – funded time release	20.2
Fund a Child Care Quality Improvement program	21.2
<b>For National Reforms and National Law changes</b>	<b>Rec</b>
Safety, rights and best interests of children	1
Commonwealth Government-led rethink of the ECEC system	2
National Early Childhood Reform Commission	3
National Early Childhood Worker Register	4
National approach to Working with Children checks	6.5
Increase penalties for offences	12
Improve staffing arrangements in services	14
Trial the use of Closed-Circuit Television (CCTV)	16
Make accessing information about service quality ratings easier for parents	17.2
Mandatory child safety training – National Law	20.1

**Figure 2. Recommendations and proposed phasing**

For the Victorian Government	Rec	Immediate, within 3 months	Within 12 months	12+ months
Require ECEC employers to have best practice for recruitment and induction	5	New Statement of Expectations		
Working with Children Checks overhaul	6.1–6.4	Start design and draft legislation	New legislation, changes implemented	
Change the Reportable Conduct Scheme to improve information sharing	7	Start design and draft legislation	New legislation, changes implemented	
Shared Intelligence and Risk Assessment Capability	8	Start design and draft legislation	Functions consolidated	
An independent ECEC Regulator	9	Design and draft legislation	Independent Regulator established	
Most rigorous inspection regime in the country	10	Start recruiting Authorised Officers	More services receive annual visit	All services receive annual visit
Capability review and modern risk assessment for a complex and growing sector	11.1	Design and consult with experts	New framework in place	
Funding for effective regulation	13.1	Immediate funding package		
Modify ratings certificates and publish enforcement activity more regularly	17.3–17.4	Increase frequency of publishing		
Support parents to raise and report concerns	18	Consult with experts and parents	Release updated guidance	
Mandatory child safety training—attuned to evidence on risks and prevention	20.3	Consult with experts and workforce	Release updated guidance	
Professional support program on quality, child safety and safeguarding	21.1	Partner with Early Childhood Australia, expand program		
Give workers the confidence to raise concerns	22	Consult and publish guidance		

For the Commonwealth Government	Rec			
Capability review and modern risk assessment for a complex and growing sector	11.2	Task ACECQA and ASIC		
Funding for effective regulation	13.2	Negotiate new National Agreement	Funding provided to state / territories	
Improve lines of sight in centres	15	Design with all jurisdictions	Commence grants program	
Make accessing information about service quality ratings easier for parents	17.1	Consult with experts and parents	Updated Starting Blocks website	
Stronger action on poor quality training courses	19	Task ASQA to address		
Mandatory child safety training – funded time release	20.2	Design with all jurisdictions	Commence program	
Fund a Child Care Quality Improvement program	21.2	Design with all jurisdictions	Commence program	
For National Reforms and National Law changes	Rec			
Safety, rights and best interests of children	1	Start design and draft legislation	New National Law legislation	
Commonwealth Government-led rethink of the ECEC	2	Start design and consultation	Develop long term plan	New 10-year strategy for ECEC
National Early Childhood Reform Commission	3	Start design and consultation	Commission established	
National Early Childhood Worker Register	4	Start design and draft legislation	National Register established	
National approach to Working with Children Checks	6.5	Start design and consultation	Agree approach	Implement approach
Increase penalties for offences	12	Start design and draft legislation	New National Law legislation	
Improve staffing arrangements in services	14	Explore package of staffing changes	Start design and draft any legislation	Any new changes implemented
Trial the use of Closed-Circuit Television (CCTV)	16	Commence design and consultation	Commence trial	Evaluate trial and set next steps
Make accessing information about service quality ratings easier for parents	17.2	Start design and draft legislation	New National Law legislation	
Mandatory child safety training – National Law	20.1	Design and draft legislation	New National Law legislation	



# Part 1: Governments to take greater responsibility for running the ECEC system

Part 1, Chapter 1 calls for governments to take greater responsibility and rethink the national early childhood education and care system.

## Chapter 1: Rethink the national ECEC system

This chapter recommends making the safety, rights and best interests of children the paramount consideration for decision making in ECEC services and a fundamental rethink of the system by governments.

### 1.1 Child safety needs to underpin the ECEC system

The safety, rights and best interests of children must underpin all decision making in the ECEC system, from staff on the floor in centres right up to the boardrooms of service providers.

Article 3 of the United Nations *Convention on the Rights of the Child* requires the best interests of the child to be a primary consideration in all actions concerning children undertaken by public or private social welfare organisations.<sup>5</sup> Under the ECEC system's National Law, the rights and best interests of the child is one of 6 'guiding principles of the National Quality Framework'.<sup>6</sup> However, it does not stipulate how this principle must be applied.

While it is clear to the Review that the majority of services across the system care deeply about the children in their care and prioritise their safety, there are tensions in the system that lead some providers to prioritise other things, including profit in some instances. The current mix of legislative and regulatory obligations for providers can create potential conflicts between the best interests of children and other duties.

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<sup>5</sup> *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

<sup>6</sup> *Education and Care Services National Law Act 2010* (Vic), s 3(3)(a).

The Review heard that the rapid expansion of the sector has created perverse incentives for shortcuts in education and training and that some for-profit providers may feel pressure to maximise value to shareholders.

Current legal frameworks are often interpreted as prioritising procedural fairness for employees, which can act as a brake on employers taking early or decisive action to protect children, for fear of industrial or legal challenges. Privacy laws can be seen as a barrier to proactive information sharing relating to individuals of concern. All these factors can divert focus from what is truly in the best interests of children.

These broader concerns filter down and inform decisions within services and can stifle reporting and important information being passed on to those who need it. Queensland's Review of System Responses to Child Sexual Abuse reported that fear of reputational risks, or defamation and other legal risks to both organisations and individual staff may deter staff from raising concerns about a person and sharing that information with those who need to know, particularly where allegations have not been substantiated.<sup>7</sup>

The Wheeler Review in New South Wales recognised these challenges in ECEC services, saying:

*In addressing any competing interests, providers and services must ensure that the interests of enrolled children are of paramount importance in all decisions and transactions. Providers and services must place their duty to enrolled children ahead of those owed to their shareholders and other stakeholders.<sup>8</sup>*

Making the safety, rights, and best interests of children a 'paramount consideration' in the National Law is needed to unequivocally place children's needs and interests above all other considerations. As Anne Hollonds, the National Children's Commissioner, has said:

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*'Everyone involved needs to make child safety their number one priority, from the boardroom to the sandpit.'<sup>9</sup>*

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This paramount consideration obligation should apply to staff in services; responsible persons; persons with management or control; approved providers of services; and entities that own and fund approved providers of services, including board members.

The amendments to the National Law should consider inconsistencies with Commonwealth and state/territory laws; establishing the necessary architecture to include actors other than

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<sup>7</sup> Queensland Child Death Review Board, *Review of System Responses to Child Sexual Abuse*, (Progress Report, June 2025) 4.

<sup>8</sup> Chris Wheeler Consulting, *Early Childhood Education and Care Regulation in NSW Independent Review* (Final Report, May 2025) 80.

<sup>9</sup> Anne Hollonds, 'Child safety and wellbeing must be made a national priority', *Canberra Times* and *Newcastle Herald* (online, 5 July 2025) <<https://humanrights.gov.au/about/news/opinions/child-safety-and-wellbeing-must-be-made-national-priority>>.

providers and services, such as directors and office holders, and employees; and enforcement powers and options.

Detail of how to interpret the concepts of the safety, rights and best interests of children as a paramount consideration should be included in the Regulations and through operational guidance. This should consider how to minimise risks of differing and conflicting interpretations and the risk of unintended consequences in application, such as discrimination or unreasonable expectations placed on employees. Current frameworks for workplace occupational health and safety requirements may provide a useful model. These make clear that occupational health and safety is everyone's business, duties and responsibilities apply to all levels of organisations, they are outcomes-based and build a shared understanding and culture of safety and risk management. They are usually accompanied by clear policy, guidance and training to operationalise.

Governments should produce guidance to make it clear how this paramount consideration should operate in practice for different decision makers—from senior managers in head office through to educators in the room—and how to manage conflicts of interest. Given this would be a change to the National Law, the Australian Children's Education and Care Quality Authority could produce this guidance, as it has for the recent National Quality Framework *Child Safe Culture Guide*.

### **Recommendation 1: Safety, rights and best interests of children**

Make the safety, rights, and best interests of children the paramount consideration for staff in services, managers, service providers, their owners, funders and board members. This should be done by changing the National Law.

## **1.2 The system needs fundamental change**

The ECEC system has grown rapidly to meet the community need for early childhood education and care.

Since 2015 in Victoria, the number of long day care services has grown from 1,280 to 2,049—a 60 per cent increase. Over the same time, there has been a small increase in standalone kindergarten services, growing from 1,197 to 1,236 (3.3 per cent). Of the 769 new long day care services in Victoria since 2015, 726 (94 per cent) are operated by for-profit providers. For-profit long day care services in Victoria are more likely to be 'Working Towards' the National Quality Standard than not-for-profit long day care services, and less likely to exceed the National Quality Standard. An overview of the ECEC system in Victoria, including more data and trends over time, is at Appendix 2.

This rapid growth has not been accompanied by a coherent plan to ensure the delivery of safe and quality services.

Rather, the market has been left to respond to financial incentives that encourage providers to open services and charge high fees, but does not drive investment in quality or safety, or a stable, capable and professional workforce. It means that the funding a service receives is linked to the fees charged to parents, not the needs of the children or the cost of delivery of high-quality education and care. It allows providers to charge premium fees for a minimum standard service, and in some cases maximise profits from the system. The child care subsidy represents a large amount of taxpayer's money and needs much tighter controls on how it is spent.

It may have once been that a market-driven approach was appropriate for the ECEC system—when the sector's composition was different, and when workforce challenges were not so significant—but this is no longer the case. It is clear now that this system is not delivering the outcomes government wants, or the community expects.

Governments need to monitor and understand how the system is changing, including who is entering or leaving the sector. They need to reconsider how they fund, monitor, support and regulate the system. The market has been allowed to run too far, for too long.

Australia's ECEC system needs a fundamental reset.

### **1.2.1 Governments need to take responsibility for running the ECEC system**

Governments need to use their levers and adapt their settings to protect children and families and get the outcomes sought from the system, including educational outcomes for children.

Current roles and responsibilities for the ECEC system is split across Commonwealth, state and territory, and local governments. They have evolved from a historical split of responsibilities where the state or territory is responsible for 'education' and the Commonwealth Government for 'care' to support workforce participation. This split doesn't match the daily experience of children and families. Children are always learning, even when in 'care', and many children receive the dedicated 'educational' program (kindergarten) in a long day care service. Despite the aspirations of a single National Quality Framework, the split continues to drive governments' approach to the system.

The Commonwealth Government is the majority funder of child care for children aged from 0–5, but states and territories are the majority funder of kindergarten for 4-year-olds (and 3-year-olds, where offered). States and territories are responsible for regulating all services in the sector, but the largest portion of services they regulate are long day care services driven by Commonwealth Government funding.

This leads to gaps in the system.

The workforce is the main way to deliver quality and safe services for children, but no government is specifically or holistically responsible for the workforce, and the ECEC sector and workforce continues to experience many challenges.

A lack of dedicated and coordinated effort, funding settings and the funding approach have contributed to workforce challenges including shortages, casualisation, the use of labour hire staff, and high turn-over rates.

In Victoria, 66.8 per cent of long day care and kindergarten service staff have 3 or fewer years at their service, including 22.7 per cent who have less than one year. Analysis of large providers nationally by the Australian Competition and Consumer Commission showed not-for-profit long day care services had a 27 per cent turnover rate, and for-profits had a 41 per cent turnover rate. Further context on the ECEC workforce is in Appendix 2.

No single factor is determinative of child safety, but there are many influencing factors. A workforce that is highly casualised may be less likely to feel comfortable to speak-up and report something if they have concerns. A workforce that is low paid and not properly valued by the community may struggle to attract and retain the most capable people. A workforce that struggles to attract staff may lead to services having to choose between hiring staff they don't have full confidence in, or reducing capacity and turning children away. A workforce where many are less experienced, or are still working towards their qualification, may not know what to look for to protect and promote child safety, or how to report concerns. A workforce that has high turnover makes it hard to build a strong culture within a service, or strong relationships with children. A workforce where one staff member undertaking professional development 'off the floor' creates rostering and operational challenges is not one where professional development will always be prioritised.

Governments must work together to clarify and resolve their responsibilities in ECEC, ensuring that gaps are filled and ambiguities resolved. This should then be formalised, for example, in a broad intergovernmental agreement that addresses the whole ECEC system, and any funding implications addressed through a National Agreement.

### **1.2.2 The system needs a long-term vision and a plan to achieve it**

The Commonwealth Government should lead work with all levels of governments to clearly articulate Australia's vision for the ECEC system. This should include moving from a split approach to 'education' and 'care' to a strong, system-wide focus on the safety, wellbeing, education and development of every child, in every setting. This will clarify for governments what they are using their levers to achieve and send a clear message to the sector and the community about where the system is heading. Governments started developing a National Vision for Early Childhood Education and Care in Australia, but this has stalled. It should be restarted.

Governments should then develop a long-term plan to meet their objectives. This should outline how they will move ECEC from a market-driven model to a system that is actively managed with greater emphasis on quality and safety for children. This could include:

- reform to the funding system, or a new funding system, to better align incentives, ensure value for money for governments, and limit the ability of providers to unreasonably profit from public funds
- sustained and coordinated investment in the pay and conditions for the workforce and future workforce planning
- tighter regulation of providers, including being more willing to use funding and regulatory levers to remove low quality or poor performing providers from the system
- consideration of the optimal market composition and balance of providers in the sector, and how this can be achieved
- investment and support for high-quality providers to expand, especially not-for-profit providers who may need additional help
- investment in incentives and support for quality improvement
- monitoring the level of profit being generated from public funding
- greater coordination and planning of provision, and planning for service transition when providers fail or have funding or approvals withdrawn; and
- equity and inclusion of children from different socio-economic backgrounds, cultures or those with disability or developmental delay.

While a long-term plan is important to addressing systemic issues in the ECEC system, some actions cannot and need not wait. Elsewhere in this report, the Review has recommended the Commonwealth Government commence a quality improvement program in long day care services, resume investing in the regulatory system, change funding rules to better support staff professional development, and fund grants to improve lines of sight in services. All these actions can commence almost immediately and, in the context of a long-term reform program, are ‘no regrets’ investments that will be of benefit irrespective of how governments eventually progress long-term reform.

Commonwealth legislation to give greater powers to stop or add conditions to child care subsidy funding for poor quality or unsafe services is welcome and should be applied. It is important for governments to effectively enforce a quality floor, remove ‘bad eggs’ from the system, and send a strong signal to others to maintain or improve quality and safety. However, ceasing funding will typically mean closing a service, which can disrupt families’ lives. In some cases, there may be other services nearby with places available, but in others it may be both possible and beneficial to keep a service open by bringing in a different, high-quality provider to address quality and safety concerns and maintain service continuity for families.

Governments should have a clear plan and mechanism to deal with service closures, including by facilitating another provider to take over the operation of a service, with a focus on quality. When ABC Learning collapsed, Goodstart was established to take over most of its operations.

However, this process took over a year to complete. Having a process developed in advance would make it easier and quicker for other providers, including not-for-profits and government providers, to quickly step-in and operate the service. This planning should involve state and territory governments, as they are more likely to know local communities and know which local providers would be strong candidates to take over a service.

Changes may also be needed to the National Law to facilitate this in a timely way, and the new provider may need financial or other supports from government to quickly improve the quality and safety of the service. But the Review considers that it may, in some circumstances, be a good way to address what can be competing objectives of maintaining safety and quality and maintaining access for families. It could also provide an opportunity for government to support high-quality providers to grow their operations.

### **Recommendation 2: Commonwealth Government-led rethink of the ECEC system**

2.1 Call for the Commonwealth Government to lead a rethink of the ECEC system. This needs to prioritise quality and safety, reconsider the current funding model and reliance on the market, and set a 10-year strategy to fundamentally reform the ECEC system, including careful planning for workforce growth and quality.

2.2 Call for the Commonwealth Government to establish a process to quickly appoint a trusted, high-quality provider to take over a service that has had its funding or other approvals cancelled, to quickly improve quality and safety and enable continuity of access for families. This process should include consultation with the relevant state or territory government. Where necessary, the National Law should be amended to facilitate this.

### **1.2.3 Establish a commission to drive national reform**

The Education Ministers Meeting (which consists of Commonwealth, state and territory Education Ministers, across ECEC, schools and higher education) provides a forum for collaboration and decision-making on ECEC. However, in light of recent child safety incidents, several Commonwealth and state ministers have expressed frustration with the slow pace of national reforms in ECEC.

Many Education Ministers have responsibility for school education or other portfolios in addition to ECEC, and departmental officials often have broad responsibilities, including the ongoing operation of existing programs and services, and the regulatory system.

The Review is concerned that the lack of progress in reforming the ECEC system is, in part, a result of this lack of dedicated focus on the issue. A catalyst is required to drive reform.

The Review therefore recommends the establishment of an Early Childhood Reform Commission, to accelerate national reform. While there are national frameworks in place for ECEC regulation and policy reform, they have not been as nimble as needed to respond to such a rapidly changing environment as the ECEC system has become. What is required is a Commission focused on ensuring that necessary reforms at the national level are progressed in a timely way.

The Commission would not replace ministers, officials or departments' decision making or other responsibilities, but it would provide a specialist resource, dedicated to supporting ministers develop and progress national reforms.

The Commission could be time-limited to drive through agreed reforms, acting as an 'honest broker' between governments, and helping ministers to track that work is being done across the various parts of government involved.

The Commission would be solely focussed on the reform of the ECEC system, and not have its attention diverted by running grants, programs or services, or administering a regulatory system. The Commission would work with other bodies in the space, including the Australian Children's Education and Care Quality Authority, to help ensure that agreed reform measures are implemented. The Commission should use evidence to underpin its work, and drive linkage of national, state and territory data to inform decision making by ministers.

The Commission would work to, and at the direction of, the Education Ministers Meeting. Through this model all governments would have a say in the Commission's governance and workplan. Similar approaches are used for organisations such as the Australian Education Research Organisation and Education Services Australia.

The Commission should be established quickly and with simple governance (rather than a large board), as is appropriate for the proposed role of the organisation, working to deliver a work plan set by the Education Ministers Meeting.

The Commission should be supported by a parent advisory group to ensure that parents inform the policy that drives the whole system.

While not setting a sunset date, the Review expects that the Commission would be time limited and, if successful, cease operating in its current form within 5 years.

### **Recommendation 3: National Early Childhood Reform Commission**

Advocate for National Education Ministers to establish and resource a time-limited Early Childhood Reform Commission to provide dedicated focus and capacity to prioritise national ECEC reforms. National Education Ministers should direct the Commission's work program and deliverables, and it should be informed by a parent advisory group.



# Part 2: Preventing predators entering the ECEC system

Part 2 looks at the various ways the ECEC system can make sure predators do not enter the ECEC system.

- Chapter 2 recommends establishing a new National Worker Register.
- Chapter 3 recommends ways to ensure best practice screening and recruitment of workers.
- Chapter 4 recommends overhauling the Working with Children Check and Reportable Conduct schemes in a single entity with a new risk function.

# Chapter 2: Establish a new National Early Childhood Worker Register

This chapter recommends establishment of a National Early Childhood Worker Register and legislative powers for regulators to remove unsuitable people from the register. It also recommends that the Victorian Early Childhood Workforce Register that is being developed takes account of this Review's findings and is built to be compatible with the National Register.

## 2.1 Establishing a National Register of early childhood education and care workers

The Review heard repeatedly from service leaders, approved providers, and peak bodies that it is difficult for employers and regulators to get an accurate picture of a person's credentials and work history. The onus is on each individual employer to assess and verify a person's qualifications and prior employment, which often hinges on individuals being honest. While most educators do the right thing, the absence of a register creates opportunities for bad actors to abuse the system, by lying about their work experience or omitting information about past complaints, investigations or terminations. It can also make it difficult for authorities to identify which centres or families may be affected when an alleged perpetrator is charged.

In Victoria, 17.1 per cent of ECEC workers have a bachelor degree or higher qualification in a teaching field.<sup>10</sup> Many of these workers are likely registered with the Victorian Institute of Teaching. These registered ECEC teachers are subject to a rigorous registration process with ongoing obligations to prove their continued suitability to teach and maintain a minimum standard of practice and learning requirements.<sup>11</sup>

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<sup>10</sup> Australian Government (Department of Education), Early Childhood Education and Care National Workforce Census (online, 2024)  
<<https://app.powerbi.com/view?r=eyJrIjoiaMzZkMmMzZTEtMzBmNy00ZmlyLTlkZWItMDc5MTYzMTlkNDk4liwidCI6Ijg2MjA5Yjg0LTBjODMtNDNjNS05MmJlLWE1ZjUwZDY4ZTNmNiJ9>>.

