

2 October 2025

The Hon Courtney Houssos MLC
Acting NSW Minister for Education and Early Learning
Parliament of New South Wales
52 Martin Place
SYDNEY NSW 2000

Dear Minister Houssos,

**Re: NSW Regulatory Authority must be equally transparent
in order to prevent child safety incidences**

The Australian Childcare Alliance (ACA) NSW is the peak body for over 1,600 privately-owned predominantly small to medium-sized family-owned and operated businesses who provide early childhood education and care services in New South Wales. ACA NSW members employ over 25,000 employees and are committed to providing excellence in early childhood education and care for the more than 125,000 children and their families.

In light of a series of child safety abuses, ACA NSW is pleased to finally see structural reform in the proposed [Children \(Education and Care Services National Law Application\) Amendment Bill 2025](#) currently before the Parliament of New South Wales.

That said, while ACA NSW does not object to enforcement and compliance notices to be shared with parents and families of children enrolled in services, we believe this will more likely address serious incidences after the fact than preventing them in the first place.

Our concerns stem from the last 5 years of extraordinary levels of confirmed breaches such that NSW eclipses the combined total of the rest of Australia.

Year	CONFIRMED BREACHES AT NQF APPROVED ECEC SERVICES		
	NSW	NSW (% of Australia)	Rest of Australia
2016/2017	3,797	24.95%	11,424
2017/2018	7,865	39.71%	11,943
2018/2019	7,773	35.85%	13,909
2019/2020	13,673	54.39%	11,468
2020/2021	17,616	65.26%	9,376
2021/2022	15,943	57.87%	11,608
2022/2023	17,884	53.60%	15,482
2023/2024	19,515	54.90%	16,031
2024/2025	Not yet published	Not yet published	Not yet published

Source: Productivity Commission's Annual Reports on Government Services (RoGS)

Despite such large data available to the NSW Regulatory Authority, recent child safety incidences still occurred. And due to the [Four Corners' Betrayal of Trust](#) expose, it has been effectively confirmed that the services' own access to the [National Quality Agenda Information Technology System \(NQAITS\)](#) does not provide Approved Providers with all compliance information for their own services.

ACA New South Wales

19 Fennell Street, Parramatta NSW 2150
1300 556 330
nsw@childcarealliance.org.au
www.nsw.childcarealliance.org.au



One can only conclude that the NSW Regulatory Authority's approach requires significant recalibration toward support and prevention instead of the more punitive approach.

ACA NSW is pleased that the NSW Regulatory Authority appears to be using the 9 existing powers in the National Law more assertively.

Notwithstanding, ACA NSW urges the NSW Government not to exclusively rely on obliging services to share enforcement and compliance notices with parents and families as its primary tool. Instead, to prevent child safety incidences from occurring, ACA NSW asks the NSW Government to:

1. share all (and not some) of the breaches/non-compliances including evidence used to support such reports with parents and families that NSW Authorised Officers issue; and
2. use the voluminous breaches/non-compliances as intelligence to deploy appropriate education campaigns as well as provide bespoke support for respective services.

The Independent Review of the NSW Regulatory Authority confirmed that in its sample of services rated Exceeding the National Quality Standards, 66% of those also were internally regarded as High Risk or Very High Risk by the NSW Regulatory Authority.

While recognising that Quality Ratings is an assessment conducted in a moment in time, it has become very apparent that parents' and families' faith in the reliability of Quality Ratings of services has been significantly compromised.

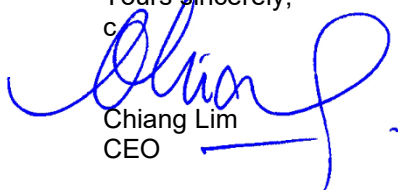
Ultimately, parents' and families' expectations of Quality Ratings as a proxy of future potential outcomes for their children have also been severely undermined by the ever-growing disconnection between Quality Ratings and the Australian Early Development Census results from 2009 to 2024.

These concerns are part of our submission to the [NSW Parliamentary Inquiry into the Children \(Education and Care Services National Law Application\) Amendment Bill 2025](#).

ACA NSW welcomes the opportunity to engage with you and others in order to achieve the most effective child safety requirements while balancing them with anticipated challenges. This also may include a trial of a co-regulatory approach where the NSW Regulatory Authority leverages the sector to ensure field-tested and effective solutions.

