



A New Tax System (Family Assistance) (Child Care Benefit — Recognised Work or Work Related Commitments) Determination 2006

A New Tax System (Family Assistance) Act 1999

I, MALCOLM THOMAS BROUGH, Minister for Families, Community Services and Indigenous Affairs, make this Determination under subsection 15 (2) of the *A New Tax System (Family Assistance) Act 1999*.

Dated 26 June 2006

MAL BROUGH

Minister for Families, Community Services and Indigenous Affairs

1 Name of Determination

This Determination is the *A New Tax System (Family Assistance) (Child Care Benefit — Recognised Work or Work Related Commitments) Determination 2006*.

2 Commencement

This Determination commences on 3 July 2006.

3 Revocation

The *Child Care Benefit (Recognised Work or Work Related Commitments) Determination 2000* is revoked.

4 References to revoked Determination

- (1) A reference in an instrument to the *Child Care Benefit (Recognised Work or Work Related Commitments) Determination 2000* is taken, after commencement of this Determination, to include a reference to this Determination.
- (2) A reference in an instrument to a provision of the *Child Care Benefit (Recognised Work or Work Related Commitments) Determination 2000* (the **revoked provision**) is taken, after commencement of this Determination, to include a reference to a provision of this Determination that corresponds to the revoked provision.
- (3) In this section:
instrument includes a contract, deed, undertaking, and a funding or other agreement, but does not include a legislative instrument within the meaning of the *Legislative Instruments Act 2003*.

Note For references in a legislative instrument, see section 10 of the *Acts Interpretation Act 1901* and paragraph 13 (1) (a) of the *Legislative Instruments Act 2003*.

5 Interpretation

- (1) In this Determination:
Act means the *A New Tax System (Family Assistance) Act 1999*.
annual leave means paid leave from an individual's employment:
 - (a) for recreation; and
 - (b) for up to and including 25 days in a calendar year, whether or not the leave is taken as a continuous period.**doctor's certificate** means a certificate signed by a medical practitioner.
leave on account of illness means leave from an individual's employment because the individual is ill or injured.
parental leave:
 - (a) means leave from an individual's employment:
 - (i) for the birth of a child to the individual, or the individual's partner; or
 - (ii) for the adoption of a child by the individual, or the individual's partner; and
 - (b) includes:
 - (i) leave taken in preparation for the birth or adoption; and
 - (ii) leave taken after the birth or adoption to care for the child.**work, training or study commitment** means:
 - (a) a recognised work or work related commitment; or
 - (b) a recognised training commitment; or
 - (c) a recognised study commitment.

- (2) An expression used in this Determination that is also used in the Act or the *A New Tax System (Family Assistance) (Administration) Act 1999* has the same meaning in this Determination as it has in the Act or the *A New Tax System (Family Assistance) (Administration) Act 1999*.

6 Individuals taken to have recognised work or work related commitments

An individual included in a class specified in an item in Schedule 1 is taken to have recognised work or work related commitments for section 15 of the Act.

7 Delegation

The Secretary may, in writing, delegate any of the powers of the Secretary under this Determination to an APS employee in:

- (a) the Department; or
- (b) the Commonwealth Services Delivery Agency.

Schedule 1 Classes of individuals who are taken to have recognised work or work related commitments

(section 6)

1. Individuals who are actively setting up a business that has not yet started to operate.
2. Individuals who are unemployed and are able to show that they are actively looking for work.
3. Individuals who are undertaking unpaid voluntary work that provides work experience that gives or increases skills which could normally be expected to enhance a person's prospects of obtaining paid employment.
4. Individuals who are undertaking unpaid voluntary work (other than a kind mentioned in item 3) for at least 15 hours a week.
5. Individuals who can show that they have been offered paid work that they are due to start within 14 days after the last session of care provided to an FTB child of theirs or their partner's for a week for which child care benefits are claimed.
6. Individuals who can show that they are enrolled in a course that is:
 - (a) either:
 - (i) a training course for the purpose of improving their work skills and/or employment prospects; or
 - (i) a course of education for the purpose of improving their work skills and/or employment prospects; and
 - (b) due to start within 14 days after the last session of care provided to an FTB child of theirs or their partner's for a week for which child care benefits are claimed.
7. Individuals who:
 - (a) are personally providing constant care and supervision for a disabled person; and
 - (b) are therefore unable to undertake a work, training or study commitment; and
 - (c) if required by the Secretary, provide a statutory declaration stating the facts mentioned in paragraphs (a) and (b).

-
8. Individuals who are on parental leave in relation to a child, except if the period of parental leave already taken by them, together with any period of parental leave taken by their partner, in relation to that child, exceeds a total of 12 months.
 9. Individuals who are on annual leave.
 10. Individuals who are on leave on account of illness, except if the leave on account of illness already taken by them in relation to the particular illness or injury exceeds a total of 2 years.
 11. Individuals who are on long service leave.
 12. Individuals who are on paid leave (other than leave mentioned in items 8 to 11) granted under the terms and conditions of their employment.
 13. Self-employed individuals who are not working because:
 - (a) they are ill or injured and have obtained a doctor's certificate stating that they are unable to work because of the illness or injury; or
 - (b) they are taking leave that, if they were paid employees, would be of a kind described as annual leave, long service leave or parental leave.
 14. Individuals mentioned in item 7 (*carers*) who have temporarily ceased to provide constant care and supervision for a disabled person because:
 - (a) they are ill or injured and have obtained a doctor's certificate stating that they are unable to carry out their caring and supervising responsibilities because of the illness or injury; or
 - (b) they are taking leave that, if they were paid employees, would be of a kind described as annual leave, long service leave or parental leave.
 15. Individuals who:
 - (a) immediately before the end of a term or semester (other than the final term or semester) of a training or education course, had recognised study commitments or recognised training commitments because of undertaking the course; and
 - (b) are taking a vacation from the course at the end of the term or semester; and
 - (c) intend to continue the course in the following term or semester.