



ACT
Government
Education

NATIONAL QUALITY FRAMEWORK

HANDBOOK FOR PROVIDERS and
PERSONS WITH MANAGEMENT OR
CONTROL

FOR CENTRE-BASED EARLY CHILDHOOD EDUCATION AND
CARE SERVICES

2025

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List of Acronyms and abbreviations

ACECQA	Australian Children’s Education and Care Quality Authority
CECA	Children’s Education and Care Assurance, the ACT Regulatory Authority
CYPS	Child and Youth Protection Services
ECEC	Early Childhood Education and Care
ECEC services	All ACT approved service types including long day care, early learning centres, preschools, and out of school hours care services
ECRS	Education and Care Regulation and Support Branch of the ACT Education Directorate
ECT	Early Childhood Teacher
EYLF	Early Years Learning Framework
MTOP	My Time Our Place, framework for school age care in Australia
National Law	Education and Care Services National Law
National Regulations	Education and Care Services National Regulations
NQAITS	National Quality Agenda Information Technology System
NQF	National Quality Framework
NQS	National Quality Standard
PMC	Person with Management or Control
QIP	Quality Improvement Plan

PART 1: INTRODUCTION

This handbook aims to support ACT providers and ACT ECEC service leaders to understand their governance responsibilities and strengthen their governance capabilities to engage in ongoing continuous improvement and compliance.

The Education and Care Services National Law and Regulations set out the legal requirements for approved early childhood education and care (ECEC) services in Australia. This handbook provides information for ACT approved providers (providers), persons with management and control (PMCs), and nominated supervisors on their roles, responsibilities, and obligations under the National Quality Framework (NQF).

While most of the content will be nationally consistent, the ACT Regulatory Authority, Children's Education and Care Assurance (CECA), has some jurisdiction-specific applications of the NQF. This handbook is not legal advice and should be read in conjunction with the National Law and Regulations, which take precedence over any guidance.

Governance encompasses the system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account. Ethics, risk management, compliance and administration are all elements of governance.

The terms 'governance' and 'management' are often used interchangeably, but there are important differences between the two. Governance is the process of making and enforcing rules, regulations and policies. Management is the application of those rules, regulations and policies.

Research shows that quality leadership and governance of ECEC services is crucial to delivering quality outcomes for children. When providers and ECEC service leaders understand their responsibilities and put effective leadership strategies and management systems in place, the daily operation of their ECEC service is supported.

Efficient management systems allow ECEC settings to identify and manage risks in a timely manner. Identifying risks and implementing risk assessment and mitigation processes contribute to a safe environment for educators and children.

Effective leadership fosters shared values, professionalism, a clear direction, and culture of reflective practice to encourage improvement across all aspects of the ECEC service. Supporting educators through shared leadership and effective management systems also has a positive impact on staff retention.

A message from Associate Professor Marianne Fenech



Associate Professor Marianne Fenech is Director of the Bachelor of Education (Early Childhood) program at the University of Sydney. She has published extensively on the governing of ECEC services, initial teacher education, and teachers, and the impact this governance has on quality, accessible, and inclusive ECEC. Marianne is a strong advocate for children and the ECEC profession, and Co-Chairs the Australian Early Childhood Teacher Education Network.

Good governance is the critical foundation of every quality ECEC service where children and staff are flourishing. I am delighted, therefore, to contribute to this very important resource developed by Children's Education and Care Assurance (CECA) to support service providers' meeting of their NQF responsibilities.

ACECQA's [Guide to the National Quality Framework](#) refers to governance as 'the systems in place to support effective management and operation of the service, consistent with the service's statement of philosophy' (p. 288). While service systems are essential for the effective running of a service, this definition suggests that the work of a governing body is done when such systems are in place. This suggestion is far from the case!

The word 'governance' actually derives from the Greek verb *kubernaein*, which means 'to steer'. As a 'doing' word, the verb implies that providers have an active and ongoing role to play in their governing of an ECEC service. The term also conveys the idea that providers have primary responsibility for how well a service is running, and in what direction it is heading. More than systems then, governance is about leadership.

Governing bodies' steering or leading of a service is intricately tied to ensuring that the service is viable, meeting its accountabilities, and achieving its core business. In ECEC, where increasing numbers of young children are spending their formative years, a governing body's fulfilling of these leadership functions must be more about ensuring the survival of the service. Governing bodies have the privilege and the responsibility of also supporting both the staff employed and the children who attend the service, to thrive.

Leading for quality in any ECEC service starts with the governing body: the service provider. This idea was recognised in the [revised National Quality Standard](#), which saw Quality Area 7 changed from 'Leadership and Service Management' to 'Governance and Leadership'. The explicit reference to 'governance' recognises that, while service leaders – directors/co-ordinators, nominated supervisors, and educational leaders – are responsible for meeting the NQS and providing quality ECEC, their capacity to do so depends on the leadership of the service provider.

Findings from two recent Australian studies support this idea. Both studies highlight the critical role good governance plays in quality ECEC and quality improvement.

The first study, the [Quality Improvement Research Project](#), investigated what factors supported and sustained quality improvement in long day care services rated as Working Towards in Quality Area 1 (Educational Program and Practice) and Quality Area 7. The study identified service providers as 'key to ensuring the service could focus on quality improvement' (p.3). Having a vision for, and a commitment to, quality ECEC provided the foundation for genuine and sustained quality improvement. Specific governance enablers of quality improvement included: providing service leaders with time away from teaching to intentionally plan improvement practices; employing staff at levels that exceeded ratio and qualification requirements; resourcing professional development and the service's learning environment; supporting development and ongoing review of a detailed service philosophy, with input from all stakeholders; supporting the educational leader with time, professional development, and other

resourcing; fostering a culture of ongoing improvement; attracting and retaining the 'right' staff; and ensuring clear and transparent policies and procedures.

The [Exemplary Educators at Work study](#) investigated what educators in preschool and long day care settings rated as Exceeding in all NQS quality areas, standards, and elements did, and what enables them to do it. From a governance perspective, enablers of exemplary practice included: effective organisational systems, a culture that valued and enabled professional development, the employment of staff whose values aligned with the service philosophy, above award pay, and providing work environments that supported professional agency and job satisfaction.

We know that the early years are a critical period of development, and that early childhood teachers and educators play a key role in fostering that development by providing nurturing, engaging, and stimulating early learning and care environments. It can therefore be easy to think that these staff are entirely responsible for the quality of ECEC at their service. What these studies and [early childhood leadership scholarship](#) clearly tell us, is that quality ECEC is a *collective* leadership responsibility. Returning to the idea of governance as steering, this responsibility starts at the top with the service provider and good governance that builds leadership capacity and enables all leaders to lead for quality.



Associate Professor Marianne Fenech

The University of Sydney

A message from Amanda Tobler



Amanda Tobler is the Managing Director of ELM (ACT). Amanda has over 30 years' experience in the social services sector, including ECEC. Amanda has held leadership positions for both long day care and out of school hours services. Amanda was the Co-Chair of the Children First Alliance for four years and is a strong advocate for children and young people.

