

SECTOR CONSULTATION: National Child Safety Reforms



March/April 2026

Throughout 2025, other reviews, assessments and inquiries were carried out, suggesting further safeguards for the sector.

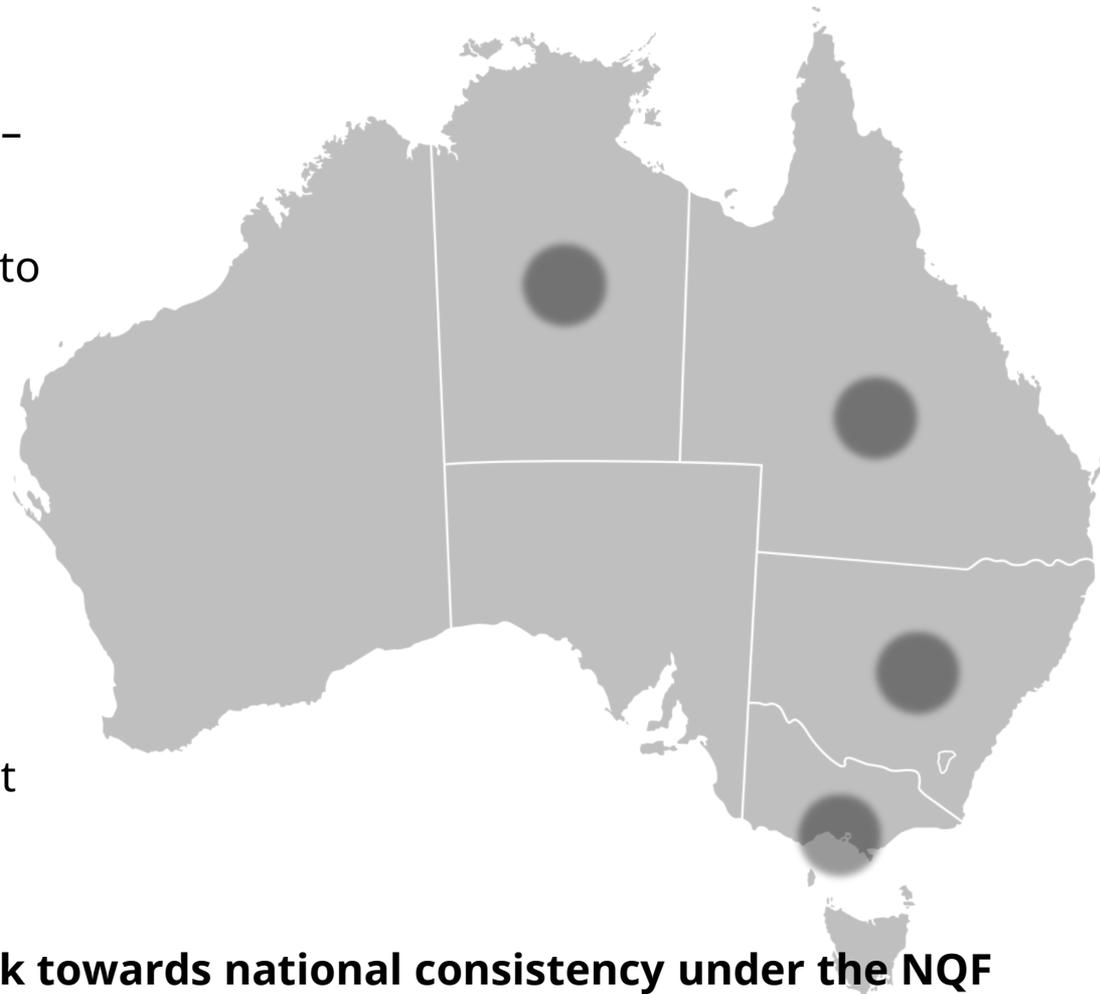
QFCC 'In Plain Sight' report –
Government yet to respond

NSW Independent review into
early childhood education
and care regulation

Victorian Rapid review
of child safety in early
childhood education

Northern Territory –
Coronial Inquest findings

ACECQA's Rapid Assessment
of Child Safe Practices



The Departments continue to work towards national consistency under the NQF and National Law wherever possible, noting that other inquiries are still to report with further findings.

