



Child Care Subsidy Amendment (Coronavirus Response Measures No. 5) Minister's Rules 2021

I, Alan Tudge, Minister for Education and Youth, make the following rules.

Dated 16 August 2021

Alan Tudge
Minister for Education and Youth

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
Schedule 1—Amendments	2
<i>Child Care Subsidy Minister’s Rules 2017</i>	2
Part 2—Exemption from enforcing payment of hourly session fees for COVID-19 hotspots	2
2.1 Exemption from enforcing payment of hourly session fees	2

1 Name

This instrument is the *Child Care Subsidy Amendment (Coronavirus Response Measures No. 5) Minister's Rules 2021*.

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. The whole of the instrument.	13 August 2021.	13 August 2021.

Note: This table relates only to the provisions of this instrument as originally made.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(1) of 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

1 After Schedule 3, Part 1, Division 2

Insert:

Part 2—Exemption from enforcing payment of hourly session fees for COVID-19 hotspots

2.1 Exemption from enforcing payment of hourly session fees

- (1) This clause 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

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

Period

- (3) The period is the period beginning on 13 August 2021 and ending on 12 August 2022.

Conditions

- (4) The conditions are that:
- (a) the child did not attend any part of the session of care;
 - (b) the service is not closed on the day; and
 - (c) either subclause (5) or subclause (6) applies to the session of care.
- (5) This subclause applies if the session of care occurs:
- (a) on a day the child care service is in a COVID-19 hotspot; and
 - (b) on or after the eighth continuous day the child care service has been in the COVID-19 hotspot referred to in paragraph (a).
- (6) This subclause applies if the session of care occurs on a day:
- (a) the child care service is in a COVID-19 hotspot; and
 - (b) the relevant State or Territory public health order provides that only certain children may attend child care or that children may only attend child care in certain circumstances.
- (7) For the purposes of this section, a child care service is ***in a COVID-19 hotspot*** on a day if it is in a location that is, for at least 12 hours of that day, both:
- (a) subject to a State or Territory public health order restricting the movement of persons for a period; and

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- (b) within a COVID-19 hotspot as determined by the Commonwealth Chief Medical Officer for the purposes of Commonwealth support.