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

made under the

Aged Care (Transitional Provisions) Act 1997

Compilation No. 49

Compilation date: 20 March 2025

Includes amendments: F2025L00246 and F2025L00323

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Aged Care (Transitional Provisions) (Subsidy and Other Measures) Determination 2014* that shows the text of the law as amended and in force on 20 March 2025 (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 Register (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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Chapter 1—Preliminary

1 Name of determination

This determination is the *Aged Care (Transitional Provisions) (Subsidy and Other Measures) Determination 2014*.

3 Authority

This determination is made under the *Aged Care (Transitional Provisions) Act 1997*.

4 Determination applies to continuing care recipients

This determination applies only in relation to continuing care recipients.

5 Definitions

In this determination:

certified, in relation to a residential care service, has the same meaning as in the Transitional Provisions Principles.

COVID-19 support payment period has the same meaning as in the *Subsidy Principles 2014*.

innovative care service has the same meaning as in the *Subsidy Principles 2014*.

low-means care recipient has the same meaning as in the Transitional Provisions Principles.

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

multi-purpose service has the same meaning as in the *Subsidy Principles 2014*.

newly built residential care service has the meaning given by section 50 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014*.

relevant resident has the same meaning as in the Transitional Provisions Principles.

short-term restorative care has the same meaning as in the *Subsidy Principles 2014*.

significantly refurbished residential care service has the same meaning as in the *Subsidy Principles 2014*.

Transitional Provisions Act means the *Aged Care (Transitional Provisions) Act 1997*.

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Section 5

Transitional Provisions Principles means the *Aged Care (Transitional Provisions) Principles 2014*.

transition care has the same meaning as in the *Subsidy Principles 2014*.

Note 1: A number of expressions used in this determination are defined in the Transitional Provisions Act, including the following:

(a) assisted resident;
(b) concessional resident;
(c) continuing care recipient;
(d) post-2008 reform resident;
(e) pre-2008 reform resident;
(f) supported resident.

Note 2: ***Continuing care recipient*** is defined in clause 1 of Schedule 1 to the *Aged Care Act 1997* to mean:

(a) a continuing flexible care recipient; or
(b) a continuing home care recipient; or
(c) a continuing residential care recipient.

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Chapter 2—Residential care subsidy for payment periods beginning before 1 October 2022

Part 1A—Application of this Chapter

5A Application of this Chapter

This Chapter applies in relation to a payment period that begins before 1 October 2022.

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Part 1—Basic subsidy amount

6 Purpose of this Part

For subsection 44-3(2) of the Transitional Provisions Act, this Part sets out the basic subsidy amount for a day for a care recipient who is being provided with residential care other than as respite care through a residential care service.

7 Definitions

In this Part:

ACFI amount, for a care recipient, has the meaning given by subsection 8(3).

ACFI classification means a classification, or a renewal of a classification, of a care recipient under Part 2.4 of the *Aged Care Act 1997* and:

(a) the *Classification Principles 1997*, as in force on or after the commencement of Schedule 1 to the *Aged Care Amendment (Residential Care) Act 2007*; or

(b) the *Classification Principles 2014*.

RCS classification means a classification, or renewal of a classification, of a care recipient under the *Aged Care Act 1997* and the *Classification Principles 1997* as in force immediately before 20 March 2008.

8 Basic subsidy amount for day on or after date of effect of ACFI classification—general

(1) This section applies in relation to a care recipient and a day if the care recipient has an ACFI classification that is in effect on the day.

Note: For when a classification of a care recipient takes effect, see Division 26 of the *Aged Care Act 1997*.

(2) The basic subsidy amount for the day for the care recipient is the ACFI amount for the care recipient.

(3) The ***ACFI amount***, for a care recipient, is the sum of the domain amounts for each domain category in the care recipient's ACFI classification, as set out in the following table.

ACFI amounts

Item	Domain category	Domain amount ($)
1	Nil ADL category	0.00
2	Low ADL category	39.36
3	Medium ADL category	85.71
4	High ADL category	118.74

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ACFI amounts		
Item	**Domain category**	**Domain amount ($)**
5	Nil behaviour category	0.00
6	Low behaviour category	9.00
7	Medium behaviour category	18.65
8	High behaviour category	38.88
9	Nil CHC category	0.00
10	Low CHC category	17.46
11	Medium CHC category	49.73
12	High CHC category	71.81

9 Basic subsidy amount for day before date of effect of ACFI classification—late receipt of appraisal or reappraisal

Appraisal or reappraisal received within 3 months after end of appraisal or reappraisal period

(1) Subsection (2) applies in relation to a care recipient and a day if:
  (a) on the day, the care recipient is taken, under subsection 25-1(4) of the *Aged Care Act 1997*, to have been classified at the lowest applicable classification level; and
  (b) either:
    (i) an appraisal in respect of the care recipient has been received by the Secretary in the 3 months beginning at the end of the period referred to in paragraph 26-1(a) or (b) of the *Aged Care Act 1997* (whichever is applicable); or
    (ii) a reappraisal in respect of the care recipient has been received by the Secretary in the 3 months beginning at the end of the reappraisal period for the classification determined under section 27-2 of the *Aged Care Act 1997*.

(2) The basic subsidy amount for the day for the care recipient is:
  (a) if the ACFI amount for the care recipient under section 8, for the day the care recipient's ACFI classification takes effect, is at least $25—the ACFI amount less $25; or
  (b) in any other case—nil.

Appraisal or reappraisal received more than 3 months after end of appraisal or reappraisal period

(3) The basic subsidy amount for the day for a care recipient is nil if:
  (a) on the day, the care recipient is taken, under subsection 25-1(4) of the *Aged Care Act 1997*, to have been classified at the lowest applicable classification level; and
  (b) either:

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(i) an appraisal in respect of the care recipient has been received by the Secretary more than 3 months after the end of the period referred to in paragraph 26-1(a) or (b) of the *Aged Care Act 1997* (whichever is applicable); or

(ii) a reappraisal in respect of the care recipient has been received by the Secretary more than 3 months after the end of the reappraisal period for the classification determined under section 27-2 of the *Aged Care Act 1997*.

10 Basic subsidy amount for day on or after date of effect of ACFI classification—care recipients whose RCS classification ceased to have effect on or after 20 March 2008

(1) This section applies to a care recipient on a day if:

(a) the care recipient had an RCS classification before the day; and

(b) the care recipient's most recent RCS classification ceased to have effect on or after 20 March 2008; and

(c) the care recipient has an ACFI classification that is in effect on the day.

Note: For when a classification of a care recipient takes effect, see Division 26 of the *Aged Care Act 1997*.

(2) The basic subsidy amount for the day for the care recipient is:

(a) if the ACFI amount for the care recipient is at least $15 more than the RCS amount for the care recipient—the ACFI amount for the care recipient; or

(b) in any other case—the RCS amount for the care recipient.

(3) The ***RCS amount***, for a care recipient, is the amount specified in the item of the following table that relates to the care recipient's most recent expired RCS classification.

RCS amounts

Item	RCS classification	RCS amount ($)
1	Classification level 1	177.71
2	Classification level 2	161.14
3	Classification level 3	138.82
4	Classification level 4	98.13
5	Classification level 5	59.79
6	Classification level 6	49.51
7	Classification level 7	38.04
8	Classification level 8	0.00

11 Basic subsidy amount for care recipients on extended hospital leave

(1) This section applies in relation to a care recipient and a day if, on the day, the care recipient:

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(a) has an ACFI classification that is in effect; and
(b) is on extended hospital leave.

