

EXPLANATORY STATEMENT

Child Care Benefit (Allocation of Child Care Places) Amendment Determination (No. 1) 2000

Summary

This determination is made under section 206 of the *A New Tax System (Family Assistance) (Administration) Act 1999* (the Family Assistance Administration Act).

The purpose of this determination is to amend the Child Care Benefit (Allocation of Child Care Places) Determination 2000 (the Allocation Determination) that sets out guidelines for the allocation of child care places to approved child care services for the purposes of child care benefit (CCB).

The Allocation Determination is amended to:

- set out allocation rules for the purposes of the allocation of child care places to approved in-home care services; and
- restrict the Secretary's delegation powers under the Allocation Determination so that the powers are delegated only to officers of the Department and the Commonwealth Services Delivery Agency.

Explanation of the clauses

Name of the determination

Clause 1 states the name of this determination.

Commencement of the determination

Clause 2 states that this determination commences on 1 January 2001, immediately after the commencement of Schedule 2 to the *Family and Community Services (2000 Budget and Related Measures) Act 2000*, which amends the Family Assistance Administration Act to enable the approval of in-home care services for the purposes of CCB.

Amendment

Clause 3 states that the Allocation Determination is amended as specified in clauses 4 to 7 of this determination.

Amendments for the purposes of in-home care

Clauses 4, 5 and 7 make amendments for the purposes of in-home care.

The allocation of child care places applies only in relation to the kinds of services defined in subsection 3(1) of the Allocation Determination as "approved child care services". Clause 4 amends that definition to include a reference to an in-home care service, so that the allocation of places occurs in relation to in-home care services.

Clause 5 amends the definition of “child care places” in subsection 3(1) of the Allocation Determination to provide that in relation to an approved in-home care service the child care place means one full-time place of 35 hours per week and that one full-time place may be occupied by more than one child attending on a part-time basis.

Clause 7 makes a consequential amendment to section 7 of the Allocation Determination.

Amendment to the Secretary’s delegation power

Section 4 of the Allocation Determination allows the Secretary to delegate powers under that instrument to an “officer”. As section 3 of the Family Assistance Administration Act defines “officer” as the officer of an “agency” and the “agency” is defined as the Department, the Commonwealth Services Delivery Agency, the Australian Taxation Office or the Health Insurance Commission, the delegation power is broader than necessary.

Clause 6 therefore substitutes a new section 4 of the Allocation Determination. New section 4 restricts the power to delegate to officers of the Department and the Commonwealth Services Delivery Agency.