


Notifications to the Australian Children's Education and Care Quality Authority

Education and Care Services National Law Act 2010



**Education
and
Child Care**

Who is obliged to report?

Under the Education and Care Services National Law, **approved providers** are required to notify the Australian Children's Education and Care Quality Authority (ACECQA) (*Education and Care Services National Law Act 2010*, ss 173 and 174).

When are they obliged to report?

Approved providers are required to notify ACECQA of the following occurrences, within the specified time frames.

As soon as practicable, but within no more than 24 hours of the event occurring, or becoming aware of the event occurring:

- The death of a child who was being educated and cared for by an education and care service, or who has died following an incident at an education and care service.

Within **24 hours** of the event or becoming aware of the event:

- An incident resulting in 'injury or trauma to, or illness of, a child while being educated and cared for by an education and care service', where 'a registered medical practitioner was sought, or ought reasonably to have been sought', or the child 'attended, or ought reasonably to have attended, a hospital'.
- 'Any incident where the attendance of emergency services at the education and care service premises was sought, or ought reasonably to have been sought.'
- A situation where a child under the care of the education and care service: 'appears missing or cannot be accounted for', 'appears to have been taken or removed' from the premises in way contrary to the regulations, or is 'mistakenly locked in or locked out of' the premises or part of it.
- Any incident that requires the temporary closure of the education and care service, or a reduction in the number of children who can attend the education and care service.
- Any complaint alleging 'the safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service'. It is not required that the complaint be 'reasonable'; any complaint making these allegations requires ACECQA to be notified.
- Any complaint alleging that the Education and Care Services National Law has been breached. It is not required that the complaint be 'reasonable'; any complaint making these allegations requires ACECQA to be notified.

Within **7 days** of the event or becoming aware of the event:

- 'Any change relevant to whether the approved provider is a fit and proper person to be involved in the provision of an education and care service.' This includes matters such as the person's history of compliance with the law regulating educational services, their financial situation as far as it could affect the service, any relevant medical conditions, any matters in a criminal history check and whether the person holds a working with children check or is a registered teacher.
- Any change of address or contact details of the approved provider or their principal office.
- An 'appointment of receivers or liquidators or administrators to the approved provider or any other matters that affect the financial viability of the ongoing operation of the education and care service'.

When are they obliged to report? (continued)

- 'Any change to the hours and days of operation of the education and care service.'
- 'Any circumstances arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service.'
- In the case of a family day care service, 'if any new approved family day care venue is added to service', or if the family day care service changes the State or Territory in which it operates.
- Any instance where a certified or nominated supervisor who is engaged by the service is subject to a suspension or cancellation of a working with children card; or disciplinary proceedings under an education law.
- The nominated supervisor ceasing to be employed or engaged by the service, or ceasing to agree to being a nominated supervisor for the service.
- Ceasing to operate an education and care service.
- Any proposed change to the premises of an approved education and care service (other than a family day care residence).
- A change in location of the principal office of an approved family day care service.

Within **14 days** of the event or becoming aware of the event:

- Any change in name of the approved provider.
- The removal or appointment of a 'person with management or control of an education and care service' that the approved provider operates.
- Not commencing operation of an education and care service within six months of being granted 'approval for service', unless alternative arrangements were made with ACECQA.

No less than **42 days before** the proposed date of transfer, unless an agreement was made with ACECQA:

- An intention to transfer service approval to another provider, in accordance with the Education and Care Services National Law.

Education and Care Services National Law Act 2010, ss 13, 173 and 174

Education and Care Services National Regulations, ss 12, 16, 174, 175 and 176

How do you make a report?

Reports must be made to ACECQA on the prescribed form. There are separate forms for notifying complaints and serious incidents. These are available at the ACECQA website, on the 'Application Forms' page: <http://acecqa.gov.au/>

Forms are to be mailed or faxed to the office in your State:

Australian Capital Territory

Children's Policy and Regulation Unit
Community Services Directorate
GPO Box 158
Canberra ACT 2601
Fax: (02) 6207 1128

New South Wales

NSW Early Childhood Education and
Care Directorate
Locked Bag 5107
Parramatta NSW 2124
Fax: (02) 8633 1810

Northern Territory

Quality Education and Care NT
Department of Education and Training
GPO Box 4821
Darwin NT 0801
Fax: (08) 8999 5677

Queensland

Office for Early Childhood Education and Care
Department of Education, Training
and Employment
PO Box 15033
City East QLD 4002
Fax: (07) 3234 0310

South Australia

Education and Early Childhood Services
Registration and Standards Board of South Australia
GPO Box 1811
Adelaide SA 5001
Fax: (08) 8226 1815

Tasmania

Department of Education
Education and Care Unit
GPO Box 169
Hobart TAS 7001
Fax: (03) 6233 6042

Victoria

Department of Education and Early Childhood
Development
Quality Assessment and Regulation Division
GPO Box 4367
Melbourne VIC 3001
Fax: (03) 9651 3586

Western Australia

Department for Communities
Education and Care Regulatory Unit
PO Box 6242
East Perth Business Centre
East Perth WA 6892
Fax: (08) 6210 3300

If you have any queries, please do not hesitate to contact:

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