



# Notifiable events for child care services

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It is a condition of approval and continued approval for Child Care Benefit (CCB) purposes that child care services must comply with Family Assistance Law.

## Notifiable Events

A child care service's obligations to notify the Department of certain events affecting a service's eligibility for approval or continued approval (notifiable events) are governed by section 19 of the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000* (the Eligibility Determination) and sections 204 and 219M of the *A New Tax System (Family Assistance) (Administration) Act 1999* (the Family Assistance Administration Act).

## Section 219M of the Family Assistance Administration Act

### Notification of decision to cease operating

Section 219M of the Family Assistance Administration Act requires a service to:

- notify the Department in writing if the operator decides to cease operating the service **42 days** or more before ceasing operation. This requirement applies whether the operator is closing the service, selling the service or transferring ownership. Where a service closes due to circumstances beyond their control (for example, bankruptcy or State licensing issues), the operator must notify the Department immediately to avoid penalties.

Failure to comply with this obligation is a criminal offence, which imposes a financial penalty of up to \$33 000 for a body corporate and \$6 600 for an individual. A service may also incur a civil penalty of up to \$44 000 for a body corporate and \$22 000 for an individual.

Alternatively, the Department may issue an infringement notice to the service. A civil penalty may be avoided by paying, within the required time, the amount specified in the infringement notice – up to \$8 800 for a body corporation and \$4 400 for an individual for a single contravention and up to \$70 400 for a body corporate and \$35 200 for an individual for more than one contravention.

Failure to comply with this obligation may also result in a sanction being imposed on the service, which may include suspension or cancellation of the service's approval or the imposition of additional conditions.

**Note:** See Instruction sheet 15 for the form to notify the Department of your decision to cease operating an approved child care service. Forms to notify of a change to the number of Outside School Hours Care places and other notifiable events can be located at [www.deewr.gov.au/EarlyChildhood/Resources](http://www.deewr.gov.au/EarlyChildhood/Resources).

## Section 19 of the Eligibility Determination

Section 19 of the Eligibility Determination requires an operator to notify the Department in writing at least **30 days** before:

- entering into a contract for the sale of premises where the child care service is conducted
- terminating the lease of the premises
- changing the address of the service given in the application for approval.

Section 19 also requires an operator to notify the Department in writing within **14 days** of any changes to the details contained in the child care service's application for approval, for example:

- personnel authorised to certify CCB
- service contacts
- operational places
- bank account details
- hours of operation.

Details of changes should be provided in the written notice signed by the legal signatory. Among other things the notice should contain the name of operator and service, and service Id. The Notification advice for approved child care services for the purposes of Child Care Benefit (CCB) form is located at [www.deewr.gov.au/EarlyChildhood/Resources](http://www.deewr.gov.au/EarlyChildhood/Resources).

An operator must also notify the Department in writing within **7 days** of becoming aware of something that affects the suitability of a member of the service's staff (or a carer, if the service is a family day care service or an in-home care service) to provide child care. The operator must set out the action taken or intended to be taken to deal with the situation.

Failure to meet any of the obligations under section 19 may incur a sanction, which may include suspension or cancellation of the service's approval or the imposition of additional conditions.

## Section 204 of the Family Assistance Administration Act

Section 204 of the Family Assistance Administration Act requires a child care service to:

- notify the Secretary in writing as soon as practicable after becoming aware of matters affecting a service's eligibility for approval or continued approval.

Failure to comply with this obligation is a criminal offence, which imposes a financial penalty of up to \$11 000 for a body corporate and \$2 200 for an individual. A service may also incur a civil penalty of up to \$44 000 for a body corporate and \$22 000 for an individual. A civil penalty may be avoided by paying, within the required time, the amount specified in the infringement notice – up to \$3 300 for a body corporate and \$1 650 for an individual for a single contravention and up to \$26 400 for a body corporate and \$13 200 for an individual for more than one contravention.

Failure to comply with this obligation may also result in a sanction being imposed on the service, which may include suspension or cancellation of the service's approval or the imposition of additional conditions.