

**Fairburn, Janine**

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**From:** Fairburn, Janine  
**Sent:** Wednesday, 10 March 2021 5:00 PM  
**To:** [REDACTED]  
**Cc:** Brookes, Clare [REDACTED]  
**Subject:** RE: CECA enquiries RE: Orana After School Care SE-00009696  
**Importance:** High

OFFICIAL: Sensitive - Legislative Secrecy

Dear [REDACTED]

Thank you for your and [REDACTED] time today.

As discussed, Canberra Rudolf Steiner School Association Incorporated PR-00005817 is an approved provider obligated to adhere to the provisions of the *Education and Care Services National Law (ACT)* (the *National Law*) and the *Education and Care Services National Regulations 2011* (the *National Regulations*)

The *National Law* applies to you as a provider and any service you operate. The *Law* is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011* <http://www.legislation.act.gov.au/a/2011-42/default.asp>. The *National Law* and *Regulations* can be viewed at: <http://www.acecqa.gov.au/national-law>, and <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

It is imperative that all persons with day to day charge of an approved service, or person's identified as those with management or control have a good understanding and awareness of the *National Law* and *Regulations*, as they have obligations and are liable for offences under this *Law*.

There are items of identified non-compliance in regard to notifying matters to the Regulatory Authority which require immediate attention and rectification.

The following matters require notification in writing to the Regulatory Authority:

1. Any removal of a person with management or control (PMC) of an education and care service, as required pursuant to section 173(1)(b) of the *National Law*. You have advised the two persons in PMC roles identified by the Regulatory Authority are no longer associated with the Provider, and therefore removal of these persons should have been notified to the Regulatory Authority (in writing) within 14 days of cessation occurring (refer *Regulation 174*);
2. Any appointment of a PMC of an education and care service, as required pursuant to section 173(1)(b) of the *National Law*. You have advised the you are being appointed to this role, and have been the interim principal at Orana Steiner School for approximately a month, and therefore your appointment as a PMC should have been notified to the Regulatory Authority (in writing) within 14 days of cessation occurring (refer *Regulation 174*);
3. If a nominated supervisor of an approved service operated by the Provider ceases to be employed or engaged by the service, is removed from the role of nominated supervisor, or withdraws consent to the nomination, pursuant to section 173(2)(b) of the *National Law*. You have advised that the Orana OSHC Nominated Supervisor, being [REDACTED] with the service as of [REDACTED] and therefore notification of this should have been submitted to the Regulatory Authority (in writing) within 7 days of cessation occurring (refer *Regulation 174*);

4. Notice of addition of nominated supervisor, pursuant to section 56 of the *National Law*. You advised that [REDACTED] is the new OSHC Co-ordinator and will be nominated supervisor, and has been in the role for three weeks. Notification of this nomination is required at least 7 days before an individual is to commence work as a nominated supervisor or, if that period of notice is not possible, not more than 14 days after they commence work as a nominated supervisor. Please ensure that you make yourself familiar with Regulations 117A, 117B and 117C when determining if a nomination is going to occur.
5. It was also noted that the recorded telephone number for the OSHC service is actually the personal mobile number of the now ceased nominated supervisor – can you please notify the Regulatory Authority of the current telephone contact details for the service.
6. Please forward, via email, a current listing of Board members for Canberra Rudolf Steiner School Association Incorporated PR-00005817, and qualification details for OSHC staff currently employed.

Notification of all matters is preferable via the NQA ITS (National Quality Agenda IT System), managed by ACECQA.

The ACECQA website is located at <https://www.acecqa.gov.au/>. You can register to the NQA ITS via <https://public.nqaits.acecqa.gov.au/Pages/Landing.aspx>. More details and guidance in regard to the NQA ITS can be located at <https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>. If you experience any problems registering please contact ACECQA via details provided at <https://www.acecqa.gov.au/help>.

Forms for notification can be located at <https://www.acecqa.gov.au/resources/applications>. A nominated Supervisor consent form and a declaration of fitness and propriety are located here.

Larissa – please refer <https://www.acecqa.gov.au/sites/default/files/2018-03/InformationSheetNominatedSupervisor.pdf> for information relating to the role of nominated supervisor.

Once all notifiable matters outlined above are notified by the Provider, the Regulatory Authority will advise of any further action (if any) that may be required.

