



Submission to the National Child Safety Review - Consultation Regulation Impact Statement (CRIS)

Y Australia

Acknowledgment

We acknowledge and pay our respects to Aboriginal and Torres Strait Islander peoples throughout Australia, including Elders past and present. We celebrate their important contribution and connection to the lands, seas and communities in which we work. We are committed to understanding and engaging with Aboriginal and Torres Strait Islander history, living culture and traditions, to contribute to Australia's reconciliation journey.



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Submitted by: Y Australia
June 2025

Introduction

Y Australia welcomes the opportunity to provide this submission to the National Child Safety Review Consultation Regulation Impact Statement (CRIS).

As part of the world's oldest and largest youth movement, the Y operates in over 680 communities across Australia delivering early childhood education and care (ECEC), out of school hours care (OSHC), youth services, health and recreation programs, and civic engagement initiatives. Our Vision 2030 commits us to creating systemic change with and for young people, focused on community wellbeing, meaningful work, a sustainable planet, and a just world.

Child safety is at the heart of the Y's work. We deliver services to thousands of children, young people, and families every day. We hold ourselves to the highest standards of safety, accountability, and continuous improvement to protect children from harm.

This submission outlines Y Australia's national policy position on the proposed reforms, informed by our extensive operational expertise, national policy framework, and ongoing sector engagement. It reflects and reinforces the priorities previously articulated in our position on Child Safety, particularly the call for:

- Full delivery of the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations;
- National child safety legislation embedding the National Child Safe Standards;
- A nationally consistent Working with Children Checks system;
- Strengthened reportable conduct and mandatory reporting schemes; and
- Improved national systems that support inclusion, early intervention, and stronger partnerships with families.

We commend the Government for its commitment to child safety reform and urge practical, nationally consistent and enforceable measures that lift standards across all providers while remaining achievable for the sector.

Summary of Y Australia's Position

Digital Devices (Chapter 3.1)

- **Support Option 2:** Amend the National Law/Regulations to mandate that only service-issued digital devices can be used when taking images or videos of children while providing education and care.

Child Safety Training (Chapter 4.1)

- **Support Option 4:** Amend section 162A of the National Law to require staff who work with children, including FDC educators, volunteers and students, in addition to nominated supervisors, persons in day-to-day charge and FDC coordinators, to complete child protection training, removing the dependency on other jurisdictional law or government protocol.
- **Support Option 6:** Legislative change to require mandatory child safety training which is nationally consistent, of a high quality, and tailored for all people involved in the provision of education and care services (including people who do not directly work with children), with a requirement to complete refresher training every two years.

Educator Conduct – Inappropriate Conduct (Chapter 5.1)

- **Support Option 2:** Develop more communications and resources on encouraging approved providers to address appropriate and inappropriate conduct within their contracts of employment, Code of Conduct and policies and procedures required under regulation 168(2) of the National Regulations.

Educator Conduct – Information Sharing (Chapter 5.2)

- **Support Option 3:** Amend section 272 of the National Law to allow the Regulatory Authority to share information about a prohibited person or suspended FDC educator with that person's current approved provider, without a request from the approved provider.
- **Support Option 4:** Amend the National Law to allow a Regulatory Authority to share information about a person's current enforceable undertaking with that person's current approved provider, without a request.

Educator Conduct – Regulatory Responses (Chapter 5.3)

- **Support Option 2:** Develop more communications and guidance to encourage approved providers to address appropriate and inappropriate conduct within their contracts of employment and their required Code of

Conduct and policies and procedures under regulation 168(2) of the National Regulations.

- **Support Option 3:** Amend the National Law to enable Regulatory Authorities to impose: *a suspension notice/order from providing education and care to children for a specified period of time, applicable to educators, other staff members and volunteers, where a certain threshold of risk has been met.*
- **Support Option 4:** Amend the National Law to enable RAs to impose: *a supervision order on approved providers, applicable where an educator has contravened the National Law and where that contravention connects to a failing of the approved provider.*
- **Support Option 5:** Amend the National Law to enable Regulatory Authorities to impose: *mandatory training/re-training for educators, staff members and volunteers (with the educator, staff member and volunteer paying for the cost of any training/re-training).*

Working with Children Checks – Commencement (Chapter 6.1)

- **Support Option 3:** Jurisdiction specific National Regulation amendment in WA, ACT and NT to require that an approved provider of an education and care service must ensure that staff, students, and volunteers of that service hold a valid WWCC before they can commence their roles. A jurisdiction specific amendment in NSW will clarify this same requirement beyond doubt.

