



Child Care Benefit (Absences from Care— Permitted Circumstances) Determination 2017

I, Simon Birmingham, Minister for Education and Training, make this instrument under section 11 of the *A New Tax System (Family Assistance) Act 1999*.

Dated 18 September 2017

Simon Birmingham
Minister for Education and Training

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1 Name

This instrument is the *Child Care Benefit (Absences from Care—Permitted Circumstances) Determination 2017*.

2 Commencement and repeal

- (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 this instrument	1 October 2017.	1 October 2017

Note: This table relates only to the provisions of this instrument as originally made.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- (3) This instrument is repealed immediately after the commencement of Schedule 1 to the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017*.

Note: Schedule 1 to the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017* commences on 2 July 2018, see section 2 of that Act.

3 Authority

This instrument is made under the *A New Tax System (Family Assistance) Act 1999*.

4 Definition

In this instrument:

claimant, in relation to a session of care, means:

- (a) the individual who is the fee reduction claimant or past period claimant (within the meaning given by section 52 of the Family Assistance Act) for the session; and
- (b) if an approved child care service is the fee reduction claimant (within the meaning given by section 52 of that Act) for the session—the individual in whose care the child last was in the week before the session.

5 Circumstances in which session of care is taken to have been provided to a child absent from care—general

- (1) For subparagraph 10(3)(c)(iv) of the Family Assistance Act, the following circumstances are permitted circumstances in which an approved child care service (other than an approved occasional care service) is taken to have provided a session of care to a child who was absent for all of the session:
 - (a) the service or the claimant did not allow the child to attend the session because of an infectious disease affecting, or likely to affect, persons at the service for which the child has not been immunised, and the service has a written statement from the service or the claimant explaining why the child was absent from the session of care;
 - (b) the child's absence is due to the claimant having a rostered day off or a day off as part of a rotating shift, and the service has a written statement from the claimant's employer confirming that the claimant has rostered days off or works rotating shifts;
 - (c) the child's absence is due to the school attended by the child or a sibling of the child being closed on a day it would normally be open;
 - (d) the child's absence is due to the child having to spend time with a person under a care arrangement, and the service has a copy of the care arrangement;
 - (e) the session of care occurred during a period specified under subsection (3) in relation to a local emergency, and the child was unable to attend the session because:
 - (i) the local emergency precluded the service opening or operating normally during the period; or
 - (ii) the local emergency precluded or made it hazardous for the child to travel to the service during the period; or
 - (iii) the claimant decided that the child should not attend the service because of the impact of the local emergency during the period on the claimant, the child or the service;
 - (f) the absence from a session of care on more than 30 days of the 42 days that have elapsed in the same financial year in which a session of care is taken to have been provided to the child under subsection 10(2) of the Family Assistance Act was due to any of the following circumstances:
 - (i) the illness of the child, and the service has a copy of a medical certificate from a medical practitioner covering the illness;
 - (ii) a circumstance mentioned in paragraph (b) or (d).
- (2) However, in the circumstances mentioned in (1)(f), an approved child care service (other than an approved occasional care service) is taken to have provided a session of care to a child who was absent for all of the session only if no more than 19 days have elapsed in the same financial year in which a session of care is taken to have been provided under subsection 10(3) of the Family Assistance Act because of those circumstances.
- (3) If the Secretary is satisfied that an unforeseen event has occurred that has had a severe impact on the lives of persons resident in an area (for example, a natural

disaster) (*local emergency*), the Secretary may specify in writing a period and an area in relation to that local emergency for the purposes of paragraph (1)(e).

6 Circumstances in which session of care is taken to have been provided by an occasional care service to a child absent from care

For paragraph 10A(2)(b) of the Family Assistance Act, an approved occasional care service is taken to have provided a session of care to a child who was absent for all of the session if the session was booked and paid for by the claimant.