THE NEW SET OF PROPOSED REFORMS REFLECT THESE ADDITIONAL FINDINGS

This survey document will:

- 1. Tell you what these proposed reforms are**
- 2. Ask you for your opinion and to share your lived experience on the reform topic.**
- 3. Please look for the red text as the prompt to answer the questions in Survey Monkey.**

7 PROPOSED REFORM AREAS

1 Supervision practices including under the roof ratios

2 Increasing transparency for families

3 Persons with management or control (PMC) fitness and propriety

4 To whom suspension, supervision and training directions apply and related information sharing provisions

5 Increase whistleblower protections

6 Updating quality ratings for approved providers during/immediately following an investigation.

7 Safer fencing



1.

SUPERVISION PRACTICES

Ensure organisation of educators across the service supports children's safety, learning development and ensures adequate supervision and strengthen sector capability to understand the role of supervision in promoting children's safety

Key considerations

Adequate supervision is undefined in the National Law. Development of a clear definition will remove any ambiguity and will support educators, and approved providers to understand their responsibilities.

National Regulation 168 requires services to have policies and procedures relating to providing a child safe environment. There will be further strengthening of policies, procedures and risk assessments to be more explicit in relation to supervision and how it relates to safeguarding.

National Law section 167 – the requirement to take reasonable precautions to protect children from harm and hazard will need to be considered when undertaking a risk assessment for any sole educator supervising children.



1.

SUPERVISION PRACTICES

Ensure organisation of educators across the service supports children's safety, learning development and ensures adequate supervision and strengthen sector capability to understand the role of supervision in promoting children's safety

Key considerations

- Educator to child ratios set **minimum** requirements.
- Under the roof (across the service) requirements relate to distribution of educators, **not numbers**.
- Educators must be working directly with children (National Regulation 122), and have the relevant qualifications (National Regulation 126), to be counted for ratio purposes (however calculated):
 - Working directly with children (National Regulation 13) means *physically present with the children and directly engaged in provided education and care to the children*.
- Services **must** meet the requirement for **adequate supervision** at all times:
 - National Law section 165 – Strict liability offence – Approved Providers and Nominated Supervisors *must ensure that all children being educated and cared for by the service are adequately supervised at all times*.



1.

SUPERVISION PRACTICES

Proposed changes

1

Require approved providers to have policies and procedures in place relating to ensuring child safeguarding through adequate supervision practices, including a requirement for risk assessment wherever a single educator is supervising children.

This will be through a regulatory amendment to prescribe elements to be included in the provider's child safe environment policy (Quality Area 2).

2

Amend the National Law to clearly define "adequate supervision" to drive consistent practice that supports safety, quality and pedagogical outcomes for children.

3

Amend Quality Area 4, Element 4.1.1 to 'the organisation of educators supports children's **safety**, learning and development, and **ensures adequate supervision**', as recommended in the *ACECQA Rapid Assessment of Child Safe Practices*.



1.

SUPERVISION PRACTICES

Proposed changes

- 4 Implement changes to under the roof practices (across the service) to ensure ratios always allow for adequate supervision,** including identification of where they would be used in exceptional circumstances only. (As per *ACECQA Rapid Assessment of Child Safe Practices* recommendation noting the use of 'across the service ratios' may be appropriate from time to time.)
- 5 Undertake a review of working towards qualification provisions to drive safety, quality and pedagogy.** The review will include how and when staff working towards their qualification can be counted in ratio.

1. Supervision practices

(Q: Do you Support? A: Yes, Yes with Conditions, No, or Other with feedback)

1. Regulatory amendments to require approved providers to have policies and procedures in place relating to ensuring child safeguarding through adequate supervision practices, including a requirement for risk assessment wherever a single educator is supervising children.

2. Amend the National Law to clearly define “adequate supervision” to drive consistent practice that supports safety, quality and pedagogical outcomes for children.

3. Amend Quality Area 4, Element 4.1.1 to ‘the organisation of educators supports children’s **safety**, learning and development, and **ensures adequate supervision**’, as recommended in the *ACECQA Rapid Assessment of Child Safe Practices*.

4. Implement changes to under the roof practices (across the service) to ensure ratios always allow for adequate supervision, including identification of where they would be used in exceptional circumstances only. (As per *ACECQA Rapid Assessment of Child Safe Practices* recommendation noting the use of ‘across the service ratios’ may be appropriate from time to time.)

5. Undertake a review of working towards qualification provisions to drive safety, quality and pedagogy. The review will include how and when staff working towards their qualification can be counted in ratio.



2. Increasing transparency for families

Access to robust and accessible information on the quality and safety of education and care services to empower families to make informed decisions about the service they choose to send their children to

Key considerations

- There are already a variety of ways in which parents can find out about compliance and enforcement action against a service. These methods rely on parents being responsible for finding this information, either by searching the regulatory authority's website or [StartingBlocks](#) or asking to see the service's compliance record. There is no requirement for services to proactively communicate to families when compliance or enforcement action is taken.
- Compliance or enforcement action should be communicated to families in a way that is meaningful, can be easily understood and considers the cultural, language and the technological requirements of families.



