



Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2015 (No. 1)

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

I, SCOTT MORRISON, Minister for Social Services, make this Determination under subsection 205(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Dated: 30 January 2015

Scott Morrison
Minister for Social Services

1 Name of Determination

This Determination is the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2015 (No. 1)*.

2 Commencement

This Determination commences on the day after it is registered.

3 Amendment

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

4 Revocation

The *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2014 (No. 1)* is revoked.

5 Transitional

Application of certain requirements for approved family day care services

An approved family day care service which:

- (a) is an approved child care service on 4 December 2014 and which became approved before that day; or
- (b) on 4 December 2014 is a child care service which is to be treated as an approved family day care service by virtue of item 11 of Schedule 6 to the *A New Tax System (Family Assistance and Related Measures) Act 2000*,

is not required to comply with the undertaking in paragraph 10(1A)(e) of the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000* until after 3 June 2015.

Note: This provision preserves the transitional arrangement, relating to paragraph 10(1A)(e), set out in subsection 4(2) of the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2014 (No. 1)*, which is now revoked.

Schedule Amendments

[1] Section 3, after definition of *registered software*

insert

Regulatory Authority has the same meaning as in the Education and Care Services National Law;

service approval has the same meaning as in the Education and Care Services National Law;

Service Provider Personnel ID means a unique alphanumeric identifier in registered software identifying an individual.

Note: See also paragraph 10(1A)(g) of this determination.

[2] Subsection 10(1A), paragraph (c)

omit

and

[3] Subsection 10(1A), after paragraph (d)

insert

(e) the service's FDC carers will only provide sessions of care on behalf of the service within the State or Territory in which the service has a current service approval;

Note: The Secretary may, under paragraph 205(3)(a) of the Act, determine that the rule in paragraph (e) does not apply to a service – for example, the Secretary might determine this if a service is operating in a border town.

(f) if a service approval has been granted in relation to the service, the service will comply with any conditions imposed by the applicable Regulatory Authority to which the service approval is subject; and

Note: A service approval may be granted subject to conditions imposed by the Regulatory Authority: see paragraph 51(5)(b) of the Education and Care Services National Law.

(g) as soon as the registered software the service uses allows the service to do so, the service will ensure that:

(i) each of its FDC carers is listed as 'service personnel' and is assigned a Service Provider Personnel ID in the registered software; and

(ii) in each report given by the service in accordance with subsections 219N(1) or 219N(2) of the Family Assistance Administration Act, the service includes the Service Provider Personnel ID for the FDC carer

who provided the session or sessions of care that is or are the subject of the report.

- (1AA) In subsection (1A), *FDC carer* means any individual employed or contracted to provide care on behalf of an approved family day care service.

[4] Section 16A

substitute

16A Compliance with undertakings — general

- (1) An approved child care service must comply with all undertakings given by the operator for the service under subsections 8(2), 9(2) and 13(1).
- (2) An approved child care service must:
 - (a) if it is a centre based long day care service – comply with all undertakings given by the operator under subsection 10(1);
 - (b) if it is a family day care service – comply with all undertakings in subsection 10(1A) whether or not the operator has given the undertakings;
 - (c) if it is an occasional care service – comply with all undertakings given by the operator under subsection 10(2); and
 - (d) if it is an outside school hours care service – comply with all undertakings given by the operator under subsection 10(3).