



Australian Children's  
Education & Care  
Quality Authority

The Australian, state and territory education Ministers have agreed to changes to the National Quality Framework (NQF) following a review of the national system for children's education and care services.

The review included consultation with the sector on proposed options for change.

This information sheet includes a summary table of the proposals and final decisions by Ministers. More information about the decisions is available in the Decision Regulation Impact Statement (Decision RIS) available on the Education Council website ([scseec.edu.au](http://scseec.edu.au)).

## WHERE CAN I GET FURTHER INFORMATION?

Visit [acecqa.gov.au/nqfchanges](http://acecqa.gov.au/nqfchanges) for a summary of the changes.

# CHANGES TO THE NATIONAL QUALITY FRAMEWORK

## Key changes for services include:

- A revised National Quality Standard (NQS) to strengthen quality through greater clarity, remove conceptual overlap between elements and standards and clarify language.
- Improved oversight and support within Family Day Care to achieve better compliance and quality across the whole sector.
- Removing supervisor certificate requirements so service providers have more autonomy in deciding who can be the responsible person in each service, and to reduce red tape.
- Introduction of a national educator to child ratio of 1:15 for services providing education and care to school age children. Transitional arrangement and saving provisions apply in some states and territories.

See the next page for details about these changes.

## When do the changes start?

Most changes will commence 1 October 2017 in all states and territories (except Western Australia which will commence on 1 October 2018).

The revised NQS and some related changes will commence 1 February 2018.

## Why are the changes happening?

Ministers agreed to changes as part of a review of the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care.

Decisions were made following consultation with the education and care sector, families and communities.

## 1. Refining the National Quality Standard and assessment and rating process

Decision RIS section reference and description of proposal	Decision
<p><b>1.1: Reducing the complexity of the National Quality Standard</b></p> <p>This proposal considered options to streamline and clarify the National Quality Standard by removing or consolidating some of the 58 elements and 18 standards.</p> <p>Page 14-20.</p>	<p>Introduce a revised National Quality Standard (NQS) from February 2018 that removes conceptual overlap between elements and standards, clarifies language and reduces the number of standards from 18 to 15, and reduces the elements from 58 to 40.</p>
<p><b>1.2: Streamlining the process for quality assessments</b></p> <p>This proposal considered options to streamline the national approach to assessment and rating through changes to supporting templates and documents.</p> <p>Page 20-24.</p>	<p>Governments will update templates and guidance to align resources with the revised NQS and other rating changes.</p>
<p><b>1.3: Reduction in documentation of assessments or evaluations of school age children</b></p> <p>This proposal considered if services that educate and care for children over preschool age should be required to keep documentation about the development of the educational program rather than about individual children's development.</p> <p>Page 24-28.</p>	<p>Services that educate and care for children over preschool age in the Northern Territory, Queensland and New South Wales will no longer be required to keep documentation about individual children's development. Instead, these services must keep documentation about the development of the educational program.</p> <p>There is no change to existing requirements for services that educate and care for children over preschool age in the ACT, South Australia, Tasmania, Victoria and Western Australia.</p>
<p><b>1.4: Significant Improvement Required rating</b></p> <p>This proposal considered options to amend the definition and operation of the Significant Improvement Required rating.</p> <p>Page 29-31.</p>	<p>Minor change to the definition of 'Significant Improvement Required' to replace 'unacceptable risk' with 'significant risk'.</p>
<p><b>1.5: Exceeding the National Quality Standard rating</b></p> <p>This proposal considered whether all standards in a Quality Area should be rated Exceeding NQS for that Quality Area to be rated Exceeding NQS.</p> <p>Page 31-32.</p>	<p>All standards in a Quality Area will need to be rated Exceeding NQS for that Quality Area to be rated Exceeding NQS from February 2018.</p> <p>There are no changes to the way in which the overall rating for Exceeding NQS is calculated.</p>

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**1.6: Excellent rating**

This proposal considered options to change arrangements for the Excellent rating, including eligibility and application requirements.

Page 33-35.

Remove the fee for Excellent rating applications and limit applications to services rated Exceeding NQS in all Quality Areas from February 2018.