2. Increasing transparency for families

Access to robust and accessible information on the quality and safety of education and care services to empower families to make informed decisions about the service they choose to send their children to

- 1 Establish minimum standards for approved providers to ensure that information is proactively shared and readily available for families.
- 2 Regulatory Authorities to agree on minimum standards and consistent approach on how and when approved providers and their services are required to notify families of enforcement actions.
- 3 Addition of items to National Regulation 167 – what services are required to have on their compliance record, penalties for providing false or misleading information to families, and the development of communications and guidance for approved providers.

2. Increasing transparency for families – Menti

(Q: Do you support? A: Yes; Yes with Conditions; No; or Other)

1. Establishing minimum standards for approved providers to ensure that information is proactively shared and readily available for families.

2. Regulatory Authorities to agree on minimum standards and consistent approach on how and when approved providers and their services are required to notify families of enforcement actions.

3. Addition of items to National Regulation 167 – what services are required to have on their compliance record, penalties for providing false or misleading information to families, and the development of communications and guidance for approved providers.



3. PMC fitness and propriety

Broaden the range of regulatory responses to ensure PMCs are, and remain, fit and proper to be involved in the provision of an education and care service

Key considerations

PMCs make decisions affecting expenditure, viability, quality, safety, and compliance, which impact children's safety, health and wellbeing.

PMCs must ensure the safety, rights and best interests of children are their paramount consideration when making any decision about the provision of education and care.

PMCs are required to be and remain fit and proper to be involved in the provision of an education and care service.

Where a PMC is found to be not fit and proper, and the approved provider has not proactively removed them, regulatory authorities have limited regulatory tools outside initiating a provider approval cancellation process.

PMCs have limited personal liability under the National Law and are not directly liable for offences relating to children's safety, health, and wellbeing.



3. PMC fitness and propriety

Broaden the range of regulatory responses to ensure PMCs are, and remain, fit and proper to be involved in the provision of an education and care service

1

Provide guidance on the requirements and expectations of PMCs, determining fitness and propriety and interactions with their fiduciary responsibilities.

2

Amend the National Law to:

a. Introduce enforcement tools to impose suspension and/or training directions on a PMC.

b. Allow a regulatory authority to intervene following a notification of a new PMC, to prevent the PMC exercising authority over the provider in decisions related to provision of education and care until the regulatory authority has completed its fitness and propriety assessment.

c. Allow regulatory authorities to direct the provider to remove a PMC that the Regulatory Authority has found to be not fit and proper.

d. Introduce enforcement tools to prohibit an individual from acting in the role of PMC if the Regulatory Authority is satisfied that they are not fit and proper.

e. Create offences for an approved provider to allow an individual subject to a suspension or prohibited from acting as a PMC.



3. PMC fitness and propriety

Broaden the range of regulatory responses to ensure PMCs are, and remain, fit and proper to be involved in the provision of an education and care service

3 Require the inclusion of PMC identities and provider type (e.g. for-profit, not-for-profit) in the register of approved providers. Provider types would then be published on StartingBlocks to ensure visibility to families.

4 Allow regulatory authorities the power to compel providers to produce documentation and evidence relating to their property ownership and leasing arrangements.

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1. Provide guidance on the requirements and expectations of PMCs, determining fitness and propriety and interactions with their fiduciary responsibilities.

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- c. Allow regulatory authorities to direct the provider to remove a PMC that the Regulatory Authority has found to be not fit and proper.
- d. Introduce enforcement tools to prohibit an individual from acting in the role of PMC if the Regulatory Authority is satisfied that they are not fit and proper.
- e. Create offences for an approved provider to allow an individual subject to a suspension or prohibited from acting as a PMC.

3. Require the inclusion of PMC identities and provider type (e.g. for-profit, not-for-profit) in the register of approved providers. Provider types would then be published on StartingBlocks to ensure visibility to families.

4. Allow regulatory authorities the power to compel providers to produce documentation and evidence relating to their property ownership and leasing arrangements.

3. PMC fitness and propriety cont.

(Q: Do you support? A: Yes; Yes with Conditions; No; or Other)

NOTE: You can provide feedback shortly in the next Menti question.

5. Should Approved Provider Boards (or equivalent governance committees) be required to have expertise or experience on or available to the Board when undertaking their duties and responsibilities under the National Law and if so, what would this be?