High quality Early Education and Care creates an environment which not only sets children up for success and to be ready for school, but also ensures a better future for our community and country.

It has been my pleasure for the last 30 years to serve the Canberra community, working and seeing the changes that Early Education and Care has undertaken during this time. From a place where staff and centres were seen simply as babysitting children to now, where staff and centres are vital to children starting their learning journey — a place where children are learning and growing, and educators are caring for and teaching leaders of the next generation. For eight years, I was the Person with Management or Control. This role is not to be taken lightly, and I accepted it with full understanding of my responsibility to children, families, the staff, and the legislation.

This handbook outlines the fundamental Governance elements that are essential to operating a successful centre. The importance of having strong Governance and Leadership in centres is a must to create places where children grow and succeed. Strong Governance and Leadership help create centres where educators are valued for their skills, knowledge, and qualifications. We must ensure regulations are met so that educators can focus on each child's individual learning. As leaders we need to help create places where educators, as well as children, flourish and thrive.

In a time where more demands are placed upon Persons with Management or Control and Nominated Supervisors to keep up with innovative practices, they must ensure that the National Quality Framework is embedded and complied with at all times. Although this is harder than ever before, it creates centres where educators succeed, and children prosper. Understanding that Governance and Leadership are the building blocks of great centres is the first step.

Good Governance enables organisations/centres to achieve their goals, make formal decisions, control risks, and assure compliance. It fosters a culture of integrity and leads to a positive performance by educators. Research by OECD shows the importance of Leadership in the delivery of quality services.

“Leadership plays a central role in supporting and sustaining quality in ECEC settings. This review of the ECEC leadership literature suggests that effective leadership establishes a set of organisational conditions that have a positive impact on process quality, and thereby fosters children’s learning, development and wellbeing.” (Leadership for Quality Early Childhood Education and Care – OECD Education Working Paper No. 211 – Anne L. Douglass, University of Massachusetts Boston.)

This handbook aims to support current, emerging, and future providers and ECEC service leaders to navigate the NQF and supporting resources to engage in ongoing continuous improvement.

Early childhood education is a critical building block for future success by fostering cognitive, emotional, social, and physical development for children and for the future success of our community.

Governance and Leadership need to be embraced, learnt, and practised, ensuring that all centres are legally compliant, so children can thrive and staff flourish.

Amanda Tobler, Managing Director, ELM

PART 2: INTRODUCTION TO THE NATIONAL QUALITY FRAMEWORK

The [National Quality Framework \(NQF\)](#) was introduced in 2012 as the result of an agreement between all Australian state and territory governments to work together to provide better educational and developmental outcomes for children.

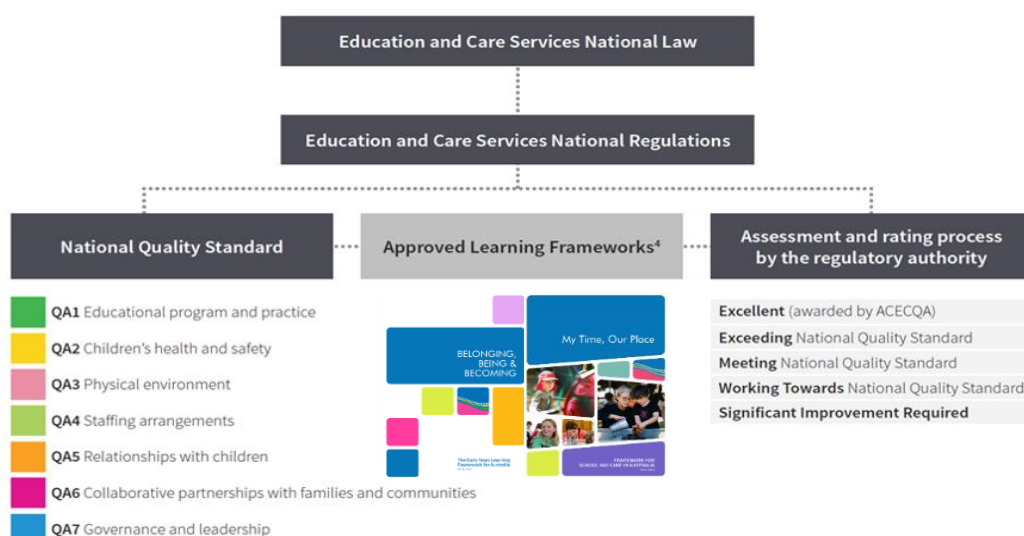
It supports ECEC providers, service leaders, and educators to drive continuous improvement by reflecting on the seven quality areas that underpin practice.

The NQF is reviewed regularly to ensure it remains current and fit for purpose. Numerous amendments to the National Law and Regulations commenced in 2023. Providers are required to be aware of NQF changes and how they impact their responsibilities and ECEC services.

Nominated supervisors must also have current knowledge of the NQF, including the National Law and Regulations. For information and guidance regarding the latest review visit: [NQF changes overview | ACECQA](#)

These key links provide information and guidance to support ECEC services to effectively implement the NQF:

- The Education and Care Services [National Law](#) and the Education and Care Services [National Regulations](#).
- The [National Quality Standard \(NQS\)](#) – This publication provides guidance on operational matters.
- An [Assessment & Ratings](#) process.
- [Approved learning frameworks](#) – [Belonging, Being & Becoming - The Early Years Learning Framework for Australia \(EYLF\)](#) and [My Time, Our Place - Framework for School Age Care in Australia \(MTOF\)](#)
- [The ACT Regulatory Authority - Children's Education and Care Assurance](#) (CECA).
- [Australian Children's Education & Care Quality Authority](#) (ACECQA).



Objectives of the NQF

The objectives of the NQF are to:

- Ensure the safety, health and wellbeing of children attending ECEC
- Improve the educational and developmental outcomes for children attending ECEC
- Promote continuous improvement in the provision of quality ECEC
- Establish a system of national integration and shared responsibility between participating jurisdictions and the Commonwealth in the administration of the NQF
- Improve public knowledge, and access to information, about the quality of ECEC services
- Reduce the regulatory and administrative burden to ECEC services by enabling information to be shared between participating jurisdictions and the Commonwealth



Safety, health
and wellbeing



National integration/
shared responsibility



Educational and
developmental outcomes



Public
knowledge



Continuous
improvement



Information
sharing

Guiding Principles of the NQF

The Guiding Principles of the NQF are:

- The rights and best interests of the child are paramount
- Children are successful, competent and capable learners
- Equity, inclusion and diversity underpin the framework
- Australia's Aboriginal and Torres Strait Islander cultures are valued
- The role of parents and families is respected and supported
- Best practice is expected in the provision of education and care services

National Quality Standard

All approved ECEC services are assessed under the seven quality areas of the NQS and given an overall quality rating based on these results. The NQS contains 40 elements, across 15 standards and 7 Quality Areas.