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**1.7: Ensuring ratings accurately reflect service quality**

This proposal considered options to change the current process that means if a service does not meet one element, they are rated Working Towards NQS overall.

Page 36-39.

Governments agreed to broaden the Minor Adjustments Policy which regulatory authorities apply to give providers a short time to address minor issues identified during assessment and rating before the rating level is finalised.

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**1.8: Length of time between assessments**

This proposal considered options to change the policy that outlines the frequency of rating assessments.

Page 39-41.

Regulatory authorities will continue to rate services on the basis of risk, consistent with the terms of the National Partnership Agreement.

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## 2. Removing supervisor certificates

### Decision RIS section reference and description of proposal

### Decision

#### 2.1: Removing supervisor certificates

This proposal considered whether to remove supervisor certificate requirements from the National Law so that the responsibility to determine a person's suitability to be a nominated supervisor or person in day-to-day charge rests with the approved provider rather than the regulatory authority.

Page 43-44.

Remove supervisor certificates from the National Law and National Regulations, so decisions about a responsible person can be made by approved providers at the service level.

### 3. Expanding the scope of the NQF

Decision RIS section reference and description of proposal	Decision
<b>3.1: Additional services to be included in the NQF</b>	The existing scope of services under the NQF will be retained.
This proposal considered options to include nominated out of scope services in the National Quality Framework.	
Page 46-53.	
<b>3.2: Application of assessment and rating processes to additional services</b>	The existing scope of services under the NQF will be retained; therefore no transition arrangements are required.
This proposal considered appropriate transition arrangements for assessment and rating if currently out of scope services were brought into the National Quality Framework.	
Page 53-54.	

## 4. Extending some liability to educators

Decision RIS section reference and description of proposal	Decision
<p data-bbox="151 297 703 327"><b>4.1: Extending some liability to educators</b></p> <p data-bbox="151 360 775 584">This proposal considered extending liability under sections 165 and 167 of the National Law to all educators who fail to adequately supervise children under their care or take every reasonable precaution to protect children from harm or hazard likely to cause injury.</p> <p data-bbox="151 618 300 647">Page 55-57.</p>	<p data-bbox="852 297 1457 443">Liability under sections 165 and 167 will not be extended to all educators and will remain with the approved provider, nominated supervisor and family day care educator.</p>

## 5. Changes to prescribed fees

Decision RIS section reference and description of proposal	Decision
<p><b>5.1: Introduce fee for extension of temporary waiver</b></p> <p>This proposal considered introducing a fee for an application to extend a temporary waiver.</p> <p>Page 58-61.</p>	<p>The National Law will be amended to introduce a fee for an application to extend a temporary waiver; this will be the same value as the fee for an initial waiver application.</p>
<p><b>5.2: Increase in provider approval fee</b></p> <p>This proposal considered increasing the application fee for provider approvals.</p> <p>Page 61-63.</p>	<p>No change to the current provider approval application fee.</p>
<p><b>5.3: Increase in service approval fee</b></p> <p>This proposal considered increasing the application fee for service approvals.</p> <p>Page 63-64.</p>	<p>No change to the current service approval application fee.</p>
<p><b>5.4: Increase in annual fee for approved services</b></p> <p>This proposal considered increasing the annual fee for approved services.</p> <p>Page 65-66.</p>	<p>No change to the current annual fee for approved services.</p>

## 6. National educator to child ratio for OSHC services

### Decision RIS section reference and description of proposal

#### 6.1: National educator to child ratio for OSHC services

This proposal considered whether to introduce a national minimum educator to child ratio for services providing education and care to children over preschool age, noting that all jurisdictions except NSW already have ratio requirements in place.

Page 68-72.

### Decision

Introduce a national minimum educator to child ratio of 1:15 for services providing education and care to children over preschool age.

This change will only affect services operating in NSW, as services in all other states and territories are already required to comply with jurisdiction-specific ratio requirements or at least 1:15. There will be a 12 month transitional period in NSW to allow sufficient time for NSW OSHC services to prepare.

Services in the ACT and Western Australia will retain their higher educator to child ratio provisions.



