

## **EXPLANATORY STATEMENT**

### **Issued by authority of the Assistant Minister for Competition, Charities and Treasury**

#### *Competition and Consumer Act 2010*

#### *Competition and Consumer (Price Inquiry—Child Care) Amendment Direction 2023*

Section 95H of the *Competition and Consumer Act 2010* (the Act) provides that the Minister may require the Australian Competition and Consumer Commission (ACCC) to hold an inquiry into a specified matter or matters.

Subsection 95J(6) provides that the Minister may give such directions as they think fit into the holding of the inquiry and matters to be taken into consideration of the inquiry.

On 28 October 2022, the Treasurer provided a direction to the ACCC under subsection 95H(1) of the Act, requiring the ACCC to hold a price inquiry into approved child care services and to provide an interim report to the Treasurer by no later than 30 June 2023 and a final report to the Treasurer by no later than 31 December 2023.

The *Competition and Consumer (Price Inquiry—Child Care) Amendment Direction 2023* (the Amending Direction) is made under subsection 95J(6) of the Act and subsection 33(3) of the *Acts Interpretation Act 1901*.

The purpose of the Amending Direction is to alter the interim report requirements for the child care price inquiry.

The amendments at Schedule 1 to the Amending Direction provide that ACCC must give the Treasurer a first interim report on the inquiry by 30 June 2023 and a second interim report on the inquiry by 30 September 2023.

In accordance with section 17 of the *Legislation Act 2003*, the ACCC has been consulted on the terms of the Amending Direction.

The Amending Direction is a legislative instrument for the purposes of the *Legislation Act 2003*. In accordance with item 2 of the table in section 9 and item 3 of the table in section 11 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is not disallowable and does not sunset as it is a direction by a Minister to a person or body. It is appropriate that this instrument is not disallowable or subject to sunset as it is a ministerial direction, and therefore executive control is intended.

The Amending Direction commences the day after the instrument is registered.

A statement of Compatibility with Human Rights is at [Attachment A](#).

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Competition and Consumer (Price Inquiry—Child Care) Amendment Direction 2023**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

Section 95H of the *Competition and Consumer Act 2010* (the Act) provides that the Minister may require the Australian Competition and Consumer Commission (ACCC) to hold an inquiry into a specified matter or matters.

On 28 October 2022, the Treasurer provided a direction to the ACCC under subsection 95H(1) of the Act, requiring the ACCC to hold an inquiry into the market for the supply of child care services.

The *Competition and Consumer Amendment (Price Inquiry—Child Care) Direction 2023* (the Amending Direction) alters the interim report requirements for the child care price inquiry.

The amendments at Schedule 1 to the Amending Direction provide that ACCC must give the Treasurer a first interim report on the inquiry by 30 June 2023 and a second interim report on the inquiry by 30 September 2023.

**Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.