

31 March 2025

The Hon Prue Car MP  
NSW Deputy Premier & Minister for Education & Early Learning  
Parliament of New South Wales  
52 Martin Place  
SYDNEY NSW 2000

Dear Deputy Premier Car,

**Re: Potential consequence of unbelievable breaches of  
NSW's early childhood education and care services**

According to both the Australian Children's Education & Care Authority (ACECQA)'s and the NSW Regulatory Authority, the publicly available [Quality Ratings](#) of early childhood education and care (ECEC) services across Australia and New South Wales as of 31 March 2025 are:

Approved Services with Quality Ratings	Australia (N = 16,564 services)	New South Wales (N = 5,723 services)
Overall Rating: <b>Meeting or Higher</b>	91.0% of all services	92.6% of all services
Quality Area 2 – Children's Health and Safety: <b>Meeting or Higher</b>	94.6% of all services	94.7% of all services

Yet, according to the Productivity Commission's [Report of Government Services \(RoGS\)](#) published on 11 February 2025, the NSW jurisdiction were reported as having:

- 19,515 breaches/confirmed non-compliances (ie 54.9% of the national total); and
- a 325.3% probability per early childhood education and care service of recording a breach.

For the corresponding reported period, the NSW Regulatory Authority published that they had 13 [enforcement actions](#) (ie 0.07% of the total number of breaches/confirmed non-compliances).

Worse, the last 5 consecutive years all had similar reports.

The above should also be considered in the context that the NSW Productivity Commissioner published its [Evaluation of NSW-specific early childcare regulations](#) in December 2022 confirming that NSW-based ECEC services have higher regulatory requirements than other Australian jurisdictions.

Given the quantum of NSW's breaches/non-compliances dwarf all other jurisdictions combined, and in light of the [NSW Legislative Council's call for documents](#) from the NSW Department of Education, ECEC services have become concerned that the NSW Regulatory Authority holds a significant amount of regulatory information that some could potentially be misconstrued and thus damaging to their and/or their early childhood educators'/teachers' reputations.

Consequently, ACA NSW has provided to its members a template for freedom of information requests under the NSW [Government Information \(Public Access\) Act 2009](#) that can be submitted to the NSW Department of Education to receive information about their services and personnel.

Upon receipt of their own information, ECEC services can then decide to apply to the NSW Department of Education or the [NSW Civil Administrative Tribunal \(NCAT\)](#) to seek amendments or removal of inaccurate or irrelevant records that the NSW Department of Education is holding.

For many years, ACA NSW has not been confident that the Quality Ratings reflect the true level of quality of NSW-based ECEC services. And since [Operation Tenterfield](#), we are even more concerned about the existing NSW calibrations for regulatory processes and environment, including the notifications of reportable allegations and reportable convictions made to the [Reportable Conduct Scheme](#).

You will recall that we have to date contributed a range of solutions to identified concerns.

We are looking forward to both the independent assessment of the NSW Regulatory Authority and the NSW Parliamentary Inquiry into NSW's early childhood education and care.

We are also interested in understanding any and all possible impediments faced by the NSW Regulatory Authority to achieve fair, effective and timely enforcement actions, including the removal of service approvals as well as proper prosecutions against services and individuals for truly serious incidences that can withstand legal challenges.

ACA NSW will continue to work with the NSW Department of Education to ensure that all ECEC services are in compliance with a fair and effective National Quality Framework, the National Law and National Regulations. It is vital that the NSW early childhood education and care sector achieves universal faith from all children, parents, early childhood educators, teachers and services.

