



Response to the Second Round of National Child Safety Reforms

April 2026



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Foreword

Queensland's early childhood education and care sector is deeply proud of the work it does every day to keep children safe. It is because of that pride, passion, and because of the seriousness with which our members take their obligations, that I asked this Queensland-specific submission to be placed on the record.

Our members support genuine child safety reform. The data in this document makes that unambiguously clear. But the data also tells us that reform, to land well in Queensland, must be paced, properly resourced, evidence-based, and sensitive to the reality of operating a small to medium-sized family-owned service in a regional town, a First Nations community, or on a school campus.

In too many places across this state, our members are the safety net. We cannot afford for that safety net to fray because well-intentioned reform arrived faster than the sector could absorb it. The sector is grappling with unprecedented levels of reform and uncertainty.

This Queensland evidence reinforces the request for clarity on timing, resourcing, and regulator consistency. Queensland members have written to us about heightened stress, educator and provider burnout, resource strain, and a real fear of inadvertent non-compliance due to the volume and complexity of concurrent change.

These are not complaints. They are warnings from private, for-purpose operators who care deeply about the sector.

Queensland's geography and demography mean that national settings do not always apply evenly. Our members have specifically asked that implementation guidance consider First Nations communities, remote services, and services operating on school premises or under principal-led governance structures.

Workforce pipeline constraints in Queensland's regional and remote centres also make the 'working towards' ratio counting proposal particularly sensitive. Some of the proposed reforms will disproportionately affect rural and remote communities, requiring them to operate under waiver arrangements or preventing them from serving their communities. Similarly, over-supplied areas result in comparable constraints and consequences, which are playing out in real time.

ACA Queensland appreciates the consultation opportunity. We stand ready to work with the Department of Education and the Regulatory Authority on each recommendation set out in this submission. Child safety is the foundation of everything our members do; reform that strengthens that foundation without compromising the viability and responsiveness of the Queensland sector is reform we will champion.



Majella Fitzsimmons

President

Executive Summary

This submission is the Queensland-specific companion to the Australian Childcare Alliance's national response to the Department's second round of National Child Safety Reforms. Queensland is the primary consultation jurisdiction and holds the largest single-state sample in the ACA's evidence base, enabling us to speak with confidence about how the proposed reforms land in Queensland services.

The evidence base for this Queensland submission is drawn from 49 Queensland-attributable respondents: 47 approved providers and service leaders who participated in the ACA's facilitated consultation session, and two detailed written submissions provided by Queensland members during the consultation period.

Queensland members support genuine child-safety reform. For most of the proposed reforms, our support is equivalent to, or higher than, the national average.

Queensland also, however, records some of the strongest opposition in the country to four specific proposals, which should be reconsidered before they proceed to legislation in the Queensland context.

Where Queensland members strongly support reform

- Defining 'adequate supervision' in the National Law and strengthening supervision policies and procedures (91–84% QLD support).
- Clearer guidance on Persons with Management or Control (PMC) responsibilities and prohibition orders against individuals (95.7% and 91.7% QLD support).
- Extending suspension, supervision and training directions to individuals, together with information-sharing arrangements (90.0–95.8% QLD support across the six Reform 4 items).
- Guidance on existing whistleblower protections (91.3% QLD support).
- Every element of the fencing reform — guidance, awareness, strengthened Regulation 104 and alignment with AS 1926.1 and AS 4685 (84.2–95.5% QLD support).

Where Queensland members do not support the proposals as drafted

- Compelling disclosure of property ownership and leasing arrangements (17.4% QLD support; the strongest opposition recorded anywhere in the national evidence base), with no demonstrated child-safety benefit.
- Publication of PMC identities and provider type on Starting Blocks (30.4% QLD support), as there is an unclear nexus to child safety and risk of deterring governance volunteers.
- Updating quality ratings during an active investigation (28.6% QLD support), many argue that natural justice concerns and risk of reputational harm should be considered before substantiation.
- Tightening how 'working towards' qualifications are counted in ratios (52.0% QLD support), which will have a significant impact on workforce, trainee and fee-cap impacts – members seek sector co-design.

Context and Methodology

Policy context

From 27 February 2026, all changes to the National Law Child Safety Decision Regulation Impact Statement (DRIS) and associated National Law and Regulation amendments agreed by Education Ministers take effect. The second consultation round, led by the Queensland Department, addresses seven additional reform areas.

The ACA's pre-consultation briefing (prepared and submitted prior to the ECEC Reference Group Meeting in Sydney on 11 March 2026) set out the Alliance's in-principle position on each area. This submission builds on those opinions by providing evidence and data that demonstrate the experience of those delivering ECEC and identify where the greatest child safety benefits will be achieved.

Queensland's evidence

ACA Qld convened a facilitated three consultation webinars with 47 approved providers and service leaders from across the state. Queensland is the largest single-state sample in the ACA's national dataset and supplies more than 670 qualitative comments, from which a representative selection is reproduced throughout this submission.

In addition, two detailed written submissions were provided to the ACA Qld by Queensland members during the consultation period, expressly for sharing with the Department. Both are reproduced in the supervision section of this submission in substantial extract, with member names withheld and authors identified by role and jurisdiction.

National comparison figures used throughout this submission are drawn from the ACA's combined 131 responses across the five-jurisdiction dataset (NSW, QLD, SA, VIC, WA). Where the Queensland result is materially above or below the national figure, the divergence is explicitly discussed.