## 7. Improved oversight of and support within FDC services

Decision RIS section reference and description of proposal	Decision
<p><b>7.1: Approval of FDC services across jurisdictions</b></p> <p>This proposal considered whether to restrict operation of family day care services across jurisdictional boundaries by requiring approved providers of family day care services to hold a service approval in each jurisdiction where educators are located.</p> <p>Page 74-77.</p>	<p>Require approved providers of family day care services to hold a service approval in each jurisdiction where their educators operate.</p> <p>This change brings National Law requirements in line with new Australian Government family assistance law requirements introduced from June 2015.</p>
<p><b>7.2: Limiting the number of FDC educators in a service</b></p> <p>This proposal considered whether to specify in the National Law that regulatory authorities may impose a maximum number of educators as a condition on a family day care service approval, noting that regulatory authorities have existing powers to prescribe any conditions on a service approval.</p> <p>Page 77-80.</p>	<p>Amend the National Law to clarify that a regulatory authority may impose a maximum number of full time educators with a family day care service as a condition on the service approval.</p>
<p><b>7.3: Mandating a ratio of FDC co-ordinators to educators</b></p> <p>This proposal considered options for mandating minimum ratios of family day care co-ordinators to educators in family day care services.</p> <p>Page 80-85.</p>	<p>Require approved providers of family day care services to ensure a minimum family day care co-ordinator to educator ratio of:</p> <ul style="list-style-type: none"><li>• 1:15 for the first 12 months of operation and at any other time at the discretion of the regulatory authority</li><li>• 1:25 after the first 12 months of operation.</li></ul> <p>New penalties will apply to approved providers for breaches of minimum ratios.</p>

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#### **7.4: Mandating a minimum Certificate III for FDC educators**

This proposal considered whether to require all family day care educators to complete an approved Certificate III (or equivalent) qualification before being permitted to educate and care for children, rather than the current requirement that allows educators to work towards this qualification while engaged by a family day care service.

Page 86-90.

No change to the existing requirements that allow family day care educators to work towards the required qualification while engaged by a family day care service.

South Australia retains the higher requirement that all family day care educators must hold an approved Certificate III (or equivalent) qualification before being permitted to educate and care for children.

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#### **7.5: FDC educator assistants' activities**

This proposal considered making changes to the National Regulations to clarify that family day care educator assistants may only stand in place of a family day care educator in the event of unforeseen or exceptional circumstances, including additional guidance on the meaning of 'appointment' to make clear that educators may not leave children with an assistant while they undertake personal tasks.

Page 90-92.

Clarify the National Regulations to make clear that FDC educator assistants should only be able to stand in place of a FDC educator in the event of unforeseen or exceptional circumstances and include additional guidance on what constitutes an 'appointment'.

New penalties will apply to approved providers and FDC educators to ensure that FDC educator assistant activities are limited to the circumstances specified in the National Regulations.

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#### **7.6: Principal office notifications**

This proposal considered whether an approved provider should be required to notify the regulatory authority prior to a change in the location of the principal office of a family day care service rather than after the change has taken place, which is the current requirement.

Page 92-94.

Require approved providers to notify the regulatory authority of a change to the location of the principal office of a family day care service at least 14 days before the change and to provide proof of the address of the new principal office.

Require approved providers to provide proof of the address of the principal office in their application for family day care service approval.

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#### **7.7: Powers of entry to FDC residences**

This proposal considered whether to amend the National Law to allow authorised officers to enter a family day care residence when they reasonably believe that a service is operating at the residence.

Page 94-95.

Permit authorised officers to enter a family day care residence during usual operating hours or if the authorised officer reasonably believes that a service is operating.

