

Family Day Care Australia

Response to Questions on Notice from the Senate Education and Employment Legislation Committee - 3 OCTOBER 2016

Inquiry into the Family Assistance Legislation Amendment (Jobs for
Families Child Care Package) Bill 2016 and
Social Services Legislation Amendment (Family Payments Structural
Reform and Participation Measures) Bill 2016



Question on Notice to Family Day Care Australia

Question 1

Senator KAKOSCHKE-MOORE: In terms of specific events, I know that you had some concerns about the definition of events. Do you feel that has been somewhat resolved during the consultation that happened recently?

Mr Rollason: I still await the ministerial rules and secretary rules attached to them.

Senator KAKOSCHKE-MOORE: I do not know whether this is allowed, but can you give some examples of what, in your opinion, would be a reasonable event for a provider to be aware of?

Mr Rollason: In relation to a parent's eligibility?

Senator KAKOSCHKE-MOORE: Yes.

Mr Rollason: I would say around, for example, the care provision—so what care has been undertaken with the educator, and any administration of the subsidy through the subsidy system. But I guess if you became aware of someone's change in circumstances from work or activity I think that would be something you would have to report. But I would be saying, on the flipside, it would have to be a reasonable person test. It could not be a strict liability offence. You would have to show some negligence in doing that.

Senator KAKOSCHKE-MOORE: Are there any similar requirements now about reporting changes in eligibility?

Mr Rollason: Under the CCB—I am unsure on that. I will have to take that on notice for you.

Senator KAKOSCHKE-MOORE: Is there a requirement for the provider to report back to the parent that they have reported the parent?

Mr Rollason: I would have to double-check and take that on notice for you.

Family Day Care Australia Response to Question 1

The A New Tax System (Family Assistance) (Administration) Act 1999 ('the Act'), Part 8A, Division 1, 219N(4)(aa)(i) states that a service is obligated to provide a report to the Secretary that must include *"any information required by the Secretary that is relevant to... determining whether an individual is eligible to receive child care rebate"* (please see Appendix A for entire excerpt). There appears to be no further guidance as to what might constitute relevancy.

FDCA could not source any reference within the Act to a requirement to notify parents if a service reports to the Secretary any information relating to an individual's eligibility for child care rebate.

APPENDIX A

A New Tax System (Family Assistance) (Administration) Act 1999

Part 8A Obligations, and advances, relating to approved child care services

Division 1 Obligations relating to approved child care services

219N Obligation to give reports to Secretary

- (1) For each week in which a session of care is provided by an approved child care service to a child in relation to whom an enrolment has been:
 - (a) notified to the Secretary in accordance with sections 219A and 219AB; and
 - (b) confirmed by the Secretary in accordance with section 219AE;the service must give the Secretary a report in accordance with this section.
- (2) For each week in which a session of care is provided by an approved child care service to a child in relation to whom an enrolment has been:
 - (a) notified to the Secretary in accordance with sections 219AA and 219AB; and
 - (b) confirmed by the Secretary in accordance with section 219AE;the service must give the Secretary a report in accordance with this section.
- (3) The report must be made in the form, and in the manner or way, approved by the Secretary.
- (4) The report must include:
 - (a) any information required by the Secretary that is relevant to:
 - (i) determining whether a fee reduction is applicable in relation to the care and, if so, the rate and amount of that fee reduction; or
 - (ii) making a determination of entitlement, or no entitlement, in relation to the care under Division 4 of Part 3; and
 - (aa) any information required by the Secretary that is relevant to:
 - (i) determining whether an individual is eligible to receive child care rebate; or
 - (ii) determining the amount in which child care rebate is applicable in respect of an individual and a child for care provided for the child by an approved child care service in a week, a quarter or an income year; or
 - (iii) making a determination of entitlement in relation to the care under Division 4AA of Part 3; or
 - (iv) determining any other matter in relation to the payment of child care rebate to an individual; and
 - (b) any other information required by the Secretary.

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