Working with Children Checks – Status Changes (Chapter 6.2)

- **Support Option 3:** Amend the National Regulations and National Law:
 - **3A.** A new requirement for all centre-based staff and FDC educators to notify their approved provider of a change in WWCC or teacher registration/accreditation status (in NSW, TAS, ACT and NT only)
 - AND**
 - **3B.** New requirement for approved providers to notify the Regulatory Authority of a change in WWCC or teacher registration/accreditation status for all staff with penalties/offences for non-compliance, (in all jurisdictions except QLD and WA. Also, an exemption in SA in instances where changes to WWCC status is directly communicated to the Regulatory Authority.

Service Design and Temporary Waivers (Chapter 7.1)

- **Support Option 2:** promote the importance of designing and maintaining premises in a way that facilitates supervision of children at all times.

FDC – Premises Risk Assessment (Chapter 7.2)

- **Support Option 2:** Provide more explicit national guidance to FDC approved providers on their obligations under the current regulation 116, including the areas to be assessed and risk assessment/mitigations to prevent children from accessing areas beyond the FDC service premises, and consideration of risks near the residence other than water hazards.
- **Support Option 3:** Amend the National Regulations (regulation 116) to explicitly require assessment of not just the FDC residence but areas near the residence that may be accessible to children. Changes to apply to new assessments and each annual reassessment (not retrospectively), both of which are undertaken by approved providers.

FDC – Authorised Officer Access (Chapter 7.3)

- **Support Option 2:** Short guidance or information sheet aimed at authorised officers, FDC approved providers and FDC educators to explain powers of entry in relation to FDC and nationally agreed practices for authorised officers' access to areas of an FDC residence or property that are not part of the service premises.
- **Support Option 3:** Amend the National Law to enable authorised officers' access to areas of a FDC residence or property, beyond the service premises, in specific instances or for specific purposes. These instances or purposes may include:
 - a serious incident has occurred, or the authorised officer reasonably suspects that a serious incident has occurred;
 - to assess or monitor compliance with regulation 116;
 - to assess or monitor compliance with regulation 97.

Identification, monitoring and regulation of 'Related Providers' (Chapter 8.1)

- **Support Option 3A:** Legislative amendment to add a definition of related providers that is designed to help Regulatory Authorities efficiently and effectively identify and monitor related providers. Powers for Regulatory Authorities to take compliance and enforcement action at the related provider level would be needed, as well as requirements for providers to disclose they are related.
- **Support Option 3B:** Legislative amendment to require notice of acquisition to the Regulatory Authority when ownership of an approved provider is transferred to another entity.

Limitation Period (Chapter 8.2)

- **Support Option 2:** Amend section 284 of the National Law so that the limitation period commences two years from the date that the alleged offence comes to the notice of the Regulatory Authority in the jurisdiction in which the offence is committed.

Information Sharing for Recruitment Agencies (Chapter 8.3)

- **Support Option 4:** Amend section 272 of the National Law to allow a Regulatory Authority to share information about an agency educator with that person's recruitment agency (including mirroring any amendments to section 272 regarding proactive sharing with providers) and consider whether recruitment agencies may have access to the prohibited persons register.

Detailed Rationale for Y Australia's Position

CRIS Chapter 3.1 Managing the use of digital devices

The Y supports Option 2 — amending the National Law and Regulations to mandate that only service-issued digital devices be used for capturing images and videos of children while delivering education and care.

This reform is a practical and necessary safeguard that protects children's privacy, prevents the misuse or accidental sharing of personal images, and ensures stronger organisational governance over digital media.

The introduction of the National Model Code provided an important initial step in promoting good practice, but its voluntary nature has not delivered consistent adoption across the sector. As a result, gaps in practice and interpretation remain, creating ongoing risks for children and uncertainty for providers.

Many of our services already operate under a service-issued device model, recognising it as a simple and effective risk mitigation strategy that supports consistent staff training and accountability. Nationally mandating this requirement will provide the necessary clarity, ensure consistency across jurisdictions, and align practice with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

CRIS 4.1 Introducing mandatory child safe training

Y Australia supports Options 4 and 6, combining legislative reform to strengthen coverage under section 162A of the National Law with the introduction of nationally consistent, high-quality mandatory child safety training.

National consistency in child safety training is critical to building sector capability and ensuring every person working with children understands their obligations. This reform addresses current inconsistencies across jurisdictions that create confusion for providers and staff, particularly those operating nationally or across state borders.