(2) The basic subsidy amount for the day for the care recipient is:
(a) for a day that is before the 29th day of the care recipient's leave—the amount for the care recipient for the day under section 8, 9 or 10 (whichever is applicable); or
(b) for any other day—half of the basic subsidy amount for the care recipient for the 28th day of the care recipient's leave.

(3) However, this section does not apply in relation to a care recipient and a day if the day is in the period between 1 July 2020 and 30 June 2021.

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Part 2—Amounts of primary supplements

Division 1—Accommodation supplement

13 Purpose of this Division

For subsection 44-5A(3) of the Transitional Provisions Act, this Division sets out the amount of the accommodation supplement for a day for an eligible supported resident.

Note 1: If the value of a person's assets exceeds the maximum asset threshold determined under paragraph 44-5B(1)(c) of the Transitional Provisions Act, the person will not be eligible for an accommodation supplement because the person will not be a supported resident (unless there is a determination in force under section 57-14 or 57A-9 of the Transitional Provisions Act in relation to the person and the person is a post-2008 reform resident) (see subsection 44-5B(2) of the Transitional Provisions Act).

Note 2: See also Subdivision A of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

14 Definitions

In this Division:

applicable maximum amount, for a day for an eligible supported resident, means the maximum amount of accommodation supplement that applies for the day for the supported resident under section 15.

eligible supported resident means a supported resident who is eligible for an accommodation supplement on a day under section 44-5A of the Transitional Provisions Act.

minimum permissible asset value, for a supported resident, means the minimum permissible asset value for the resident under subsection 57-12(3) of the Transitional Provisions Act.

relevant residential care service, in relation to an eligible supported resident and a day, means the residential care service through which the supported resident is being provided with residential care on that day.

15 Maximum amount of accommodation supplement

(1) The maximum amount of accommodation supplement for a day for an eligible supported resident is $63.14 if, on the day, the relevant residential care service in relation to the supported resident meets the building requirements specified in Schedule 1 to the *Aged Care (Transitional Provisions) Principles 2014* and is:

(a) a newly built residential care service; or

(b) a significantly refurbished residential care service.

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(2) The maximum amount of accommodation supplement for a day for an eligible supported resident is $41.17 if, on the day, the relevant residential care service in relation to the supported resident:
  (a) is not covered by paragraph (1)(a) or (b); and
  (b) meets the building requirements specified in Schedule 1 to the Transitional Provisions Principles.

(3) The maximum amount of accommodation supplement for a day for an eligible supported resident is $34.58 if the relevant residential care service in relation to the supported resident is not covered by subsection (1) or (2) on the day.

16 Amount of accommodation supplement—accommodation bond or accommodation bond not charged etc.

(1) This section applies in relation to an eligible supported resident and a day if, on the day:
  (a) a determination is in force under paragraph 57-14(1)(a) or 57A-9(1)(a) of the Transitional Provisions Act in relation to the supported resident; or
  (b) the value of the supported resident's assets is less than the minimum permissible asset value for the supported resident.

(2) The amount of the accommodation supplement for a day for the eligible supported resident is:
  (a) the applicable maximum amount for the day for the supported resident if on the day, either of the following (the ***specified circumstances***) applies:
    (i) more than 40% of care recipients to whom the relevant residential care service provides residential care, who are both post-2008 reform residents and relevant residents, are low-means care recipients or supported residents;
    (ii) more than 40% of relevant residents to whom the relevant residential care service provides residential care are assisted residents, concessional residents, low-means care recipients or supported residents; or
  (b) if neither of the specified circumstances apply—75% of the applicable maximum amount for the day for the supported resident.

17 Amount of accommodation supplement—reduced accommodation bond or accommodation bond charged etc.

(1) This section applies in relation to an eligible supported resident and a day if section 16 does not apply.

(2) The notional amount of the accommodation supplement for the day for the eligible supported resident is worked out in accordance with the following formula:

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$$AMA - \frac{A - T}{2080}$$

where:

A is:

(a) if a determination is in force under paragraph 57-14(1)(b) of the Transitional Provisions Act in relation to the supported resident—the sum of:

(i) the maximum amount of accommodation bond specified in the determination; and

(ii) the minimum permissible asset value for the supported resident; or

(b) if a determination is in force under paragraph 57A-9(1)(b) of the Transitional Provisions Act in relation to the supported resident—the sum of:

(i) the maximum amount of accommodation charge specified in the determination multiplied by 2080; and

(ii) the minimum permissible asset value for the supported resident; or

(c) in any other case—the value of the supported resident's assets at the time when he or she entered the relevant residential care service or at another time specified in the Transitional Provisions Principles for paragraph 44-5B(1)(c) of the Transitional Provisions Act.

AMA is the applicable maximum amount for the day for the supported resident.

T (short for threshold) is the minimum permissible asset value for the supported resident.

(3) The amount of the accommodation supplement for a day for the eligible supported resident is:

(a) the notional amount of accommodation supplement for the day for the supported resident, worked out under subsection (2), if on the day, either of the following (the ***specified circumstances***) applies:

(i) more than 40% of care recipients to whom the relevant residential care service provides residential care, who are both post-2008 reform residents and relevant residents, are low-means care recipients or supported residents;

(ii) more than 40% of relevant residents to whom the relevant residential care service provides residential care are assisted residents, concessional residents, low-means care recipients or supported residents; or

(b) if neither of the specified circumstances apply—75% of the notional amount of accommodation supplement for the day for the supported resident, worked out under subsection (2).

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Division 2—Concessional resident supplement

19 Purpose of this Division

For subsection 44-6(4) of the Transitional Provisions Act, this Division sets out the amount of the concessional resident supplement for a day for an eligible concessional resident or an eligible assisted resident.

Note: See also Subdivision B of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

20 Definitions

In this Division:

eligible assisted resident means an assisted resident who is eligible for a concessional resident supplement on a day under section 44-6 of the Transitional Provisions Act.

eligible concessional resident means a concessional resident who is eligible for a concessional resident supplement on a day under section 44-6 of the Transitional Provisions Act.

relevant residential care service, for an eligible concessional resident or an eligible assisted resident, means the residential care service that provides residential care (other than respite care) to the concessional resident or assisted resident on a day.

21 Amount of concessional resident supplement—eligible concessional residents

Care provided in newly built or significantly refurbished residential care service

(1) If the relevant residential care service in relation to an eligible concessional resident is a newly built residential care service, or a significantly refurbished residential care service, the amount of the concessional resident supplement for a day for the concessional resident is:
  (a) $63.14; or
  (b) if, on the day, not more than 40% of relevant residents to whom the relevant residential care service provides residential care are assisted residents, concessional residents, low-means care recipients or supported residents—the amount referred to in paragraph (a) reduced by 25%.

Care not provided in newly built or significantly refurbished residential care service

(2) If the relevant residential care service in relation to an eligible concessional resident is neither a newly built residential care service, nor a significantly refurbished residential care service, the amount of the concessional resident supplement for a day for the concessional resident is:
  (a) $25.17; or

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(b) if, on the day, not more than 40% of relevant residents to whom the relevant residential care service provides residential care are assisted residents, concessional residents, low-means care recipients or supported residents—$16.45.

22 Amount of concessional resident supplement—eligible assisted residents

Care provided in newly built or significantly refurbished residential care service

(1) If the relevant residential care service in relation to an eligible assisted resident is a newly built residential care service, or a significantly refurbished residential care service, the amount of the concessional resident supplement for a day for the assisted resident is:
(a) $63.14; or
(b) if, on the day, not more than 40% of relevant residents to whom the relevant residential care service provides residential care are assisted residents, concessional residents, low-means care recipients or supported residents—the amount referred to in paragraph (a) reduced by 25%.

