

**Submission s.156—4 yearly review of modern awards**  
**4 yearly review of modern awards—Children’s Services Award 2010 and Educational Services**  
**(Teachers) Award 2010—Substantive Issues**  
**(AM2018/18 and AM2018/20)**

[1] The following statements are made in response to some of the issues raised by ACA, ABI and NSWBC in the *Note Following Closing Submissions* dated 16 August 2019 to provide further clarification.

[2] The statement at 4.4 has been decontextualised. This was not a reference to the organisation of educators across the centre and rostering in general, but rather referred to an isolated, unavoidable instance in which staff to child ratios may not be non-compliant in which case a waiver is then applied for. Element 4.1.1 which is referred to at 4.5-4.6 relates more to the discussion about “overstaffing” at PN286.

[3] In the *Guide to the National Quality Framework* on p.340 there is information about the effect of waivers on quality ratings:

The impact of waivers on the assessment and rating process

A service granted a waiver can still achieve ratings of Meeting National Quality Standard and Exceeding National Quality Standard. For the purposes of an assessment, the service is either taken to comply or not required to comply with the requirements of the National Regulations and elements of the NQS that are covered by the waiver (see Applications and Approvals).

[4] This information is mirrored on the ACECQA website:

Effect of waivers on quality ratings

A service granted a waiver can still achieve ratings of Meeting National Quality Standard and Exceeding National Quality Standard. This is because the service is taken to comply or not required to comply with the requirements of the National Regulations and elements of the NQS that are covered by the waiver.<sup>1</sup>

[5] To be clear, there was never a suggestion that applying for waivers should be relied upon or be part of regular practice. It was also emphasised that there cannot be any risk posed to the wellbeing of the children at any time. The essential point was that there are options available to providers, even if they are a last resort.

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<sup>1</sup> <https://www.acecqa.gov.au/resources/applications/applying-for-a-waiver>

[6] With regards to the issues raised at 5. perhaps the most concise way to respond is to provide an extract from the *ACA Submission to Red Tape Committee 2018* which we included in our submission on 16 April 2019 at [15]:

The paperwork that is required as evidence to meet the Assessment and Ratings (A&R) process is growing exponentially. The increased demand on providing evidence of reflective process across all seven Quality Areas is new and if the process is applied as written, the requirements for ongoing written evidence of such practice is particularly onerous.<sup>2</sup> (Emphasis added)

[7] Statements about the perceived burden of the National Quality Framework are also in our submission dated 16 April 2019 at [58] at [59] with a statistic provided that in 2018, only 3% of services did not perceive the National Quality Framework ‘not at all burdensome’.

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**20 August 2019**

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<sup>2</sup> Australian Childcare Alliance (ACA). 2018. *ACA Submission to Red Tape Committee 2018*, <https://childcarealliance.org.au/documents/media-releases/submissions/91-aca-submission-to-red-tape-committee/file>, p.11