Child Care Benefit (Australian Resident) Guidelines 2000

I, JOCELYN MARGARET NEWMAN, Minister for Family and Community Services, make these Guidelines under subsection 8(4) of the A New Tax System (Family Assistance) Act 1999.

Dated 26th June 2000.

Jocelyn Newman
Minister for Family and Community Services
Child Care Benefit (Australian Resident) Guidelines 2000

made under the

A New Tax System (Family Assistance) Act 1999

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Part 1 Preliminary

1 Citation

These guidelines may be cited as the Child Care Benefit (Australian Resident) Guidelines 2000.

2 Commencement

These guidelines commence on 1 July 2000, immediately after the commencement of Part 2 of Schedule 1 to the A New Tax System (Family Assistance and Related Measures) Act 2000.

3 Interpretation

(1) In these guidelines:

   the Act means the A New Tax System (Family Assistance) Act 1999;

   claimant means an individual who has claimed child care benefit.

(2) Unless the contrary intention appears, expressions used in these guidelines shall have the same meanings as in the primary legislation, and for this purpose “the primary legislation” means the Act and the A New Tax System (Family Assistance) (Administration) Act 1999.
Part 2  Guidelines for the making of determinations under subsection 8(1) of the Act

4 Guidelines

The following guidelines apply to the making of determinations by the Secretary under subsection 8(1) of the Act (determination that an individual is taken to be an Australian resident).

5 Matters for consideration

(1) Subject to subsection (2), in considering whether hardship would be caused to an individual if the individual were not treated as an Australian resident, the Secretary must take into account the following matters:

(a) whether the claimant has, since arriving in Australia, experienced an event which was not reasonably foreseeable and which has substantially reduced his or her ability to pay child care fees; and

(b) if so:

(i) how long ago that event occurred; and

(ii) the continuing effect of the event in causing hardship if the claimant were not treated as an Australian resident.

(2) Events to be taken into account under subsection (1) shall not include:

(a) currency fluctuations;

(b) an increase in fees charged by an approved child care service;

(c) a reduction in a person’s available income due to routine or non-essential expenditure.