Child Care Subsidy Minister's Rules 2017

made under subsection 85GB(1) of the *A New Tax System (Family Assistance) Act 1999*; subsection 194(5) of the *A New Tax System (Family Assistance) (Administration) Act 1999* (as in force before 2 July 2018); and item 12 of Schedule 4 to the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017.*

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About this compilation

This compilation

This is a compilation of the *Child Care Subsidy Minister's Rules 2017* that shows the text of the law as amended and in force on 01/01/2025 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

Division 1—Preliminary

1 Name

These Rules are the *Child Care Subsidy Minister's Rules 2017*.

3 Authority

These Rules are made under the following:

(a) subsection 85GB(1) of the *A New Tax System (Family Assistance) Act 1999*;

(b) subsection 194(5) of the *A New Tax System (Family Assistance) (Administration) Act 1999* (as in force before 2 July 2018);

(c) item 12 of Schedule 4 to the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017*.

4 Definitions

In these Rules:

at risk has the meaning given by section 9 (Circumstances in which a child is taken to be at risk of serious abuse or neglect—child at risk of suffering harm).

attends school has the meaning given by section 16 (Determining hourly rate cap that applies for a session of care).

business continuity payment means a payment under section 205A or section 205C of the Family Assistance Administration Act.

commencement day means the same day as Schedule 1 to the Jobs for Families Act commences.

COVID-19 test means a rapid antigen test to detect COVID-19 or a reverse transcription polymerase chain reaction test to diagnose COVID-19.

customer reference number (or ***CRN***) means the unique identifier given to an individual by the Department administering the *Human Services (Centrelink) Act 1997* to identify the individual for the purposes of social security and family assistance payments.

Education and Care Services National Law, in relation to an entity or service in a State or Territory except Western Australia, means the law of that name set out in the Schedule to the *Education and Care Services National Law Act 2010* (Vic), as adopted in that State or Territory, and in relation to an entity or service in Western Australia, means the *Education and Care Services National Law (WA) Act 2012*.

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Education and Care Services National Regulations*,* in relation to an entity or service in a State or Territory except in Western Australia, means the *Education and Care Services National Regulations* (NSW), as adopted in that State or Territory, and in relation to an entity or service in Western Australia, means the regulations made under the *Education and Care Services National Law (WA) Act 2012*.

educator, in relation to a child care service in a State or Territory, means an educator within the meaning of the Education and Care Services National Law or, to the extent that the context permits reference to an individual who provides child care at an IHC service, an IHC educator.

eligible disability child has the meaning given by section 8.

eligible ISP child has the meaning given by section 8.

emergency: see ***period of emergency***.

estimated number of children in care for the week has the meaning given by section 60 (Weekly amount where service has not previously received a fee reduction amount).

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

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

FDC educator, in relation to an FDC service in a State or Territory, means a family day care educator within the meaning of the Education and Care Services National Law.

FDC service, in a State or Territory, means a family day care service within the meaning of the Education and Care Services National Law.

government agency means:

(a) the Commonwealth, a State or a Territory; or

(b) an authority of the Commonwealth or of a State or a Territory.

harm has the meaning given by section 9 (Circumstances in which a child is taken to be at risk of serious abuse or neglect—child at risk of suffering harm).

health agency means a government agency with responsibility for human health.

IHC educator means an individual employed, contracted or otherwise engaged by an approved provider for the purposes of providing child care by an IHC service.

IHC service is short for in home care service.

IHC Support Agency has the meaning given by subsection 49B(2).

immediate family member has the meaning given by section 20.

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in a formal foster care arrangement has the meaning given by section 8E.

Indigenous child means a child who is an Aboriginal person or a Torres Strait Islander within the meaning of the *Aboriginal and Torres Strait Islander Act 2005*.

Jobs for Families Act means the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017*.

long term protection order means a final protection or welfare order made under a law of a state or territory that gives—

(a) a Minister of the Crown in right of a State;
(b) a government department or statutory authority;
(c) a person who is the head of a government department or statutory authority or otherwise holds an office or position in, or is employed in, a government department or statutory authority, in their official capacity; or
(d) an organisation or the chief executive (by whatever name called) of an organisation;

responsibility in relation to the parental or care responsibility for, supervision of, or contact with, the child or young person, however that responsibility is described.

multiple child session of care means a session of care provided by an in home care service to more than one child.

neglect has the meaning given by section 9 (Circumstances in which a child is taken to be at risk of serious abuse or neglect—child at risk of suffering harm).

period of emergency means a period in respect of which an event (an ***emergency***) has occurred that:

(a) affects a widespread area; and
(b) has a severe impact on the lives of a significant number of the inhabitants of the area; and
(c) prevents, or may prevent, children from attending the service, or may make such attendance hazardous.

Note: Where a period of emergency exists for an area, the Department may list the period of emergency on its website for clarity.

registered training organisation has the same meaning as in the *National Vocational Education and Training Regulator Act 2011*.

remote area child has the meaning given by section 8.

Note: A term used in these Rules that is defined in the Family Assistance Act or the Family Assistance Administration Act has the same meaning as it has in the relevant Act (see subsection 3(2) of each of those Acts and paragraph 13(1)(b) of the *Legislation Act 2003*).

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Division 2—Interpretative matters

5 Determining that an individual is taken to be an Australian resident

(1) Under subsection 8(3) of the Family Assistance Act, for paragraph 8(1)(a) of that Act, the Secretary must have regard to the following matters in considering whether hardship would be caused to an individual if the individual were not treated as an Australian resident:

(a) whether the individual has, since arriving in Australia, experienced an event which was not reasonably foreseeable and which has substantially reduced her or his ability to pay child care fees; and

(b) if so:

(i) how long ago that event occurred; and

(ii) the continuing effect of the event in causing hardship if the individual were not treated as an Australian resident; and

(iii) whether it is in the best interests of the child to attend child care.

(2) However, for paragraph (1)(a), the following events are not to be considered:

(a) currency fluctuations;

(b) an increase in fees charged by an approved child care service;

(c) a reduction in an individual's available income due to routine or unnecessary expenditure.

5A What constitutes a *session of care*?

(1) For the purposes of subsection 9(1) of the Family Assistance Act, this section prescribes what constitutes a session of care for the purposes of that Act.

(2) A ***session of care*** is the minimum period of time in respect of which an approved provider imposes a liability on an individual by charging a fee for providing child care by an approved child care service.

(3) A session of care:

(a) may start on one day and end on the next day; and

(b) may be of any length up to, but not exceeding, 12 hours.

Note: Section 8 of these Rules sets out circumstances in which there is no eligibility for CCS for a session of care, including where during any part of the session, the child is attending school, or engaged in a formal schooling program (including a home schooling or distance education program). As a result, sessions of before and after school care should not be reported to overlap with the child's school hours.

(4) A session of care that starts on one day (the ***first day***) and ends on the next day is to be treated, for the purposes of the Family Assistance Act, as having occurred on the first day.

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5B Days on which sessions of care are taken to be provided—absences before child's first attendance or after child's last attendance

(1) For the purposes of subsections 10(2A) and (3A) of the Family Assistance Act, this section sets out the circumstances in which subparagraphs 10(2)(b)(ii) and (iii) and (3)(c)(ii) and (iii) of that Act do not apply.

Note: If a circumstance in this section exists, a child care service can be taken to have provided a session of care to a child on a day:
(a) before the child first attends a session of care with the service; or
(b) after the child last attends a session of care with the service.

(2) The circumstances are as follows:
(a) both:
(i) the child is absent from a session of care on a day in the extended period because of a reason specified in subsection 10(4) of the Family Assistance Act; and
(ii) if paragraph 10(3)(e) of that Act will apply in relation to the absence, the service has been given a certificate that was issued by a medical practitioner in relation to the illness;
(b) the ownership of the child care service changes during the extended period;
(c) the child care service closes during the extended period and the child attends a session of care provided by:
(i) where the service is an FDC service or an IHC service—the service at another location; or
(ii) another child care service of the approved provider;".
(d) the family of the child experiences a tragedy within the period beginning 28 days before the day in the extended period on which the absence occurs.

Note: For subparagraph (a)(i), see section 6 of these Rules for additional reasons prescribed for the purposes of subsection 10(4) of the Family Assistance Act.

(3) For the purposes of subsection (2), each of the following periods are the ***extended period***:
(a) the period:
(i) beginning on the sixth day before the day (the ***first attendance day***) on which the child first attends a session of care provided by the child care service; and
(ii) ending on the first attendance day;
(b) the period:
(i) beginning on the day (the ***last attendance day***) the child last attends a session of care provided by the service before the child ceases to be enrolled for care by the service; and
(ii) ending on the sixth day after the last attendance day.

(4) For the purposes of paragraph (2)(d), but without limiting that paragraph, the ***family of the child experiences a tragedy*** if:
(a) an immediate family member of the child experiences a serious injury or illness or dies; or

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(b) an individual who cares for the child ceases to be a member of a couple, including because the individual's marriage, de facto relationship or registered relationship has ended; or
(c) the child, an individual who cares for the child or an immediate family member is the victim of:
(i) a serious crime; or
(ii) domestic violence; or
(d) an event has occurred that has resulted in the child's principal home being lost or sustaining major damage.

5BA When is an IHC or an FDC service *closed*?

For the purposes of these Rules, an FDC service or an IHC service is ***closed*** if:
(a) the whole service is closed; or
(b) in relation to a session of care that the service provides or is taken to provide at a particular location—there is no educator at the service who is willing and able to provide the session at that location.

5C Days on which sessions of care are taken to be provided—period of emergency

For subparagraph 10(2)(c)(ii) of the Family Assistance Act, the conditions referred to in subsection 10(2AA) of that Act are met in relation to a session of care and a day in a financial year in the following circumstances:
(a) the day is on or after 23 February 2022; and
(b) the day is during a period of emergency; and
(c) the child did not attend any part of the session of care:
(i) because the service is closed during the period of emergency; or
(ii) the child cannot attend the session of care as a direct result of the emergency.

Example: A service is flooded; or staff are unable to travel to the service because the roads are closed.

5D Days on which sessions of care are taken to be provided—circumstances in which medical certificate not required

For the purposes of subsection 10(3A) of the Family Assistance Act, paragraph 10(3)(e) does not apply to a day in the following circumstances:
(a) the illness referred to in paragraph 10(4)(a) or (b) of that Act is COVID-19; and
(b) the person referred to in paragraph 10(4)(a) or (b) of that Act returned a positive COVID-19 test result in the seven day period ending on the day; and
(c) the service has been given a copy of a notice of the positive COVID-19 test result by a pathology service or a government agency.

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6 Reasons for additional absences

(1) For paragraph 10(4)(e) of the Family Assistance Act, a child care service is taken to have provided a session of care to a child on a day in a financial year where the absence on that day is directly due to one of the following reasons:

(a) where:

(i) the child has not been immunised against a particular infectious disease; and

(ii) the absence occurs during an immunisation grace period in respect of the child (see subsection 67CD(9) of the Family Assistance Administration Act); and

(iii) the provider of the service holds a written statement given by a medical practitioner which certifies that exposure to the infectious disease would pose a health risk to the child;

(b) where:

(i) the provider of the service holds a copy of a court order (including a parenting order within the meaning of section 64B of the *Family Law Act 1975*), a registered parenting plan or a parenting plan in relation to the child; and

(ii) that order or plan requires the child to spend time with a person other than the individual in whose care the child usually is; and

(iii) the absence occurs because the child spends time with that other person;

(c) where the service is closed as a direct result of a period of emergency;

(d) where the child cannot attend as a direct result of a period of emergency (for example, because they are unable to travel to the service), if:

(i) the period is still underway; or

(ii) the period ended not more than 28 days before the absence;

(e) where the absence is due to the individual in whose care the child is, deciding the child should not attend the service for up to seven days immediately following the end of a period of emergency.

7 Child care service payments

For paragraph (b) of the definition of ***child care service payment*** in subsection 3(1) of the Family Assistance Administration Act, any payments made under a funding agreement associated with the following grant programs are prescribed:

(a) the Community Child Care Fund;

(b) the Inclusion Support Programme;

(c) the Interim Home Based Carer Subsidy Pilot Programme;

(d) In Home Care Support.

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7A Meaning of *ceases to operate* any approved child care service

(1) For the purposes of section 197H of the Family Assistance Administration Act, a provider ***ceases to operate*** all the approved child care services of the provider if one or more of the following circumstances applies to the provider:

(a) all approved services of the provider cease to provide child care and the Secretary is satisfied that the provider does not intend to resume providing child care;

(b) if the provider is a body corporate—the body corporate is deregistered (within the meaning of the *Corporations Act 2001*);

(c) if the provider is a partnership—the partnership is dissolved;

(d) if the provider is an entity or body prescribed by the Minister's rules for the purposes of paragraph 194A(1)(d) of the Family Assistance Administration Act—the body or entity ceases to exist;

(e) if the provider is an individual—the individual dies;

(f) the Secretary is satisfied that the provider no longer directly controls, manages or directs the provision of child care provided by the provider.

(2) For the purposes of paragraph (1)(a), disregard subsection 601AH(5) of the *Corporations Act 2001* (about reinstatement after deregistration).

7B Meaning of *ceases to operate* a child care service

For the purposes of section 197J of the Family Assistance Administration Act, a provider ***ceases to operate*** an approved child care service of the provider if one or more of the following circumstances applies to the service:

(a) the service ceases to provide child care and the Secretary is satisfied that the provider does not intend that the service will resume providing child care;

(b) the Secretary is satisfied that the provider no longer directly controls, manages or directs the provision of child care provided by the service.

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Part 2—Eligibility for child care subsidy and additional child care subsidy

Division 1—Circumstances where no one is eligible for a session of care

8 Prescribed circumstances where no eligibility for a session of care

(1) For subparagraph 85BA(1)(c)(iii) of the Family Assistance Act, the following are circumstances in which a session of care is provided for which there is no eligibility for CCS:

(a) where the care is provided aboard a transportation vehicle (such as a bus), unless the transport is merely incidental to a session of care being provided (such as to take children on an outing);

(b) except for care provided by an IHC service, where the care is provided in a domestic living arrangement on residential premises where:

(i) the care is provided in the child's own home; or

(ii) an individual for whom the child is an FTB child or a regular care child (including a parent of the child) remains present at the location where the care is being provided, whilst the care is taking place;

(c) where the session of care is provided by an individual as referred to in section 195D of the Family Assistance Administration Act (conditions for continued approval—working with children check), in circumstances where the provider:

(i) is in breach of that section by not ensuring that an individual covered by the section has a current working with children check; or

(ii) fails to provide evidence of a working with children check if requested to do so by the Secretary under section 43 of these Rules; or

(iii) fails to comply with the requirement at item 17 of the table in section 55 of these Rules to notify the Secretary of changes in the status of a current working with children check within 24 hours after the provider becomes aware of the change of status;

(d) where the session of care is provided by an FDC service to a child who is an FTB child or regular care child of an FDC educator, or a partner of an FDC educator, and where the session occurs on a day that the FDC educator provides care at an FDC service, unless one of the circumstances in subsection (2) apply;

(da) where the session of care is provided by an IHC service to a child who is an FTB child or regular care child of an IHC educator, or a partner of an IHC educator, and where the session occurs on a day that the IHC educator provides care at an IHC service;

(e) where the session of care is provided to children who are in the relationships with an FDC educator of the service, or their partner, as set out in subsection (3), who provides the care at an FDC service;

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(ea) except where subsection (4A) applies, where the session of care is provided by an IHC educator to children who are in one of the relationships, as set out below, with the IHC educator, or their partner:
  (i) FTB child;
  (ii) regular care child;
  (iii) foster care child;
  (iv) biological or adopted child;
  (v) brother, sister, half-brother, half-sister, step-brother or step-sister;
  (vi) grandchild, great-grandchild, nephew, niece or cousin;
  (vii) foster grandchild, foster great-grandchild, foster nephew, foster niece or foster cousin;
  (viii) a child (not mentioned in subparagraphs (i) to (vii)) for whom the IHC educator or their partner has legal responsibility, as described in paragraph 22(5)(a) or (b) of the Family Assistance Act;

(f) where, during any part of the session, the child is attending school, or engaged in a formal schooling program (including a home schooling or distance education program);

(g) where the session of care is taken to have been provided on a day covered by subsection (4B).

(2) The circumstances for paragraph (1)(d) are:
(a) the child is an eligible disability child of the individual; or
(b) the child is an eligible ISP child of the individual; or
(c) the child is a remote area child of the individual; or
(d) the FDC educator:
  (i) is required to work for at least 2 hours on the care day in paid work which is not for an approved FDC service; and
  (ii) has provided documentary evidence, in accordance with subsection (4), to the provider of the FDC service that the FDC educator is usually required to work at the time the session of care is provided; or
(e) the FDC educator:
  (i) is enrolled in a program or course of education or training towards a recognised qualification (at Certificate III level or above) provided by a registered training organisation; and
  (ii) is engaged in scheduled activities for the purposes of the program or course on the care day that overlap with the session of care; and
  (iii) has provided documentary evidence, in accordance with subsection (4), to the provider of the FDC service that the FDC educator usually studies at the time the session of care is provided.

(3) The relationships for paragraph (1)(e) are where the child is one (or more) of the following with respect to the FDC educator or the partner of the FDC educator:
(a) FTB child;
(b) regular care child;
(c) foster care child;

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(d) biological or adopted child;
(e) brother, sister, half-brother, half-sister, step-brother or step-sister;
(f) a child (not mentioned in paragraphs (a) to (e)) for whom the FDC educator or partner has legal responsibility, as described in paragraph 22(5)(a) or (b) of the Family Assistance Act.

(4) Documentary evidence is provided in accordance with this subsection where:
(a) it has been provided by the time that the provider is required to submit an attendance report under section 204B of the Family Assistance Administration Act for the first session of care to which the evidence relates; and
(b) the provider has met the requirements to keep a register, as set out in section 56 of these Rules, in relation to the evidence; and
(c) if the evidence relates to the requirement to work referred to in subparagraph 8(2)(d)(ii), the evidence is an employment contract or a payslip, showing usual hours of work (but where the contract or payslip does not show usual hours of work, a letter signed by the relevant employer is required stating usual hours of work); and
(d) if the evidence relates to the study referred to in subparagraph 8(2)(e)(iii), the evidence is a copy of an enrolment form detailing the times that the individual is usually required to study (but where the form does not provide such details, it must be supplemented with additional documentary evidence, such as an official course timetable).

(4A) This subsection applies where:
(a) an IHC Support Agency has made a recommendation that the session of care should be one in respect to which an individual is eligible; and
(b) the premises at which the session of care is provided is in an area designated as 'very remote Australia' in accordance with the *Australian Statistical Geography Standard (ASGS) Edition 3 – Remoteness Structure*, March 2023, as published by the Australian Bureau of Statistics; and
(c) there is no IHC educator reasonably available who is not in the relationships with children described in paragraph (1)(ea); and
(d) the child is:
(i) the grandchild, great-grandchild, nephew, niece or cousin of the IHC educator or the educator's partner; or
(ii) the foster grandchild, foster great-grandchild, foster nephew, foster niece or foster cousin of the IHC educator or the educator's partner.

(4B) For the purposes of paragraph (1)(g), a day is covered by this subsection if:
(a) on the day, a session of care is not provided because the child care service that would otherwise provide that session is closed; and
(b) the child care service is closed for a reason other than:
(i) a public holiday ; or
(ii) during a period of emergency, as a direct result of that emergency.

Note: A child care service is not closed for the purposes of this subsection if only part of the service is closed.

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(5) In this section:

eligible disability child of an individual means:

(a) a child of the individual who has been diagnosed by a medical practitioner as suffering from one or more of the conditions listed in Schedule 1; or

(b) a child of the individual who has been diagnosed as suffering from one or more of the conditions listed in Schedule 2 by a psychologist who:

(i) is registered with a Board established under a law of a State or Territory that registers psychologists in that State or Territory; and

(ii) has qualifications or experience in assessing impairment in children;

and where:

(c) documentary evidence of the diagnosis has been provided to the provider of the service providing care to the child in accordance with subsection (4); and

(d) the diagnosis was obtained within a period of 24 months prior to the provision of the documentary evidence to the provider of the service, unless the diagnosis is, or is likely to be, permanent.

eligible ISP child of an individual means a child of the individual in respect of whom an approved child care service that is an FDC service is receiving funding, under a funding agreement entered into under the auspices of the Commonwealth Inclusion Support Programme, of IDF Family Day Care Top Up (as referred to in the *Inclusion Support Programme Guidelines 2016-2017 to 2018-2019*), but only if:

(a) the child is undergoing assessment for disability (including an ongoing or continuous assessment, as described in those Guidelines); and

(b) documentary evidence has been provided to the provider of the service providing care to the child in accordance with subsection (3).

engaged in scheduled activities means:

(a) the individual is engaged in an activity on the care day that is part of a formal timetable of activities provided by the registered training organisation, and where participation in that activity can only reasonably occur at a set time on the care day; and

(b) without limitation, could involve attending a lecture (in person, or online) or undertaking an exam, which is only scheduled at a set time on the day during which the session of care occurs;

however does not mean:

(c) engaging in activities that are outside of the individual's formal timetable, such as where the individual is engaged in homework, group activity, viewing a pre-recorded lecture or assessment work; or

(d) engaging in activity on a day that is not the day during which the session of care occurs and during a time that would not usually overlap or conflict with the session of care.

remote area child of an individual means an FTB child or regular child of the individual, if:

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(a) the child resides in an area designated as 'remote Australia' or 'very remote Australia' in accordance with the *Australian Statistical Geography Standard (ASGS) Edition 3 – Remoteness Structure*, March 2023, as published by the Australian Bureau of Statistics; and

(b) documentary evidence of the child's residence has been provided to the provider of the approved FDC service providing care to the child in accordance with subsection (4).

