





**Family Assistance Legislation  
Amendment (Improving Assistance for  
Vulnerable and Disadvantaged Families)  
Act 2020**

**No. 84, 2020**

**An Act to amend the law relating to family  
assistance, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# **Family Assistance Legislation Amendment (Improving Assistance for Vulnerable and Disadvantaged Families) Act 2020**

**No. 84, 2020**

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**An Act to amend the law relating to family  
assistance, and for related purposes**

*[Assented to 7 September 2020]*

The Parliament of Australia enacts:

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*No. 84, 2020      Family Assistance Legislation Amendment (Improving Assistance for  
Vulnerable and Disadvantaged Families) Act 2020      1*

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## 1 Short title

This Act is the *Family Assistance Legislation Amendment (Improving Assistance for Vulnerable and Disadvantaged Families) Act 2020*.

## 2 Commencement

- (1) Each provision of this Act 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.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	7 September 2020
2. Schedule 1, items 1 to 6	1 July 2021.	1 July 2021
3. Schedule 1, item 7	Immediately after Schedule 2 to the <i>Family Assistance Legislation Amendment (Building on the Child Care Package) Act 2019</i> commenced.	13 December 2019
4. Schedule 1, item 8	Immediately after Part 1 of Schedule 1 to the <i>Family Assistance Legislation Amendment (Building on the Child Care Package) Act 2019</i> commenced.	16 December 2019

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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### **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—ACCS (child wellbeing) and technical amendments

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

#### **1 Paragraph 85CA(2)(b)**

Repeal the paragraph, substitute:

- (b) at the time the session of care is provided:
  - (i) the provider is not able to identify an individual who is eligible for CCS for the session of care; or
  - (ii) the child is a member of a class prescribed by the Minister’s rules; and
- (ba) at the time the session of care is provided:
  - (i) the child is 13 or under and does not attend secondary school, or the requirements covered by subsection (3) are satisfied; and
  - (ii) the child meets the immunisation requirements in section 6; and

#### **2 Subsection 85CA(3)**

Omit “(2)(b)(ii)”, substitute “(2)(ba)(i)”.

#### **3 After subsection 85CB(2)**

Insert:

- (2A) The Secretary may extend the period of 28 days referred to in paragraph (2)(c), to a period of no more than 13 weeks, if the Secretary is satisfied that an exceptional circumstance prescribed by the Minister’s rules exists.

#### **4 Subparagraph 85CE(5)(b)(ii)**

Before “cannot exceed”, insert “unless subsection (5A) applies—”.

#### **5 After subsection 85CE(5)**

Insert:

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- (5A) If the child is a member of a class prescribed by the Minister's rules for the purposes of subparagraph 85CA(2)(b)(ii), the unbroken period of weeks for which the determination and any of the following have effect cannot exceed 13 weeks:
- (a) a certificate given by the provider under section 85CB in relation to the child;
  - (b) one or more other determinations under this section that relate to the child.
- (5B) The Secretary may extend the period of 28 days referred to in paragraph (5)(a), to a period of no more than 13 weeks, if the Secretary is satisfied that an exceptional circumstance prescribed by the Minister's rules exists.
- (5C) The Secretary may extend the period of 13 weeks referred to in subparagraph (5)(b)(ii), to a period of no more than 12 months, if the Secretary is satisfied that a circumstance prescribed by the Minister's rules exists in relation to the child.

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

### **6 Paragraph 67CH(1)(c)**

Repeal the paragraph, substitute:

- (c) the provider has given the Secretary a declaration, in a form approved by the Secretary:
  - (i) for a certificate or determination in effect because of subparagraph 85CA(2)(b)(i) of the Family Assistance Act—that the provider has made reasonable endeavours to identify an individual who is eligible for CCS (child wellbeing) for the sessions of care and has not been able to identify anyone; or
  - (ii) for a certificate or determination in effect because of subparagraph 85CA(2)(b)(ii) of the Family Assistance Act—that the child is in a class prescribed for the purposes of that subparagraph.

### **7 Subparagraphs 197G(1)(b)(ii) and (iii)**

Repeal the subparagraphs, substitute:

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- (ii) the service is subject to a determination under section 195C that the service need not operate for the period;
- (iii) the Secretary is satisfied that, because of special circumstances affecting the service, the provider's approval should not be so varied.

**8 At the end of subsection 204K(6)**

Add:

Civil penalty: 50 penalty units.

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*[Minister's second reading speech made in—  
House of Representatives on 26 February 2020  
Senate on 25 August 2020]*

(21/20)

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