Explanatory Statement

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Child Care Subsidy Minister’s Amendment Rules (No. 1) 2018

Summary

The Child Care Subsidy Minister’s Amendment Rules (No. 1) 2018 (the Rules) are made under subsection 85GB(1) of the A New Tax System (Family Assistance) Act 1999 (the Family Assistance Act).

The Rules amend the Child Care Subsidy Minister’s Rules 2017 (F2017L01464) (Principal Rules) and prescribe matters that are permitted as empowered by the Family Assistance Act and the A New Tax System (Family Assistance) (Administration) Act 1999 (the Family Assistance Administration Act).

The amendments to the Principal Rules are made under section 85GB of the Family Assistance Act and subsection 33(3) of the Acts Interpretation Act 1901. Under subsection 33(3) of the Acts Interpretation Act 1901, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The Rules are made prior to the commencement of section 85GB of the Family Assistance Act as permitted by section 4 of the Acts Interpretation Act 1901. Section 85GB was inserted into the Family Assistance Act through Schedule 1 to the Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017, which commences on 2 July 2018. These Rules will also commence on 2 July 2018, immediately following the commencement of the enabling provision and section 8 of the Principal Rules.

In particular, the Rules deal with the following:

- prescribed classes of children in respect of whom individuals or approved providers may be eligible for Child Care Subsidy (CCS) or Additional Child Care Subsidy (ACCS) who would not otherwise be eligible; and

- prescribed hourly rate cap for in home care services, and

- the allocation rules for allocation of places to in home care services.

Background

The Principal Rules made on 7 November 2017 give effect to the legislative elements of the Australian Government’s new child care package, including prescribing circumstances where an individual may be eligible for CCS or ACCS and where an approved provider may be eligible for ACCS (child wellbeing).
The Rules amend the Principal Rules by prescribing further classes of children in respect of whom an individual or an approved provider may be eligible for child care payments, and to give effect to the new In Home Care (IHC) program commencing from 2 July 2018 in accordance with the *In Home Care National Guidelines* published by the Department of Education and Training (the department).

**Prescribed classes of children**

One of the preconditions for an individual’s eligibility for CCS or ACCS for a session of care provided by an approved child care service is that the child is aged 13 years or under and does not attend secondary school, or the requirements covered by subsection 85BA(2) of the Family Assistance Act are satisfied. Similarly, one of the preconditions for an approved provider’s eligibility for ACCS (child wellbeing) is that the child is aged 13 years or under and does not attend secondary school, or the requirements covered by subsection 85CA(3) of the Family Assistance Act are satisfied. Paragraph (a) of those subsections enable the Minister to prescribe classes of children for these purposes.

The Rules insert a new Division 1A into the Principal Rules to prescribe classes of children in respect of whom individuals may be able to be eligible for CCS or ACCS, or an approved provider of an approved child care service may be able to be eligible for ACCS (child wellbeing).

These two additional prescribed classes of children are:

- children aged 13 years or under who are attending secondary school, who cannot be left alone and for whom there is no adult able to provide care, and who do not meet the disability or medical requirements; and
- children aged either 14 years or older, or children aged 13 years or under and are attending secondary school, who meet the disability or medical requirements, and who cannot reasonably be left alone and for whom there is no adult able to provide care.

The “disability or medical requirements” are outlined under new subsection 8C(2) and among other circumstances, include where a child has been diagnosed with, or is undergoing an assessment for, one or more of the conditions listed in Schedules 1 and 2 of the Principal Rules.

New section 8D prescribes conditions under paragraphs 85BA(2)(b) and 85CA(3)(b) of the Family Assistance Act, which an individual or an approved provider must satisfy for the purposes of meeting the eligibility criteria for child care fee assistance in relation to a child in care being recognised as a member of the prescribed classes under sections 8B and 8C. In particular, it outlines the evidentiary requirements to establish that a child falls within the prescribed classes of children under new sections 8B and 8C.

For these prescribed classes of children, an individual or an approved provider must:

- provide a statutory declaration to the Secretary that:
  - states that the child cannot reasonably be left alone;
o states that there is no adult able to provide suitable care outside of an approved child care service; and

o provides an explanation as to why those matters are the case; and

- where the child meets the “disability or medical requirements”, provide certain specified documentary evidence.

