



Aged Care Legislation Amendment (Independent Health and Aged Care Pricing Authority) Instrument 2022

I, Anika Wells, Minister for Aged Care, make the following instrument.

Dated 10 August 2022

Anika Wells
Minister for Aged Care

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1 Name

This instrument is the *Aged Care Legislation Amendment (Independent Health and Aged Care Pricing Authority) Instrument 2022*.

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 later of: (a) the start of the day after this instrument is registered; and (b) immediately after the commencement of Schedule 8 to the <i>Aged Care and Other Legislation Amendment (Royal Commission Response) Act 2022</i> .	12 August 2022 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Aged Care (Subsidy, Fees and Payments) Determination 2014

1 Section 110 (note)

Omit “Aged Care Pricing Commissioner” (wherever occurring), substitute “Pricing Authority”.

Extra Service Principles 2014

2 Subsections 17(1), (2) and (3)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

Fees and Payments Principles 2014 (No. 2)

3 Section 4 (definition of *approval day*)

Omit “Pricing Commissioner”, substitute “Pricing Authority”.

4 Section 4 (definition of *approval year*)

Omit “Pricing Commissioner” (wherever occurring), substitute “Pricing Authority”.

5 Section 4

Insert:

Pricing Authority approved amount means a higher maximum amount of accommodation payment (expressed as a refundable accommodation deposit amount) approved by the Pricing Authority under subsection 52G-4(5) of the Act.

Note: See also Division 3 of Part 4 of these principles.

6 Section 4 (definition of *Pricing Commissioner approved amount*)

Repeal the definition.

7 Section 4 (paragraph (b) of the note at the end)

Repeal the paragraph.

8 Section 4 (after paragraph (c) of the note at the end)

Insert:

(ca) Pricing Authority;

9 Section 21 (paragraph (b) of note 1)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

10 Section 21 (paragraph (b) of note 1)

Omit “Pricing Commissioner approved amount”, substitute “Pricing Authority approved amount”.

11 Paragraph 23(a)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

12 Paragraph 23(c)

Omit “Aged Care Pricing Commissioner’s”, substitute “Pricing Authority’s”.

13 Paragraph 25(2)(b)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

14 Subsection 25(5) (note)

Omit “Aged Care Pricing Commissioner may require an approved provider to give the Commissioner”, substitute “Pricing Authority may require an approved provider to give the Pricing Authority”.

15 Subsection 25(6) (note)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

16 Section 26 (heading)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

17 Subsections 26(1) to (4)

Omit “Aged Care Pricing Commissioner” (wherever occurring), substitute “Pricing Authority”.

18 Paragraph 26(4)(b)

Omit “Aged Care Pricing Commissioner’s”, substitute “Pricing Authority’s”.

19 Subsections 26(5) and (6)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

20 Section 27 (heading)

Omit “Aged Care Pricing Commissioner’s”, substitute “Pricing Authority’s”.

21 Subsections 27(1), (3) and (4)

Omit “Aged Care Pricing Commissioner”, substitute “Pricing Authority”.

22 Section 29 (heading)

Omit “Pricing Commissioner”, substitute “Pricing Authority”.

23 Section 29

Omit “Pricing Commissioner” (wherever occurring), substitute “Pricing Authority”.

Information Principles 2014**24 Paragraph 6(1)(e)**

Repeal the paragraph.

Schedule 2—Repeals

Aged Care (Aged Care Pricing Commissioner—Other Functions) Instrument 2015

1 The whole of the instrument

Repeal the instrument.

Committee Principles 2014

2 The whole of the instrument

Repeal the instrument.