

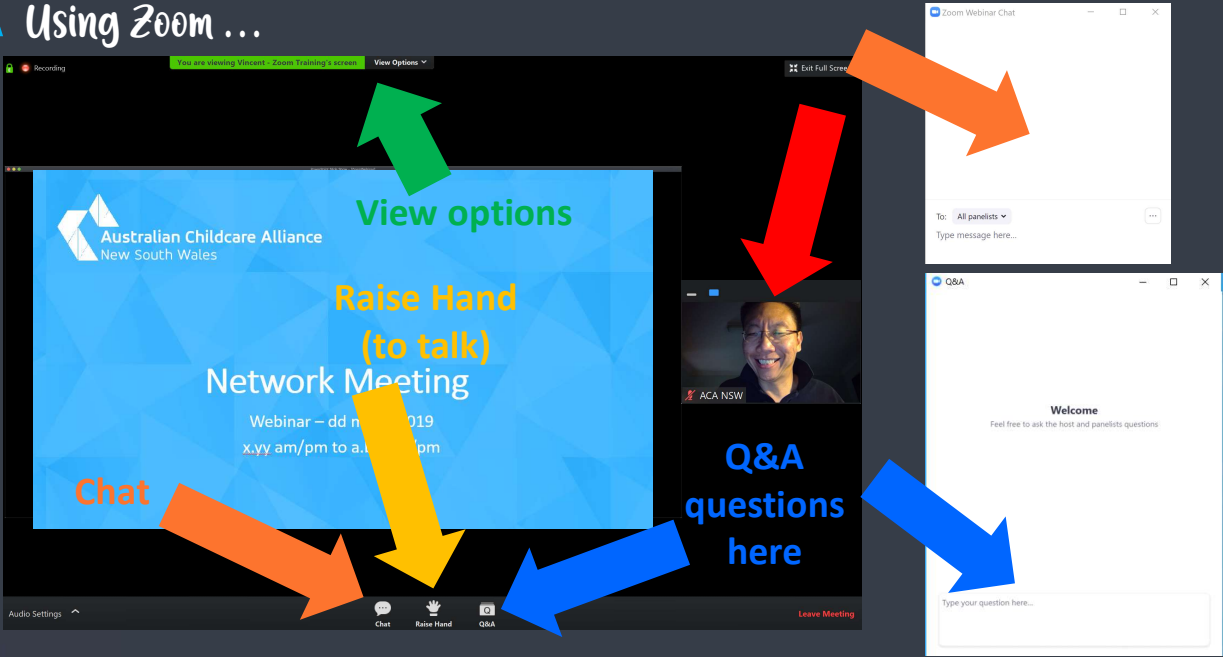
How you will access these presentation slides?



- A copy of these slides will be e-mailed to you within the first 15 minutes of the presentation.
- You can download the slides via the link provided for the next 2 weeks.
- We are restricting the access to these slides to 2 weeks in order to ensure the currency of information.
- ACA NSW members can always view and download again the latest version of this presentation via the ACA NSW website upon login.
- Non-members can access the latest presentation via the next live webinar or the webinar-on-demand for a fee.

3

Using Zoom ...



4

Members: Register for your free COVID-19 SMS alert service

- ACA NSW members – are you missing out?
- If you have never received an SMS message from ACA NSW, it means we do not have your mobile number(s).
- So, if you would like to register for ACA NSW's COVID-19 SMS alerts, please provide your mobile number(s) via:
<https://nsw.childcarealliance.org.au/news/776-register-for-the-aca-nsw-covid-19-sms-alerts>



5

Etiquettes

- Don't be shy. Please feel free to pose any questions – at any time.
 - We will try and answer as many of them as possible.
 - There are no wrong questions.
- Be respectful of others.



6

About ACA NSW ...

- About 600 members
 - privately-owned long daycare operators
 - privately-owned out-of-school-hours-care operators
 - not-for-profit long daycare operators
 - not-for-profit out-of-school-hours-care operators
- Representing 55.62% of private LDCs and OSHCs
 - Over 1,600 services
 - Over 25,000 employees
 - Supporting over 125,000 children and their families




About ACA NSW ...

- Run 29 Network Meetings per year (now 35 for 2020, with more if required)
- <https://nsw.childcarealliance.org.au/events/network-meetings-2020>
- Free* for ACA NSW members (*\$10 for non-attendance), \$40 pp for non-members
 - **Live Webinars:** 9 Mar, 3 Apr, 6 Apr, 8 Apr, 9 Apr, 14 Apr, 16 Apr, 27 Apr, 4 May, 11 May, 18 May, 15 Jun, 22 Jun, 24 Jul, 10 Aug, 11 Sep, 19 Oct
 - **Greater Sydney:** 3 Feb (Parramatta), 10 Feb (Blacktown), 2 Mar (Lower North Shore), 3 Aug (Blacktown), 17 Aug (Sutherland), 14 Sep (Parramatta), 12 Oct (Lower North Shore), 2 Nov (Sutherland)
 - **Central Coast:** 16 Mar, 27 Jul
 - **Illawarra:** 24 Aug
 - **Newcastle:** 20 Jul, 16 Nov
 - **Coffs Harbour:** 17 Feb, 1 Jun, 21 Sep









About ACA NSW ...

- National Law & National Regulations advice
- Industrial Relations advice
- Family dispute (CCS & ACCS) & Centrelink advice & assistance
- Immunisation advice
- Fair Work Ombudsman assistance
- Local Council and development applications advice
- Jury duty assistance
- Educational programming assistance
- Telecommunications advice
- Electricity savings
- ... and more! Just try us.



Members' Satisfaction Score
(as of 6 March 2020)
<https://nsw.childcarealliance.org.au/membership/testimonials>
86 testimonials to date since October 2017

Australian Childcare Alliance
New South Wales

9

9

Guild Insurance & Guild Early Learning

- #1 business insurance – Guild Insurance (www.guildinsurance.com.au | 1800 810 213)
 - Largest provider for early childhood education sector
 - Dedicated account manager
 - Most reliable and comprehensive cover
- #1 workers compensation insurance – Guild Early Learning (iCare is now #2) (www.guildinsurance.com.au/workers-comp/nsw | 1800 810 213)
 - Most competitive premiums
 - Dedicated account manager
 - Free Work Health and Safety on-line tools to ensure compliance and gain further discount
 - Expert Advisory Board to ensure fastest return-to-work for staff possible




Australian Childcare Alliance
New South Wales

10

10

Better Certificate III & Diploma courses

- Over 130 graduates via Early Education and Care College (www.eecc.com.au) (powered by Kool Kids Training College (www.kkctc.com.au | 1300 048 133))
- Designed by Approved Providers for Approved Providers
 - CHC30113: Certificate III in Early Childhood Education and Care (RRP: \$142 per unit, \$2,556 for the whole course)
 - CHC50113: Diploma of Early Childhood Education and Care (RRP: \$176 per unit, \$4,928 for the whole course)
- Free for eligible students via NSW Smart & Skilled training
- On-line monitoring of student activity, including reporting to APs
- Visit every 3 weeks by individualised trainer
- No ticks-and-flicks



NSW The new state of business **Smart and Skilled**

11



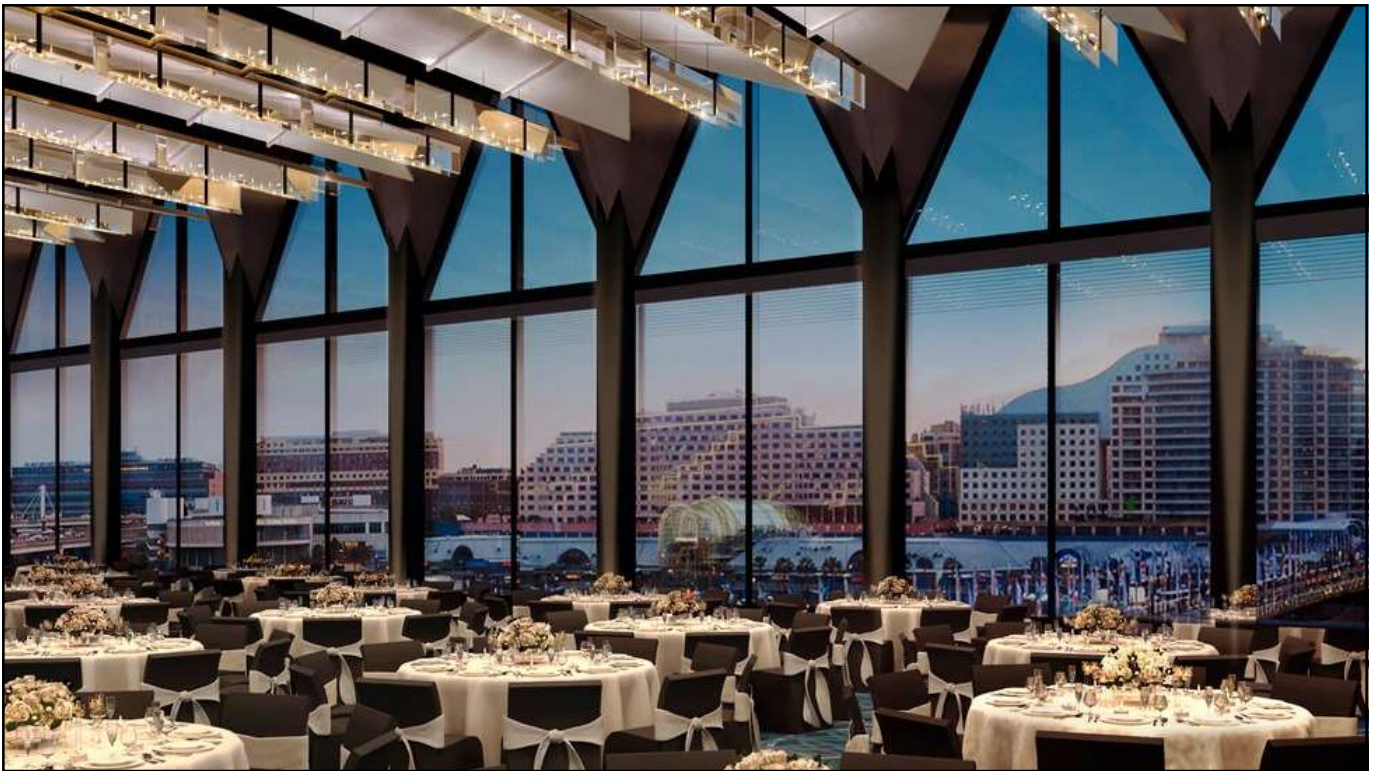
12



13



14



15

Excellence in Early Childhood Education Awards 2020

- www.nsw.childcarealliance.org.au/events/eece2020
- Largest ECEC awards programme in NSW (and arguably in Australia)
- Important dates:
 - Nominations Open – Deferred to July 2020
 - Nominations Close – Deferred & TBA
 - Gala Night – Saturday, 14 November 2020
- 2019 event **SOLD OUT** with 488 attendees and 120 on the waiting list.
- Gala Night tickets from \$25 pp (instead of \$135-\$140 pp) if special webinars set purchased (\$125 pp) via Start Strong funding.



