

Early Learning Commission

# Provider Approval Policy

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NSW Early Learning Commission

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Early Learning  
Commission

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We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Provider Approval Policy

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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 Provision</b> .....	<b>3</b>
4.1	Applying for a Provider Approval.....	3
4.1.1	Persons eligible to apply for a provider approval.....	3
4.1.2	Valid Applications.....	3
4.1.3	Application Timeframes .....	4
4.1.4	Provider Approval.....	5
4.1.5	Application Requirements for a Provider Approval.....	5
4.1.6	Person with management or control .....	6
4.2	Assessing an application for Provider Approval .....	8
4.2.1	Assessing whether the applicant is a ‘fit and proper’ person.....	8
4.2.2	History of Compliance with the National Law .....	10
4.2.3	Criminal History .....	10
4.2.4	Ongoing Legal Matters .....	11
4.2.5	Financial Circumstances .....	12
4.2.6	Medical Conditions.....	13
<b>4.2.7</b>	<b>Management Capability</b> .....	<b>13</b>
4.2.8	Actions taken under Commonwealth Family Assistance Law.....	14
4.2.9	Other Matters .....	14
4.3	Making a decision on an application.....	14
4.3.1	Approval.....	15
4.3.2	Refusal.....	15
4.4	Changes and notifications .....	16
4.4.1	Notifying of Persons with Management or Control (PMC).....	16
4.4.2	Applications and notifications following death of approved provider .....	16
4.4.3	Applications for provider approvals due to the incapacity of the approved provider 17	17
4.4.4	Notifications for Appointment/removal of receivers/liquidators/administrators of approved provider .....	17
4.5	Amending a Provider Approval.....	18
4.5.1	Application Requirements.....	18
4.5.2	Assessment of Application .....	18
4.5.3	Decision on Application .....	18
4.5.4	Amending a provider approval without an application from the provider .....	19
4.6	Suspending a Provider Approval .....	19
4.6.1	Voluntary Suspensions .....	19

4.6.2	Application Requirements.....	20
4.6.3	Assessment and Decision .....	20
4.6.4	Completion of suspension .....	20
4.6.5	Involuntary Suspension .....	20
4.6.6	Show Cause Notice.....	21
4.6.7	Decision after issuing show cause notice .....	21
4.6.8	Immediate suspension.....	22
4.6.9	Notice.....	22
4.7	Cancelling a Provider Approval.....	22
4.7.1	Surrender of a Provider Approval .....	22
4.7.2	Cancellation of a Provider Approval .....	23
4.7.3	Show Cause Notice.....	23
4.7.4	Decision after issuing show cause notice .....	24
4.7.5	Notice .....	24
4.7.6	Operating a service with a suspended or cancelled provider approval .....	24
4.8	Review.....	25
5	<b>Enquiries .....</b>	<b>25</b>
6	<b>Approval.....</b>	<b>25</b>
7	<b>Document history .....</b>	<b>25</b>
8	<b>Terms and definitions .....</b>	<b>25</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 high-quality education and 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 the Commission's approach to assessing and amending the status of applications for provider approval, as prescribed under Part 2 ('Provider Approval') of the Children (Education and Care Services) National Law Act 2010 (National Law) and the Education and Care Services National Regulations (National Regulations).

The Commission's approach to provider approval safeguards the entry point into the education and care services sector for the benefit of children and families.

The Commission has prescribed powers and functions under National Law to determine applications for provider approval, as well as amend, suspend or cancel provider approval.

The information in this policy is intended to clarify:

- requirements of a complete and valid application for a provider approval,
- circumstances under which the Commission exercises its discretion on a provider approval, and the considerations that inform discretionary decisions.

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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 help 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.

The Commission is responsible for the implementation of this policy. Transferring and receiving approved providers must submit valid notification of an intended transfer of a service approval.

The Commission must act according to its functions and powers under the National Law (Section 260 of the National Law). In exercising its functions and powers with respect to the transfer of service approvals, the Commission will be guided by this, and other relevant policies and procedures.

This Policy applies to new applicants and existing providers under the National Law and the Children (Education and Care Services) Supplementary Provisions Act 2011 (the Supplementary Provisions).

A provider approval granted under the National Law authorises a person (provided they also have the appropriate service approvals) to operate an education and care service under the National Law and/or the Supplementary provisions.

A provider approval granted only in respect to the Supplementary Provisions is not a provider approval for the purposes of the National Law and does not authorise a person to operate an education and care service that is within scope of the National Law.

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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 Provision

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### 4.1 Applying for a Provider Approval

#### 4.1.1 Persons eligible to apply for a provider approval

A person, other than the following persons, may apply to the Commission for a provider approval Section 10 (1) —

- a. prescribed ineligible person;
- b. a person who has, in the previous 12 months, received a notice under section 16 that the Commission has refused to grant the person a provider approval, unless the Commission has notified the person that the person may apply for a provider approval within 12 months after receiving the notice;
- c. a person who has, in the previous 12 months, received a notice under section 50 that the Commission has refused to grant the person a service approval, unless the Commission has notified the person that the person may apply for a provider approval within 12 months after receiving the notice.

The National Law defines a 'person' as an individual, a body corporate, an eligible association, a partnership or a prescribed entity.

Persons applying to become an approved ECEC provider are referred to as applicants. In assessing provider approvals, the Commission aims to ensure approved providers:

- are fit and proper persons to provide an education and care service
- have, and continue to have, the capability to operate an education and care service.
- understand their responsibilities and comply with their obligations under the National Quality Framework.

The National Law requires that a person operating an education and care service must have a provider approval (Section 103 of the National Law). A provider approval authorises the holder to operate an ECEC service under the National Law and National Regulations. It is ongoing and recognised in all Australian jurisdictions.

In addition to a provider approval, to operate an education and care service the approved provider must obtain a service approval for each service it operates. For more information about service approvals, see the Commission's policy, [Service Approvals](#).

#### 4.1.2 Valid Applications

An application is complete and valid when the applicant has provided all prescribed information, including payment of a fee, where relevant.

The prescribed fees are set out in Schedule 2 of the National Regulations. Fees are indexed each year according to published indexation figures. They are available on the [ACECQA website](#) before the beginning of each financial year.

