



# Changes to persons with management or control of an education and care service

May | 2018

In accordance with the *Education and Care Services National Law (South Australia)* ('the National Law'), one of the notification requirements for approved providers of an education and care service relates to changes to persons with management or control of a service.

Section 173(b) states that an approved provider of an education and care service must notify the regulatory authority of any appointment or removal of a person with management or control of an education and care service operated by the approved provider.

## What is a person with management or control of a service?

According to the National Law, 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.

## Why do approved providers need to notify these changes?

An approved provider has a legal responsibility to ensure the safety, health and wellbeing of children being educated and cared for at their service. A person with management and control, being responsible for managing the delivery of the education and care service, also has this legal responsibility.

An approved provider, once approved, must continue to demonstrate their fitness and propriety to be involved in the provision of an education and care service. If the approved provider is an entity, this means that any person with management or control must also be a fit and proper person to be involved in the provision of an education and care service. Failure to demonstrate fitness and propriety may lead to a suspension or cancellation of the provider approval.

## When do I need to notify the Board?

There are two instances when a notification is required. These include:

1. Members of a body corporate, association or entity may change at any time with the appointment of a new person joining or when an existing person leaves.
2. Circumstances may lead to a change in the fitness and propriety of an existing person with management or control of an education and care service.

Where there is an appointment or removal of a person with management or control of a service, an approved provider must notify the Board within 14 days of the event or within 14 days of the approved provider becoming aware of the event.

If there are any circumstances that change the fitness and propriety of an existing person in management or control, the Board must be notified within 7 days. In addition to the notification, a *PA02 Declaration of*

*fitness and propriety* form must also be attached. This declaration must be completed by each individual person with management or control of a service.

## How do I notify the Board?

To notify the Board of any relevant changes, the approved provider must submit a PA08 Notification of change to information about approved provider and a PA02 Declaration of fitness and propriety form.

Under Part B: Type of notification, you can either select:

- appointment of a person with management or control of the service; or
- a change relevant to approved provider's fitness and propriety or fitness of person in management and control.

## How to access and submit notification forms

Notification forms may be accessed online from either the Board's website at: [www.esb.sa.gov.au/forms-2](http://www.esb.sa.gov.au/forms-2) or the ACECQA website at: [www.acecqa.gov.au/resources/applications](http://www.acecqa.gov.au/resources/applications)

Notifications can also be submitted online through the National Quality Agenda IT System (NQA ITS) via:

<https://public.nqaits.acecqa.gov.au>.

Information about how to submit an online notification can be found on the Board's website at:

[www.esb.sa.gov.au/fact-sheets-nqa-its](http://www.esb.sa.gov.au/fact-sheets-nqa-its).

<https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>

## Further information

For additional information on other types of notifications that are required by the Board; the person responsible for notifying; and the required timeframes, please see our Notifications fact sheet.

## Contact details

Early Childhood Services

Phone: 08 8226 0077 or 1800 882 413

Website: [www.esb.sa.gov.au](http://www.esb.sa.gov.au)

Email: [EducationStandardsBoard@sa.gov.au](mailto:EducationStandardsBoard@sa.gov.au)