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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

CHILD CARE PAYMENTS BILL 1997

SUPPLEMENTARY EXPLANATORY MEMORANDUM

(Amendments to be moved on behalf of the Government)

(Circulated by the authority of the Minister for Family Services, the Hon. Judi Moylan, MP)

CHILD CARE PAYMENTS BILL 1997

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OUTLINE

These amendments make two changes to the Child Care Payments Bill 1997. In both cases, the changes are beneficial to families and have no adverse impact on the child care industry.

The first amendment makes additional Child Care Assistance available to children with disabilities. The 1997 Budget measure to introduce a 20 hour per week limit on Child Care Assistance for non-work related care included exemptions for children at risk of abuse or neglect, families in crisis and families where the sole parent, or both parents in a couple has a disability.

Short term additional assistance is available under the families in crisis exemption category which meets the short term needs of families in situations such as hospitalisation or death of a family member and short term carer responsibilities. It does not accommodate the long term needs for more hours of funded care for families with a child with a disability.

Parents with a child with a disability often require more than 20 hours of non-work related care to fulfil their caring responsibilities towards both their child with a disability and to their other children. This amendment ensures that families with children with a disability are exempt from the 20 hour limitation. This means that families in receipt of the Child Disability Allowance can access Child Care Assistance both for the child with the disability and for other children in the family for up to 50 hours per week.

The second amendment deals with retrospective claims for Child Care Assistance or the Child Care Rebate made in respect of children who have not been immunised. The Child Care Bill as it stands provides that where a family makes a prospective claim for a child care payment and the child in question has not been immunised, the family has a period of 28 days in which to either obtain the appropriate immunisation or provide evidence of medical contraindication or declare a conscientious objection to the child being immunised. If they take no action, child care payments will cease after the 28 days.

This amendment introduces a similar concession for families lodging a retrospective claim for Child Care Assistance or Child Care Rebate. It means that families lodging a retrospective claim in respect of a child who is not immunised will be given the opportunity to fulfill the immunisation requirements outlined in order to receive payment. Any subsequent claim by the family will be rejected unless the child has been immunised or a medical contraindication demonstrated or a conscientious objection lodged.

FINANCIAL IMPACT STATEMENT

The extension of exemptions from the 20 hour per week non work related care limit to children with a disability and their siblings is estimated to cost up to \$330,000 over the forward estimates period.

The amendment to allow families an immunisation catch-up period in respect of retrospective claims for Child Care Assistance and Child Care Rebate will have minimal financial impact.

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NOTES ON CLAUSES

Clause (1) This clause indicates that where the term "Secretary" appears in the Act it is not identified with an asterisk.

Clause (2) This clause changes the definition of immunised so that someone who has not had the vaccinations required by the standard immunisation schedules is to be considered as being immunised if he or she has had the vaccinations required by the standard catch-up schedules. The schedules will be defined in a disallowable instrument.

Clause (3) This clause defines the term "Secretary" as being the Secretary of the Department.

Clause (4) This clause is procedural only, consequential on Clause (5).

Clause (5) This clause amends the existing clause 18 by providing power for the Minister to determine the standard vaccination schedules and the catch-up schedules for the purpose of Clause (2).

Clause (6) This clause omits provisions that will no longer be necessary now that people on catch-up schedules will be considered to be immunised, under Clause (2).

Clause (7) This clause is procedural only, consequential on Clause (10).

If

- (a) a person is making his or her first claim for Child Care payments under the new arrangements, and
- (b) that claim is made after the care has been provided, and
- (c) that claim is rejected because the child is not immunised

Clause (8) This clause then allows a claim as above to be paid if, during the 28 days after the person is notified, he or she commences a catch-up immunisation program, demonstrates that immunisation was medically contraindicated or complies with the procedures to establish a conscientious objection to immunisation. Similar provisions already exist for claims made before the care is provided.

Clause (9) This clause is procedural only, consequential on Clause (8).

Clause (10) This clause omits provisions made unnecessary by clause (8).

Clauses (11) to (15) These are identical to clauses (6) to (10) except that where clauses (6) to (10) refer to the provisions of the Child Care Payments Bill 1997 that deal with Child Care Assistance, clauses (11) to (15) refer to the provisions covering Child Care Rebate.

Schedule D(2) of the Child Care Payments Bill 1997 imposes a 20 hour per child per week limit on the amount of Child Care Assistance where the parent or, if there are two parents, both parents, do not meet the work/training/study test. Clause (16) specifies that where a family is in receipt of the Child Disability Allowance, then it is not subject to the 20 hour limit.

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