



A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006

as amended

made under section 57A of the

A New Tax System (Family Assistance) Act 1999

This compilation was prepared on 5 December 2008
taking into account amendments up to *A New Tax System (Family
Assistance) (Child Care Benefit — Eligible Hours of Care) Amendment
Determination 2007 (No. 1)*

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Contents

		Page
Section		
1	Name of Determination [see Note 1]	3
2	Commencement [see Note 1]	3
3	Revocation	3
4	References to revoked Determination	3
5	Interpretation	3
6	Order of approved child care services	4
7	Nominated hours in sessions of care to count towards weekly limit	4
8	Order of hours in sessions of care provided by an approved child care service	4
Notes		6

1 Name of Determination [see Note 1]

This Determination is the *A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006*.

2 Commencement [see Note 1]

This Determination commences on 3 July 2006.

3 Revocation

The *Child Care Benefit (Eligible Hours of Care) Determination 2000* is revoked.

4 References to revoked Determination

(1) A reference in an instrument to the *Child Care Benefit (Eligible Hours of Care) 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 (Eligible Hours of Care) 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*.

claimant means a fee reduction claimant or a past period claimant within the meaning of section 52 of the Act.

weekly report means a report given by an approved child care service to the Secretary under section 219N of the Family Assistance Administration Act for a child for a week.

(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 Order of approved child care services

For section 57A of the Act, the hours in sessions of care provided by an approved child care service to a child in a week are to count towards the weekly limit of 24, 50 or more than 50 hours applicable to a claimant for the care of the child in the following order:

- (a) first — the hours in sessions of care, worked out in accordance with sections 7 and 8, provided by the service whose weekly report is the first weekly report for the child for the week that the Secretary receives;
- (b) second — the hours in sessions of care, worked out in accordance with sections 7 and 8, provided by any other approved child care services to the child in the week in the order in which the Secretary receives the weekly report given by each service for the child for the week.

7 Nominated hours in sessions of care to count towards weekly limit

- (1) Subject to subsection (2), if an approved child care service reports in the weekly report for a child for a week that the individual who enrolled the child for care by the service has nominated in writing the number of hours in sessions of care provided by the service to the child that are to count towards the claimant's weekly limit for the child for the week, only the number of hours in sessions of care provided to the child in the week up to the nominated number of hours are to count towards the weekly limit.
- (2) If, for a week, the hours worked out in accordance with this section are less than the claimant's weekly limit for the child, any hours (other than the hours worked out in accordance with subsection (1)) in sessions of care provided to the child by a service to whom that subsection applies are to count towards the weekly limit in the order in which the Secretary receives the weekly report given by each service for the child for the week.

8 Order of hours in sessions of care provided by an approved child care service

- (1) The hours in sessions of care provided by an approved child care service to a child in a week are to count towards the weekly limit in the following order:
 - (a) if the care is provided by an approved family day care service:
 - (i) first — non-standard hours family day care; and
 - (ii) second — part-time family day care; and
 - (iii) third — other hours of care provided by the service to the child;
 - (b) if the care is provided by an approved in-home care service:
 - (i) first — non-standard hours in-home care; and
 - (ii) second — part-time in-home care; and

- (iii) third — other hours of care provided by the service to the child;
 - (c) if the care is provided by an approved centre based long day care service:
 - (i) first — hours of part-time long day care; and
 - (ii) second — other hours of care provided by the service to the child;
 - (d) if the care is provided by an approved occasional care service or an approved outside school hours care service — the hours in sessions of care provided to the child in the week up to the applicable weekly limit.
- (2) In this section:

part-time long day care means care for which the part-time % is more than 100% under subclause 2 (2) of Schedule 2 to the Act.

Notes

Note 1

The *A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006* (in force under section 57A of the *A New Tax System (Family Assistance) Act 1999*) as shown in this compilation is amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006</i>	3 July 2006 (see F2006L02028)	3 July 2006	
<i>A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Amendment Determination 2007 (No. 1)</i>	31 October 2007 (see F2007L04269)	1 November 2007	Section 4 [see Table A]

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 5(1).....	am. 2007 F2007L04269;
S. 6.....	rs. 2007 F2007L04269;
S. 7.....	ad. 2007 F2007L04269;
S. 8.....	ad. 2007 F2007L04269;

Table A Application, saving or transitional provisions

A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Amendment Determination 2007 (No. 1)

4 Application

- (1) The amendments made by this Determination apply to sessions of care provided by an approved child care service to a child during a week falling wholly after the application day for the service.
- (2) In this section:

application day has the meaning given by subitem 91 (1) of Schedule 1 to the *Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Act 2007*.