

4 June 2019

The Hon Dan Tehan MP  
Federal Minister for Education  
Parliament of the Commonwealth of Australia  
Parliament House  
CANBERRA ACT 2600

Dear Minister Tehan,

**Re: Request for aggregated occupancy data to help inform the market on childcare undersupply and oversupply**

Firstly, congratulations to your re-election as the Federal Member for Wannon as well as your re-appointment as the Federal Minister for Education. Like our interstate and national colleagues, the Australian Childcare Alliance (ACA) NSW looks forward to working with you and your office to advance early childhood education and care across our nation.

Prior to the 2019 federal election, we had been communicating with your advisor (Brooke Curtin) as well as your predecessor's advisor (Rachel Howard) in relation to the unintended phenomenon of childcare oversupply which is helping to increase childcare fees at the expense of parents and taxpayers due to lower occupancies.

As outlined in the *Child Care Subsidy Secretary's Rules 2017*, as required by subparagraph 201D(3)(a)(iv) of the *Family Assistance Administration Act*, approved providers must provide daily and weekly totals of the number of hours of care provided during the statement period, including start and end times for each session of care and the start and end times of every child's physical attendances.

Given that the Federal Department of Education collects such information, and that the Australian Children's Education and Care Quality Authority (ACECQA) also records the maximum number of places for each service, it is therefore possible for the Federal Department of Education to be able to generate aggregated reports that advises what are the general occupancy levels in various geographic areas. Such information would be significantly valuable in informing the market so that prospective new entrants will know where childcare undersupply and oversupply are.

As you also know, the Federal Department's Early Childhood and Childcare in Summary reports (see below) have reported annual increases of vacancies. The March 2018 quarter showed 94% of all long daycare services had vacancies, which is the highest over the last six reported years.

**Reported Daily Vacancies in Long Day Care Centres (March Quarter)**

<https://www.education.gov.au/early-childhood-and-child-care-reports>

	2013	2014	2015	2016	2017	2018
Average number of vacancies	80,630	92,340	98,510	110,510	122,570	145,907
% of centres reporting with vacancies	86%	90%	91%	91%	93%	94%

Unfortunately, under Freedom of Information, your Federal Department confirmed on 16 April 2019 that the existing Child Care Subsidy System is unable to produce the reports that we are seeking, even though the Department collects such information.

ACA NSW is volunteering to work with you and the Federal Department of Education to develop the appropriate tool(s) to enable aggregated reports to be dynamically produced at the postcode-level. Such data and reports could then be made available via the Federal Department of Education's website.

I will contact your office to progress our request.

Thank you in anticipation.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chiang Lim', with a horizontal line drawn underneath the name.

Chiang Lim  
CEO

encl Copy of Freedom of Information Response from the Federal Department of Education  
(16 April 2019)

cc Brooke Curtin, Advisor to the Federal Minister for Education  
Paul Mondo, President, Australian Childcare Alliance



Chiang Lim  
Chief Executive Officer  
Australian Childcare Alliance New South Wales

By email: [chiang.lim@childcarealliance.org.au](mailto:chiang.lim@childcarealliance.org.au)

Dear Mr Lim

1. I refer to your correspondence received by the Department of Education and Training (the department) on 22 March 2019 in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to:

*"... the new CCS system can track children in care receiving CCS and also capture the mandatory reporting of available places per service every Friday.*

*Similar to the Federal Department's Early Childhood and Childcare in Summary reports where the availability and number of vacancies and percentage of child care services with vacancies are published, what reports can the new CCS system generate to ascertain occupancy level or vacancies by postcode level or by local government area? Please provide us with a copy of those reports, propagated on at least a quarterly basis, if not monthly..."*

#### Decision on access

2. I am authorised to make decisions under subsection 23(1) of the FOI Act.
3. I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that I am satisfied that the documents you are requesting do not exist.

#### Reasons for decision

4. An agency or Minister may refuse a request for access under subsection 24A(1) of the FOI Act if:
  - (a) *all reasonable steps have been taken to find the document; and*
  - (b) *the agency or Minister is satisfied that the document:*
    - (i) *is in the agency's or Minister's possession but cannot be found; or*
    - (ii) *does not exist.*
5. My decision to refuse your FOI request is made pursuant to section 24A of the FOI Act on the basis that I am advised that all reasonable steps have been taken by relevant departmental officers to find documents falling within the scope of your request and those documents do not exist. Additionally, I have been advised that the department has not generated summary reports of vacancy data from the new child care system. It follows that since no reports have been generated, the department does not possess any documents that fall within the scope of your request.

6. However, I have been advised that the new 'Child Care Finder' website contains the same kind of vacancy information which was previously available on the 'MyChild' website. For more information, please go to [www.childcarefinder.gov.au](http://www.childcarefinder.gov.au).

**Rights of review**

7. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.
8. Should you have any questions, please do not hesitate to contact me via email at [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely



Rushil Sharma  
Senior Government Lawyer  
Schools, Child Care and Corporate Legal Branch

---

16 April 2019

## **Attachment A**

### **Internal Review**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Email: [foi@education.gov.au](mailto:foi@education.gov.au)

Post: The FOI Coordinator  
Schools, Child Care and Corporate Legal Branch  
Department of Education and Training  
Location code: C50MA10  
GPO BOX 9880  
CANBERRA ACT 2601

### **External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC, you must apply for the review, in writing or by using the online merits review form available at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC, your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. The AIC advises that, before making a complaint to it, you should raise your concerns directly with the relevant agency.

Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218 Sydney NSW 2001

Fax: +61 2 9284 9666

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.