



Child Care Act 1972

No. 121, 1972

Compilation No. 15

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About this compilation

This compilation

This is a compilation of the *Child Care Act 1972* that shows the text of the law as amended and in force on 10 March 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to provide for assistance by the Commonwealth in respect of places where children all or the majority of whom are under school age may be cared for, in respect of the development of such places and in respect of research in connection with the care of children, and for related purposes

Part I—Preliminary

1 Short title

This Act may be cited as the *Child Care Act 1972*.

2 Commencement

This Act shall come into operation on the day on which it receives the Royal Assent.

4 Interpretation

(1) In this Act, unless the contrary intention appears:

ACNC type of entity means an entity that meets the description of a type of entity in column 1 of the table in subsection 25-5(5) of the *Australian Charities and Not-for-profits Commission Act 2012*.

body includes an association and society.

building includes a part of a building and an addition to a building and, in Part VI, includes any other improvement on land.

child care means the care of children at a time or times when they are not being cared for in their own homes or in the homes of other persons.

child care centre has the meaning given by section 4A.

Child Care Standards Committee means the committee established under section 14.

eligible child care centre has the meaning given by section 4B.

family assistance law means any one or more of the following:

- (a) the *A New Tax System (Family Assistance) Act 1999*;
- (b) the *A New Tax System (Family Assistance) (Administration) Act 1999*;
- (c) any instrument (including regulations) made under the *A New Tax System (Family Assistance) Act 1999* or the *A New Tax System (Family Assistance) (Administration) Act 1999*.

home does not include an orphanage or like institution.

information includes estimates.

officer means a person performing duties, or exercising powers or functions, under or in relation to this Act and, in relation to a provision of Part IIIA, includes:

- (a) a person who has been such a person; and
- (b) a person who is or has been appointed or employed by the Commonwealth and who, as a result of that appointment or employment, may acquire or has acquired information about a person under this Act; and
- (c) a person who, although not appointed or employed by the Commonwealth, performs or performed services for the Commonwealth and who, as a result of performing those services, may acquire or has acquired information about a person under this Act.

operator, in relation to an eligible child care centre, means the person or body operating, or proposing to operate, the centre.

place includes a proposed place.

protected information means:

- (a) information about a person or a child care service that is or was held in the records of the Department; or

- (b) information that there is no information about a person or a child care service held in such records.
- (2) For the purposes of this Act, a thing is taken to be done or required for a permitted purpose if it is done or required:
 - (a) for the purposes of this Act; or
 - (b) for the purposes of a family assistance law;

4A Child care centres

- (1) Subject to subsection (2), a child care centre is a place:
 - (a) that provides, or proposes to provide, child care for children:
 - (i) all of whom are residing in their own homes; and
 - (ii) all or the majority of whom are of pre-school age; and
 - (iii) all or the majority of whom attend the place on a regular basis; and
 - (b) in relation to which either of the following subparagraphs applies:
 - (i) the place provides, or proposes to provide, that child care:
 - (A) for not less than 8 hours on each normal working day; and
 - (B) on all normal working days in not less than 48 weeks in the year;
 - (ii) the place is a place that the Minister determines should be treated as a child care centre for the purposes of this Act.
- (2) For the purposes of Part IVA, a place is a child care centre whether or not all or the majority of the children for whom child care is provided at the place attend the place on a regular basis.

4B Eligible child care centres

For the purposes of this Act, a child care centre is an *eligible child care centre* if:

Section 4B

- (a) the centre is operated, or proposed to be operated, by an entity that meets the requirements of columns 1 and (if applicable) 2 of an item of the following table; and
- (b) the Minister determines that the centre is an eligible child care centre for the purposes of this Act:

Entities that operate eligible child care centres		
Item	Column 1	Column 2
	The entity is ...	
1	a body corporate that is registered under the <i>Australian Charities and Not-for-profits Commission Act 2012</i>	not applicable
2	a body corporate that is not an ACNC type of entity	the body corporate is: (a) not carried on for the purpose of profit or gain; and (b) not a Commonwealth, State or Territory authority
3	the trustee of a trust that is registered under the <i>Australian Charities and Not-for-profits Commission Act 2012</i>	not applicable
4	the trustee of a trust that is not an ACNC type of entity	the trust is established by an entity that meets the requirements of item 1, 2, 3, 7 or 8
5	an unincorporated body that is registered under the <i>Australian Charities and Not-for-profits Commission Act 2012</i>	the unincorporated body is approved by the Minister for the purposes of this item
6	an unincorporated body that is not an ACNC type of entity	the unincorporated body is: (a) not carried on for the purpose of profit or gain; and (b) approved by the Minister for the purposes of this item
7	the Australian Capital Territory	not applicable

