

## Application for Provider Approval

The Department of Education's Early Childhood Education Directorate is the Regulatory Authority for early childhood education in New South Wales. Any person or organisation who intends to operate an early childhood education service must apply for provider approval. Once provider approval is obtained, approved providers must then apply for service approval for each service they intend to operate.

### Fitness and propriety requirements for provider approval

An applicant seeking to become an approved provider must satisfy the Regulatory Authority that they are a fit and proper person to be involved in the provision of an early childhood education service. Assessment of fitness and propriety considers factors such as an applicant's criminal history, financial situation, medical conditions and management capability. Applicants must also demonstrate the necessary level of understanding of their legislative obligations. The Regulatory Authority may at any time reassess an individual's fitness and propriety, per section 21 of the National Law.

### Applying for provider approval to operate a centre-based or family day care service

Centre-based services include long day care, preschool, out of school hours care (OSHC), and vacation care. Centre-based services and family day care services are regulated under the National Quality Framework (NQF). The NQF consists of the Children (Education and Care Services) National Law (NSW) and Education and Care Services National Regulations. Provider approval applications to operate in-scope services must be submitted online through the [National Quality Agenda IT System](#) (NQA ITS) portal.

### Applying for provider approval to operate a mobile or occasional care service

Mobile and occasional care services are out-of-scope of the NQF. These services are regulated at a state level, under the Children (Education and Care Services) Supplementary Provisions Act and the Children (Education and Care Services) Supplementary Provisions Regulation, which includes the relevant provisions of the National Law and Regulations. Where the National legislation applies, the provisions are referred to as the 'National Law Alignment Provisions'. Provider approval applications to operate out-of-scope services must be submitted by email. The out-of-scope application form provides more information about how to apply.

### Supporting documentation

Applicants must provide the Regulatory Authority with a range of documentation to support their application. Section 295 of the National Law states a person must not give the Regulatory Authority any information or document that the person knows is false or misleading. All information and documentation supplied must be current and accurate. The Regulatory Authority performs searches to verify information that has been provided.

#### Supporting documentation for individuals

An application for provider approval by an individual must include all of the documentation listed in the table below. The table includes prescribed information set out in regulation 14 and 15 of the National Regulations. This list is not exhaustive and the Regulatory Authority may ask an applicant to provide further information for the purpose of assessing their fitness and propriety, per section 14 of the National Law.

| Document  | Notes  |
|---|--|
| <b>PA01 Application for Provider Approval (in-scope form)</b> | Applicants applying to operate in-scope services (centre-based or family day care) must register for <a href="#">NQA ITS portal access</a> and submit the PA01 form electronically through the portal. All questions on the application form must be answered. |

