



Submission

**Senate Committee inquiry on the quality and safety of
Australia's early childhood education and care system**

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Submitted By

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Acknowledgement of Country

The Working with Women Alliance (WwwA) acknowledge the Traditional Owners of the land on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present and future. We value Aboriginal and Torres Strait Islander histories, cultures, and knowledge. We extend our respect to Aboriginal and Torres Strait Islander women who for thousands of years have preserved the culture and practices of their communities on country. This land was never surrendered, and we acknowledge that it always was and always will be Aboriginal land. We acknowledge the strength of Aboriginal and Torres Strait Islander people and communities. We acknowledge that Australian governments have been complicit in the entrenched disadvantage, intergenerational trauma and ongoing institutional racism faced by Aboriginal and Torres Strait Islander people. We recognise that Aboriginal and Torres Strait Islander people must lead the design and delivery of services that affect them for better life outcomes to be achieved.

About Us

The Working with Women Alliance (WwwA) represents two key portfolios: National Women's Safety (NWS) and National Women's Equality (NWE). The WwwA connects the critical areas of gender-based violence prevention and the advancement of women's economic equality and leadership, bridging these important policy fields for greater impact. We work with members and stakeholders, including the Australian Government, to provide expertise and advice on gender equality and women's safety.

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Achieving Consistency and Best Practice in National Child Safeguarding

Executive Summary

Australia's child safeguarding framework remains fragmented, leaving children's safety dependent on where they live and which institution is responsible for their care. Despite decades of inquiries and the Royal Commission into Institutional Responses to Child Sexual Abuse, we still lack a single national authority to enforce uniform standards. This inconsistency exposes children to preventable harm, undermines public trust, and weakens the effectiveness of the National Plan to End Violence Against Women and Children.

The Australian Capital Territory has shown what is possible. Its legislated Child Safe Standards mandatory, enforceable, and independently overseen demonstrate measurable cultural change, leadership accountability, and improved safety outcomes. But this best-practice model remains an outlier. In most jurisdictions, the National Principles for Child Safe Organisations remain aspirational only, with no binding legal force.

Without this reform, children's rights and protections will continue to vary according to postcode and provider, contrary to the Royal Commission's vision of a safe, nationally consistent system. With it, Australia can deliver on its commitments under the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030, and finally provide children with the equal safety and dignity they are entitled to.

National Inconsistencies and Oversight Gaps

Australian child safeguarding is governed primarily by state and territory authorities, leading to unequal and sometimes inadequate protections (AIFS, 2023). The fragmentation results in discrepancies regarding mandatory reporting, investigation thresholds, incident response, and workforce training (Australian Law Reform Commission [ALRC], 2010; AIFS, 2023). The Royal Commission into Institutional Responses to Child Sexual Abuse found that absence of uniform, enforceable federal standards led to avoidable harms and repeated failings within the system (Commonwealth of Australia, 2017).

While the National Principles for Child Safe Organisations represent a consensus on best practice, they remain largely aspirational without legal force or coordinated enforcement (Commonwealth Child Safe Framework, 2025; National Office for Child Safety, 2023). The National Office for Child Safety (NOCS) currently functions in a guidance and coordination capacity with limited statutory authority, leaving the implementation and enforcement of safeguarding to inconsistent state and territory regimes (Department of Social Services [DSS], 2025). Research shows this results in varying levels of protection for children based solely on geographic location and sector capability (AIFS, 2023; ALRC, 2010).

Best Practice: The ACT Model

The ACT has instituted the nation's strongest legal framework for child safeguarding. From August 2024, all organisations working with children must comply with ACT Child Safe Standards, legislated under the Human Rights Commission Act 2005 (ACT Human Rights Commission, 2024). The ten standards are mandatory and overseen by an independent Commissioner, ensuring that statutory requirements are met in both spirit and practice.

Key elements of the ACT's approach include:

- **Legal Mandate:** All prescribed organisations must meet ten legislated child safe standards (ACT Human Rights Commission, 2024).
- **System Support:** Comprehensive training, continuous improvement, and organisational support via the Children and Young People Commissioner (ACT Human Rights Commission, 2024; CBP Lawyers, 2024).
- **Cultural Safety:** A focus on Aboriginal and Torres Strait Islander children's rights and cultural inclusion, as well as trauma-informed practice.
- **Holistic and Preventive Focus:** The scheme goes beyond compliance, supporting organisations to develop inclusive, empowering safety cultures (CBP Lawyers, 2024).
- **Independent Oversight:** The ACT Commissioner provides proactive monitoring, sector support, and transparent public reporting.

Comparative reviews note that the ACT's legislative model is closely aligned to the Royal Commission's directives and demonstrates measurable outcomes in sector culture change, leadership accountability, and improved child and youth safety (AIFS, 2023; ALRC, 2010).

Evidence of National Systemic Gaps

Contrasts between ACT and other jurisdictions are clear: most states and territories still lack comprehensive legislation or enforceable standards, resulting in differentiated access to protection and inconsistent reporting or intervention protocols. The federal frameworks, including the National Principles and the Commonwealth Child Safe Framework, do not have universal legislative coverage or enforcement mechanisms for non-government service providers (Commonwealth Child Safe Framework, 2025; DSS, 2025).

The Royal Commission and more recent parliamentary reviews continue to document cases where children's safety has been compromised due to jurisdictional "gaps" and lack of an effective oversight authority (Commonwealth of Australia, 2017). Sector research and analysis confirm these persistent vulnerabilities, especially for high-risk communities (AIFS, 2023; Safe Space Legal, 2024).