The Y has consistently advocated for nationally accredited, high-quality and accessible child safety training. We have also embedded this commitment in practice through the delivery of our national safeguarding training framework, which requires all Y staff and volunteers to complete core safeguarding induction and refresher training aligned to the National Child Safe Standards and sector best practice.

This national framework ensures consistent understanding of obligations, reinforces our child safe culture across over 600 service locations, and demonstrates that scalable, national approaches to child safety training are both achievable and effective. Consistent training requirements will strengthen sector capability, build workforce confidence, and ensure children across all settings receive the same high standard of protection.

CRIS 5.1 Making inappropriate conduct an offence

Y Australia supports Option 2 — developing enhanced guidance and communications to strengthen providers' internal policies, employment contracts, and Codes of Conduct under existing regulations.

Strengthening provider-level governance is the most effective first step in addressing inappropriate conduct, ensuring expectations are clearly embedded into employment arrangements, organisational culture and staff training. This approach allows inappropriate conduct to be proactively managed at the service level, reducing reliance on regulatory escalation while maintaining accountability. While additional regulatory offences may risk unnecessary complexity, clear provider responsibilities create stronger internal safeguards and support workforce confidence.

In parallel, Y Australia strongly advocates for the national rollout of a consistent Reportable Conduct Scheme to operate alongside provider-level policies. A nationally legislated approach would ensure serious allegations of child-related misconduct are consistently reported, investigated, and monitored across all jurisdictions. This is particularly critical in states and territories where Reportable Conduct Schemes are not yet in place, including South Australia and the Northern Territory. Embedding a nationally consistent Reportable Conduct Scheme would provide an additional layer of oversight and support Australia's child safe culture system-wide.

CRIS 5.2 Enhancing Regulatory Authorities' ability to share information with approved providers

Y Australia supports Option 3 — amending section 272 of the National Law to allow Regulatory Authorities to proactively share information with providers on prohibited persons and suspended FDC educators, without requiring a request from the provider. Y Australia also supports progressing toward Option 4 in a phased approach, enabling information sharing on enforceable undertakings as regulatory systems and practice continue to mature.

Timely information sharing is critical to ensuring children's safety and allowing providers to respond quickly to emerging risks. Current limitations on regulator information sharing exposes children to preventable harm and increases compliance risks for providers who may be unaware of an educator's prohibition or suspension status. Early and proactive notification allows providers to make informed workforce decisions and uphold child safe standards in real time. A phased approach to extending information sharing to enforceable undertakings will enable regulators to strengthen practice consistency, develop clear protocols, and support the safe implementation of expanded powers across all jurisdictions.

CRIS 5.3 Expansion of regulatory responses to educator and staff member conduct

Y Australia supports a graduated regulatory response framework and endorses a staged implementation of Options 2, 3, 4 and 5.

The first priority should be the implementation of enhanced guidance and communications (Option 2) to strengthen providers' internal policies, employment contracts, and Codes of Conduct under existing regulations. This will support providers to proactively manage conduct concerns and embed clearer behavioural expectations within workforce governance frameworks. Strengthening sector practice through clearer provider obligations will lay the foundation for introducing additional regulatory tools.

Y Australia supports progressing to Options 3, 4 and 5 as the next phase of reform, enabling regulators to issue suspension orders where serious risk has been identified (Option 3), impose supervision orders on providers where systemic failures have occurred (Option 4), and mandate retraining at the educator's expense where corrective action is warranted (Option 5).

Providing regulators with a flexible and proportionate range of enforcement tools will ensure responses are tailored to the nature and severity of risk, rather than defaulting to either prohibition or inaction. A graduated framework will enable earlier intervention, allow providers to rectify issues before they escalate, and maintain workforce confidence by avoiding unnecessarily punitive enforcement. Y Australia's

support for these expanded powers is contingent on their fair, transparent, and nationally consistent application across all jurisdictions.

CRIS 6.1 Requiring an approved WWCC prior to commencing paid or volunteer work at an education and care service

Y Australia supports Option 3, introducing jurisdictional amendments requiring all staff, students and volunteers to hold a valid Working With Children Check (WWCC) before commencing work.

The Y's longstanding position is that Australia must move toward a nationally consistent WWCC system. The current patchwork of state and territory schemes creates unnecessary complexity for providers, confusion for families and gaps in protection for children. A nationally consistent approach would ensure every child receives the same level of safeguarding, regardless of where they access services.