<sup>11</sup> Registered teachers are required to complete qualifications that meet national standards and undertake rigorous suitability assessments in order to obtain registration. The Victorian Institute of Teaching ensures that regular professional learning and suitability assessment continues throughout a teacher's career. More information is available on the Victorian Institute of Teaching website [www.vit.vic.edu.au](http://www.vit.vic.edu.au).

For the remaining more than 80 per cent of ECEC workers with regular contact with children in a service, the Working with Children Check system is relied upon as a screening tool to clear them for child-related work in the sector. Unlike Victorian Institute of Teaching registration, a Working with Children Check does not confirm the qualifications or suitability of a person to work with children (Working with Children Check is discussed in more detail at Chapter 4).

The Review heard strong support for an early childhood education and care workers register. Victoria is already taking the first steps to create a register, launching the Early Childhood Workforce Register (Victorian Register) in August 2025.<sup>12</sup> It will be implemented through a phased program of work to capture information about employees at a service who have regular contact with children.<sup>13</sup> The Review understands the first phase of the Victorian Register captures service employees and that the next phase (due to be delivered later in 2025) will capture agency staff. Noting the high number of casuals in the sector, this is an important next step. The Victorian Register also needs to adapt to the findings from this Review, including to make sure it has the fields necessary to capture employee histories and any disciplinary actions or investigations, alongside being built to be compatible with the national register.

Stakeholders overwhelmingly told the Review that a national register should be the priority, to avoid unsafe and unsuitable workers avoiding detection and scrutiny by moving between jurisdictions, and to make it easier for both employers and parents to access basic information about an individual working in a service.

## **2.2 Legislative powers to remove people from the register**

Establishing a register alone will not address a person's suitability to work in the ECEC sector, or whether they should be removed. The Review heard strong support for a regulatory authority to have the ability to suspend or remove a person from the Register. Like the Register, stakeholders overwhelmingly called for a nationally consistent approach. This would need changes to the National Law to allow state and territory ECEC regulators to perform this function in a consistent way.

Stakeholders supported a national register and legislative powers, because it would:

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<sup>12</sup> Key information captured by the Victorian Register includes a person's details, their role, Working with Children Check/ Victorian Institute of Teaching number and expiry, and dates and details of past employment.

<sup>13</sup> This may include other staff who interact with children within an early childhood education and care service, such as cooks, cleaners and drivers.

- create a single source of truth, allowing authorised regulators and employers to access essential background and relevant risk information (including about historical and current substantiated and unsubstantiated child safety data) about any educator or worker
- offer searchable information for employers and families to confirm the eligibility of applicants to work in the sector (by verifying a person has relevant qualifications and training and has not been struck off the register)
- facilitate the sharing of child safety risks between jurisdictions to facilitate a more complete picture of concerning patterns of behaviour and early identification of risks by reducing the need for time-consuming manual processes for employers and regulatory authorities.

Admission to the National Register should, at a minimum, require:

- a Working with Children Check (or equivalent)
- necessary minimum qualifications (where applicable), or reflect if a person is working towards a qualification, or a trainee or student; and
- completion of mandatory child safety training.

The National Register should include fields covering:

- personal details (full name, date of birth, contact)
- employment history (start date, cease date)
- if the person is currently subject to any complaints, workplace investigations or disciplinary proceedings (and the nature of these)
- if the person is excluded (by a prescribed relevant state or territory regulatory authority) from working in the ECEC sector, or if any conditions have been imposed on the individual; and
- the minimum admission requirements outlined above.

Access to information on the National Early Childhood Worker Register could be differentiated between employers and regulators, recognising the different levels of information needed for each audience.

People who are found to be unsafe or unsuitable to work in the sector should be removed from the National Register without delay, and the relevant regulator should have powers to receive a broad range of information and act on it. In Victoria, consideration should be given

to how the new Shared Intelligence and Risk Assessment capability could support this decision making and avoid duplication of effort across the system.

Over time, a worker registration scheme could be considered, which means moving towards the types of models in teaching and allied health, with ongoing professional development requirements and support. However, the Review heard that this should be carefully planned, consider the workforce mix of the sector and other policy objectives that have not been the focus of this child safety review. This is something that could be considered as part of the broader Early Childhood and Education and Care 10-year plan reforms. At this point in time, the Review heard concern that low-paid educators could not be expected to afford the kind of fees that other better-paid professions pay for registration and that a cost/benefit analysis of proceeding down this path would be required.

#### **Recommendation 4: National Early Childhood Worker Register**

4.1 Accelerate a National Early Childhood Worker Register covering all early childhood education and care staff across Australia who have regular contact with children, including casual staff. The Commonwealth Government should host the Register, and access to information should be differentiated for regulators and employers.

4.2 Amend the National Law to give regulators the ability to de-register individuals based on an assessment of their suitability to work in ECEC settings.

4.3 Victoria should ensure the design of its Register is consistent with the findings of this Review, and be designed in a way that it will be compatible with a National Register.

# Chapter 3: Ensure best practice screening and recruitment

The best way to protect children from abuse and harm is to prevent an unsuitable person from entering an ECEC service. This chapter makes recommendations to require best practice in recruitment, screening and induction, including through rigorous and proactive reference checks.

## 3.1 Ensuring staff are safe and suitable: Improving screening and recruitment practices

Appropriate staff screening and recruitment practices are crucial in ensuring that the workers that care for, and are in contact with, children are safe and suitable.

These practices need to be urgently improved in the sector.

Hiring managers need to undertake due diligence when assessing candidates for positions. They need to verify a person's credentials and work history. They should include child safety requirements in position descriptions and staff contracts, as well as child safety focused questions as part of key selection criteria and interviews. Hiring managers should also undertake proactive checks and child safety screening by speaking with previous employers. These principles also need to apply to agency or casual relief staff. Services should, for example, ask their casual staff agencies about their onboarding and screening processes and seek past references. The Review's recommendation for a National Early Childhood Worker Register (discussed in Chapter 2) will make it easier than it currently is for employers to meet these responsibilities. Everyone has a role to play to safeguard and ensure a suitable workforce – both employers and authorities.

The Review heard that providers and services are unsure of their ability to share information about current or past employees, particularly when there is an unsubstantiated allegation or complaint, for privacy reasons.<sup>14</sup> Providers are concerned about speaking inappropriately about a person or sharing information they are not permitted to share. This can mean that

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<sup>14</sup> In some cases, this is further complicated by confidentiality or non-disparagement clauses within deeds of release, that prevent former employers from sharing information, including allegations of serious misconduct.

patterns of behaviour may be missed, and other providers unwittingly employ a person who poses a risk to children.<sup>15</sup> There is a need for clearer guidance to providers and service managers on this.

There should be no barrier to providers or services proactively contacting current or previous employers of applicants to conduct reference checks, even where the employer is not listed as a referee. The applicant should provide their consent, but this can be included as a condition of applying.<sup>16</sup> Verbal reference checks can elicit more information than a written response and allows the hiring manager to ask follow-up questions if more information is needed. Current or previous employer responses should be factual and should share their view on the employee's character and suitability to work with children, and whether there have been any conduct complaints, concerns or investigations regarding the employee. Hiring managers should take notes of the conversation.

The Review heard about evidence-based psychometric testing used as part of recruitment processes for workers in other social service and care sectors. There is value in examining whether this could be adopted in the ECEC sector, using high-quality providers.

### **3.1.1 Induction and child safe culture**

Once recruited, new staff, including temporary or agency-based staff, need to be provided with appropriate induction training into the service's specific policies, procedures and risk management strategies. Induction should ensure new starters are aware of their responsibilities to keep children safe, including staff codes of conduct, expected behaviours, and how to report or raise concerns. A new staff member's adherence to child safety requirements should also be considered as part of staff probation processes.

Like any workplace, the culture of ECEC settings relies on the people in them. This is especially true for creating and maintaining a child safe culture. High turnover and casualisation of the ECEC workforce can lead to a weaker child safe culture, as staff members or behaviours that are out of step with the service's existing or desired culture or values are less visible. ECEC services with a strong child safe culture put child safety and wellbeing first, at all levels of the organisation. This Review recommends increased

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<sup>15</sup> Australian Children's Education and Care Quality Authority, *Review of Child Safety Arrangements under the National Quality Framework* (Final Report, December 2023) 60.

<sup>16</sup> Office of the Victorian Information Commissioner, *Privacy During Recruitment* (Web Page) <<https://ovic.vic.gov.au/privacy/resources-for-organisations/privacy-during-recruitment/>>.

regulatory focus on the aspects of the Child Safe Standards that support this through clear, committed and strong leadership, governance and codes of conduct.

Guidance to staff needs to support early protective actions when there are departures from established practice. If staff wait until a suspicion or concern becomes undeniable, it can allow abuse to continue and worsen and place other children at risk. However, it is also important to recognise staff members can make minor mistakes due to inexperience or being overwhelmed, which can be resolved through conversation and education. Reporting a concern should not be viewed as an accusation, rather as a protective action. Managers need to be alive to the possibility that early warning signs (in the form of boundary breaches) may indicate a bigger problem that requires more serious and careful intervention.

### **Recommendation 5: Require best practice for recruitment and induction**

Issue an updated Statement of Expectations to the ECEC Regulator that asks it to increase its focus on approved providers':

- a) recruitment of new staff, casuals and labour-hire, including: undertaking background checks; child safety questions in interviews; and checking at least 2 previous employers, including when not listed as referees
- b) induction of staff, casuals, labour-hire and volunteers, so that staff know their responsibilities to keep children safe, staff codes of conduct, expected behaviours, and how to report or raise concerns; and
- c) child safe cultures, including their leadership, governance and codes of conduct.



# Chapter 4: Overhaul the Working with Children Check and Reportable Conduct schemes in a single entity with a new risk function

This chapter outlines major reforms to the Working with Children Check, an improved Reportable Conduct Scheme and the establishment of a new Shared Intelligence and Risk Assessment Capability. Currently the Working with Children Check and Reportable Conduct schemes sit in 2 separate entities. The Review recommends that they be brought together (along with the Child Safe Standards) into a single entity with a new Shared Intelligence and Risk Assessment Capability. Together, these changes will significantly strengthen the safety net around children.

## 4.1 Limitations of Victoria's Working with Children Check legislative framework

The *Worker Screening Act 2020* (Vic) requires that anyone undertaking child-related work in Victoria (including ECEC professionals) must have a valid Working with Children Check unless an exemption applies.

However, Victoria's Working with Children Check laws are not fit-for-purpose and must be rebalanced in favour of child safety.

Compared to other states and territories, Victoria's Working with Children Check framework is among the least flexible in the country. This is because the triggers for action in Victoria's legislation require a 'formal' criminal charge, conviction, finding of guilt or substantiated disciplinary or regulatory finding. The Review notes that regulation changes have recently been made to allow the Working with Children Check screening authority to recognise prohibition notices that are issued by the ECEC Regulator in relation to an individual. This was a necessary change but more needs to be done.

Figure 4.1 below shows the limitations of Victoria's framework, also highlighted by the 2022 Victorian Ombudsman report.<sup>17</sup>

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<sup>17</sup> Victorian Ombudsman, *Investigation into a former youth worker's unauthorised access to private information about children* (Final Report, September 2022) 69–71.

**Figure 4.1: Victoria requires a conviction or substantiated finding to act**

In Victoria, only information 'above the line' (i.e. charges, convictions, guilty findings or substantiated disciplinary or regulatory findings) can form the basis of a Working with Children Check refusal or trigger a re-assessment or interim suspension.

**Criminal conduct**

- Charges, convictions or guilty findings

**Substantiated disciplinary or regulatory action**

- Misconduct investigated and substantiated by a regulatory authority that has led to disciplinary action

**Unsubstantiated allegations of misconduct or criminal investigations**

- Uncompleted investigations (e.g. victim did not wish to give evidence or press charges)

**Any other risk-relevant information**

- Unofficial complaints that do not meet threshold for regulatory or criminal investigation






In contrast, the same restrictions do not exist in the majority of other jurisdictions and an individual's Working with Children Check application can be refused, re-assessed, suspended or cancelled on the basis of substantiated and unsubstantiated allegations.

This over-reliance on ‘above the line’ information—that is, criminal history (charge, conviction or finding of guilt) or substantiated disciplinary or regulatory findings—means that ‘red flags’ are missed, and an incomplete picture of risk is formed.

This approach is problematic because it is often in the pattern of behaviour or repetition of incidents (which on their own may *not* be considered sufficiently serious or evidenced for substantiation) that risks to children become evident.

The rigid nature of Victoria’s Working with Children Check assessment and outcomes framework is further illustrated in the Table 4.1 below.

**Table 4.1: Classification of offences under the *Worker Screening Act 2020* (Vic)**

	Criteria	Outcome
<b>Category A</b> Some discretion permitted 	Individuals subject to sex offender reporting obligations.  Individuals charged with, convicted or found guilty of very serious offences such as murder, rape or sexual offences against children.	Clearance must be <b>refused</b> save for exceptional circumstances.
<b>Category B</b> Some discretion permitted 	Individuals charged with, convicted or found guilty of serious offences such as serious violent and drug offences and sexual offences against adults.	Clearance must be <b>refused</b> unless granting it would not pose an unjustifiable risk to child safety.
<b>Category C</b> Some discretion permitted 	Individuals charged with, convicted or found guilty of offences not identified in Category A or B.  Individuals subject to relevant disciplinary or regulatory findings.	Clearance must be <b>granted</b> unless: <ul style="list-style-type: none"> <li>• doing so would pose an unjustifiable risk to the safety of children</li> <li>• a reasonable person would not allow their child to have direct contact with the individual in the course of child-related work; or</li> <li>• the applicant’s engagement in child-related work would pose an unjustifiable risk to the safety of a child.</li> </ul>
<b>Other</b> No discretion permitted	Individuals who have not been charged with, convicted or found guilty of any offences and who have not been	Clearance must be <b>granted</b> .

	Criteria	Outcome
	<p>⊗</p> <p>subject to relevant disciplinary or regulatory findings.</p> <p>For example, a person who:</p> <ul style="list-style-type: none"> <li>• is being investigated by police</li> <li>• Child Protection suspects of harming children; or</li> <li>• has been subject of multiple unsubstantiated complaints.</li> </ul>	

Specifically, the following areas must be improved:

- **Below the line matters:** Most other child-safety screening authorities across Australia can consider and refuse a person's Working with Children Check application based on information that falls *below* the threshold of charge, conviction, finding of guilt, or regulatory or disciplinary finding. This should also be the case in Victoria for individuals who pose a genuine risk to child safety.
- **Triggers for a reassessment:** In Victoria, the triggers for a Working with Children Check re-assessment are relatively limited and include where the screening unit is notified that a person, since receiving their clearance, has been: charged, convicted or found guilty of a Category A, B or C offence; subject to a relevant disciplinary or regulatory finding including a substantiated finding of reportable conduct; or excluded from child-related work by an interstate child-safety screening authority. By contrast, other interstate screening authorities have greater scope to re-assess a person's suitability to work with children (for example, when there are unsubstantiated allegations but credible information).<sup>18</sup>
- **Suspension:** In addition, Victoria's worker screening legislation does not permit immediate suspension of a person's clearance pending a re-assessment (for example, while an investigation is underway), except in limited circumstances involving very serious offending. Again, this is less protective than legislation in New South Wales, which allows an interim bar to take effect immediately where there is a real and appreciable risk of harm to children pending a re-assessment or completion of an investigation.

Taken together, the rigid parameters of Victoria's Working with Children Check legislative framework mean that unsubstantiated but credible information or intelligence that point to child safety risks cannot trigger a re-assessment, nor can these 'red flags' provide a statutory

<sup>18</sup> *Child Safety (Prohibited Persons) Act 2016* (SA) s 30; *Working with Children (Risk Management and Screening) Act 2000* (Qld) pt 5A (including s 304A), *Working with Vulnerable People (Background Checking) Act 2011* (ACT) s 54; *Registration to Work with Vulnerable People Act 2013* (Tas) s 46.

basis for immediately suspending or revoking a person's Working with Children Check clearance.

Victoria's Working with Children Check framework needs to be re-calibrated to better protect child safety.

The Victorian Government will need to ensure that the threshold for refusing or revoking someone's Working with Children Check clearance complements the threshold for removing someone from the Early Childhood Worker Register, as both these thresholds need to work together as part of a graduated continuum.

Another shortcoming with Victoria's Working with Children Check scheme that was raised with the Review is the need to change legislation to require organisations to verify that they have engaged a Working with Children Check clearance holder either on a professional or volunteer basis. Currently, the onus is on the Working with Children Check holder to inform the screening authority that they are working or volunteering with an organisation to 'link' that organisation to their Working with Children Check. If a change is made to a person's Working with Children Check status—for example, if it is suspended or revoked—only 'linked' organisations are informed. If an individual has not 'linked' an organisation, there is a risk that the individual could continue working or volunteering and presenting an ongoing risk to children. Victoria's Working with Children Check legislation should be changed to require organisations to verify or validate when they have engaged someone to undertake child-related work. This will help provide accurate historical and current information of volunteer or worker movements across different organisations. This change should be considered in the work to create the National Register as it may provide efficiencies in the identity verification and entry of data about individuals.

#### **4.1.1 Closing review loopholes in relation to Working with Children Check decision-making**

Currently, a person who has had their Working with Children Check refused or revoked can generally seek a review of that decision via the Victorian Civil and Administrative Tribunal. There is a limitation on the right to review a Working with Children Check decision where a person has been charged, convicted or found guilty of a Category A offence.

New South Wales has recently introduced legislation removing external pathways of appeal to its equivalent civil and administrative tribunal on the basis that its Office of the Children's Guardian is best placed as a child safety specialist body to review and assess risk.

Victoria should look at how it can close any review loopholes that undermine child safety. People who have been subject to an adverse decision relating to a Working with Children Check should be able to have another person check that decision. However, this should be done by people who have specialist expertise in child safety. Like New South Wales, Victoria should create an internal review process, involving decision-makers who have the specialist

skills and knowledge to approach these important decisions through a child safety lens. This should replace the current review pathway to the Victorian Civil and Administrative Tribunal.

All of the changes recommended above will likely require much more manual intervention by Victoria's Working with Children Check screening authority compared to the largely automated Working with Children Check assessment framework that currently exists. At present, Victoria's Working with Children Check screening authority is approximately one-third the size of its New South Wales equivalent (which has 85 assessors plus a separate compliance team), and around half the size of Queensland's screening authority (60 assessors). While Victoria's staffing numbers may have been appropriate under existing Working with Children Check settings (given the largely automated nature of the current rigid Working with Children Check assessment framework), there will need to be an uplift in staffing to support the new ways of working envisaged by this Review.

#### **4.1.2 Mandatory training and testing as part of the Working with Children Check application process**

No Australian jurisdiction currently requires mandatory training or testing as part of their Working with Children Check application process. This is a missed opportunity, given it is everybody's responsibility to know the signs, listen, believe, and act in response to child abuse. In 2023-24, there were approximately 350,000 Working with Children Check applications in Victoria—this presents a useful window to raise awareness of child abuse, and support community-wide prevention and early intervention efforts.

The Review heard that the broader community still lacks the required understanding to recognise, identify, and adequately act to protect children from abuse and neglect. Research into community attitudes confirms this.<sup>19</sup>

In the same way other industries require mandatory training and assessment (for example, those wanting to serve alcohol in the hospitality industry must undertake training to hold a Responsible Service of Alcohol Certificate), incorporating mandatory online training and testing as part of the application process would improve the competence of those holding a Working with Children Check. This training and testing need not be onerous. It could be delivered online and informed by contemporary best practice and evidence.<sup>20</sup> Importantly, it is

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<sup>19</sup> National Centre for Action on Child Sexual Abuse, *The Australian child sexual abuse attitudes, knowledge and response study* (Report 1: Top line findings, October 2024).

<sup>20</sup> Stakeholders like the Australian Childhood Foundation have advocated for mandatory prevention education for Working with Children Checks and suggested areas the training needs to cover, including the scale of the issue of child abuse, the tactics of perpetrators, recognising indicators in children and responding to disclosures: Australian Childhood Foundation, 'Mandatory online training about child sexual abuse and other forms of abuse for adults working with children' (Web Page) <[https://www.childhood.org.au/app/uploads/2023/12/WWCC-training-outline\\_04122023.pdf](https://www.childhood.org.au/app/uploads/2023/12/WWCC-training-outline_04122023.pdf)>.

a practical way to empower every adult working with children to play their part in keeping children safe from harm.

### 4.1.3 National harmonisation

The Review heard strong support for a national approach to Working with Children Check to close gaps in the various systems across the country. While national standards for Working with Children Checks were endorsed by the Commonwealth Government and all states and territories in 2019, these standards only reflect minimum features of Working with Children Check schemes. They do not address the absence of national information sharing and a database to enable continuous monitoring of clearance holders against police information, disciplinary findings and other information nationally.