The NQS sets a high national benchmark for early childhood education and care and outside school hours care services in Australia. The Assessment and Rating process is designed to be a cooperative process with opportunities for ECEC services to discuss how they are meeting the National Quality Standard and enhancing outcomes for children.

For more information on the NQS refer to [National Quality Standard | ACECQA](#)

The National Law and Regulations

The Education and Care Services National Law (the National Law) is the legislation which has been developed to underpin the NQF for ECEC services. It is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011*.

The *Education and Care Services National Regulations* (the National Regulations) are authorised and made under the National Law. The National Quality Standard (NQS) is a schedule to the National Regulations and sets out the quality areas, standards and elements.

All ECEC providers, nominated supervisors, and educators are required to be aware of, understand, and comply with the [National Law](#) and [National Regulations](#).

To assist ECEC providers and service leaders, ACECQA has created the Guide to the NQF to aid in understanding and interpreting the National Law and National Regulations. The Guide to the NQF is a valuable resource to approved providers, nominated supervisors, and PMC's.

The Guide to the National Quality Framework (NQF) is designed to help education and care providers, educators and authorised officers understand and apply the requirements of the NQF. The Guide is not legal advice and should be read in conjunction with the National Law and Regulations, which take precedence over any guidance.

The Guide provides information for all types of services in all states and territories, as well as Regulatory Authority functions. It is not intended to be read from cover to cover, nor is all of the information within it relevant to every ECEC service. Rather, it has been designed as a comprehensive reference document to be referred to when seeking guidance on particular matters, such as applications and approvals, operational requirements, actions of the Regulatory Authority and the National Quality Standard.

The Guide can be accessed via the ACECQA website at: [Guide to the NQF | ACECQA](#)

PART 3: STATUTORY AUTHORITIES



Australian Children's
Education & Care
Quality Authority

Australian Children's Education and Care Quality Authority

ACECQA is an independent statutory authority providing national leadership in promoting quality and continuous improvement in Australia. ACECQA works with state and territory governments and the ECEC sector to guide the implementation and administration of the NQF in a way that will benefit children and their families.

ACECQA monitors and promotes the consistent application of the National Law across all states and territories and oversees how the NQF is applied across the country, to ensure that ECEC providers and services are meeting legislated requirements.

ACECQA guides and supports the work of state and territory regulatory authorities as they administer the NQF in their respective jurisdictions.

ACECQA provides valuable resources to assist in the implementation and interpretation of the NQF. ECEC providers, nominated supervisors, persons with management or control, and service leaders (including persons in day-to-day charge) should be familiar with the [ACECQA](#) website and resources.

ACECQA is also responsible for managing the National Quality Agenda IT System (NQAITS). NQAITS is an online tool that offers ECEC providers and service leaders secure direct communication with regulatory authorities. For more information visit: [National Quality Agenda IT System | ACECQA](#)

ACECQA

Phone: 1300 422 327

Website: www.acecqa.gov.au

Online Contact Form: [Contact us form | ACECQA](#)



Children's Education and Care Assurance (CECA)

For the purposes of the National Law, the Director-General of the ACT Education Directorate is the ACT Regulatory Authority.

CECA operates within the Education and Care Regulation and Support Branch (ECRS) of the ACT Education Directorate and carries out the functions of the ACT Regulatory Authority on behalf of the Director-General.

CECA Authorised Officers are delegated powers and responsibilities to support performance of their duties.

CECA's key functions are to:

- Administer the NQF within the ACT
- Assess and rate approved ECEC services against the [National Quality Standard](#)
- Work with [ACECQA](#) to promote continuous quality improvement in ECEC services
- Monitor and enforce compliance with the National Law and Regulations
- Receive and investigate complaints arising under the National Law
- Assess and grant approvals, including ECEC provider and service approvals
- Work locally and nationally to advance ECEC education policy and regulation
- Educate and inform ECEC providers, service leaders, educators, and the community about the NQF

More information about CECA's functions can be found in this [CECA Educate and Engage Compliance Framework](#)

Children's Education and Care Assurance (CECA)

Phone: (02) 6207 1114

Email: ceca@act.gov.au

Post: GPO Box 158 Canberra ACT 2601

Website: [Regulating early childhood education and care - ACT Government](#)

Facebook: [Children's Education and Care Assurance | Canberra ACT | Facebook](#)

CECA Teams

Applying the Regulatory Diamond

CECA is made up of four interconnected teams. Each contributes to the Regulatory Authority's functions under the National Law and CECA's regulatory posture, including the Regulatory Diamond. These teams are Investigations, Audit and Risk Management, Quality Assurance, and Strategy, Innovation and Response.

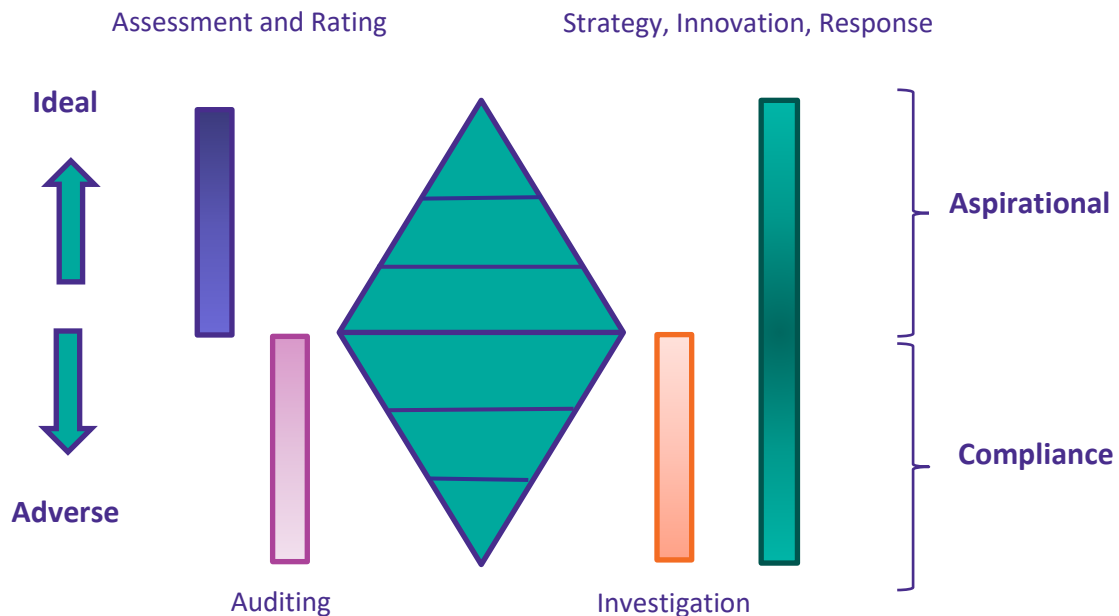


Diagram: CECA's Regulatory Posture

Investigations

- Risk assess and manage ECEC provider notified incidents and complaints, and direct complaints received from the public.
- Investigate alleged/suspected offences and breaches of the National Law and/or allegations of unacceptable risk to children attending an approved ECEC service.
- Manage statutory and administrative enforcement actions.
- Educate and inform the ECEC sector and the community in relation to regulatory investigative functions and compliance with the National Law.

