

From: FREEDOMOFINFORMATION
To: [Toze, Cathy](#)
Cc: [s47E\(d\)](#) [Piazza, Tony; s47E\(d\)](#) [Derix, Jeffrey s47E\(d\)](#)
FREEDOMOFINFORMATION
Subject: For Noting: New significant FOI request – Me (Right to Know) - [LEX 71589] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Date: Monday, 6 February 2023 5:42:42 PM
Attachments: [image001.jpg](#)
[image002.png](#)

Hi Cathy

For noting: The Families and Children Division has been identified as the relevant business area for a new FOI request received from ‘Me’ (the applicant). This request is considered to be significant as the applicant is seeking access to Agency information relating to the amendment to Child Care Subsidy legislation.

A decision is due on **2 March 2023**. If we intend to release documents to the applicant, we will provide a copy of the documents in the form proposed for release at 3 business days prior to release.

s47C

Please contact me, or the acting Chief Counsel, if you require any further information.

Kind regards

Nick

Nicholas Parmeter
General Counsel, Information Access

Legal Services Division

E: **s47F(1)** [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)

M: **s47F(1)**

cid:image001.jpg@01D6B8E1.985E2F30

cid:image007.png@01D6DF7F.6CC1A900

From: [Toze, Cathy](#)
To: [FREEDOMOFINFORMATION](#); [Thorpe, Jonathon](#)
Cc: [s47E\(d\)](#); [Piazza, Tony](#); [s47E\(d\)](#) [Derix, Jeffrey](#); [s47E\(d\)](#)
[FREEDOMOFINFORMATION](#)
Subject: Re: For Noting: New significant FOI request – Me (Right to Know) - [LEX 71589] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Date: Monday, 6 February 2023 6:01:31 PM
Attachments: [image001.jpg](#)
[image002.png](#)

Looping Jonathon in.

Thanks, happy to discuss,
 Cathy Toze
 General Manager, Services Australia.
 Mobile: [s47F\(1\)](#)

From: FREEDOMOFINFORMATION
Sent: Monday, February 6, 2023 6:12 pm
To: Toze, Cathy
Cc: [s47E\(d\)](#); [Piazza, Tony](#); [s47E\(d\)](#); [Derix, Jeffrey](#); [s47E\(d\)](#); [FREEDOMOFINFORMATION](#)
Subject: For Noting: New significant FOI request – Me (Right to Know) - [LEX 71589] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi Cathy

For noting: The Families and Children Division has been identified as the relevant business area for a new FOI request received from ‘Me’ (the applicant). This request is considered to be significant as the applicant is seeking access to Agency information relating to the amendment to Child Care Subsidy legislation.

A decision is due on **2 March 2023**. If we intend to release documents to the applicant, we will provide a copy of the documents in the form proposed for release at 3 business days prior to release.

[s47C](#)

Please contact me, or the acting Chief Counsel, if you require any further information.

Kind regards

Nick

Nicholas Parmeter

General Counsel, Information Access

Legal Services Division

E: [s47F\(1\)](#) [@servicesaustralia.gov.au](#)

M: [s47F\(1\)](#)

cid:image001.jpg@01D6B8E1.985E2F30

cid:image007.png@01D6DF7F.6CC1A900

From: FREEDOMOFINFORMATION
To: s47E(d)
Cc: FREEDOMOFINFORMATION
Subject: For action: Significant FOI request search minute – Me (Right to Know) (LEX 71589) – Due 9 February 2023 [SEC=OFFICIAL]
Date: Thursday, 2 February 2023 9:10:37 AM
Attachments: [image001.jpg](#)
[LEX 71589 - SPOC - Significant document search minute.docx](#)
[Freedom of Information request - Reason for amendments to s 67CC\(2\).msg](#)
[Re LEX 71589 - Communication - In relation to your request SECOFFICIAL.msg](#)

Sensitive: Legal

Dear Rohan,

For your action

Your Division has been identified as a relevant business area for the attached FOI request from 'Me' (Right to Know). To assist the FOI Team to process this request, please complete the attached search minute and respond to the FOI Team by close of business, 9 February 2023. Please note the Search Minute requires GM clearance.

Background

Services Australia has received a significant freedom of information request from 'Me' (Right to Know), made in the following terms:

There are amendments to s 67CC(2) of the A New Tax System (Family Assistance) (Administration) Act 1999, contained in the Family Assistance Legislation Amendment (Cheaper Childcare) Act 2022. In particular, the amendment that adds 'claimant' to s 67CC(2).

For that amendment, please produce:

1. The earliest in time document in Services Australia's possession that relates directly to the above amendment
2. The latest in time document, but on or before 26 September 2022, in Services Australia's possession that relates directly to the above amendment
3. A document in Services Australia's possession that describes the origin of the idea to pursue the amendment.

This request is considered to be significant as agency information is requested.

s47C

- o s47C

Please contact me or s47F(1) on s47F(1) if you require any further information.

Kind regards,

s47F(1)

Assistant Director, Freedom of Information

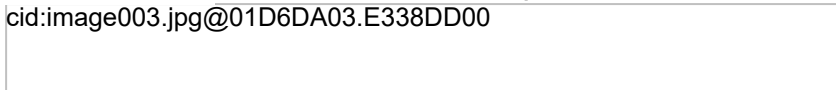
Information Access Branch

Legal Services Division

Chat with me on Teams

s47F(1) or call me via Teams (preferred)

cid:image003.jpg@01D6DA03.E338DD00



From: Anderson Tina
To: FREEDOMOFINFORMATION
Cc: s47E(d) ; s47F(1)
Subject: FW: For action: Significant FOI request search minute – Me (Right to Know) (LEX 71589) – Due 7 February 2023 [SEC=OFFICIAL:Sensitive]
Date: Monday, 6 February 2023 8:07:13 PM
Attachments: image005.jpg
 image001.png
 FW Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022 SECOFFICIALSensitive.msg
 Explanatory Memorandum.docx
 LEX 71589 - SPOC - Significant document search minute v0.2.docx
 FW Advice please by COB Thurs 47- draft amendment to remove the follow the child requirement SECOFFICIAL.msg
 image004.jpg
 image002.jpg
Importance: High

Team – approved GM response below.

Many thanks.

