

Regulation framework

Quality Education and Care NT as the Regulatory Authority for education and care services in the Northern Territory

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1. Framework

Research shows that high quality education and care improves children's wellbeing and future cognitive, physical, social and emotional outcomes. The National Quality Framework (NQF) represents Australia's nationwide commitment to this goal and provides a national approach to the regulation of children's education and care services according to Australian Children's Education and Care Quality Authority (ACECQA).

The NQF consists of the *Education and Care Services National Law 2010* (National Law), Education and Care Services National Regulations (NSW) (National Regulations), approved learning frameworks and the National Quality Standard (NQS).

Quality Education and Care Northern Territory (QECNT) is the Regulatory Authority responsible for the administration of the NQF in the Northern Territory (NT) which includes regulating approved early childhood education and care services against the NQF.

Approved education and care services include:

- long day care
- preschool
- outside hours school care, including before school, after school and vacation care
- family day care.

The Regulatory Authority regulates education and care services in line with regulation principles and considers the most effective regulation and compliance methods for carrying out the objectives of the NQF.

2. Purpose

This framework explains how the Regulatory Authority administers the NQF and describes the types of regulatory and compliance activities conducted by QECNT and the principles that underpin these activities.

This framework will ensure the Regulatory Authority uses a consistent approach to regulate education and care services to ensure compliance with relevant legislation.

3. Scope

This framework applies to all regulatory and compliance activities conducted by the Regulatory Authority.

4. Regulatory system

4.1. Functions of the Regulatory Authority

Section 260 of the National Law specifies the functions of the Regulatory Authority are to:

- assess services against the NQS and determine the ratings of those services
- monitor and enforce compliance
- receive and investigate complaints arising under the National Law

- educate and inform education and care services and the community about the NQF
- work in collaboration with ACECQA to support and promote continuous quality improvements
- undertake information collection, review and reporting for the purposes of the regulation of education and care services, reporting on the administration of the NQF, and the sharing of information under this Law.

4.2. Objectives and principles of the NQF

Section 3 of the National Law sets out objectives and guiding principles of the NQF that apply to these functions.

Objectives significant to the Regulatory Authority's functions are to:

- ensure the safety, health and wellbeing of children attending education and care services
- improve the educational and developmental outcomes for children attending education and care services
- promote continuous improvement in the provision of quality education and care services
- work with other regulatory authorities and the Commonwealth to administer the NQF
- improve public knowledge and access to information, about the quality of education and care services
- reduce the regulatory and administrative burden for education and care services by enabling information to be shared between participating jurisdictions and the Commonwealth.

The guiding principles of the NQF are that:

- the rights and best interests of the child are paramount
- children are successful, competent and capable learners
- the principles of equity, inclusion and diversity underlie the National Law
- 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.

4.3. Regulation principles

To meet the objective and principles of the NQF, the Regulatory Authority is also guided by best practice regulation principles when undertaking all its functions.

4.3.1. Principle 1 – Outcomes focused

Regulatory actions are not to be seen as ends in themselves. They should promote improved quality outcomes for children and families, and further the objectives of the National Law.

All activities of the Regulatory Authority will:

- focus on the underlying objectives of the NQF

- represent the course of action that is likely to achieve these objectives in the most effective and efficient manner
- be flexible and innovative to achieve the best regulatory outcome in each case.

4.3.2. Principle 2 – Risk based and proportionate

The Regulatory Authority will provide a regulatory response proportionate to the matter that needs to be addressed, ensuring that regulatory measures do not overreach or extend beyond achieving an identified objective or addressing a specific problem.

The Regulatory Authority will prioritise effort and resources to areas where, based on the available evidence, the potential benefits and risks are more significant.

4.3.3. Principle 3 – Efficient and timely

The severity and complexity of the matter will inform the timeframe in which a matter can expect to be resolved. For example, the Regulatory Authority may need to conduct a formal investigation to resolve a matter and it can take a significant amount of time to gather evidence, conduct interviews and weigh the information against the allegations to provide a fair and transparent outcome to all parties. In this context the Regulatory Authority will not be able to provide an accurate timeframe on the finalisation of a matter.

However, the Regulatory Authority is committed to providing all affected parties with regular updates on the progress of a matter and aims to provide an outcome within a reasonable amount of time.

