



## **Legislative Instruments (Deferral of Sunsetting—Child Care Benefit Instruments) Certificate 2016**

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I, George Brandis QC, Attorney-General, make the following certificate.

Dated 14 September 2016

George Brandis QC  
Attorney-General

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## 1 Name

This instrument is the *Legislative Instruments (Deferral of Sunsetting—Child Care Benefit Instruments) Certificate 2016*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information        |  |                   |
|---------------------------------|--|-------------------|
| Column 1                        | Column 2                                     | Column 3          |
| Provisions                      | Commencement                                 | Date/Details      |
| 1. The whole of this instrument | The day after this instrument is registered. | 21 September 2016 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under paragraph 51(1)(c) of the *Legislation Act 2003*.

## 4 Definitions

In this instrument:

*Act* means the *Legislation Act 2003*.

## 5 Statement of reasons for issue of certificate

For the purposes of paragraph 51(2)(a) of the Act, this section sets out the statement of reasons for the issue of this certificate.

### *Statement of reasons*

I am satisfied that the instruments mentioned in section 6 (the *instruments*) would, apart from the operation of Part 4 of Chapter 3 of the Act, be likely to cease to be in force within 12 months after the sunseting day for the instruments.

The child care payments system is currently being reformed by the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2016*. The Government is committed to reviewing and remaking the instruments within 12 months to facilitate the transition to a new child care payments system.

The instruments are due to sunset on either 1 October 2016 or 1 April 2017. A deferral of the sunset day will enable current child care payments, programs for families and child care services to continue during the period of transition to a new child care payments system. This will avoid the need to remake the instruments in their current form for the short period before replacement instruments are made and commence.

## 6 Deferral of sunset of legislative instruments

- (1) The following legislative instruments, for which the sunset day is 1 October 2016, are taken to cease to be in force under section 51 of the Act on 1 October 2017:
  - (a) the *A New Tax System (Family Assistance) (Administration) (Child Care Benefit — Record Keeping) Rules 2006*;
  - (b) the *A New Tax System (Family Assistance) (Child Care Benefit — Activities counting towards activity requirements) Determination 2006*;
  - (c) the *A New Tax System (Family Assistance) (Child Care Benefit — Circumstances in which activity requirements do not apply) Determination 2006*;
  - (d) the *A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Determination 2006*;
  - (e) the *A New Tax System (Family Assistance) (Child Care Benefit — Individuals who must meet activity requirements) Determination 2006*;
  - (f) the *A New Tax System (Family Assistance) (Child Care Benefit — Recognised Work or Work Related Commitments) Determination 2006*;
  - (g) the *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000*.
- (2) The following legislative instruments, for which the sunset day is 1 April 2017, are taken to cease to be in force under section 51 of the Act on 1 October 2017:
  - (a) the *Child Care Benefit (Absence From Care — Permitted Circumstances) Determination 2000*;
  - (b) the *Child Care Benefit (Allocation of Child Care Places) Determination 2000*;
  - (c) the *Child Care Benefit (Australian Resident) Guidelines 2000*;
  - (d) the *Child Care Benefit (Breach of Conditions for Continued Approval) Determination 2000*;
  - (e) the *Child Care Benefit (Hours of Eligibility Rules) Determination 2000*;
  - (f) the *Child Care Benefit (Rates and Hardship) Determination 2000*;
  - (g) the *Child Care Benefit (Specified Qualifications for Registered Carers) Determination 2000*;
  - (h) the *Child Care Benefit (Work/Training/Study Test Exemption) Determination 2000*.

## 7 Repeal of this instrument

This instrument is repealed on 2 October 2017.