Requiring WWCCs to be in place before work begins is a critical safeguard, but we recognise that this obligation is not immediately workable within the current WWCC systems in many jurisdictions. Delays in processing times would make it difficult for services to meet strict pre-employment clearance requirements under the existing system design. To implement this reform effectively, investment is needed to uplift the capacity of WWCC systems to deliver timely processing and improved data sharing across jurisdictions.

Once supported by system reform, introducing mandatory pre-employment WWCC clearances will simplify compliance, strengthen sector confidence and ensure children are protected from the first day of engagement.

6.2 Requiring approved providers and Regulatory Authorities to be notified about changes in WWCC status

Y Australia supports Option 3 — including both 3A and 3B — to introduce mandatory notification requirements for changes in Working With Children Check (WWCC) or teacher registration status.

Early notification of changes to WWCC or registration status is critical to managing risk and ensuring children remain protected at all times. These reforms address current gaps where providers may not become aware of relevant changes to an employee's suitability until well after an issue has arisen. Mandatory reporting obligations ensure consistent expectations across jurisdictions and allow regulators to intervene promptly when necessary. The Y already actively monitors WWCC compliance within its workforce; embedding these obligations in law will create national consistency across all providers. The exemptions and jurisdictional tailoring

included in Options 3A and 3B provide flexibility to reflect existing state-based arrangements while delivering a strong national standard.

7.1 Service and temporary waivers for the design of premises (to facilitate supervision of children)

Y Australia supports Option 2, promoting national guidance that encourages the design and maintenance of premises to facilitate effective supervision of children.

Good design plays a critical role in supporting safe supervision, but regulation must allow flexibility to reflect the diverse range of service types, building configurations and local contexts across Australia. Embedding supervision-focused design principles into guidance will assist providers to strengthen safety while avoiding unnecessary compliance burdens, particularly for smaller services, regional providers and existing facilities where significant structural changes may not be feasible.

Y Australia notes that further consideration could be given to moving toward Option 3 if the approach to managing waivers is clearly defined. Any shift toward mandatory regulatory design requirements must be supported by a fair, transparent and consistent waiver process that recognises the constraints some services may face while maintaining strong supervision outcomes for children.

7.2 Requiring approved providers to assess not just the FDC residence, but areas near the residence

Y Australia supports Options 2 and 3 — providing explicit national guidance alongside regulatory amendments requiring approved providers to assess both the Family Day Care (FDC) residence and surrounding areas that may be accessible to children.

Risks to children are not limited to the immediate approved premises, and providers must consider hazards in adjacent areas that children may access during care. Combining strengthened guidance (Option 2) with clear regulatory obligations (Option 3) delivers the appropriate balance between improving child safety and managing implementation impacts for providers. This approach ensures that new and reassessed FDC premises reflect contemporary risk management expectations while avoiding retrospective compliance burdens for existing services. A nationally consistent approach will strengthen provider understanding, support regulator oversight, and ensure safer environments for children in FDC settings.

7.3 Enabling authorised officers to access a FDC residence or property, beyond the service premises, in specific instances or for specific purposes

Y Australia supports Options 2 and 3 — providing national guidance on authorised officer powers alongside targeted legislative amendments to enable access to non-approved areas in clearly defined circumstances.

While it is important that regulators have appropriate powers to investigate serious incidents, monitor compliance, and assess risk, access to non-approved areas of an FDC residence must be carefully limited to ensure privacy is respected where areas are unrelated to service operations. Clear legislative boundaries, supported by consistent national guidance, will ensure authorised officers can perform their compliance and safeguarding functions without unnecessary overreach. This approach strengthens child safety while preserving public confidence in the proportional and respectful exercise of regulatory powers in family-based care settings.

8.1 Effective identification, monitoring and regulation of ‘related providers’

Y Australia supports Options 3A and 3B — introducing a legislative definition of related providers alongside mandatory disclosure obligations.

Stronger regulatory oversight of provider ownership and corporate structures is essential to maintaining accountability across the sector. As business models and ownership structures become more complex, regulators must have clear visibility of related entities to prevent providers circumventing regulatory decisions, sanctions, or compliance obligations through changes in ownership or corporate restructuring. These reforms align directly with the Royal Commission’s recommendations to strengthen governance oversight and ensure that regulatory accountability extends across all levels of provider operations, not just individual service approvals

8.2 Extending the limitation period for commencing proceedings under the National Law

Y Australia supports Option 2 — commencing the two-year limitation period for prosecutions from the date the regulator becomes aware of an alleged offence.

