



# **Aged Care Legislation Amendment (Removal of Certification and Other Measures) Principles 2015**

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I, Mitch Fifield, Assistant Minister for Social Services, make the following principles.

Dated 26 June 2015

Mitch Fifield  
Assistant Minister for Social Services

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## 1 Name

This is the *Aged Care Legislation Amendment (Removal of Certification and Other Measures) Principles 2015*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under section 96-1 of the *Aged Care Act 1997*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Amendments relating to removal of certification**

#### *Accountability Principles 2014*

**1 Section 4 (definition of *certification assessor*)**

Repeal the definition.

**2 Section 4 (subparagraph (a)(i) of the definition of *relevant official*)**

Repeal the subparagraph.

**3 Subdivision A of Division 1 of Part 2**

Repeal the Subdivision.

**4 Paragraph 19(b)**

Omit “paragraph 63-1(1)(j) or (m)”, substitute “paragraph 63-1(1)(m)”.

**5 Section 23**

Omit “paragraph 63-1(1)(j) or (m)”, substitute “paragraph 63-1(1)(m)”.

**6 Subparagraph 23(a)(i)**

Repeal the subparagraph.

#### *Allocation Principles 2014*

**7 Subparagraphs 48(2)(g)(i) and (ii)**

Omit “or the criteria for certification under the Act”.

**8 Subparagraph 51(1)(d)(i)**

Repeal the subparagraph.

**9 Subparagraphs 59(2)(d)(i) and (ii)**

Omit “or the criteria for certification under the Act”.

**10 Paragraph 62(1)(b)**

Repeal the paragraph.

#### *Fees and Payments Principles 2014 (No. 2)*

**11 Paragraphs 46(2)(d) and 47(2)(d)**

Repeal the paragraphs.

## **Part 2—Amendments relating to accommodation supplement**

### ***Subsidy Principles 2014***

#### **12 Section 4**

Insert:

***newly built residential care service*** has the meaning given by section 50 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014*.

***post-2008 reform resident*** has the meaning given by section 44-5C of the *Aged Care (Transitional Provisions) Act 1997*.

***relevant resident*** means a care recipient to whom residential care (other than respite care) is being provided through a residential care service and who:

- (a) is not being provided with care on an extra service basis; and
- (b) enters the service:
  - (i) if the service was certified on 1 October 1997—after 30 September 1997; or
  - (ii) if the service was certified after 1 October 1997—after the date the service is certified; or
  - (iii) on or after 17 October 2014.

***significantly refurbished residential care service*** means a residential care service in relation to which a determination under subsection 52(1) or 53(1) is in effect.

#### **13 Section 50**

Repeal the section, substitute:

#### **50 Matters on which determination of accommodation supplement amount may be based**

The Minister may determine the amount of accommodation supplement, or a method for working out the amount of accommodation supplement, payable for a day for a care recipient who is being provided with residential care (other than respite care) through a residential care service, based on any of the following:

- (a) whether the service is:
  - (i) a newly built residential care service; or
  - (ii) a significantly refurbished residential care service;
- (b) whether the service meets the building requirements specified in Schedule 1 to the *Aged Care (Transitional Provisions) Principles 2014*;
- (c) whether more than 40% of care recipients to whom the service provides residential care, who are both post-2008 reform residents and relevant residents, are low-means care recipients or supported residents;
- (d) whether more than 40% of relevant residents to whom the service provides residential care are assisted residents, concessional residents, low-means care recipients or supported residents.

Note 1: ***Relevant resident*** is defined in section 4.

**Schedule 1** Amendments

**Part 2** Amendments relating to accommodation supplement

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Note 2: See section 44-28 of the Act for other matters that may affect whether accommodation supplement is payable, and the amount of accommodation supplement that may be payable, in respect of a payment period for the care recipient.



## **Part 3—Other amendments**

### *Subsidy Principles 2014*

#### **14 Paragraph 83(2)(b)**

After “nurse practitioner”, insert “, clinical psychologist”.

#### **15 Paragraph 83(3)(c)**

After “nurse practitioner”, insert “, clinical psychologist”.