The Regulatory Authority will adhere to all relevant statutory timeframes. Where there is a possibility that it may not meet a pending timeframe, the Regulatory Authority will make direct contact with the affected parties as soon as practicable and explain why.

4.3.4. Principle 4 - Transparency and accountability

The Regulatory Authority will be fair, transparent and accountable in exercising its functions to encourage public confidence and provide certainty to regulated entities.

Legislation will be fairly and consistently administered, and the Regulatory Authority will sufficiently document the reasons for their decisions and actions taken. In most cases, affected parties will be provided an explanation of why decisions have been made. Approved providers and services will be provided with relevant evidence and given an opportunity to make a submission in respect to the evidence.

The principles of fairness and natural justice are applied in each matter. All regulatory decisions are reviewed by appropriate delegates.

The Regulatory Authority has procedures in place for decisions approved by delegates to be subject to an internal or external review, should a review be requested.

4.3.5. Principle 5 – Discretionary power

Discretionary power is the ability of a decision maker to use their judgment in deciding whether to take a particular course of action. Some of the general principles around exercising discretion are that:

- discretionary powers must be exercised in good faith and for an intended and authorised purpose
- decision makers must act reasonably, impartially and independently
- decision makers must consider only relevant considerations and ignore irrelevant ones

- decisions must be made based on supporting evidence
- decision makers must provide the person affected by the decision with procedural fairness.

4.3.6. Principle 6 – Confidentiality and disclosure of information

The Regulatory Authority values privacy and is committed to protecting personal and sensitive information collected and held in performing its functions and activities.

A complainant may elect to remain completely anonymous or ask that their identity be withheld in certain circumstances. Our ability to undertake a fair and thorough assessment of anonymous complaints may be limited if the Department of Education and Training (the department) is unable to contact the complainant for further information or to discuss the complaint. If anonymity is requested and contact information is not provided, an outcome of the complaint or investigation may not be provided.

The Regulatory Authority is bound by Australian Privacy Principles under the *Privacy Act 1988* (Cth), which govern standards, rights and obligations around the collection, use and disclosure of personal information.

Pursuant to section 271(2) of the National Law, the Regulatory Authority may share information about a matter to state, territory or Australian government departments if the disclosure is:

- reasonably necessary to promote the objectives of the national education and care services quality framework
- for the purposes of enabling or assisting the other entity to perform or exercise any of its functions or powers under this Law
- for the purposes of research or the development of national, state or territory policy with respect to education and care services
- for a purpose relating to the funding of education and care services
- for a purpose relating to the payment of benefits or allowances to persons using education and care services, provided the disclosure of information is not otherwise prohibited by law.

Where a request for information is lodged under the *Information Act 2002* or the *Freedom of Information Act 1982* (Cth), the Regulatory Authority may be required to disclose information regarding a matter. This could include information about the process of an investigation or information that was used to inform the outcome of a matter.

The Regulatory Authority is guided by NT Government information management principles and the records management standards and takes all reasonable steps to protect personal information against loss, unauthorised access, or interference. This is completed by use of technical and physical security measures, including restricting access to electronic records.

4.3.7. Principle 7 - Independence

The Regulatory Authority is committed to upholding the highest standards of integrity and objectivity in all regulatory actions.

The exercise of powers and decision-making processes will be conducted without any actual and perceived conflicts of interest, as well as any relationships, measures, or influences that may compromise or be perceived to compromise objectivity.

This will also be implemented in respect of any matters involving education and care services where the approved provider is the NT Department of Education and Training, noting that the Chief Executive of the department is also the Regulatory Authority.

4.3.8. Principle 8 - Communication and engagement

The Regulatory Authority regularly engages with a variety of stakeholders including the regulated sector, service users, government agencies and the broader community.

Engaging with the education and care sector is important for building partnerships that support compliance and allow detected non-compliance to be addressed in a positive manner.

Engagement with other government stakeholders helps the Regulatory Authority reduce regulatory burden through information sharing and coordinated targeting of resources with other organisations.

Members of the community play an important role in the Regulatory Authority's monitoring and intelligence gathering processes by notifying the Regulatory Authority of direct concerns in relation to an education and care service.

4.3.9. Principle 9 - Mutual responsibility

The Regulatory Authority acknowledges the primary responsibility for maintaining and improving the quality of their education and care service sits with the approved providers, persons with management or control and nominated supervisors.