Child safety incidents are often not disclosed at the time they occur, and delays in reporting can prevent regulators from taking appropriate enforcement action under current limitation periods. This reform ensures regulators retain the ability to investigate and act on serious historical allegations while balancing the need for legal certainty for providers. It reflects a fairer and more practical approach that

acknowledges the unique nature of child safety disclosures and supports stronger accountability without unnecessarily exposing providers to indefinite liability.

8.3 Information sharing provisions for recruitment agencies

Y Australia supports Option 4 — allowing regulators to share information about agency educators directly with recruitment agencies and enable agencies to access the prohibited persons register where appropriate.

Agency and casual staff play an important role in meeting workforce demands across the sector, but existing gaps in information sharing expose children to unnecessary risk if agencies are not informed of an educator's prohibition status. Allowing recruitment agencies to receive direct information from regulators strengthens child safety protections and ensures accountability is consistently applied across all workforce models, whether directly employed or agency supplied. This reform closes a significant gap in the existing regulatory framework and promotes consistent workforce screening standards across the sector.

Implementation: The Importance of Proportionate, Fair and Consistent Regulatory Practice

Y Australia supports the introduction of stronger national regulatory powers but emphasises that these powers must be exercised with proportionality, procedural fairness, and national consistency.

There are existing concerns about the current capacity and consistency of regulatory practice across jurisdictions. In particular, the risk remains that regulators may apply “blunt instrument” enforcement models that do not allow providers adequate opportunity to respond or rectify issues prior to enforcement action. These types of approaches can undermine both service quality and workforce stability.

Heavy-handed enforcement without appropriate consultation or right of reply can create unintended consequences, including:

- Loss of workforce confidence, contributing to educator attraction and retention challenges.
- Increased administrative and compliance burdens for providers managing regulator requests.
- Disruption to services for children and families due to service suspensions or prohibition actions that may not reflect proportional risk.
- Undermining sector trust and collaborative engagement between providers and regulators.

In making this submission, Y Australia acknowledges that many of the reforms proposed will place additional responsibilities and functions on regulatory authorities at both national and state and territory levels. The effective implementation of these reforms will require not only legislative change but also significant uplift in regulator capacity, capability, systems, and workforce to ensure timely, proportionate, and consistent decision-making.

Y Australia calls for governments to invest in strengthening regulator capability, including:

- Resourcing regulators to meet increased compliance and enforcement workloads.
- Building regulator workforce expertise in child safe practice, legal processes, and provider engagement.
- Establishing consistent national guidance, shared data systems, and oversight arrangements to drive alignment across jurisdictions.
- Embedding a culture of procedural fairness, transparent decision-making and timely resolution of compliance actions.

Strengthening child safety regulation must go hand-in-hand with strengthening regulator practice and capacity to deliver these reforms effectively.

Y Australia's National Advocacy Position on Child Safety Reform

The proposed reforms outlined in the National Child Safety Review represent a critical step forward. Y Australia encourages the Government to embed these changes within a broader national framework that:

- Fully implements the Royal Commission's recommendations, including national child safe standards legislation;
- Establishes a single, nationally consistent Working with Children Checks system;
- Strengthens mandatory reporting and reportable conduct schemes;
- Ensures adequately funded sector capacity building, particularly for not-for-profit providers; and
- Continues genuine partnership with sector providers as reforms are implemented.

Child safety reform must go beyond compliance obligations. It must be embedded into organisational culture, leadership, training, governance and daily practice at every level. Y Australia remains committed to working with government as a proactive national partner to strengthen child safety for all Australian children.

About Y Australia

The Y (formerly the 'YMCA') in Australia is a social enterprise, operating in more than 680 communities, with 11,500 employees and over 16 million visits to our programs and facilities over the past year.

The Y's mission is to empower children, young people and communities Australia-wide to build a just, sustainable, equitable and inclusive world, where every person can thrive in body, mind and spirit.

The work of the Y in Australia is driven by our bold vision – to create systemic change for a better world with and for young people – across four strategic pillars, Community wellbeing, Meaningful work, Sustainable Planet and a Just World. Globally, the YMCA is the largest youth movement in the world, reaching 65 million people in over 120 countries, in every continent.

Across Australia the Y offers a wide range of programs and services to support children and young people across their lifespan, in every state and territory. The Y has an extensive footprint in early learning, kindergarten and OSHC across Australia, including:

- 56 Early Learning Centres
- 93 stand-alone Kindergartens
- 248 Out of School Hours Care Programs

The Y across Australia is committed to drawing from its significant knowledge and experience relating to early years, to improve the lives of children and families. We welcome the opportunity to continue working with the Australian Government to strengthen child safety through meaningful, practical reforms.

Contact

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