6. Should Approved Provider Boards (or equivalent governance committees) be required to complete prescribed training (yet to be determined) and if so, what would this need to include?

7. What would the impact of these changes be, if made, and what would need to be considered in implementation?



4. Suspension, supervision and training directions and related information sharing provisions

Bring directions in line with existing approaches under the National Law

Key considerations

New supervision and suspension directions apply to the approved provider only, and not the individual therefore only the individual and their current approved provider (who is the subject of the direction) is aware of the direction and its effect.

New training directions do apply to an individual, however neither the current or prospective employer would necessarily know of the direction.

Recent amendments to the National Law do not enable ACECQA or Regulatory Authorities to disclose information about an individual who is subject to a direction with an approved provider or recruitment agency.



4. Suspension, supervision and training directions and related information sharing provisions

Bring directions in line with existing approaches under the National Law

- 1 Develop guidance in relation to the application of supervision, suspension and training directions including how directions apply in practice.
- 2 Amend the National Law to enable the Regulatory Authority to impose a suspension direction on an individual as well as the approved provider.
- 3 Amend the National Law to enable the Regulatory Authority to impose a supervision direction on an individual as well as the approved provider.



4. Suspension, supervision and training directions and related information sharing provisions

Bring directions in line with existing approaches under the National Law

- 4 Expand section 272 of the National Law to allow the Regulatory Authority to disclose information about an individual who is subject to a suspension, supervision or training direction, to that individual's current approved provider.
- 5 Expand section 272 of the National Law to allow the Regulatory Authority to disclose information about an individual who is subject to a suspension, supervision or training direction to prospective approved providers, upon request (such as supporting recruitment processes).
- 6 Expand section 272 of the National Law to allow a Regulatory Authority to disclose information about an agency educator who is subject to a suspension, supervision or training direction to that person's recruitment agency.

4. Suspension, supervision & training directions

(Q: Do you support? A: Yes; Yes with Conditions; No; or Other)

1. Develop guidance in relation to the application of supervision, suspension and training directions including how directions apply in practice.

2. Amend the National Law to enable the Regulatory Authority to impose a suspension direction on an individual as well as the approved provider.

3. Amend the National Law to enable the Regulatory Authority to impose a supervision direction on an individual as well as the approved provider.

4. Expand section 272 of the National Law to allow the Regulatory Authority to disclose information about an individual who is subject to a suspension, supervision or training direction, to that individual's current approved provider.

5. Expand section 272 of the National Law to allow the Regulatory Authority to disclose information about an individual who is subject to a suspension, supervision or training direction to prospective approved providers, upon request (such as supporting recruitment processes).

6. Expand section 272 of the National Law to allow a Regulatory Authority to disclose information about an agency educator who is subject to a suspension, supervision or training direction to that person's recruitment agency.

Key considerations

Whistleblower protections

Reporting incidents that pose a risk to child safety is crucial for safeguarding children. It enables timely intervention and promotes a child safe culture.

Part 14, Division 7 of the National Law contains provisions that aim to address fear of detrimental action which can discourage relevant parties from reporting misconduct.

Section 297 states 'a person must not take serious detrimental action against a person in reprisal for a protected disclosure' and provides details on the circumstances in which a person takes serious detrimental action in reprisal for a protected disclosure. This offence carries a penalty.

Section 298 relates to proceedings for damages for reprisal. Sections 299 and 300 relate to injunctions or orders as a remedy.

For NSW, the *National Law Application Amendment Act 2025* (NSW) has provisions that expands protections from reprisal (serious detrimental action). Additional and/or specific guidance will be required for the NSW education and care sector.



5. Increase whistleblower protections

Create a safe environment for individuals to raise concerns when children's safety is at risk and safeguard those who act in the best interests of children



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Key considerations

Non-Disclosure Agreements (NDA)

- An NDA is a legally binding agreement that obligates parties to keep specified information confidential and restricts the disclosure to unauthorised individuals or parties.
- Jurisdictions have reported instances where education and care staff are required to sign NDAs upon employment, which can later suppress or prevent the reporting.
- The National Law does not have legislative protections against NDAs or other contractual obligations that could be enforced to prevent reporting misconduct or child harm.



5. Increase whistleblower protections

Create a safe environment for individuals to raise concerns when children's safety is at risk and safeguard those who act in the best interests of children

1 Guidance and education piece on current whistleblower protections, including what can be disclosed to Regulatory Authorities while subject to a non-disclosure agreement, under the National Law to support/encourage current employees and other relevant parties to report concerns.