Entities that operate eligible child care centres

Item	Column 1	Column 2
	The entity is ...	
8	a local governing body established by or under State or Territory law	not applicable

4C Guidelines for eligible child care centres

The Minister may, by legislative instrument, make guidelines with respect to the exercise of the Minister's powers under section 4B.

Part II—Capital grants

Division 1—Approved projects

5 Interpretation of Division 1

- (1) In this Division, unless the contrary intention appears:

alteration, in relation to a building or other improvement on land, includes an addition to the building or improvement.

approved project means the purchase or proposed purchase of land, or the construction or alteration or proposed construction or alteration of a building or other improvement on land, approved under section 6.

capital cost, in relation to an approved project, means:

- (a) where the approved project is the purchase or proposed purchase of land, the sum of:
- (i) such amount in respect of the land, not including any buildings or other improvements on the land, as the Minister determines;
 - (ii) such amount in respect of any buildings or other improvements on the land (being buildings or improvements that the Minister is satisfied are used, or are to be used, for or in connexion with an eligible child care centre) as the Minister considers represents that part of the cost of purchasing the land that is attributable to those buildings or improvements; and
 - (iii) such amount as the Minister is satisfied is the cost of making any alterations to any building or other improvements on the land that the Minister is satisfied are necessary for or in connexion with the provision of an eligible child care centre; or
- (b) where the approved project is the construction or alteration of a building or other improvement on land, such amount as the

Minister is satisfied is the cost of constructing or altering the building or other improvement.

- (2) For the purposes of this Division, the cost of constructing, altering or adding to a building includes the cost of installing such fixtures (including the cost of the fixtures) as the Minister approves.

6 Approval of projects

- (1) Subject to this section, where the Minister is satisfied that:
- (a) the operator of an eligible child care centre:
 - (i) has purchased, or proposes to purchase, any land, including land on which buildings or other improvements are constructed; or
 - (ii) has constructed or altered, or proposes to construct or alter, a building or any other improvement on any land; and
 - (b) the land purchased or proposed to be purchased, or the building or improvement constructed or altered or proposed to be constructed or altered, is used, or is to be used, permanently by the operator in relation to the centre;
- the Minister may approve, for the purposes of this Division, the purchase or proposed purchase or the construction or alteration or the proposed construction or alteration, as the case may be.

7 Grants for approved projects

- (1) The Minister may, on behalf of the Commonwealth, approve the making of a grant to the operator of an eligible child care centre of an amount not exceeding the capital cost of an approved project.

Division 2—Approved equipment

8 Interpretation of Division 2

In this Division, unless the contrary intention appears:

acquisition includes acquisition by way of exchange or purchase or by way of taking on lease, on hire, on hire-purchase or on lease and purchase.

approved equipment means equipment approved under section 9 or equipment included in a class of equipment approved under that section.

cost, in relation to the acquisition by the operator of an eligible child care centre of approved equipment, means the sum of the amounts that the Minister is satisfied is the cost of acquiring the equipment and such amount (if any) in respect of altering, adding to or installing the equipment as the Minister determines.

9 Approval of equipment

The Minister may approve equipment or classes of equipment for the purposes of this Division.

10 Grants for approved equipment

The Minister may, on behalf of the Commonwealth, approve the making of a grant to the operator of an eligible child care centre of an amount not exceeding the cost of the acquisition by the operator of approved equipment.

Part III—Recurrent grants

Division 1—Grants for new eligible child care centres

12 Grants in relation to establishment of new eligible child care centres

- (1) Where, at any time during the 6 weeks immediately before an eligible child care centre first begins to provide child care, a person is employed by the operator of the centre to establish it, the Minister may, on behalf of the Commonwealth, approve the making of a grant to the operator of an amount not exceeding the amount of the salary or wages paid to the person in respect of that period by the operator.
- (2) The Minister may authorize the payment to the operator of an eligible child care centre of an advance or advances in respect of a grant that may become payable to the operator under subsection (1).
- (3) In this section *salary or wages* in relation to a person referred to in subsection (1), means salary or wages at the rate fixed by an award, order, determination or agreement made, or having effect under, a law of the Commonwealth, of a State or of a Territory, or if no such rate is applicable, the rate of salary or wages determined by the Minister.