| Document  | Notes   |
|---|---|
|   | <p>Payment of the application fee can be made online when submitting this form. If payment is not made within two days of submission, the application will not progress and may be closed.</p>  |
| <p><b>Application for Provider Approval (out-of-scope form)</b></p> | <p>Applicants intending to operate out-of-scope services (mobile or occasional care) can <a href="#">access the out-of-scope application form here</a>. All questions on the application form must be answered and an application fee applies. See the application form for further instructions.</p>   |
| <p><b>PA02 Declaration of fitness and propriety</b></p>             | <p>This form provides the Regulatory Authority with evidence of an applicant's fitness and propriety. Applicants must ensure each question and section is completed and must complete this form using their current legal name. This form is subject to change and applicants must use the most up-to-date version at time of submission. This current version of this form is available from the ACECQA website. <a href="#">Access the PA02 form here</a>.</p> <p>The Regulatory Authority may request further information if an individual declares they have ever been subject to any of the following:</p> <ul style="list-style-type: none"> <li>• Criminal convictions</li> <li>• Bankruptcy proceedings</li> <li>• Formal disciplinary proceedings/action under an education law</li> <li>• Action under the A New Tax System (Family Assistance) (Administration) Act 1999.</li> </ul> <p>Question 10 of this form relates to proof of management capability. The information provided in this section may be used when assessing an applicant's fitness and propriety. If an individual declares they have the management capability to operate an early childhood education service in accordance with the National Law, they must provide evidence such as a copy of a qualification. If providing a written reference, please ensure it is signed and dated by the referee and includes their contact information.</p> |
| <p><b>Photo identification</b></p>                                  | <p>Acceptable photo identification includes a copy of a current driver's licence, proof of age card, or passport. Identification must be within date, legible and unedited. This identification, including names and addresses, must be consistent with the details provided in the PA02 form. The Regulatory Authority may request additional types of identification.</p>   |
| <p><b>Evidence of change of name</b></p>                            | <p>If an individual has previously been known by a name different to the name used at the time of making the declaration, they must declare this in the PA02 form and provide evidence of change of name. Evidence may include a marriage certificate or change of name certificate.</p>  |
| <p><b>Working with Children Check (WWCC)</b></p>                    | <p>A current, valid WWCC must be provided with the application.</p> <p>Applicants can apply for a WWCC through the <a href="#">Office of the Children's Guardian</a>.</p>   |
| <p><b>Criminal History Record Check (CHRC)</b></p>                  | <p>A CHRC can be issued by any Australian Criminal Intelligence Commission (ACIC) accredited body. A list of accredited bodies is available from the <a href="#">ACIC website</a>.</p> <p>Important information to consider when applying for a CHRC:</p> <ul style="list-style-type: none"> <li>• A CHRC must not be older than 6 months.</li> <li>• Receipt of payment is not a valid CHRC.</li> <li>• The Regulatory Authority does <b>not</b> accept 'Commonwealth Aged Care Volunteer' checks.</li> <li>• A CHRC must show the individual's current name <b>and</b> any other names they have previously been known by.</li> <li>• It is the individual's responsibility to liaise with the organisation that conducted the check to demonstrate that all names were included.</li> </ul>  |

| Document                      | Notes  |
|-------------------------------|--|
|                               | <ul style="list-style-type: none"> <li>If a CHRC contains disclosures, the Regulatory Authority may request further information. This may include a letter outlining the circumstances that led to the disclosure(s) and character references.</li> </ul>  |
| <b>Bankruptcy information</b> | <p>Applicants that have ever been subjected to bankruptcy proceedings (see question 11 of PA02) may be required to provide further information or attend an interview to provide further details of the circumstances of the bankruptcy and what mitigating action has occurred since.</p> <p>The Regulatory Authority may request further information, including:</p> <ul style="list-style-type: none"> <li>A signed statement outlining the details of the bankruptcy, including all the following information: <ul style="list-style-type: none"> <li>When the bankruptcy occurred</li> <li>The period when the bankruptcy was discharged</li> <li>Past circumstances that led to the bankruptcy</li> <li>Changes of circumstances since the bankruptcy</li> <li>Confirm whether the bankruptcy occurred as an individual or as part of a business/company</li> <li>If the bankruptcy occurred as part of a business/company, outline what your role was at the time</li> </ul> </li> <li>Evidence of discharge of the bankruptcy</li> <li>Evidence of ability to manage the finances of the business</li> <li>Evidence of ability to run a service which can provide the education and developmental outcomes for the children attending the service</li> <li>Evidence of ability to fund the costs of the business, e.g. the lease, equipment, employees,</li> <li>Bank statements for cash flow and liquidity</li> <li>Business plan for the new service(s)</li> <li>Evidence of business or personal loans</li> <li>Credit score</li> <li>Profit and loss statements and statements of solvency, where the applicant is currently operating an existing business.</li> </ul> |
| <b>Trust deed</b>             | <p>Where an applicant indicates they are a trustee, a completed, signed copy of the trust deed is required.</p> <p><b>NOTE:</b> Applicants <b>cannot</b> apply for provider approval as a trust, but rather must apply as a legal entity acting as a trustee.</p>  |

### Supporting documentation for non-individuals

An application for provider approval as a **non-individual** (corporation, eligible association or partnership) must include all the documentation listed in the table above for:

- all persons who collectively form the 'applicant' (e.g. for corporations, this would include all 'officeholders' i.e. directors and the secretary; for incorporated associations, this would include all committee members; for registered charities, this would include all 'responsible persons'); **AND**;
- each individual who will be a person with management or control (PMC) of services that will be operated under the provider approval.