## 8.1 Approvals

Decision RIS section reference and description of proposal	Decision
<p><b>8.1.1: Approvals – assessment of capability</b></p> <p>This proposal considered whether an applicant’s capability to operate a service in accordance with the National Law may be taken into consideration when determining applications for provider approval, noting that this information is currently considered at the service approval stage.</p> <p>Page 96-97.</p>	<p>Amend the National Law so that an applicant’s capability to operate a service in accordance with the National Law may be taken into consideration before granting provider approval.</p>
<p><b>8.1.2: Approvals – assessment of capability</b></p> <p>This proposal considered expanding Section 14 of the National Law to allow regulatory authorities to seek further information with respect to an applicant’s capability to operate a service in accordance with the National Law when assessing applications for provider approval.</p> <p>Page 97-98.</p>	<p>No change required. It was agreed the National Law currently allows regulatory authorities to seek further information with respect to an applicant’s capability to operate.</p>
<p><b>8.1.3: Approvals – assessment of capability</b></p> <p>This proposal considered expanding Section 21 of the National Law to specify that a regulatory authority may at any time reassess an applicant’s capability to operate a service in accordance with the National Law.</p> <p>Page 98-99.</p>	<p>No change required. It was agreed the National Law currently encompasses the reassessment of an approved provider’s capability to operate.</p>
<p><b>8.1.4: Approvals – maximum children numbers as service approval conditions</b></p> <p>This proposal considered whether to amend the National Law or National Regulations to specify that the maximum number of children specified on a service approval forms part of the conditions of the service approval, noting that there is currently no specific offence for exceeding the maximum number of children specified in a service approval.</p> <p>Page 99-100.</p>	<p>Amend the National Law to clarify that the maximum number of children specified on a service approval forms part of the conditions of the service approval, and that exceeding the maximum number of children is a breach of the conditions of the service approval.</p>

## 8.2 Waivers

Decision RIS section reference and description of proposal	Decision
<p data-bbox="151 297 523 327"><b>8.2.1: Revocation of waivers</b></p> <p data-bbox="151 360 767 622">This proposal considered changing the timeframe for the revocation of a service waiver to take effect, noting current arrangements mean that if a service waiver is revoked at the discretion of the regulatory authority it takes 60 days after the provider is notified for the revocation to take effect.</p> <p data-bbox="151 656 331 689">Page 101-102.</p>	<p data-bbox="852 297 1458 483">Amend the National Regulations so that a revocation of a service waiver will take effect 14 days after the provider is notified (rather than the current 60 days), or another period by agreement.</p>

## 8.3 Supervisors

Decision RIS section reference and description of proposal	Decision
<p><b>8.3.1: Supervisors</b></p> <p>This proposal considered amendments to the National Law and National Regulations to make approved providers responsible for selecting nominated supervisors and persons in day-to-day charge, and options to clarify this process for services in light of the proposed removal of supervisor certificates.</p> <p>Page 102-104.</p>	<p>Approved providers are responsible for appointing nominated supervisors and/or persons in day-to-day charge that are aged 18 years or older, fit and proper, and have suitable skills.</p> <p>Governments will publish guidance materials to support approved providers to select persons in line with the requirements.</p>
<p><b>8.3.2: The power to restrict a person from being a nominated supervisor or person in day-to-day charge</b></p> <p>This proposal considered whether regulatory authorities should be able to restrict a person from being a nominated supervisor or person in day-to-day charge, in light of the increased flexibility given to providers to appoint responsible persons without regulatory oversight.</p> <p>Page 104-105.</p>	<p>Regulatory authorities have the power to restrict a person from being a nominated supervisor, either entirely or subject to conditions.</p>
<p><b>8.3.3: Limit on the number of nominated supervisors</b></p> <p>This proposal considered allowing more than one nominated supervisor to be appointed at one time for an education and care service.</p> <p>Page 106-107.</p>	<p>Amend the National Law to allow more than one (with a minimum of at least one) nominated supervisor to be appointed at the same time for each service.</p>
<p><b>8.3.4: Consenting to the role of nominated supervisor</b></p> <p>This proposal considered removing the requirement for written consent to the role of nominated supervisor or person in day-to-day charge if the approved provider or person in management or control is to fulfil this role.</p> <p>Page 107-108.</p>	<p>Amend the National Law so that written consent is no longer required if the approved provider, as an individual applicant, will also be a nominated supervisor.</p>

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### 8.3.5: Notifications regarding nominated supervisors

This proposal considered options to ensure regulatory authorities are notified if a nominated supervisor for a service changes, or if there are changes to a nominated supervisor's name or contact details. It also considered whether to remove existing notification requirements to regulatory authorities regarding fitness and propriety given the shift in responsibility to approved providers for the assessment of fitness and propriety of nominated supervisors.

Page 109-110.

