



Australian Government
Department of Education

Impact Analysis Equivalent

Supplementary Analysis

Disability Standards for Education Amendments

September 2025





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The document must be attributed as the Impact Analysis Equivalent Supplementary Analysis - OBPR22-01488: Disability Standards for Education Amendments.

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Introduction

Education is fundamental to all Australians being able to reach their potential and ambitions for the future. Early childhood education and care, quality schooling and accessible higher education have positive impacts throughout a person's life – for individuals, their families, our communities and the economy.¹

The Department of Education supports the Australian Government's commitment to meeting the lifelong learning needs of all Australians. The department is focused on raising standards and strengthening accountability across the education and training sectors and recognises that Australia's future depends on every child and student gaining the knowledge, skills, and values needed for a fulfilling and productive life.

The *Disability Discrimination Act 1992* (Cth) is a law that protects Australians from discrimination based on disability. The Disability Discrimination Act sets out the types of actions that are illegal disability discrimination. This includes discrimination within education and training and discrimination in the provision of goods and services.

The Disability Standards for Education 2005 (the Standards) were established in 2005 to clarify the obligations of Australian education providers under the Disability Discrimination Act. The Standards aim to provide sufficient flexibility and guidance to education providers to practically fulfil their obligations under the Disability Discrimination Act. The Standards do not apply new obligations on education providers.

The Standards set out what an education provider must do to not discriminate based on a student's disability. This is achieved primarily through:

- consultation with children with disability and their families
- making reasonable adjustments; and
- elimination of harassment and victimisation.

By following the Standards, providers comply with the Disability Discrimination Act. In this way, the Standards make it easier for providers to understand what they must do under the law.

Currently, early childhood education and care services (ECEC services) must follow the Disability Discrimination Act. They must not discriminate against children, their families or others because of disability and must make reasonable adjustments for children with disability. Currently, the Standards apply to kindergartens and preschools that are educational institutions but do not specifically cover other types of ECEC services.

Certifying the 2020 Review of the Standards with Supplementary Analysis

Five yearly reviews of the Standards are in place to ensure the Standards reflect the current and future needs of children and students with disability to access and participate in education on the same basis as students without disability. The Australian Government undertook the third review in

¹ Department of Education Corporate Plan 2025-26, www.education.gov.au/about-department/resources/202526-corporate-plan-department-education

2020.² The 2020 Review recommended including ECEC services in the Standards³. The recommendation was:

- That the Australian Government Minister Education build early childhood education and care sector awareness and capability regarding the *Disability Discrimination Act 1992* by developing information products for parents and carers.

This part of the recommendation was completed in June 2023.

- By 2023, the Australian Government will prepare draft amendments to the Standards to incorporate ECEC for sector consultation.

This part of the recommendation is the subject of this Supplementary Analysis report.

The Department has certified the 2020 Review as having undertaken a process and analysis equivalent to an Impact Analysis for making the amendments to the Standards.

This Supplementary Analysis examines the impacts of maintaining the status quo (Option 1) and two proposed options (Options 2 and 3) to expand the scope of the Standards to include ECEC services as recommended by the 2020 Review.

- Option 1: Maintain the current scope of the Standards.
- Option 2: Amend the Standards to include ECEC services that are legally required to deliver an education program based on an approved learning framework to children under 13 years of age.
- Option 3: Amend the Standards to include all ECEC services that provide any form of care to children under 13 years of age.

The analysis is informed by consultations held since 2021. This includes consultation on Exposure Draft of proposed amendments⁴ undertaken from 31 January to 28 February 2025 and an independent analysis of costs and benefits. The Supplementary Analysis report responds to:

Question 4 - What is the likely net benefit of each option to amend the Standards?

Question 5 - Who did you consult and how did you incorporate their feedback?

Question 6 - What is the best option from those considered and how will it be implemented?

Question 7 - How will you evaluate your chosen option?

Option 2 has been identified as the preferred option: ECEC services that by law must deliver an education program based on an approved learning framework are most suited for inclusion in the Standards. Including ECEC services in the Standards achieves the following aims:

- make the obligations of ECEC services for children and students with disability consistent across the education sector

² Department of Education. 2025. Consultations – 2020 Review of the Disability Standards for Education 2005 - Department of Education, Australian Government, www.education.gov.au/disability-standards-education-2005/2020-review-disability-standards-education-2005/consultations.

³ Department of Education, Skills and Employment. 2020. Final Report of the 2020 Review of the Disability Standards for Education 2005, www.education.gov.au/disability-standards-education-2005/resources/final-report-2020-review-disability-standards-education-2005.

⁴ Department of Education. 2025. Consultation on changes to the Disability Standards for Education 2005, www.education.gov.au/disability-standards-education-2005/consultations/disability-consultation-ecec

- make it clear in the Standards there is no difference between the rights of children and young people with disability in preschool or kindergarten and other ECEC services that deliver education programs
- make it clear for families and carers what the rights of children and students are and how ECEC services must support children and young people with disability.

The Standards would apply to the educational early childhood service providers in the same way they apply to educational institutions, educational authorities and education providers. The Standards would apply when children and young people enrol in, or apply to enrol in, educational early childhood services, in the same way they apply to students enrolled in, or applying to enrol in other educational institutions. Further detail on the assessment outcome is provided on page 23.

Background

The early childhood education and care sector

The early childhood education and care (ECEC) sector aims to provide all children who attend an education and care service with high-quality, accessible, equitable, and affordable education and care, to support education and development outcomes and support parents' and carers' workforce participation.

The ECEC sector consists of a broad mix of service types and organisational structures catering for children under 13-years old⁵, including services such as centre based care, family day care, vacation care, preschool, kindergarten and outside school hours care. As of 1 January 2025, approximately 7,200 approved providers⁶ operated 17,842 National Quality Framework (NQF) approved ECEC services across Australia.⁷ Seventy-nine per cent of approved providers operate a single ECEC service (designated as a 'small' provider), while only 1% of providers operate more than 25 services (designated as a 'large' provider).

There are also other service types that are not regulated under the NQF but may, or may not, be regulated under jurisdiction-based legislation. These include, occasional care, mobile preschools, playschools, some vacation care, crèches and some in home care services. There are also a small number of services currently regulated by the Australian Government that are excluded from the definition of an 'education and care service' and are not within scope of the NQF, coming under Minister's Rules. These include a small number of in home care services, and several former Budget Based Funded services and former Indigenous Advancement Strategy funded services predominantly located in the Northern Territory (NT) and South Australia (SA).

The legislation and ECEC

ECEC services must follow the Disability Discrimination Act, which prohibits discrimination against children, families, or others based on disability. ECEC services must also make reasonable adjustments to ensure children with disability can access and participate fully in their programs on the same basis as children without disability.

Reasonable adjustments may include changes to the physical environment, modifications to the program or teaching style, redesigning activities, or adapting the use of resources. For example, changing the routine to be more flexible with fewer transitions throughout the day, using resources like sensory toys to support a child to feel calm and focused, moving equipment and resources to a lower height, or using a visual timetable. The goal is to create inclusive settings that support every child's learning and development.⁸

⁵ In most cases, for an individual to be eligible for Child Care Subsidy, the child must be aged 13 and under and not attending secondary school. However, there are certain circumstances where older children may still be eligible for Child Care Subsidy including children with a disability or medical condition under the age of 18 years. Australian Government Services Australia. 2023. Child Care Subsidy, Who can get it, www.servicesaustralia.gov.au/who-can-get-child-care-subsidy?context=41186.

⁶ An approved provider is defined in the National Law as a person who holds a provider approval, which authorises them to apply for one or more service approvals. Approved providers are responsible under the National Law for managing an education and care service they are approved to operate, across areas such as health and safety of children, staffing and documentation. An approved service is the site at which children attend and are educated and cared for by teachers and educators.

