



Child Care Subsidy Amendment (Coronavirus Response Measures No. 4) Minister's Rules 2020

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

Dated 25 June 2020

Dan Tehan
Minister for Education

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1 Name

This instrument is the *Child Care Subsidy Amendment (Coronavirus Response Measures No. 4) 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	1 July 2020	1 July 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Child Care Subsidy Minister's Rules 2017

Part 1—Amendments commencing on the day after registration

1 Section 4 (definition of *business continuity payment* (first occurring))

Repeal the definition.

2 Subsection 13(5) (note)

Omit “newstart allowance”, substitute “jobseeker payment”.

3 Subsection 13(6) (note)

Omit “Newstart Employment Pathway Plan”, substitute “Jobseeker Employment Pathway Plan”.

4 Subsection 13(17)

Omit “newstart allowance”, substitute “jobseeker payment”.

5 Before section 31

Insert:

Subdivision A—Preliminary

6 Before section 32

Insert:

Subdivision B—Circumstances in which an individual has a Minister's rule result—general

7 Section 39 (heading)

Omit “newstart allowance”, substitute “jobseeker payment”.

8 Paragraph 39(2)(c)

Omit “newstart allowance”, substitute “jobseeker payment”.

9 Subsection 39(4) (note)

Omit “newstart allowance”, substitute “jobseeker payment”.

10 Subsection 39(5) (note)

Omit “newstart allowance”, substitute “jobseeker payment”.

11 After section 40

Insert:

Subdivision C—Circumstances in which an individual has a Minister’s rule result—post Early Childhood Education and Care Relief Package

40AA Application

- (1) This Subdivision applies for the purpose of working out a Minister’s rule result for an individual for a CCS fortnight that begins in the period beginning on 13 July 2020 and ending on 4 October 2020.
- (2) However, an individual does not have a Minister’s rule result under this Subdivision for a CCS fortnight if the individual has a Minister’s rule result for the fortnight under Subdivision B.

40AB Individual engaging in at least 8 hours of recognised activities

There is a Minister’s rule result of 100 for an individual for a CCS fortnight (*current CCS fortnight*) if:

- (a) for any CCS fortnight beginning in the period beginning on 13 January 2020 and ending on 22 March 2020:
 - (i) either the individual or the individual’s partner (if any) had a recognised activity result of 72 or higher; and
 - (ii) the individual had a recognised activity result of 36 or higher; and
- (b) for the current CCS fortnight, both the individual and the individual’s partner (if any) have recognised activity results of 36 or higher.

12 After section 47AA

Insert:

47AB Providers not to be paid jobkeeper payments

- (1) For section 195E of the Family Assistance Administration Act, it is a condition of continued approval of an approved provider that the provider is not paid an amount of jobkeeper payment (within the meaning of the *Coronavirus Economic Response Package (Payments and Benefits) Rules 2020*) for an individual who is not an eligible employee of the provider (within the meaning given by section 9 of those Rules) because of the operation of paragraph 9(4)(d) of those Rules.
- (2) For section 195E of the Family Assistance Administration Act, it is a condition of continued approval of an approved provider that it is not paid an amount of jobkeeper payment to which it is not entitled because of the operation of paragraph 11(1)(ba) of the *Coronavirus Economic Response Package (Payments and Benefits) Rules*.

13 Subparagraph 54A(4)(b)(ii)

Omit the subparagraph, substitute:

- (ii) 31 December 2020.

14 Section 57

Omit “a payment under section 205A of that Act (a *business continuity payment*)”, substitute “a business continuity payment”.

15 Section 60A in Division 2 of Part 6

Omit “28 June 2020”, substitute “12 July 2020”.

16 Subsection 60E(2)

Omit “50 per cent”, substitute “the relevant percentage”.

17 After subsection 60E(2)

Insert:

(2A) For subsection (2), the *relevant percentage* is:

- (a) in relation to a business continuity payment for the week beginning on 6 July 2020—100 per cent; and
- (b) in relation to a business continuity payment for another week—50 per cent.

18 Section 60A in Division 1 of Part 6A

Renumber the section as section 61AA.

19 Section 60B in Division 1 of Part 6A

Renumber the section as section 61AB.

Part 2—Amendments commencing on 1 July 2020

20 Section 78

Omit the section, substitute:

78 Grant purposes supported by standing appropriation

- (1) For subsection 233(2) of the Family Assistance Administration Act, payments made for the purposes of an agreement entered into under the Community Child Care Fund Special Circumstances Grant Opportunity are prescribed.

Note: In 2020, details of the grants available under the Community Child Care Fund Special Circumstances Grant Opportunity were set out in guidelines published on the Department’s website at www.dese.gov.au.

- (2) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2020-21 is \$584 million.
- (3) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid for the purpose specified in subsection (1) in respect of 2020-21 is \$584 million.