Note: Documentary evidence of a child's residence could include a copy of the individual's (in relation to whom the child is an FTB child or a regular care child) current driver's licence, or a recent utility bill sent to the address where the individual and child reside, or a statutory declaration.

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Division 1AA—Requirements for eligibility for kinds of approved child care services

8AA In home care services

(1) For the purposes of paragraph 85BA(1)(e) of the Family Assistance Act:

(a) an in home care service is prescribed; and

(b) the requirements in subsection (2) are the requirements that must be met by the in home care service.

Note: If the Secretary determines that the requirements are not met, an individual will not be eligible for CCS for a session of care provided by the in home care service to a child: see section 85BA of the Family Assistance Act.

(2) The requirements are as follows:

(a) the individual that would be eligible for CCS for a session of care provided by the in home care service to a child can demonstrate that no other kinds of approved child care are suitable or available; and

(b) at least one of the following applies:

(i) the parents or carers of the child work non-standard or variable hours that are outside normal child care service hours;

(ii) the parents or carers of the child are geographically isolated from other types of approved child care, including because they reside in a rural or remote location;

(iii) the family of the child has challenging or complex needs.

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Division 1A—Prescribed classes of children for eligibility for CCS or ACCS

8A Purpose of prescribing classes of children in this Division

Classes of children are prescribed in this Division so that an individual may be able to be eligible for CCS or ACCS, or that an approved provider of an approved child care service may be able to be eligible for ACCS (child wellbeing), for a session of care in relation to such children, notwithstanding the restriction in subparagraphs 85BA(1)(a)(ii) and 85CA(2)(b)(ii) of the Family Assistance Act (which limits CCS and ACCS eligibility in relation to children who are 13 or under and who do not attend secondary school).

8B Children 13 years or under who are attending secondary school who do not have a prescribed disability or prescribed medical condition

For paragraphs 85BA(2)(a) and 85CA(3)(a) of the Family Assistance Act, the following class of children is prescribed:

(a) children who do not meet the medical or disability requirements set out in subsection 8C(2); and
(b) are 13 years or under and are attending secondary school; and
(c) who cannot reasonably be left alone; and
(d) are children for whom no one aged 18 years or older is able to provide suitable care outside of an approved child care service.

8C Children who have a prescribed disability or prescribed medical condition

(1) For paragraphs 85BA(2)(a) and 85CA(3)(a) of the Family Assistance Act, the following class of children is prescribed:
   (a) children who:
      (i) are 14 years or older; or
      (ii) are 13 years or under and are attending secondary school; and
   (b) who meet the medical or disability requirements set out in subsection (2); and
   (c) who cannot reasonably be left alone; and
   (d) are children for whom no one aged 18 years or older is able to provide suitable care outside of an approved child care service; and
   (e) where the child is 16, 17 or 18 years old, the Secretary is satisfied that there are exceptional circumstances that justify CCS or ACCS eligibility.

(2) The disability or medical requirements as referred to in paragraph (1)(b) and paragraph 8B(a) are as follows:
   (a) the child has been diagnosed with, or is undergoing an assessment for, one or more of the conditions listed in Schedule 1 by a medical practitioner; or
   (b) the child has been diagnosed with, or is undergoing an assessment for, one or more of the conditions listed in Schedule 2 by a psychologist who:

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(i) is registered with a Board established under a law of a State or Territory that registers psychologists in that State or Territory; and

(ii) has qualifications or experience in assessing impairment in children; or

(c) the child has been diagnosed with, or is undergoing assessment for, a condition that is referred to in Part 2 of Schedule 3 to the *Disability Care Load Assessment (Child) Determination 2020* by a medical practitioner; or

(d) the child has become a participant in the National Disability Insurance Scheme launch under section 28 of the *National Disability Insurance Scheme Act 2013*; or

(e) the Secretary is otherwise satisfied that the child has, or is being assessed for, a disability and makes a determination to that effect.

8D Conditions in relation to the classes of children prescribed in sections 8B and 8C

For paragraphs 85BA(2)(b) and 85CA(3)(b) of the Family Assistance Act, the following conditions are prescribed, as applicable:

(a) in relation to all prescribed children—an individual, in respect of eligibility for CCS or ACCS, or an approved provider, in respect of eligibility for ACCS (child wellbeing), as applicable, must provide a statutory declaration to the Secretary in the form prescribed under the *Statutory Declarations Act 1959* (Cth) that attests to the matters referred to in paragraphs 8B(c) and (d) and 8C(1)(c) and (d) (being that the child cannot be left alone and that there is no adult able to provide suitable care) and provides an explanation as to why those matters are the case;

(b) where the child meets the disability or medical requirements referred to in paragraphs 8C(2)(a), (b), (c) or (e), and where a diagnosis has been made in relation to a permanent condition—documentary evidence has been provided of the diagnosis to the satisfaction of the Secretary;

(c) where the child meets the disability or medical requirements referred to in paragraphs 8C(2)(a), (b), (c) or (e), and where a diagnosis has been made in relation to a condition that is not permanent or where the child is still undergoing assessment—documentary evidence of the diagnosis or assessment has been provided to the Secretary that was obtained within a period of 24 months prior to its provision and is to the satisfaction of the Secretary;

(d) where the child meets the disability or medical requirements referred to in paragraph 8C(2)(d)—evidence that the child is a participant in the National Disability Insurance Scheme launch has been provided to the Secretary;

(e) where the child is one that the Secretary is otherwise satisfied as referred to in paragraph 8C(2)(e)—the Secretary has provided a notice to that effect to the individual or provider that is eligible for CCS or ACCS in relation to the child.

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Division 1B—Prescribed classes of children for eligibility for ACCS (child wellbeing)

8E Children who are in a formal foster care arrangement

(1) For the purposes of subparagraph 85CA(2)(b)(ii) of the Family Assistance Act, the class of children who are in a formal foster care arrangement is prescribed.

(2) For this section, a child is ***in a formal foster care arrangement*** if the child is being cared for:

(a) on a temporary basis; and

(b) by a person other than the child's parents; and

(c) on a residential basis in premises other than the child's home; and

(d) the child has been placed in that care:

(i) by a Minister, government department, statutory authority, or holder of an office established under state or territory legislation who has parental responsibility, guardianship of custody of the child;

(ii) by a Court or Tribunal order for temporary care arrangements for the child; or

(iii) under an agreement recognised by state or territory legislation for the purpose of placing the child in care; and

(e) the child is not in care at premises which are managed by professional staff whose duties include caring for the child and other children in similar situation.

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Division 2—When children are at risk of serious abuse or neglect for ACCS (child wellbeing)

9 Circumstances in which a child is taken to be at risk of serious abuse or neglect—child at risk of suffering harm

(1) For subsection 85CA(4) of the Family Assistance Act, a child is taken to be at risk of serious abuse or neglect if the child is at risk of suffering harm as a result of being subject to, or exposed to, one or more of the following events:
  (a) serious physical, emotional or psychological abuse;
  (b) sexual abuse;
  (c) domestic or family violence;
  (d) neglect.

(2) For subsection (1), a child is ***at risk*** if:
  (a) the child is currently experiencing one or more of the events set out in subsection (1); or
  (b) the risk of the child experiencing one or more of the events in the future is real and apparent.

(3) A child may be taken to be at risk of suffering harm in relation to an event mentioned in subsection (1) even if the event occurred before:
  (a) a certificate in relation to the child was given under section 85CB of the Family Assistance Act; or
  (b) an application in relation to the child was made under subsection 85CE(1) of that Act.

(4) In this section:

harm means any detriment to the child's wellbeing.

neglect means a failure to be provided with the basic needs that are essential for the child's physical and emotional wellbeing.

10 Circumstances in which a child is taken to be at risk of serious abuse or neglect—child in need of care etc. under State or Territory law

For subsection 85CA(4) of the Family Assistance Act, a child is taken to be at risk of serious abuse or neglect if:
  (a) where the child is a resident of the Australian Capital Territory at the time the session of care is provided—the child is in need of care and protection under the *Children and Young People Act 2008 (ACT)*; or
  (b) where the child is a resident of New South Wales at the time the session of care is provided—the child is at risk of significant harm under the Children and *Young Persons (Care and Protection) Act 1998 (NSW)*; or
  (c) where the child is a resident of the Northern Territory at the time the session of care is provided—the child is in need of care and protection under the *Care and Protection of Children Act (NT)*; or

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(d) where the child is a resident of Queensland at the time the session of care is provided—the child is in need of protection under the *Child Protection Act 1999 (Qld)*; or

(e) where the child is a resident of South Australia at the time the session of care is provided—the child is at risk within the meaning of section 18 of the *Children and Young People (Safety) Act 2017 (SA)*; or

(f) where the child is a resident of Tasmania at the time the session of care is provided—the child is at risk under the *Children, Young Persons and Their Families Act 1997 (Tas)*; or

(g) where the child is a resident of Victoria at the time the session of care is provided—the child is in need of protection under the *Children, Youth and Families Act 2005 (Vic)*; or

(h) where the child is a resident of Western Australia at the time the session of care is provided—the child is in need of protection under the *Children and Community Services Act 2004 (WA)*; or

(i) where the child is in a formal foster care arrangement; or

(j) for the period between 1 July 2022 to 30 June 2026—where the child is enrolled at one of the four services participating in the Commonwealth-supported intensive early childhood education and care model trial overseen by Parkville Institute Ltd.

11 Circumstances in which a child is not taken to be at risk of serious abuse or neglect

(1) Subject to subsection (2), a child is not taken to be at risk of serious abuse or neglect solely because:

(a) of the income of the individual or individuals with respect to whom the child is an FTB child or regular care child; or

(b) of the ethnic, cultural, religious or racial background of the child or the child's immediate family; or

(c) of the geographical location in which the child and the child's immediate family resides; or

(d) the child's place of residence is, statistically, an area of socio-economic disadvantage; or

(e) the child is likely to benefit from early childhood education and care programs; or

(f) the child has a disability; or

(g) the child is in a foster care or kinship care arrangement.

(2) Where a circumstance listed in subsection (1) applies in relation to a child, that circumstance may only be considered:

(a) in conjunction with other circumstances or matters; and

(b) only to the extent that it is relevant to determining whether a child is taken to be at risk of serious abuse or neglect in accordance with section 9.

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Division 2A—Circumstances relevant to ACCS (child wellbeing) certificates and determinations

11A Exceptional circumstances for backdating ACCS (child wellbeing) certificates and determinations to a period of greater than 28 days, but no more than 13 weeks

For the purposes of subsections 85CB(2A) and 85CE(5B) of the Family Assistance Act, the period of 28 days may be extended to a period of no more than 13 weeks if any of the following circumstances apply:

(a) the eligible individual, their partner, or the child is affected by domestic or family violence;

(b) the eligible individual, their partner or a child of the family is experiencing serious illness, a medical condition, or hospitalisation, and the illness, condition or hospitalisation prevents the individual or their partner from working or caring for their child;

(c) the eligible individual, their partner or a child of the family is experiencing serious mental health issues that prevent the individual from working or caring for their child;

(ca) the child is in a formal foster care arrangement (within the meaning of section 8E of these Rules);

(d) a long term protection order is in place in respect of the child;

(e) the eligible individual, their partner or the child is homeless;

(f) the eligible individual, their partner or the child is affected by the harmful use of alcohol or another drug.

11B Circumstances for extending ACCS (child wellbeing) determinations to a period of more than 13 weeks, but no more than 52 weeks

For the purposes of subsection 85CE(5C) of the Family Assistance Act, the period of 13 weeks may be extended to a period of no more than 52 weeks if any of the following circumstances apply:

(a) the child is in a formal foster care arrangement (within the meaning of section 8E of these Rules); or

(b) a long term protection order is in place in respect of the child; or

(c) for the period between 1 July 2022 to 30 June 2026—the child is enrolled at one of the four services participating in the Commonwealth-supported intensive early childhood education and care model trial overseen by Parkville Institute Ltd.

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Division 3—Temporary financial hardship

12 Circumstances in which an individual is taken to be experiencing temporary financial hardship

(1) For subsection 85CG(2) of the Family Assistance Act, an individual is taken to be experiencing temporary financial hardship if:

(a) the individual has had a substantial reduction in her or his ability to pay child care fees as a result of any of the circumstances described in subsection (2) of this section; and

(b) the circumstance described in subsection (2) occurred in relation to the individual on a day that is no earlier than 6 months before the day the application for ACCS (temporary financial hardship) was made.

(2) For subsection (1), the circumstances are as follows:

(a) the death of a partner or child of the individual;

(b) a loss of employment of the individual, or a partner of the individual, other than due to resignation or retirement;

(c) a loss of income or business failure of the individual, or a partner of the individual, due to circumstances outside of the control of the individual or of the partner (such as serious illness);

(d) a loss of income of the individual, due to the death of a former partner, where the former partner was providing ongoing financial assistance in relation to the child under child support arrangements;

(e) the individual, or a partner of the individual, being adversely affected by a major disaster event;

(f) the destruction of, or severe damage to, the home of the individual, or of a partner of the individual;

(g) the individual having to leave home, and not being able to return because of an extreme circumstance (such as domestic violence);

(h) the individual still living at home after being subjected to domestic violence by a family member who has left or has been removed from the home.

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Division 3A—Eligibility for ACCS (grandparent)

12A Criteria for eligibility for ACCS (grandparent)—payments under the ABSTUDY scheme

For the purposes of subparagraph 85CJ(1)(d)(vi) of the Family Assistance Act, payments made under the ABSTUDY scheme, to the extent that the payments provide means tested allowances, are prescribed.

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Division 4—Transition to work

13 Additional eligibility requirements for ACCS (transition to work)

(1) For paragraph 85CK(1)(c) of the Family Assistance Act, the prescribed requirements that must be met by an individual at the start of a CCS fortnight to which a session of care relates are:

(a) the requirements (the ***activity requirements***) set out in subsection (2); and

(b) the requirements (the ***income requirements***) set out in subsection (3).

(2) In order for an individual to meet the activity requirements, the individual must meet at least one of the following during the period provided by subsections (12) and (13):

(a) the requirements (the ***study requirements***) set out in subsections (7) and (8);

(b) the requirements (the ***job search requirements***) set out in subsection (10);

(c) the requirements (the ***work/training requirements***) set out in subsection (11).

Income requirements

(3) An individual meets the income requirements where the estimate of the individual's adjusted taxable income that would be used to determine the individual's entitlement to CCS for the week to which the session of care relates, including as determined by Division 4 of Part 3A of the Family Assistance Administration Act, is equal to or lower than the lower income (base rate) threshold (as referred to in clause 3 of Schedule 2 to the Family Assistance Act).

Note: ***Adjusted taxable income*** is defined in Schedule 3 to the Family Assistance Act to include the income of any partner of the individual as set out in that Schedule.

Study requirements

(7) An individual meets the study requirements in relation to an approved course of education or study if:

(a) the course is of the following type or of the following level:

(i) a secondary course within the meaning of Schedule 1 to the *Student Assistance (Education Institutions and Courses) Determination 2019*;

(ii) a preparatory course within the meaning of the *Student Assistance (Education Institutions and Courses) Determination 2019*;

(iii) level 2 (Certificate II) through to level 8 (up to Graduate Diploma) of the Australian Qualifications Framework; and

Note: For ***approved course of education or study***, see subsection 541B(5) of the *Social Security Act 1991* and subsection 3(1) of the Family Assistance Act.

(b) the individual is making satisfactory progress in that course of education or study; and

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(c) where the course of education or study is of a kind described in subparagraph (a)(iii), the study occurs at a level that is above any level that the individual has already studied at within the last 10 years, unless:

(i) on a single occasion, the individual studied a course of education or study at a higher level than the level at which they are currently studying for a period of less than 6 weeks; or

(ii) the individual has, only once, begun studying at a level below a qualification already achieved, where the study (if completed) will qualify the individual for an occupation listed in the list known as the *Skills Priority List* (prepared by Jobs and Skills Australia, and as existing from time to time) and the study involves progression towards a qualification that the individual has not already studied towards; or

(iii) on 1 July 2018, the individual is in receipt of the payment known as Jobs Education and Training (JET) Child Care Fee Assistance that is paid by the Commonwealth in respect of a course of education or study and the individual was engaged in that course of education or study on that day.

Note: The *Skills Priority List* could in 2024 be viewed on the Jobs and Skills Australia website at www.jobsandskills.gov.au.

(8) The exception in subparagraph (7)(c)(iii) only applies to the individual for that course of education or study referred to in that subparagraph.

(9) For this section, the Australian Qualifications Framework is the second edition of the publication of that name (which could in 2024 be viewed on the Australian Qualifications Framework website at www.aqf.edu.au).

Job search requirements

(10) An individual meets the job search requirements where the individual is actively looking for work and can provide evidence to the Secretary that he or she is looking for work.

Work/training requirements

(11) An individual meets the work/training requirements where he or she is participating in any of the following activities:

(a) paid work;

(b) actively setting up a business;

(c) unpaid work (including a work experience placement or an internship);

(d) a vocational training or other program which, in the opinion of the Secretary, has a reasonable likelihood of improving the individual's employment prospects.

Time limits

(12) Subject to subsections (15) and (16), the period during which an individual is eligible for ACCS (transition to work) under subsection 85CK(1) of the

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Assistance Act is limited to the period set out in the table below, unless subsections (13) and (14) apply:

Item	Where the individual is meeting the following requirements:	The individual is only eligible during the following period:
1	The study requirements	(a) where the course is at level 2 (Certificate II) to 6 (Advanced Diploma, Associate Degree) (inclusive) and level 8 (Bachelor Honours Degree, Graduate Certificate, Graduate Diploma) of the Australian Qualifications Framework—104 weeks for each course studied on a full-time basis or 208 weeks for each course studied on a part-time basis; or (b) where the course is at level 7 (Bachelor Degree) of the Australian Qualifications Framework—156 weeks for each course studied on a full-time basis or 312 weeks for each course studied on a part-time basis; or (c) where the course is a secondary course within the meaning of Schedule 1 of the *Student Assistance (Education Institutions and Courses) Determination 2019* or a preparatory course within the meaning of that Determination, 104 weeks for full-time study, or 208 weeks for part-time study
2	The job search requirements	26 weeks
3	The work/training requirements set out in paragraphs (11)(a), (b) or (c)	26 weeks
4	The work/training requirement relating to training set out in paragraph (11)(d)	52 weeks full-time or 104 weeks part-time
5	The work/training requirement relating to employment prospects set out in paragraph (11)(d)	52 weeks

(13) This subsection applies if, on 1 July 2018:
  (a) the individual was engaged in a course of education or study for the purposes of meeting the study requirements; and
  (b) the individual was in receipt of the payment, known as Jobs Education and Training (JET) Child Care Fee Assistance that is paid by the Commonwealth.

(14) Where subsection (13) applies to an individual, the maximum period during which the individual is eligible for ACCS (transition to work) is worked out as follows:

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the applicable number of weeks set out in the right hand column of item 1 of the table in subsection (12) *minus* the number of weeks the individual has already engaged in the study requirements referred to in that item.

(15) The period referred to in item 1 of the table in subsection (12) relates to each new course of education or study that the individual studies.

Example: Lyndal completes a Certificate II level qualification and, once completed, begins a Bachelor Degree—when she begins study towards the Bachelor Degree, she has a new period of 156 weeks (full-time) during which she can remain eligible for ACCS (transition to work).

(16) The periods referred to in items 2 to 5 of the table in subsection (12) apply to an individual only once in their lifetime, so that the period accrues as an aggregate for each activity.

Example: Michelle trains for 52 weeks, full-time, as described in item 4 of that table—following that period she is unable to remain eligible for ACCS (transition to work) where she continues to train beyond those 52 weeks. However, she could be eligible if she subsequently begins a course of education or study referred to in item 1, or if she begins another activity referred to in items 2, 3 or 5.

14 Additional eligibility requirements for individuals who ceased receiving transition to work payment fewer than 12 weeks ago

For paragraph 85CK(2)(c) of the Family Assistance Act, the requirements are that:

(a) the individual was eligible for ACCS (transition to work) under subsection 85CK(1) for one or more sessions of care in the CCS fortnight preceding the CCS fortnight in which the session of care was provided; and

(b) the individual was engaged in paid work in the CCS fortnight in which the session of care was provided and the individual is able to provide evidence of that engagement; and

(c) the individual did not stop receiving a transition to work payment solely because he or she became a member of a couple (including a member of a new couple) resulting in the person no longer being qualified for, or meeting the income or assets test requirements to be paid, the payment.

