

## EXPLANATORY STATEMENT

### **A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1)**

#### **Summary**

The *A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1)* (the Determination) is made by the Minister for Early Childhood Education, Childcare and Youth (the Minister) under subsection 162 (3) of the *A New Tax System (Family Assistance) (Administration) Act 1999* (the Act).

The purpose of this Determination is to specify additional purposes relating to the Support for the Child Care System Program administered by DEEWR for which protected information may be obtained, recorded, disclosed or otherwise used.

This Determination allows for the disclosure of information about vacancies reported by approved child care services by placing that information on the mychild.gov.au website.

Publishing vacancy information will increase transparency in the child care industry and ensure that parents have the information necessary to make important decisions about care for their children.

The mychild website provides a comprehensive childcare hub which includes information on locations, fees, services and early learning programs via a searchable database.

#### **Background**

Section 162 of the Act sets out the purposes for which a person may obtain, record, disclose or otherwise use protected information. Protected information is defined in section 3 of the Act to include information about a person that is or was held in the records of the Department or the Commonwealth Services Delivery Agency (i.e. Centrelink). Under subsections 162 (1) and (2) a person may obtain, record disclose or otherwise use protected information for the purposes of:

- the family assistance law; or
- the *Dental Benefits Act 2008*; or
- the Family Homelessness Prevention and Early Intervention Pilot; or
- the Child Care Management System Pilot; or
- if protected information is disclosed to a person under section 167 or 168 of the Act — for the purpose for which the information was disclosed under that section.

Subsection 162 (3) provides that the Minister may, by legislative instrument, specify additional purposes relating to other programs administered by the Department for which protected information may be obtained, recorded, disclosed or otherwise used under subsections 162 (1) and (2). This Determination provides that information may

be obtained, recorded, disclosed or otherwise used for the purpose of informing members of the public about vacant child care places in approved child care services.

### **Explanation of Provisions**

**Section 1** states the name of the Determination.

Subsection 162 (5) of the Act provides that an instrument made under subsection 162 (3) does not take effect until the end of the period in which it could be disallowed by either House of Parliament. Consequently, **section 2** of the Determination states that it commences on the day after the end of the period in which it could be disallowed in either House of Parliament. Section 42 of the *Legislative Instruments Act 2003* sets out the period in which the Determination can be disallowed.

**Section 3** contains definitions.

**Section 4** states that protected information, as described in section 5, may be obtained, recorded, disclosed or otherwise used for the purpose of informing members of the public about vacant child care places in approved child care services. It is intended that this information will be made available by the Department on the mychild website (<http://www.mychild.gov.au/>). This will allow child care vacancy information to be publicly available to assist parents in finding suitable child care.

**Section 5** provides that the name, address and contact details of an approved child care service and the number and type of vacant child care places at an approved child care service may be obtained, recorded, disclosed or otherwise used in order to inform members of the public about vacant child care places in approved child care services. This is the type of information that will assist a parent to find and enrol their child in suitable child care.

### **Consultation**

This determination is beneficial in nature and therefore consultation was not considered necessary.

### **Regulatory Impact Statement and Consultation**

This Determination does not require a Regulatory Impact Statement (RIS) nor a Business Cost Calculator Figure. This Determination is not regulatory in nature, will not impact on business activity and will have no, or minimal, compliance costs or competition impact.