

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for Mental Health and Ageing

*Aged Care Act 1997*

*Allocation Amendment Principles 2012 (No. 1)*

The *Aged Care Act 1997* (the Act) provides for the regulation and funding of aged care services. Persons who are approved under the Act to provide aged care services (approved providers) can be eligible to receive subsidy payments in respect of the care they provide to approved care recipients receiving care in allocated places.

Section 96-1 of the Act allows the Minister to make Principles providing for various matters required or permitted by a Part or section of the Act. Among the Principles made under section 96-1 are the *Allocation Principles 1997* (the Allocation Principles).

The purpose of the *Allocation Amendment Principles 2012 (No. 1)* (the Amending Principles) is to amend the Allocation Principles to reduce the number of matters that must be considered by the Secretary, in relation to each application for the allocation of places, in deciding which allocation would best meet the needs of the aged care community in a region. The amendments do not preclude the Secretary from taking any matters into account if they are relevant to the consideration of a particular application.

The Amending Principles also add an additional example to the list of examples of ways in which an allocation of places might promote diversity of choice for care recipients, that is the allocation of places to a service to provide care on a consumer directed care basis. In addition, the Amending Principles replace the mention of three specific classes of people with special needs in the list of examples with the defined term, *people with special needs*, which includes all people with special needs.

### **Consultation**

As the amendments in these Amending Principles are minor or machinery in nature, no specific consultation was undertaken in relation to this instrument.

### **Regulation impact statement**

The Office of Best Practice Regulation has advised that no Regulation Impact Statement is required (*OBPR ID 14239*).

### **Commencement**

This instrument commences on the day after registration.

The Amending Principles are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Allocation Amendment Principles 2012 (No. 1)***

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The purpose of the *Allocation Amendment Principles 2012 (No. 1)* is to reduce the number of matters that must be considered by the Secretary, in relation to each application for the allocation of aged care places, in deciding which allocation would best meet the needs of the aged care community in a region. The amendments do not preclude the Secretary from taking any matters into account if they are relevant to the consideration of a particular application.

### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Mark Butler**  
**Minister for Mental Health and Ageing**