In home care

From 2 July 2018, the new IHC program will be delivered through a brokerage model with IHC Support Agencies servicing each state and territory and assisting the department in administering the IHC program. The new arrangements will reset the existing IHC program and replace the ceasing Interim Home Based Carer (‘Nanny Pilot’) Programme, and align with the new child care package. The revised IHC program is intended to assist parents and carers who are unable to access other approved forms of child care, such as those who work non-standard hours, are geographically isolated or have families with challenging and complex needs.

IHC Support Agencies will assist the department to achieve more equitable distribution of child care places to approved child care services. IHC Support Agencies will also act as an intermediary between eligible individuals and in home care services supporting the integrity of the program by focusing on early childhood development including education and care, establishing referral pathways to other support services, providing information to individuals who are interested in accessing IHC, and assisting the department in monitoring compliance of in home care services.

Sections 15A and 15B relate to prescribing the CCS hourly rate cap for an in home care service, which is relevant to calculating the amount of CCS or ACCS for an eligible individual or an approved provider for care provided by an in home care service. These sections reflect the policy intent for a family’s CCS entitlement to be based on a family hourly rate cap of $25 and not an hourly rate cap per child.

Applying a rate cap that operates on a per-family basis (while still adopting the key CCS eligibility requirements that apply to an individual and a child) reflects the cost of an educator providing care in a family home, which is usually the same for one or multiple children. An eligible individual or an approved provider can nominate which child in the session of care is the child with respect to which they are eligible for CCS or ACCS (and potentially nominate another child when the “annual cap” referred to in Schedule 2 of the Family Assistance Act is reached in respect of each successive child).

It is intended that each educator will care for a maximum of five children with a proposed introduction of a new educator to child ratio of 1:5 for in home care services (subject to further conditions of approval being inserted into the Principal Rules for this purpose). This ratio supports the provision of tailored and high quality education and care without creating unreasonable burden on the educator. An additional educator can be engaged by an in home care provider to care for children of a family where the number of children in care is over five and, if so, the eligible individual or provider will be able to nominate one additional child for which the individual is eligible for CCS or ACCS. For example, if a family has seven children in care at any one time, care will be provided by two educators and the eligible individual will be eligible in respect of two children (rather than just one).
This objective is achieved by ensuring that, in any group of five children being cared for, all children except the nominated children are prescribed as children with respect to whom no one is eligible for CCS.

New Division 5A relates to the allocation of places to in home care services. It provides for a maximum of 3000 places to be allocated throughout Australia and ensures that the Secretary will take into account any recommendations provided by an IHC Support Agency when allocating or reducing child care places to in home care services. IHC Support Agencies will, through their interaction with families, be well placed to determine the education and care needs for children and to make recommendations to the Secretary on allocation of child care places to approved in home care services. The aim is to achieve a more equitable distribution of places across states and territories.

Consultation

The child care package reflects extensive consultation and expert analysis over several years commencing with the Productivity Commission’s 2014 report into Childcare and Early Childhood Learning. This was followed by a Regulation Impact Statement (RIS) consultation process, three Senate Inquiry processes and ongoing consultation with the sector by the department.

The independent evaluations of the previous IHC program and ceasing Nanny Pilot Programme were taken into consideration in the development of the policy for the new IHC.

In developing the underlying policy for these Rules, the department has also consulted extensively with, and taken advice from, a wide range of stakeholders including service providers and relevant Government departments and agencies through targeted consultation on the draft In Home Care National Guidelines and exposure draft of the Rules.

Regulatory Impact Statement

The purpose of the Rules and the Principal Rules is to assist in giving effect to the policy objectives of the Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017 and more broadly the child care package announced by the Australian Government in the 2015 Budget. The broader policy context for the Principal Rules including the prescribed classes of children, along with the regulatory impact for the package, was outlined and considered in the long form RIS prepared for the package (Office of Best Practice Regulation (OBPR) ID 1872).

The Rules expand on the policy objectives of how particular provisions in the Family Assistance Act and Family Assistance Administration Act will work in practice. It is also expected that the new, enhanced IT system will reduce regulatory burden currently experienced by families and the child care sector.

