

2 July 2021

The Hon Brad Hazzard MP  
NSW Minister for Health  
Parliament of New South Wales  
52 Martin Place  
SYDNEY NSW 2000

Dear Minister Hazzard,

**Re: Request urgent clarification of early childhood education and care services' mandatory use of Service NSW QR codes or digital sign-in sheet from Monday, 12 July 2021 onwards**

Firstly, thank you for your leadership especially with respect to this COVID-19 pandemic.

Confusion has arisen following the NSW Government's announcement on 30 June 2021 (see <https://www.nsw.gov.au/media-releases/covid-check-mandate-expanded>) as to whether NSW's early childhood education and care (ECEC) services are included in the mandatory use of Service NSW QR codes or digital sign-in sheet from Monday, 12 July 2021 onwards.

ECEC services were not listed in the announcement's list of specific and finite types of businesses that will be affected. Yet, the NSW Department of Education issued a communique on 1 July 2021 to all ECEC services that "... *This requirement includes all early childhood centres and services*".

Since the beginning of this COVID-19 pandemic, ECEC services have been consistently exempted from NSW Public Health Orders primarily under *Schedule 2 Exempted Gatherings* as well as other provisions. We believe this is broadly because all ECEC services already have pre-existing infectious diseases policies and protocols, as well as comprehensive record-keeping systems that would immediately satisfy NSW Health. Such abilities are the result of pre-existing Federal and NSW legislation and regulations, in particular:

- Education and Care Services National Regulations 2011's [Regulation 168\(2\)\(c\)](#) ***Infectious Diseases – policy and procedures***
- Education and Care Services National Regulations 2011's [Regulation 168\(2\)\(f\)](#) ***Delivery of Children to, and collection of children from, ECEC services – policy and procedures***
- Education and Care Services National Regulations 2011's [Regulation 168\(2\)\(h\)](#) ***Providing a child safe environment (including the recording of all visitors to the service) – policy and procedures***
- [Family Assistance Legislation Amendment \(Jobs for Families Child Care Package\) Act 2017](#)'s requirement to record the discrete periods of attendances of every child under the responsibilities of ECEC services for the purposes of ***receiving Child Care Subsidies***

And all staff's attendances are recorded by way of rosters, with their movements even recorded from room-to-room.

In combination, these reaffirm all ECEC services' current abilities to provide NSW Health with all relevant records upon request in relation to a public health incident. Moreover, it is our understanding that the relative ease and seamlessness of providing the records from the few affected services to NSW Health reconfirm all ECEC services' capabilities in the above regard.

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The inclusion of yet another layer of registration of attendances and departures of parents, guardians, visitors, contractors and parents would create an additional operational burden without any demonstration of additional public health benefits.

Furthermore, ECEC services in the Greater Sydney region as prescribed in the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* are largely preventing parents and guardians from entering onto the premises. And ECEC services are recording all the required information under pre-existing legal and regulatory obligations.

The irony therefore is where the public health objective of separating people is being undermined by parents, guardians, visitors and contractors gathering around QR codes which can create new risks given the airborne and highly infectious Delta variant of the COVID-19 virus.

As for those ECEC services located outside of the prescribed Greater Sydney region, and when the Greater Sydney lockdown is no longer needed, these QR codes will impose a process of double-entry of data recording, and can introduce unnecessary additional time delays and gatherings on-site without any additional public health benefits.

We look forward to your clarification and reserve the right to seek a reasonable exemption to the anticipated and relevant Public Health Order that mandates Service NSW QR codes or digital sign-in sheets from Monday, 12 July 2021 onwards.

Thanking you in anticipation.

Yours sincerely,



Chiang Lim  
CEO

- encl   1. Copy of COVID check-in mandate public statement (30 June 2021)  
          2. Copy of the NSW Department of Education's COVID-19 update (1 July 2021)
- cc       1. The Hon Sarah Mitchell MLC, NSW Minister for Education and Early Childhood Learning  
          2. The Hon Victor Dominello MP, NSW Minister for Customer Service  
          3. Dr Kerry Chant, NSW Chief Health Officer, NSW Health  
          4. Ms Sharon Gudu, Executive Director, Early Childhood Education and Care Directorate, NSW Department of Education  
          5. Ms Gillian White, Executive Director, Early Childhood Education and Care Directorate, NSW Department of Education



[Media releases \(/media-releases\)](#) › [COVID check-in mandate expanded \(/media-releases/covid-check-mandate-expanded\)](#)

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# COVID check-in mandate expanded

Published: 30 Jun 2021

Released by: Minister for Digital, Minister for Customer Service



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Use of the Service NSW QR code will be mandatory at all workplaces and retail businesses from Monday 12 July.

Minister for Digital and Customer Service Victor Dominello said expanding the mandate would give NSW Health contact tracers real-time access to QR code data from a greater number of venues including supermarkets, retail stores, gyms and offices.