Regards,

Tina

Tina Anderson

National Manager

s47F(1)

Families and Child Care Branch

Families, Children and Targeted Services Division



s47F(1)

From: Piazza, Tony

Sent: Monday, 6 February 2023 8:16 PM

To: Anderson, Tina

Cc: s47E(d) s47F(1)

Subject: FW: For action: Significant FOI request search minute – Me (Right to Know) (LEX 71589) – Due 7 February 2023 [SEC=OFFICIAL:Sensitive]

Importance: High

s47C

Tony

Tony Piazza,

General Manager

Phone s47F(1)

Families and Children Division

cid:image003.jpg@01D6B909.E6CA9A50



From: Anderson, Tina s47F(1) @servicesaustralia.gov.au>

Sent: Monday, 6 February 2023 9:51 AM

To: Piazza, Tony <s47F(1) @servicesaustralia.gov.au>

Cc: s47E(d)

s47F(1)

s47F(1) @servicesaustralia.gov.au>

Subject: FW: For action: Significant FOI request search minute – Me (Right to Know) (LEX 71589) – Due 7 February 2023 [SEC=OFFICIAL:Sensitive]

Importance: High

s47C

s47C

Regards,
Tina
Tina Anderson
National Manager
s47F(1)
Families and Child Care Branch
Families, Children and Targeted Services Division

[Redacted]
s47F(1)

From: s47F(1) **On Behalf Of** s47E(d)
Sent: Thursday, 2 February 2023 10:40 AM
To: s47E(d)
Cc: Anderson, Tina s47F(1) <[s47F\(1\)@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)>
Subject: FW: For action: Significant FOI request search minute – Me (Right to Know) (LEX 71589) – Due 7 February 2023
[SEC=OFFICIAL]
Hi s47F(1)
s47C

Thank you

s47F(1)

Executive Officer to Tony Piazza, General Manager
Families and Children

s47F(1) @servicesaustralia.gov.au

cid:image002.jpg@01D6B9CE.158F6950

I acknowledge the Traditional Custodians of the lands we live on. I pay my respects to all Elders, past, present and emerging of all Aboriginal and Torres Strait Islander nations.

From: FREEDOMOFINFORMATION <XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXXXXXXXXXX.XXX.XX >

Sent: Thursday, 2 February 2023 9:40 AM

To: s47E(d)

Cc: FREEDOMOFINFORMATION <XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXXXXXXXXXX.XXX.XX >

Subject: For action: Significant FOI request search minute – Me (Right to Know) (LEX 71589) – Due 9 February 2023

[SEC=OFFICIAL]

Sensitive: Legal

For your action

Your Division has been identified as a relevant business area for the attached FOI request from 'Me' (Right to Know). To assist the FOI Team to process this request, please complete the attached search minute and respond to the FOI Team by close of business, 9 February 2023. Please note the Search Minute requires GM clearance.

Background

Services Australia has received a significant freedom of information request from 'Me' (Right to Know), made in the following terms:

There are amendments to s 67CC(2) of the A New Tax System (Family Assistance) (Administration) Act 1999, contained in the Family Assistance Legislation Amendment (Cheaper Childcare) Act 2022. In particular, the amendment that adds 'claimant' to s 67CC(2).

For that amendment, please produce:

1. The earliest in time document in Services Australia's possession that relates directly to the above amendment
2. The latest in time document, but on or before 26 September 2022, in Services Australia's possession that relates directly to the above amendment
3. A document in Services Australia's possession that describes the origin of the idea to pursue the amendment.

This request is considered to be significant as agency information is requested.

s47C

o

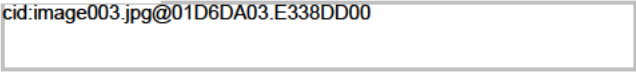
Kind regards,

s47F(1)

Assistant Director, Freedom of Information
Information Access Branch
Legal Services Division
Chat with me on Teams

s47F(1) or call me via Teams (preferred)

cid:image003.jpg@01D6DA03.E338DD00



From: FREEDOMOFINFORMATION
To: s47E(d)
Cc: FREEDOMOFINFORMATION; Anderson Tina; s47E(d s47F(1))
Subject: For review by 20 Feb 2023: Significant FOI request search minute – Me (Right to Know) (LEX 71589) [SEC=OFFICIAL:Sensitive]
Date: Monday, 20 February 2023 9:37:47 AM
Attachments: image005.jpg
image006.png
image007.jpg
FW LEX 71589 - Courtesy consultation from Services Australia Department of Education SECOFFICIAL.msg
LEX 71589 - SPOC - GM cleared Significant document search minute v0.2.docx
LEX 71589 - Decision - Draft documents marked for redaction - for clearance.pdf
image001.jpg

s47C

Kind regards

s47F(1) , Assistant Director
s47F(1)

Freedom of Information and Ombudsman Branch
LEGAL SERVICES DIVISION

cid:image002.jpg@01D6BC07.2D63B370

s47F(1)

Services Australia acknowledges the Traditional Owners of the land now called Australia. We pay our respect to all Elders, past, present and emerging of all Aboriginal and Torres Strait Islander nations.

Please note: This email and any attachments may contain information subject to legal professional privilege or information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email.

From: Anderson, Tina

Sent: Monday, 6 February 2023 8:36 PM

To: FREEDOMOFINFORMATION

Cc: s47E(d) s47F(1)

Subject: FW: For action: Significant FOI request search minute – Me (Right to Know) (LEX 71589) – Due 7 February 2023 [SEC=OFFICIAL:Sensitive]

s22-duplicate

From: [Education - FOI](#)
To: [FREEDOMOFINFORMATION](#)
Subject: FW: LEX 71589 - Courtesy consultation from Services Australia – Department of Education [SEC=OFFICIAL]
Date: Wednesday, 15 February 2023 9:47:40 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[LEX 71589 - Services Australia - Consult Document.pdf](#)

Caution: Do not click any links or open any attachments unless you trust the sender and believe the content to be safe.

Dear ^{s47F(1)}

Thank you for your consulting the Department of Education (department) about the possible release of the attached documents.

We have consulted with the relevant business area within the department and make the following comments.

s42, s47C

Thank you again for consulting with the department about this matter. Please feel free to contact me if you have any questions.

Kind regards,

^{s47F(1)}

Senior Government Lawyer
Corporate and Information Law Team | Corporate and Childcare Branch
Legal Division
Australian Government Department of Education
Phone ^{s47F(1)}
education.gov.au

The Department of Education acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

Legal in confidence: This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone

and delete copies of this transmission together with any attachments.