Please feel free to contact me should you have any queries, or would like any clarification in regard to required information.

Kind Regards,

Janine Fairburn | Assistant Director  
 Phone 02 6205 4390 | Email : [janine.fairburn@act.gov.au](mailto:janine.fairburn@act.gov.au)  
 Early Childhood Policy and Regulation | Education Directorate | ACT Government  
 Hedley Beare Centre for Teaching and Learning, Stirling 2611 | PO Box 158, Canberra City 2601  
[www.act.gov.au](http://www.act.gov.au)

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BEFORE PRINTING THIS EMAIL



Notification Number: **NOT-40518494**  
Date generated: 11/03/2021

## PA08 Notification of Change of information about Approved Provider

Thank you for submitting your notification. Below is a copy of the information provided in your notification. If there are any issues, please contact your Regulatory Authority for assistance.

### Notification of Change of Approved Provider Details

#### Provider

Provider Name	Canberra Rudolf Steiner School Association Incorporated
Provider Number	PR-00005817
Provider Approval Status	Approved

#### Notification Details

The Type of Notification	Change to Approved Provider contact details
New Phone Number	N/A
New Mobile Number	0262884283
New Fax Number	N/A
New Email	principalsoffice@oranaschool.com
New Primary Contact Name	[REDACTED]
Change Description	

#### Documents

### Contact Details

Name	[REDACTED]
Phone Number	0262878301
Email Address	[REDACTED]@oranaschool.com [REDACTED]

Submitted By [REDACTED]

**Fairburn, Janine**

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**From:** [redacted]@oranaschool.com>  
**Sent:** Thursday, 11 March 2021 9:39 AM  
**To:** Fairburn, Janine  
**Cc:** [redacted]  
**Subject:** CECA enquiries RE: Orana After-School Care SE-00009696

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Janine,

Please find below the names of Directors. I will now check to see that they are correct in ASIC and ACNC

Regards,

[redacted]

Name of Board Member
[redacted]

## Fairburn, Janine

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**From:** principalsoffice <principalsoffice@oranaschool.com>  
**Sent:** Wednesday, 17 March 2021 2:17 PM  
**To:** Williams, Jo; principalsoffice  
**Cc:** Brookes, Clare; Fairburn, Janine  
**Subject:** RE: PMC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Jo,

Thank you for your email. I have spoken with [REDACTED] and this was submitted in error, please remove the provider approval application.

Thank you for picking this up so quickly. Please let me know if you need anything further.

Kind regards,

[REDACTED]  
 Orana Steiner School | Unwin Place, Weston, ACT 2611 | +61 2 6288 4283

**Outstanding education that lasts a lifetime.**

*Orana Steiner School acknowledges the traditional custodians of the lands and waters where we live and work. We pay our respects to Elders past, present and future.*

**From:** Williams, Jo <Jo.Williams@act.gov.au>  
**Sent:** Tuesday, 16 March 2021 3:22 PM  
**To:** principalsoffice <principalsoffice@oranaschool.com> [REDACTED]@oranaschool.com  
**Cc:** Brookes, Clare <Clare.Brookes@act.gov.au>; Fairburn, Janine <Janine.fairburn@act.gov.au>  
**Subject:** PMC

OFFICIAL: Sensitive - Legislative Secrecy

Good Afternoon [REDACTED]

Thank you for updating the information for Orana school, we have noted that there has been one error with [REDACTED] entering a new Provider approval application, can you please provide in writing confirmation that this is an error and that you are providing approval for us to remove the provider approval application. I believe you were trying to add [REDACTED] as a PMC [REDACTED] can you please assist with this process as your PMC came through correctly.

Please ensure that when you put through the PMC notification that you attach resume, WWVP, Licence and PA02 form declaration of Fitness and Propriety needs to be completed

Thank- you

Regards

Jo Williams | Director Quality Assurance and Audit

Phone: +61 2 6207 1289 | Email: [jo.williams@act.gov.au](mailto:jo.williams@act.gov.au)  
Early Childhood Policy and Regulation | Education | ACT Government  
51 Fremantle Drive, Stirling- Hedley Beare Centre for Teaching and Learning,  
GPO Box 158 Canberra ACT 2601  
[www.education.act.gov.au](http://www.education.act.gov.au) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) |

This email message and any attached files may contain information that is confidential and subject of legal privilege intended only for use by the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient be advised that you have received this message in error and that any use, copying, circulation, forwarding, printing or publication of this message or attached files is strictly forbidden, as is the disclosure of the information contained therein. If you have received this message in error, please notify the sender immediately and delete it from your inbox.