To address these issues, the Review recommends national advocacy by the Victorian Government for the Commonwealth Government to, and other state and territory governments to prioritise information sharing reforms including investment in a national database to support continuous monitoring of Working with Children Check clearance holders and exclusions.

#### **Recommendation 6: Working with Children Checks**

6.1 Change the Working with Children Check regulatory framework to:

- a) Allow unsubstantiated information or intelligence (for example, from police, child protection or other relevant bodies) to be obtained, shared and considered to assess, refuse, temporarily suspend or revoke a Working with Children Check.
- b) Permit a Working with Children Check re-assessment when the screening authority is notified or becomes aware of new unsubstantiated information or intelligence.
- c) Require organisations to verify or validate that they have engaged a Working with Children Check clearance holder to provide accurate historical and current information of movements across different organisations.

6.2 Create an internal review process for Working with Children Check decisions and remove the ability to seek review at the Victorian Civil and Administrative Tribunal.

6.3 All applicants must complete mandatory online child safety training and testing before being granted a Working with Children Check.

6.4 Fund the Working with Children Check screening authority so it is resourced to undertake more manual assessments and interventions under new Working with Children Check settings, noting any efficiencies delivered by the new Shared Intelligence and Risk Assessment Capability (see Rec 8.1).

6.5 Work with the Commonwealth Government and other state and territory governments to develop a national approach to the Working with Children Check laws and advocate for an improved national database that is able to support real-time monitoring of Working with Children Check holders.



## 4.2 Improving the Reportable Conduct Scheme

The Reportable Conduct Scheme and Working with Children Check are intended to work together to protect children from abuse and harm.

The overarching intent of Victoria's Reportable Conduct Scheme is to make organisations safer for children by improving the way organisations respond to allegations of child abuse and misconduct by its employees. This is known as reportable conduct and includes: sexual offences; sexual misconduct; physical violence against a child; any behaviour that causes significant emotional and psychological harm to a child; and significant neglect of a child. Reportable conduct is aimed at capturing a broad range of conduct including those behaviours that fall below a criminal threshold.

The Commission for Children and Young People currently administers the scheme in Victoria. Under the Reportable Conduct Scheme, heads of organisations must: notify the Commission for Children and Young People within 3 days of becoming aware of a reportable allegation; investigate the allegation; and at the conclusion of the investigation, submit findings and actions taken to the Commission for Children and Young People.

The Commission for Children and Young People's role is to independently oversee how the organisation responds to the allegation. It also has statutory powers to share information with other regulators and the Working with Children Check screening unit. While the Commission for Children and Young People does have an 'own motion' power to investigate reportable allegations, this power is rarely exercised.

As primary administrator of the Reportable Conduct Scheme with a remit over approximately 12,000 organisations, the Commission for Children and Young People is in a unique position to identify concerning patterns of behaviour through Reportable Conduct Scheme notifications. Between 2017 and 2024, the Commission for Children and Young People received 8,122 mandatory notifications of reportable allegations containing over 20,137 allegations.<sup>21</sup>

Mandatory notifications to the Commission under the Reportable Conduct Scheme increased by 30 per cent between 2022–23 and 2023–24 but its base funding has not increased since 2018. The Commission for Children and Young People reports that 85 per cent of child abuse and harm investigations receive low or minimal oversight by the Commission.

The Review identified a number of ways the Reportable Conduct Scheme could be improved. Under current legislative settings:

- The Commission for Children and Young People has limited ability to share unsubstantiated reportable conduct allegations with the Working with Children Check scheme as a result of narrowly drafted provisions in the *Child Wellbeing and Safety Act*

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<sup>21</sup> Commission for Children and Young People (Victoria), *Annual Report 2023-24*, 104. Each mandatory notification can contain multiple reportable allegations and relate to multiple alleged victims.



2005 that constrain information sharing and the overarching restrictions placed on the Commission under the *Commission of Children and Young People Act 2012*.<sup>22</sup> Limiting assessable information to substantiated findings enables 'red flags' to be missed leading to a piecemeal and incomplete picture of risk. This does not support child safety, and the Review recommends this be changed.

- Where a matter is substantiated, the Commission for Children and Young People can exercise its legislative discretion to not notify the Working with Children Check area.<sup>23</sup> The Review was advised that this discretion has been applied in around 5 per cent of substantiated matters, which are not referred to the Working with Children Check area.

The Review recommends that this discretion to not notify the Working with Children Check area of a substantiated matter be removed. What can look like a minor incident when viewed in isolation can reveal a very different risk profile when considered in the context of other information.

## 4.3 National harmonisation

Victoria alongside New South Wales, the Australian Capital Territory, Tasmania and Western Australia have all implemented Reportable Conduct Schemes. Queensland's scheme is commencing progressively from July 2026.

Like the Working with Children Check, it is vital for regulators in different states and territories to work together to achieve the shared overarching objective of protecting children from abuse, despite some variance in design.

In the interests of minimising unnecessary duplication and effort across borders, the Review supports substantiated allegations and investigations being recognised across state/territory borders, especially where that reportable conduct is also captured under the Victorian scheme.

### **Recommendation 7: Change the Reportable Conduct Scheme to improve information sharing**

7.1 Change the Reportable Conduct Scheme regulatory framework so there is a clear proactive power to share unsubstantiated allegations with relevant regulators and agencies, remove discretion to not share substantiated findings, and recognise a finding or investigation under

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<sup>22</sup> Section 16ZC of the *Child Wellbeing and Safety Act 2005* (Vic) permits reportable allegations to be shared by the Commission for Children and Young People to the Working with Children Check screening authority if necessary for the purposes of a Working with Children Check. However, the Commission for Children and Young People must know that there is a Working with Children Check to be able to share it, which they are unable to do because of the overarching restrictions in section 55 of the *Commission for Children and Young People Act 2012* (Vic).

<sup>23</sup> This discretion can be exercised where the reportable conduct would be better addressed through supervision and training, the matter has already been referred or 'for any other reason is not appropriate for the Commission to give the notification', *Child Wellbeing and Safety Act* (Vic), s 16ZD(2).

another state or territory's Reportable Conduct Scheme where the reportable allegation is also captured under the Victorian Scheme.

7.2 Fund the administration of the Reportable Conduct Scheme so that it keeps pace with demand and the number of notifications, noting any efficiencies delivered by the new Shared Intelligence and Risk Assessment Capability (see Rec 8.1).

## 4.4 Bringing information about child safety risk together in one place

The Review heard multiple times that the 'breadcrumbs' of information about a person—including information which does not meet the relatively high thresholds for substantiated conduct, but which is nevertheless still concerning—is rarely able to be seen and acted upon because no one can see the whole picture. Currently the Working with Children Check scheme and Reportable Conduct Scheme sit in 2 separate entities. Valuable intelligence from the Reportable Conduct Scheme—particularly in the form of unsubstantiated allegations—is often unable to be accessed by the Working with Children Check screening authority, which means that incidents are viewed in isolation rather than in aggregate.

For this reason, there is benefit in consolidating the Reportable Conduct Scheme functions of the Commission for Children and Young People (which currently holds the most extensive information about individuals through reportable conduct notification) and the Working with Children Check screening authority (which has powers to assess, suspend or cancel a Working with Children Check and prevent a person from engaging in child-related work) into one place. The Review considers the administration of the Child Safe Standards should also be included in this consolidation.

The Review recommends that these functions be brought together in a single entity and considers the Social Services Regulator would be an appropriate entity to administer them.

To support the consolidation, a new Shared Intelligence and Risk Assessment Capability must be developed to ensure an effective child safety net is in place. This capability must be able to draw on multiple sources of information, and the safe use of Artificial Intelligence should be looked at to allow information to be quickly scanned and patterns of concerning behaviour identified. Immediate steps should be taken to design and establish the new Shared Intelligence and Risk Assessment Capability. Together, these changes will significantly strengthen the safety net around children.

Equally as important, beyond up-to-date information and intelligence, the assessors responsible for exercising professional judgement of someone's suitability to work with children must be well equipped to piece together and understand how the 'breadcrumbs' add up using evidence-based risk assessment tools and resources. The Review understands that

the Queensland and New South Wales Working with Children Check screening authorities have embedded sophisticated clinically developed risk assessment tools administered by workforces that are resourced and supported through regular training and supervision. The Review considers this to be a critical gap in the current Victorian landscape.

This more joined-up approach—backed in by fit-for-purpose intelligence and risk assessment enablers—will better unify resources and ultimately, lead to better and more timely decision-making.

If designed well, the new Shared Intelligence and Risk Assessment Capability also holds the potential to streamline effort, minimise overlap and ensure investigative efforts are aligned, instead of duplicating each other.

The Review heard it can be challenging for the ECEC workforce to understand how and where to report concerning information, leading to both under and over reporting.<sup>24</sup> The consolidation of Working with Children Check and Commission for Children and Young People Reportable Conduct functions must be supported by a ‘no wrong door’ approach, so any reports or concerns relating to the ECEC sector are promptly brought to the attention of the ECEC Regulator.

Given the likely scale of these reforms, with multiple legislative schemes requiring amendment, careful sequencing will be necessary to manage implementation risks.

Because predators exploit system loopholes and administrative gaps to target vulnerable people, the Victorian Government should consider how it can set up the new Shared Intelligence and Risk Assessment Capability so in time it could support broader social services, disability services and aged care to offer the greatest protection to vulnerable Victorians.

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<sup>24</sup> The Review heard that this crowded regulatory landscape is giving rise to misconceptions and confusion around reporting obligations. For example, while organisations largely understood when to call police, some organisations advised that it was common to always report to Child Protection even where the circumstances were related to problematic behaviours by staff not involving the child’s family. On the other hand, while reporting of reportable conduct to the Commission for Children and Young People continues to increase, there remains understandable confusion around the differences between mandatory reporting and reportable conduct.

## **Recommendation 8: Establish a new Shared Intelligence and Risk Assessment Capability and bring child safety risk information together in one place**

8.1 Invest in the design and establishment of a new Shared Intelligence and Risk Assessment Capability that:

- a) provides up-to-date information to join up the 'breadcrumbs', including opportunities to use new technologies such as Artificial Intelligence that can quickly scan information and flag patterns of concern
- b) equips assessors with fit-for-purpose risk assessment tools so they can exercise sound judgement about an individual's suitability to work with children; and
- c) complements and works together with other regulatory schemes so there is a common foundation across social services, disability and aged care to better protect vulnerable people.

This new consolidated approach should deliver:

- A 'no wrong door' model to reporting and triaging concerns and complaints, so that connections are also made to the ECEC Regulator where a matter relates to early childhood education and care.
- Comprehensive intelligence and evidence-based risk assessment training, tools and resources to support decision making in relation to the suitability of individuals working with children.
- Streamlined effort and reduced duplication—where possible, joint investigations should be conducted or there should be mutual recognition of findings across different regulatory schemes.

8.2 Bring together administration of the Working with Children Check and Reportable Conduct schemes in a single entity to strengthen the safety net around children.

## **Part 3: Quickly identifying and excluding predators within the ECEC system**

Part 3 describes reforms that will help to identify predators within the ECEC system quickly and ensure they can be excluded.

- Chapter 5 recommends Victoria adopt the most rigorous inspection regime in the nation.
- Chapter 6 recommends improvements to the centre environment.
- Chapter 7 recommends strengthening transparency and parents' right to know.
- Chapter 8 recommends better support for the workforce.

# Chapter 5: Most rigorous inspection regime in the nation

This chapter recommends making the ECEC Regulator independent, increasing the intensity of its unannounced visits to services to at least annually, ensuring it has contemporary risk assessment capability and tools, and a change to National Law to increase the penalties it can apply to services that do the wrong thing.

## 5.1 An independent ECEC Regulator

Effective regulation is an important feature of monitoring, intervening and improving quality and safety in the sector.

The Review has taken care not to examine or jeopardise ongoing investigations into live criminal matters as well as regulatory investigations by the ECEC Regulator. However, the Review was asked to highlight priorities to support regulatory activity and reform and to identify improvements to interactions between regulatory schemes.

The current ECEC Regulator, Quality Assessment and Regulation Division (QARD) is located within the Department of Education. The Review heard that the department has measures and protocols in place to allow QARD to operate with independence from the broader department.

However, this year, the Department of Education is becoming a provider of early learning and childcare through the new Early Learning Victoria service that will run up to 50 centres.

Through the Victorian Government's *Best Start, Best Life* reforms, the department also funds kindergarten programs and services across the state, which are regulated by the ECEC Regulator. This increases the risk (or the perception) of conflicts of interest, as the ECEC Regulator will sit within a department it is required to regulate. The recent Wheeler Review of the New South Wales ECEC Regulator recommended that it be moved from the Department of Education to become an independent entity.

The Review considers it prudent that the ECEC Regulator be made independent of the Department of Education. There are a range of administrative and legislative models that can achieve this. The Review has not formed a view on which should be adopted; however, the model chosen should support the ECEC Regulator to take independent decisions regardless of the service provider they are dealing with—government, not-for-profit, or for-profit.

### **Recommendation 9: An independent ECEC Regulator**

The ECEC Regulator should be made independent of the Department of Education, to avoid conflicts of interest, and should be strengthened to regulate an increasingly complex ECEC system.

## **5.2 Stronger oversight of services**

The Review heard the National Quality Framework is highly regarded internationally as a leading approach to ECEC regulation. It provides a strong foundation for the system, but needs to be applied and overseen rigorously, and be responsive to changes in the system.

Visits to ECEC services are a key regulatory tool used by the ECEC Regulator's Authorised Officers that enable them to perform their functions under the National Quality Framework. Authorised Officers visit services before granting approval to begin operation, during a service's first year of operation, where there has been a change in the approved provider, for assessment and rating against the National Quality Standard, in response to notifications, and for monitoring and compliance purposes.

These visits will also be critical to the success of the Commonwealth Government's recent legislation to strengthen funding levers, which will rely heavily on the intelligence of state and territory regulators to inform which poor quality services should have their funding removed. Visits also allow regulators to monitor whether services subject to Commonwealth Government compliance actions have made the required improvements needed to meet Commonwealth Government funding standards.

Unannounced compliance visits are a particularly important way to gauge the everyday practices of services—not just the polished performance that may be put on for more planned visits. Visiting unexpectedly promotes healthy vigilance within services to be consistent in their compliance. Given their effectiveness, the number of unannounced visits should be increased. Having visits too infrequently reduces visibility over the sector and can create complacency in providers.

The number of visits by the ECEC Regulator to services is a Victorian Budget performance measure. In 2024–25 the Regulator conducted 4,729 visits, exceeding the 4,000 visit target. While this shows volume, there is no current target for the *frequency* of visits.

Currently, the ECEC Regulator conducts unannounced visits at an average of once every 2 years per service. In New South Wales, the Ministerial Statement of Expectations specifies targets around visits, including that 100 per cent of services will receive a monitoring and compliance visit at least every 18 months.

Given the importance of visits, the Review recommends that Victoria introduce the most rigorous inspection regime in Australia—with unannounced visits to every service occurring at least once every 12 months.

The ECEC Regulator is responsible for assessing and rating ECEC services at regular intervals. Providers with higher ratings have longer between assessments under an 'earned autonomy model'.<sup>25</sup>

The Review heard that the average time between visits for assessments and ratings can be too long, currently at an average 3.5 years between visits for services.

Allowing too much time to pass between assessments and ratings can make quality ratings misleading and outdated. If the time between visits is too long, there is a risk the quality of a service may have dropped but a service still holds a positive rating. It can also delay recognition of improvements made by services that would merit an uplift to their rating. Services that persistently hold a 'Working Towards' rating are a concern, so reducing time between visits will help to address non-compliance. It is important that families can rely on ratings to give them an accurate indication of the quality of a service.

The Review recommends that the average time between ratings is reduced through more frequent assessment and ratings visits. The Review also heard there are benefits in setting particular 'themes' to regulatory activity (including unannounced visits) to encourage services to address specific compliance requirements the regulator is concerned about.

### **Recommendation 10: Most rigorous inspection regime in the country**

The ECEC Regulator should conduct more visits to services each year, to:

- a) increase the volume and frequency of unannounced compliance visits to a nation-leading standard of at least once per service every 12 months; and
- b) reduce the average time between Assessment and Rating visits.

The Review recognises this will require more Authorised Officers, which needs funding and time to recruit and train.

Commonwealth Government funding for state and territory ECEC regulators ceased in 2018. Since then, the sector has grown rapidly, with increasingly complex models of ownership. The Commonwealth Government should resume funding for state and territory ECEC regulators, including the cost of Authorised Officers who oversee quality and safety in services.

## **5.2.1 Quality and consistency of risk assessment**

The ECEC Regulator advised that it relies on a risk-based regulatory model, by focusing its resources where non-compliance is detected or suspected, or where broader sector trends point to higher risks of non-compliance (for example, services with a higher proportion of children with disability or additional learning needs). Decisions about enforcement action are based on the risk to children's safety, health and wellbeing, the type of non-compliance

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<sup>25</sup> State of Victoria (Department of Education), *Regulatory Framework: Regulatory Authority for Early Childhood Education and Care Services in Victoria* (2023) 18.



detected and the number of non-compliances at the service. Stronger action is taken where non-compliance is more serious, or a service continually fails to comply.

The Review has heard that the ECEC Regulator has dedicated staff and Authorised Officers, who receive training aligned to a national training protocol set by Australian Children's Education and Care Quality Authority as well as specific training for the Victorian context. However, some providers shared frustration at what they considered to be differing interpretations adopted by different Authorised Officers, which created uncertainty and inconsistency.

The ECEC Regulator also has limited scope to regulate individual workers, beyond issuing prohibition notices that exclude them from a service or the sector more broadly. The ECEC Regulator issued 11 of these in 2024.<sup>26</sup> At the moment, the focus of the ECEC Regulator's regulation is primarily geared towards providers rather than individuals. With the introduction of a register (see Recommendation 4), the ECEC Regulator should have also have greater power to regulate individuals, to receive and share information relating to the Reportable Conduct and Working with Children Check schemes, and ensure unsafe and unsuitable workers are quickly identified and removed from the sector. This will be a significant undertaking in a sector with high workforce attrition rates, significant use of casuals and labour hire, and a large number of staff in services still working towards qualifications.

The Review recommends that the ECEC Regulator's capability is bolstered through a modernised risk assessment framework and training for Authorised Officers. This work should start with a Capability Review being undertaken for the ECEC Regulator to help it have the capabilities necessary for a changing regulatory environment. This will need to be supported by training and development that keeps pace with emerging evidence and risks.

In regulating nearly 5,000 services under a detailed National Law, the ECEC Regulator seeks, receives, generates, holds, and reviews a high volume of information about approved providers. While trained Authorised Officers need to use their professional judgement to make regulatory decisions, they should have access to analysis that identifies key risks and trends found in this high volume of information, including trends across time and across providers. This task could be supported by using Artificial Intelligence tools within its data systems, and the Review recommends that the ECEC Regulator explore this as part of modernising its risk assessment approach. This should be done in accordance with Victorian Government data security standards, with privacy and security of information a primary consideration.

#### **5.2.1.1 Regulating complex for-profit providers, and the 'fit and proper person' test**

The work of regulators is becoming increasingly complex. Some ECEC providers are operating under increasingly large and complex business models—sometimes with overseas ownership and corporate shareholders. The Review was told that some lower-quality providers are

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<sup>26</sup> Victorian Government (Department of Education), Response to information request from the Rapid Child Safety Review, July–August 2025, 3.

entering the market to quickly maximise profits and selling, or collapsing and folding, only to re-emerge under a different business model or entity name as a 'new' provider. The complexity of the system and the links between separate approved providers can obscure the history of a provider, or the unethical or illegal behaviours of individuals involved in them.

The National Law applies a 'fit and proper person test' to determining whether someone is suitable to be an approved provider, nominated supervisor or hold other positions of responsibility in an ECEC service. Regulatory authorities need to be equipped and empowered to enforce the 'fit and proper person test' in the National Law to prevent dishonest and disreputable people from entering or remaining in the sector.

The Review recommends the Commonwealth Government task the Australian Securities Investment Commission and the Australian Children's Education and Care Quality Authority (ACECQA) with investigating ways to respond to this increasing corporate complexity. This will support state and territory regulators to be able to look behind the complicated legal and business arrangements of some providers, more clearly understand how they operate and uncover whether they have prior history in the sector.

### **Recommendation 11: Capability Review and modern risk assessment for a complex and growing sector**

11.1 A Capability Review for the ECEC Regulator should be initiated as a priority. This should support the ECEC Regulator to modernise its risk assessment framework, tools, and training for Authorised Officers to: address complex for-profit approved providers, associated entities and corporate relationships; improve consistency of Authorised Officer's assessments; incorporate contemporary evidence on child sexual offending; regulate individual employees under the proposed National Register powers; and better utilise technology in assessing risk, including exploring safe use of Artificial Intelligence.

