



## **Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination (No. 1) 2000**

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I, JOCELYN MARGARET NEWMAN, Minister for Family and Community Services, make this determination under subsection 205(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Dated 21<sup>st</sup> December 2000.

Jocelyn Newman

Minister for Family and Community Services

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# Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination (No. 1) 2000

made under the

*A New Tax System (Family Assistance) (Administration)  
Act 1999*

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## **1 Name of determination**

This determination is the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination (No. 1) 2000*.

## **2 Commencement**

This determination commences on 1 January 2001, immediately after the commencement of Schedule 2 to the *Family and Community Services (2000 Budget and Related Measures) Act 2000*.

## **3 Amendment**

The Schedule amends the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000*.

## Schedule            Amendments

**[1]        Subsection 3(1), definition of *carer***

After “family day care service”, insert “or an in-home care service”.

**[2]        Subsection 3(1), definition of *in-home care***

Omit “in the home of a child”, substitute “in the home of one of the children being cared for”.

**[3]        Section 4**

Omit the section, substitute:

**4 Delegation**

The Secretary may, in writing, delegate to an officer of the agency all or any of the powers of the Secretary under this determination and for the purposes of this section “agency” means the Department or the Commonwealth Services Delivery Agency.

**[4]        Subsection 7(3)**

Omit “may”, substitute “must”.

**[5]        Paragraph 7(3)(f)**

Omit the paragraph.

**[6]        Paragraph 8(3)(c)**

Omit the paragraph.

**[7] Subsection 9(1)**

After “family day care service”, insert “or an in-home care service”.

**[8] Paragraph 9(3)(c)**

Omit the paragraph.

**[9] Subsection 10(1)**

Omit “or a family day care service”.

**[10] Section 10**

After subsection (1), insert:

- (1A) Where the applicant is applying for approval of a family day care service, the applicant must undertake that:
- (a) most of the children to be provided with child care will attend the service at least one day a week;
  - (b) the service will operate on all normal working days in at least 48 weeks of the year;
  - (c) the service will be available to provide care for any particular child for at least 8 continuous hours on each normal working day on which it operates; and
  - (d) where a child attends a session of care, the service will not prevent the child from attending any part of that session.
- (1B) Where the applicant is applying for approval of an in-home care service, the applicant must undertake that:
- (a) the service will provide child care places only to a child to whom no other approved child care service (other than an approved in-home care service) can provide care, or can provide care that is suitable for the child in any of the circumstances specified in subsection (1C);

- (b) the service will operate on all normal working days in at least 48 weeks of the year;
  - (c) the service will be available to provide care for any particular child for at least 8 continuous hours on each normal working day on which it operates; and
  - (d) where a child attends a session of care, the service will not prevent the child from attending any part of that session.
- (1C) For the purpose of paragraph (1B)(a), the circumstances are:
- (a) the child, or any other child with whom the child lives, has an illness or disability;
  - (b) the individual in whose care the child is, or the individual's partner (if any), has an illness or disability that reduces the individual's, or the partner's capacity to care for the child;
  - (c) the child lives in a rural or remote area;
  - (d) work hours of the individual in whose care the child is, or the individual's partner (if any), are (or include) the hours during which no other approved child care service (other than an approved in-home care service) operates that could otherwise provide care;
  - (e) the individual in whose care the child is or the individual's partner (if any) is caring for three or more children (including the child) who have not yet commenced school;
  - (f) the child, or any other child with whom the child lives, is breastfed by the mother working from home; or
  - (g) any other circumstances determined by the Secretary in relation to the child.

**[11] Subsection 13(1)**

After “a centre based long day care service,”, insert “an in-home care service,”.

**[12] Subsection 16(4)**

After “a family day care service”, insert “or an in-home care service”.

**[13] Subsection 16(5)**

After “a family day care service”, insert “or an in-home care service”.

**[14] Subsection 16(6)**

After “10(1),”, insert “(1A), (1B),”.

**[15] Subsection 19(3)**

After “a family day care service”, insert “or an in-home care service”.

**[16] Heading to section 24**

The heading to section 24 is replaced by the heading “**Family day care services and in-home care services: in-home care agreement**”.

**[17] Subsection 24(1)**

After “in-home care for a child or children”, insert “, or an in-home care service,”.

**[18] Subsection 24(2)**

Omit “should”, substitute “must”.

**[19] Subsection 24(2)**

Omit “may”, substitute “must”.

**[20] Heading to section 27**

The heading to section 27 is replaced by the heading “**Standard hours family day care and standard hours in-home care**”.

**[21] Subsection 27(1)**

Omit “standard hours of family day care and non-standard hours of family day care”, substitute “standard hours of family day care, standard hours of in-home care, non-standard hours of family day care and non-standard hours of in-home care”.

**[22] Subsection 27(2)**

After “family day care service”, insert “or an approved in-home care service”.

**[23] Subsection 27(5)**

Omit the subsection, substitute:

(5) For the avoidance of doubt, an approved family day care service’s standard hours of care, or an approved in-home care service’s standard hours of care, apply for all purposes and in respect of all children in that service’s care.

**[24] Subsection 27(6)**

After “family day care”, insert “or in-home care”.