Audit and Risk Management

- Conduct scheduled and unscheduled compliance audits of ECEC services. Audits can take up to several hours and include discussion with the nominated supervisor, sighting prescribed documentation, and observing practice.
- Assess and process applications and notifications regarding existing ECEC services (amendments of service approvals, transfers of service approvals, waivers)
- Manage statutory and administrative enforcement actions linked to audit activities
- Educate and inform the ECEC sector and the community about best practice and compliance responsibilities under the National Law.

Quality Assurance

- Conduct assessment and rating of ECEC services against the National Quality Standard; (two–three-day visit, observing practice and conducting interviews with leadership and educators, use of observe, discuss, and sight techniques to gather information and evidence)
- Educate and inform the ECEC sector and the community about best practice and regulatory requirements.

Strategy, Innovation and Response

- Support the ACT Government, Minister, and Directorate with relevant briefing, information and data
- Educate and inform the ECEC sector and community, through CECA’s communication channels
- Implement policy reforms assigned to ECRS from *Set up for Success* and *The Future of Education* strategies
- Participate in, and contribute to, the national policy and regulatory framework and reforms
- Advise on ECEC development applications
- Assess and determine ECEC provider approval applications and service approval applications
- Administer the ECEC tertiary scholarship program
- Maintain preparedness to respond to and manage emergencies

Compliance and investigation enforcement priorities

CECA’s regulatory strategies are assessed through a hierarchy of considerations relating to harmful conduct. Conduct deemed harmful may include:

- Harm of a physical, psychological, or emotional nature to a child
- Disregard for the National Law or National Regulations
- National or regional unlawful conduct
- Conduct or failings which have a detrimental impact on the health, safety and wellbeing of children.

PART 4: ROLES AND RESPONSIBILITIES

Approved Provider

The approved provider holds the service approval for each ECEC service that it operates and is legally responsible and liable for ensuring each ECEC service is compliant with the National Law and National Regulations.

ECEC providers must exercise effective leadership, governance, and management to meet their legal obligations. Having strong governance foundations and risk frameworks will mitigate the risks of non-compliance and therefore, improve outcomes for children.



Governance can be argued to have four key components:

- **Transparency:** being clear and unambiguous about the organisation's structure, operations and performance, both externally and internally, and maintaining a genuine dialogue with, and providing insight to, legitimate stakeholders and the sector generally.
- **Accountability:** ensuring that there is clarity of decision-making within the organisation, with processes in place to ensure that the right people have the right authority for the organisation to make effective and efficient decisions, with appropriate consequences for failures to follow those processes.
- **Stewardship:** developing and maintaining company-wide recognition that the organisation is managed for the benefit of all of its stakeholders. It is typically, a matter for the provider to consider the reasonable expectations of these stakeholders and assess what is appropriate in each organisation's circumstances.
- **Integrity:** developing and maintaining a culture committed to ethical behaviour and compliance with the law.

Good governance encompasses not only the system by which ECEC services are controlled, but the mechanisms by which providers and those who comprise them are held to account. Governance, therefore, is vital to making the right decisions. Ensuring good governance depends as much on effective implementation as it does on organisational commitment.

The provider is responsible for the overall management, delivery, funding, decision-making, and governance of ECEC service. Providers have a legal responsibility to ensure the safety, health and wellbeing of children being educated and cared for at the ECEC service/s they operate. Providers must be, and remain, fit and proper to conduct ECEC services.

ECEC providers must employ suitably qualified and experienced persons in management or control (PMCs), nominated supervisors, persons in day-to-day charge, educational leaders, and educators. They must also implement and embed appropriate policies and procedures to ensure that the committee members, company officers, and all staff members and educators understand their roles and their responsibilities under the National Law and Regulations, and any other statute that they are liable under.

ECEC providers are ultimately liable under the National Law for any identified non-compliance, proven offence and/or unacceptable risk of harm to a child or children being educated and cared for at a service that the provider operates.

Risk management

The role of good risk governance is to provide direction and oversight of risk management activities and to ensure risk management is being applied consistently and with transparency. ECEC providers need to ensure that they have governance mechanisms in place to inform themselves of incidents, complaints, outcomes of regulatory functions (ie: audits, assessment and rating visits, investigations). These mechanisms and learnings should be built into the provider's governance for risk assessment and management.

Risk governance includes:

- establishment of structures and processes consisting of roles and responsibilities, and the coordination of reporting and recording;
- regular review of policy and procedures defining roles, responsibility and accountability;
- identification of key stakeholders internally and externally, and the specific needs of these stakeholders;
- regular evaluation of strategic and physical/environmental risks and ongoing assessment and monitoring;
- embedding resources and systems such as mechanisms for monitoring activities and incidents at a service and provider level, risk assessments, risk analysis tools and effective safety management systems;
- support to monitor and maintain risk registers across services operated by the provider for the purpose of reporting and identifying emerging risks; and
- ensuring effective review and evaluation and continuous improvement of the risk management framework to meet the ever-changing early education and care environment.

As an ECEC provider may have multiple legal obligations, under many different statutes. It is important that the provider has strong Governance and Risk Management frameworks in place. A governance framework is a system that outlines management practices to help senior management and operational levels understand and align with organisational expectations, objectives, performance, risk appetite, and reporting requirements.

A useful resource that may assist ECEC providers, dependant on how your organisation is structured, is KPMG's Board Governance Guide – The Director's Toolkit, available publicly online at [Directors' Toolkit | Board Governance Guide - KPMG Australia](#).

This edition of The Directors' Toolkit is intended to provide the necessary resources to support directors to successfully navigate the risks and opportunities across the following sections:

- The role of boards and directors
- Governance accountability
- Governance leadership
- Governance oversight.

The toolkit includes useful red flags as well as a list of pertinent questions that officers should ask to prompt relevant discussions on, and ensure better governance of, the critical issues impacting their organisation.

Another useful resource, specifically designed to guide Governance and Risk Management in the ECEC environment is provided by Early Childhood Australia and funded by NSW Government [Governance and Risk Management — Early Childhood Australia Learning Hub](#)

The *Governance and Risk Management Program* is a free program designed to support ECEC managers, providers, nominated supervisors and persons with management or control (PMCs) to understand and implement best practice principles of governance, risk management and service practice across key areas of the National Law and Regulations and the National Quality Standard.

ECEC providers, PMC's and Nominated Supervisors can utilise this to support an increased understanding of risk management and its place in governance and leadership, unpacking and exploring the differing roles that service leaders play, or should play, in understanding and managing risk to ensure compliance and quality.

Fiduciary Obligations of Corporate Officers

Basic responsibilities

If you are an officer of a provider that is a company or incorporated association (such as a company director or committee member of a Parents and Citizens Association), you are in a position of a fiduciary, with the provider company/shareholders or association as principal or beneficiary.

In your role, you are obliged to act in the best interests of the company/shareholders or association, rather than your own. This concept stems from the position of trust that you are placed in, and the powers you are able to exercise.