To avoid processing delays, applicants for provider approval should ensure all information is accurate, complete, and consistent before submitting their application.

The timeframe for assessing an application commences once the Commission has received all prescribed information and has determined that the application is valid. If the applicant has not provided all prescribed information, the Commission contacts the applicant and advises them of the information required to complete the application. If the applicant does not provide outstanding information within 14 days of the Commission's written request, the Commission may invalidate and close the application.

Prior to invalidating an application, the relevant officer considers the principles of procedural fairness. The Commission may re-open an invalid application or waive the prescribed fee where exceptional circumstances outside of the control of the provider exist.

If exceptional circumstances exist, an applicant must provide evidence for their claims, and all requests must be made in writing.

Applicants may decide to withdraw an application at any time prior to the Commission making a decision on their application. The application may be withdrawn by notice in writing to the Commission.

If an applicant withdraws an application, they may request a refund of the application fee. When determining whether a refund is applicable, the Commission considers relevant factors, such as the reason for the request, the time and resources already expended and any other relevant matter. The Commission notifies an applicant in writing once a decision is made on a refund request. For more information, see the [Fees and Charges Policy](#).

### **4.1.3 Application Timeframes**

The National Law sets out timeframes for each application type. It provides that the timeframe does not begin until the Commission has received a complete and valid application.

Clause 31 of schedule 1 of the National Law sets out how timeframes are calculated. When calculating the timeframe for processing an application, the day the Commission deems the application as valid is excluded. The last day of the timeframe is also excluded.

For the purpose of this section, "days" refer to calendar days, including Saturdays, Sundays and public holidays. However, if the last day of the timeframe falls on a non-business day, the next business day will be the last day.

If further information is required from the applicant (in addition to the prescribed information), the time taken to provide the information is not included in the period for determining the application (Section 14 of the National Law).

The applicant is obligated to disclose any adverse or serious matters during the application process. The Commission undertakes inquiries in relation to these matters. The Commission may ask the applicant to provide further information under Section 14 of the National Law. The time taken to make these inquiries is not considered in the legislated period for the Commission to make a decision.

In some instances, the Commission may request further time from the applicant to process the application (Section 15(4) of the National Law).

#### 4.1.4 Provider Approval

The Commission must make a decision on a provider approval application within 60 calendar days of receiving a complete and valid application. If further information is required from the applicant (in addition to the prescribed information), the time taken for the applicant to provide the information is not included in the period for determining the application (Section 14 of the National Law).

If the Commission does not make a decision within this time, or within any extended period of time, the application is deemed to be refused (Section 15(5) of the National Law).

The Commission must not grant a provider approval unless it is satisfied as to the applicant's fitness and propriety. Where there is outstanding information relating to serious matters, such as a criminal or compliance investigation, the Commission may not be able to decide on fitness and propriety until an outcome is known, or the matter is finalised. If the Commission is unable to decide within legislative timeframes, the application is deemed to be refused.

The Commission provides written notice to the applicant of its decision, and of the reasons for the decision, within seven calendar days of making the decision (Section 16 of the National Law).

If an application is refused, an applicant may seek an internal review of the decision (Sec 190 of the National Law) and/or submit a new application for provider approval.

#### 4.1.5 Application Requirements for a Provider Approval

Applications for a provider approval must be made via the NQA ITS portal and must be made to the Commission, if the applicant's principal place of business is located in NSW, and:

- (i) include the prescribed documents as set out in the National Regulations; and
- (ii) include the prescribed fee.

For out-of-scope, state law regulated providers, applications must be made via the application form available on the NSW Department of Education Website.

The prescribed information to be included in an application for a provider approval made by an applicant who is an individual, can be found at Appendix, checklist 1. This information must also be provided for all persons with management or control and office holders of an applicant who is not an individual, such as a body corporate (Regulation 14 of the National Regulations).

The prescribed information to be included in an application for a provider approval made by a person other than an individual, for example, an association or corporation, can be found at Appendix, checklist 2 (Regulation 15 of the National Regulations).

The following documents are required for each entity type:

Type of Entity	Required Documents
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Company	Current ASIC Company extract showing office holders and shareholders
Trusts	Trust Deed
	ACNC extract (where relevant)
Incorporated Association	Constitution
	Rules of Association
	Certificate of Registration
	Current Business Name extract
	ACNC extract (where relevant)
	Copy of most recent Annual General Meeting Minutes
Cooperatives	Certificate of Registration
	Constitution
	ACNC extract (where relevant)
	Rules signed by the Chairperson and Secretary of the cooperative certifying approval of the rules
Councils	An extract of the relevant legislation concerning use of the common seal; or a copy of any other legislation or resolution which sets the manner in which the Council can enter into contracts.
Partnership	Deed of Partnership

#### 4.1.6 Person with management or control

Section 5A of the National Law provides the meaning of a 'person with management or control'. Each of the following persons is a person with management or control (PMC) of an education and care service:

- if the provider or intended provider of the service is a body corporate —
  - a. an officer (within the meaning of the Corporations Act 2001 of the Commonwealth) of the body corporate who has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service; and
  - b. any other person who —
    - i. is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or

- ii. has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service.
- if the provider or intended provider of the service is an eligible association —
  - a. each member of the executive committee of the association who has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service; and
  - b. any other person who —
    - i. is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or
    - ii. has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service.
- if the provider or intended provider of the service is a partnership —
  - a. each partner who has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service; and
  - b. any other person who —
    - i. is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or
    - ii. has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service.
- in any other case, any person who —
  - a. is a member of the group of persons responsible for the executive decisions made in relation to the education and care service; or
  - b. has authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service.

All PMCs of an education and care service must be ‘fit and proper’ persons to be involved in the provision of an education and care service (section 12(2)(a)).

In addition, the approved provider entity itself must also be fit and proper to be involved in the provision of an education and care service (section 12(2)(b)). This may include the Commission assessing all constituent individual personnel of the approved provider entity for fitness and propriety, regardless of whether the person is determined by the approved provider to be a person with management or control.

