

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

**QUESTIONS ON NOTICE
Additional Estimates 2011-2012**

Outcome 1 - Early Childhood Education and Child Care

DEEWR Question No. EW1177_12

Senator Back asked on 16 February 2012 , Hansard page 17

Question

Advertising for family day care

Senator BACK: ...Can you confirm whether, given this being the case, if a family day carer was to have a decal on their car or to wear a shirt with a logo advertising it, they would be in breach of the regulations?

Mr De Silva: I am aware of the section. I am aware that there was a question put to the New South Wales Department of Education and Communities in relation to the Education and Care Services Act as it operates in New South Wales. We coordinated with ACECQA, the national body, in providing advice back to the service. I do not have the exact details. My understanding of it is that the requirement for only an approved provider to advertise would not preclude a family day care educator acting as an agent for the larger body, but I would have to take on notice the exact detail of the answer.

Answer

The Australian Children's Education and Care Quality Authority (ACECQA) received an enquiry from Family Day Care Australia about how Family Day Care educators can be involved in promoting their services. The issue originated in New South Wales.

Section 104(1) of the Education and Care Services National Law is to prevent the advertising of education and care services that are not approved services. Services that are **approved** may be advertised.

The Law does not limit who can be involved in advertising an **approved** service. The emphasis in this section of the law is on what is being advertised, rather than who is doing the advertising.

Therefore an approved provider, an educator or any other person can be involved in advertising an **approved** education and care service without contravening Section 104 of the law.

ACECQA provided a response to Family Day Care Australia clarifying this issue. The response from ACECQA has been provided to all State and Territory authorities to ensure consistency in applying the Education and Care Services National Law.