⁷ ACECQA. 2025. NQF Snapshot Q4 2024, www.acecqa.gov.au/sites/default/files/2025-02/NQF%20Snapshot%20Q4%202024%20FINAL.pdf.

⁸ ACECQA. 2023. Disability Discrimination Act 1992 (DISABILITY DISCRIMINATION ACT) resources, www.acecqa.gov.au/resources/disability-discrimination-act-1992-Disability-Discrimination-Act-resources.

Currently, education providers covered by the Standards include preschools (including kindergartens), government and non-government schools, vocational education and training providers and higher education institutions, including universities.

The key objective of the Standards is to establish processes and structures that enable students with disability to access and participate in education on the same basis as students without disability. This means that a student or prospective student with disability is given opportunities and choices in education which are comparable to those for students without disability.

The Standards establish standards for enrolment, participation, curriculum (its development, accreditation, and delivery), student support services, and the elimination of harassment and victimisation. Each part of the Standards sets out the rights of students with disability (including prospective students) to help people understand what is fair and reasonable under the Standards, and the legal obligations or responsibilities of education providers.

The Standards also clarify circumstances where an education provider is exempted from making a reasonable adjustment where it would impose an unjustifiable hardship on them. The exemption does not apply to the Standards for harassment and victimisation.

Why are changes to the Standards being considered?

Since the Standards were introduced in 2005, there have been reforms to improve the quality of education in ECEC. These reforms mean that, like kindergartens and preschools, most ECEC services now provide an education program, and most must do so by law.

This change to the Standards has been suggested by the sector for some time:

- In the 2010 and 2015 reviews of the Standards, stakeholders suggested that ECEC be included in the Standards.
- The Productivity Commission's Inquiry Report (2024) – A path to universal early childhood education and care⁹ - recommended the Australian Government amend as soon as possible the Standards to cover the ECEC sector.
- Australia's Disability Strategy 2021-2031, Early Childhood Targeted Action Plan (Action 2.2) includes the extension of the Standards to include ECEC.¹⁰

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) highlighted the importance of inclusive education and focused on the link between inclusive education and an inclusive society. The Commission advocated for improved access to ECEC services for children with disability.¹¹

⁹ Productivity Commission. 2024. A path to universal early childhood education and care, Inquiry report no. 106, Vol. 1, Canberra, www.pc.gov.au/inquiries/completed/childhood/report/childhood-volume1-report.docx.

¹⁰ Australian Government. 2024. Disability Gateway, Early childhood Targeted Action Plan 2021–2024, www.disabilitygateway.gov.au/document/3146.

¹¹ Commonwealth, Royal Commission, into Violence, Abuse, Neglect and Exploitation of People with Disability. *Final Report* (2023) vol 7, www.disability.royalcommission.gov.au/publications/final-report-volume-7-inclusive-education-employment-and-housing.

Likely net benefit of options

Question 4 – What is the likely net benefit of each option?

This supplementary analysis examines the impacts of maintaining the status quo (Option 1) and two proposed options (Options 2 and 3) to include ECEC services in the Standards. A qualitative approach has been used, as accurately quantifying the costs and benefits is challenging due to the complexity and diversity of the ECEC sector.

The services proposed for inclusion operate under varied delivery models, meaning costs and benefits will differ across providers. Key challenges include the localised nature of childcare, the wide range of provider types, and the differing needs of families—factors that make a uniform, quantitative analysis impractical.

It is also difficult to separate the costs and benefits of the Standards from those already required under the Disability Discrimination Act. Many ECEC services already invest in meeting these legal obligations, as well as other inclusive education requirements under frameworks like the National Quality Framework. This makes it hard to determine the additional impact of the Standards.

Providers may respond to policy changes in different ways, leading to varied and sometimes unexpected outcomes. For example, the effect on administrative workload may depend on the size and management structure of each service. Additionally, parental choice—often based on availability and informal perceptions of quality—adds another layer of complexity to the analysis.

This impact analysis is based on a commissioned literature review (Appendix 1),¹² public consultation as part of the 2020 Review of the Standards, limited consultation with state and territory education and disability peaks (2021-2023), public consultation on an amendments exposure draft (January-February 2025), and from other public inquiries such as the Productivity’s Commission’s 2024 ECEC inquiry and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Table 1 summarises the identified costs and benefits of the options (Options 2 and 3) above the Disability Discrimination Act baseline requirements. The Disability Discrimination Act baseline compliance costs would include costs in making reasonable adjustments, maintaining appropriate staffing levels and capabilities and the provision of resources or modifications to the learning program.

¹² Callida Consulting. 2024. Final Report: Proposed Amendments to the Disability Standards for Education 2005 [Unpublished] Summary at Appendix 1.

Table 1. Summary of Costs and Benefits

Stakeholder	Category	Inclusion in the Standards
Parents and carers and children with disability	Costs	• Time to understand the Standards.
	Benefits	• Improved experience for children with disability contributing to improved outcomes • Increased consultation with education providers contributing to reduced frequency of engagement in complaints processes. • Reduced time spent directly caring for children providing more opportunities for access to employment.
ECEC services	Costs	• Professional learning for staff on the Standards • Review and update existing policies and procedures to ensure compliance with the Standards
	Benefits	• Increased efficiency in meeting existing obligations under the Disability Discrimination Act 1992. • Reduced frequency of formal complaints and escalated complaints.

Table 2 presents the quantitative net-benefit comparing the options (Options 2 and 3) to amend the Standards, using a multi-criteria analysis (MCA). The MCA uses a sliding scale for scoring impacts on stakeholders ranging from:

- -3 largely adverse
- -2 moderately adverse
- -1 slightly adverse
- -0 neutral
- +1 slightly beneficial
- +2 moderately beneficial
- +3 largely beneficial

The MCA ratings indicate that maintaining the status quo (Option 1) is likely to result in a net benefit of -2. Although ECEC services are likely to experience a neutral impact, the adverse effects on parents, carers and children with disability contribute to an overall negative net benefit to stakeholders.

In contrast, Option 2 is projected to yield a net benefit of +3 in the MCA, while Option 3 is expected to result in a net benefit of +1. Given its stronger positive impacts on families, carers and children with disability – and its positive effect on ECEC services – Option 2 is the preferred option.

Option 3 has additional policy implications for the sector that affect their application, as described on page 17.

Table 2. Net Benefit Multi-Criteria Analysis

Stakeholder	Reform Option Rating		
	Option 1 Status-quo	Option 2	Option 3
Families, carers and children with disability	-2	+2	+2
Community organisations	0	0	0
ECEC services	0	+1	-1
Net benefit	-2	+3	+1

Impacts of each option

This section outlines the costs and benefits associated with each option. It outlines the effects of changes from Options 1 to 3 on families, carers and children with disability as well as the impacts on ECEC services.

Option 1: Status quo

The status quo option would be to continue to promote awareness and understanding of the existing expectations and obligations under the Disability Discrimination Act by promoting existing guidance and available training materials.

Parents, carers and children with disability

Maintaining the status quo offers limited benefit to children with disability and their families. There are examples of ECEC services that meet their Disability Discrimination Act obligations well and provide support for children with disability. However, while some ECEC services meet their legal obligations and provide effective support, some families of children with disability face negative experiences in ECEC. The status quo would continue the gap and leave inconsistent obligations across the ECEC sector unresolved, meaning that there would continue to be dissatisfaction and poor experiences for parents and carers of children with disability.

The cost of maintaining the status quo is the continued exclusion of children with disability, developmental delays, or other specific needs from ECEC services—could reinforcing longstanding negative experiences for families and carers. PC Inquiry participants said that children with disability, developmental delay or other specific needs can be excluded from ECEC services.¹³

Families in the public consultation said that children with disability should be included in early childhood education and care settings on the same basis as children without disability. It was suggested that support to families would be welcomed.