Queensland evidence-based summary (n = 49)

Stream	Respondents	Notes
ACA Queensland facilitated session	47	Largest single-state sample in the national ACA dataset, March–April 2026
Written submission - single-service QLD centre	1	Team-developed submission from a small owner-operated Queensland service
Written submission - QLD multi-site group	1	Submission from a three-service Queensland owner-operator
Queensland evidence base	49	Supplemented by >670 Queensland qualitative comments from the facilitated session

Throughout this submission, Queensland's combined support refers to 'Yes' plus 'Yes with conditions' within the Queensland facilitated session (n = 47). Where there is a material gap between 'Yes' outright and 'Yes with conditions', that gap is treated as an indicator of Queensland sector concern that the reform design must address before proceeding.

Reform 1: Supervision Practices

The consultation proposes to define ‘adequate supervision’ in the National Law, embed supervision and single-educator risk assessment in the child-safe environment policy (QA2 / NR 168), amend QA4 Element 4.1.1, and review how ‘working towards’ qualifications are counted in ratios, alongside targeted consultation on across-service (‘under-the-roof’) ratios.

Queensland findings

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
1.2 Strengthen supervision through policies, procedures and single-educator risk assessment	84%	95.4%	Support - align with QA2 child-safe environment policy; avoid duplication with existing obligations.
1.3 Define ‘adequate supervision’ in the National Law	91.3%	93.1%	Support - definition must centre functional proximity, direct engagement and real-time capacity to intervene.
1.4 Amend Quality Area 4 / Element 4.1.1 to reference child safety	63.6%	70.3%	Support with conditions - ensure it does not duplicate QA2 and that intent is clarified in guidance.
1.5 Tighten counting of ‘working towards’ staff in ratios	52%	53.9%	Do not support as drafted - significant workforce, trainee and fee-cap impacts; co-design required.

Queensland members endorse the intent to clarify ‘adequate supervision’ and to define it in the National Law (91.3%), consistent with the national response. The gap between national and Queensland support on 1.2 (95.4% nationally versus 84.0% in Queensland) reflects Queensland’s comments that supervision policy in QA2 is already a live, enforceable obligation and that the proposed reform must genuinely add clarity rather than create another duplicate layer.

Item 1.5, changes to how ‘working towards’ qualifications are counted, attracts only 52.0% Queensland support and is the weakest result in the Queensland supervision area.

Queensland comments repeatedly raise the same concern: the proposal must differentiate genuinely inexperienced staff on a pathway from experienced educators who are ‘working towards’ an advanced qualification and must not disrupt the trainee pipeline at a time when the fee-cap tied to the Worker Retention Payment already constrains service viability.

“‘Adequate supervision’ needs to allow for indoor and outdoor programs. It needs to allow educators to respond to children’s needs, rather than looking at numbers only.” QLD participant, 1.3

“Working towards qualifications needs to distinguish between a Cert III trainee and an experienced educator working towards a Diploma. Treating them identically is not workforce reality in Queensland.” QLD participant, 1.5

“Kindy and BSC (Before School Care) in some rural settings rely heavily on ‘working towards’ staff. A blanket change to the ratio counting will remove services entirely.” QLD participant, 1.5

Regarding across-service (‘under-the-roof’) ratios, Queensland provides especially detailed evidence because two of the ACA’s three written submissions during the consultation came from Queensland providers. These submissions are reproduced in full or significant part below. Queensland members emphasize that the service-wide ratio is merely a minimum - it does not, on its own, demonstrate adequate supervision.

Any reforms should differentiate between services that misuse across-service ratios (which are already non-compliant under current law) and those that appropriately apply supervised flexibility, such as early-morning arrivals, late-afternoon consolidations, or mixed-age groups supporting continuity of care. Reforms should also clarify and enforce the definition of ‘working directly with children’ at the point of care, rather than re-legislating what is already established law.

“There has been a lot of talk lately around ‘under the roof’ or ‘across-the-service’ ratios, and if we’re honest, we understand why. Some of the stories being shared online are upsetting - educators feeling unsupported, children in environments that feel chaotic or stretched, staff being counted when they shouldn’t be, decisions being made around money, not children. That is not okay. We are not defending poor practice. If a service is counting a cook in the kitchen, counting a Director sitting in the office, or using across-the-service to cut corners, that should absolutely be dealt with.”

Approved provider, 3-service group, Queensland

“At times in our service a large group of mixed-age children may gather at our Yarning Circle. There might be 20, 25, even 30 children there because they are interested, engaged and choosing to be there. Educators move there too, not because someone blows a whistle, but because that is where the children are. On paper, if you tried to split those children up into their individual room/age ratio categories in a static way, it might look messy and non-compliant. In reality it is often far safer and far more appropriate than forcing children to disperse simply because the adults need the numbers to look neater. That is not lesser supervision. That is better supervision.”

Approved provider, 3-service group, Queensland

“We would absolutely support clearer boundaries such as: a cook in the kitchen should not be counted, a Director in the office should not be counted, administrative staff should not be counted, staff on breaks should not be counted, and staff who are not actively and directly supervising children should not be counted. The issue is not flexibility. The issue is pretending to have support where no support exists. Children are human beings, not movable compliance units.”

Approved provider, 3-service group, Queensland

Queensland — small owner-operated service

“At the heart of our philosophy is a deep respect for children as capable, thinking, feeling individuals. We do not believe children should be corralled, grouped or restricted based on a number decided externally. We believe children should have the right to decide where they feel most comfortable, to choose who they want to be with, to build relationships with educators and peers across the service, and to follow their interests and ideas without unnecessary interruption. This is not a lack of structure — it is a thoughtful, intentional approach grounded in relationships, trust and professional knowledge.”

— Approved provider, small single-service centre, Queensland

“Our educators are highly skilled professionals who continuously observe, reflect and respond to children. We work above required ratios and meet regularly to discuss each child’s learning, wellbeing, relationships and safety. Each child also has a Kindy Companion — an educator who advocates for them and ensures their voice is heard and their learning is progressing. Across-the-service ratio, when used as intended, supports this way of working. It allows flexibility, responsiveness and authenticity. It enables educators to follow children’s lead, rather than forcing children to fit into systems that do not serve them.”