A PMC of an education and care service plays an important role under the National Law, and they have significant legal and administrative responsibilities. The onus is on the applicant or provider to identify the PMCs. Whether someone is a PMC is a question of fact and not just based on their position title. As such, when assessing an application for provider approval or when considering a change to the PMCs of an existing provider, an officer of the Commission may discuss with an applicant or a provider how they determined who is a PMC, if and where there may be concerns.

Not all board/committee members, office holders, etc. need to be nominated as a PMC, however, they do need to be listed as contacts. A contact is a person who can respond on

behalf of the provider, however, does not have management or control of an education and care service. Contacts do not have defined responsibilities under the legislation. The Commission undertakes a separate assessment of contacts to understand the impact they may have on the fitness and propriety of the approved provider. Only PMCs are required to undertake the formal knowledge assessment component. At any point in time during the assessment process, the nominated PMCs and/or nominated contacts may be required to provide further information to the Commission.

Where an applicant has no nominated PMCs, the Commission will not approve the application. Where an existing approved provider has no PMC, the Commission can take compliance action. Under Section 173 (1) (b) of the National Law it is an offence to fail to notify certain circumstances to the Commission. An approved provider must notify any appointment or removal of a person with management or control of an education and care service operated by the approved provider.

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## 4.2 Assessing an application for Provider Approval

To be a granted provider approval an applicant must submit the prescribed documentation and satisfy the Commission that, in the case of an individual, they are fit and proper or, in the case of a non-individual, that the applicant and each PMC is fit and proper (Section 12 of the National Law).

### 4.2.1 Assessing whether the applicant is a 'fit and proper' person

Section 13 of the National Law outlines the considerations to which the Commission must and may have regard to in determining whether the applicant and/or a person with management or control is a fit and proper person.

A person is not fit and proper if they do not hold a valid Working with Children Check. If there is a pending Working with Children Check application, the provider approval application will be refused.

The Commission must have regard to the following matters:

- The person's compliance history as it relates to the topics below:
  - the National Law and National Regulations in any participating jurisdiction; and
  - former education and care services law in any participating jurisdiction; and
  - a children's services law in any participating jurisdiction; and
  - an education law in any participating jurisdiction; and
- Any decision under a former education and care services law, a children's services law or an education law of a participating jurisdiction to refuse, refuse to renew, suspend or cancel a licence, approval, registration or certification or other authorisation granted to the person under that law and;
- Any prescribed matters relating to the criminal history of the person to the extent that history may affect the person's suitability for the role of provider of an education and care service; or
- Whether the person is bankrupt or has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, or in the case of a body corporate, is insolvent under administration or an externally administered body corporate.

Under 174(1)(a), an approved provider must notify the Commission on 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.

The prescribed matters relating to criminal history include:

- Whether the person holds a current working with children check; or
- Is a registered teacher under an education law of the jurisdiction; and
- Any matters included in a criminal history record check.

The Commission may also have regard to the following matters:

- Whether the person has a medical condition that may cause the person to be incapable of being responsible for providing an education and care service in accordance with the Law; and
- Whether the financial circumstances of the person may significantly limit their capacity to meet their obligations in providing an education and care service in accordance with the Law; and
- Whether the person has the management capability to provide an education and care service; and
- Whether certain actions have been taken under the A New Tax System (Family Assistance) (Administration) Act 1999 of the Commonwealth in relation to a child care service approved under that Act, operated by the person or in relation to which the person was a person with management or control.

The Commission is not limited to considering only the matters set out above and may also consider other relevant matters. As such, even if a person satisfies the requirements set out above, the Commission may still consider that a person is not fit and proper.

Other matters that the Commission considers relevant to an assessment of fitness and propriety, include:

- The person's involvement with services akin to education and care services in non-Australian jurisdictions.
- Any qualifications or training in education or other disciplines.
- Any work experience in education or other disciplines.
- The applicant's knowledge of the National Law, National Regulations, and National Quality Standard.
- The applicant's understanding of their role and responsibilities as an approved provider.

The Commission has the discretion to reassess the fitness and propriety of an approved provider, or an existing PMC at any point in time. The Commission may take action to suspend or cancel a provider approval where an approved provider is no longer fit and proper to provide an education and care service.

Various events may cause the Commission to conduct a re-assessment of fitness and propriety. Those events include, but are not limited to, repeat and/or serious non-compliance with the National Law, consistently operating services under the minimum quality rating of Meeting the National Quality Standards (i.e. Working Towards or Significant Improvement Required), or a change in circumstances that may affect a person's fitness and propriety. This is determined on a case-by-case basis.

If a PMC ceases to have a valid working with children check, their fitness may be re-assessed and will be deemed not fit and proper. If the individual is the sole PMC, the Commission may take action to cancel the provider and service approval. The Commission has the power under Chapter 16A, Section 245A of the Children and Young Persons (Care and Protection) Act 1998 (Chapter 16A request) to request the NSW Office of the Children's Guardian to send information on why the WWCC was cancelled.

## 4.2.2 History of Compliance with the National Law

In assessing a person's compliance history, the Commission considers:

- The severity of any issues and how recently they occurred.
- The risks posed to the safety, health and wellbeing of children, including their developmental outcomes.
- Any pattern of non-compliance
- The person's willingness to comply, for example, whether escalation was required to resolve compliance issues.

If the compliance history belongs to an organisation (such as a company), the Commission considers the individual's specific role, responsibilities and level of involvement in the non-compliance, including whether their actions or omissions contributed to the issues. If a person has been served with an infringement notice for an offence under the National Law and has paid the penalty, the Commission cannot take that offence into account when determining that person's fitness and propriety (Section 291 of the National Law).

## 4.2.3 Criminal History

The Commission assesses a person's criminal history, considering the extent to which the following matters affect a person's suitability to provide an education and care service:

- Any matters included in a criminal history check
- Whether the person has a valid working with children check
- Whether the person is a registered teacher under NSW legislation.

The applicant must provide the Commission with a copy of a National Police Check issued by the Australian Criminal Intelligence Commission (ACIC). The check must have been issued no more than six months prior to the date of the application.

If the person has a recent or substantial criminal history that the Commission considers would affect that person's suitability for the role of provider of an education and care service, the Commission will not approve the application. The Commission will accept a partial disclosure of criminal history.