Care not provided in newly built or significantly refurbished residential care service

(2) If the relevant residential care service in relation to an eligible assisted resident is neither a newly built residential care service, nor a significantly refurbished residential care service, the amount of the concessional resident supplement for a day for the assisted resident is $10.33.

23A Amount of concessional resident supplement for certain care recipients who entered relevant residential care service before 17 October 2014

(1) Despite section 21, the amount of the concessional resident supplement for a day for an eligible concessional resident is nil if:
(a) the eligible concessional resident entered the relevant residential care service in question before 17 October 2014; and
(b) on the day of entry, the service was not certified.

(2) Despite section 22, the amount of the concessional resident supplement for a day for an eligible assisted resident is nil if:
(a) the eligible assisted resident entered the relevant residential care service in question before 17 October 2014; and
(b) on the day of entry, the service was not certified.

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Division 3—Charge exempt resident supplement

24 Purpose of this Division

For paragraph 44-8A(3)(b) of the Transitional Provisions Act, this Division sets out the amount of the charge exempt resident supplement for a day for an eligible charge exempt resident.

Note: Despite the repeal of section 44-8A of the Transitional Provisions Act by Schedule 1 to the *Aged Care and Other Legislation Amendment (Royal Commission Response) Act 2022*, that section and this Division, as in force immediately before 1 October 2022, continue to apply in relation to a payment period that starts before that day: see item 98 of that Schedule.

25 Definitions

In this Division:

eligible charge exempt resident means a charge exempt resident who is eligible for a charge exempt resident supplement on a day under section 44-8A of the Transitional Provisions Act.

Note: ***Charge exempt resident*** has the meaning given by section 44-8B of the Transitional Provisions Act, as in force immediately before 1 October 2022: see item 98 of Schedule 1 to the *Aged Care and Other Legislation Amendment (Royal Commission Response) Act 2022*.

26 Amount of charge exempt resident supplement

(1) The amount of the charge exempt resident supplement for a day for an eligible charge exempt resident who is a pre-2008 reform resident is the amount that is the difference between:
  (a) $63.14; and
  (b) the amount of the concessional resident supplement for the day for the care recipient under Division 2 of this Part.

(2) The amount of the charge exempt resident supplement for a day for any other eligible charge exempt resident is the amount that is the difference between:
  (a) $63.14; and
  (b) the amount of the accommodation supplement for the day for the care recipient under Division 1 of this Part.

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Division 4—Respite supplement

28 Purpose of this Division

For subsection 44-12(3) of the Transitional Provisions Act, this Division provides for the amount of the respite supplement for a day for a care recipient or the way in which that amount is to be worked out.

Note: See also Subdivision D of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

29 Definitions

In this Division:

allocation of places, in relation to a residential care service, means an allocation of places to the approved provider of the residential care service made under Division 14 of the *Aged Care Act 1997*.

conditions, in relation to a residential care service, means conditions under section 14-5 or 14-6 of the *Aged Care Act 1997* attached to an allocation of places to the approved provider of the service.

30 Care recipients whose classification level is low level residential respite care

(1) This section applies in relation to a care recipient and a day if, on the day:
  (a) the classification level for the care recipient is low level residential respite care; and
  (b) section 34 does not apply in relation to the care recipient and the day.

(2) The amount of the respite supplement for the day for the care recipient is $43.27.

31 Care recipients whose classification level is high level residential respite care

(1) This section applies in relation to a care recipient and a day if:
  (a) the classification level for the care recipient on the day is high level residential respite care; and
  (b) section 34 does not apply in relation to the care recipient and the day.

(2) The amount of the respite supplement for the day for the care recipient is the sum of:
  (a) $60.64; and
  (b) if, for a relevant year, the actual proportion of respite care provided through the residential care service is equal to or more than 70% of the specified proportion of respite care for the approved provider of the service—$42.54.

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Residential care provided through service that is not certified residential care service

(4) For paragraph (2)(b):

(a) the relevant year, in relation to a day, means a period of 12 months ending at the expiration of the month in which the day occurs; and

(b) the actual proportion of respite care provided through a residential care service for a relevant year is the proportion of care, worked out using the method statement in section 32, provided through the service in that year to recipients of respite care; and

(b) the specified proportion of respite care, for the approved provider of a residential care service and a relevant year, is the proportion of care, worked out using the method statement in section 33, specified in respect of recipients of respite care in the conditions attached to each allocation of places to the approved provider in the relevant year.

32 How to work out the actual proportion of respite care provided through a residential care service for a relevant year

(1) For section 31, the actual proportion of respite care provided through a residential care service for a relevant year is worked out as follows:

Method statement

Step 1. Work out, for the relevant year and for each care recipient to whom the residential care service provided residential care in the relevant year, the total number of respite bed days provided by the residential care service.

Step 2. Add together each of the total numbers of respite bed days worked out under step 1.

Step 3. Identify, for each care recipient referred to in step 1, the total number of respite bed days provided to the care recipient in the relevant year that exceeded the maximum number of days on which residential care as respite care could be provided to the care recipient during the relevant financial year.

Note: The maximum number of days on which a care recipient may be provided with residential care as respite care during a financial year is set out in section 25 of the Transitional Provisions Principles.

Step 4. Add together each of the total numbers of respite bed days identified under step 3.

Step 5. Identify each respite bed day provided by the residential care service in the relevant year that exceeded the proportion of care for recipients of respite care that was specified in the conditions that applied in respect of the residential care service at the time the respite bed day was provided.

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Step 6. Add together all the respite bed days identified under step 5.

Step 7. Add the total number of respite bed days worked out under step 4 to the total number of respite bed days worked out under step 6.

Step 8. Subtract the sum worked out under step 7 from the total number of respite bed days worked out under step 2.

The result is the ***actual proportion of respite care*** provided through the residential care service for the relevant year.

Definitions

(2) In this section:

respite bed day, in relation to a residential care service and a care recipient, means a day on which the residential care service provided the care recipient with residential care as respite care.

33 How to work out the specified proportion of respite care provided through a residential care service for a relevant year

(1) For section 31, the specified proportion of respite care for the approved provider of a residential care service and a relevant year is worked out as follows:

Method statement

Step 1. Work out the proportion of care for recipients of respite care, expressed as a number of notional respite bed days, as specified in the conditions that applied in respect of the residential care service at the start of the relevant year.

Step 2. Work out the applicable period of time in relation to the proportion of care worked out under step 1.

Step 3. Multiply the proportion of care worked out under step 1 by the applicable period of time worked out under step 2.

Step 4. If the basis for the calculation of the proportion of care in relation to the residential care service changes during the relevant year, work out the proportion of care for recipients of respite care, expressed as a number of notional respite bed days, as specified in the conditions that applied at the time the change took effect.

Step 5. Work out the applicable period of time in relation to the proportion of care worked out under step 4.

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Step 6. Multiply the proportion of care worked out under step 4 by the applicable period of time worked out under step 5.

Step 7. Repeat steps 4 to 6 in respect of each further change to the basis for the calculation of the proportion of care in relation to the residential care service in the relevant year.

Step 8. Add the amount worked out under step 3 to any amount or amounts worked out under step 6.

The result is the ***specified proportion of respite care*** for the approved provider of a residential care service for the relevant year.