Obligation as a fiduciary has two main aspects:

- No profit rule, meaning the individual can't financially benefit from opportunities they come across in the capacity as officer
- No conflict rule, meaning that the individual can't benefit or gain in circumstances of conflict between their own interests and that of the beneficiary. An example is bidding for a contract for themselves that they've come across in the role as company officer.

The only defence to a breach of those obligations is fully informed consent of the beneficiary or principal, which will generally be the provider (unless the provider is a trustee). The detailed aspects of obligations as an officer, including fiduciary obligations, vary depending on the type of provider entity.

A code of conduct for officers is helpful in outlining:

- Identification, disclosure, and management of conflict of interests
- Privacy
- Attendance expectations
- Time commitment expectations
- Communication and dealing with stakeholders

- Use of resources
- Management of any misconduct

Management of conflicts of interest

ECEC providers and PMCs have governance obligations to identify and manage potential conflicts of interest relating to their role, and the operation of the ECEC service. A conflict of interest occurs when your personal interests or obligations owed to another entity conflict with your responsibility to act in the best interests of the ECEC service.

Any potential conflicts of interests should be declared when they are identified and strategies to mitigate the conflict of interest should be put in place. A 'conflict of interest' policy can provide further detail to support the governance and leadership team to understand their obligations in relation to conflicts of interest.

Incorporated associations

Most Parents and Citizens Associations and many parent or community-managed ECEC providers are incorporated associations under the [Association Incorporation Act 1991](#).

Under Division 4.2, duties include:

- Acting with reasonable care and diligence, including appropriate use of funding;
- Acting in good faith and for a proper purpose
- Not misusing your position to gain advantage or cause detriment to the association
- Not improperly using information to gain advantage or cause detriment to the association
- Any conflicts of interest should be identified, disclosed and managed.

For further information, see the *Association Incorporation Act 1991* or [Incorporated associations - Access Canberra](#)

Companies

Officers' duties are set out in Chapter 2D, Part 2D.1 of the [Corporations Act 2001](#) and you should ensure you are familiar with them. For further information, see [ASIC](#).

As a company director or other officeholder, key duties cover:

- Acting with the care and diligence of a reasonable person in the same circumstances (section 180)
- Acting in good faith in the best interests of the company and for a proper purpose (section 181)
- Not using your position to gain an advantage or cause detriment to the company (section 182)
- Not using information obtained in your role to gain an advantage or cause detriment (section 183)
- Exercising your powers in good faith, in the best interests of the corporation, and for a proper purpose (section 184)
- Reliance on information or expert advice must be reasonable (section 189)
- Disclosing material personal interests to the company (sections 191 to 196)

- Ensuring your company keeps proper financial records;
- Acting in the company's best interests, even if this conflicts with your personal interests
- Disclosing any material personal interest to the company
- Using any information only for the good of the company

For Aboriginal and Torres Strait Islander corporations, Chapter 2D does not apply. Officers' obligations are in the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, Division 265.

Charities

If the ECEC provider is a registered charity, Responsible People (being board or committee members, or trustees) have similar duties, as set out in [Governance Standard 5](#):

- To act with reasonable care and diligence
- To act honestly and fairly in the best interests of the charity and for its charitable purpose
- Not to misuse their position or information they gain as a Responsible Person
- To disclose conflicts of interest
- To ensure that the financial affairs of the charity are management responsibly
- Not to allow the charity to operate whilst it is insolvent

For more information, see ACNC's [Guidance about Duties of Responsible People](#)

Person with management or control (PMC)

ECEC providers must provide CECA with details of each person who is or will be a PMC of their service(s) and submit the prescribed information. Providers must also ensure their PMC information is kept current and accurate, notifying CECA of any changes through the [National Quality Agenda IT System \(NQAITS\)](#) within fourteen days under section 173 of the National Law and Regulation 174.

Corporate and governance structures of each ECEC provider will determine the identity of PMCs.

The provider is the legal entity that holds the approval for operating an ECEC service and is legally responsible for managing the ECEC service. The PMC's of a provider are those persons who are responsible for managing the delivery of the provider's ECEC service/s. The provider and PMC(s) may be the same person/people, depending on the nature of the provider entity.

If the ECEC provider is a company, the PMCs include any company officers. For a ECEC provider that is an association, PMC's include each member of the management committee or board of directors and, for a partnership, each partner. PMC's also include those persons who have authority, responsibility, or significant influence over decision-making for example, an area manager.

PMCs may be outside the provider entity, such as a third-party management company, or an individual who exerts significant influence over funding, planning, direction, or control of the provider's activities or delivery of the ECEC service.

For clarity, a nominated supervisor is generally an employee, employed by the provider, and is not a PMC. A nominated supervisor is responsible for the day-to-day management of an ECEC

service. A nominated supervisor would only meet the threshold of a PMC if they held significant influence over the financial or executive functions of the ECEC provider entity. A PMC cannot delegate their legal responsibilities under the National Law to a Nominated Supervisor.

Individual PMCs must be, and remain, fit and proper to be involved in the provision of ECEC services. More information about identifying PMCs is available at:

[Identifying persons with management or control of a service from 1 July 2023 – Existing Providers](#)

[Identifying persons with management or control of a service from 1 July 2023 – Prospective providers](#)

Each PMC must complete a **Declaration of fitness and propriety form (PA02)** available at: [Applications and notifications forms | ACECQA](#)

As part of the assessment of an application for ECEC provider approval, CECA must be satisfied that the proposed provider and PMCs are fit and proper to be involved in provision of an ECEC service.

Fitness and propriety considerations include knowledge of the NQF. To obtain further information regarding the proposed ECEC provider's and PMCs' knowledge of the NQF, CECA may require them to undergo oral or written assessment, or both.

CECA may reassess fitness and propriety at any time of a ECEC provider and/or a PMC. Triggers for reassessment may occur from, but not limited to, authorised officer observations of a service(s), receipt of allegation and/or complaint, compliance history of a provider.

CECA may also determine that a person meets the definition of being a PMC despite an ECEC provider not listing the person or entity as a PMC or the absence of a declaration. This may occur when a person's conduct or role in effect means they are operating as a PMC.

Provider Digital Access

From 1 July 2023 all new PMCs are required to have a PRODA (Provider Digital Access) account as part of the Joined-Up Approvals process with the Commonwealth Government. All governments agreed to implement this new requirement for the following reasons:

Personal information

The first reason relates to strengthening the security of PMC personal information. Prior to 1 July 2023, PMCs had to submit identity documentation, such as a driver licence, to the relevant regulatory authority every time they completed a declaration of fitness and propriety (Form PA02) as part of a provider approval application or a notification of change of personnel.

Now, once a PMC has a PRODA account they only need to press the 'validate' button in the NQA ITS application or notification to validate their identity, enabling the continuation of the application or notification without having to submit identity documentation each time.