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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

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Notification Number: **NOT-40766315**  
 Date generated: 26/08/2022

## PA08 Notification of Change of information about Approved Provider

Thank you for submitting your notification. Below is a copy of the information provided in your notification. If there are any issues, please contact your Regulatory Authority for assistance.

### Notification of Change of Approved Provider Details

Provider	
Provider Name	Canberra Rudolf Steiner School Association Incorporated
Provider Number	PR-00005817
Provider Approval Status	Approved

### Notification Details

The Type of Notification	Appointment or removal of a person with management or control of the service (within 14 days)
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### PMC Details

Name	Date Of Birth	Place Of Birth	Action	Declaration Documents
[Redacted]	[Redacted]	[Redacted]	Added	As listed
			PA02	APPLICATION.pdf
			supporting doc	
Primary Contact	[Redacted]			
Change Description	Change of Principal			

### Documents

### Contact Details

Name	[Redacted]
Phone Number	0262878333
Email Address	[Redacted]@Oranaschool.com



## Important information before you begin

You are required to fill in this form if you are:

- an individual applying to be an approved provider of education and care services
- a constituent individual member of a non-individual entity applying to be an approved provider of an education and care service. (Note - Constituent individual personnel include company directors, executive members of an association, and partners of a partnership)
- an individual who will have 'management or control' of an education and care service (operated by a non-individual provider) as defined by s5 of the Education and Care Services National Law Act 2010:
  - a. an officer of a body corporate, within the meaning of the Corporations Act 2001 of the Commonwealth, who is responsible for managing the delivery of an education and care service, or
  - b. a member of the executive committee of an eligible association who has responsibility, alone or with others, for managing the delivery of an education and care service, or
  - c. a partner in a partnership who has responsibility, alone or with others, for managing the delivery of an education and care service
  - d. in any other case, a person who has responsibility, alone or with others, for managing the delivery of an education and care service

Consideration of 'management or control' responsibilities may arise:

- a. when a new provider is seeking approval, OR
  - b. when the membership of the governing body of an existing approved provider is changing/has changed.
- Please refer to the Explanatory Notes on page 2 and 3 of this form when considering whether you are a person with 'management or control' of an education and care service.

If you are seeking to have a new provider approved, please submit this form with Form PA01 Application for Provider Approval.

### Privacy statement

Regulatory Authorities and the Australian Children's Education & Care Quality Authority (ACECQA) are committed to protecting personal information in accordance with the Privacy Act 1988 and the Australian Privacy Principles.

Regulatory Authorities and ACECQA collect personal information (as defined by the Privacy Act 1988), including sensitive information, for the purposes of assessing your application or notification.

The information collected may be disclosed to other authorities and government agencies for a permitted purpose under the Education and Care Services National Law Act 2010 (the National Law), such as:

- promoting the objectives of the National Quality Framework
- enabling the other authority or agency to exercise its functions or powers under the National Law
- for 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.

Additionally, other authorities or government agencies may disclose information to Regulatory Authorities and ACECQA for a permitted purpose listed above.

Information disclosure is subject to the Privacy Act 1988 and information sharing protocols.

Regulatory Authorities, ACECQA and the Australian Government may publish information about you in accordance with the National Law.





## Explanatory Notes

### An Applicant Must be a Fit and Proper Person

Under s 12 of the National Law:

1. An applicant who is an individual must satisfy the Regulatory Authority that the applicant is a fit and proper person to be involved in the provision of an education and care service.
2. If the applicant is not an individual, the applicant must satisfy the Regulatory Authority that:
  - a. Each person who will be a person with management or control of an education and care service to be operated by the applicant is a fit and proper person to be involved in the provision of an education and care service, and
  - b. The applicant is a fit and proper person to be involved in the provision of an education and care service.

Under (2), the Regulatory Authority must be satisfied that each person with management or control of a service to be operated by the applicant is 'fit and proper' AND that the non-individual applicant (corporation, eligible association or partnership) itself is 'fit and proper'. In the case of a corporation, this would involve consideration of:

- the fitness and propriety of persons with management or control – which may include some or all of the board and, potentially, other key officers of the corporation, and
- the fitness and propriety of board members – who, together, control the corporation.