¹³ Productivity Commission. 2024. A path to universal early childhood education and care, Inquiry report no. 106, Vol. 1, Canberra, p.21, www.pc.gov.au/inquiries/completed/childhood/report/childhood-volume1-report.docx.

Public consultation and reports in the Productivity Commission's 2024 ECEC Inquiry Report showed that some ECEC services discouraged enrolment or attendance of children with disability, citing funding and time constraints.¹⁴ Families in the public consultation also reported difficulties accessing outside school hours care, which negatively impacted workforce participation.

Based on the above likely impacts, it is reasonable to expect that there are likely to be adverse impacts to children with disability and parents and carers. This results in a scoring of -2 in the MCA.

ECEC services

The status quo option would be to continue to promote awareness and understanding of the existing expectations and obligations under the Disability Discrimination Act by promoting existing guidance and available training materials as outlined in [Appendix 2](#).

Under the status quo, no additional regulatory, administrative or compliance costs are borne by ECEC services. Services and providers would continue to incur the baseline costs and benefits of their existing obligations under the Disability Discrimination Act including developing and monitoring policy and undertaking professional learning.

Community organisations

Disability advocacy organisations provide support to families and carers of students with disability. Under the status quo option, the role of advocacy organisations will not change. They will continue to manage complaints or advocacy opportunities and will not require any additional learning under the Disability Discrimination Act. **This results in a scoring of 0 in the MCA for Option 1.**

As the status quo is unlikely to result in any noticeable impacts. This results in a scoring of 0 in the MCA.

Options 2 and 3: Including ECEC services in the Standards

This section is about including ECEC services in a general nature in the Standards. It includes costs and benefits associated with any inclusion of ECEC services across Options 2 and 3 for families and carers of children with disability and ECEC services.

Families, carers and children with disability

Research shows that improved outcomes for children with disability can be achieved through better resourcing and professional learning. Amending the Standards would raise the profile of children with disability and drive momentum for ECEC services to invest in educator capability—leading to a stronger workforce and better outcomes for children with disability.

Parents and caregivers in the public consultation commented that the obligations for early childhood education and care services to support children with disability would be more visible, which would help improve access to and the delivery of services for children with disability.

¹⁴ Productivity Commission. 2024. A path to universal early childhood education and care, Inquiry report no. 106, Vol. 1, Canberra, p21, www.pc.gov.au/inquiries/completed/childhood/report/childhood-volume1-report.docx.

The literature review and public consultation highlighted low awareness of the Standards as a key issue in ECEC settings. Greater awareness is linked to stronger advocacy by young people with disability and their families, leading to improved educational and social outcomes.

A significant body of research links the inclusion of children and young people with disability in ECEC to these improved outcomes. These gains are most clearly driven by enhanced resourcing and professional development. Early inclusion also supports smoother transitions into primary school and strengthens ongoing learning for children with disability.

Women in the workforce

Women's workforce participation in ECEC is a key issue to consider when amending the Standards, with benefits that extend beyond economic growth to include improved social and financial outcomes for individuals. According to the Australian Bureau of Statistics, the most common reason women were unavailable to start a job or work more hours within four weeks was 'caring for children'¹⁵. Access to disability-inclusive childcare can reduce barriers for women caring for children with disability, helping to improve their access to work and economic participation—particularly for women who are primary carers.

Peak body in the public consultation told a story about the impacts on parents, particularly women, of enforced part-time attendance for children with disability on the ability to earn money to meet the needs of their family.

According to the Productivity Commission's 2024 ECEC Inquiry Report, removing ECEC-related barriers could see an increase in labour supply of up to 143,000 full-time equivalent workers.¹⁶ The PC Inquiry report also showed that by enabling families, particularly mothers, to make choices about their balance of caring for children and other activities, including work, ECEC can contribute to the wellbeing of families. Working increases family income, which can be beneficial for children and parents.¹⁷ Including ECEC in the Standards could help promote more inclusive access to ECEC services and increase workforce participation for women who are carers of children with disability.

In 2021, over 216,000 staff were employed in the ECEC sector and 92 per cent of the workforce were female.¹⁸ Clearer obligations, policies and training will empower the female-majority workforce to take informed, confident action aligned with the Disability Discrimination Act as expected by families of children with disability.

Aboriginal and Torres Strait Islander children

In 2018, 16.3 per cent of Aboriginal and Torres Strait Islander children aged 0-14 had a disability.¹⁹ This is higher than the rate for non-First Nations children. The PC Inquiry found that mainstream ECEC services may be limited in their ability to support Aboriginal and Torres Strait Islander children

¹⁵ Australian Bureau of Statistics. 2024. Barriers and Incentives to Labour Force Participation, Australia, www.abs.gov.au/statistics/labour/employment-and-unemployment/barriers-and-incentives-labour-force-participation-australia/latest-release.

¹⁶ Productivity Commission. 2024. A path to universal early childhood education and care, Inquiry report no. 106, Vol. 1, Canberra, p.73, www.pc.gov.au/inquiries/completed/childhood/report/childhood-volume1-report.docx.

¹⁷ Ibid. p10

¹⁸ Australian Government Department of Education. 2022. 2021 Early Childhood Education and Care National Workforce Census, www.education.gov.au/early-childhood/resources/2021-early-childhood-education-and-care-national-workforce-census-report.

¹⁹ Australian Bureau of Statistics. 2021. Aboriginal and Torres Strait Islander people with disability, www.abs.gov.au/articles/aboriginal-and-torres-strait-islander-people-disability.

in a culturally safe way.²⁰ Amending the Standards could help ensure Aboriginal and Torres Strait Islander children with disability can access inclusive education and care on the same basis as children without disability. This supports early participation in education and contributes to achieving Close the Gap targets in ECEC.

Stakeholder in the public consultation said that the Standards must create a safe and supportive environment that is culturally relevant and accessible with consistency and accountability to ensure cultural safety, self-determination, and community involvement are being met.

Relationships with staff

The 2020 Review of the Standards found that children with disability had positive experiences and outcomes when parents and carers built and maintained strong relationships with ECEC staff. The 2020 Review heard that parents often felt the burden of communication rested on them. As the Standards help education providers to apply the Disability Discrimination Act, including ECEC in the Standards would support educators to share this responsibility, foster stronger partnerships with families, and improve outcomes for children with disability.

Participants in the 2020 Review of the Standards consistently identified the importance of strong consultation between services, educators, parents and carers in the process of identifying the needs of the child and making a reasonable adjustment.

Stakeholder in the public consultation outlined the importance of Aboriginal and Torres Strait Islander staff in providing culturally safe communication between the early childhood education and care setting and families.

Based on the above likely impacts, it is reasonable to expect that there are likely to be moderately beneficial impacts families, carers and children. This results in a scoring of +2 in the MCA for Options 2 and 3.

Costs and benefits to ECEC services

Including ECEC services in the Standards would make it clearer and easier for ECEC providers and services to understand their obligations to support children with disability.

Australia has obligations under the United Nations Convention on the Rights of Persons with Disabilities. Under Article 7, Children with Disabilities:

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

²⁰ Productivity Commission. 2024. A path to universal early childhood education and care, Inquiry report no. 106, Vol. 1, Canberra, p.21, www.pc.gov.au/inquiries/completed/childhood/report/childhood-volume1-report.docx.

Including ECEC services in the Standards requires providers and services to take measures to ensure children with disability have the same human rights, (e.g. the right to education) on the same basis as children without disability.

All ECEC providers and services must already follow the Disability Discrimination Act and this will continue. The Standards explain how the Disability Discrimination Act works in an education context. ECEC providers and services must keep making reasonable adjustments so that children with disability can and access and participate in services on the same basis as children without disability.

Services must also still consult with parents, carers and guardians on adjustments to help children join in.

Peak body in the public consultation said by ensuring that all early childhood education providers uphold the rights of children with disability, we can enhance inclusion, access, and educational outcomes from the earliest years.

