Child Care Subsidy Amendment (2026 Measures No. 1) Minister's Rules 2026

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

Dated 23/6/2026

Jason Clare
Minister for Education

OPC67740 - B

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1 Name

This instrument is the *Child Care Subsidy Amendment (2026 Measures No. 1) Minister's Rules 2026*.

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. The whole of this instrument	1 July 2026.	1 July 2026

Note: This table relates only to the provisions of this instrument as originally made.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*.

Note: Section 85GB of the *A New Tax System (Family Assistance) Act 1999* authorises the making of rules for the purposes of that Act and the *A New Tax System (Family Assistance) (Administration) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—ACCS (child wellbeing)

Child Care Subsidy Minister's Rules 2017

1 Section 4

Repeal the following definitions:

(a) definition of ***at risk***;

(b) definition of ***harm***;

(c) definition of ***neglect***.

2 Division 2 of Part 2

Repeal the Division, substitute:

Division 2—When children are taken to be children in need of wellbeing support for ACCS (child wellbeing)

9 Circumstances in which a child is taken to be a child in need of wellbeing support—child at risk of suffering harm

(1) For the purposes of subsection 85CA(4) of the Family Assistance Act, a child is taken to be a child in need of wellbeing support if the child is at risk of suffering harm, or of continuing to suffer 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 the purposes of 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 is not at risk for the purposes of subsection (1) 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.

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(4) Where a circumstance mentioned in subsection (3) applies in relation to a child, that circumstance may only be taken into account for the purpose of considering whether a child is at risk for the purposes of subsection (1):
  (a) in conjunction with circumstances or matters other than those mentioned in subsection (3); and
  (b) to the extent that it is relevant to determining whether a child is taken to be a child in need of wellbeing support in accordance with this section.

(5) To avoid doubt, an event mentioned in subsection (1) may have occurred before either of the following is in effect in relation to the child:
  (a) a certificate given by the approved provider of the service under section 85CB of the Family Assistance Act;
  (b) a determination made by the Secretary under section 85CE of that Act.

(6) 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 a child in need of wellbeing support—child in need of care etc. under State or Territory law

For the purposes of subsection 85CA(4) of the Family Assistance Act, a child is taken to be a child in need of wellbeing support if the child is a resident of a State or Territory mentioned in column 1 of an item of the following table and the circumstances in column 2 for that item apply.

Child in need of care etc. under State or Territory law

Item	Column 1 If a child is a resident of …	Column 2 and …
1	New South Wales	the child is at risk of significant harm under the *Children and Young Persons (Care and Protection) Act 1998* (NSW)
2	Victoria	the child is in need of protection under the *Children, Youth and Families Act 2005* (Vic.)
3	Queensland	the child is in need of protection under the *Child Protection Act 1999* (Qld)
4	Western Australia	the child is in need of protection under the *Children and Community Services Act 2004* (WA)
5	South Australia	the child is at risk within the meaning of section 18 of the *Children and Young People (Safety) Act 2017* (SA)
6	Tasmania	the child is at risk under the *Children, Young Persons and Their Families Act 1997* (Tas.)
7	the Australian Capital Territory	the child is in need of care and protection under the *Children and Young People Act 2008* (ACT)
8	the Northern Territory	the child is in need of care and protection under the *Care and Protection of Children Act 2007* (NT)
9	any State or Territory	the child is in a formal foster care arrangement

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Child in need of care etc. under State or Territory law		
Item	**Column 1** **If a child is a resident of …**	**Column 2** **and …**
10	any State or Territory	(a) the session of care is provided between 1 July 2022 and 30 June 2027; and (b) the child is enrolled for the care by one of the 4 services participating in the Commonwealth-supported intensive early childhood education and care model trial overseen by Parkville Institute Ltd

3 Subsection 54(2)

Omit "certificate of risk of serious abuse or neglect given in accordance with section 85CB", substitute "certificate given by an approved provider under section 85CB (certification for ACCS (child wellbeing))".

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Part 2—ACCS (transition to work) study requirements

Child Care Subsidy Minister's Rules 2017

4 Subparagraph 13(7)(c)(ii)

Repeal the subparagraph, substitute:

(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 in shortage and the study involves progression towards a qualification that the individual has not already studied towards; or

5 Subsection 13(7) (note)

Repeal the note.

6 After subsection 13(7)

Insert:

(7A) For the purposes of subparagraph (7)(c)(ii), an occupation is in shortage if:

(a) the occupation is listed in the Occupation Shortage List published by Jobs and Skills Australia, as existing from time to time; and

(b) the list indicates that the occupation is in shortage, including a regional or metropolitan shortage, in at least one State or Territory.

Note: The Occupation Shortage List could, in 2026, be viewed on the Jobs and Skills Australia website at www.jobsandskills.gov.au.

