

Early Learning Commission

# Fees and Charges Policy

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NSW Early Learning Commission

Version 1.0

26 February 2026



Early Learning  
Commission

## Acknowledgement of Country

The Early Learning Commission acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this Policy.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Fees and Charges Policy

Published by NSW Early Learning Commission

<https://education.nsw.gov.au/early-childhood-education/regulation-and-compliance>

First published: February 2026

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# Contents

<b>1</b>	<b>Purpose .....</b>	<b>1</b>
<b>2</b>	<b>Scope .....</b>	<b>1</b>
<b>3</b>	<b>Guiding Principles.....</b>	<b>2</b>
<b>4</b>	<b>Policy .....</b>	<b>2</b>
4.1	Fee Types .....	2
4.2	Collection of Fees.....	3
4.2.1	Annual Fees.....	3
4.2.2	Transactions Fees .....	4
4.3	Alternative Arrangements.....	4
4.4	Non-payment of Fees .....	4
<b>5</b>	<b>Enquiries .....</b>	<b>5</b>
<b>6</b>	<b>Approval.....</b>	<b>5</b>
<b>7</b>	<b>Document history .....</b>	<b>5</b>
<b>8</b>	<b>Terms and definitions .....</b>	<b>5</b>

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# 1 Purpose

The NSW Early Learning Commission (the Commission) regulates more than 6,000 Early Childhood Education and Care (ECEC) services in NSW so that children attending those services receive safe and quality care.

The protection of the rights and best interests of each child and the children attending education and care services must be the paramount consideration in giving effect to the National Law, including in making decisions or otherwise exercising functions under this Law. The protection of the rights and best interests of each child and the children attending education and care services prevails over the financial interests of approved providers; and other fiduciary duties owed by persons with management or control of education and care services.

The Commission expects all services to deliver safe, high-quality education and care and takes strong regulatory action where these expectations are not met. The Commission adopts a prevention-led and risk-informed approach to regulation to protect children from harm and acts with integrity, confidence and courage to ensure children's safety.

The purpose of this policy is to specify how the Commission exercises its powers in relation to collection of fees.

The information in this policy is intended to clarify the circumstances under which the Commission will exercise its discretion in respect to collecting, waiving, reducing and refunding fees and entering into agreements regarding fees. It also outlines the considerations it may take into account when exercising that discretion.

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# 2 Scope

The NSW Early Learning Commission is the Regulatory Authority for New South Wales (NSW) for regulating the ECEC sector. The Commissioner has delegated the exercise of powers and functions to officers across NSW in accordance with the Commissioner's delegations.

The Early Learning Commission exercises its regulatory functions under the following legislation:

## National Legislation

- Children (Education and Care Services) National Law (NSW) 2010 (the 'National Law')
- Education and Care Services National Regulations (NSW) 2011 (the 'National Regulation')

## NSW State-based Framework:

- Children (Education and Care Services) Supplementary Provisions Act 2011
- Children (Education and Care Services) Supplementary Provisions Regulation 2024

Most education and care services for children around Australia are regulated, under the National Quality Framework. Service types covered by the National Quality Framework are regulated under the National Law and National Regulations. These services include

Family Day Care, Long Day Care, Out of School Hours Care and Preschools. The National Quality Framework also includes the [National Approved Learning Frameworks](#) and the [National Quality Standard](#) against which education and care services are assessed and rated. The [Guide to the National Quality Framework](#) is designed to support education and care providers, educators and authorised officers understand and apply the requirements of the National Quality Framework.

Occasional care services, Multifunctional Aboriginal Children’s Services (MACS) and Mobile services are out of scope of the NQF and are regulated under the state-based framework. These types of services are referred to as ‘state regulated’ services. In NSW, this means they can expect the same regulatory oversight as other services. National Law Alignment Provisions are applicable to NSW state regulated education and care services.

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## 3 Guiding Principles

The Commission’s over-arching principles for the exercise of its powers and functions are set out in the [Guiding Principles policy](#).

In exercising its powers and functions, the Commission must uphold the objectives and guiding principles set out in section 3 of National Law. In accordance with the NSW Children (Education and Care Services National Law Application) Amendment Act 2025, the rights and best interests of each child attending ECEC services are the paramount consideration. The Commission ensures this paramountcy principle informs all its decisions and the exercise of all functions under the National Law.

The Commission is also guided by the [Child Safe Standards](#), which are regulated by the NSW Office of the Children’s Guardian, and is committed to upholding the safety of children through its regulatory decision making.

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## 4 Policy

The collection of fees allows the Commission to recover some of the costs that are associated with its functions and activities including the national quality rating and assessment process, monitoring and compliance activities as well as many basic transactions, such as processing applications.

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### 4.1 Fee Types

The Commission collects annual fees and transaction fees, known as prescribed fees (Regulation 232 of the National Regulations). The prescribed fees are set out in schedule 2 of the National Law and are indexed each financial year. The current year’s fees can be found on the [ACECQA website](#).

- a. **Annual fees** apply to all approved in-scope and out-of-scope services and are collected once a year.

Relevant Law	Fee type
Section 53 (National Law)	Annual Fees (in-scope)
Section 53 (National Law Alignment Provisions)	Annual Fees (out-of-scope)

- b. **Transaction fees** are one-off fees, which apply to applications and other transactions. For example, applications for a provider or service approval, or a waiver will attract a prescribed fee.

