



# **Child Care Subsidy Secretary's Amendment Rules (No. 1) 2018**

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I, DR MICHELE BRUNIGES AM, Secretary, Department of Education and Training,  
make the following Rules.

Dated 9 June 2018

DR MICHELE BRUNIGES AM  
Secretary  
Department of Education and Training

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# Preliminary

## 1 Name

This instrument is the *Child Care Subsidy Secretary's Amendment Rules (No. 1) 2018*.

## 2 Commencement

- (1) Each provision specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	Immediately after the commencement of the <i>Child Care Subsidy Secretary's Rules 2017</i> .	2 July 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under subsection 85GB(2) of the *A New Tax System (Family Assistance) Act 1999*.

## 4 Definition

In this instrument:

**Principal Rules** means the *Child Care Subsidy Secretary's Rules 2017*.

## 5 Amendment of Principal Rules

The Principal Rules are amended as set out by a provision contained in the Schedule to this instrument.

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## Schedule—Amendments to Principal Rules

### 1 Subsection 2(1)

Replace the table with:

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of these Rules, except for paragraph 10(ia)	Immediately after Schedule 1 to the <i>Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017</i> commences.	2 July 2018
2. Paragraph 10(ia)	14 January 2019.	

### 2 Section 4 (definition of educator)

Replace the definition with:

*educator*, in relation to a child care service in a State or Territory, means an educator within the meaning of the Education and Care Services National Law or, to the extent that the context permits reference to an individual who provides child care at an IHC service, an IHC educator.

### 3 Section 4

Insert (after the definition of *FDC service* and before the Note):

*IHC educator* means an individual employed, contracted or otherwise engaged by an approved provider for the purposes of providing child care by an IHC service.

*IHC service* means an in home care service as prescribed by section 15B of the *Child Care Subsidy Minister's Rules 2017* for item 4 of the table in subclause 2(3) of Schedule 2 to the Family Assistance Act.

### 4 Subparagraph 6(n)(vii)

After the words “FDC service”, insert “or an IHC service”.

### 5 At the end of subparagraph 6(n)(vii)

Omit “law.”, replace with “law;”.

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## **6 Section 6**

After paragraph 6(n), insert:

- (o) where the application is made in respect of an IHC service, evidence that there has been contact with an In Home Care Support Agency (within the meaning of section 49B of the *Child Care Subsidy Minister's Rules 2017*) for the purposes of providing the IHC service.

## **7 Section 7**

After the words “all of the following” in the chapeau, add “(as applicable)”.

## **8 Subparagraph 7(c)(vii)**

After the words “FDC service”, insert “or an IHC service”.

## **9 At the end of subparagraph 7(c)(vii)**

Omit “law.”, replace with “law;”.

## **10 Section 7**

After paragraph (c), insert:

- (d) where the application is made in respect of an IHC service, evidence that there has been contact with an In Home Care Support Agency (within the meaning of section 49B of the *Child Care Subsidy Minister's Rules 2017*) for the purposes of providing the IHC service.

## **11 Section 10**

Replace paragraph (i) with:

- (i) daily and weekly totals of the number of hours of care provided during the statement period, including start and end times for each session of care;
- (ia) daily and weekly totals of the number of hours of the child's physical attendance during the statement period, including start and end times of the child's physical attendance;

## **12 Section 11**

After paragraph (b), insert:

- (ba) where an IHC educator provides care at premises other than the residential premises referred to at subsection 48A(9) of the *Child Care Subsidy Minister's Rules 2017* due to exceptional circumstances—the address and contact number of the premises;