ECEC services would need to review and update their policies and procedures to ensure alignment with the Standards. This would represent a modest increase on existing requirements to comply with the Disability Discrimination Act and other sector obligations related to inclusion.

Educators, leaders, and support staff would be expected to undertake professional learning on the Standards to strengthen their understanding. This represents a minor increase on existing professional development requirements for the Disability Discrimination Act and broader ECEC sector obligations.

Stakeholders in the public consultation said there is a need for training for early childhood education and care educators, including mandated training on disability inclusion and how to implement reasonable adjustments effectively.

Costs and benefits to community organisations

Expanding the Standards to include ECEC services is likely to provide greater clarity around obligations, which may reduce the need for families to seek advocacy support from community organisations. While there may be initial costs for these organisations to understand the changes, these are offset by the potential reduction in complaints. **As a result, options 2 and 3 receive a neutral score (0) in the MCA.**

Additional impacts on families, carers of children with disability and ECEC services

The impacts need to be determined separately for options 2 and 3, given the different coverage and impact under each option. These qualitative assumptions are in the following sections. The regulatory burden measurement for option 2 is included on page 17.

Option 2: Amend the Standards to include ECEC services that follow an approved learning framework

Option 2 is to change the Standards to include services that by law must deliver an education program based on approved learning framework to children under 13 years old. Feedback in submissions and consultations from the 2020 Review of the Standards and limited consultations with state and territory education and disability peaks showed that this was the most appropriate option.

The 2020 Review of the Standards identifies that the distinction made in the Standards between preschools/kindergartens and educational early childhood service providers does not reflect the complex arrangements in place in the ECEC sector:

- There are a diverse range of service types offered by ECEC providers. These include preschools, kindergartens, centre based care, family day care, in home care, outside school hours care (including for school aged children), and a range of other services
- There are jurisdictional differences in the settings in which preschool programs are delivered
- ECEC learning programs, including preschool programs, are delivered across these different settings in different ways (e.g. a centre based care service may offer a preschool program).

The ECEC services that have been identified as most suited to be covered by the Standards are those that by law must deliver an education program based on an approved learning framework. The Standards would apply to:

- education providers, and students enrolled in or applying to enrol in an education service (as currently covered by the Standards) and
- educational early childhood service providers, and children enrolled in or applying to enrol in early childhood education services.

The Standards would apply to educational early childhood service providers in the same way they apply to other education providers, including educational institutions and authorities. This includes circumstances where children are enrolled or seeking enrolment, just as the Standards apply to students in other educational settings.

How we define the services in the Standards

The amendments will include a definition that aims to make it clear which ECEC services would be covered in the Standards. The definitions are the legal way to identify the services and providers the Standards would apply to. The draft definitions build on definitions used in other laws. For example, the definition of education and care services in Victoria's *Education and Care Services National Law Act 2010*.

In the amendment an 'educational early childhood service provider' is a person (such as a company or an individual) or a group of people (such as a partnership or unincorporated association) that provides an educational early childhood service. This includes:

- A service approved under A New Tax System (Family Assistance) (Administration) Act 1999
 - this is a service that attracts child care subsidy (CCS) or additional child care subsidy (ACCS)
- A service that is approved under a law of a state or territory to provide child care or a preschool program that is legally required to provide children with an education program that is based on an approved learning framework. This would include:
 - all services approved under the [National Quality Framework](#) (NQF)
 - some other non-NQF service types approved under state or territory law.

In the amended Standards, an approved learning framework includes:

- the two nationally [approved learning frameworks](#)– these are the [Belonging, Being & Becoming - Early Years Learning Framework](#) and [My Time, Our Place – Framework for School Age Care in Australia](#)
- a state or territory approved framework – for example, the [Victorian Early Years Learning and Development Framework](#).

The Standards would apply to any ECEC service provider that fits the definition. They may fall under more than one condition.

Example ECEC services to be included in the Standards

This list below is a guide only. How the Standards apply will depend on characteristics of each service. Depending on which state or territory a service is in, and the laws under which they are approved or registered, other services may meet at least one of the required conditions for inclusion in the Standards.

Examples include:

- Centre Based Care – usually in centres approved to provide quality early childhood education and care
- Family Day Care – usually where an educator provides education and care in their home
- Outside School Hours Care – education and care before and after school hours and during school holidays
- In Home Care – where an educator provides education and care in the child’s home for families who cannot access other forms of early childhood education and care.

Example ECEC services not affected by the changes

A list of examples is provided below. These services will continue to have obligations under the Disability Discrimination Act and include:

- informal care through personal arrangements such as other family members providing care
- services that give instruction in a particular activity – for example, language or ballet class
- care provided by a hotel or resort to children of short-term guests
- care provided where the parent or carer is readily available such as at a gym
- care provided under a child protection law of a state or territory.

Costs for ECEC services

This is examined in more detail under regulatory burden measurement on page 17.

Benefits for ECEC services

Public consultation on amending the Standards resulted in positive and supportive feedback to include in the Standards the services that by law must deliver an education program based on approved learning framework. The benefits identified included strengthened accountability, increased awareness and clearer guidance to ECEC services about meeting their obligations under the Disability Discrimination Act. Similar benefits were mentioned across feedback from both individuals and organisations.

Peak body in the public consultation said the inclusion of Child Care Subsidy approved providers and state or territory approved early childhood education

and care services aligns with the intent of the Standards, which is to ensure that children with disability have equitable access to education and related services.

Low awareness of the Disability Discrimination Act among educators is a recurring issue in research and consultation feedback. This limits the effectiveness of the Disability Discrimination Act and leads to inconsistent application across education settings. Research in Appendix 1 suggests that raising awareness is the first step toward bridging knowledge and power gaps between educators and children with disability. Some early childhood educators are already aware of their obligations under the Disability Discrimination Act, suggesting a foundation to build on.

Consultation and the literature review showed that educators feel underprepared and unsupported in effectively including children with disability in ECEC settings. The most frequently cited concern was the shortage of staff with the necessary skills and expertise to provide appropriate support. There was a call in the public consultations for more specialised staff and training in the ECEC sector. This combination of perceived and actual gaps in capability within the ECEC workforce presents a significant barrier to inclusive education for children with disability.

Peak bodies and providers in the public consultation said the change would promote inclusion by helping to create a consistent and fair early childhood education and care environments.

Including specified ECEC services in the Standards would clarify obligations under the Disability Discrimination Act, reducing the time and effort required to interpret the Disability Discrimination Act in an education context. This would ease the burden on providers, strengthen their understanding, and support the delivery of more inclusive services for children and young people with disability.

Based on the above likely impacts, it is reasonable to expect that the changes for ECEC services would be minimally beneficial due to the benefits of inclusion in the Standards. The benefits outweigh the costs. This results in a scoring of +1 in the MCA for Option 2.

Option 3: Amend the Standards to include all ECEC services

Option 3 is to change the Standards to include all ECEC services that provide any type of care to children under 13 years old.

Costs and Benefits to ECEC services

Including all ECEC services in the Standards could cause confusion among services because the education concept in the Standards would not easily be applied to services which are not required to provide an education program based on an approved learning framework.

While professional learning on the Standards may benefit all ECEC providers, it may create tension around what constitutes education under their current responsibilities. Some providers may feel pressured to adopt an approved learning framework, even though this is not required under the Disability Discrimination Act.

Services that are not required to follow an approved learning framework must still follow obligations under the Disability Discrimination Act about who is included and what their obligations are under the Disability Discrimination Act or the Standards.

Services that do not provide education services would take more administrative time to understand their obligations. They may undertake unnecessary professional learning, resulting in additional cost to the service. It could cause burden on providers by placing the responsibility on them to determine whether they are captured under the existing definition of an educational institution as defined in the Disability Discrimination Act and the Standards.

Based on the above likely impacts, it is reasonable to expect that the additional costs would not be balanced by the benefits to the inclusion in the Standards. This results in a scoring of -1 in the MCA for Option 3.