Risk assessment

The second reason relates to the joined-up approach to National Law and Family Assistance Law application and assessment in the NQA ITS. Under this joined-up approach, regulators complete a risk assessment of each PMC. The validation of PMCs via a PRODA account manages identity risks and helps regulators to identify and share information about PMCs across jurisdictions (including between the National Law and Family Assistance Law regulators or between National Law regulators).

This system-based transparency was developed to increase the screening process and integrity of new entrants to the market across jurisdictions.

This approach also has benefits in vetting approved providers and prospective providers who do not require Child Care Subsidy (CCS) approval. For example, by using PRODA, a regulatory authority will more easily be able to manage identity risks associated with a PMC. If the PMC has a history within the ECEC sector, a regulatory authority will find it easier to identify that individual and gather relevant information about them from other regulatory authorities and the Australian Government.

The definition of a PMC under the National Law is similar to the definition used by the Australian Government for a PMC of a provider entity for administering the CCS (under the Australian Government Family Assistance Law). However, in some cases, a person may be a PMC in relation to the CCS but **not** under the National Law (for example, a nominated supervisor). For more information about PMCs in relation to the CCS and Family Assistance Law visit the [Australian Government Website](#).

Nominated supervisor

The National Law requires that a provider must not operate an ECEC service without at least one nominated supervisor being appointed for that ECEC service. The nominated supervisor is responsible for day-to-day management and operation of the ECEC service.

It is a statutory requirement for the ECEC provider to ensure that each nominated supervisor has adequate knowledge and understanding of ECEC and the ability to effectively supervise and manage an ECEC service. The provider is responsible for determining the suitability of the nominated supervisor (section 16(1)(a), regulation 117(c)).

The nominated supervisor must consent in writing to accept the role of nominated supervisor and must complete a **Nominated supervisor consent form (NS01)** available at: [Applications and notifications forms | ACECQA](#)

The ECEC provider must notify CECA of any change of nominated supervisor within seven days of the change taking effect or the provider becoming aware of the change (section 173(2)(b), regulation 174(2)(b)).

Nominated supervisor changes must be notified using the **Change to nominated supervisor form (NS02)**. For more information refer to: [National Quality Agenda IT](#)

The NQF sets out the responsibilities for nominated supervisors. For more information read ACECQA's [Nominated Supervisor Factsheet](#).

Person in day-to-day charge

Appointing a person in day-to-day charge allows an ECEC service to always have a responsible person in attendance while educating and caring for children. For example, they can be a point of contact for parents and educators in the absence of the nominated supervisor.

A person in day-to-day charge must:

- Be 18 years or older
- Have adequate knowledge and understanding of the provision of ECEC to children
- Have the ability to effectively supervise and manage an ECEC service
- Consent in writing that they are the person in day-to-day charge (regulations 117(a) and 117(b))

The roles and responsibilities of a nominated supervisor and a person in day-to-day charge are not the same. A person in day-to-day charge of an ECEC service does not take on a role of 'acting' nominated supervisor even when in the role of responsible person.

Being a person in day-to-day charge of a ECEC service does not place any additional legal responsibilities on a person under the National Law. The responsibilities relevant to educators under the National Law continue to apply to a person in day-to-day charge.

Responsible person

Under the NQF approved ECEC services must always have a responsible person present when the ECEC service is educating and caring for children.

A responsible person is defined in the National Law (section 162) as:

- The provider or a person with management or control of the ECEC service
- The nominated supervisor of the service
- A person in day-to-day charge (regulations 117(a) and 117(b))

The nominated supervisor usually takes on the role of the responsible person when they are present at the ECEC service. If the nominated supervisor is not physically present at the ECEC service, the role of responsible person must be delegated to someone else who is authorised under section 162 of the National Law.

The ECEC service needs to have a clear process for ensuring the presence of a responsible person that includes:

- The person providing written consent to be a person in day-to-day charge (if not the provider or nominated supervisor)
- Maintenance of records by the ECEC service that name the responsible person for each time the ECEC service operates
- Ensuring that the name of the responsible person in charge of the ECEC service at any given time is displayed prominently at the entrance to the ECEC service (regulation 150)

PART 5: SHARED PROVIDER AND NOMINATED SUPERVISOR RESPONSIBILITIES

As the persons responsible for the day-to-day management and operation of an ECEC service, providers and nominated supervisors have a range of responsibilities and liabilities under the National Law and National Regulations. ECEC providers and nominated supervisors are responsible for, but not limited to:

Educational leader

The educational leader may be the provider, a nominated supervisor, a person with management or control, a person in day-to-day charge, or an educator. The educational leader must be suitably qualified and experienced to lead the development and implementation of the educational program and the assessment and planning cycle for the ECEC service.

The ECEC provider is required to appoint an educational leader and this designation must be made in writing and noted in the staff record of the ECEC service (regulations 118, 148).

The educational leader plays a significant role in leading, developing, and implementing the educational program. This role will require different skills, knowledge, and experience from the nominated supervisor role.

The nominated supervisor and educational leader should work collaboratively to support best practice and ongoing learning across the ECEC service.

Educational leadership in an ECEC setting is a challenging role, requiring a range of skills and experience that may be different from other leadership roles within a ECEC service. The ECEC provider and nominated supervisor should consider the following skills, knowledge and attributes when selecting a team member to take on the educational leadership role:

- The ability to communicate and build relationships with all team members
- Relevant education qualifications and experience in the ECEC sector

- Comprehensive knowledge of the approved learning frameworks, the NQS, educational theory, child development, inclusion strategies, and evidence-based best practice approaches to teaching and learning
- Knowledge of the requirements of the National Law and National Regulations, particularly regulations 73 – 76, which relate directly to the educational program and practice
- The ability to use a range of strategies to support educators to critically reflect on the program and their practice
- An ability to mentor and support educators from diverse backgrounds who have varying levels of knowledge and experience
- An ongoing commitment to professional learning and growth

Educational program

Ensuring educational programs are based on the approved learning framework (EYLF or MTOP) and the developmental needs, interests and experiences of each child and are designed to take into account the individual differences of each child (section 168).

Staffing, supervision and safety of children

ECEC providers and nominated supervisors must ensure that prescribed educator-to-child ratios are met at all times and that each educator at the ECEC service meets the qualification requirements relevant to the educator’s role (section 169, regulations 123 - 128).

Children must be adequately supervised, not subjected to inappropriate discipline and protected from harm and hazards. This includes having adequate plans in place to support children requiring adaptive education and care practices to support inclusion, and ensuring they are implemented.

Minimum staffing requirements may not ensure adequate supervision, and additional staff may be required to support the supervision and safety of all children (sections 165 and 167).

Educators who are new to the ECEC service and/or working towards their qualifications must be adequately supervised and supported by experienced educators. This may mean that they are not included when determining required staffing numbers for adequate supervision and protection from harm and hazards.

The minimum prescribed number of educators must be working directly with children whenever the ECEC service is educating and caring for children. Each educator must meet the qualification requirements relevant to their role as prescribed by the National Regulations (section 169). For more information visit: [Qualifications for centre-based services with children preschool age or under | ACECQA](#).

