

Senate Standing Committees on Education and Employment

Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022

QUESTION ON NOTICE

Date of hearing: 21 October 2022

Outcome: Early Childhood and Youth

Department of Education Question No. IQ22-000019

Senator Kerryne Liddle on 21 October 2022, Proof Hansard page 58-59

Definition of an Aboriginal and Torres Strait Islander child

Question

Senator LIDDLE: ... In terms of the definition of an Aboriginal and Torres Strait Islander child, is the definition you're proposing different to the Australian government definition that is the standard definition we've all come to know?

Mr Reed: I think the definition in the family systems legislation is the definition that we use. We're not proposing to change that.

Senator LIDDLE: I'm not familiar with the exact wording, but are you familiar with the one that is used generally—Aboriginal or Torres Strait Islander and recognised as such in the community to which they belong?

Mr Reed: I don't have it in front of me.

Senator LIDDLE: This is the one under the Aboriginal and Torres Strait Islander [inaudible].

Senator FARUQI: I actually have that in front of me, Senator Liddle, and it is being changed. There is a definition change in the legislation from the usual definition in Commonwealth legislation. As far as I know, within this bill there was no definition previously, and the Commonwealth definition was used. There is a change in the definition now.

Senator LIDDLE: Thank you, Senator Faruqi. Based on there potentially being a change to the definition, can the department please advise what modelling has been done to define what the impact of that change in definition might be on how numbers of people participating in early childhood are recorded?

Mr Reed: We haven't done any modelling that I'm aware of. I might have to take that on notice to see if we've done any modelling.

Senator LIDDLE: Okay. The other thing I'd like, if you can provide an answer to this, is: why would you use the other definition?

Mr Reed: Before this session is over, we will come back to you on the rationale for changing that. It might be to do with the implementation arrangements of the measure, but we'll come back to you with a response to that question before this session is over.

Senator LIDDLE: The reason for my question about the definition's clarity is that, between the last census and this one, there has been a 25 per cent increase in the number of people who identify as Aboriginal and Torres Strait Islander. That is, as I understand, with the current definition. What modelling has been done if you're now proposing a different definition compared to the definition that, certainly, I have come to know and that has been around for quite some time?

Mr Philp: With regard to the changes to the activity test for First Nations children, that's based upon those children identified in the system as Aboriginal or Torres Strait Islander—or First Nations—children. That is at 6,600. That is the number of children who are already in contact with the system and identified as Aboriginal and Torres Strait Islander.

Senator LIDDLE: Yes, but under what definition? This legislation proposes a different definition. If those children have already been in the system, I want to understand the modelling that's been done if you change the definition.

Mr Reed: We'll have to take that on notice.

Mr Reed: We have an answer to the first questions that were asked in relation to the definition of 'an Indigenous child'. It hasn't changed the definition. It's used the definition that is in the Australian Education Regulation 2013, which is the same definition used for schools, but it has added 15A(3)(b), just to make sure that children are captured from birth when they may not have had an opportunity to prove the three-step identification that's in the regulations. So that's the change. It's not restricting the definition at all; it's just making sure people are picked up from birth. But it's the same definition as—

Senator FARUQI: Sorry. Could I just ask you to please take this on notice, because I have different information on the definition. So if you wouldn't mind just clarifying that for us and letting us know who was consulted if there was actually a change—what First Nations communities and people and organisations were consulted on making that definition.

Mr Reed: We can do that.

Mr Philp: Yes. I can say now that we consulted SNAICC, the Secretariat of National Aboriginal and Islander Child Care, as part of the consultation mechanism for the bill. But we will take that on notice and clarify it.

Senator FARUQI: Thank you very much.

Senator LIDDLE: Yes, I've got a supplementary question. I was listening earlier to your response about the definition of 'Aboriginal and Torres Strait Islander', and I would like you to clarify whether that's aligned with the definition that is under the Social Security Act because I'm a little confused as to which definition you're working to and therefore which modelling, if you've done any modelling.

Mr Reed: It's the definition contained in the Australian Education Regulation 2013. I will have to take on notice if it aligns with the definition in the Social Security Act, but it's the same as the definition in the Australian education regulations with that additional provision to make sure we're catching people from birth.

Senator LIDDLE: How much confidence do you have that the numbers that you're working to as part of the modelling relate to the data that's available to the Australian government in relation to the definition that we've all come to know?

Mr Reed: The numbers that we think will benefit are the 6,600 of those that are already in the system, so essentially at least 6,600 will benefit. There may be more or there will likely be more that will join the system post the introduction of this, but the 6,600, from our modelling, is the number of families that will already benefit because they're in the system.

Senator LIDDLE: I haven't been able to find the difference in that definition that you are proposing. You consulted with SNAICC about that definition, but—

Mr Reed: We consulted with SNAICC on the measure itself. I'd have to check whether they were consulted on that definition.

Mr Philp: We'll take that on notice.

Mr Reed: We haven't had any concerns raised with us about the definition in the bill.

