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s22 (out of scope)

From: s47F(1)

Sent: Thursday, 28 July 2022 2:48 PM

To: s47E(d)

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Cc: s47F(1)

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Subject: FW: Advice please by COB Fri 29/7- draft amendment to remove the follow the child requirement [SEC=OFFICIAL]

**Caution:** Do not click any links or open any attachments unless you trust the sender and believe the content to be safe.

Hi SA

As promised, some further context to assist you in providing a response.

We are looking at amending section 67CC(2)(d) of the FA Admin Act and section 3B(1)(d) of Schedule 2 to the FA Act to incorporate a requirement that the session of care must be reported against the enrolment for which the individual is the claimant. This would mean that the session of care follows the eligible individual, not just the child.

While it is not explicit from the legislation, we understand that administratively, each session of care that is reported under section 204B of the FA Administration Act must be reported against a particular enrolment, for which an enrolment notice has been given to the Secretary under section 201A. Similarly, each enrolment notice must specify a particular claimant for the enrolment, although again this is achieved administratively and is not a legislative requirement.

We are conscious this may not completely straightforward, hence why we need your advice.

The legislation currently does not make any strong links between the session and the claim. That is, the legislation is drafted to be flexible. So the person who puts in a claim doesn't necessarily have to be the person who enters into the complying written arrangement and pays for the care – one partner can claim CCS, while the other enters into the CWA. Similarly, if there are separated parents, it's possible for one service to report care to one child against two separate enrolments. Accordingly, the links between the session and the enrolment, and the enrolment and the claimant, are created administratively. E.g. the Child Care Provider Handbook requires an enrolment to specify the relevant CCS claimant (bottom of page 43, table on page 45), and requires providers to create separate enrolments for separated parents and report the care against the correct enrolment (page 38). We understand this is supported by the IT, which also requires these things in order for the enrolment notice/session reports to go through.

We're conscious of these various contexts to make sure the amended provision works. If you think that using the connection to enrolments is problematic, it won't mean that we can't change the sessions following the child, it just might mean we have to look at amending more than one provision – which we can continue to consult with you on to make sure it will work.

Thanks for your help

s47F(1)

**From:** s47F(1)**Sent:** Thursday, 28 July 2022 10:59 AM**To:** s47E(d)

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**Cc:** s47F(1)

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s47F(1)

**Subject:** Advice please by COB Fri 29/7- draft amendment to remove the follow the child requirement

Hi SA

Could we please seek your advice on a draft amendment that would potentially remove the requirement that, for the purposes of the 26 week rule, sessions of care follow the child? Refer below:

### Paragraph 67CC(2)(d)

After “in the week”, insert “in relation to the individual’s enrolment of the child”.

This would require the Secretary to only look at whether 26 weeks without session reports have occurred under the particular individual’s enrolment – so rather than following the child, it will follow the individual who is eligible for those sessions.

Could we please check your views on this? We understand SA’s system looks at CCS eligibility for certain individuals not enrolment? But then you need an enrolment to have a session of care.

Questions we’d really appreciate your help in answering are as follows:

- How is the system currently applying the 26 week rule?
  - o Does it just look at CCS eligible individuals?
  - o We assume there would need to be active enrolments for any sessions of care?
- Can we please confirm that the connection to enrolments in the above draft amendment isn’t problematic?

In addition:

- What actually happens now when the 26 week rule is applied for combined families?
- How might the above amendment work for combined families? For example;
  - o What if a child moves enrolment/eligibility from one parent to the other but remains in the same family?
  - o Would the amendment cancel children in this circumstance despite them remaining in the same family unit?
    - E.g., if CCS eligibility/enrolment moved from parent A to parent B, but for whatever reason there was a gap in care between that move, it’s possible the 26 week rule will look at the child and see there are no sessions of care with Parent B for the last 26 weeks (because they were all with Parent A?).

Apologies for the short timeframe, however **could we please receive your advice on the above by COB Friday 29 July** (or earlier, if at all possible!)