2 Legislative change to expand and strengthen National Law protection from reprisal provisions, through addressing non-disclosure agreements (NDAs).

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2. Legislative change to expand and strengthen National Law protection from reprisal provisions, through addressing non-disclosure agreements (NDAs).



6. Updating quality ratings for approved providers during/immediately following an investigation

Enable Regulatory Authorities to update the status of a quality rating during or immediately following an investigation. This aims to increase transparency for families

Key considerations

The National Law does not allow for an approved education and care service's quality rating to be updated during or immediately following the investigation of a serious incident.

The ability to update quality ratings during or following an investigation will provide more accurate point-in-time representation of the service for families.

A lack of timely and clear information restricts families' ability to make informed decisions about their child's care and could undermine trust in both approved providers and the regulatory system.



6. Updating quality ratings for approved providers during/immediately following an investigation

Enable Regulatory Authorities to update the status of a quality rating during or immediately following an investigation. This aims to increase transparency for families

1

Extend section 138 of the National Law to enable the Regulatory Authority to update the status of a quality rating of an approved education and care service under investigation (during an investigation). Immediately following an investigation, the rating will either be re-instated or changed to 'under review' whilst a re-assessment is completed.

Provisions to be included for ACECQA to re-instate an Excellent rating without a new application. State and Territory regulatory authorities to agree a consistent approach to reassessing quality ratings after investigation or enforcement action. This should include consideration of thresholds.

6. Updating quality ratings for AP during investigations

(Q: Do you support? A: Yes; Yes with Conditions; No; or Other)

1. Extend section 138 of the National Law to enable the Regulatory Authority to update the status of a quality rating of an approved education and care service under investigation (during an investigation). Immediately following an investigation, the rating will either be re-instated or changed to 'under review' whilst a re-assessment is completed.

2. Provisions to be included for ACECQA to re-instate an Excellent rating without a new application. State and Territory regulatory authorities to agree a consistent approach to reassessing quality ratings after investigation or enforcement action. This should include consideration of thresholds.



7. Safer fencing

Improve service safety and increase awareness of safety risks associated with fencing at centre-based services

Key considerations

The NQF requires perimeter fencing that prevents children from going over, under or through it, supporting the reasonable precaution to protect children from harm or hazards, as required by Section 167 of the National Law.

The National Construction Code (NCC) mandates Australian Standard (AS) 1926.1 Safety barriers for swimming pools compliance for new early childhood service builds. However, neither framework addresses fence top profiles.

Kidsafe recommends flat top rail fencing, noting that loop top or rod top designs can create strangulation and entrapment risk between the pickets protruding above the top rail.

AS 4685 Playground Equipment and Surfacing places strong emphasis on preventing serious hazards, particularly entrapment and hanging/strangulation risks, across all types of playground equipment.

Applications to amend Australian Standards can be submitted at any time, with an approximate two-year assessment and consultation period.

Jurisdictions may apply for local amendments to Australian Standards at any time, with changes applying only within the requesting jurisdiction.



7. Safer fencing

Improve service safety and increase awareness of safety risks associated with fencing at centre-based services

1

a. Provide guidance to services and service stakeholders (including parents and boards) through the ACECQA website on safe fencing profiles for play spaces and barriers for young children, highlighting the risks that should be identified and addressed.

b. Create an awareness campaign on entrapment, hanging and strangulation risks of loop top or rod top designs, in partnership with Kidsafe.

2

a. Strengthen the requirements of fencing under Regulation 104 by adding the risk of entrapment and strangulation. The amended regulation would not be retroactive.

b. Add a note to the National Regulation 104 to refer to AS 1926.1 Safety barriers for swimming pools including height of fencing.



7. Safer fencing

Improve service safety
and increase awareness
of safety risks
associated with fencing
at centre-based services

3

- a.** National advocacy to amend AS1926.1 Safety barriers for swimming pools with established fencing safety guidance, ensuring that strangulation, hanging and entrapment risks are explicitly identified and addressed in accordance with the playground equipment standard AS 4685.
- b.** Add a note to the regulation to refer to AS 1926.1 Safety barriers for swimming pools including height of fencing.

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2 a. Strengthen the requirements of fencing under Regulation 104 by adding the risk of entrapment and strangulation. The amended regulation would not be retroactive.

2 b. Add a note to the National Regulation 104 to refer to AS 1926.1 Safety barriers for swimming pools including height of fencing.

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3 b. Add a note to the regulation to refer to AS 1926.1 Safety barriers for swimming pools including height of fencing.

**We thank you for your
valuable time & feedback!!**