



# Questions and Answers – 15 April 2020

**These answers were prepared on 15 April 2020 to questions asked since 7 April**

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- 1. Can you please clarify the requirements of staying open unless closed on public health advice or for other health and safety reasons? We would like clarification on the part of educators who have ceased operating last week due to being pregnant and their doctor recommending they stop work; does this mean they are still entitled to payment under the BCP?**

This is a business decision that your service must make. Given that they would be eligible for JobKeeper, your service may decide to not pay them anything on top of this, as they are not actively caring for children. Your service might also decide to pay them a small amount for the next few weeks until the JobKeeper payments start in the first week of May. Your service may also decide to pay them in line with what you are paying other educators, but this may be hard to justify or maintain.

- 2. We have an educator who has been advised by her medical specialist to take leave for 2 – 8 weeks. As I read and hope I understand correctly, she is eligible to register for JobKeeper. She was also working during the reference fortnight. However, during her period of absence now, does that mean we should not be passing on any of the relief package, as she isn't educating or caring for children or because the children will remain enrolled and will recommence upon her return we can continue to pass on the package as we determine?**

See above answer.

- 3. Admin levies. Is this included in the total money dispersed to the services? I caught the end of a comment yesterday around admin levy perhaps being classed as a fee. Essentially admin levy is an additional fee to the families per child per hour, so should services not be retaining this levy now?**

Services cannot charge families additional fees or levies of any sort. Services do need to retain funding from the Early Childhood Education and Care Relief Package (the 50%) to operate the service. How much of that you decide to retain is a business decision for your service based on its own circumstances and the circumstances of your educators. Many services may find they can operate on a reduced admin "levy" during this period.



**4. If an educator's ABN has been made inactive, but they have now reactivated it, do you suppose that they'd still be eligible for JobKeeper?**

No. An educator must have had an active ABN as of 12 March 2020 to be eligible for JobKeeper payment. If an educator was still working as an educator and let their ABN lapse, we would recommend that they seek the advice of their own tax accountant or the ATO. In NSW, all educators that are contracted by services should have an active ABN and services that allow educators to work without an ABN are responsible for withholding tax at the highest rate from any payment they give to them.

**5. We have a new Admin person who commenced on 16 March who will not be eligible for the JobKeeper payment or the JobSeeker payment. Can you see if there will be any exceptional circumstances in the Legislation for me please?**

Only employees engaged as of 1 March are eligible for JobKeeper. Your staff member is unlikely to be eligible for JobSeeker whilst employed by your service. However, this employee would be eligible for JobSeeker if you are forced to terminate her position. Although the JobKeeper payment to your service is based on the number of employees at your service on 1 March, the payments for your other employees may help your service to retain any employees who aren't eligible for the payment.

**6. If the Educator is not working due to holiday or sick days, from 6 April 2020, are they still entitled to their 50%, if not what do we do with that allocated money?**

This is a business decision for your service. See the answer to question 1 for more details. The money is coming to your service – not to specific educators, so you can keep any money not distributed to educators to cover service running costs.

**7. If an educator drops hours e.g. 10hrs down to 8hrs, is this ok? Do they still receive their allocated money?**

You are deciding how to allocate the Relief Package money amongst educators. Your service should decide what to do in this situation. See the answer to question 1.

**8. Is there any updates on families not being able to access care due to visas and immunisation?**

If you had a Relevant Arrangement or an Organisational Arrangement with these families, they *can* continue to attend. It's NSWFDCA's understanding that un-immunised children should not be cared for in FDC services under the NSW Public Health Act at any time, except for those with specific exemptions. If a child has an exemption, their care can continue as usual.