Part IIIA—Confidentiality

12J Authorised access to and use of protected information

- (1) A person may obtain protected information if the information is obtained for a permitted purpose.

Note: In certain circumstances it is an offence for a person to obtain protected information without authority (see section 12K).

- (2) A person may:

- (a) make a record of protected information; or
- (b) disclose protected information to any person; or
- (c) otherwise use protected information;

if the record, disclosure or use made of the information by the person is made:

- (d) for a permitted purpose; or
- (e) for the purpose for which the information was disclosed to the person under section 12M or 12N.

Note: In certain circumstances it is an offence for a person to use protected information without authority (see section 12L).

12K Offence—unauthorised access to protected information

A person commits an offence if:

- (a) the person obtains information; and
- (b) the information is protected information; and
- (c) the person:
 - (i) is not authorised or required by or under this Act or a family assistance law; and
 - (ii) has no other lawful authority; to obtain the information; and
- (d) the person knows, or is reckless as to whether, the information is protected information.

Penalty: Imprisonment for 2 years.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

12L Offence—unauthorised use of protected information

A person commits an offence if:

- (a) the person:
 - (i) makes a record of; or
 - (ii) discloses to any other person; or
 - (iii) otherwise makes use of; information; and
- (b) the information is protected information; and
- (c) the person:
 - (i) is not authorised or required by or under this Act or a family assistance law; and
 - (ii) has no other lawful authority; to make the record, disclosure or use of the information that is made by the person; and
- (d) the person knows, or is reckless as to whether, the information is protected information.

Penalty: Imprisonment for 2 years.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

12M Protection extends to court, tribunal etc. proceedings

An officer must not, except for a permitted purpose, be required:

- (a) to produce any document in his or her possession; or
- (b) to disclose any matter or thing of which he or she had notice; by reason of the performance or exercise of his or her duties, functions or powers under this Act or a family assistance law to:
- (c) a court; or
- (d) a tribunal; or
- (e) an authority; or

Section 12N

- (f) a person;
having power to require the production of documents or the answering of questions.

12N Secretary's certificate

- (1) Despite sections 12L and 12M, the Secretary may:
 - (a) if the Secretary certifies that it is necessary in the public interest to do so in a particular case or class of cases— disclose information acquired by an officer in the performance of his or her functions or duties or in the exercise of his or her powers under this Act or a family assistance law to such persons and for such purposes as the Secretary determines; or
 - (b) disclose any such information to the Secretary of a Department of State of the Commonwealth or to the head of an authority of the Commonwealth for the purposes of that Department or authority; or
 - (c) disclose any such information to a person who is expressly or impliedly authorised by the person to whom the information relates to obtain it.

Note: A person to whom information is disclosed may commit an offence if the person uses the information without authority (see section 12L).

- (2) In giving certificates for the purposes of paragraph (1)(a), the Secretary must act in accordance with guidelines in force under subsection 12P(1).
- (3) In disclosing information under paragraph (1)(b), the Secretary must act in accordance with guidelines in force under subsection 12P(1).

12P Guidelines for exercise of Secretary's disclosure power

- (1) The Minister, by legislative instrument:
 - (a) may make guidelines for the exercise of the Secretary's power to give certificates for the purposes of paragraph 12N(1)(a); and

- (b) may make guidelines for the exercise of the Secretary's power under paragraph 12N(1)(b).
- (2) The guidelines must not be inconsistent with the provisions of the *Privacy Act 1988*.
- (3) Before making an instrument under subsection (1), the Minister must consult the Information Commissioner in relation to matters that relate to the privacy functions (within the meaning of the *Australian Information Commissioner Act 2010*).

12Q Offence—soliciting disclosure of protected information

A person commits an offence if:

- (a) the person solicits the disclosure of information from an officer or another person; and
- (b) the disclosure would be in contravention of this Part; and
- (c) the first-mentioned person knows, or is reckless as to whether, the information is protected information.