When a proportion of care is taken to have been in effect

(2) For this section, a proportion of care is taken to have been in effect in relation to a residential care service for the period that:

(a) commences on the first day of the relevant year or the first day on which the basis for the calculation of the proportion of care changed (as applicable); and

(b) ends on the last day of the relevant year or the last day before the day on which the basis for the calculation of the proportion of care changed (as applicable).

Definitions

(3) In this section:

applicable period of time, in relation to a proportion of care worked out under step 1 or 4 (as applicable) of the method statement in subsection (1) and a residential care service, means the period (expressed as a number of days) during which the proportion of care was in effect in the relevant year in relation to the service, as described in subsection (2).

basis for the calculation of the proportion of care, in relation to a residential care service, means any factor that is relevant to the calculation of the proportion of care through the service, including:

(a) the number of places allocated in respect of the residential care service; and

(b) the conditions in relation to the residential care service.

notional respite bed day, in relation to a residential care service, means a day on which the residential care service is required to provide a care recipient with residential care as respite care.

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34 Number of days or proportion of specified care exceeded

Maximum number of days exceeded

(1) For a care recipient in respect of whom the maximum number of days on which the care recipient may be provided with residential care as respite care during the relevant financial year has been exceeded, the amount of the respite supplement for a day is nil.

Note: The maximum number of days on which a care recipient may be provided with residential care as respite care during a financial year is set out in section 25 of the Transitional Provisions Principles.

Proportion of specified care exceeded

(2) For a care recipient to whom residential care is provided through a residential care service that provides a greater proportion of care to recipients of respite care than that (if any) specified in the conditions attached to the allocation of places to the approved provider in respect of the service, the amount of the respite supplement for a day is nil.

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Division 5—Oxygen supplement

35 Purpose of this Division

For subsection 44-13(6) of the Transitional Provisions Act, this Division sets out the amount of the oxygen supplement for a day for a care recipient.

Note: See also Subdivision E of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

36 Amount of oxygen supplement

(1) Subject to subsection (2), the amount of the oxygen supplement for a day for a care recipient is $12.73.

(2) If the actual cost to the approved provider of providing oxygen to the care recipient on the day is equal to or more than 125% of the amount referred to in subsection (1) (that is, $15.91), the amount of the oxygen supplement for the day for the care recipient is the amount equivalent to that actual cost.

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Division 6—Enteral feeding supplement

37 Purpose of this Division

For subsection 44-14(6) of the Transitional Provisions Act, this Division sets out the amount of the enteral feeding supplement for a day for a care recipient.

Note: See also Subdivision F of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

38 Amount of enteral feeding supplement

(1) Subject to subsection (2), the amount of the enteral feeding supplement for a day for a care recipient is:
  (a) for bolus feeding—$20.17; and
  (b) for non-bolus feeding—$22.65.

(2) If the actual cost to the approved provider of providing enteral feeding to the care recipient on the day is equal to or more than 125% of the applicable amount referred to in subsection (1) (that is, $25.21 for bolus feeding and $28.31 for non-bolus feeding), the amount of the enteral feeding supplement for the day for the care recipient is the amount equivalent to that actual cost.

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Division 8—Transitional supplement

52 Purpose of this Division

(1) For subsection 44-16(3) of the Transitional Provisions Act, this Division sets out the amount of the transitional supplement for a day for a care recipient.

(2) For this Division, the transitional supplement is the transitional supplement set out in repealed Subdivision B of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

53 Amount of transitional supplement

(1) The amount of the transitional supplement for a day for a care recipient is $25.17.

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Division 9—Accommodation charge top-up supplement

54 Purpose of this Division

(1) For subsection 44-16(3) of the Transitional Provisions Act, this Division sets out the amount of the accommodation charge top-up supplement for a day for a care recipient.

(2) For this Division, the accommodation charge top-up supplement is the accommodation charge top-up supplement set out in Subdivision C of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

55 Amount of accommodation charge top-up supplement

(1) The amount of the accommodation charge top-up supplement for a day for a care recipient is the amount that is the difference between:
   (a) the maximum daily accommodation charge that would be payable by the care recipient if the care recipient were not receiving an income support payment on his or her date of entry, as calculated under section 57A-6 of the Transitional Provisions Act; and
   (b) the maximum daily accommodation charge that is payable by a post-2008 reform resident who was receiving an income support payment on his or her date of entry, as specified under subsection 118(2) of the Transitional Provisions Principles.

(2) However, the amount of accommodation charge top-up supplement for a day for the care recipient is nil if the amount worked out under subsection (1) is a negative amount.

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Division 10—Transitional accommodation supplement

56 Purpose of this Division

(1) For subsection 44-16(3) of the Transitional Provisions Act, this Division sets out the amount of the transitional accommodation supplement for a day for a care recipient.

(2) For this Division, the transitional accommodation supplement is the transitional accommodation supplement set out in Subdivision D of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

57 Amount of transitional accommodation supplement

(1) The amount of the transitional accommodation supplement for a day for a care recipient is the amount that is the difference between:

(a) the amount specified in the following table for the day when the care recipient entered residential care; and

(b) the amount of accommodation supplement payable for the day for the care recipient under Division 1 of this Part.

Amount of transitional accommodation supplement

Item	Entry date	Amount ($)
1	After 19 March 2008 and before 20 September 2010	$9.41
2	After 19 September 2010 and before 20 March 2011	$6.27
3	After 19 March 2011 and before 20 September 2011	$3.14

(2) However, the amount of transitional accommodation supplement for a day for the care recipient is nil if the amount worked out under subsection (1) is a negative amount.

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Division 11—2012 basic daily fee supplement

58 Purpose of this Division

(1) For subsection 44-16(3) of the Transitional Provisions Act, this Division sets out the amount of the 2012 basic daily fee supplement for a day for an eligible care recipient.

(2) For this Division, the 2012 basic daily fee supplement is the 2012 basic daily fee supplement set out in Subdivision E of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

59 Definitions

In this Division:

eligible care recipient means a care recipient who is eligible for a 2012 basic daily fee supplement on a day under Subdivision E of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

60 Amount of 2012 basic daily fee supplement

The amount of the 2012 basic daily fee supplement for a day for an eligible care recipient is the amount worked out by rounding down to the nearest cent an amount equal to 1% of the basic age pension amount (worked out on a per day basis).

Note: ***Basic age pension amount*** is defined in clause 1 of Schedule 1 to the Transitional Provisions Act.

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Part 3—Reductions in subsidy

64 Purpose of this Part

For subsection 44-19(2) of the Transitional Provisions Act, this Part sets out the amount of the adjusted subsidy reduction for a day for a care recipient.

Note: Despite the repeal of section 44-19 of the Transitional Provisions Act by Schedule 1 to the *Aged Care and Other Legislation Amendment (Royal Commission Response) Act 2022*, that section and this Part, as in force immediately before 1 October 2022, continue to apply in relation to a payment period that starts before that day: see item 100 of that Schedule.

65 Amount of adjusted subsidy reduction

The amount of the adjusted subsidy reduction for a day for a care recipient is $13.98.

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Part 4—Amounts of other supplements

Division 1—Pensioner supplement

66 Purpose of this Division

For subsection 44-28(7) of the Transitional Provisions Act, this Division sets out the amount of the pensioner supplement for a day for a care recipient.

67 Amount of pensioner supplement

The amount of the pensioner supplement for a day for a care recipient is $9.41.

