



# **Aged Care (Accommodation Payment Security) Act 2006**

**No. 26, 2006**

## **Compilation No. 10**

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## About this compilation

### This compilation

This is a compilation of the *Aged Care (Accommodation Payment Security) Act 2006* that shows the text of the law as amended and in force on 18 February 2020 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# An Act to guarantee the refund of certain accommodation payment balances, and for related purposes

## Part 1—Preliminary

### 1 Short title

This Act may be cited as the *Aged Care (Accommodation Payment Security) Act 2006*.

### 2 Commencement

- (1) Each provision of this Act 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
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	6 April 2006
2. Sections 3 to 22	At the same time as Schedule 5 to the <i>Aged Care Amendment (2005 Measures No. 1) Act 2006</i> commences.	31 May 2006

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

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- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

### 3 Simplified outline

The following is a simplified outline of this Act and some related material:

In certain circumstances, the Commonwealth will pay to a person an amount that the Secretary considers is equal to an accommodation payment balance, and interest, owed to the person by an approved provider or former approved provider (see sections 10, 12, 13 and 16).

Any rights that a person who is paid such an amount had to recover the amount from an approved provider or former approved provider are transferred to the Commonwealth (see section 15).

The Commonwealth may recoup certain costs it incurs from other approved providers (see sections 18 and 19 and the *Aged Care (Accommodation Payment Security) Levy Act 2006*).

### 4 Application of this Act

- (1) This Act applies in all the States and Territories.
- (2) However, this Act does not apply in any external Territory, except Norfolk Island, the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands.

### 5 Binding the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

## 6 Definitions

(1) In this Act:

**accommodation bond** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**accommodation bond balance** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**accommodation payment balance** means:

- (a) a refundable deposit balance; or
- (b) an accommodation bond balance; or
- (c) an entry contribution balance; or
- (d) an unregulated lump sum balance.

**administrative costs**, in relation to a default event declaration, means costs incurred by the Commonwealth in relation to, and as the result of, the making of the default event declaration and includes, but is not limited to, costs incurred by the Commonwealth as a result of:

- (a) making any insolvency event declaration under section 7 that enabled the making of the default event declaration; and
- (b) giving notice of such an insolvency event declaration under section 8; and
- (c) giving notice of the default event declaration under section 11; and
- (d) determining matters under section 12 that were required to be determined as a result of the making of the default event declaration; and
- (e) making any refund declarations under section 13 that were required to be made as a result of the making of the default event declaration; and
- (ea) making any refund declarations under section 13A that were permitted to be made as a result of the making of the default event declaration; and
- (f) giving notice of those refund declarations under section 14; and

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- (g) attempting to recover amounts that the Commonwealth gained the right to recover under section 15 as a result of the making of those refund declarations; and
- (h) making refund costs recoupment determinations under section 18 relating to those refund declarations; and
- (i) recovering levy that the Commonwealth was enabled, as a result of the making of those refund costs recoupment determinations, to impose by regulations made under section 6 of the *Aged Care (Accommodation Payment Security) Levy Act 2006*.

***administrative costs recoupment determination*** means a determination made under section 19.

***aged care service*** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

***approved provider*** has the same meaning as in the *Aged Care Quality and Safety Commission Act 2018*.

***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

***corporation*** means a trading or financial corporation within the meaning of paragraph 51(xx) of the Constitution.

***default event declaration*** means a declaration made under section 10.

***entry***, in relation to a person and an aged care service, has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

***entry contribution*** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

***entry contribution balance*** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.



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**Finance Minister** means the Minister who administers the *Public Governance, Performance and Accountability Act 2013*.

**flexible care** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**flexible care service** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**formal agreement** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**insolvency event**: each of the following events is an **insolvency event** that may occur in relation to a person who is or has been an approved provider (the **approved provider or former approved provider**):

- (a) a CGT event G3 (within the meaning of the *Income Tax Assessment Act 1997*) in respect of shares or financial instruments of the approved provider or former approved provider;
- (b) the making of an order:
  - (i) under section 459A or 459B of the *Corporations Act 2001*; or
  - (ii) under a provision of the law of a State, or Territory, which deals with the incorporation of associations; that the approved provider or former approved provider be wound up in insolvency;
- (c) the passing of a special resolution:
  - (i) under section 491 of the *Corporations Act 2001*; or
  - (ii) under a provision of the law of a State, or Territory, which deals with the incorporation of associations; that the approved provider or former approved provider be wound up voluntarily;
- (d) the passing of a resolution under paragraph 439C(c) of the *Corporations Act 2001* by the creditors of the approved provider or former approved provider that the approved provider or former approved provider be wound up;