ACT ratio requirements for centre-based services

Ratios are calculated across the whole setting (not by individual rooms). This gives ECEC providers some flexibility to ensure educators are allocated appropriately based on the age and needs of children in the ECEC service. ECEC providers and nominated supervisors must ensure that all children are adequately supervised at all times.

ACECQA has an [educator to child ratio calculator](#) to support centre-based services to assess ratios for their jurisdiction. For information about mixed-age grouping ratios refer to the [Guide to the NQE](#).

Educators must be working directly with children to be counted in the educator to child ratios. Working directly with children means being physically present with the children and directly engaged in providing education and care to those children.

ECEC providers are required to have a clear and accurate record of educators working directly with children. This record helps to demonstrate educator to child ratios are being met and is a requirement under section 175 of the National Law and regulation 177.

Educators are required to sign out of working directly with children records when undertaking other tasks, such as cleaning or laundry, for more than a few minutes. This is the case even when the educator remains within the room, as they are not engaged in providing education and care to children unless the children are involved in the task.

Child protection

In the ACT, ECEC providers, service leaders and educators all have child protection obligations under:

- The [Children and Young People Act 2008](#) that includes mandated reporting obligations that individuals working in ECEC must report any suspected child abuse or neglect to CYPS.
- The [Reportable Conduct Scheme](#) which aims to improve child protection within organisations in the ACT. Reportable conduct covers allegations or convictions of child abuse or misconduct towards children. If organisations suspect criminal conduct, they must also determine whether to report the conduct to [ACT Policing](#)
- The [Senior Practitioner Act 2018](#) that regulates the use of restrictive practices by a range of entities, including ECEC providers.
- The [Working with Vulnerable People Act 2011](#) which requires all individuals working and volunteering in ECEC to have a background check and to be registered.

More information about child protection obligations for ACT ECEC providers, service leaders and educators can be found at: [Child protection obligations in the ACT - Education](#)

PART 6: NOTIFICATION AND REPORTING OBLIGATIONS

ECEC providers have numerous notification obligations under the National Law and Regulations. Notification requirements are broadly divided into three categories:

- Information about an ECEC provider
- Information about an ECEC service
- Information about an incident, complaint or circumstance at the ECEC service

Notifications provide transparency and accountability, and enable serious incidents, complaints, and breaches of the National Law and National Regulations to be effectively monitored, tracked, and resolved.

Core objectives of the National Quality Framework include ensuring the safety, health and wellbeing of children, as well as improving educational and developmental outcomes for children attending services.

ECEC providers have an obligation under the National Law to notify the Regulatory Authority of certain incidents, complaints and changes to information.

If a notification is needed, you will be directed to the National Quality Agenda IT System (NQAITs) to log in and lodge the relevant online form. Please fill in all of the relevant fields in the form and include any relevant documentation, so that the Regulatory Authority can quickly and accurately assess what (if any) action needs to be taken as a result of your notification.

It is the ECEC Provider's responsibility to understand their obligations and operate according to the requirements of the National Law. Penalties may apply.

In addition to submitting a notification to the Regulatory Authority, there may be other obligations that apply under the National Law (such as completing an illness/injury form), the Australian Government's A New Tax System (Family Assistance) Act 1999 (Family Assistance Law), and other State and Territory laws, including child protection legislation.

Detailed information about notification types and timeframes are available on the ACECQA website. ACECQA has a tool available to assist providers in ensuring compliance with notification submission – this is located via the National Decision Tree on their website at [National Decision Tree | ACECQA](#).

Full and accurate information submitted by the ECEC provider helps to ensure the right response can be made and action taken quickly to ensure the health, safety, and well-being of children. If the notification is not complete or is missing critical information, an authorised officer will ask for additional evidence to complete the initial assessment. Not all matters are investigated.

Notifications may require additional assessment through CECA's internal triage processes to determine if any further steps are required.

If any technical problems are experienced, initial notifications may be made via email on ceca@act.gov.au.

PART 7: CONTINUOUS QUALITY IMPROVEMENT AND ENSURING REGULATORY COMPLIANCE

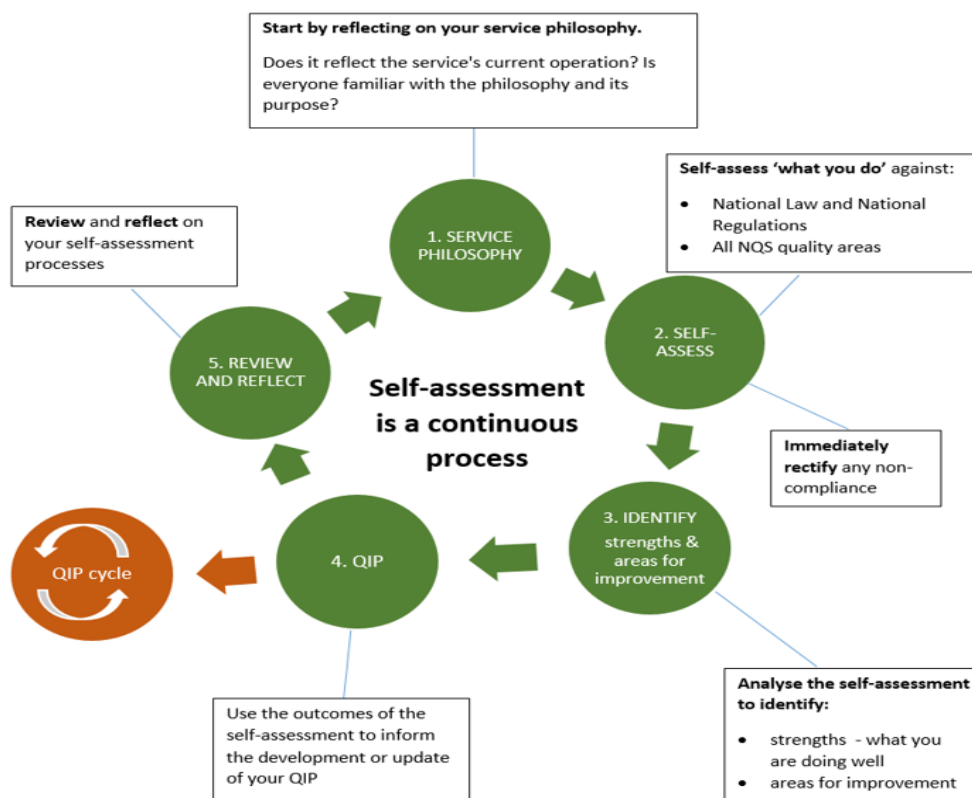
Continuous Improvement

Continuous improvement is a key objective of the NQF. Self-assessment is fundamental to an effective cycle of quality improvement and is essential to providing quality outcomes for children and families.

The self-assessment process is the starting point for determining and planning quality improvements within an ECEC service. The outcomes of the self-assessment should directly inform the development of the ECEC service Quality Improvement Plan (QIP). The ECEC provider must have a current QIP in place within three months of grant of service approval (Regulation 55). It is a condition on every ECEC service approval that the current QIP be kept at the ECEC service premises and available for inspection by CECA or parents (Regulation 31). There should be clear links between the ECEC service's self-assessment documentation and identified priorities for attention in the ECEC service's QIP.