16

Wheels on the Bus Tours

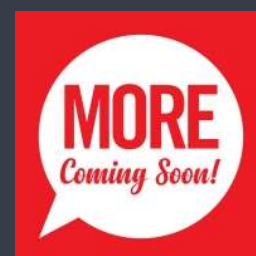
- In 2018 and 2019, there were 8x **SOLD OUT** tours.
- <https://nsw.childcarealliance.org.au/events/2020-bus-tours>
- Visiting 4x3 Exceeding rated Long Daycare services
- Lunch and drinks provided
- \$110 inc GST for members
- \$179 inc GST for non-members
- Saturday, 28 March 2020
- Saturday, 13 June 2020
- Saturday, 29 August 2020
- Saturday, 7 November 2020
- From 9.30 am to 4.00 pm



Quickies (ie training)

- Time poor?
- \$80-\$100 inc GST for ACA NSW members
- \$140-\$170 inc GST for non-members
- ~~Face-to-face~~ | Live Webinars | Webinars-on-demand
- www.nsw.childcarealliance.org.au/events/quickies-2020

1. Help with NSW's service provider approval process
2. Maximising & managing staff performance ... LEGALLY
3. Secrets of the "new" A&R
4. Creating the best possible QIP/Self-Assessment Tool submission for the "new" NQF
5. Multiplying success after your first Service - the foundational elements to replicate success
6. Improving Services from Fair to Fantastic!
7. Getting the CCS Application Process to work for services and families
8. How to ensure you are ready for a spotcheck/compliance visit
9. How to create best of class policies and documentation
10. How to design successful Early Childhood Education and Care Centres
11. How to recruit like a professional recruiter (webinar-on-demand only)
12. Workplace Mental Health Training (webinar-on-demand only)



ChildHR offer

- 40% of all Fair Work Ombudsman cases are filed by young workers (ie under 25 years old)
- Fair Work Commission decision in 2018 against employer who **could not prove** their employee understood the business' policies and procedures.
- Free Plan for ACA NSW members:
 - 50+ legally compliant documents including contracts & IR policies
 - onboarding management
- <https://nsw.childcarealliance.org.au/news/502-childhr>



ChildHR
HR Software Partner of

Australian Childcare Alliance

Join the
ChildHR
Revolution

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HR processes
on a single system

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DAY
FREE TRIAL*

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by taking the opportunity to trial ChildHR for FREE for 30 days
Set up your free trial at childhr.org.au/ACA or call 1300 410 340

Bunnings Offer (for Members Only)



- Coming soon.
- For ACA NSW members only.
- **Tradies pricing.**
- One/multiple cards can be issued per service.
- Electronic record of all purchases.



What's currently on ACA NSW's plate

- Fair Work Commission – Unions' applications to increase staff labour costs
 - Universal Access (C'th) / Start Strong (NSW) funding for 3 & 4 year olds
 - Dysfunctional Assessment & Ratings
 - Child Care Subsidy
 - ABCB's proposed Fire Regulations
 - 0-5 year old ECT degrees
 - National School Starting Age
 - Tax deductibility of childcare fees
 - Review of the National Quality Framework
 - Childcare Oversupply
 - NSW Payroll Tax
 - Local Councils and SEPP
 - Recruiting degree qualified ECTs
 - NSW's Enhanced Approval Process
 - Outstanding reforms for OSHC
 - Excellence in Early Childhood Education Awards
 - Simulated Outdoor Spaces
 - Centralised Debtors Database
- ... and more. **Feel free to ask.**

Proposed Agenda

- 1 ECEC Relief Package, CCS, ACCS, JobKeeper Payments, Cash Grants & Fees:
 - From 17 February 2020 to 5 April 2020
 - From 6 April 2020 (for 6 months)
 - Review in 4 weeks after 6 April 2020
 - In combination with JobKeeper Payments
 - Other economic stimulus initiatives
- 2 Everything else!

What did the Australian Childcare Alliance ask for?

- Paying subsidies of 85% up to the CCS hourly rate based on bookings as at the week ending 1 March 2020.
- The capacity to waive gap fees for families absent through this period.
- Amend the Cessation of Care requirements to allow absences to be paid on the last day of attendance.

23

Early Childhood Education and Care Relief Package (2 April 2020)

3-months to begin with

- You CAN opt-out of the Federal Government's Relief Package.
- You need to UPDATE the Federal Department of Education about any/all increases in enrolments (beyond 17 February to 1 March 2020) in order to receive additional funding VIA THE ON-LINE APPLICATION FORM.
<https://www.dese.gov.au/covid-19/childcare> released at 9.23 pm, 9 April 2020.
- The Community Child Care Fund ended applications on 3 April 2020.
- No parent contribution allowed.

First Relief Package (weekly) payments were distributed due on Thursday, 9 April 2020.

24

Early Childhood Education and Care Relief Package (2 April 2020)

- Not designed to generate 100% of services' revenue prior to COVID-19 on the government's assumption that most services would be generating operating surpluses during this time.
- It will impact every service differently.
- Those who may be more negatively impacted include:
 - Those with payroll expenses in excess of 75% of revenue.
 - Those with lease costs that exceed 15% of revenue.
 - Those who are charging considerably higher than the hourly rate cap.

25

Early Childhood Education and Care Relief Package (2 April 2020)



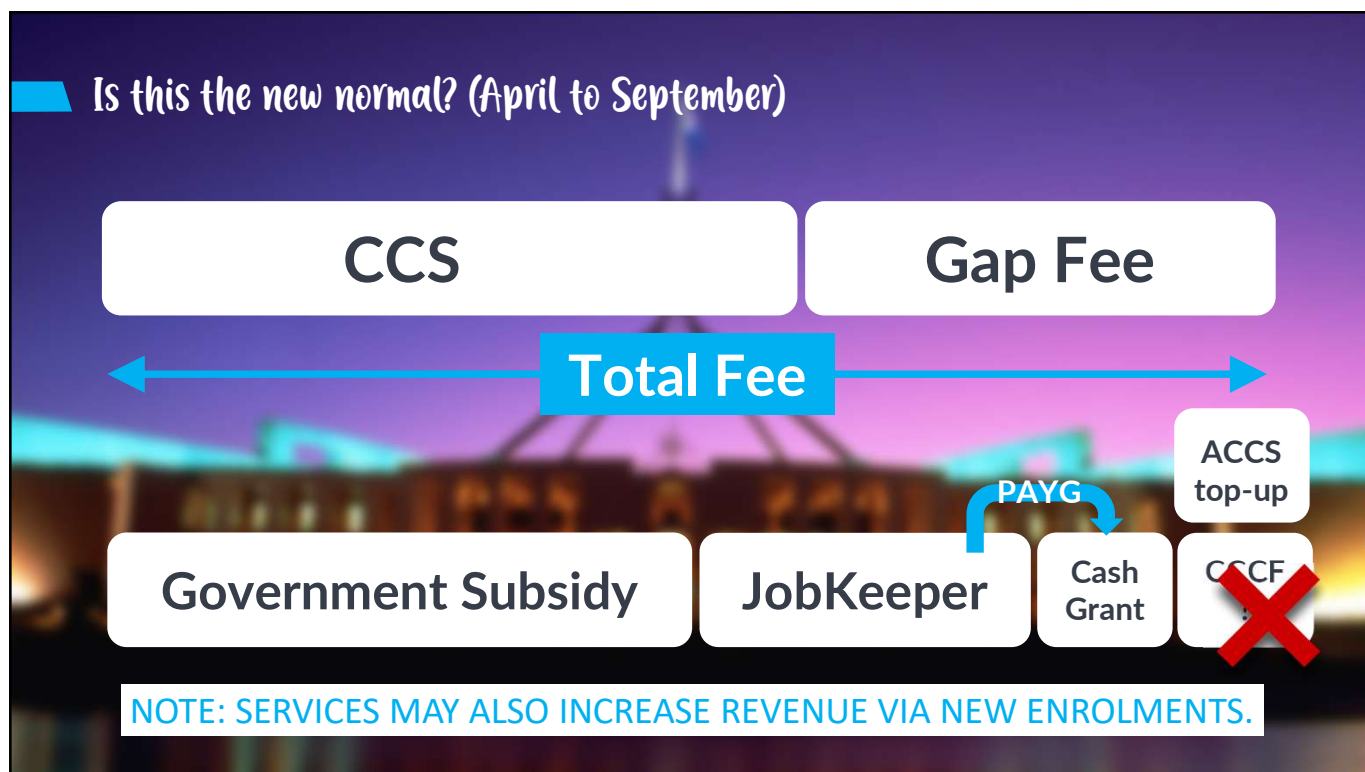
Australian Government
**Department of Education,
Skills and Employment**

"Importantly, these payments will complement the Government's recently announced JobKeeper Payment."

3-month to begin with

- <https://www.dese.gov.au/covid-19/childcare>
- <https://www.dese.gov.au/document/early-childhood-education-and-care-relief-package-conditions>

26



27

Early Childhood Education and Care Relief Package (2 April 2020)

From 6 April 2020 onwards ...

- 1 Using data for children who were in care during 17 February to 1 March 2020:
 - if your fee per hour is under the CCS hourly rate cap, services will be paid 50% of your fee
 - if your fee per hour is above the CCS hourly rate cap, services will be paid 50% of the CCS hourly rate cap

Between 23 March 2020 and 5 April 2020 ...

- 2 for children enrolled, CCS will be paid whether the gap fee was paid or not.
- 3 TO RECEIVE FUNDING, SERVICES MUST REMAIN OPEN.

28

Early Childhood Education and Care Relief Package (2 April 2020)

From 6 April 2020 onwards ...

EXAMPLE

Fee Charged: \$100 for 10 hour day
Government Subsidy: \$50

BELOW THE CCS HOURLY RATE

Fee Charged: \$130 for 10 hour day
Government Subsidy: \$59.90

ABOVE THE CCS HOURLY RATE

FY2019/2020
Hourly rate cap: \$11.98/hour
(centre-based daycare)
For 10 hour day = \$119.80
50% of \$119.80 = \$59.90

29

Early Childhood Education and Care Relief Package (2 April 2020)

- Priority of access is given to children of essential workers and vulnerable and disadvantaged children.
- Providers and services will not be able to submit session reports for any sessions of care provided over the period 6 April 2020 to 28 June 2020 in either their third party software or Provider Entry Point, including after 28 June 2020. NOTE: Sessions of care should still be recorded for record keeping purposes.
- It is expected that services will not seek to replace the gap fee amount through new and additional charges to parents and carers.
- Relief Package payments will be quarantined from the reconciliation process and will not be included for the end-of-year balancing.

30

Early Childhood Education and Care Relief Package (2 April 2020)

- Requirements still expected of providers/services:
 - recording attendances
 - recording absences
 - providing families with reports of attendance (ie statements)
 - observing the requirements for people working in child care
 - notifying the department of key personnel changes, including a person with management or control of the provider (including any person who is responsible for the day to day operation of any of the provider's approved child care services)
 - maintaining documentation on police checks and working with children
 - maintaining names and contact details of a Family Day Care educator or In Home Care educators for any such service
 - facilitating sign-in and out times for children using care

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How ACA NSW can assist members?