From: FREEDOMOFINFORMATION

Sent: Thursday, 9 February 2023 12:15 PM

To: Education - FOI

Cc: FREEDOMOFINFORMATION

Subject: LEX 71589 - Courtesy consultation from Services Australia – Department of Education
[SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Colleagues

Services Australia (the Agency) has received a Freedom of Information request from 'Me' (Right to Know), made in the following terms:

There are amendments to s 67CC(2) of the A New Tax System (Family Assistance) (Administration) Act 1999, contained in the Family Assistance Legislation Amendment (Cheaper Childcare) Act 2022. In particular, the amendment that adds 'claimant' to s 67CC(2).

For that amendment, please produce:

1. The earliest in time document in Services Australia's possession that relates directly to the above amendment
2. The latest in time document, but on or before 26 September 2022, in Services Australia's possession that relates directly to the above amendment
3. A document in Services Australia's possession that describes the origin of the idea to pursue the amendment.

The Agency has identified the attached documents, consisting of 50 pages, which relate to the Department of Education (the Department).

The Agency is seeking your views, if any, on the potential release of the attached documents under the FOI Act.

s47C

If you wish to discuss any aspect of this FOI request, please contact me on s47F(1).

Kind regards

s47F(1) Senior FOI Officer

Information Access Branch

LEGAL SERVICES DIVISION

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information that is otherwise sensitive or confidential. If you are not the intended recipient of this email, you are prohibited from using or disseminating this communication. If you have received this communication in error please notify the sender immediately and permanently delete this email

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Notice:

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient, any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the sender by contacting the department's switchboard on 1300 566 046 during business hours (8:30am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

From: Anderson, Tina
To: s47E(d) FREEDOMOFINFORMATION
Cc: s47F(1) ; s47E(d)
Subject: FW: For review by 20 Feb 2023: Significant FOI request search minute – Me (Right to Know) (LEX 71589) [SEC=OFFICIAL:Sensitive]
Date: Monday, 20 February 2023 4:20:37 PM
Attachments: image005.jpg
image006.png
image007.jpg
FW LEX 71589 - Courtesy consultation from Services Australia Department of Education SECOFFICIAL.msg
LEX 71589 - SPOC - GM cleared Significant document search minute v0.2.docx
LEX 71589 - Decision - Draft documents marked for redaction - for clearance.pdf
image001.jpg
image002.jpg

Hi s47F(1)

s47C

Regards,

Tina

Tina Anderson

National Manager

s47F(1)

Families and Child Care Branch

Families, Children and Targeted Services Division



s47F(1)

From: FREEDOMOFINFORMATION
Sent: Monday, 20 February 2023 10:05 AM
To: s47E(d)
Cc: FREEDOMOFINFORMATION ; Anderson, Tina ; s47E(d) s47F(1)
Subject: For review by 20 Feb 2023: Significant FOI request search minute – Me (Right to Know) (LEX 71589)
s22-duplicate

From: [FREEDOMOFINFORMATION](#)
To: [Thorpe, Jonathon](#)
Cc: [s47E\(d\)](#) ; [Piazza, Tony](#); [s47E\(d\)](#) ; [s47F\(1\)](#)
[FREEDOMOFINFORMATION](#)
Subject: Seeking DCEO Comment by 24 February 2023 – Documents proposed for release (LEX 71589) [SEC=OFFICIAL]
Date: Wednesday, 22 February 2023 10:27:17 AM
Attachments: [image002.jpg](#)
[LEX 71589 - Decision - Documents final.pdf](#)
[FW For action Significant FOI request search minute Me \(Right to Know\) \(LEX 71589\) Due 7 February 2023 SECOFFICIALSensitive.msg](#)
[FW LEX 71589 - Courtesy consultation from Services Australia Department of Education SECOFFICIAL.msg](#)
[RE For review by 20 Feb 2023 Significant FOI request search minute Me \(Right to Know\) \(LEX 71589\) SECOFFICIALSensitive.msg](#)
[FW For review by 20 Feb 2023 Significant FOI request search minute Me \(Right to Know\) \(LEX 71589\) SECOFFICIALSensitive.msg](#)

Sensitive: Legal

Dear Jonathon,

[s47C](#)

Regards

[s47F\(1\)](#)

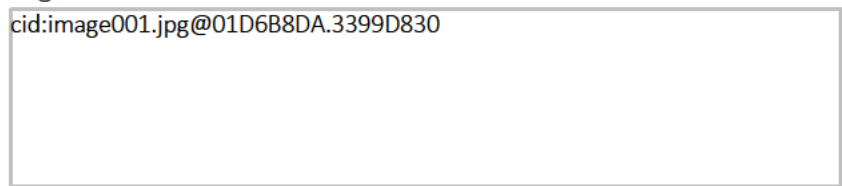
A/g General Counsel

Phone: s47F(1)

FOI and Ombudsman Branch

Legal Services Division

cid:image001.jpg@01D6B8DA.3399D830



s47F(1)

s47F(1)

From: [Thorpe, Jonathon](#)
To: [FREEDOMOFINFORMATION](#)
Cc: [s47E\(d\)](#) [Piazza, Tony](#); [s47E\(d\)](#) [s47F\(1\)](#)
Subject: RE: Seeking DCEO Comment by 24 February 2023 – Documents proposed for release (LEX 71589)
[SEC=OFFICIAL]
Date: Monday, 27 February 2023 3:03:45 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hi All

Just confirming Tony will respond noting some additional queries. Thanks.

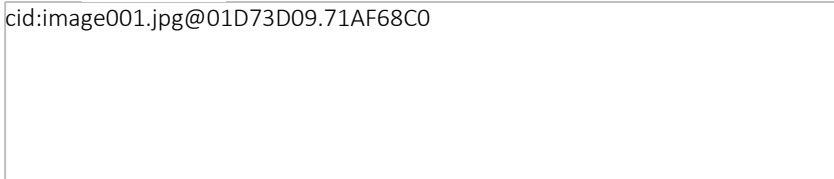
Regards

Jonathon Thorpe

a/g Deputy CEO, CUSTOMER SERVICE DESIGN GROUP

Mobile [s47F\(1\)](#)

cid:image001.jpg@01D73D09.71AF68C0



[s47F\(1\)](#)

From: FREEDOMOFINFORMATION
Sent: Wednesday, 22 February 2023 10:52 AM
[s22-duplicate](#)