### Who is a Person with Management or Control?

Section 5(1) of the National Law states that a 'person with management or control' in relation to an education and care service means:

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

### Who is an 'Officer' under the Corporations Act 2001?

Section 9 of the Corporations Act 2001 states that the 'officer' of a corporation means:

- a. A director or secretary of the corporation, or
- b. A person:
  - i. who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation, or
  - ii. who has the capacity to affect significantly the corporation's financial standing, or
  - iii. in accordance with whose instructions or wishes the directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors or the corporation), or



- c. A receiver, or receiver and manager, of the property of the corporation, or
- d. An administrator of the corporation, or
- e. An administrator of a deed of company arrangement executed by the corporation, or
- f. A liquidator of the corporation, or
- g. A trustee/other person administering a compromise or arrangement made between the corporation & someone else.

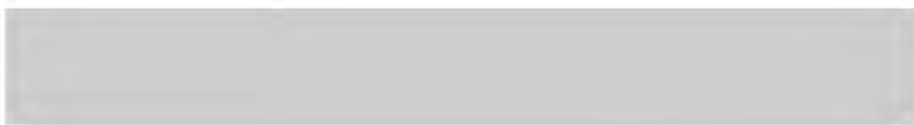
### What is the Difference between a Person in 'Day-to-Day Charge' and a Person with 'Management or Control'?

A person with 'management or control' is someone:

- a. Who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the entity, or
- b. Who has the capacity to affect significantly the entity's financial standing.

Therefore, while a person – such as a centre manager or nominated supervisor – may have 'day-to-day charge' of a service, they may not have 'management or control'.

Individuals should consider whether they satisfy one of these thresholds to determine whether they are required to complete this Form.





Australian Children's  
Education & Care  
Quality Authority

## Declaration of fitness and propriety

(s10, 12 & 13 of the Education and Care Services National Law Act 2010)

PA02

### Part A: Declarant Information

1. Please complete the following:

#### Details

Title: [REDACTED] First name: [REDACTED]  
 Last name: [REDACTED] Mobile number: [REDACTED]  
 Phone number: 02 6288 4282 Fax number: [REDACTED]  
 Email: [REDACTED] @OranaSchool.com  
 Date of birth: [REDACTED] DD/MM/YYYY Place of birth: [REDACTED]

#### Residential address

Address line 1: [REDACTED]  
 Address line 2: [REDACTED]  
 Suburb/Town: [REDACTED]  
 State/Territory: [REDACTED] Postcode: [REDACTED]

#### Postal address

As above   
 Address line 1: CT ORANA STEINER SCHOOL  
 Address line 2: UNWIN STREET  
 Suburb/Town: WESTON  
 State/Territory: ACT Postcode: 2611

2. Please provide details of any former names or other names you may be known by:

Please attach evidence of change of name, such as a copy of a marriage certificate.

N/A

3. Please attach a copy of one of the following as evidence of your identity:

- a current passport, or  
 a current driver's licence, or  
 a current proof of age card

The regulatory authority may request additional types of identification



Declaration of fitness and propriety

(s10, 12 & 13 of the Education and Care Services National Law Act 2010)

Part A: Declarant information - continued

4. In the previous three years have you held any role with an education and care service or a children's service in any jurisdiction?

Yes ▶ Please provide details of all roles in the table below and attach paper with further entries if required:

Name of the service	Service location (State/Territory)	The nature of your role
[Redacted]		

No

5. Please select your state or territory from the table below and fill in/attach the required evidence:

Australian Capital Territory	<input checked="" type="checkbox"/> A copy of your current working with vulnerable people check or card
New South Wales	<input type="checkbox"/> A copy of your current working with children check OR <input type="checkbox"/> Fill in your working with children check clearance number [ ] AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.
Queensland	<input type="checkbox"/> A copy of your current working with children check or card
Tasmania	<input type="checkbox"/> A copy of your current working with vulnerable people registration card OR <input type="checkbox"/> Fill in your working with vulnerable people registration number [ ] AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.
Northern Territory Victoria Western Australia	<input type="checkbox"/> If held, a copy of your current working with children check or card OR if you are a registered teacher, proof of current teacher registration AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.
South Australia	<input type="checkbox"/> A copy of your current South Australian working with children check OR Fill in your working with children check unique ID number [SRN ] AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.



