



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

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I, Dr Michele Bruniges AM, Secretary, Department of Education, Skills and Employment, make the following rules.

Dated 13 March 2020

Dr Michele Bruniges AM  
Secretary  
Department of Education, Skills and Employment

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## 1 Name

This instrument is the *Child Care Subsidy Secretary'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 3 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	20 March 2020
2. Schedule 1, Part 1	The day after this instrument is registered.	20 March 2020
3. Schedule 1, Part 2	Immediately after the commencement of Part 1 of Schedule 1 to the <i>Child Care Subsidy Minister's Amendment (Building on the Child Care Package and Other Measures) Rules 2020</i> .	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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Main amendments

#### *Child Care Subsidy Secretary's Rules 2017*

##### **1 Section 4 (definition of IHC service)**

Repeal the definition, substitute:

*IHC service* is short for in home care service.

##### **2 Paragraph 6(j)**

Repeal the paragraph, substitute:

- (j) details of how the applicant will comply with section 195D of the Family Assistance Administration Act from the time that section becomes applicable to the applicant;

##### **3 Subparagraphs 6(k)(i) to (iv)**

Repeal the subparagraphs, substitute:

- (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, carried out no more than 30 days before the person commenced to hold that position;
- (ii) if the person is an individual—a copy of 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;
- (iii) if the person is an individual—a current and historical personal name extract search of the records of the Australian Securities and Investments Commission, carried out no more than 30 days before the person commenced to hold that position;
- (iv) if the person is a company—a current and historical company extract search of the records of the Australian Securities and Investments Commission, carried out no more than 30 days before the person commenced to hold that position;

##### **4 Subparagraphs 6(n)(vi) and 7(c)(vi)**

Omit all the words after “person is an”, substitute “individual—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 date of the application”.

##### **5 At the end of Part 3**

Add:

## **Division 3—Suspension of approval**

### **8A Information to be contained in a request for suspension**

For the purposes of paragraph 197AA(2)(d) of the Family Assistance Administration Act, a request to suspend the approval of an approved provider, or the approval of an approved provider in respect of one or more services, must contain the following information:

- (a) the full legal name and trading name of the provider;
- (b) the unique provider approval number given to the provider by the Secretary;
- (c) for each service for which the provider requests a suspension—the unique service approval number given to the provider by the Secretary;
- (d) the reasons why the provider is requesting a suspension;
- (e) the name and contact details for the provider’s representative in respect of the request.

### **6 Paragraph 11(a)**

Omit “a State or Territory body”, substitute “an appropriate State/Territory support agency”.

### **7 Paragraph 11(d)**

Omit “subsection 43(4)”, substitute “subsections 43(3) and (4)”.

### **8 At the end of section 11**

Add:

- ; (e) where a provider receives a payment prescribed by the *Child Care Subsidy Minister’s Rules 2017* for the purposes of paragraph 2(2A)(c) of Schedule 2 to the Family Assistance Act—information about the payment.

### **9 Paragraph 12(b)**

Omit “subsection 43(4)”, substitute “subsections 43(3) and (4)”.

### **10 After paragraph 12(i)**

Insert:

- (ia) information about payments prescribed by the *Child Care Subsidy Minister’s Rules 2017* for the purposes of paragraph 2(2A)(c) of Schedule 2 to the Family Assistance Act that have been received by the approved provider;

## **Part 2—Consequential amendments relating to the Minister's Rules**

### *Child Care Subsidy Secretary's Rules 2017*

#### **11 Paragraph 11(ba)**

Omit “subsection 48A(9)”, substitute “subsection 15B(5)”.