From: FREEDOMOFINFORMATION
To: Piazza, Tony
Cc: s47E(d) FREEDOMOFINFORMATION; s47E(d)
Subject: FW: Seeking DCEO Comment by 1 March 2023 – Documents proposed for release (LEX 71589) [SEC=OFFICIAL]
Date: Wednesday, 1 March 2023 9:41:59 AM
Attachments: [image001.jpg](#)
[LEX 71589 - Decision - Draft documents marked for redaction - for clearance v2.pdf](#)
[image002.jpg](#)
[RE Seeking DCEO Comment by 24 February 2023 Documents proposed for release \(LEX 71589\) SECOFFICIAL.msg](#)

Hi Tony,
FOI have received the attached response from Jonathon Thorpe dated 27 February 2023 to advise you will be providing a response.
s47C

Thank you.
Kind regards
s47F(1)
A/g Assistant Director
Phone: s47F(1)
Freedom of Information and Ombudsman Branch
LEGAL SERVICES DIVISION



Email: xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx.xx

From: FREEDOMOFINFORMATION
Sent: Friday, 24 February 2023 11:13 AM
To: Piazza, Tony
Cc: s47E(d) FREEDOMOFINFORMATION ; s47F(1)
Subject: RE: Seeking DCEO Comment by 24 February 2023 – Documents proposed for release (LEX 71589) [SEC=OFFICIAL]

Hi Tony,
Thank you for your email.
s47C

Kind regards

s47F(1)

A/g Assistant Director

Phone: s47F(1)

Freedom of Information and Ombudsman Branch

LEGAL SERVICES DIVISION



Email: freedomofinformation@servicesaustralia.gov.au

From: Piazza, Tony s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)

Sent: Thursday, 23 February 2023 4:53 PM

To: FREEDOMOFINFORMATION <freedomofinformation@servicesaustralia.gov.au>; Thorpe,

Jonathon s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)

Cc: s47E(d)

s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)

Subject: RE: Seeking DCEO Comment by 24 February 2023 – Documents proposed for release (LEX 71589) [SEC=OFFICIAL]

s47C

Thankyou

Tony

From: FREEDOMOFINFORMATION <freedomofinformation@servicesaustralia.gov.au>

Sent: Wednesday, 22 February 2023 10:52 AM

s22-duplicate

From: [Piazza, Tony](#)
To: [FREEDOMOFINFORMATION](#)
Cc: [s47E\(d\)](#)
Subject: FW: Seeking DCEO Comment by 1 March 2023 – Documents proposed for release (LEX 71589) [SEC=OFFICIAL]
Date: Thursday, 2 March 2023 11:28:28 AM
Attachments: [image001.jpg](#)
[LEX 71589 - Decision - Draft documents marked for redaction - for clearance v2.pdf](#)
[image002.jpg](#)
[RE Seeking DCEO Comment by 24 February 2023 Documents proposed for release \(LEX 71589\) SECOFFICIAL.msg](#)

Hi. No further concerns from myself.

Regards

Tony

Tony Piazza,
General Manager
Phone [s47F\(1\)](#)
Families and Children Division



From: FREEDOMOFINFORMATION <XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXXXXXXXX.XXX.XX>

Sent: Wednesday, 1 March 2023 10:09 AM
[s22-duplicate](#)

From: [O'Donnell, Lisa](#)
To: [s47F\(1\)](#)
Cc: [s47F\(1\)](#) ; [FOI.LEGAL.TEAM](#); [s47F\(1\)](#)
Subject: Seeking DCEO Comment by 6 March 2023– Documents proposed for release (LEX 71589)
[SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Date: Friday, 3 March 2023 1:47:25 PM
Attachments: [Seeking DCEO Comment by 6 March 2023 Documents proposed for release \(LEX 71589\) SECOFFICIAL.msg](#)
[image001.jpg](#)

Hello

[s47C](#)

Thanks

Lisa O'Donnell, General Counsel

Phone [s47F\(1\)](#)

FOI and Ombudsman Branch

LEGAL SERVICES DIVISION



I acknowledge the Traditional Custodians of the lands we live on. I pay my respects to all Elders, past and present, of all Aboriginal and Torres Strait Islander nations

[s47F\(1\)](#)

s47F(1)

From: O'Donnell, Lisa
Sent: Friday, 3 March 2023 9:53 AM
To: Thorpe, Jonathon
Cc: s47E(d) ; s47F(1) Tony; s47E(d)
Subject: s47F(1) ; O'Donnell, Lisa
Seeking DCEO Comment by 6 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL]
Attachments: FW: Seeking DCEO Comment by 1 March 2023 – Documents proposed for release (LEX 71589) [SEC=OFFICIAL]; LEX 71589 - Decision - Draft documents marked for redaction - for clearance v2.pdf

Good morning Lisa

s47C

Thanks - s47F(1)

To: Thorpe, Jonathon s47F(1) <[@servicesaustralia.gov.au](mailto:Thorpe.Jonathon@servicesaustralia.gov.au)>
Cc: s47E(d) <[s47E\(d\)@servicesaustralia.gov.au](mailto:s47E(d)@servicesaustralia.gov.au)>; s47E(d) <[s47E\(d\)@servicesaustralia.gov.au](mailto:s47E(d)@servicesaustralia.gov.au)>; O'Donnell, Lisa <[O'Donnell, Lisa@servicesaustralia.gov.au](mailto:O'Donnell.Lisa@servicesaustralia.gov.au)>

Sensitive: Legal

Dear Jonathon,

s47C

Kind regards

Lisa O'Donnell, General Counsel
Phone s47F(1)
FOI and Ombudsman Branch
LEGAL SERVICES DIVISION

SERVICES AUSTRALIA
servicesaustralia.gov.au

I acknowledge the Traditional Custodians of the lands we live on. I pay my respects to all Elders, past and present, of all Aboriginal and Torres Strait Islander nations

FREEDOMOFINFORMATION freedomofinformation@servicesaustralia.gov.au

s47E(d)

From: Thorpe, Jonathon s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)>
Sent: Monday, 27 February 2023 3:34 PM
s22-duplicate

From: O'Donnell, Lisa
To: s47F(1)
Cc: s47F(1)
Subject: Re: Seeking DCEO Comment by 6 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Date: Friday, 3 March 2023 4:46:12 PM
Attachments: image002.jpg
image003.jpg

s47C

Lisa

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From: s47F(1)
Sent: Friday, March 3, 2023 4:29:03 PM
To: O'Donnell, Lisa
Cc: s47F(1)
Subject: RE: Seeking DCEO Comment by 6 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi Lisa

Apologies, the legislation and explanatory memorandum within the document bundle are publicly available.

