



Frequently Asked Questions

Applications for approval of a child care service for the purposes of the Family Assistance Law

NOTE: This document is provided for guidance only and should not be taken to be legal advice about any obligation under the Family Assistance Law.

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Application Form

Why am I having problems with the application form?

You must have the most recent version of Adobe Reader to use the electronic Application Form. The latest version of Adobe Reader can be downloaded for free from the [Adobe website](#).¹ The use of other PDF reader software (e.g. Foxit) may cause problems with the online application form.

Additional information regarding software, PDF readers etc., can be found at [Additional Technical Information](#).²

If you are experiencing any technical difficulties displaying or using the form, or if you have any queries or require further assistance, please contact your State or Territory Office of the Department of Social Services on 1300 653 227 or by email ccbapplicationdocuments@dss.gov.au

Why can't I submit my application form?

Your application form may be incomplete – note all sections highlighted in red MUST be answered. Please review your application and ensure all sections highlighted in red contain a response.

Your application may also be missing an attachment. Where there is a paper clip, this indicates that documentation is required to support your application e.g. Part 4 requires you to attach the signature of the Applicant and each of your representatives, Key Personnel and authorised persons nominated in the application form.

If this does not resolve your problem, please contact your State or Territory Office of the Department of Social Services on 1300 653 227 or email ccbapplicationdocuments@dss.gov.au for further assistance.

Why can't I upload my documents/attachments?

There is a limit of 2MB per file and a maximum of 16MB can be attached to an application. If the files exceed this maximum, please forward additional files separately to the ccbapplicationdocuments@dss.gov.au quoting the Application ID as the reference (this Application ID will be displayed after you submit the application form).

Executable or compressed files, such as '.zip' and '.exe' files, will not be accepted and cannot be opened by the department due to security reasons.

Files attached or linked, from Cloud storage gateways or through a web-based user interface, will also not be accepted and cannot be opened by the department owing to security reasons.

¹ www.adobe.com/downloads

² www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/early-childhood-child-care/information-on-becoming-an-approved-child-care-service

What if I am unable to use the online application form?

If you are unable to use the online application form, due to accessibility requirements and/or IT difficulties, you can complete and submit a paper based application form specific to your service type (e.g. LDC, FDC or OSHC) in hard copy to the department.

Please note that the department's preference is, wherever possible, for Applicants to use the online application form rather than the paper based application form.

To obtain a copy of the form, go to the [Department of Social Services](#) website³ or contact your State or Territory Office on 1300 653 227 or email ccbapplicationdocuments@dss.gov.au to request one.

³ www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/early-childhood-child-care/information-on-becoming-an-approved-child-care-service

Successful Submission Receipt

What is a 'Successful Submission Receipt'?

When you complete your online application you will be issued with a 'Successful Submission Receipt' which confirms your application has been received by the department. You will also receive a confirmation email which will be sent to the contact email address that you listed in the application form.

Notice to all MAC Users: All Applicants who successfully submit an application form should receive a 'Successful Submission Receipt'. MAC users who do not receive this are asked to contact the Approvals Team in your State or Territory office on 1300 653 227 or email ccbapplicationdocuments@dss.gov.au

What should I do with the 'Successful Submission Receipt'?

You should print or save the 'Successful Submission Receipt' for your records as it contains an Application ID that you will need to refer to if you wish to follow up with the department on the progress of your application.

Assessment of Application

How long does the assessment period take?

Family Assistance Law does not provide a timeframe in which the assessment of applications for approval of a child care service should be completed. However, the department endeavours to process applications in a timely manner. The assessment period for each application will vary depending on a variety of factors including the nature of the application and the completeness of the application. To ensure there is minimal delay in the assessment process, refer to the Required Documents section in the FAQs.

Please note: incomplete applications cannot be approved.

Applicant Details

What do I need to be mindful of when providing my information?

