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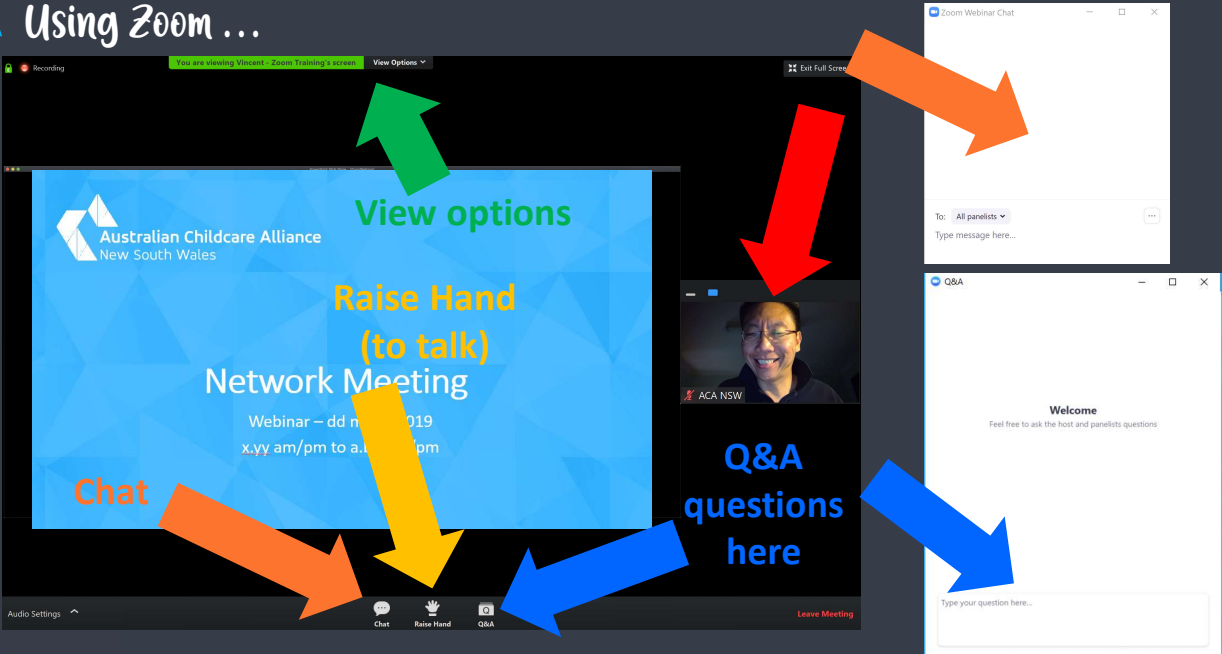
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Using Zoom ...



View options


Raise Hand (to talk)

Chat

Q&A questions here

Zoom Webinar Chat

Q&A



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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



Australian Childcare Alliance
New South Wales

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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



Australian Childcare Alliance
New South Wales

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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.


8.19


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


centrelink


Fair Work
OMBUDSMAN



JURY
DUTY

Council
matters



Australian Childcare Alliance
New South Wales

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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

Guild
INSURANCE

Guild
early learning

Australian Childcare Alliance
New South Wales

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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

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<https://nsw.childcarealliance.org.au/events/eece2020>

Excellence in Early Childhood Education Awards 2020

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Excellence in Early Childhood Education Awards 2020

- www.nsw.childcarealliance.org.au/events/eece2021
- Largest ECEC awards programme in NSW (and arguably in Australia)
- Important dates:
 - Nominations Open – Deferred to 2021
 - Nominations Close – Deferred to 2021
 - Gala Night – 2021
- 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.