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Division 2—Viability supplement

68 Purpose of this Division

For subsection 44-29(8) of the Transitional Provisions Act, this Division sets out the amount of the viability supplement for a day for a care recipient.

Note: Despite the repeal of section 44-29 of the Transitional Provisions Act by Schedule 1 to the *Aged Care and Other Legislation Amendment (Royal Commission Response) Act 2022*, that section and this Division, as in force immediately before 1 October 2022, continue to apply in relation to a payment period that starts before that day: see item 98 of that Schedule.

69 Amount of viability supplement

The amount of the viability supplement for a day for a care recipient is the amount of the viability supplement that would apply for the day for the care recipient under Division 3 of Part 4 of Chapter 2 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014* if:

(a) the care recipient were not a continuing care recipient; and

(b) the viability supplement applied to the care recipient under the *Aged Care Act 1997*.

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Division 3—Hardship supplement

70 Purpose of this Division

For subsection 44-30(5) of the Transitional Provisions Act, this Division sets out the amount of the hardship supplement for a day for a care recipient.

Note: See also Subdivision B of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

71 Amount of hardship supplement—certain pre-2008 reform residents

(1) The amount of the hardship supplement for a day for a care recipient who is a member of the class specified in paragraph 56(1)(a) of the Transitional Provisions Principles is the lesser of:

(a) the sum of:

(i) the amount of basic income support compensation, worked out under subsection (2); and

(ii) $0.40, being the amount of pharmaceutical allowance compensation; and

(iii) $1.40, being the amount of pharmaceutical concessions compensation; and

(b) the amount that is the difference between:

(i) the amount of standard resident contribution for a care recipient under section 58-3C of the Transitional Provisions Act; and

(ii) the amount of standard resident contribution for a care recipient under section 58-4 of the Transitional Provisions Act.

(2) For subparagraph (1)(a)(i), the amount of basic income support compensation is the amount worked out in accordance with the following formula, rounded to the nearest 5 cents:

$$\frac{X - Y}{28}$$

where:

X is $1 774.42.

Y is the amount of the care recipient's total assessable fortnightly income determined under section 44-24 of the Transitional Provisions Act.

72 Amount of hardship supplement—certain charge exempt residents

(1) The amount of the hardship supplement for a day for a care recipient who is a member of the class specified in paragraph 56(1)(b) of the Transitional Provisions Principles is the sum of:

(a) the amount of basic income support compensation referred to in subsection (2); and

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(b) $0.40, being the amount of pharmaceutical allowance compensation; and
(c) $1.40, being the amount of pharmaceutical concessions compensation.

(2) For paragraph (1)(a), the basic income support compensation for a care recipient is the amount of residential care allowance the care recipient was receiving on the day before 1 October 1997, as advised by Centrelink, indexed in line with the pensioner supplement.

Note 1: ***Charge exempt resident*** has the meaning given by repealed section 44-8B of the Transitional Provisions Act.

Note 2: ***Pensioner supplement*** means the supplement referred to in section 44-28 of the Transitional Provisions Act.

73 Amount of hardship supplement—care recipients who occupied a place in a hostel on 30 September 1997

The amount of the hardship supplement for a day for a care recipient who is a member of the class specified in paragraph 56(1)(c) of the Transitional Provisions Principles is $0.80.

74 Amount of hardship supplement—care recipients in relation to whom a financial hardship determination is in force

The amount of the hardship supplement for a day for a care recipient in relation to whom a determination (a ***financial hardship determination***) is in force under section 44-31 of the Transitional Provisions Act is the amount that is the difference between:

(a) the maximum daily amount of resident fees for the care recipient worked out under subsection 58-2(1) of the Transitional Provisions Act; and
(b) the lesser amount specified in the financial hardship determination.

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Division 4—Veterans' supplement

76 Purpose of this Division

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

(2) For this Division, the veterans' supplement is the veterans' supplement set out in Subdivision C of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

77 Amount of veterans' supplement

The amount of the veterans' supplement for a day for a care recipient is $7.50.

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Division 5—Homeless supplement

78 Purpose of this Division

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

(2) For this Division, the homeless supplement is the homeless supplement set out in Subdivision D of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

79 Amount of homeless supplement

The amount of the homeless supplement for a day for a care recipient is $28.82.

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Division 6—COVID-19 support supplement (for COVID-19 support payment periods)

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

The amount of the COVID-19 support supplement for a day in a COVID-19 support payment period mentioned in column 1 of an item of the following table, for a care recipient provided with residential care through a residential care service with a street address that has a Modified Monash Model classification mentioned in column 2 of the item, is the amount mentioned in column 3 of the item.

Amount of COVID-19 support supplement

Item	Column 1 COVID-19 support payment period	Column 2 Modified Monash Model classification	Column 3 Amount ($)
1	The payment period beginning on 1 February 2020	MMM 1	31.38
2	The payment period beginning on 1 February 2020	MMM 2, MMM 3, MMM 4, MMM 5, MMM 6 or MMM 7	47.07
3	The payment period beginning on 1 June 2020	MMM 1	32.48
4	The payment period beginning on 1 June 2020	MMM 2, MMM 3, MMM 4, MMM 5, MMM 6 or MMM 7	47.81

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Division 7—Residential care support supplement (for February 2021 payment period)

79C 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 residential care support supplement for a day for a care recipient.

(2) For the purposes of this Division, the residential care support supplement is the residential care support supplement set out in Subdivision F of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

79D Amount of residential care support supplement (for February 2021 payment period)

The amount of the residential care 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—$27.25; 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—$40.88.

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Division 8—2021 basic daily fee supplement (for payment periods July 2021 to September 2022)

79E 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 2021 basic daily fee supplement for a day for a care recipient.

(2) For the purposes of this Division, the 2021 basic daily fee supplement is the 2021 basic daily fee supplement set out in Subdivision G of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles.

79F Amount of 2021 basic daily fee supplement (for payment periods July 2021 to September 2022)

The amount of the 2021 basic daily fee supplement for a day for a care recipient is $10.00.

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Chapter 3—Residential care subsidy for payment periods beginning on or after 1 October 2022

Part 1—Preliminary

80 Application of this Chapter

This Chapter applies in relation to a payment period that begins on or after 1 October 2022.

81 Definitions

In this Chapter:

applicable amount for a day for a care recipient: see section 82.

classification means a classification under Part 2.4A of the *Aged Care Act 1997*.

day of eligible residential care has the same meaning as in the *Subsidy Principles 2014*.

group A facility has the same meaning as in the *Subsidy Principles 2014*.

group B facility has the same meaning as in the *Subsidy Principles 2014*.

has specialised ATSI status on a day has the same meaning as in Chapter 2A of the *Aged Care (Subsidy, Fees and Payments) Determination 2014*.

has specialised homeless status on a day has the same meaning as in Chapter 2A of the *Aged Care (Subsidy, Fees and Payments) Determination 2014*.

minimum permissible asset value has the same meaning as in subsection 57-12(3) of the Transitional Provisions Act.

MM category means a category for an area provided for by the Modified Monash Model and known as MM 1, MM 2, MM 3, MM 4, MM 5, MM 6 or MM 7.

Modified Monash Model means the model known as the Modified Monash Model (MMM) 2019 developed by the Health Department to categorise areas according geographical remoteness and population size, as the model exists on 1 October 2022.

national efficient price: the ***national efficient price*** for residential care activity is $282.44.

non-respite care has the same meaning as in the *Aged Care Act 1997*.

non-respite classification amount for a care recipient for a day: see section 83.