Some of the common errors encountered, which Applicants should seek to avoid, include:

- the 'Name of the child care service' and 'Full Legal Name of Applicant' doesn't match in all documents submitted as part of the application
 - for example, the 'Name of the education and care service' on the Service Approval issued under National Law doesn't match Question 2 'Name of child care service'
 - the 'Full Legal Name of Applicant' doesn't match the Provider name recorded in the Provider and Service Approval of the service
- the type of entity identified and the corresponding documents for the Applicant don't match

- where applicable, the relationship between the trust and management company isn't clear or consistent e.g. the information provided doesn't match the information in the Australian Securities and Investment Commission Company Extract and Certificate of Registration for the trustee
- the principal business address and physical address should match those of the documents submitted, and they must also be verifiable addresses
- please pay attention to the question in the Application Form about the Australian Business Number (ABN) and note that it must relate to the business entity making the application (e.g. in the case of a business involving a trust, the Applicant is the trustee and must provide its ABN (or ACN if it is a company and doesn't have an ABN).

What is a trading name?

A company may wish to trade using a name other than its registered company name. The trading name is a name that the entity trades under, or is known as, by its supplier or customers. It is also known as the business name. To clarify this point, an imaginary example of an Applicant trading under a business name is: XYZ Education Pty Ltd (the company) trading as the XYZ Kids Child Care Service (the trading/business name).⁴

For more information, visit '[What's the difference between a business name a trading name and a legal name?](#)' at business.gov.au

What is the principal address of the Applicant?

This is not necessarily the same address as the child care service; it is the address at which the Applicant conducts most of their business.

What type of entity is the Applicant?

For definitions of entity types, please refer to the [ABN Lookup](#) site.⁵

If you are unsure about the type of entity you are, please seek independent legal advice.

Key Personnel Details

What do you mean by Key Personnel?

The Key Personnel of an Applicant for approval of a child care service means any of the following:

- an officer (within the meaning given by section 9 of the *Corporations Act 2001*) of the Applicant
- a member of the group of people that is responsible for the executive decisions of the Applicant

⁴ These names are invented and are not intended to refer to any actual company or business. At the time of writing this document, neither of these invented names was listed as having an ABN on the ABN lookup website, nor were they registered on the ASIC website.

⁵ <http://abr.business.gov.au/EntityTypeList.aspx>

- any other person who is concerned in, or takes part in, the management of the Applicant
- any person who, under an arrangement with the Applicant, manages or supervises the child care service.

Why do I need to provide all the details of Key Personnel?

In order to approve a child care service for the purposes of the Family Assistance Law, the delegate must be satisfied, among other things, that the Applicant is a suitable person to operate a child care service. In assessing whether the Applicant is a suitable person, the delegate may consider various matters about:

- the Applicant itself
- any of the Applicant's previous, current or proposed Key Personnel
- any person connected with the Applicant's previous, current or proposed Key Personnel, who affects, or is likely to affect the operation of the service by the Applicant.

The various matters the delegate may consider in making the assessment include:

- criminal convictions
- record of financial management including instances of bankruptcy, insolvency or external administration
- record of compliance with the Family Assistance Law

For a full list of the matters that may be considered by the delegate, see section 7 of the Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000.

Providing details about your Key Personnel will assist the delegate to assess your suitability (as the Applicant) to operate a child care service. Please note that the delegate is authorised to verify any details provided in the application and may seek information from other sources such as the Department of Human Services, the Australian Taxation Office and previous employers. Additionally, by submitting the application, you consent to any information provided or decision made, in relation to your application, to be disclosed by the Department of Education to other government agencies such as the Department of Human Services or State and Territory Regulatory Authorities.

What is meant by 'have previously had interest in'?

When listing details in relation to the Applicant and/or the Applicant's Key Personnel, 'have previously had interest in' may include, but not be limited to, the Applicant and/or the Applicant's Key Personnel's:

- previous work history as an educator
- involvement through any process work involving Child Care Benefit and related payments/systems
- connection with a previous service and was in a role which affected the operation of the service.