“This is about keeping customers and staff safe and getting all businesses open again as soon as possible,” Mr Dominello said.

“We know the Delta variant of COVID-19 moves quickly and we must do everything we can to get it under control.

“While many retail businesses, including large supermarkets and hardware chains, have voluntarily adopted the Service NSW QR code, this measure will ensure check-in rates are high across the board and contact tracers have access to reliable records.”

From 12 July, these businesses will need to display the Service NSW QR code and take reasonable steps to ensure people entering their premises check-in using the Service NSW QR codes or digital sign-in sheet:

- Retail businesses and supermarkets
- Individual shops within shopping centres
- Shopping centres will also be asked to display QR codes at entry points where practicable

**Top**

practicable

- Gyms
- Offices, including call centres
- Manufacturing and warehousing
- Universities and TAFE
- Schools including teachers and visitors (such as parents and contractors) but excluding students.

Businesses such as hospitality and hairdressers that were already using the Service NSW QR code will also need to ensure staff and visitors such as maintenance workers and delivery drivers check-in, when they resume services after the lockdown period.

Hospitality businesses will now need to extend the use of the Service NSW COVID-Safe check-in to all customers including takeaway orders.

Businesses that fail to comply with the new health order requirements may be subject to fines and in case of flagrant breaches, temporary closure orders.

“There is no excuse not to check-in everywhere you can – businesses and customers all have a part to play to keep NSW safe,” Mr Dominello said.

“In the same way customers routinely check into cafes, restaurants and bars, we need them to adopt the same approach when visiting a supermarket, retail store and workplace.

“Inspectors have been asked to monitor the situation alongside the NSW Police.”

The Service NSW COVID-Safe check-in is easy for customers to use from within the Service NSW app.

There are more than 5.2 million active users of the Service NSW app.

The data captured by the Service NSW COVID-Safe check-in is only used for the purposes of contact tracing by NSW Health. It is deleted after 28 days.

Businesses can find the application form and more information at [register for the NSW Government QR code \(/register-your-business-as-covid-safe\)](#).

For visitors without a digital device, other check-in forms must be available.

## Related information

**Check in with the Service NSW app (/covid-19/rules/check-in/service-nsw-app)**

**Top**

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**Register your business as COVID Safe (/register-your-business-as-covid-safe)**



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**Setting up electronic check-in and QR codes (/covid-19/covid-safe/customer-record-keeping/setting-up-electronic-check-and-qr-codes)**




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**COVID-19 (/covid-19)**




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**From:** [ECEDupdate](#)  
**Subject:** COVID-19 update: 1 July 2021  
**Date:** Thursday, 1 July 2021 6:23:15 PM

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## COVID-19 update: QR codes to be mandatory for ECECs

Dear services and providers,

The department is committed to continuing to provide updated information and assistance as we work together to respond to the health advice particularly across the Greater Sydney region.

### COVID Check-in mandate – Service NSW QR code

The NSW Government [announced yesterday](#) that from Monday 12 July the Service NSW QR code will be mandatory at all workplaces and retail businesses.

This requirement includes all early childhood centres and services. Services will be required to display the Service NSW QR code and take reasonable steps to ensure adults entering the service premises check in using the Service NSW QR codes. This means staff, families and visitors to services, including long day care, outside school hours care, family day care, preschool, mobile and out of scope services, will need to check in using the QR code. Children are excluded from this requirement. Family day care services will need to meet the requirement at each residence/venue at all times when educating and caring for children.

The NSW Government [website](#) has information on how to set up your business for a QR code if you have not done so already. The Service NSW COVID-Safe check-in is easy to use from within the Service NSW app.

We thank you for your ongoing support and perseverance during this period. Education and care services continue to play a vital role in our community and the department is committed to supporting you.

## Frequently asked questions

### **What are the requirements for families wearing face masks during drop-off and pick-up?**

It is strongly encouraged that any family member or adult accessing a service wear a face mask at all times including where practical during drop-off and pick-up, and while at the premises of the service. This includes at family day care residences/venues.

### **Can parents/carers enter school grounds to drop off/pick up children from services on school sites?**

If it is not possible for services to organise drop off/pick ups at the school gate (due to staffing and other practical or safety issues), then parents may enter school grounds and drop off/pick up at the service entrance.

### **What do best practice drop-off and pick-up procedures look like?**

The drop off and pick up of children should be managed as follows:

- where possible, parents/carers should drop off and pick up at the service entrance/exit and not enter the premises
- physical distancing should be maintained by parents/carers and staff
- parents/carers should wear a mask
- staff should wear a mask when interacting with parents/carers

Temperature checks for arriving children are not required.

### **Can siblings of individuals identified as close contacts continue to attend education and care services?**

It is likely that siblings of close contacts will need to isolate and should not attend care however this depends on the circumstances. Please contact NSW Health for further advice in relation to specific circumstances.