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Part 3—Provider application exclusion period

Child Care Subsidy Minister's Rules 2017

7 Subsections 41A(1) and (2)

Repeal the subsections, substitute:

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

(a) the Secretary:

(i) refused, under subsection 194B(6) of that Act, to approve the provider for the purposes of the family assistance law because the Secretary was not satisfied that the provider satisfied paragraph 194C(b), (c), (d) or (da) of that Act; or

(ii) refused, under subsection 194B(7) of that Act, to approve the provider in respect of a child care service because the Secretary was not satisfied that the service satisfied paragraph 194D(da) of that Act; or

(iii) cancelled, under paragraph 195H(1)(b) of that Act, the provider's approval because the Secretary was satisfied that the provider had not complied, or was not complying, with the condition in subsection 195A(1) in relation to one or more of paragraphs 194C(b), (c), (d), (da) and 194D(da) of that Act; or

(b) the 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) of this subsection.

(2) For the purposes of 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 to add or remove a child care service to the provider's approval under subsection 196B(4) or 196C(3) of that Act because the Secretary was not satisfied that the child care service satisfied paragraph 194D(c), (d) or (da) of that Act; or

(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 because the Secretary was satisfied that the provider had not complied, or was not complying, with the condition in subsection 195A(1) in relation to paragraph 194D(c), (d) or (da) of that Act.

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Part 4—Provider eligibility rules

Child Care Subsidy Minister's Rules 2017

8 Section 4

Insert:

ACIC means the agency known as the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*.

ASIC means the Australian Securities and Investments Commission.

nationally coordinated criminal history check means a nationally coordinated criminal history check provided by ACIC or an accredited body (within the meaning of the *Australian Crime Commission Act 2002*).

working with children check has the same meaning as in subsection 195D(2) of the Family Assistance Administration Act.

9 Subsections 43(2) to (4)

Repeal the subsections, substitute:

Checks for persons with management or control of the provider

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

(a) if the person is an individual—held a current working with children check immediately before the person commenced to hold that position; and

(b) if the person is an individual—has had a nationally coordinated criminal history check carried out no more than 60 days before the person commenced to hold that position; and

(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 60 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;

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

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

(iv) in any case—checks of the banned and disqualified registers held by ASIC; and

(d) if the person:

(i) is an individual; and

(ii) is responsible for the day-to-day operation of a service of the provider; and

(iii) becomes responsible for the day-to-day operation of another service of the provider;

has had a nationally coordinated criminal history check carried out no more than 60 days before the person commenced to hold that other position.

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Note: It is also 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 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 immediately before the person commenced to hold that position; and

(b) has had a nationally coordinated criminal history check carried out no more than 60 days before the person commenced to hold that position; and

(c) if the FDC educator becomes an FDC educator with another FDC service of the provider—has had a nationally coordinated criminal history check carried out no more than 12 months before the person commenced to hold that other position.

Note: It is also 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 immediately before the person commenced to hold that position; and

(b) has had a nationally coordinated criminal history check carried out no more than 60 days before the person commenced to hold that position; and

(c) if the IHC educator becomes an IHC educator with another in home care service of the provider—has had a nationally coordinated criminal history check carried out no more than 12 months before the person commenced to hold that other position.

Note: It is also 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.

10 Subsection 43(5) (heading)

Omit "*to be provided on request*".

11 After the heading to subsection 43(5)

Insert:

(4A) For the purposes of this section, to ensure that a person has had a nationally coordinated criminal history check carried out, the provider must receive digitally verifiable evidence of the check and complete the digital verification.

12 Section 55 (table item 12)

Repeal the item, substitute:

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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; or (d) is listed on a banned and disqualified register held by ASIC. Note: A nationally coordinated 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, administration, receivership, liquidation, banning or disqualification 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 undertakes or receives a record of the check.

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Part 5—Conditions for continued approval related to child safety and protection training

Child Care Subsidy Minister's Rules 2017

13 Section 4

Insert:

advanced child safety training means the advanced child safety training prescribed by section 128E of the Education and Care Services National Regulations for the purposes of section 162B of the Education and Care Services National Law.

child protection training means the child protection training prescribed for the purposes of section 162A of the Education and Care Services National Law.

foundation child safety training means the foundation child safety training prescribed by section 128D of the Education and Care Services National Regulations for the purposes of section 162B of the Education and Care Services National Law.

mandatory child safety training means the child safety training prescribed for the purposes of section 162B of the Education and Care Services National Law.

14 Subsection 8(5) (definition of *mandatory child safety training*)

Repeal the definition.

15 After subsection 48A(10)

Insert:

Child safety and child protection training

(10A) The provider must ensure that each of the persons mentioned in column 1 of an item of the following table completes the training mentioned in column 2 for that item within the timeframes prescribed in that column.