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Wheels on the Bus Tours

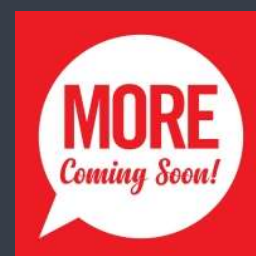
- In 2018 and 2019, there were 8x **SOLD OUT** tours.
- <https://nsw.childcarealliance.org.au/events/2020-bus-tours>
- Visiting 4x3 Exceeding rated Long Daycare services
- Lunch and drinks provided
- \$110 inc GST for members
- \$179 inc GST for non-members
- Saturday, 28 March 2020
- Saturday, 13 June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







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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)



LOWEST PRICES ARE JUST THE BEGINNING...

- 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 How the Relief Package, JobKeeper Payments, PAYG Cash Grants, Supplementary Funding, Fair Work Act changes and the ATO's "automatic eligibility" ruling works together
- 2 What related tools and resources are available ACA NSW members
- 3 Potential proposals for improvements to the Federal Government
- 4 Discussion of NSW Government's financial offerings & regulatory assistance during COVID-19
- 5 Union's COVID-19 "rules" initiative and ACA NSW & members response tool
- 6 New Grants Watch – for COVID-19 and more

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.

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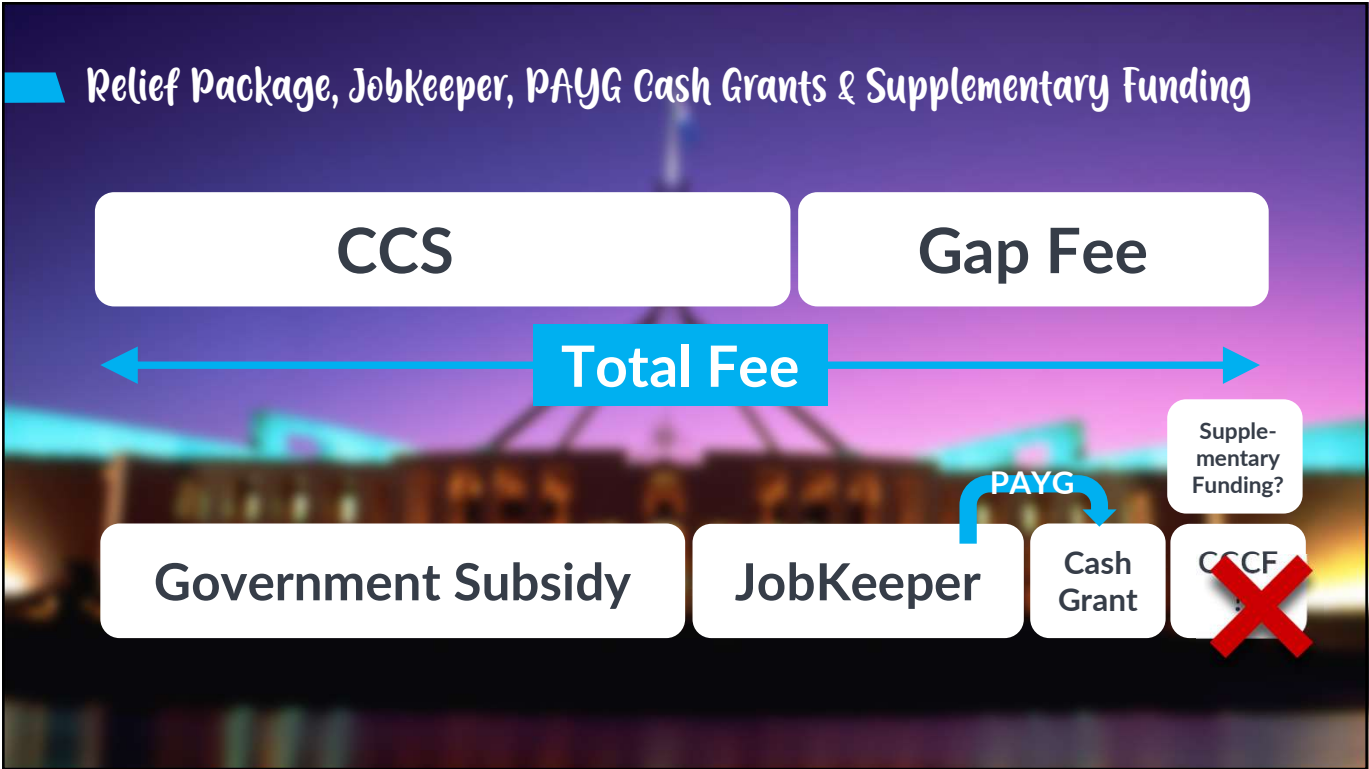
Early Childhood Education and Care Relief Package (2 April 2020)

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 @ 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.