OBPR advised an additional RIS for the Rules was not required, as the Rules are simply giving effect to the policy intent of the child care package (OBPR ID 22401).

Specific to the new IHC program, OBPR determined that it was deemed to have minor regulatory impact to business, community organisations and individuals, therefore a RIS was not required (OBPR ID 22882).
**Explanation of the provisions**

**Preliminary**

This contains preliminary matters relating to the name of the rules, commencement, authority and definitions.

**Section 1** states the name of the instrument as the *Child Care Subsidy Minister’s Amendment Rules (No. 1) 2018* (the Rules).

**Section 2** states that all provisions of the Rules commence on 2 July 2018, immediately after the commencement of section 8 of the *Child Care Subsidy Minister’s Rules 2017* (Principal Rules), which commences on 2 July 2018. This means that these amendments amend the Principal Rules as soon as they commence.

**Section 3** states that the Minister is authorised to make the Rules under subsection 85GB(1) of the *A New Tax System (Family Assistance) Act 1999* (the Family Assistance Act).

**Section 4** contains a definition and is self-explanatory.

**Section 5** provides that the Principal Rules are amended as set out in the Schedule to the Rules.

**Schedule – Amendments to Principal Rules**

**Item 1** inserts new Division 1A into the Principal Rules, which relates to prescribed classes of children for whom an individual or approved provider could be eligible for CCS or ACCS. The purpose of prescribing classes of children in this Division is explained in **section 8A**.

**Section 8B** prescribes a new class of children in respect of whom an individual or an approved provider may be eligible for CCS or ACCS. The new class is children aged 13 or under and attending secondary school, who cannot reasonably be left home alone and for whom there is no adult able to provide suitable care, and who do not meet the disability or medical requirements as referred to in new subsection 8C(2) of the Rules.

Under sections 85BA and 85CA of the Family Assistance Act, without this class being prescribed by the Rules, children who attend secondary school are not children in respect of whom an individual or approved provider can be eligible for CCS or ACCS. This new section as inserted by these Rules allows parents of young children who have just started secondary school to remain eligible for child care fee assistance until their child turns 14. This requires:

- the child to be 13 years or under; and
- for the child to be attending secondary school; and
- for it to be unreasonable to leave the child alone without care; and
- the child to be one for whom no one aged 18 years or older is able to provide suitable care outside of an approved child care service.

If a child falls within this new class of children, the individual or the approved child care service in respect of the child must also satisfy the conditions under section 8D of the Rules in order to be eligible for CCS or ACCS (as well as the other eligibility requirements set out in the Family Assistance Act).
Extending CCS and ACCS eligibility of individuals or approved providers to this class of children will ensure that children attending secondary school at a young age are appropriately supervised and cared for outside of school hours when parents do not have other care options. It will also help ensure that access to subsidised care is available to parents meeting their responsibilities under state and territory laws dealing with safe and appropriate care for children.

Section 8C prescribes a new class of children in respect of whom the individual or the approved provider may be eligible for CCS or ACCS. The class includes children aged 13 or under who are attending secondary school and children aged 14 or older, both of whom meet the disability or medical requirements as referred to in subsection 8C(2) of the Rules.

In addition to the default eligibility criteria in sections 85BA and 85CA of the Family Assistance Act in respect of children who are “13 years or under and [do] not attend secondary school”, this new provision allows an individual or approved provider to be eligible for CCS or ACCS, where the child has a prescribed disability or medical condition, even if the child is aged 14 to 18 years, or 13 years or under and attending secondary school.

Where a child is under 16 years, this requires:

- the child to meet the disability or medical requirements set out in subsection 8C(2) of the Rules (and the evidentiary requirements under section 8D); and
- for it to be unreasonable to leave the child alone without care; and
- the child to be one for whom no one aged 18 years or older is able to provide suitable care outside of an approved child care service.

Where the child is 16, 17 or 18 years old, in addition to the above requirements for a child under 16 years old, the Secretary must also be satisfied that there are exceptional circumstances that justify CCS and/or ACCS eligibility.