<https://nsw.childcarealliance.org.au/latest-news/ecec-relief-package-explained>

32

How ACA NSW can assist members?

AutoSave 2020-04-07 - ACA NSW revenue projection tool - for LDCs.xls - Compatibility Mode	
File Home Insert Draw Page Layout Formulas Data Review View Help	
Clipboard Font Paragraph Alignment Number Styles Cells Editing Ideas	
B10 By way of initial reference (which the Federal Department of Education will use), enter the enrolments for the period 17 Feb to 1 Mar 2020.	
A B	
1	
2	
3 Australian Childcare Alliance New South Wales INSTRUCTIONS	
4	
5 PLEASE DO NOT AMEND ANY TEXT/DATA IN BLACK.	
6	
7 THIS SPREADSHEET TOOL IS ONLY INTENDED TO ESTIMATE REVENUE, NOT EXPENDITURE.	
8	
9 STEP 1 In Tab "A - Target Fortnight (Children)", complete each row for each child enrolled, whether they are attending or not.	
10 By way of initial reference (which the Federal Department of Education will use), enter the enrolments for the period 17 Feb to 1 Mar 2020.	
11 Only enter/adjust the text/numbers that are in a PURPLE font. Feel free to override the embedded formulae as they were examples only.	
12	
13 STEP 2 In Tab "B - Staff Costs", complete each row for each staff member that is/to be employed as per your service's requirements.	
14 Only enter/adjust the text/numbers that are in a PURPLE font. Feel free to override the embedded formulae as they were examples only.	
15	
16 STEP 3 In Tab "C - Revenue", this spreadsheet should estimate automatically the revenues under CCS versus the ECEC Relief Package.	
17	
18 Should you have any difficulties with this tool, please contact the Australian Childcare Alliance (ACA) NSW on 1300 556 330 for assistance.	
19	
20 DISCLAIMER: THE INITIAL DATA CONTAINED IN THIS SPREADSHEET TOOL IS AN EXAMPLE ONLY AND DOES NOT REFLECT ANY SERVICE.	
21	
INSTRUCTIONS A - Target Fortnight (Children) B - Staff Costs C - Revenue	

33

How ACA NSW can assist members?

AutoSave 2020-04-07 - ACA NSW revenue projection tool - for LDCs.xls - Compatibility Mode	
File Home Insert Draw Page Layout Formulas Data Review View Help	
Clipboard Font Paragraph Alignment Number Styles Cells Editing Ideas	
D9	
A B C D E F G H I J K L M N O	
1 Child ID Age Group Hours Open/Day Daily Fee # of Days/Ftnight CCS Amount Gap Fee Total Received Est Govt Subsidy/Ftnight	
2 1 Birth-24m 10 \$130.00 4 \$180.00 \$340.00 \$520.00 \$239.60	
3 2 Birth-24m 10 \$130.00 6 \$215.64 \$564.36 \$780.00 \$359.40	
4 3 Birth-24m 10 \$130.00 4 \$119.80 \$400.20 \$520.00 \$239.60	
5 4 Birth-24m 10 \$130.00 8 \$287.52 \$752.48 \$1,040.00 \$479.20	
6 5 Birth-24m 10 \$130.00 10 \$509.15 \$790.85 \$1,300.00 \$599.00	
7 6 25m-36m 10 \$120.00 4 \$180.00 \$300.00 \$480.00 \$239.60	
8 7 25m-36m 10 \$120.00 6 \$215.64 \$504.36 \$720.00 \$359.40	
9 8 25m-36m 10 \$120.00 6 \$215.64 \$504.36 \$720.00 \$359.40	
10 9 25m-36m 10 \$120.00 4 \$119.80 \$360.20 \$480.00 \$239.60	
11 10 25m-36m 10 \$120.00 8 \$287.52 \$672.48 \$960.00 \$479.20	
12 11 25m-36m 10 \$120.00 10 \$509.15 \$690.85 \$1,200.00 \$599.00	
13 12 25m-36m 10 \$120.00 6 \$215.64 \$504.36 \$720.00 \$359.40	
14 13 25m-36m 10 \$120.00 4 \$119.80 \$360.20 \$480.00 \$239.60	
15 14 25m-36m 10 \$120.00 8 \$287.52 \$672.48 \$960.00 \$479.20	
16 15 25m-36m 10 \$120.00 10 \$509.15 \$690.85 \$1,200.00 \$599.00	
17 16 37m-60m 10 \$120.00 6 \$215.64 \$504.36 \$720.00 \$359.40	
18 17 37m-60m 10 \$120.00 4 \$119.80 \$360.20 \$480.00 \$239.60	
19 18 37m-60m 10 \$120.00 8 \$287.52 \$672.48 \$960.00 \$479.20	
20 19 37m-60m 10 \$120.00 10 \$509.15 \$690.85 \$1,200.00 \$599.00	
21 20 37m-60m 10 \$120.00 6 \$215.64 \$504.36 \$720.00 \$359.40	
22 21 37m-60m 10 \$120.00 4 \$119.80 \$360.20 \$480.00 \$239.60	
23 22 37m-60m 10 \$120.00 8 \$287.52 \$672.48 \$960.00 \$479.20	
24 23 37m-60m 10 \$120.00 10 \$509.15 \$690.85 \$1,200.00 \$599.00	
25 24 37m-60m 10 \$120.00 6 \$215.64 \$504.36 \$720.00 \$359.40	
26 25 37m-60m 10 \$120.00 4 \$119.80 \$360.20 \$480.00 \$239.60	
27	
28 TOTAL: \$6,571.63 \$13,428.37 \$20,000.00 \$9,823.60	
29	
30	
INSTRUCTIONS A - Target Fortnight (Children) B - Staff Costs C - Revenue	

Where fee(s) can be ABOVE hourly rate cap

Where all fees are BELOW the hourly rate

Please use OTHER spreadsheet tool

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How ACA NSW can assist members?

The screenshot shows an Excel spreadsheet titled "2020-04-07 - ACA NSW revenue projection tool - for LDCs.xls". The spreadsheet is divided into several tabs: INSTRUCTIONS, A - Target Fortnight (Children), B - Staff Costs, C - Revenue, and D - Display Settings. The active tab is B - Staff Costs. The data is organized into columns: Staff ID, Qualification, Category, JobKeeper?, Gross Pay/Week, Gross Pay/Fortnight, PAYG/Week, and PAYG/Fortnight. The data is as follows:

Staff ID	Qualification	Category	JobKeeper?	Gross Pay/Week	Gross Pay/Fortnight	PAYG/Week	PAYG/Fortnight
1	Cert III	Full-time	Yes	\$892.20	\$1,784.40	\$145.00	\$290.00
2	Cert III	Full-time	Yes	\$892.20	\$1,784.40	\$145.00	\$290.00
3	Cert III	Part-time	Yes	\$535.32	\$1,070.64	\$45.00	\$90.00
4	Cert III	Part-time	Yes	\$446.10	\$892.20	\$20.00	\$40.00
5	Cert III	Casual	Yes	\$356.88	\$713.76	\$0.00	\$0.00
6	Diploma	Full-time	Yes	\$971.20	\$1,942.40	\$173.00	\$346.00
7	Diploma	Part-time	No	\$485.60	\$971.20	\$31.00	\$62.00
8	Diploma	Casual	Yes	\$582.72	\$1,165.44	\$55.00	\$110.00
9	ECT	Part-time	Yes	\$215.30	\$430.60	\$0.00	\$0.00
TOTAL:				\$5,377.52	\$10,755.04	\$614.00	\$1,228.00

How ACA NSW can assist members?

The screenshot shows an Excel spreadsheet titled "2020-04-07 - ACA NSW revenue projection tool - for LDCs.xls". The spreadsheet is divided into several tabs: INSTRUCTIONS, A - Target Fortnight (Children), B - Staff Costs, C - Revenue, and D - Display Settings. The active tab is C - Revenue. The data is organized into columns: A, B, C, D, E, and F. The data is as follows:

	A	B	C	D	E	F
Under Child Care Subsidy						
		Per Week	Per Fortnight			
Child Care Subsidy		\$3,285.82	\$6,571.63			
Gap Fee		\$6,714.19	\$13,428.37			
TOTAL:		\$10,000.00	\$20,000.00			
Under the ECEC Relief Package						
		Per Week	Per Fortnight			
Government Subsidy		\$4,911.80	\$9,823.60			
JobKeeper Payments		\$6,000.00	\$12,000.00			
Cash Grant (PAYG)		\$614.00	\$1,228.00			
ATO top-up (Cash Grant) (if applicable)		\$0.00	\$0.00			
TOTAL:		\$11,525.80	\$23,051.60			

JobKeeper Payments (as passed on 8 April 2020)

At Parliament House, Canberra:

- Coronavirus Economic Response Package (Payments and Benefits) Act 2020
(see <https://www.legislation.gov.au/Details/C2020A00037>)
- Coronavirus Economic Response Package (Payments and Benefits) Rules 2020
(see <https://www.legislation.gov.au/Details/F2020L00419>)

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JobKeeper Payments (as passed on 8 April 2020)

Which EMPLOYEES are eligible?

1

An employee who is currently employed by the eligible employer (including those stood down or re-hired) who was:

- employed by the employer as at 1 March 2020;
- employed as full-time, part-time, or long-term casuals (ie a casual employed on a regular basis for longer than 12 months as at 1 March 2020).

2

An employee who is at least 16 years of age;

3

An employee who is an Australian citizen, the holder of a permanent visa, a Protected Special Category Visa Holder, a non-protected Special Category Visa Holder who has been residing continually in Australia for 10 years or more, or a Special Category (Subclass 444) Visa Holder; and

38

JobKeeper Payments (as passed on 8 April 2020)

Which EMPLOYEES are eligible?

4

An employee who is not in receipt of a JobKeeper Payment from another employer. (NOTE: If your employees receive the JobKeeper Payment, this may affect their eligibility for payments from Services Australia as they must report their JobKeeper Payment as income.)

Australian Government
Australian Taxation Office

JobKeeper Employee Nomination Notice

When to use the form

Employees

Before you start to receive JobKeeper payments, complete and send this form to your eligible employees (see to whom below).

The form will be used to:

• notify eligible employees that you (their employer) intend to participate in the JobKeeper scheme

• ask eligible employees if they agree to be nominated by you as their primary employer so that you can receive JobKeeper payments for them.

You do not need to send this form to the ATO. You will, however, need to keep the completed version of this form (generally for 5 years) to document that your employee has agreed to be nominated by you to receive JobKeeper payments for them.

Employers

Employers must ensure they comply with any Privacy Act 1988 (2013) obligations when using this form.

Complete sections B, C and D of this form and return this form to your employee as soon as possible.

Important:

• If you have not returned this form to your employee, they cannot receive you as an eligible employee to receive JobKeeper payments for you.

