



Fact Sheet: Overview

Changes to Family Assistance Law from 10 October 2016 – Overview

The Australian Government is bringing forward measures to strengthen the integrity of the child care payments Compliance Framework to ensure the delivery of high quality, flexible and affordable child care to families.

What are the changes?

The changes commence from 10 October 2016 and will ensure that:

- Change One Child care fee assistance is not payable for:
- care where there is not a genuine liability to pay fees
 - care that is predominantly transport
 - Family Day Care (FDC) provided in the child's own home, or where the parent is present
 - FDC or In-Home Care (IHC) provided by a parent or sibling.
- Change Two A minimum benchmark for existing notifiable events obligations is established, and these are extended to key personnel. Services must notify the department where they become aware that a key personnel, staff member, FDC educator or IHC educator:
- is charged with or found guilty of a serious indictable offence
 - becomes bankrupt
 - has their working with children check (WWCC) refused, amended or cancelled.
- Change Three New suitability criteria applies to relevant people, including applicants for service approval, approved services and particular individuals associated with them.

Why are the changes necessary?

The Government is concerned about serious non-compliance and potential fraud by some child care services. It has taken a range of actions to address non-compliance and practices that do not align with the policy intent of child care fee assistance. An important feature of its strategy is to strengthen Family Assistance Law where appropriate.

The changes demonstrate the Government's determination that child care fee assistance will only be available to support eligible families to access genuine, high quality education and care from suitable child care services. They signal that fraudulent use of the significant taxpayer investment in child care will not be tolerated.

Who was consulted?

Early childhood education stakeholders including the FDC sector and the broader major child care peak bodies were consulted on these changes. There is a broad level of support for the changes.

Consequences of non-compliance

Services that do not comply with the new rules may be in breach of the conditions for continued approval.

The Department of Education and Training may, by written notice, require services to provide information and documents to demonstrate their compliance with their conditions for continued approval. Authorised officers of the department may also enter the premises of an approved FDC service to monitor its compliance with a condition of continued approval.

Failure of services to comply with a condition of continued approval may result in an immediate suspension of their service approval or sanctions including:

- variation to the conditions of continued approval
- additional conditions of continued approval
- suspension or cancellation of approval.

Depending on the nature of the non-compliance, civil or criminal penalties may also apply.

Where can I find more details?

The changes are made through the following Determinations:

- *Child Care Benefit (Session of Care) Determination 2016* available at www.legislation.gov.au/details/F2016L01427
- *Child Care Benefit (Children in respect of whom no-one is eligible) Amendment Determination 2016* available at www.legislation.gov.au/details/F2016L01425
- *Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2016* available at www.legislation.gov.au/details/F2016L01426.

Where can I find more information on the changes?

The department has released a range of information material further explaining each of the changes. These are available at www.education.gov.au/ccpc.

Additionally, information on reporting notifiable events is available at www.education.gov.au/notification-changes-your-child-care-services.

If you have any queries about these requirements, please email: childcareintegrity@education.gov.au.

Disclaimer

This fact sheet is intended to provide general guidance only and is not a substitute for reading the Family Assistance Law. Links to the relevant legislative instruments are provided in this fact sheet.