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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.

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Relief Package, JobKeeper, PAYG Cash Grants & Supplementary Funding



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

- 2x explainer videos
- 1x lawyer's video
- 3x calculators
- Links to government and non-government information



<https://nsw.childcarealliance.org.au/news/810-ato-clarifies-ecec-sector-s-eligibility-for-jobkeeper-payments>

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Relief Package, JobKeeper, PAYG Cash Grants & Supplementary Funding

*Australian Tax Office: I can confirm that we **do not** consider the Business Continuity Payment and Exceptional Circumstances Supplementary Payment made by the Department of Education, Skills & Employment (DESE) to a childcare provider (under the Early Childhood Education & Care Relief Package) consideration for a supply.*

The conditions that are set for these payments are eligibility requirements rather than the entering into any legally binding obligations. There are no legally binding obligations to provide a service or to spend the money in a particular way. In accordance with GSTR 2012/2 we do not consider these payments are consideration for a supply.

Accordingly, the payments would not be included by a childcare provider in calculating their projected GST turnover for the purposes of the JobKeeper provisions.

22 April 2020

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Relief Package, JobKeeper, PAYG Cash Grants & Supplementary Funding



<https://nsw.childcarealliance.org.au/news/811-members-only-letter-for-staff-or-union-in-response-to-their-covid-19-initiative>

- Legal letter for members' use to respond to union's COVID-19 "rules"



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Relief Package, JobKeeper, PAYG Cash Grants & Supplementary Funding



<https://nsw.childcarealliance.org.au/news/801-new-government-protections-for-commercial-tenants>

14 mandatory principles



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Relief Package, JobKeeper, PAYG Cash Grants & Supplementary Funding

DATE	Payment Type
1 April 2020	CCS Payment for 23-27 March 2020
8 April 2020	CCS Payment for 30 March – 3 April 2020
9 April 2020	<u>First</u> Business Continuity Payment (Relief Package) for 6-10 April 2020
16 April 2020	<u>Double</u> Business Continuity Payment (Relief Package) for 13-18 April 2020 <u>AND</u> 22-26 June 2020
23 April 2020	<u>Single</u> Business Continuity Payment (Relief Package) for 20-24 April 2020
30 April 2020	<u>Single</u> Business Continuity Payment (Relief Package) for 27 April – 1 May 2020

A graphic featuring a black gauge with a white needle pointing towards the top. In the center of the gauge is a large white dollar sign (\$). Below the gauge, the words 'CASH' and 'FLOW' are written in large, bold, white capital letters, separated by a red diagonal line.

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Relief Package, JobKeeper, PAYG Cash Grants & Supplementary Funding

The logo for ORIMA Research, consisting of the word 'ORIMA' in a large, bold, sans-serif font, with the word 'RESEARCH' in a smaller, all-caps, sans-serif font below it. To the right of the text is a circular graphic made of concentric lines.

- Federal Government announced on 24 April 2020 that ORIMA Research will conduct quick pulse survey as input to the review of the ECEC Relief Package

ANTICIPATED QUESTIONS & FEEDBACK

- Increasing the 50% subsidy of fees
- Higher frequency of payment to improve cashflow
- Concerns about the Supplementary Funding process
- How to include overseas staff into JobKeeper
- Guidelines on how to relax qualifications and ratios requirements
- Paying for ECTs (up to 4 F/T in NSW vs up to 2 P/T elsewhere)
- Ability to charge parents in some circumstances
- Comparison of Start Strong funding & Community Preschool funding

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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




Australian Childcare Alliance
New South Wales

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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).

