

# 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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