15 Transition to work payments

For paragraph 85CK(3)(b) of the Family Assistance Act, the payments are as follows:

(a) carer payment under the *Social Security Act 1991*;

(b) special benefit under the *Social Security Act 1991*;

(c) austudy payment under the *Social Security Act 1991*;

(d) a payment made under the ABSTUDY Scheme to the extent that it provides means tested allowances;

(e) farm household allowance under the *Farm Household Support Act 2014*;

(f) parenting payment under the *Social Security Act 1991*, as paid to individuals who are not subject to requirements under subsections 500(2A) or 500(2B) of that Act;

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Note: Paragraphs 500(1)(c) and (ca) of the *Social Security Act 1991* set out when an individual is subject to requirements to qualify for the parenting payment.

(g) disability support pension under the *Social Security Act 1991*, as paid to individuals who are not subject to the participation requirements under section 94A of that Act;

Note: Paragraph 94(1)(da) of the *Social Security Act 1991* sets out when an individual is subject to participation requirements to qualify for the disability support pension.

(h) youth allowance under the *Social Security Act 1991*, as paid to individuals who are not required, under paragraph 593(1AC)(b) of that Act, to have an employment pathway plan in effect;

Note: Subdivision C of Division 2A of Part 3 of the *Social Security (Administration) Act 1999* sets out when an individual is not required to have a youth allowance employment pathway plan in effect.

(i) jobseeker payment under the *Social Security Act 1991*, as paid to individuals who are not required, under Subdivision C of Division 2A of Part 3 of the *Social Security (Administration) Act 1999*, to have an employment pathway plan in effect.

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Division 5—Requirements for eligibility for in home care

15A In home care provided to multiple children

(1) For the purposes of section 85ECA of the Family Assistance Act, if a multiple child session of care is provided by an in home care service, the approved provider of the service or the individual who would be eligible for CCS or ACCS for the session of care in respect of a child, must nominate:

(a) if the session is provided to up to 5 children—one of those children (a ***nominated child***); and

(b) if the session is provided to 6 to 10 children—2 of those children (each also a ***nominated child***).

(2) For the purposes of paragraph 85ED(1)(b) of the Family Assistance Act, the class of persons who, in respect of a multiple child session of care, are not a nominated child, is prescribed.

Note: This provision has the effect that the hourly rate cap specified for in home care services in item 4 of the table in subclause 2(3) of Schedule 2 to the Family Assistance Act applies in respect of a maximum of one child for care provided to up to 5 children during the same session of care in the same home, and a maximum of 2 children if the care is provided to 6 to 10 children.

Example 1: On 5 March 2020, the McEnroe family has 4 children in in home care on one day, during the same period of time. Mrs McEnroe nominates her eldest son Ralph in accordance with the requirements of paragraph (1)(a). Ralph is the child in respect of whom she wishes to be eligible for CCS in relation to the session of care. Mrs McEnroe is only eligible for CCS in relation to Ralph (not the other 3 children being provided with care at the same time) and the hourly rate cap that applies to fees charged by the approved provider is $32.58. Mrs McEnroe's applicable percentage as worked out under clause 3 of Schedule 2 to the Family Assistance Act is 85% and so the total maximum hourly rate of CCS payable in relation to the relevant session of care is 85% of $32.58, which is $27.69 for each hour in the session of care.

Example 2: On 27 March 2020, the Borg family has 8 children in in home care on one day, during the same period of time. The approved provider of the relevant in home care service nominates Mr Borg's eldest daughter Martina and his eldest son Patrick in accordance with the requirements of paragraph (1)(b). Mr Borg is only eligible for CCS in relation to Martina and Patrick (not the other children in care) and the hourly rate cap that applies to fees charged by the approved provider is $32.58 for Martina and $32.58 for Patrick. Mr Borg's applicable percentage as worked out under clause 3 of Schedule 2 to the Family Assistance Act is 85% and so the total maximum hourly rate of CCS payable in relation to the relevant session of care is 85% of $32.58 for Martina and 85% of $32.58 for Patrick, which is $55.38 in total for each hour in the session.

15B Additional eligibility requirements

(1) For the purposes of section 85ECA of the Family Assistance Act, the requirements in this section are prescribed.

Session of care must only be provided to children of the same family

(2) A multiple child session of care must only be provided to children of the same family.

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(3) For the purposes of subsection (2), children are the ***children of the same family*** if each child is an FTB child or a regular care child of the individual eligible for CCS in respect of each of the children being provided with the multiple child session of care, or of the individual's partner.

Note: For the requirement that a child related to the IHC educator must not be provided with care at a session of care provided by the IHC educator, see subsection (7).

Number of pre-school aged children required

(4) An approved provider of an in home care service providing a multiple child session of care must ensure that, for each 5 children provided with the care, no more than 4 children are of preschool age or under (within the meaning of the Education and Care Services National Regulations).

Location of in home care

(5) Subject to subsection (6), a session of care provided by an in home care service to a child must be provided at the home of the individual who would be eligible for CCS for the session of care.

(6) The Secretary may, in writing, determine that the session of care can be provided at a location other than in the individual's home if the Secretary is satisfied that exceptional circumstances exist to justify the session of care being provided at the other location.

IHC educator not to bring certain children to in home care session

(7) An IHC educator must not provide care to a child covered by subsection (8) at a session of care provided to one or more other children, or otherwise bring a child covered by that subsection to the session.

(8) A child is covered by this subsection if:
- (a) the child is a child (including an adopted child, a foster child or a kinship child) of the educator, or the educator's partner; or
- (b) the educator, or the educator's partner, otherwise has legal responsibility for the care of the child; or
- (c) the child is in a relationship with the educator, or the educator's partner, set out in paragraph 8(1)(ea); or
- (d) the educator is providing informal care to the child through a personal arrangement.

(9) Subsection (7) does not apply in relation to a child to the extent (if any) that subsection 8(4A) applies in relation to the session of care and the child.

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Part 3—Amount of child care subsidy and additional child care subsidy

Division 1—Hourly rate of child care subsidy

16 Determining hourly rate cap that applies for a session of care

(1) For subclause 2(4) of Schedule 2 to the Family Assistance Act, the type of service that applies to a session of care is the same type of service that is:
  (a) specified in the notice of approval that the Secretary gives to a provider under subsection 194B(4) of the Family Assistance Administration Act; or
  (b) determined by the Secretary under subitem 9(2) of Schedule 4 to the Jobs for Families Act.

(2) Despite subsection (1), a session of care provided by a service specified or determined as a centre-based day care service is taken to be provided by an outside school hours care service for the purposes of determining the applicable CCS hourly rate cap where the session is provided to a child who attends school.

(3) Despite subsection (1), a session of care provided by a service specified or determined as an outside school hours care service is taken to be provided by a centre-based day care service for the purposes of determining the applicable CCS hourly rate cap where the session is provided to a child who does not yet attend school.

(4) For these Rules, a child ***attends school*** on a day that is or follows the first day of scheduled physical attendance, and where any of the following apply:
  (a) the child has turned 6;
  (b) the child attends the year of school before grade 1;
  (c) the child attends primary or secondary school;
  (d) the child is subject to home schooling as recognised in the State or Territory in which the child resides;
  (e) the child would be attending school as referred to in paragraph (b) or (c), except that the child is absent from school, or is on holidays.

16A Prescribed payments for determining hourly session fee

(1A) This section sets out payments that are prescribed for the purposes of paragraph 2(2A)(c) of Schedule 2 to the Family Assistance Act.

Note: A payment prescribed in this section does not reduce the hourly session fee for a session of care, for the purposes of working out the hourly rate of CCS for that session.

Payments for children in vulnerable or disadvantaged circumstances

(3A) A payment made by a State or Territory, or an authority of a State or Territory, to an approved provider is prescribed if:
  (a) it is for the purpose of enabling a child in vulnerable or disadvantaged circumstances to participate in early childhood education and care; and

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(b) it is made to reduce, wholly or in part, the liability of an individual or the individual's partner to pay for a session of care provided to the child.

State and Territory preschool payments

(3D) A payment made by a State or Territory, or an authority of a State or Territory, is prescribed if:

(a) the payment benefits an individual in respect of a session of care provided to a child on a day between 1 January 2023 and 31 December 2025; and

(b) the session of care was provided by a centre-based day care service in a preschool program offered by that service; and

(c) the program is aimed at children in the years that are 2 years or 3 years before grade 1 of school; and

(d) the payment is made to reduce, wholly or in part, the liability of the individual or the individual's partner to pay for the session of care.

Note: Subsection (3D) applies to payments including, but not limited to, payments made under the New South Wales Start Strong Program and the Victorian Best Start, Best Life initiative.

(4) In this section:

preschool program means an early childhood education program provided to children before their first year of full-time school.

Note: Some states or territories refer to this kind of program as kindergarten.

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Division 2—Circumstances for election

17 Election of allocation of claimant's fortnightly entitlement between services attended by the child

For subclause 4(3) of Schedule 2 to the Family Assistance Act, an individual may give the Secretary a written election in relation to a child for a CCS fortnight if:

(a) the child is enrolled at more than one child care service during the fortnight; and

(b) the individual's activity test result in relation to the child is greater than zero.

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Division 3—Recognised activities

Subdivision A—General

18 Application—unlawful purposes

(1) This Division does not apply in relation to paid or unpaid work or other activity, if undertaken:
  (a) for an unlawful purpose; or
  (b) for an employer, business or other person or organisation that has an unlawful purpose.

(2) Without limiting subsection (1), ***work or other activity*** includes the following:
  (a) work experience or an internship;
  (b) employment or contract work;
  (c) voluntary work;
  (d) self-employed activity;
  (e) setting up a business.

Subdivision B—Additional activities

19 Unpaid work experience

(1) For the purposes of paragraph 12(2)(d) of Schedule 2 to the Family Assistance Act, an individual engages in ***recognised activity*** during a CCS fortnight if he or she engages in either of the following activities during the fortnight:
  (a) unpaid work experience;
  (b) an unpaid internship.

(2) However, the individual does not engage in ***recognised activity*** under subsection (1) of this section if the activity is engaged in during the course of an activity mentioned in paragraph 12(2)(b) or (c) of that Schedule.

Note: Paragraph 12(2)(b) of that Schedule covers training courses for improving work skills or employment prospects. Paragraph 12(2)(c) of that Schedule covers an approved course of education or study.

20 Unpaid work in a family business

(1) For the purposes of paragraph 12(2)(d) of Schedule 2 to the Family Assistance Act, an individual engages in ***recognised activity*** if he or she engages in unpaid work for a family business owned by a member of the individual's immediate family.

(2) Each of the following is a member of the individual's ***immediate family***:
  (a) a parent of the individual;
  (b) a partner of a parent of the individual;
  (c) a partner of the individual;

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(d) a sibling of the individual, including any person (other than the individual) who is a child of a parent of the individual;
(e) a child of the individual;
(f) a partner of a child of the individual;
(g) another particular member of the individual's family determined by the Secretary to be a member of the individual's immediate family for the purposes of this section.

(3) Without limiting who is a child of another person, each of the following is a ***child*** of the other person:
(a) an adopted child, or step-child, of the other person, within the meaning of the *Social Security Act 1991*;
(b) a foster-child or ward of the other person, including someone who was the ward of the other person when the ward was under 18 years of age;
(c) someone who is a child of the other person within the meaning of the *Family Law Act 1975*.

(4) Without limiting who is a parent, if someone is, within the meaning of this section, a child of another person, the other person is a ***parent*** of the child.

21 Voluntary work

(1) For the purposes of paragraph 12(2)(d) of Schedule 2 to the Family Assistance Act, an individual engages in ***recognised activity*** during a CCS fortnight if he or she engages in any of the following activities during the fortnight:
(a) voluntary work which could reasonably be expected to improve the individual's work skills or employment prospects, or both;
(b) voluntary work for a charitable, welfare or community organisation;
(c) voluntary work for a school, preschool or a centre-based day care service, if the work directly supports the learning and development of the children at the school, preschool or service.

Example: For paragraphs (b) and (c), examples include reading to children or providing support for other learning or development activities, and could include involvement in a school parents and citizens committee.

(2) For the purposes of paragraph 12(4)(b) of that Schedule, if the individual, in a CCS fortnight, does not engage in any recognised activity except the activity prescribed under this section, the maximum number of hours that are to be counted towards the prescribed activity in that fortnight is 16 hours.

22 Actively looking for work

(1) For the purposes of paragraph 12(2)(d) of Schedule 2 to the Family Assistance Act, an individual engages in ***recognised activity*** during a CCS fortnight if he or she is actively looking for work.

(2) An individual is ***actively looking for work*** if the individual engages in one or more of the following activities during the fortnight:
(a) looking for job vacancies;

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(b) preparing résumés and job applications;
(c) contacting potential employers;
(d) preparing for, and attending, job interviews.

Note: The individual need not be unemployed to be actively looking for work. Her or his overall activity test result may also take into account hours engaged in other activities (such as paid work) mentioned in subclause 12(2) of Schedule 2 to the Family Assistance Act, including other activities prescribed under this Division.

(3) For the purposes of paragraph 12(4)(b) of that Schedule, if the individual, in a CCS fortnight, does not engage in any recognised activity except the activity prescribed under this section, the maximum number of hours that are to be counted towards the prescribed activity in that fortnight is 16 hours.

23 Actively setting up a business

(1) For the purposes of paragraph 12(2)(d) of Schedule 2 to the Family Assistance Act, an individual engages in ***recognised activity*** during a CCS fortnight if, during the fortnight, the individual engages in the activity of actively setting up a business that has not yet started to operate, including engaging in one or more of the following activities in relation to the proposed business:
(a) obtaining finance, advice and support;
(b) attending and organising events, including meetings, networks and seminars;
(c) developing business, marketing or other plans.

(2) However, an individual only engages in ***recognised activity*** under subsection (1) in relation to a CCS fortnight if, during the period of 12 months immediately before the CCS fortnight, determinations have been made under subsection 67CD(2) of the Family Assistance Administration Act that the individual is entitled to a payment of CCS worked out on the basis of the application of subsection (1) of this section in relation to fewer than 13 CCS fortnights:
(a) whether or not occurring consecutively; and
(b) whenever occurring during that period; and
(c) in relation to that proposed business, or any other.

23A Australian courses of study

For the purposes of paragraph 12(2)(d) of Schedule 2 to the Family Assistance Act, an Australian course of study (within the meaning of the *Tertiary Education Quality and Standards Agency Act 2011*) is a recognised activity.

Subdivision C—Associated activities

24 Preparing for paid work

(1) This section applies to an individual who starts engaging in a recognised activity consisting of paid work, or starts to engage in such an activity for an increased

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number of hours, for the purposes of paragraph 12(2)(a) of Schedule 2 to the Family Assistance Act during a CCS fortnight (the ***start fortnight***).

(2) For the purposes of paragraph 12(3)(b) of that Schedule, the individual is taken also to engage in recognised activity of the same kind, or for that increased number of hours, during the period:
  (a) starting on the first day of the CCS fortnight immediately before the start fortnight; and
  (b) ending at the end of the start fortnight.

(3) For the purposes of paragraph 12(4)(a) of that Schedule, the number of hours of recognised activity engaged in by the individual to which subsection (2) of this section applies, during the period covered by that subsection, is taken to be the same number of hours as the number of hours of paid work, or the increased number of hours of paid work, that the individual is to start to engage in.

25 Leave from paid work

(1) This section applies if:
  (a) an individual engages in a recognised activity consisting of paid work for the purposes of paragraph 12(2)(a) of Schedule 2 to the Family Assistance Act; and
  (b) during a CCS fortnight, the individual takes paid or unpaid leave from that work; and
  (c) in the case of an individual taking unpaid leave:
    (i) the leave is for a continuous period of 6 months or less; or
    (ii) the leave is parental leave (or of the nature of parental leave); and
  (d) as at the time immediately before the individual takes the leave, he or she was normally engaged in recognised activity for 8 or more hours each fortnight.

(2) For the purposes of paragraph 12(3)(b) of that Schedule, the individual is taken also to engage in recognised activity of the same kind for the purposes of paragraph 12(2)(a) of that Schedule during the period of paid or unpaid leave.

(3) For the purposes of paragraph 12(4)(a) of that Schedule, the number of hours of recognised activity engaged in by the individual to which subsection (2) of this section applies during a period of paid or unpaid leave is taken to be the same number of hours as the number of hours of paid work normally engaged in by the individual during a period of the same length.

(4) ***Paid or unpaid leave***, for an individual, means:
  (a) if the individual engages in paid work as an employee, or under a contract—paid or unpaid leave granted under the terms or conditions of the individual's employment or contract; or
  (b) in any other case—paid or unpaid leave taken by the individual that, if the individual were an employee, would be of the nature of any of the following:
    (i) annual leave;

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(ii) long service leave;
(iii) leave for illness or injury;
(iv) carer's leave for family or household members, or for household emergencies;
(v) leave (***parental leave***) for the birth of a child to the individual or the individual's partner, or for the adoption of a child by the individual or the individual's partner, including such leave taken in preparation for birth or adoption and to care for a child after birth or adoption.

26 Training course—self-directed study

(1) This section applies if, during a CCS fortnight:
(a) an individual engages in a recognised activity consisting of a training course for the purposes of paragraph 12(2)(b) of Schedule 2 to the Family Assistance Act; and
(b) the individual engages in additional self-directed study in relation to the course, outside the scheduled hours of the course.

Note: The individual may also be taken to engage in the recognised activity mentioned in paragraph (a) during a break in the course: see section 27.

(2) For the purposes of paragraph 12(3)(a) of that Schedule, the individual is taken also to engage in recognised activity of the same kind for the purposes of paragraph 12(2)(b) of that Schedule while being engaged in that additional self-directed study.

27 Training course—break in course

(1) This section applies if:
(a) an individual engages in a recognised activity consisting of a training course for the purposes of paragraph 12(2)(b) of Schedule 2 to the Family Assistance Act; and
(b) a scheduled semester or vacation break during the training course includes a CCS fortnight, or any part of a CCS fortnight.

(2) For the purposes of paragraph 12(3)(b) of that Schedule, the individual is taken also to engage in recognised activity of the same kind for the purposes of paragraph 12(2)(b) of that Schedule during the period of the scheduled semester or vacation break that occurs during the CCS fortnight.

(3) However, an individual is not taken under subsection (2) also to engage in recognised activity in relation to a break that:
(a) occurs at the start or end of a course mentioned in paragraph (1)(a); or
(b) arises because the individual defers starting or continuing such a course.

(4) For the purposes of paragraph 12(4)(a) of that Schedule, the number of hours of recognised activity engaged in by the individual to which subsection (2) of this section applies during a scheduled semester or vacation break is taken to be the same number of hours as the number of hours of that training course normally scheduled during a period of the same length.

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28 Approved course of education or study—self-directed study

(1) This section applies if, during a CCS fortnight:
  (a) an individual engages in a recognised activity consisting of an approved course of education or study for the purposes of paragraph 12(2)(c) of Schedule 2 to the Family Assistance Act; and
  (b) the individual engages in additional self-directed study in relation to the course, outside the scheduled hours of the course.

Note: The individual may also be taken to engage in the recognised activity mentioned in paragraph (a) during a break in the course: see section 29.

(2) For the purposes of paragraph 12(3)(a) of that Schedule, the individual is taken also to engage in recognised activity of the same kind for the purposes of paragraph 12(2)(b) of that Schedule while being engaged in that additional self-directed study.

29 Approved course of education or study—break in course

(1) This section applies if:
  (a) an individual engages in a recognised activity consisting of an approved course of education or study for the purposes of paragraph 12(2)(c) of Schedule 2 to the Family Assistance Act; and
  (b) a scheduled semester or vacation break during the course includes a CCS fortnight, or any part of a CCS fortnight.

(2) For the purposes of paragraph 12(3)(b) of that Schedule, the individual is taken also to engage in recognised activity of the same kind for the purposes of paragraph 12(2)(c) of that Schedule during the period of the scheduled semester or vacation break that occurs during the CCS fortnight.

(3) However, an individual is not taken under subsection (2) also to engage in recognised activity in relation to a break that:
  (a) occurs at the start or end of a course mentioned in paragraph (1)(a); or
  (b) arises because the individual defers starting or continuing such a course.

(4) For the purposes of paragraph 12(4)(a) of that Schedule, the number of hours of recognised activity engaged in by the individual to which subsection (3) of this section applies during a scheduled semester or vacation break is taken to be the same number of hours as the number of hours of that course normally scheduled during a period of the same length.

Subdivision D—Hours during which activities are engaged in

30 Individual engages in paid work over variable hours

(1) This section applies if:
  (a) an individual engages in recognised activity during a CCS fortnight consisting of paid work for the purposes of paragraph 12(2)(a) of Schedule 2 to the Family Assistance Act; and

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(b) the individual's total number of hours of paid work (under one or more work arrangements) varies unpredictably from fortnight to fortnight.

(2) For the purposes of paragraph 12(4)(a) of that Schedule, the total number of hours of that recognised activity (under one or more work arrangements) engaged in by the individual in any particular CCS fortnight during which this section applies is taken to be the largest number of such hours engaged in by the individual during any CCS fortnight over any continuous period of 6 CCS fortnights, as reasonably estimated by the individual, during which the individual engages in recognised activity to which this section applies.

Example 1: Suzie is eligible for CCS. She works at a supermarket. She works shifts that vary unpredictably from CCS fortnight to CCS fortnight. She reasonably estimates that her hours of work per CCS fortnight, over a period of 6 CCS fortnights, can vary from 15 hours per CCS fortnight to a maximum of 45 hours per CCS fortnight.

