

## MEDIA RELEASE – 27 JUNE 2025

### ACA NSW WELCOMES NEW INDEPENDENT REGULATORY AUTHORITY TO ENSURE CHILD SAFETY OUTCOMES, BUT ...

After five successive years of national records of breaches/non-compliances in NSW being greater than the rest of Australia combined, the [166-page Wheeler Report](#) is the first independent analysis of the NSW Regulatory Authority since it was [called for by the NSW Deputy Premier and Minister for Education & Early Learning, the Hon Prue Car MP](#).

“ACA NSW welcomes a new Independent Regulatory Authority that reports directly to the Minister, but more importantly cautions that this new entity must learn from the past and have the personnel, non-subjective skillsets and supportive engagement that will effectively work with the NSW sector. Otherwise, the past will be repeated,” said Chiang Lim, CEO of the Australian Childcare Alliance (ACA) NSW.

Despite the NSW Department of Education having effectively gathered the largest pool of intelligence of breaches/non-compliances data compared to all other States/Territories’ Regulatory Authorities combined, ACA NSW is seeking an overt commitment from the NSW Government that the new Independent Regulatory Authority will:

- prioritise higher-order issues (especially with respect to child safety concerns); and
- provide complete transparency with Approved Providers about their services.

Moreover, NSW’s ECEC sector is keen to understand why the NSW Regulatory Authority appears to have not used its existing and arguably frictionless powers to address persistent child safety incidences and offences. Such powers include:

1. [National Law: Section 23\(1\)](#) – The Regulatory Authority can amend provider approval at any time.
2. [National Law: Section 25\(b\)](#) – The Regulatory Authority can suspend a service for failure to comply with a condition of the provider approval at any time.
3. [National Law: Section 55\(1\)](#) – The Regulatory Authority can amend a service approval at any time.
4. [National Law: Section 70\(b\) and 70\(f\)](#) – The Regulatory Authority can suspend service approval if the service breaches any condition(s) or failed to comply with a direction, compliance notice or emergency order in anywhere across Australia.
5. [National Law: Section 73](#) – The Regulatory Authority can suspend service approval without show cause.
6. [National Law: Section 77\(a\)](#) – The Regulatory Authority can cancel service approval if the service constitutes an unacceptable risk to the safety, health or wellbeing of any child or class of children.
7. [National Law: Section 80\(1\)](#) – The Regulatory Authority can cancel service approval to the extent that it relates to associated children’s service
8. [National Law: Section 75](#) – The Regulatory Authority can suspend service approval to the extent that it relates to associated children’s service.
9. [National Law: Section 70\(d\)](#) – The Regulatory Authority can suspend service approval for not meeting the National Quality Standards and there have not been any improvements.

ACA NSW will begin “town hall” consultation with its members about the Wheeler Report and its 12 recommendations and share feedback with the NSW Government by 30 November 2025.