**Part A: Declarant information - continued**

6. If you have provided a criminal history record check, have you been convicted in Australia of any offences, relevant to a person seeking to work with children in the period from the date this check was issued to the date of this declaration?
- 
7. Have you lived and worked outside Australia any time within the previous three years?
- 
8. Have you ever been subject to a formal disciplinary proceeding or action under an education law of any Australian state or territory?
- 
9. Have you ever had any of the following actions taken against you under the A New Tax System (Family Assistance) (Administration Act 1999 of the Commonwealth in relation to a child care service:
- Any sanction imposed under Section 200 of that Act
  - Any suspension imposed under Section 201A of that Act
  - Any infringement notice given under Section 219TSI of that Act



## Declaration of fitness and propriety

(s10, 12 & 13 of the *Education and Care Services National Law Act 2010*)

PA02

**Part A: Declarant Information - co**

10. Do you have the management capability to operate an education and care service in accordance with this Law?

A large, solid grey rectangular area that redacts the response to question 10.

11. Have you ever been the subject of any proceeding in bankruptcy?

A large, solid grey rectangular area that redacts the response to question 11.



Australian Children's  
Education & Care  
Quality Authority

## Declaration of fitness and propriety

(s10, 12 & 13 of the *Education and Care Services National Law Act 2010*)

PA02

### Part B: Declaration

I, [redacted] [insert full name of person signing the declaration] of,  
[redacted] [insert address], am PRINCIPAL [insert  
position/title of applicant (for example, proprietor, director, partner, president)].  
and I am

- An individual applying to be the approved provider of an education and care service, or a constituent individual member of a non-individual entity applying to be an approved provider of an education and care service,

and / or

- an individual who will have management or control of an education and care service (operated by a non-individual provider) as defined by s5 of the National Law:
- an officer of a body corporate, within the meaning of the *Corporations Act 2001* of the Commonwealth, who is responsible for managing the delivery of an education and care service, or
  - a member of the executive committee on an eligible association who has responsibility, alone or with others, for managing the delivery of an education and care service, or
  - a partner in a partnership who has responsibility, alone or with others, for managing the delivery of an education and care service, or
  - in any other case, a person who has the responsibility, alone or with others for managing the delivery of an education and care service.

I declare that:

1. the information provided in this form (including any attachments) is true, complete and correct
2. I am aware that under the Education and Care Services National Law (the National Law) penalties apply if false or misleading information is provided
3. I understand that the Regulatory Authority and/or ACECQA have the right (but are not obliged) to act in reliance upon the contents of this form, including its attachments
4. I have read and understood a provider's legal obligations under the National Law
5. I understand that an approved provider must notify the Regulatory Authority of any change relevant to the assessment of the approved provider's fitness and propriety in relation to the provision of an education and care service (refer section 174(1)(a) of the National Law)
6. the Regulatory Authority is authorised to verify any information provided in this form, including identifying information with the Issuer or Official Record Holder
7. I agree that the Regulatory Authority may serve a notice under the National Law using the contact details provided in this application, including the postal, street or email address or fax number (in accordance with section 293 of the National Law), and
8. I have read and understood the Privacy Statement Page 1 of this form

Signature of person making the declaration [redacted]

Signed at: ORANA STEINER SCHOOL on the 25<sup>TH</sup> AUGUST, 2022.



Australian Children's  
Education & Care  
Quality Authority

## Declaration of fitness and propriety

(s10, 12 & 13 of the *Education and Care Services National Law Act 2010*)