Child safety and child protection training requirements

Item	Column 1 **If the person is …**	Column 2 **the provider must ensure that the person completes …**
1	a person with management or control of the provider	(a) foundation child safety training at least once every 2 years and before the earlier of the following: (i) 14 days after the person commences to be a person with management or control of the provider; (ii) the person commences working directly with children at the IHC service; and (b) advanced child safety training at least once every 2 years and within 3 months after the person commences to be a person with management or control of the provider.

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Child safety and child protection training requirements		
Item	**Column 1** **If the person is …**	**Column 2** **the provider must ensure that the person completes …**
2	a staff member of, or volunteer at, at the IHC service	(a) foundation child safety training at least once every 2 years and before the earlier of the following: (i) 14 days after the person commences to be a staff member at, or volunteer of, the IHC service; (ii) the person commences working directly with children at the IHC service; and (b) advanced child safety training at least once every 2 years and within 3 months after the person commences to be staff member at, or volunteer of, the IHC service; and (c) child protection training before the earlier of the following: (i) 14 days after the person commences to be a staff member at, or volunteer of, the IHC service; (ii) the person commences working directly with children at the IHC service.

16 After section 48D

Insert:

48E Additional conditions for continued approval—child care services funded under the Community Child Care Fund Restricted grant program

(1) For the purposes of section 195E of the Family Assistance Administration Act, this section sets out conditions for continued approval of an approved provider in respect of an approved child care service if:

(a) the provider receives payments under a funding agreement associated with the Community Child Care Fund Restricted grant program for the service; and

(b) the service is not an education and care service under the Education and Care Services National Law.

Note 1: In 2026, details of the grants available under the Community Child Care Fund Restricted grant program were set out in guidelines published on the Department's website at www.education.gov.au.

Note 2: Further conditions for continued approval of some providers receiving Community Child Care Fund Restricted grant program payments are also set out at section 49.

(2) The provider must ensure that each of the persons mentioned in column 1 of an item of the following table completes the training mentioned in column 2 for that item within the timeframes prescribed in that column.

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Child safety and child protection training requirements		
Item	**Column 1** **If the person is …**	**Column 2** **the provider must ensure that the person completes …**
1	a person with management or control of the provider	(a) foundation child safety training at least once every 2 years and before the earlier of the following: (i) 14 days after the person commences to be a person with management or control of the provider; (ii) the person commences working directly with children at the service; and (b) advanced child safety training at least once every 2 years and within 3 months after the person commences to be a person with management or control of the provider.
2	a staff member of, or a volunteer at, the service	(a) foundation child safety training at least once every 2 years and before the earlier of the following: (i) 14 days after the person commences to be a staff member at, or volunteer of, the service; (ii) the person commences working directly with children at the service; and (b) advanced child safety training at least once every 2 years and within 3 months after the person commences to be staff member at, or volunteer of, the service; and (c) child protection training before the earlier of the following: (i) 14 days after the person commences to be a staff member at, or volunteer of, the service; (ii) the person commences working directly with children at the service.

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Part 6—Appropriation

Child Care Subsidy Minister's Rules 2017

17 At the end of section 78

Add:

(14) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2026-27 is $4 million.

(15) 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 2026-27 is $4 million.

(16) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2027-28 is $4 million.

(17) 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 2027-28 is $4 million.

(18) For subsection 233(3) of the Family Assistance Administration Act, the total amount that may be paid in respect of 2028-29 is $4 million.

(19) 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 2028-29 is $4 million.

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Part 7—Exemption from certain requirements

Child Care Subsidy Minister's Rules 2017

18 After section 46A

Insert:

46B Minimum operating period for approved child care services—certain Community Child Care Fund Restricted grant program funded services

For the purposes of subsection 195C(3) of the Family Assistance Administration Act, the minimum period for which a child care service of an approved provider must operate is prescribed as one day if:

(a) on 30 June 2018:
  (i) a person or entity was in receipt of funding in respect of the service under the Budget Based Funded program administered by the Department; and
  (ii) the service was not approved for the purposes of the family assistance law; or

(b) the service is one of the following:
  (i) Areyonga Early Learning Centre (Lydia Dora Crèche);
  (ii) Banyan Park Playcentre;
  (iii) Docker River Crèche;
  (iv) Lajamanu Child Care Centre (Lajamanu Crèche);
  (v) Milikapiti Crèche;
  (vi) Papunya Crèche;
  (vii) Timber Creek Little Crocs Crèche;
  (viii) Yarralin Crèche; or

(c) the service was formed by an amalgamation or merger involving at least one of the services mentioned in, or covered by, paragraph (a) or (b).