The offence is committed whether or not any protected information is actually disclosed.

Penalty: Imprisonment for 2 years.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

12R Offence—untrue representations

A person commits an offence if:

- (a) the person solicits the disclosure of protected information from an officer; and

Section 12S

(b) for that purpose makes representations which the person knows are untrue.

The offence is committed whether or not any protected information is actually disclosed.

Penalty: Imprisonment for 2 years.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

12S Offences—offering to supply protected information

(1) A person commits an offence if the person:

(a) offers to supply (whether to a particular person or otherwise) information about another person; and

(b) knows that the information is protected information.

The offence is committed whether or not any protected information is actually supplied.

Penalty: Imprisonment for 2 years.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

(2) A person commits an offence if the person:

(a) holds himself or herself out as being able to supply (whether to a particular person or otherwise) information about another person; and

(b) knows that the information is protected information.

The offence is committed whether or not any protected information is actually supplied.

Penalty: Imprisonment for 2 years.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

(3) Nothing in subsection (1) or (2) has the effect that an officer acting in the exercise or performance of his or her duties, functions or powers under this Act or a family assistance law commits an offence.

12T Freedom of Information Act not affected

The provisions of this Part that relate to the disclosure of information do not affect the operation of the *Freedom of Information Act 1982*.

12U Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Part.

12V Crown not liable to be prosecuted for offences

The Crown is not liable to be prosecuted for an offence against, or arising out of, this Part.

Part IV—Research grants

13 Grants for research etc.

- (1) The Minister may, on behalf of the Commonwealth, approve the making of a grant to any person for purposes of or relating to:
 - (a) research in child care and related matters; and
 - (b) the initiation and development of methods of child care.
- (2) In subsection (1), *child care* includes the care in any circumstances of children.

Part IVA—Grants in respect of the development of child care centres

13A Interpretation

In this Part, unless the contrary intention appears:

approved project means a project approved by the Minister under section 13B.

13B Approval of projects related to the development of child care centres

The Minister may approve, for the purposes of this Part, projects for the development of child care centres that are being carried out, or are proposed to be carried out, in a State or Territory.

13C Grants for projects related to the development of child care centres

The Minister may, on behalf of the Commonwealth, approve the making of a grant to a State or Territory, by way of financial assistance to the State or Territory, in respect of approved projects that are, or are proposed to be, carried out in the State or Territory.

Part V—Advisory committees

Division 1—Establishment of committees

14 Child Care Standards Committee

- (1) The Minister may establish a committee, to be known as the Child Care Standards Committee, which shall consist of such number of members as the Minister thinks fit.
- (2) The functions of the Committee are:
 - (a) to give advice to the Minister and to the operators of eligible child care centres in relation to standards to be maintained in the construction and equipment of those centres and in the service provided in them; and
 - (b) to give advice to the Minister on any other matter referred to the Committee by the Minister in connexion with the administration of this Act.

15 Convenor of Child Care Standards Committee

The Minister shall appoint one of the members of the Child Care Standards Committee to be Convenor of the Committee.

16 Other committees

In addition to the Child Care Standards Committee, the Minister may establish such other committees as the Minister thinks fit for the purposes of this Act.

Division 2—General

17 Definition of *committee*

In this Division, *committee* means a committee established under this Part.

18 Appointment of members of committees

A member of a committee shall be appointed by the Minister as a part-time member and holds office during the Minister's pleasure.

19 Remuneration and allowances of members of committees

- (1) A member of a committee shall be paid such remuneration as is determined by the Remuneration Tribunal.
- (2) A member of a committee shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

Part VI—Miscellaneous

20 Conditions relating to grants

- (1) A grant under this Act may be made upon such terms and conditions, not inconsistent with this Act, as the Minister thinks fit.
- (2) Before a grant is made under this Act, the Minister may require the grantee to enter into an agreement with respect to the terms and conditions upon which the grant is to be made.
- (3) An agreement may include provision for:
 - (a) the repayment of the whole or a part of a grant; and
 - (b) the giving of security for:
 - (i) the repayment of the whole or a part of a grant; or
 - (ii) the payment to the Commonwealth of the amount that under the terms and conditions is taken to represent the Commonwealth's interest in:
 - (A) land purchased (with or without buildings); and
 - (B) buildings constructed or altered; and
 - (C) equipment acquired, altered, added to or installed;as a result of the application of a grant or a grant and other money (whether or not that amount is more than the amount of the grant); and
 - (c) the use and disposal of, and the recovery of, the amount that under the terms and conditions is taken to represent the Commonwealth's interest in:
 - (i) land purchased (with or without buildings); and
 - (ii) buildings constructed or altered; and
 - (iii) equipment acquired, altered, added to or installed;as a result of the application of a grant or a grant and other money (whether or not that amount is more than the amount of the grant).