Yours sincerely,

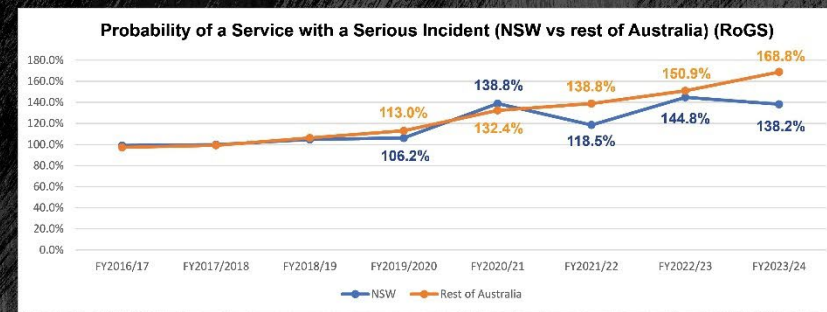
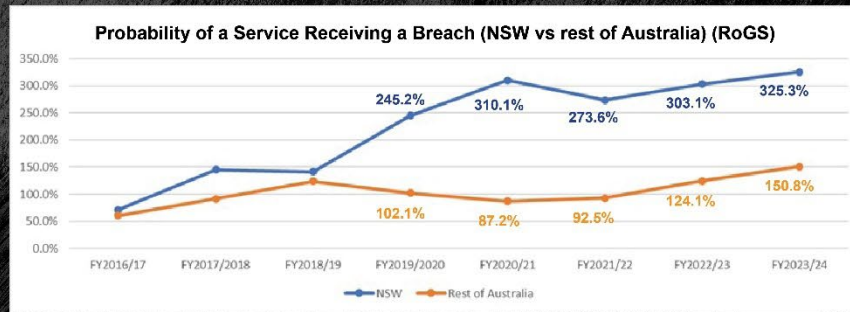
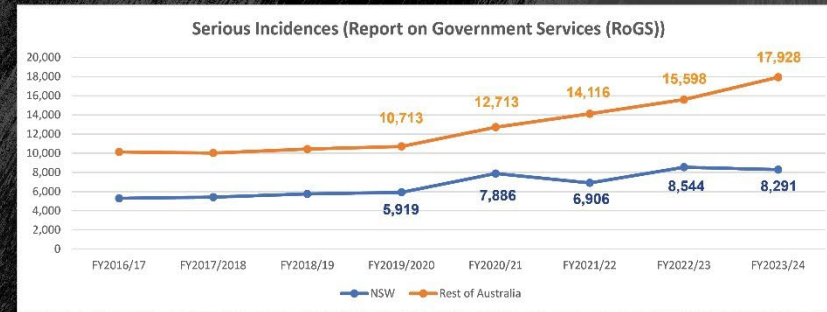
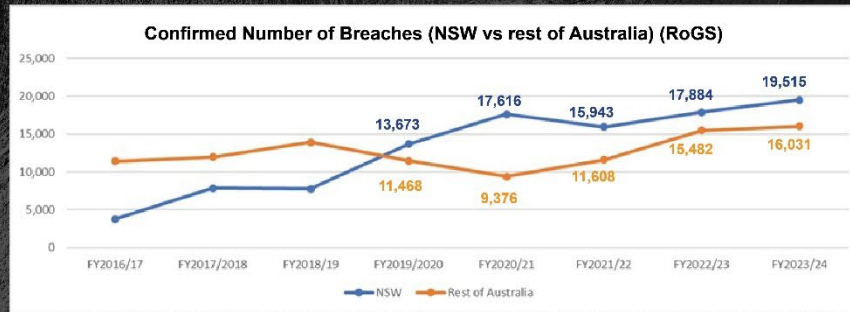


Chiang Lim  
CEO

encl Confirmed breaches vs Serious Incidences vs Enforcement Actions vs Quality Ratings

cc The Hon Dr Anne Aly MP, Federal Minister for Early Childhood Education  
The Hon Ben Franklin MLC, President, NSW Legislative Council, Parliament of NSW  
The Hon Greg Piper MP, Speaker, NSW Legislative Assembly, Parliament of NSW  
Mr Mark Barraket, Deputy Secretary, Early Childhood Outcomes, NSW Department of Education  
Mr Mark Grant, Chief Operating Officer, NSW Department of Education  
Ms Rachael Ward, a/NSW Children's Guardian

## ATTACHMENT: CONFIRMED BREACHES VS SERIOUS INCIDENTS VS ENFORCEMENT ACTIONS VS QUALITY RATINGS



SOURCE: Annual Productivity Commission's Report on Government Services (RoGS)

FINANCIAL YEAR (NSW)	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Enforcements & Actions	2	10	0	20	36	11	2	13
% of breaches	0.05%	0.13%	0.00%	0.15%	0.20%	0.07%	0.01%	0.07%

SOURCE: NSW Department of Education

**“91% services with a quality rating are Meeting National Quality Standards or above.”**

SOURCE: Australian Children's Education & Care Quality Authority (ACECQA Snapshot November 2024)

**93.6% services with a quality rating are Meeting National Quality Standards or above for Quality Area 2 - Children's Health & Safety.”**

SOURCE: ACECQA National Registers (as of July 2024)