



Child Care Subsidy Amendment (2023 Measures No. 1) Minister's Rules 2023

I, Jason Clare, Minister for Education, make the following rules.

Dated 22 June 2023

Jason Clare
Minister for Education

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1 Name

This instrument is the *Child Care Subsidy Amendment (2023 Measures No. 1) Minister's Rules 2023*.

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.	
2. Schedule 1	1 July 2023	1 July 2023
3. Schedule 2, Parts 1 to 3	1 July 2023	1 July 2023
4. Schedule 2, Part 4	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—In Home Care amendments

Child Care Subsidy Minister's Rules 2017

1 Section 4 (definition of IHC Support Agency)

Omit “same meaning as *In Home Care Support Agency* given by subsection 49B(2)”, substitute “meaning given by subsection 49B(2)”.

2 Subparagraphs 8(1)(ea)(vi) and (vii)

Repeal the subparagraphs, substitute:

- (vi) grandchild, great-grandchild, nephew, niece or cousin;
- (vii) foster grandchild, foster great-grandchild, foster nephew, foster niece or foster cousin;

3 Paragraph 8(4A)(b)

Omit “*Australian Statistical Geography Standard (ASGS) Volume 5 – Remoteness Structure*, July 2016 (cat. No. 1270.0.55.005)”, substitute “*Australian Statistical Geography Standard (ASGS) Edition 3 – Remoteness Structure*, March 2023”.

4 Subsection 8(5) (definition of remote area child)

Omit “*Australian Statistical Geography Standard (ASGS) Volume 5 – Remoteness Structure*, July 2016 (cat. No. 1270.0.55.005)”, substitute “*Australian Statistical Geography Standard (ASGS) Edition 3 – Remoteness Structure*, March 2023”.

5 Subsection 48A(8)

Omit “undertake to operate in a manner consistent with”, substitute “comply with”.

6 Subsection 48A(10)

Omit “undertake to”.

7 At the end of paragraph 48A(10)(a)

Add “and”.

8 At the end of subsection 48A(10)

Add:

- ; and (d) comply with any reasonable requests for information from the IHC Support Agency.

9 Subsection 49B(1)

Omit “In Home Care Support Agency”, substitute “IHC Support Agency”.

10 Subsection 49B(2)

Omit “In Home Care Support Agency”, substitute “IHC Support Agency”.

11 Section 49C (heading)

Omit “amount”, substitute “number”.

12 Subsection 49C(2)

Omit “take a place covered by paragraph 49AA(b) into account”, substitute “a place covered by paragraph 49AA(b) is taken into account”.

Schedule 2—Other amendments

Part 1—Amendments relating to references to the social security law

Child Care Subsidy Minister's Rules 2017

1 Paragraph 15(f)

Omit “participation requirements under section 500A”, substitute “requirements under subsections 500(2A) or 500(2B)”.

2 Paragraph 15(f) (note)

Omit “participation requirements”, substitute “requirements”.

3 Paragraph 15(h)

Omit “Subdivision E of Division 1 of Part 2.11”, substitute “paragraph 593(1AC)(b)”.

4 Paragraph 15(h) (note)

Omit “Section 544A of the *Social Security Act 1991*”, substitute “Subdivision C of Division 2A of Part 3 of the *Social Security (Administration) Act 1999*”.

5 Subsection 39(2)

Omit “participation”.

6 Paragraph 39(5)(b) (note)

Repeal the note, substitute:

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*.

Part 2—Amendments relating to standing appropriation

Child Care Subsidy Minister's Rules 2017

7 Subsection 78(1) (note)

Repeal the note, substitute:

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.

8 At the end of section 78

Add:

- (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.

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- (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 \$4 million.
 - (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.
 - (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.

Part 3—Repeal of COVID-19 measures

Child Care Subsidy Minister’s Rules 2017

9 Subsection 5B(2) (note 1)

Omit “Note 1”, substitute “Note”.

10 Subsection 5B(2) (note 2)

Repeal the note.

11 After section 5C

Insert:

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.

12 Subparagraph 8(4B)(b)(ii)

Omit “or” (last occurring).

13 Subparagraph 8(4B)(b)(vi)

Repeal the subparagraph (not including the note).

14 Schedule 3

Repeal the Schedule.

Part 4—Other***Child Care Subsidy Minister's Rules 2017*****15 Paragraph 43(2)(a)**

Repeal the paragraph, substitute:

- (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;