— Approved provider, small single-service centre, Queensland

Recommendations: Reform 1

1. Proceed with proposals 1.2 and 1.3 to clarify 'adequate supervision' and align provider policy requirements to QA2, with Queensland-specific implementation guidance that references existing QA2/NR 168 obligations to avoid duplication.
2. Progress QA4/4.1.1 changes (1.4) only alongside ACECQA guidance that avoids duplication with QA2.
3. Pause proposal 1.5 pending sector co-design with the ACA that differentiates qualification pathways (Cert III vs. Diploma 'working towards'), assesses workforce, trainee and fee-cap impacts, and protects service viability in rural and regional Queensland.
4. On under-the-roof practices: issue clear, scenario-based guidance rather than new legislation. Explicitly recognise Queensland's high-quality flexible practice models and the paramount benefit required to support children to move freely (including mixed-age indoor-outdoor programmes, sibling connection, nature-based kindergarten models).

Reform 2: Increasing Transparency for Families

The consultation proposes minimum standards for proactive sharing of compliance and enforcement information with families, additions to NR 167, penalties for providing false or misleading information, and supporting guidance.

Queensland findings

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
2.1 Minimum standards for proactive sharing of compliance information	66.7%	59.4%	Support with conditions - clear seriousness threshold; plain-English communications.
2.2 Additions to NR 167 and penalties for false or misleading information	63.6%	53.1%	Support with conditions - penalties must target wilful misconduct, not administrative error.
2.3 Guidance and communications for providers	59.1%	58.6%	Conditional support - Queensland-specific communications resources required.

Queensland support for the Reform 2 proposals (59–67%) is broadly aligned with the national picture, and slightly above the national average on 2.1 and 2.2. Queensland members agreed that families have a right to meaningful information but were consistently cautious about the execution: disclosures should be proportionate, linked to a defined seriousness threshold, and accompanied by a plain-English explanation of what a notification does and does not mean.

Queensland members also raised two specific concerns, particularly relevant to the Queensland Government. First, the confidentiality of staff, educators and children during any investigation must be protected; families may form rapid judgements about named individuals whose matters are ultimately unsubstantiated. Second, Queensland members warned that transparency obligations layered on top of the existing Queensland compliance history disclosure (already displayed at services and available through the regulator) must be carefully designed to avoid duplication.

“The confidentiality of educators and children should be considered carefully. Families may make judgments about educators if they know an investigation is under way.” QLD participant

“We already display and provide compliance history. If there is a national standard, it should replace, not stack on top of, the Queensland requirement.” QLD participant

“NR 167 currently operates reasonably well in Queensland. The penalty framework should distinguish wilful misrepresentation from administrative error.” QLD participant, 2.2

“Family-facing communications need to be culturally and linguistically appropriate what works in Brisbane CBD will not work in Cape York or the Torres Strait.” QLD participant, 2.3



The Queensland Regulatory Authority already operates its own public-facing channel that increases transparency for families (as pictured). This information is regulator-driven, reaches families and the public directly, and generally operates after a determination has been made (i.e. the service has been prosecuted, or formal enforcement action has concluded).

The proposed Reform 2 measures, by contrast, are provider-driven: services would be required to proactively tell their own families about compliance matters, with additions to NR 167 and penalties under 2.2 if those communications are false or misleading. There are three issues with this:

- **Compounding reputational impact:** A service named in a Qld RA prosecution post is already identified in a channel that can surface in a parent's feed out of context, stripped of the service's broader compliance profile. Layering a mandatory provider-to-family disclosure on top of that, especially if paired with proposal 6.1 (live rating change during investigation), means the same event is broadcast on at least three channels simultaneously.
- **Sequencing and content alignment:** If a provider must communicate with families under a proposed 2.1 threshold before the Qld RA's own publication, families hear from two sources at two different times in two different wordings, and the NR 167 penalty regime in 2.2 creates genuine legal exposure for honest wording differences.
- **Natural justice:** The Qld RA's current social media practice is, in general, post-prosecution - consistent with the due-process protections Queensland members repeatedly raise in this consultation.

Regardless of context or parental knowledge, such information provision greatly affects the sector, fostering blanket concern about the sector as a whole while offering no counterweight to the positive, contextual information about the high-quality practice that is in fact the norm across Queensland services.

Recommendations: Reform 2

5. Proceed with minimum transparency standards but define a national seriousness threshold linked to enforcement action, conditions on approval, suspension, or serious incidents under active investigation.
6. Avoid duplication with existing Queensland compliance history display and access arrangements.
7. Pair any additions to NR 167 with a clear distinction between willful misrepresentation (penalty warranted) and administrative error (guidance and rectification).
8. Resource the Queensland Regulatory Authority to close the investigative feedback loop quickly, a delayed investigation undermines both family trust and provider confidence.
9. Co-design plain-English, culturally and linguistically appropriate communications materials with Queensland providers, ACECQA and families, including materials suitable for regional, remote and First Nations communities.

Reform 3: PMC Fitness and Propriety

The consultation proposes guidance on PMC responsibilities, new enforcement tools (suspension/training directions, intervention on new appointments, directed removal, prohibition orders, and provider offences), publication of PMC identities and provider type on Starting Blocks, and a power to compel property and leasing documentation.