Regulatory burden measurement

This section outlines the costs for the recommended option, being Option 2, and the consultation and implementation process.

The department commissioned an independent regulatory burden measurement on including prescribed ECEC services in the Standards. The data in the analysis comes from centre based care, outside school hours care, vacation care, family day care and in home care settings (as per Option 2).

To undertake the regulatory burden measurement, population statistics and best practice cost assumptions have been used to estimate costs and benefits which can reasonably be attributed to the Standards:

- additional time required by educators, administrative and support staff to understand the changes to the Standards,
- time required to review existing policies and practices to ensure compliance with the Standards, and
- additional time required by parents or carers to understand the changes to the Standards.

The regulatory burden measurement assumes increased costs apply in the first year of implementation only as ongoing costs would not be any greater than existing costs under the Disability Discrimination Act. From year two onwards, the time taken to understand the requirements under the Standards, would be a like-for-like replacement of the time previously used to understand the requirements under the Disability Discrimination Act.

Analysis has determined there is **no ongoing increase in administrative burden** for families and carers and ECEC providers. Families, carers and students with disability currently have existing costs to understand their rights under the Disability Discrimination Act. ECEC services are already required to implement policies, procedures and risk assessments for a range of circumstances in education and care services including inclusion obligations under ECEC specific requirements and the Disability Discrimination Act.

Calculation assumptions

An overview of the costs and benefits associated with the changes according to impacts on ECEC services and families and carers of children with disability is set out below. These impacts are based on the qualitative analysis in Question 4.

Education workforce statistics

The number of staff across the ECEC sector has been estimated based on workforce statistics from the available census data, which includes those working at centre based care, in home care, vacation care, outside school hours care and family day care which are services to be included under the changes.²¹ The number of staff (FTE) with an ECEC related qualification for the compliance cost of reviewing and updating policies and procedures is 149,886. The number of all staff (FTE) relevant to calculations about the time to understand the changes is 216,619.

Average cost per staff member

The average cost per staff is assumed a rate of \$85.17 per hour. This represents the economy-wide value for employees of \$48.67 per hour, considered against a multiplier of 1.75 to account for non-wage labour costs (such as payroll tax and superannuation) and overhead costs, per the guidance included in the OIA's *Regulatory Burden Measurement Framework*.²²

Time per staff member

The time required by all members staff in ECEC services to understand the changes to the Standards associated with the amendment has been estimated as 1 hour.²³ This time assumption draws on the estimated time of 1 hour required to complete professional learning on the Disability Standards for Education for early childhood training module.²⁴

The time required to update policies and procedures assumes 1 hour of work by staff with an ECEC qualification in the first year of implementation. The increase in administrative burden for providers is estimated at this level given services are already required to implement policies, procedures and risk assessments for a range of circumstances in education and care services. It would most likely be staff with qualifications in ECEC who would update policies.

Education student statistics

The number of children with disability across the ECEC sector has been estimated based on the available census data, which includes those attending centre based care, in home care, vacation care, outside school hours care and family day care which are services to be included under the changes. The number of children included in the analysis is 66,399 children aged 0 to 12 with disability.²⁵

Average cost per parent

The average cost per parent assumed a rate of \$37.00 per hour. This represents the impact of an individual's time not in the usual course of their employment, also referred to as leisure time. This is assumed to be the opportunity cost of the time spent understanding the changes under the

²¹Data on ECEC workforce composition is adapted from the *2021 Early Childhood Education and Care National Workforce Census*, available at: www.education.gov.au/early-childhood/resources/2021-early-childhood-education-and-care-national-workforce-census-state-and-regional-data-table

²² OIA information on default work-related labour rates is available in Appendix 2 of the *Regulatory Burden Measurement Framework*, available at: <https://oia.pmc.gov.au/sites/default/files/2024-02/regulatory-burden-measurement-framework.pdf>

²³ Time estimates have been based off the Standards professional learning modules made available on the Nationally Consistent Collection of Data website, www.nccd.edu.au/professional-learning/disability-standards-education-early-childhood-prior-school.

²⁴ Nationally Consistent Collection of Data on School Students with Disability, Disability Standards for Education for early childhood (prior to school), www.nccd.edu.au/professional-learning/disability-standards-education-early-childhood-prior-school.

²⁵ Data on ECEC students (0-12 years) is adapted from the Department of Education *2021 Early Childhood Education and Care National Workforce Census State and Regional Data Table*., available at: www.education.gov.au/early-childhood/resources/2021-early-childhood-education-and-care-national-workforce-census-state-and-regional-data-table and the *December quarter 2023 data tables*, available at: www.education.gov.au/early-childhood/resources/december-quarter-2023-data-tables

amendments. This value is based on average weekly earnings as per the guidance included in the OIA's *Regulatory Burden Measurement Framework*.²⁶

Time per parent

The regulatory burden measurement calculation assumes one parent or carer per child would be required to understand the changes to the amendments. This would be an upper limit, given some children would share a parent.

The time required by parents or carers to understand the changes to the Standards associated with each of the amendments has been estimated to be 0.5 hours.

The time required for parents or carers to understand the changes to the Standards draws on training and information material made available by the Department on understanding the Disability Discrimination Act and the Standards.²⁷

Community organisations

The analysis did not identify specific costs incurred by community organisations, including disability advocacy organisations that support children with disability and their families and carers. Given the relatively small number of these organisations (approximately 45 organisations), and their small staffing levels, the Department considers that any associated costs or benefits are likely to be negligible.²⁸

Based on the assumptions outlined above, Table 3 presents the calculated burden for the amendments for the first year. It shows that the costs to businesses, and individuals are minimal with the changes. Importantly, independent analysis determined no increase in administrative burden past the first year.

Table 3. Regulatory Burden Measurement – ECEC Inclusion

Change in cost (\$ m)	Businesses (Providers)	Community Organisations	Individuals (Parents/ Carers)	Total change in costs
Additional time required to understand the Standards	\$18.45	negligible	\$1.23	\$19.68
Time to review and update policies and procedures	\$12.77	negligible	Nil	\$12.77
Total by sector	\$31.22	negligible	\$1.23	\$32.45

²⁶ OIA information on default non-work-related labour rates is available in Appendix 2 of the *Regulatory Burden Measurement Framework*, available at: <https://oia.pmc.gov.au/sites/default/files/2024-02/regulatory-burden-measurement-framework.pdf>

²⁷ This assumption is based on information developed specifically for this audience and purpose.

Professional learning, NCCD portal, www.nccd.edu.au/resources-and-tools/professional-learning/format/e-learning-5.

Information resources for students with disability and their caregivers, Department of Education, www.education.gov.au/disability-standards-education-2005/information-resources-students-disability-and-their-caregivers.

²⁸ Figure based on data on the Australian Government Disability Gateway website, www.disabilitygateway.gov.au/legal/advocacy. Assuming one hour per person per organisation at a rate comparable to that of ECEC staff, would lead to \$3912.

Other changes being made

Guidance Notes

The [Guidance Notes](#) give extra information to help people understand and comply with the Standards. The Guidance Notes are not part of the law. The 2020 Review of the Standards recommended that we simplify the Guidance Notes to make them more useful.

The Guidance Notes will be replaced with updated guidance materials made available on the [Department of Education website](#). This will be available alongside other current resources on the Standards and allow everyone to access guidance and resources from one place. It will also allow for timely updates to guidance if the Standards change.

Other miscellaneous changes

These changes would have no regulatory impact. Schedule 2 of the draft Amendment Standards lists other minor or technical changes to the Standards. This includes changes to:

- use the new name for the Australian Human Rights Commission instead of the previous name, the Human Rights and Equal Opportunity Commission
- use gender-neutral language like ‘the student’ or ‘the child’ instead of ‘his or her’
- refer to the correct section number of the Disability Discrimination Act (Section 39)
- changes to references to the Standards as a set of standards versus the individual standards (e.g. “these standards” instead of “the standards” when referring to the Standards as the legislation)
- minor formatting changes
- update the title for the Minister for Education.