[Family Assistance Legislation Amendment \(Cheaper Child Care\) Bill 2022 – Parliament of Australia \(aph.gov.au\)](#)

Kind regards

s47F(1), Senior FOI Officer

Phone: s47F(1)

Freedom of Information and Ombudsman Branch

LEGAL SERVICES DIVISION



Email: xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxx.xxx.xx

From: O'Donnell, Lisa
Sent: Friday, 3 March 2023 3:30 PM
To: FREEDOMOFINFORMATION
Cc: s47F(1)
Subject: RE: Seeking DCEO Comment by 6 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

s47C

Lisa O'Donnell, General Counsel

Phone s47F(1)

FOI and Ombudsman Branch

LEGAL SERVICES DIVISION



I acknowledge the Traditional Custodians of the lands we live on. I pay my respects to all Elders, past and present, of all Aboriginal and Torres Strait Islander nations

s47F(1)



From: FREEDOMOFINFORMATION <XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXXXXXXXXXX.XXX.XX >

Sent: Friday, 3 March 2023 3:17 PM

To: O'Donnell, Lisa

Cc: s47F(1) @servicesaustralia.gov.au>; s47F(1)

s47F(1) @servicesaustralia.gov.au>; s47F(1)

s47F(1) @servicesaustralia.gov.au>; s47F(1)

s47F(1) @servicesaustralia.gov.au>

Subject: RE: Seeking DCEO Comment by 6 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi Lisa

s47C

Please let me know if you require any further information.

Kind regards,

s47F(1)

Senior FOI officer

Phone s47F(1)

Information Access Branch

LEGAL SERVICES DIVISION



Email: XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXXXXXXXXXX.XXX.XX

From: O'Donnell, Lisa

Sent: Friday, 3 March 2023 2:17 PM

s22-duplicate

From: [Thorpe, Jonathon](#)
To: [Piazza, Tony](#); [FOI.LEGAL.TEAM](#)
Subject: Re: Seeking DCEO Comment by 7 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL]
Date: Monday, 6 March 2023 11:53:11 AM
Attachments: [image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

On that basis, this is approved.

Thanks all

Regards

JT

Regards

Jonathon Thorpe
A/g Deputy CEO Customer Service Design
Services Australia

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From: Piazza, Tony
Sent: Monday, March 6, 2023 12:20:55 PM
To: Thorpe, Jonathon ; [FOI.LEGAL.TEAM](#)
Subject: RE: Seeking DCEO Comment by 7 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL]

Hi JT. **s47C** I have cleared.

Tony

Tony Piazza,
General Manager
Phone **s47F(1)**
Families and Children Division




From: Thorpe, Jonathon
Sent: Monday, 6 March 2023 12:06 PM
To: [FOI.LEGAL.TEAM](#) ; [Piazza, Tony](#)
Subject: RE: Seeking DCEO Comment by 7 March 2023– Documents proposed for release (LEX 71589) [SEC=OFFICIAL]

Tony
s47C

Regards

Jonathon Thorpe
a/g Deputy CEO, CUSTOMER SERVICE DESIGN GROUP
Mobile **s47F(1)**

cid:image001.jpg@01D73D09.71AF68C0



s47F(1)

From: FOI.LEGAL.TEAM <FOI.Legal.Team@servicesaustralia.gov.au>

Sent: Monday, 6 March 2023 11:43 AM
s22-duplicate

Hi Jenna,

Thanks for your email.

The team has reviewed current legislation **s47C**

[Current legislation](#)

When reviewing current CCS eligibility legislation (see snip below) it references items in relation an individual who is eligible for CCS. **s47C**

Division 2—Eligibility for child care subsidy

85BA Eligibility for CCS

(1) An individual is eligible for CCS for a session of care provided by an approved child care service to a child if:

(a) at the time the session of care is provided:

- (i) the child is an FTB child, or a regular care child, of the individual or the individual's partner; and
 - (ii) the child is 13 or under and does not attend secondary school, or the requirements covered by subsection (2) are satisfied; and
 - (iii) the child meets the immunisation requirements in section 6; and
 - (iv) the individual, or the individual's partner, meets the residency requirements in section 85BB; and
- (b) the individual, or the individual's partner, has incurred a liability to pay for the session of care under a complying written arrangement; and

(c) the session of care:

- (i) is provided in Australia; and
- (ii) is not provided as part of the compulsory education program in the State or Territory where the care is provided; and
- (iii) is not provided in circumstances prescribed by the Minister's rules; and
- (d) Division 5 does not prevent the individual being eligible for CCS for the session of care; and
- (e) if the session of care is provided by an approved child care service of a kind prescribed by the Minister's rules—the Secretary determines that the requirements prescribed by the Minister's rules in relation to that kind of service are met.

Note: Complying written arrangement is defined in subsection 200B(3) of the Family Assistance Administration Act

(2) For the purposes of subparagraph (1)(a)(ii), the requirements covered by this subsection are that:

- (a) the child is a member of a class prescribed by the Minister's rules; and
 - (b) the individual and the approved child care service satisfy any conditions prescribed by the Minister's rules in relation to the child.
- (2A) To avoid doubt, circumstances prescribed by the Minister's rules for the purposes of subparagraph (1)(c)(iii) may include circumstances relating to an emergency or disaster.

Note: Emergency or disaster is defined in subsection 205C(2) of the Family Assistance Administration Act

(3) A determination under paragraph (1)(e) is not a legislative instrument.

s47C

s47C

Cheers,

s47F(1)

Phone s47F(1)

Child Care Subsidy Programme | Families and Child Care Branch
FAMILIES, CHILDREN AND TARGETED SERVICES DIVISION



From: s47F(1) <[s47F\(1\)@education.gov.au](mailto:s47F(1)@education.gov.au)>

Sent: Wednesday, 3 August 2022 3:58 PM

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Subject: Advice please by COB Thurs 4/7- s47C

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s47F(1)

From: Coker, Joel s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)>
Sent: Friday, 29 July 2022 12:33 PM
To: s47F(1) [@education.gov.au](mailto:s47F(1)@education.gov.au); s47E(d) [@servicesaustralia.gov.au](mailto:s47E(d)@servicesaustralia.gov.au); s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au); s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au); s47F(1) [@servicesaustralia.gov.au](mailto:s47F(1)@servicesaustralia.gov.au)>
Cc: s47F(1) [@education.gov.au](mailto:s47F(1)@education.gov.au); s47F(1) [@education.gov.au](mailto:s47F(1)@education.gov.au); s47F(1) [@education.gov.au](mailto:s47F(1)@education.gov.au); s47F(1) [@education.gov.au](mailto:s47F(1)@education.gov.au)>
Subject: RE: Advice please by COB Fri 29/7- s47C [SEC=OFFICIAL]