However, the Regulatory Authority will work with services by educating and providing support to meet the objectives of the NQF.

4.3.10. Principle 10 - Consistency and cooperation across jurisdictions

The Regulatory Authority actively engages and collaborates with other jurisdictions nationally through data and information sharing to ensure a consistent approach to regulation and compliance.

5. Regulatory approach

The Regulatory Authority regularly considers the most effective methods for carrying out its objectives and where to allocate its time and resources. This involves determining priorities and making decisions on how to address issues in specific education and care services, as well as the sector as a whole.

A risk-based approach enables the Regulatory Authority to optimise its efforts by concentrating on approved providers and education and care services that pose the greatest risk to the health, safety, and wellbeing of children and to monitor services that have been assessed as posing a lesser risk.

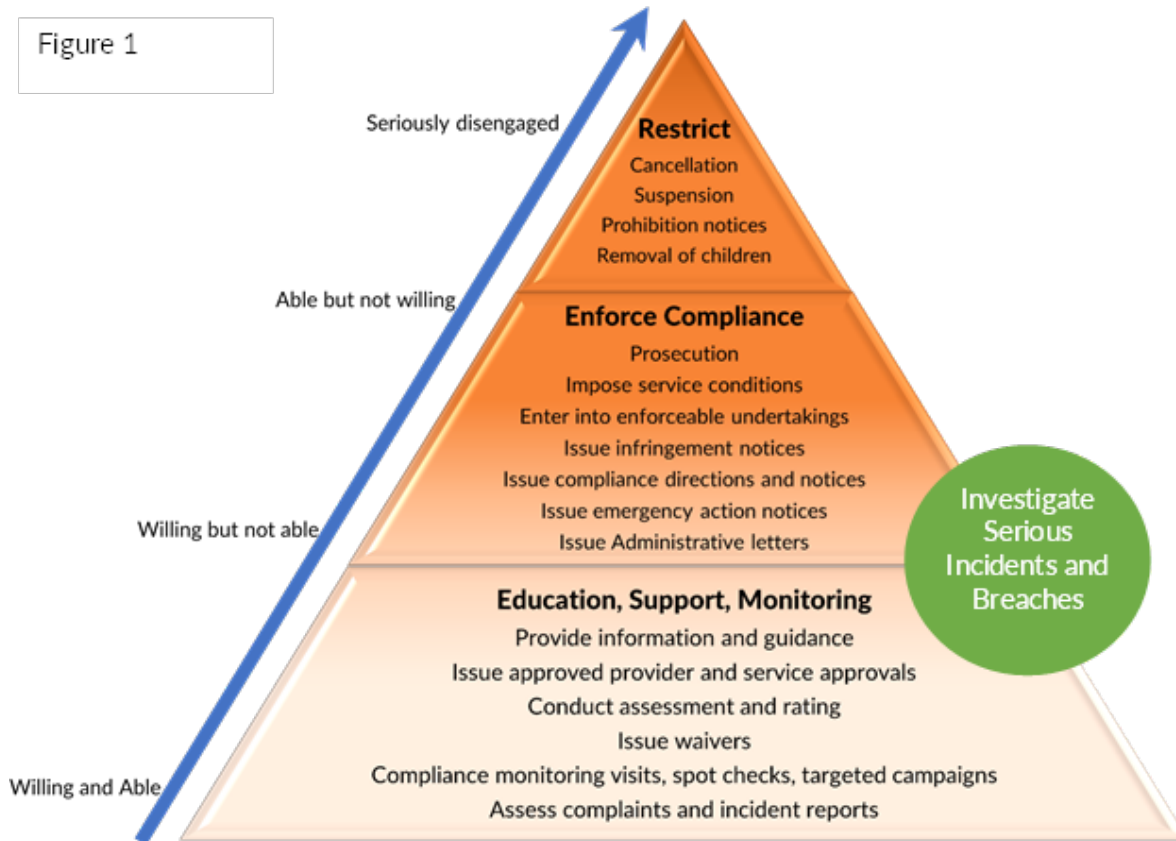
Risk can arise:

- through any part of the environment where education and care is provided to children, including the physical environment, staff members and other people at the service
- from an action or through a failure to act
- from systemic failure, such as a provider not having adequate systems in place to control for risk.