Under this section, she is taken to engage in the recognised activity of paid work for the estimated maximum of 45 hours in each CCS fortnight while she continues to work on the same basis, until the circumstances of her work change significantly.

Example 2: Patrick is eligible for CCS. He has 3 casual jobs for different employers. His total number of hours of work for all of these jobs, taken together, varies unpredictably from CCS fortnight to CCS fortnight. He reasonably estimates that his total hours of work per fortnight, over a period of 6 CCS fortnights, can vary from 8 hours per CCS fortnight to a maximum of 50 hours per CCS fortnight.

Under this section, he is taken to engage in the recognised activity of paid work for the estimated maximum of 50 hours in each CCS fortnight while he continues to work on the same basis, until the circumstances of his work change significantly.

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Division 4—Minister's rules result

Subdivision A—Preliminary

31 Scope

This Division prescribes rules for the purposes of clause 14 of Schedule 2 to the Family Assistance Act.

Subdivision B—Circumstances in which an individual has a Minister's rule result—general

32 Individuals with disabilities or impairments

There is a Minister's rules result of 100 for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the individual is a disabled person, and as a result of the individual's disability or impairment, the individual:

(a) is unable to engage in recognised activity to any significant degree; or

(b) would be unable to adequately care for the child if the child did not attend sessions of care at a child care service.

Note: For the meaning of ***disabled person***, see subsection 3(1) of the Family Assistance Act.

33 Individual temporarily outside Australia

There is a Minister's rules result of 100 for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the individual is temporarily absent from Australia.

Note: Section 85EE of the Family Assistance Act sets out the maximum period of CCS (or ACCS) eligibility for an individual who is absent from Australia.

34 Individual in gaol or psychiatric confinement

There is a Minister's rules result of 100 for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the individual is in gaol (within the meaning of the *Social Security Act 1991*), or in psychiatric confinement that starts because he or she has been charged with an offence.

35 Individual or an individual's partner is a grandparent or great-grandparent

There is a Minister's rules result of 100 for an individual, or the partner of an individual, for a CCS fortnight, in relation to any child, if the individual would, on the first day of the fortnight, but for paragraph 85CJ(1)(d) of the Family Assistance Act, be eligible for ACCS (grandparent) for the child.

Note: Paragraph 85CJ(1)(d) of the Family Assistance Act provides as an eligibility condition for ACCS (grandparent) that an individual, or the individual's partner, must be receiving a social security or veterans' pension or benefit of a specified kind.

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36 Individual receiving a carer payment

There is a Minister's rules result of 100 for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the individual receives a carer payment under the *Social Security Act 1991*.

37 Individual providing constant care

(1) There is a Minister's rules result of 100 for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the individual would, but for an income test or asset test requirement, qualify for a carer payment under the *Social Security Act 1991*.

(2) An ***income test or asset test requirement*** is a requirement under Part 2.5 of the *Social Security Act 1991* that, in order to qualify for a carer payment, a person must pass the income test or the assets test under that Act.

38 Individual receiving a carer allowance

(1) There is a Minister's rules result under this section for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the individual receives a carer allowance under the *Social Security Act 1991*.

(2) The Minister's rules result for the individual for the fortnight, in relation to any child, is the higher of the following:
   (a) 72;
   (b) the recognised activity result that would apply for the fortnight if the individual engaged in recognised activity for the number of hours worked out as follows:

Hours of caring activity + Hours of recognised activity

where:

hours of caring activity, in relation to caring activity consisting of the provision of care and attention on a daily basis to a care receiver (or care receivers) for the purpose of qualifying for the carer allowance, means the actual number of hours in the fortnight the individual engages in such caring activity.

hours of recognised activity is the number of hours the individual engages in recognised activities that would (apart from this section) count towards the individual's recognised activity result for the fortnight.

(3) This section does not apply to an individual in relation to a CCS fortnight if section 36 or 37 applies to the individual in relation to the fortnight.

39 Individual receiving a jobseeker payment, youth allowance, parenting payment or special benefit

(1) There is a Minister's rules result under this section for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the

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individual receives one of the benefits under the *Social Security Act 1991* covered by subsection (2).

(2) The benefits covered by this subsection are each of the following, if receipt of the benefit is subject to requirements requiring the individual to engage in particular activities (***qualifying activities***) during the fortnight, or would be so subject if the individual were not exempt from those requirements under that Act:

(a) a parenting payment;

(b) a youth allowance;

(c) a jobseeker payment;

(d) a special benefit.

(4) The Minister's rules result for the individual for the fortnight, in relation to any child, is the higher of the following:

(a) 36;

(b) the recognised activity result that would apply for the fortnight if the individual engaged in recognised activity for the number of hours worked out as follows:

Hours of qualifying activity + Hours of recognised activity

where:

hours of qualifying activity is the actual number of hours the individual engages in qualifying activities for the receipt of the relevant benefit during the fortnight.

hours of recognised activity, in relation to activities other than qualifying activities, if the other activities are recognised activities, is the number of hours the individual engages in those recognised activities that would (apart from this section) count towards the individual's recognised activity result for the fortnight.

Note: Some activities may be both qualifying activities and recognised activities (for example, looking for paid work, for an individual receiving a jobseeker payment). Hours engaged in those activities are covered by the definition of ***hours of qualified activity***.

(5) Despite subsection (4), the Minister's rules result for the individual for the fortnight, in relation to any child, is 100 if:

(a) the individual is exempt under the *Social Security Act 1991* from the requirement to engage in ***qualifying activities***; and

(b) the exemption is not because the individual is a home educator or a distance educator, or because of the number of children for whom the individual is the principal carer or main supporter.

Note: For exemptions on the grounds mentioned in this paragraph, see section 542FA (Disabled children or other family circumstances) of the *Social Security Act 1991* and section 40P (Caring responsibilities) of the *Social Security (Administration) Act 1999*.

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39A Individual participating in ParentsNext program

(1) There is a Minister's rules result of 100 for an individual, in relation to any child, for a CCS fortnight in the period beginning on 12 June 2023 and ending on 9 June 2024, if, on the first day of the fortnight:
  (a) the individual is selected in the ParentsNext program; and
  (b) the individual is a 'Compulsory Participant' for the purposes of the *Social Security (Parenting payment participation requirements – class of persons) Instrument 2021* as in force on 12 June 2023; and
  (c) an exemption code has been applied to the effect that the individual is exempt from employment pathway plan requirements under the *Social Security Administration Act 1999* resulting in a Minister's rules result of 100.

39B Individual participating in Parents Pathways or transitioning from ParentsNext program

(1) There is a Minister's rule result of 36 for an individual for a CCS fortnight, in relation to any child, if, on the first day of the fortnight, the individual:
  (a) received one of the following benefits under the *Social Security Act 1991*:
    (i) a parenting payment; or
    (ii) a special benefit; and
  (b) is participating in Parent Pathways.

(2) There is a Minister's rule result of 36 for the individual for any CCS fortnight beginning in the period beginning on 11 November 2024 and ending on 11 May 2025, if, on 31 October 2024:
  (a) there was a Minister's rule result of 36 for the individual under section 39(1); and
  (b) the individual was a participant in the ParentsNext program.

40 Child attending early educational program at a centre-based day care service

There is a Minister's rules result of 36 for an individual for a CCS fortnight, in relation to a particular child, if, at any time during the CCS fortnight, the child attends an early educational program (such as a preschool or kindergarten program), in the year that is 2 years before grade 1 of school, offered at a centre-based day care service.

Subdivision C—Circumstances in which an individual has a Minister's rule result—post Early Childhood Education and Care Relief Package

40AA Application

(1) This Subdivision applies for the purpose of working out a Minister's rule result for an individual for a CCS fortnight that begins in the period beginning on 13 July 2020 and ending on 4 April 2021.

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(2) However, an individual does not have a Minister's rule result under this Subdivision for a CCS fortnight if the individual has a Minister's rule result for the fortnight under Subdivision B.

40AB Individual engaging in at least 8 hours of recognised activities

There is a Minister's rule result of 100 for an individual for a CCS fortnight (***current CCS fortnight***) if:

(a) for any CCS fortnight beginning in the period beginning on 13 January 2020 and ending on 22 March 2020:
  (i) either the individual or the individual's partner (if any) had a recognised activity result of 72 or higher; and
  (ii) the individual had a recognised activity result of 36 or higher; and

(b) for the current CCS fortnight, both the individual and the individual's partner (if any) have recognised activity results of 36 or higher.

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Part 3A—Withholding Amount

40A Prescribed percentage

The prescribed percentage for paragraph 67EB(3)(b) of the Family Assistance Administration Act is 5%.

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Part 3B—Publication of certain information relating to approved providers

40B Prescribed information

(1) The following information is prescribed for the purposes of paragraph 162B(1)(g) of the Family Assistance Administration Act:

(a) the address of each child care service in respect of which the approved provider is approved;

(b) the type of each child care service in respect of which the approved provider is approved;

(c) current and previous fee amounts charged by each child care service in respect of which the approved provider is approved;

(d) any information included in a notice given to the Secretary of the matters prescribed in items 1 to 9 of the table in section 55 of these Rules.

(2) For large child care providers, the following information is prescribed for the purposes of paragraph 162B(1)(g) of the Family Assistance Administration Act:

(a) information specified in paragraph 54AA(1)(e) of these Rules;

(b) information specified in paragraph 54AA(1)(f) of these Rules;

(c) the provider's revenue and profits for the period specified in subsection 54AA(2) of these Rules.

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Part 4—Approval of provider of child care services

Division 1—Application for approval

41 Applications for approval and variation taken not to be made during Early Childhood Education and Care Relief Package

(1) For paragraph 194A(3)(b) of the Family Assistance Administration Act, an application for approval as a provider is taken not to be made if it was made during the period mentioned in section 60A of these Rules.

(1A) For paragraph 196A(3)(b) of the Family Assistance Administration Act, an application for variation of a provider's approval is taken not to be made if it was made during the period mentioned in section 60A of these Rules.

(2) However, subsection (1) or (1A) does not apply in relation to a particular application if the Secretary:

(a) considers that exceptional circumstances exist in relation to the application that justify treating it as being made; and

(b) so determines in writing.

41A Circumstances in which application for approval and variation taken not to be made—application exclusion period

(1) For paragraph 194A(3)(b) of the Family Assistance Administration Act, an application for approval as a provider is taken not to be made if:

(a) during the application exclusion period, the Secretary refused to approve the provider under subsection 194B(6) of that Act due to the provider's failure to satisfy the provider eligibility rules in paragraph 194C(b), (c) or (d) of that Act; or

(b) during the application exclusion period, the Secretary cancelled the provider's approval under paragraph 195H(1)(b) of that Act due to the provider's failure to continue satisfy the provider eligibility rules in paragraph 194C(b), (c) or (d) of that Act; or

(c) a person with management or control of the provider was a person with management or control of a provider in relation to which the Secretary made a decision referred to in paragraph (a) or (b).

Note: Paragraph 195A(1)(a) imposes a condition for continued approval of an approved provider that the provider continues to satisfy the provider eligibility rules in section 194C.

(2) For paragraph 196A(3)(b) of the Family Assistance Administration Act, an application for variation of a provider's approval is taken not to be made if, during the application exclusion period:

(a) the Secretary refused to approve a variation of the provider's approval to add or remove a child care service to the provider's approval under subsection 196B(4) or 196C(3) of that Act due to the service's failure to satisfy the service eligibility rules in paragraph 194D(c) or (d) of that Act; or

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(b) the Secretary varied the provider's approval so that the provider was not approved in respect of one or more child care services under paragraph 195H(1)(d) of that Act due to the service's failure to continue to satisfy the service eligibility rules in paragraph 194D(c) or (d) of that Act.

Note: Paragraph 195A(1)(b) imposes a condition for continued approval of an approved provider that each approved child care service of the provider continues to satisfy the service eligibility rules in section 194D.

(3) However, subsections (1) and (2) do not apply in relation to a particular application if the Secretary:

(a) considers that exceptional circumstances exist in relation to the application that justify treating it as being made; and

(b) so determines in writing.

(4) In this section, the ***application exclusion period*** is the period of 18 months ending on the day the application is made (or would have been made, but for the operation of this section).

42 Who may apply for approval

For paragraph 194A(1)(d) of the Family Assistance Administration Act, the following entities and bodies are prescribed:

(a) an eligible association or a prescribed entity within the meaning of the Education and Care Services National Law and the Education and Care Services National Regulations;

(b) an unincorporated body or entity that has a governing body as referred to in section 230B of the Family Assistance Administration Act (application of family assistance law to providers that are unincorporated).

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Division 2—Provider eligibility rules

43 Additional rules for provider eligibility

(1) For the purposes of paragraph 194C(f) of the Family Assistance Administration Act, this section prescribes additional criteria that a provider must satisfy to be approved for the purposes of the family assistance law in respect of one or more child care services.

Note: It is a condition for continued approval of an approved provider that the provider continues to satisfy the provider eligibility rules in section 194C of the Family Assistance Administration Act, including the criteria set out in this section: see subsection 195A(1) of that Act.

Checks for persons with management or control of the provider

(2) The provider must ensure that each person who has management or control of the provider:

(a) if the person is an individual who is required under a law of a State or Territory to hold a working with children check—held a current working with children check immediately before the person commenced to hold that position;

(b) if the person is an individual—has had a national police check from a State or Territory police service, or an agency accredited by the Australian Criminal Intelligence Commission, carried out no more than 6 months before the person commenced to hold that position;

(c) unless the person is responsible for the day-to-day operation of a service of the provider—has had the following checks carried out no more than 30 days before the person commenced to hold that position:

(i) if the person is an individual—a National Personal Insolvency Index check using the Bankruptcy Register Search service provided by the Australian Financial Security Authority (AFSA);

(ii) if the person is an individual—a current and historical personal name extract search of the records of the Australian Securities and Investments Commission (ASIC);

(iii) if the person is a company—a current and historical company extract search of the records of the Australian Securities and Investments Commission (ASIC);

(d) if the person is an individual and is responsible for the day-to-day operation of a service of the provider, and the person becomes responsible for the day-to-day operation of another service of the provider—has had a national police check from a State or Territory police service, or an agency accredited by the Australian Criminal Intelligence Commission, carried out no more than 6 months before the person commenced to hold that other position.

Note: It is a condition under section 195D of the Family Assistance Administration Act that, for continued approval of an approved provider that, for each individual required under a law of a State or Territory to hold a working with children check in relation to care provided by a child care service of the provider, the provider must ensure that the individual has a current working with children check.

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Checks for FDC educators

(3) The provider must ensure that each person who is an FDC educator for an FDC service of the provider:

(a) held a current working with children check (within the meaning of section 195D of the Family Assistance Administration Act) immediately before the person commenced to hold that position;

(b) has had a national police check from a State or Territory police service, or an agency accredited by the Australian Criminal Intelligence Commission, carried out no more than 6 months before the person commenced to hold that position;

(c) if the FDC educator becomes an FDC educator with another FDC service of the provider—has had a national police check from a State or Territory police service, or an agency accredited by the Australian Criminal Intelligence Commission, carried out no more than 12 months before the person commenced to hold that other position.

Note: It is a condition under section 195D of the Family Assistance Administration Act for continued approval of an approved provider that, for each individual required under a law of a State or Territory to hold a working with children check in relation to care provided by a child care service of the provider, the provider must ensure that the individual has a current working with children check.

Checks for IHC educators

(4) The provider must ensure that each person who is an IHC educator for an in home care service of the provider:

(a) held a current working with children check (within the meaning of section 195D of the Family Assistance Administration Act) immediately before the person commenced to hold that position;

(b) has had a national police check from a State or Territory police service, or an agency accredited by the Australian Criminal Intelligence Commission, carried out no more than 6 months before the person commenced to hold that position;

(c) if the IHC educator becomes an IHC educator with another in home care service of the provider—has had a national police check from a State or Territory police service, or an agency accredited by the Australian Criminal Intelligence Commission, carried out no more than 12 months before the person commenced to hold that other position.

Note: It is a condition under section 195D of the Family Assistance Administration Act for continued approval of an approved provider that, for each individual required under a law of a State or Territory to hold a working with children check in relation to care provided by a child care service of the provider, the provider must ensure that the individual has a current working with children check.

Evidence of checks to be provided on request

(5) The provider must provide written evidence of a check mentioned in this section to the Secretary on request.

Note: For the requirement to provide a declaration to the Secretary that the checks required by this section have been carried out, see table item 10 of section 55.

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Division 3—Service eligibility rules

44 Additional prescribed matters for service eligibility

(1) For subparagraph 194D(f)(vi) of the Family Assistance Administration Act, the Secretary must have regard to the following matters in relation to each FDC educator or IHC educator who provides, or is to provide, care for the service:

(a) any act of the educator involving fraud or dishonesty;

(b) the arrangements the educator has:

(i) to ensure the educator complies with the family assistance law; and

(ii) to ensure anyone the educator is responsible for managing complies with the family assistance law.

(2) Subsection (1) does not apply in relation to an FDC educator or IHC educator who is covered by any of the following provisions of the Family Assistance Administration Act:

(a) paragraph 194C(b), (c) or (d) (providers and persons who have or will have management and control of a child care service);

(b) paragraph 194D(c) or (d) (persons who have or will have day-to-day control of a child care service).

Note: The criteria described in subsection (1) already apply to an FDC educator or IHC educator mentioned in subsection (2) as matters to be considered in determining whether he or she is a fit and proper person under section 194E of the Family Assistance Administration Act (see paragraphs 194E(1)(f) and (g)), along with additional criteria mentioned in that section.

45 Additional criteria for service eligibility rules

(1) For paragraph 194D(g) of the Family Assistance Administration Act, this section sets out additional criteria for satisfying the service eligibility rules.

Centre-based day care services

(2) Where the provider applies for approval in respect of a centre-based day care service:

(a) the service must be:

(i) approved as a centre-based service under the Education and Care Services National Law; or

(ii) licensed or registered to operate as an occasional care service under State or Territory law; or

(iii) covered by section 50 of these Rules (certain providers not required to meet State/Territory requirements); or

(iv) where the service is not an education and care service under the Education and Care Services National Law—a service in respect of which the provider holds any other approvals or licences that are relevant to providing child care and which are required to operate the service under the law of the State or Territory in which the service is situated; and

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(b) the service must not, in the opinion of the Secretary, operate primarily as an outside school hours care service (for example, by providing care to a majority of children who attend school).

Outside school hours care services

(3) Where the provider applies for approval in respect of an outside school hours care service:

(a) the service must be:

(i) approved as a centre-based service under the Education and Care Services National Law; or

(ii) covered by section 50 of these Rules; or

(iii) where the service is not an education and care service under the Education and Care Services National Law—a service in respect of which the provider holds any other approvals or licences that are relevant to providing child care and which are required to operate the service under the law of the State or Territory in which the service is situated; and

(b) the service must, in the opinion of the Secretary, primarily provide care outside normal school hours to:

(i) children who attend school; or

(ii) children who attend an early education program provided to children in the year that is 2 years before grade 1 of school (such as preschool or kindergarten); or

(iii) a combination of children referred to in subparagraphs (3)(b)(i) and (ii).

(3A) For the purposes of paragraph (3)(b), ***normal school hours*** include normal hours of an early educational program provided to children in the year that is 2 years before grade 1 of school (such as preschool or kindergarten).

Family day care services

(4) Where the provider applies for approval in respect of a family day care service, the service must be approved as an FDC service under the Education and Care Services National Law, or be covered by section 50 of these Rules.

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Division 4—Fit and proper person considerations

46 Additional matters to take into account

(1) For paragraph 194E(1)(k) of the Family Assistance Administration Act, this section prescribes matters to which the Secretary must have regard in determining whether a person (the ***provider or person with management or control***) is a fit and proper person.

(2) The Secretary must have regard to the experience and expertise of the provider or person with management or control in the provision of child care services.

(3) The Secretary must have regard to the understanding that can be demonstrated by the provider or person with management or control, of the obligations that would apply under the family assistance law, and the level of commitment to complying with those obligations.

(4) The Secretary must have regard to whether all the following circumstances exist:
  (a) an educator who provides, or is to provide, care at the service (whether or not the person is employed by the provider of the service) has obtained a qualification in respect of providing child care from a registered training organisation;
  (b) the provider or person with management or control has an interest in that registered training organisation, by virtue of which the provider or person owns, operates, controls or carries out the registered training organisation;
  (c) it reasonably appears that the qualification:
    (i) would not have been obtained without that interest of the provider or person with management or control, and as a result, the educator has not obtained the qualification solely on her or his own merit; or
    (ii) the qualification has otherwise been obtained in circumstances that might reasonably be perceived as a conflict of interest.

(5) The Secretary must have regard to whether the provider or person with management or control has an interest in a business, by virtue of which the provider or person owns, operates, controls or carries out the business, if it reasonably appears that:
  (a) the nature of the interest is such that the provider's or person's ability to comply with obligations under the family assistance law is reduced; or
  (b) the nature of the interest is such that approval of the service will provide a benefit to the business; or
  (c) the circumstances are otherwise such that there might reasonably be perceived to be a conflict of interest.

Note: See section 194F of the Family Assistance Administration Act for who is a ***person with management or control*** of a provider.