If the person does not have a valid working with children check, issued by the NSW Office of the Children's Guardian, the Commission will not approve the person's application.

When considering a person's criminal history, the Commission will ask a person to submit a personal statement as to the circumstances of the offence/s and references. The Commission gives greater weight to a reference where the person providing the reference is aware of the applicant's criminal history.

The Commission considers a person's criminal history in the context of providing education and care services to children. In line with the child-paramountcy principle, offences that create any concern or risk to children's safety, health or wellbeing, particularly offences involving sexual misconduct, violence, recklessness, negligence, or disregard for health and

safety are treated as especially serious. Such offences may preclude a finding that a person is fit and proper under the NSW legislative obligations and the Objectives and Guiding Principles in section 3 of the National Law. The Commission takes the following factors into account when considering a person's criminal history, giving paramount consideration to the safety, health and wellbeing of children in line with NSW legislation:

- Whether the type of offence may affect the safety, health and wellbeing of children.
- Nature of the offence/s
- Time elapsed since the last offence, including whether any convictions are spent
- Whether there is a pattern of similar offences
- The severity of any sentence imposed
- Whether improper conduct has occurred, is likely to occur, or whether the general community will have confidence that improper conduct will not occur
- The circumstances surrounding the offence
- The age of the offender at the time of the offence

#### **4.2.4 Ongoing Legal Matters**

In addition to criminal history checks, the Commission requires the applicant to declare any ongoing legal matters that may impact their fitness and propriety to provide an education and care service. This includes civil proceedings, administrative investigations, regulatory inquiries, or other legal actions (e.g., disputes, lawsuits, or disciplinary proceedings) not captured in the criminal history check, such as those related to professional conduct, financial disputes, or child protection concerns in any jurisdiction.

The applicant must provide a signed declaration as part of the application, detailing:

- The nature and status of any ongoing legal matters (e.g., court dates, outcomes pending, or settlements in progress);
- The parties involved and the applicant's role;
- Any potential implications for their ability to comply with the National Law or manage an education and care service; and
- Supporting documentation, such as court filings, correspondence from regulatory bodies, or legal advice summaries, where available.

If an applicant fails to declare an ongoing legal matter or provides incomplete information, the Commission may refuse the application or require further verification.

The Commission assesses declared ongoing legal matters in the context of an applicant's suitability, giving paramount consideration to the safety, health and wellbeing of children. Factors considered include:

- The relevance to child safety, health, wellbeing, or educational outcomes;
- The potential risks to service operations or compliance with the National Law;
- The applicant's transparency and cooperation in disclosure;
- Any mitigating factors, such as steps taken to resolve the matter or independent legal assessments confirming low risk.

Ongoing legal matters that raise significant concerns such as those involving allegations of misconduct toward vulnerable persons, financial impropriety, or repeated non-compliance.

This may lead to refusal of approval until resolution, even if the criminal history is clear. Under Section 174(1)(a) of the National Law, approved providers must notify the Commission of any material changes to these matters post-approval.

#### 4.2.5 Financial Circumstances

In assessing fitness and propriety, the Commission considers whether the applicant:

- Is bankrupt or has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors.
- In the case of a body corporate, is insolvent under administration or an externally administered body corporate.

If the applicant declares that they are bankrupt or insolvent, the Commission may conduct further enquiries, such as asking an applicant to attend an interview and/or to provide further information including:

- A statement as to the circumstances of the bankruptcy/insolvency and what mitigating action has occurred since that time.
- Bank statements for cash flow and liquidity
- Business plans for the new service
- Evidence of business or personal loans
- If the applicant is currently running a business:
  - Profit and loss statements
  - Statements of solvency
  - Credit score
- Information on capital structure, asset sustainability and debt protection
- Any other relevant information, depending on the circumstances.

In assessing fitness and propriety with respect to financial circumstances, the Commission may consider the following:

- The date of discharge of bankruptcy, or the date bankruptcy is to be discharged.
- The time elapsed since the bankruptcy was discharged
- Past circumstances and changes of circumstances
- Whether the bankruptcy occurred as an individual or as part of a business and company, and if so, what their role was at the time
- Legal advice about whether the Commission is bound by other law
- The person's ability to manage the finances of the business
- The person's ability to run a service which can provide quality education and care for the children attending the service.
- The person's ability to fund the costs of the business, such as the lease, equipment, employees etc.
- The type of application made to the Commission, i.e. notification of PMC, new provider application etc. and the person's intended role.

If the person is currently bankrupt or insolvent or has been recently discharged from bankruptcy or insolvency and no changes of circumstances that would prevent a future bankruptcy or insolvency are evident, the Commission may refuse the application.

Even where an applicant is not bankrupt or insolvent, or has not applied for bankruptcy or insolvency, the information disclosed in the application or obtained through other sources may give rise to concerns about the applicant's financial circumstances. Where this is the case, the Commission considers whether the applicant's financial circumstances may significantly limit their capacity to meet their obligations in providing an education and care service.

Where the Commission requires more information to assess the applicant's financial capacity and viability, it may undertake various enquiries, including a check of the National Personal Insolvency Index maintained by the [Australian Financial Security Authority](#).

If the Commission considers that the applicant's financial circumstances may significantly limit their capacity to meet their obligations in providing an education and care service, the Commission may refuse the application.

#### **4.2.6 Medical Conditions**

The Commission may consider whether the applicant, or a person with management or control, has a medical condition that may cause the person to be incapable of being responsible for providing an education and care service in accordance with the Law.

Consideration is given in light of the particular medical condition or disability and whether the person could perform the role consistent with the Objectives and Guiding Principles in Section 3 of the National Law.

Applicants are not required to provide medical information in their initial application. Where the Commission obtains information about a person's medical condition that gives rise to concerns that the person may be incapable of being responsible for providing an education and care service, the Commission may ask the applicant to provide a medical assessment by a medical practitioner. When requesting a medical assessment, the Commission explains why this is necessary.

The Commission gives consideration to the particular medical condition or disability, and whether the person would be capable of performing the role, with or without assistance, in a manner that is consistent with the objectives and guiding principles in the National Law.