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- (e) the making of a sequestration order against the estate of the approved provider or former approved provider;
- (f) the acceptance of a debtor's petition (within the meaning of the *Bankruptcy Act 1966*) against the approved provider or former approved provider by an Official Receiver (within the meaning of that Act);
- (g) the making of an insolvency event declaration in relation to the approved provider or former approved provider (see section 7).

***insolvency event declaration*** means a declaration made under section 7.

***national newspaper*** means a newspaper circulating generally throughout Australia.

***outstanding accommodation payment balance*** has the meaning given by subsection (2).

***provisional allocation*** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

***refundable deposit balance*** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

***refund amount***, in relation to a refund declaration, means the amount that the refund declaration declares is to be paid by the Commonwealth.

***refund costs recoupment determination*** means a determination made under section 18.

***refund declaration*** means a declaration made under section 13 or 13A.

***refund recipient***, in relation to a refund declaration, means the person that the refund declaration declares is to be paid an amount by the Commonwealth.

***residential care*** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**residential care service** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**respite care** has the meaning given by the Dictionary in Schedule 1 to the *Aged Care Act 1997*.

**Secretary** means the Secretary of the Department.

**unregulated lump sum** has the meaning given by subsection (3).

**unregulated lump sum balance**, in relation to an unregulated lump sum is, at a particular time, an amount equal to the difference between:

- (a) the amount of the unregulated lump sum; and
- (b) any amounts that have been, or are permitted to be, deducted at that time under the agreement under which the unregulated lump sum was paid.

*Outstanding accommodation payment balance*

- (2) For the purposes of this Act, an accommodation payment balance is an **outstanding accommodation payment balance** at a particular time of a person who is or has been an approved provider if:
  - (a) at that time all, or part, of the accommodation payment balance has not been refunded; and
  - (aa) in relation to a refundable deposit balance—that time is later than the time required for payment of the balance to be refunded by the person under Division 52P of the *Aged Care Act 1997*; and
  - (b) in relation to an accommodation bond balance or entry contribution balance—that time is later than the time required for the balance to be refunded by the person under:
    - (i) Subdivision 57-G of the *Aged Care (Transitional Provisions) Act 1997*; or
    - (ii) the Aged Care (Transitional Provisions) Principles made under section 96-1 of the *Aged Care (Transitional Provisions) Act 1997*; or

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- (iii) a formal agreement applying in respect of the balance;  
and
- (c) in relation to an unregulated lump sum—that time is later than the earlier of the following:
  - (i) the start of the first day on which the person (the **unregulated lump sum holder**) to whom the amount was paid is obliged, under the agreement under which it was paid, to refund the amount or part of the amount;
  - (ii) the end of a period of 14 days beginning immediately after the day on which the care recipient in relation to whose entry to a residential care service or flexible care service the amount was paid ceased to be provided with care by the unregulated lump sum holder through that service.

*What is an unregulated lump sum?*

- (3) An **unregulated lump sum** is an amount of money paid to a person (the **unregulated lump sum holder**) in the following circumstances:
  - (a) the amount is paid to the unregulated lump sum holder by a care recipient under a written agreement for the care recipient's entry to:
    - (i) a residential care service through which residential care other than respite care is, or is to be, provided by the unregulated lump sum holder; or
    - (ii) a flexible care service through which flexible care is, or is to be, provided by the unregulated lump sum holder;
  - (b) the amount does not accrue daily;
  - (c) under the agreement, the amount, or part of the amount, must be refunded to the care recipient if the unregulated lump sum holder ceases to provide residential care or flexible care (as the case requires) to the care recipient;
  - (d) the unregulated lump sum holder is an approved provider immediately before 1 January 2009;

- (e) the amount was paid to the unregulated lump sum holder before 1 January 2009 and before the unregulated lump sum holder began to be an approved provider;
- (f) the amount is not an entry contribution;
- (g) the care recipient did not cease to be provided with residential care through the residential care service, or flexible care through the flexible care service (as the case requires), after the amount was paid but before the unregulated lump sum holder began to be an approved provider.