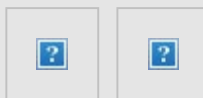
### **Will the gap fee for the Child Care Subsidy (CCS) be waived?**

At this stage, there is no further change to fee charging and absent rulings in relation to the restrictions. If Child Care Subsidy (CCS) is being claimed by services, families must pay the gap fee. Services can waive gap fees where a health agency has advised or required the service to close as a result of the COVID-19 pandemic. Families can get CCS when their child is absent from a session of care they would normally attend for up to 42 days per financial year. These absences can be used for any reason. [Additional Child Care Subsidy \(temporary financial hardship\)](#) is available to support families experiencing significant financial stress.

## For more information

The department regularly updates the [COVID-19 Guidelines for ECEC services](#) based on advice from NSW Health.

**If you have any questions about your service operation you can contact the Information and Enquiries team on 1800 619 113 or by emailing [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au).**



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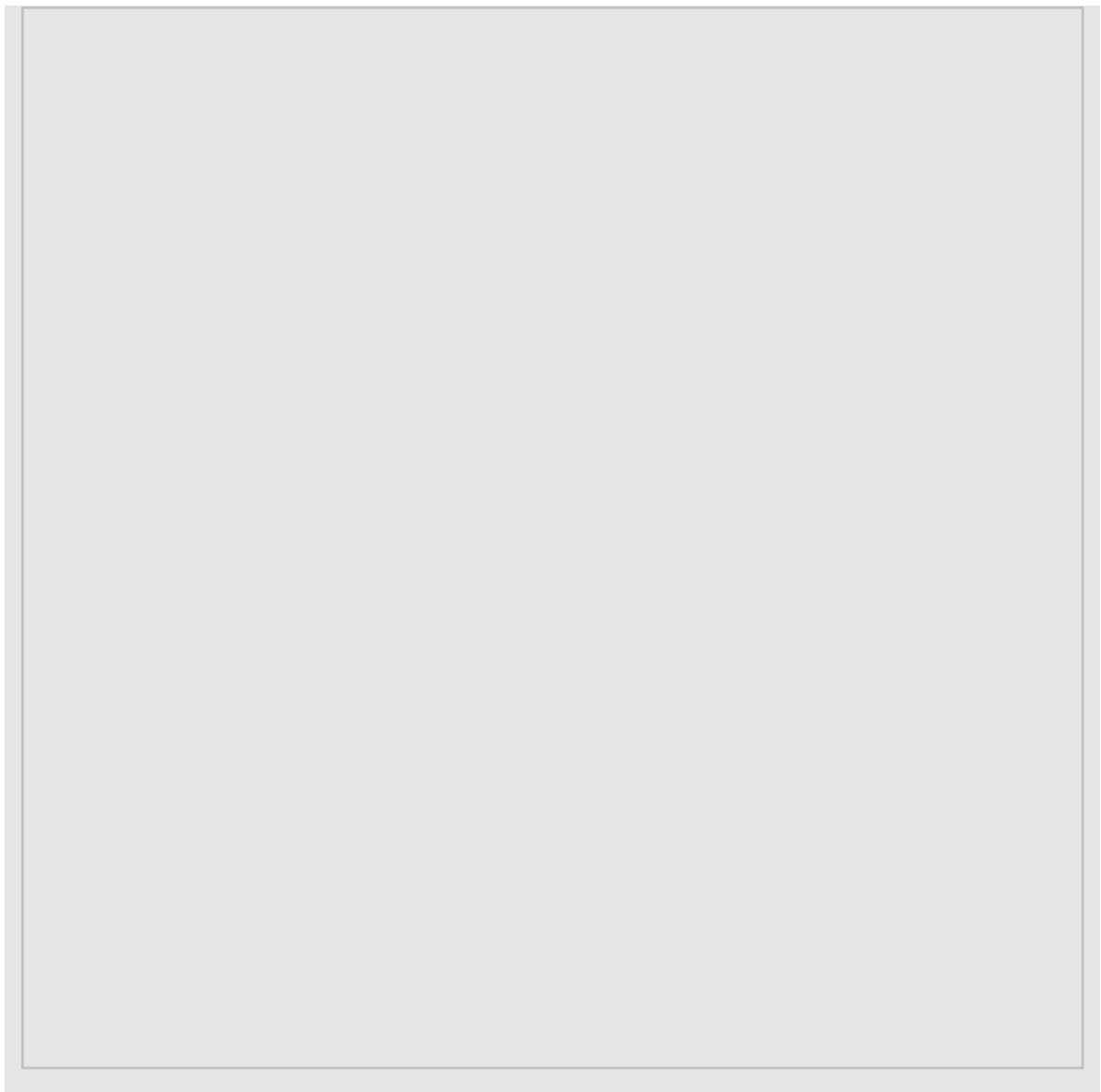
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