Education and care services that are willing and able to comply receive less contact from the Regulatory Authority than non-compliant services. Non-compliant services and those identified as high risk are

actively monitored and, when breaches of the legislation are identified, the Regulatory Authority takes enforcement action if required.

This approach is consistent with the Braithwaite Regulatory Pyramid, which has been adapted in Figure 1. The Regulatory Authority analyses information and data to inform the regulatory response which escalates relative to the regulated entities' behaviour or practices.



5.1. Education, support and monitoring

5.1.1. Educate and support to comply

The Regulatory Authority will provide practical and constructive advice on how to comply with NQF, interpret quality standards and, where necessary, how to remedy non-compliance to any person who has a duty or obligation under the National Law and National Regulations.

Where non-compliance is identified and action is required to remedy the issue, authorised officers will work with the approved provider and staff to determine appropriate actions to address the problem and achieve desired outcomes.

The Regulatory Authority, along with ACECQA, provides information and resources on the early childhood and care sector and makes it accessible to all members of the community.

The Regulatory Authority delivers information and resources through a range of mechanisms including online and printable materials, newsletters, emails and stakeholder meetings.

5.1.2. Provider and service approvals

Prior to issuing provider and service approvals, the Regulatory Authority will ensure that the provider demonstrates their understanding of the obligations under legislation and that they are suitable to ensure the health, safety and wellbeing of children. Based on compliance, these approvals can be reassessed at any time.

5.1.3. Assessment and rating

The Regulatory Authority must assess and rate all NT approved education and care services in accordance with section 135 of the National Law. This includes conducting reassessments, or partial re-assessments.

Authorised officers assess services against the NQS and gives a rating against each of the 7 quality areas and an overall rating based on these results.

Education and care services are provided a draft assessment and rating report and have an opportunity to provide feedback. Once the report is finalised, this will be sent to the provider and the quality rating will be published on the national registers on the ACECQA website and on the Starting Blocks website.

If the approved provider disagrees with the ratings, they may apply, under section 141, to the Regulatory Authority for a first tier review within 14 days.

If the approved provider is still not satisfied after the first tier review, they may apply to ACECQA within 14 days for a second tier review. Rating reviews are conducted by an independent ratings review panel facilitated by ACECQA. The application fee must be paid before ACECQA can consider an application.

5.1.4. Compliance and monitoring visits

The Regulatory Authority will conduct announced and unannounced compliance and monitoring visits at education and care services, to ensure they are complying with the NQF. This can be to identify any non-compliance prior to an incident occurring or as an additional monitoring measure when a service is not demonstrating satisfactory compliance with the NQF.

Where there is non-compliance that creates an immediate risk to the health, safety and wellbeing of children, this will be escalated immediately, and emergency action is taken where necessary.

Following a visit, the Regulatory Authority will provide written findings to the approved provider who is expected to promptly rectify any non-compliance and provide evidence of the rectification.

Further action may be taken if compliance is inadequate or the risk to children's safety, health and wellbeing are unacceptable or persist.

The Regulatory Authority aims to visit each service annually, either for an assessment and rating or compliance and monitoring visit.

5.1.5. Targeted monitoring campaigns

The Regulatory Authority undertakes targeted campaigns that focus on common non-compliance trends. During a targeted campaign, authorised officers will undertake announced or unannounced visits over a set period to check on compliance with the relevant requirements.

5.1.6. Waiver applications

Approved providers of education and care services may encounter unexpected circumstances that prevent them from complying with prescribed National Regulations. A waiver enables services that are non-compliant to be taken to be compliant with certain regulations during the period the waiver is in force.

An approved provider may apply in writing to the Regulatory Authority for a service or temporary waiver. Applying for a waiver must be a last resort, as providers should explore other avenues before making an application. Not all requirements of the National Law can be waived.

The Regulatory Authority will grant or refuse an application for a waiver on a case-by-case basis. The Regulatory Authority will not grant a waiver unless it is satisfied that the matters in section 90 of the National Law, relevant to service waivers, or section 97 relevant to temporary waivers, in addition to compliance with the objectives and guiding principles of the NQS, have been met.