11.2 Call for the Commonwealth Government to commission the Australian Children's Education and Care Quality Authority and the Australian Securities and Investments Commission to investigate ways to address the complex legal structures and arrangements being used in the ECEC sector, so Regulatory Authorities have the information, tools and powers to effectively regulate approved providers and the 'fit and proper person test' in the National Law.

## **5.3 Increased penalties for non-compliance**

The National Law contains a range of offences for non-compliance with regulatory requirements. Offences can relate to things such as inadequate supervision, breaches of staffing requirements and use of inappropriate discipline—including corporal punishment against a child in the service.

Penalties can apply to individuals as well as entities, with most severe penalties at around \$11,000 for individuals and at \$57,000 for providers. Penalties are automatically indexed on 1 July of each year. Current maximum penalties under the National Law do not reflect the seriousness of non-compliance, particularly for matters that directly harm children or place them at risk.

Strong penalties signal the seriousness of non-compliance and send a strong message about the need to uphold quality and safety. The Review recommends that the National Law is strengthened to increase the maximum penalty amounts to better reflect the seriousness of these offences and act as a strong deterrent for repeated breaches.

As this Review has outlined, some ECEC services are large entities with significant financial resources. Current penalty amounts are more likely to be absorbed financially without affecting operations and may therefore not materially change practices to avoid further breaches. Increasing penalty amounts will have a greater chance of improving practices in these services.

### **Recommendation 12: Increase penalties for offences**

Call for a material increase to the maximum penalty amounts for offences under the National Law to better align penalties with the seriousness of offences.

## **5.4 Funding for effective regulation**

For ECEC regulation to meet the increasing complexity of the sector, it needs to be appropriately resourced. Victoria's ECEC Regulator has lower levels of resourcing compared to their regulatory counterparts in New South Wales and Queensland. The recent New South Wales Wheeler Review highlighted the significant variance in staffing numbers: New South Wales had 448 FTE, while Queensland had 250 FTE.<sup>27</sup> In contrast, Victoria currently has 195 FTE, of which 117 are Authorised Officers who have the powers to inspect and make conditions on services.

The Commonwealth Government must also play its part. When the National Quality Framework was first introduced, regulation of ECEC was a shared endeavour between the Commonwealth and state and territory governments. Governments agreed a National Quality Agenda National Partnership Agreement, with the Commonwealth Government contributing to the cost of the Regulatory Authorities, and the states and territories contributing to the cost of operating ACECQA, which oversees the National Quality Framework. This Agreement expired in mid-2018, and the Commonwealth Government has not entered into a new agreement. This gives it little control or influence over the regulation of a sector it currently spends more than \$15 billion per year on.<sup>28</sup> In the final year of the Agreement (2017–18), the total payments to

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<sup>27</sup> Chris Wheeler Consulting (May 2025), *Early Childhood Education and Care Regulation in NSW Independent Review*, Table 42, page 101. Note that Victoria's current ECEC Regulator FTE figures as of July 2025 now numbers 195 FTE.

<sup>28</sup> Australian Government child care subsidy payments in the 12 months to March 2025 were \$15.037 billion. This includes child care subsidy and Additional child care subsidy, and long day care services,

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states and territories were \$20.33 million.<sup>29</sup> This represented just 0.22 per cent of the \$8.9 billion the Commonwealth Government spent on child care services that year.<sup>30</sup> Since then, the scale and complexity of the system has grown significantly.

The Commonwealth Government should resume contributing to the cost of regulating the ECEC sector, which could be through a refreshed and enhanced National Partnership Agreement on the National Quality Agenda.

This is consistent with the recent recommendation of the Productivity Commission, which recommended the Commonwealth Government ‘provide additional funding to the state and territory regulatory authorities that administer the National Quality Framework, to allow sufficient monitoring of quality and support for quality improvement’.<sup>31</sup>

### **Recommendation 13: Funding for effective regulation**

13.1 The ECEC Regulator should be appropriately funded to deliver its functions, including for the recommendations of this Review, and to make sure funding is in-line with number of services to be regulated.

13.2 Call for the Commonwealth Government to reinstate funding for state and territory ECEC regulators and increase it to recognise the significant growth in the ECEC system. Funding should enable Victoria to meet its obligations in national arrangements, including as host jurisdiction of the National Law for early childhood education and care.

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family day care services, in home care and outside school hours care, although the vast majority is for long day care services: Australian Government (Department of Education) ‘Child Care Subsidy: March quarter 2025 data tables’ (Web Page) Tables 4.1 and 4.2 < <https://www.education.gov.au/early-childhood/resources/march-quarter-2025-data-tables>>.

<sup>29</sup> Australian Governments, *National Partnership on the National Quality Agenda for Early Childhood Education and Care 2015–16 To 2017–18*, 10.

<sup>30</sup> Australian Government (Productivity Commission), *Report on Government Services 2025* (Part B, Section 3: Early childhood education and care) Table 3A.2.

<sup>31</sup> Australian Government (Productivity Commission), *A path to universal early childhood education and care* (Final report, June 2024), Vol 1, Recommendation 8.3, 90.

# Chapter 6: Improve the centre environment

This chapter recommends staffing arrangements be reviewed to improve the number of qualified eyes on children, improve lines of sight in ECEC services through physical changes, and a national trial of Closed-Circuit Television (CCTV).

## 6.1 Improve staffing arrangements in services

The ECEC centre environment is the key setting the Review examined—a place of play and learning for children, a community focal point for parents, and a workplace for staff. The Review heard an overwhelming message from stakeholders—that having enough staff, with enough training, experience, and confidence is the number one factor that supports safety within a centre. Physical features such as building design and CCTV can play a role, but not at the expense of adequate staffing.

The National Quality Framework currently sets out requirements for staffing arrangements, including the number and qualifications of teachers and educators for a given number and age of children (the ‘staffing ratio’). Further detail on these arrangements is in Appendix 3.

### 6.1.1 ‘Four eyes’ around children rule

The Review heard repeatedly that ‘four eyes’ staffing practices are the most effective safety measure in an ECEC centre—that 2 adults should be in view of each other when with children. In effect, this would mean no adult in a service should be alone with a child. It is not a specific rule in the National Law, but quality services said that it was the policy they adopted in practice. It not only protects children, but also staff who can work as a team.

The ‘four eyes’ principle should be the standard for the centre environment. However, stakeholders did say that even the best staffing practices can never guarantee this at all times. Small centres, particularly rural or regional areas, simply don’t have the number of staff to make this work at all hours. Some stakeholders were concerned about how this rule might operate in sensitive areas, such as nappy change and bathroom areas, while still preserving children’s dignity and privacy.

Recognising this nuance, the Review recommends that the ‘four eyes’ principle be the top element considered as part of National Law reforms reviewing staffing arrangements and ratios. This should also consider any funding implications. The ‘four eyes’ principle should be recognised and promoted as better practice, even without a change to the National Law.

### 6.1.2 'Under the roofline' rule

The National Regulations require services to meet specific educator to child ratios. Compliance with these rules is calculated across a whole service (commonly referred to as the 'under the roofline' rule) rather than in individual rooms or groups of children, giving a degree of flexibility in how educators are allocated. This rule intended to allow services reasonable flexibility to deal with real operational challenges, such as children moving between age groups or indoor and outdoor areas, or where a child needs to be escorted to the bathroom, away from a larger group.

The Review heard reports of some providers taking advantage of this to save on staffing costs rather than to provide reasonable operational flexibility. The Review heard this could be addressed by amending the 'under the roofline' rule to avoid misuse and require stricter application of the ratio requirements.

Again, services and stakeholders said that abolishing the roofline rule could risk removing needed flexibility for even the highest quality services. This needs further review, including considering implications for the operation of services, additional costs, and pressure on workforce supply. This should be reviewed as part of a package of potential National Law reforms about improving staffing arrangements.

### 6.1.3 'Working towards' qualifications

The National Quality Framework outlines educator to child staffing ratios, including the mix of qualifications required within a service to ensure there are appropriately skilled educators present within a service. The National Quality Framework also makes some allowance for staff who are studying for a qualification to be counted in the ratios as if they had obtained that qualification. There is no general limit on the number or proportion of staff that can be 'actively working towards' in any service.

The intent of these rules is to provide valuable experience for an individual, and income while they study. It can encourage people to join the early childhood workforce, and to upskill while they are in it. In areas with particularly acute staffing challenges, it can allow a service to keep operating while providing a local employment pathway.

However, the Review heard concerns that some services were using these ratio allowances to hire lower qualified staff as a cheaper structural staffing arrangement. If too many staff in a service are working towards their qualification, it is reasonable to ask whether the service is committed to employing a full complement of qualified staff in line with their obligations.

This is another issue that requires further analysis to understand its use, and the expected costs, benefits and risks of tightening arrangements.

### **Recommendation 14: Improve staffing arrangements in services**

Call for a national review of staffing arrangements in early childhood education and care centres, including consideration of: a 'four eyes' rule of 2 adults visible to each other while with children; removing or amending the 'roofline rule'; and tightening rules permitting 'working towards qualification' staff so that there are more qualified eyes on children at any one time.

The Review has focused on the 'four eyes', 'roofline rule' and 'working towards' qualification aspects of staff to child ratios as key priorities to examine to support child safety. Broader ratio changes that just increase the number of educators and teachers, without changing how they are arranged, distributed and supervise children, would not necessarily increase safety and could exacerbate workforce supply challenges. However, overall ratio changes could have other benefits for educational experiences and outcomes for children, and governments may wish to consider the reform in that context.

#### **6.1.4 The employment of male educators and teachers**

Experts repeatedly told the Review that banning or restricting male educators is not the right way to address safety concerns. The Review heard that recent commentary has deeply affected many male educators in the sector, who already faced unhelpful judgement and unjustified suspicion from some. Many people told the Review that reinforcing the idea that caring for children is inherently 'women's work' is wrong, unhelpful and offensive. All people, men included, should be encouraged to join the ECEC workforce, and contribute to educating and caring for children. Young children should have the experience of forming strong, positive relationships with a range of positive adult role models, including men.

#### **6.1.5 Banning use of personal devices**

Prior to this Review commencing, the Victorian Government introduced a ban on the use of personal devices in ECEC services to be implemented by 26 September 2025, ahead of national changes that would enshrine this in the National Law. Approved providers that don't comply with the ban may face consequences, including license conditions and potential fines. Since then, other states and territories have made similar commitments.

Given this clear policy, the Review has not examined the use of personal devices in detail and instead focused on other matters in this chapter.

### **6.2 Lines of sight in ECEC centres**

While much of this report focusses on the people in a centre, there can also be physical features of a service building that promote or create a risk to child safety.

The National Quality Framework has extensive requirements about the physical construction and layout of an ECEC service, and all services must be inspected and approved before they open. The Review heard that, where the physical layout of the service demands it, the ECEC



Regulator will impose additional conditions on a service to manage risks in the built environment.

The Review heard the design and configuration of services is varied, and that sometimes older buildings were not constructed with lines of sight and other safety features front of mind, or may be subject to heritage restrictions.

Adjusting design and physical features (such as fixtures or fittings) to increase lines of sight between staff would improve child safety. This could include simple changes to move furniture to improve visibility—for example, changing the orientation of tables in a nappy change room or moving a display that blocks a line of sight. However, many changes involve costs, such as the installation of glass doors or panels.

Services could make a significant improvement with financial support to help them replace equipment or undertake minor construction works. The Review recommends the Commonwealth Government funds a Child Safe Building Grants Program to encourage works that address sightlines. States and territories may be well placed to administer it on the ground, alongside programs such as Victoria's *Building Block Grants – Improvement* program which provides funding for upgrades, refurbishments and renovations in certain kindergarten settings. Providers and/or landlords could be expected to make a co-contribution, based on their financial resources.

### **Recommendation 15: Improve lines of sight in ECEC centres**

Call for the Commonwealth Government to fund a Child Safe Buildings Grants Program for fixtures and fittings or minor construction works that address physical barriers to clear lines of sight in existing centres. This should be funded by the Commonwealth Government but could be delivered through the state and territory jurisdictions. Service and building owners should make a co-contribution, based on their level of financial resources.

## **6.3 Closed-Circuit Television (CCTV) in services**

The use of CCTV in ECEC services was recently considered by 2 other reviews.

The Australian Children's Education and Care Quality Authority (ACECQA) Review of Child Safety Arrangements considered the possible use of CCTV, and noted that:

Recent research undertaken in Israel on the implications of CCTV cameras in an early childhood context considered whether they are an effective means of maintaining a secure environment. [This research] supported early findings of other researchers of CCTVs in educational institutions that found they provide **the perception of preventing harm** to children but, in reality, they do not stop harm, and educators and parents were concerned about the violation of children's and their own privacy. Furthermore, in Australia the Quality and Safeguards Commission in their guide of practice considerations and safeguards when



using surveillance technology of people with disability, identified that “while CCTV may ‘capture’ abuse and neglect; it does not prevent it”.<sup>32</sup>

For this reason, the ACECQA Review of Child Safety Arrangements did not recommend greater uptake or mandating of CCTV. However, it identified that some services already had CCTV and were navigating a complex range of privacy, legal and other issues. As a result, it recommended amending the National Law so that if services use CCTV, they must have a policy and procedure in place to inform families of it; explain how data is stored, accessed and kept secure; and provide timely access to regulatory authorities and police.

The Wheeler Review in New South Wales noted that CCTV had been used in a number of the New South Wales Regulatory Authority’s investigations. It recommended further consideration of requiring CCTV in all new services, and that the Regulatory Authority have the discretion to require CCTV in existing services where the Regulatory Authority has specific concerns.

Some services in Victoria already have CCTV, and some providers have announced plans to expand this coverage.

The Review heard a range of views about CCTV—many passionately held. Some people pointed to the value of CCTV as a tool that can aide in police and regulatory investigations where the time of an incident can be reasonably pinpointed (noting how time consuming and laborious it can be to comb through footage where this is less clear). Some also pointed to CCTV as a way to support anonymous ‘whistle-blower’ complaints, as the availability of footage to substantiate concerns could reduce the need for people to identify themselves and provide an independent source of evidence.

However, service leaders, staff, unions and parent groups raised strong concerns about the implementation of CCTV during our consultations. These included:

- Data security and access – greater use of CCTV means more hours of footage of children being generated, which could be vulnerable to malicious actors and hacking. Some stakeholders expressed concern that no data is ever 100 per cent secure, pointing to high profile corporate data breaches as examples and asking how a small private or community-run centre could be expected to have more reliable data security than a large airline or telecommunication company.
- Privacy of children – concerns about the risk of CCTV capturing children inappropriately, particularly in nappy changing areas or toilets, and in general risking the privacy of children, particularly if footage was not securely stored.

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<sup>32</sup> Australian Children’s Education and Care Quality Authority, *Review of Child Safety Arrangements under the National Quality Framework* (Final Report, December 2023) 30. Citations omitted, emphasis in original.

- Cost, and trade off – CCTV can be expensive to install and maintain. The Review heard consistent concerns that investment in CCTV would come at the expense of investment in adequate staffing arrangements.
- Efficacy – a common view was that predators will work around CCTV and offend in blind spot areas. Many stakeholders expressed concern that CCTV may give a false sense of security and may lead to complacency and inadvertently discourage vigilance or speaking up.

Many stakeholders considered that other reforms and investments, particularly to support the workforce, should be a higher priority for governments and were more likely to deliver a child safety benefit. Many reported that CCTV was not something many parents were pushing for, and some parents had raised significant privacy and data security concerns about its use.

It is apparent to the Review that there is not settled consensus on CCTV. The Review considers that investment in staffing and workforce capabilities should be prioritised over CCTV.

Given the range of views and complexity, the Review sees value in a nationwide trial of CCTV to evaluate its use and address the concerns stakeholders have raised. The design of a trial should be informed by expert advice, including on technical, legal and child safety aspects.

The trial should:

- focus on the use of CCTV as a regulatory and investigative tool, and address any current barriers to regulators or police accessing data held by services
- consider the views of peak bodies, service leaders, staff, and importantly parents
- address data security, storage and access, and inform practical rules about this; and
- be at appropriate scale to test CCTV in a variety of contexts, service types and communities, and over a long enough time to ensure its contribution to regulatory and other investigations can be fully understood.

The Review notes that the New South Wales Government has announced a trial of CCTV cameras in services, to be installed at the direction of its ECEC Regulatory Authority, and able to be used by the Regulatory Authority to investigate complaints or concerns.<sup>33</sup> If a national trial does not proceed, Victoria could consider joining with New South Wales in a CCTV trial.

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<sup>33</sup> Acting Minister for Education and Early Learning Courtney Houssos, 'Putting children first: Stronger laws, independent regulator among reforms to early childhood sector' (Media Release, 25 June 2025) <<https://www.nsw.gov.au/ministerial-releases/putting-children-first-stronger-laws-independent-regulator-among-reforms-to-early-childhood-sector>>.

### **Recommendation 16: Trial the use of Closed-Circuit Television (CCTV)**

Call for a national trial of CCTV in early childhood education and care settings that focuses on its use as a regulatory and investigative tool. The trial should address data security and access concerns and gauge the views of regulators, providers, staff and families. The trial should also address any current barriers to regulators accessing existing CCTV evidence for investigations.

*Note: The discussion and recommendations in this chapter relate to long day care services and standalone kindergarten services. While some elements of this chapter may be relevant in other contexts, such as family day care and outside school hours care, the Review recognises those services are different, and much of the analysis here would generally not apply to them. Government may wish to consider other improvements that could be made in those specific contexts in further detail.*

# Chapter 7: Strengthen transparency and parents' right to know

This chapter recommends that quality and compliance information about ECEC services be made more accessible to parents. It also recommends improving resources on child sexual abuse prevention and clearer processes for parents who wish to report a complaint or concern.

## 7.1 Parents need better access to information about service quality

When parents and educators work together in partnership and have the right information, they can and will act decisively to identify risks, raise concerns and protect children.

Under the National Quality Framework, services are assessed and rated against the National Quality Standard. They are given a rating against each of the 7 quality areas and an overall rating based on these results (explained in further detail in Appendix 3).

Currently, services are required to clearly display their quality rating and ratings certificate. However, there is no requirement for services to include this information on their website, to notify parents of their quality rating prior to enrolment, or if their quality rating changes. Ratings are also published on the Australian Children's Education and Care Quality Authority (ACECQA) National Registers and Starting Blocks websites. Both websites' service search pages display minimal and high-level information about each Quality Area and what it covers. According to ACECQA's 2023 family survey, up to one half of parents and families are not aware the quality ratings system exists.<sup>34</sup>

The Review heard parents found the rating that a service was 'Working Towards' compliance with a Quality Area to be unclear. This language does not make it clear that a service has been found to not be meeting its minimum legal requirements.

Recent inquiries have found that parents often rely on word of mouth, the 'feel' of a centre, online ratings from other parents or their own impressions of educators and services based on a visit to the service.<sup>35</sup> Decisions may also boil down to more practical factors, like the availability of places on desired days, or proximity to their home or workplace.

The current system assumes that parents can exercise judgements and make informed decisions as consumers and 'vote with their feet', which will create competition and drive

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<sup>34</sup> Australian Children's Education and Care Quality Authority, *NQF Annual Performance Report* (November 2023) 46.

<sup>35</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Interim Report, September 2023) 89; Australian Government (Productivity Commission), *A path to universal early childhood education and care* (Final report, June 2024), Vol 1, 90.

demand for high quality and safety. The Review recognises the limits of a purely market-based approach to a service as essential as early education and care—noting parents in some areas (particularly rural and regional areas) may not have options. However, parents need to be in the best possible position to exercise the power they do have—either in deciding which service to use or to place pressure on a service they rely on to improve.

For this reason, the Review recommends greater transparency from services and regulators about their quality ratings and what they actually mean. This should be achieved by ensuring parents are proactively provided with information about quality ratings (and any changes to them) and supported by information and resources to help interpret and apply this information, in multiple languages, including Easy English. This should have a particular focus on the National Registers and Starting Blocks websites and include:

- clearer information about what is covered by each quality standard
- clearer information about which of the 40 elements the service is meeting or not meeting
- details of service and provider corporate ownership; and
- the compliance history of services.

Services should also have to disclose how long they have held a ‘Working Towards’ assessment.

## **7.2 Parents need more timely information about services’ compliance and enforcement activity**

Under the National Law, a Regulatory Authority may publish information about enforcement actions they have taken. This includes information about compliance notices, prosecutions, enforceable undertakings, suspension or cancellation of approvals. Regulatory authorities have some restrictions on information they can make public about specific individuals subject to compliance or enforcement activity.<sup>36</sup>

Victoria’s ECEC Regulator, Quality and Assessment Regulation Division (QARD), within the Department of Education currently publishes statutory sanctions on its website quarterly. Published information includes the name and address of the service, the service and provider name, the nature of enforcement, the reason for enforcement action and the details of action taken. The Review recommends the ECEC Regulator increase the frequency that this information is published to ensure the community can access information about enforcement activity in a timely manner.