• If your employee intends to send to participate in the JobKeeper scheme for a fortnight beginning on 30 March 2020 or 13 April 2020, you should return this form to your employee before the end of April 2020 to ensure that your employee is eligible to receive JobKeeper payments for those fortnights.

If your employer intends to send to participate in the JobKeeper scheme for a subsequent fortnight, you should return the form as soon as possible after they give the form to you to ensure that your employer is eligible to receive JobKeeper payments.

• Only one employer or eligible business can receive the JobKeeper payment for you. If you have multiple employers, you must choose a primary employer. If you are a long-term casual employee that is eligible with no permanent or regular, you can nominate your casual employer.

• If you have already agreed to another employer or eligible business to receive JobKeeper payments for you, you cannot nominate this employer.

Relevant law requires the ATO to collect information and to disclose it to other government agencies. For information about your privacy, go to <https://ato.gov.au/privacy>.

What is the JobKeeper payment?

Under the JobKeeper payment, businesses impacted by the coronavirus are able to receive a weekly payment from the government to continue paying their employees. Affected employees are able to receive a fortnightly payment of \$1,500 per eligible employee or for one eligible business participant from 30 March 2020, for a maximum period of 6 months.

Find out more:

<https://ato.gov.au/general/jobkeeper>

There is a difference:

JobKeeper vs JobSeeker

<https://www.ato.gov.au/assets/0/104/300/387/d1aab7fd1-fbe8-44b8-9ec1-4885ded1088e.pdf>

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JobKeeper Payments (as passed on 8 April 2020)

When do you pay the JobKeeper Payments?

• ATO says pay the \$1,500 per fortnight in advance of receiving the amounts beginning in the first week of May 2020 and then fortnightly after (see https://www.ato.gov.au/general/JobKeeper-Payment/?=Redirected_URL)

• But where is the legal power for this directive? In the Act? In the Rules?

30/3 to 12/4

13/4 to 26/4

27/4 to 10/5

JK: 30/3 to 26/4

JK: 27/4 to 10/5

40

20

JobKeeper Payments (as passed on 8 April 2020)

26 Outstanding Questions to the ATO & lawyers:

- “Automatic” eligibility of ECEC services
- Staff who refuse to work
- Full-time/Part-time staff who take unpaid leave (eg zero leave balance)
- Owners who draw a wage (see Clause 12 of Rules 2020)
- Clarity on long term casuals (including those without work post 30 March 2020, and what does “regular and systemic” mean)
- Parental Leave (see Clause 9(4) of Rules 2020)
- GST requirements (see Clause 8(8) of Rules 2020)

- New services post 1 March 2020 (see Clause 9(6) of Rules 2020)
- Format of notification to employee (see Clause 11(5) of Rules 2020)
- Mechanism to notify ATO to ensure ongoing payment (Clause 16 of Rules 2020)
- Superannuation Guarantee requirements
- Traineeship/Apprenticeship vs JobKeeper
- ATO flexibility for almost long term casuals
- JobKeeper Payments during temporary closures

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JobKeeper Payments (as passed on 8 April 2020)

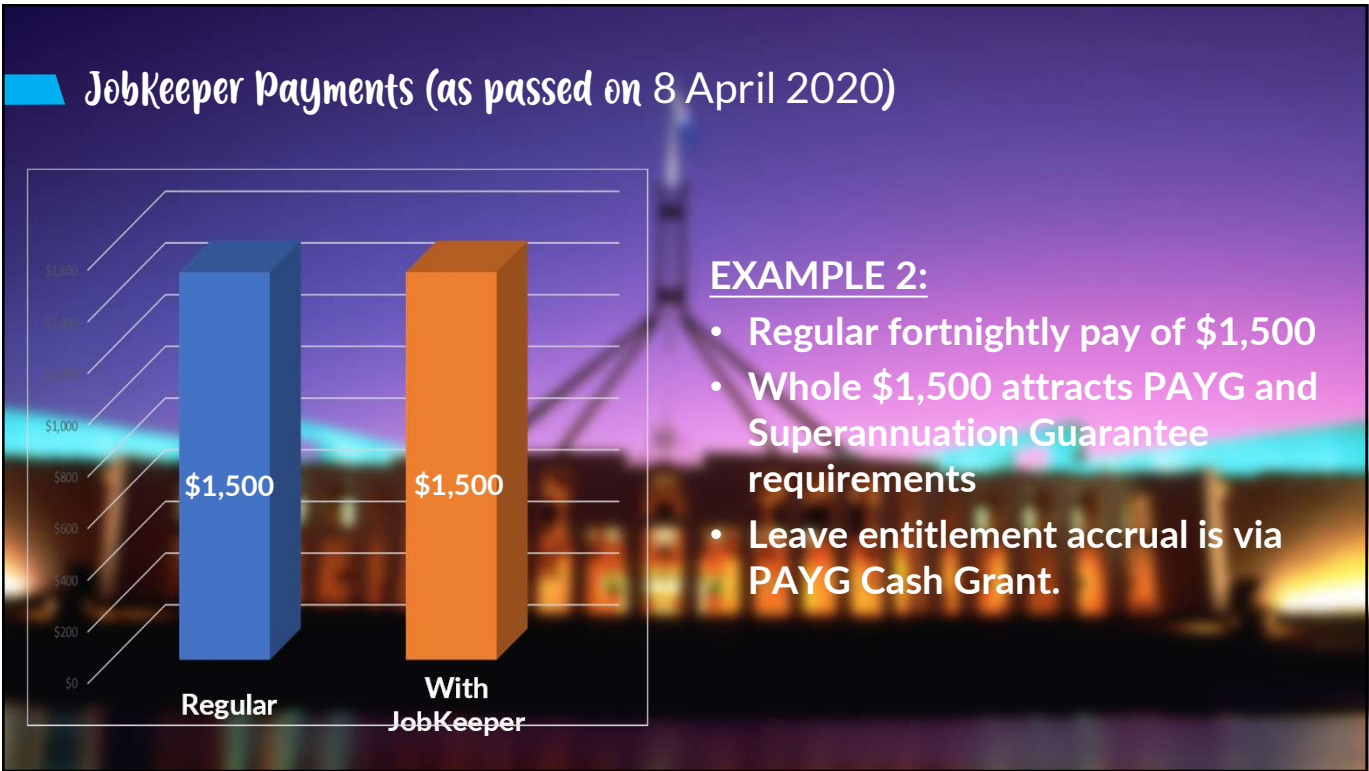
Scenario	Regular Payment	JobKeeper Payment	Total Payment
Regular	\$1,000	\$0	\$1,000
With JobKeeper	\$1,000	\$500	\$1,500

EXAMPLE 1:

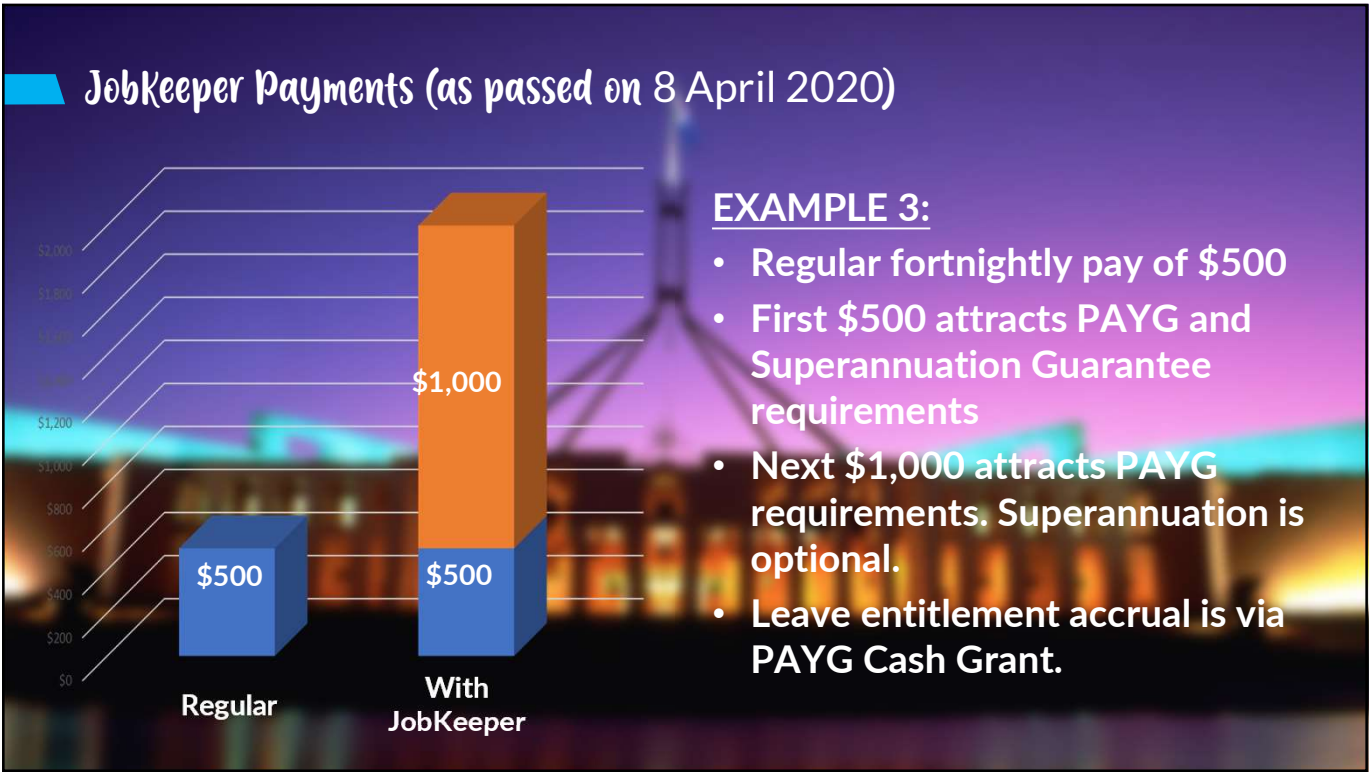
- Regular fortnightly pay of \$1,000
- First \$1,000 attracts PAYG and Superannuation Guarantee requirements
- \$1,500 attracts PAYG requirement only. Superannuation Guarantee is optional
- Leave entitlement accrual is via PAYG Cash Grant.

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44

Changes to the Fair Work Act (8 April 2020)

The new stand down provisions allow an employer to give a direction (ie JobKeeper enabling stand down direction) to an employee to:

- Not work on a day or days on which the employee would usually work.
- Work for a lesser period than the period which the employee would ordinarily work on a particular day or days.
- Work a reduced number of hours (compared with the employee's ordinary hours of work),
and **NOT BE PAID** for the period that work is not performed.

45

Changes to the Fair Work Act (8 April 2020)

An employer can do this provided that:

- When the direction is given the employer qualified for the JobKeeper scheme.
- For the period of the stand down the employee cannot be usefully employed for the employee's normal days or hours because of changes to business attributable to the COVID-19 pandemic or Government initiatives to slow the transmission of COVID-19.
- The implementation of the stand down direction is safe and specifically safe having regard to the nature and spread of COVID-19.
- The employer becomes entitled to one or more JobKeeper payments for the employee for the period that the JobKeeper direction applies.
- The "wage condition" is satisfied.
- The minimum payment guarantee is met.
- The hourly rate of pay guarantee is met.

