



A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Amendment Determination 2007 (No. 1)

A New Tax System (Family Assistance) Act 1999

I, MALCOLM THOMAS BROUGH, Minister for Families, Community Services and Indigenous Affairs, make this Determination under section 57A of the *A New Tax System (Family Assistance) Act 1999*.

Dated 17 October 2007

MAL BROUGH
Minister for Families, Community Services and Indigenous Affairs

1 Name of Determination

This Determination is the *A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Amendment Determination 2007 (No. 1)*.

2 Commencement

This Determination commences on the day after it is registered.

3 Amendment of A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006

Schedule 1 amends the *A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006*.

4 Application

(1) The amendments made by this Determination apply to sessions of care provided by an approved child care service to a child during a week falling wholly after the application day for the service.

(2) In this section:

application day has the meaning given by subitem 91 (1) of Schedule 1 to the *Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Act 2007*.

Schedule 1 Amendments

(section 3)

[1] Subsection 5 (1), after definition of *claimant*

insert

weekly report means a report given by an approved child care service to the Secretary under section 219N of the Family Assistance Administration Act for a child for a week.

[2] Section 6

substitute

6 Order of approved child care services

For section 57A of the Act, the hours in sessions of care provided by an approved child care service to a child in a week are to count towards the weekly limit of 24, 50 or more than 50 hours applicable to a claimant for the care of the child in the following order:

- (a) first — the hours in sessions of care, worked out in accordance with sections 7 and 8, provided by the service whose weekly report is the first weekly report for the child for the week that the Secretary receives;
- (b) second — the hours in sessions of care, worked out in accordance with sections 7 and 8, provided by any other approved child care services to the child in the week in the order in which the Secretary receives the weekly report given by each service for the child for the week.

7 Nominated hours in sessions of care to count towards weekly limit

- (1) Subject to subsection (2), if an approved child care service reports in the weekly report for a child for a week that the individual who enrolled the child for care by the service has nominated in writing the number of hours in sessions of care provided by the service to the child that are to count towards the claimant's weekly limit for the child for the week, only the number of hours in sessions of care provided to the child in the week up to the nominated number of hours are to count towards the weekly limit.
- (2) If, for a week, the hours worked out in accordance with this section are less than the claimant's weekly limit for the child, any hours (other than the hours worked out in accordance with subsection (1)) in sessions of care provided to the child by a service to whom that subsection applies are to count towards the weekly limit in the order in which the Secretary receives the weekly report given by each service for the child for the week.

8 Order of hours in sessions of care provided by an approved child care service

- (1) The hours in sessions of care provided by an approved child care service to a child in a week are to count towards the weekly limit in the following order:
 - (a) if the care is provided by an approved family day care service:
 - (i) first — non-standard hours family day care; and
 - (ii) second — part-time family day care; and
 - (iii) third — other hours of care provided by the service to the child;
 - (b) if the care is provided by an approved in-home care service:
 - (i) first — non-standard hours in-home care; and
 - (ii) second — part-time in-home care; and
 - (iii) third — other hours of care provided by the service to the child;
 - (c) if the care is provided by an approved centre based long day care service:
 - (i) first — hours of part-time long day care; and
 - (ii) second — other hours of care provided by the service to the child;
 - (d) if the care is provided by an approved occasional care service or an approved outside school hours care service — the hours in sessions of care provided to the child in the week up to the applicable weekly limit.
- (2) In this section:

part-time long day care means care for which the part-time % is more than 100% under subclause 2 (2) of Schedule 2 to the Act.