5.1.7. Complaints and incidents

The National Law and National Regulations requires an approved provider to notify the Regulatory Authority in writing within 24 hours of any serious incident at the education and care service or any complaints alleging that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service; or that the National Law has been contravened. As a part of the notification, an approved provider should include strategies or steps taken to address that complaint.

Additionally, any person can report an incident or make a complaint about an approved provider, an education and care service and a staff member, educator or volunteer at an education and care service.

All complaints and incidents are subject to a triage process which involves assessing and prioritising matters to ensure the provision of an appropriate response proportionate to any risks presented.

Some matters may not require any action to be taken as the education and care service may have followed all policies and procedures and taken mitigating action to assist in preventing the incident from occurring again.

Alternatively, authorised officers may recommend immediate action, including issuing an emergency action notice, a compliance notice or direction or making a report to another branch, division, department, or body. They may also recommend an investigation commence.

All recommendations are reviewed and authorised, by the appropriate delegate.

5.2. Investigations

The Regulatory Authority investigates serious incidents and breaches of the National Law and National Regulations. Investigations are a formal process where authorised officers gather evidence to substantiate whether breaches have occurred and, if so, the severity of the breaches.

Evidence may be gathered in the form of photographs, physical evidence, documents, witness statements and records of interviews.

The Authorised Officer will review all the available evidence and make a recommendation on action to be taken.

All recommendations are reviewed and authorised, by the appropriate delegate.

5.3. Enforce compliance

The above activities assist authorised officers in identifying breaches of the National Law and National Regulations in education and care services.

The Regulatory Authority will take appropriate enforcement action to address the risk to the health and safety of children and to mitigate the risk of the non-compliance reoccurring.

In deciding which compliance action to take, the Regulatory Authority will consider the service's compliance history, the provider's willingness to comply, and the nature and seriousness of the matter.

The Regulatory Authority will use a variety of enforcement tools ensure a meaningful outcome that meets the objectives of the NQF.

5.3.1. Administrative action

Administrative letters are issued where breaches, typically of a minor nature, are identified and require rectification or explanation. An administrative letter advises the approved provider or service, which may include a responsible person, a nominated supervisor or person with management or control, of the identified breach and may require that the breach be remedied within a specified timeframe.

Failure to comply with an administrative letter, or persistent non-compliance, may lead to additional actions being taken.

Other administrative action may include additional monitoring of the service.

5.3.2. Compliance directions

Pursuant to section 176 of the National Law, the Regulatory Authority may issue a compliance direction if it is satisfied that an education and care service has not complied with a provision of the National Law that is prescribed by the schedule 3 of the National Regulations.

A compliance direction requires an approved provider to take the steps specified in the direction to rectify an identified breach within a set timeframe. Penalties can be incurred if an approved provider does not comply with a compliance direction.

5.3.3. Compliance notices

Pursuant to section 177 of the National Law, the Regulatory Authority may issue a compliance notice if it is satisfied that an education and care service has not complied with any provision of the National Law.

A compliance notice requires an approved provider to rectify any identified breaches within a specified timeframe and sets out the steps that need to be taken to address the breach. Penalties can be incurred if an approved provider does not comply with a compliance notice.

5.3.4. Infringement notices

Pursuant to section 291 of the National Law, an authorised officer may serve an infringement notice on a person for a contravention of section 172, 173, 176 or 269 of the National Law or for offences that are prescribed for the purposes of this section.

A penalty infringement notice is a monetary penalty issued for non-compliance and has an immediate punitive effect and serve as a deterrent against future non-compliance.

5.3.5. Emergency action notices

If the Regulatory Authority is satisfied that a service is operating in a manner that poses an immediate risk to the safety, health or wellbeing of children attending a service, they may issue an emergency action notice pursuant to section 179 of the National Law. An emergency action notice requires an approved provider to immediately rectify the problem that is posing the risk to children.

5.3.6. Service variations

In accordance with section 55 of the National Law, the Regulatory Authority may amend a service approval at any time which may vary a condition or impose a new condition of the service approval. Conditions can cover a broad range of matters relating to both service premises, staff or number of children.

5.3.7. Enforceable undertakings

Pursuant to section 179A of the National Law, if the Regulatory Authority alleges a person has contravened the National Law, the Regulatory Authority may accept a written undertaking from a person. The undertaking must set out what the person will do or refrain from doing, to comply with the National Law and National Regulations. It is at the discretion of the Regulatory Authority whether it will accept an enforceable undertaking from a person.

