



Public notification no. 4 of 2023 by the Australian Bureau of Statistics

Release of list of preschool service providers to state and territory education departments

In accordance with the requirements of Section 14 of the *Census and Statistics (Information Release and Access) Determination 2018*, made under Section 13 of the *Census and Statistics Act 1905*, the Australian Bureau of Statistics (ABS) has released a list of business characteristics, the details of which are as follows:

The ABS has disclosed a list of businesses operating preschool programs in Australia, taken from the ABS 2022 National Early Childhood Education and Care Collection, to the following departments:

- Australian Government Department of Education
- New South Wales Department of Education
- Victorian Department of Education
- South Australian Department for Education and Child Development
- Western Australia Department of Education
- Tasmania Department for Education, Children and Young People
- Northern Territory Department of Education
- Australian Capital Territory Education Directorate.

The list will be used by the departments for the purpose of achieving the outcomes and specified objectives of the National Information Agreement on Early Childhood Education and Care (NIA ECEC). The NIA ECEC aims to ensure the availability of a nationally consistent, quality information base for early childhood education and care, to support policy and program developments, and reporting and accountability requirements. The ABS has released the list annually since 2011.

For each business in the list, the ABS provides:

- business name and address;
- trading name;
- management type;
- service type; and
- state/territory.

The departments have provided the ABS with a signed undertaking that they, and their contractors and subcontractors, will:

1. Use the list specified in the Schedule to this Undertaking only for the purpose as specified in the Schedule;
2. Not release the list or any part of the list, either directly or indirectly, to another person outside the department, other than a contractor who may require access to the list for the purposes of providing services;
3. Not release any statistics produced from the list other than to reciprocal agencies/departments including ABS to enable discussion/analysis of information, without written approval from the ABS.
4. Appoint a contact officer who will manage the processes for individuals within the Education departments to request access to the list release; and will circulate information to individuals within the Education departments who are granted approval by the ABS to access the list;

5. Maintain a register of all officers of the Departments who have access to the list and provide a copy of that register to the ABS on request and on return of the list to the ABS;
6. Ensure the Responsible Officer makes all officers accessing the list aware of their duty not to disclose or use the list in a way that is not authorised by the Undertaking;
7. If it is necessary for a contractor to have access to the list for the purpose of providing services, the Department will ensure that the contractor, and every person employed by the contractor who has access to the list, provides the Australian Statistician with a relevant undertaking prior to accessing the list;
8. Allow ABS officers access to necessary documents and information for the purpose of conducting a compliance audit concerning observance of the terms and conditions under which the list is disclosed;
9. Return or destroy all copies of the list to the ABS as soon as the analysis has been completed; and
10. Understand and acknowledge that, a breach of these terms and conditions may:
 - a) be an offence under subsection 19(3) of the Census and Statistics Act 1905; and
 - b) result in sanctions which may include, but are not limited to:
 - i. the Australian Statistician imposing restrictions accessing any list release information for a set period of time, including a life-long ban; and
 - ii. the Australian Statistician imposing restrictions on access to any list release information for a set period of time;
 - iii. a penalty under subsection 19(3) of the Census and Statistics Act 1905 of up to 120 penalty units (\$33,000) or imprisonment for 2 years, or both.



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