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<sup>36</sup> For example, regulatory authorities must not identify an individual, other than an approved provider or nominated supervisor, a person who is being prosecuted for an offence under the National Law, or, if in the public interest, a person with management or control of an education and care service, per *Education and Care Services National Law Act 2010* (Vic), s 270.

### **Recommendation 17: Make accessing information about service quality ratings easier for parents**

17.1 Call for the Commonwealth Government to improve information for parents about service quality and compliance on the Starting Blocks website, including: clear information on the National Quality Standard and which of the sub-elements are being met or not; details of service and provider ownership; and compliance history of services.

17.2 Call for the National Law to require services to display on their website, and inform families of, their quality ratings and any enforcement actions against them, prior to enrolment, when ratings change, and when new enforcement actions are imposed.

17.3 The ECEC Regulator should issue a modified ratings certificate which includes the period of time that a service has been rated as 'Working Towards' that must be prominently displayed in a service's reception area and on its website.

17.4 The ECEC Regulator should more regularly publish the full scope of permitted compliance and enforcement activity information on its website.

## **7.3 Resources on child sexual abuse prevention should be improved**

Most community members lack confidence on how to respond to potential child sexual abuse. The National Centre for Action on Child Sexual Abuse released a study on Australian attitudes and knowledge relating to child sexual abuse. It found 28 per cent of people said they were 'not confident at all' to start a conversation with a child they suspected had been sexually abused, while 23 per cent were 'not confident at all' to recognise signs or behaviours that may be indicative of child sexual abuse.<sup>37</sup> Another study found fewer than one in 4 Australian parents had discussed issues related to abuse with their children, and they were more likely to discuss these topics with school-aged children than pre-schoolers.<sup>38</sup>

Parents know their children best. They are likely to be the first people to notice a change in their child and sense if something is wrong. However, these conversations are not easy.

With the right resources, parents can be supported to talk with their child about body safety and what are safe and unsafe behaviours from adults and other children, and how to seek help. Guidance to understand grooming behaviours and other signs of abuse is also helpful.

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<sup>37</sup> National Centre for Action on Child Sexual Abuse, *The Australian child sexual abuse attitudes, knowledge and response study* (Report 1: Top line findings, October 2024) 9.

<sup>38</sup> Claudia Pitts, *Child sexual abuse prevention programs for pre-schoolers: A synthesis of current evidence* (research commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse, March 2015) 3.

## 7.4 Make it easier to report concerns and complaints

Children, families, staff, and the community need to feel confident that concerns and complaints will be handled in a timely and appropriate manner by ECEC services. Effective systems and procedures for handling complaints emphasise to children, families and staff that their concerns are taken seriously and investigated in a timely, fair and thorough manner. They also support ECEC services to act on feedback from families and improve the quality of their education and care.<sup>39</sup>

The Review heard that processes for complaints or reports are not always well-communicated to parents by services or regulators. As a result, parents may feel hesitant to raise concerns with services or other bodies. The Review heard some parents felt rebuffed by services when they raised concerns or did not receive information about what was being done to address their concerns.

The Review heard clearly that genuine partnerships, shared communication and open dialogue between educators and families are critical. Parents need to feel confident to raise concerns with their ECEC service and, when needed, with relevant authorities. When it comes to child safety concerns or suspected abuse, they need to know what to raise and who to raise it with and to understand the process and outcome of a complaint or concern that involves their child. This information needs to be clear, accessible, provided in multiple languages, including Easy English, and through multiple channels.

Parents also need to understand they can raise concerns beyond the ECEC service, including through the dedicated public complaints and enquiry hotline managed by Victoria's ECEC Regulator.

### **Recommendation 18: Support parents to raise and report concerns**

18.1 Work with experts to promote evidence-based advice for parents on prevention education, signs of grooming, and how to raise concerns. This should be promoted on existing and trusted channels, such as through Maternal and Child Health Services, supported playgroups, the Raising Children Network, Better Health Channel or Victorian Parents Portal, and be accessible and in multiple languages.

18.2 Update and promote advice for parents on how to make complaints or raise concerns with their early childhood education and care service, and the ECEC Regulator, including via the public complaints and enquiry hotline.

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<sup>39</sup> Australian Children's Education and Care Quality Authority, *Review of Child Safety Arrangements under the National Quality Framework* (Final Report, December 2023) 57.

# Chapter 8: Support the workforce

This chapter recommends addressing poor quality Registered Training Organisations, making child safety training mandatory for all people involved in the provision of early childhood education and care and that there be investment in quality improvement programs. Workers should also be supported to raise concerns about child safety.

## 8.1 Qualifications that equip staff to support child safety

The ECEC workforce is made up of talented, committed people who want the best for children. However, qualifications, child safety knowledge, confidence and capability across the workforce are varied and training opportunities and requirements are inconsistent.

The ECEC workforce is made up of a range of professionals with different qualifications. The majority of the long day care and standalone kindergarten ECEC workforce in Victoria are certificate III and IV (19.8 per cent) and diploma qualified educators (48.8 per cent), with an increasing proportion being tertiary qualified early childhood teachers. About one in 5 ECEC workers in Victoria (20.1 per cent) are currently enrolled and studying for a qualification while working in the sector, including already qualified staff who are studying towards a higher qualification level.<sup>40</sup>

In Victoria, there are 325 Registered Training Organisations that deliver training to ECEC students, including most of the TAFE network. The sector is diverse, comprising TAFE, community and private (for-profit) Registered Training Organisations. The National Quality Framework sets out the minimum qualifications required to be held by educators.<sup>41</sup> Other regulators, such as the Australian Skills Quality Authority and the Tertiary Education Quality and Standards Agency accredit specific courses or qualifications or regulate Registered Training Organisations.<sup>42</sup>

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<sup>40</sup> Australian Government (Department of Education), Early Childhood Education and Care National Workforce Census (online, 2024)  
<<https://app.powerbi.com/view?r=eyJrJoiMzZkMmMzZTEtMzBmNy00ZmlyLTlkZWltMDc5MTYzMTlkNDk4IiwidCI6Ijg2MjA5Yjg0LTBjODMtNDNjNS05MmJLWE1ZjUwZDY4ZTNmNiJ9>>.

<sup>41</sup> The lists of approved qualifications and first aid training courses are outlined on ACECQA's website: *Australian Children's Education and Care Quality Authority, Guide to the National Quality Framework: 'Quality Area 4: Staffing arrangements'* (Web Page) <<https://www.acecqa.gov.au/national-quality-framework/guide-nqf/section-4-operational-requirements/quality-area-4-staffing-arrangements>>.

<sup>42</sup> Training packages are developed and maintained by industry-led bodies (Jobs and Skills Councils) set up and funded by the Australian Government. The Department of Employment and Workplace undertakes quality assurance of proposed training packages against the Training Package



Current courses and qualifications are not always equipping ECEC workers with the skills and knowledge they need. The Review was told an increasing number of new graduates are entering services with very little knowledge of the basic tenets of early education, let alone knowledge around child safety.

ECEC services described having to invest significant time and effort to bring new recruits—even recent graduates of tertiary degrees—up to an appropriate standard. This was often frustrated by turnover, noting some people enter the sector as a ‘stepping stone’ to other career pathways or due to visa arrangements. Burnout also contributed to people leaving the sector.

The erosion of skills and knowledge is partly driven by some Registered Training Organisations delivering low-quality courses that emphasise speed and passing graduates, over quality and depth of knowledge. The Review heard that many people felt poor quality providers need to be regulated more strongly and exited from the system.

Some ECEC services are also Registered Training Organisations. While many deliver high quality training that seamlessly translates to working in the sector, the Review heard that some providers are using students in training to work in centres to help meet ratios, with little supervision or support.

The degree to which child safety issues (including recognising harm, reporting, and safeguarding practices) are covered in Vocational Education and Training and higher education qualifications for the sector varies across qualification levels and courses.<sup>43</sup> The Review was told child safety education was not embedded enough in training and courses for educators. This meant people were entering the profession with a very limited understanding of even basic obligations, such as mandatory reporting. This undermined their confidence to identify, and report concerns or to promote child-safe practices with colleagues.

Child safety related course content in ECEC qualifications should be strengthened and expanded, at all levels. Registered Training Organisations and universities should deliver child

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Organisation Framework before they are put before Skills Ministers for final approval through the Skills and Workforce Ministerial Council.

The Australian Skills Quality Authority regulates the registered training organisations that deliver these courses (with some exceptions that are covered by Victorian Regulation and Qualifications Authority) while the Tertiary Education Quality and Standards Agency (TEQSA) regulates providers in the higher education sector. University courses are accredited by TEQSA or by universities themselves, if they have self-accrediting authority.

<sup>43</sup> For example, the Certificate III in Early Childhood Education and Care includes a core subject *CHCPRT001 – Identify and respond to children and young people at risk*. The Diploma of Early Childhood Education and Care includes a core subject *CHCECE041 – Maintain a safe and healthy environment for children* and an elective subject *CHCECE057 – Use collaborative practices to uphold child protection principles*.

safety core competencies earlier in the relevant course materials, so that important information is provided to students who are already working in the sector, or those who are completing work placements.<sup>44</sup>

The Review recommends that the Australian Skills Quality Authority's powers be strengthened to address poor quality ECEC training. This could be done through stronger legislation; a stronger regulatory focus on identifying key risk factors leading to poor quality training provision (including training provider characteristics, relationships and practice); and reviewing the key criteria that Registered Training Organisations must meet to ensure criteria focus sufficiently on quality.

### **Recommendation 19: Stronger action on poor quality training courses**

Call for Commonwealth Government action to improve ECEC training and placements, including stronger Australian Skills Quality Authority powers to address poor quality registered training organisations, including those who are also ECEC service providers. This should focus on training outcomes that better prepare students for working in an ECEC setting, including child safety knowledge and skills.

## **8.2 Greater access to training on child safety**

The ECEC workforce need greater access to training, as part of a broader strategy to ensure ECEC educators and staff are appropriately skilled, and their development is supported.

Child safety training needs to outline workers' obligations and support their understanding of how to identify and appropriately respond to suspected child abuse, including by another educator or colleague. It also needs to be undertaken regularly to ensure that ECEC professionals remain up-to-date on any changes to their obligations, as well as emerging evidence and best practice.

### **8.2.1 Training for everyone involved in the sector**

The Australian Children's Education and Care Quality Authority (ACECQA) Review of Child Safety Arrangements recommended mandatory child safety training for all staff that work with children, as well as management and leadership in ECEC services.<sup>45</sup> This recommendation recognises that child safety is a core competency for everyone in the sector—not just those working on the floor.

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<sup>44</sup> Australian Children's Education and Care Quality Authority, *Review of Child Safety Arrangements under the National Quality Framework* (Final Report, December 2023) 44.

<sup>45</sup> Australian Children's Education and Care Quality Authority, *Review of Child Safety Arrangements under the National Quality Framework* (Final Report, December 2023) 11.

When board and committee members, senior leaders and managers have a strong understanding of child safety, they are more likely to invest in child-safe measures, role model best practice, and create a child-safe culture across their workforce.

ECEC services also have a range of other staff that should have a strong grounding in the dynamics of child safety, including human resources staff who may be called upon to oversee organisational responses to concerns about staff or volunteers. Non-educator staff such as administration support, cooks, cleaners, gardeners, and drivers also interact regularly with children and have a role to play.

The Review recommends making child safety training a mandatory requirement under the National Law to accelerate and be implemented with urgency.

## **8.2.2 A more sophisticated understanding of child safety is needed**

The Review heard that current child safety training and capability building available isn't adequately addressing known risk factors of child sexual abuse, or reflecting the latest research regarding offender behaviour. The Review engaged with renowned experts in child abuse prevention, Professor Leah Bromfield, Professor Benoit Leclerc, and Distinguished Professor Ben Mathews. They relayed a wealth of knowledge about the dynamics of institutional child abuse but acknowledged that research into schools and other institutional settings is much more extensive than in ECEC services. The Review commissioned Professor Mathews to prepare a concise literature review, which has informed this report.<sup>46</sup> A range of work is happening across the country to further knowledge and inform training and guidance for the sector, however, more targeted and rigorous research into child abuse in ECEC settings specifically would be beneficial.

Training should build capability in staff to respond to challenging behaviours in children (and what constitutes inappropriate physical discipline). It also should build understanding of the dynamics and signs of child sexual abuse, and other forms of inappropriate conduct, in line with proposed changes to make inappropriate conduct an offence under the National Law. Training should include how to recognise grooming behaviours and patterns, particularly the 'grey areas' of low-level but boundary crossing behaviours. These can be normalised or minimised but may suggest a pattern of risk-taking, inappropriate or abusive behaviours towards children.

Regulators told the Review that grooming behaviours and professional boundary breaches were a particularly challenging issue for staff in the sector. Distinguishing appropriate care (including physical comfort and warmth) from inappropriate behaviours that may be more sinister, requires nuanced judgement and skill. Staff need to understand inappropriate care

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<sup>46</sup> Ben Mathews, *An evidence synthesis of the prevalence of child sexual abuse and physical abuse, ECEC practitioners' knowledge of child abuse, educational interventions for ECEC practitioners, and best practice prevention principles* (Literature review, August 2025). The Review was also informed by an international literature search on child safety in ECEC settings conducted by the Victorian Government Library Service.

may look like overstepping boundaries, regularly seeking unnecessary physical contact or creating opportunities to be alone with a child, showing favouritism, ignoring policies and rules or a general lack of respect for professional conduct.

Early childhood education and care staff also need more specific training on distinguishing harmful sexual behaviours between children from developmentally expected behaviour to keep the children they care for safe. Training should also recognise some children may be at higher risk of sexual abuse—including children with disability or who have experienced maltreatment (including family violence, neglect or other forms of abuse).

Even in ECEC settings where children are young and their ability to communicate is developing, age-appropriate education about what is okay (and not okay) in how adults behave around them is important and can empower children to disclose abuse. An evidence review commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse found that child sexual abuse prevention programs for pre-schoolers appear effective at increasing young children's ability to identify inappropriate touch requests and increase their skills on how to respond, who to tell and what to report.<sup>47</sup>

The Review recommends that the Victorian Department of Education provide training on these nuanced issues, either directly or through reputable third parties. This training should complement rather than duplicate training that will support the mandatory training requirement under the National Law.

The *Protecting Children—Mandatory Reporting and Other Obligations* (PROTECT) online eLearning provided by the Department of Education is available to all Victorian education workforce professionals, including ECEC staff. This is a good universal platform to build from and update to cover the key child safety issues and evidence outlined here.

### **8.2.3 Overcoming structural barriers to staff training and development**

The Review heard that one barrier to providing appropriate child safety professional development and training to staff was that the Commonwealth Government child care subsidy is only payable on days where families pay a fee. This arrangement can operate as a disincentive to create opportunities for curriculum or professional development days for staff because doing so means that services need to 'run at a loss' that day, or charge parents fees. The Review heard that it was not fair to expect workers to undertake training after hours, particularly after a long workday.

The Review recommends the Commonwealth Government provide funding for time release or 'child free days' to help staff to come together for training and professional development on

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<sup>47</sup> Claudia Pitts, *Child sexual abuse prevention programs for pre-schoolers: A synthesis of current evidence* (research commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse, March 2015) 1.

child safety. This could be done, for example, by changing the Commonwealth Government child care subsidy rules.

### **Recommendation 20: Mandatory child safety training**

20.1 Accelerate national mandatory child safety training for all people involved in the provision of ECEC through a change to the National Law. This should include people who may not directly work with children, such as Approved Providers, board members and office holders, management and administrative or non-educator staff, with tailoring based on role and contact with children. The approach should be national, but with local training tailored to capture specific state and territory laws, such as Victoria's legislated Child Safe Standards and Reportable Conduct Scheme.

20.2 Call for the Commonwealth Government to fund time release for staff to undertake relevant training. This could be done by direct funding allocation or by changing Commonwealth Government child care subsidy rules to fund services to provide training to staff on child safety.

20.3 To complement any national mandatory training, the Department of Education should update its existing 'PROTECT' training on identifying and reporting concerns and provide training on child sexual abuse prevention education for educators, including how to teach children about body safety, consent, and social and emotional learning, including seeking help.

## **8.3 Professional support for best practice**

The Review heard that there is a large amount of existing material available to ECEC services to guide their policies, procedures and practices, such as ACECQA's *Child Safe Culture Guide*, the Victorian Department of Education's PROTECT resources and guidance from the Commission for Children and Young People. However, service managers would benefit from more opportunities to hear from experts regarding best practice in child safety, child protection and safeguarding practices, as well as to learn from other services and providers. This could also include:

- referrals to and promotion of existing evidence-based guidance, resources (practice checklists, templates, sample policies and procedures), and training
- case study problems of practice and how to respond; and
- access to networks of other services and leadership staff to promote peer learning.

The Review observed that Early Childhood Australia's Children's Safety and Safeguarding in Early Childhood Settings professional support program of webinars and resources is high quality and effective for staff across services. This program provides useful resources but also an opportunity for ECEC educators to come together and hear from experts on child safety issues directly relevant to their practice. The Review recommends that the Department of Education partner with Early Childhood Australia to expand this offering so that service leaders and staff can access the latest evidence and best practice. This voluntary program

should complement the mandatory training in Recommendation 20, focusing on practical tools, discussions and networking for educators.

## 8.4 Invest in services to drive quality improvement

Child safe cultures and quality improvement comes from all levels of an organisation. While the Victorian Government operates a Kindergarten Quality Improvement Program that works with funded kindergarten services to improve their quality, this is only available to long day care services that have a funded kindergarten program.

Quality improvement cannot only be driven by regulation and compliance approaches, it is also reliant on supporting the leaders, managers and professionals working in services to embed best practice.

The Commonwealth Government should establish and fund a Child Care Quality Improvement program, for child care subsidy-approved services. The program should work with services and providers to improve quality. Such a program would complement the Commonwealth Government's plans to stop or place conditions on child care subsidy approval for services with quality or safety concerns. This program could be delivered by states and territories (or other appropriate organisations). The Commonwealth Government should consider broadening it to also capture family day care and outside school hours care.

### **Recommendation 21: Professional support program on quality, child safety and safeguarding**

21.1 The Department of Education should partner with Early Childhood Australia to expand its Children's Safety and Safeguarding in Early Childhood Settings professional support program of webinars and resources. This program should provide service leaders and staff with the latest evidence and best practice on child safety and safeguarding and cover how to build a child safe culture, recruit, train and supervise a child safe workforce and respond to risks.

21.2 Call for the Commonwealth Government to fund a Child Care Quality Improvement Program for child care subsidy-approved services, similar to the Victorian Kindergarten Quality Improvement Program.

## 8.5 Confidence to report child safety concerns

One of the most confronting elements of child abuse in ECEC settings is reconciling that staff offer the greatest protection to children in their care but can also pose the greatest risk to their safety.<sup>48</sup> The overwhelming majority of educators care deeply about the children they care for and prioritise their safety. They are often best placed to report any suspected

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<sup>48</sup> Helena Bergström, Christian Eidevald and Anna Westberg-Broström, 'Child sexual abuse at preschools – a research review of a complex issue for preschool professionals' (2016) *Early Child Development and Care* [1520–1528] 1526.

misconduct or child safety risks. Reporting incidents and complaints needs to be encouraged, and staff need the tools and confidence to do it. Noting the diversity of the ECEC workforce, information may need to be available in multiple languages.

The Review heard of a range of barriers to reporting child safety concerns. This includes:

- Reporting obligations for the sector can be confusing and, in some cases, management and staff can be unsure of which authority to direct their concerns to.
- The workplace culture is not child-centered and open to feedback and complaints.
- Staff may worry about reprisals for speaking up—either from colleagues or management—which is a particular risk factor for workers with less secure employment or who rely on their employment to meet visa conditions.
- A blurring of professional and personal relationships amongst staff can make people less inclined to report inappropriate behaviours of people they consider to be ‘friends’ rather than ‘colleagues’.

Many of these broader issues are best addressed by organisations upholding their obligations under mandatory reporting, Child Safe Standards and the Reportable Conduct Scheme. However, the Review recommends providing training and clear guidance to ECEC workers about speaking up if they have concerns. It is important that staff understand that they are able to (and in some cases, must) report directly to certain agencies to discharge their professional obligations. The Review also recommends ensuring that ECEC educators and other workers have avenues to report concerns to regulators and authorities anonymously.

As part of this work, the Department of Education should update the *Four Critical Actions* guidance, *Identifying and Responding to All Forms of Abuse in Early Childhood Services* guidance (PROTECT) and *Protecting Children—Mandatory Reporting and Other Obligations* (PROTECT) online training.

