



Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Increasing Consumer Choice) Determination 2016

I, Sussan Ley, Minister for Health and Aged Care, make the following determination.

Dated 21 September 2016

Sussan Ley
Minister for Health and Aged Care

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1 Name

This is the *Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Increasing Consumer Choice) Determination 2016*.

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	At the same time as Part 1 of Schedule 1 to the <i>Aged Care Legislation Amendment (Increasing Consumer Choice) Act 2016</i> commences.	27 February 2017

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Aged Care (Transitional Provisions) (Subsidy and Other Measures) Determination 2014

1 Subsection 82(1)

Omit “The amount”, substitute “Subject to subsections (2) and (3), the amount”.

2 Subsection 82(2)

Omit “However, if”, substitute “If”.

3 At the end of section 82

Add:

- (3) If more than one approved provider is eligible for home care subsidy for a day for a particular care recipient, the amount of home care subsidy payable in respect of the day for the care recipient to each approved provider, other than the approved provider that first entered into a home care agreement with the care recipient, is nil.

4 Section 83

Omit “that corresponds to the level of home care specified in the table that the care recipient received on that day”, substitute “for the level of care that is, on the day, the care recipient’s level of care as a prioritised home care recipient determined under subsection 23B-1(1) of the *Aged Care Act 1997*”.

5 Section 83 (table, heading to column headed “Level of home care”)

Repeal the heading, substitute:

Level of care

6 Subsection 84(1) (note)

Repeal the note.

7 Paragraphs 84(2)(a) and (b), 84(4)(a) and (b) and 84(5)(a) and (b)

Omit “the level of home care that the care recipient is taken to have been provided with on the day”, substitute “the level of care that is, on the day, the care recipient’s level of care as a prioritised home care recipient determined under subsection 23B-1(1) of the *Aged Care Act 1997*”.

8 Subsection 84(6)

Repeal the subsection, substitute:

- (6) If, during a financial year, the determination made under subsection 23B-1(1) of the *Aged Care Act 1997* in relation to the care recipient is varied (under subsection 23B-2(1) of that Act) to increase the care recipient’s level of care as a prioritised home care recipient to a new level, only days on which the provision of home care to the care recipient was suspended whilst the care recipient’s level of care as a prioritised home care recipient is the new level are to be counted for

the purpose of calculating a number of days under subsection (2), (4) or (5) of this section for the new level.