



Child Care Benefit (Breach of Conditions for Continued Approval) Determination 2017

I, Simon Birmingham, Minister for Education and Training, make this instrument under subsection 200(5) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Dated 18 September 2017

Simon Birmingham
Minister for Education and Training

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1 Name

This instrument is the *Child Care Benefit (Breach of Conditions for Continued Approval) Determination 2017*.

2 Commencement and repeal

(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	1 October 2017.	1 October 2017

Note: This table relates only to the provisions of this instrument as originally made.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(3) This instrument is repealed immediately after the commencement of Schedule 1 to the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017*.

Note: Schedule 1 to the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017* commences on 2 July 2018, see section 2 of that Act.

3 Authority

This instrument is made under the *A New Tax System (Family Assistance) (Administration) Act 1999*.

4 Factors relevant to sanction decisions

In applying subsection 200(1) of the Family Assistance Administration Act to an approved child care service, the Secretary must take into account:

- (a) the severity of the failure by the service to comply with the conditions for continued approval of the service; and
- (b) the frequency of any previous failures by the service to comply with the conditions for continued approval of the service; and
- (c) whether the failure by the service to comply with the conditions for continued approval of the service may threaten the health or welfare of any child in the care of the service.

Section 5

5 Factors relevant to date of effect of revocations of suspensions

In specifying the date of effect of a revocation of a suspension of an approved child care service under subsection 200(3) of the Family Assistance Administration Act, the Secretary must take into account:

- (a) whether the service is complying with the conditions for continued approval of the service, and if so, when the Secretary considers that occurred; and
- (b) whether the service notified the Secretary that it is complying with the conditions for continued approval of the service, and if so, when the Secretary received that notice; and
- (c) the steps taken by the service to ensure it complies with the conditions for continued approval of the service into the future.