Consultation

Question 5 – Who did you consult and how did you incorporate their feedback?

Consultation from the 2020 Review of the Standards

In 2020, the department conducted a review of the Standards. Over the ten-week consultation period, the Consultation Hub received 18,565 unique visitors, and the review attracted 179 formal submissions.

In addition to public consultations, the review engaged with key national agencies, regulators, and sector representatives. It was guided by a reference group comprising state and territory officials from all education sectors. A Young People’s Advisory Group was also formed to ensure the voices of young people with disability were heard directly.

A separate stream of consultations focused on the ECEC sector, exploring the awareness, understanding, and application of the Disability Discrimination Act among parents, carers, and educators.

A number of participants in the review consultations—including through the Australian Children’s Education and Care Quality Authority’s engagement with ECEC providers—raised and supported the extension of the Standards to the ECEC sector. There was no view put to the Review that the Standards should not be extended to ECEC.

Peak body in 2020 Review of the Standards consultation said that - in early childhood education and care settings there is confusion over whether the Standards apply to 3- and 4-year-old kinder.

Feedback led to a recommendation to:

- build awareness and capability in the sector regarding the Disability Discrimination Act, and
- prepare draft amendments to the Standards to incorporate ECEC for sector consultation.

Limited consultation

In 2021, an Implementation Reference Group (IRG) was established as the principle consultative mechanism for the department to work with state and territory governments and education authorities to implement the recommendations of the 2020 Review of the Standards. The department also consulted extensively with peak disability organisations.

A limited consultation with IRG members confirmed a threshold issue to determine which ECEC services should be included in the Standards is whether the educational concepts used in the Standards would make sense in the various ECEC contexts.

When considering options, IRG members expressed a preference for the Standards to apply to ECEC services that are required to have an educational program based on a national or state approved learning framework or curriculum such as the *Belonging, Being & Becoming - Early Years Learning Framework* or the *My Time, Our Place –Framework for School Aged Care in Australia* (Option 2). In response to this feedback, the Australian Government undertook a public consultation process on draft amendments to the Standards.

Public consultation

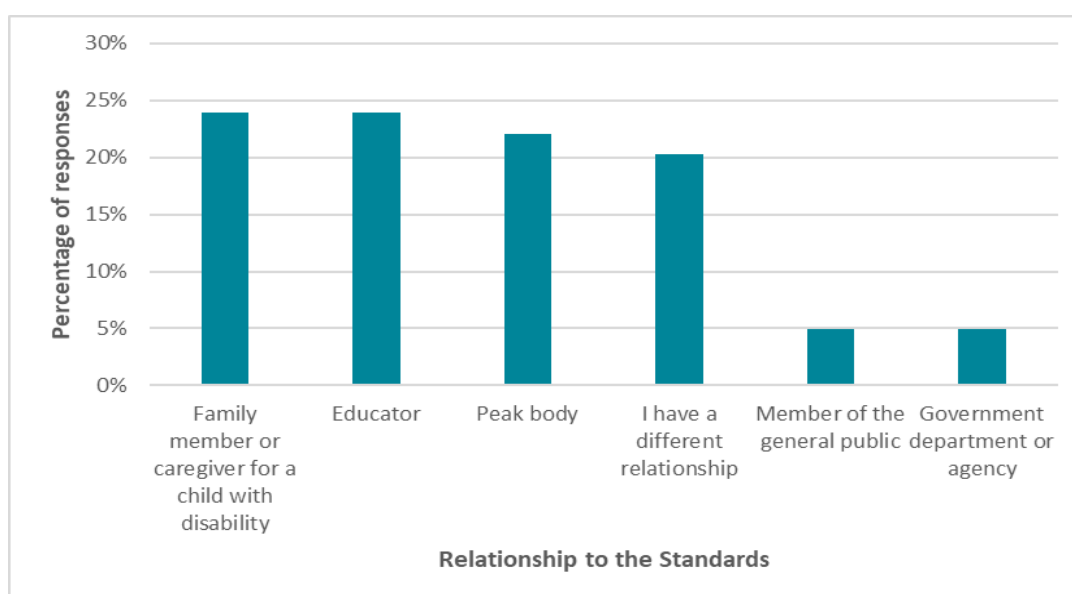
Public consultation was conducted from 31 January to 28 February 2025. More information is available on the [Department of Education website](#). The consultation sought feedback on an Exposure Draft of the amendments, including whether the proposed changes would cover the ECEC services most appropriate for inclusion in the Standards.

The department received 146 responses from individuals and organisations, including parents and carers of children with disability, people with disability, state and territory governments, ECEC providers and educators, First Nations stakeholders, disability organisations, legal professionals, and other education sector stakeholders.

State and territory education officials were also consulted separately through the Early Childhood Policy Group (under the Education Ministers Meeting). In addition, state and territory education ministers and Attorneys-General were invited to provide comment.

Figure 1 shows the types of respondents who engaged in the public consultations via a survey and submission processes. The consultation included a range of people from across the ECEC sector and provided a sample of respondent types.

Figure 1. Type of respondents to the public consultation



Overall, the responses received were overwhelmingly positive and supportive of the change to include ECEC services in the Standards. Similar benefits were mentioned across feedback from both individuals and organisations. Five stakeholders' submissions were supportive of the policy for ECEC services to be inclusive of children with disability but did not agree with the suggested change to include ECEC in the Standards in any form.

Peak body in the public consultation commented that the changes to the Standards will clarify the obligations of education providers and the requirement to uphold Australia's disability discrimination laws.

Assessment

Question 6 – What is the best option from those you have considered and how will it be implemented?

Based on feedback from limited and public consultations on the proposed amendment to the Standards (see Question 5), Option 2 is the recommended approach. It is expected to provide the greatest clarity for ECEC services regarding their obligations under the Disability Discrimination Act, compared to both the status quo and Option 3.

Question 4 determined that Option 2 would have a limited regulatory impact on ECEC services or families and carers of children with disability. The analysis showed that there is a positive effect associated with implementing this option for both services and families. The analysis showed that Option 1 would have no impact on ECEC services but would have a negative impact on families and carers of children with disability. It also showed that Option 3 would have a negative impact on ECEC services.

Option 2 will have minimal costs associated with the changes because the policy effects of the changes balance the existing obligations providers have under the Disability Discrimination Act. ECEC services already have policies and professional learning in place to support staff understanding of their obligations.

Option 2 would require updating policy and current training in the first year of implementation. Following the first year, professional learning and policies would become ‘business-as-usual’ as per the current obligations for services.

Under Option 2, the costs for individuals are balanced by the policy impacts of improved understanding of rights and increased inclusion for children and young people with disability who are enrolled in an ECEC setting.

Implementation

Foundational work to support the implementation of the amendments

The 2020 Review of the Standards outlined first steps ahead of amending the Standards. This included strengthening the understanding of existing rights and obligations under the Disability Discrimination Act as they apply to the ECEC sector by developing information products.

In 2022 and 2023 the Australian Children’s Education and Care Quality Authority (ACECQA) published new resources to help ECEC providers find out more about and understand the Disability Discrimination Act. The resources support providers to understand and implement their obligations under the Disability Discrimination Act. The resources include an information sheet, a team meeting package and a Disability Discrimination Act recruitment and induction package.

These resources can be found at [Appendix 2](#).

The Australian Government also produced a toolkit for parents and caregivers of young children with disability to explain their rights and how to advocate for their child in ECEC. The toolkit can be found on the [Department of Education website](#).