It is designed to reduce risk by having the person in question voluntarily modify their practices, behaviour or skills to ensure they comply with the National Law and National Regulations.

An enforceable undertaking may also be considered in circumstances when a prohibition or suspension notice under the National Law might be issued.

5.3.8. Prosecutions

Prosecution sends a message to the sector and the wider community that failure to comply with legislative requirements will be enforced through the courts.

The Regulatory Authority will consider prosecution for serious breaches of the National Law and only proceed with prosecution if there is prima facie evidence to prove the elements of the offence, and it is deemed the most appropriate course of action in the circumstances.

All prosecutions must be approved by the Regulatory Authority, being the Chief Executive of the Department of Education and Training.

5.4. Restrict

5.4.1. Prohibition notices

In accordance with section 182, the Regulatory Authority can issue a prohibition notice to a person who is in any way involved in the provision of an approved service, preventing them from remaining on the premises of the service or providing education and care to children.

Prohibitions can also be conditional, for example prohibiting a person from being a nominated supervisor or impose one or more conditions on the nomination of the person as a nominated supervisor.

Section 183 to 188A provide further information on the issuing of a prohibition notice and the obligations the Regulatory Authority must have regard to when considering this.

Pursuant to section 171 of the National Law, the Regulatory Authority may direct an approved provider, a nominated supervisor or a family day care educator to exclude an inappropriate person while children are being educated and cared for at the premises for such time as the Regulatory Authority considers appropriate. An inappropriate person is anyone who may pose a risk to the safety, health or wellbeing of children attending the service or whose behaviour or state of mind is such that it would be inappropriate for that person to be on the premises while children are present.

5.4.2. Suspensions and cancellations of approvals

In accordance with section 55 of the National Law, the Regulatory Authority may amend a service approval at any time which may vary a condition or impose a new condition of the service approval. Conditions can cover a broad range of matters relating to both service premises, staff or number of children.

Part 3, Division 4 of the National Law notes the Regulatory Authority can suspend or cancel a service approval if certain grounds are met. This includes failure to comply with conditions on a service approval, failure to comply with the National Law, and situations where the Regulatory Authority believes that it is not in the best interests of children attending the service for that service to continue.

In most cases, the approved provider will be provided a show cause notice and have the opportunity to provide evidence as to why the suspension or cancellation should not proceed, however if the Regulatory Authority is satisfied that there is an immediate risk to the safety, health or wellbeing of children attending the service, the service approval may be suspended without a show cause notice.

Pursuant to section 178 of the National Law, the Regulatory Authority can direct a provider of a family day care service to suspend an educator where the Regulatory Authority is satisfied that the conduct of that educator, or the inadequacy of the service provided by that educator, may cause a risk to the safety, health or wellbeing of children attending the service, or where the actions of the educator are causing the provider or the service to be in breach of the legislation.

5.4.3. Emergency removal of children

Pursuant to section 189 of the National Law, if the Regulatory Authority considers, on reasonable grounds, that there is an immediate danger to the safety or health of a child or children being educated and cared for by an education and care service, the Regulatory Authority may remove, or cause the removal of, the child or children from the education and care service premises.

6. Authorised officers powers

An Authorised Officer is a person who has been authorised by the Regulatory Authority to carry out specific functions under the National Law. The Regulatory Authority may authorise anyone who they consider appropriate.

Authorised officers have powers to enter, inspect and search an education and care service premises or any other business premises to carry out the following:

- assess and monitor the service
- investigate the service
- search for documents and evidence at the principal office or any other business office of the approved provider
- enter any premises without a search warrant to determine if a service is operating without a service approval

- enter any premises with a search warrant, to determine whether a service is operating without a service approval or in contravention of the National Law, or to search for documents and evidence.

Each power of entry has specific requirements that must be met for the entry to be considered lawful.

Authorised officers have powers to obtain the following types of information:

- a person's name and address in relation to offences or suspected offences against the National Law
- evidence of a person's age, name and address to check if minimum age requirements are met
- information, documents and evidence for monitoring compliance, a rating assessment, or notifying parents of children enrolled at a service about the suspension or cancellation of a service or provider approval.

Each power to obtain information has specific requirements that must be met for the exercise of power to be considered lawful.

