



Aged Care (Residential Care Subsidy — Basic Subsidy Amount) Determination 2008 (No. 1)

Aged Care Act 1997

I, JUSTINE ELLIOT, Minister for Ageing, make this Determination under subsection 44-3 (2) of the *Aged Care Act 1997*.

Dated 13 March 2008

JUSTINE ELLIOT
Minister for Ageing

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Part 1 Preliminary

1 Name of Determination

This Determination is the *Aged Care (Residential Care Subsidy — Basic Subsidy Amount) Determination 2008 (No. 1)*.

2 Commencement

This Determination commences on the commencement of Schedule 1 to the *Aged Care Amendment (Residential Care) Act 2007*.

3 Revocation

The Determination under section 44-3 made by the Minister on 26 June 2007, also known as ACA Ch. 3 No. 6/2007, is revoked.

4 Definitions

In this Determination:

ACFI classification means a classification, or renewal of a classification, of a care recipient under the Act and the *Classification Principles 1997* as in force on or after the commencement of this Determination.

Act means the *Aged Care Act 1997*.

domain amount, for a domain category, means the amount mentioned in Schedule 1 for the domain category.

domain category has the meaning given by section 9.3 of the *Classification Principles 1997* as in force on or after the commencement of this Determination.

RCS classification means a classification, or renewal of a classification, of a care recipient under the Act and the *Classification Principles 1997* as in force immediately before the commencement of this Determination.

Note For the classification levels for recipients of residential care and the procedure for determining the classification level for a care recipient, see the *Classification Principles 1997*:

- (a) for an RCS classification — as in force immediately before the commencement of this Determination; and
- (b) for an ACFI classification — as in force on or after the commencement of this Determination.

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Part 2 Care recipients receiving residential care other than as respite care

5 Application of Part 2

This Part applies to a care recipient receiving residential care other than as respite care.

6 Amount for care recipient whose RCS classification is in effect

The basic subsidy amount for a day for a care recipient who has an RCS classification that is in effect is:

- (a) for a day on or after the day that the RCS classification took effect — the full amount mentioned in column 3 of the following table for the care recipient's classification level; and
- (b) for a day (if any) on which the care recipient was taken, under subsection 25-1 (4) of the Act, to have been classified at the lowest applicable RCS classification level — the reduced amount mentioned in column 4 of the following table for the care recipient's classification level.

Item	RCS classification level	Full amount (\$)	Reduced amount (\$)
1	Classification level 1	125.23	90.23
2	Classification level 2	113.55	78.55
3	Classification level 3	97.82	62.82
4	Classification level 4	69.15	34.15
5	Classification level 5	42.12	22.12
6	Classification level 6	34.90	14.90
7	Classification level 7	26.80	6.80
8	Classification level 8	0.00	0.00

Note For when a classification of a care recipient takes effect, see Division 26 of the Act.

7 Care recipients whose RCS classification ceases to have effect on or after commencement — amount for day on or after date of effect of ACFI classification

- (1) This section applies to a care recipient on a day if:
 - (a) the care recipient has had an RCS classification; and
 - (b) the care recipient's most recent RCS classification ceased to have effect on or after the commencement of this Determination; and

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- (c) the care recipient has an ACFI classification that is in effect; and
- (d) the day is on or after the day that the ACFI classification took effect.

Note For when a classification of a care recipient takes effect, see Division 26 of the Act.

- (2) The basic subsidy amount for the day for the care recipient is:
 - (a) if the ACFI amount is at least \$15 more than the RCS amount:
 - (i) if the ACFI amount is less than or equal to \$135.23 — the ACFI amount; or
 - (ii) if the ACFI amount is more than \$135.23 — \$135.23; or
 - (b) if paragraph (a) does not apply — the RCS amount.

- (3) In this section:

ACFI amount, for a care recipient, means the sum of the domain amounts for each domain category in the care recipient's ACFI classification.

RCS amount, for a care recipient, means the basic subsidy amount for the care recipient's most recent expired RCS classification under paragraph 6 (a).

8 Care recipients who do not have an RCS classification on commencement — amount for day on or after date of effect of ACFI classification

- (1) This section applies to a care recipient on a day if:
 - (a) on the commencement of this Determination, the care recipient does not have an RCS classification that is in effect; and
 - (b) the care recipient has an ACFI classification that is in effect; and
 - (c) the day is on or after the day that the ACFI classification took effect.

Note For when a classification of a care recipient takes effect, see Division 26 of the Act.

- (2) The basic subsidy amount for the day for the care recipient is:
 - (a) if the care recipient's classification level is the interim low level — \$43.15; or
 - (b) if paragraph (a) does not apply and the ACFI amount is less than or equal to \$135.23 — the ACFI amount; or
 - (c) if paragraphs (a) and (b) do not apply — \$135.23.

