



Aged Care Legislation Amendment (Redress Payments) Principles 2024

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

Dated 4 December 2024

Anika Wells
Minister for Aged Care

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1 Name

This instrument is the *Aged Care Legislation Amendment (Redress Payments) Principles 2024*.

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 January 2025.	1 January 2025

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Aged Care (Transitional Provisions) Principles 2014

1 Subsection 44(1)

Repeal the subsection (not including the note), substitute:

- (1) For the purposes of subsection 44-10(1) of the Transitional Provisions Act, and subject to subsections 44-10(2), (3) and (4) of the Transitional Provisions Act, the value of a person's assets is the net value of the person's property (including property outside Australia) reduced by the following:
 - (a) any compensation payments received by the person under the following:
 - (i) the *Compensation (Japanese Internment) Act 2001*;
 - (ii) the *Veterans' Entitlements (Compensation—Japanese Internment) Regulations 2001*;
 - (iii) Part 2 of the *Veterans' Entitlements (Clarke Review) Act 2004*;
 - (iv) Schedule 5 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*;
 - (b) any redress payment paid to the person, or to an administrator for the person, under section 48 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

2 Chapter 5 (after the heading)

Insert:

Part 1—Amendments made by the Aged Care Legislation Amendment (Residential Aged Care Funding) Instrument 2022

3 At the end of Chapter 5

Add:

Part 2—Amendments made by the Aged Care Legislation Amendment (Redress Payments) Principles 2024

132 Application—redress payments

- (1) Subsection 44(1), as repealed and substituted by Schedule 1 to the *Aged Care Legislation Amendment (Redress Payments) Principles 2024*, applies to the working out of the value of a person's assets at a time that is before, on or after 1 January 2025.
- (2) Paragraph 44(1)(b) applies to redress payments paid before, on or after 1 January 2025.

Subsidy Principles 2014

4 Subsection 47(1)

Repeal the subsection, substitute:

- (1) For the purposes of subsection 44-26A(1) of the Act, the value of a person's assets is the value worked out in accordance with Division 1 of Part 3.12 of the Social Security Act, reduced by the following:
 - (a) any compensation payments received by the person under the following:
 - (i) the *Compensation (Japanese Internment) Act 2001*;
 - (ii) the *Veterans' Entitlements (Compensation—Japanese Internment) Regulations 2001*;
 - (iii) Part 2 of the *Veterans' Entitlements (Clarke Review) Act 2004*;
 - (iv) Schedule 5 to the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*;
 - (b) any redress payment paid to the person, or to an administrator for the person, under section 48 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

5 At the end of Chapter 5

Add:

Part 2—Amendments made by the Aged Care Legislation Amendment (Redress Payments) Principles 2024

113 Application—redress payments

- (1) Subsection 47(1), as repealed and substituted by Schedule 1 to the *Aged Care Legislation Amendment (Redress Payments) Principles 2024*, applies to the working out of the value of a person's assets at a time that is before, on or after 1 January 2025.
- (2) Paragraph 47(1)(b) applies to redress payments paid before, on or after 1 January 2025.