



Research Request – Standard care or supervision requirements for a child

Brief	One standard piece of literature or article that outlines the care/supervision requirements for a 2 year old and 3.5 year old (24 hours/7 days per week). Prefer to be Australian based, taking into account available outside of home care services (i.e. child care). To support and AAT case.
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Lack of legislation and guidance

There is no Australian legislation outlining what typical parental supervision or care of children looks like in practice. Legislation is framed in the context of when there is an unsuitable 'lack of parental supervision' or negligence.

To identify what typical care/supervision responsibilities are for parent of a toddler of various ages, parental and carer responsibility under law in comparable situations have been used e.g. childcare.

Consultation with NDIA ECEI Team

The Early Childhood Early Intervention team were contacted to check if the agency had any established research on the standard care or supervision hours or parental expectations for children. The team do not have this research information, but are able to provide individualised guidance in relation to parent and informal supports for ECEI plans. This highlights that appropriate care/supervision will be subjective to the circumstances of each case.

Leaving children unsupervised

There is no Australian legislation outlining when it is safe or suitable to leave toddlers or children unsupervised when playing.

Leaving children home alone

The raising children website, which is supported by DSS, states that there is no one law in Australia that says at what age you can or can't leave your child home alone.

In Queensland if you leave a child under 12 years of age for an 'unreasonable time' without supervision you have committed a misdemeanour. However, the legislation also says that whether the time is unreasonable depends on all the relevant circumstances. Elsewhere in Australia, the law says you're legally obliged to make sure that your child is properly looked after. You're expected to provide food, clothing, a place to live, safety and supervision¹.

However, the website states that it may be suitable to leave a child at home alone if they are between 9-15 years. This suitability is based on family circumstances and the maturity of the child.

For toddlers 1-3 years, the website also says that child safety at home is **about supervising your child, creating a safe environment, and teaching your child about what's safe and what's not**. But even when you think you've removed all the home safety hazards, the reality is that children can still have tumbles and falls. That's why **supervision is one of the keys to child safety at home**².

Parental Responsibility

The Family Law Act 1975 (61B) states that parental responsibility, in relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children³.

The Act does not delineate what parental responsibility is any further than this.

¹ Raising Children Website, Leaving children home alone, <https://raisingchildren.net.au/school-age/safety/home-pets/home-alone>

² Raising Children Website, Child Safety at Home, <https://raisingchildren.net.au/toddlers/safety/home-pets/home-safety>

³ Family Law Act 1975, http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/fla1975114/

Legal cases

Slater and Gordon list the following legal case studies relating to parents leaving children at home without suitable supervision:

- A Toowoomba mother was sentenced to six months jail last year for leaving her seven and eight year old sons locked inside their home for more than 90 minutes while out with her partner and their other three children. The Magistrate said the incident was very, very serious and warned of the potential tragedies that could have occurred.
- In 2014, a Mount Isa mother pleaded guilty to leaving her four year old son unattended at home while she went to the corner store. She told the court that she was gone for no longer than 5 minutes and left her son at home as he was unwell. She was put on a good behaviour bond for nine months⁴.

This is noting that QLD's position on leaving children home alone is much stricter and enforced to a higher degree.

Respite

There are STA and respite services in NSW (and most other states and territories) to support families and carers of people with disability but it is usually for people 6 years⁵.

Childcare educator to child ratios

There is limited legislation outlining parental responsibility. However, there is comprehensive legislation outlining the care and supervision of children in childcare scenarios.

The Department of Education and Training (Victoria) website states that "Children of different ages and abilities will need different levels of supervision. Younger children will always need to be in sight of an adult whereas older children may not. In general, the younger children are, the more they may need an adult to be physically present and close by to support and help them"⁶.

The National Quality Framework (NQF) sets out the minimum [qualification](#) and educator to child ratio requirements for children's education and care services⁷. For centre based care the following ratios apply. As you can see 1 adult educator is permitted to supervise 4 children under 2 years.

⁴ Slater Gordon, <https://www.slatergordon.com.au/blog/is-it-illegal-to-leave-your-children-alone-at-home>

⁵ Life Without Barriers, Short Term Accommodation & Assistance (Respite) in NSW, <http://disabilityservices.lwb.org.au/where-we-offer-disability-support/nsw-and-act/respite/>

⁶ Department of Education and Training, Supervision, September 2012, <https://www.education.vic.gov.au/Documents/childhood/providers/regulation/pracnotessuperv.pdf>

⁷ Australian Children's Education and Care Quality Authority, National Quality Framework, 2012, <https://www.acecqa.gov.au/nqf/educator-to-child-ratios>

Age of children	Educator to child ratio	Applies
Birth to 24 months	1:4	All states and territories ¹
Over 24 months and less than 36 months	1:5	All states and territories excluding VIC
	1:4	VIC
Over 36 months up to and including preschool age	1:11	ACT, NT, QLD, VIC
	1:10	NSW
	1:10 for centre-based services other than a preschool 1:10 for disadvantaged preschools 1:11 for preschools other than a disadvantaged preschool	SA
	1:10 2:25 for children attending a preschool program	TAS
	1:10	WA