Queensland findings

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
3.1 Guidance on PMC responsibilities and fitness/propriety assessment	95.7%	87.1%	Support - Queensland support exceeds national average; guidance is overdue and beneficial.
3.2a Suspension / training directions on a PMC	90.9%	72.3%	Support with conditions - procedural fairness, clear thresholds, proportionality.
3.2b Intervene on new PMC appointments pending assessment	52.2%	70.6%	Do not support as drafted - must be paired with statutory regulator timeframes.
3.2c Direct removal of a PMC found not fit and proper	78.3%	77.2%	Support with conditions - threshold and right of review.
3.2d Prohibition orders for individuals from acting as PMC	91.7%	86.6%	Support - strong, consistent response to unfit individuals.
3.2e Offence for providers who allow a prohibited/suspended PMC	75%	77.8%	Support with conditions.
3.3 Publish PMC identities and provider type on Starting Blocks	30.4%	39.7%	Do not support - Queensland opposition below the national average; nexus to child safety not demonstrated.
3.4 Compel disclosure of property ownership and leasing arrangements	17.4%	29.4%	Do not support - strongest opposition in the country; no demonstrated child-safety benefit.
3.5 Personal liability / accountability alignment for PMCs	83.3%	83.7%	Support.

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
3.6 PMC training / capability requirements	83.3%	77.2%	Support - particularly relevant where school principals or boards act as PMC.
3.7 Related enforcement and implementation measures	94.7%	73.8%	Support with conditions - Queensland support materially higher than national average.

Queensland members strongly support better-targeted PMC fitness and propriety tools that are directly tied to children’s wellbeing and that support strong, enforceable accountability for individuals whose conduct places children at risk.

Two Queensland-specific signals require careful attention.

First, proposal 3.2b (intervention on new PMC appointments pending assessment) attracts only 52.2% Queensland support, against 70.6% nationally. Queensland members’ comments make the reason clear: regulator assessments currently take too long, and a formal power to intervene on new appointments without a statutory cap on assessment time would effectively suspend appointments indefinitely.

Second, Queensland records the strongest opposition in the country to proposal 3.4 (compelled property and leasing disclosure), at 17.4% support. The ACA pre-briefing paper flagged this concern in advance: PMC identity and property ownership are separate issues; the relevance of personal asset disclosure to child safety is not established; and such disclosures disproportionately deter community-minded governance.

“This has the potential to deter any community board member from stepping up. Our local kindy is run by a volunteer committee -they are not going to submit personal financial and property information.” QLD participant, 3.3 / 3.4

“Increasing accountability on PMCs will improve child safety in the ECEC sector. Focusing on improved governance systems should be the focus of these legislative changes.” QLD participant, 3.1

“The current legislation has a gap here. This proposed change will address the gap.” QLD participant, 3.2b

“When you submit a new Provider Approval, the PMC needs to undertake an online test if they do not have experience. This should be the same.” QLD participant, 3.6

“The regulator is currently taking up to two years to respond to a PMC fitness application. A new intervention power on new appointments will freeze people out of the sector by default.” QLD participant, 3.2b

“Leasing arrangements and personal property ownership have nothing to do with whether a child is safe in my service. This is a very confronting overreach.” — QLD participant, 3.4

“I am happy to be named as PMC. I am not happy to publish my private residential property holdings.” QLD participant, 3.3 / 3.4

Queensland members also consistently raised concerns about the regulator's timeliness across the PMC area, describing internal review processes that can take up to 2 years. New intervention powers under 3.2b must therefore be paired with enforceable service standards on regulator responsiveness before Queensland can be expected to support the proposal.

Recommendations: Reform 3

10. Proceed with proposals 3.1, 3.2a, 3.2d, 3.5, 3.6 and 3.7 - all with Queensland support at or above 83%, accompanied by statutory thresholds and procedural fairness protections.
11. Redesign proposal 3.2b with statutory timeframes attached to the assessment so that regulator inaction does not amount to indefinite suspension of a new appointment.
12. Redesign proposals 3.2c and 3.2e with clearer threshold and review criteria before progression.
13. Do not proceed with proposal 3.3 (publication of PMC identities on Starting Blocks) as currently drafted. If retained, publish only where a fitness-and-propriety finding has been made, not by default.
14. Do not proceed with proposal 3.4 (compelled property/leasing disclosure). If the Department believes there is a demonstrable financial-viability risk that requires this information, develop a narrowly scoped financial-risk framework rather than a general disclosure power.

Reform 4: Suspension, Supervision and Training Directions

The consultation proposes to extend suspension, supervision and training directions to individuals as well as providers (aligning with the family day care educator suspension model), and to enable regulator disclosure of direction status to current providers automatically, and to prospective providers or recruitment agencies on request.

Queensland findings

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
4.1 Apply directions to individuals as well as providers	95.8%	90.9%	Support with conditions - thresholds, due process and appeal pathways.
4.2 Individual accountability for non-compliant conduct	90%	84.6%	Support - already a principled ACA position.
4.3 Direct supervision requirements for individuals	77.3%	90.4%	Support with conditions - clear exit pathway once remediated.
4.4 Information sharing with current approved provider	90.9%	97.3%	Strong support - addresses a well-known information gap.
4.5 Information sharing with prospective providers on request	91.7%	94.6%	Support - critical to prevent jurisdiction-hopping.
4.6 Information sharing with recruitment agencies on request	90.9%	97.3%	Strong support - consistent with workforce-integrity objective.

This is the most consistently supported reform area across the Queensland sample and one of the most aligned nationally. Every item attracts at least 77.3% Queensland support, and four of six items exceed 90%. Queensland members particularly endorsed the extension of directions to individuals, the information-sharing proposals, and the alignment of individual accountability with National Law obligations.

Queensland comments consistently raised three design conditions.