The various reporting obligations and requirements of ECEC providers and staff as outlined in Appendix 3 demonstrates the complicated set of overlapping requirements for workers to navigate, which can lead to confusion and a risk of both over and underreporting of child safety concerns.

### **Recommendation 22: Give workers the confidence to raise concerns**

Provide training and clear guidance on how ECEC staff can report concerns, allegations and complaints, as part of a ‘speak up’ culture. This should include how to anonymously report to regulators if staff do not feel supported to speak up in their service.

# Appendix 1: Terms of reference

The Victorian Government will undertake a rapid review to identify the immediate actions that can be taken to improve the safety of children in early childhood education and care settings.

The review will provide their report to the Victorian Government no later than 15 August 2025.

The review will be led by a two-person panel comprising Mr Jay Weatherill AO and Ms Pam White PSM. Mr Jay Weatherill AO will chair the review.

## **Scope of review**

The review should:

1. identify the immediate actions the Victorian Government can take to improve the safety of children in early childhood education and care settings, including but not limited to:
  - a. analyse the National child safety reform program to identify actions that can be fast tracked and/or strengthened in Victoria and identify any gaps.
  - b. explore specific strategies that Victoria could advocate nationally to adopt or accelerate that would enhance child safety.
2. identify options to improve interactions between regulatory schemes, including information sharing between regulators and agencies, both within Victoria and across jurisdictions.
3. advise on opportunities to strengthen the Working with Children Check regulatory framework.
4. take into account recent reviews from other jurisdictions, international best practice and relevant inquiries, including but not limited to:
  - a. Australian Children's Education and Care Quality Authority (ACECQA) Review of Child Safety Arrangements under the National Quality Framework Final Report (published, December 2023)
  - b. Independent review into the NSW Early Childhood Education and Care Regulatory Authority (published, June 2025)
  - c. System responses to child sexual abuse by the Queensland Family and Child Commission (underway)
  - d. Victorian Ombudsman's report *Investigation into a former youth worker's unauthorised access to private information about children* (published, September 2022)
  - e. Victorian Government Internal Review into Working with Children Check (April 2025).
5. consult with relevant experts as appropriate.



6. outline timeframes and sequencing for recommended reforms.

**Out of scope**

7. There are ongoing investigations into alleged incidents at Victorian early childhood education and care settings. The review will not take any actions that could prejudice live Victoria Police investigations, criminal or civil proceedings, or any investigation underway by Victorian Regulatory authorities.
8. The review will highlight priorities to support regulatory activity and reform and is not intended to be a review of the performance or governance of the Victorian Regulatory Authority.

# Appendix 2: Overview of the early childhood education and care system in Victoria

This appendix provides background on key aspects of the ECEC system in Victoria.

## 1. What is early childhood education and care?

The ECEC system performs 2 important functions.

The first function is to provide early childhood education to children. As any parent knows, young children are always learning, wherever they are—exploring the world around them, asking questions, and developing new skills and abilities. Skilled educators (and some teachers) support children to do this—they engage purposefully with children to support their learning and wellbeing.

The second function of ECEC is to provide a safe, supportive and nurturing environment for children that supports their education and development, while their parents do other things such as work or study. This is often considered the ‘care’ aspect of early childhood education and care.

## 2. Types of services

There are 3 main types of ECEC services in Victoria for children before they reach school age. These services are set out in Table A2.1 below. Outside school hours care is also a part of the early childhood education and care system and focusses on school-aged children.

**Table A2.1: The 3 main types of early childhood education and care services in Victoria for children before they are school aged<sup>49</sup>**

Long day care services
<ul style="list-style-type: none"> <li>• There are 2,049 long day care services in Victoria.</li> <li>• Long day care services typically operate from 7 am to 6 pm, 5 days a week, and for a minimum of 48 weeks a year.</li> <li>• They provide early childhood education and care for children from 6 weeks to 5 years of age.</li> <li>• Many long day care services offer a three and four-year-old kindergarten program as part of their operation.</li> <li>• Long day care services are primarily funded by a combination of parent fees and the Commonwealth Government child care subsidy, with the subsidy on average covering about two thirds of the total fee.<sup>50</sup> Many also receive some state funding for delivering a kindergarten program.</li> <li>• Currently 69.4 per cent of long day care services are for-profit and 30.6 per cent are not-for-profit.</li> </ul>
Standalone kindergarten services <sup>51</sup>
<ul style="list-style-type: none"> <li>• There are 1,236 standalone kindergarten services in Victoria, which are also sometimes called sessional kindergartens.</li> <li>• Standalone kindergartens typically operate shorter days, up to 5 days a week, 40 weeks per year (closing during school holidays).</li> <li>• They generally provide a program for 3 to 5-year-old children.</li> <li>• Children are generally entitled to 15 hours per week of teacher-delivered three and four-year-old kindergarten program.</li> <li>• They are primarily funded by the Victorian Government. While in the past parent fees were common, the recent Free Kinder program has removed this in 94.4 per cent of services.<sup>52</sup></li> <li>• Standalone kindergartens are almost exclusively not-for-profit, with 99.6 per cent operated by not-for-profit providers.</li> </ul>
Family day care
<ul style="list-style-type: none"> <li>• There are 134 family day care providers in Victoria.</li> <li>• Family day care is typically provided by a single educator, with a smaller number of children (reflecting that only a single educator is usually present).</li> <li>• Individual family day care services usually operate from an educator's home, for a minimum of 48 weeks a year.</li> <li>• It is primarily funded by a combination of parent fees and the Commonwealth Government's child care subsidy.</li> </ul>

<sup>49</sup> Unless specified, quality, service and provider data in this Appendix is analysis undertaken by the Review of the Australian Children's Education and Care Quality Authority (ACECQA) 'National Register – NQS Time Series Data', as at 1 April 2025, and relates only to Victorian kindergarten and long day care services.

<sup>50</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Final Report, December 2023) 53. The child care subsidy rate varies according to a family's circumstances, including income, so some receive no subsidy, and some receive a 90 per cent subsidy (or 95 per cent for a second or subsequent child).

<sup>51</sup> Kindergarten is also the name of a *program* in Victoria, delivered to three and four-year-old children. A kindergarten program can be delivered in a long day care service or in a standalone kindergarten service.

<sup>52</sup> Victorian Government (Department of Education), Response to information request from the Rapid Child Safety Review, July–August 2025. Relates to 2024.

## Family day care

- 81 per cent of family day care providers are for-profit, and 19 per cent not-for-profit.

Unless specified, the analysis in this appendix relates to long day care and standalone kindergarten services in Victoria, as this has been the focus of the Review's work.

### 3. Children in ECEC services

In 2024, 69,802 children participated in three-year-old kindergarten (90.1 per cent of those were eligible), for an average of 13.8 hour per week, and 78,554 participated in the 15 hour per week four-year-old kindergarten program (96 per cent of those were eligible).<sup>53</sup>

In the 3 months to March 2025, 219,020 children from 178,650 families attended a long day care service as part of the child care subsidy system in Victoria, for an average of 34.1 hours per week.

In the same period, 21,910 children from 14,510 families attended a family day care service.<sup>54</sup>

### 4. Service quality

Child safety is an essential aspect of service quality and is regulated under the National Quality Framework (see Appendix 3). Each ECEC service in Australia is rated against a consistent National Quality Standard. Services can be assessed as: Significant Improvement Required; Working Towards the National Quality Standard; Meeting the National Quality Standard or Exceeding the National Quality Standard. Services that Exceed the National Quality Standard in all areas can apply to be rated by the Australian Children's Education and Care Quality Authority as 'Excellent', which recognises exceptional education and care, leadership and commitment to sustained excellent practice.

Figure A2.1 below provides an overview of the current rating of services in Victoria, separated into stand-alone kindergartens, for-profit long day care and not-for-profit long day care.<sup>55</sup> It shows the proportion of each service type that is rated at each level, with the vast majority of services at least 'Meeting' the National Quality Standard. It shows that for-profit long day

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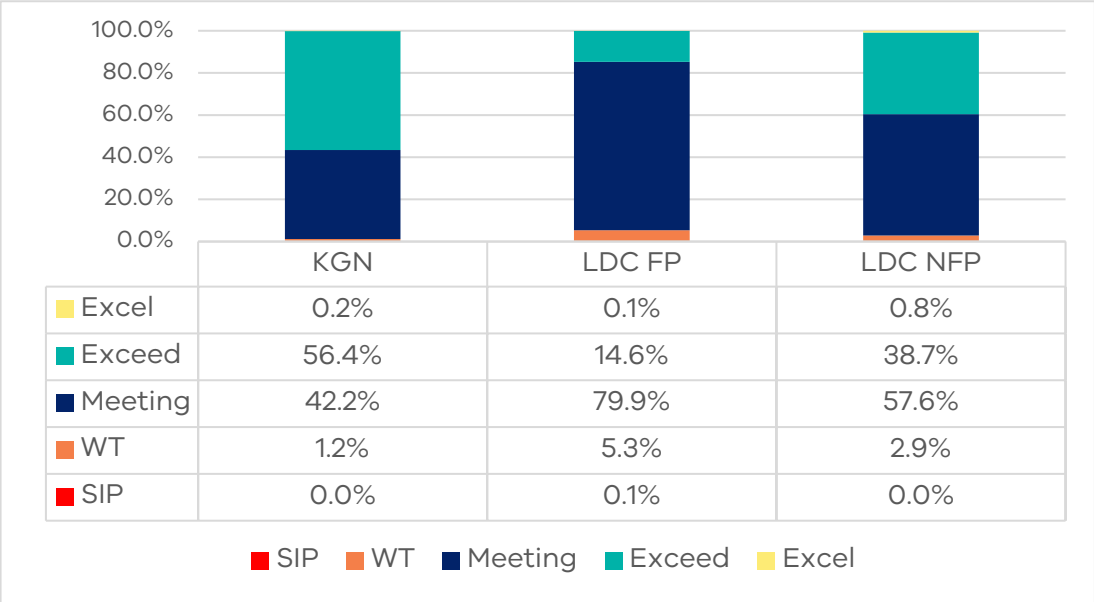
<sup>53</sup> Victorian Government (Department of Education), Response to information request from the Rapid Child Safety Review, July–August 2025. Three-year-old kindergarten is still rolling-out and is due to reach full roll-out at 15 hours per child in 2029. The expansion of four-year-old kindergarten hours, and transition to Pre-Prep, began in 2025 in 6 regional LGAs, and will progressively roll out across Victoria until 2036.

<sup>54</sup> Australian Government (Department of Education) 'Child Care Subsidy: March quarter 2025 data tables' (Web Page) Tables 1.2, 2.2 and 6.2. < <https://www.education.gov.au/early-childhood/resources/march-quarter-2025-data-tables>>. Family Day Care would include children of school age, as well as before school age.

<sup>55</sup> Not-for-profit includes state and local governments, and government and non-government schools. Unrated services excluded.

care services in Victoria are more likely to be Working Towards the National Quality Standard than not-for-profit long day care services (5.3 per cent compared to 2.9 per cent), and less likely to exceed the National Quality Standard (14.6 per cent compared to 38.7 per cent). Only one long day care service in Victoria is rated 'Significant Improvement Required'.

**Figure A2.1: National Quality Standard rating by service type (Vic, 2025)**



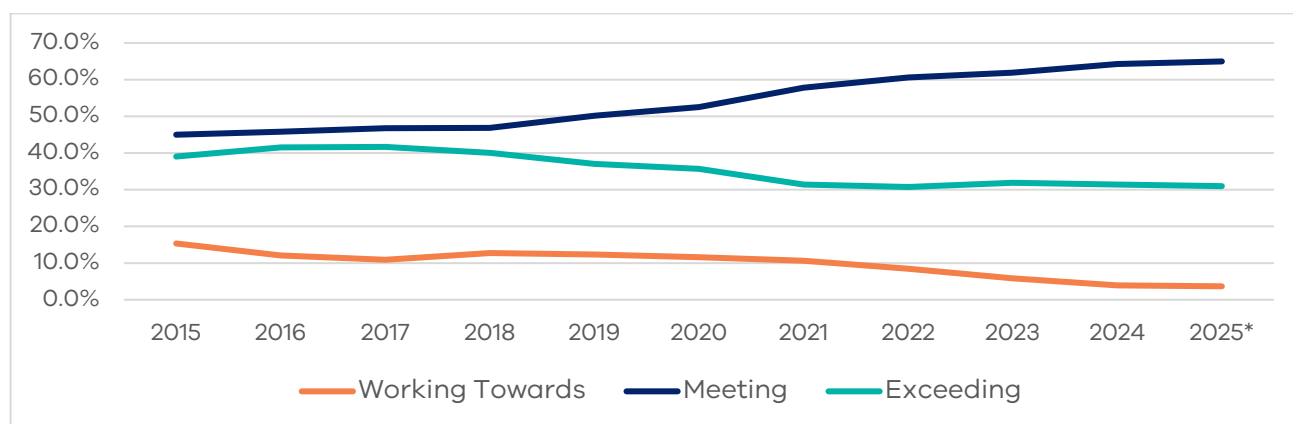
Note: 'KGN' is stand-alone Kindergarten; 'LDC FP' is long day care for-profit; 'LDC NFP' is long day care not-for-profit; 'SIP' is Significant Improvement Required; 'WT' is Working Towards; 'Exceed' is Exceeding and 'Excel' is Excellent.

Nationally, the proportion of services at least 'Meeting' the National Quality Standard has grown steadily over time and has risen from 53 per cent in 2013 to 90 per cent in 2023.<sup>56</sup> A similar trend is observable in Victoria.

In more recent years, the trend in quality improvement has changed. While more of the system meets the National Quality Standard and fewer services are working towards the National Quality Standard, the proportion of the system that exceeds the National Quality Standard has fallen. This is illustrated in Figure A2.2 below.

<sup>56</sup> Australian Children’s Education and Care Quality Authority, *Review of Child Safety Arrangements under the National Quality Framework* (Final Report, December 2023) 4. Figure relates to all early childhood service types across Australia.

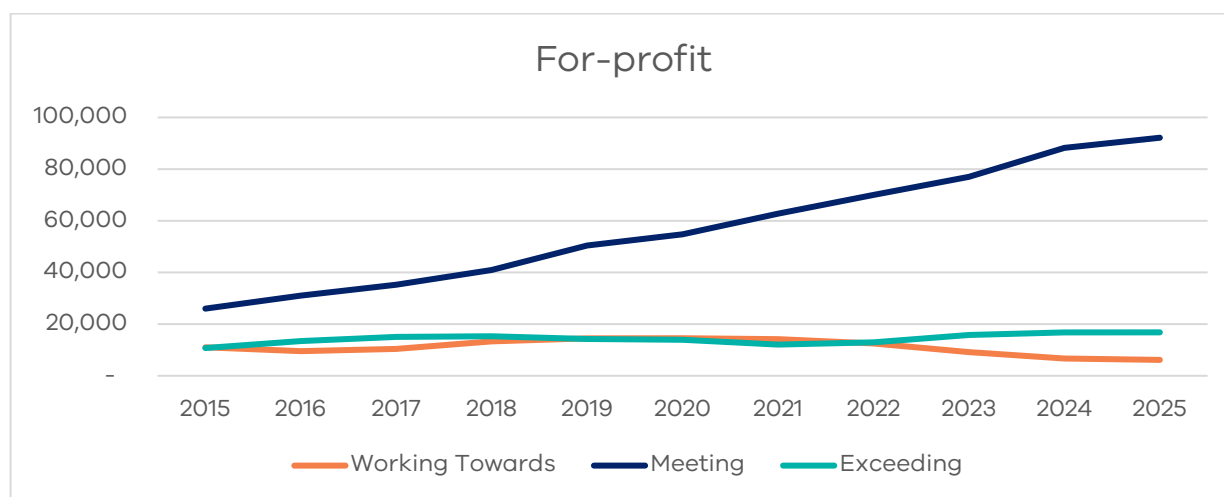
**Figure A2.2: National Quality Standard rating—proportion over time: long day care and kindergarten (Vic)**



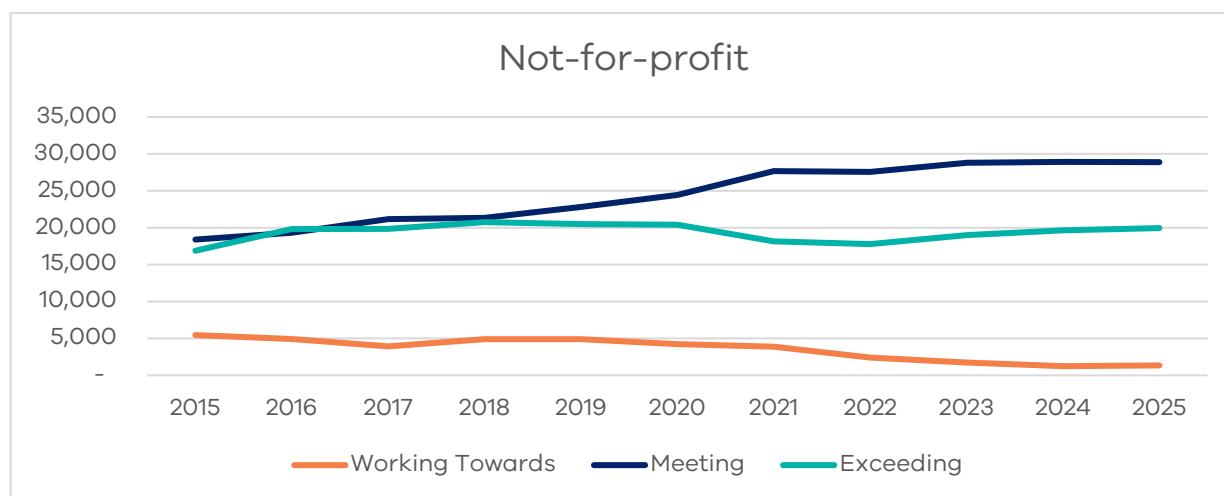
Note: Excludes 'Significant Improved Required' and 'Excellent' ratings

Figure A2.3 below shows this trend in quality rating for the for-profit and not-for-profit long day care services by total number of places.

**Figure A2.3A: National Quality Standard rating (2015-2025)—for-profit long day care places (Vic)**



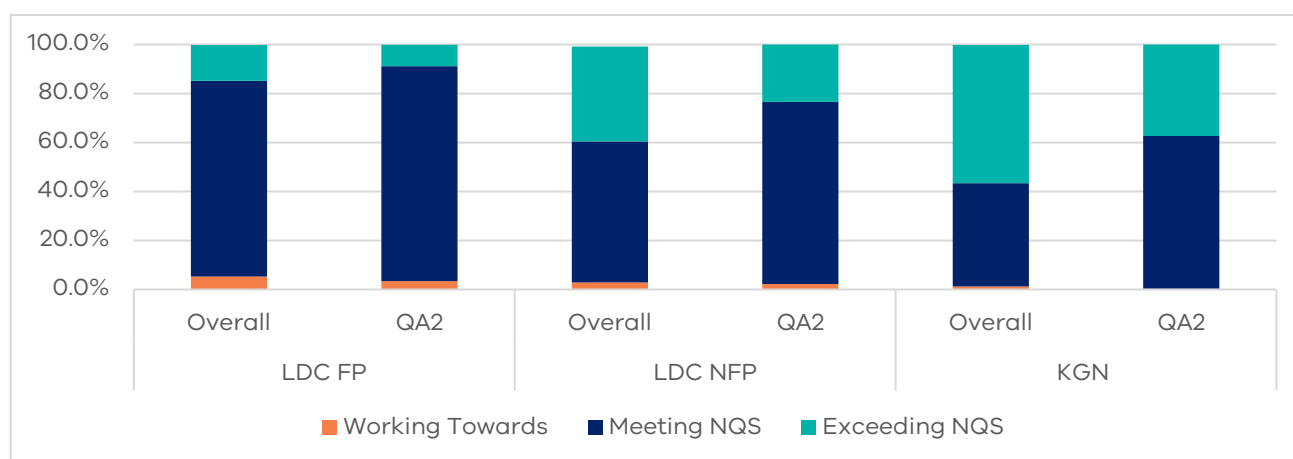
**Figure A2.3B: National Quality Standard rating (2015-2025)—not-for-profit long day care places (Vic)**



## Children's health and safety

Quality Area 2 of the National Quality Standard focusses on children's health and safety. As shown in Figure A2.4 below, all service types are less likely to be 'Working Towards' Quality Area 2 than the National Quality Standard overall, and less likely to 'Exceed' Quality Area 2 than the National Quality Standard overall. It shows for-profit long day care services are more likely to be working towards Quality Area 2 than not-for-profit long day care services (3.4 per cent compared to 2.2 per cent), and less likely to exceed Quality Area 2 (8.8 per cent compared to 23.4 per cent). No service in Victoria was rated 'significant improvement required' for Quality Area 2.

