

Data Availability and Transparency (Consequential Amendments) Transitional Rules 2022

I, Katy Gallagher, Minister for Finance, make the following rules.

Dated 22 September 2022

Katy Gallagher

Minister for Finance

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1 Name

This instrument is the *Data Availability and Transparency (Consequential Amendments) Transitional Rules 2022*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 29 September 2022 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under Schedule 3 to the *Data Availability and Transparency (Consequential Amendments) Act 2022*.

4 Definitions

(1) In this instrument:

***Commonwealth Social Services Department*** means the Department administered by the Minister who administers the *Social Security (International Agreements) Act 1999*.

***DAT Act*** means the *Data Availability and Transparency Act 2022*.

***DAT (Consequential Amendments) Act*** means the *Data Availability and Transparency (Consequential Amendments) Act 2022*.

(2) Any other expression used in this instrument that is defined in the DAT Act, or in Schedule 3 to the DAT (Consequential Amendments) Act, has the same meaning in this instrument as it has in the DAT Act or in that Schedule.

5 Transitional entities

For the purposes of the definition of ***transitional entity*** in subitem 1(1) of Schedule 3 to the DAT (Consequential Amendments) Act, each entity listed in column 1 of an item in the following table is prescribed as a transitional entity.

| Transitional entities | | | |
| --- | --- | --- | --- |
| Item | Column 1  Transitional entity | Column 2  Conditions of accreditation as an ADSP | Column 3  **Start of transition period** |
| 1 | Australian Bureau of Statistics |  | The day this instrument commences. |
| 2 | Australian Institute of Family Studies |  | The day this instrument commences. |
| 3 | Australian Institute of Health and Welfare |  | The day this instrument commences. |
| 4 | Commonwealth Social Services Department | The entity must not provide secure access data services as part of a project. | The day this instrument commences. |
| 5 | Queensland Treasury | The entity must not provide de‑identification data services or complex data integration services as part of a project unless those services are provided by the Queensland Government Statistician’s Office.  The entity must not provide secure access data services as part of a project. | The day this instrument commences. |
| 6 | Victorian Department of Health | The entity must not provide de‑identification data services, complex data integration services or secure access data services as part of a project unless those services are provided by the Centre for Victorian Data Linkage. | The day this instrument commences. |

6 Conditions of accreditation as an ADSP

For the purposes of subitem 2(2) of Schedule 3 to the DAT (Consequential Amendments) Act, a condition (if any) listed in column 2 of an item in the table in section 5 is prescribed as a condition of accreditation as an ADSP applicable to the transitional entity listed in column 1 of that item.

Note: The accreditation of a transitional entity as an ADSP may also be subject to other conditions under the DAT Act.

7 Transition period

For the purposes of the definition of ***transition period*** in subitem 1(1) of Schedule 3 to the DAT (Consequential Amendments) Act, the transition period for a transitional entity listed in column 1 of an item in the table in section 5 is the period:

(a) beginning at the start of the day listed in column 3 of that item; and

(b) ending at the earliest of the following:

(i) if the Commissioner renews the transitional entity’s accreditation as an ADSP under section 84 of the DAT Act—the start of the day when the renewed accreditation takes effect;

(ii) if the Commissioner cancels the transitional entity’s accreditation as an ADSP under section 81 of the DAT Act—the start of the day when the cancellation takes effect;

(iii) the end of 30 July 2025.