## Part 2—Insolvency event declaration

### 7 Making of insolvency event declaration

- (1) The Minister may make an insolvency event declaration in relation to a person who is or has been an approved provider if:
  - (a) either:
    - (i) the person is a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*); or
    - (ii) a personal insolvency agreement under Part X of the *Bankruptcy Act 1966* is in effect in relation to the person or the person's property; and
  - (b) there is at least one outstanding accommodation payment balance of the person.

Note: A person that is a body that is incorporated under a law of a State or Territory may be a Chapter 5 body corporate within the meaning of the *Corporations Act 2001*.

- (2) The insolvency event declaration must be in writing.
- (3) An insolvency event declaration is not a legislative instrument.

### 8 Notice of insolvency event declaration

- (1) The Secretary must give a copy of an insolvency event declaration to the person to whom the insolvency event declaration relates.
- (2) A failure to comply with subsection (1) does not affect the validity of any insolvency event declaration.

## **Part 3—Requirement to notify Secretary of certain insolvency events**

### **9 Notice of certain insolvency events**

- (1) If:
- (a) a person is an approved provider; and
  - (b) any of the events mentioned in paragraph (a), (b), (c), (d), (e) or (f) of the definition of *insolvency event* occur in relation to the person;
- the person must notify the Secretary the first time that the event occurs.
- (2) If:
- (a) a person has been, but is no longer, an approved provider; and
  - (b) any of the events mentioned in paragraph (a), (b), (c), (d), (e) or (f) of the definition of *insolvency event* occur in relation to the person; and
  - (c) there was at least one outstanding accommodation payment balance of the person at the time the event occurs;
- the person must notify the Secretary the first time that the event occurs.
- (3) The notification under subsection (1) or (2) must be given in writing by the end of the first business day after the day on which the event occurs.
- (4) A person commits an offence if the person refuses or fails to comply with a requirement under this section.

Penalty: 30 penalty units.

## Part 4—Default event declaration

### 10 Making of default event declaration

- (1) As soon as practicable after the Secretary first becomes aware that:
  - (a) an insolvency event has occurred in relation to a person who is or has been an approved provider (the *approved provider or former approved provider*); and
  - (b) there is at least one outstanding accommodation payment balance of the approved provider or former approved provider;the Secretary must make a default event declaration.
- (2) The default event declaration must:
  - (a) be in writing; and
  - (b) state that an insolvency event has occurred in relation to the approved provider or former approved provider; and
  - (c) state that the Secretary considers that there is at least one outstanding accommodation payment balance of the approved provider or former approved provider.
- (3) A default event declaration is not a legislative instrument.

### 11 Notice of default event declaration

- (1) The Secretary must give a copy of a default event declaration to:
  - (a) the approved provider or former approved provider in relation to which the declaration states an insolvency event has occurred; and
  - (b) each person whom the Secretary considers may be entitled to receive a refund of an outstanding accommodation payment balance of the approved provider or former approved provider.
- (2) The Secretary must publish a copy of a default event declaration in a national newspaper.



- (3) A failure to comply with subsection (1) or (2) does not affect the validity of any default event declaration.

## Part 5—Refund declaration

### 12 Secretary to determine certain matters

- (1) If the Secretary has made a default event declaration stating that an insolvency event has occurred in relation to a person who is or has been an approved provider (the ***approved provider or former approved provider***), the Secretary must identify each accommodation payment balance that:
  - (a) was an outstanding accommodation payment balance of the approved provider or former approved provider at the time that the default event declaration was made; or
  - (b) later becomes an outstanding accommodation payment balance of the approved provider or former approved provider.
- (2) In respect of each accommodation payment balance identified by the Secretary under subsection (1), the Secretary must determine:
  - (a) the date on which the accommodation payment balance became an outstanding accommodation payment balance; and
  - (b) the amount that the Secretary considers is equal to the amount of the accommodation payment balance that had not been refunded at the time the Secretary makes the determination; and
  - (c) the amount that the Secretary considers is equal to the amount representing interest on the amount determined under paragraph (b), worked out in accordance with the Fees and Payments Principles made under section 96-1 of the *Aged Care Act 1997*, that has accrued at the time that the Secretary determines the amount under paragraph (b); and
  - (d) the person to whom the Secretary considers the approved provider or former approved provider was required to refund the accommodation payment balance at the time that it

became an outstanding accommodation payment balance;  
and

- (e) the method that the Secretary considers would be most appropriate for the Commonwealth to use to pay a refund amount to the person mentioned in paragraph (d).

