



# **Aged Care Legislation Amendment (Improved Home Care Payment Administration) Principles 2022**

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

Dated            29 August 2022

Anika Wells  
Minister for Aged Care

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## 1 Name

This instrument is the *Aged Care Legislation Amendment (Improved Home Care Payment Administration) Principles 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	1 September 2022.	1 September 2022

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Subsidy Principles 2014*

#### 1 Section 4

Insert:

*hardship reduction amount* has the meaning given by section 99AA.

#### 2 Section 99A (method statement, step 2)

Repeal the step, substitute:

Step 2. Subtract the care recipient contribution amount worked out under section 99C for the care recipient in respect of the payment period. If the result is negative, the amount is taken to be nil.

#### 3 After section 99A

Insert:

##### 99AA Meaning of *hardship reduction amount*

The *hardship reduction amount* for a care recipient in respect of a payment period in which the care recipient receives home care through a home care service is worked out as follows.

##### ***Hardship reduction amount calculator***

Step 1. Work out the hardship supplement (if any) for the care recipient in respect of the payment period under subsection 48-10(1) of the Act.

Step 2. Subtract the amount that is the sum of all the basic daily care fees for the care recipient, under section 52D-3 of the Act, for the days during the payment period on which the care recipient is provided with home care through the home care service.

The result (including a nil amount) is the *hardship reduction amount* for the care recipient in respect of the payment period. If the result is negative, the amount is taken to be nil.

Note: For step 2, if the provision of home care to a care recipient is suspended on a temporary basis as mentioned in section 46-2 of the Act, the care recipient is taken to be provided with home care on each day that the provision of home care is suspended (see subsection 72(3)).

#### 4 Section 99C

Repeal the section, substitute:

### **99C Care recipient contribution amount**

For the purposes of step 2 of the shortfall amount calculator in subsection 48-13(1) of the Act, the *care recipient contribution amount* for a care recipient in respect of a payment period is worked out as follows.

#### ***Care recipient contribution amount calculator***

Step 1. Work out the care subsidy reduction (if any) for the care recipient in respect of the payment period using subsection 48-7(1) of the Act.

Step 2. Subtract the hardship reduction amount for the care recipient in respect of the payment period.

The result (including a nil amount) is the *care recipient contribution amount* for the care recipient in respect of the payment period. If the result is negative, the amount is taken to be nil.

### ***User Rights Principles 2014***

#### **5 Paragraph 21CC(1)(b)**

Before “under”, insert “worked out”.

## Schedule 2—Financial information statements

### *User Rights Principles 2014*

#### **1 After paragraph 21B(3)(e)**

Insert:

- (ea) the home care account balance in the care recipient's home care account:
  - (i) immediately after the end of the previous payment period; and
  - (ii) immediately after the end of the payment period;

#### **2 After paragraph 21B(3)(f)**

Insert:

- (fa) the Commonwealth portion of the care recipient's unspent home care amount in respect of:
  - (i) the previous payment period; and
  - (ii) the payment period;
- (fb) the care recipient portion of the care recipient's unspent home care amount in respect of:
  - (i) the previous payment period; and
  - (ii) the payment period;