Amend the National Law to make the approved provider responsible for notifying the regulatory authority if a nominated supervisor changes or there is a change to their name or contact details.

Remove existing notification requirements for approved providers to notify regulatory authorities of changes to nominated supervisor fitness and propriety in light of the shift of responsibility for assessing fitness and propriety to the approved provider.

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### 8.3.6: Record keeping

This proposal considered expanding current record keeping requirements for nominated supervisors to persons in day-to-day charge.

Page 110-111.

No change to the current record keeping requirements.

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### 8.3.7: Terminology

This proposal considered removing references to supervisor certificates and certified supervisors in the National Law to reflect the changes proposed to the appointment of nominated supervisors.

Page 111-112.

Amend the National Law to remove all references to supervisor certificates and certified supervisors.

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### 8.3.8: Child protection and nominated supervisors

This proposal considered adding a requirement to the National Law and National Regulations to specify that nominated supervisors and persons in day-to-day charge of an education and care service must have undertaken child protection training.

Page 112-114.

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Amend the National Law and National Regulations to require that nominated supervisors and persons in day-to-day charge of a service must have undertaken child protection training as required within their jurisdiction.

## 8.4 Operational Issues

Decision RIS section reference and description of proposal	Decision
<b>8.4.1: 12 weeks ECT Leave Provision – Extending the scope to include resignation</b>	Approved providers in Queensland, Western Australia, Tasmania and the Australian Capital Territory will be able to use regulation 135 in the case of resignation of an Early Childhood Teacher.
This proposal considered options to extend the scope of the 12 week Early Childhood Teacher Leave Provision (regulation 135) to include the case of resignation.	The existing time period of '12 weeks' will now be expressed as '60 days', with this being a combined total of periods of absence, not just leave.
Page 114-116.	
<b>8.4.2: Educator breaks</b>	There will be no changes to the general provisions in the National Law or National Regulations concerning educator breaks.
This proposal considered options to make legal obligations and prescribed ratio requirements regarding educator breaks clearer for services.	South Australia retains an existing jurisdiction-specific provision for educator breaks. This provision will also be adopted in Tasmania and Western Australia.
Page 116-118.	The existing jurisdiction-specific provision for declared approved services in Queensland will be expanded to apply to all approved services in Queensland.
	Current sector guidance on educator breaks will be removed and replaced with guidance referring services to jurisdiction-specific provisions.
<b>8.4.3: First Aid Qualifications</b>	Permit a staff member (not only an educator) or nominated supervisor to be the person immediately available who holds an approved first aid, anaphylaxis and emergency asthma management qualification.
This proposal considered options to change the requirements for staff first aid, anaphylaxis and emergency management qualifications.	
Page 118-119.	

## 8.5 Compliance, review, monitoring and enforcement

Decision RIS section reference and description of proposal	Decision
<p><b>8.5.1: Undertakings – expansion of scope</b></p> <p>This proposal considered options to extend the current scope of undertakings.</p> <p>Page 119-120.</p>	<p>Extend the scope of undertakings to allow regulatory authorities to consider undertakings where they may have otherwise issued a prohibition or suspension notice.</p>
<p><b>8.5.2: Undertakings – time within which proceedings for alleged offence must be commenced</b></p> <p>This proposal considered options to ensure regulatory authorities are not barred from prosecuting offences relating to failure to comply with an undertaking.</p> <p>Page 120-121.</p>	<p>Allow regulatory authorities to prosecute an offence after a failed undertaking if the prosecution is commenced within the prescribed period of time.</p>
<p><b>8.5.3: Definition of ‘unauthorised person’</b></p> <p>This proposal considered options to simplify the current definition of ‘unauthorised person’.</p> <p>Page 122.</p>	<p>Simplify the definition of ‘unauthorised person’ in the National Law.</p>
<p><b>8.5.4: Extension of liability – definition of ‘person with management and control’</b></p> <p>This proposal considered options to amend the definition of ‘person with management or control’.</p> <p>Page 123-124.</p>	<p>No change to the current definition of a ‘person with management and control’.</p>