46

Changes to the Fair Work Act (8 April 2020)

When does a stand down direction not apply?

A stand down direction does not apply to the employee during a period when the employee is:

- Taking paid or unpaid leave that is authorised by the employer.
- Otherwise authorised to be absent from the employee's employment.

47

Changes to the Fair Work Act (8 April 2020)

What is the wage condition?

- Qualifies for the JobKeeper scheme.
- Is entitled to JobKeeper payments for an employee and otherwise complies with the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020*. Compliance will involve "Rules" yet to be announced by the Government through the ATO.

48

Changes to the Fair Work Act (8 April 2020)

What is the Minimum Payment Guarantee?

The employer must ensure that the total amount payable to the employee in respect of the fortnight is not less than the greater of the following:

- The amount of JobKeeper payment payable to the employer for the employee for the fortnight.
- The amounts payable to the employee in relation to the performance of work during the fortnight.

49

Changes to the Fair Work Act (8 April 2020)

What is the “hourly rate of pay guarantee”?

If a stand down direction is given by an employer to an employee, the employer must ensure that the hourly base rate of pay is not less than the rate that usually applies to the employee (as if the direction had not been given to the employee).

If an employer has directed the employee to perform different duties to normal (explained below) the employer must ensure that the employee's hourly base rate of pay is not less than the greater of the following:

- The hourly base rate of pay that would have been applicable to the employee if the direction had not been given to the employee.
- The hourly base rate of pay that is applicable to the duties the employee is performing.

50

Changes to the Fair Work Act (8 April 2020)

Do any other tests apply to giving a JobKeeper direction?

Yes, there is a general overarching requirement that applies to:

- Directing an employee to stand down without pay (fully or partially).
- Directing an employee to perform different duties.
- Directing an employee to work on different days.

These directions do not apply to the employee if the JobKeeper direction is unreasonable in all of the circumstances.

51

Changes to the Fair Work Act (8 April 2020)

Directing an employee to take paid annual leave

An employer can request an employee to take paid annual leave provided that:

- The employer requests the employee to do so.
- The employee must consider and not unreasonably refuse the request.
- The employer qualified for the JobKeeper scheme.
- The employee will maintain a balance of paid annual leave of no fewer than two weeks.
- The employer becomes entitled to one or more JobKeeper payments for the employee for the period of the leave.

Payment for the leave

Payment for the leave is based on the rate of pay that applied before the JobKeeper legislation operated.

52

Changes to the Fair Work Act (8 April 2020)

Double leave on half pay

The employer and employee can agree to take double the paid annual leave at half pay.

By way of example, an employer and employee can agree to four weeks leave being taken, but the employee only has two weeks annual leave deducted and is only paid for two weeks annual leave.

53

Federal Government's economic stimulus package – Applicable for Services

1

\$2,500 to \$100,000 cash grants per business per month (minimum \$10,000 for first quarter) with turnover under \$50m/year via PAYG withholding tax system

2

Instant Asset Tax Write-off threshold to be lifted to \$150,000 per financial year for businesses with turnover under \$500m/year

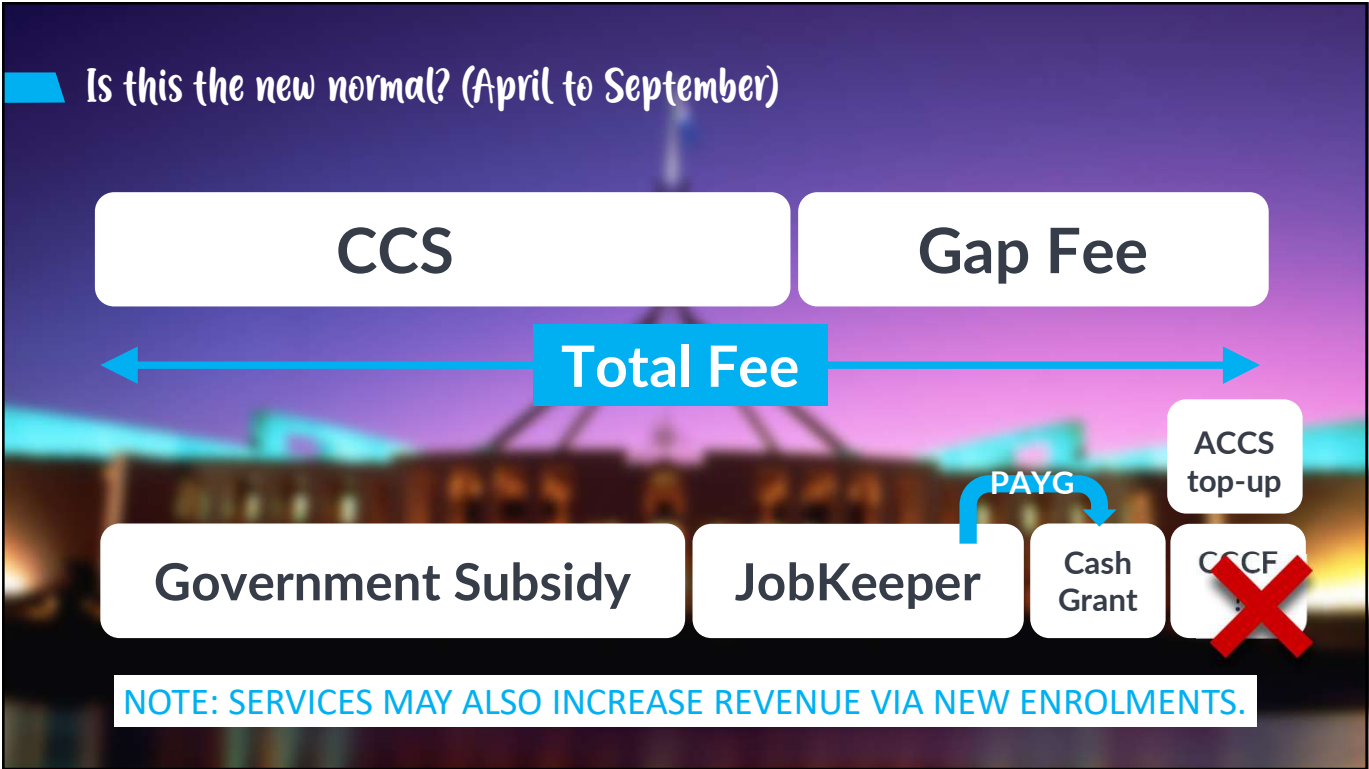
3

50% wage subsidy (and up to \$21,000 per year) for trainees and apprentices

4

Use of Commonwealth Child Care Fund (CCCF) available to ALL services

54



55

Early Childhood Education and Care Relief Package (2 April 2020)

3-months to begin with

- You CAN opt-out of the Federal Government's Relief Package.
- You need to UPDATE the Federal Department of Education about any/all increases in enrolments (beyond 17 February to 1 March 2020) in order to receive additional funding VIA THE ON-LINE APPLICATION FORM.
<https://www.dese.gov.au/covid-19/childcare> released at 9.23 pm, 9 April 2020.
- The Community Child Care Fund ended applications on 3 April 2020.
- No parent contribution allowed.

First Relief Package (weekly) payments were distributed due on Thursday, 9 April 2020.

56

Why the flat \$1,500 and why not just release the CCS?

- Speed of delivery of solution
- Support from the unions (other than about JobKeeper for more casuals)



<https://nsw.childcarealliance.org.au/news/804-actu-boss-sally-mcmanus-on-jobkeeper-payments-and-casuals>

57

What are the Federal Government's intentions?

- 1 Protect long-term viability of ECEC sector
- 2 Protect as many ECEC jobs as possible
- 3 Protect as many parents as possible so that they are/will be employed

58

Federal Government's economic stimulus package – Applicable for Staff and Families

- 1 May be eligible for one-off \$750 via Carer's Allowance and/or Family Tax Benefit
- 2 Newstart Sickness Allowance (wait time waived) up to:
 - \$559/fortnight for singles (plus additional \$500)
 - \$604.70/fortnight for singles with children (plus additional \$500)
 - \$504.70/fortnight each for partners (plus additional \$500)

(<https://www.servicesaustralia.gov.au/individuals/services/centrelink/sickness-allowance/how-much-you-can-get>)

Announced on 11 March 2020
Legislated on 23 March 2020

59

Federal Government's solution to commercial leases (7 April 2020)

- 1 Landlords cannot terminate leases due to non-payment of rent during the pandemic period or reasonable subsequent recovery period
- 2 Tenants must remain committed to the lease agreement subject to amendments negotiated under the new Mandatory Code of Conduct
- 3 Landlords must offer proportionate reductions in rent payment in the form of waivers/deferrals of up to 100% of the amount ordinarily payable, on a case-by-case basis, based on the tenant's reduction of trade.
- 4 Rental waivers must be at least 50% or more based on rule #3 above.

60

Federal Government's solution to commercial leases (7 April 2020)

- 5 Payment of rental deferrals must be amortised over the balance of the lease period, and for a period of at least 24 months, unless otherwise agreed.
- 6 Any reduction(s) in statutory charges (eg land tax, council rates) or insurance will be passed onto the tenant proportionately.
- 7 Landlords should share any benefits received due to deferral of loan repayments with the tenants in a proportionate manner.
- 8 Landlords should waive recovery of any other expenses (eg outgoings) by a tenant during the period where the tenant is unable to trade.

61

Federal Government's solution to commercial leases (7 April 2020)

- 9 If negotiated arrangements necessitate repayments, this must occur over an extended period with repayments to commence after the pandemic period.
- 10 No fees, interest or other charges should be applied with respect to rent waived in principles #3 and #4 above and no fees, charges nor punitive interest may be charged on deferrals in principles #3, #4 and #5 above.
- 11 Landlords must not draw on a tenant's security for the non-payment of rent (eg cash bond, bank guarantee or personal guarantee) during the pandemic period and/or a reasonable subsequent recovery period.

62

Federal Government's solution to commercial leases (7 April 2020)

- 12 The tenant must be allowed to extend its lease for an equivalent period of the rent waiver and/or deferral period outlined in item #2 above.
 - 13 Landlords must freeze on rent increases (except for retail leases based on turnover rent) for the duration of the pandemic period and a reasonable subsequent recovery period, notwithstanding any arrangements between the landlord and the tenant.
 - 14 Landlords may not apply any prohibition or (sic) levy any penalties if tenants reduce opening hours or cease to trade due to the COVID-19 pandemic.
- <https://www.pm.gov.au/sites/default/files/files/national-cabinet-mandatory-code-ofconduct-sme-commercial-leasing-principles.pdf>
 - <https://www.pm.gov.au/media/update-coronavirus-measures-070420>

63

How ACA NSW can assist members?