#### **4.2.7 Management Capability**

The Commission may consider whether the approved provider, or a person with management or control, has the management capability to operate an education and care service in accordance with the National Law.

This may include considering an applicant's:

- resume
- references
- qualifications

Evidence of management capability does not need to relate only to education and care services, or qualifications in education and care. Previous expertise, experience or qualifications in leadership, governance, administrative or management roles in the following areas may be used by an applicant to demonstrate management capability:

- A business
- A not-for-profit organisation, or
- A sporting or social club, or
- A community-based committee.
- This may also include experience gained as a volunteer.

The Commission has regard to work experience that demonstrates an applicant's understanding of financial information, business management, time management, organisation skills, management of staff and interaction with people, including parents.

The Commission may, if necessary, request further information about an applicant's management capability.

#### **4.2.8 Actions taken under Commonwealth Family Assistance Law**

In assessing an applicant's fitness and propriety, the Commission may also take into account certain actions taken under A New Tax System (Family Assistance) (Administration) Act 1999 (Cth) regarding child care services approved under that Act.

These actions are:

- Any sanction imposed by Section 200 of that Act.
- Any suspension imposed by Section 201A of that Act.
- Any infringement notice given under Section 219TSI of that Act.

To be considered, these sanctions, suspensions or infringement notices must have been imposed on the applicant for a provider approval or a person with management or control on behalf of that applicant.

#### **4.2.9 Other Matters**

The Commission may consider the applicant's awareness and understanding of their obligations under the National Law and Regulations.

A PMC may be required to undertake an online National Law knowledge assessment to determine the applicant's level of understanding regarding the role and responsibilities of an approved provider. National Law regulators may also administer an online National Law knowledge assessment on notification of a new PMC through the receipt of a PA08 form.

Knowledge assessment sessions are just one tool the Commission has at its disposal and, as such, demonstrating adequate knowledge and understanding of the National Law and Regulations does not, on its own, guarantee the granting of a provider approval. However, if applicants do not demonstrate adequate knowledge and understanding, the Commission may refuse the application.

The Commission may conduct a further phone, online, face to face interview or further assessment to determine or clarify an applicant's knowledge and understanding of the National Law and/or to clarify any adverse findings during the application process.

The Commission also has the discretionary power to request further information from an applicant and to consider any other matter when deciding on fitness and propriety.

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### **4.3 Making a decision on an application**

The Commission may either grant or refuse an application for a provider approval (Section 15 of the National Law).

### 4.3.1 Approval

To grant a provider approval, the Commission must be satisfied that the applicant is fit and proper to operate an education and care service.

When granting a provider approval, the Commission may place additional conditions (or additional requirements) on that approval. A person holding a provider approval must comply with the conditions on the approval both those automatically imposed under the National Law and any additional conditions imposed by the Commission – to avoid committing an offence under the National Law (Section 19(4) of the National Law).

For more information about conditions on provider approvals, see the [Conditions on Approvals and Waivers policy](#).

Where the Commission grants a provider approval, it provides a copy of the provider approval to the approved provider (Section 20 of the National Law).

When issuing a provider approval, the Commission ensures the approval includes the following details:

- the name of the approved provider
- if the approved provider is not an individual, the address of the principal office of the provider
- any conditions to which the approval is subject
- the date that the provider approval was granted
- the provider approval number.

The Commission issues the approval document within 7 days of granting the approval.

Once a provider has been issued with a provider approval, they may apply for a service approval. A Service approval is required to operate an education and care service (See [Service Approval Policy](#)).

ACECQA publish the register of approved providers on its [website](#).

### 4.3.2 Refusal

If an applicant does not meet the requirements for a provider approval, the Commission will refuse the application. The consequence of this decision is that the applicant cannot operate an education and care service.

If the Commission refuses an application, the applicant may seek an internal review of the decision, within 14 days of being notified of the outcome. For further information, see [Review of Decisions Policy](#).

If an applicant whose provider approval application has been refused or has sought an internal review of the decision and remains refused, must not submit a new application within 12 months of the refusal, unless the Commission provides written consent permitting an earlier re-application. Prior to re-applying, the applicant is expected to familiarise

themselves with all relevant regulatory requirements to address the issues that led to the original refusal.

Prior to lodging an application for provider approval, applicants are encouraged to access and complete the free of charge [e learning modules for approved providers](#), via ACECQA's Learning Management System platform.

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## 4.4 Changes and notifications

### 4.4.1 Notifying of Persons with Management or Control (PMC)

Following provider approval, an approved provider must notify the Commission of any appointment or removal of a PMC of a service operated by the approved provider (section 173(1)(b)). This notice must be provided within 14 days of the event or within 14 days of becoming aware of it via a notification of 'Person with Management or Control and Receivers' with a subtype of 'Appointment/removal of person with management or control' (PA08).

The onus is on the approved provider to determine whether the individual nominated is a suitable candidate to perform the roles and responsibilities required of a PMC. Your decision can be guided by a review of the declaration and supporting documents provided by the candidate.

Once the notification is lodged, the approved provider has met its obligations under the National Law.

Further information on notification of PMC requirements can be found at [Notifying the Commission of Persons with Management or Control](#).

### 4.4.2 Applications and notifications following death of approved provider

In the event of a death of an approved provider, the nominated supervisor or a person in day to-day charge must notify the Commission of the approved provider's death within 7 days after the death via a notification of 'Person with Management or Control and Receivers' and a notification sub type of 'Death of a Provider' (PA08).

The executor may then apply in writing for a provider approval (Section 39 of the National Law) to operate the relevant services within 30 days of the death of the approved provider. If the executor does not do this, their right to continue to operate the relevant services ceases 30 days after the death of the approved provider. The relevant application type is 'Provider Approval by Executor of Estate of Approved Provider' (PA06).

If the executor does make a provider approval application within the 30-day period, they may continue to operate the services until the Commission determines their provider approval application.

If the outcome of this provider application is a refusal, the provider is taken to cease from the date of that decision, and any services run by this provider are taken to cease from this date.

The prescribed information to be included in a written application to the Commission for a provider approval made by an executor, where the executor is an individual is included within Appendix, checklist 3.