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Division 5—Conditions for continued approval

46A Minimum operating periods for approved child care services—suspension on request

(1) For the purposes of subsection 195C(3) of the Family Assistance Administration Act, this section prescribes the minimum period of operation for a child care service of an approved provider if the approval of the provider, or the approval of the provider in respect of one or more services, is suspended under subsection 197AA(3) of that Act (suspension on request).

(2) If the service is not an outside school hours care service, the minimum period of operation for the service for a year in which the whole, or a part, of the suspension occurs is:
  (a) if the period of suspension that occurs in the year is more than 48 weeks—nil;
  (b) otherwise—48 weeks, minus the period of suspension that occurs in the year.

(3) For an outside school hours care service, if the period of suspension that occurs in a year is more than 5 weeks, the minimum period of operation for the service for that year is nil.

(4) For the purposes of this section, a ***year*** is a period of 12 months starting on:
  (a) the day the provider is approved in respect of the child care service; or
  (b) the anniversary of that day.

47 Provision of care by an FDC educator to relatives

For section 195E of the Family Assistance Administration Act, it is a condition for continued approval in relation to an FDC service that the provider ensures that less than 50% of the children to whom any FDC educator is providing care within any CCS fortnight at the service are related to the FDC educator as:
  (a) a niece or nephew; or
  (b) a cousin; or
  (c) a grandchild (including a great-grandchild).

47A Approved provider must give certain information about third party payments

(1) For the purposes of section 195E of the Family Assistance Administration Act, if a payment prescribed by these Rules for the purposes of paragraph 2(2A)(c) of Schedule 2 to the Family Assistance Act is to be made to an approved provider in respect of a session of care provided to a child, it is a condition for continued approval that the provider give information to the individual eligible for CCS in respect of the child about the effect of that payment.

(2) The information must be provided as soon as practicable after the provider becomes aware that the payment is to be made.

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48 Approved child care services must continue to be operated by approved provider and as the same service type

For section 195E of the Family Assistance Administration Act, it is a condition for continued approval that the approved child care service continues to be:

(a) operated by the approved provider that:
  (i) applied for approval in respect of the service under section 194A of the Family Assistance Administration Act; or
  (ii) was taken to be the approved provider in respect of the service under paragraph 9(1)(a) of Schedule 4 to the Jobs for Families Act; and

(b) operated as the same type of service that is:
  (i) specified in the notice of approval given by the Secretary under subsection 194B(4) of the Family Assistance Administration Act; or
  (ii) determined by the Secretary under subitem 9(2) of Schedule 4 to the Jobs for Families Act.

48A Additional conditions for continued approval for approved providers of in home care services

(1) For section 195E of the Family Assistance Administration Act, this section sets out conditions for continued approval for a provider in respect of an IHC service.

Commitment to high quality child care

(2) The provider must, in the opinion of the Secretary, be equipped to provide high quality child care at the service appropriate to the needs of families and the community having regard to the provider's ability and commitment to:

(a) provide a tailored, individual education program based on each child's knowledge, ideas, culture, abilities and interests; and

(b) develop a program that acknowledges and strengthens the cultural identity of children to whom care is provided; and

(c) ensure children are adequately supervised at all times; and

(d) ensure reasonable precautions are taken to protect children from harm or injury and any hazard likely to cause harm or injury; and

(e) ensure that at least one IHC educator who is caring for children at residential premises holds a current first aid qualification; and

(f) do anything else the Secretary considers necessary or appropriate for the provision of high quality child care.

Serious incidents

(3) The provider must implement appropriate arrangements to manage serious incidents (see subsection (4)), including (without limitation) notifying the Secretary in writing within 24 hours after:

(a) a serious incident occurs; or

(b) a circumstance occurs that could have resulted in the occurrence of a serious incident.

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(4) The following incidents are ***serious incidents***:

(a) the death of a child while being cared for by the service or as a result of an incident that occurred while being cared for by the service;

(b) any incident involving injury, harm, trauma to, or illness of, a child while being cared for by the service for which:

(i) the attention of a medical practitioner was sought, or ought reasonably to have been sought; or

(ii) the child attended, or ought reasonably to have attended, a hospital;

(c) any incident for which the attendance of emergency services at premises where care is usually provided is sought, or ought reasonably to have been sought;

(d) a child being cared for:

(i) is missing; or

(ii) appears to have been taken or removed from the premises where the service provides the care in a manner that would contravene the Education and Care Services National Regulations, regardless of whether the regulations apply; or

(iii) is accidentally locked in or locked out of the premises where the care is being provided or any part of those premises;

(e) any other incident that would be required to be reported to the Regulator under any applicable WHS laws (within the meaning of subsection 49(6) of these Rules).

Insurance

(5) The provider must, at all times, have in place the following insurance policies:

(a) workers compensation insurance in relation to the relevant IHC service as required by law; and

(b) a current policy of insurance providing adequate cover for the relevant IHC service against public liability with a minimum cover of $10,000,000.

Number of children who can be cared for

(6) A provider of an IHC service must ensure that, whenever care is being provided by an IHC service:

(a) there is at least one IHC educator for any group of up to five children; and

(b) for any group of children referred to in paragraph (a), no more than four children are of preschool age or under (within the meaning of the Education and Care Services National Regulations).

Nomination of child in respect to whom individual is eligible

(7) Where a provider nominates a child for the purposes of subsection 15A(1) of these Rules, the nomination must be made in accordance with any preference expressed by the individual who would be eligible for CCS or ACCS in respect of that child, or their partner.

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IHC Guidelines

(8) A provider of an IHC service must comply with the *In Home Care National Guidelines*, as existing from time to time.

Note: The *In Home Care National Guidelines* could in 2020 be viewed on the Department's website.

Engagement with IHC Support Agencies

(10) A provider of an IHC service must:
(a) only enrol a child for care after receiving a referral from an IHC Support Agency; and
(b) inform an IHC Support Agency when a child ceases to be enrolled at the service within 7 days of the cessation; and
(c) otherwise provide reasonable assistance to and cooperate with an IHC Support Agency consistently with furthering the purpose of their role as set out in the *In Home Care National Guidelines*, as existing from time to time; and
(d) comply with any reasonable requests for information from the IHC Support Agency.

Note: The *In Home Care National Guidelines* could in 2020 be viewed on the Department's website.

48B Provider must not offer certain inducements

(1) For section 195E of the Family Assistance Administration Act, it is a condition of continued approval of an approved provider that the provider does not offer or provide a benefit, or cause a benefit to be offered or provided, if the benefit would be reasonably likely to induce a person to commence or maintain an enrolment of a child with the provider, or engage in greater quantity of care under that enrolment.

(2) However, subsection (1) does not apply in relation to the following benefits:
(a) the quality of the education and care, including the availability of pre-school programs or priority enrolment for associated schools;
(b) the amount of fees for the care;
(c) the ability to offer care that attracts child care subsidy or additional child care subsidy;
(d) allowing a permissible staff discount under subsection 201BA(1) of the Family Assistance Administration Act or a prescribed circumstances discount under subsection 201BB(1) of the Family Assistance Administration Act;
(e) payments that are prescribed for the purposes of paragraph 2(2A)(c) of Schedule 2 to the Family Assistance Act;
(f) the days on which sessions of care will usually be provided, or the start and end times for these sessions of care;
(g) inclusions relating to the basic needs of the child while in care, such as food and nappies;

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(h) transport for the child in connection with care, such as between the service and the child's home or school;
(i) marketing merchandise up to the total value of $30 per complying written arrangement;
(j) contributions or donations to charities.

48C Additional condition for continued approval for providers reimbursed by individuals for debts—absences before first attendance and after last attendance

(1) This section applies to an approved child care provider if:
(a) an amount (the ***CCS/ACCS amount***) was paid to an individual by way of CCS or ACCS for a session of care provided by a child care service of the provider to a child on a day;
(b) the child did not attend any part of the session of care on that day; and
(c) the day was:
(i) before the day the child first attended a session of care provided by the service; or
(ii) after the last day the child attended a session of care provided by the service before the child ceased to be enrolled by the service; and
(d) the Commonwealth recovered the CCS/ACCS amount from the provider as a debt due to the Commonwealth by the provider under section 71F of the Family Assistance Administration Act; and
(e) the provider required the individual to reimburse the provider for all or part of the CCS/ACCS amount; and
(f) as a result of the requirement referred to in paragraph (e), the individual paid the provider an amount (***reimbursement amount***); and
(g) the Secretary made a decision (the ***review decision***) under Part 5 of the Family Assistance Administration Act to set aside the debt decision and substitute a new decision that the debt did not exist; and
(h) the provider received an amount from the Commonwealth to implement the review decision (***repayment amount***).

(2) For the purposes of section 195E of the Family Assistance Administration Act, the condition is that the provider take all reasonable steps to pass on to the individual an amount equal to the reimbursement amount as soon as reasonably practicable after receiving the repayment amount.

49 Additional conditions for continued approval for child care services to which section 50 applies

(1) For section 195E of the Family Assistance Administration Act, this section sets out conditions of continued approval for a provider in respect of a child care service to which section 50 of these Rules (certain providers not required to meet State/Territory requirements) applies.

(1A) Despite subsection (1), this section does not apply to a provider in respect of any of the following:

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(a) a State regulated education and care service within the meaning of the *Children (Education and Care Services) Supplementary Provisions Act 2011* (NSW);
(b) a Queensland education and care service within the meaning of the *Education and Care Services Act 2013* (Qld);
(c) an early childhood service within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011* (SA);
(d) a child care service within the meaning of the *Child Care Act 2001* (Tas);
(e) a children's service within the meaning of the *Children's Services Act 1996* (Vic);
(f) a child care service within the meaning of the *Child Care Services Act 2007* (WA);
(g) a childcare service within the meaning of the *Children and Young People Act 2008* (ACT).

Commitment to high quality child care

(2) The provider must, in the opinion of the Secretary, be equipped to provide high quality child care at the service appropriate to the needs of families and the community having regard to the provider's ability and commitment to:
(a) provide a tailored, individual education program based on each child's knowledge, ideas, culture, abilities and interests; and
(b) develop a program that acknowledges and strengthens the cultural identity of children to whom care is provided at the service; and
(c) ensure children are adequately supervised at all times; and
(d) ensure reasonable precautions are taken to protect children from harm or injury and any hazard likely to cause harm or injury; and
(e) ensure that at least one staff member who holds a current approved first aid qualification is on duty and present at the service at all times that care is being provided by the service; and
(f) do anything else the Secretary considers necessary or appropriate for the provision of high quality child care at the service.

Serious incidents

(3) The provider must implement appropriate arrangements to manage serious incidents (see subsection (4)), including (without limitation) notifying the Secretary in writing within 24 hours after:
(a) a serious incident occurs; or
(b) a circumstance occurs that could have resulted in the occurrence of a serious incident.

(4) The following incidents are ***serious incidents***:
(a) the death of a child while being cared for by the service or as a result of an incident that occurred while being cared for by the service;
(b) any incident involving injury, harm, trauma to, or illness of, a child while being cared for by the service for which:

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(i) the attention of a medical practitioner was sought, or ought reasonably to have been sought; or

(ii) the child attended, or ought reasonably to have attended, a hospital;

(c) any incident for which the attendance of emergency services at premises where care is usually provided is sought, or ought reasonably to have been sought;

(d) a child being cared for:

(i) is missing; or

(ii) appears to have been taken or removed from the premises where the service provides the care in a manner that would contravene the Education and Care Services National Regulations, regardless of whether the regulations apply; or

(iii) is accidentally locked in or locked out of the premises where the care is being provided or any part of those premises.

Work health and safety

(5) The provider must do the following things as part of managing workplace health and safety in relation to the service:

(a) if required under the WHS laws to report to the Regulator a notifiable incident arising out of the provision of care by the service, the provider must also:

(i) immediately, or as soon as possible afterwards, give written notice of the incident to the Secretary, together with a copy of any written notice given to the Regulator; and

(ii) give the Secretary, within 14 days after the incident occurred, a report detailing the circumstances of the incident, the results of investigations into its cause, and any recommendations or strategies for prevention in the future;

(b) give the Secretary written notice with full details of the following:

(i) any suspected contravention of the WHS laws relating to the provision of care by the service within 24 hours after becoming aware of the suspected contravention;

(ii) any cessation or direction to cease work under the WHS laws relating to the service due to unsafe work, immediately, or as soon as possible, after the provider is informed of any such cessation or direction;

(iii) any workplace entry under the WHS laws by a WHS Entry Permit Holder, or an Inspector, to any premises of the service where care is being provided, within 24 hours of becoming aware of any such workplace entry;

(iv) any proceedings against the provider, or any decision or request by the Regulator given to the provider, under the WHS laws, within 24 hours of becoming aware of any such proceedings, decision or request;

(c) provide the Secretary with copies of all notices and correspondence issued to the provider by any person under the WHS laws, within 24 hours after receiving any such notice or correspondence.

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(6) The ***WHS laws*** are the following:
  (a) the *Work Health and Safety Act 2011*;
  (b) any regulations or other instruments made under that Act;
  (c) any corresponding WHS laws within the meaning of that Act.

(7) A term used in subsection (5) has the same meaning as in the WHS laws.

Insurance

(8) The provider must, at all times, have in place the following insurance policies:
  (a) workers compensation insurance in relation to the service as required by law; and
  (b) a current policy of insurance providing adequate cover for the service against public liability with a minimum cover of $10,000,000.

Quality Improvement Plan

(9) A provider is required to have, within 6 months after the approval of the service, a written Quality Improvement Plan that:
  (a) is available to view by the Secretary on request; and
  (b) assesses the service's strengths and weaknesses against each of the 7 key quality areas of the *National Quality Standard of the National Quality Framework* (which in 2017 could be viewed at http://acecqa.gov.au/national-quality-framework/the-national-quality-standard).

(10) A provider is required to review annually the Quality Improvement Plan referred to in subsection (9) by reassessing the service's strengths and weaknesses against each of the 7 key quality areas referred to in paragraph (9)(b), indicating progress and areas for improvement.

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Division 5A—Allocation of places to in home care services

49A Application of Division

(1) This Division sets out allocation rules in relation to the allocation of places to in home care services for the purposes of section 198A of the Family Assistance Administration Act.

(2) For the purposes of paragraph 198A(c) of the Family Assistance Administration Act, an approved child care service that is an in home care service is subject to the allocation rules.

49AA What constitutes a child care place?

For the purposes of paragraph 198A(ba) of the Family Assistance Administration Act, a ***child care place*** for an approved child care service that is an in home care service is:

(a) a place (a ***full-time place***) in respect of which 35 hours of in home care is provided to a child per week; or

(b) a place in respect of which a number of hours making up a fraction of one or more full-time places is provided to a child per week.

Note: Examples for paragraph (b):

(a) if a child care place is 0.5 of a full-time place, it is a place in respect of which 17 hours and 30 minutes of in home care is provided to a child per week;

(b) if a child care place is 1.2 of a full-time place, it is a place in respect of which 42 hours of in home care is provide to a child per week.

49B Matters to be taken into account in allocating places

(1) For paragraphs 198A(b) and (g) of the Family Assistance Administration Act, in working out the number of places to be allocated to an in home care service, or the number of allocated places to be reduced, the Secretary must take into account any recommendations provided by an IHC Support Agency.

(2) An ***IHC Support Agency*** is an entity engaged and funded by the Department responsible for child care matters to support the delivery of in home care in each State and Territory through a networked brokerage model.

49C Maximum number of child care places that can be allocated

(1) For the purposes of paragraph 198A(d) of the Family Assistance Administration Act, the maximum number of child care places that can be allocated to all in home care services is 3200 full-time places (within the meaning of section 49AA of these Rules).

(2) In counting child care places for the purposes of subsection (1), a place covered by paragraph 49AA(b) is taken into account as an appropriate fraction of an equivalent full-time place.

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Division 6—Certain child care services not required to meet State/Territory requirements

50 Certain providers not required to meet State/Territory requirements

(1) For section 199F of the Family Assistance Administration Act, a provider is specified in respect of a child care service if, on 30 June 2018:

(a) a person or entity was in receipt of funding in respect of that service (see subsection (2)) under the Budget Based Funded program administered by the Department; and

(b) that service was not approved for the purposes of the family assistance law.

Note: At the time these Rules were made, paragraph 5(2)(k) of the Education and Care Services National Regulations exempted a service described in this subsection from being required to comply with the Education and Care Services National Law.

(2) The reference to "that service" in subsection (1) is taken to include a reference to a business or enterprise in respect of which any provider, after 2 July 2018, has obtained service approval under the family assistance law.

Example: An operator, Mungo Shire Council, received funding under the Budget Based Funded program on 30 June 2018 in respect of Red Crayon Child Care Service. Mungo Shire Council decides it can no longer operate Red Crayon Child Care Service and KLP Pty Ltd takes over management of the service on 1 August 2018. The new provider applies for, and is granted, provider and service approval under the family assistance law effective from 1 August 2018 in respect of that service. From 2 July 2018 up to transfer of management on 1 August 2018, Mungo Shire Council is specified under subsection (1) in respect of Red Crayon Child Care Service and, from 1 August 2018, KLP Pty Ltd is specified in respect of Red Crayon Child Care Service.

(3) For section 199F of the Family Assistance Administration Act, the following providers are specified in respect of the following child care services:

Item	This provider…	…is specified in respect of this/these child care service/s
1	MacDonnell Regional Council	(a) Areyonga Early Learning Centre (Lydia Dora Crèche) (b) Docker River Crèche (c) Papunya Crèche
2	Life Without Barriers (ACN 101 252 171)	Lajamanu Childcare Centre (Lajamanu Crèche)
3	Tiwi Islands Regional Council	Milikapiti Crèche
4	Deewin Kirim Aboriginal Corporation	Peppimenarti Crèche
5	Mungoorbada Aboriginal Corporation	Robinson River Crèche
6	Timber Creek School Council	Timber Creek Little Crocs Crèche
7	Victoria Daly Regional Council	Karuwalijawu (Yarralin) Crèche
8	Banyan Park Playcentre Incorporated	Banyan Park Playcentre

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(4) For section 199F of the Family Assistance Administration Act, a provider is specified in respect of a service where the service was formed by an amalgamation or merger involving at least one of the services mentioned in, or covered by, subsection (1), (2) or (3) of this section.

51 Certain providers not subject to minimum operating period

For paragraph 199F(b) of the Family Assistance Administration Act, section 195C of that Act (about a minimum operating period) is prescribed.

Note: Paragraph 199F(b) states that a provider of a child care service specified under the Minister's rules made for section 199F are not required to satisfy or comply with a provision prescribed in the Minister's rules. Section 50 of these Rules specifies the providers that are not required to comply with the minimum operating period referred to in section 195C.

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Division 7— Consequences of breach of conditions for continued approval

52 Matters the Secretary must take into account in exercising the power to impose a sanction on an approved provider

(1) This section prescribes matters for subsection 195H(2) of the Family Assistance Administration Act to be taken into account by the Secretary in relation to the exercise of a power to impose a sanction under subsection 195H(1) of that Act for having not complied, or not complying, with a condition (or conditions) of the provider's continued approval.

(2) This section does not limit the matters the Secretary may take into account for that purpose.

Whether to impose a sanction

(3) In deciding whether to impose a sanction on the provider, the Secretary must take into account whether the provider's non-compliance:

(a) appears to be an isolated incident or forms part of a history of apparent contraventions engaged in by the provider; or

(b) has resulted in overpayments of CCS and ACCS, or is likely to result in such overpayments; or

(c) involves a failure to reasonably cooperate with a person exercising powers under the family assistance law; or

(d) involves a failure to take reasonable care to ensure that information given to the Secretary in connection with the family assistance law, including in a report under subsection 204B(1) of the Family Assistance Administration Act, is not inaccurate, false or misleading; or

(e) is associated with a debt to the Commonwealth (whether or not discharged) under Division 2 of Part 4 of the Family Assistance Administration Act; or

(g) is associated with any other relevant aggravating or mitigating factors in relation to the non-compliance.

Which sanction to impose

(4) The Secretary must take into account the following matters in considering which sanction to impose:

(a) whether it would be more appropriate to exercise the power to suspend the provider's approval under paragraph 195H(1)(a) of the Family Assistance Administration Act rather than to impose a different sanction, having regard to the following matters:

(i) whether the provider's non-compliance is of a systemic and ongoing nature (taking into account that systemic and ongoing contraventions may be more appropriately dealt with through cancellation rather than suspension);

(ii) whether the provider's non-compliance has resulted in significant debts of CCS and ACCS, or is likely to result in overpayments of

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CCS or ACCS if the approval is not suspended (taking into account that the higher the debts or overpayments, the more appropriate it is to cancel rather than suspend);

(iii) any other relevant matters;

(b) whether it would be more appropriate to cancel the provider's approval under paragraph 195H(1)(b) of that Act rather than to impose a different sanction, having regard to the following matters:

(i) whether the non-compliance has resulted in significant and multiple overpayments of CCS and ACCS, or is likely to result in such overpayments if the approval is not cancelled;

(ii) whether the non-compliance indicates a failure to take reasonable care to comply with the condition, or a lack of ability to understand the obligation to comply;

(iii) whether the non-compliance demonstrates that the provider is no longer a fit and proper person to provide a child care service for the purposes of section 194E of the Family Assistance Administration Act;

(iv) whether the non-compliance constitutes an unacceptable risk to the safety, health or wellbeing of children being cared for in one or more child care services for which the provider is approved;

(v) any other relevant matters.

