

Aged Care Legislation Amendment (July Indexation and Other Measures) Instrument 2023

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

Dated 22 June 2023

Anika Wells

Minister for Aged Care

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Subsidy paid under the Aged Care Act 1997 2

Aged Care (Subsidy, Fees and Payments) Determination 2014 2

Schedule 2—Subsidy paid under the Aged Care (Transitional Provisions) Act 1997 11

Aged Care (Transitional Provisions) Principles 2014 11

Aged Care (Transitional Provisions) (Subsidy and Other Measures) Determination 2014 11

Schedule 3—Other amendments 12

User Rights Principles 2014 12

1 Name

 This instrument is the *Aged Care Legislation Amendment (July Indexation and Other Measures) Instrument 2023.*

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 July 2023 | 1 July 2023 |

Note: This table relates only to the provisions of this instrument as originally made.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 following:

 (a) the *Aged Care Act 1997*;

 (b) 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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Subsidy paid under the *Aged Care Act 1997*

Aged Care (Subsidy, Fees and Payments) Determination 2014

1 Amendments of listed provisions—increased amounts

The provisions listed in the following table are amended as set out in the table.

| Amendments relating to increased amounts |
| --- |
| Item | Provision | Omit | Substitute |
| 1 | Section 64ZJ | $12.73 | $13.62 |
| 2 | Paragraph 64ZK(a) | $20.17 | $21.58 |
| 3 | Paragraph 64ZK(b) | $22.65 | $24.24 |
| 4 | Section 64ZR | $7.50 | $7.75 |
| 5 | Subsection 70(1) | $12.73 | $13.62 |
| 6 | Subsection 70(2) | $15.91 | $17.03 |
| 7 | Paragraph 72(1)(a) | $20.17 | $21.58 |
| 8 | Paragraph 72(1)(b) | $22.65 | $24.24 |
| 9 | Subsection 72(2) | $25.21 for bolus feeding and $28.31 for non-bolus feeding | $26.98 for bolus feeding and $30.30 for non-bolus feeding |
| 10 | Paragraph 79(a) | $46,072.00 | $46,384.00 |
| 11 | Paragraph 79(b) | $59,696.00 | $60,008.00 |
| 12 | Paragraph 79(c) | $60,268.00 | $60,632.00 |
| 13 | Section 91 | $44.24 for HMA | $45.70 |
| 14 | Section 92 | $136.04 for B | $140.53 |
| 15 | Section 93 | $136.04 for B | $140.53 |
| 16 | Subsection 95(3) | $1.28 | $1.32 |
| 17 | Subparagraph 104(1)(b)(ii) | $16.79 | $17.34 |
| 18 | Subparagraph 104(2)(b)(ii) | $5.09 | $5.26 |
| 19 | Subsection 106(2) | $213.73 | $239.11 |
| 20 | Subsection 106(3) | $4.30 | $4.81 |
| 21 | Subsection 106B(2) | $213.73 | $239.11 |
| 22 | Subsection 106B(3) | $4.30 | $4.81 |

2 Section 64H (definition of *national efficient price*)

Omit “$216.80”, substitute “$243.10”.

3 Section 67 (table)

Repeal the table, substitute:

| **Basic subsidy amount** |
| --- |
| **Item** | **Level of home care** | **Amount ($)** |
| 1 | Level 1 | 28.14 |
| 2 | Level 2 | 49.49 |
| 3 | Level 3 | 107.70 |
| 4 | Level 4 | 163.27 |

**4  Section 84A (table to the definition of *ARIA value viability supplement amount*)**

Repeal the table, substitute:

| **ARIA value viability supplement amount** |
| --- |
| **Item** | **ARIA value** | **Amount ($)** |
| 1 | Less than 3.52 | 0.00 |
| 2 | At least 3.52 but less than 4.67 | 6.47 |
| 3 | At least 4.67 but less than 5.81 | 7.75 |
| 4 | At least 5.81 but less than 7.45 | 10.84 |
| 5 | At least 7.45 but less than 9.09 | 13.01 |
| 6 | At least 9.09 but less than 10.55 | 18.21 |
| 7 | At least 10.55 | 21.87 |

