



Residential Care Subsidy Amendment (Transitional Workforce Supplement) Principle 2014

I, Mitch Fifield, Assistant Minister for Social Services, make the following instrument under section 96-1 of the *Aged Care Act 1997*.

Dated: 22 January 2014

Mitch Fifield

Assistant Minister for Social Services

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1 Name of instrument

This principle is the *Residential Care Subsidy Amendment (Transitional Workforce Supplement) Principle 2014*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This principle is made under the *Aged Care Act 1997*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Residential Care Subsidy Principles 1997

1 Section 21.3 (definition of *Aged Care Workforce Supplement Guidelines*)

Repeal the definition, substitute:

Aged Care Transitional Workforce Supplement Guidelines means the document with that title published by the Department, as existing on the commencement of the *Residential Care Subsidy Amendment (Transitional Workforce Supplement) Principle 2014*.

2 Section 21.24

Repeal the section, substitute:

21.24 Purpose of Part (Act, s 44-16)

This Part provides for additional primary supplements and specifies the circumstances in which they will apply to a care recipient in respect of a payment period.

3 After Part 10 Division 4

Add:

Division 5—Transitional workforce supplement

21.26J Purpose of Division

This Division provides for the transitional workforce supplement.

21.26JA Circumstances in which the transitional workforce supplement applies

The transitional workforce supplement applies to a care recipient in respect of a day if:

- (a) the day is on or after 12 December 2013 and before 1 July 2014; and
- (b) the care recipient was provided with residential care through the residential care service in question on the day; and
- (c) the approved provider conducting the residential care service was eligible to receive the workforce supplement on 11 December 2013.

21.26JB Circumstances in which the transitional workforce supplement ceases to apply

- (1) The transitional workforce supplement ceases to apply to a care recipient in respect of a day if:
 - (a) the Secretary decides that the approved provider is no longer eligible for the transitional workforce supplement; or
 - (b) the approved provider requests, in writing, the Secretary to cease payment of the transitional workforce supplement.
- (2) Before deciding under paragraph (1)(a) that the approved provider is no longer eligible for the transitional workforce supplement, the Secretary must notify the approved provider that it is being considered. The notice must:
 - (a) be in writing; and
 - (b) invite the approved provider to make submissions, in writing, to the Secretary within 28 days after receiving the notice; and
 - (c) inform the approved provider that, if no submissions are made within the period, the Secretary will make a decision under paragraph (1)(a) on the day after the last day for making submissions.
- (3) In deciding whether to make a decision under paragraph (1)(a) that the approved provider is no longer eligible for the transitional workforce supplement, the Secretary must:
 - (a) consider any submissions made within the period mentioned in paragraph (2)(b); and
 - (b) have regard to the eligibility criteria specified in the *Aged Care Transitional Workforce Supplement Guidelines*.
- (4) The Secretary must notify, in writing, the approved provider of the decision and the date of effect of the decision.
- (5) The notice must be given to the approved provider within 28 days after the end of the period for making submissions. If the notice is not given within that period, the Secretary is taken to have decided not to make a decision under paragraph (1)(a) that the approved provider is no longer eligible for the transitional workforce supplement.

21.26JC Reviewable decision

- (1) A decision by the Secretary under paragraph 21.26JB(1)(a) that an approved provider is no longer eligible for the transitional workforce supplement is a reviewable decision.
- (2) Part 6.1 of the Act applies to the reviewable decision mentioned in subsection (1) as if a reference in that Part to this Act included a reference to these Principles.

21.26JD Amount of the transitional workforce supplement

The transitional workforce supplement for a particular day is 1% of the basic subsidy amount that is payable in respect of the day for the care recipient.