Subsection 8C(2) provides for the “disability or medical requirements” that are referred to in section 8B and subsection 8C(1). In order to meet the disability or medical requirements, one of the circumstances in paragraphs (a) to (e) must be met in relation to the child.

Among other circumstances, this involves the child being diagnosed with, or be undergoing an assessment for:

- one or more of the conditions listed in Schedule 1 of the Principal Rules, by a medical practitioner; or
- one or more of the conditions listed in Schedule 2 of the Principal Rules, by a psychologist; or
- a condition that is referred to in Part 2 of Schedule 3 (List of Recognised Disabilities) of the Disability Care Load Assessment (Child) Determination 2010, by a medical practitioner.
If a child falls within this new class of children, the individual or the approved provider in respect of the child must also satisfy the conditions under section 8D of the Rules in order to be eligible for CCS or ACCS (in addition to other eligibility requirements set out in the Family Assistance Act).

**Section 8D** prescribes the conditions that the individual and the approved child care service must satisfy in relation to the child for purposes of meeting the requirements for eligibility for CCS or ACCS.

This section provides for the type of documentary evidence needed for circumstances referred under sections 8B and 8C of the Rules, in order to meet the requirements under subsections 85BA(2) and 85CA(3) of the Family Assistance Act.

In relation to all prescribed classes of children, an individual or an approved provider must provide a statutory declaration to the Secretary that states that:

- the child cannot reasonably be left alone; and
- that there is no adult able to provide suitable care outside of an approved child care service; and
- provides an explanation as to why those matters are the case.

If the child is asserted to be in the prescribed class under section 8C (disability or medical class), documentary evidence is also needed to show that the child meets the disability or medical requirements.

Where the child meets the disability or medical requirements because he or she has, or is undergoing an assessment for a listed disability or medical condition referred in paragraphs 8C(2)(a), (b) or (c), the individual or the approved child care service must provide documentary evidence of the diagnosis or assessment to the satisfaction of the Secretary.

Where the child meets the disability or medical requirements due to being a participant in the National Disability Insurance Scheme (NDIS), evidence of participation in the NDIS must be provided to the Secretary such as the child’s NDIS participant number.

Where the child does not otherwise meet the listed disability or medical condition referred in paragraphs 8C(2)(a), (b) or (c), documentary evidence of the relevant disability or medical condition must be provided in order for the Secretary to be satisfied that the child has or is being assessed for a disability, and the Secretary must have provided a notice to that effect to the individual or approved provider that is eligible for CCS or ACCS in relation to the child.

**Items 2 and 3** insert new sections 15A and 15B into the Principal Rules in relation to multiple children being cared for by an in home care service in the same home.
Section 15A, together with new section 15B prescribes a method for capping the CCS (or ACCS) that is payable in respect of care provided by a new type of prescribed child care service: an in home care service. These provisions give effect to key aspects of the in home care program as outlined in the In Home Care National Guidelines published by the Department of Education and Training. Note the Rules do not incorporate the In Home Care National Guidelines document by reference. Together, these provisions, as outlined in the examples listed at the end of section 15A, attempt to ensure that an hourly rate cap of $25 applies in respect of in home care provided for a group of up to five children in a family (up to a total of 10 children). For larger families, the hourly rate cap is effectively $50 for families with six to 10 children in care. These provisions operate by ensuring that only one child in any group of up to five children is a child for whom an individual is technically eligible for CCS to enable the existing rate calculator in Schedule 2 of the Family Assistance Act to operate to achieve the policy intention of capping CCS per family rather than per child, but in respect of in home care only.

It is intended that educators will care for a maximum of five children at any one time so as to support the provision of tailored and high quality education and care without creating unreasonable burden on the educator. Of any group of up to five children in the same session of care provided by the same in home care service, only one child will be a child in respect of whom the individual is eligible for the CCS (or ACCS). It is anticipated that an in home care service provider will usually nominate the child in respect of whom the individual is eligible for CCS (or ACCS) in the session of care, however, a family can advise their service if they choose to nominate a different child in respect of whom the individual is eligible for CCS (or ACCS) for the session of care. For example, if the family is aware that the annual cap that applies to a particular child in that year is or is about to be reached (as referred to in Schedule 2 to the Family Assistance Act), another child can be nominated to be the child in respect of whom the individual is eligible for CCS (or ACCS). This approach is intended to enable the family and approved provider to consider nominating children such that the nomination delivers the maximum benefit for the family.

