

12 January 2022

The Hon Sarah Mitchell MLC
NSW Minister for Education and Early Learning
Parliament of the New South Wales
52 Martin Place
SYDNEY ACT 2000

Dear Minister Mitchell,

**Re: Requesting COVID framework for temporary waivers of
educators:children and qualification ratios to avoid turning away children**

The Australian Childcare Alliance (ACA) NSW greatly appreciates the leadership and support of the NSW Department of Education during the COVID pandemic since 2020.

As NSW begins to live with COVID, the significant numbers of NSW citizens in temporary self-isolation due to COVID infections have produced unintended disruptions across all industries.

The early childhood education and care (ECEC) sector has also been negatively affected, but more so due to the pre-existing severe labour shortages that was exacerbated by the COVID pandemic.

We are very appreciative of the NSW Department of Education's introduction of the [Rapid Antigen Home Testing \(RAHT\) Test-To-Stay](#) program on 4 January 2022 (based on the [Exemption](#) to the NSW Public Health Order on self-isolation) in order to minimise disruptions and access to ECEC services due to COVID.

That said, ECEC services are regulated by the NSW Government to operate based on ratios of educators and early childhood teachers to the number of children attending. So when educators and early childhood teachers are self-isolating due to COVID, ECEC services have to turn away children because of their inability to comply with the relevant regulations.

As such, ACA NSW requests that you task the NSW Department of Education to produce and implement a COVID framework to facilitate the temporary waivers of:

- educators:children ratios ([Regulation 123](#) and [Regulation 271](#))
- qualification of early childhood teacher ratios to children ([Regulation 272](#))

The thoughtful facilitation of temporary waivers is already supported by the NSW Department of Education with respect to Regulation 272 for many years in the face of severe labour shortages. However, waivers for Regulations 123, 271 and 272 appear not to be exercised to address COVID.

You would be aware that after 10 years of the National Quality Framework since 1 January 2012, NSW labour requirements have been [higher than all other Australian states](#). This regulatory impost has been highlighted as a concern by the NSW Productivity Commissioner's Green and White Papers.

Fortuitously, under the joint leadership of Sharon Gudu and Gillian White, significant progress and success have been achieved to produce the necessary tools to enable the NSW Department of Education to assess risk and impact when developing policy and making decisions. The data collection of measurable outcomes has been extremely impressive and informative in recent times.

Hence, your development and implementation of a framework to facilitate temporary waivers of educators:children ratios and qualification of early childhood teacher ratios will significantly minimise disruptions to ECEC services due to COVID. This will contribute substantially towards educating and caring the maximum number of children possible during the COVID pandemic.

I look forward to discussing this request with you and the NSW Department of Education.

Thanking you in anticipation.

Yours sincerely,



Chiang Lim
CEO

cc The Hon Dominic Perrottet MP, NSW Premier
The Hon Matt Kean MP, NSW Treasurer
The Hon Eleni Petinos MP, NSW Minister for Small Business
Peter Achterstraat AM, NSW Productivity Commissioner
Sharon Gudu, Executive Director, Quality Assurance & Regulatory Services, NSW
Department of Education
Gillian White, Executive Director, Early Childhood Education and Schools Policy, NSW
Department of Education