



Before you begin

You must read the following information before completing and submitting this application form.

Before submitting this application we recommend reviewing sections 144 – 160 of the *Education and Care Services National Law*, and clauses 69-70 of the *Education and Care Services National Regulations*, relating to second tier review.

If you would like more information, or are unsure about the information required in this application, please visit the website www.acecqa.gov.au or contact enquiries@acecqa.gov.au.

The information you provide in this form and in your application and submissions must be complete and correct. The provision of false or misleading information to the regulatory authority or ACECQA is an offence under the *Education and Care Services National Law*. Failure to comply may result in a financial penalty.

Privacy Statement

ACECQA is committed to ensuring that all actions taken in the administration of the National Quality Framework comply with the *Information Privacy Principles of the Privacy Act 1988 (Cth)*.

ACECQA is collecting the information on this form for the purpose of assessing this application under the National Law. The information on this form may also be provided to other authorities or to other government agencies in accordance with the *Education and Care Services National Law*.

ACECQA publishes redacted versions of the decisions of the Ratings Review Panel on its website in accordance with section 160(4) of the *Education and Care Services National Law*. You can find the decisions at:

<https://www.acecqa.gov.au/assessment/review/second-tier/panel-decisions>

Application requirements and assessment

An approved provider may apply to ACECQA for a further review (second tier review) of the rating levels determined for an approved service. An application for second tier review must be made within 14 calendar days after the decision of the regulatory authority's internal review is received by the approved provider. A Ratings Review Panel will be established to conduct the review.

An application for second tier review can only be made on the grounds that the regulatory authority:

- a) did not appropriately apply the prescribed processes for determining a rating level, or
- b) failed to take into account or give sufficient weight to special circumstances or facts existing at the time of the rating assessment.

An approved provider cannot request a review of a decision made by the regulatory authority to apply the minor adjustments policy.

ACECQA will acknowledge receipt of the application by email within 5 working days. The Ratings Review Panel will make a decision to confirm or amend the rating level(s) within 60 calendar days after the application for review is made. This period may be extended due to special circumstances or by agreement with the approved provider. The Ratings Review Panel will provide the approved provider and the regulatory authority written notice of its decision within 14 calendar days of the decision being made.

* **Note:** All references to the '*Education and Care Services National Law*' in this form are to be read as a reference to the '*Education and Care Services National Law Act 2010*' as applied as a law of the state or territory in which the service's rating of which you are seeking review of is located. References to ACECQA are to the Australian Children's Education and Care Quality Authority; established under section 224 of the *Education and Care Services National Law*.



Evidence

If you are submitting evidence with your application, please refer to it as part of your submissions in accordance with the **Submissions and Evidence template** at **Attachment A**. This will assist the Ratings Review Panel to properly review and assess your application.

The *Education and Care Services National Law* prescribes the material the Ratings Review Panel can consider when conducting its review.

As part of the second tier review process, ACECQA will request from the regulatory authority documents relevant to rating assessment and first tier review.

This usually includes:

- the assessment and rating report;
- a copy of the authorised officer's site visit notes;
- any submissions made by the approved provider to the regulatory authority after receiving the draft assessment and rating report;
- the approved provider/education and care service's compliance history, if relevant; and
- the regulatory authority's findings at first tier review.

However, you may also submit any of these documents with your application if you wish.

The Ratings Review Panel can also consider any documents or other information or plans, photographs or video or other evidence that were available to the regulatory authority in carrying out the rating assessment. You are not required to prove that the regulatory authority actually considered this evidence during rating assessment.

The Ratings Review Panel can also consider any submissions made by the approved provider and the regulatory authority as part of the first tier and second tier review processes. Submissions may include explanations of evidence and/or facts existing at the time of the rating assessment.

Other material the Ratings Review Panel can consider includes:

- the approved provider's application for first tier review;
- the approved provider's application for second tier review;
- advice received from ACECQA, at the request of the Ratings Review Panel, about how the prescribed processes for rating assessments are intended to be applied that is relevant to the review.

The Ratings Review Panel is only able to consider material that was given to the regulatory authority for the purposes of assessment and rating, reassessment and re-rating or first tier review.

Important:

Your application will not be assessed unless it is determined to be valid. In order to be valid:

- you must have received a first tier review decision from the regulatory authority;
- this application must have been submitted within 14 calendar days after receipt of the first tier review decision of the regulatory authority;
- all sections of this application form must be satisfactorily completed; and
- all prescribed fees paid (see page 6 for schedule of fees).



A. Education and Care Service details

1. Service details	Service name	
	Service approval No.	
	Approved provider name	
	Provider approval No.	
2. Contact details	Address line 1	
	Address line 2	
	Suburb/Town	
	State/Territory	Postcode

B. Contact for review application

3. Personal details	Title (Mr, Mrs, Ms, Miss)	Position title
	Given name	
	Family name	
4. Contact details	Email address	
	Phone number	
	Fax number	

C. Review details

5. First tier review	Date decision received	DAY / MONTH / YEAR
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6. Second tier review	The regulatory authority did not appropriately apply the prescribed process for determining a rating level; or
<i>On what grounds are you seeking a review of the decision by the regulatory authority?</i>	The regulatory authority failed to take into account or give sufficient weight to special circumstances or facts existing at the time of the rating assessment.