**5  Section 84A (table to the definition of *MMM classification viability supplement amount*)**

Repeal the table, substitute:

| **MMM classification viability supplement amount** |
| --- |
| **Item** | **Modified Monash Model classification** | **Amount ($)** |
| 1 | MMM 1 | 0.00 |
| 2 | MMM 2 | 0.00 |
| 3 | MMM 3 | 0.00 |
| 4 | MMM 4 | 1.24 |
| 5 | MMM 5 | 2.75 |
| 6 | MMM 6 | 18.21 |
| 7 | MMM 7 | 21.87 |

Note:          In 2023, the Modified Monash Model classification for a suburb or locality was available at the Health Department’s website http://www.health.gov.au.

**6  Section 87 (table to the definition of *ARIA value additional amount*)**

Repeal the table, substitute:

| **ARIA value additional amount** |
| --- |
| **Item** | **ARIA value** | **Amount ($)** |
| 1 | 0 to 3.51 inclusive | 0.00 |
| 2 | 3.52 to 4.66 inclusive | 5.97 |
| 3 | 4.67 to 5.80 inclusive | 7.16 |
| 4 | 5.81 to 7.44 inclusive | 10.01 |
| 5 | 7.45 to 9.08 inclusive | 12.01 |
| 6 | 9.09 to 10.54 inclusive | 16.82 |
| 7 | 10.55 to 12 inclusive | 20.20 |

**7  Section 87 (table to the definition of *MMM classification additional amount*)**

Repeal the table, substitute:

| **MMM classification additional amount** |
| --- |
| **Item** | **Modified Monash Model classification** | **Amount ($)** |
| 1 | MMM 1 | 0.00 |
| 2 | MMM 2 | 0.00 |
| 3 | MMM 3 | 0.00 |
| 4 | MMM 4 | 1.15 |
| 5 | MMM 5 | 2.54 |
| 6 | MMM 6 | 16.82 |
| 7 | MMM 7 | 20.20 |

Note:          In 2023, the Modified Monash Model classification for a street address was available at the Health Department’s website http://www.health.gov.au.

**8 Section 94 (table)**

Repeal the table, substitute:

| **Respite supplement equivalent amount** |
| --- |
| **Item** | **Total number of high care places and low care places** | **Amount ($)** |
| 1 | Less than 11 | 56.06 |
| 2 | More than 10 but less than 21 | 89.70 |
| 3 | More than 20 but less than 31 | 100.88 |
| 4 | More than 30 but less than 41 | 112.08 |
| 5 | More than 40 | 123.33 |

**9  Section 97 (table)**

Repeal the table, substitute:

| **Viability supplement equivalent amounts—Category A services** |
| --- |
| **Item** | **Degree of isolation of the service** | **Number of places allocated in respect of the service** | **Amount ($)** |
| 1 | Isolated Remote Area | less than 16 | 58.35 |
| 2 | Isolated Remote Area | more than 15 but less than 30 | 35.88 |
| 3 | Isolated Remote Area | more than 29 | 3.63 |
| 4 | Remote Centre | less than 16 | 27.87 |
| 5 | Remote Centre | more than 15 but less than 30 | 19.80 |
| 6 | Remote Centre | more than 29 | 3.63 |
| 7 | Rural Outside Large Centre | less than 16 | 11.73 |
| 8 | Rural Outside Large Centre | more than 15 but less than 30 | 3.63 |
| 9 | Rural Outside Large Centre | more than 29 | 3.63 |
| 10 | An area not covered by items 1 to 9 | not applicable | 3.63 |

Note:          Terms used in this table are defined in section 87.