PA02

### Submitting this form

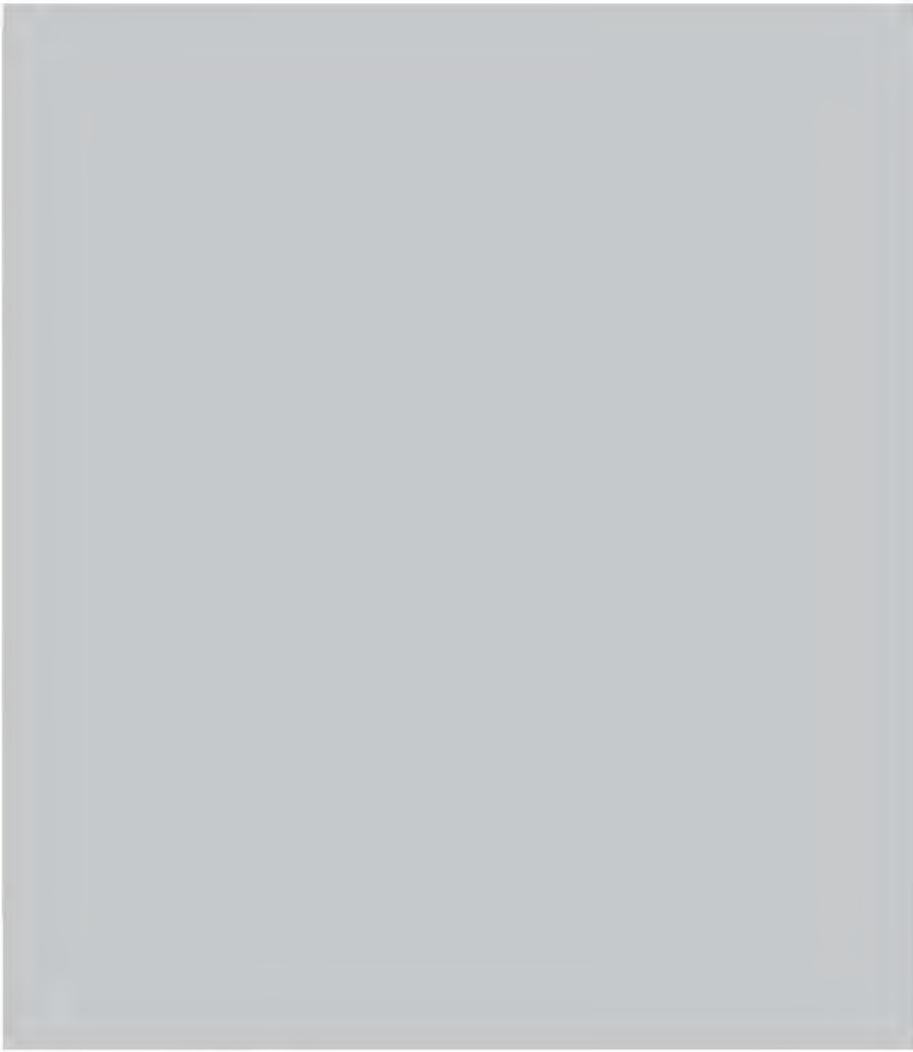
Please submit this form along with any required documentation to the relevant Regulatory Authority.

The contact details for each Regulatory Authority are available on the ACECQA website.

Please go to [www.acecqa.gov.au/contact-your-regulatory-authority](http://www.acecqa.gov.au/contact-your-regulatory-authority)









Notification Number: **NOT-40801908**  
 Date generated: 08/12/2022

## PA08 Notification of Change of information about Approved Provider

Thank you for submitting your notification. Below is a copy of the information provided in your notification. If there are any issues, please contact your Regulatory Authority for assistance.

### Notification of Change of Approved Provider Details

Provider	
Provider Name	Canberra Rudolf Steiner School Association Incorporated
Provider Number	PR-00005817
Provider Approval Status	Approved

Notification Details	
The Type of Notification	Appointment or removal of a person with management or control of the service (within 14 days)

PMC Details				
Name	Date Of Birth	Place Of Birth	Action	Declaration Documents
[Redacted]	[Redacted]	[Redacted]	Removed	As listed
[Redacted]	[Redacted]	[Redacted]	Added	As listed
		Documents for 2.pdf	2 of	Drivers Licence and WWVP
Primary Contact	[Redacted]			
Change Description	Change: Add [Redacted] as PMC and remove [Redacted] completely.			