**Figure A2.4: National Quality Standard rating—Overall v Quality Area 2: Health and safety (2025, Vic)**



Note: 'KGN' is stand-alone Kindergarten; 'LDC FP' is long day care for-profit; 'LDC NFP' is long day care not-for-profit; 'QA2' is Quality Area 2.

## 5. System growth and composition

The system has expanded significantly over the past decade. About 90 per cent of the growth in services and 80 per cent in the growth in places has come from for-profit long day care services. Growth in not-for-profit long day care and standalone kindergarten services has been lower, as shown in Tables A2.2 and A2.3 below.<sup>57</sup>

<sup>57</sup> Changes are net. For example, two kindergartens opening and one closing would show as net growth of one.

**Table A2.2: Number of services (2015–2025, Vic)**

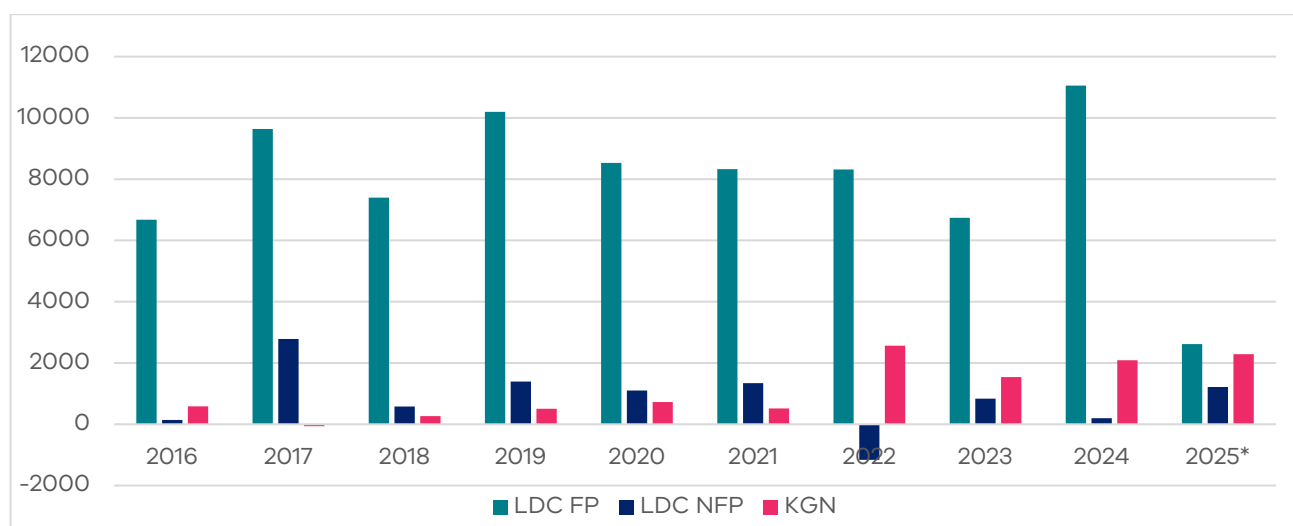
	2015	2025	Change	% change	Share of growth
<b>Total</b>	2,477	3,285	808	32.6%	
<b>Long day care</b>	1,280	2,049	769	60.1%	95.2%
<b>Standalone kindergartens</b>	1,197	1,236	39	3.3%	4.8%
<b>For-profit long day care</b>	696	1,422	726	104.3%	89.9%
<b>Not-for-profit long day care</b>	584	627	43	7.4%	5.3%

**Table A2.3: Number of places (2015–2025, Vic)**

	2015	2025	Change	% change	Share of growth
<b>Total</b>	151,218	250,169	98,951	65.4%	
<b>Long day care</b>	101,440	189,370	87,930	86.7%	88.9%
<b>Standalone Kindergartens</b>	49,778	60,799	11,021	22.1%	11.1%
<b>For-profit long day care</b>	55,971	135,463	79,492	142.0%	80.3%
<b>Not-for-profit long day care</b>	45,469	53,907	8,438	18.6%	8.5%

Figure A2.5 below shows the annual growth in places, by provider type, noting that the 2025 data is for the first quarter only, and new standalone kindergartens are more likely to open at the start of the school year.

**Figure A2.5: Annual place growth, by provider type (Vic)**



Note: 'LDC FP' is long day care for-profit; 'LDC NFP' is long day care not-for-profit; 'KGN' is standalone kindergarten.



## Provider scale

In Victoria the 2,049 long day care services and 1,236 standalone kindergartens are operated by 1,424 different Approved Providers.

Of the 1,424 Approved Providers operating long day care or standalone kindergartens, 1,128 operate only one service in Victoria. 42 providers operate 10 or more services, and these providers operate more than half of all standalone kindergartens and 40 per cent of all long day care services, shown in Table A2.4 below.

**Table A2.4: Number of services a provider operates—long day care and standalone kindergarten (Vic)**

Number of services	Number of providers	Total services	% of total services	% of total places	Long day care services	% total Long day care services	Standalone kindergarten services	% total Standalone kindergarten
1	1,128	1,128	34.3%	34.7%	769	37.5%	359	29.0%
2	150	300	9.1%	9.7%	260	12.7%	40	3.2%
3-5	81	297	9.0%	9.6%	222	10.8%	75	6.1%
6-9	23	168	5.1%	5.4%	105	5.1%	63	5.1%
10-19	19	280	8.5%	8.6%	156	7.6%	124	10.0%
20+	23	1,112	33.9%	32.0%	537	26.2%	575	46.5%
<b>Total</b>	<b>1,424</b>	<b>3,285</b>			<b>2,049</b>		<b>1,236</b>	

In Victoria, many standalone kindergarten services are operated by an Early Years Manager as the Approved Provider. In 2024, 1,083 services were part of an Early Years Manager.<sup>58</sup>

This analysis only considers a provider's Victorian services; many providers operate nationally. It is based on Approved Providers as listed in the National Register, which may not capture relationships between individual Approved Providers.

## 6. Workforce

In Victoria, about 39,000 people work in long day care and 8,500 work in standalone kindergarten services.<sup>59</sup> Of these staff:

- 96.1 per cent are female

<sup>58</sup> Victorian Government (Department of Education), Response to information request from the Rapid Child Safety Review, July–August 2025. EYMs can operate kindergartens and/or long day care services.

<sup>59</sup> This relates to paid contact staff. There are a further 4,400 workers employed by long day care services and 1,400 by kindergartens not in regular, direct contact with children, for a total of approximately 43,000 in long day care services and 9,900 in kindergartens.

- 82.4 per cent are permanent and 14.4 per cent are casual
- 62.7 per cent work part time (less than 35 hours a week).

The sector is characterised by high levels of staff turnover. 67.1 per cent of contact staff have 3 or fewer years of experience with their current service, including 22.7 per cent with less than one year. The Review heard of forthcoming Australian research that shows, in the toddler rooms that were studied, children had a new educator every 7 weeks, on average, but the study considered this is likely to be an underestimate.<sup>60</sup>

In some areas, there are differences in the workforce between long day care and standalone kindergartens services:

- Long day care staff are more likely to be casual (15.7 per cent compared to 8.4 per cent in standalone kindergarten services).
- Long day care staff are more likely to work full time hours (35 or more hours in a week, 42.1 per cent compared to 15.2 per cent).
- Long day care staff have fewer years of experience in the sector (40 per cent have 3 or fewer years, compared to 18.8 per cent for kindergartens, and 48.6 per cent of kindergarten staff have more than 10 years of experience, compared to 25.3 per cent of long day care staff).
- Staff in a standalone kindergarten service are more likely to have a bachelor's degree (41.7 per cent compared to 15 per cent of long day care staff). Long day care staff are more likely to have a diploma or certificate level qualification. 21 per cent of long day care staff are studying (this data includes staff upskilling from an existing qualification and is not available for standalone kindergarten service staff).
- The age profile of the 2 service types is also different (42.3 per cent of long day care contact staff are under 35, compared to 16.8 per cent of standalone kindergarten staff).<sup>61</sup>

Workforce challenges in the ECEC system have become more acute and prominent in recent years, when many services had to cap enrolments or close rooms because they could not find sufficient staff to operate.<sup>62</sup>

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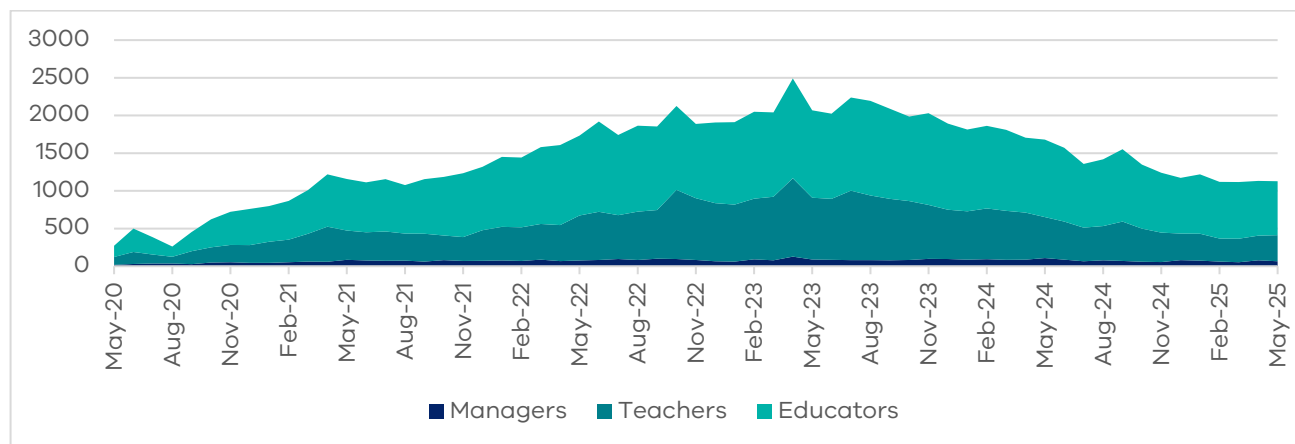
<sup>60</sup> Charlotte Casey et al, *Child-educator attachment quality and history of relationship within ECEC services* (forthcoming). The research was not specific to Victoria.

<sup>61</sup> Workforce data in the proceeding paragraphs is from the Australian Government (Department of Education) *2024 National Early Childhood Education and Care Workforce Census Interactive Dashboard*, extracted 25 July 2025. It relates only to paid, contact staff (in direct contact with children), and relates to staffing situations in the reference week of the census in long day care services and kindergarten services (unless specified) in Victoria.

<sup>62</sup> Australian Government (Productivity Commission), *A path to universal early childhood education and care* (Final report, June 2024), Vol 2, Supporting papers, 131.

Following a multi-employer bargaining process, the Commonwealth Government has instituted a Worker Retention Payment that funds long day care services to increase pay by 15 per cent over 2 years. Figure A2.6 below shows that vacancies have declined from their recent peaks.<sup>63</sup>

**Figure A2.6: Job vacancies in early childhood education and care (Vic)**



In Victoria, by some measures, workforce challenges have been less severe.

Victoria has the lowest proportion of services with a staffing waiver: 1.2 per cent at 1 April 2025, compared to a national average of 7.9 per cent of services.<sup>64</sup>

### The long day care workforce

In 2023, the Australian Competition and Consumer Commission collected and analysed a set of data from childcare services, including data related to pay and conditions. While there are some important caveats to its analysis, it provides insight into some aspects of the system.<sup>65</sup>

In looking at large providers, the Australian Competition and Consumer Commission found that labour costs were a higher proportion of total costs in not-for-profit providers (77 per cent) than for-profit providers (63 per cent).<sup>66</sup> These not-for-profit staff were more likely to

<sup>63</sup> Australian Government (Job and Skills Australia), vacancy data from 'Jobs and Skills Atlas', estimated vacancies (Victoria, for ANZSCO 4211, 241111, 134111 - child carers, Early Childhood (Pre-primary School) Teachers, and child care centre managers).

<sup>64</sup> Australian Children's Education and Care Quality Authority, 'NQF Snapshot: Waivers' (Web Page) Table W1 < <https://snapshots.acecqa.gov.au/Snapshot/waivers.html>>.

<sup>65</sup> This is national data and does not include kindergartens. It predates the Worker Retention Payment, so does not reflect the pay increase it delivered to many workers from late 2024. While the Australian Competition and Consumer Commission used compulsory information gathering powers on all large providers (operating 40 or more services), its data from small (1 to 4) and medium (5 to 19) providers was given voluntarily, so is not comprehensive and may not be representative. The Australian Competition and Consumer Commission has also acknowledged there were some inconsistencies in how providers reported some pay data.

<sup>66</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Interim Report, September 2023) 54.

be higher paid, with 94.5 per cent of not-for-profit staff paid above award rate, compared to 64.3 per cent of for-profit staff.<sup>67</sup>

Small and medium not-for-profit providers were also more likely to pay staff above the award wage, with 75.3 per cent of staff at these services paid above award, compared to 45.9 per cent for small and medium for-profit providers.<sup>68</sup>

Analysis of the 2024 Early Childhood Education and Care Workforce Census, undertaken for this Review by the Commonwealth Government Department of Education, found that long day care services where more than 50 per cent of paid contact workers were paid above the award rate were more likely to be rated as 'Exceeding the National Quality Standard', and less likely to be rated as 'Working Towards the National Quality Standard', than services where fewer than 50 per cent of paid contact workers were paid above the award rate.<sup>69</sup>

The Australian Competition and Consumer Commission also found large not-for-profit providers had:

- a higher proportion of full-time contact staff than for-profits (47 per cent compared to 25 per cent)
- lower vacancies (9.7 per cent compared to 22 per cent)
- lower turnover (27 per cent compared to 41 per cent).<sup>70</sup>

However, for small and medium providers, not-for-profits had higher rates of casual employment than for-profit providers (28.9 per cent compared to 13.5 per cent).<sup>71</sup>

The Australian Competition and Consumer Commission found that, based on their large provider data, services with higher quality ratings paid educators and teachers higher wages.<sup>72</sup> The Australian Competition and Consumer Commission also found that, on average, large not-for-profit providers have lower land costs (for example, rent) than for-profit

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<sup>67</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Interim Report, September 2023) 55.

<sup>68</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Interim Report, September 2023) 57.

<sup>69</sup> Australian Government (Department of Education) Response to information request from the Rapid Child Safety Review, July–August 2025. Analysis considered approximately 1100 Victorian Long Day Care Services who had been rated in the two years prior to the Census reference week. Census data may not be used for compliance purposes against a service or provider. The Census occurred before the commencement of the Worker Retention Payment, so does not reflect the pay increase it delivered to many workers from late 2024.

<sup>70</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Interim Report, September 2023) 55–56.

<sup>71</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Interim Report, September 2023) 58.

<sup>72</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Final Report, December 2023) 121.

providers (10.2 per cent of total costs compared to 17.1 per cent)<sup>73</sup> and many not-for-profit providers receive payroll tax concessions.<sup>74</sup>

## 7. Governments' roles and responsibilities

The Commonwealth Government and state and territory governments all play a role in the ECEC system. The current split of roles and responsibilities can be explained by the historical split between 'education' (which the states and territories were responsible for) and 'care' (which the Commonwealth Government was responsible for).<sup>75</sup> This split is largely in place today, with the Commonwealth Government responsible for the child care subsidy that operates in long day care and family day care, and the states and territories responsible for kindergarten provision and kindergarten services.

In Victoria, local governments' role varies, but all have important roles in planning issues, and provide related services such as Maternal and Child Health (which can often be co-located with ECEC services). Many local governments also operate kindergartens and/or long day care services as approved providers, provide access to buildings for ECEC services to operate from, or operate central enrolment systems for families.

The Productivity Commission summarised the current allocation of roles and responsibilities between Commonwealth Government and state and territory governments as follows:<sup>76</sup>

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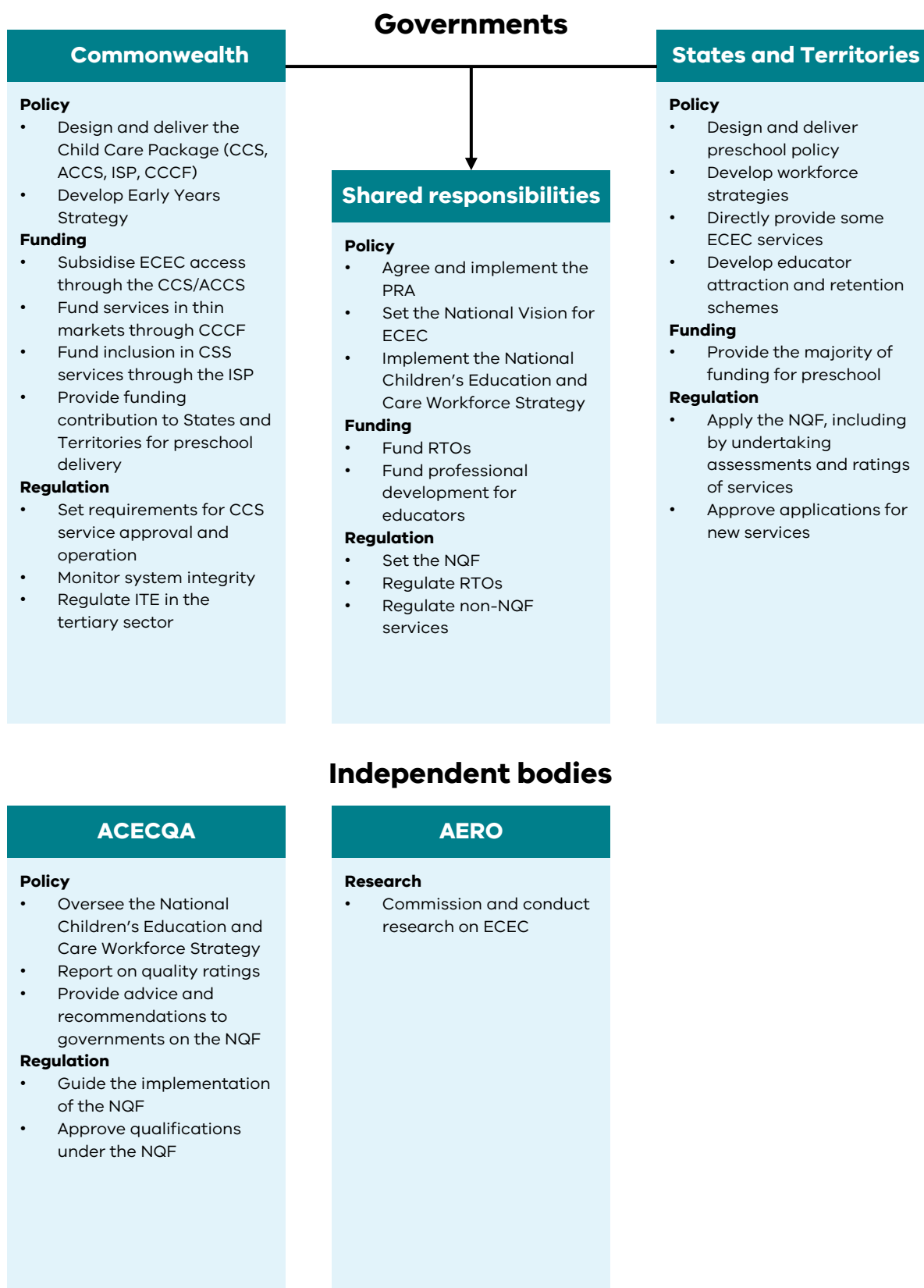
<sup>73</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Interim Report, September 2023) 61.

<sup>74</sup> Australian Competition and Consumer Commission, *Childcare inquiry* (Final Report, December 2023) 54. The Australian Competition and Consumer Commission classified payroll tax as a finance and administration cost, not a labour cost.

<sup>75</sup> Centre for Policy Development, *A brief history of Commonwealth Government involvement in early childhood education and care*, (research commissioned by the South Australian Royal Commission into Early Childhood Education and Care, August 2023).

<sup>76</sup> Australian Government (Productivity Commission), *A path to universal early childhood education and care* (Final report, June 2024), Vol 2, Supporting papers, Figure 10.1, 589.

**Figure A2.7: Roles and responsibilities—Governments and independent bodies**



# Appendix 3: The regulatory framework

This appendix outlines the regulatory framework that applies to ECEC services.

## 1. The National Quality Framework

The ECEC system is regulated through a national cooperative scheme known as the National Quality Framework, involving both the Commonwealth and state and territory governments.

The National Quality Framework commenced in 2012, recognising the important role that ECEC plays in children's learning and development. It provides a national approach to regulation, assessment and continuous improvement of early childhood education and care in long day care, family day care, kindergartens and outside school hours care services in Australia.

### **Guiding principles of the National Quality Framework**

The rights and best interests of children are paramount.

Children are successful, competent and capable learners.

Equity, inclusion and diversity underpin the framework.

Australia's Aboriginal and Torres Strait Islander cultures are valued.

The role of parents and families is respected and supported.

Best practice is expected in the provision of education and care services.