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NWAU (short for National Weighted Activity Unit) means a measure of residential care activity, expressed as a common unit, against which the national efficient price is set.

operational places: see subsection 84(2).

qualifying facility has the same meaning as in the *Subsidy Principles 2014*.

reduced applicable amount for a day for a care recipient: see subsection 91(4).

residential care percentage for a residential care service: see subsection 91(3).

service amount for a care recipient for a day: see section 84.

82 Meaning of *applicable amount* for a day for a care recipient

(1) If:
  (a) a care recipient is provided with residential care through a residential care service on a day; and
  (b) on the day, the service meets the building requirements specified in Schedule 1 to the Transitional Provisions Principles; and
  (c) the service is:
    (i) a newly built residential care service; or
    (ii) a significantly refurbished residential care service;

the ***applicable amount*** for the day for the recipient is $69.79.

(2) If:
  (a) a care recipient is provided with residential care through a residential care service on a day; and
  (b) on the day, the service meets the building requirements specified in Schedule 1 to the Transitional Provisions Principles; and
  (c) the service is not:
    (i) a newly built residential care service; or
    (ii) a significantly refurbished residential care service;

the ***applicable amount*** for the day for the recipient is $45.51.

(3) If:
  (a) a care recipient is provided with residential care through a residential care service on a day; and
  (b) on the day, the service does not meet the building requirements specified in Schedule 1 to the Transitional Provisions Principles;

the ***applicable amount*** for the day for the recipient is $38.23.

83 Meaning of *non-respite classification amount* for a care recipient for a day

The ***non-respite classification amount*** for a care recipient for a day is the amount worked out by multiplying the national efficient price by the NWAU worked out using the following table.

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NWAU		
Item	**If the classification level for the classification of the recipient for non-respite care that is in effect on the day is ...**	**the NWAU is ...**
1	Class 1	0.80
2	Class 2	0.19
3	Class 3	0.37
4	Class 4	0.25
5	Class 5	0.44
6	Class 6	0.40
7	Class 7	0.55
8	Class 8	0.64
9	Class 9	0.52
10	Class 10	0.70
11	Class 11	0.66
12	Class 12	0.66
13	Class 13	0.80

Note: The classification levels for classifications for non-respite care are those provided for by section 40 of the *Classification Principles 2014*.

84 Meaning of *service amount* for a care recipient for a day

(1) If:

(a) a care recipient is provided with residential care on a day through a residential care service; and

(b) on the day, the service meets the requirements set out in column 1 of an item of the following table;

the ***service amount*** for the recipient for the day is the amount worked out in accordance with column 2 of the item.

Requirements and amount		
Item	**Column 1** **Requirements**	**Column 2** **Amount**
1	The service: (a) has specialised ATSI status; and (b) has a street address that is in the MM category known as MM 7	The amount worked out using the formula in subsection (2) if it were assumed that the NWAU were 1.80
2	The service: (a) has specialised ATSI status; and (b) has a street address that is in the MM category known as MM 6	The amount worked out using the formula in subsection (2) if it were assumed that the NWAU were 0.78
3	All of the following apply: (a) the service does not have specialised ATSI status or specialised homeless	The amount worked out using the formula in subsection (2) if it were assumed that the NWAU were 0.68

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Section 84

Requirements and amount		
Item	**Column 1** **Requirements**	**Column 2** **Amount**
	status; (b) the service has a street address that is in the MM category known as MM 6 or MM 7; (c) the number of operational places in respect of the service is less than 30	
4	All of the following apply: (a) the service does not have specialised ATSI status or specialised homeless status; (b) the service has a street address that is in the MM category known as MM 6 or MM 7; (c) the number of operational places in respect of the service is 30 or more	The sum of the following amounts: (a) the amount worked out using the formula in subsection (2) if it were assumed that the NWAU were 0.68 and that the number of operational places were 29; (b) the amount worked out using the formula in subsection (2) if it were assumed that the NWAU were 0.52 and that the number of operational places were reduced by 29
5	The service: (a) does not have specialised homeless status; and (b) has a street address that is in an MM category known as MM 4 or MM 5	The amount worked out by multiplying the national efficient price by the NWAU of 0.57
6	The service: (a) has specialised homeless status; and (b) has a street address that is in any of the MM categories	The amount worked out by multiplying the national efficient price by the NWAU of 0.92
7	The service: (a) does not have specialised homeless status; and (b) has a street address that is in an MM category known as MM 2 or MM 3	The amount worked out by multiplying the national efficient price by the NWAU of 0.55
8	The service: (a) does not have specialised homeless status; and (b) has a street address that is in the MM category known as MM 1	The amount worked out by multiplying the national efficient price by the NWAU of 0.50

(2) For the purposes of items 1 to 4 of the table in subsection (1), the formula is:

$$\text{National efficient price} \times \text{NWAU} \times \frac{\text{Operational places}}{\text{Occupied places}}$$

where:

occupied places means the total number of places allocated under Part 2.2 of the *Aged Care Act 1997* to a person in respect of the relevant residential care service to which all of the following apply:

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(a) the places are not provisionally allocated on the relevant day;
(b) the places are places in respect of which:
  (i) residential care is provided through the service to a care recipient on the relevant day; and
  (ii) subsidy is payable for the provision of that care under Part 3.1 of the *Aged Care Act 1997* or Part 3.1 of the Transitional Provisions Act.

Note: A care recipient who is on leave from the service is taken to be provided with residential care by the approved provider operating the service (see section 42-2 of the *Aged Care Act 1997* and section 42-2 of the Transitional Provisions Act).

operational places means the total number of places allocated under Part 2.2 of the *Aged Care Act 1997* to a person in respect of the relevant residential care service to which all of the following apply:

(a) the places are not provisionally allocated on the relevant day;
(b) if a notice relating to the service has been given under subsection 27B(2) of the *Accountability Principles 2014*—the places are not places specified in the notice as offline places (within the meaning of paragraph 27B(3)(b) of those principles) for a period in which the relevant day occurs;
(c) the places are places in respect of which subsidy would be payable under Part 3.1 of the *Aged Care Act 1997*, or Part 3.1 of the Transitional Provisions Act, if a care recipient were provided with residential care through the service on the relevant day.

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Part 2—Basic subsidy amount

Division 1—Purpose of this Part

85 Purpose of this Part

This Part is made for the purposes of subsection 44-3(2) of the Transitional Provisions Act.

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Division 2—Basic subsidy amount for care recipient provided with residential care as non-respite care

86 Basic subsidy amount—classification of care recipient is in effect

(1) If a classification of a care recipient for non-respite care is in effect on a day (the ***relevant day***), the basic subsidy amount for the recipient for the relevant day is the amount equal to the sum of:

(a) the non-respite classification amount for the recipient for that day; and

(b) the service amount for the recipient for that day.

Note: For when a classification of a care recipient is in effect, see Part 11A of Chapter 3 of the *Classification Principles 2014*.

(2) If:

(a) the care recipient is on extended hospital leave on the relevant day; and

(b) the relevant day is on or after the 29th day of the recipient's leave;

then, despite subsection (1), the basic subsidy amount for the recipient for that day is the service amount for the recipient for that day.

87 Basic subsidy amount—care recipient not classified

(1) If, on a day (the ***relevant day***), a care recipient has not yet been classified for non-respite care under Part 2.4A of the *Aged Care Act 1997*, then, subject to this section, the basic subsidy amount for the recipient for the relevant day is the amount equal to the sum of:

(a) the amount equal to the non-respite classification amount that would be worked out for the recipient for that day if it were assumed that:

(i) a classification of the recipient for non-respite care were in effect on that day; and

(ii) the classification level for the classification of the recipient were Class 8; and

(b) the service amount for the recipient for that day.

