



# **Child Care Benefit (Allocation of Child Care Places) Determination 2000**

**as amended**

made under section 206 of the

*A New Tax System (Family Assistance) (Administration) Act 1999*

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This compilation was prepared on 4 April 2007  
taking into account amendments up to *Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2006 (No. 1)*

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## Part 1 Preliminary

### 1 Citation [see Note 1]

This determination may be cited as the *Child Care Benefit (Allocation of Child Care Places) Determination 2000*.

### 2 Commencement [see Note 1]

This determination commences on 1 July 2000, immediately after the commencement of Schedule 6 to the 2000 Act.

### 3 Interpretation

(1) In this determination:

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

**approved child care service** means an approved family day care service, an approved in-home care service, an approved occasional care service or an approved outside school hours care service;

**child care place** means:

- (a) in relation to an approved in-home care service, 1 full-time place of 35 hours per week which may be occupied by 1 child or by 2 or more children attending on a part-time basis; and
- (b) in relation to an approved occasional care service, 1 full-time place of 40 hours per week which may be occupied by 1 child or by 2 or more children attending on a part-time basis.

**JET child care place** has the meaning given by paragraph 7(2)(c);

**JET Program** means the Jobs, Education and Training Program jointly administered by the Department and other Commonwealth departments;

**parent** means the individual in whose care the child is, or that individual's partner;

**the 2000 Act** means the *A New Tax System (Family Assistance and Related Measures) Act 2000*.

- (2) Unless the contrary intention appears, expressions used in this determination shall have the same meanings as in the primary legislation, and for this purpose "the primary legislation" means the Act, the *A New Tax System (Family Assistance) Act 1999* and Schedule 6 to the 2000 Act.

### **3A Application**

This determination applies in relation to the allocation of child care places to an approved child care service that is an approved in-home care service or an approved occasional care service.

## **4 Delegation**

The Secretary may, in writing, delegate to an officer of the agency all or any of the powers of the Secretary under this determination and for the purposes of this section "agency" means the Department or the Commonwealth Services Delivery Agency.

## **Part 2 Allocation of child care places**

### **5 Allocation of places**

The Secretary shall allocate child care places to approved child care services in accordance with the following provisions of this determination.

### **6 Initial allocation of places to former childcare assistance agreement services**

- (1) Where a service is treated as being an approved child care service by virtue of subitem 11(2), (3) or (4) of Schedule 6 to the 2000 Act (childcare assistance agreement services to become approved child care services), the Secretary shall make an initial allocation of places to the service taking into account the number of child care places in respect of which the Minister had approved Commonwealth funding for the service under the child care assistance scheme or otherwise as at 30 June 2000.
- (2) After an initial allocation has been made to an approved child care service under subsection (1), the remaining provisions of this determination shall apply to the service for the purpose of any further allocation of places.

### **7 Allocation of other places**

- (1) Except in a case to which subsection 6(1) applies, before allocating any places to approved child care services the Secretary must determine in writing:
  - (a) the areas of Australia in which child care places may be allocated; and
  - (b) the number of child care places of each kind (approved in-home care services and approved occasional care services) that may be allocated in each of those areas.
- (2) A determination under subsection (1) may divide the number of child care places determined by the Secretary for a particular area into numbers of places that may be allocated in respect of children in particular age groups.

- (3) In making the determination under subsection (1), the Secretary shall take into account the following matters:
- (a) the relative needs of different areas of Australia for the kinds of child care places to be allocated; and
  - (b) the relative child care needs of people in each area who have work, training or study commitments.
- (4) In working out the number of places to be allocated to approved child care services, other than services to which subsection 6(1) applies, the Secretary shall take into account:
- (a) the number and kind of child care places (if any) determined under subsection (1) that may be allocated in the area in which the service operates, including any division of that number mentioned in subsection (2); and
  - (b) the service's ability to provide the type of child care that best meets the needs of people who have work, training or study commitments; and
  - (c) where:
    - (i) the service is, or has previously been, an approved child care service; or
    - (ii) the operator of the service was previously a party to a childcare assistance agreement,the service's or operator's past conduct as a provider of child care, including compliance with any relevant Commonwealth, State or Territory requirements in relation to the provision of child care and the management of child care services.
- (5) When child care places are allocated in accordance with subsection (4), the number of child care places specified in a determination under subsection (1) as available for allocation to approved child care services of a particular kind in a particular area must not be exceeded by more than 15 per cent.

## **8 Notice of allocation**

- (1) Subject to subsection (2), the Secretary must give the operator of an approved child care service notice in writing of the service's allocation of places.

- (2) Subsection (1) does not apply in the case of an initial allocation of places under subsection 6(1).

## **Part 3      Transitional — applications made, but not determined, before 1 July 2006**

### **9          Initial allocations**

An initial allocation of child care places under subsection 207 (1) of the Act to an approved child care service, the application for the approval of which was made, but not determined, before 1 July 2006, must be made in accordance with this determination as in force on 1 July 2006.

### **10        Additional allocations**

A decision under subsection 207 (4) of the Act in relation to an application for an additional allocation of child care places under subsection 207 (2) of the Act that was made, but not determined, before 1 July 2006, must be made in accordance with this determination as in force on 1 July 2006.





# Notes to the Child Care Benefit (Allocation of Child Care Places) Determination 2000

## Note 1

The *Child Care Benefit (Allocation of Child Care Places) Determination 2000* (in force under section 206 of the *A New Tax System (Family Assistance) (Administration) 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 notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>Child Care Benefit (Allocation of Child Care Places) Determination 2000</i>	29 June 2000 (see <i>Gazette</i> 2000, No. S 348)	1 July 2000, immediately after the commencement of Schedule 6 to the <i>A New Tax System (Family Assistance and Related Measures) Act 2000</i>	
<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination (No. 1) 2000</i>	22 December 2000 (see <i>Gazette</i> 2000, No. S 665)	1 January 2001, immediately after the commencement of Schedule 2 to the <i>Family and Community Services (2000 Budget and Related Measures) Act 2000</i>	—
<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2003 (No. 1)</i>	5 February 2003 (see <i>Gazette</i> 2003, No. S 31)	5 February 2003	—
<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2006 (No. 1)</i>	29 June 2006 (see F2006L02029)	1 July 2006	Section 3A and Part 3

## Table of Amendments

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

Provision affected	How affected
Part 1, s.3(1).....	am. 2000 No. S 665; 2003 No. S 31; 2006 F2006L02029;
Part 1, s.3A.....	ad. 2006 F2006L02029;
Part 1, s.4.....	rs. 2000 No. S 665;
Part 2, s.7(1).....	am. 2000 No. S 665; 2006 F2006L02029;
Part 2, s.7(2).....	am. 2003 No. S 31;
	rs. 2006 F2006L02029;
Part 2, s.7(4).....	am. 2006 F2006L02029;
Part 2, s.7(4A) .....	ad. 2003 No. S 31;
	rep. 2006 F2006L02029;
Part 2, s.7(4B) .....	ad. 2003 No. S 31;
	rep. 2006 F2006L02029;
Part 2, s.8(3).....	ad. 2003 No. S 31;
	rep. 2006 F2006L02029;
Part 2, s.8(4).....	ad. 2003 No. S 31;
	rep. 2006 F2006L02029;
Part 3, s.9 and 10 .....	ad. 2006 F2006L02029;