- (5) Where a grant under this Act has, in accordance with this section, been made on terms and conditions, the Minister, with the agreement of the grantee, may, by writing, vary those terms and conditions and, where there is an agreement under subsection (2) with respect to the terms and conditions so varied, that agreement shall be taken to be varied accordingly.
- (6) In this section, **grant** includes an advance on account of grant under subsection 12(2).

20A Agreements may be entered into with transferees of land etc.

- (1) If:
- (a) either of the following subparagraphs applies:
 - (i) a grant under Part II has been made to the operator of an eligible child care centre on terms and conditions with respect to any land, building or equipment;
 - (ii) the operator of an eligible child care centre has entered into an agreement under this section under which it is required to comply with terms and conditions with respect to any land, building or equipment; and
 - (b) the operator has transferred, or proposes to transfer, the whole or a part of its interest in the land, building or equipment to another person or body;
- the Minister may enter into an agreement with the other person or body under which the other person or body is required to comply, or will, on the transfer being effected, be required to comply, with terms and conditions (whether with respect to the land, building, equipment or otherwise).
- (2) Where an agreement under subsection (1) between the Minister and a person or body is in force, the Minister may vary the agreement with the consent of the person or body.

20B Overpayments

- (1) The payment of an amount to the operator of an eligible child care centre under this Act is, in addition to any conditions imposed

Section 21

under section 20, subject to the condition that if, for any reason, an amount (in this subsection referred to as the *recoverable amount*) has been paid to the operator by way of grant or advance on account of grant under this Act that should not have been paid, the operator will, on demand by the Minister by written notice given to the operator, repay to the Commonwealth the recoverable amount or that part of the recoverable amount specified in the notice.

- (2) The Minister may deduct an amount repayable by the operator of an eligible child care centre under subsection (1) or part of such an amount from an amount (including an advance) payable to the operator under this Act.

21 Delegations by the Minister

- (1) The Minister may, by signed instrument, delegate any or all of the Minister's powers under this Act to a person holding or performing the duties of an office in the Department.
- (5) In subsection (1), a reference to this Act includes a reference to an agreement entered into under this Act.

22 Approvals and determinations to be in writing

An approval or determination under this Act must be made in writing.

22A Exercise of powers in Minister's discretion

Where a provision of this Act provides that the Minister may do a particular act or thing, and the word *may* is used, the act or thing may be done at the Minister's discretion.

23 Manner of payment of grants

A grant under this Act shall be made at such time as is, or by such instalments and at such times as are, determined by agreement between the Minister and the operator of the eligible child care

centre concerned or, in the absence of such an agreement, by the Minister.

24 Money to be appropriated

Grants under this Act and advances on account of grants under subsection 12(2) are payable out of money appropriated by the Parliament for the purposes of this Act.

25 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Child Care Act 1972	121, 1972	2 Nov 1972	2 Nov 1972	
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	31 Dec 1973	ss. 9(1) and 10
Administrative Changes (Consequential Provisions) Act 1976	91, 1976	20 Sept 1976	s. 3: (a)	s. 4
Public Service Reform Act 1984	63, 1984	25 June 1984	s. 151(1): 1 July 1984 (see <i>Gazette</i> 1984, No. S245) (b)	s.151(9)
Social Security and Repatriation Legislation Amendment Act 1985	95, 1985	5 Sept 1985	ss. 13–26 and 28–30: Royal Assent (c) s. 27: 3 Oct 1985 (c)	s. 30
Child Care Amendment Act 1985	158, 1985	11 Dec 1985	1 Apr 1986	s. 7