Note: In 2026, Community Child Care Fund Restricted grant program funding was provided in respect of each of the services to which this section applies.

19 Subsection 50(1)

Repeal the subsection, substitute:

(1) For the purposes of section 199F of the Family Assistance Administration Act, a provider of a child care service is specified if:
  (a) on 30 June 2018, a person or entity was in receipt of funding in respect of the service under the Budget Based Funded program administered by the Department; and
  (b) on 30 June 2018, the service was not approved for the purposes of the family assistance law; and
  (c) the provider has not, at any time on or after 30 June 2018, held an approval or licence required to operate the service under the law of the State or Territory in which the service is situated.

20 Subsection 50(3)

Repeal the subsection, substitute:

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(3) Subject to subsection (3A), for the purposes of 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	Banyan Park Playcentre Incorporated	Banyan Park Playcentre
2	CatholicCare NT	Milikapiti Crèche
3	Central Desert Regional Council	Lajamanu Childcare Centre (Lajamanu Crèche)
4	MacDonnell Regional Council	(a) Areyonga Early Learning Centre (Lydia Dora Crèche); and (b) Docker River Crèche; and (c) Papunya Crèche
5	One Tree Community Services Inc.	Yarralin Crèche
6	Timber Creek School Council	Timber Creek Little Crocs Crèche

(3A) Subsection (3) does not apply if, at any time on or after 30 June 2018, a provider held, under the law of the State or Territory in which a service mentioned in that subsection is situated, an approval or licence required to operate the service.

21 Section 51

Repeal the section.

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Part 8—Preschool outside hours school care

Child Care Subsidy Minister's Rules 2017

22 Section 4

Insert:

preschool program means an early educational program provided to children in the year that is 2 years before grade 1 of school.

Note: Some States or Territories refer to this kind of program as kindergarten.

23 Subsection 16A(4)

Repeal the subsection.

24 Subsection 45(3)

Omit "Where the provider", substitute "Subject to subsection (3A), where the provider".

25 Subparagraph 45(3)(b)(ii)

Repeal the subparagraph, substitute:

(ii) children who attend a preschool program; or

26 Subsection 45(3A)

Repeal the subsection, substitute:

(3A) The provider's application for approval of the child care service under the Family Assistance Administration Act is taken to apply only to the outside school hours care component of a service, if:

(a) subparagraph (3)(a)(i) applies; and

(b) the service's approval under the Education and Care Services National Law enables the service to operate from the same location:

(i) a preschool program during normal school hours; and

(ii) an outside school hours care service.

(3B) For the purposes of this section, normal school hours include normal hours of a preschool program.

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Part 9—Application and transitional provisions

Child Care Subsidy Minister's Rules 2017

27 At the end of Part 6A

Add:

Division 3—Amendments made by the Child Care Subsidy Amendment (2026 Measures No. 1) Minister's Rules 2026

61AF Definitions

In this Division:

amending rules means the *Child Care Subsidy Amendment (2026 Measures No. 1) Minister's Rules 2026*.

commencement means the day Schedule 1 to the amending rules commences.

61AG Application provision—provider application exclusion period

The amendments made by Part 3 of Schedule 1 to the amending rules apply in relation to an application by a provider that is made (or would have been made but for the operation of section 41A of these Rules) on or after commencement.

61AH Application provision—provider eligibility rules

The amendments made by Part 4 of Schedule 1 to the amending rules apply in relation to persons who become persons with management or control of a provider on or after commencement.

61AI Transitional provision—child safety and protection training

(1) This section applies to a provider to which Part 5 of Schedule 1 to the amending rules applies.

(2) The provider must ensure that each of the persons mentioned in column 1 of an item of the following table first completes the training mentioned in column 2 for that item within the timeframes prescribed in that column, instead of the timeframes for first completing the training prescribed by Part 5 of Schedule 1 to the amending rules.

Transitional training requirements for persons holding certain positions on commencement

Item	Column 1 **If, on commencement, the person is …**	Column 2 **the provider must ensure that the person completes …**
1	a person with management or control of the provider	(a) foundation child safety training on or before 27 August 2026; and (b) advanced child safety training on or before the day 6 months after the training is published.

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Transitional training requirements for persons holding certain positions on commencement		
Item	**Column 1** **If, on commencement, the person is …**	**Column 2** **the provider must ensure that the person completes …**
2	a staff member of, or volunteer at, the service	(a) foundation child safety training on or before 27 August 2026; and (b) advanced child safety training on or before the day 6 months after the training is published; and (c) child protection training on or before 27 August 2026.

Note: This section affects when a person is required to first complete training under subsections 48A(10A) and 48E(2) of these Rules. Requirements for the completion of training on subsequent occasions will continue to apply under those subsections.

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