



# **Child Care Subsidy Amendment (Coronavirus Economic Response Package) Minister's Rules 2020**

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I, Dan Tehan, Minister for Education, make the following rules.

Dated 23 March 2020

Dan Tehan  
Minister for Education

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# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
Part 1—Amendments commencing day after registration		2
<i>Child Care Subsidy Minister’s Rules 2017</i>		2
Part 2—Amendments commencing on 19 April 2020		4
<i>Child Care Subsidy Minister’s Rules 2017</i>		4



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## 1 Name

This instrument is the *Child Care Subsidy Amendment (Coronavirus Economic Response Package) Minister's Rules 2020*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1, Part 1	The day after this instrument is registered.	
3. Schedule 1, Part 2	The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) the start of 19 April 2020.	

Note: This table relates only to the provisions of this instrument as originally made.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 the *A New Tax System (Family Assistance) Act 1999*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Amendments commencing day after registration

#### *Child Care Subsidy Minister's Rules 2017*

##### 1 Section 4

Insert:

**government agency** means:

- (a) the Commonwealth, a State or a Territory; or
- (b) an authority of the Commonwealth or of a State or a Territory.

**health agency** has the meaning given by section 54A.

**relevant person** has the meaning given by section 6.

##### 2 After section 5A

Insert:

##### **5AB Reasons for additional absences—when no medical certificate required**

For the purposes of subsection 10(3A) of the Family Assistance Act, paragraph 10(3)(e) of that Act does not apply to require a certificate in relation to the absence of a child for an illness if:

- (a) the person referred to in paragraph 10(4)(a) or (b) of that Act with the illness reports symptoms similar to the symptoms of COVID-19; and
- (b) the day is on or before 31 December 2020.

##### 3 At the end of subsection 6(1)

Add:

- ; (f) where a relevant person has decided the child's attendance on the day would put the child or any other person at risk of contracting COVID-19, and:
  - (i) the absence occurs during a period that is reasonable, having regard to information and advice published from time to time by a government agency; and
  - (ii) the day is on or before 31 December 2020; and
  - (iii) the absence is not for an illness referred to in paragraph 10(4)(a) or (b) of the Family Assistance Act.

##### 4 After subsection 6(1)

Insert:

- (1A) For the purposes of paragraph (1)(f), a relevant person may make a decision about a child's attendance in relation to the child specifically or by reference to a class of children.

Note: For example, a government agency may make a decision about a child's attendance by ordering the child's child care service to close as a result of the COVID-19 pandemic.

## **5 Subsection 6(2)**

Insert:

*relevant person* in relation to a child means:

- (a) the individual in whose care the child is or usually is; or
- (b) a child care service that provides sessions of care to the child; or
- (c) a medical practitioner for the child; or
- (d) a government agency.

## **6 Before Division 1 of Part 5**

Insert:

### **Division 1A—Exemption from enforcing payment of hourly session fees**

#### **54A Exemption for COVID-19**

- (1) This section sets out, for the purposes of subsection 201B(1A) of the Family Assistance Administration Act, the conditions for when a provider is not required to take reasonable steps under section 201B of that Act in relation to a session of care provided by a service to a child.

*Particular event or circumstance—COVID-19*

- (2) The particular event or circumstance is the COVID-19 pandemic.

*Condition*

- (3) The condition is that a health agency advises or requires the child care service to close as a result of the COVID-19 pandemic.

*Period*

- (4) The period is the period:
- (a) beginning on the day the child care service closes as a result of the advice or requirement referred to in subsection (3); and
  - (b) ending on the earlier of:
    - (i) the last day in the period that the health agency advises or requires the child care service to be closed; and
    - (ii) 31 December 2020.

*Meaning of health agency*

- (5) In these Rules, a **health agency** is a government agency with responsibility for human health.

## Part 2—Amendments commencing on 19 April 2020

### *Child Care Subsidy Minister's Rules 2017*

#### 7 After section 5A

Insert:

##### **5AA Particular event or circumstance—COVID-19**

- (1) This section sets out, for the purposes of subparagraph 10(2)(c)(ii) and subsection 10(2AA) of the Family Assistance Act, conditions relating to a particular event or circumstance to be met in order for a child care service to be taken to have provided a session of care to a child on a day in a financial year.

*Particular event or circumstance*

- (2) The particular event or circumstance is the COVID-19 pandemic.

*Condition*

- (3) The condition is that, had the child attended the session of care, the session would have been provided by the child care service to the child in the 2019-2020 financial year.

*Number of days for COVID-19 pandemic*

- (4) The number of days prescribed for the COVID-19 pandemic for the 2019-2020 financial year is 19 days.

Note: As a result of subsection 10(2) of the Family Assistance Act, in the 2019-2020 financial year, because of the COVID-19 pandemic, a child will be able to have up to 20 extra allowable absence days from a child care service (and so will have 62 allowable absence days).