## 8.6 Information sharing

Decision RIS section reference and description of proposal	Decision
<p><b>8.6.1: Compliance and Enforcement Information</b></p> <p>This proposal considered changes to the National Regulations to allow regulatory authorities to publish additional compliance and enforcement information.</p> <p>Page 124-125.</p>	<p>Amend the National Regulations to allow regulatory authorities to publish the service approval number for a FDC service.</p> <p>Amend the National Regulations to include issuing an emergency action notice in the list of enforcement actions the regulatory authority can publish information about.</p>
<p><b>8.6.2: Sharing of information within and between other state or territory government agencies</b></p> <p>This proposal considered changes to the National Law to clarify that information may be shared within and between governments and agencies where it is for a purpose related to the funding of education and care services.</p> <p>Page 125-126.</p>	<p>Amend the National Law to clarify that information can be shared within departments and to other state or territory government agencies where it relates to the funding of a service.</p>
<p><b>8.6.3: Publication of information</b></p> <p>This proposal considered changes to the National Law to allow information to be published that identifies a person with management or control of a service in relation to enforcement action that has been taken.</p> <p>Page 126-127.</p>	<p>Amend the National Law so that regulatory authorities can publish information about enforcement actions that identifies a person with management or control of a service if it is in the public interest to do so.</p>

## 8.7 Administrative requirements

Decision RIS section reference and description of proposal	Decision
<b>8.7.1: Notifying the regulatory authority of a complaint</b>	Providers will only be required to notify the regulatory authority of a complaint that alleges a serious incident has occurred or is occurring; or that the National Law or National Regulations have been contravened.
This proposal considered options to clarify the instances in which providers are required to notify the regulatory authority of a complaint.	
Page 127-128.	
<b>8.7.2: Medical conditions policy</b>	No change to current requirements for approved providers.
This proposal considered options to amend the requirements for approved providers to obtain and develop a medical management plan and the associated risk minimisation and communication plans.	Guidance will be developed for approved providers on how to comply with obligations, including noting that a medical management plan is only required where a child has a medical condition diagnosed by a registered practitioner.
Page 129-130.	
<b>8.7.3: Evidence of insurance</b>	There is no change to the requirement to keep evidence of insurance.
This proposal considered options to change the requirement of approved providers to keep evidence of insurance at the service premises or principal office.	
Page 130-131.	

## 8.8 Transitional and savings provisions

Decision RIS section reference and description of proposal	Decision
<b>8.8.1: Qualification requirements for supervisors of volunteers and persons under 18 years — Victoria only</b>	<b>Victoria specific provision</b>
This proposal considered options to change educational requirements for supervisors of volunteers or educators under 18 years in Victoria.	Removal of the requirement for supervisors of volunteers or educators under 18 years to hold or be actively working towards a diploma level qualification.
Page 131-133.	The person supervising must still be aged over 18 and be an educator within the meaning of the National Law.

## 8.28 Other Matters

Decision RIS section reference and description of proposal	Decision
<p><b>8.28: Other matters</b></p> <p>This proposal considered the introduction of sleep and rest policies and procedures for all approved providers.</p> <p>Page 133-134.</p>	<p>Require approved providers to have in place policies and procedures about sleep and rest for children and infants.</p> <p>This will be similar to the current policy and procedure requirements outlined in regulation 168(2).</p> <p>Guidance on Sudden infant death syndrome (SIDS) will be developed for approved providers, nominated supervisors and educators.</p>

## Other regulatory recommendations – Assessment and rating process

<b>Decision RIS section reference and description of proposal</b>	<b>Decision</b>
Assessment and rating process – extension of time at first tier review  Page 134.	A 60 day extension of time will be allowed for first tier reviews where the regulatory authority considers there are special circumstances.
Assessment and rating process – Ratings Review Panel  Page 134.	There are no alterations to the process or decision-making of the Ratings Review Panel.

## Other regulatory recommendations – Outside School Hours Care

Decision RIS section reference and description of proposal	Decision
Outside School Hours Care – information requirements  Page 134.	In addition to the exceptions from the information requirements already prescribed, a regulatory authority <b>may</b> determine that the information in relation to a soil assessment and/or a planning permit is not required to be provided if the approved provider is seeking to locate the education and care service on a school site.
Outside School Hours Care – exclusion of certain school holiday services  Page 134.	Clarification that the exclusion of services that provide education and care for no more than four weeks per calendar year during school holidays. This will now be expressed as ‘28 days’ rather than ‘four weeks’.