- ✓ Spreadsheet tools to estimate revenue under the Federal Government's Early Childhood Education and Care Relief Package compared to Child Care Subsidy regime. (NOTE: ACA NSW can also assist ACA NSW members.)
2. (Temporary) on-line clinics with ACA NSW.
- ✓ Additional ACA NSW Network Meetings via webinars for the next 2 weeks.
4. Call ACA NSW on 1300 556 330 or nsw@childcarealliance.org.au.
5. Launch of "Survive & Thrive (the next 6 months)" series of on-demand webinars.

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NSW Department of Education's regulatory assistance

- 1 In situations where staff members are required to self-isolate you can apply to the Regulatory Authority for waivers for qualifications and/or ratios. Fees for waivers relating to COVID-19 will be waived and applications will be expedited to minimise disruptions to service provision. You can apply for waivers through NQA ITS. For assistance contact our information and enquiries team on 1800 619 113.
- 2 Upcoming Assessments & Ratings could be rescheduled if services were impacted by COVID-19.
- 3 Can subscribe NSW Department of Education's alerts/updates by texting "subscribe" to 0429 918 924.

Announced on 12 March 2020

ACA NSW has asked the NSW Government for assistance

1. Additional funding for frontline personnel who are parents with children 0-5 years old.
2. Written assurance that the choice of ECEC services will be the frontline personnel's only.
3. A fairer Start Strong funding for long daycare services (NOTE: currently \$459 per child per year, versus \$2,011 to \$3,600+ for SA, VIC and QLD)
4. Distribution of funding for ALL 3-year-old children as promised on 19 June 2018.
5. All grandfathered regulatory provisions to remain when any service re-opens after it has been directed to temporarily shut down.

<https://nsw.childcarealliance.org.au/news/790-how-the-nsw-government-can-further-assist-over-5-600-early-childhood-education-and-care-services-and-over-66-000-employees>

ACA NSW has asked the NSW Government for assistance

6. Increase NSW Payroll Tax threshold to \$2,000,000 beginning FY2020/2021.
7. Grants to businesses to pay 50% of their annual premiums for workers compensation insurances due in the next 6 months.
8. Grants to either local governments or to businesses to pay for Council Rates (or at least the difference between commercial and residential rates) relating to commercial properties that are due in the next 6 months.
9. Deferral of any debts of small businesses to Revenue NSW for the calendar year 2020.
10. Grants to small businesses to help them pay for their business insurance policies due in the next 6 months in order to ensure cover for third parties (especially children and families).

<https://nsw.childcarealliance.org.au/news/790-how-the-nsw-government-can-further-assist-over-5-600-early-childhood-education-and-care-services-and-over-66-000-employees>

NSW Government's announcements of additional funding

On 9 April 2020, the NSW Government announced:

- \$51m for 45,000 children in community preschools for 6 months.
- \$82m for Local Governments' long daycare, out-of-school-hours-care (including vacation care) and preschool early childhood services (not eligible for JobKeeper Payments)

<https://nsw.childcarealliance.org.au/news/805-nsw-government-s-free-preschools-decision-exposes-own-massive-and-unfair-treatment-and-inconsistencies>

- NSW's COVID-19 Small Business Support Grant of \$10,000.
- NSW's Small and Medium Enterprises (SME) guarantee scheme of 50% of the value of eligible business loans (maximum of \$250,000, repayment free period of 6 months).

<https://www.service.nsw.gov.au/campaign/covid-19-help-small-businesses/grants-loans-and-financial-assistance>

Do you need help with supplies?



What are ACA NSW members running short on?

Contact ACA NSW via
1300 556 330 or
nsw@childcarealliance.org.au



What could we still anticipate/speculate about the Novel Coronavirus?

- Peak of the Novel Coronavirus to be May 2020.
- ✓ All countries on the travel ban list.
- ✓ Additional economic stimulus/support package from the Federal Government specific to the early childhood education and care sector.
- Upcoming school holidays could be extended by a week.
- NSW Premier declares a state-of-emergency (like during the bushfires).

Quick update on tragic death of child left on bus in Cairns

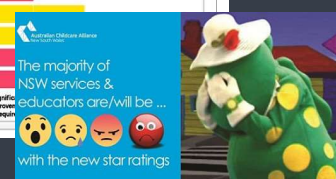
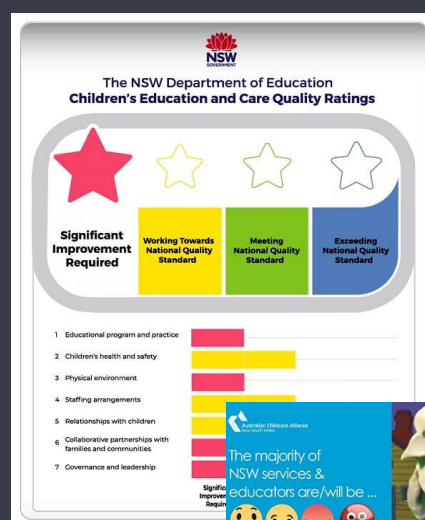
- Catastrophic failures in their chain of responsibilities.
- Allegations of “false” sign-in/sign-out of child.
- Changes to sign-in/sign-out processes (electronically or otherwise) unlikely to change by the Federal Government.
- Governments are reviewing this tragedy as part of the current Review of the National Quality Framework, especially:
 - possible further emphasis on QAs 2,3,7
 - the service’s rating of Exceeding:
 - Nov 2016 – QAs 1,2,3,6,7
 - Oct 2013 – QAs 1,5,6,7
 - the service’s size of 73 places



Courtesy: Channel 9 News

NSW Department of Education's proposed star rating

- ACA NSW appears to be the only peak body in NSW and nationally to be overtly claiming that the assessment and rating process is broken.
- NSW Department of Education:
 - has withdrawn the requirement that the star rating is no longer needed on the front door of services but Reg173(d) still applies;
 - is relying on administrative law to impose the star rating on services; and
 - said it will be an A3-sized poster.
- ACA NSW's administrative legal advice is imminent.
- ACECQA has been uncharacteristically silent on NSW's proposed star rating.



NSW Department of Education's proposed star rating

EARLY CHILDHOOD EDUCATION AND CARE SERVICES WHO HAVE BEEN ASSESSED AND RATED UNDER THE NATIONAL QUALITY STANDARDS									
Number of Services with Rating ...	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	NATIONAL
Excellent	13	10	7	9	-	-	2	1	42
Exceeding	1,307	1,284	852	549	205	69	156	36	4,458
Meeting	2,524	2,133	1,587	413	587	87	91	117	7,539
Working Towards	1,305	584	394	176	319	61	74	61	2,974
Significant Improvement Required	5	1	1	-	-	2	1	-	10
	5,154	4,012	2,841	1,147	1,111	219	324	215	15,023
%age of each rating intra jurisdiction	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	NATIONAL
Excellent	0.25%	0.25%	0.25%	0.78%	-	-	0.62%	0.47%	0.28%
Exceeding	25.36%	32.00%	29.99%	47.86%	18.45%	31.51%	48.15%	16.74%	29.67%
Meeting	48.97%	53.17%	55.86%	36.01%	52.84%	39.73%	28.09%	54.42%	50.18%
Working Towards	25.32%	14.56%	13.87%	15.34%	28.71%	27.85%	22.84%	28.37%	19.80%
Significant Improvement Required	0.10%	0.02%	0.04%	-	-	0.91%	0.31%	-	0.07%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

SOURCE: The Australian Children's Education and Care Quality Authority's National Register as of 28 February 2020.
DISCLAIMER: Best endeavours used. Calculations are available for independent verification upon request to ACA NSW.

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NSW Department of Education's proposed star rating

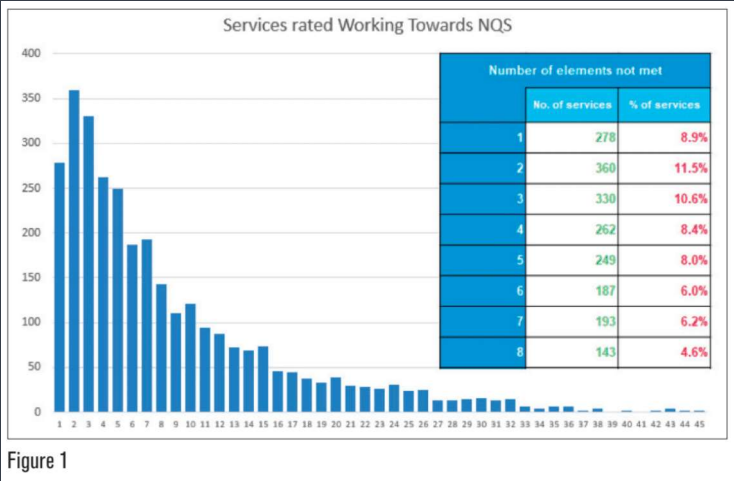
YEARS SINCE LAST ASSESSMENT & RATING OR 1 JANUARY 2011 (WHICHEVER APPLIES) FOR EARLY CHILDHOOD EDUCATION AND CARE SERVICES UNDER THE NATIONAL QUALITY STANDARDS									
YEARS SINCE LAST A&R OR 1 JAN 2011	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	AVERAGE
Excellent	1.31	1.30	0.43	1.22	-	-	1.50	0.00	0.96
Exceeding	1.68	2.49	3.09	3.43	2.27	2.33	2.79	1.53	2.45
Meeting	1.30	1.45	2.67	2.50	1.29	1.32	1.47	1.03	1.63
Working Towards	1.57	1.60	1.63	0.57	1.32	0.61	1.01	0.90	1.15
Significant Improvement Required	0.60	0.00	0.00	-	-	0.00	0.00	-	0.12
Not Yet Rated	0.44	0.43	0.54	0.83	0.41	0.56	0.89	0.33	0.55
LONGEST NUMBER OF YEARS	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	AVERAGE
Excellent	2	2	2	2	-	-	2	0	1.67
Exceeding	7	6	7	7	5	5	6	5	6.00
Meeting	5	5	7	7	6	4	5	4	5.38
Working Towards	4	5	6	5	5	3	4	4	4.50
Significant Improvement Required	2	0	0	-	-	0	0	-	0.40
Not Yet Rated	6	7	9	8	3	2	4	1	5.00

SOURCE: The Australian Children's Education and Care Quality Authority's National Register as of 28 February 2020.
DISCLAIMER: Best endeavours used. Calculations are available for independent verification upon request to ACA NSW.

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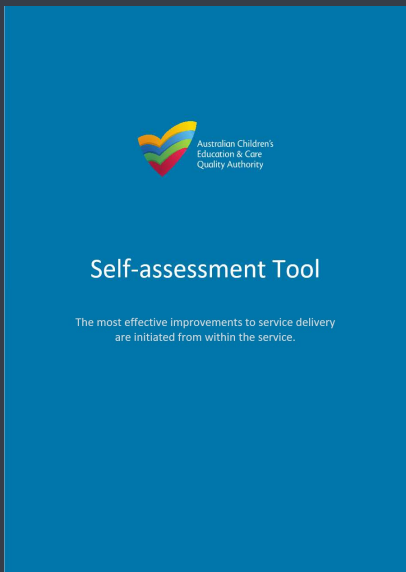
NSW Department of Education's proposed star rating

- **Fundamental flaw** with “Working Towards” – Services are rated the same whether they fail one or two elements vs up to 45 elements.
- ACECQA CEO: “Working Towards NQS is not a failure, not least of all because the quality assessment and rating process is not designed as a pass-fail system – it is not a test that governments adjudicate and provide a pass or fail mark.”



