



## **Residential Care Subsidy Amendment (Leave from Care) Determination 2013**

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I, Mitch Fifield, Assistant Minister for Social Services, make the following determination under the *Aged Care Act 1997*.

Dated: 19 December 2013

Mitch Fifield  
Assistant Minister for Social Services

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## **1 Name of determination**

This determination is the *Residential Care Subsidy Amendment (Leave from Care) Determination 2013*.

## **2 Commencement**

This determination commences on 1 January 2014.

## **3 Authority**

This determination is made under the *Aged Care Act 1997*.

## **4 Schedule(s)**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Aged Care (Residential Care – Amount of Basic Subsidy) Determination 2013 (No. 1)*

#### **1 Subsection 10(2)**

Repeal the subsection, substitute:

- (2) The basic subsidy amount for a day for the care recipient is:
  - (a) for a day that is before the 29th 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);
  - (b) unless paragraph (c) applies, for a day that is after the 28th day of the care recipient's leave—half of the basic subsidy amount for the care recipient for the 28th day of the care recipient's leave;
  - (c) if the 29th day of the care recipient's leave is 31 December 2013, the amount for the care recipient for 31 December 2013 is the amount for the care recipient for the day under section 6, 7, 8 or 9 (whichever is applicable).

#### **2 After section 10**

Add:

##### **10A Amount for care recipients on pre-entry leave**

- (1) For the purposes of this section, a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.
- (2) During any period of pre-entry leave, the basic subsidy amount is 30 per cent of the amount for the care recipient for a day under section 6, 7, 8 or 9 (whichever is applicable).

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## Schedule 2—Amendments

### *Aged Care (Residential care subsidy – amount of hardship supplement) Determination 2009 (No. 1)*

#### **1 After section 6**

Add:

##### **7 Amount of hardship supplement – care recipients on pre-entry leave**

- (1) For the purposes of this section, a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.
- (2) During any period of pre-entry leave, the amount of the hardship supplement is \$0.00.

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## **Schedule 3—Amendments**

### ***Aged Care (Residential Care Subsidy – Amount of Accommodation Supplement) Determination 2013 (No. 2)***

#### **1 After section 5**

Add:

##### **6 Amount of accommodation supplement for care recipients on pre-entry leave**

- (1) For the purposes of this section, a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.
- (2) The amount of accommodation supplement payable for a supported resident on pre-entry leave is \$0.00.



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## Schedule 4—Amendments

### *Aged Care (Residential Care Subsidy – Amount of Concessional Resident Supplement) Determination 2013 (No. 2)*

#### **1 After section 5**

Add:

#### **6 Amount of concessional resident supplement for care recipients on pre-entry leave**

- (1) For the purposes of this section, a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.
- (2) For subsection 44-6(4) of the Act, the amount of the concessional resident supplement for a day on which the care recipient is on pre-entry leave is \$0.00.

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## Schedule 5—Amendments

### *Aged Care (Residential care subsidy – amount of charge exempt resident supplement) Determination 2008*

#### **1 Section 5**

Repeal the section, substitute:

##### **5 Amount of charge exempt resident supplement**

- (1) For paragraph 44-8A (3) (b) of the Act, the charge exempt resident supplement for a day is:
  - (a) for a care recipient who is a pre-2008 reform resident – the maximum rate of concessional resident supplement less the actual amount of concessional resident supplement payable for the care recipient for the day; or
  - (b) for a care recipient who is on pre-entry leave – \$0.00; or
  - (c) in any other case – the applicable maximum rate of accommodation supplement for the care recipient on the day less the actual amount of accommodation supplement payable for the care recipient for the day.
- (2) For the purposes of paragraph 5 (1) (b), a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.

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## Schedule 6—Amendments

### *Aged Care (Residential care subsidy – amount of accommodation charge top-up supplement) Determination 2008 (No. 2)*

#### 1 Section 5

Repeal the section, substitute:

##### 5 Amount of accommodation charge top-up supplement

- (1) For subsection 44-16(3) of the Act, the amount of accommodation charge top-up supplement for a care recipient for a day is:  
the maximum daily accommodation charge that would be payable by the care recipient if the care recipient was not receiving an income support payment on his or her date of entry, as calculated under section 57A-6 of the Act  
*minus*  
the maximum daily accommodation charge that is payable by a post-2008 reform resident who was receiving an income support payment on his or her date of entry, as specified under subsection 23.81P (6) of the *User Rights Principles 1997*
- (2) However if:
  - (a) the amount worked out under subsection (1) is a negative amount; or
  - (b) the care recipient is on pre-entry leave;the amount of accommodation charge top-up supplement is \$0.00.
- (3) For the purposes of this section, a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.

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## Schedule 7—Amendments

### *Aged Care (Residential Care Subsidy – Amount of Transitional Supplement) Determination 2013 (No. 2)*

#### **1 After section 5**

Add:

##### **6 Amount of transitional supplement for care recipients on pre-entry leave**

- (1) For the purposes of this section, a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.
- (2) During any period of pre-entry leave, the amount of the transitional supplement is \$0.00.

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## Schedule 8—Amendments

### *Aged Care (Residential Care Subsidy – Amount of Transitional Accommodation Supplement) Determination 2013 (No. 2)*

#### **1 After section 5**

Add:

#### **6 Amount of transitional accommodation supplement for care recipients on pre-entry leave**

- (1) For the purposes of this section, a care recipient is on pre-entry leave in the circumstances described in subsection 42-3(3) of the Act.
- (2) For subsection 44-16(3) of the Act, the amount of the transitional accommodation supplement for a day on which the care recipient is on pre-entry leave is \$0.00.