Thank you

s47F(1)

s47F(1)

| Subsidies - Implementation | Child Care Markets and Reform | Provider Analytics and Integrity Division |  
Early Childhood and Youth Group | Australian Government Department of Education

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s22 (out of scope)

From: s47F(1)

Sent: Monday, 12 September 2022 11:47 AM

To: s22

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Cc: s47F(1)

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Subject: FYI: Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022 [SEC=OFFICIAL:Sensitive]

**Caution:** Do not click any links or open any attachments unless you trust the sender and believe the content to be safe.

OFFICIAL: Sensitive

Hi SA

As promised, for SA's information attached is a copy of the final version of the Bill, which covers remaining elements.

We are still finalising the comprehensive layperson explanation to cover all of the amendments (for internal use only). Also, please note the small change to the title of the Bill from previous.

If you have any questions, concerns or comments please let us know.

s47F(1)

s47F(1) | Child Care Reform | Child Care Markets and Reform | Child Care Division | Early Childhood and Youth Group  
| Australian Government Department of Education

OFFICIAL: Sensitive

From: s47F(1)

Sent: Wednesday, 24 August 2022 3:39 PM

To: s22

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Cc: s47F(1)

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**Subject:** RE: For SA review please: Family Assistance Legislation Amendment (Plan for Cheaper Child Care) Bill 2022  
[SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s22

We'll have to do a lot of Minister's Rule changes by 1 July 2023 anyway (for other parts), so we can just add this to the list. Thanks for pointing this out though!

Re: remaining elements of the Bill, we hope so – along with a comprehensive layperson explanation, but in the meantime please see an update of draft amendments for removal of Phase 2 and the follow the child requirement which we consulted with you earlier.

If you have any questions, concerns or further comments please let us know.

s47F(1)

s47F(1) Child Care Reform | Child Care Markets and Reform | Child Care Division | Early Childhood and Youth Group  
| Australian Government Department of Education

OFFICIAL: Sensitive

**From:** s22

**Sent:** Wednesday, 24 August 2022 8:50 AM

**To:** s47F(1)

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**Cc:** s47F(1)

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**Subject:** RE: For SA review please: Family Assistance Legislation Amendment (Plan for Cheaper Child Care) Bill 2022  
[SEC=OFFICIAL:Sensitive]

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s22 (out of scope)



Cheers,

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FAMILIES, CHILDREN AND TARGETED SERVICES DIVISION

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**From:** s22

**Sent:** Tuesday, 23 August 2022 3:39 PM

**To:** s47F(1)

s47E(d)

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**Cc:** s47F(1)

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**Subject:** RE: For SA review please: Family Assistance Legislation Amendment (Plan for Cheaper Child Care) Bill 2022  
[SEC=OFFICIAL:Sensitive]

Hi s47F(1)

Thank you for providing us the additional time to review.

We have reviewed the ED and lay person explanation and provided comments in the attached.

Will we be able to get a look at the final bill before submission? We are keen to see where we landed with the follow the child changes and removal of Phase 2 information.

Cheers,

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FAMILIES, CHILDREN AND TARGETED SERVICES DIVISION

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**From:** s47F(1)

**Sent:** Monday, 22 August 2022 10:47 AM

**To:** s22

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Hi s22  
s22 (out of scope)

s47F(1)

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**From:** s22  
**Sent:** Monday, 22 August 2022 10:33 AM  
**To:** s47F(1)

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**Subject:** RE: For SA review please: Family Assistance Legislation Amendment (Plan for Cheaper Child Care) Bill 2022  
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## FAMILIES, CHILDREN AND TARGETED SERVICES DIVISION

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From: s47F(1)

Sent: Thursday, 18 August 2022 10:58 AM

To: s47E(d)

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Subject: RE: For SA review please: Family Assistance Legislation Amendment (Plan for Cheaper Child Care) Bill 2022  
[SEC=OFFICIAL:Sensitive]

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Hi again SA

I should have added, in case you're looking for it, the removal of phase two and the follow the child amendments (which you helpfully provided input around, thanks!) are also not in the ED, but will be in the final Bill.