All persons who form the 'applicant' and each PMC must satisfy the Regulatory Authority that they are a fit and proper person.

Section 5 of the Children (Education and Care Services) National Law (NSW) defines a **PMC** as any of the following:

- a) if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service
- b) if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service
- c) if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service
- d) in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service.

An application for provider approval as a **non-individual** must also include the documentation listed in the table below. This table includes the prescribed information set out in regulation 14 and 15 of the National Regulations.

| Document  | Notes  |
|---|--|
| <b>Company</b>  |  |
| <b>Certificate of Registration as a Company</b>                           | This document is issued by the Australian Securities and Investments Commission (ASIC).  |
| <b>Australian Securities and Investments Commission (ASIC) extract</b>    | The extract must contain the names and addresses of all officeholders and the Australian Company Number (ACN). The extract must not be more than 6 months old.   |
| <b>Incorporated Association</b>   |  |
| <b>Annual General Meeting (AGM) minutes</b>                               | The minutes must include a list of all elected office bearers/committee members. If a committee member was appointed to the committee after the AGM, applicants can provide a signed and dated letter from another committee member confirming the date the individual was appointed and their position. |
| <b>Certificate of Incorporation as an Association</b>                     | This document is issued by NSW Fair Trading.   |
| <b>Constitution of Association</b>  | The constitution of an incorporated association forms the structure the association operates in. For more information, see <a href="#">NSW Fair Trading</a> .  |
| <b>Registered charity</b>   |  |
| <b>Australian Charities and Not-for-profits Commission (ACNC) summary</b> | Applicants should provide a copy of their ACNC summary, if they are a registered charity. The address details and listed 'responsible persons' should be consistent with the other information provided with the application.  |
| <b>Partnership</b>  |  |
| <b>Deed of partnership</b>  | A signed and dated copy of the complete deed of partnership or partnership agreement. The name on this document should be consistent with the name used in the application.  |
| <b>Local Government Council</b>   |  |
| <b>Legislation extract</b>  | An extract of the relevant legislation concerning use of the common seal. Applicants should also include a copy of any other legislation or resolution that sets out the manner in which the Council can enter into contracts.   |
| <b>Proof of appointment</b>   | Proof of appointment to the council, such as an employment contract or similar document is required for each person with management or control.  |

| Document          | Notes   |
|-------------------|---|
| <b>Trustee</b>    |   |
| <b>Trust deed</b> | <p>Where an applicant indicates they are a trustee, a completed, signed copy of the trust deed is required.</p> <p><b>NOTE:</b> Applicants <b>cannot</b> apply for provider approval as a trust, but rather must apply as a legal entity acting as a trustee.</p> |

## Timeframes

If an application is incomplete or the Regulatory Authority requires further information, the contact person for the application will be notified by email. From this time, applicants will have an additional **14 days** to provide the remaining information. If the information is not provided within the timeframe, the application may be terminated. Once an application is deemed complete, the Regulatory Authority has **60 days** to make a decision. In-scope applicants can track the status of their application by logging into their account on the NQA ITS portal.

## Information and assessment session

The Regulatory Authority applies a risk-based approach to the approvals process. Part of this process may require the PMC(s) to attend an online assessment session and/or an interview with Department of Education staff. In this situation, the Regulatory Authority will inform the primary contact for the application who will be required to attend a session or interview. [Access more information about this approach here.](#)

## More information

More information about provider approval applications is outlined in part 2 division 1 of the Children (Education and Care Services) National Law (NSW) and part 2.1 of the Education and Care Services National Regulations.

For further information, contact Early Childhood Education, Information and Enquiries on 1800 619 113 or by email at [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au).