First, thresholds for directions must be clear and proportionate; minor unresolved matters are not the same as patterns of serious misconduct. Second, there must be defined timeframes for both decisions and for the duration of any direction, and an accessible appeal pathway. Third, the disclosure framework to prospective providers and recruitment agencies must balance workforce integrity with the need to avoid unfair reputational harm where a matter is ultimately unfounded.

Queensland members also consistently linked this reform to the need for a comprehensive, interactive National Educator Register - a live ACA pre-budget ask - so that employers can verify status consistently across jurisdictions.

“When workers are entered on the register, the Approved Provider could be made aware of supervision, suspension and training directions.” QLD participant, 4.4

“This is exactly what we have been asking for. We need to be able to verify, at the point of hiring, whether a candidate is subject to a direction - otherwise the system is broken.” QLD participant, 4.5

“It is already hard to get agency staff. If the regulator can confirm agency workers’ status with directions, that helps - but we still need a fast, online verification route.” QLD participant, 4.6

“The educator must have the right to respond and to appeal. Directions should have a defined duration and an exit pathway once the educator completes training.” QLD participant, 4.3

“It should be like the Worker Register - as an employer I should be able to put the name in somewhere. People give false references.” QLD participant, 4.5

Recommendations: Reform 4

15. Proceed with all six proposals, subject to nationally consistent guidance and proportionality principles, and with Queensland-specific implementation guidance.
16. Publish statutory maximum timeframes for directions and for their review.
17. Provide accessible, low-cost appeal pathways to guard against career-ending consequences arising from unresolved matters.
18. Align implementation with the ACA’s pre-budget call for a comprehensive, interactive National Educator Register so that Queensland employers can verify qualifications, Blue Card / WWCC status, and any substantiated findings consistently across jurisdictions.

Reform 5: Whistleblower Protections

The consultation proposes to strengthen existing National Law whistleblower protections (Part 14, Division 7; sections 297–300) through guidance and education, and legislative change to ensure non-disclosure agreements cannot suppress child-safety disclosures.

Queensland findings

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
5.1 Guidance and education on current whistleblower protections	91.3%	86.9%	Support - clear information gap to close.
5.2 Legislative change on NDAs / contractual confidentiality	72.2%	76.1%	Support with conditions - target clauses that suppress child-safety disclosures.

Queensland support for 5.1 (91.3%) is above the national average, indicating that Queensland members are clear that knowledge of the existing protections in the National Law is uneven, particularly around what can still be disclosed to the regulator or to the Queensland Department while an NDA is in place. Queensland support for 5.2 (72.2%) is more nuanced: members endorse the intent, but consistently emphasise that reform should target clauses that suppress child-safety disclosures specifically, rather than a blanket prohibition on all confidentiality arrangements. Queensland commercial and employment arrangements often include legitimate confidentiality obligations that are unrelated to child safety and should remain enforceable.

“NDAs that are in place addressing issues that breach National Law should be prohibited.” QLD participant, 5.2

“I support this fully. These are the areas of the National Law that need addressing.” QLD participant, 5.1

“Staff in Queensland are often unclear about how the existing whistleblower provisions work alongside Queensland workplace law. Guidance first, legislation second.” QLD participant, 5.1

“Target the clause, not the document. Blanket voiding of NDAs is a step too far for routine commercial matters.” QLD participant, 5.2

Recommendations: Reform 5

19. Release comprehensive guidance and training on current whistleblower protections ahead of any legislative change, with Queensland-specific examples.
20. Introduce legislation rendering void any NDA or contractual confidentiality clause that purports to prevent disclosure to a regulator, law enforcement, or child protection body of conduct that may constitute a breach of the National Law or harm to a child.
21. Preserve legitimate confidentiality obligations for commercial and personal information unrelated to child safety.

Reform 6: Updating Quality Ratings During and After Investigation

The consultation proposes to extend section 138 of the National Law so Regulatory Authorities may update a quality rating during an investigation, and move a rating to ‘under review’ immediately after an investigation, pending reassessment.

Queensland findings

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
6.1 Update quality rating during an active investigation	28.6%	30.9%	Do not support - natural justice and reputational harm before substantiation.
6.2 Update quality rating immediately following an investigation	42.9%	50.7%	Conditional support - only where persistent or systemic non-compliance is established.

Proposal 6.1 records only 28.6% Queensland support - the second-lowest result in the entire Queensland consultation, narrowly ahead of 3.4 (17.4%). Queensland comments consistently raise three concerns.

First, natural justice: a service should not be downgraded on the public record before an allegation is substantiated. Second, reputational harm: Queensland members observe that a single negative incident is not representative of a service’s overall quality profile, and that premature rating changes can trigger rapid enrolment withdrawals and threaten viability, particularly in smaller regional markets where a single service may be the only local provider and in areas of oversupply. Third, self-reporting chill: Queensland members are explicit that this proposal risks reducing voluntary self-reporting of incidents - a regression in child safety, not a gain.

“Natural justice should apply here. I do not support this when the service is under investigation.” QLD participant, 6.1

“There is a real risk to the ECEC profession here.” QLD participant, 6.1

“This is going to push providers to stop self-reporting incidents. How long will it take to get re-assessed? What if it is a one-off scenario?” QLD participant, 6.1

“Serious or continuous incidents - yes. But once the investigation is complete, not during. This makes people scared to report.” QLD participant, 6.1 / 6.2

“We already publish compliance history. A service under investigation that is later cleared will still carry the ‘under review’ label in Queensland parents’ minds for years.” QLD participant, 6.1

Proposal 6.2 attracts 42.9% Queensland support, indicating that Queensland members are prepared to endorse a rating review after investigation, but only where a pattern of persistent or systemic non-compliance has been established. A default move to ‘under review’ after every completed investigation, regardless of findings, is not supported in Queensland.

