Kindergarten Cluster Management
Application to become a kindergarten cluster management organisation
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Foreword

This document is designed to assist prospective service providers in preparing an application to be approved as a kindergarten cluster management organisation in Victoria.

This document outlines the application process including:

- the legal requirements and conditions
- the specifications to be addressed when developing a comprehensive application for kindergarten cluster management funding
- how applications will be evaluated by the Department of Education and Early Childhood Development (DEECD)

Organisations seeking to apply to become a kindergarten cluster manager should also read the document Kindergarten Cluster Management: Program information for prospective cluster managers, which can be found on the Department’s website www.education.vic.gov.au/ecsmanagement/careankinder/clusters.htm

1. Introduction

Kindergarten cluster management provides a key platform on which to build an integrated early years and community service system, to develop partnerships with families and implement reform of the early childhood education and care system including support for the workforce.

Kindergarten cluster management was introduced in 2003 to:

- reduce the administrative and management burden on kindergarten parent volunteer committees
- strengthen the management and delivery of community based kindergarten programs and
- provide kindergarten staff with professional employment arrangements.

As an alternative to a kindergarten being managed by a volunteer committee of management, kindergarten cluster management provides professional, stable and ongoing management to a network of local kindergarten services. In most cases the kindergarten cluster management organisation takes on the functions performed by committees of management.

Kindergarten cluster management encourages parents to continue to be involved in their child’s kindergarten experience without having to commit to becoming a committee member and take on the responsibility of running a kindergarten service. The kindergarten cluster manager is responsible for the overall management of the kindergartens in the cluster. Arrangements between kindergarten cluster managers and kindergarten services can be tailored to meet the needs of local communities. These arrangements are agreed and documented to record the roles and responsibilities of each party.

A new policy framework for kindergarten cluster management was launched in March 2010. The framework supports the development of a strong and effective kindergarten cluster management system that:

- underpins the delivery of high quality kindergarten programs across Victoria
- is available to every community based kindergarten in Victoria
- provides a platform for leadership in implementing reform in early childhood education and care
- is committed to the ongoing improvement of kindergarten service provision.


The Kindergarten Cluster Management Policy Framework outlines the five key components of an exemplary kindergarten cluster management arrangement, these are:

- geographically based clusters
- demonstration of robust governance and support infrastructure
- participation in local partnerships
- provision of professional development opportunities and career pathways for kindergarten staff
- fostering a culture of continuous improvement.
2. Application Process

Kindergarten cluster managers are required to manage a minimum of three locations in rural regions, and five locations in metropolitan regions. Each of these locations must deliver a funded kindergarten program. Organisations may be approved to become a cluster manager with fewer than the minimum locations. In this case they will be required to have recruited the minimum number of locations within 12 months of approval, at which time cluster management funding will commence.

Any existing not-for-profit community service organisation or local council can take on the role as a kindergarten cluster manager. The general conditions applying to making a cluster management application (refer section 6 of this document) should be read to check an organisation’s eligibility.

Approval to become a funded kindergarten cluster manager is sought through an application process. The Deputy Secretary, Office for Children and Early Childhood Development, DEECD is the delegated authority to approve kindergarten cluster management organisations and funding for new locations.

Once approved, a cluster manager can apply to DEECD to add new locations to the cluster arrangement at any time.

Organisations interested in becoming a kindergarten cluster manager should contact the Regional Office of DEECD prior to preparing an application. Regional staff will also be able to provide information about the interest expressed by local kindergartens in joining a cluster arrangement. Regional contact details are listed below:

<table>
<thead>
<tr>
<th>Region</th>
<th>Office</th>
<th>Contact Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Metropolitan Region</td>
<td>Glen Waverley</td>
<td>9265 2400</td>
</tr>
<tr>
<td>Northern Metropolitan Region</td>
<td>Glenroy</td>
<td>9304 0799</td>
</tr>
<tr>
<td>Southern Metropolitan Region</td>
<td>Dandenong</td>
<td>9096 9595</td>
</tr>
<tr>
<td>Barwon South Western</td>
<td>Geelong</td>
<td>5225 1000</td>
</tr>
<tr>
<td>Grampians Region</td>
<td>Ballarat</td>
<td>5337 8444</td>
</tr>
<tr>
<td>Gippsland Region</td>
<td>Moe</td>
<td>5127 0400</td>
</tr>
<tr>
<td>Hume Region</td>
<td>Benalla</td>
<td>5761 2100</td>
</tr>
<tr>
<td>Western Metropolitan Region</td>
<td>Footscray</td>
<td>9275 7036</td>
</tr>
<tr>
<td>Loddon Mallee Region</td>
<td>Bendigo</td>
<td>5440 3111</td>
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</tbody>
</table>

What to include in an application

An application to become a kindergarten cluster manager includes two parts:

Part 1: Specifications – In this section organisations are asked to outline how they will address the specifications responding to the key elements of an exemplary kindergarten cluster management arrangement (refer section 3 of this document).