*Where all or part of a refund is clawed back as a result of insolvency or bankruptcy*

(3) If:

- (a) before the determination is made, part of an accommodation payment balance is refunded; and
- (b) in a case where the approved provider or former approved provider is a corporation:
  - (i) a transaction under which the refund took place is a voidable transaction under subsection 588FE(2), (2A), (2B) or (6B) of the *Corporations Act 2001*; and
  - (ii) the liquidator takes action, including but not limited to the making of an application under section 588FF of that Act or a request under subsection 588FGAA(2) of that Act, as a result of which the person to whom the refund was made does not retain the value of the refund, or part of the value of the refund; and
- (c) in a case where the approved provider or former approved provider is not a corporation:
  - (i) a transfer of any property for the purposes of giving the refund is void under section 122 of the *Bankruptcy Act 1966*; and
  - (ii) the trustee in bankruptcy takes action as a result of which the person to whom the refund was made does not retain the value of the refund, or part of the value of the refund;

then, for the purposes of paragraph (2)(b), to the extent that the person to whom the refund was made does not retain the value of the refund, the refund is taken not to have been made.

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**13 Making of refund declaration**

- (1) As soon as practicable after the Secretary has determined the matters mentioned in subsection 12(2) in respect of an outstanding accommodation payment balance of a person who is or has been an approved provider (the ***approved provider or former approved provider***), the Secretary must make a refund declaration relating to the outstanding accommodation payment balance.
- (2) The refund declaration must:
  - (a) be in writing; and
  - (b) specify the approved provider or former approved provider that has not refunded all, or part, of the relevant outstanding accommodation payment balance; and
  - (c) declare that the Commonwealth is to pay an amount equal to the sum of:
    - (i) the amount determined under paragraph 12(2)(b); and
    - (ii) the amount determined under paragraph 12(2)(c);to the person determined under paragraph 12(2)(d).
- (3) A refund declaration is not a legislative instrument.

**13A Additional refund declaration where refund by approved provider or former approved provider void or voidable**

- (1) This section applies if:
  - (a) a person who is or has been an approved provider (the ***approved provider or former approved provider***) refunds part of an accommodation payment balance (the ***initial refund***); and
  - (b) after the initial refund, the Secretary, under paragraph 12(2)(b), determines the amount that the Secretary considers is equal to the amount of the accommodation payment balance that has not been refunded at the time the Secretary makes the determination; and
  - (c) a refund declaration is made under section 13 in reliance on that determination; and

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- (d) in a case where the approved provider or former approved provider is a corporation:
    - (i) a transaction under which the initial refund took place is a voidable transaction under subsection 588FE(2), (2A), (2B) or (6B) of the *Corporations Act 2001*; and
    - (ii) the liquidator takes action, including but not limited to the making of an application under section 588FF of that Act or a request under subsection 588FGAA(2) of that Act, as a result of which the person to whom the initial refund was made does not retain the value of the initial refund, or part of the value of the initial refund; and
  - (e) in a case where the approved provider or former approved provider is not a corporation:
    - (i) a transfer of any property for the purposes of giving the initial refund is void under section 122 of the *Bankruptcy Act 1966*; and
    - (ii) the trustee in bankruptcy takes action as a result of which the person to whom the initial refund was made does not retain the value of the initial refund, or part of the value of the initial refund.
- (2) The Secretary may:
- (a) determine the amount that the Secretary considers is equal to the amount of the value of the initial refund that has not been retained by the person to whom it was made; and
  - (b) as soon as practicable after the Secretary has determined that matter, make another refund declaration relating to the outstanding accommodation payment balance.
- (3) The refund declaration must:
- (a) be in writing; and
  - (b) specify the approved provider or former approved provider who has not refunded all, or part, of the relevant outstanding accommodation payment balance; and
  - (c) declare that the Commonwealth is to pay an amount equal to the amount determined under paragraph (2)(a).