Recommendations: Reform 6

22. Do not proceed with proposal 6.1 (rating change during active investigation) as drafted.
23. Instead, strengthen the transparency proposals (Reform 2) so Queensland families are informed in plain English that a service is under investigation, while the rating itself is preserved pending findings.
24. If 6.2 proceeds, limit its application to findings of persistent or systemic non-compliance, with a defined threshold and a transparent pathway for reinstatement of the prior rating.
25. Pair any rating-change mechanism with a plain-language Queensland-facing explanation of what 'under review' does and does not mean.

Reform 7: Safer Fencing

The consultation proposes ACECQA guidance and a Kidsafe-partnered awareness campaign on entrapment, hanging and strangulation risks; strengthened Regulation 104 (non-retrospective); notes referring to AS 1926.1; and national advocacy to amend AS 1926.1 to align with AS 4685.

Queensland findings

Reform proposal (consultation item)	QLD support	National support	ACA Queensland position
7.1a ACECQA guidance on safe fencing profiles	95.5%	97.7%	Strong support.
7.1b Awareness campaign in partnership with Kidsafe	95.2%	95%	Strong support.
7.2a Strengthen Regulation 104 (non-retrospective)	89.5%	75.1%	Support with conditions - Queensland support materially higher than national average.
7.2b Add note to Regulation 104 referring to AS 1926.1	84.2%	89.8%	Support.
7.3a National advocacy to amend AS 1926.1	84.2%	94.2%	Support.
7.3b Further notes and alignment with AS 4685	94.4%	97.9%	Strong support.

Fencing is the most consistently supported reform area in the Queensland consultation, with every proposal attracting at least 84.2% support. Queensland support for 7.2a (strengthening Regulation 104) is 89.5%, materially above the national figure of 75.1%. Queensland members are willing to take on stronger fencing obligations, provided implementation is non-retrospective, supported by transition guidance, and accompanied by funding assistance where capital works are required. Queensland services operating in leased premises, in tropical environments, or 52 weeks of the year raised particularly practical concerns about underground services, drainage and remediation.

“Guidance is good, but if it is open for interpretation AOs often have different opinions.” QLD participant, 7.1a

“Queensland weather makes some of the AS 1926.1 profiles impractical - guidance must address tropical and cyclonic conditions.” QLD participant, 7.1a

“We need a bridging timeline for Queensland services to meet any strengthened Regulation 104 - many of us are in heritage or leased premises.” QLD participant, 7.2a

“Alignment with AS 4685 is sensible - we already buy to that standard for playground equipment.” QLD participant, 7.3b

Recommendations: Reform 7

26. Proceed with 7.1a, 7.1b, 7.2b, 7.3a and 7.3b immediately - high Queensland support, low burden, clear safety rationale.
27. Implement 7.2a (strengthened Regulation 104) on a strictly non-retrospective basis, with national transition guidance, Queensland-specific funding support where capital works are required, and a coordinated waiver pathway.
28. Resource Queensland Authorised Officers with nationally consistent interpretation guidance to prevent divergent assessment outcomes.

Appendix A: Queensland Written Submissions (Reproduced in Full)

The two Queensland written submissions are reproduced in full in this Appendix. Both were prepared by Approved Providers during the consultation period and provided to the ACA Qld, expressly for sharing with the Department. Author names and identifying business details have been withheld; authors are identified by role and jurisdiction only. Content is otherwise reproduced faithfully, with only light structural formatting added for readability.

B.1 Queensland multi-site owner-operator

Author: Approved provider, 3-service group, Queensland

Subject: “Across-the-Service” ratios

Across-the-Service Ratios

There has been a lot of talk lately around ‘under the roof’ or ‘across-the-service’ ratios - and if we’re honest, we understand why. Some of the stories being shared online are upsetting. Educators feeling unsupported, children in environments that feel chaotic or stretched, staff being counted when they shouldn’t be, decisions being made around money, not children. It’s not okay.

We want to be clear from the outset - we’re not defending poor practice. If a service is counting a cook in the kitchen, counting a Director sitting in the office, leaving educators overwhelmed, or using across-the-service to cut corners, then that should absolutely be dealt with. That is not high quality. That is not child-centred. And that should not be protected.

But it’s not the same thing as thoughtfully and responsibly using across-the-service ratios in a genuinely high-quality service. We think that distinction matters enormously. Because if we fail to separate misuse from best practice, we risk removing something that, when used well, is incredibly beneficial for children, educators, and the overall quality of a service.

The real issue is not flexibility. The real issue is poor leadership and poor practice. Across-the-service ratios are not the problem. Poor leadership is the problem, and people bending or abusing the system is the problem. Removing across-the-service ratios will not magically fix those services. It will just make poor services look more compliant on paper, while forcing high-quality services backwards. That’s the bit that worries us the most. There is a huge difference between a service that is unsafe and cutting corners and a service that is fluid, responsive, child-led and using professional judgement well. At the moment, those two things are being lumped together as if they are one and the same. They are not.

One of the biggest problems in this conversation is that people are hearing the worst examples - and assuming that is what across-the-service always looks like. It isn’t. So we want to paint a picture of what it looks like when it’s done well. In our services, across-the-service does not look like chaos. It looks like calm. It looks like connection. It looks like children being deeply engaged. It looks like educators being where they are needed — not where a clipboard says they should stand.

In our services, children are not confined to a room because of a ratio count. They are free to move through an indoor-outdoor environment that has been intentionally designed around children’s voices, choices, agency and autonomy. It means a child might choose to play outdoors, move inside to construction, sit in a quiet corner with a book, eat when they are hungry, visit a sibling, join a group experience, or rest when their body needs it. That is not poor practice. That is respectful, responsive early childhood education. And our educators move accordingly. They don’t stay frozen in a room because that’s where they were rostered at 8:15am. They move based on where children are, where risk is, where engagement is, and where support is needed — that is what real supervision looks like.