Part 2: Supporting Information - includes information about the organisation’s administrative arrangements (refer section 4 of this document).

Any additional supporting information should be attached to the completed application and clearly referenced.

An authorised officer of the potential cluster management organisation must sign the application.

How to submit an application

The application must be enclosed in a sealed envelope and clearly addressed to the Kindergarten Cluster Management Project Officer in your local DEECD regional office. Addresses can be found on the Department’s website at http://www.education.vic.gov.au/about/contact/regions.htm

Facsimiled, e-mailed or electronic applications may be accepted at the discretion of the Department. Service providers wishing to submit via these means must contact the Kindergarten Cluster Management Project Officer in the local DEECD region.
Applications must be signed and dated by an authorised officer of the service provider. All applications must be in English.

**Evaluation of Applications**

All applications will be evaluated against the extent to which they:

- demonstrate that the organisation meets the general conditions applying to the application process
- describe how the potential cluster manager will meet the specification requirements outlined in this document.

An assessment process will be undertaken by a panel of DEECD regional and central office staff in order to evaluate applications.

Organisations may be approached to meet with the evaluation panel to provide clarification or further information.

Applications that fully meet all specifications and conditions for kindergarten cluster management are recommended to the Deputy Secretary, Office for Children and Portfolio Coordination, DEECD for approval to become a kindergarten cluster management organisation.

Applications that only partially meet any of the specifications and conditions will not be recommended for funding approval. Provision is made for such applications to be reconsidered following further development, in consultation with DEECD regional staff.

Applications that do not meet one or more of the specifications and conditions will not be recommended for approval for cluster management funding.

All applicants will be advised in writing of the outcome of their application.
3. Specifications

The following section outlines the Specifications for a kindergarten cluster management organisation.

Prospective kindergarten cluster managers are required to complete the application form, addressing all of the specifications.

The specifications support the key components of the *Kindergarten Cluster Management Policy Framework* and provide a scaffold for organisations to structure their applications to become an approved kindergarten cluster management organisation.

In the application organisations should describe how the organisation intends to meet the specifications. When preparing your organisation’s response to the specifications you must consider:

- the *Kindergarten Cluster Management Policy Framework*
- the proposed service delivery model
- input required from the funded locations
- input required from DEECD
- input from external stakeholders or partnering relationships and how they will be established and managed
- integration of the kindergarten program with other services provided by the kindergarten cluster management organisation and how the kindergarten program is integrated with the broader early years service system in the municipality. This may also extend to other agencies within the local and universal service systems, including local government, with the objective of meeting the needs of local children and families.
- how the service provider proposes to manage the transfer of the service into the cluster in order to minimise disruption to children and families and maintain continuity of care.

Please attach additional/ supporting information as necessary as appendices.

The response to the specifications should not exceed ten A4 pages in total (excluding appendices)
1.1 Strategic Planning

The application should include evidence of:

- the organisation’s mission statement and current business or corporate plan
- the organisation’s commitment to implementation of the early childhood reform agenda, including the National Quality Agenda, Universal Access to Early Childhood Education and the Victorian Early Years Learning and Development Framework and demonstration of how the organisation will implement the reform
- strategic planning processes (which include planning for the delivery of 15 hours of kindergarten through networking with cluster locations, local government and external services)
- operational planning processes
- planning for service integration and co-operation across the cluster
- planning for infrastructure and workforce integration and co-operation across the cluster
- examples of innovation and Best Practice.
1.2 Links to local government including municipal early years plans

The application should include demonstration of:

- established links with local council and demonstrated capacity of the organisation to actively engage in the development of Municipal Early Years Plans in each municipality in which it proposes to operate funded kindergarten services
- an understanding of local needs and a capacity to undertake future planning to address changing demographics
- endorsement by local council where the cluster manager is not the local council.
1.3 Links to local early childhood services and schools

The application should outline how the organisation will:

- contribute to an integrated system of early childhood services in local communities to assist in achieving better outcomes for children and families. In building collaborative, connected, locally responsive services, kindergarten cluster managers will establish partnerships with a range of key stakeholders within the local community. Kindergarten cluster managers need to consider their role in supporting planning at a local government level, participating in local place-based activities, forging partnerships with families and co-operating with other local cluster managers.