Use of ACECQA's Self-Assessment Tool for Assessment & Rating

- Post September 2019 roadshows, the NSW Department of Education was:
 - inviting services to use ACECQA's Self-Assessment Tool instead of the QIP as part of their A&R up to February 2020; and
 - imposing services to use ACECQA's Self-Assessment Tool instead of the QIP as part of their A&R.
- Since January 2020, the NSW Department of Education is now saying the use of ACECQA's Self-Assessment Tool (and portal) is optional and only for A&Rs. But if used, it is an equivalent alternative to the service's Quality Improvement Plan.
- Maintenance of your QIPs is still required.



Use of ACECQA's Self-Assessment Tool for Assessment & Rating

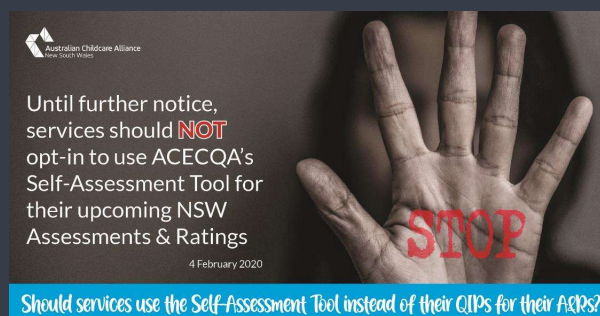
ACECQA states: "The Self-assessment Tool will help you identify service strengths, areas of compliance, practices that are Exceeding NQS, and areas and opportunities for quality improvement. The Tool helps you through the process of self-assessment which can, where needed, inform your QIP."



Use of ACECQA's Self-Assessment Tool for Assessment & Rating

- **Key problems:**
 - Significant time to convert each service's QIP to the Self-Assessment Tool format
 - NSW Department of Education's portal may still be in a state of flux
 - (In)consistency of Authorised Officers/Assessors
- **Other problems:**
 - (In)consistent applications of ratings in NSW vs other states/territories
 - How will the Tier 2 review work
 - Integration of assessment for Excellent

<https://nsw.childcarealliance.org.au/news/695-do-not-opt-in-to-use-acecqa-s-self-assessment-tool-for-upcoming-a-rs-until-further-notice>



ACA NSW recommends that services do **NOT** use the Self-Assessment Tool for A&R until further notice.

Is the NSW Department of Education's Quality Support Program working?

- NSW Department of Education contracted ACECQA to re-train up to 300 services over two years about assessment and rating process (\$5m).
- 300 represents less than 23% of all Working Towards rated NSW services.
- So far, 113 have been re-assessed and re-rated as follows:
 - 38 Working Towards (33.6%)
 - 62 Meeting (54.9%)
 - 1 Exceeding (0.9%)
 - 12 pending decision (10.6%)
- ACA NSW waiting for update of outcomes of remaining 187 chosen services.



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Confirmed funding of the "fit-for-purpose" ACECQA - What does that mean?

- Funding in doubt on 8 May 2018 that funding for ACECQA will end on 31 Dec 2018 and temporary funding will occur until 30 Jun 2020.
- Federal Minister Tehan announced on 10 Dec 2019 that funding will occur from 1 July 2020 to 30 June 2023.
- ACECQA Review (14 Dec 2018 to 2019) key findings and recommendations to be released **by March 2020**.



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Recent legislative changes to CCS and ACCS

- CCS information and resources pre 1 July 2018 were the sector's most popular
- *Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019*
 - Part 1: Amendments relating to childcare subsidies
 - Refining absence provisions in particular to ensure that CCS is not paid in certain circumstances where absence recognition is ambiguous – To be implemented post receipt of Royal Assent
 - Allowing certain third-party payments, usually from State or Territory Governments, to be excluded from the calculation of CCS entitlements to ensure receiving families are not financially disadvantaged – To be implemented post receipt of Royal Assent
 - Ensuring that a family will still receive CCS in circumstances where a provider is at fault from providing enrolment reports and/or attendances outside the stipulated time frames – To be implemented post receipt of Royal Assent
 - Ensuring that a family's bank details and TFN are provided at the time a CCS claim is made and not within 28 days after the claim is made which is the current rule – To be implemented post receipt of Royal Assent
 - Extending the 8-week enrolment lapse rule to 14 weeks to avoid re-enrolment for children returning to care after 8 weeks – To be implemented 13 January 2020

Recent legislative changes to CCS and ACCS

- *Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019*(continued)
 - A summary of the key areas of change to the **ACCS**:
 - ACCS (Grandparent) eligibility criteria is being broadened to include ABSTUDY payments – To be implemented post receipt of Royal Assent
 - ACCS (Child wellbeing) notice requirements to “appropriate State or Territory bodies” is being clarified to “appropriate State or Territory support agencies” – To be implemented post receipt of Royal Assent
 - ACCS (Child wellbeing) eligibility criteria requirements around certification is clarified to remove inconsistencies in the legislation – To be implemented post receipt of Royal Assent
 - ACCS (Child wellbeing) certificates will now not be limited to 50 per cent of all children attending the service with the “50 per cent rule” being scrapped – To be implemented 13 July 2020

Recent legislative changes to CCS and ACCS

- *Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019* (continued)
 - A summary of the key areas of change related to **In Home Care**:
 - In Home Care will going forward be included within the CCS legislation with subsidy available to parents and providers.
 - In Home Care eligibility criteria is clarified with an understanding that recipients are likely to have complex and / or extensive additional needs.
 - In Home Care providers will also need to comply with ratios of educators to children to be eligible.
 - An hourly cap has been introduced for In Home Care.

Recent legislative changes to CCS and ACCS

- *Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019* (continued)
 - Part 2: Amendments relating to ensuring the integrity of the child care subsidy system
 - Voluntary suspensions of a provider's service approval will now be extended into the CCS to ensure consistency with the Law and CCS legislation.
 - The date of the effect of a provider's service approval having previously been a Monday has now been changed to not be limited to a Monday and can be received any day.
 - It is now a requirement that providers ensure that all educators have a current "working with children check" as well as their existing responsibility to inform the Minister of details of working with children cards.
 - Providers approvals can be suspended or cancelled if 10 infringement notices are received within a 12-month period.
 - Providers who wish to request a review of a debt raised against it must submit an application within 52 weeks of incurring the debt.
 - Providers who make a mistake that leads to an overpayment of CCS to a family or are deemed to be responsible for an overpayment post a review are liable for the debt to the Commonwealth, not the family.

Tell ACA NSW if we have missed anything?

Recent legislative changes to CCS and ACCS



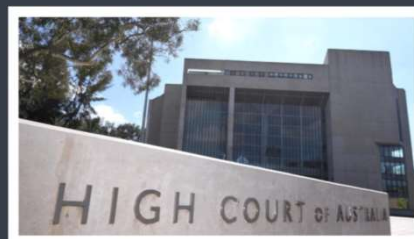
<https://nsw.childcarealliance.org.au/news/706-has-ccs-made-you-become-a-debt-collector>

Has CCS made you become a debt collector?

ACA and ACA NSW is working with the Federal Government to amend again the *Family Assistance Legislation Amendment (Building on the Child Care Package) Act* so that any CCS/ACCS originally paid to the service for services already rendered CANNOT be withdrawn from that service.

Update on the Federal Court decision about part-time employees

- In August 2019, the Federal Court ruled that all part-time employees are entitled to the same sick leave entitlements as full-time employees. (See <https://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/carers-leave>)
- Section 96 of the Fair Work Act:
 1. For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer's leave.
 2. An employee's entitlement to paid personal/carer's leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.
- On 22 December 2019, the High Court has granted special leave to have the special appeal heard.



Update on the Modern Awards Review

- Continuing delays from the Fair Work Commission to provide sector related updates.
- But update on *Children's Services Award 2010* is anticipated to be in 2020.
- New Annualised Wage Arrangements in Modern Awards to commence from 1 March 2020.




Update on the Modern Awards Review

- Employer considerations (for new Annualised Wage Arrangements)
 - Notwithstanding these changes, employers can continue using annualised salary clauses or off-setting clauses in contracts of employment in preference to adopting the annualised wage arrangement from any relevant modern award.
 - However, for any employees covered by these awards who are to be paid annualised wages or salaries, employers should:
 - ensure they have systems in place to accurately record the hours worked by those employees including their actual start and finish times and the amount of unpaid break time taken, each day or shift.
 - ensure that the annualised wage arrangements for each employee will be compliant with the relevant award as of 1 March 2020.
 - ensure that for each pay cycle and each 12 months on an annualised wage arrangement if an employee receives less than they would have received under the award an additional payment is made to avoid underpayment.

Update on the Modern Awards Review

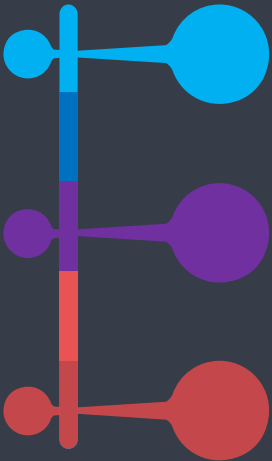
- Remember the **onus of proof** is on employers to **disprove any underpayment** claims.
- Failure to comply with the new Annualised Wage clauses carries the risk of having to make back payments to employees and ex-employees, as well as the possible requirement to pay **penalties for breaches of the award**.

Australian Childcare Alliance
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Review of the National Quality Framework


- https://nsw.childcarealliance.org.au/images/Documents/Submissions/2019-06-30_-_2019_NQF_Review_-_Submission_by_ACA_NSW.pdf



Phases 1 & 2
Consultation on Issues Paper (July-December 2019) and Government development of options (July 2019)

Phase 3
Consultation on governments' options (2020)

Phase 4
Implementation of agreed changes (2021-2022)

Australian Childcare Alliance
New South Wales

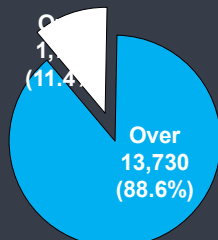
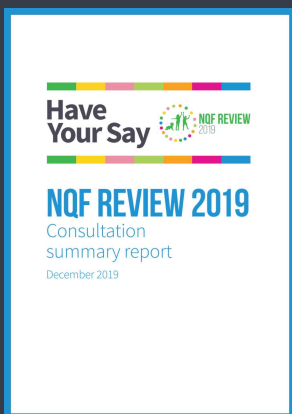
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Review of the National Quality Framework

Responses to NQF Review
Number of services vs
survey responses



- 40% of responses were from NSW (ie 707 services out of a possible 5,500+, and only 332 of them were from LDCs).
- 23% of respondents indicated that there were issues not covered in the NQF Review that significantly impact on the NQF being able to meet its objective.
- Less than half (46%) of respondents agreed or strongly agreed that the quality ratings were easy to understand, compared to 34% who disagreed or strongly disagreed.