The prescribed information to be included in a written application to the Commission for a provider approval made by an executor, where the executor is not an individual (the executor may be an association or a corporation) is included at Appendix, checklist 4.

The fees for provider approval applications by executors are available on the [ACECQA website](#).

The executor of the estate of the approved provider also has the option of voluntarily suspending, surrendering or transferring the service approval.

#### **4.4.3 Applications for provider approvals due to the incapacity of the approved provider**

If an approved provider becomes incapacitated, the legal personal representative or guardian of the approved provider may apply for a provider approval within 30 days of the approved provider becoming incapacitated (Section 40 of the National Law). The relevant application type is 'Provider Approval by Legal Personal Representative or Guardian on Incapacity of Approved Provider' (PA07).

The prescribed information required by the Commission to be included in a written application for a provider approval made by a personal representative or guardian who is an individual, is included within Appendix, checklist 5.

The prescribed information required by the Commission to be included in a written application for a provider approval made by a personal representative or guardian who is not an individual, is included within Appendix, checklist 6.

The fees for provider approval applications by personal representatives or guardians are available on the [ACECQA website](#).

#### **4.4.4 Notifications for Appointment/removal of receivers/liquidators/administrators of approved provider**

The Corporations Act 2001 outlines the legal framework for companies in Australia, including the handling of receivers, liquidators, and administrators. It stipulates the processes and responsibilities for these appointments, along with the rights of creditors and the duties of the appointed individuals.

Approved providers must notify the Commission of the appointment or removal of receivers, liquidators, or administrators (Section 174 of the National Law) within 7 days. The relevant notification is 'Person with Management or Control and Receiver' with a subtype: 'Appointment/removal of receivers/liquidators/administrators of approved provider' (PA08).

If this happens, a PMC needs to be identified from the receivers/liquidators or administrators as key responsible contacts. The Commission may require additional documents to assess the fitness and propriety of each responsible contact. The Commission either grants the application, refuses it, or grants with conditions.

The Commission limits the provider approval granted to executors, legal personal representatives and guardians in the following ways:

- They are only eligible to operate the service formerly operated by the incapacitated or deceased approved provider. They are not eligible to apply for additional service approvals or receive service approval transfers from another provider.
  - The provider approval may not be granted for more than six months, although it may be extended for further periods of not more than six months.
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## 4.5 Amending a Provider Approval

An approved provider may, at any time after the grant of a provider approval, apply to amend the provider approval (Section 22 of the National Law). Amendments can be made to:

- Change the name of the provider;
- Change the principal office address;
- Remove or vary a condition that was placed on the provider approval.

In most cases it is not possible to change the legal entity type through an amendment application and the provider will need to submit a new application. In circumstances where the change of the principal office address of the provider approval is located in another state this may change the Commission that manages the provider approval. This may trigger a request for further information from the new jurisdiction.

### 4.5.1 Application Requirements

When an approved provider applies to amend their approval, they must apply in writing and include the prescribed information. All applications must be submitted online via the NQA ITS portal. The prescribed information is set out in Appendix, checklist 7.

When applying to amend a provider approval, the applicant must provide reasons for the amendment and may be required to provide further evidence.

### 4.5.2 Assessment of Application

Once an applicant has submitted a complete application, the Commission assesses the application considering the prescribed information and the points outlined below. The Commission may request additional information from an applicant if it is not satisfied that the applicant has provided sufficient information to support the amendment.

While there are no specific provisions outlining the matters that the Commission must consider for the purposes of determining an application to amend a provider approval, in exercising its functions under the National Law, the Commission must have regard to the objectives and guiding principles of the National Law and child paramountcy principle.

The Commission also considers any provisions of the National Law and Regulations that may be relevant to the application.

### 4.5.3 Decision on Application

Once the Commission has assessed the application, it determines the application by:

- amending the provider approval in the way applied for; or
- amending the provider approval in another way, with the applicant's written agreement; or
- refusing to amend the provider approval.

Where the Commission considers that approving the application for amendment would be inconsistent with the requirements of the National Law, or inconsistent with the objectives and guiding principles of the National Law, it may refuse the application.

The Commission provides written notice of its decision to the approved provider, including the reasons for the decision, within 7 days of making the decision. Where the Commission has approved the application for amendment, it sends the approved provider a copy of the amended approval with the decision letter.

#### **4.5.4 Amending a provider approval without an application from the provider**

The Commission may amend a provider approval at any time without an application from an approved provider. An amendment is a change to the terms of the approval.

The Commission may amend a provider approval by:

- placing a new condition (an additional requirement) on the approval, varying a condition or removing an existing condition (Section 19 of the National Law).

The Commission will only amend a provider approval without an application where there is a proper purpose to do so and having regard to the guiding principles.

The Commission provides written notice of its decision to the approved provider, including the reasons for the decision, within 7 days of making the decision. The notice includes a copy of the amended provider approval, which takes effect 14 days after the notice is given, or at the end of another period as specified by the Commission.

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## **4.6 Suspending a Provider Approval**

A provider approval may be suspended for a period of up to 12 months (or six months in the case of an immediate suspension). During this time any service approvals held by the provider are also taken to be suspended, which means that the service cannot operate. A suspension of a service approval, automatically suspended where the provider approval is suspended, ceases if the Commission approves a transfer of the service approval (Section 30(6) of the National Law).

A suspension can be either voluntary or involuntary, and the requirements vary significantly between the two.

### **4.6.1 Voluntary Suspensions**

An approved provider may apply to voluntarily suspend, “put on hold” their provider approval at any time, for a maximum period of up to 12 months per application (Section 37 of the National Law).

If a provider wishes to voluntarily suspend their provider approval following the initial 12 months, another application is required. The Commission decides whether to grant the application after consultation with other jurisdictions where the approved provider operates education and care services, including the jurisdiction that granted the original provider approval.

A decision on the application is made within 30 calendar days following the receipt of a complete application. Failure to consult with other jurisdictions does not affect the validity of the Commission’s decision.

