



# **Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2015 (No. 2)**

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

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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: 26 August 2015

SCOTT MORRISON  
Minister for Social Services

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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 2015 (No. 2)*.

**2 Commencement**

This Determination commences upon the commencement of the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015*.

**3 Amendment of *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000***

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

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## Schedule            Amendments

[1]            **Section 3**

*omit all the words after the definition of **registered software***

[2]            **Section 3**

*insert*

**care date**, for a child in respect of an approved family day care service, means the later of:

- (a) the date on which the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015* commences; or
- (b) the date the child is enrolled by an individual for care by the service.

**CRN** means the active customer reference number issued by the Department of Human Services.

**eligible disability child** has the same meaning as in the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015*.

**eligible ISS child** has the same meaning as in the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015*.

**eligible individual** means an individual whom the Secretary has determined to be conditionally eligible for child care benefit by fee reduction in respect of a child, under section 50F of the Act.

**FDC carer** means an individual who is employed, contracted or otherwise engaged by an approved family day care service to provide care to a child on behalf of the service.

**FDC child** means a child who is enrolled for care by an approved family day care service and who is the FTB child or regular care child of an FDC carer or the partner of an FDC carer.

**Inclusion Support Subsidy** has the same meaning as in the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015*.

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

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*remote area child* has the same meaning as in the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015*.

*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.

**[3] Section 10**

*omit all the subsections (including the notes) after subsection (1) and before subsection (1B), and 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 care will attend the service at least one day a week; and
  - (b) the service will operate on all normal working days in at least 48 weeks of the year; and
  - (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; and
  - (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; and

*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) 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

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- (ii) in each report given by the service in accordance with subsections 219N(1) or 219N(2) of the 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; and
  - (h) as soon as the registered software the service uses allows the service to do so, the service will ensure that, for each of its FDC carers that has a CRN, the CRN is entered in the registered software.

**[4] New section 10A**

*After section 10, insert*

**10A Family day care services: additional requirements**

Where the applicant is applying for approval of a family day care service the applicant must undertake to do the following things:

- (1) Within 7 days of the care date, the service will ensure that:
  - (a) each eligible individual is asked whether the eligible individual or the eligible individual's partner is an FDC carer; and
  - (b) each eligible individual is asked to inform the service if, in the future, the eligible individual or the eligible individual's partner becomes an FDC carer.
- (2) If the service becomes aware (because of subsection (1) or for any other reason) that an eligible individual or their partner is an FDC carer, the service will, within 7 days of becoming aware, request the information or documents set out in subsection (4) from the eligible individual, if the eligible individual informs the service that in relation to one or more sessions of care the service has provided, is providing, or will provide, to the FDC child of the eligible individual or the eligible individual's partner any of the following provisions in the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015* apply:
  - (a) the FDC child is an eligible disability child;
  - (b) the FDC child is a remote area child;
  - (c) paragraph 8(2)(c) of the *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015* applies to the FDC carer in relation to sessions of care provided to the FDC child;

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(d) paragraph 8(2)(d) of the *Child Care Benefit (Children in respect of whom no-one is eligible Determination) 2015* applies to the FDC carer in relation to sessions of care provided to the FDC child.

- (3) If the service becomes aware (because of subsection (1) or for any other reason) that an eligible individual or their partner is an FDC carer and the service is aware that, in relation to one or more sessions of care the service has provided, is providing, or will provide, to the FDC child of the eligible individual or the eligible individual's partner, the child is an eligible ISS child, the service will:
- (a) request from the eligible individual the information or documents set out in paragraphs (4)(a) to (g) and record this information or documents in the register mentioned in subsection (6); and
  - (b) record, in the register mentioned in subsection (6), documentary evidence that the child is an eligible ISS child.

*Note:* The documentary evidence mentioned in paragraph (b) could be a copy of the written notification to the service of the approval of the payment of an amount of Inclusion Support Subsidy in relation to the child.

- (4) The information or documents mentioned in subsection (2) are:
- (a) the name of the eligible individual and the eligible individual's partner (if any); and
  - (b) the name of the FDC carer; and
  - (c) the CRN (if any) of the FDC carer; and
  - (d) the CRN of the eligible individual (if any) if the eligible individual is not the FDC carer; and
  - (e) the CRN of the eligible individual's, or of the eligible individual's partner's, FDC child; and
  - (f) the name of the approved family day care service where the FDC carer works (regardless of whether this is the service or another approved service); and
  - (g) the days and times of sessions of care that the FDC carer ordinarily provides at the approved family day care service where the FDC carer works (regardless of whether this is the service or another approved service); and
  - (h) where relevant, documentary evidence that the FDC child is an eligible disability child; and
  - (i) where relevant, documentary evidence that the FDC child is a remote area child; and

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- (j) where relevant, documentary evidence that:
- (i) paragraph 8(2)(c) of the *Child Care Benefit (Children in respect of whom no-one is eligible Determination) 2015* applies; or
  - (ii) paragraph 8(2)(d) of the *Child Care Benefit (Children in respect of whom no-one is eligible Determination) 2015* applies.

*Note:* Documentary evidence for the purposes of subparagraph (i) could include a copy of an enrolment form. Documentary evidence for the purposes of subparagraph (ii) could include an employment contract or a payslip.

- (5) If the service requests that an eligible individual provide information or documents to the service under subsection (2) or paragraph (3)(a), the service will also request:
- (a) that the individual inform the service of any change in circumstances which would result in the individual providing information or documents different from those provided under subsection (2) or paragraph (3)(a); and
  - (b) within 7 days of the change in circumstances, that the individual provide to the service the different information or documents.
- (6) The service will record any information provided in response to a request mentioned in subsection (2), paragraph (3)(a) or subsection (5) in a register in the form approved by the Secretary, and also record in the register the following information in relation to each entry:
- (a) the day on which the service enters the information in the register; and
  - (b) the day on which the service is given or sees documentary evidence provided under subsections (2) or (5).
- (7) The service will, within 7 days of being notified that Inclusion Support Subsidy is no longer being paid in relation to a child to whom subsection (3) applies, or applied, record that fact and any other relevant information in the register mentioned in subsection (6).
- (8) The service will keep:
- (a) any documents provided in response to a request mentioned in subsections (2) or (5); and

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- (b) if applicable:
- (i) a copy of the documentary evidence mentioned in paragraph (3)(b); and
  - (ii) any notification of the kind mentioned in subsection (7).
- (9) The service will request that an individual who provides information or documents to it under this section will authorise the service, in writing, to disclose the information and documents to the Secretary.

**[5] Paragraph 16A(2)(b)**

*substitute*

- (b) if it is a family day care service – comply with all undertakings in subsection 10(1A) and section 10A whether or not the operator has given the undertakings;