53 Matters the Secretary must have regard to in specifying the day of effect of a revocation of a suspension

(1) This section prescribes matters for subsection 195H(6) of the Family Assistance Administration Act to be taken into account by the Secretary in specifying the day of effect of the revocation of a suspension of a provider's approval (under subsection (1) of that section) for non-compliance with a condition (or conditions) of the provider's continued approval.

(2) This section does not limit the matters the Secretary may take into account for that purpose.

(3) The Secretary must take into account the following matters:

(a) whether the provider is now complying (to the extent it is possible to do so whilst suspended) with all conditions for continued approval, and if so, whether it is appropriate to specify that the revocation of suspension is to take effect immediately;

(b) if relevant, the date on which the provider remedied the non-compliance, and if so, whether it is appropriate to specify that date as the day of effect;

(c) if the provider is not yet able to comply with all conditions for continued approval, whether the provider has demonstrated the ability to do so by a specified date in the future, and if so, whether it is appropriate to specify that date as the day of effect;

(d) if the Secretary is satisfied that the suspension should never have taken place, whether it is appropriate for the revocation to take effect from the day of suspension.

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Division 8—Backdating of approvals etc.

54 Modifications dealing with backdated approval

(1) Under subsection 199G(1) of the Family Assistance Administration Act, the Family Assistance Act and the Family Assistance Administration Act are modified as set out in this section in relation to a period (the ***period of backdated approval***):

(a) beginning on the day specified in a notice of approval in respect of a child care service (as mentioned in paragraph 199G(1)(a) or (b) of that Act), or a notice of the revocation of the suspension of such an approval (as mentioned in paragraph 199G(1)(d) of that Act); and

(b) ending on the day the Secretary gave such a notice.

Family Assistance Act

(2) Paragraph 85CB(2)(c) of the Family Assistance Act is modified so that a certificate of risk of serious abuse or neglect given in accordance with section 85CB of that Act can be specified to take effect earlier than 28 days before the day the certificate is given, but no earlier than the first day of the period of backdated approval.

(3) Paragraph 85CH(6)(a) of the Family Assistance Act is modified so that a determination of temporary financial hardship made under section 85CH of that Act can be specified to take effect earlier than 28 days before the day the application was made, or the determination was made, but no earlier than the first day of the period of backdated approval.

Family Assistance Administration Act

(4) Paragraph 204B(2)(d) of the Family Assistance Administration Act is modified so that the period of time in which the approved provider must submit a report in accordance with section 204B of that Act (that is, in respect of each week in which a session of care is provided to a child during the period of backdated approval) is extended to no longer than 14 days after the period of backdated approval.

(5) Subsection 204K(1) of the Family Assistance Administration Act is modified so that the period of time in which the approved provider must notify an appropriate State/Territory support agency in accordance with that section is extended to no longer than 6 weeks after the period of backdated approval.

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Part 5—Provider requirements

Division 1AA—Requirements for large child care providers

54AA Financial reporting requirements for large child care providers

Financial information to be provided

(1) For the purposes of paragraph 203BA(2)(b) of the Family Assistance Administration Act, a report under subsection 203BA(1) of that Act must include the following financial information:

(a) a statement of financial position;

(b) a statement of comprehensive income;

(c) a statement of changes in equity;

(d) a statement of cash flows;

(e) details of rental arrangements for each child care service in respect of which the approved provider is approved;

(f) the amount of rent paid for each child care service in respect of which the approved provider is approved;

(g) if a Director's report is produced, the Director's report;

(h) if an Auditor's report is produced, the Auditor's report;

(i) information necessary for assessing whether the provider is and will remain financially viable;

Example: Information on the provider's ability to meet all liabilities payable, debt guarantees from parent entities, movement in holdings of the provider's child care services, impacts of events outside the provider's control, other forms of business support available to the provider, changes in operating environment, and strategies the provider has implemented to maintain or improve its financial position.

(j) any other information necessary to assist in the understanding of the financial information listed in paragraphs (a) to (i).

Period to which the financial information relates

(2) For the purposes of subparagraph 203BA(2)(b)(ii) of the Family Assistance Administration Act, the following periods are prescribed:

(a) for large child care providers that produce annual financial reports for the financial year—the financial year; and

(b) for large child care providers that produce annual financial reports for the calendar year—the calendar year.

Period within which financial information is to be provided

(3) For the purposes of subparagraph 203BA(2)(c)(ii) of the Family Assistance Administration Act, the period of 4 months after the end of the period that allies under paragraph 203BA(2)(b) of that Act is prescribed.

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Division 1A—Payment of hourly session fees and prescribed circumstances discounts

54A Exceptions to requirement to pay fees using an electronic funds transfer system

For the purposes of subsection 201B(1A) of the Family Assistance Administration Act, the circumstance is the individual reasonably fears that paying the hourly session fees using an electronic funds transfer system puts the individual or a child of the individual at risk of family or domestic violence.

54B Prescribed circumstances discount for sessions of care provided during periods of emergency or by States or Territories

(1) For the purposes of subsection 201BB(1) of the Family Assistance Administration Act, a provider may allow an individual, or the individual's partner, a prescribed circumstances discount if:

(a) the session of care was provided on or after 1 January 2023; and

(b) the session of care was provided during a period of emergency; and

(c) the child did not attend any part of the session of care:

(i) as a direct result of the emergency; or

(ii) because the service, or part of the service, that provided the session of care is closed as a direct result of the emergency.

(2) For the purposes of subsection 201BB(1) of the Family Assistance Administration Act, a provider may allow an individual, or the individual's partner, a prescribed circumstances discount if:

(a) the session of care is provided on a day between 1 January 2025 to 31 December 2025; and

(b) the session of care was provided by a centre-based day care service in a preschool program offered by that service; and

(c) the program is aimed at children in the years that are 2 years or 3 years before grade 1 of school; and

(d) the provider of the service is a State or Territory, or an authority of a State or Territory.

(3) In this section, ***preschool program*** has the meaning given in subsection 16A(4).

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Division 1—Requirement to notify Secretary of certain matters

55 Matters that must be notified to the Secretary

For subsection 204F(1) of the Family Assistance Administration Act, an approved provider must give the Secretary written notice of the matters prescribed in the table below, by the time prescribed in the table.

Item	Matter to be notified	When notification needs to be provided
1	Fees 1.1 Information on the fees for care for each approved child care service of the provider as notified to individuals who may enrol their child for care at the service (whether expressed in a contract for services, however described, through any fee charging policies, or as published by the service through marketing, advertising or any other promotional material or means) (***fee information***). The fee to be notified to the Secretary is: (a) where fees are advertised on a daily or sessional basis, the fees that apply daily or to sessions of care, as applicable; or (b) the total hourly fee advertised by the provider for care provided by the service, expressed before any fee reduction amounts (as set out in section 67EB of the Family Assistance Administration Act) or other rebates and discounts are applied, which may otherwise reduce the total fee. 1.2 Where the fee information is provided on a daily or sessional basis (under paragraph 1.1(a)), the number of hours in each session of care to which the fee relates. 1.3 Any change to the fee information.	1.1.1 If the provider is taken to be approved in respect of the service under item 9 of Schedule 4 to the Jobs for Families Act—within 14 days after the commencement day. 1.1.2 If the provider is approved in respect of the service under Part 8 of the Family Assistance Administration Act—within 14 days after the day on which the provider is given the notice of approval under subsection 194B(4) of the that Act. 1.2 Within 14 days after the change. 1.3 Within 14 days after 30 June and 31 December in each year.
2	Operating hours 2.1 Information on the hours and days on which each approved child care service of the provider operates, with opening and closing times notified in 24 hour format (***operating hours information***). 2.2 Any change to the operating hours information.	2.1.1 If the provider is taken to be approved in respect of the service under item 9 of Schedule 4 to the Jobs for Families Act—within 14 days after the commencement day. 2.1.2 If the provider is approved in respect of the service under Part 8 of the Family Assistance Administration Act—within 14 days after the day on which the provider is given the notice of approval under subsection 194B(4) of that Act. 2.2 Within 14 days after the change.

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Item	Matter to be notified	When notification needs to be provided
3	Whether the provider has any vacancies available to fill in respect of each of its approved child care services in relation to the following week. A ***vacancy*** is: (a) for a centre-based day care service or an FDC service—an ongoing full day or session vacancy as applicable; and (b) for an outside school hours care service—an ongoing full session vacancy.	By 8:00 pm each Friday.
4	Ceasing to operate an approved child care service, if the provider is not required to give notice under section 204A of the Family Assistance Administration Act.	Within 24 hours after ceasing to operate the service.
5	Change of physical or postal address of the provider.	No later than 30 days before the change, or, if the change was not foreseeable at that time, as soon as practicable.
6	Change of physical or postal address of the premises from which any of the provider's approved child care service operates.	No later than 30 days before the change or, if the change was not foreseeable at that time, as soon as practicable.
7	Change to the name of the provider, including evidence of name change.	Within 14 days after the change.
8	Change to the name of any of the provider's approved child care services, including evidence of name change.	Within 14 days after the change.
9	Change of any of the following contact details of the provider, or of any of the provider's approved child care services: (a) an email address; (b) a website; (c) a telephone number; (d) a fax number.	Within 14 days after the change.
10	Information about any new person: (a) with management or control of the provider (including any person who becomes responsible for the day-to-day operation of any of the provider's approved child care services); or (b) who becomes an FDC educator or IHC educator in relation to any such service. The information must include: (c) the name and contact details of the new person; and (d) a declaration that the checks required by section 43 have been carried out as that	Within 7 days after the new person becomes a person with management or control of the provider, or an FDC educator or IHC educator.

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Item	Matter to be notified	When notification needs to be provided
	section applies in relation to the new person, together with details of the new person's current working with children check.	
11	Change of the name of or contact details for any of the following persons: (a) a person with management or control of the provider (including any person who is responsible for the day-to-day operation of any of the provider's approved child care services); (b) an FDC educator or IHC educator in relation to any such service.	Within 7 days after the provider becomes aware of the change.
12	The provider becomes aware, because of a check undertaken in relation to a person as mentioned in section 43, that the person: (a) has a conviction or finding of guilt (a ***serious conviction or finding of guilt***) for any of the following offences under a law of Australia or of a foreign country: (i) an indictable offence punishable by a maximum of 2 years imprisonment or 40 penalty units; (ii) an offence involving violence, or a sexual offence; (iii) an offence involving fraud, stealing or dishonesty; or (b) is an undischarged bankrupt; or (c) was a director or secretary of a corporation when the corporation went into administration, receivership or liquidation, or at any time during the 12 months beforehand. Note: A criminal history check is required under section 43 for any person with management or control of the provider, any person with responsibility for the day-to-day operation of a service, or an FDC educator or IHC educator in relation to any of the provider's approved child care services. The checks under that section which may disclose bankruptcy or administration, receivership or liquidation only apply to a person with management or control of the provider other than a person responsible for the day-to-day operation of any of the provider's approved child care services.	Within 7 days after the provider receives a record of the check.

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Item	Matter to be notified	When notification needs to be provided
13	An event or circumstance in relation to a person with management or control of the provider (including a person responsible for the day-to-day operation of any of the provider's approved child care services) that reasonably indicates that the person is not likely to be a fit and proper person to be involved in the administration of CCS and ACCS.	Within 7 days after the provider becomes aware of the event or circumstance.
14	A person stops having management or control of the provider (including when a person stops having day-to-day responsibility for the operation of any of the provider's approved child care services). The provider must also notify the Secretary of when, and the reason why, the person stopped having management or control of the provider.	Within 7 days after the person stops having management or control of the provider.
15	An educator obtains a qualification in circumstances outlined in subsection 46(4) of these Rules.	Within 7 days after the provider becomes aware of the matter.
16	A provider or a person with management or control of the provider, obtains an interest, or is likely to obtain an interest, in a business, in circumstances outlined in subsection 46(5) of these Rules. Note: Subsection 46(5) refers to circumstances where an interest in a business may affect the provider or person's ability to comply with the family assistance law, where the approval may benefit the business or where a conflict of interest might reasonably be perceived to exist.	Within 7 days of the provider becoming aware of the matter.
17	Change in the status of a current working with children check for an individual covered by section 195D of the Family Assistance Administration Act. Note: A change in status of a current working with children check in relation to an individual will occur where the individual obtains a new check, or the current check is renewed, extended, suspended, revoked, lapsed or expired.	Within 24 hours after the provider becomes aware of the change in status.
18	The provider enters into administration, receivership, liquidation or bankruptcy. The provider must also notify the Secretary of the details of this event.	Within 24 hours after the event.

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Item	Matter to be notified	When notification needs to be provided
19	Unexpected closure of any of the provider's approved child care services due to unforeseen circumstances.	Within 24 hours after the closure.
20	A serious conviction or finding of guilt (see item 12) of: (a) a person with management or control of the provider (including a person who becomes responsible for the day-to-day operation of any of the provider's approved child care services); or (b) an FDC educator, or another educator, in relation to any such service.	Within 24 hours after the provider becomes aware of the charging, conviction or finding of guilt.
21	Where the provider is eligible for ACCS under 85CA of the Family Assistance Act in relation to a child that is a member of a class prescribed by the Minister's rules for the purposes of 85CA(ba)–any change in relation to the *formal foster care arrangement* or *long term protection order* that applies to that child.	Within 7 days after the provider becomes aware of the change.
22	Any of the following events: (a) an FDC educator ceases to be engaged by or registered with any of the provider's approved child care services; (b) 3 months have passed since the educator last provided care on behalf of the provider. The information must include date the person ceased to be engaged by or registered with the service.	The earlier of the following: (a) Within 42 days after the educator ceases to be engaged by or registered with the service; or (b) Within 7 days after the end of the 3 month period after the educator last provided care on behalf of the provider.
23	Change of physical address of the premises from which an FDC educator provides care for the service.	No later than 14 days before the change, or, if the change was not foreseeable at that time, within 7 days after the provider becomes aware of the change.

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Division 2—Requirements in relation to children of a prescribed class of sessions of care for which there is no eligibility for CCS

56 Requirements in relation to care given at FDC services to children of FDC educators

(1) The section sets out requirements for paragraph 204G(1)(a) of the Family Assistance Administration Act in relation to a provider that provides a session of care in circumstances:

(a) in which paragraph 8(1)(d) of these Rules apply; or

(b) in which paragraph 8(1)(d) of these Rules may apply, but in which the provider considers that it does not apply because of circumstances applying under subsection 8(2) of these Rules.

(2) The provider must keep a register, in a form and manner approved by the Secretary, that sets out the following:

(a) the name of the individual who would otherwise be eligible for CCS in relation to the session of care;

(b) the name of the FDC educator (whether this is the individual described in paragraph (a) or the partner of that individual) and their child care personnel ID;

(c) the relevant child and her or his CRN;

(d) any unique identifier assigned by the Department to the enrolment of the child for care by the service;

(e) identifying details (such as a name or unique identifier) of the approved child care service at which the session of care was provided;

(f) if the provider considers that the prescribed circumstances in subsection 8(2) apply, whether this is because:

(i) the child is an eligible disability child; or

(ii) the child is an eligible ISP child; or

(iii) the child is a remote area child; or

(iv) paragraph 8(2)(d) applies to the relevant FDC educator (because the FDC educator works or studies).

(3) The register must be updated:

(a) within 14 days after the end of the week in which each applicable session of care is provided (unless paragraph (b) applies); or

(b) if the week is in a period, or a series of consecutive periods, to which a payment under section 205A of the Family Assistance Administration Act relates—within 14 days after the end of the period, or the last such period; or

(c) if an enrolment notice is given under subsection 200A(2) of the Family Assistance Administration Act in relation to a child to whom subsection (2) of this section applies—by the day the enrolment notice is required to be given under that subsection of that Act.

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Part 6—Business continuity payments

Division 1—General

57AA Application

This Division applies to a business continuity payment to a provider in relation to a service made under section 205A of the Family Assistance Administration Act.

57 Circumstances in which a business continuity payment may be made

For paragraph 205A(1)(c) of the Family Assistance Administration Act, if a provider fails to give a report under subsection 204B(1) of that Act by the time required under that section, a business continuity payment may only be made if the Secretary is satisfied that the failure is directly due to circumstances which:

(a) are beyond the control of the approved provider; and

(b) prevent the provider from giving the report by the required time.

Note: The time required for a report is set out in paragraph 204B(2)(d) of the Family Assistance Administration Act.

58 Method of determining payment amount

(1) For paragraph 205A(2)(a) of the Family Assistance Administration Act, the amount of a business continuity payment is the sum of the weekly payments as worked out under section 59 or 60 of these Rules (as applicable) for each week in the period specified in the notice given to the approved provider under subsection 205A(4) of that Act.

Rounding up or down

(2) If the amount of a business continuity payment under subsection (1) is not a multiple of $100, the amount is to be rounded to the nearest multiple of $100 (rounding up an amount that is a multiple of $50 but not $100).

59 Weekly amount where the provider has previously received a fee reduction amount in respect of the service

(1) Where an approved provider has, during a period (the ***test period***), previously been paid one or more fee reduction amounts under section 67EB of the Family Assistance Administration Act, the amount of the business continuity payment for the weeks to which it relates (the ***business continuity period***) is the average of the fee reduction amounts received by the provider in respect of a child care service for sessions of care provided in a week during the test period.

(2) In determining the test period for subsection (1), the Secretary must choose a similar period to the business continuity period, having regard, without limitation, to:

(a) whether or not the periods intersected with school holidays; and

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(b) the likely number of children in care; and

(c) the time of year.

Note: For the definition of ***fee reduction amount***, see section 67EB of the Family Assistance Administration Act.

60 Weekly amount where the provider has not previously received a fee reduction amount in respect of the service

(1) Where an approved provider has not previously received any fee reduction amounts in respect of a child care service, the weekly amount is calculated using the following formula:

$$\frac{\text{The CCS hourly rate cap for the service} \times \text{The estimated number of children in care for the week} \times 50}{2}$$

(2) In subsection (1):

estimated number of children in care for the week means:

(a) in respect of all service types, except an IHC service—the number of children for which the Secretary estimates the service has provided a session of care during a week in which the business continuity payment is to be made, determined by reference to any information held by the Secretary, including (without limitation) information in enrolment notices given under section 200A of the Family Assistance Administration Act; and

(b) in respect of an IHC service—the Secretary's best estimate of the children for whom individuals may be eligible for the sessions of care in that week, having regard to section 15A of these Rules.

Note: ***CCS hourly rate cap*** has the meaning given by subclause 2(3) of Schedule 2 to the Family Assistance Act.

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Part 6A—Application, savings and transitional provisions

Division 1—Amendments made by the Child Care Subsidy Minister's Amendment (Building on the Child Care Package and Other Measures) Rules 2020

61AA Definitions

In this Division:

amending rules means the *Child Care Subsidy Minister's Amendment (Building on the Child Care Package and Other Measures) Rules 2020*.

commencement day means the day Part 1 of Schedule 1 to the amending rules commence.

old rules means the *Child Care Subsidy Minister's Rules 2017*, as in force immediately before the commencement day.

61AB Application—additional criteria for eligibility for ACCS payments

The amendments of subsection 13(7) (transition to work—study requirements) by the amending rules apply in relation to the first CCS fortnight to occur wholly after the commencement day, and each later CCS fortnight.

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Division 2—Transitional rules for the Family Assistance Legislation Amendment (Cheaper Child Care) Act 2022

61AC Nature of transitional rules

This Division is made for subitem 9(1) in Schedule 3 to the *Family Assistance Legislation Amendment (Cheaper Child Care) Act 2022*.

61AD Information that child is an Aboriginal or Torres Strait Islander child

Subparagraph 105C(1)(b)(ia) of the Family Assistance Administration Act only applies to information notified to the Secretary on or after 8 July 2024.

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Part 7—Transitional rules for the Jobs for Families Act

Division 1—Preliminary

61 Nature of transitional rules

This Part is made for item 12 of Schedule 4 to the Jobs for Families Act.

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Division 2—Continuity of certain matters

62 Continuity of absences

(1) Paragraph 10(2)(b) of the Family Assistance Act (as in force on or after the commencement day) is modified so that:

(a) the reference to an enrolment in subparagraph 10(2)(b)(i) of that Act includes a reference to an enrolment at a child care service that occurred before the commencement day for which the relevant approved provider was taken to be approved under item 9 of Schedule 4 to the Jobs for Families Act; and

(b) the reference in subparagraph 10(2)(b)(ii) of that Act to the day that the child first attended a session of care includes attendance that occurred before the commencement day in relation to the enrolment referred to in paragraph (a) of this subsection.

(2) However, after the commencement day, a session of care is only taken to have been provided by a child care service to a child under subsection 10(2) of the Family Assistance Act because of subsection (1) of this section, despite the child's absence during that session, where:

(a) before the absence, the child physically attended a session of care at that child care service on or after 18 June 2018; and

(b) after the absence, the child returns to physically attend a session of care at that child care service before 16 July 2018.

(3) Paragraph 10(2)(c) of the Family Assistance Act (as in force on or after the commencement day) is modified so that an absence day that occurs on 1 July 2018 may be counted towards the 41 days referred to in that paragraph.