The National Quality Framework replaced a patchwork of regulatory and compliance frameworks with the aim of driving national consistency in regulation, assessment and quality improvement, and to reduce the regulatory burden for providers operating across different jurisdictions. It created consistent requirements on educator to child ratios, skills and qualifications and more transparent information on workforce, providers and services. It also supports children's learning and development through approved learning frameworks.

## **The National Quality Framework**

In addition to the National Quality Standard, discussed further below, the National Quality Framework sets out staffing, qualification and space requirements for ECEC services.

### **Staffing ratio requirements**

The National Quality Framework sets out staffing requirements, including the minimum number of staff required for a given number of children in a service (staffing ratios). For example, in long day care or kindergarten services in Victoria, services are required to have one teacher or educator for every 4 children aged zero–2, and one teacher or educator for every 11 children aged from 3–5 years old.

This number is calculated on what is known in the sector as an ‘under the roofline’ rule, which is based on the children and staff in the service overall, rather than in individual rooms or with a particular group of children. It only applies to staff directly working with children, so for example, an office administrator or a centre director not actively supervising children would not count towards ratio requirements.

### **Qualification requirements**

There are also requirements about the qualifications of staff. At least half of all staff must have a diploma or higher qualification (which includes bachelor qualified teachers), and all staff must have at least a Certificate III qualification. Services must also either have access to a teacher (if fewer than 25 children) or employ a teacher (or more than one, depending on the size of the service). The regulations allow some staff who are studying towards a qualification to count under ratio requirements as if they have attained the qualification (subject to some conditions, including that they have started study and are making satisfactory progress).

### **Space requirements**

The National Quality Framework also includes minimum indoor and outdoor space requirements for services—3.25m<sup>2</sup> of unencumbered indoor space and 7m<sup>2</sup> of unencumbered outdoor space for each child.<sup>77</sup> This amount of space helps determine the maximum licensed capacity of a service, and combined with the staffing ratio requirements, determines the maximum number of children able to be in a service at any one time. So, for example, a service may have the physical space to accommodate 80 children, but if sufficient staff are not present, they could only operate as many children as would be permitted by the ratio requirements.

The National Quality Framework is implemented and overseen in each state and territory by individual regulatory authorities. These are the organisations that assess and rate each service, undertake inspections, and investigate breaches. In Victoria, this is the ECEC Regulator—the Quality Assessment and Regulation Division (QARD) located within the Department of Education.

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<sup>77</sup> Unencumbered space excludes areas not suitable or usually available for children, such as passageways, toilets, nappy change areas, storage, offices, kitchens, storage sheds or car parks.



Nationally, the Framework is monitored and promoted by the Australian Children’s Education Care Quality Authority (ACECQA), which promotes the consistent application of the National Law and maintains some central systems (such as the IT system that all regulatory authorities use).

## Governance of the National Quality Framework

Figure A3.1 below outlines the key governance arrangements that oversee and implement the National Quality Framework at the national level and in Victoria.

**Figure A3.1: Governance arrangements under the National Quality Framework**

Education Ministers Meeting (Ministers - Commonwealth, state and territory)
<p><b>Responsible for education policy, including ECEC</b></p> <ul style="list-style-type: none"> <li>Reviews and approves the National Quality Standard, rating level system, and learning frameworks.</li> <li>Approves changes to the National Law and Regulations.</li> <li>Appoints members of the Board for the Australian Children’s Education and Care Quality Authority.</li> </ul> <p>Note: Ministers are supported by the Australian Education Senior Officials Committee.</p>
Australian Children’s Education and Care Quality Authority <sup>78</sup> (ACECQA)
<p><b>Guides and monitors implementation and administration of the National Quality Framework to promote consistency across all states and territories</b></p> <ul style="list-style-type: none"> <li>Approves qualifications for education and care services workers.</li> <li>Trains, tests and provides resources to state and territory regulatory authority authorised officers.</li> <li>Awards the ‘Excellent’ rating.</li> <li>Undertakes second tier reviews of quality ratings.</li> <li>Hosts the National Quality Agenda IT System.</li> <li>Publishes guides and other resources.</li> </ul>

<sup>78</sup> The Education and Care Services Ombudsman, the National Education and Care Services Freedom of Information Commissioner and the National Education and Care Services Privacy Commissioner support the national quality assurance process. Ombudsman services are provided with respect to administrative actions taken by the Australian Children’s Education and Care Quality Authority (ACECQA), and freedom of information and privacy complaint and review services are provided in relation to actions taken in these areas by ACECQA and by each of the state and territory Regulatory Authorities.

- Publishes the national registers of approved providers and services (including their quality rating).

### **Victorian ECEC Regulator**

#### **Quality Assessment and Regulation Division**

#### **Victorian Department of Education**

#### ***Day-to-day contact with education and care providers and services***

- Assess licensing applications, including provider and service approvals.
- Assess and quality rate services against the National Quality Standard and the National Regulations.
- Monitor and enforce compliance with the National Law and Regulations, including receive and investigate serious incidents and complaints.
- Work with Australian Children's Education and Care Quality Authority to promote continuous quality improvement and educate the sector and community about the National Quality Framework.

## **National Law and Regulations**

The National Quality Framework is underpinned by a national legislative framework: the Education and Care Services National Law Act 2010 (National Law) and the Education and Care Services National Regulations (National Regulations).

The National Law and National Regulations were designed to create consistency and reduce regulatory burden for providers operating across different states and territories. Taken together, the National Law and National Regulations establish and regulate:

- the National Quality Framework
- minimum standards for the health, safety and wellbeing of children
- approval of new providers and services that wish to provide ECEC services
- qualifications and staff to child ratios
- the National Quality Standard (discussed below), including assessment and ratings processes; and
- the Australian Children's Education Care Quality Authority and the role of state and territory regulatory authorities.

## **National Quality Standard**

The National Quality Standard was introduced in 2012 to set a high standard for ECEC services. It is jointly governed by the Commonwealth, state and territory governments.

**Table A3.1 Quality Areas under the National Quality Standard**

Number	Quality Area	Objective
<b>Quality Area 1</b>	Educational program and practice	Educational program and practice of educators are child-centred, stimulating and maximise opportunities for enhancing and extending each child's learning and development.
<b>Quality Area 2</b>	Children's health and safety	Children have the right to experience quality education and care in an environment that safeguards and promotes their health, safety and wellbeing.
<b>Quality Area 3</b>	Physical environment	Physical environment is safe, suitable and provides a rich and diverse range of experiences that promote children's learning and development.
<b>Quality Area 4</b>	Staffing arrangements	Qualified and experienced educators, who develop warm, respectful relationships with children, create predictable environments and encourage children's active engagement in the learning program.
<b>Quality Area 5</b>	Relationships with children	Relationships with children are responsive, respectful and promote children's sense of security and belonging.
<b>Quality Area 6</b>	Collaborative partnerships with families and communities	Collaborative relationships with families are fundamental to achieving quality outcomes for children, and community partnerships based on active communication, consultation and collaboration are essential.
<b>Quality Area 7</b>	Governance and leadership	Effective leadership and governance of the service contributes to quality environments for children's learning and development. Effective leaders establish shared values for the service and set clear direction for the service's continuous improvement.

Source: Australian Children's Education and Care Quality Authority, < <https://www.acecqa.gov.au/nqf/national-quality-standard>>.

### Assessment against the National Quality Standard

ECEC services are assessed and rated against each of the 7 quality areas and given an overall rating based on the results. Each of the quality areas have 2 or 3 standards embedded within them, to give more specific direction on how the desired measure can be achieved. The assessment process happens at least once every 3 years, but this timeframe can vary based on risk and service performance. New services are typically assessed within their first year or 2 of operation.

Ratings fall into 5 categories: 'Excellent', 'Exceeding National Quality Standard', 'Meeting National Quality Standard', 'Working Towards National Quality Standard' and 'Significant Improvement Required'. A rating of 'Excellent' can only be awarded by the Australian Children's Education and Quality Authority.

Quality ratings are published on national online registers, which are available to the public.

## Review of Child Safety Arrangements under the National Quality Framework

The overarching National Quality Framework was reviewed in 2014 and 2019. These reviews have resulted in refinements and improvements, including in relation to safety and wellbeing of children.

In addition, the Australian Children's Education and Care Quality Authority conducted a specific review of child safety arrangements under the National Quality Framework, which was published in December 2023 (the ACECQA Review of Child Safety Arrangements).

The ACECQA Review of Child Safety Arrangements made 16 recommendations to improve child safety under the National Quality Framework.

The [Child Safety Review] identifies opportunities to refresh and bolster the intent of the [National Quality Framework] and other child safety mechanisms by addressing emerging issues, closing loopholes, strengthening policies and practices, child safe cultures, recruitment processes and information handling, supporting staff capabilities, and improving protections around the use of new, online technologies.<sup>79</sup>

In February 2024, Education Ministers broadly agreed to implement the recommendations, subject to consultation, advice and a regulatory impact assessment. A Consultation Regulatory Impact Statement was made available for public consultation in April 2025. The consultation period closed in June 2025.

The Consultation Regulatory Impact Statement explored a range of reforms relating to:

- management of inappropriate conduct by individuals
- working with children checks and information sharing
- child safety training
- management of personal devices
- approaches to improve safety of the physical environments within ECEC settings; and
- powers of entry and enforcement powers.

Education Ministers will make decisions on reform options based on this feedback, which will be followed by a Decision Regulation Impact Statement, which is expected to be released later in 2025.

In the meantime, progress has been made against certain recommendations. For example,

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<sup>79</sup> Australian Government (Department of Prime Minister and Cabinet, Office of Impact Review Analysis) 'National Child Safety Review: Consultation Regulation Impact Statement', (24 April 2025) 13 <<https://oia.pmc.gov.au/sites/default/files/posts/2025/06/Child%20Safety%20Review%20-%20Consultation%20RIS.pdf>>.

- The Australian Children’s Education Care Quality Authority has developed guides on embedding child safe cultures and online safety, including the National Quality Framework Online Safety Guide (2025), and released the National Model Code and Guidelines on child safe practices for the use of electronic devices when providing education and care on 1 July 2024. The Victorian Government has introduced a ban on use of personal devices to be implemented by 26 September 2025.
- The Australian Institute for Teaching and School Leadership has published materials for early childhood teachers, leaders and employers on applying the Australian Professional Standards for Teachers in non-school settings.
- Education Ministers have agreed to changes to the National Regulations, which commence on 1 September 2025. Changes relevant to this Review include amendments to:
  - Require services to have policies and procedures on the use of digital devices and online environments—particularly on the taking and management of photos or videos of children (including parental consent), use of CCTV, and the use of devices by both staff and children.
  - Reducing timeframes for the notification of incidents of physical or sexual abuse to the relevant regulatory authority from 7 days to 24 hours.

From 1 January 2026, the National Quality Standard will be refined to create a more explicit focus on child safety in Quality Areas 2 (Children’s Health and Safety) and 7 (Governance and Leadership).

## 2. Child Safe Standards

Child Safe Standards are a set of requirements designed to create child safe cultures within organisations that provide services or facilities for use by children or engage a child in providing services or facilities. Child Safe Standards work to build an organisational culture in which children’s safety is embedded in everyday thinking and practice across all levels of the organisation.

The Child Safe Standards commenced in Victoria in January 2016 as a key response to the Victorian Parliamentary *Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations*, often referred to as *Betrayal of Trust* inquiry.<sup>80</sup>

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<sup>80</sup> Family and Community Development Committee, Parliament of Victoria, *Betrayal of Trust: Inquiry into the handling of child abuse by religious and other non-government organisations* (Parliamentary Paper No 1062, November 2013).

Since their introduction, the Standards have been reviewed and updated. Most recently, they were updated in 2022 to more closely align with the National Principles for Child Safe Organisations.

**Table A3.2: Victoria's Child Safe Standards**

<b>Standard</b>	<b>Mandatory Requirement</b>
<b>Standard 1</b>	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
<b>Standard 2</b>	Child safety and wellbeing is embedded in organisational leadership, governance and culture.
<b>Standard 3</b>	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
<b>Standard 4</b>	Families and communities are informed and involved in promoting child safety and wellbeing.
<b>Standard 5</b>	Equity is upheld and diverse needs respected in policy and practice.
<b>Standard 6</b>	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
<b>Standard 7</b>	Processes for complaints and concerns are child-focused.
<b>Standard 8</b>	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
<b>Standard 9</b>	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
<b>Standard 10</b>	Implementation of the Child Safe Standards is regularly reviewed and improved.
<b>Standard 11</b>	Policies and procedures document how the organisation is safe for children and young people.

Source: Commission for Children and Young People, <[The 11 Child Safe Standards](#)>.

### **The Child Safe Standards in ECEC services**

ECEC services are required to comply with the Child Safe Standards. In Victoria, the ECEC Regulator is the integrated sector regulator of the Child Safe Standards in the ECEC sector.

The ECEC Regulator works with ECEC services to help them understand and comply with the Child Safe Standards, which includes:

- supporting providers and services to comply
- monitoring services' compliance
- encouraging continuous improvement; and

- taking action against organisations that are breaching their requirements to comply with the Child Safe Standards (as an integrated sector regulator, the ECEC Regulator can take enforcement action for non-compliance with the Child Safe Standards using powers under the National Law or the Children’s Service Act).

The ECEC Regulator takes a risk-based approach to enforcement of the Standards. It will analyse each case, and decide on the appropriate enforcement action based on:

- the risk to children’s safety, health and wellbeing
- the type of non-compliance found; and
- the number of non-compliances at the service.

The ECEC Regulator will take stronger enforcement action if the non-compliance(s) are more serious, or the service continues to fail to comply.

In 2023–24, the ECEC Regulator considered the Child Safe Standards as part of 4,192 broader regulatory visits to ECEC services and identified 46 non-compliances. The overwhelming majority of non-compliances related to Standard 2 (33) followed by Standard 8 (5) and Standard 11 (3).<sup>81</sup>

In March 2024, the ECEC Regulator commenced a themed program of visits through the Focused Child Safe Standards Visits Program, in which Authorised Officers considered compliance with all 11 Standards across 41 ECEC services.<sup>82</sup> Where non-compliance is identified, services will receive a letter detailing the non-compliance with a requirement to address the matter within a particular timeframe and will sometimes be guided by advice by the ECEC Regulator on how to do so.<sup>83</sup>

### 3. Reportable Conduct Scheme

A reportable conduct scheme is a legal framework that requires certain organisations to report and respond appropriately to allegations of child-related misconduct by staff and volunteers. It allows a regulator to independently oversee how the organisation responds to the allegation and share information with other regulators and organisations, such as police, about individuals who work in organisations with direct contact with children.

Victoria’s Reportable Conduct Scheme commenced in July 2017. Like the Child Safe Standards, it was also recommended by the *Betrayal of Trust* inquiry to give greater scrutiny and oversight over how organisations managed child safety concerns. It applies to a smaller

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<sup>81</sup> Commission for Children and Young People (Victoria), *Annual Report 2023–24*, 140.

<sup>82</sup> Commission for Children and Young People (Victoria), *Annual Report 2023–24*, 140.

<sup>83</sup> Commission for Children and Young People (Victoria), *Annual Report 2023–24*, 140.

subset of organisations than the Child Safe Standards—focused on organisations that have more direct contact with children and young people.

The Reportable Conduct Scheme imposes obligations on heads of certain organisations to notify the Commission for Children and Young People about any reportable allegations relating to adult staff or volunteers within 3 days of becoming aware of it.

Reportable conduct includes:

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child; and
- significant neglect of a child.

Organisations are required to notify the Commission for Children and Young People within 3 days upon becoming aware of a reportable conduct allegation and update the Commission for Children and Young People within 30 calendar days with more detailed information about the reportable allegation and the proposed approach to addressing it. Once any investigation is complete, any investigation findings or disciplinary action should also be provided, including an explanation if no action is taken. The Commission for Children and Young People also has power to initiate an own motion reportable conduct investigation.

ECEC services have been subject to the Reportable Conduct Scheme since January 2019. Allegations can relate to the conduct of employees, volunteers, contractors or office holders—and since 1 July 2024 also includes workers or volunteers provided through labour hire agencies as well as secondees.

In 2023–24, notifications from the ECEC sector comprised 28 per cent of the overall notifications made under the Reportable Conduct Scheme.<sup>84</sup> ECEC notifications rose 39 per cent in 2023–24 compared to the previous year.<sup>85</sup> It is important to note that reporting rates will be informed by a range of factors—including the size and number of organisations within a sector, the type of engagement they have with children and young people (including the risk environment) and staff awareness to make a report.

In 2023–24, the most common reportable allegation type for the sector was physical violence (61 per cent), followed by behaviour that causes significant emotional or psychological harm (12 per cent), significant neglect (14 per cent), sexual misconduct (10 per cent) and sexual

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<sup>84</sup> Commission for Children and Young People (Victoria), *Annual Report 2023–24*, 103.

<sup>85</sup> Commission for Children and Young People (Victoria), *Annual Report 2023–24*, 103.



offences (4 per cent).<sup>86</sup> 24 per cent of reportable allegations have been substantiated since the ECEC sector became subject to the scheme.<sup>87</sup>

The Commission for Children and Young People has a range of information-sharing powers and obligations relating to reportable conduct—including with Working with Children Check Victoria.

## 4. Working with Children Check scheme

Victoria's Working with Children Check scheme commenced in April 2006. It is a screening process for assessing people who work with, or care for, children in Victoria. It aims to prevent people who are considered to pose an unacceptable risk to children from engaging in child-related work, either as an employee or a volunteer. The Worker Screening Unit within the Department of Government Services is responsible for administering the Working with Children Check scheme.

### Factors considered when issuing a Working with Children Check

The Working with Children Check scheme is based on the presumption that every adult is suitable to work with children, unless their established criminal or disciplinary history suggests otherwise. A very broad range of people are required (or requested) to hold a Working with Children Check—from casual volunteers at the school canteen to those who are being paid to provide direct care and services to children every day. Around 2 million Victorians hold a Working with Children Check.

When a person submits an application, Working with Children Check Victoria confirms an applicant's identity and then considers if they have any:

- criminal record in any Australian state and territory across their lifetime – including serious sexual, violent and drug offences they have previously been charged with, regardless of the outcome of those charges
- findings related to professional conduct, which is determined by:
  - the Victorian Institute of Teaching
  - the Suitability Panel, established under the *Children, Youth and Families Act 2005*, which makes findings related to the suitability of registered out-of-home carers
  - the Commission for Children and Young People through the Reportable Conduct Scheme.
- compliance (if applicable) with historical and current health practitioner legislation

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<sup>86</sup> Commission for Children and Young People (Victoria), *Annual Report 2023–24*, 105.

<sup>87</sup> Commission for Children and Young People (Victoria), *Annual Report 2023–24*, 122.

- current or historical reporting obligations or orders under the *Sex Offenders Registration Act 2004* or the *Serious Offenders Act 2018*.<sup>88</sup>

A person holding a Working with Children Check is subject to ongoing monitoring for criminal offending or a new finding or decision from a prescribed disciplinary or regulatory body that may result in a new risk assessment. Working with Children Check Victoria receives a range of information from other regulators, including the Victorian Institute of Teaching and the Commission for Children and Young People.

National standards for Working with Children Checks were agreed by all jurisdictions in 2019; however, these reflect only minimum features of schemes rather than creating national consistency and harmonisation.

## 5. Prohibition notices relating to ECEC workers

The ECEC Regulator in the Victorian Department of Education regulates services' compliance with the National Law. The primary responsibility for individual employees under the National Law is with services, who need to comply with certain obligations in relation to individuals. However, the ECEC Regulator does have limited scope to sanction individual workers, by issuing prohibition notices that exclude them from a service or the sector more broadly. This is generally reserved for the most serious cases of non-compliance. Examples of factors that may be taken into account in making a decision to issue an immediate prohibition include where:

- An individual has been excluded from holding a Working with Children Check.
- Facts have been tested before a court or tribunal which established, on the balance of probabilities, that the person was responsible for harming a child.
- It becomes apparent through an investigation, where the person has been interviewed, that they pose an immediate risk to children.

Factors that may be taken into account when issuing a show cause notice, reflecting an intention to issue a prohibition notice, may include:

- Victoria Police has laid criminal charges.
- The ECEC Regulator has investigated the person and is prosecuting them for non-compliance with the National Law.

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<sup>88</sup> Victorian Government, 'The Working with Children Check explained', (Web Page) <<https://www.vic.gov.au/check-explained>>.

- Another regulator, such as the Victorian Institute of Teaching, has revoked or cancelled their work permissions because they pose a risk of harm to children.

Other grounds to consider a show cause for a potential prohibition notice include the ECEC Regulator substantiating a serious harm has occurred involving an individual (or there is available evidence such as an admission or CCTV to demonstrate this), there are substantiated reportable conduct, Working with Children Check Victoria has issued an interim exclusion and is seeking a response, or notifications about an individual suggest a pattern of concerning behaviour.