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- (4) The refund declaration is not a legislative instrument.

**14 Notice of refund declaration**

- (1) The Secretary must give a copy of a refund declaration to:
- (a) the refund recipient; and
  - (b) the approved provider or former approved provider specified in the refund declaration.
- (2) A failure to comply with subsection (1) does not affect the validity of any refund declaration.

## **Part 6—Transfer of rights and payments of refund amounts**

### **15 Transfer of recovery rights to Commonwealth**

Immediately after the Secretary makes a refund declaration, any rights that the refund recipient had when the refund declaration was made to recover an amount equal to the refund amount from the approved provider or former approved provider specified in the refund declaration are, by force of this section, transferred to the Commonwealth.

Note: Any rights that the refund recipient has to receive from the approved provider or former approved provider any additional amounts are not transferred to the Commonwealth by force of this section.

### **16 Payments by Commonwealth**

Within 14 days after the Secretary makes a refund declaration, the Commonwealth must pay the refund amount to the refund recipient.

### **17 Appropriation**

The amounts payable under section 16 are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

## Part 7—Costs recoupment determinations

### 18 Making of refund costs recoupment determination

- (1) The Minister may, at a particular time, make a refund costs recoupment determination relating to one or more refund declarations if:
  - (a) before that time, the Minister has informed the Treasurer and the Finance Minister that the Minister intends to make a refund costs recoupment determination relating to those refund declarations; and
  - (b) at that time, the Commonwealth has not recovered all of each refund amount in relation to those refund declarations; and
  - (c) at that time, the Commonwealth has not previously made a refund costs recoupment determination relating to each of those refund declarations.
- (2) A refund costs recoupment determination must:
  - (a) be in writing; and
  - (b) specify the refund declarations to which the determination relates; and
  - (c) specify the costs recoupment amount (see subsection (3)); and
  - (d) specify the default event declaration to which the determination relates (see subsection (4)).
- (3) The costs recoupment amount specified in a refund costs recoupment determination is the amount equal to the sum of each refund amount that:
  - (a) is specified in a refund declaration specified in the determination; and
  - (b) has not been recovered by the Commonwealth at the time the determination is made.



- (4) A default event declaration is a default event declaration to which a refund costs recoupment determination relates if the making of the default event declaration was a precondition of the making of the refund declarations specified in the refund costs recoupment determination.
- (5) A refund costs recoupment determination is not a legislative instrument.

### **19 Making of administrative costs recoupment determination**

- (1) The Minister may, at a particular time, make an administrative costs recoupment determination relating to a default event declaration if:
  - (a) before that time, the Minister has informed the Treasurer and the Finance Minister that the Minister intends to make an administrative costs recoupment determination relating to that default event declaration; and
  - (b) at that time, the Minister considers, on reasonable grounds, that the Commonwealth has not recouped all of the administrative costs relating to the default event determination.
- (2) An administrative costs recoupment determination must:
  - (a) be in writing; and
  - (b) specify the default event declaration to which it relates; and
  - (c) specify the costs recoupment amount (see subsection (3)).
- (3) The costs recoupment amount specified in an administrative costs recoupment determination must not exceed the sum of:
  - (a) the amount that the Minister considers, on reasonable grounds, is equal to the amount of the administrative costs relating to the default event declaration specified in the determination that the Commonwealth has not recouped at the time that the determination is made; and
  - (b) the amount that the Minister considers, on reasonable grounds, is likely to cover the costs of recovering levy that the Commonwealth will be enabled to impose by regulations

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made under section 6 of the *Aged Care (Accommodation Payment Security) Levy Act 2006* as a result of the making of the determination.

- (4) An administrative costs recoupment determination is not a legislative instrument.

## **Part 8—Miscellaneous**

### **20 Delegations by Minister**

- (1) The Minister may, in writing, delegate to the Secretary all or any of the Minister's powers or functions under this Act.
- (2) In exercising powers or functions delegated under subsection (1), the Secretary must comply with any directions of the Minister.

### **21 Delegations by Secretary**

- (1) The Secretary may, in writing, delegate to an SES employee, or acting SES employee, in the Department all or any of the Secretary's powers or functions under this Act.
- (2) In exercising powers or functions delegated under subsection (1), the delegate must comply with any directions of the Secretary.

