



Aged Care Legislation Amendment (Subsidies— COVID-19 Support) Instrument 2020

I, Richard Colbeck, Minister for Aged Care and Senior Australians, make the following instrument.

Dated 22 May 2020

Richard Colbeck
Minister for Aged Care and Senior Australians

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1 Name

This instrument is the *Aged Care Legislation Amendment (Subsidies—COVID-19 Support) Instrument 2020*.

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	The day after this instrument is registered.	27 May 2020

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Aged Care (Subsidy, Fees and Payments) Determination 2014

1 At the end of Part 4 of Chapter 2

Add:

Division 6—COVID-19 support supplement (for February 2020 payment period)

64A Purpose of this Division

- (1) For the purposes of subsection 44-27(3) of the Act, this Division sets out the amount of the COVID-19 support supplement for a day for a care recipient.
- (2) For the purposes of this Division, the COVID-19 support supplement is the COVID-19 support supplement set out in Subdivision F of Division 5 of Part 3 of Chapter 2 of the *Subsidy Principles 2014*.

64B Amount of COVID-19 support supplement (for February 2020 payment period)

The amount of the COVID-19 support supplement for a day for a care recipient is:

- (a) for a care recipient provided with residential care through a residential care service with a street address that has a Modified Monash Model classification of MMM 1—\$31.38; and
- (b) for a care recipient provided with residential care through a residential care service with a street address that has a Modified Monash Model classification of MMM 2, MMM 3, MMM 4, MMM 5, MMM 6 or MMM 7—\$47.07.

2 After section 91

Insert:

91A Amount of flexible care subsidy for February 2020 (addition of COVID-19 support supplement equivalent amount)

- (1) Despite section 91, for a day in the period between 1 February 2020 and 29 February 2020, the amount of flexible care subsidy payable for the day in respect of flexible care that is provided through a multi-purpose service is the sum of:
 - (a) the amount worked out under section 91 for the day and the service; and
 - (b) the amount worked out by multiplying:
 - (i) the COVID-19 support supplement equivalent amount for the service; and
 - (ii) the number of high care places and low care places allocated in respect of the service.
- (2) In this section:

COVID-19 support supplement equivalent amount, for a multi-purpose service, means:

- (a) if the street address of the service has a Modified Monash Model classification of MMM 1—\$31.38; or
- (b) if the street address of the service has a Modified Monash Model classification of MMM 2, MMM 3, MMM 4, MMM 5, MMM 6 or MMM 7—\$47.07.

Aged Care (Transitional Provisions) Principles 2014

3 At the end of paragraph 17(h)

Add:

; (iii) the COVID-19 support supplement.

4 At the end of Division 8 of Part 3 of Chapter 2

Add:

Subdivision E—COVID-19 support supplement (for February 2020 payment period)

64 COVID-19 support supplement (for February 2020 payment period)

For the purposes of paragraph 44-27(1)(e) of the Transitional Provisions Act, the COVID-19 support supplement for a care recipient in respect of the payment period beginning on 1 February 2020 is the sum of all the COVID-19 support supplements for the days during the period on which the care recipient was provided with residential care through the residential care service in question.

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

5 Section 5

Insert:

Modified Monash Model classification has the same meaning as in the *Subsidy Principles 2014*.

6 At the end of Part 4 of Chapter 2

Add:

Division 6—COVID-19 support supplement (for February 2020 payment period)

79A Purpose of this Division

- (1) For the purposes of subsection 44-27(3) of the Transitional Provisions Act, this Division sets out the amount of the COVID-19 support supplement for a day for a care recipient.

- (2) For the purposes of this Division, the COVID-19 support supplement is the COVID-19 support supplement set out in Subdivision E of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

79B Amount of COVID-19 support supplement (for February 2020 payment period)

The amount of the COVID-19 support supplement for a day for a care recipient is:

- (a) for a care recipient provided with residential care through a residential care service with a street address that has a Modified Monash Model classification of MMM 1—\$31.38; and
- (b) for a care recipient provided with residential care through a residential care service with a street address that has a Modified Monash Model classification of MMM 2, MMM 3, MMM 4, MMM 5, MMM 6 or MMM 7—\$47.07.

Subsidy Principles 2014

7 At the end of paragraph 20(e)

Add:

; (iv) the COVID-19 support supplement.

8 At the end of Division 5 of Part 3 of Chapter 2

Add:

Subdivision F—COVID-19 support supplement (for February 2020 payment period)

70AA COVID-19 support supplement (for February 2020 payment period)

For the purposes of paragraph 44-27(1)(c) of the Act, the COVID-19 support supplement for a care recipient in respect of the payment period beginning on 1 February 2020 is the sum of all the COVID-19 support supplements for the days during the period on which:

- (a) the care recipient was provided with residential care through the residential care service in question; and
- (b) the care recipient was eligible for a COVID-19 support supplement under section 70AB.

70AB Eligibility for COVID-19 support supplement

- (1) A care recipient is eligible for a COVID-19 support supplement on a particular day if, on that day, the care recipient is being provided with residential care other than as respite care.
- (2) A care recipient is eligible for a COVID-19 support supplement on a particular day if, on that day:
- (a) the care recipient is being provided with residential care as respite care; and

- (b) under Division 2 of Part 1 of Chapter 2 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014*, the basic subsidy amount for the day for the care recipient is not nil.