## 4.6.2 Application Requirements

The approved provider must submit their application to voluntarily suspend the approval in writing via the NQAITS portal. The application must include:

- the full name of the approved provider
- the provider approval number
- the details of a contact person for the application
- the reasons for the suspension
- the date on which the suspension is proposed to take effect and the duration of the suspension
- what is intended to happen to each education and care service operated by the approved provider during the proposed suspension
- evidence that the approved provider has notified the parents of enrolled children who attend any of their services of the intended closure at least 14 days prior to when the suspension is intended to take effect
- payment of the prescribed fee.

## 4.6.3 Assessment and Decision

The Commission decides whether to grant the application. If the Commission grants the application, the date of the suspension taking effect is agreed upon between the applicant and the Commission.

The applicant is given notice of the decision in writing and, where approved, it will stipulate the duration of the suspension. The suspension remains in force for the period specified in the written notice of the suspension. The provider may apply at any time prior to the end date of the suspension to revoke the suspension.

The Commission monitors providers who have voluntarily suspended and contact them prior to the suspension end date to discuss their intentions.

A provider is in breach of their provider approval if they continue to operate any education and care service while a voluntary suspension is in effect.

## 4.6.4 Completion of suspension

An approved provider can commence operating from:

- the date the suspension was revoked, or
- the completion of the suspension period, as indicated by the date on the written application for voluntary suspension, provided that the Commission has not taken action that would prevent the provider from operating.

A suspension of a service approval, automatically suspended where the provider approval is suspended, ceases if the Commission approves a transfer of the service approval (Section 30(6) of the National Law).

## 4.6.5 Involuntary Suspension

The Commission may suspend a provider approval under section 25 of the National Law. The suspension may be for a period of up to 12 months (or six months in the case of an immediate suspension). A suspension of a provider approval is a significant compliance action.

The Commission may suspend a provider approval for any of the following reasons:

- The approved provider has been charged with an indictable offence (or an offence that if committed in NSW would be an indictable offence), or any other circumstance that indicates the approved provider may not be a fit and proper person to provide an education and care service
- The approved provider has failed to comply with a condition of the provider approval
- The approved provider has failed to comply with the National Law
- The Commission is taking compliance action (other than a compliance direction) under Part 7 of the National Law regarding one or more services operated by the approved provider
- The approved provider has not operated any education and care service for more than 12 months (including any period of suspension)
- The approved provider purported to transfer or receive a transfer of an approved education and care service without the Commission's consent
- The approved provider has failed to pay any outstanding prescribed fees.

The Commission may reduce the period of suspension if the Commission is satisfied that there is no longer a risk to children's health, safety and wellbeing.

#### **4.6.6 Show Cause Notice**

Where the suspension is not immediate, the Commission issues the approved provider a Show Cause Notice (Section 26 of the National Law).

The notice must outline:

- the intention of the Commission to suspend the provider approval;
- the proposed period of the suspension;
- the reasons for the proposed suspension;
- that the approved provider has 30 days to respond in writing to the proposed suspension.

An approved provider's response to the show cause notice should set out the reasons why the Commission should not suspend the approval and include any documentation or other evidence necessary to support those reasons. The Commission considers any response it receives.

#### **4.6.7 Decision after issuing show cause notice**

After considering any response to the show cause notice or, if no response is received prior to the conclusion of the 30 days from the date the Show Cause Notice was issued, the Commission decides to either suspend or not suspend the provider approval (Section 27 of the National Law). In making its decision, the Commission considers the Guiding Principles as set out in this policy, to ensure the decision is consistent with the objectives of the National Law and Regulations.

Where the Commission decides to suspend a provider approval, the duration of the suspension is determined by giving paramount consideration to the safety, health and wellbeing of children and the approved provider's compliance history.

### 4.6.8 Immediate suspension

The Commission may suspend a provider approval on a ground referred to in section 25 of the National Law without issuing a Show Cause notice if the Commission is satisfied that there is an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by an education and care service operated by the approved provider (Section 28 of the National Law).

### 4.6.9 Notice

The Commission must give the approved provider written notice of its decision to suspend a provider approval (Section 29 of the National Law).

The Commission includes the following information in such a notice:

- the period of the suspension
- the date on which the suspension takes effect
- information about the right to internal review (when a show cause notice has not been issued) or external review (when a show cause notice has been issued).

Generally, the suspension takes effect 14 calendar days from when the decision was made, or at the end of any other period specified by the Commission. However, if the provider approval was suspended without a show cause notice, the suspension takes effect when the Commission gives notice of the suspension.

The Commission takes necessary steps to ensure that parents of the enrolled children are notified within 24 hours of a service being suspended.

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## 4.7 Cancelling a Provider Approval

A provider approval may be cancelled under the National Law. If the provider approval is cancelled, that provider can no longer operate education and care services. The decision to cancel a provider approval is permanent. A provider approval may be surrendered voluntarily by the approved provider, or cancelled by the Commission, and the requirements vary significantly between the two.

### 4.7.1 Surrender of a Provider Approval

A surrender occurs when an approved provider no longer wishes to operate any of their approved services and/or no longer wishes to hold a provider approval. The decision to surrender a provider approval is permanent and the Commission cannot re-instate an approval that has been surrendered. If a person wishes to commence operating an education and care service in the future, that person must apply for a new provider approval and a new service approval.

The approved provider must notify the Commission in writing of their intention to surrender a provider approval. The written notice must specify a date on which the surrender is intended to take effect. This proposed date of surrender is the date the provider will no longer be operating the services under the provider. This date must be after written notice is given to the Commission and at least 14 calendar days after parents of children enrolled at the approved provider's services are notified of the intention to surrender the provider approval (Section 36 of the National Law).

Under Section 38 of the National Law, the effect of surrendering a provider approval is that the provider approval is cancelled. This cancellation will occur on the date specified in the provider's written notice of the surrender of the provider approval. All service approvals held by the approved provider are also cancelled from the date of the surrender of the provider approval.

#### **4.7.2 Cancellation of a Provider Approval**

The Commission may cancel a provider approval under Section 31 of the National Law. Cancelling a provider approval is a significant compliance action.