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Hi s47F(1)

Thanks for further clarifying the potential change in legislation.

s47C

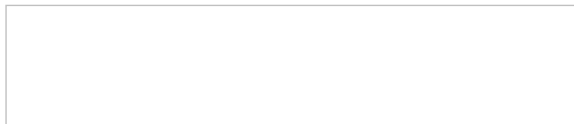
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Cheers,

s47F(1)

Phone s47F(1)

Child Care Subsidy Programme | Families and Child Care Branch
FAMILIES, CHILDREN AND TARGETED SERVICES DIVISION



From: s47F(1) [@education.gov.au](mailto:s47F(1)@education.gov.au)>

Sent: Thursday, 28 July 2022 2:48 PM

To: s47E(d) @servicesaustralia.gov.au; s47F(1) @servicesaustralia.gov.au; s47F(1)
s47F(1) @servicesaustralia.gov.au; s47F(1) @servicesaustralia.gov.au; s47F(1)
s47F(1) @servicesaustralia.gov.au
Cc: s47F(1) @education.gov.au; s47F(1) @education.gov.au; s47F(1)
s47F(1) @education.gov.au; s47F(1) @education.gov.au; s47F(1) @education.gov.au
Subject: FW: Advice please by COB Fri 29/7- s47C [SEC=OFFICIAL]

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s47C

s47F(1)

From: s47F(1)
Sent: Thursday, 28 July 2022 10:59 AM
To: s47E(d) @servicesaustralia.gov.au; s47F(1) @servicesaustralia.gov.au; s47F(1)
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s47F(1) @education.gov.au; s47F(1) @education.gov.au; s47F(1) @education.gov.au
Subject: Advice please by COB Fri 29/7- s47C

Hi SA
Could we please seek your advice on a draft amendment s47C

- ◦
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Apologies for the short timeframe, however could we please receive your advice on the above by COB Friday 29 July (or earlier, if at all possible!)

Thank you
s47F(1)

s47F(1)

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Higher Child Care Subsidy

First Principles v11

Purpose: The purpose of this document is to set out the key legislative provisions, information requirements, decisions, and outcomes in relation to the higher Child Care Subsidy (CCS). **s47E(d)**

Note: this document is not intended to replace agreed Business Requirements between DESE and Services Australia.

s22

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3.1 Eligibility for CCS by fee reduction

S67CC of the FA Admin Act sets out when the Secretary must determine an individual is eligible for CCS by fee reduction for a child. It also lays out when an individual's eligibility for CCS by fee reduction may cease.

The amendment to s67CC(2)(b) and additions of s67CC(2)(d) and s67CC(2)(e) change how an individual's CCS eligibility may cease. This impacts all CCS eligibility determinations. These amendments are set out in detail below.

There are otherwise no amendments to CCS eligibility, so if all other CCS eligibility requirements are met then entitlement to CCS is calculated in accordance with provisions of the Administration Act, as per business-as-usual processes.

s22

3.3 26 week rule

The new s67CC(2)(d) introduces the 26 week rule. This provides the Secretary may make a cessation of eligibility determination if a child has not received a report under s204B indicating that a [session of care](#) has been [provided to the child, in relation to which the individual is the claimant](#), for at least 26 consecutive weeks, or a different number of consecutive weeks as prescribed by the Minister's rules. The purpose of being able to change the 26 week period through Minister's Rules is to allow the measure to respond to emerging issues that impact policy integrity or frustrate the policy intent.

Section 67CC(6) provides that a determination that eligibility has ceased 'has effect from the day specified in the determination (which may be earlier than the day the determination is made).' This means the decision maker has discretion as to when the cessation of eligibility will take effect. The Secretary may make a determination that ceases eligibility that only has prospective effect, or may make a determination with retrospective effect, according to their discretion.

s47C

s47C

See [part 4](#) for further detail on implementation timing and system flexibility to change the 26 week time period.

s22

- s22

3.4.2 Session of care 'provided to the child'

As part of the removal of phase 2, the requirement that sessions of care 'follow the child' under the 26 week rule has also been removed, with amendments to section 67CC(2)(d) of the FA Admin Act.

Previously, paragraph 67CC(2)(d) permitted the Secretary to cease an individual's determination of eligibility under subsection 67CC(1) if a session report had not been given to the Secretary for the child for at least 26 consecutive weeks. A determination of eligibility is necessary to qualify for CCS payments.

The Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022 adds "in relation to which the individual is the claimant" after "session of care", which has the effect that, when the Secretary is considering ceasing a determination of eligibility under subsection 67CC(2), the Secretary will only look at whether the child has received sessions of care for which that relevant individual is the claimant. It would not matter whether or not the child received care for which another individual was receiving CCS.

This aligns the legislation with the administration of this provision within the CCS system.

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4.2.1 Prospective application

A policy decision was made that the 26 week rule will have prospective application only. This means if a standard rate child loses their eligibility due to 26 weeks of no care being provided (67CC(2)(d)(i)), the higher rate child will not lose the higher rate of subsidy until the next CCS fortnight onwards. s47C

s22

FAMILY ASSISTANCE LEGISLATION AMENDMENT (PLAN FOR CHEAPER CHILD CARE) BILL 2022 – Lay person explanation of amendments (measure 1 – increase to child care subsidy rates)

Schedule 1 – increasing child care subsidy rates		
<i>Schedule 1 will commence on 1 July 2023.</i>		
Item in Bill	Effect of item	Reason for/importance of amendment
Items 2, 4, 6, 8, 10	<p>Removing the definitions of the lower, second, third, fourth and upper income thresholds</p> <p>There will now be separate thresholds for the majority of children (called “base rate” thresholds) and higher rate children (called “other rate” thresholds).</p>	<p>These are technical amendments to facilitate new terminology needed for the new child care rates.</p>
Item 1, 3, 5, 7, 9	<p>Introducing new definition for:</p> <ul style="list-style-type: none"> • fourth income (other rate) threshold • lower income (base rate) threshold • lower income (other rate) threshold • second income (other rate) threshold • third income (other rate) threshold • upper income (base rate) threshold • upper income (other rate) threshold. 	<p>Each of these terms represents an income threshold where the taper changes.</p> <p>For the majority of children (base rate children), the applicable percentage for calculating CCS will be 90 until the lower income (base rate) threshold of \$80,000 is reached. It will then taper down by 1 percentage point per \$500 income until the upper income (base rate) threshold of \$530,000 is reached.</p> <p>For other rate children – generally, the second or further child under the age of 5 – the applicable percentage will start at 95%. It will taper down to until it reaches the second income (other rate) threshold, then continue straight until it reaches the third income (other rate) threshold, then taper down to the fourth income (other rate) threshold, then continue straight until the upper</p>