**10  Section 98 (table)**

Repeal the table, substitute:

| **Viability supplement equivalent amounts—Category B services** |
| --- |
| **Item** | **Score** | **Amount ($)** |
| 1 | 40 | 3.63 |
| 2 | 50 | 4.06 |
| 3 | 60 | 11.73 |
| 4 | 70 | 19.80 |
| 5 | 80 | 27.87 |
| 6 | 90 | 35.88 |
| 7 | 100 | 58.35 |

**11  Section 99 (table)**

Repeal the table, substitute:

| **Viability supplement equivalent amounts—Category C services** |
| --- |
| **Item** | **Score** | **Amount ($)** |
| 1 | 50 | 8.76 |
| 2 | 55 | 13.13 |
| 3 | 60 | 19.64 |
| 4 | 65 | 24.00 |
| 5 | 70 | 35.02 |
| 6 | 75 | 43.62 |
| 7 | 80 | 54.51 |
| 8 | 85 | 65.51 |
| 9 | 90 | 76.39 |
| 10 | 95 | 85.11 |
| 11 | 100 | 96.03 |

**12  Section 99A (table)**

Repeal the table, substitute:

| **Viability supplement equivalent amounts—Category D services** |
| --- |
| **Item** | **Score** | **Amount ($)** |
| 1 | 50 | 8.76 |
| 2 | 55 | 13.13 |
| 3 | 60 | 19.64 |
| 4 | 65 | 24.00 |
| 5 | 70 | 35.02 |
| 6 | 75 | 43.62 |
| 7 | 80 | 54.51 |
| 8 | 85 | 65.51 |
| 9 | 90 | 76.39 |
| 10 | 95 | 85.11 |
| 11 | 100 | 96.03 |

**13  Section 101 (table)**

Repeal the table, substitute:

| **Concessional resident equivalent amounts** |
| --- |
| **Item** | **Region in which multi‑purpose service is located** | **Amount ($)** |
|   | **New South Wales** |   |
| 1 | Central Coast | 13.02 |
| 2 | Central West | 11.17 |
| 3 | Far North Coast | 11.86 |
| 4 | Hunter | 13.14 |
| 5 | Illawarra | 12.14 |
| 6 | Inner West | 13.57 |
| 7 | Mid North Coast | 12.43 |
| 8 | Nepean | 12.10 |
| 9 | New England | 8.01 |
| 10 | Northern Sydney | 7.82 |
| 11 | Orana Far West | 14.62 |
| 12 | Riverina Murray | 13.01 |
| 13 | South East Sydney | 12.65 |
| 14 | South West Sydney | 15.31 |
| 15 | Southern Highlands | 13.70 |
| 16 | Western Sydney | 12.22 |
|   | **Victoria** |   |
| 17 | Barwon South Western | 7.97 |
| 18 | Eastern Metro | 7.21 |
| 19 | Gippsland | 7.57 |
| 20 | Grampians | 13.35 |
| 21 | Hume | 7.74 |
| 22 | Loddon‑Mallee | 12.32 |
| 23 | Northern Metro | 12.22 |
| 24 | Southern Metro | 7.95 |
| 25 | Western Metro | 7.90 |
|   | **Queensland** |   |
| 26 | Brisbane North | 11.90 |
| 27 | Brisbane South | 12.74 |
| 28 | Cabool | 12.79 |
| 29 | Central West | 11.17 |
| 30 | Darling Downs | 13.73 |
| 31 | Far North | 11.92 |
| 32 | Fitzroy | 6.98 |
| 33 | Logan River Valley | 13.92 |
| 34 | Mackay | 11.93 |
| 35 | North West | 17.46 |
| 36 | Northern | 11.60 |
| 37 | South Coast | 13.14 |
| 38 | South West | 11.93 |
| 39 | Sunshine Coast | 8.05 |
| 40 | West Moreton | 13.37 |
| 41 | Wide Bay | 12.19 |
|   | **South Australia** |   |
| 42 | Eyre Peninsula | 15.84 |
| 43 | Hills, Mallee and Southern | 13.87 |
| 44 | Metropolitan East | 12.79 |
| 45 | Metropolitan North | 12.98 |
| 46 | Metropolitan South | 13.07 |
| 47 | Metropolitan West | 14.31 |
| 48 | Mid North | 13.03 |
| 49 | Riverland | 14.46 |
| 50 | South East | 12.84 |
| 51 | Whyalla, Flinders and Far North | 13.20 |
| 52 | Yorke Lower North and Barossa | 13.58 |
|   | **Western Australia** |   |
| 53 | Goldfields | 6.98 |
| 54 | Great Southern | 7.92 |
| 55 | Kimberley | 17.08 |
| 56 | Metropolitan East | 12.79 |
| 57 | Metropolitan North | 12.98 |
| 58 | Metropolitan South East | 13.07 |
| 59 | Metropolitan South West | 14.31 |
| 60 | Mid West | 15.58 |
| 61 | Pilbara | 16.78 |
| 62 | South West | 11.93 |
| 63 | Wheatbelt | 12.26 |
|   | **Tasmania** |   |
| 64 | North Western | 12.61 |
| 65 | Northern | 11.60 |
| 66 | Southern | 13.18 |
|   | **Northern Territory** |   |
| 67 | Alice Springs | 19.16 |
| 68 | Barkly | 21.95 |
| 69 | Darwin | 16.49 |
| 70 | East Arnhem | 21.95 |
| 71 | Katherine | 11.92 |
|   | **Australian Capital Territory** |   |
| 72 | Australian Capital Territory | 13.48 |

