



Child Care Benefit (Children in respect of whom no-one is eligible) Amendment Determination 2016

A New Tax System (Family Assistance) Act 1999

I, Simon Birmingham, Minister for Education and Training, make this Determination under subsection 49(3) of the *A New Tax System (Family Assistance) Act 1999*.

Dated: 12 September 2016

Simon Birmingham

Minister for Education and Training

1 Name

This Determination is the *Child Care Benefit (Children in respect of whom no-one is eligible) Amendment Determination 2016*.

2 Commencement

This Determination commences on 10 October 2016.

3 Authority

This Determination is made under subsection 49(3) of the *A New Tax System (Family Assistance) Act 1999 (the Act)*.

4 Application

To avoid doubt, the amendments made by this Determination apply in relation to eligibility for sessions of care that occur on and from commencement.

5 Amendments

The *Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015* is amended as set out in Schedule 1.

Schedule 1

1 Section 4

Before the definition of *IHC carer* insert:

“*Foster care child* means a child who is under the care of an individual who is a registered and active foster carer of the child as defined under section 5B of the *Social Security Act 1991*.

Note: *registered and active foster carer* is defined under section 5B of the *Social Security Act 1991* as a person who meets the requirements of the law of the State or Territory in which the person resides in order to be registered or approved to provide foster care in that State or Territory, and the person is actively involved in providing foster care in that State or Territory.”

”

2 Section 6

Replace the entire section with:

“6 Session of care provided by FDC carer to own child or partner’s child or siblings

A child is included in the class of children specified in this section in respect of a session of care provided to the child if:

- (a) the session of care is provided by an FDC carer; and
- (b) the child is, one or more of the following:
 - (i) an FTB child; or
 - (ii) a regular care child; or
 - (iii) a foster care child; or
 - (iv) a biological or adopted child; or
 - (v) a brother, sister, half-brother, half-sister, step-brother or step-sister; or
 - (vi) a child for whom there is a legal responsibility towards, as referred to in paragraphs 22(5)(a) and (b) of the *A New Tax System (Family Assistance) Act 1999*, on the part

of the FDC carer or the partner of the FDC carer.”

3 Section 7

Replace the entire section with:

“7 Session of care provided by IHC carer to own child or partner’s child or siblings

A child is included in the class of children specified in this section in respect of a session of care provided to the child if:

- (a) the session of care is provided by an IHC carer; and
- (b) the child is, one or more of the following:
 - (i) an FTB child; or
 - (ii) a regular care child; or
 - (iii) a foster care child; or
 - (iv) a biological or adopted child; or
 - (v) a brother, sister, half-brother, half-sister, step-brother or step-sister; or
 - (vi) a child for whom there is a legal responsibility towards, as referred to in paragraphs 22(5)(a) and (b) of the *A New Tax System (Family Assistance) Act 1999*, on the part

of the IHC carer or the partner of the IHC carer.”

4 Section 8

Replace the heading with the following:

“8 Session of care provided by an approved family day care service to the child of an FDC carer or the FDC carer’s partner”