Child Care Act 1972

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Compilation No. 15

Compilation date: 10/3/16

Registered: 24/5/16

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Community Services and Health Legislation Amendment Act (No. 2) 1988	155, 1988	26 Dec 1988	s. 10: 1 Jan 1989 ss. 12 and 13: 1 July 1989 (see <i>Gazette</i> 1989, No. S228) ss. 14 and 17: 1 July 1988 ss. 19–26 and 28–34: 24 Jan 1990 (see <i>Gazette</i> 1990, No. S13) ss. 27 and 36: 15 Mar 1989 (see <i>Gazette</i> 1989, No. S91) Part V (ss. 38–40): 24 June 1988 s. 41(2): 16 Dec 1987 s. 41(3): 6 Nov 1987 s. 41(4): 1 Mar 1989 (see s. 2(8) and <i>Gazette</i> 1989, No. S54) Remainder: Royal Assent	—
Community Services and Health Legislation Amendment Act 1990	106, 1990	18 Dec 1990	s. 3: Royal Assent (<i>d</i>) ss. 4–11: 1 Jan 1991 (<i>d</i>)	s. 8(2)
Social Security Legislation Amendment (Carer Pension and Other Measures) Act 1995	143, 1995	12 Dec 1995	Schedule 2 (Part 1): 1 Jan 1996 (<i>e</i>)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Child Care Legislation Amendment Act 1996	80, 1996	19 Dec 1996	Schedule 1: 1 July 1997 Remainder: Royal Assent	—
Child Care Payments (Consequential Amendments and Transitional Provisions) Act 1997	196, 1997	8 Dec 1997	Schedule 1 (items 1–7): (<i>f</i>)	—
as amended by Child Care Legislation Amendment Act 1998	13, 1998	16 Apr 1998	Schedule 1 (items 19–24): 27 Apr 1998 (<i>see</i> <i>Gazette</i> 1998, No. S167) (<i>fa</i>)	—
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999	82, 1999	8 July 1999	Schedule 2 (item 2): (<i>fb</i>)	—
Child Care Legislation Amendment Act 1998	13, 1998	16 Apr 1998	Schedule 1 (items 1–15): 27 Apr 1998 (<i>see</i> <i>Gazette</i> 1998, No. S167) (<i>g</i>)	—
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999	82, 1999	8 July 1999	s. 4: Royal Assent (<i>h</i>) Schedule 2 (items 4, 5): (<i>h</i>) Schedule 3: (<i>h</i>)	s. 4 (am. by 83, 1999, Sch. 11 [item 1]) s. 5 (ad. by 83, 1999, Sch. 11 [item 2]) ???[see Table A]

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999	83, 1999	8 July 1999	Schedule 11 (item 1): (i) Schedule 11 (item 2): (i)	s. 2(9) (rs. by 172, 1999, Sch. 2 [item 3])
as amended by				
Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999	172, 1999	10 Dec 1999	Schedule 2 (item 3): (j)	—
A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999	83, 1999	8 July 1999	Schedule 3 (k)	s. 2(2) (am. by 172, 1999, Sch. 2 [item 1])
as amended by				
Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999	172, 1999	10 Dec 1999	Schedule 2 (item 1): (j)	—
Social Security and Family Assistance Legislation Amendment (Miscellaneous Measures) Act 2006	108, 2006	27 Sept 2006	Schedule 8 (items 76–81): Royal Assent	—
Freedom of Information Amendment (Reform) Act 2010	51, 2010	31 May 2010	Sch 5 (item 11) and Sch 7: 1 Nov 2010 (s 2(1) item 7)	Sch. 7

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Act 2011	79, 2011	25 July 2011	Sch 3 (item 7): 22 Aug 2011 (s 2(1) item 4)	—
Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012	169, 2012	3 Dec 2012	Sch 2 (items 155–157): 3 Dec 2012 (s 2(1) item 7)	Sch 2 (item 157)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 48, 49, 338): 10 Mar 2016 (s 2(1) item 6)	—

- (a) The *Child Care Act 1972* was amended by section 3 only of the *Administrative Changes (Consequential Provisions) Act 1976*, subsection 2(3) of which provides as follows:
- (3) The amendments of the *Child Care Act 1972* made by this Act shall be deemed to have come into operation on 23 June 1976.
- (b) The *Child Care Act 1972* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (c) The *Child Care Act 1972* was amended by sections 13–30 only of the *Social Security and Repatriation Legislation Amendment Act 1985*, subsections 2(1) and (2) of which provide as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (2) Section 27 shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (d) The *Child Care Act 1972* was amended by sections 3–11 only of the *Community Services and Health Legislation Amendment Act 1990*, section 2 of which provides as follows:

