

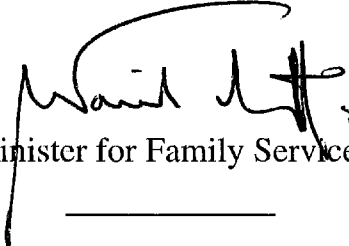
Commonwealth of Australia

Aged Care Act 1997

**User Rights Amendment
Principles 1998 (No. 1)**

I, WARWICK LESLIE SMITH, Minister for Family Services, make the following principles under subsection 96-1 (1) of the *Aged Care Act 1997*.

Dated 26th August 1998.


Minister for Family Services

1. Name of principles

1.1 These principles are the *User Rights Amendment Principles 1998 (No. 1)*.

2. Commencement

2.1 These principles commence on gazettal.

3. Amendment

3.1 The *User Rights Principles 1997*¹ are amended as set out in these principles.

Note Omit the note after section 23.3, substitute:

“Note: Definitions

A number of expressions used in these principles are defined in the *Aged Care Act 1997* (see Dictionary in Schedule 1), including:

- accommodation bond
- accommodation bond agreement
- accommodation bond balance
- advocacy grant
- aged care
- approved provider
- assisted resident
- care
- community care
- community care agreement
- community visitors grant
- concessional resident
- dependent child
- extra service agreement
- income support payment
- personal information
- place
- resident agreement
- residential care
- residential care service
- respite care.”

4. Section 23.18 (Booking fees — respite stays)

4.1 After subsection 23.18 (3), insert:

“(3A) If a care recipient cancels a booking more than 7 days before the proposed day for entry into respite care, the booking fee must be refunded within 14 days after the approved provider was notified that the care recipient cancelled the booking.

“(3B) If a care recipient cancels a booking within 7 days before the proposed day for entry into respite care and the reason for the cancellation is other than the care recipient entering hospital or the death of the care recipient before the proposed day for entry into respite care, the whole or part of the booking fee may be retained.”

5. Section 23.56 (Circumstances constituting financial hardship)

5.1 Paragraph 23.56 (2) (b):

Omit “assets level”, substitute “asset value”.

6. New section 23.67A

6.1 After section 23.67, insert:

23.67A Financial hardship — period to be disregarded

“If a determination under subsection 57-14 (1) of the Act is in force for a care recipient, an approved provider must not retain income derived, from the investment of the care recipient’s accommodation bond balance, in respect of the period beginning on the date of effect of the determination and ending on the day when the determination ceases to be in force under subsection 57-14 (3) of the Act.”.

7. Section 23.75 (When amounts must not be deducted from accommodation bond balance)

7.1 Omit “bc”.

8. New section 23.75A

8.1 After section 23.75, insert:

23.75A Financial hardship — period to be disregarded

“If a determination under subsection 57-14 (1) of the Act is in force for a care recipient, an approved provider must not deduct any retention amounts from the care recipient’s accommodation bond balance, in respect of the period beginning on the date of effect of the determination and ending on the day when the determination ceases to be in force under subsection 57-14 (3) of the Act.”.

NOTE

1. *User Rights Principles 1997* notified in the *Commonwealth of Australia Gazette* on 29 September 1997, as amended by:
User Rights Principles Amendment (No. 1) 1997 notified in the *Commonwealth of Australia Gazette* on 29 September 1997;
User Rights Principles Amendment (No. 2) 1997 notified in the *Commonwealth of Australia Gazette* on 3 November 1997;
User Rights Principles Amendment (No. 3) 1997 notified in the *Commonwealth of Australia Gazette* on 6 November 1997;
User Rights Principles Amendment (No. 4) 1997 notified in the *Commonwealth of Australia Gazette* on 10 November 1997;
User Rights Principles Amendment (No. 5) 1997 notified in the *Commonwealth of Australia Gazette* on 21 November 1997;
User Rights Principles Amendment (No. 6) 1997 notified in the *Commonwealth of Australia Gazette* on 3 December 1997;
User Rights Principles Amendment (No. 7) 1997 notified in the *Commonwealth of Australia Gazette* on 24 December 1997.