Documents	
Documents for 2.pdf	1 of [Redacted]

Contact Details	
Name	[Redacted]
Phone Number	0262884283
Email Address	principalsoffice@oranaschool.com

Submitted By: [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

## Important information before you begin

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- an individual applying to be an approved provider of education and care services
- a constituent individual member of a non-individual entity applying to be an approved provider of an education and care service. (Note - Constituent individual personnel include company directors, executive members of an association, and partners of a partnership)
- an individual who will have 'management or control' of an education and care service (operated by a non-individual provider) as defined by s5 of the Education and Care Services National Law Act 2010:
  - a. an officer of a body corporate, within the meaning of the Corporations Act 2001 of the Commonwealth, who is responsible for managing the delivery of an education and care service, or
  - b. a member of the executive committee of an eligible association who has responsibility, alone or with others, for managing the delivery of an education and care service, or
  - c. a partner in a partnership who has responsibility, alone or with others, for managing the delivery of an education and care service
  - d. in any other case, a person who has responsibility, alone or with others, for managing the delivery of an education and care service

Consideration of 'management or control' responsibilities may arise:

- a. when a new provider is seeking approval, OR
- b. when the membership of the governing body of an existing approved provider is changing/has changed.

Please refer to the Explanatory Notes on page 2 and 3 of this form when considering whether you are a person with 'management or control' of an education and care service.

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- promoting the objectives of the National Quality Framework
- enabling the other authority or agency to exercise its functions or powers under the National Law
- for 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.

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Regulatory Authorities, ACECQA and the Australian Government may publish information about you in accordance with the National Law.

## Explanatory Notes

### An Applicant Must be a Fit and Proper Person

Under s 12 of the National Law:

1. An applicant who is an individual must satisfy the Regulatory Authority that the applicant is a fit and proper person to be involved in the provision of an education and care service.
2. If the applicant is not an individual, the applicant must satisfy the Regulatory Authority that:
  - a. Each person who will be a person with management or control of an education and care service to be operated by the applicant is a fit and proper person to be involved in the provision of an education and care service, and
  - b. The applicant is a fit and proper person to be involved in the provision of an education and care service.

Under (2), the Regulatory Authority must be satisfied that each person with management or control of a service to be operated by the applicant is 'fit and proper' AND that the non-individual applicant (corporation, eligible association or partnership) itself is 'fit and proper'. In the case of a corporation, this would involve consideration of:

- the fitness and propriety of persons with management or control – which may include some or all of the board and, potentially, other key officers of the corporation, and
- the fitness and propriety of board members – who, together, control the corporation.

### Who is a Person with Management or Control?

Section 5(1) of the National Law states that a 'person with management or control' in relation to an education and care service means:

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

### Who is an 'Officer' under the Corporations Act 2001?

Section 9 of the Corporations Act 2001 states that the 'officer' of a corporation means:

- a. A director or secretary of the corporation, or
- b. A person:
  - i. who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation, or
  - ii. who has the capacity to affect significantly the corporation's financial standing, or
  - iii. in accordance with whose instructions or wishes the directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors or the corporation), or



- c. A receiver, or receiver and manager, of the property of the corporation, or
- d. An administrator of the corporation, or
- e. An administrator of a deed of company arrangement executed by the corporation, or
- f. A liquidator of the corporation, or
- g. A trustee/other person administering a compromise or arrangement made between the corporation & someone else.

### What is the Difference between a Person in 'Day-to-Day Charge' and a Person with 'Management or Control'?

A person with 'management or control' is someone:

- a. Who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the entity, or
- b. Who has the capacity to affect significantly the entity's financial standing.

Therefore, while a person – such as a centre manager or nominated supervisor – may have 'day-to-day charge' of a service, they may not have 'management or control'.

Individuals should consider whether they satisfy one of these thresholds to determine whether they are required to complete this Form.





**Part A: Declarant Information**

1. Please complete the following:

**Details**

Title: [Redacted] First name: [Redacted]  
 Last name: [Redacted] Mobile number: [Redacted]  
 Phone number: 02 6288 4283 Fax number: [Redacted]  
 Email: [Redacted]  
 Date of birth: [Redacted] DD/MM/YYYY Place of birth: [Redacted]

**Residential address**

Address line 1: [Redacted]  
 Address line 2: [Redacted]  
 Suburb/Town: [Redacted]  
 State/Territory: [Redacted] Postcode: [Redacted]

**Postal address**

As above   
 Address line 1: [Redacted]  
 Address line 2: [Redacted]  
 Suburb/Town: [Redacted]  
 State/Territory: [Redacted] Postcode: [Redacted]

2. Please provide details of any former names or other names you may be known by:

Please attach evidence of change of name, such as a copy of a marriage certificate.

