



Early Learning
Commission

Ref: CORP26/30422
22 June 2026

Mr Chiang Lim
CEO
Australian Childcare Alliance

chiang.lim@childcarealliance.org.au

Re: Interpretation of Regulation 272(2)-(5)

Dear Mr Lim,

I write in response to your email of 19 May 2026 regarding the NSW Early Learning Commission's application of Regulation 272(2)-(5), of the Education and Care Services National Regulations (NSW) 2011 (National Regulations).

Regulation 272 is a NSW-specific regulation that provides ratios for the number of early childhood teachers required to be in attendance at a centre-based service.

The number of early childhood teachers required under regulation 272(2)-(5) is calculated based on the number of children in attendance, rather than the number of children the service is approved for, or that are enrolled at the service.

This means that the number of early childhood teachers required to be in attendance at the service as stipulated under regulation 272 is relative and in ratio to the number of children in *actual attendance at that given time*. Therefore, the number of early childhood teachers required on any given day may change as the number of children in actual attendance changes.

Thank you for taking the time to seek clarification from the Commission and I trust this information is helpful for ACA members.

If you require further information or have any further queries on this matter, you may contact the Commission by telephone on 1800 619 113 or by email at information@earlylearningcommission.nsw.gov.au.

Sincerely,

Daryl Currie
Commissioner
NSW Early Learning Commission

Chiang Lim

From: Chiang Lim
Sent: Tuesday, 19 May 2026 6:58 PM
To: Daryl Currie
Cc: Joe Parsons; Mark Barraket
Subject: Request NELC's official interpretation of Regulation 272(2)-(5)

Importance: High

Dear Mr Currie,

Following a chance discussion with the IEU NSW/ACT today, I would like to request the NSW Early Learning Commission's official interpretation of Regulation 272(2)-(5).

<https://legislation.nsw.gov.au/view/html/inforce/2026-04-24/sl-2025-601a#sec.272>

272 Early childhood teachers—children preschool age or under

(2) One early childhood teacher **must be in attendance at all times** that a centre-based service is educating and caring for 30 to 39 children preschool age or under.

(3) Two early childhood teachers **must be in attendance at all times** that a centre-based service is educating and caring for 40 to 59 children preschool age or under.

(4) Three early childhood teachers **must be in attendance at all times** that a centre-based service is educating and caring for 60 to 79 children preschool age or under.

(5) Four early childhood teachers **must be in attendance at all times** that a centre-based service is educating and caring for 80 or more children preschool age or under.

In the context of long daycare services:

- back in January 2025, there were:
 - 14 NSW long daycare services that operate 24 hours a day;
 - 2,182 NSW long daycare services that open between 5 am and before 7.30 am;
 - 477 NSW long daycare services that close between after 6.01 pm and 11.30 pm; and
 - up to 62 NSW long daycare services that operate on Saturdays and Sundays;
- as of today, there are:
 - 4 NSW long daycare services that operate 24 hours a day;
 - 3,347 NSW long daycare services that open between 5 am and before 7.30 am;
 - 3,349 NSW long daycare services that close between after 6.01 pm and 11.59 pm; and
 - up to 210 NSW long daycare services that operate on Saturdays and Sundays.

Feedback from ACA NSW members suggest that there are/were NSW Authorised Officers who were interpreting Regulation 272(2)-(5) as:

- **the range the number of children is the number enrolled and potentially attending, whether they are actually attending or not; and**
- **the relevant number of early childhood teachers must be present at the service from the beginning of the service's official operating hours to the end of the official operating hours.**

When the NSW Regulatory Authority was within the NSW Department of Education, this issue was considered but clarity was not formally achieved. The NSW Department of Education would still be aware of ACA NSW's concerns about how NSW Authorised Officers were then (inconsistently) and still continue to be interpreting Regulation 272(2)-(5).

Now that the NSW Early Learning Commission (as the current NSW Regulatory Authority) is independent of the NSW Department of Education, ACA NSW seeks your formal interpretation of Regulation 272(2)-(5).

Would the NSW Early Learning Commission officially advise how their NSW Authorised Officers must interpret Regulation 272(2)-(5)? Is it as highlighted above in red, or is it that:

- *the range of number of children is the number in attendance; and*
- *the relevant number of early childhood teachers being present at the service must be the number in Regulation 272 reflecting the number of children in actual attendance.*

We look forward to your written response.

Thanking you in anticipation.

Chiang



Chiang Lim

CEO



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www.nsw.childcarealliance.org.au

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