Senator LIDDLE: I'm asking about the modelling against the Social Security Act, so I've got some concerns about clarifying that definition, given what we've seen more recently, some of the changes in numbers. Thank you.

Answer

Legislated definitions of an Aboriginal and Torres Strait Islander child

The definition of Aboriginal and Torres Strait Islander child in item 3 of Schedule 3 of the Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022 (the Bill), is based on the three-part definition, drawing on section 16 of the Australian Education Regulation 2013.

The Department notes:

- the three-part definition is used for ABSTUDY, but this definition is not legislated for ABSTUDY purposes;
- the Social Security Act 1991 definition of “Aboriginal or Torres Strait Islander child” is based on descent and is taken into account for the definition of “Relatives (other than parents) of a child”. This definition is referenced in study and mutual obligation exemptions provisions which refer to kinship ties for Aboriginal or Torres Strait Islander children.

Consultation

The Department has been consulting with SNAICC – National Voice for Our Children and Coalition of Peaks representatives specifically on the definition used to determine which children can access the measure.

Modelling

The Department’s model used information on Child Care Subsidy recipients who voluntarily identified as being of Aboriginal and/or Torres Strait Islander descent (this data is collected in Services Australia claim forms for demographic purposes, rather than for payment purposes). The model used this information in relation to parents and carers, as well as a number of other variables (for example, parents/carers already eligible for 36 hours per fortnight or more, actual usage of early childhood education and care), in determining the number of children who would benefit from this measure.

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Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022

QUESTION ON NOTICE

Date of hearing: 21 October 2022

Outcome: Early Childhood and Youth

Department of Education Question No. IQ22-000018

Senator Kerryne Liddle on 21 October 2022, Proof Hansard page 58

Enrolment data and attendance for all Aboriginal and Torres Strait Islander children across Australia

Question

Senator LIDDLE: I don't mind who answers this question: can the department provide current enrolment data and attendance for all Aboriginal and Torres Strait Islander children across Australia?

Mr Philp: In centre based day care? All forms of day care?

Senator LIDDLE: All forms of day care.

Mr Reed: In our latest quarterly report there were 53,650 Indigenous children who attended approved child care. That's in the September 2021 quarter report—the latest quarterly report.

Senator LIDDLE: That would be under the current Australian government definition of who identifies as such?

Mr Philp: That's right. We use a consistent definition elsewhere in legislation.

Senator LIDDLE: Is that data available by location and broken down by metro, regional and remote areas?

Mr Philp: The numbers I have before me for the September quarter of 2021 for Indigenous children and families in child care by region are: for Indigenous families, in the major cities the number is 18,990; inner regional is 10,740; outer regional is 6,390; and remote or very remote is 1,780. For children, to use the same categories again, in the major cities it's 27,330 children; inner regional is 15,300; outer regional is 8,990; and remote and very remote is 2,390 children, which gives us a total of 53,650 Indigenous children in the sector at the September quarter of 2021.

Senator LIDDLE: Thank you. Would you be able to submit that so that we can look at that data. Does that break down into early childhood learning and just straight child care? How is that broken down?

Mr Philp: They're all those who are participating in childcare subsidy approved services. That will include some preschools. It's predominantly centre based day care, family day care, in-home care and out-of-school-hours care.

Senator LIDDLE: When I see that data, if you give that to me, will I be able to distinguish between how many children attended those different types of child care?

Mr Philp: By category? Let us take that on notice. I can see where you want to go. I expect we can do that; I just don't have those numbers in front of me at the moment.

Answer

Table 1 (below), taken from the September quarter 2021 *Child Care in Australia* (available at <https://www.education.gov.au/child-care-package/early-childhood-data-and-reports/data-usage-services-fees-and-subsidies/september-quarter-2021-report>) contains the breakdown of indigenous children by service type and remoteness category.

Table 1: Number of indigenous children by region, September quarter 2021

	Major Cities	Inner Regional	Outer Regional	Remote & Very Remote	Australia*
Centre-based Day Care	18,450	11,010	6,280	1,870	37,400
Family Day Care	1,250	1,280	700	50	3,250
Outside School Hours Care	8,120	3,360	2,240	490	14,170
Total*#	27,330	15,300	8,990	2,390	53,600
In Home Care					70
Total^					53,650

Excludes In Home Care

^ Includes In Home Care

*As children may use services in more than one state or territory, and due to rounding, the sum of the component parts may not equal the total.

Note: Region is based on the ABS Accessibility/Remoteness Index of Australia (ARIA), July 2016.

Source: Department of Education, Skills and Employment administrative data.

Data on the number of Aboriginal and Torres Strait Islander children enrolled in a preschool program in child care services and stand alone preschools is available in the Australian Bureau of Statistics publication *Preschool Education, Australia*.

(<https://www.abs.gov.au/statistics/people/education/preschool-education-australia/latest-release#data-download>).

In 2021 there were 20,945 Aboriginal and Torres Strait Islander children aged 4 or 5 years old enrolled in a preschool program, representing over 6% of all children enrolled in preschool programs.