



Before you begin

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

Before submitting this application we recommend reviewing sections 144-151 of the Education and Care Services National Law*, and regulations 69-70 of the Education and Care Services National Regulations, relating to second tier review. For guidance in preparing your application we recommend reading '[Putting your best case forward](#)'.

If you would like more information, or are unsure about the information required in this application, please visit the [website](#) 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 protecting personal information in accordance with the Privacy Act 1988.

ACECQA is collecting the information on this form as required by the National Law for the purpose of assessing this application under the National Law. The information we collect as part of this application may be provided to other authorities or government agencies in accordance with the 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 here](#).

Our [Privacy Policy](#) contains information about how an individual may access and correct personal information ACECQA holds about them.

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 after the first tier review has been completed. An application for second tier review must be made within 14 calendar days after the decision of the regulatory authority's internal review (first tier 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 assessment and rating.

Please note that these grounds are used to determine the validity of a second tier review application. The Ratings Review Panel's remit extends only to confirming or amending the rating levels determined by the regulatory authority. The Ratings Review Panel cannot review the conduct of a regulatory authority or authorised officer.

The Ratings Review Panel is unable to review a decision made by a regulatory authority to apply the minor adjustments policy.

ACECQA will acknowledge receipt of the application by phone or 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

* **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.



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.

Evidence

As part of the second tier review process, ACECQA will request documents from the regulatory authority that are relevant to assessment and rating and first tier review for consideration by the Ratings Review Panel.

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's application for first tier review and supporting evidence
- the regulatory authority's findings at first tier review, and
- the approved provider/education and care service's compliance history, if relevant.

Please note that since ACECQA will request these documents from your regulatory authority after receiving your application you do not need to re-submit these documents with your application. We will send you a copy of these documents and provide you with an opportunity to respond in writing. On reviewing these documents, you may also wish to submit further evidence in support of your application.

Under section 150(1) of the *Education and Care Services National Law*, in addition to the documents from the regulatory authority that relate to your assessment and rating and first tier review, the Ratings Review Panel is also able to consider the following types of evidence:

- documents or other information, plans, photographs, video or other evidence that were available to the regulatory authority in carrying out the assessment and rating, whether or not they were actually considered by the regulatory authority, and/or
- submissions to the panel by the approved provider and the regulatory authority. Submissions may include explanations of evidence and/or facts existing at the time of the assessment and rating.

If you are submitting evidence with your application, please specify the submissions to which each piece of evidence relates in accordance with the **Submissions and Evidence template** at **Attachment A**. References to evidence (e.g. Attachment 6 - Photo of outdoor environment) will also enable the connection between your evidence and submissions to be demonstrated to the Ratings Review Panel when reviewing and assessing your application.

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 for second tier review must have been submitted within 14 calendar days after receipt of the first tier review decision of the regulatory authority, noting that ACECQA does not have the power to extend this timeframe
- 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

6. Second tier review

On what grounds are you seeking a review of the decision by the regulatory authority?

The regulatory authority did not appropriately apply the prescribed process for determining a rating level; or
The regulatory authority failed to take into account or give sufficient weight to special circumstances or facts existing at the time of the assessment and rating.

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

Standard 2.2

Element 2.2.1

Element 2.2.2

Element 2.2.3

Quality Area 3 – Physical environment

Standard 3.1

Element 3.1.1

Element 3.1.2

Standard 3.2

Element 3.2.1

Element 3.2.2

Element 3.2.3

Quality Area 4 – Staffing arrangements

Standard 4.1

Element 4.1.1

Element 4.1.2

Standard 4.2

Element 4.2.1

Element 4.2.2

Quality Area 5 – Relationships with children

Standard 5.1

Element 5.1.1

Element 5.1.2

Standard 5.2

Element 5.2.1

Element 5.2.2

Quality Area 6 – Collaborative partnerships with families and communities

Standard 6.1

Element 6.1.1

Element 6.1.2

Element 6.1.3

Standard 6.2

Element 6.2.1

Element 6.2.2

Element 6.2.3

Quality Area 7 – Leadership and service management

Standard 7.1

Element 7.1.1

Element 7.1.2

Element 7.1.3

Standard 7.2

Element 7.2.1

Element 7.2.2

Element 7.2.3



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.

Lined area for providing an additional statement, consisting of numerous horizontal dotted lines.



D. Payment details

10. Application fee

The application fee for a second tier review (not subject to GST) as at 1 July 2023 is:

Centre based service (Number of approved places or places to be offered)				Family Day Care service (Number of educators engaged by or registered with service)			
small (24 or less)	medium (25 to 80)	large (81 to 100)	extra-large (101 or more)	small (5 or less)	medium (6 to 20)	large (21 to 60)	extra-large (61 or more)
\$547	\$823	\$1097	\$1372	\$547	\$823	\$1097	\$1372

11. Payment options

Australia Post money order

Bank cheque (Personal cheques will not be accepted)

Credit (Visa or MasterCard only)

- [Pay online](#)

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 I may submit at any time, 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

*If submitting electronically,
please type your name into
the signature box.*

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 358
DARLINGHURST NSW 1300

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 (name and reference)
<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>Attachment 6 – 'Photo of playground and sandpit damage'. Please attach copies of this evidence to your application.</i>



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