The Regulatory Authority will ensure that all powers are exercised by authorised officers in accordance with the National Law.

7. Definitions

Term	Definition
Australian Children's Education and Care Quality Authority (ACECQA)	ACECQA is a national body and works with all governments to provide guidance, resources, and service to support the sector to improve outcomes for children.
Approved provider	A person who holds a provider approval under the National Law. A provider approval authorises a person to apply for one or more service approvals and is valid in all jurisdictions. This can be an individual, a body corporate, an eligible association, a partnership, or an entity such as a local council. The approved provider can have service approvals for multiple services in one, or multiple jurisdictions.
Authorised Officer	A person authorised to be an authorised officer under Part 9 of the National Law. Authorised officers are appointed by the Regulatory Authority under the provisions of the National Law to carry out the functions of monitoring, assessing and rating licensed approved education and care services in their jurisdiction.
Centre based service	An education and care service other than a family day care service including long day care, outside school hours care and preschool.
Complaint	An implied or expressed statement of dissatisfaction where a response is sought, reasonable to expect or legally required. This includes a grievance, expression of dissatisfaction, or written allegation.
Delegate	A person specified by the Chief Executive to exercise a power or function under section 262(1) the National Law.

Term	Definition
Education and care service	Refers to any service providing or intended to provide education and care on a regular basis to children under 13 years of age. See section 5 of the National Law for services that are excluded from this definition.
Educator	An individual who provides education and care for children as part of an education and care service.
Family day care service	<p>An education and care service that is delivered by two or more educators to provide education and care to children and operates from two or more residences.</p> <p>Family day care educator is engaged by or registered with a family day care service to provide education and care for children in a residence or at an approved family day care venue.</p>
Long day care service	Not defined in the National Law or Regulations. A centre based form of service which provides all-day or part-time care for children aged birth to six who attend on a regular basis.
National Law	Refers to the <i>Education and Care Services National Law Act 2010</i> , enacted by <i>Education and Care Services (National Uniform Legislation) Act 2011</i> in the NT, which sets a national standard for children's education and care across Australia.
National Quality Agenda IT System (NQA ITS)	The NQA ITS is a web-based information system to assist state and territory regulatory authorities and ACECQA to manage the approval, monitoring and quality assessment of children's education and care services. The system also enables services, providers and educators to submit application and notification forms online to regulatory authorities and ACECQA.
National Quality Framework (NQF)	The NQF is a national benchmark for early childhood education and care and outside school hours care services in Australia. Services are assessed and rated by their Regulatory Authority against the NQS and given a rating for each of the 7 quality areas and an overall rating based on these results.
National Quality Standard (NQS)	<p>The NQS is prescribed by the National Regulations and sets a national benchmark for early childhood education and care and outside school hours care services in Australia.</p> <p>Services are assessed and rated by their Regulatory Authority against the NQS, and given a rating for each of the 7 quality areas and an overall rating based on these results.</p>
National Regulations	Refers to the Education and Care Service National Regulations (NSW). They outline the legal obligations of approved providers, nominated supervisors, and educators and explain the powers and functions of the state and territory regulatory authorities and ACECQA.

Term	Definition
Nominated supervisor	In relation to an education and care service, means a person who is nominated by the approved provider of the service under Part 3 of the National Law to be a nominated supervisor of that service; and unless the individual is the approved provider, has provided written consent to that nomination.
Outside school hours care service (OSHC)	Not defined in the National Law or Regulations. A service that provides care for primary school aged children, typically 5 to 12 years, before and after school and can also operate during school holidays such as vacation care and on pupil free days. Services are usually provided from primary school premises. Services may also be located in child care centres or community facilities.
Person with management or control (PMC)	<p>A PMC takes part in the decision-making or management of the provider. They:</p> <ul style="list-style-type: none"> • are a member of the group that makes executive or legal decisions on behalf of the provider • have authority, responsibility, or significant influence over planning, directing or controlling the provider • are in charge of the day-to-day operations of the provider • are in charge of the day-to-day operations of a service.
Preschool	Not defined in the National Law or Regulations. A service that provides an early childhood education program, delivered by a qualified teacher, often but not necessarily on a sessional basis in a dedicated service. Alternative terms used for preschool in some jurisdictions include kindergarten, pre-preparatory and reception.
Responsible person	<p>The responsible person is an individual who is physically present and is responsible for the operation of a centre-based service for an agreed period. A responsible person must be present at all times that the approved service operates and can be:</p> <ul style="list-style-type: none"> • the approved provider or a person with management or control of the service • a nominated supervisor of the service • a person placed in day-to-day charge of the service in accordance with the National Regulations.
Regulatory Authority	Refers to a person declared by a law of a participating jurisdiction to be the regulatory authority for that jurisdiction or for a class of education and care services for that jurisdiction. In the Northern Territory, the Chief Executive of the Department of Education and Training is the regulatory authority for education and care services.