		income (other rate) threshold, at which point it joins the base rate.
Item 11	<p>Introducing the new rate for base rate children</p> <p>This introduces a table that sets out the applicable percentage for base rate children. The table states that the percentage will be 90% for families on incomes under \$80,000, and 0% for families on incomes over \$530,000.</p>	<p>This measure is intended to make the cost of child care cheaper for all families with an adjusted taxable income under \$530,000.</p> <p>This means that more families will fall below the upper income threshold and will be entitled to receive CCS, whereas previously they may not have been entitled to CCS at all.</p> <p>In particular, families earning \$80,000 or less will now get 90% of the CCS hourly rate. In other words, not only will more families be entitled to receive the highest percentage of the hourly CCS rate, but that percentage has also been raised, meaning that they will also be entitled to a higher rate of CCS.</p>
Item 12	<p>Introduces the percentage for families between \$80,000 and \$530,000</p> <p>This item introduces a formula that states that the percentage between \$80,000 and \$530,000 will taper down from 90% for each \$5,000 over \$80,000 the family earns.</p>	<p>This measure is intended to make the cost of child care cheaper for all families with an adjusted taxable income under \$530,000.</p> <p>This amendment means that individuals earning between \$80,000 and \$530,000, the percentage of the hourly CCS rate they are entitled to will go down by 1 percent for every \$5,000 above \$80,000 they earn.</p>
Item 13	<p>Removes a formula no longer needed</p>	<p>The formula was previously used to calculate the percentage for the old CCS rates, but the new</p>

		CCS rates are simpler and only require one formula.
Item 14	<p>Defines lower income (base rate) threshold and upper income (base rate) threshold</p> <p>This item provides that the lower income (base rate) threshold is \$80,000.</p> <p>This item also provides that the upper income (base rate) threshold is \$450,000 more than the lower income (base rate) threshold.</p>	<p>This means that all families on incomes less than \$80,000 will have their CCS entitlement calculated at 90% of their fees (subject to the fee cap). However, this amount will be indexed over time under Schedule 4 to the Family Assistance Act.</p> <p>At commencement, this also means that families with incomes over \$530,000 will not be entitled to any CCS. However, this will also increase over time as the \$80,000 is indexed.</p>
Item 16	<p>Amendment to the definition of “higher rate child”</p> <p>This adds a criteria to the definition of higher rate child, so that a child is only a “higher rate child” if the relevant individual’s adjusted taxable income is below the upper income (other rate) threshold.</p>	<p>This is needed because if the family earns over the old upper rate threshold (approximately \$360,000), their CCS rates for second and further children will be the same as their CCS rate for their first child.</p>
Items 15 and 17	<p>Introduces the percentage for higher rate children – second and further children under 5 years old</p> <p>These items introduce the percentage for higher rate children.</p> <p>Subclause (2) provides that if the base rate is higher than the other rate, the base rate is</p>	<p>This amendment means that families who have several children in child care will receive a higher rate of child care subsidy.</p> <p>This is done by identifying a “higher rate child” of an individual who will attract more CCS than a “standard rate child”. To determine who the higher rate child is, you will need to look at Clause 3B(1) of Schedule 2.</p>

	<p>applicable. This is needed because due to indexation, the tapers of the base rate and other rate may overlap. The policy intent is that if they do, the higher rate will be applicable.</p> <p>Subclauses (3) to (5) set out the applicable percentage according to the table in subclause (3) and the formula in subclauses (4) and (5).</p> <p>The percentage for higher rate children starts off at 95%, then starts to taper down under subclause (4), then stays straight at 80% for a while, then starts to taper down under subclause (5), then will stay straight at 50% for a while before joining the base rate.</p> <p>Subclause (6) defines the income thresholds. These are the same as currently in the legislation, to reflect the policy that the rates for higher rate children will remain unchanged up to approximately \$360,000.</p>	<p>These amendments mean that if you earn approximately \$360,000 or less, then the percentage of the hourly CCS rate you are entitled to receive will be 30% more than the old CCS rates.</p> <p>The maximum amount a person can receive for their higher rate child is 95%.</p>
<p>Item 18</p>	<p>Makes a consequential change to the lower income activity test result</p> <p>This substitutes the new “lower income (base rate) threshold” of \$80,000 for the maximum income for which the lower income activity test result applies.</p>	<p>Currently, families on incomes of \$72,466 can get the lower income activity test result of 24 under clause 13 of Schedule 2 to the Family Assistance Act.</p> <p>This means even if their activity level is very low, they can still access up to 24 hours of subsidised care per fortnight due to their low income.</p> <p>Following these changes, this activity test result will be available for families with incomes up to \$80,000.</p>

<p>Items 19 to 20</p>	<p>Ensures that the lower income thresholds are indexed</p> <p>These amendments ensure that the lower income thresholds are indexed, in the same way as under the previous rates.</p>	<p>Amounts that are not indexed can erode over time due to inflation. For example, \$100 in 2020 stretched further than \$100 does in 2022.</p> <p>These amendments ensure that the lower income thresholds are indexed, so that as prices and wages rise over time, the thresholds for CCS rise commensurately, rather than eroding away with inflation.</p>
<p>Item 21</p>	<p>Application provision ensuring the amendments start at the beginning of a CCS fortnight</p> <p>While the Schedule commences on 1 July 2023, this means that the new rates will not apply until the beginning of the first CCS fortnight of the new year, which will be 10 July 2023.</p>	<p>This application provision is needed because it is not practicable for the department to change the rates midway through a CCS week. This would involve an entitlement decision for a week having different rates for some days in a week than others.</p> <p>Instead, the new rates will come in at the start of a CCS fortnight, which will make the transition much smoother.</p>

FAMILY ASSISTANCE LEGISLATION AMENDMENT (PLAN FOR CHEAPER CHILD CARE) BILL 2022 – Lay person explanation of amendments (measure 2 – improving transparency)

