



Aged Care (Transitional Provisions) Amendment (Removal of Certification and Other Measures) Principles 2015

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 (Transitional Provisions) 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Note: This table relates only to the provisions of this instrument as originally made.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 (Transitional Provisions) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Aged Care (Transitional Provisions) Principles 2014

1 Section 4

Insert:

certified, in relation to a residential care service, means certified under Part 2.6 of the *Aged Care Act 1997*, as in force before 17 October 2014.

2 Section 33

Before “A care recipient”, insert “(1)”.

3 At the end of section 33

Add:

- (2) However, the care recipient is not eligible for a transitional supplement on a day if the care recipient entered the residential care service in question after 17 October 2014.

4 Paragraph 35(b)

Repeal the paragraph.

5 Sections 100, 103 and 110

Repeal the sections.

6 Clause 1 of Schedule 1

Repeal the following definitions:

- (a) definition of *Building Code of Australia*;
- (b) definition of *fire and safety requirements*.

7 Clause 2 of Schedule 1

Repeal the clause.

Part 2—Amendments relating to primary supplements

Aged Care (Transitional Provisions) Principles 2014

8 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*.

9 Section 4 (definition of *new resident*)

Repeal the definition.

10 Section 4

Insert:

relevant resident has the same meaning as in the *Subsidy Principles 2014*.

significantly refurbished residential care service has the same meaning as in the *Subsidy Principles 2014*.

11 Subsection 19(1)

Omit “with residential care through”, substitute “with residential care (other than respite care or care provided on an extra service basis) through”.

12 Paragraphs 19(1)(a) and (b)

Repeal the paragraphs, substitute:

- (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;
- (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: *Relevant resident* is defined in section 4.

13 Subsection 19(2)

Repeal the subsection.

14 Section 20

Repeal the section, substitute:

20 Determination of concessional resident supplement amount—other matters

For paragraph 44-6(5)(d) of the Transitional Provisions Act, other matters on which the Minister may base a determination of different amounts (including nil amounts) of the concessional resident supplement for a concessional resident or an assisted resident (the *care recipient*) who is being provided with residential care (other than respite care) through a residential care service are the following:

- (a) whether the service is:
 - (i) a newly built residential care service; or
 - (ii) a significantly refurbished residential care service;
- (b) if the care recipient entered the service before 17 October 2014—whether the service was certified at the time the care recipient entered the service;
- (c) 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: *Relevant resident* is defined in section 4.

Part 3—Technical amendments

Aged Care (Transitional Provisions) Principles 2014

15 Section 29

After “and (2)”, insert “of the Transitional Provisions Act”.

16 Section 59

Omit “44-27(e)”, substitute “44-27(1)(e)”.

17 Section 61

Repeal the section.

18 Section 62

Omit “44-27(e)”, substitute “44-27(1)(e)”.

19 Section 64

Repeal the section.