

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Ageing

Aged Care Act 1997

User Rights Amendment Principles 2009 (No. 3)

The *Aged Care Act 1997* (the Act) provides for the regulation and Commonwealth funding of aged care services.

Subsection 96-1(1) of the Act allows the Minister to make Principles providing for various matters required or permitted by a Part or section of the Act.

Among the Principles made under subsection 96-1(1) are the *User Rights Principles 1997* (the User Rights Principles).

The purpose of the *User Rights Amendment Principles 2009 (No.3)* (the Amending Principles) is detailed below. The Amending Principles are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

User Rights Amendment Principles 2009 (No. 3)

The purpose of these Amending Principles is to specify for the purposes of paragraph 57A-6 (1) (c) of the Act the maximum daily accrual amount of accommodation charge for a post-2008 reform resident for the period 20 September 2009 to 20 March 2010.

User Rights Amendment Principles (No. 3) will take effect on 20 September 2009, before the User Rights Amendment Principles (No. 2) take effect which is on 1 October 2009. The numerical sequence of these amending principles reflects the order in which the Department sought Ministerial approval for the Amending Principles.

Consultation

As the indexation of the accommodation charge uses a well established formula based on the consumer price index, and is in accordance with policy upon which extensive consultation was undertaken, no specific consultation was undertaken with respect to this instrument.

Information about the increase in the amount of accommodation charge will be disseminated via print and electronic media to approved providers.

Details of the Amending Principles are set out in Attachment A.

ATTACHMENT A

Clause 1 states that the name of the amending Principles is the *User Rights Amendment Principles 2009 (No. 3)*.

Clause 2 states that the Principles commence on 20 September 2009.

Clause 3 states that Schedule 1 amends the User Rights Principles.

Schedule 1 Amendments

Item 1 amends section 23.81P of the User Rights Principles, making typographical changes to allow for new subsections as per Item 2 below and extends the end date of subparagraph 7(d) to 20 September 2010.

Item 2 inserts new subsections 23.81P(5) (b) (iv), 23.81P(6) (c) (iv) and 23.81P(8) (d) (iv), specifying for paragraph 57A-6 (1) (c) of the *Aged Care Act 1997* the maximum daily accrual amount of accommodation charge for a post-2008 reform resident.