An additional educator may be engaged by the approved provider where the number of children being cared for is between six and ten. If so, these provisions mean that the eligible individual may be eligible for additional CCS or ACCS (up to a further $25 hourly rate cap for a further child), totalling up to $50 as an hourly rate cap for up to 10 children in care. In that case, the eligible individual or approved provider will nominate two children in respect of whom the individual is eligible for CCS (or ACCS) for the session of care and the family can advise the in home care service of which children they would like nominated if they have a preference.

Item 4 inserts a new Division 5A into the Principal Rules relating to allocation of places to in home care services.

Section 49A states that the purpose of Division 5A is to set out allocation rules in relation to the allocation of places to in home care services.

Section 49B states that the Secretary must take into account any recommendations provided by an In Home Care Support Agency for the following purposes under section 198A of the Family Assistance Administration Act:

(b) working out the number (if any) of child care places to be allocated to approved child care services; and
(c) working out the number of child care places by which the number of child care places allocated to approved child care services may be reduced under section 198C.

This means that before the Secretary allocates a child care place to an in home care service under subsections 198B(1) and (4) of the Family Assistance Administration Act, or reduces an allocation of child care place to an in home care service under section 198C, the Secretary must consider recommendations (if any) provided by an In Home Care (IHC) Support Agency.

**IHC Support Agency** is defined in subsection 49B(2) of the Rules consistently with the *In Home Care National Guidelines* published by the Department of Education and Training (as they exist when these Rules are made).

**Section 49C** prescribes that the maximum amount of places that can be allocated to all in home care services is 3000 at any one point in time (this means that if 3000 places are allocated and the total allocation is reduced, more places can be reallocated until up to the maximum is reached again). This provision is made under paragraph 198A(d) of the Family Assistance Administration Act, which enables the Minister to prescribe the maximum number of places that can be allocated to approved child care services in a specified class.
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Child Care Subsidy Minister’s Amendment Rules (No. 1) 2018

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Legislative Instrument

The Child Care Subsidy Minister’s Amendment Rules (No. 1) 2018 (the Rules) are made under subsection 85GB(1) of the A New Tax System (Family Assistance) Act 1999 (the Family Assistance Act).

The Rules amend the Child Care Subsidy Minister’s Rules 2017 (Principal Rules) and prescribe matters that are permitted as empowered by the Family Assistance Act or the A New Tax System (Family Assistance) (Administration) Act 1999 (the Family Assistance Administration Act).

In particular, the Rules deal with the following:

- prescribed classes of children in respect of whom individuals or approved providers may be eligible for Child Care Subsidy (CCS) or Additional Child Care Subsidy (ACCS) who would not otherwise be eligible; and
- prescribed hourly rate cap for in home care services, and
- the allocation rules for allocation of places to in home care services.

Human rights implications

The Minister’s rules engage the following rights:

- the rights of the child under the Convention on the Rights of the Child (CRC), particularly Article 3, 18, 23 and 27;
- the right to work and the right to social security under Articles 6 and 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); and
- the right to equality and non-discrimination under Articles 1, 4, 7 and 28 of the Convention on the Rights of Persons with Disabilities (CRPD).

Rights of the child

Article 3(1) of the CRC requires that in all actions concerning children, the best interests of the child shall be a primary consideration. Article 3(3) requires institutions and services responsible for the care of children to conform to standards established by competent authorities, particularly in the areas of safety and health.
Article 18(2) also requires State Parties to provide appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and ensure the development of institutions, facilities and services for the care of children.

Article 18(3) requires States Parties to take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.

Article 23 recognises the right of the disabled child to special care and ensure the extension of assistance, subject to available resources, to the child and those responsible for his or her care, for which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

Section 8C of the Rules extends eligibility for child care fee assistance to parents of children with disability in recognition that these children require a greater level of assistance and will benefit from access to subsidised child care service. Section 8B of the Rules extends eligibility for child care fee assistance to parents of children who are attending secondary school at a young age to ensure that these children are safely cared for. Extending eligibility to these classes of children under the Rules will assist parents and legal guardians in their child-rearing responsibilities, acknowledging these classes of children may require a greater level of care.