The Australian Government also worked with state and territory governments to align national ECEC policies and regulations and obligations under the Disability Discrimination Act. More information about how to support children with disability in ECEC can be found in:

- [*Belonging, Being and Becoming: The Early Years Learning Framework for Australia*](#)
- [*My Time, Our Place: Framework for School Age Care in Australia*](#)

New guidance and training

Implementation will be supported through new guidance and training materials to help services review policies, make necessary changes and undertake professional learning. The materials will assist staff in building their knowledge of how to apply the Standards.

New fact sheets will be published on the department’s website, specifically targeted at ECEC services. These will provide clear guidance on the changes being introduced and the timing of when they will take effect.

New e-learning courses for educators on the Standards are currently in development. Separate courses will be available for ECEC educators, leaders and support staff OHSC educators and leaders. One course will specifically support staff in outside school hours care and there will be one course for ECEC settings such as centre based care and family day care to build their understanding of inclusive education and how to apply the Standards in their daily practice.

There will also be guidance provided for parents and caregivers on their rights under the Standards. These materials will complement other resources available on the department's website for parents and carers of young people with disability on the [Department of Education website](#).

The new materials will supplement current resources and build on foundational work to strengthen the ECEC sector's understanding of their obligations under the Disability Discrimination Act. Current resources on the [Department of Education website](#) will be reviewed and updated as needed to ensure they reflect the obligations under both the Disability Discrimination Act and the Standards.

The Australian Government have engaged the Australian Children's Education and Care Authority to develop an Inclusive Capability Framework. The framework and resources will complement the Australian Government's Inclusion Support Program and the ECEC amendments to the Standards.

Submissions from the public consultation said that it is beneficial to provide targeted training and resources to early childhood services. Building the capacity of educators to support children with disability, while maintaining flexibility in how services meet these needs, would be an effective approach to achieving inclusion.

Decision making process

The Minister for Education, in consultation with the Attorney-General, is required to review the Standards every 5 years. The Attorney-General's policy authority on matters related to the Standards is required as the Attorney-General is the minister responsible for the Disability Discrimination Act, under which the Standards are made.

Following drafting of the amendments, the department will brief the Minister for Education to seek approval of the final amendments to the Standards. The Minister for Education will request the Attorney-General, as the Minister responsible for the Disability Discrimination Act, to make the amendments and agree with the timing for tabling the amendments in Parliament. Once agreed, the Attorney General's Department will table the amended Standards in Parliament. They will have a disallowance period of 15 sitting days in each House before they are in effect.

The final timing of when the changes come into effect will be determined by the Australian Government.

Key milestones of implementation

The first step in implementation will be tabling the amendments in Parliament by the Attorney-General. The tabling process will be supported by communications to the sector to ensure the changes and commencement timing are widely understood.

Following the Government's announcement of the commencement of the legislation, the department will implement a communications plan. This will include accessible and plain language information and guidance to support engagement with the sector and the public. Targeted consultation with the sector will continue through existing forums to support understanding of the changes. This approach will ensure sector policies reflect the transition from the Disability Discrimination Act to the context of the Standards.

Key products supporting implementation of the Standards

1. Fact Sheets

- Targeted at Early Childhood Education and Care (ECEC) services
- Published on the Department of Education website
- Provide clear guidance on upcoming changes and their implementation timeline.

2. E-learning Courses on the Standards

- Tailored for:
 - ECEC educators, leaders, and support staff
 - Outside School Hours Care (OSHC) educators and leaders
- Focus on:
 - Building understanding of obligations under the Standards
 - Applying the Standards in daily practice

3. Parent and caregiver guidance

- Explains rights under the Standards
- Complements existing resources for families of children with disability on the [Department of Education website](#).

4. Supplementary materials and resource updates

- Existing resources on the Standards on the [Department of Education website](#) will be reviewed and updated to reflect ECEC obligations under the Standards.

Implementation risks and how they will be managed

Some ECEC services may be concerned about increased regulatory burden and workloads resulting from the changes. These risks have been addressed through the impact analysis and extensive consultation with key stakeholders. Foundational efforts to build awareness and capability around the Disability Discrimination Act, along with the planned implementation support through new resources and training, will help further mitigate these concerns.

Evaluation

Question 7: How will you evaluate your chosen option against the success metrics?

Following the amendment coming into effect, the department would monitor and evaluate the success of the policy. The Minister for Education must review the Standards every five years in consultation with the Attorney-General. The next review of the Standards after the expected implementation in 2026 will be undertaken in 2030. This would provide the opportunity to evaluate whether the Standards are supporting inclusive education practices and policies in ECEC services. The Reviews of the Standards, collection of feedback, and subsequent evaluation will be the responsibility of the Department of Education.

The evaluation will take an outcomes-based evaluation approach which focuses on the changes in knowledge, attitudes and behaviours that resulted from the amendment of the Standards. Other, ongoing feedback will be collected by the department on an ad hoc basis, as part of business-as-usual activities, including through ministerial correspondence, stakeholder meetings and forums.

It will also consider process-based evaluation to identify the take up of e-learning courses and website hits on online resources.

Table 3 describes the way the department will evaluate the success of the changes in the 2030 Review of the Standards as well as through metrics obtained through the professional learning courses.

Table 3. Success metrics against policy objectives

Policy objectives	Success metrics against objectives
1. Make the obligations of ECEC services for children and students with disability consistent across the education sector.	Majority of children with disability in education settings are covered by the Standards.
2. Make it clear in the Standards there is no difference between the rights of children with disability in preschool or kindergarten and other ECEC services that deliver education programs	- Knowledge of Standards in early childhood education settings increases. - Take-up rates of the e-learning training courses on the Standards by ECEC educators.
3. Make it clear for families and carers what the rights of children and students are and how ECEC services must support children and students.	Collection of positive feedback from families, carers and peak bodies.

Evaluation questions will be refined at the time of the 2030 Review of the Standards, but will likely include, or be like, the following key evaluation questions:

- How has including most ECEC services in the Standards made things better for children and students with disability and their parents and carers?
- How has including most ECEC services in the Standards made things better for educational early childhood services and providers?
- How well were the amendments implemented? Were the resources provided sufficient for educational early childhood services and providers to understand their obligations?
- Was the policy efficient (that is, did it achieve its outcomes at least cost)?
- Did the changes to the Standards have different, unexpected effects on different cohorts, such as different sized providers?

Appendix 1: Literature Review and Bibliography

The department commissioned a literature review to help guide qualitative analysis of the costs and benefits of the preferred option for the amendments to the Standards.

Social and emotional impacts

There are inherent challenges in analysing the proposed amendment to clarify the application of the Standards to the ECEC sector through a literature review. While there is a significant body of research on the Standards, it typically focuses on their socio-historical development (e.g. Anderson & Boyle 2019), on broader critiques of the Standards (e.g. Mavropoulou et al. 2019), or on the lived experiences of children and educators with the Standards (e.g. Munchan & Agbenyega 2020).

A review of the available academic literature found no research that focussed directly on a perceived gap with the ECEC sector and the costs and benefits of addressing it.

This gap in academic research is not unexpected based on broader reviews and scoping studies of the literature (Duncan et al 2021).

Despite this, it is possible to draw a broader analysis of the Standards as they relate to the ECEC sector and infer impacts from inclusion into the Standards. Where appropriate, further analysis has been drawn from grey literature.

Literature cited, and a broader reference list is included at Bibliography.

Awareness

Throughout the literature, awareness of the Standards emerged as a key theme.

Throughout grey literature, links were drawn to awareness as a limiting factor in realising the intended policy outcomes of the Standards and the *Disability Discrimination Act 1992*. These documents often point to examples of educators and education staff being unaware of their obligations under the Disability Discrimination Act or unfamiliar with the Standards (Commonwealth 2023). These observations were substantiated in academic literature, either highlighting examples of the lived experience of children in this regard (Nevill & Forsey 2022) or highlighting broader observations of other authors in a deficit of awareness (Duncan et al 2020; Mavropoulou et al 2021).