- actively engage and maintain links in the local community, which extend to local early childhood services including health services, Early Childhood Intervention Services and care and education providers.

- participate in and contribute to local place based initiatives (for example, Best Start Partnership activities, Child First Innovations Projects, Communities for Children and Early Start Kindergarten) through partnerships and links with local agencies.

- contribute to linking each location to a locally responsive, integrated early years service system that is able to address individual child and family needs.

- network with schools, specifically in relation to transition to school processes.
1.4 Governance Model

The application should include information about the organisation’s structure and management processes:

In relation to the organisation’s governance structure:

- demonstration that the proposed kindergarten cluster management organisation operates under a sound organisational and governance structure that provides efficient and professional leadership and management systems to achieve effective kindergarten cluster management

- a brief description of the structure and history of the organisation, including the structure of the board and any sub-committees (if applicable) and relevant experience of board members

- the range of services (if any) currently delivered by the organisation and the years of operation in this capacity

- copy of organisation’s Constitution (where applicable) and most recent Annual Report

In relation to the kindergarten cluster management model:

- description of the service delivery model(s) that will be established for the kindergarten cluster management arrangement

- a clear line of reporting for the kindergarten cluster management program within the broader organisation (where applicable)

- a summary of the lease agreements of kindergarten facilities or related agreements

- a summary of the administrative and accounting processes that will ensure consistent, constant and reliable practices are delivered across the cluster management arrangement

- documentation developed detailing the terms of arrangement between the kindergarten cluster manager and kindergarten locations, including the roles and responsibilities of the cluster management organisation

- the role of parents in the ongoing planning and provision of the kindergarten program in their local community

- description of any volunteer roles that will be supporting the cluster management functions of the organisation where applicable.

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1 Robust governance arrangements incorporate mechanisms and processes for management and accountability, enabling organisations to operate effectively within regulatory and legislative frameworks to meet the needs of local families and communities.
1.5 Regulatory and licensing administrative requirements

The service provider will undertake all processes stated in the Children’s Services Act, 1996 (the Principal Act) and the Children’s Legislation Amendment Act 2008 as well as the Children’s Services Regulations (2009) associated with becoming the licensee of the locations nominated in the application.

The application should include:

- details of the role and responsibility of the cluster manager in meeting regulatory and funding obligations at each service/ location nominated within the proposed model
- an outline of the intended process and consultation that will be undertaken to become the licensee for all kindergarten locations within the proposed cluster management arrangement (should this legal status not already be in place)
- license applications for each funded kindergarten service to be included under the kindergarten cluster management arrangement (should this legal status not already be in place).
1.6 Staff employment and support

The application should state:

- the roles and responsibilities of the cluster manager as an employer of early childhood service staff, including relief staff
- the number and positions of staff (to be) employed by the organisation to support the cluster management functions and at the service locations to deliver the kindergarten program.

The application should provide evidence of:

- how workforce planning and staff development will be undertaken
- human resource practices demonstrating a commitment to equal opportunity and occupational health and safety
- grievance processes for stakeholders and staff, including families
- record keeping and payroll management systems, including policy to safeguard staff’s leave entitlements (including long service leave)
- employment conditions (in accordance with appropriate award and/or Enterprise Agreement).
1.7 Budgetary and Financial Requirements

Required documentation includes:

- a brief description of the overall budget responsibility of the organisation
- a copy of the previous year’s annual report
- an audited financial statement (if applicable)
- proof of public liability insurance cover, including the name of the insurer and the policy number
- the financial accountability responsibilities of senior staff
- a proposed budget for the current financial year that includes all costs relating to the kindergarten cluster management arrangement
- an outline that the service provider will achieve funding compliance for the kindergarten cluster management organisation and for each cluster managed location. Funding compliance information can be found at http://www.education.vic.gov.au/ecsmanagement/careankinder/funding/default.htm
- evidence that the service provider will ensure adequate funds for staff provisions and entitlements
- a detailed budget for the organisation
- a plan outlining how the kindergarten cluster manager will transition responsibilities for the following tasks (if applicable): budget monitoring, fee setting and collection, payment of accounts, budget development for individual locations, financial reporting.