Note: See section 40 of the *Classification Principles 2014* for the classification levels for classifications for non-respite care.

Entry for palliative care

(2) If:

(a) on the relevant day, the care recipient is provided with residential care as non-respite care in the form of palliative care through the residential care service in question; and

(b) the approved provider of the service notified, in accordance with section 63-1B of the *Aged Care Act 1997*, the Secretary of the recipient's entry into that service for the provision of such care; and

(c) the recipient is not on extended hospital leave on the relevant day;

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then the basic subsidy amount for the recipient for the relevant day is the amount equal to the sum of:

(d) the amount equal to the non-respite classification amount that would be worked out for the recipient for that day if it were assumed that:
  (i) a classification of the recipient for non-respite care were in effect on that day; and
  (ii) the classification level for the classification of the recipient were Class 1; and

(e) the service amount for the recipient for that day.

Note: See section 40 of the *Classification Principles 2014* for the classification levels for classifications for non-respite care.

Extended hospital leave

(3) If:

(a) the care recipient is on extended hospital leave on the relevant day; and

(b) the relevant day is on or after the 29th day of the recipient's leave;

then the basic subsidy amount for the recipient for that day is the service amount for the recipient for that day.

Care recipient classified after the relevant day

(4) If:

(a) the care recipient is classified for non-respite care under Part 2.4A of the *Aged Care Act 1997* after the relevant day; and

(b) the classification has effect on the relevant day;

this section is to be taken not to have applied in relation to the recipient in respect of that day.

Note: A classification may take effect on a day that is before the day a care recipient is classified (see Part 11A of Chapter 3 of the *Classification Principles 2014*).

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Part 3—Adjusted basic subsidy amount

88 Purpose of this Part

This Part is made for the purposes of subsection 44-21(5) of the Transitional Provisions Act.

89 Adjusted basic subsidy amount—care recipient provided with residential care as non-respite care

The adjusted basic subsidy amount for a care recipient for a day on which the recipient is provided with residential care as non-respite care through a residential care service is the amount equal to the sum of:

(a) the non-respite classification amount for the recipient for the day; and

(b) the amount equal to the service amount that would be worked out for the recipient for the day under subsection 84(1) if it were assumed that the service meets, on the day, the requirements set out in column 1 of item 8 of the table in that subsection.

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Part 4—Amounts of primary supplements

Division 1—Accommodation supplement

90 Purpose of this Division

This Division is made for the purposes of subsection 44-5A(3) of the Transitional Provisions Act.

Note: Subdivision A of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles also deals with the accommodation supplement.

91 Amount of accommodation supplement—general rule

(1) This section applies in relation to a care recipient if:
  (a) the recipient is provided with residential care as non-respite care through a residential care service on a day; and
  (b) on that day, section 91A does not apply in relation to the recipient.

(2) The amount of the accommodation supplement for the day for the care recipient is:
  (a) if the residential care percentage for the residential care service for the payment period in which the day occurs is 40% or more—the reduced applicable amount for the day for the recipient; or
  (b) otherwise—the amount worked out by reducing the reduced applicable amount for the day for the recipient by 25%.

Residential care percentage

(3) The ***residential care percentage*** for a residential care service for a payment period is worked out using the following formula:

$$\frac{\text{Care for relevant residents}}{\text{Care for all residents}} \times 100$$

where:

care for all residents means the total number of days, in the payment period, on which the residential care service provided residential care as non-respite care to each care recipient:
  (a) who is approved under Part 2.3 of the *Aged Care Act 1997* as a recipient of that kind of care; and
  (b) who is not an excluded resident.

care for relevant residents means the total number of days, in the payment period, on which the residential care service provided residential care as non-respite care to each care recipient:
  (a) who is approved under Part 2.3 of the *Aged Care Act 1997* as a recipient of that kind of care; and

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(b) who is a relevant resident; and
(c) who is not an excluded resident.

excluded resident: a care recipient is an ***excluded resident*** if both of the following apply in relation to the recipient:

(a) the recipient is provided with residential care as non-respite care on an extra service basis (within the meaning of subsection 36-1(1) of the *Aged Care Act 1997*) on a day;
(b) a determination is not in force under section 52K-1 of that Act in relation to the recipient on the day.

relevant resident means each of the following:

(a) a care recipient who is eligible for a concessional resident supplement for a day under section 44-6 of the Transitional Provisions Act;
(b) a supported resident;
(c) a low-means care recipient.

Reduced applicable amount

(4) The ***reduced applicable amount*** for a day for a care recipient is worked out using the following formula:

$$\text{Applicable amount} - \frac{\text{Assets-related amount} - \text{Minimum permissible asset value}}{2080}$$

where:

applicable amount means the applicable amount for the day for the care recipient.

assets-related amount means:

(a) if a determination is in force under paragraph 57-14(1)(b) of the Transitional Provisions Act in relation to the care recipient—the amount equal to the sum of:
  (i) the maximum amount specified in the determination; and
  (ii) the minimum permissible asset value for the recipient; or
(b) if a determination is in force under paragraph 57A-9(1)(b) of the Transitional Provisions Act in relation to the care recipient—the amount equal to the sum of:
  (i) the maximum daily amount specified in the determination multiplied by 2080; and
  (ii) the minimum permissible asset value for the recipient; or
(c) in any other case—the value of the care recipient's assets at the time that applies under section 43 of the Transitional Provisions Principles in relation to the recipient.

minimum permissible asset value means the minimum permissible asset value for the care recipient.

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91A Amount of accommodation supplement—accommodation bond not charged etc.

(1) This section applies in relation to a care recipient if:

(a) the recipient is provided with residential care as non-respite care through a residential care service on a day; and

(b) on that day:

(i) a determination is in force under paragraph 57-14(1)(a) or 57A-9(1)(a) of the Transitional Provisions Act in relation to the recipient; or

(ii) the value of the recipient's assets is less than the minimum permissible asset value for the recipient.

(2) The amount of the accommodation supplement for the day for the care recipient is:

(a) if the residential care percentage for the residential care service for the payment period in which the day occurs is 40% or more—the applicable amount for the day for the recipient; or

(b) otherwise—the amount worked out by reducing the applicable amount for the day for the recipient by 25%.

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Division 2—Concessional resident supplement

91B Amount of concessional resident supplement

(1) This section is made for the purposes of subsection 44-6(4) of the Transitional Provisions Act.

Note: Subdivision B of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles also deals with the concessional resident supplement.

(2) The amount of the concessional resident supplement for a day for a care recipient provided with residential care as non-respite care through a residential care service is:

(a) if the residential care percentage for the service for the payment period in which the day occurs is 40% or more—the applicable amount for the day for the recipient; or

(b) otherwise—the amount worked out by reducing the applicable amount for the day for the recipient by 25%.

(3) Despite subsection (2), the amount of the concessional resident supplement for the day for the care recipient is nil if:

(a) the recipient is a concessional resident or an assisted resident; and

(b) the recipient entered the service before 17 October 2014; and

(c) on the day of entry, the service was not certified.

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Division 3—Oxygen supplement

91C Amount of oxygen supplement

For the purposes of subsection 44-13(6) of the Transitional Provisions Act, the amount of the oxygen supplement for a day for a care recipient is $14.11.

Note: Subdivision E of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles also deals with the oxygen supplement.