Consultation with the ECEC service community, including educators, children, and families, should inform the self-assessment and QIP review processes. Through engagement with all stakeholders, the self-assessment and QIP actions will reflect the unique context of the ECEC service.

A range of resources is available to support ECEC providers and service leaders to engage in self-assessment, including the [Self-assessment Tool](#) and the [Quality Improvement Plan \(QIP\) template](#).



Self-assessment of compliance

ECEC providers, service leaders, and educators are encouraged to engage in regular use of tools and resources to participate in self-assessment against the NQS, National Law, and National Regulations.

ACECQA's [Self-assessment Tool](#) supports ECEC providers, service leaders, and educators to assess the quality of their service's practices, policies, and procedures against the [NQS](#) and the [National Law](#) and [National Regulations](#).

Self-assessment is an important part of the quality improvement planning process and can help ECEC services to develop, review and update their [Quality Improvement Plan \(QIP\)](#).

ECEC providers, service leaders, and educators should have processes in place to monitor compliance within their setting. CECA's [Self-assessment of Compliance Tool](#) can assist ECEC providers, service leaders, and educators to expand their knowledge and application of the National Regulations.

ECEC providers, service leaders, and educators who use these tools are confident in understanding the National Regulations, provide better outcomes for children, and can better demonstrate compliance during their assessment and rating and compliance visits.

APPENDIX A: RESOURCES FOR CONTINUOUS IMPROVEMENT

In conjunction with resources available from ACECQA at [Resources & projects](#), and ACECQA's [Guide to the NQF](#), the following may assist in the provision of governance and leadership:

QUALITY AREA 1

[Educational Program Documentation for Educators and Teachers - Early Childhood](#)

[Educational Program Documentation for Educators -School Age Care](#)

[Educational Program Documentation for Approved Providers - Early Childhood](#)

[Educational Program Documentation for Approved Providers - School Age Care](#)

[Narragunnawali - Curriculum Resources](#)

[Early Childhood Australia Statement on young children and digital technologies - Early Childhood Australia](#)

[eSafety Professional Learning Modules - ECA and the eSafety Commissioner](#)

QUALITY AREA 2

[Kids at Play Active Play - ACT Government](#)

[Get up and Grow: Staff and carer book | Australian Government Department of Health and Aged Care](#)

[Healthy eating in the National Quality Standard | Healthy Eating Advisory Service](#)

[Staying healthy: Preventing infectious diseases in early childhood education and care services](#)

[Yulunga Traditional Indigenous Games | Australian Sports Commission](#)

[Reflecting on common OSHC supervision areas - Overview \(acecqa.gov.au\)](#)

[National Principles: Child Safe Organisations \(humanrights.gov.au\)](#)

[ACT Child Safe Standards Scheme - HRC](#)

[Safe sleep and rest practices | ACECQA](#)

[Early Childhood and Outside School Hours Care | Nutrition Australia](#)

[Keeping Children and Young People Safe - ACT Government](#)

[Governance and risk management in early childhood education \(nsw.gov.au\)](#)

QUALITY AREA 3

[Kidsafe Australia | Keeping Children Safe](#)

[Home | Standards Australia](#)

[Nature Play Canberra \(natureplaycbr.org.au\)](#)

[Home - Climate Choices \(act.gov.au\)](#)

[Community Garden Grants - Climate Choices \(act.gov.au\)](#)

QUALITY AREA 4

[ECA Code of Ethics - Early Childhood Australia](#)

[Home - Be You](#)

[Educator Wellbeing - Be You](#)

[Scholarships for early childhood qualifications - ACT Government](#)

[How to talk about early childhood education and care - Early Childhood Australia](#)

QUALITY AREA 5

[Professional learning to support children affected by trauma - ACT Government](#)

[Home - Be You](#)

[About Children's Rights | Australian Human Rights Commission](#)

[United Nations Convention on the Rights of the Child \(UNCRC\) \(unicef.org.au\)](#)

[Information for children and young people | UNICEF Australia](#)

QUALITY AREA 6

[Reconciliation - Early Childhood Australia](#)

[Narragunnawali - Build Relationships with Community](#)

[Narragunnawali - Curriculum Resources](#)

[Narragunnawali - Cultural Responsiveness for Staff](#)

[Early Childhood Australia: Statement on the inclusion of every child in early childhood education and care](#)

[Narragunnawali - Reconciliation Action Plan](#)

[Working Together to Ensure Equality for Aboriginal and Torres Strait Islander Children in the Early Years - Early Childhood Australia](#)

[Effective transitions - Education \(act.gov.au\)](#)

[Preschool Pathways - Education \(act.gov.au\)](#)

[Child and Family Centres - ACT Government](#)

[Community Services Directorate - ACT Government](#)

QUALITY AREA 7

[Obligations of early childhood education and care providers - ACT Government](#)

[Supporting Performance and the Development of Professionals](#)

[The Role of the Educational Leader](#)

[Educational Leadership and Team Building](#)

[Using Complaints to Support Continuous Improvement](#)

[Reviewing Your Service Philosophy](#)

[ECA Professional Learning - Early Childhood Australia](#)

[Events - Early Childhood Australia](#)

[Our Publications - Early Childhood Australia](#)

[The Spoke – Early Childhood Australia's Blog - A voice for young children](#)

[ACT early childhood education and care sector meetings - Open Government Information](#)

[Early childhood sector resources - ACT Government](#)

[eLearning resources | ACECQA](#)

[We hear you | ACECQA](#)

[Directors' Toolkit | Board Governance Guide - KPMG Australia](#)

GENERAL INFORMATION SHEETS

[Using your assessment and rating report to support quality improvement](#)

[Making quality assessment and rating more effective](#)

[Safe transportation of children](#)

[Safe transportation of children - your questions answered](#)

[Inappropriate discipline](#)

[Practical ideas to support continuous quality improvement](#)

[Supporting educator wellbeing through these challenging times](#)

[Developing and reviewing your quality improvement plan](#)

[Evidence for waiver applications](#)

[The assessment and rating report](#)

APPENDIX B: USEFUL WEBSITES

[Early Childhood - Education \(act.gov.au\)](https://act.gov.au/early-childhood-education)

[Set up for Success: An Early Childhood Strategy for the ACT - Education](#)

[ACECQA](#)

[Connecting with practice videos | ACECQA](#)

[Resources & Research | ACECQA](#)

[Early Childhood Australia - A voice for young children](#)

[Child Care Subsidy - Department of Education, Australian Government](#)

[Keeping Children and Young People Safe - ACT Government](#)

[Child protection in the workplace: Reportable Conduct Scheme - ACT Government](#)

[Australian Early Development Census - ACT Government](#)

[Child and Family Centres - ACT Government](#)

[Families - ACT Government](#)

[Home - Libraries ACT](#)