7. Quality areas for review **Quality Area 1 – Educational program and practice**

Standard 1.1		
Element 1.1.1	Element 1.1.2	Element 1.1.3
Standard 1.2		
Element 1.2.1	Element 1.2.2	Element 1.2.3
Standard 1.3		
Element 1.3.1	Element 1.3.2	Element 1.3.3



Quality Area 2 – Children's health and safety

Standard 2.1

Element 2.1.1	Element 2.1.2	Element 2.1.3
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Standard 2.2

Element 2.2.1	Element 2.2.2	Element 2.2.3
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Quality Area 3 – Physical environment

Standard 3.1

Element 3.1.1	Element 3.1.2	Element 3.1.3
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Standard 3.2

Element 3.2.1	Element 3.2.2	Element 3.2.3
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Quality Area 4 – Staffing arrangements

Standard 4.1

Element 4.1.1	Element 4.1.2	Element 4.1.3
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Standard 4.2

Element 4.2.1	Element 4.2.2	Element 4.2.3
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Quality Area 5 – Relationships with children

Standard 5.1

Element 5.1.1	Element 5.1.2	Element 5.1.3
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Standard 5.2

Element 5.2.1	Element 5.2.2	Element 5.2.3
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Quality Area 6 – Collaborative partnerships with families and communities

Standard 6.1

Element 6.1.1	Element 6.1.2	Element 6.1.3
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Standard 6.2

Element 6.2.1	Element 6.2.2	Element 6.2.3
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Quality Area 7 – Leadership and service management

Standard 7.1

Element 7.1.1	Element 7.1.2	Element 7.1.3
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Standard 7.2

Element 7.2.1	Element 7.2.2	Element 7.2.3
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8. Please draft your submissions using the Submissions and Evidence template at Attachment A.

9. If you wish to make an additional statement explaining why you are seeking a review of the decision by the regulatory authority, please set it out below.

A series of horizontal dotted lines providing space for writing an additional statement.



D. Payment details

10. Application fee

The application fee for a second tier review (not subject to GST) as at 1 July 2019 is:

Centre based service (Number of approved places)			Family Day Care service Maximum number of Family Day Care educators registered with the service		
Less than 25	25–80	More than 80	Less than 6	6–20	More than 20
\$454	\$682	\$910	\$454	\$682	\$910

11. Payment options

Australia Post money order

Bank cheque (Personal cheques will not be accepted)

Credit (Visa or MasterCard only)

- [Pay online](#)
- Pay by phone by calling (02) 8240 4200 9am-5pm AEST Monday to Friday.

Please provide your receipt number:

Please note: If you are paying by credit card, ACECQA cannot process your application without the receipt number as proof of payment.

E. Declaration and consent

12. Applicant declaration

I, _____
declare that:

- the information provided in this application form (including any attachments) is true, complete and correct;
- I have read and understood and agree to the conditions outlined in this form;
- I understand the regulatory authority and/or ACECQA will have the right (but will not be obliged) to act in reliance upon the contents of this application form, including its attachments;
- I have read and understood a Provider's legal obligations under the *Education and Care Services National Law*;
- ACECQA seeks and the Ratings Review Panel will consider the regulatory authority's submissions as part of its review;
- The regulatory authority is authorised to verify any information provided in this application;
- Some of the information provided in this application may be disclosed to the Commonwealth for the purposes of the Family Assistance Law and may be disclosed to other persons/authorities where authorised by the *Education and Care Services National Law* or other legislation; and
- I am aware that I may be subject to penalties under the *Education and Care Services National Law* if I provide false or misleading information in this form.

Signature of declarant

DAY / MONTH / YEAR



F. Submitting your application

Please submit your application form, fee payment and supporting documents by emailing or posting them to ACECQA.

Email: review@acecqa.gov.au

Post: **Second Tier Review**
ACECQA
PO Box A292
SYDNEY NSW 1235

G. Enquiries

If you have any general enquiries about reviews, please contact us on 1300 4 ACECQA (1300 422 327) or email us at enquiries@acecqa.gov.au.



Attachment A

Submissions and Evidence

Please use the table below to set out your submissions for your application for second tier review.

For guidance on the evidence you can submit with your application please refer to the Evidence section on page 2 of this application form.

Please note that:

- You are not required to prove that any documents or other information or plans, photographs or video or other evidence that was available to the regulatory authority in carrying out the rating assessment, that you submit as evidence with your application, were actually considered by the regulatory authority.
- Your submissions may include explanations of evidence and/or facts existing at the time of the rating assessment.

Quality Standard	Element/ Exceeding theme	Submission	Supporting evidence (file type and name)
<i>Example: Standard 3.1</i>	<i>Element 3.1.2</i>	<i>The day prior to our scheduled assessment and rating visit, a storm caused severe damage to our outdoor playground and sandpit. This was not clearly explained to the regulatory authority.</i>	<i>Photograph – 'Photo of playground and sandpit damage.' Please attach copies of this evidence to your application.</i>



Quality Standard	Element/ Exceeding theme	Submission	Supporting evidence (file type and name)