The Commission may cancel a provider approval for any of the following reasons:

- the Commission is satisfied that the approved provider or a person with management or control of an education and care service operated by the approved provider is not a fit and proper person to be involved in the provision of an education and care service; or
- the Commission is satisfied that the continued provision of education and care services by the approved provider would not be in the best interests of children and constitute an unacceptable risk to the safety, health or wellbeing of any child or class of children being educated and cared for by an education and care service operated by the approved provider; or
- the approved provider has been found guilty of an indictable offence or an offence that if committed in NSW would be an indictable offence; or
- the approved provider has been found guilty of an offence under this Law as applying in any participating jurisdiction; or
- the approved provider has breached a condition of the provider approval; or
- the approved provider has not operated any education and care service for a period of more than 12 months (including any period of suspension).
- under section 195H(1)(b) of the A New Tax System (Family Assistance) (Administration) Act 1999 of the Commonwealth, the approved provider's approval as a provider has been cancelled for the reason that the approved provider has not satisfied, or is not satisfying, the provider eligibility rules in section 194C(b), (c) or (d) of that Act; or
- the approved provider has been refused approval as a provider under section 194B(6) of the A New Tax System (Family Assistance) (Administration) Act 1999 of the Commonwealth for the reason that the provider does not satisfy the provider eligibility rules in section 194C(b), (c) or (d) of that Act.
- the provider has been deregistered under the Corporations Act 2001 of the Commonwealth; or
- the provider is under administration or in liquidation; or (c)
- the provider is an association whose registration has been cancelled under the Associations Incorporations Act 2009; or (d)
- the provider has otherwise ceased to operate or exist.

#### **4.7.3 Show Cause Notice**

The Commission issues the approved provider a Show Cause Notice (Section 32 of the National Law) prior to cancelling the approval.

The notice must outline:

- the intention of the Commission to cancel the provider approval
- the reasons for the proposed cancellation
- for a proposed cancellation under section 31(1) – the approved provider has 30 days after the notice is given to respond in writing;
- for a proposed cancellation under section 31(2) – the approved provider has 14 days after the notice is given to respond in writing

An approved provider's response to the show cause notice should set out the reasons why the Commission should not cancel the approval and include any documentation necessary to support those reasons. The Commission considers any response it receives.

#### **4.7.4 Decision after issuing show cause notice**

After considering any response to the show cause notice or, if no response is received prior to the conclusion of the 30 days from the date the Show Cause Notice was issued, the Commission decides to either cancel, suspend or not to cancel the provider approval (Section 33 of the National Law).

In making its decision, the Commission considers the Guiding Principles as set out in this policy, to ensure the decision is consistent with the objectives of the National Law and Regulations. The Commission also considers factors such as:

- where applicable, whether any risks posed to children have been largely mitigated and
- where applicable, whether the approved provider has developed a plan and has taken tangible steps to rectify any non-compliance
- whether the response from the approved provider has demonstrated exceptional circumstances that do not warrant cancellation
- whether taking an action other than cancelling the approval would be inconsistent with the objectives and guiding principles of the National Law.

#### **4.7.5 Notice**

The Commission must give the approved provider written notice of its decision. (Section 33 of the National Law). If the Commission has decided to cancel the approval, the notice must set out the date on which the cancellation will take effect.

The Commission takes steps to ensure the parents of the enrolled children at any services operated by the approved provider are notified of the cancellation within 24 hours of making the decision to cancel the approval. The Commission may request information from the approved provider (Section 35 of the National Law) to enable the Commission to notify the parents, and/or it may require the approved provider to give notification to parents.

The decision to cancel a provider approval takes effect at the end of 14 calendar days after the date of the decision. Alternatively, it will take effect at the end of another period specified by the Commission.

#### **4.7.6 Operating a service with a suspended or cancelled provider approval**

Section 103 of the National Law and section 108 of the Supplementary Provisions state that a person must not provide an education and care service unless the person is an approved provider in respect of that service and the education and care service is an approved education and care service. A person must not operate a service without a provider approval or while their provider approval is suspended or cancelled, and it is an offence to do so.

If the Commission identifies that a person is operating an education and care service without an approval or while their provider approval is suspended or cancelled, appropriate action is taken, which could include the commencement of prosecution proceedings. The type of action taken is determined by the extent of the non-compliance and the willingness of the person operating the service to comply with the Commission's directives.

## 4.8 Review

A person affected by the Commission's decision regarding a provider approval may apply to have the decision reviewed. There are two types of review:

- internal review – by the Commission.
- external review – by a relevant tribunal, court or the NSW Ombudsman.

For more information on reviewable decisions see the Review of Decisions Policy.

## 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)

## 6 Approval

**Approved by:** Daryl Currie, A/Commissioner, NSW Early Learning Commission

**Designation:** A/Commissioner, NSW Early Learning Commission

**Dated:** 26 February 2026

## 7 Document history

Table 1. Document information

<b>Document title</b>	Provider Approvals Policy
<b>Document type</b>	Policy
<b>Version number</b>	1.0

## 8 Terms and definitions

Table 7. Terms and definitions

<b>Term</b>	<b>Definition</b>
<b>Application of Exceptional Circumstances</b>	There is no absolute definition of exceptional circumstances. Under the National Law, the notion of exceptional circumstances applies to a range of situations,

	<p>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.</p>
<b>Discretionary Power</b>	<p>Discretionary power is the ability of a decision maker to use their judgment in deciding what course of action to take. To enable discretionary power to be exercised fairly, the Commission's decision makers are trained and skilled in applying the principles of administrative law.</p>
<b>Discretionary Power, Use of</b>	<p>Some of the general principles around exercising discretion are:</p> <ul style="list-style-type: none"> <li>• discretionary powers must be exercised in good faith and for a proper, intended and authorised purpose,</li> <li>• decision makers must act reasonably and impartially,</li> <li>• decision makers must consider only relevant considerations and ignore irrelevant ones,</li> <li>• decisions must be made based on supporting evidence,</li> <li>• decision makers must give proper consideration to the merits of the case and provide the person affected by the decision with procedural fairness,</li> <li>• decision makers must exercise their discretion independently, and not under the dictation of a third person or body.</li> </ul> <p>Where legislation does not specify matters to be considered when exercising a discretionary power, such as revoking a waiver, the decision maker should consider the underlying purpose of the decision-making power and any factors relevant to achieving that purpose.</p>

# NSW Early Learning Commission Provider Approval Policy

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