



Australian Children's
Education & Care
Quality Authority

Level 15, 255 Elizabeth Street
Sydney NSW 2000

GPO Box A292
Sydney NSW 1235

p | 02 8240 4200 f | 02 8240 4206

www.acecqa.gov.au

ABN 59 372 786 746

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Solicitor
Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
SYDNEY NSW 2001

By email to: solicitor@childabuseroyalcommission.gov.au

To whom it may concern

The Australian Children's Education and Care Quality Authority (ACECQA) welcomes the opportunity to respond to the Royal Commission's Issues Paper on the Working with Children Check.

In 2012, each state and territory introduced laws creating a national system regulating education and care services catering for children aged from birth to 13 years, including long day care, family day care, preschool/kindergarten, and outside school hours care.

This national system is called the National Quality Framework (NQF) and is underpinned by the nationally applied *Education and Care Services National Law* (the National Law) and Education and Care Services National Regulations 2011 (National Regulations). ACECQA was established to guide the implementation of the NQF.

Under the National Law, more than 13,480 education and care services are approved and monitored by regulatory authorities in each state and territory. Through the National Law, the NQF aims to improve the quality of education and care services for all children across Australia and sets the minimum requirements for the management of, and staffing within, education and care services.

The paramount objective of the National Law is to ensure the safety, health and wellbeing of children attending education and care services.

One way this is achieved is by regulatory authorities in each State and Territory assessing the fitness and propriety of persons seeking to be providers of, or supervisors in, education and care services. Persons approved for either of these roles, by any regulatory authority, are also approved to operate in any jurisdiction across Australia without any further assessment.

While various pieces of evidence are permissible as demonstrating the fitness and propriety of a person seeking to be a provider or supervisor under the National Law, a key item sought and accepted by regulatory authorities is a valid working with children check (WWCC) as the check is mandatory for such people in most jurisdictions and represents a thorough screening of the individual.

However, with the shift to nationally applied regulation of education and care, differences in requirements and processes for WWCCs across jurisdictions have become evident, particularly in locations near state borders.

For this reason, and in the interests of ensuring the safety, health and wellbeing of children and minimising administrative burden for services across Australia, ACECQA supports the creation of a national WWCC system.

In terms of other detail sought within the Issues Paper, ACECQA can only provide general feedback. We acknowledge that regulatory authorities, as well as other organisations and agencies, are better placed to provide detailed suggestions for the operation of any national system. Consequently, ACECQA has not provided further comment against the specific issues raised in the Issues Paper, other than to say that it would welcome a national system that was able to be verified/updated online by relevant parties and reflective of the structure of the education and care sector, the roles within it and the particular exclusion/prohibition powers established within the National Law.

If required, ACECQA would be happy to provide further information on potential links between the National Law covering the education and care sector, and any proposed national WWCC system.

Thank you again for providing this opportunity for comment. For any further information, please contact Georgia Ramsay, General Manager Strategy and Operations on 02 8240 4247.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karen Curtis', written in a cursive style.

Karen Curtis
Chief Executive Officer