**14  Subsection 104(1) (table)**

Repeal the table, substitute:

| **Amount of flexible care subsidy** |
| --- |
| **Item** | **Column 1Approved provider** | **Column 2Amount ($)** |
| 1 | Multiple Sclerosis Society of Victoria | 75.23 |
| 2 | Helping Hand Aged Care Inc. | 68.24 |
| 3 | Senses Foundation Inc. | 85.43 |
| 4 | Li-Ve Tasmania | 77.25 |
| 5 | New Horizons Enterprises Limited | 79.43 |
| 6 | Uniting Church in Australia Property Trust (NSW) Springwood Retirement Village | 73.37 |

**15  Subsection 104(2) (table)**

Repeal the table, substitute:

| **Amount of flexible care subsidy** |
| --- |
| **Item** | **Column 1Approved provider** | **Column 2Amount ($)** |
| 1 | Riverland Mallee Coorong Local Health Network Incorporated | 38.33 |

Schedule 2—Subsidy paid under the *Aged Care (Transitional Provisions) Act 1997*

Aged Care (Transitional Provisions) Principles 2014

1 Section 67E (table)

Repeal the table, substitute:

| **Basic subsidy amount** |
| --- |
| **Item** | **Level of home care** | **Amount ($)** |
| 1 | Level 1 | 28.14 |
| 2 | Level 2 | 49.49 |
| 3 | Level 3 | 107.70 |
| 4 | Level 4 | 163.27 |

**2  Section 67N**

Omit “$2.89”, substitute “$3.23”.

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

3 Section 81 (Definition of *national efficient price*)

Omit “$216.80”, substitute “$243.10”.

4 Amendments of listed provisions—increased amounts

The provisions listed in the following table are amended as set out in the table.

| Amendments relating to increased amounts |
| --- |
| Item | Provision | Omit | Substitute |
| 1 | Section 91C | $12.73 | $13.62 |
| 2 | Paragraph 91D(a) | $20.17 | $21.58 |
| 3 | Paragraph 91D(b) | $22.65 | $24.24 |
| 4 | Section 91P | $7.50 | $7.75 |

Schedule 3—Other amendments

User Rights Principles 2014

1 Subsection 21KA(1) (table)

Repeal the table, substitute:

| **Maximum daily prices for care management and package management** |
| --- |
| **Item** | **If, 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 is …** | **the maximum price for care management for the day for the care recipient is … ($)** | **and the maximum price for package management for the day for the care recipient is … ($)** |
| 1 | Level 1 | 5.63 | 4.22 |
| 2 | Level 2 | 9.90 | 7.42 |
| 3 | Level 3 | 21.54 | 16.16 |
| 4 | Level 4 | 32.65 | 24.49 |