- (3) In this section:

ACFI amount has the meaning given by subsection 7 (3).

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9 Care recipients with an ACFI classification — amount for day before date of effect of ACFI classification (late receipt of appraisal or reappraisal)

Appraisal or reappraisal received within 3 months after end of appraisal or reappraisal period

- (1) Subsection (2) applies to a care recipient on a day if:
 - (a) on the day, the care recipient is taken, under subsection 25-1 (4) of the Act, to have been classified at the lowest applicable ACFI classification level; and
 - (b) either:
 - (i) an appraisal in respect of the care recipient has been received by the Secretary in the 3 months beginning at the end of the period mentioned in paragraph 26-1 (a) or (b) of the Act (whichever is applicable); or
 - (ii) a reappraisal in respect of the care recipient has been received by the Secretary, if the reappraisal was received by the Secretary in the 3 months beginning at the end of the reappraisal period for the classification determined under section 27-2 of the Act.
- (2) The basic subsidy amount for the day for the care recipient is:
 - (a) if the amount for a day for the care recipient under section 7 or 8 is at least \$25 — that amount less \$25; or
 - (b) if the amount for a day for the care recipient under section 7 or 8 is less than \$25 — \$0.

Appraisal or reappraisal received more than 3 months after end of appraisal or reappraisal period

- (3) The basic subsidy amount for a day for a recipient is \$0 if:
 - (a) on the day, the care recipient is taken, under subsection 25-1 (4) of the Act, to have been classified at the lowest applicable ACFI classification level; and
 - (b) either:
 - (i) an appraisal in respect of the care recipient has been received by the Secretary, if the appraisal was received by the Secretary more than 3 months after the end of the period mentioned in paragraph 26-1 (a) or (b) of the Act (whichever is applicable); or
 - (ii) a reappraisal in respect of the care recipient has been received by the Secretary, if the reappraisal was received by the Secretary more than 3 months after the end of the reappraisal period for the classification determined under section 27-2 of the Act.

Section 10

10 Amount for care recipients on extended hospital leave

- (1) This section applies to a care recipient:
 - (a) who has:
 - (i) an ACFI classification that is in effect; or
 - (ii) an RCS classification that is in effect; and
 - (b) who is on extended hospital leave.
- (2) The basic subsidy amount for a day for the care recipient is:
 - (a) for a day that is before the 31st day of the care recipient's leave — the amount for the care recipient for the day under section 6, 7, 8 or 9 (whichever is applicable); and
 - (b) for a day that is after the 30th day of the care recipient's leave — half of the basic subsidy amount for the care recipient for the 30th day of the care recipient's leave.

Section 11

Part 3 Care recipients receiving residential care as respite care**11 Application of Part 3**

This Part applies to a care recipient receiving residential care as respite care.

12 Amount for days within maximum number for provision of respite care

- (1) This section applies to a care recipient on a day if, on that day, the number of days on which the care recipient had previously been provided with residential care as respite care during the financial year in which the day occurred does not equal or exceed the number specified, for the purposes of paragraph 44-12 (2) (c) of the Act, in the *Residential Care Subsidy Principles 1997*.
- (2) Subject to section 14, the basic subsidy amount for the day for the care recipient is:
 - (a) for a care recipient whose classification level is low level residential respite care — \$34.90; and
 - (b) for a care recipient whose classification level is high level residential respite care — \$97.82.

13 Amount for days exceeding maximum number for provision of respite care

The basic subsidy amount for a day for a care recipient is \$0 if, on that day, the number of days on which the care recipient had previously been provided with residential care as respite care during the financial year in which the day occurred equals or exceeds the number specified, for the purposes of paragraph 44-12 (2) (c) of the Act, in the *Residential Care Subsidy Principles 1997*.

14 Amount for residential care service exceeding respite care proportion

The basic subsidy amount for a day for a care recipient in a residential care service that provides a greater proportion of care to recipients of respite care than that specified in the conditions attached to the allocation of places to the approved provider of the residential care service is \$0.

Schedule 1 Domain amounts

(section 4)

Item	Domain category	Domain amount (\$)
1	Nil ADL category	0.00
2	Low ADL category	28.56
3	Medium ADL category	62.22
4	High ADL category	86.19
5	Nil behaviour category	0.00
6	Low behaviour category	6.53
7	Medium behaviour category	13.54
8	High behaviour category	28.51
9	Nil CHC category	0.00
10	Low CHC category	12.85
11	Medium CHC category	36.62
12	High CHC category	52.87

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.