## Other regulatory recommendations – Family Day Care

Decision RIS section reference and description of proposal	Decision
Family Day Care – venues Page 134-135.	A family day care service may operate at a venue only in exceptional circumstances and if approved by the regulatory authority.  New monetary penalties apply to the approved provider for non-compliance.
Family Day Care – new venue approval Page 135.	A family day care service may not operate at a new venue until the regulatory authority amends the service approval through a condition.
Family Day Care – display of information Page 135.	Family day care offices will not be required to display information about: <ul data-bbox="852 801 1458 987" style="list-style-type: none"><li>• The name and position of the responsible person in charge of the education and care service (as the concept of ‘responsible person’ does not apply to family day care services).</li></ul> Family day care residences and venues will not be required to display information about: <ul data-bbox="852 1122 1458 1447" style="list-style-type: none"><li>• The occurrence of infectious disease outbreak at the education and care service unless the outbreak occurred at the residence or venue</li><li>• That a child has been diagnosed at risk of anaphylaxis at the education and care service unless the child is educated and cared for at the residence or venue</li></ul>

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**Family Day Care –notifications to approved provider**

Page 135-136.

Family day care educators must notify the approved provider of:

- A serious incident
- Any complaint alleging that a serious incident has occurred or is occurring or that there has been a breach of the National Law or National Regulations
- Any renovations or changes which pose or could pose a risk to the health, safety or wellbeing of children
- Any changes in the persons aged 18 and over residing at the residence

New monetary penalties will apply to family day care educators if they fail to notify this information to the approved provider.

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**Family Day Care – register of family day care educators**

Page 136.

Approved providers must keep information on the register of family day care educators about family day educator assistants and family day care co-ordinators (in addition to information about family day care educators).

New offences apply for failure to keep an accurate register at the principal office and failure to provide this information to the regulatory authority within the required timeframe.

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**Family Day Care – risk assessments**

Page 136.

Changes to the National Regulations to clarify that a risk assessment must be completed for all regular outings at least once a year.

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## Other regulatory recommendations - Supervisor certificates

Decision RIS section reference and description of proposal	Decision
Supervisor Certificates - display of information Page 136.	Remove requirement to display information about the prescribed class to which a nominated supervisor belongs, as the concept of prescribed class will be removed from the National Law and National Regulations.
Supervisor Certificates - register of certified supervisors Page 136.	Remove requirement for ACECQA to maintain a register of certified supervisors as this category of persons will be removed from the National Law and National Regulations.

## Other regulatory recommendations – Compliance, review, monitoring and enforcement

Decision RIS section reference and description of proposal	Decision
<p>Compliance, review, monitoring and enforcement – entering a premises</p> <p>Page 136-137.</p>	<p>Authorised officers may enter any premises, including a residence, without a search warrant for the purpose of determining whether an education and care service is operating without a service approval at or from the premises.</p> <p>This can only be done where written consent of the occupier of the premises is first obtained and there is a reasonable belief a person is operating an education and care service without a service approval.</p>
<p>Compliance, review, monitoring and enforcement – issuing of search warrants</p> <p>Page 137.</p>	<p>In relevant jurisdictions a Justice of the Peace, or any other relevant court or tribunal, will be able issue a search warrant where one may be issued under the National Law.</p>
<p>Compliance, review, monitoring and enforcement – service approvals</p> <p>Page 137.</p>	<p>Allow regulatory authorities to determine that any of the information referring to applications for service approvals (centre-based services) may not be required in exceptional circumstances.</p>
<p>Compliance, review, monitoring and enforcement – subcontracting</p> <p>Page 137.</p>	<p>Guidance will be developed for providers on their obligations regarding subcontracting arrangements for the day to day management of approved services, namely that their legal obligations and liability remain unchanged.</p>
<p>Compliance, review, monitoring and enforcement – waivers</p> <p>Page 137.</p>	<p>Allow regulatory authorities to impose conditions on the grant of a service waiver or temporary waiver, and the ability to remove or change these and reissue the service approval at any time.</p>
<p>Compliance, review, monitoring and enforcement – stop clock</p> <p>Page 137.</p>	<p>Changes to the National Law to provide that, where a regulatory authority requests further information in response to an application for service waiver or temporary waiver, the time period for responding to the request is excluded from the 60 day limit within which a decision must be made.</p>

## Other regulatory recommendations – Workforce issues

Decision RIS section reference and description of proposal	Decision
Workforce issues – leave periods Page 137.	Clarify the time periods that an alternative qualified person may be taken to be an early childhood teacher in the teacher’s absence.