Sub-optimal levels of awareness impair the efficacy of the Standards. Without clear and direct guidance, 'schools frequently develop local-level policies, resulting in a broad range of interpretations and applications across the education sector (Duncan et al. 2020). This has led research to identify raising awareness as the "first hurdle... [in] addressing the differences in knowledge, perspectives and power between educators, and students with disability and their associates" (Urbis 2015, in Mavropoulou et al 2021).

Furthering this position, research from Children and Young People with Disability Australia (2023) indicates that an increased awareness of the Standards and exposure to advocacy around the Standards, is linked to higher degrees of confidence for young people with disability to self-advocate. While this provides an indirect benefit for the inclusion of all students into the Standards who are likely to require self-advocacy throughout their life, it is noted there are clear developmental, legal, and social barriers to this advocacy, as children in ECEC are in the dependent

position of having adults act on their behalf (Lieter 2004). These barriers should moderate, not remove this benefit.

Limited academic research on inclusive education supports the view that the increased advocacy of parents, carers and associates can lead to improved education and social outcomes (Nevill & Forsey 2022). This is a position that is further affirmed in grey literature, with several examples of parents, carers or associates using the Standards as an advocacy tool to realise the rights of students with disability (Commonwealth 2023).

Based on the research available, the inclusion of the ECEC sector into the Standards would serve to increase the awareness of the Standards. As the Standards apply to all other levels of education, increased exposure at an earlier level of education is likely to improve awareness over the education lifespan. It is possible that this would provide a greater sense of confidence in the use of the Standards during education transition from early childhood education and care to primary schooling.

As improved awareness is derived from conversations held during earlier education and care experiences, it remains partly an exercise in shifting conversations regarding disability and inclusion in education from primary and preschools to the broader ECEC Sector, which may not have the resources to properly support these conversations. It is also recognised that the presentation of some disabilities in children may not occur in ECEC. There are other policy levers that could be used to realise improved awareness of the Standards – including education campaigns targeting parents and carers.

Finally, it is noted that there is also evidence to suggest that some early childhood educators are aware of their obligations and requirements (Muncan & Agbenyega 2020). This suggests that for a subset of educators, impacts relating to awareness building are going to be cost-neutral.

Inclusion

Throughout the literature, inclusion emerged as a key theme, both as a clear benefit for the Standards and their amendment, as an optimal economic approach, and as an enabling factor to realising policy change.

In considering the broader justifications for inclusive education with Australia, Boyle and Anderson (2020) highlight that a small number of studies have identified inclusive education to be either a more cost effective or cost neutral approach to “educating students with additional needs”. However, it is recognised that several limiting factors, including data and information availability (ibid.) limit the ability to infer impacts relevant to the proposed amendment.

As a broader concept, a significant body of research is focused on the improved outcomes associated with the inclusion of children and young people with disability in early childhood education and care (McLeod et al. 2022; Symeonidou et al. 2023; and Delalibera & Ferreira 2018). However, given that the Standards do not mandate the children are enrolled in ECEC and the NQF already operates to ensure inclusion, Callida considers it would not be appropriate to present this as a direct benefit of the proposed amendment.

Finally, several articles consider positive attitudes towards inclusion as an enabling factor to realising policy implementation and change (Purdue 2009). These articles suggest that for proposed amendments to the ECEC, pairing efforts with other measures to improve attitudes towards

inclusion – including diversity and inclusion awareness initiatives – is likely to assist in realising the intended policy outcome.

However, even where support for inclusion is in place in schools, it “is challenged by lack of teacher support, knowledge and skills to adequately implement inclusion for children with disabilities” ((Lee & Recchia, 2016; Soukakou, 2012; Warren et al., 2016; Wenet al., 2011) in Munchan & Agbenyega 2020) and staff confidence (Petriwskyj 2010).

This finding is echoed in international literature (Purdue 2009) where research suggest that “[r]educing barriers in policy at a centre level requires a change in beliefs and constructions about disability difference and education”. Further, that “reform for inclusion is most likely to be progressed when the principles and values of inclusion, rather than exclusive ideologies and assumptions that restrict opportunities for children, guide policy development in centres” (ibid.).

Taken together, this supports the view that while neither a direct nor indirect cost, a clear barrier to the realising the intended outcome of the proposed amendment will be attitudes of educators, carers and their institutions to inclusion.

Resourcing and Professional Development

The key theme throughout the literature and both previous themes is that improved outcomes for children with disability is most clearly attributable to improved resourcing and professional development.

Research by Munchan and Agbenyega (2020) on the experiences of early childhood educators teaching young children with disability, noted that educators “did not feel as though they had enough support to teach children with a disability effectively, [with] the main issue raised the lack of staff to assist children with disability”. This view is supported by Rosenberg et al. who note that interpreting legislation and policies, and implementing inclusive practices can be a daunting challenge in the face of everyday teaching for experienced teachers (Anderson & Boyle, 2015); for beginning teachers, these responsibilities can appear insurmountable (McKay, 2016; Miles & Knipe, 2018) if they are not adequately prepared professionally.

These observations are supported by literature that sought to draw a link between improving teachers’ skills and improving outcomes (Davies et al. 2016; Forlin et al. 2008; Mavropoulou et al. 2021).

Taken together with observations regarding awareness and inclusions, as complexity in the legislative and policy environment develops, indirect costs relating to resourcing and professional development are likely to increase.

Limitations – ECEC

There are limitations that should be considered with the findings of this analysis.

Primarily, there is a gap between developments in legislation and policy in education and observations of their impact. As Mavropoulou et al. (2021) observe “a significant obstacle to inclusive education reform is the lag between changes to policy rhetoric, and the change we see in people’s behaviour”. While this does not necessarily impact a prospective exercise, it will present an impediment to monitoring and evaluation.

Further, research in this area is likely to be further complicated by definitional and jurisdictional issues. Definitions of inclusive education and disability are not uniformly accepted (Page et al. 2024; Duncan et al. 2020), and the latter is subject to different approaches adopted by Australian state and territories. While this presents some complications in inferring costs and benefits, it also impacts the research that is undertaken at an academic level (e.g. Graham & Jahnukainen 2011 who focuses primarily on the NSW context).

Duncan (et al. 2020) suggest that there is ambiguity in the Standards that results in a lack of clarity that results in schools “frequently develop[ing] local-level policies, resulting in a broad range of interpretations and applications across the education sector”. While this is understandable, given the need to translate federal requirements across several jurisdictions, it is likely to complicate the ability to isolate the impacts associated with the proposed amendment.

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Appendix 2: Current resources to support implementation of the amendments

The new materials will supplement existing resources and build on foundational work to support the amendments to strengthen the early childhood education and care sector's understanding of existing rights and obligations under the Disability Discrimination Act 1992. The content in the existing resources will be reviewed and updated as required to ensure they reflect the obligations under both the Disability Discrimination Act and the Standards.

Existing resources to support early childhood education and care services include:

1. In 2022 and 2023 the Australian Children's Education and Care Quality Authority (ACECQA) published new resources to help ECEC providers find out more about and understand the Disability Discrimination Act. The resources support providers to understand and implement their obligations under the Disability Discrimination Act. The resources include an information sheet, a team meeting package and a Disability Discrimination Act recruitment and induction package. These resources can be found on the [ACECQA website](#).
2. The Australian Government also produced a toolkit for parents and caregivers of young children with disability to explain their rights and how to advocate for their child in early childhood education and care. The toolkit can be found on the [Department of Education website](#).
3. The Australian Government and ACECQA also worked with state and territory governments to align national early childhood education and care policies and regulations and obligations under the Disability Discrimination Act.
4. Existing e-learning modules on the Nationally Consistent Collection of Data on School Students with Disability (NCCD) provide freely available modules related to early childhood settings on the [NCCD Portal](#). These existing resources can currently be used by early childhood education and care services.
5. There are other existing resources and training available to early childhood education and care services to help embed inclusive practices available from the [Department of Education website](#).