Endnotes

Endnote 3—Legislation history

2. Each provision of this Act commences, or is taken to have commenced, on the day, or at the time, shown by the note in italics at the foot of that provision.
- (e) The *Child Care Act 1972* was amended by Schedule 2 (Part 1) only of the *Social Security Legislation Amendment (Carer Pension and Other Measures) Act 1995*, subsection 2(3)(a) of which provides as follows:
- (3) The following provisions commence on 1 January 1996:
- (a) Parts 1 and 3 of Schedule 2;
- (f) The *Child Care Payments (Consequential Amendments and Transitional Provisions) Act 1997* (as amended by the *Child Care Legislation Amendment Act 1998*) was repealed by Schedule 2 (item 2) of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999* before the amendments commenced.
- (fa) The *Child Care Payments (Consequential Amendments and Transitional Provisions) Act 1997* was amended by Schedule 1 (items 19–24) only of the *Child Care Legislation Amendment Act 1998*, subsection 2(2) of which provides as follows:
- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day to be fixed by Proclamation.
- (fb) The *Child Care Payments (Consequential Amendments and Transitional Provisions) Act 1997* was repealed by Schedule 2 (item 2) only of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999*, subsection 2(3) of which provides as follows:
- (3) Items 1, 2, 4 and 5 of Schedule 2 commence immediately before the day that is the payment commencement day for the purposes of the *Child Care Payments Act 1997*.
- The payment commencement day was 19 June 2000.
- (g) The *Child Care Act 1972* was amended by Schedule 2 (items 1–15) only of the *Child Care Legislation Amendment Act 1998*, subsection 2(2) of which provides as follows:
- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day to be fixed by Proclamation.
- (h) The *Child Care Act 1972* was amended by Schedule 2 (items 4, 5) and Schedule 3 only of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999*, subsections 2(1)–(3) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Endnote 3—Legislation history

- (2) Schedule 1, item 3 of Schedule 2 and Schedules 3 to 8 commence, or are taken to have commenced, immediately after the commencement of:
- (a) the *A New Tax System (Family Assistance) Act 1999*; and
 - (b) Schedules 1, 2 and 3 of the *A New Tax System (Compensation Measures Legislation Amendment) Act 1999*.
- (3) Items 1, 2, 4 and 5 of Schedule 2 commence immediately before the day that is the payment commencement day for the purposes of the *Child Care Payments Act 1997*.

The payment commencement day was 19 June 2000.

The *A New Tax System (Family Assistance) Act 1999* and the *A New Tax System (Compensation Measures Legislation Amendment) Act 1999* commenced on 1 July 2000.

- (i) The *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999* was amended by Schedule 11 (items 1 and 2) only of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*, subsections 2(8) and (9) of which provide as follows:
- (8) Item 1 of Schedule 11 commences, or is taken to have commenced, immediately after the commencement of section 4 of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999*.
 - (9) Item 2 of Schedule 11 commences on the earlier of:
 - (a) immediately after the commencement of section 2 of the *Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999*; or
 - (b) 1 January 2000.
- Section 4 of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999* commenced on 8 July 1999.
- (j) The *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999* was amended by Schedule 2 (items 1 and 3) only of the *Family and Community Services Legislation Amendment (1999 Budget and Other Measures) Act 1999*, subsection 2(4) of which provides as follows:
- (4) Schedule 2 commences, or is taken to have commenced, immediately after the commencement of section 2 of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*.
- Section 2 commenced on 8 July 1999.
- (k) The *Child Care Act 1972* was amended by Schedule 3 only of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*, subsection 2(2) of which provides as follows:

Endnotes

Endnote 3—Legislation history

- (2) Schedule 1 (Parts 1 to 5), Schedules 3 to 6, Schedule 7 (other than item 14), Schedules 8 and 9, Schedule 10 (other than items 22, 63, 66 and 67) and Schedule 11 (items 3 and 4 only) commence, or are taken to have commenced, on the commencement of Schedule 1 to the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999*.

The *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999* commenced on 1 July 2000.