Children do not live their lives in 'rooms'. Children experience the world through movement, curiosity, relationships, exploration, rhythm, connection. They do not think in terms of: 'This is my allocated space, and I must remain here for the next three hours for compliance purposes.' That may suit administration, but it is not how children naturally learn, play, regulate or connect. And if we build our systems around what is easiest to count, instead of what is best for children, then we are heading in the wrong direction.

A real example: our Yarning Circle:

At times in our service, a large group of mixed-age children may gather at something like our Yarning Circle. There might be 20, 25, or even 30 children there at one point because they are interested, engaged, and choosing to be there. When that happens, educators move there too. Not because someone blows a whistle and reallocates them, but because that is where the children are. We may have 3 or 4 educators fully present in that space, while other educators are positioned with the children who have chosen to be elsewhere. It is calm. It is connected. It is supervised. It is responsive.

On paper, if you tried to split those children up into their individual 'room/age ratio categories' in a static way, it might look messy, and it might look non-compliant. But in reality, it is often far safer and far more appropriate than forcing children to disperse simply because the adults need the numbers to look neater.

We think we need to ask a very honest question: what is safer? Breaking up a calm, engaged, well-supervised group of children just so the ratios 'look right' on paper... or allowing educators to remain where children are? Because those are not always the same thing.

Across-the-service allows educators to respond to real life

Good early childhood environments are fluid. Children gather. Then they spread out. Then they regroup. Then they move again. The environment shifts constantly. A child might suddenly need support. A group might become more physical. A quiet corner might become busy. The outdoor area might suddenly draw half the group after (or during) a rain shower. Across-the-service allows educators to respond to that in real time. It allows adults to say: 'That space needs another set of eyes.' 'Those children are clustering there.' 'That child needs me right now.' 'That group is deeply engaged.' That is not lesser supervision. That is better supervision. It's based on what is actually happening, not what was written in a room allocation plan an hour ago.

It also protects what matters most - children's relationships

Rigid room/age-based thinking doesn't just affect staffing. It affects children's lives. Let's say a child wants to visit their sibling. In a rigid, age/room-bound system, that can suddenly become a 'ratio issue'. So what happens? Do we stop the visit? Send the child away? Move another child out? Call an educator in for one extra child? Interrupt a meaningful moment because the spreadsheet doesn't like it? That is madness, and more importantly, it is not in the best interests of children. Children are human beings, not movable compliance units. Relationships matter. Attachment matters. Belonging matters. And across-the-service allows for a much more humane and realistic approach to that.

The same goes for movement, choice and regulation. Is it really best practice to move a child out of a room because that room has gone one over ratio? Is it really best practice to stop a child joining a space they feel drawn to? Is it really best practice to confine children to rigid rooms and fixed routines simply because it is easier to count them that way? We would argue no. We would argue that doing so often creates the exact kinds of problems we say we are trying to avoid. Because when children are over-controlled, over-restricted, constantly redirected, or unable to move in ways that feel natural to them, they often become more dysregulated, not less. And

dysregulated children are not safer children. Engaged, calm, connected, well-supported children are safer. Across-the-service, when done well, supports exactly that.

This matters for educators, too.

High-quality early childhood practice doesn't just rely on numbers. It relies on educators being able to use professional judgement. Across-the-service, when implemented properly, allows educators to respond to the actual flow of the day, support children where they are, move with intention, and work in a way that feels responsive rather than robotic. Take that away, and what are we left with? More room confinement. More group movement. More disruption. More unnecessary transitions. More 'no, not now'. More policing. More compliance-driven decisions. That is not going to make good educators feel more effective. It is going to make them feel more boxed in, more micromanaged, and more disconnected from what they know children need.

If across-the-service is being abused, tighten the rules around the abuse.

If the concern is misuse, then deal with the misuse. Put stronger rules in place around who can and cannot be counted, what constitutes direct supervision, what adequate supervision looks like, and what practices are clearly unacceptable. For example, we would absolutely support clearer boundaries such as:

- a cook in the kitchen should not be counted,
- a Director in the office should not be counted,
- administrative staff should not be counted,
- staff on breaks should not be counted, and
- staff who are not actively and directly supervising children should not be counted.

We think most high-quality providers would agree with that. Because the issue is not flexibility. The issue is pretending to have support where no support exists. If services are crossing that line, then yes — they should be pulled up for it. But please don't remove a whole model of responsive, child-centred practice just because some people are doing the wrong thing with it.

If we remove across-the-service ratios, what are we really bringing back?

If we take away across-the-service ratios entirely, what replaces them? Fixed rooms, fixed groups, fixed routines, more transitions, less flexibility, less movement, less choice, less child agency, more adult control, more institutionalised practice dressed up as 'safety'. That is not progress. That is going backwards. It strips the life out of good early childhood practice. That should concern all of us.

Children should not lose freedom because adults have misused a system. What is being proposed in many of these conversations is essentially this: some adults have used flexibility badly, therefore all children must now lose flexibility altogether. That is not a child-centred response. That is a system-centred response.

In our view, the answer is not to abolish across-the-service ratios. The answer is to get much clearer and much firmer about what is and isn't acceptable within them. That means stronger accountability for poor practice, clearer definitions around who can be counted, better enforcement where services are genuinely unsafe, clearer expectations around adequate supervision, and protection for high-quality services who are using flexibility well. This keeps children at the centre of the conversation.

In closing

It really comes down to one simple question. If a model allows us to respond to children in real time, support movement and connection, preserve sibling relationships, allow choice and

autonomy, reduce unnecessary transitions, and place educators where they are most needed... should we remove it? Or should we get better at making sure it is used properly?