(4) To avoid doubt, if:

(a) a child is absent from a session of care provided by an approved child care service on a day before the commencement day; and

(b) the child returns to physically attend a session of care provided by the same service for the first time after the commencement day;

subparagraph 10(2)(b)(iii) of the Family Assistance Act (which ensures absences cannot occur for days after a service permanently ceases to provide care), as continued in force on and after the commencement day by item 8 of Schedule 4 to the Jobs for Families Act, is taken to refer to the service as approved for CCS purposes in relation to eligibility for child care benefit for sessions of care that occurred before the commencement day.

62A Continuity of immunisation grace period during transition

(1) Where all of the following apply:

(a) the Secretary has, before the commencement day, issued a notice to an individual under section 57E of the Family Assistance Administration Act that has caused a 63 day notice period as referred to in subparagraph 42(1)(c)(iii) of the Family Assistance Act (as in force

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immediately before the commencement day) to begin operating in relation to the individual and the child;

(b) the 63 day notice period is still underway on the day immediately before the commencement day;

(c) the child does not meet the immunisation requirements set out in section 6 of the Family Assistance Act on the commencement day; and

(d) the individual, in respect of the child, is taken to have made a claim for CCS under item 3 of Schedule 4 to the Jobs for Families Act;

then, from the commencement day, the child is taken to meet the immunisation requirements for the purposes of subparagraph 85BA(1)(a)(iii) of the Family Assistance Act under this provision for the purposes of eligibility for CCS or ACCS until the 63 day notice period has expired.

(2) To avoid doubt, where a child meets the immunisation requirements in respect of a session of care for a day under subsection (1), the immunisation grace period referred to in subsection 67CD(9) of the Family Assistance Administration Act, does not yet apply in respect of that day.

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Division 3—Limitations and other matters

63 Limitation on amendments to attendance reports

Section 219N of the Family Assistance Administration Act, as continued in force on and after the commencement day by item 10 of Schedule 4 to the Jobs for Families Act, has effect in respect of sessions of care that occurred before the commencement day with the following modifications:

(a) a report may only be substituted under subsection 219N(7) of the Family Assistance Administration Act within 28 days after the commencement day;

(b) the Secretary may, under subsection 219N(7) of that Act, substitute a report submitted by an approved child care service with a report (the ***substituted report***) containing information that the Secretary considers to be more accurate than information in the report submitted by the service, but only where the Secretary has given the service 14 days to consider the substituted report and provide any submissions in respect of its accuracy.

64 Certain operators of existing approved child care services not deemed to be approved providers under the family assistance law

Notwithstanding item 9 of Schedule 4 to the Jobs for Families Act, an operator of an approved child care service within the meaning of the Family Assistance Administration Act as in force immediately before the commencement day, is not taken to be an approved provider or approved in respect of a service (under paragraph (1)(a) of that item) on and after commencement day if:

(a) the operator was approved in respect of an application made on or after 1 April 2018, under the family assistance law as in force before the commencement day, for which the Secretary had made a determination that exceptional circumstances existed justifying the making of the application under subsection 41(2) of these Rules; or

(b) the operator made an application before 1 April 2018, under the family assistance law as in force before the commencement day, and was approved in respect of that application on or after 1 April 2018.

65 Special rate of child care benefit for periods prior to commencement day

Subdivision C of Division 4 of Part 4 of the Family Assistance Act, as continued in force by item 10 of Schedule 4 to the Jobs for Families Act, has effect on and after the commencement day with the following modifications:

(a) a certificate under subsection 76(1) or (2) of the Family Assistance Act, and an application under section 81 of that Act, can only be given or made, on or after the commencement day, in respect of sessions of care that were provided before the commencement day if they are given or made within 28 days after the commencement day, and relate to sessions of care that occurred no earlier than 28 days before the commencement day;

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(b) an application under section 81 of the Family Assistance Act that is not received by the Secretary within 28 days after the commencement day is taken not to have been made;

(c) a certificate under subsections 76(1) or (2) of that Act that was given before the commencement day in relation to a period that begins after the commencement day is taken to have not been given at all.

66 Limitations on determinations of temporary financial hardship

(1) Where, in respect of a period (the ***first period***) ending before the commencement day, the special rate of child care benefit is payable because of a certificate given under subparagraph 76(1)(b)(ii) of the Family Assistance Act, a determination of temporary financial hardship under section 85CH of that Act (as amended by the Jobs for Families Act) must include the first period in calculating the 13 weeks referred to in subsection 85CH(7) of the Family Assistance Act as so amended.

(2) Subsection (1) only applies if the event that gave rise to the hardship in respect of the first period is the same event on the basis of which the determination of temporary financial hardship under section 85CH of that Act as so amended is made.

67 Debts arising from overpayments made before the commencement day

(1) In addition to the effect of item 8 of Schedule 4 to the Jobs for Families Act in respect of a debt arising from overpayments made before the commencement day, a debt arising (and as owed by either an operator or an individual) in relation to overpayments of child care benefit or child care rebate may also be recovered as if the debt was a debt of CCS or ACCS.

(2) Without limiting subsection (1), a debt of child care benefit or child care rebate arising after the commencement day, or that is still unpaid on the commencement day, may be recovered by reducing payments of CCS or ACCS (and if so, the debt is taken to have been repaid to the extent of the reduction).

67A Outstanding enrolment advances after the commencement day

When approval is cancelled after the commencement day

(1) Notwithstanding the repeal of section 71G of the Family Assistance Administration Act by item 97 of Schedule 1 to the Jobs for Families Act, and to clarify the effect of item 10 of Schedule 4 to the Jobs for Families Act in relation to enrolment advances, if:

(a) after the commencement day, the approval of a provider is cancelled or the approval of a provider is varied so that the provider is not approved in respect of one or more child care services under Part 8 of the Family Assistance Administration Act; and

(b) at the time of cancellation or variation of approval as referred to in paragraph (a), an amount (the ***remaining amount***) of an enrolment advance that had been paid under section 219RA of the Family Assistance Administration Act, in relation to an enrolment at a child care service that

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no provider has approval in respect of as a result of the cancellation or variation, had not already been set off under section 219RC, or another provision, of the Family Assistance Administration Act (including as saved by subsection (3)),

then the remaining amount is a debt due to the Commonwealth by the provider as if subsection 71G(3) of the Family Assistance Administration Act, as in force immediately before the commencement day, had not been repealed (reading the reference to "the service" as a reference to the relevant provider).

(2) To avoid doubt, a debt arising under subsection (1) may be recovered under the Family Assistance Administration Act as in force on and from the commencement day.

Setting off when provider still holds approval in respect of service

(3) Notwithstanding the repeal of section 219RC of the Family Assistance Administration Act by item 205 of Schedule 1 to the Jobs for Families Act, and to further clarify the effect of item 10 of Schedule 4 to the Jobs for Families Act in relation to an enrolment advance:

(a) after the commencement day, section 219RC of the Family Assistance Administration Act, as in force immediately before the commencement day, is to be taken to remain in force as if it had not been repealed; and

(b) the setting off described in subsections 219RC(1) and (4) (when enrolment ceases or when the enrolment began at least 4 years ago) is to apply after the commencement day in respect of one or more child care service payments that are to be made in respect of child care provided at any of the services of the relevant approved provider, when, as applicable:

(i) enrolment had already ceased under the family assistance law as in force before the commencement day and setting off was underway immediately before the commencement day but the setting off had not recovered the entire enrolment advance (in which case setting off under subsection 219RC(1) continues to apply until the enrolment advance is recovered);

(ii) enrolment ceases under paragraph 200B(1)(b) of the Family Assistance Administration Act after the commencement day (in which case setting off under subsection 219RC(1) applies); or

(iii) at least 4 years have passed since the day the relevant enrolment began (in which case setting off under subsection 219RC(4) applies).

(4) The reference to ***relevant approved provider*** in subsection (3) is a reference to the approved provider that obtained approval under item 9 of the Schedule 4 to the Jobs for Families Act after having been, before the commencement day, the "person who operates" the service in respect of which the relevant enrolment advance was initially paid as referred to in subsection 219RC(1) or (4) of the Family Assistance Administration Act as applicable.

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68 Lump sum payments in respect of sessions of care before the commencement day

On and after the commencement day, a claim for payment of child care benefit for a past period of care provided by an approved child care service, must not be made after 30 June 2019.

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Division 4—Determining deemed claims for CCS

69 Deemed claims for CCS that cannot be determined before 24 September 2018

If, before 24 September 2018, the Secretary is unable to determine a deemed claim for CCS for an individual that was taken to have been made under item 3 of Schedule 4 to the Jobs for Families Act because the individual has not provided information requested by the Secretary for the purposes of determining the claim, then, on 24 September 2018, the claim is taken to have been refused under paragraph 67CC(1)(b) of the Family Assistance Administration Act.

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Division 5—Backdating applications for ACCS (grandparent)

70 ACCS (grandparent) applications made on or before 23 September 2018

Notwithstanding subsection 67CD(5) of the Family Assistance Administration Act, if an application for ACCS (grandparent) is made by an individual under paragraph 67CD(4)(a) of the Family Assistance Administration Act on or before 23 September 2018 and the individual had, before the commencement day, received the special grandparent rate of child care benefit in relation to the child in respect of whom the application is made, the Secretary, if satisfied that the individual is entitled to ACCS (grandparent), may make a determination under subsection 67CD(4) of the Family Assistance Administration Act for a week that begins more than 28 days prior to the application, but no earlier than 2 July 2018.

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Division 6—Arrangements and enrolments of children prior to the commencement day

71 Pre-commencement arrangements taken to be complying written arrangements

(1) Where, before the commencement day, the operator (the ***relevant operator***) of an approved child care service (the ***relevant service***) had notified the Secretary of an enrolment of a child (the ***relevant child***) by an individual under section 219A of the Family Assistance Administration Act (as in force immediately before the commencement day) following the entry into an arrangement (the ***old arrangement***) for the provision of child care to the child by the service (as referred to in subsection 219A(2)) and the enrolment had not ceased under section 219AD of the Family Assistance Administration Act, then, from 2 July 2018 until 23 September 2018 (including those days), the family assistance law is modified so that:

(a) the old arrangement is taken to be a complying written arrangement for the purposes of paragraph 85BA(1)(b) of the Family Assistance Act;

(b) an enrolment notice under section 200A of the Family Assistance Administration Act must be provided (including as generated by the Secretary based on information known by the Secretary) in relation to the old arrangement as if the enrolment commenced on 2 July 2018; and

(c) the relevant child is taken to be enrolled for care by the relevant service for the purposes of section 200B of the Family Assistance Administration Act.

(2) Where subsection (1) applies:

(a) between 2 July 2018 and 23 September 2018 (including those days), the approved provider who had been the relevant operator is required to report any sessions of care provided to the child because the precondition in paragraph 204B(1)(a) of the Family Assistance Administration Act (about a provider having given an enrolment notice) will be taken to have been met;

(b) between 2 July 2018 and 23 September 2018 (including those days), the requirement to provide updates in relation to enrolled children in section 200D of the Family Assistance Administration Act applies in relation to any updates to information provided in the notice referred to in paragraph (1)(b);

(c) in relation to any sessions of care that are provided between 2 July 2018 and 23 September 2018 (including those days), the liability to pay referred to in paragraph 85BA(1)(b) of the Family Assistance Act must arise under the old arrangement in order for that provision to be satisfied;

(d) on 24 September 2018, the enrolment referred to in paragraph (1)(c) of this section is taken to have ceased under paragraph 200B(1)(b) of the Family Assistance Administration Act, unless the old arrangement is a complying written arrangement (within the meaning of subsection 200B(3) of the Family Assistance Administration Act) or the arrangement on its terms has already ended;

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(e) if the old arrangement was a complying written arrangement and the child remains enrolled for care with the relevant service on 24 September 2018 (because the enrolment is not taken to have ceased under paragraph 200B(1)(b) of the Family Assistance Administration Act), then, by no later than 24 September 2018, the provider must give to the Secretary any details about the enrolment that would have been required to be included in a notice under section 200A of the Family Assistance Administration Act in respect of the enrolment, but which were not included in the notice referred to in paragraph (1)(b);

(f) if paragraph (e) applies, but the details referred to in that paragraph are not given, the enrolment is taken to have ceased under paragraph 200B(1)(b) of the Family Assistance Administration Act; and

(g) from 24 September 2018 onwards, the individual may only be eligible for CCS or ACCS for a session of care provided by an approved child care service to a child where they, or their partner, have entered into a complying written arrangement as referred to in paragraph 85BA(1)(b) of the Family Assistance Act (including where the old arrangement is a complying written arrangement).

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Division 8—Compliance processes after the commencement day in respect of prior conduct

74 Notices intending to impose a sanction

(1) Where the Secretary has, before the commencement day, issued a notice under section 201 of the Family Assistance Administration Act to the operator of an approved child care service in relation to which no decision had been made under section 200 before the commencement day (as in force immediately before the commencement day), the Secretary may decide to impose a sanction on the approved provider in respect of the child care service under section 195H of the Family Assistance Administration Act after the commencement day as if the notice had been issued under section 199A of the Family Assistance Administration Act.

(2) To avoid doubt, the breach of any condition for continued approval that was referred to in the notice is to be taken as a sufficient basis on which the Secretary is able to be satisfied in relation to the non-compliance referred to in section 195H, as if the condition applied as a condition for continued approval under Division 2 of Part 8 of the Family Assistance Administration Act on and from the commencement day.

75 Sanctions after the commencement day in respect of prior breaches

A sanction may be imposed on (and a notice under section 199A of the Family Assistance Administration Act may be given to) an approved provider in respect of a child care service on and from the commencement day under section 195H of the Family Assistance Administration Act on the basis of a breach of a condition for continued approval that applied in respect of the operator of the child care service under the family assistance law as saved by subitem 10(1) of Schedule 4 to the Jobs for Families Act.

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Division 9—Continuation of conditions for continued approval

76 Conditions for continued approval that applied prior to commencement day

(1) Where, before the commencement day, the Secretary had imposed a condition for the continued approval of an approved child care service (the ***relevant service***) under subsection 199(2) of the Family Assistance Administration Act (as that provision stood immediately before the commencement day) then, on and from the commencement day, that condition is taken to apply as a condition for continued approval of the approved provider in respect of the relevant child care service as if it were imposed under section 195F of the Family Assistance Administration Act in respect of the relevant child care service.

(2) To avoid doubt, subsection (1) means that the Secretary is able to make a decision to impose a sanction under section 195H of the Family Assistance Administration Act on and from the commencement day on the basis of non-compliance with a condition for continued approval referred to in that subsection.

(3) The obligation to provide a notice under subsection 195F(3) of the Family Assistance Administration Act does not apply in relation to conditions for continued approval referred to in subsection (1).

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Division 10—Modifications to working with children card requirements

77 Working with children card details required in relation to certain individuals

(1) Section 195D of the Family Assistance Administration Act is modified so that, within 2 years after the commencement day, details of working with children cards are only required to be given to the Secretary in respect of the following individuals:

(a) an individual who is a person with management and control of the approved provider (within the meaning of section 194F of the Family Assistance Administration Act);

(b) an FDC educator; and

(c) an IHC educator.

(2) To avoid doubt:

(a) subsection (1) means that any reference in these Rules or the Secretary's rules to the requirement in section 195D of the Family Assistance Administration Act is taken to be a reference to that section as modified; and

(b) subsection (1) does not alter any legal requirement to hold a working with children card under a law of a State or Territory and, even where details are not required to be given to the Secretary, where an individual who is required to hold a working with children card is involved in providing child care by a child care service and does not hold a card, the approved provider will be in breach of the condition for continued approval referred to in subsection 195A(4) of the Family Assistance Administration Act.

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Part 8—Miscellaneous

78 Grant purposes supported by standing appropriation

(1) For subsection 233(2) of the Family Assistance Administration Act, payments made for the purposes of an agreement entered into under the Community Child Care Fund Special Circumstances Grant Opportunity are prescribed.

Note: In 2023, details of the grants available under the Community Child Care Fund Special Circumstances Grant Opportunity were set out in guidelines published on the Department's website at www.education.gov.au.

(1A) For subsection 233(2) of the Family Assistance Administration Act, payments made for the purposes of an agreement entered into under the Early Childhood Education and Care Worker Retention Payment Grant Opportunity are prescribed.

Note: In 2024, details of the grants available under the Early Childhood Education and Care Worker Retention Payment Grant Opportunity were set out in guidelines published on the GrantConnect website at www.grants.gov.au.

(1B) For subsection 233(2) of the Family Assistance Administration Act, payments made for the purposes of an agreement entered into under the Early Childhood Education and Care Worker Retention Payment Engagement Program are prescribed.

(2) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2020-21 is $949 million.

(3) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid for the purpose specified in subsection (1) in respect of 2020-21 is $949 million.

(4) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2021-22 is $22.4 million.

(5) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2021-22 is $22.4 million.

(6) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2022-23 is $7.7 million.

(7) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2022-23 is $7.7 million.

(8) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2023-24 is $4 million.

(9) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid for the purpose specified in subsection (1) in respect of 2023-24 is $4 million.

(10) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2024-25 is $755 million.

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(11) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid for the purpose specified in subsection (1) in respect of 2024-25 is $4 million.

(11A) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid for the purpose specified in subsection (1A) in respect of 2024-25 is $741 million.

(11B) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid for the purpose specified in subsection (1B) in respect of 2024-25 is $10 million.

(12) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2025-26 is $4 million.

(13) For subsection 233(5) of the Family Assistance Administration Act, the total amount that may be paid for the purpose specified in subsection (1) in respect of 2025-26 is $4 million.

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Schedule 1—Diagnosed conditions

(a) Moderate to severe multiple disability or moderate to severe physical disability (including neurological disability) where the child is, or is likely to be, dependent for mobility indoors and outdoors from 3 years of age onwards.

(b) Severe multiple or physical disability (including uncontrolled seizures), requiring constant care and attention where the child is less than 6 months of age.

(c) Moderate, severe or profound intellectual disability where IQ is less than 55. This includes a child with a known syndrome.

(d) Autism Spectrum Disorder when diagnosed by a psychiatrist or developmental paediatrician experienced in the assessment of Pervasive Developmental Disorders using the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5).

(e) Autistic Disorder or Asperger's Disorder (not including Pervasive Developmental Disorder not otherwise specified) when diagnosed by a psychiatrist or developmental paediatrician experienced in the assessment of Pervasive Development Disorders using the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV).

(f) Childhood Disintegrative Disorder diagnosed by a psychiatrist using DSM-IV.

(g) Major depression of childhood diagnosed by a psychiatrist using DSM-IV or DSM-5.

(h) Childhood schizophrenia diagnosed by a psychiatrist using DSM-IV or DSM-5.

(i) Bilateral blindness where:

  (i) visual acuity is less than or equal to 6/60 with corrected vision; or

  (ii) visual fields are reduced to a measured arc of less than 10 degrees.

(j) A 45 decibels or more hearing loss in the better ear, based on a 4 frequency pure tone average (using 500, 1,000, 2,000 and 4,000Hz).

(k) Deaf-blindness diagnosed by a specialist multidisciplinary team, including a professional audiological and ophthalmological evaluation.

(l) Epilepsy (uncontrolled while on medication).

(m) Cystic Fibrosis.

(n) Down syndrome.

(o) Fragile X syndrome.

(p) Diabetes Mellitus Type 1.

(q) Phenylketonuria (PKU).

(r) Other inborn errors of metabolism (not specified elsewhere) that are treated by medically prescribed diet to prevent neurological disability and/or severe organ damage.

Example: Organic acidaemias, urea cycle defects, galactosaemia and some fatty acid or oxidation defects.

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(s) Moderate to severe Osteogenisis Imperfecta with 2 or more fractures per year and/or significant pain that significantly limits activities of daily living.

(t) Chromosomal or syndromic conditions (not specified elsewhere) where there is moderate or severe intellectual disability and/or multiple, major and permanent physical abnormalities as diagnosed by a paediatrician, paediatric sub-specialist or clinical geneticist.

Example: Children with a moderate or severe intellectual disability and/or multiple, major and permanent physical abnormalities who have been diagnosed with Cri du chat syndrome, Rett syndrome, Angelman syndrome, Prader-Willi syndrome, Edwards syndrome (Trisomy 18), Williams syndrome, Patau syndrome (Trisomy 13), Coffin-Lowry syndrome, Congenital rubella syndrome, Cornelia de Lange syndrome, Kabuki Make-up syndrome, Larsen syndrome, Opitz G syndrome, Pallister-Killian syndrome, Seckel syndrome, Smith-Magenis syndrome, CHARGE association.

Note: This category may apply to children diagnosed with other non-listed chromosomal or syndromic conditions who have a moderate or severe level of intellectual disability and/or multiple, major and permanent physical abnormalities.

(u) Neurometabolic degenerative conditions where there is moderate or severe intellectual and/or moderate or severe physical disability as diagnosed by a paediatrician, paediatric sub-specialist or clinical geneticist:

(i) Lysosomal storage disorders.

Example: Children with a moderate or severe intellectual and/or physical disability who have been diagnosed with metachromatic Leukodystrophy, Tay Sachs disease, Krabbe disease, Pompe's disease, Mucopolysaccharidoses (Hurler syndrome (MPS 1)), Hunter syndrome (MPS 2), San Filipo syndrome (MPS 3), Morquio syndrome (MPS IVA), Maroteaux-Lamy syndrome (MPS VI).