**9. Is the form available for increasing our % for educators who are going to be caring for extra children, especially through the holidays?**

See the updates that NSWFDCA sent to your service on 14 April. You can also access the form here: <https://www.dese.gov.au/document/early-childhood-education-and-care-relief-package-exceptional-circumstances-supplementary>



**10. In relation to JobKeeper, will an educator who applies for an ABN on 1 April 2020 qualify?**

No. An educator must have had an active ABN as of 12 March 2020 to be eligible for JobKeeper. If an educator was still working as an educator and let their ABN lapse or never had one, we would recommend that they seek the advice of their own tax accountant or the ATO. In NSW, all educators that are contracted by services should have an active ABN and services who allow educators to work without an ABN are responsible for withholding tax at the highest rate from and payment they give to them.

**11. Will an educator who was with another service previously and came to you be eligible for JobKeeper. They do have an ABN.**

If they meet the other eligibility requirements, they will be eligible for JobKeeper.

**12. In relation to JobKeeper, do you know when the time frame will be to show the drop of income? Is it this time last year? Earlier this year? etc**

At the time you enrol in JobKeeper, you can compare either turnover for March 2020 with March 2019, projected turnover for April 2020 with April 2019, or projected turnover for the quarter starting April 2020 with 2019. If you are not eligible for JobKeeper from the beginning of March, because your turnover has not decreased sufficiently, you are eligible from whatever point your turnover drops in the future. The ATO is due to release more information about JobKeeper and not for profit organisations in the next few days. See [here](#) for more details.

**13. Do you know if a new educator will receive JobKeeper if they did not have an income previously?**

Yes, we think they can prove that they will have a drop in their projected income. Please provide them with one of the proforma letters sent to your service on 14 April by NSWFDCA.

**14. Do you know if an educator who was on leave i.e. 12 months previously will be entitled to JobKeeper?**

We are not certain at this stage, however, we believe that they will be able to show that their projected income is lower than it would have been in the reference periods. Advise your educator to apply and get advice concerning their specific circumstances from the ATO or their tax accountant. Please provide your educator with one of the proforma letters sent to your service on 14 April by NSWFDCA.

**15. Can you tell us where to find the government guidelines/information regarding final absences? In your Q&A you refer to final absences between 23 March and 28 June where the childcare subsidy not being recovered from the service or family, but those prior to 23 March will be.**

You can find the relevant information [here](#), under 'What if a child is absent on their last day of enrolment?'



- 16. Also, as I'm sure many have pointed out already, according to this <https://www.business.gov.au/Risk-management/Emergency-management/Coronavirus-information-and-support-for-business/JobKeeper-Payment-for-employers-and-employees>, the JobKeeper payment will start on 30 March 2020.**

The JobKeeper subsidy will start on 30 March 2020, with the first payments to be received by employers in the first week of May.

- 17. An educator emailed me with this concern. They received a reply to say they weren't eligible for JobKeeper. Have you heard if they didn't have an ABN before 12 March they were not eligible for JobKeeper?**

An educator must have had an active ABN as of 12 March 2020 to be eligible for JobKeeper. If an educator was still working as an educator and let their ABN lapse or didn't have one, we would recommend that they seek the advice of their own tax accountant or the ATO. In NSW, all educators that are subcontracted by services should have an active ABN and services who allow educators to work without an ABN are responsible for withholding tax at the highest rate from and payment they give to them.

- 18. I'm just trying to seek some clarification around the announcement from the NSW government about council childcare centres being included in the JobKeeper package. Our coordination unit staff are Council employees. Is there any clarification on whether we would be eligible for JobKeeper for coordination unit staff, given this announcement?**

There was no announcement from the NSW Government that council childcare services would be included in the JobKeeper package. There was an announcement from the NSW Government that, because Council based FDC services were not eligible for the JobKeeper allowance, an additional amount of money has been granted to assist them.

NSWFDCA is currently working with the NSW Government to work out what this will look like for Council services and expect something to come out to services within the next week. (We are pushing for an equivalent amount as JobKeeper to be awarded.)

The Australian Government Department for Education told Council services that they could apply for an Exceptional Circumstance Supplementary Payment because of their ineligibility for JobKeeper.