## Other regulatory recommendations - Governance

Decision RIS section reference and description of proposal	Decision
Governance - information sharing Page 138.	Changes to the National Law clarify the circumstances when information can be shared and by whom, including when this information may identify an individual.
Governance - persons subject to prohibition notices Page 138.	Change to the National Law allows ACECQA to disclose information about persons subject to prohibition notices to approved providers on request and where the provider requires the information to comply with the Law.
Offence - persons subject to prohibition notices Page 138.	New provision in the National Law makes it an offence to make a false declaration about a prohibition notice, and includes a financial penalty.  This change supports providers to meet their obligation not to engage a person to whom a prohibition notice applies.
Governance - Acting Ombudsman Page 138.	Amend National Law to allow Ministerial Council to appoint Acting Ombudsman.
Governance - freedom of information Page 138.	Amend National Regulations to remove redundant provisions about Freedom of Information applications and to ensure consistent operation with the Commonwealth Freedom of Information Act.

## Other regulatory recommendations – Administrative requirements

Decision RIS section reference and description of proposal	Decision
Administrative requirements – notification of a serious illness  Page 139.	Clarifications to the National Law and National Regulations to require an approved provider to notify the regulatory authority of a serious illness, injury or trauma for which a child attended, or should have attended, a hospital.
Administrative requirements – definition of a ‘serious incident’  Page 139.	Amend the definition of ‘serious incident’ for notification purposes in relation to the attendance of emergency services to specify that notification of regulatory authorities is only needed where emergency services attended a location at which education and care is being provided as a result of an emergency and not, for example, as a precautionary measure.  Clarification to the definition of ‘emergency’ to mean an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person/s at a place where education and care is being provided.
Administrative requirements – prescribed matters for notification  Page 139.	Changes to the National Regulations so that the prescribed matters requiring notification of a regulatory authority include: <ul data-bbox="852 1218 1477 1621" style="list-style-type: none"><li>• Any incident where the approved provider reasonably believes that physical and/or sexual abuse of a child has occurred, or is occurring, while a child is being educated and cared for at an education and care service; or</li><li>• An allegation that sexual or physical abuse of a child has occurred, or is occurring, while a child is being educated or cared for at an education and care service.</li></ul> Guidance on reporting requirements will be developed for approved providers and regulatory authorities.

## Other regulatory recommendations – Transitional and savings

Decision RIS section reference and description of proposal	Decision
Transitional and savings – physical environment savings provisions (South Australia)  Page 139.	<p>Changes to the National Regulations savings provisions <b>specific for South Australia</b> relating to physical environment requirements for declared approved centre-based services so that saving provisions cease to apply if:</p> <ul style="list-style-type: none"><li>• the service premises is renovated in a manner that results in a reduction of the existing unencumbered indoor or outdoor space suitable for children’s use or;</li><li>• the service premises is renovated and the provider requests an amendment to the maximum number of children to be educated and cared for at the service or;</li><li>• the service approval is transferred to another approved provider.</li></ul> <p>The regulatory authority may also exempt an approved provider where a renovation results in a reduction to the existing unencumbered outdoor space suitable for children’s use if the remaining unencumbered outdoor space is not less than 7 square metres per child.</p>
Transitional and savings – working with children check (Victoria)  Page 139.	Changes to the National Regulations to ensure working with children check requirements apply to all staff members at a service <b>in Victoria</b> .

## Other regulatory recommendations – Regulations revoked

Decision RIS section reference and description of proposal	Decision
Regulations revoked Page 139.	Changes to the National Regulations to ensure that all transitional regulations set to expire on 31 December 2015 are revoked.