(v) Neurometabolic conditions.

Example: Children with a moderate or severe intellectual and/or physical disability who have been diagnosed with Lesch Nyhan syndrome, Menkes disease, Zellweger syndrome and related peroxisomal disorders, some mitochondrial respiratory chain disorders.

Note: This category may apply to children diagnosed with other non-listed neurometabolic degenerative conditions who have a moderate or severe level of intellectual and/or physical disability.

(w) Neurodegenerative disorders where there is moderate or severe intellectual and/or moderate or severe physical disability as diagnosed by a paediatrician, paediatric sub-specialist or clinical geneticist.

Example: Children with a moderate or severe intellectual and/or physical disability who have been diagnosed with Ataxia Telangiectasia, unclassified Leukodystrophies.

Note: This category may apply to children diagnosed with other non-listed neurodegenerative conditions who have a moderate or severe level of intellectual and/or physical disability.

(x) The following dermatological conditions:

(i) Epidermolysis Bullosa Dystrophica;

(ii) Hypohidrotic ectodermal dysplasia (synonym: anhidrotic ectodermal dysplasia);

(iii) Hay Wells syndrome (synonym: ankylobepharon, ectodermal dysplasia and clefting (AEC) syndrome);

(iv) Lamellar ichthyosis;

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(v) Harlequin ichthyosis;
(vi) Sjorgren Larsson syndrome;
(vii) Netherton syndrome;
(viii) Severe congenital ichthyosiform erythroderma;
(ix) Generalised bullous ichthyosis (synonym: bullous ichthyosiform erythroderma; epidermolytic hyperkeratosis).

(y) Any of the following neuromuscular conditions:
(i) Duchenne (or Becker) muscular dystrophy;
(ii) Autosomal recessive muscular dystrophy;
(iii) Spinal muscular atrophy conditions, for example, Werdnig-Hoffman;
(iv) Friedrich's Ataxia.

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Schedule 2—Diagnosed conditions

(a) Autism Spectrum Disorder when diagnosed by a registered psychologist experienced in the assessment of Pervasive Developmental Disorders using the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5).

(b) Autistic Disorder or Asperger's Disorder (not including Pervasive Developmental Disorder not otherwise specified) when diagnosed by a registered psychologist experienced in the assessment of Pervasive Development Disorders using the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV).

(c) Moderate, severe or profound intellectual disability where IQ is less than 55. This includes a child with a known syndrome.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Child Care Subsidy Minister's Rules 2017	13 November 2017 (see F2017L01464)	2 July 2018 (all provisions except section 41) 14 November 2017 (section 41)	Part 7
Child Care Subsidy Minister's Amendment Rules (No. 1) 2018	15 March 2018 (see F2018L00255)	2 July 2018	-
Child Care Subsidy Minister's Amendment Rules (No. 2) 2018	22 June 2018 (see F2018L00826)	2 July 2018 (all provisions except item 8 of the Schedule) 22 October 2018 (item 8 of the Schedule)	Sch (items 23–25)
Child Care Subsidy Minister's Amendment Rules (No. 3) 2018	24 December 2018 (see F2018L01830)	1 January 2019	-
Child Care Subsidy Minister's Amendment Rules (No. 1) 2019	8 February 2019 (see F2019L00107)	9 February 2019	Sch (item 3)
Child Care Subsidy Minister's Amendment Rules (No. 1) 2020	10 February 2020 (see F2020L00115)	11 February 2020 (all provisions except Schedule 1) 1 December 2019 (Schedule 1)	-
Child Care Subsidy Minister's Amendment (Building on the Child Care Package and Other Measures) Rules 2020	12 March 2020 (see F2020L00246)	Schedule 1 (items 1–43): 13 March 2020 (s 2(1) item 2) Schedule 1 (item 44): 30 June 2020 (s 2(1) item 3) Schedule 1 (items 45, 46): 13 July 2020 (s 2(1) items 4, 5)	-
Child Care Subsidy Amendment (Coronavirus Economic Response Package) Minister's Rules 2020	24 March 2020 (see F2020L00295)	Schedule 1 (item 7): 19 April 2020 (s 2(1) item 3) Remainder: 25 March 2020 (s 2(1) items 1, 2)	-
Child Care Subsidy Amendment (Coronavirus Response Measures No. 2) Minister's Rules 2020	5 April 2020 (see F2020L00406)	Schedule 1 (item 2): 23 March 2020 (s 2(1) item 3) Remainder: 6 April 2020 (s 2(1) items 1, 2)	-
Child Care Subsidy Amendment (Coronavirus Response Measures No. 3) Minister's Rules 2020	28 April 2020 (see F2020L00490)	29 April 2020 (s 2(1) item 1)	-
Child Care Subsidy Amendment (Coronavirus Response Measures No. 4) Minister's Rules 2020	26 June 2020 (see F2020L00802)	Schedule 1 (items 1–19): 27 June 2020 (s 2(1) item 2) Schedule 1 (item 20): 1 July 2020 (s 2(1) item 3)	-
Child Care Subsidy Amendment (Coronavirus Response Measures No. 5) Minister's Rules 2020	21 July 2020 (see F2020L00930)	13 July 2020 (s 2(1) item 1)	-

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Name	Registration	Commencement	Application, saving and transitional provisions
Child Care Subsidy Amendment (Coronavirus Response Measures No. 6) Minister's Rules 2020	21 Aug 2020 (see F2020L01052)	22 Aug 2020 (s 2(1) item 1)	-
Child Care Subsidy Amendment (Coronavirus Response Measures No. 7) Minister's Rules 2020	1 Oct 2020 (see F2020L01276)	2 Oct 2020 (s 2(1) item 1)	-
Child Care Subsidy Amendment (Coronavirus Response Measures No. 8) Minister's Rules 2020	17 Dec 2020 (see F2020L01634)	18 Dec 2020 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures No. 1) Minister's Rules 2021	20 Jan 2021 (see F2021L00055)	21 Jan 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures No.2) Minister's Rules 2021	11 March 2021 (see F2021L00226)	31 January 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures No. 3) Minister's Rules 2021	16 June 2021 (see F2021L00761)	17 June 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Improving Assistance for Vulnerable and Disadvantaged Families) Minister's Rules 2021	30 June 2021 (see F2021L00924)	1 July 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures—New South Wales) Minister's Rules 2021	18 July 2021 (see F2021L00995)	19 July 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures No. 4) Minister's Rules 2021	5 August 2021 (see F2021L01070)	23 June 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures No. 5) Minister's Rules 2021	16 August 2021 (see F2021L01126)	13 August 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures No. 6) Minister's Rules 2021	3 September 2021 (see F2021L01233)	23 August 2021 (s 2(1) items 1 and 2) 4 September 2021 (s 2(1) item 3)	
Child Care Subsidy Amendment (Coronavirus Response Measures No. 7) Minister's Rules 2021	1 November 2021 (see F2021L01504)	2 November 2021 (s 2(1) item 1)	
Child Care Subsidy Minister's Amendment (Application Exclusion Period) Rules 2021	8 December 2021 (see F2021L01733)	9 December 2021 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response Measures No.8) Minister's Rules 2021	9 December 2021 (see F2021L01741)	10 December 2021 (s 2(1) item 1)	

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Child Care Subsidy Amendment (Reducing Costs for Early Childhood Education and Care Workers) Minister's Rules 2021	7 January 2022 (see F2022L00018)	8 January 2022 (s 2(1) item 1)	
Child Care Subsidy Amendment (NSW Third Party Payment) Minister's Rules 2022	16 February 2022 (see F2022L00141)	17 February 2022 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus, Local Area Emergencies and Other Measures) Minister's Rules 2022	24 March 2022 (see F2022L00376)	25 March 2022 (s 2(1) item 1)	
Child Care Subsidy Amendment (Local Area Emergencies) Minister's Rules 2022	7 April 2022 (see F2022L00563)	8 April 2022 (s 2(1) item 1)	
Child Care Subsidy Amendment (Coronavirus Response, Emergency Support and Other Measures) Minister's Rules 2022	15 September 2022 (see F2022L01213)	Sch 1 (items 1–22) and Sch 2 (items 1–3): 1 July 2022 (s 2(1) items 2, 4) Sch 3: 1 January 2023 (s 2(1) item 6) Remainder: 16 September 2022 (s 2(1) items 1, 3, 5)	
Child Care Subsidy Amendment (Third Party Payment and Discounts) Minister's Rules 2022	19 December 2022 (see F2022L01682)	Sch 1 and Sch 2: 1 January 2023 (s 2(1) items 2, 3) Remainder: 20 December 2022 (s 2(1) item 1)	
Child Care Subsidy Amendment (Electronic Payment Exceptions and Other Measures) Minister's Rules 2023	3 May 2023 (see F2023L00521)	Sch 1: 1 July 2023 (s 2(1) item 2)	
Child Care Subsidy Amendment (Debts for Absences before First Attendance or after Last Attendance) Minister's Rules 2023	25 May 2023 (see F2023L00593)	26 May 2023 (s 2(1) item 1)	
Child Care Subsidy Amendment (2023 Measures No. 1) Minister's Rules 2023	28 June 2023 (see F2023L00885)	Sch 1 and Sch 2 (items 1-14): 1 July 2023 (s 2(1) items 2, 3) Remainder: 29 June 2023 (s 2(1) items 1, 4)	
Child Care Subsidy Amendment (Transition to Work) Minister's Rules 2023	11 August 2023 (see F2023L01075)	1 July 2022 (s 2)	
Child Care Subsidy Amendment (Additional Child Care Subsidy) Minister's Rules 2023	5 October 2023 (see F2023L01362)	16 October 2023 (s 2)	

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Child Care Subsidy Amendment (Outside School Hours Care Services and Other Measures) Minister's Rules 2024	21 July 2024 (see F2024L00901)	Sch 1 (items 1-4): 22 July 2024 (s 2(1) item 1) Sch 1 (items 5-7): 1 September 2024 (s 2(1) item 2)	
Child Care Subsidy Amendment (Parent Pathways and Other Measures) Minister's Rules 2024	31 October 2024 (see F2024L01384)	Sch 1 (item 1): 12 June 2023 (s 2(1) item 2) Sch 1 (items 8, 12): 26 January 2019 (s 2(1) item 4) Sch 1 (item 13): 18 August 2020 (s 2(1) item 5) Sch 1 (items 14–16): 1 December 2024 (s 2(1) item 7) Remainder: 1 November 2024 (s 2(1) items 1, 3)	
Child Care Subsidy Amendment (Early Childhood Education and Care Worker Retention Payment Engagement Program and Other Measures) Minister's Rules 2024	11 Dec 2024 (see F2024L01609)	Sch 1 (item 11): 1 Jan 2025 (s 2(1) item 2) Sch 1 (items 12, 13): 1 Nov 2024 (s 2(1) item 3) Remainder: 12 Dec 2024 (s 2(1) item 1)	

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Division 1	
s 2	rep LA s 48D
s 4	am. F2018L00826; F2020L00246; F2020L00295; F2020L00406; F2020L00802; F2020L00930; F2021L00924; F2021L01233; F2021L01504; F2022L00376; F2022L01213; F2023L00885
	ed C40
Division 2	
s 5A	ad. F2020L00246
s 5AA	ad. F2020L00295
	am. F2020L01052; F2020L01634; F2021L01070
	ed C16
	rep F2021L01233
s 5AAB	ad. F2021L01070
	rep. F2021L01233
s 5AB	ad. F2020L00295
	rep. F2021L01233
s 5B	ad F2020L00246
	am F2020L01634; F2021L01233; F2021L01504; (heading) F2022L00376; F2022L01213; F2023L00885
s 5BA	ad. F2022L01213
s 5C	ad. F2022L00376
	rs. F2022L01213
s 5D	ad F2023L00885
s 6	am. F2020L00295; F2021L01233; F2021L01741; F2022L00376; F2022L01213
s 7	am. F2018L00826; F2020L01052
	ed C16
s 7A	ad. F2020L00246
s 7B	ad. F2020L00246
Part 2	
Division 1	
s 8	am. F2018L00826; F2020L00246
	ed C6
	am. F2020L00490
	ed C11
	am F2021L01233; F2021L01741; F2022L00376; F2022L01213
	ed C35
	am F2023L00885
	ed C39

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Provision affected	How affected
	am F2024L01609
Division 1AA	
Division 1AA	ad. F2020L00246
s 8AA	ad. F2020L00246
Division 1A	
Division 1A	ad. F2018L00255
s 8C	am. F2024L01384
Division 1B	
Division 1B	ad F2021L00924
Division 2	
s 10	am F2018L00826; F2021L00924; F2022L00376; F2023L00521
s 11	am. F2018L00826
Division 2A	
Division 2A	ad F2021L00924
s 11A	ad F2021L00924
	am F2023L01362
s 11B	ad F2021L00924
	am F2022L00376; F2023L00521
Division 3	
s 12	am. F2018L00826
Division 3A	
Division 3A	ad. F2020L00246
s 12A	ad. F2020L00246
Division 4	
s 13	am F2018L00826; F2020L00246; F2020L00802; F2023L00521; F2023L01075; F2024L01384; F2024L01609
s 15	am F2023L00885; F2023L01075
	ed C41
Division 5	
Division 5	ad. F2018L00255
	rs. F2020L00246
s 15A	ad. F2018L00255
	am. F2018L01830
	rs. F2020L00246
s 15B	ad. F2018L00255
	am. F2018L01830
	rs. F2020L00246
Part 3	
Division 1	
s 15C	ad. F2020L00246
	rep. F2021L00055

Endnote 4—Amendment history

Provision affected	How affected
s 16A	ad. F2020L00115
	am. F2020L00246
	am. F2021L00055
	am. F2022L00141
	am. F2022L01682
	am. F2024L01384
	am. F2024L01609 (amdt never applied (Sch 1 item 12))
Division 3	
s 21	am. F2018L00826
s.23A	ad. F2020L01634
Division 4	
Subdivision A	
Subdivision A heading	ad. F2020L00802
Subdivision B	
Subdivision B heading	ad. F2020L00802
s 39	am F2020L00802; F2023L00885; F2024L01609
s 39A	ad. F2024L01384
s 39B	ad. F2024L01384
Subdivision C	
Subdivision C	ad. F2020L00802
s 40AA	ad. F2020L00802
	am. F2020L01276
	ed C17
s 40AB	ad. F2020L00802
Part 3A	
Part 3A	ad. F2018L00826
Part 3B	
Part 3B	ad F2023L00521
s 40B	ad F2023L00521
Part 4	
Division 1	
s 41	am. F2020L00490
s 41A	ad. F2021L01733
Division 2	
s 43	am. F2018L00826
	rs. F2020L00246; F2023L00885
Division 3	
s 44	am. F2018L00826
s 45	am. F2018L00826; F2024L00901
Division 5	

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Provision affected	How affected
s 46A	ad. F2020L00246
s 47AA	ad. F2020L00490
	rep. F2021L01233
s 47AB	ad. F2020L00802
	am. F2020L01052
	ed C16
	rep. F2021L01233
s 47A	ad. F2020L00246
s 48	(md not incorp) F2018L01830
s 48A	ad F2018L00826
	am F2019L00107; F2020L00246; F2023L00885
s 48B	ad. F2022L01213
	am. F2022L01682; F2024L00901
s 48C	ad. F2023L00593
s 49	am F2024L01609
Division 5A	
Division 5A	ad. F2018L00255
s 49A	am. F2020L00246
s 49AA	ad. F2020L00246
s 49B	am F2020L00246; F2023L00885
s 49C	am F2018L01830
	rs. F2020L00246
	am F2023L00885
Division 6	
s 50	rs. F2018L00826
Division 7	
s 52	am. F2020L00246; F2020L01634
Division 8	
s 54	am. F2020L00246
Part 5	
Division 1AA	
Division 1AA	ad F2023L00521
s 54AA	ad F2023L00521
	am F2024L00901
Division 1A	
Division 1A heading	rs F2023L00521
Division 1A	ad F2020L00295
	rep F2021L01233
	ad F2022L00018

Endnote 4—Amendment history

Provision affected	How affected
	am F2022L00376; F2022L01213; F2022L01682
s 54AA	ad F2022L01213
	rs F2022L01682
	rs and renum F2023L00521
s 54A	ad F2020L00295
	am F2020L00406; F2020L00802; F2020L00930; F2020L01634; F2021L00226; F2021L00761; F2021L00995
	rep F2021L01233
	ad F2022L00018
	am F2022L00376
	rep F2022L01682
s 54A (prev s 54AA)	
s 54B	ad. F2022L00376
	rs. F2022L01213
	rs. F2022L01682
	am. F2024L01384; F2024L01609
	ed C46
Division 1	
s 55	am. F2018L00826; F2020L00246; F2021L00924; F2024L00901
Part 6	
Division 1	
Division 1	ad. F2020L00406
s 57AA	ad. F2020L00406
	am. F2021L01233; F2022L01213
s 57	am. F2020L00246; F2020L00802
s 59	am. F2020L00246
s 60	am. F2018L00826; F2020L00246
Division 2	ad. F2020L00406
	rep. F2021L01233
	ad. F2022L00376
	rep. F2022L01213
s 60A (first occurring)	ad. F2020L00406
	ed C9
	am. F2020L00802
	rep. F2021L01233
	ad. F2022L00376
	rep. F2022L01213
s 60B (first occurring)	ad. F2020L00406
	rep. F2021L01233
	ad. F2022L00376
	rep. F2022L01213

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Provision affected	How affected
s 60C	ad. F2020L00406
	rep. F2021L01233
	ad. F2022L00376
	rep. F2022L01213
s 60D	ad. F2020L00406
	rep. F2021L01233
	ad. F2022L00376
	am. F2022L00563
	rep. F2022L01213
s 60E	ad. F2020L00406
	am. F2020L00802
	rep. F2021L01233
	ad. F2022L00376
	rep. F2022L01213
s 60F	ad. F2020L00406
	rep. F2021L01233
Part 6A	
Part 6A	ad. F2020L00246
Division 1	
s 60A (second occurring)	ad. F2020L00246
	renum F2020L00802
s 61AA (prev s 60A second occurring)	
s 60B (second occurring)	ad. F2020L00246
	renum F2020L00802
s 61AB (prev s 60B second occurring)	
Division 2	
Division 2	ad F2023L00521
s 61AC	ad F2023L00521
s 61AD	ad F2023L00521
Part 7	
Division 2	
s 62A	ad. F2018L00826
Division 3	
s 67	am. F2020L00246
s 67A	ad. F2018L00826
Division 4	
Division 4	ad. F2018L00826
Division 4A	ad. F2019L00107
	rep. F2020L00246

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Endnote 4—Amendment history

Provision affected	How affected
Division 5	
Division 5	ad. F2018L00826
Division 6	
Division 6	ad. F2018L00826
Division 7	ad. F2018L00826
	rep. F2020L00246
Division 8	
Division 8	ad. F2018L00826
Division 9	
Division 9	ad. F2018L00826
Division 10	
Division 10	ad. F2018L00826
Part 8	
Part 8	ad. F2020L00490
s 78	ad F2020L00490; F2021L00924
	rs F2020L00802
	am F2020L01052
	ed C16
	am F2020L01276
	ed C17
	am F2022L00376; F2023L00885; F2024L01384; F2024L01609
Schedule 3	ad. F2021L00995
	rep F2023L00885
Part 1	ad. F2021L00995
	rep. F2022L01213
cl 1.1	rep. F2022L01213
cl 1.2	rep. F2022L01213
cl 1.3	rep. F2022L01213
Part 2	ad F2021L01126
	am F2021L01741; F2022L01682
	rep F2023L00885
cl 2.1A	ad F2021L01233
	am F2022L01682
	rep F2023L00885
cl 2.1	ad F2021L01126
	am F2021L01233; F2021L01504; F2021L01741; F2022L00376; F2022L01213; F2022L01682
	rep F2023L00885
cl 2.2	ad F2021L01233
	am F2021L01741; F2022L00376; F2022L01213; F2022L01682
	rep F2023L00885

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Endnote 4—Amendment history

Provision affected	How affected
cl 2.3	ad F2022L00376
	am F2022L01213; F2022L01682
	rep F2023L00885
Part 3	ad F2021L01233
	am F2021L01741
	rep F2023L00885
cl 3.1	ad F2021L01233
	am F2021L01504, F2021L01741; F2022L00376
	rep F2022L01213
cl 3.1A	ad F2021L01741
	am F2022L01213
	rep F2023L00885
cl 3.2	ad F2021L01504
	am F2021L01741; F2022L00376; F2022L01213
	rep F2023L00885
cl 3.3	ad F2022L01213
	rep F2023L00885
Part 4	ad. F2021L01233
	rep. F2022L01213
cl 4.1	rep. F2022L01213
cl 4.2	am. F2021L01504
	rep. F2022L01213
cl 4.3	rep. F2022L01213
cl 4.4	rep. F2022L01213
cl 4.5	am. F2021L01504
	rep. F2022L01213
cl 4.6	am. F2021L01504
	rep. F2022L01213
cl 4.7	rep. F2022L01213
cl 4.8	rep. F2022L01213
Part 5	ad. F2021L01504
	rep. F2022L01213
cl 5.1	ad. F2021L01504
	am. F2022L00376
	rep. F2022L01213

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