Term	Definition
Serious incident	<p>Regulation 12 of the National Regulations defines a serious incident as:</p> <ul style="list-style-type: none"> • the death of a child • any incident involving serious injury or trauma to a child occurring while that child is being educated and cared for by an education and care service which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or for which the child attended, or ought reasonably to have attended, a hospital • any incident involving serious illness of a child occurring while that child is being educated and cared for by an education and care service for which the child attended, or ought reasonably to have attended, a hospital • any emergency for which emergency services attended • a missing child • a child locked in or out of the service premises.
Service approval	<p>An approved provider may apply to the Regulatory Authority for a service approval, which authorises the approved provider to operate a specific education and care service at a specified location.</p> <p>The Regulatory Authority cannot grant a service approval if the applicant does not have a provider approval, or if the Regulatory Authority is satisfied the operation of the service would constitute an unacceptable risk to the safety, health or wellbeing of children.</p>

8. Related legislation, policy and resources

8.1. Legislation

- *Education and Care Services (National Uniform Legislation) Act 2011* is the legislation that adopts the National Law. The Schedule to the *Education and Care Services National Law Act 2010* (Vic) sets out the National Law - <https://legislation.nt.gov.au/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
- *Education and Care Services National Law Act 2010* (VIC)- <https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/020>
- *Education and Care Services National Regulations* (NSW) - <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653>
- *Independent Commissioner Against Corruption Act 2017* - <https://legislation.nt.gov.au/Legislation/independent-commissioner-against-corruption-act-2017>
- *Information Act 2002* - <https://legislation.nt.gov.au/en/Legislation/information-act-2002>
- *Ombudsman Act 2009* - <https://legislation.nt.gov.au/en/Legislation/ombudsman-act-2009>
- *Privacy Act 1988* (Cth) - Australian Privacy Principles - <https://www.oaic.gov.au/privacy/australian-privacy-principles>

8.2. Policy

- QECNT policies - <https://education.nt.gov.au/committees-regulators-and-advisory-groups/quality-education-and-care-nt>

8.3. Resources

- National Quality Standard - <https://www.acecqa.gov.au/nqf/national-quality-standard>
- Guide to the National Quality Framework - <https://www.acecqa.gov.au/nqf/about/guide>
- NSW Department of Education – Compliance and monitoring - <https://education.nsw.gov.au/early-childhood-education/regulation-and-compliance/compliance-and-monitoring>
- NSW Regulatory Authority’s approach to monitoring and compliance policy - <https://education.nsw.gov.au/early-childhood-education/regulation-and-compliance/guiding-principles-and-policies>
- Regulatory Framework - Regulatory Authority for Early Childhood Education and Care Services in Victoria - https://www.education.vic.gov.au/Documents/childhood/providers/regulation/Regulatory_Framework_June_2023.pdf
- Starting blocks - <https://www.startingblocks.gov.au/>

Acronyms	Full form
ACECQA	Australian Children’s Education and Care Quality Authority
NQAITS	National Quality Agenda IT System
NQF	National Quality Framework
NQS	National Quality Standards
NT	Northern Territory
QECNT	Quality Education and Care, Northern Territory

Document title	Regulation framework
Contact details	Quality Standards and Regulation, Quality Education and Care NT, Qualityecnt.det@education.nt.gov.au
Approved by	A/ Executive Director, Quality Standards and Regulation
Date approved	3 December 2024
TRM number	50:D24:67774

Version	Date	Author	Changes made
1	February 2019	Quality Education and Care NT	Updated referencing to include NSW Department's Early Childhood Education Directorate – Compliance Policy.
2	December 2024	Quality Education and Care NT	Substantive editing. Major update to entire document to reflect current practices.