Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2004 (No. 1)

I, KAY CHRISTINE LESLEY PATTERSON, Minister for Family and Community Services, make the following Determination under subsection 14 (2) of the A New Tax System (Family Assistance) Act 1999.

Dated 28th October 2004

Kay Patterson
Minister for Family and Community Services

1 Name of Determination
This Determination is the Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2004 (No. 1).

2 Commencement
This Determination commences on 1 November 2004.

3 Amendment of Child Care Benefit (Work/Training/Study Test Exemption) Determination 2000
Schedule 1 amends the Child Care Benefit (Work/Training/Study Test Exemption) Determination 2000.
Schedule 1 Amendment

(schedule 3)

[1] Subsection 3(1), definition of exempt person

omit


substitute

(b) the person’s partner is not exempt under this section from the requirements of paragraphs 14(1)(a), (b) and (c) of the Act (the work/training/study test); and

[3] After section 4

insert

5 Other exempt persons – principal carers of grandchildren

(1) A person is exempt from the requirements of paragraphs 14(1)(a), (b) and (c) of the Act (the work/training/study test) in relation to another person (the related child) if:

(a) the person, or the person’s partner, is the grandparent or great grandparent of the related child; and

(b) the related child is an FTB child of the person, or the person’s partner; and

(c) the person, or the person’s partner, is the principal carer of the related child; and

(d) the person, or the person’s partner, is conditionally eligible, or eligible, for child care benefit for care provided to the related child by an approved child care service.

(2) A person is exempt from the requirements of paragraphs 14(1)(a), (b) and (c) of the Act (the work/training/study test) in relation to another person (the unrelated child) if:

(a) under subsection (1), the person is exempt from those requirements in relation to the related child; and

(b) the unrelated child is an FTB child of the person, or the person’s partner; and
(c) the person, or the person’s partner, is conditionally eligible, or eligible, for child care benefit for care provided to the unrelated child by an approved child care service.

(3) For the purposes of determining whether a person is a grandparent or great grandparent of another person, treat the following relationships as if they were biological child-parent relationships:

(a) the relationship between an adopted child and his or her adoptive parent;
(b) the relationship between a step child and his or her step parent.

(4) In this section:

*adoptive parent*, of a person (the *child*), means the person who adopted the child under a law of any place, whether in Australia or not, relating to the adoption of children.

*principal carer*, of a person (the *child*), means the person who:

(a) is the sole or major provider of ongoing daily care for the child; and
(b) has substantial autonomy for the day-to-day decisions about the child’s care, welfare and development.

*step parent*, of a person (the *child*), means the person who:

(a) is the current or former partner of the biological or adoptive parent of the child; and
(b) is not the biological or adoptive parent of the child.

(5) This section applies to hours of care occurring in a week commencing on or after 1 November 2004.