Australian Childcare Alliance
New South Wales

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



[https://nsw.childcarealliance.org.au/
services/grants-watch](https://nsw.childcarealliance.org.au/services/grants-watch)



- New ACA NSW member benefit
- Beginning with 5 grants for ANY early childhood education and care service provider
- Minimum grant - \$1,500
- Maximum grant - \$1,000,000

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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

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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.

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

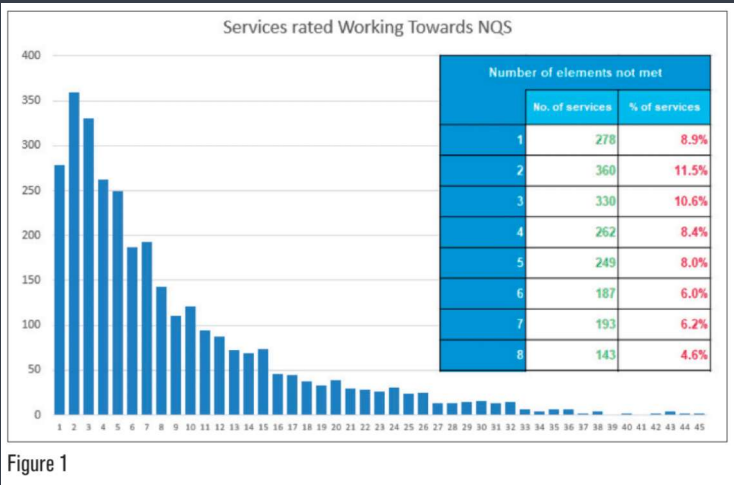
LONGEST NUMBER OF YEARS	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	AVERAGE
Excellent	2	2	2	2	-	-	2	0	1.67
Exceeding	7	6	7	7	5	5	6	5	6.00
Meeting	5	5	7	7	6	4	5	4	5.38
Working Towards	4	5	6	5	5	3	4	4	4.50
Significant Improvement Required	2	0	0	-	-	0	0	-	0.40
Not Yet Rated	6	7	9	8	3	2	4	1	5.00

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

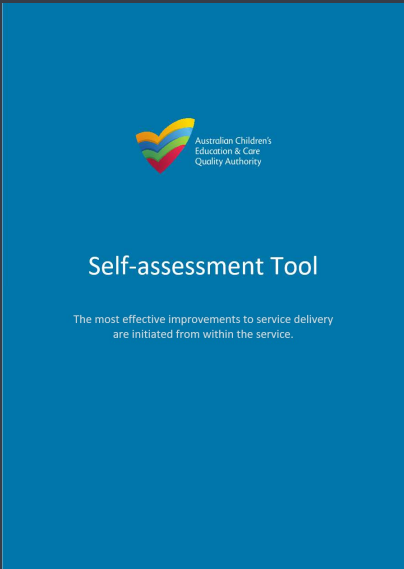
- **Fundamental flaw** with “Working Towards” – Services are rated the same whether they fail one or two elements vs up to 45 elements.
- ACECQA CEO: “Working Towards NQS is not a failure, not least of all because the quality assessment and rating process is not designed as a pass-fail system – it is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



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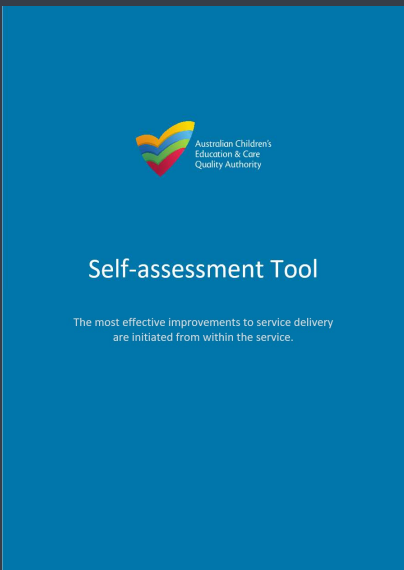
Use of ACECQA's Self-Assessment Tool for Assessment & Rating

