

# EXPOSURE DRAFT



EXPOSURE DRAFT (18 July 2022)

## **Data Availability and Transparency (Consequential Amendments) Transitional Rules 2022**

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I, Katy Gallagher, Minister for Finance, make the following rules.

Dated 2022

Katy Gallagher [DRAFT ONLY—NOT FOR SIGNATURE]  
Minister for Finance

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## 1 Name

This instrument is the *Data Availability and Transparency (Consequential Amendments) Transitional Rules 2022*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

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Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under Schedule 3 to the *Data Availability and Transparency (Consequential Amendments) Act 2022*.

## 4 Definitions

- (1) In this instrument:

**Commonwealth Social Services Department** means the Department administered by the Minister who administers the *Social Security (International Agreements) Act 1999*.

**DAT Act** means the *Data Availability and Transparency Act 2022*.

**DAT (Consequential Amendments) Act** means the *Data Availability and Transparency (Consequential Amendments) Act 2022*.

- (2) Any other expression used in this instrument that is defined in the DAT Act, or in Schedule 3 to the DAT (Consequential Amendments) Act, has the same meaning in this instrument as it has in the DAT Act or in that Schedule.

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## Section 5

### 5 Transitional entities

For the purposes of the definition of *transitional entity* in subitem 1(1) of Schedule 3 to the DAT (Consequential Amendments) Act, each entity listed in column 1 of an item in the following table is prescribed as a transitional entity.

<b>Transitional entities</b>			
<b>Item</b>	<b>Column 1 Transitional entity</b>	<b>Column 2 Conditions of accreditation as an ADSP</b>	<b>Column 3 Start of transition period</b>
1	Australian Bureau of Statistics		The day this instrument commences.
2	Australian Institute of Family Studies		The day this instrument commences.
3	Australian Institute of Health and Welfare		The day this instrument commences.
4	Commonwealth Social Services Department	The entity must not provide secure access data services as part of a project.	The day this instrument commences.
5	Queensland Treasury	The entity must not provide de-identification data services or complex data integration services as part of a project unless those services are provided by the Queensland Government Statistician's Office.  The entity must not provide secure access data services as part of a project.	The day this instrument commences.
6	Victorian Department of Health	The entity must not provide de-identification data services, complex data integration services or secure access data services as part of a project unless those services are provided by the Centre for Victorian Data Linkage.	The day this instrument commences.

### 6 Conditions of accreditation as an ADSP

For the purposes of subitem 2(2) of Schedule 3 to the DAT (Consequential Amendments) Act, a condition (if any) listed in column 2 of an item in the table in section 5 is prescribed as a condition of accreditation as an ADSP applicable to the transitional entity listed in column 1 of that item.

Note: The accreditation of a transitional entity as an ADSP may also be subject to other conditions under the DAT Act.

## 7 Transition period

For the purposes of the definition of *transition period* in subitem 1(1) of Schedule 3 to the DAT (Consequential Amendments) Act, the transition period for a transitional entity listed in column 1 of an item in the table in section 5 is the period:

- (a) beginning at the start of the day listed in column 3 of that item; and
- (b) ending at the earliest of the following:
  - (i) if the Commissioner renews the transitional entity's accreditation as an ADSP under section 84 of the DAT Act—the start of the day when the renewed accreditation takes effect;
  - (ii) if the Commissioner cancels the transitional entity's accreditation as an ADSP under section 81 of the DAT Act—the start of the day when the cancellation takes effect;
  - (iii) the end of 30 July 2025.