If the organisation cannot provide these details because they are not applicable, please state this in the application and the reason they are not applicable.
1.8 Family Participation

The application should demonstrate organisational capacity to engage and consult with families in relation to:

- kindergarten policy development
- kindergarten program development and activities
- evaluation of service delivery
- coordination of infrastructure and workforce across the cluster
- strategic planning for each cluster managed location.
1.9 Access and participation for local children and families

The application must demonstrate how the organisation and proposed cluster locations will:

- recognise and respond to diversity within the local community
- promote equality of opportunity for all children including families and children who have additional needs; Aboriginal children; and those from culturally and linguistically diverse backgrounds
- include families who may be experiencing social and/or economical disadvantage.
1.10 Quality Assurance

The application should demonstrate:

- that a formal quality assurance system is in place to monitor standards of service as described in the *Kindergarten Cluster Management Specifications* and *Kindergarten Cluster Management Policy Framework*
- that the quality assurance system sets out expectations of service quality that the organisation will meet
- that the organisation will periodically carry out a self-assessment and seeking feedback from stakeholders, to compare the organisation’s performance against the quality expectations set out under the quality standards
- commitment of the organisation to deliver professional, high quality approach to managing local kindergarten services in a cluster arrangement and develop standards to reflect this commitment.
4. Supporting information

To assist with providing the required information applicants are asked to use this section as a template for their response.

2.1 Cluster management organisation details

<table>
<thead>
<tr>
<th>Legal name of Organisation</th>
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<tbody>
<tr>
<td>Status</td>
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<tr>
<td>CAN</td>
<td></td>
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<tr>
<td>Registration for GST</td>
<td>Yes: No:</td>
</tr>
<tr>
<td>Australian Business Number (ABN)*</td>
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<tr>
<td>Incorporation Details (if appropriate)</td>
<td></td>
</tr>
<tr>
<td>Postal Address</td>
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<tr>
<td>Principal Address in Victoria</td>
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<tr>
<td>Contact Person</td>
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<td>Position/Title</td>
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<tr>
<td>Telephone Number</td>
<td>Facsimile No</td>
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<tr>
<td>E-mail Address</td>
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*OR: indicate and attach evidence that the supply is not assessable for income tax purposes.

Do you have a current DEECD Kindergarten Service Agreement? Yes No

If this application is successful, will you be delivering cluster management services on behalf of another organisation? Yes No

<table>
<thead>
<tr>
<th>Name of Contracting Organisation</th>
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<tbody>
<tr>
<td>Contact Name</td>
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<td>Position/Title</td>
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<td>Telephone Number</td>
<td>Facsimile No</td>
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<td>E-mail Address</td>
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</table>
2.2 Kindergarten Service Details for the Proposed Kindergarten Cluster Management Arrangement

Please complete one for each proposed location

To be completed by the current licensee representative of the funded kindergarten proposing to join the cluster. Where a kindergarten cluster manager seeks to include a service that has not previously been funded and the kindergarten cluster manager is responsible for the new service, the kindergarten cluster manager will make the certification.

Providers must manage a minimum of three locations in rural regions, and five locations in metropolitan regions. Each of these locations must deliver a funded kindergarten program.

<table>
<thead>
<tr>
<th>Service Name</th>
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<td>Service Address</td>
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<tr>
<td>Licence ID</td>
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<tr>
<td>Local Government Area of this service</td>
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<tr>
<td>Name of the current licensee for this service (Please print)</td>
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<tr>
<td>Proposed date service will join the kindergarten cluster</td>
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</tr>
<tr>
<td>Does the service currently receive per capita funding? (Circle one)</td>
<td>Yes or No</td>
</tr>
<tr>
<td>Current per capita funding rate (Circle one)</td>
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<tr>
<td>Standard</td>
<td>Rural</td>
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Declaration of commitment:

The current licensee agrees that the kindergarten cluster management organisation identified in 1.1 will become the licensee of the service and assume responsibility for the day to day operation of the kindergarten as set out in the service agreement including: licensing, financial and employment responsibilities.

| Name of licensee representative (Please print) |          |
| Position of the licensee representative in organisation |          |

A licensee representative must sign this form. By signing this certification, the signatory warrants that the signatory is duly authorised to sign on behalf of the organisation.