Relevant Law	Fee type
Section 11(d)	Application for provider approval
Section 44(1)(e)	Application for service approval
Section 59(2)(c)	Notification of intended transfer of service approval
Section 88(c)	Application for service waiver
Section 95(c)	Application for temporary waiver
Section 98(4)	Application to extend a temporary waiver
Section 139(2)(c)	Application for reassessment and re-rating
Section 145(2)(c)	Application for review by Ratings Review Panel
Section 152(3)(c)	Application for highest rating
Section 159(3)(c)	Re-application for highest rating

The Commission may also charge a fee for the below applications, however there is no prescribed fee.

Relevant Law	Fee Type
Section 22(2)(c)	Application to amend provider approval
Section 37(2)(c)	Application to voluntarily suspend provider approval
Section 39(6)(c)	Application by executor for provider approval
Section 40(3)(c)	Application by legal personal representative or guardian for provider approval
Section 54(2)(c)	Application to amend service approval
Section 85(2)(c)	Application to voluntarily suspend service approval
Section 141(4)(d)	Application for review by Commission

## 4.2 Collection of Fees

### 4.2.1 Annual Fees

An approved provider must pay the annual service approval fee to the Commission for each service approval the provider holds. The fee must be paid on or before 1 July each year. Prior to the due date, the approved provider will be issued with an invoice outlining the amount of the fee and the payment methods available.

The Commission may charge a late payment fee services if the approved provider does not pay the fee by 1 July of the relevant year. The late fee is 15% of the annual fee for each 30 days (or part thereof) that the payment is overdue.

#### 4.2.2 Transactions Fees

Transaction fees apply when a provider submits an application and a prescribed fee is payable. Payment of the prescribed fee forms part of the application, which will not progress unless the fee has been paid.

Transaction fees relating to in scope services and providers are paid by credit card at the time of application through the public portal. Fees relating to out of scope services and providers are paid manually by credit card.

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### 4.3 Alternative Arrangements

Section 261(e) of the National Law and Section 27B of the Supplementary Provisions allows the Commission to collect, waive, reduce, defer, and refund fees (including late payment fees) and to enter into agreements in relation to the prescribed fees under the National Law.

A person seeking to have fees waived, reduced, deferred or refunded, or to enter into agreements in relation to fees, must make an application in writing and provide sufficient information to enable the Commission to make a fully informed decision. Sufficient information includes a statement about the reasons for the application, together with any other relevant supporting documentation.

The Commission may waive or refund the whole, or any part, of the annual or transaction fee if it is satisfied that there are exceptional circumstances that justify waiving the whole or part of the fee.

Such exceptional circumstances may include but are not limited to:

- Where the collection of the whole or part of the fee would lead to undue financial hardship in the exceptional circumstances applying to the service and the waiver or refunding of the application fee (or annual fee) would not be contrary to the principles of this Policy.
- Relocation of a service due to a natural disaster or other emergency.
- Death or serious illness of a provider or person with management or control of a provider where the application needs to be withdrawn after commencement of work on the application by the Commission.
- Where the application has been withdrawn prior to the Commission validating the application.
- Where the fee payment has occurred due to an error.

The Commission will exercise its fee powers impartially, reasonably, in good faith and for a proper purpose, and having given proper and genuine consideration to the merits of the particular case.

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### 4.4 Non-payment of Fees

Where a provider fails to pay a transaction fee, such as an application fee, the Commission will not progress the application, which will be invalidated.

Where a provider fails to pay an annual fee, the Commission may take further action. In the first instance the Commission will attempt to make contact with the provider and advise that payment has not been made. In some circumstances a late fee may apply.

If a provider continues to fail to pay the fee, the Commission may take action to suspend or cancel the provider approval or service approvals. The Commission will issue a “Show Cause Notice” prior to suspending or cancelling an approval for non-payment of fees.

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## 5 Enquiries

For enquiries about this policy, please contact the NSW Early Learning Commission Information and Enquiries team 1800 619 113 (toll free) or [information@earlylearningcommission.nsw.gov.au](mailto:information@earlylearningcommission.nsw.gov.au)

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## 6 Approval

Approved by: Fees and Charges Policy

Designation: A/Commissioner, NSW Early Learning Commission

Dated: 26 February 2026

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## 7 Document history

Table 1. Document information

Document title	Fees and Charges Policy
Document type	Policy
Version number	1.0

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## 8 Terms and definitions

Table 7. Terms and definitions

Term	Definition
Deferral of a fee	The deferral of a fee means that the annual fee or transaction fee will be collected at a later date that is determined by the Commission. The later point for payment of fees will be considered in view of the exceptional circumstances that exist.
Application of Exceptional Circumstances	There is no absolute definition of exceptional circumstances. Under the National Law, the notion of exceptional circumstances applies to a range of situations,

	such as family day care venues or temporary relocations. The Commission considers whether or not exceptional circumstances exist on a case-by-case basis. Exceptional circumstances are limited to circumstances that are unusual, not typical, or unable to be foreseen or planned for in advance.
<b>Reduction of a fee</b>	A reduction of a fee means that the annual fee or transaction fee is set at a reduced amount. The amount by which the fees are reduced will be considered in view of the exceptional circumstances that exist.
<b>Refund of a fee</b>	The refund of a fee means that the annual fee or transaction fee that has been collected will be returned to the person who paid the fee (which may include a company).
<b>Waiver of a fee</b>	A waiver of a fee means that the annual fee or transaction fee is not charged for the current year or relevant transaction.

# NSW Early Learning Commission Fees and Charges Policy

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