What do I need to be mindful of when providing Key Personnel details?

Full details of Key Personnel as requested in the Application Form including:

- all past child care experience of Key Personnel in the last five years must be recorded. Your application may require further consideration and you may be requested to provide additional information if the delegate considers that you may not have declared all past child care experience for all Key Personnel
- where relevant, the details of Key Personnel must match details previously advised to the department (e.g. for staff who work in currently-approved services).

Common errors include:

- names that may be spelled differently throughout the application, and names that do not match documents provided and/or in CCMS (where referring to previous history)
- some of the stated child care experience in the application does not appear to be supported by reports provided by currently approved services
- the date of birth is either not recorded or is different to the birth date previously provided to the department
- if you have selected to provide additional details of Key Personnel separately, you must send through this information to ccbapplicationdocuments@dss.gov.au, quoting the Application ID as the reference (this Application ID will be displayed after you submit the application form).

Operation Details

What is meant by the number of carers and estimated places?

The number of carers refers to the number of educators you will employ or engage as contractors. This number must not exceed the number of educators the State Regulatory Authority has approved for your service approval or, if applicable, the reduced limit on educators imposed on your service by the State Regulatory Authority.

The number of places refers to equivalent full time child care places you will offer at your service. This number should be estimated with consideration to the educator-to-child ratios applicable to child care regulations in your State.

What date should I put down for the approval to start from?

The date from which you request your service to be approved will likely reflect the date you commenced or will commence operating the service. However, the delegate has discretion to determine the date of effect for the approval, if your service is approved, within certain limits, as discussed below.

If your service is approved for the purposes of the Family Assistance Law and the date of effect of the approval is backdated, you will be required to:

- enrol and notify the department of the enrolment of all children attending your service on or before the day the approval is given within 7 days of the date of approval

- report attendance data for these children, for care given from the date of effect of the approval to the day the approval is given, within two weeks from the Sunday of the week ending in which the approval was given.

While the date you request will represent your preference, the department's policy is that consideration of a request by a child care service to backdate approval will only be made if the delegate considers that your service, from the 'backdate':

- complied with both the National Law and National Regulations (or any other applicable state or territory laws)
- satisfied the eligibility rules relating to the service to become approved for the purposes of the Family Assistance Law (these rules are in Part 2 of the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000*).

Please note: the Family Assistance Law does not allow a delegate to backdate an approval to a day more than six months before your application for approval of your child care service was made.

After making an application, you may advise families attending your service that you are seeking approval under the Family Assistance Law so that families will be able to claim Child Care Benefit (CCB) and Child Care Rebate (CCR) for child care provided by the service. However, you should be aware that you are not guaranteed approval of your application. You should also be aware, and advise families accordingly, that families who use your service before your service is approved may not be eligible for CCB or CCR for child care provided in the period before your service is approved or for any of the child care provided if your service is subsequently not approved.

What is meant by standard hours?

'Standard hours' refers to the hours which an approved family day care service or an approved in-home care service must identify as standard hours for CCB ('standard hours' and 'non-standard hours' – see next question – affect the rate of CCB that is payable). The defined terms used in the Family Assistance Law are 'standard hours family day care' and 'standard hours in-home care'.

Section 27 of the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000* provides that the standard hours must be chosen to satisfy the following requirements:

- be between 7 am and 6:30 pm
- be for 10 continuous hours on each day from Monday to Friday (inclusive)
- be the hours during which the service normally provides care for the greatest number of children.

Please note: this requirement only applies to Family Day Care and In Home Care services.

What is meant by non-standard hours?

'Non-standard hours' refers to any hours that are not 'standard hours' (see previous paragraph).

Please note: this only applies to Family Day Care and In Home Care services.

Note: Should you require more information about providing before or after school care, please refer to the information under the *Care Provided Before or After School* heading in Section 5 of the [Child Care Service Handbook](#)⁶.

Required Documents

Can I submit an application without providing all the required documents?