I certify that the information provided on and with this form is true and correct.

| Signature: | Date: |
2.3 Qualifications and Experience of Key Staff Responsible for the Management of the Cluster Management Arrangement

<table>
<thead>
<tr>
<th>Name</th>
<th>Title/Office Held</th>
<th>Qualifications</th>
<th>Previous Experience</th>
<th>Role/Functions to be performed</th>
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</tbody>
</table>
2.4 References

All potential cluster managers are required to provide two referees related to the provision of children’s services. If the proposed cluster manager is not a local council it is expected that at least one referee is a local council officer from the municipality in which the majority of kindergarten locations, proposed to join the cluster arrangement will operate.

Referee #1

<table>
<thead>
<tr>
<th>Company Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address</td>
<td></td>
</tr>
<tr>
<td>Street Address</td>
<td></td>
</tr>
<tr>
<td>Contact Person</td>
<td></td>
</tr>
<tr>
<td>Position/Title</td>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
<td></td>
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<tr>
<td>Facsimile Number</td>
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</table>

Referee #2

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<td>Postal Address</td>
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<td>Street Address</td>
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<tr>
<td>Contact Person</td>
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<td>Position/Title</td>
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<td>Telephone Number</td>
<td></td>
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<tr>
<td>Facsimile Number</td>
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</tbody>
</table>
2.5 Disclosure of Application and Agreement Information

If you withhold the disclosure of specific information, you must detail how its release will expose trade secrets or expose your service provider unreasonably to disadvantage. The Department will consider these arguments during the evaluation process and in negotiation with service providers.

Non-disclosure of agreement provisions must be justified under the principles for exemption within Section 34(1) of the Freedom of Information Act 1982, providing that information acquired by an agency or a Minister from a business, commercial or financial undertaking is exempt under the Act if the information relates to trade secrets or other matters of a business, commercial or financial nature and the disclosure would be likely to expose the undertaking unreasonably to disadvantage.

Trade secrets
In considering whether specific information should be categorised as a trade secret, service providers should assess:

- the extent to which it is known outside of your business
- the extent to which it is known by the persons engaged in your business
- any measures taken to guard its secrecy
- its value to your business and to any competitors
- the amount of money and effort invested in developing the information
- the ease or difficulty with which others may acquire or develop this information.

Trade Secrets not to be Disclosed:

<table>
<thead>
<tr>
<th>Trade Secrets not to be Disclosed</th>
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</table>

Unreasonable disadvantage
In determining whether disclosure of specific information will expose your business unreasonably to disadvantage, you should consider section 34(2) of the Freedom of Information Act. Broadly, you should consider whether:

The information is generally available to competitors

It could be disclosed without causing substantial harm to the competitive position of the business.

Unreasonable Disadvantage disclosure would cause

<table>
<thead>
<tr>
<th>Unreasonable Disadvantage disclosure would cause</th>
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</table>
2.6 Declaration of Financial Viability

In signing the below endorsement, an appropriately authorised officer of the organisation is declaring that the organisation is currently financially viable and has complied with its statutory obligations and reporting requirements.

Endorsement

<table>
<thead>
<tr>
<th>Signature of Authorised Officer for Service provider</th>
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</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Name of Authorised Officer (Print)</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Title/Office Held</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Date</td>
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</tbody>
</table>
2.7 Acceptance of Terms and Conditions

Organisations must indicate their understanding and acceptance of each part of this document, including the attached standard DEECD service agreement, by signing in the table below. Where a part of this document is not understood or accepted, service providers must attach a tabulated Statement of Departures with an explanation of why that part is not accepted.

If this application is being made electronically, this page should be faxed or mailed separately.

Acceptance of Conditions

<table>
<thead>
<tr>
<th>Part</th>
<th>Acceptance</th>
<th>Non-Acceptance (attach tabulated Statement of Departures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten Cluster Management: Program Information for Prospective Cluster Managers.</td>
<td></td>
<td></td>
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<tr>
<td>Kindergarten Cluster Management: How to Become a Cluster Manager.</td>
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Endorsement

<table>
<thead>
<tr>
<th>Signature of Authorised Officer for Service provider</th>
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<tbody>
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5. General Conditions applying to making a cluster management application

This section contains the legal requirements and conditions associated with the application process.

