

Child Care Subsidy Amendment (Coronavirus Economic Response Package) Minister’s Rules 2020

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

Dated 23 March 2020

Dan Tehan

Minister for Education

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Part 1—Amendments commencing day after registration 2

Child Care Subsidy Minister’s Rules 2017 2

Part 2—Amendments commencing on 19 April 2020 4

Child Care Subsidy Minister’s Rules 2017 4

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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).