- 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

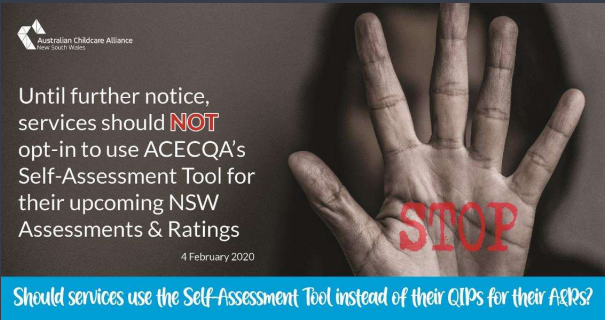
ACECQA states: "The Self-assessment Tool will help you identify service strengths, areas of compliance, practices that are Exceeding NQS, and areas and opportunities for quality improvement. The Tool helps you through the process of self-assessment which can, where needed, inform your QIP."



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.



Education & Communities



Australian Children's Education & Care Quality Authority™

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**.



Australian Children's
Education & Care
Quality Authority™

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?

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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.

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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-s-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.

Review of the National Quality Framework

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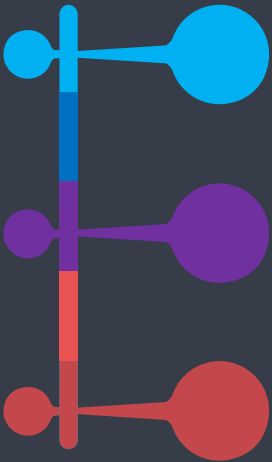
Review of the National Quality Framework

- Summary Consultation Report (December 2019) via <https://www.nqfreview.com.au/44855/documents/123998/download>
- Concerns:
 - Low number of submissions
 - Limited number of problems identified
 - Understated tone describing the problems

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

Phase 3
Consultation on governments' options (2020)

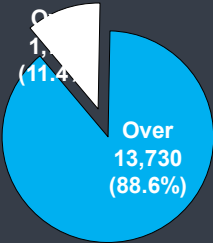
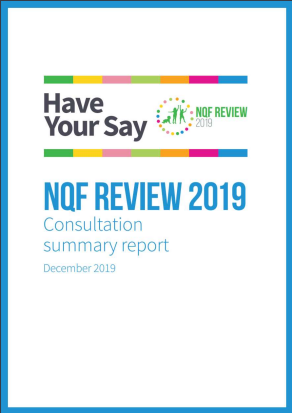
Phase 4
Implementation of agreed changes (2021-2022)




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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

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.



The Reportable Conduct Scheme will move from the NSW Ombudsman to ...



Office of the Children’s Guardian


Are you ready on 1 March 2020?

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


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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.



7-Day Notification Form
Part 4 Children's Guardian Act 2019



30-Day Interim Report Form
Part 4 Children's Guardian Act 2019



Entity Report Form
Part 4 Children's Guardian Act 2019

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Reminder: AUSkey replaced in March 2020

Australian Childcare Alliance
New South Wales

AUSkey

will be replaced by ...

myGovID

As reported on 15 October 2019

<https://nsw.childcarealliance.org.au/news/608-auskey-will-be-replaced-by>

Australian Childcare Alliance
New South Wales

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Before we wrap up ...

Did we miss anything?

Australian Childcare Alliance
New South Wales



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Australian Childcare Alliance NSW

Thank You! And we would appreciate your feedback.

If you have any questions, please contact us via
1300 556 330 or nsw@childcarealliance.org.au



Don't forget to add your contact details if you need any follow-up.
We haven't perfected mental telepathy yet.

 Australian Childcare Alliance
New South Wales