You may submit your application without proof of your State Regulatory Authority Service Approval, if you are waiting for approval to operate under State or Territory law, or a Certificate of Currency for Insurance. However, if documents are missing or are not attached to your application form, you will receive a letter of 'Incomplete Application for Approval of a Child Care Service Under Family Assistance Law' – this letter will also be sent for applications where it has been indicated that documents will be provided separately from the application form, but are yet to be received by the department.

Please note: your application cannot be fully processed until all documents are received.

Why do I need to provide all the required documents?

The delegate can only approve (or refuse to approve) a child care service if the delegate is satisfied as to all (or is not satisfied as to one or more) of the matters listed in section 195(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999*. The delegate may not be able to make a decision about your application until all the required documents are supplied. Assessment of applications may be delayed as a result of omissions or errors in the material presented by Applicants.

In order to assist Applicants, and to assist our staff in processing your application efficiently, we draw your attention to common causes of delays in processing and approving applications:

- The 'Proof of Identity and Signature Form' has been omitted and/ or the documents provided with this form are unclear or illegible.
- A copy of the Service Approval given by the relevant State Regulatory Authority has not been provided.
 - While an application may be submitted without Service Approval details, approval will not be given until we receive a copy of the Service Approval.
 - Also, if you submit both a Provider Approval and a Service Approval certificate at the time you submit your application, you are reducing the potential for a delay in the assessment of your application.

⁶ www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/child-care-service-handbook

- The signature page requested at Part 4 of the application form is not included and/or is not clear or legible.
- Insurance certificates of currency have not been provided. You may submit an application form without certificates of currency for insurance, if your service has not yet commenced to operate. However, the delegate will require provision of the certificates when your service is ready to operate, and in any case, before the delegate can approve your service for the purposes of the Family Assistance Law.
- Documents attached to the application form are not valid and accurate. If there are inaccuracies or if the content is not consistent, the assessing of your application may be delayed while the delegate asks you to clarify and resolve the inconsistency or inaccuracies to the delegate's satisfaction.

What documents are required for Family Day Care Services?

The Department may request the following documents from Family Day Care Services to assist with assessing their application for approval under the Family Assistance Law:

- Certificate of Business Name
- Business Name Extract
- Certificate of Incorporation or Registration
- Rules/Constitution of Association
- Annual General Meeting Minutes (if applicable)
- Service approval to operate under state or territory law
- Worker's Compensation Insurance – Certificate of Currency
- Public Liability Insurance – Certificate of Currency

What is required when the Applicant is a trustee?

If the Applicant is a trustee, it must provide a copy of the complete executed trust deed. The delegate will need to be satisfied that the trustee is empowered under the trust deed to deal with the Commonwealth in relation to the application for approval of your child care services.

What is required when the Applicant is a partnership?

If the Applicant is a partnership, it must provide a copy of the Partnership Agreement – including supporting documentation clearly identifying all members of the partnership and confirming the rights of individual partners to act on behalf of the partnership (if applicable).

What is meant by the Australian Securities and Investment Commission documents?

If the Applicant is a company, the complete copy of the Australian Securities and Investments Commission (ASIC) document 'Company extract – Current and historical information' for the Applicant is required. This document shows the correct and current details of the company, the directors and members of the company and including current and past directors of the company and current and past members of the company and the principal place of business. The extract must not be more than 12 months old. Please obtain the required document from the [ASIC](http://www.asic.gov.au) website.⁷

What evidence is required for Public Liability Insurance?

Your Certificate of Currency must clearly show that:

- the insurance is current (do not provide a quote or a cover note)
- the insurance policy covers the proposed date of effect for the approval of the service (if approved) (for example, if the proposed date is to be backdated)
- the Applicant is an insured party
- the service address is covered by the insurance
- be presented on the relevant insurance provider's stationery.

The Certificate must provide a Policy Number and must be signed by a representative of the insurance provider.

⁷ www.asic.gov.au