Recommendations for National Reform

To remedy these issues, this submission recommends the following:

1. **Federal Minimum Standards:** Legislate a set of uniform minimum child safety standards, based on the ACT's comprehensive model, for consistent application nationwide.
2. **Statutory Authority for NOCS:** Elevate NOCS to a statutory authority empowered to enforce child safety standards, monitor sector performance, investigate complaints and systemic risks, and ensure national public reporting (Commonwealth of Australia, 2017; National Office for Child Safety, 2023).
3. **Focus on Capability and Support:** Deliver oversight through a model built on sector education, ongoing support, and transparent improvement, not just punitive action (ACT Human Rights Commission, 2024).
4. **Children's Rights at the Centre:** Centre children's voices, safety, and rights in policy and practice, including greater engagement with Aboriginal and Torres Strait Islander communities.

Case Study: National Office of Child Safety (NOCS) Statutory Authority

Problem

Australia has made significant progress in child safety reform, particularly through the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030*. However, a fundamental gap remains: there is no single, independent, legislated body charged with national oversight of safeguarding arrangements.

At present, the NOCS operates as a division within the Department of the Attorney General. This arrangement limits both perceived and actual independence, constrains its capacity to compel change across jurisdictions, and makes long-term sustainability dependent on departmental priorities and budget cycles.

Consequences include:

- **Fragmented complaints mechanisms:** no nationally recognised, safe, and accessible pathway for raising concerns about child safety failings.
- **Incomplete and inconsistent national data:** preventing accurate tracking of trends, outcomes, and performance.
- **Variable safeguarding standards:** protections differ depending on location, institution, or service provider.
- **Erosion of public trust:** survivors expect an authority free from departmental and political influence.

This status quo risks undermining the intent of the National Strategy and fails to fully implement the Royal Commission into Institutional Responses to Child Sexual Abuse's vision for independent, authoritative leadership.

The proposal is to establish the National Office for Child Safety (NOCS) as a non-corporate Commonwealth entity with an independent statutory head, created through enabling legislation. The new authority would lead and coordinate delivery of the National Strategy, manage a national complaints and incident reporting function, set and monitor safeguarding standards, and drive comprehensive data collection and evaluation. It would engage directly with priority cohorts, including First Nations children, children with disability, LGBTIQ+ children, and those in institutional and out-of-home care, ensuring that policy, prevention, and response measures reflect their lived experience and specific needs.

Benefits and Alignment with the National Plan

Although the National Plan explicitly includes “women and children,” its levers remain high-level and distributed, leaving no child-specific outcome framework, lead line of accountability, or national complaints/oversight mechanism. The First Action Plan continues as a cross-government roadmap rather than a program with ring-fenced, measurable deliverables for children and young people (for example, a mandated national safeguarding standard with enforcement, a trauma-informed complaints pathway, and a single, transparent national dataset). In practice, responsibility is dispersed across portfolios and jurisdictions, so interventions for children risk remaining fragmented and largely invisible in reporting relegating young people to systems designed around adult victim-survivors rather than their developmental, safety and recovery needs.

Operating Model – Scaled Sensitivity (25 FTE)

The Office will be established as a single, lean authority of 25 ASL, using shared corporate services (finance, HR, ICT and property) to minimise overheads while concentrating effort on core functions: policy and coordination; national safeguarding standards and monitoring; a trauma-informed complaints and referral service; and a unified national data and insights capability. Investigations and statutory enforcement will remain with existing regulators and police; the Office will triage complaints, make warm referrals, coordinate multi-agency responses, track matters to resolution, and use system-level data to drive improvement. Survivor engagement, workforce capability building and sector outreach will be embedded from day one, with annual public reporting to Parliament on performance, trends and compliance.

While the preferred model remains a lean authority of 80–100 ASL, a sensitivity scenario has been prepared to illustrate costs if the Office were established at a substantially smaller scale (25 FTE). This scenario maintains core statutory and coordination functions, with heavier reliance on shared services, noting that fixed corporate and accommodation costs remain the responsibility of the hosting department (currently the Attorney-General's Department).

Annual operating cost – 25 FTE (indicative, A\$ million)

Line item	\$m per annum
Staff cost (25 FTE @ \$0.18m fully	4.50

loaded)	
Shared services (≈12% of staff costs)	0.54
ICT	0.78
Systems & cyber	0.31
Data platform & analytics	0.44
Complaints service & CRM	0.16
Survivor engagement & outreach	0.11
Travel & stakeholder engagement	0.08
Legal, audit & assurance	0.19
Accommodation & property	0.20
Total (25 FTE)	7.30

Notes and assumptions

- Staff costs based on fully-loaded FTE rate of \$0.18m; sensitivity bounds at \$0.17m (≈\$7.02m p.a.) and \$0.19m (≈\$7.58m p.a.).
- Non-staff OPEX scaled from the lean (80 ASL) model; shared services proportionally higher at small scale.
- Establishment and fixed corporate costs (HR systems, payroll, property leases) remain absorbed by the host department.

Collaboration with the Department of Education

A critical component of the authority's remit will be structured collaboration with the Department of Education to ensure that safeguarding standards are consistently embedded across all early childhood and school settings. This partnership should include joint development of guidance, information-sharing arrangements, and coordinated compliance monitoring. Importantly, the authority must also be supported with regulatory levers such as enforceable undertakings or civil penalties where providers fail to comply with nationally mandated child safety obligations. This approach ensures that the authority's oversight complements, rather than duplicates, the Department of Education's responsibilities, and that children benefit from consistent protections regardless of service setting.

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