

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2012-2013**

**Outcome 1 – Early Childhood, Working Age and Indigenous Participation**

**DEEWR Question No.** EW0359\_13

**Senator Bilyk asked on 30 May 2012, Hansard page 60**

**Question**

***Undue Force***

Senator BILYK: I have just got a follow-on question from that. I am wondering how the compliance framework used by the states and territories compares to what was there and previously used by the states and territories. Ms Taylor: It is really based on a combination of what was there existing in various states and territories. There would be some aspects that already apply in some states or all states. But this is bringing it together for national consistency. We could probably get differences state-by-state. All states and territories came together to agree on the regulations and, of course, the compliance framework. But in saying that, the discussions were not to go lowest common denominator. I have got to say that there was a feeling amongst the states and territories that there needed to be a sufficient level of compliance, hence the escalation process that is there in penalties, with the ability to take action immediately, quickly and severely if necessary in those really life-threatening or children-at-risk situations. It goes down to, 'Well, actually, you know, the sign should have been this high off the ground; it was that high off the ground and it needed to come down here,' and there is no penalty but there is 'move the sign down'. But if you want we can take it on notice to look at that across the state and territory jurisdictions. Senator BILYK: I would be interested in national information. I am sure Senator Nash would be as well. Ms Taylor: I would be happy to do that.

**Answer**

The Education and Care Services National Law and National Regulations that give effect to the National Quality Framework for early childhood education and care services were developed collaboratively with all states and territories.

In developing Education and Care Services National Law and National Regulations, the types of events and behaviours that were subject to compliance action and the types of responses available under the previous, state and territory regulatory frameworks was examined. In agreeing the National Law and Regulations, this information was considered and consolidated into a nationally consistent compliance framework.

A regulation by regulation comparison of offences, penalties and compliance actions for each state and territory is not available.

More information on compliance and enforcement is contained in the Guide to the Education and Care National Law and Education and Care National Regulations on the ACECQA website [www.ACECQA.gov.au](http://www.ACECQA.gov.au)