Child Care Subsidy Minister's Amendment (Building on the Child Care Package and Other Measures) Rules 2020

I, Dan Tehan, Minister for Education, make the following rules.

Dated 5 March 2020

Dan Tehan
Minister for Education

OPC64462 - A

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1 Name

This instrument is the *Child Care Subsidy Minister's Amendment (Building on the Child Care Package and Other Measures) Rules 2020*.

2 Commencement

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

Commencement information

Column 1	Column 2	Column 3
Provisions	**Commencement**	**Date/Details**
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	13 March 2020
2. Schedule 1, Part 1	The day after this instrument is registered.	13 March 2020
3. Schedule 1, Part 2	30 June 2020.	30 June 2020
4. Schedule 1, Part 3	13 July 2020.	13 July 2020
5. Schedule 1, Part 4	The earlier of: (a) a single day to be fixed by the Secretary by notifiable instrument; and (b) 21 September 2020.	13 July 2020 (F2020N00066) (paragraph (a) applies)
6. Schedule 2	The day after this instrument is registered.	13 March 2020

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Part 1—Amendments commencing day after registration

Child Care Subsidy Minister's Rules 2017

1 Section 4 (definition of *IHC service*)

Repeal the definition, substitute:

IHC service is short for in home care service.

2 Section 4

Insert:

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

3 After section 5

Insert:

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.

4 At the end of Division 2 of Part 1

Add:

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:

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(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.

5 Paragraph 8(1)(c)

Repeal the paragraph, substitute:

(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;

6 Paragraph 8(1)(g)

Repeal the paragraph, substitute:

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

7 At the end of paragraphs 8(4A)(a) and (b)

Add "and".

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8 Paragraph 8(4A)(d)

Repeal the paragraph, substitute:

(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.

9 After subsection 8(4A)

Insert:

(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 (other than a public holiday to which subsection (4C) applies); or

(ii) a period of local emergency.

(4C) This subsection applies to a public holiday if:

(a) the public holiday occurs in a period of 2 or more consecutive days (disregarding Saturday and Sunday) in which a child care service is closed; and

(b) at least one of the days in that period is not a public holiday.

10 After Division 1 of Part 2

Insert:

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;

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(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.

11 Paragraph 13(6)(a)

Omit "the Department of Human Services", substitute "Services Australia".

12 Subparagraph 13(7)(c)(ii)

Omit all the words after "occupation listed", substitute "in the list known as the *Ratings Summary—Labour Market Analysis of Skilled Occupations* (prepared by the Department, and as existing from time to time) and the study involves progression towards a qualification that the individual has not already studied towards; or".

13 At the end of subsection 13(7)

Add:

Note: The *Ratings Summary—Labour Market Analysis of Skilled Occupations* could in 2020 be viewed on the Department's website.

14 Division 5 of Part 2

Repeal the Division, substitute:

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.

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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.

(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

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(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.

15 Section 15B

Repeal the section.

16 Before section 16

Insert:

15C Hourly session fee—third party payments for child in vulnerable or disadvantaged circumstances

For the purposes of paragraph 2(2A)(c) of Schedule 2 to the Family Assistance Act, a payment that meets both of the following criteria is prescribed:

(a) the payment is made by a State or Territory, or an authority of a State or Territory, for the purpose of enabling a child in vulnerable or disadvantaged circumstances to participate in early childhood education and care;

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

17 Subsection 16A(4) (paragraph (b) of the definition of *relevant period*)

Omit "subsection (3)", substitute "subsection (2)".

18 Section 43

Repeal the section, substitute:

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—held a current working with children check (within the meaning of section 195D of the Family Assistance

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Administration Act) 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.

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.

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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.

19 Before section 47

Insert:

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.

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(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.

20 After section 47

Add:

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.

21 Subsection 48A(7)

Omit "paragraph 15A(1)(b) or (2)(b)", substitute "subsection 15A(1)".

22 Subsection 48A(8)

Omit "*Guidelines* published in December 2018", substitute "*Guidelines*, as existing from time to time".

23 Subsection 48A(8) (note)

Repeal the note, substitute:

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

24 Subsection 48A(9)

Repeal the subsection.

25 Paragraph 48A(10)(c)

Omit "*Guidelines* published in December 2018", substitute "*Guidelines*, as existing from time to time".

26 Subsection 48A(10) (note)

Repeal the note, substitute:

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

27 Section 49A

Omit "This", substitute "(1) This".

28 At the end of section 49A

Add:

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(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.

29 After section 49A

Insert:

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.

30 Subsection 49B(2)

Repeal the subsection, substitute:

(2) An ***In Home Care 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.

31 Section 49C

Repeal the section, substitute:

49C Maximum amount 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), take a place covered by paragraph 49AA(b) into account as an appropriate fraction of an equivalent full-time place.

32 Paragraph 52(3)(f)

Repeal the paragraph.

33 Subsection 54(5)

Omit "appropriate State/Territory body", substitute "appropriate State/Territory support agency".

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34 Section 55 (table item 10, column headed "Matter to be notified", paragraph (d))

Omit "working with children card, if applicable", substitute "current working with children check".

35 Section 55 (table item 17)

Repeal the item, substitute:

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.

36 Paragraphs 57(a) and (b)

Omit "service", substitute "provider".

37 Section 59 (heading)

Repeal the heading, substitute:

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

38 Subsection 59(1)

Omit "service" (first occurring), substitute "provider".

39 Subsection 59(1)

Omit "by the service", substitute "by the provider in respect of a child care service".

40 Section 60 (heading)

Repeal the heading, substitute:

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

41 Subsection 60(1)

Omit "service has not previously received any fee reduction amounts", substitute "provider has not previously received any fee reduction amounts in respect of a child care service".

42 After Part 6

Insert:

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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

60A 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.

60B 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.

43 Subsection 67(3)

Repeal the subsection.

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Part 2—Amendments commencing 30 June 2020

Child Care Subsidy Minister's Rules 2017

44 Divisions 4A and 7 of Part 7

Repeal the Divisions.

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Part 3—Amendments commencing 13 July 2020

Child Care Subsidy Minister's Rules 2017

45 After Division 3 of Part 2

Insert:

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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Part 4—Amendments commencing on or before 21 September 2020

Child Care Subsidy Minister's Rules 2017

46 Before section 6

Insert:

5B Days on which sessions of care are taken to be provided

(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 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:

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(a) an immediate family member of the child experiences a serious injury or illness or dies; or

(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.

Authorised Version F2020L00246 registered 12/03/2020

Schedule 2—Repeals

Child Care Subsidy (What Constitutes a Session of Care) Determination 2018

1 The whole of the instrument

Repeal the instrument.

Authorised Version F2020L00246 registered 12/03/2020