

Secretary Tim Watling,
Standing Committee on Education, Employment and Workplace Relations,
The Senate
Canberra Australia

Re: The Early Years Quality Fund Special Account Bill 2013 (EYQFSA)

Dear Sir,

Thank you for your invitation to make a submission regarding the above Bill.

The Purpose of the Bill is 'to provide EYQFSA funding to approved centre based long day care services'. Of course such funding needs accountability rules – Program Guidelines which have yet to be defined. DEEWR progress to date is identified via Minister Garrett media release dated 24th May 2013 and DEEWR pdf – The National Quality Agenda – Early Years Quality Fund and FAQs, DEEWR evidence 4-6th June 2013 and more. Please consider the following:-

- 1) The Bill with current DEEWR planning creates an insoluble conundrum. The National Quality Framework via ACECQA Quality Area 4 relates to Staffing arrangements. Element 4.2.3 requires Interactions to convey mutual respect, equity and recognition of each other's strengths and skills. Now suggesting differing rates of pay for like personnel would be in breach of this NQF Element. There would be other parallel NQF Elements. Now regarding Assessment of Services by ACECQA a failure in Element 4.2.3 regarding 'equity' would seem at best to result in a 'working towards National Quality Standards' or worse. This assessment then could likely be interpreted as NOT a 'demonstrated commitment at the service to quality outcomes for children under the NQF' therefore making the same service ineligible for EYQFSA funding. As a further aside, many and various services are associated under one or more associated Approved Providers or Companies eg. GoodStart. It would seem industrially unworkable with different associated services with some to be funded and some unfunded under the EYQFSA.
- 2) The Bill with current DEEWR planning is also diametrically opposed to Pay Equity principles creating in 2013-2014 haves and have-nots. Here the means cannot justify the ends.
- 3) Following a lengthy recently completed FWC Modern Award process at the federal Government's instigation, this Bill and current DEEWR process seems to take a backward step effectively producing one, two or more additional 'new awards' for some educators for some time.
- 4) The Bill with current DEEWR planning appears likely to violate International Labour Organisation obligations.
- 5) By the Bill the Minister and the Government appears to breach both current Antidiscrimination Law and proposed Law. There are Law exemptions but the current proposals with only a two year plan appears to preclude same. Minister Garrett may also be in further breach of Laws by his Advisory Board appointments. Board appointees may breach AntiDiscrimination Laws and endanger potential beneficiaries via clear conflicts of interest. By United Voice prior misleading industry activities evidenced by DEEWR back to early April 2013, their Advisory Board and ACECQA Board membership would seem dangerous or perhaps reckless. We could provide much more information upon early 2013 United Voice industry activities. By other Advisory Board memberships there would seem to be clear conflicts of interest with regards funding input advice to the Government even if no funding allocation decisions occur.
- 6) We are very concerned that industry staffing instabilities resulting from EYQFSA funding inequities will have very bad effects for some children, families and educators in approved long day care services.

Without proper more detailed consideration of the Bill real legal risks appear to remain. We apologise for our brief submission necessitated by your Committee's timelines. We are prepared to appear before the Committee next week to provide further detailed submissions as required.

Yours sincerely

Chris Buck – National President

Child Care National Association - Australia's national voluntary non-profit Childcare business organisation

CCNA Objectives include:

- providing support to early childhood services;
- providing assistance to improve standards of the care;
- enhancing members knowledge of early childhood;
- assisting and representing members to government and the media;
- representing members to other organizations;
- promoting positive interchanges between members and their staff;
- providing quality assurance of early childhood services;
- producing strategic plans applicable to early childhood services for government;
- advising members on training, legal, industrial, staffing, insurance, superannuation, financial, health and safety, equipment, materials, standards, and facilities developments;
- supporting members; and
- supporting quality child care for all Australian children.