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	rs. No. 95, 1985 am. No. 106, 1990
Part I	
s. 3	rep. No. 216, 1973
s. 4	am. No. 216, 1973; No. 95, 1985; No. 106, 1990; No. 143, 1995; No. 13, 1998; Nos. 82 and 83, 1999; No. 79, 2011; No. 169, 2012
s. 4A	ad. No. 106, 1990
s. 4B.....	ad. No. 106, 1990 am. No. 13, 1998; No. 82, 1999 rs. No. 169, 2012
s. 4C.....	ad. No. 106, 1990 am. No. 13, 1998; No. 82, 1999; No. 108, 2006
ss. 4D–4G	ad. No. 13, 1998 rep. No. 82, 1999
s. 4H	ad. No. 82, 1999 rep. No. 82, 1999
Part II	
Division 1	
ss. 5–7	am. No. 95, 1985; No. 106, 1990
Division 2	
ss. 8, 9	rs. No. 95, 1985 am. No. 106, 1990
s. 10	am. No. 95, 1985; No. 106, 1990
s. 11	am. No. 95, 1985 rs. No. 158, 1985 am. No. 106, 1990 rep. No. 80, 1996
Part III	

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Division 1	
Heading to Div. 1 of Part III	ad. No. 13, 1998 rs. No. 82, 1999
s. 12	rs. No. 95, 1985 am. No. 106, 1990
s. 12A	ad. No. 95, 1985 am. No. 106, 1990; No. 13, 1998 rep. No. 82, 1999
Heading to Div. 2 of Part III	ad. No. 13, 1998 rep. No. 82, 1999
Div. 2 of Part III	rep. No. 82, 1999
ss. 12B–12E	ad. No. 143, 1995 rep. No. 82, 1999
Div. 3 of Part III	ad. No. 13, 1998 rep. No. 82, 1999
s. 12F	ad. No. 13, 1998 rep. No. 82, 1999
Div. 4 of Part III	ad. No. 13, 1998 rep. No. 82, 1999
ss. 12G, 12H	ad. No. 13, 1998 rep. No. 82, 1999
Part IIIA	
Part IIIA	ad. No. 13, 1998
s. 12J	ad. No. 13, 1998
s. 12K	ad. No. 13, 1998 am. No. 83, 1999; No 4, 2016
s. 12L	ad. No. 13, 1998 am. No. 83, 1999; No 4, 2016
s. 12M	ad. No. 13, 1998 am. No. 83, 1999
s. 12N	ad. No. 13, 1998

Endnote 4—Amendment history

Provision affected	How affected
	am No 83, 1999
s. 12P	ad. No. 13, 1998
	am. No. 108, 2006; No. 51, 2010
s. 12Q	ad. No. 13, 1998
	am No 4, 2016
s. 12R.....	ad No 13, 1998
s. 12S.....	ad. No. 13, 1998
	am. No. 83, 1999; No 4, 2016
ss. 12T–12V.....	ad. No. 13, 1998
s. 13	am. No. 95, 1985; No. 106, 1990
Part IVA	
Part IVA	ad. No. 95, 1985
ss. 13A–13C	ad. No. 95, 1985
	am. No. 106, 1990
Part V	
Division 1	
s. 14	am. No. 95, 1985; No. 106, 1990
s. 15	rs. No. 95, 1985
s. 16	am. No. 95, 1985
Division 2	
s. 18	am. No. 95, 1985
s. 19	rs. No. 95, 1985
	am. No. 106, 1990
Part VI	
s. 20	am. Nos. 95 and 158, 1985; No. 106, 1990; No. 80, 1996
s. 20A	ad. No. 95, 1985
	rs. No. 106, 1990
s. 20B	ad. No. 158, 1985
	am. No. 106, 1990
Heading to s. 21	rs. No. 13, 1998

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 21	am. No. 216, 1973; No. 91, 1976; No. 63, 1984; No. 95, 1985; No. 155, 1988; No. 106, 1990; No. 13, 1998; No. 82, 1999
s. 21A	ad. No. 13, 1998 rep. No. 82, 1999
s. 22	rs. No. 106, 1990
s. 22A	ad. No. 106, 1990
s. 23	am. No. 106, 1990
s. 24	rs. No. 95, 1985 am. No. 158, 1985; No. 80, 1996