



# **Aged Care (Subsidy, Fees and Payments) Amendment (Increasing Consumer Choice) Determination 2016**

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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 (Subsidy, Fees and Payments) 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
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Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Aged Care (Subsidy, Fees and Payments) Determination 2014*

#### **1 Section 4 (after the heading)**

Insert:

Note: A number of expressions used in this determination are defined in the Act, including the following:

- (a) accommodation supplement;
- (b) aged care service;
- (c) approved provider;
- (d) classification level;
- (e) daily accommodation payment;
- (f) daily payment;
- (g) extended hospital leave;
- (h) flexible care;
- (i) flexible care service;
- (j) flexible care subsidy;
- (k) home care;
- (l) home care service;
- (m) maximum home value;
- (n) member of a couple;
- (o) prioritised home care recipient;
- (p) residential care;
- (q) residential care service;
- (r) respite care.

#### **2 Section 67**

Omit “Subject to section 68”, substitute “Subject to sections 67A and 68”.

#### **3 Section 67**

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 Act”.

#### **4 Section 67 (table, heading to column headed “Level of home care”)**

Repeal the heading, substitute:

**Level of care**

#### **5 After section 67**

Insert:

#### **67A Basic subsidy amount—more than one approved provider eligible for subsidy in respect of a day and a care recipient**

If more than one approved provider is eligible for home care subsidy for a day for a particular care recipient, the basic subsidy amount for the day and the care recipient for each approved provider, other than the approved provider that first entered into a home care agreement with the care recipient, is nil.

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**6 Subsection 68(1) (note)**

Repeal the note.

**7 Paragraphs 68(2)(a) and (b), 68(4)(a) and (b) and 68(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 Act”.

**8 Subsection 68(6)**

Repeal the subsection, substitute:

- (6) If, during a financial year, the determination made under subsection 23B-1(1) of the Act in relation to the care recipient is varied (under subsection 23B-2(1) of the 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 was 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.

**9 Section 83**

Omit “The amount”, substitute “(1) Subject to subsection (2), the amount”.

**10 At the end of section 83**

Add:

- (2) If the basic subsidy amount for a day and a care recipient for an approved provider is nil because of the operation of section 67A, the amount of the hardship supplement for the day and the care recipient for the approved provider is nil.