[Redacted]

3. Please attach a copy of one of the following as evidence of your identity:

- a current passport, or
- a current driver's licence, or
- a current proof of age card

The regulatory authority may request additional types of identification



## Part A: Declarant information - continued

4. In the previous three years have you held any role with an education and care service or a children's service in any jurisdiction?

5. Please select your state or territory from the table below and fill in/attach the required evidence:

Australian Capital Territory	<input checked="" type="checkbox"/> A copy of your current working with vulnerable people check or card
New South Wales	<input type="checkbox"/> A copy of your current working with children check OR <input type="checkbox"/> Fill in your working with children check clearance number [ _____ ] AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.
Queensland	<input type="checkbox"/> A copy of your current working with children check or card
Tasmania	<input type="checkbox"/> A copy of your current working with vulnerable people registration card OR <input type="checkbox"/> Fill in your working with vulnerable people registration number [ _____ ] AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.
Northern Territory Victoria Western Australia	<input type="checkbox"/> If held, a copy of your current working with children check or card OR if you are a registered teacher, proof of current teacher registration AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.
South Australia	<input type="checkbox"/> A copy of your current South Australian working with children check OR Fill in your working with children check unique ID number [SRN _____ ] AND <input type="checkbox"/> A copy of your national criminal history check, which includes your full name, and any former name you may be known by, and issued not more than six months before the date of this declaration.





*Part A: Declarant information - continued*

6. If you have provided a criminal history record check, have you been convicted in Australia of any offences, relevant to a person seeking to work with children in the period from the date this check was issued to the date of this declaration?

7. Have you lived and worked outside Australia any time within the previous three years?

8. Have you ever been subject to a formal disciplinary proceeding or action under an education law of any Australian state or territory?

9. Have you ever had any of the following actions taken against you under the A New Tax System (Family Assistance) (Administration) Act 1999 of the Commonwealth in relation to a child care service:

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



**Part A: Declarant information - continued**

10. Do you have the management capability to operate an education and care service in accordance with this Law?

11. Have you ever been the subject of any proceeding in bankruptcy?



## Part B: Declaration

I, [redacted] [insert full name of person signing the declaration] of,  
Orana Steiner School Unwin Place Weston ACT 2611 [insert address], am Acting Principal [insert  
 position/title of applicant (for example, proprietor, director, partner, president)].

and I am

- An individual applying to be the approved provider of an education and care service, or a constituent individual member of a non-individual entity applying to be an approved provider of an education and care service,
- and / or
- an individual who will have management or control of an education and care service (operated by a non-individual provider) as defined by s5 of the National Law:
- an officer of a body corporate, within the meaning of the *Corporations Act 2001* of the Commonwealth, who is responsible for managing the delivery of an education and care service, or
  - a member of the executive committee on an eligible association who has responsibility, alone or with others, for managing the delivery of an education and care service, or
  - a partner in a partnership who has responsibility, alone or with others, for managing the delivery of an education and care service, or
  - in any other case, a person who has the responsibility, alone or with others for managing the delivery of an education and care service.

I declare that:

1. the information provided in this form (including any attachments) is true, complete and correct
2. I am aware that under the Education and Care Services National Law (the National Law) penalties apply if false or misleading information is provided
3. I understand that the Regulatory Authority and/or ACECQA have the right (but are not obliged) to act in reliance upon the contents of this form, including its attachments
4. I have read and understood a provider's legal obligations under the National Law
5. I understand that an approved provider must notify the Regulatory Authority of any change relevant to the assessment of the approved provider's fitness and propriety in relation to the provision of an education and care service (refer section 174(1)(a) of the National Law)
6. the Regulatory Authority is authorised to verify any information provided in this form, including identifying information with the Issuer or Official Record Holder
7. I agree that the Regulatory Authority may serve a notice under the National Law using the contact details provided in this application, including the postal, street or email address or fax number (in accordance with section 293 of the National Law), and
8. I have read and understood the Privacy Statement at page 1 of this form.

Signature of person making the declaration: [redacted]

Signed at: Orana Steiner School on the 26<sup>th</sup> September 2022



## Submitting this form

Please submit this form along with any required documentation to the relevant Regulatory Authority.

The contact details for each Regulatory Authority are available on the ACECQA website.

Please go to [www.acecqa.gov.au/contact-your-regulatory-authority](http://www.acecqa.gov.au/contact-your-regulatory-authority)