In Home Care (IHC) services provide early childhood education and care for families for whom other approved care types are not available or appropriate. This care type ensures that children can have access to quality care to support their learning and development when their families’ circumstances prevent them from attending other type of child care services.

IHC Support Agencies are being established to advocate for families and to ensure they receive the support they need. Their role in providing recommendations to the Secretary on the allocation of places will help ensure places are available for those families who need care the most and support a more equitable distribution of places nationally. IHC Support Agencies will also establish referral pathways to additional disability and family support services to assist families to access the support they need.

IHC is intended to be available for the new prescribed class of children in section 8C to ensure children with disabilities or specific medical requirements can access this care type when other approved child care service types are not available or appropriate for their needs.

Right to an adequate standard of living

Article 27 of the CRC requires that States Parties recognise the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. Article 27(3) requires States Parties to take appropriate measures to assist parents and others responsible for the child to support the child’s development.
Article 28 of the CRPD requires States Parties to recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, including ensuring access to appropriate and affordable services and assistance for disability-related needs.

Section 8C of the Rules advances this right through providing children with disability who would not otherwise be eligible for child care fee assistance with access to subsidised care in recognition their wellbeing and development will particularly benefit from this, and that access to child care may not otherwise be affordable for these families.

In relation to In Home Care, these Rules enable children with unique family circumstances to have access to quality education and care in their family home. Where families do not have the ability to access other forms of approved child care service, these Rules provide children with access to quality education and care tailored to meet the needs of individual children.

Services delivering IHC are responsible for ensuring the home environment is safe for children and educators and conduct site visits to confirm the home is appropriate for care to take place.

Right to work and social security

Article 6 of the ICESCR requires that States Parties recognise the right to work, including through developing policies and techniques to achieve steady economic, social and cultural development and full and productive employment. Article 9 recognises the right of everyone to social security.

The Australian Government is maintaining its commitment to support workforce participation and assist working families with the cost of child care. The right to work goes to the core objective of new CCS and ACCS payments and the new IHC program, to help parents who want to work, or who want to work more. The Rules reinforce this commitment by ensuring child care fee assistance can be paid in a broader range of circumstances that will further the capacity of individuals to engage in work, study, training and other activities that promote workplace participation and engagement.

In particular, section 8C of the Rules will support parents of children with disability to maintain their workforce participation through access to subsidised child care for their children with disability for an extended period, without which these parents may have had to reduce their level of participation in the workforce or stop work altogether.

The Rules will support workforce participation for families by providing a flexible option where the family is not able to access other types of approved child care services during the times care is required.

Parents and carers who work non-standard hours or are geographically isolated face significant challenges with workforce participation where other forms of approved child care are not readily available. Similarly, workforce participation for families with challenging and complex needs are often inhibited. IHC supports such families through provision of access to education and care in the family home at times suitable for parents and carers, thereby facilitating increased workforce participation.
Right to equality and non-discrimination

The Rules support the purpose of the CRPD under Article 1, which is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.

Article 4(1) requires States Parties to adopt appropriate legislative, administrative and other measures for the implementation of the rights of persons with disabilities.

Article 7 requires that in all actions concerning children with disabilities, the best interests of the child shall be a primary consideration. States Parties are obligated to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

In particular, the Rules under section 8C ensure the best interests of children with disabilities through extending child care fee assistance to this cohort to ensure they have access to appropriate care outside of school hours.

The provision of access to quality education and care in the family home to children who would not otherwise have opportunity through other forms of approved child care service, enables children and families facing unique and challenging circumstances to have equal opportunity to access quality education and care arrangements.

Conclusion

The Rules are compatible with human rights. Measures in the Rules are compatible with and advance human rights under the CRC, ICESCR and CRPD. These measures ultimately enable parents who wish to work by providing avenues to child care fee assistance, with the aim that children can have access to care that promotes their development and wellbeing.

Simon Birmingham
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