



The Australian, state and territory Education Ministers have agreed to changes to the National Quality Framework (NQF) regarding service transfer obligations.

# TRANSFERRING A SERVICE APPROVAL



## WHEN DO THE CHANGES START?

From 1 October 2023, the timeframe in which approved providers must notify the regulatory authority of a service transfer will increase from 42 to 60 days. The timeframe in which the approved provider receiving the service transfer must notify families will also increase from two to seven days. Please check the legislation for commencement date in Western Australia.

This information sheet supports approved providers to understand the changes in notification timeframes and processes.

## WHERE CAN I GET FURTHER INFORMATION?

Visit [www.nqfreview.com.au](http://www.nqfreview.com.au)  
Contact your [regulatory authority](#)

## WHY ARE THE REQUIREMENTS CHANGING?

The 2019 NQF Review identified challenges with the existing timeframes and notification arrangements when a service is transferred between two approved providers.

Increases in notification periods will support the transfer process to run more smoothly, increasing certainty for approved providers. The changes will mean regulatory authorities are better able to intervene when necessary and take appropriate action when the regulatory authority is notified of a transfer that is not in the best interests of the safety, health and wellbeing of children.

These changes also allow for families to be better informed of changes to a service that may affect them, and to make more informed decisions about their children's education and care.

## WHAT ARE THE CHANGES?

The key changes that are reflected in the Guide to the NQF include:

- The transferring and receiving approved providers must **jointly notify the regulatory authority of the service transfer date at least 60 calendar days** before it is intended to take effect and **specify the transfer date** to the regulatory authority. (Section 59 of the Education and Care Services National Law (National Law)).
- The receiving approved provider must notify parents of children enrolled at the service of the transfer **at least seven (7) calendar days before the transfer takes effect** (Section 69 of the National Law).
- If the service transfer date is going to be delayed, after the regulatory authority has been notified of the intention to transfer, **the transferring approved provider and the receiving approved provider** must jointly notify the regulatory authority of the **new service transfer date**. If transfer consent has been given it is not affected by a service transfer delay (Section 59A of the National Law).
- Once the regulatory authority has consented to the transfer, **the transferring approved provider and the receiving approved provider may request the transfer take effect on an earlier date** than specified in the notification (Section 67A of the National Law).
- The regulatory authority may agree to a requested earlier date if they are satisfied that there are exceptional circumstances. In this context, exceptional circumstances refers to circumstances that are unusual, not typical, or unable to be foreseen or planned for in advance. The regulatory authority will assess these on a case-by-case basis. They may include circumstances such as:
  - » a management committee must dissolve suddenly
  - » a transferring approved provider has gone into liquidation or receivership
  - » the transferring approved provider wants to disband or dissolve the legal entity or
  - » the transferring approved provider is ill and no longer able to operate the service, and it is in the best interests of the children at the service to ensure continuity by transferring the service to the new approved provider.
- If the regulatory authority intervenes in a service transfer, it must notify both approved providers of its decision **at least ten (10) calendar days** before it is intended to take effect (Section 66 of the National Law).

## COMMUNICATING WITH FAMILIES

When communicating with families, at least seven (7) days before the transfer takes effect, the receiving approved provider should consider sharing:

- details of the new provider
- any changes required to children's enrolment and health records
- any new or amended policies and procedures that will come into effect
- the names, roles and qualification(s) of the educators and staff working at the service, and
- changes families may see at the service after the transfer has taken place.

For information related to your specific circumstances, contact your regulatory authority.

## REFERENCES AND RESOURCES

- [The Guide to the NQF](#) – Section 1.1 Application for provider approval
- ACECQA – [PA09: Transferring provider declaration \(service approval\)](#)
- Contact your [regulatory authority](#)

**Acknowledgment:** The information in this publication is accurate pending the Australian, state and territory education ministers' agreement of the amended law and regulations.