

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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