

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Supplementary Budget Estimates 2013-2014

#### Outcome 1 - Early Childhood Education and Child Care

Department of Education Question No. ED0197\_14

Senator Tillem asked on 20 November 2013, Hansard page 74

#### Question

#### Family day care ratios

Senator TILLEM: It is probably best that I put my other questions on notice; I am cognisant of the time. Regarding family day care, the government had some quite unusual election policies with regard to family day care ratios, and I would like to explore how they were being implemented. To begin with, I would like to look at Pg. 75 the government's policy that if a family day carer has a ratio of one to five children for five years without a serious incident they are able to maintain their ratio. I would like to know how a 'serious incident' would be defined.

Ms Paul: Okay; we will take that on notice.

Senator TILLEM: Yes, because I am struggling to understand what that means—whether it is a bump on the head or whether it is a broken arm or whether it is a case of uncontrolled head lice, or whatever the case may be. If a family day carer has a serious incident after this time, who will determine which of the five children they can no longer have in their care? And this goes to the unusual aspect of the election commitment. How long will a family day carer who has had a serious incident be restricted to caring for four children in their care? Is there any way new sanctions proposed for the family day carers who have multiple serious incidents might be applied, in terms of what new sanctions there might be and how they might be implemented? And I am also wondering about the states' agreement in terms of the new serious-incident element to family day care and whether there has been consultation with the states in terms of that policy change.

Ms Wilson: We will take these questions on notice, but perhaps I could just say one thing, which is that these are all subject to the consultations I mentioned at the start, which is that the minister is talking to every state and territory minister. So, because the national quality framework is a national framework, these things will have to be considered through education ministers across the board—and because it was a process that COAG was involved in. So we might not be able to give you much detail in terms of the questions you asked, because those conversations are still taking place, both at ministerial and official level.

Senator TILLEM: I understand that. I will just ask them again at next estimates, as the COAG process proceeds. But, to the best of your ability in terms of the questions that I have asked, a definition of a 'serious incident' is probably something you can get back to us with, because it is a critical component of the unusual commitment—it is vague. And I think it is important for those who utilise day care to understand what that actually means and where the government is going with this.

## **Answer**

The meaning of 'serious incident' is defined at Regulation 12 of the Education and Care Services National Regulations – current version of 1 September 2013.

“For the purposes of section 174(5) of the Law, the following are prescribed as serious incidents—

- (a) the death of a child—
  - (i) while being educated and cared for by an education and care service; or
  - (ii) following an incident while being educated and cared for by an education and care service;
- (b) any incident involving serious injury or trauma to, or illness of, a child while being educated and cared for by an education and care service—
  - (i) which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
  - (ii) for which the child attended, or ought reasonably to have attended, a hospital;
- (c) any incident where the attendance of emergency services at the education and care service premises was sought, or ought reasonably to have been sought;
- (d) any circumstance where a child being educated and cared for by an education and care service—
  - (i) appears to be missing or cannot be accounted for; or
  - (ii) appears to have been taken or removed from the education and care service premises in a manner that contravenes these Regulations; or
  - (iii) is mistakenly locked in or locked out of the education and care service premises or any part of the premises.”