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From: s47F(1)

Sent: Thursday, 18 August 2022 9:59 AM

To: s47E(d)

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Subject: For SA review please: Family Assistance Legislation Amendment (Plan for Cheaper Child Care) Bill 2022

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Hi SA

As promised, please find an exposure draft (ED) of the *Family Assistance Legislation Amendment (Plan for Cheaper Child Care) Bill 2022*. We are consulting on this with our ECEC reference group and relevant internals, but otherwise, this is close-hold as the Budget announcement is still pending.



We would appreciate your review of the ED, specifically to stress-test/interrogate the formulas which determine applicable percentages.

We would appreciate your feedback by **close of business Monday 22 August 2022**. Please let us know if timing will be an issue. Feedback is urgent so that we can finalise any changes in time for introduction of the Bill in September.

To assist your review, we also reattach the taper graph demonstrating the new CCS rates and a very handy layperson explanation of the amendments in the ED.

Please note, the indigenous activity test changes, some further integrity measures and minor CCS amendments are not contained in the ED but are proposed to be included in the final Bill, once policy authority is confirmed. The amendments for these are being finalised, and we will provide further details with you as the Bill progresses.

Thank you

Kind regards

s47F(1)

s47F(1) Child Care Reform | Child Care Markets and Reform | Child Care Division | Early Childhood and Youth Group  
| Australian Government Department of Education  
s47F(1)

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2022

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Family Assistance Legislation  
Amendment (Cheaper Child Care) Bill  
2022**

**No.     , 2022**

*(Education)*

**A Bill for an Act to amend the law relating to  
family assistance, and for related purposes**

1       **22 Application of amendments**

2               The amendments of the *A New Tax System (Family Assistance) Act*  
3               1999 made by this Part apply in relation to sessions of care provided to  
4               a child in a CCS fortnight that starts in the income year in which this  
5               item commences or in a later income year.

1       **Part 2—Other amendments**

2       ***A New Tax System (Family Assistance) (Administration) Act***  
3       ***1999***

4       **23 Paragraph 67CC(2)(d)**

5               After “session of care”, insert “in relation to which the individual is the  
6               claimant”.

7       **24 Application of amendments**

8               Paragraph 67CC(2)(d) of the *A New Tax System (Family Assistance)*  
9               *(Administration) Act 1999*, as amended by this Part, applies in relation  
10              to a week for which a report described in that paragraph has not been  
11              given to the Secretary, whether the week started before, on or after the  
12              commencement of this item.

s22 (out of scope)



2022

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**FAMILY ASSISTANCE LEGISLATION AMENDMENT  
(CHEAPER CHILD CARE) BILL 2022**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Education, the Hon Jason Clare MP)

s22 (out of scope)

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

Item 23: Paragraph 67CC(2)(d)

- 71. Item 23 amends paragraph 67CC(2)(d) to the Family Assistance Administration Act.
- 72. Previously, paragraph 67CC(2)(d) permitted the Secretary to cease an individual's determination of eligibility under subsection 67CC(1) if a session report had not been given to the Secretary for the child for at least 26 consecutive weeks. A determination of eligibility is necessary to qualify for CCS payments.
- 73. This amendment adds "in relation to which the individual is the claimant" after "session of care", which has the effect that, when the Secretary is considering ceasing a determination of eligibility under subsection 67CC(2), the Secretary will only look at whether the child has received sessions of care for which that relevant individual is the claimant. It would not matter whether or not the child received care for which another individual was receiving CCS.
- 74. This clarifies the policy intent and aligns the legislation with the administration of this provision within the CCS system.

Item 24: Application of amendments

- 75. Item 24 is an application provision that clarifies that this new provision may be relied on even if the weeks where the child did not receive care occurred prior to commencement. This means that the new version of the cessation power can be exercised from commencement.

*Family Assistance Legislation Amendment (Child Care Subsidy) Act 2021*

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