And please feel free to contact us should you need any further information, clarification or assistance.

Yours sincerely,


Chiang Lim
CEO

cc The Hon Prue Car MP, Deputy Premier and Minister for Education & Early Learning
The Hon Jason Clare MP, Federal Minister for Education
Senator the Hon Jess Welsh, Federal Minister for Early Childhood Education
Parliamentary Committee No 3 – Education, Parliament of New South Wales
Gabrielle Sinclair, CEO, Australian Children's Education & Care Quality Authority
Rachael Ward, a/NSW Children's Guardian
Mark Barraket, Deputy Secretary, NSW Department of Education

encl A. List of 9 existing powers in the National Law
B. Comparison of NSW's Quality Ratings vs AEDC data (2009 to 2024)
C. Number of Years between re-Assessments & Ratings in NSW

NINE (9) EXISTING POWERS UNDER THE NATIONAL LAW AVAILABLE TO THE NSW REGULATORY AUTHORITY

<u>National Law: Section 23(1)</u>	The Regulatory Authority can amend provider approval at any time.
<u>National Law: Section 25(b)</u>	The Regulatory Authority can suspend a service for failure to comply with a condition of the provider approval at any time.
<u>National Law: Section 55(1)</u>	The Regulatory Authority can amend a service approval at any time.
<u>National Law: Section 70(b) and 70(f)</u>	The Regulatory Authority can suspend service approval if the service breaches any condition(s) or failed to comply with a direction, compliance notice or emergency order in anywhere across Australia.
<u>National Law: Section 70(d)</u>	The Regulatory Authority can suspend service approval for not meeting the National Quality Standards and there have not been any improvements.
<u>National Law: Section 73</u>	The Regulatory Authority can suspend service approval without show cause.
<u>National Law: Section 75</u>	The Regulatory Authority can suspend service approval to the extent that it relates to associated children's service.
<u>National Law: Section 77(a)</u>	The Regulatory Authority can cancel service approval if the service constitutes an unacceptable risk to the safety, health or wellbeing of any child or class of children.
<u>National Law: Section 80(1)</u>	The Regulatory Authority can cancel service approval to the extent that it relates to associated children's service

COMPARISON OF NSW QUALITY RATINGS VS THE AUSTRALIAN EARLY DEVELOPMENT CENSUS DATA (2009-2024)

	2009	2012	2015	2018	2021	2024
POPULATION: Enrolled preschool children in the year before school (NSW)	Not Available	Not Available	Not Available	85.03%	86.69%	86.99%
QUALITY AREA 1 – EDUCATIONAL PROGRAMS AND PRACTICES: Services with Meeting the National Quality Standards or higher (NSW)	Not Available	Not Available	69.76%	84.63%	92.06%	95.42%
OVERALL QUALITY RATING: Services with Meeting the National Quality Standards or higher (NSW)	Not Available	Not Available	58.53%	79.85%	87.96%	92.00%
AUSTRALIAN EARLY DEVELOPMENT CENSUS: Children not developmentally on track upon starting school (NSW)	45.20%	43.90%	44.20%	42.80%	44.50%	45.80%

SOURCES: The Productivity Commission's [Report on Government Services \(RoGS\)](#), the Australian Children's Education & Care Quality Authority (ACECQA)'s [National Register](#) & the [Australian Early Development Census \(AEDC\) data](#)

Number of Years between re-Assessment & Ratings

Years between Assessments & Ratings in NSW	# of services persistently Working Toward or lower	%age	Years between Assessments & Ratings in NSW	# of services (all Quality Ratings)	%age
8-9 years	0	0.00%	8-9 years	1	0.02%
7-8 years	0	0.00%	7-8 years	3	0.06%
6-7 years	2	1.08%	6-7 years	229	4.78%
5-6 years	13	7.03%	5-6 years	2,009	41.92%
4-5 years	28	15.14%	4-5 years	1,243	25.94%
3-4 years	57	30.81%	3-4 years	675	14.09%
2-3 years	44	23.78%	2-3 years	394	8.22%
1-2 years	31	16.76%	1-2 years	192	4.01%
0-1 years	10	5.41%	0-1 years	46	0.96%

SOURCE: The Australian Children's Education & Care Quality Authority (as of 12 August 2025)