Aged Care (Bond Security) Amendment Act 2013

No. 77, 2013

An Act to amend the *Aged Care (Bond Security) Act 2006*, and for related purposes

Contents

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[*Assented to 28 June 2013*]

The Parliament of Australia enacts:

1 Short title

> This Act may be cited as the *Aged Care (Bond Security) Amendment Act 2013*.

2 Commencement

This Act commences on 1 July 2014.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Aged Care (Bond Security) Act 2006

1 Title

Omit "**bond**", substitute "**accommodation payment**".

2 Section 1

Omit "*Bond*", substitute "*Accommodation Payment*".

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act's previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

3 Section 3

Omit "a bond", substitute "an accommodation payment".

4 Section 3

Omit "*Bond*", substitute "*Accommodation Payment*".

5 Subsection 6(1)

Insert:

> *accommodation bond balance* has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.
>
> *accommodation payment balance* means:
> - (a) a refundable deposit balance; or
> - (b) an accommodation bond balance; or
> - (c) an entry contribution balance; or
> - (d) an unregulated lump sum balance.

6 Subsection 6(1) (paragraph (i) of the definition of *administrative costs*)

Omit "*Bond*", substitute "*Accommodation Payment*".

7 Subsection 6(1) (definitions of *bond* and *bond balance*)

Repeal the definitions.

8 Subsection 6(1)

Insert:

> *entry contribution balance* has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

9 Subsection 6(1)

Insert:

> *outstanding accommodation payment balance* has the meaning given by subsection (2).

10 Subsection 6(1) (definition of *outstanding bond balance*)

Repeal the definition.

11 Subsection 6(1) (definition of *operator*)

Repeal the definition.

12 Subsection 6(1)

Insert:

> *refundable deposit balance* has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

13 Subsection 6(2) (heading)

Repeal the heading, substitute:

> *Outstanding accommodation payment balance*

14 Subsection 6(2)

Omit "a bond balance is an *outstanding bond balance*", substitute "an accommodation payment balance is an *outstanding accommodation payment balance*".

15 Paragraph 6(2)(a)

Omit "bond", substitute "accommodation payment".

16 After paragraph 6(2)(a)

Insert:

(aa) in relation to a refundable deposit balance—that time is later than the time required for payment of the balance to be refunded by the person under Division 52P of the *Aged Care Act 1997*; and

17 Paragraph 6(2)(b)

Omit "accommodation bond or entry contribution—that time is later than the time required for the bond balance", substitute "accommodation bond balance or entry contribution balance—that time is later than the time required for the balance".

18 Subparagraph 6(2)(b)(i)

Omit "*Aged Care Act 1997*", substitute "*Aged Care (Transitional Provisions) Act 1997*".

19 Subparagraph 6(2)(b)(ii)

Omit "User Rights", substitute "Aged Care (Transitional Provisions)".

20 Subparagraph 6(2)(b)(ii)

Omit "*Aged Care Act 1997*", substitute "*Aged Care (Transitional Provisions) Act 1997*".

21 Subparagraph 6(2)(b)(iii)

Omit "bond".

22 Section 6A

Repeal the section.

23 Paragraph 7(1)(b)

Omit "bond", substitute "accommodation payment".

24 Paragraph 9(2)(c)

Omit "bond", substitute "accommodation payment".

25 Paragraphs 10(1)(b) and 10(2)(c)

Omit "bond", substitute "accommodation payment".

26 Paragraph 11(1)(b)

Omit "bond", substitute "accommodation payment".

27 Subsection 12(1)

Omit "bond" (wherever occurring), substitute "accommodation payment".

28 Subsection 12(2)

Omit "bond" (wherever occurring), substitute "accommodation payment".

29 Paragraph 12(2)(c)

Omit "User Rights", substitute "Fees and Payments".

30 Paragraph 12(3)(a)

Omit "a bond", substitute "an accommodation payment".

31 Subsection 13(1)

Omit "bond" (wherever occurring), substitute "accommodation payment".

32 Paragraph 13(2)(b)

Omit "bond", substitute "accommodation payment".

33 Paragraphs 13A(1)(a) and (b)

Repeal the paragraphs, substitute:

    (a) a person who is or has been an approved provider (the ***approved provider or former approved provider***) refunds part of an accommodation payment balance (the ***initial refund***); and

    (b) after the initial refund, the Secretary, under paragraph 12(2)(b), determines the amount that the Secretary considers is equal to the amount of the accommodation payment balance that has not been refunded at the time the Secretary makes the determination; and

34 Paragraphs 13A(2)(b) and (3)(b)

Omit "bond", substitute "accommodation payment".

35 Paragraphs 19(3)(b) and 22(1)(c)

Omit "*Bond*", substitute "*Accommodation Payment*".

36 Savings—insolvency events

Despite the amendments made by this Schedule, the *Aged Care (Bond Security) Act 2006*, as in force immediately before the commencement of this item, continues to apply, after the commencement of this item, in relation to insolvency events that occur before the commencement of this item.

[*Minister's second reading speech made in—*
House of Representatives on 13 March 2013
Senate on 17 June 2013]

(36/13)