Schedule 2 – profit reporting by large child care providers		
<i>Schedule 2 will commence on 1 July 2023.</i>		
Item in Bill	Effect of item	Reason for/importance of amendment
Items 1, 2	<p>Removing the definition of “large centre-based day care provider” and inserting a new definition for “large child care provider”</p> <p>The family assistance law previously included a regime to ensure the financial viability for large centre-based day care provider. The new transparency scheme will build on this but expand it to apply to large providers regardless of the kind of service they operate.</p>	These are technical amendments to facilitate new terminology needed for the transparency measure.
Items 3, 4	<p>Amending the definition of “large child care provider”</p> <p>The family assistance law previously included a regime to ensure the financial viability for large centre-based day care provider. The new transparency scheme will build on this but expand it to apply to large providers regardless of the kind of service they operate.</p>	<p>This measure is intended to capture all large child care providers regardless of whether they operate centre-based care services, outside school hours care services, family day care services, etc.</p> <p>This definition ensures that a provider will be captured by the transparency regime if they operate 25 or more approved child care service, including if they do so together with a related provider, or if they plan to do so in future.</p>
Items 5 to 9, 12	<p>Consequential amendments to reflect change in terminology</p>	These are technical amendments to facilitate new terminology needed for the transparency measure.

	<p>These amendments replace the term “large centre-based care provider” from the old legislation to the new term “large child care provider”, to reflect that the measure covers all large providers, regardless of service type.</p>	
Item 10	<p>Introduces an obligation for large child care providers to report financial information</p> <p>This item introduces a new provision requiring large child care providers to give the Secretary a report for a financial year, setting out certain financial information.</p>	<p>This measure is intended to increase transparency in the child care sector by requiring all large providers to report certain financial information to the Secretary. That information can then be published online (see below).</p> <p>The information will be given in a form and manner approved by the Secretary, and include the financial information to be prescribed by the Minister’s Rules.</p> <p>If the provider fails to do so, they will be liable to a civil penalty of 60 penalty units. They will also be in breach of a condition of continued approval, and could be subject to a sanction such as cancellation or suspension.</p>
Item 11	<p>Consequential change for the new reporting obligation</p> <p>This item expands the application of section 203C, which allows the Secretary to require a provider to be audited, so that this audit power may be exercised on the basis of information collected under the new provision.</p>	<p>This is a technical amendment to reflect the new financial reporting obligation.</p>
Item 13	<p>Introduces a definition for ABN</p>	<p>New section 162B will permit the Secretary to publish certain information about a provider,</p>

		including the provider's ABN. This is a technical amendment to provide a definition for "ABN".
Item 14	<p>Introduces a power to public information about approved provider</p> <p>This item introduces a new provision that will allow the Secretary to publish, by electronic means, certain information about the provider.</p> <p>Subsection (2) clarifies that this is not a breach of the Privacy Act.</p> <p>Subsection (3) sets out the constitutional basis for this provision.</p>	<p>This measure is intended to provide greater transparency regarding the child care sector by allowing the Secretary to publish information online about an approved provider.</p> <p>The information that may be published about any provider includes the name of the provider, the approved provider's ABN, the name of each child care service, the fees charged by the service, and any increases in fees.</p> <p>The Secretary may also publish financial information reported to the Secretary under new section 203BA.</p>

FAMILY ASSISTANCE LEGISLATION AMENDMENT (PLAN FOR CHEAPER CHILD CARE) BILL 2022 – Lay person explanation of amendments (measure 8 – integrity measures)

Schedule 3 – Dealing with serious non-compliance		
<i>Items 1 to 4 will commence the day this Act receives Royal Assent. Items 5 to 9 will commence on 1 July 2023</i>		
Item in Bill	Effect of item	Reason for/importance of amendment
Items 1 to 3	<p>Moving the requirement to have arrangements in place to comply with the family assistance law into the eligibility rules</p> <p>Currently, providers must be fit and proper persons in order to continue as approved providers. One of the considerations as to whether they are fit and proper persons is whether they have arrangements in place to ensure that they have arrangements in place to ensure that they and their staff and contractors comply with the family assistance law.</p> <p>This requirement will now be moved into the provider eligibility rules and the service eligibility rules.</p>	<p>Compliance with the family assistance law is essential for providers. As part of the fit and proper person test, this was just a single consideration among many which were relevant to determining whether the provider is a fit and proper person.</p> <p>This amendment will promote the importance of having arrangements in place to ensure compliance, by making it a rule in its own right, rather than just being part of the eligibility rules. If the provider does not have suitable arrangements in place, they will be in breach of the eligibility rules, regardless of other fit and proper person considerations.</p> <p>The intent is not to change the obligation, but merely to give it a higher status by making it an eligibility rule in its own right.</p>
Items 4	<p>Application provision to determine when the new change takes effect</p>	<p>This is a technical amendment to clarify when the change in legislation takes effect for decisions that are underway at the time of commencement.</p>

Items 5 to 7	<p>Introduces a new requirement to collect gap fees by electronic funds transfer</p> <p>Section 201B(1) currently requires a provider to take all reasonable steps to ensure that individuals pay the provider the gap fee. Item 6 will introduce the words “using an electronic funds transfer system” so that, by default, gap fees must be collected electronically.</p> <p>Item 7 provides that the Secretary may determine exceptions in exceptional circumstances. This may be applicable where the technology is unavailable, or where the requirement to collect gap fees electronically would otherwise have an adverse impact on the customers of the provider.</p>	<p>This measure is intended to achieve a greater level of payment integrity by ensuring that there will be reliable electronic records of all gap fee payments.</p> <p>There is a high level of correlation between services that do not collect gap fees, and services that falsely report care. If parents are not obliged to pay for care, it makes it easier for services to report care that isn’t occurring to get payments of CCS they are not entitled to.</p> <p>This measure will address this by ensuring the department can request reliable information of electronic gap fee payments.</p> <p>However, the department acknowledges that in some rare instances electronic gap fee payment is not feasible or appropriate. Therefore, there is a power for the Secretary to create exceptions.</p>
Items 8 and 9	<p>Moves the requirements for a session report into the Secretary’s Rules</p> <p>Currently, a session report must contain the information required by the Secretary. This is done partly through software, and partly through the Child Care Provider Handbook. However, these are just administrative documents, which can make it difficult to prove what was required at a particular point in time in the past, particularly in litigation.</p>	<p>This measure is intended to make it easier to prove non-compliance where session reports do not contain all the information that is required.</p> <p>The Secretary’s Rules will be an authoritative source for what information is required to be included in a session report, and it will be easier to track what was required at a certain point of time by using past compilations on legislation.gov.au.</p>

		This will also create better clarity for providers about what their obligations are.
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