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NSW Department of Education's Roadshows (March-April 2020)

<https://nsw.childcarealliance.org.au/news/746-nsw-department-of-education-s-dates-for-2020-roadshows-march-april>



- Monday, 16 March 2020 - Sydney **SOLD OUT!**
- Wednesday, 18 March 2020 - Ballina **SOLD OUT!**
- Thursday, 19 March 2020 - Coffs Harbour **SOLD OUT!**
- Monday, 23 March 2020 - Gosford
- Tuesday, 24 March 2020 - Maitland
- Wednesday, 25 March 2020 - Taree
- Thursday, 26 March 2020 - Tamworth
- Tuesday, 31 March 2020 - Sydney **SOLD OUT!**
- Tuesday, 31 March 2020 - Via Live Streaming
- Wednesday, 1 April 2020 - Dubbo
- Thursday, 2 April 2020 - Nowra
- Friday, 3 April 2020 - Wollongong **SOLD OUT!**
- Monday, 6 April 2020 - Parramatta **SOLD OUT!**
- Tuesday, 7 April 2020 - Albury
- Wednesday, 8 April 2020 - Queanbeyan

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Changes to OSHC (indoor space, tendering process)

CHANGES ACHIEVED:

- ✓ 2 m² (instead of 3.25 m²) for unencumbered indoor space
- ✓ Standardised process and portal
- ✓ That all tenders adopt a standard template for information provision to prospective tenderers
- ✓ That tenderers not be restricted to providing basic information (eg 1,000 words) to demonstrate their potential performance against each criterion
- ✓ That the NSW Government have 3+2 year minimum terms for successful OSHC providers.
- ✓ There be a definitive timeline, process and set of requirements for tendering.

Changes to OSHC (indoor space, tendering process)

OUTSTANDING:

- ✗ Pre-existing rating of any OSHC services that was recently taken over by a new provider be temporarily suspended until re-assessed and re-rated
- ✗ That OSHC approved providers be recognised across all jurisdictions
- ✗ That only non-compliances of the last 3 years that attract financial penalties be used as part of any risk assessment when considering tenders
- ✗ That commensurate with the number and volume of tenders received, all tender panels meetings be encouraged to take a reasonable timeframe for tender evaluation
- ✗ That tender panels be appropriately representative of the school, the school community, the NSW Department of Education, and at least one appropriately qualified person who is independent of the school and of the NSW Government
- ✗ That all tenders be assessed against an articulated and well-defined set of measurable standards and on its merits.

Tell ACA NSW if we have missed anything?

Possible tax deductibility of childcare



- Political benefits of Child Care Subsidy over.
- Federal Member for Wentworth (Dave Sharma MP) proposes tax deductibility for childcare (more specifically nannies)
- Key reports:
 - University of New South Wales (2019) - https://cdn.theconversation.com/static_files/files/781/Untaxing_Childcare_%28Web%29.pdf?1574206061
 - Tax Institute (2014) - <https://www.pc.gov.au/inquiries/completed/childcare/submissions/initial/submission-counter/sub166-childcare.pdf>
- Currently, nannies and au pairs are not regulated, nor are they recognised by the National Law or National Regulations.
- Proposal for tax deductibility to be a **co-existing alternative** to Child Care Subsidy.

Update: Anticipated new Fire Regulations in 2022

- After ACA NSW's submission (11 Oct 2019), the Australian Building Codes Board, the 8x Building Ministers and the Commonwealth withdrew their proposed regulations and will recommence proper consultation in 2020 in anticipation of new amendments by 1 July 2022.
- Original proposals were for sprinklers, dedicated fire corridors and other additional fire fighting infrastructure to be imposed on all childcare services (2 storeys and up).
- The 2022 amendments have been assured to be only for high-rise/multi-storeys.



Update: Anticipated new Fire Regulations in 2022

- <https://nsw.childcarealliance.org.au/images/Documents/Submissions/2019-10-11---Ferm-Eng-19410---NCC-2019-Submission---FINAL-merged.pdf>
- ACA NSW's position is:
 - no retrofitting for services in ground-level and/or first floor buildings
 - maximum 4 minutes for evacuation
 - new fire regulations to be for services on the fourth storey or higher
 - new rules for the locations of emergency assembly areas



Update: Review of SEPP with local councils & NSW Dept of Education

- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* (or SEPP) (August 2017).
- Has contributed toward childcare oversupply.
- Removed all powers from all local councils except on-site parking requirements.
- NSW Minister Rob Stokes agreed and will have a formal review of the SEPP in 2020.
- ACA NSW wants restored/introduced:
 - (minimum) proximity requirements
 - new emergency assembly area(s) requirements
- ACA NSW will be presenting to 12 key local councils during February-April 2022.



Update: Childcare Oversupply

- Federal Minister for Education, the Hon Dan Tehan MP, “agrees” to assist ACA NSW with childcare oversupply.
- Currently exploring what data the Federal Department of Education collects every week that can be released publicly.



Reportable Conduct Scheme from 1 March 2020

- Since 1 March 2020, Reportable Conduct Scheme has been transferred from NSW Ombudsman to NSW Office of the Children’s Guardian.
- The NSW Ombudsman’s Reportable Conduct Inquiries Line will have ceased since Thursday, 20 February 2020.
- E-mail and telephone communication are no longer functional since Friday, 21 February 2020.
- More information anticipated from the NSW Office of the Children’s Guardian.



<https://nsw.childcarealliance.org.au/news/704-reportable-conduct-scheme-to-be-transferred-to-the-nsw-office-to-the-children-s-guardian>

Reportable Conduct Scheme from 1 March 2020

- New forms via:
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/notification-forms>
 - 7-day notification form
 - 30-day notification form
 - Entity report form
- (NOTE: Electronic submission with a maximum of 25 Mb)
- The Office of the Children's Guardian can be contacted via **(02) 8219 3800** or at reportableconduct@kidsguardian.nsw.gov.au.

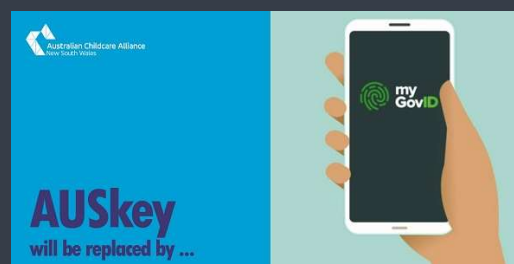
The image displays three forms from the Office of the Children's Guardian (NSW). The first is the '7-Day Notification Form' (Part 4 Children's Guardian Act 2019), which includes sections for notification details and details of the relevant entity. The second is the '30-Day Interim Report Form' (Part 4 Children's Guardian Act 2019), which includes sections for relevant entity details and a declaration of the report. The third is the 'Entity Report Form' (Part 4 Children's Guardian Act 2019), which includes sections for relevant entity details and a declaration of the report.

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Reminder: AUSkey replaced in March 2020

- Early childhood education and care service providers will soon be replacing their AUSkey with a new identifier to be rolled out by the Australian governments.
- From March 2020, the new **myGovID** and the **Relationship Authorisation Manager (RAM)** will replace AUSkey.
- Leading up to March 2020, you will learn more about the use of **myGovID** and **RAM** from the Federal Government and the NSW Government. In the meantime, you can read more about them via:
 - <https://www.ato.gov.au/General/Gen/myGovID/>
 - <https://www.mygovid.gov.au/>



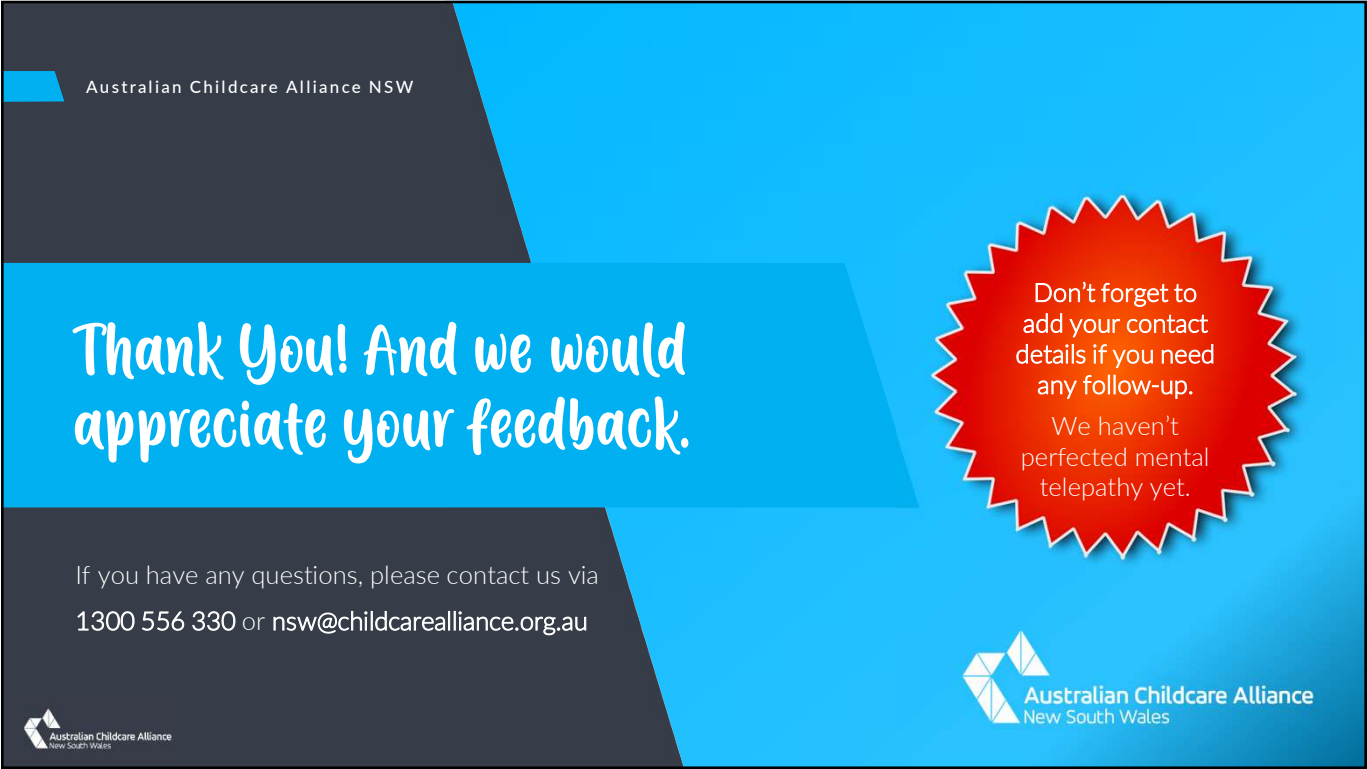
As reported on 15 October 2019
<https://nsw.childcarealliance.org.au/news/608-auskey-will-be-replaced-by>

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