\*\*\* END \*\*\*

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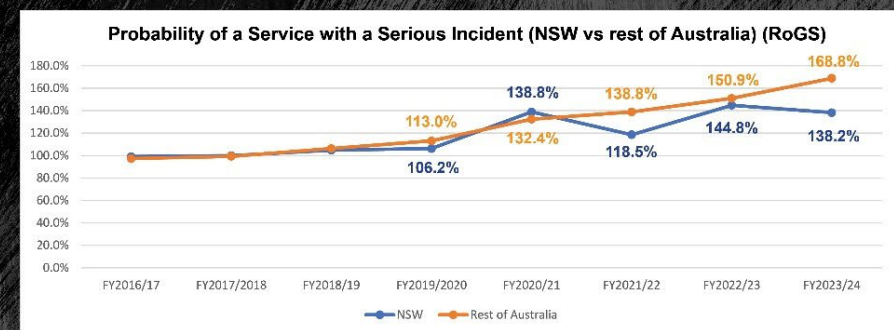
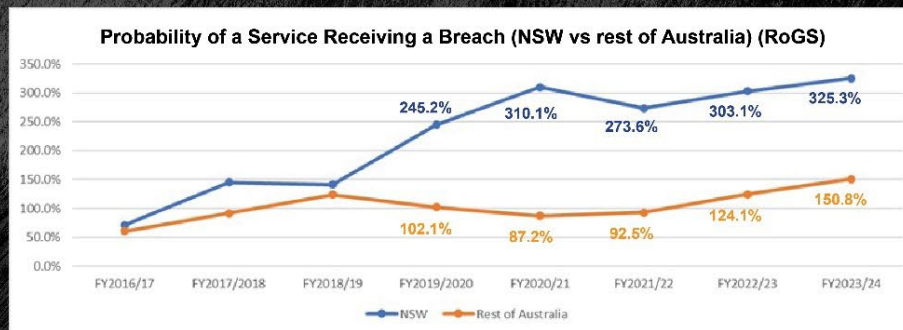
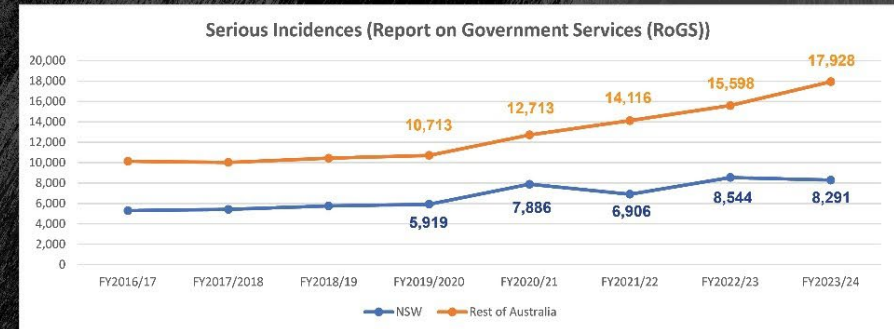
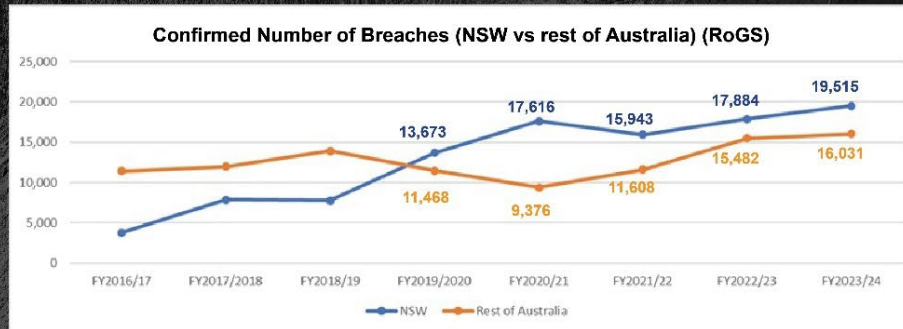


**Reference:** Confirmed Breaches vs Serious Incidences vs Enforcement Actions vs Quality Ratings

Australian Childcare Alliance (ACA) NSW ([www.nsw.childcarealliance.org.au](http://www.nsw.childcarealliance.org.au)) is the peak body for privately owned early childhood education and care services in NSW, numbering approximately 1,600 childcare services. ACA NSW provides advocacy, policy and regulatory and business support and advice, member services and professional development for members and their staff across the state.

**For further media inquiries, please contact  
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## CONFIRMED BREACHES VS SERIOUS INCIDENTS VS ENFORCEMENT ACTIONS VS QUALITY RATINGS



SOURCE: Annual Productivity Commission's Report on Government Services (RoGS)

FINANCIAL YEAR (NSW)	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Enforcements & Actions	2	10	0	20	36	11	2	13
% of breaches	0.05%	0.13%	0.00%	0.15%	0.20%	0.07%	0.01%	0.07%

SOURCE: NSW Department of Education

**“91% services with a quality rating are Meeting National Quality Standards or above.”**

SOURCE: Australian Children's Education & Care Quality Authority (ACECQA Snapshot November 2024)

**93.6% services with a quality rating are Meeting National Quality Standards or above for Quality Area 2 - Children's Health & Safety.”**

SOURCE: ACECQA National Registers (as of July 2024)