General Conditions

Legal Entity
Service providers must provide proof of their legal status. DEECD can only enter into a legal agreement with a service provider or individual with legal status established under:

- Associations Incorporation Act 1981
- Co-operatives Act 1996
- Corporations Act 2001 (Cth)
- Health Services Act 1988
- An Individual Act of Parliament
- Natural Person (a person at least 18 years of age, with a mental capacity to understand the agreement, not under any order or bankrupt)
- State Trustees Act 1958.

DEECD prefers to deal with service providers that have an Australian Business Number (ABN).

DEECD will accept kindergarten cluster manager new provider applications from existing not for profit community service organisations or local councils. Partnerships between not for profit organisations and local councils will be accepted.

Availability
The service provider must commit to commence the role of kindergarten cluster manager within 12 months of approval.

Form and application of Agreement
The successful service provider(s) will be required to enter into a standard DEECD Service Agreement.

Payments
Service providers must have the capacity to accept electronic funds transfer as a facility for payments. A payment schedule will be negotiated with the successful service provider. DEECD will make payments according to the satisfactory delivery of outputs or achievement of key stages as specified in the Service Agreement.

The successful service providers may be required to authorise the Department to issue a Recipient Created Tax Invoice (RCTI) in respect of any part of the services.

Statement of Departures
Service providers must state in their applications that they have not proposed any changes ("departures") from this document and the conditions of the standard DEECD service agreement (Attachment I) or, where they are proposing departures from these sections, they should submit details with their application.

By making a application in response to this document, service providers are deemed to have accepted these conditions.

Requests for Further Information

Clarification of Processes
Service providers may telephone their regional office to clarify matters relating to the applications process, or to clarify aspects of the specification. Verbal explanations or instructions given to service providers prior to the acceptance of any application shall not bind DEECD. Regional contact details are on the cover of this document.

Additional Information Required by DEECD
Should information additional to that contained in a application be required while a application is being considered by DEECD, written information and/or interviews may be requested at no cost to the Department.
The name and telephone number of an officer or employee of the service provider capable of clarifying technical and commercial aspects of the application, and with appropriate authority, must be provided.

**Reservations**

**Withdrawal from Process**

DEECD or the applicant may withdraw from the applications process described in this document for any reason, prior to signing any agreement with any service provider for the delivery of the services described in this document.

**Conflicts of Interest**

**Declaration**

Service providers must declare to DEECD any matter or issue which may be perceived to be or may lead to a conflict of interest regarding their application or participation in the provision of the services described. Where applicable, service providers must also describe a strategy designed to avoid any conflict of interest.

**Confidentiality**

**Ownership of Applications**

All applications and any accompanying documents become the property of DEECD.

**Ownership of Information**

Ownership of all information, reports or data provided by DEECD to service providers resides in the State of Victoria. The service provider shall not, without written approval of the Secretary to DEECD, use the information or reports other than in the development of the application or the provision of the funded service. This information, in whatever form provided by DEECD or converted by the service provider, must be destroyed in a secure fashion following advice of the outcome of the application process or at completion of the funded activity.

**Disclosure**

**Presumption to Full Disclosure**

The Victorian Government has a strong presumption in favour of disclosing agreements and, in determining whether any clauses should be confidential, specific Freedom of Information (FOI) principles (including a public interest test) will apply. The Government cannot pre-empt the workings of the FOI Act or constrain the Auditor General's powers to secure and publish documents as appropriate.

**Disclosure of Application and Agreement Details**

Subject to this clause and the Conditions of Agreement, all documents provided by the service provider will be held in confidence so far as the law permits. Notwithstanding any copyright or other intellectual property right that may subsist in any documents, by making a application the service provider licenses DEECD to reproduce the whole or any portion of the application documents for the purposes of evaluation.

In making its application, the service provider accepts the Department may publish (on the internet or otherwise) the name of the successful or recommended service provider(s) and the value of the successful agreement(s), together with the provisions of the agreement generally.

**Non-Disclosure of Agreement Provisions**

Non-disclosure of agreement provisions must be justified under the principles for exemption within Section 34(1) of the Freedom of Information Act 1982, providing that information acquired by an agency or a Minister from a business, commercial or financial undertaking is exempt under the Act if the information relates to trade secrets or other matters of a business, commercial or financial nature and the disclosure would be likely to expose the undertaking unreasonably to disadvantage. The Department will consider these arguments in the evaluation and negotiations with service providers.

**Lobbying**

Service providers are reminded that they should not attempt to exert influence on the outcome of the assessment process by lobbying, directly or indirectly, DEECD staff or Members of Parliament.