### **22 Regulations**

- (1) The Governor-General may make regulations prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act; or
  - (c) necessary or convenient to be prescribed for enabling or facilitating the collection of levy imposed by regulations under section 6 of the *Aged Care (Accommodation Payment Security) Levy Act 2006*.
- (2) Without limiting paragraph (1)(c), regulations prescribing matters necessary or convenient to be prescribed for enabling or facilitating the collection of levy may provide for the following:
  - (a) the person who is liable to pay levy;
  - (b) the time levy is due and payable;
  - (c) liability for levy being a debt due to the Commonwealth;

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- (d) the methods by which levy may be paid (including by instalments);
- (e) the payment of penalties in respect of late payment of levy;
- (f) repayments of levy;
- (g) repayments of overpayments of levy;
- (h) penalties for offences against the regulations, not exceeding a fine of 50 penalty units.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Aged Care (Bond Security) Act 2006	26, 2006	6 Apr 2006	ss. 3–22: 31 May 2006 Remainder: Royal Assent	
Aged Care Amendment (2008 Measures No. 1) Act 2008	1, 2008	18 Feb 2008	Schedule 2: 20 Mar 2008	—
Aged Care Amendment (2008 Measures No. 2) Act 2008	140, 2008	9 Dec 2008	1 Jan 2009	Sch. 1 (items 202, 203)
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Schedule 1 (item 8): Royal Assent	—
<b>as amended by</b> Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 2 (item 7): 22 Sept 2012 (s 2(1) item 8)	—
Aged Care (Bond Security) Amendment Act 2013	77, 2013	28 June 2013	1 July 2014	Sch 1 (item 36)
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 7 (item 79) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
<b>as amended by</b> Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7

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## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<b>as amended by</b>				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 2 (items 35, 36): 1 July 2016 (s 2(1) item 5) Sch 2 (items 356–396): 18 June 2015 (s 2(1) item 6)	Sch 2 (items 356–396)
<b>as amended by</b>				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—
Insolvency Law Reform Act 2016	11, 2016	29 Feb 2016	Sch 2 (items 3, 4): 1 Mar 2017 (s 2(1) item 3)	—
Aged Care Legislation Amendment (New Commissioner Functions) Act 2019	116, 2019	11 Dec 2019	Sch 1 (item 1) and Sch 4: 1 Jan 2020 (s 2(1) item 2)	Sch 4
Treasury Laws Amendment (Combating Illegal Phoenixing) Act 2020	6, 2020	17 Feb 2020	Sch 1 (items 75–78): 18 Feb 2020 (s 2(1) item 2)	—

*Aged Care (Accommodation Payment Security) Act 2006*

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Compilation No. 10

Compilation date: 18/02/2020

Registered: 24/02/2020

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
Title .....	am No 77, 2013
<b>Part 1</b>	
s 1 .....	am No 77, 2013
s 3 .....	am. No. 140, 2008; No 77, 2013
s 4 .....	am. No. 1, 2008; No 59, 2015
s 6 .....	am No 140, 2008; No 77, 2013; No 62, 2014; No 59, 2015; No 116, 2019
s. 6A .....	ad. No. 140, 2008 rep No 77, 2013
<b>Part 2</b>	
s. 7 .....	am. No. 140, 2008; No 77, 2013; No 11, 2016
s. 8 .....	am. No. 140, 2008
<b>Part 3</b>	
s. 9 .....	rs. No. 140, 2008 am No 77, 2013
<b>Part 4</b>	
s. 10 .....	am. No. 140, 2008; No 77, 2013
s. 11 .....	am. No. 140, 2008; No 77, 2013
<b>Part 5</b>	
s 12 .....	am No 140, 2008; No 77, 2013; No 6, 2020
s 13 .....	am No 140, 2008; No 77, 2013
s 13A .....	ad No 140, 2008 am No 77, 2013; No 6, 2020
s. 14 .....	am. No. 140, 2008
<b>Part 6</b>	
s. 15 .....	am. No. 140, 2008
<b>Part 7</b>	
s 19 .....	am No 77, 2013

Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 8</b>	
s 22 .....	am No 77, 2013

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