If we truly believe children are capable, competent, relational human beings - not just bodies to be placed and counted - then our systems need to reflect that. Across-the-service ratios, when used with integrity, do not weaken safety. They allow safety to be responsive, relational, dynamic and real. That is worth protecting.

We recently reached out to our families to ask what they value about this kind of environment, and the responses were incredibly telling. Parents spoke about valuing the freedom their child has to move naturally between spaces, the ability to be outdoors more often, the calm, responsive feel of the environment, the confidence and independence this approach builds, the benefits of mixed-age connection and sibling relationships, and the way educators are present where children actually are, rather than being confined by rigid room structures. One parent shared that this style of environment was exactly what drew them to our service in the first place. Another spoke about how their child thrives in a space where they can choose, explore, and engage in open-ended play rather than being over-structured. Another described how meaningful it is that their child can move freely, form relationships across the service, and be supported by educators they feel most connected to.

These are not small things. These are the very things that define high-quality childhood. And they should not be lost because some services have chosen to misuse a system that, when implemented properly, can be deeply beneficial.

B.2 Queensland small owner-operated service

Author: Approved provider, small single-service centre, Queensland

Subject: The Importance of Across the Service Ratio for Our Team

The Importance of Across the Service Ratio for Our Team

This document has been developed through conversations within our whole team. As educators, we feel strongly about the importance of working in ways that truly honour children, rather than organising their lives around numbers or systems that do not reflect how humans naturally learn, connect, and grow.

At the heart of our philosophy is a deep respect for children as capable, thinking, feeling individuals. We do not believe children should be corralled, grouped, or restricted based on a number decided externally. Instead, we believe in an authentic way of working with humans — one that preserves the rights of children and respects the professional judgement of educators.

Our service is a small community. We have two rooms, gardens to explore, quiet and active spaces, an art studio, a music studio, and living creatures like chickens and guinea pigs that children help care for. In this environment, children are not confined—they are trusted.

We believe children should have the right to:

- decide where they feel most comfortable,
- choose who they want to be with,
- build relationships with educators and peers across the service, and
- follow their interests and ideas without unnecessary interruption.

This is not a lack of structure — it is a thoughtful, intentional approach grounded in relationships, trust, and professional knowledge.

When children are restricted to spaces purely based on ratios, we risk:

- disrupting secure attachments and relationships,
- interrupting deep engagement in play and learning,
- creating unnecessary stress and confusion, and
- undermining children's sense of agency, inclusion and belonging.

In contrast, when children are trusted to move within a well-supported environment:

- they develop confidence and independence,
- they learn to listen to their bodies and emotional needs,
- they build strong, meaningful relationships, and
- they engage more deeply in learning.

This is how real learning happens.

Our educators are highly skilled professionals who continuously observe, reflect, and respond to children. We work above required ratios and meet regularly to discuss each child's learning, wellbeing, relationships, and safety. These decisions are not random — they are informed, intentional, and grounded in research, experience, knowledge, and care.

Each child also has a Kindy Companion — an educator who advocates for them and ensures their voice is heard and their learning is progressing. This reflects our belief that children are not passive participants in their day — they are active decision-makers.

We also believe strongly in the importance of relationships beyond age-based groupings. Siblings have the right to spend time together. Friendships are not limited by room structures. Mixed-age interactions reflect real life and support empathy, leadership, and connection.

Rights and relationships -

Our philosophy is centred on rights and relationships because this is where true safety and wellbeing are found. Children who feel respected and heard are more likely to:

- develop strong emotional regulation,
- build confidence in themselves,
- speak up when something doesn't feel right, and
- trust the adults around them.

This is not only about learning, but it is also about protecting and strengthening children's sense of self.

Across the service ratio, when used as intended, supports this way of working. It allows flexibility, responsiveness, and authenticity. It enables educators to follow children's lead, rather than forcing children to fit into systems that do not serve them.

We acknowledge that regulations exist to keep children safe. However, safety is not achieved through rigid systems alone - it is achieved through relationships, attentiveness, and professional judgement. As a team, we stand by the belief that early childhood education should be human-centred, not number-driven.

What this looks like in practice

In our daily work, this approach means children are supported to make decisions that truly meet their needs. For example, children may:

- choose an educator they feel most comfortable with in the moment,
- find a quiet space to self-regulate when they need time and calm,
- return to an educator they have built a strong rapport with,
- spend time with a sibling or an older friend for comfort and connection,
- be immersed in mixed-age friendships, where older children look out for younger children and younger children learn through watching and engaging with older peers, and
- explore new spaces at their own pace, building confidence over time.

This way of working also supports educators to work with small groups of children, allowing them to truly meet individual needs, and to be responsive and intentional in their interactions. Most importantly, it creates a genuinely inclusive environment — where no child is excluded from a space, a relationship, or an experience based on ratio numbers.

We are committed to:

- upholding the rights of every child,
- honouring relationships and attachments,
- trusting the professional judgement of educators, and
- creating an environment where children feel safe, confident, and respected.

This is the foundation of everything we do. And this is why the Across the Service Ratio, when used with integrity, is essential to our practice.

About the Australian Childcare Alliance

The Australian Childcare Alliance (ACA) is the national peak body for small- and medium-sized family-owned and operated Early Childhood Education and Care providers. ACA's membership spans more than 3,900 services, 75,000 educators, 360,000 families and approximately 468,000 children. For nearly three decades the ACA has represented the lived experiences of ECEC providers in Queensland and nationally, contributing to reviews by the Productivity Commission, the ACCC, the Senate Education and Employment References Committee, and the National Child Safety Review.





Let's give our children the best start in life.