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Division 4—Enteral feeding supplement

91D Amount of enteral feeding supplement

For the purposes of subsection 44-14(6) of the Transitional Provisions Act, the amount of the enteral feeding supplement for a day for a care recipient is:

(a) for bolus feeding—$22.36; and

(b) for non-bolus feeding—$25.11.

Note: Subdivision F of Division 3 of Part 3 of Chapter 2 of the Transitional Provisions Principles also deals with the enteral feeding supplement.

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Division 5—Accommodation charge top-up supplement

91E Amount of accommodation charge top-up supplement

(1) This section is made for the purposes of subsection 44-16(3) of the Transitional Provisions Act.

Note: The accommodation charge top-up supplement is set out in Subdivision C of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles. Eligibility for the supplement is dealt with in that Subdivision.

(2) The amount of the accommodation charge top-up supplement for a day for a care recipient is the amount that is the difference between:

(a) the maximum daily amount at which an accommodation charge would accrue under section 57A-6 of the Transitional Provisions Act for the entry of the recipient to the residential care service in question if the recipient were not receiving an income support payment on the day of entry; and

(b) the maximum daily amount at which an accommodation charge would accrue under subsection 118(2) of the Transitional Provisions Principles for the entry of the recipient to the service if the recipient were a post-reform 2008 resident who was receiving an income support payment on that day.

(3) However, the amount of accommodation charge top-up supplement for a day for the care recipient is nil if the amount worked out under subsection (2) is a negative amount.

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Division 6—Transitional accommodation supplement

91F Amount of transitional accommodation supplement

(1) This section is made for the purposes of subsection 44-16(3) of the Transitional Provisions Act.

Note: The transitional accommodation supplement is set out in Subdivision D of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles. Eligibility for the supplement is dealt with in that Subdivision.

(2) The amount of the transitional accommodation supplement for a day for a care recipient is the amount that is the difference between:

(a) the amount specified in the following table for the day on which the recipient entered residential care; and

(b) the amount of accommodation supplement payable for the day for the recipient under Division 1 of this Part.

Entry day and amount

Item	Entry day	Amount
1	After 19 March 2008 and before 20 September 2010	$10.40
2	After 19 September 2010 and before 20 March 2011	$6.93
3	After 19 March 2011 and before 20 September 2011	$3.47

(3) However, the amount of transitional accommodation supplement for a day for the care recipient is nil if the amount worked out under subsection (2) is a negative amount.

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Division 7—2012 basic daily fee supplement

91G Amount of 2012 basic daily fee supplement

For the purposes of subsection 44-16(3) of the Transitional Provisions Act, the amount of the 2012 basic daily fee supplement for a day for a care recipient is the amount worked out by rounding down to the nearest cent the amount equal to 1% of the basic age pension amount (worked out on a per day basis).

Note: The 2012 basic daily fee supplement is set out in Subdivision E of Division 4 of Part 3 of Chapter 2 of the Transitional Provisions Principles. Eligibility for the supplement is dealt with in that Subdivision.

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Part 5—Amounts of other supplements

Division 1—Pensioner supplement

91H Amount of pensioner supplement

For the purposes of subsection 44-28(7) of the Transitional Provisions Act, the amount of the pensioner supplement for a day for a care recipient is $10.40.

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Division 2—Hardship supplement

91J Purpose of this Division

This Division is made for the purposes of subsection 44-30(5) of the Transitional Provisions Act.

Note: Subdivision B of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles also deals with the hardship supplement.

91K Amount of hardship supplement—certain pre-2008 reform residents

(1) The amount of the hardship supplement for a day for a care recipient who is a member of the class specified in paragraph 56(1)(a) of the Transitional Provisions Principles is the amount equal to the sum of:

(a) the amount of basic income support compensation for the recipient worked out under subsection (2) of this section; and

(b) $0.40, being the amount of pharmaceutical allowance compensation; and

(c) $1.40, being the amount of pharmaceutical concessions compensation.

(2) For the purposes of paragraph (1)(a), the amount of basic income support compensation for a care recipient is the amount worked out using the following formula, rounded to the nearest 5 cents (rounding up in the case of exactly halfway between 2 multiples of 5 cents):

$$\frac{\$1,774.42 - \text{Fortnightly assessable income amount}}{28}$$

where:

fortnightly assessable income amount means the amount that is the care recipient's total assessable income (within the meaning of section 44-24 of the Transitional Provisions Act) worked out on a per fortnight basis.

91L Amount of hardship supplement—certain care recipients who occupied an approved place in an aged care service on 30 September 1997

(1) The amount of the hardship supplement for a day for a care recipient who is a member of the class specified in paragraph 56(1)(b) of the Transitional Provisions Principles is the amount equal to the sum of:

(a) the amount of basic income support compensation for the recipient worked out under subsection (2) of this section; and

(b) $0.40, being the amount of pharmaceutical allowance compensation; and

(c) $1.40, being the amount of pharmaceutical concessions compensation.

(2) For the purposes of paragraph (1)(a), the basic income support compensation for a care recipient is the amount of residential care allowance the recipient was receiving on the day before 1 October 1997, adjusted in line with adjustments made to the amount of the pensioner supplement.

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Note: ***Pensioner supplement*** means the supplement referred to in section 44-28 of the Transitional Provisions Act.

91M Amount of hardship supplement—certain care recipients who occupied a place in a hostel on 30 September 1997

The amount of the hardship supplement for a day for a care recipient who is a member of the class specified in paragraph 56(1)(c) of the Transitional Provisions Principles is $0.80.

91N Amount of hardship supplement—care recipients in relation to whom a financial hardship determination is in force

The amount of the hardship supplement for a day for a care recipient in relation to whom a determination is in force under section 44-31 of the Transitional Provisions Act is the amount equal to the difference between:

(a) the maximum daily amount of resident fees (within the meaning of section 58-2 of that Act) payable by the recipient; and

(b) the amount specified in the determination.

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Division 3—Veterans' supplement

91P Amount of veterans' supplement

For the purposes of subsection 44-27(3) of the Transitional Provisions Act, the amount of the veterans' supplement for a day for a care recipient is $7.99.

Note: The veterans' supplement is set out in Subdivision C of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles. Eligibility for the supplement is dealt with in that Subdivision.

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Division 4—Initial entry adjustment supplement

91Q Amount of initial entry adjustment supplement

For the purposes of subsection 44-27(3) of the Transitional Provisions Act, the amount of the initial entry adjustment supplement for a care recipient in respect of a payment period is the amount worked out by multiplying the national efficient price by 5.28.

Note: The initial entry adjustment supplement is set out in Subdivision H of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles. Eligibility for the supplement is dealt with in that Subdivision.

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Division 5—Hotelling supplement

91R Amount of hotelling supplement

For the purposes of subsection 44-27(3) of the Transitional Provisions Act, the amount of the hotelling supplement for a day for a care recipient is $13.46.

Note: The hotelling supplement is set out in Subdivision I of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles. Eligibility for the supplement is dealt with in that Subdivision.

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Division 6—Registered nurse supplement

91S Amount of registered nurse supplement

(1) This section is made for the purposes of subsection 44-27(3) of the Transitional Provisions Act.

Note: The registered nurse supplement is set out in Subdivision J of Division 8 of Part 3 of Chapter 2 of the *Aged Care (Transitional Provisions) Principles 2014*. Eligibility for the supplement is dealt with in that Subdivision.

(2) The amount of the registered nurse supplement for a day during a payment period for a care recipient is:

$$\frac{\text{Service supplement amount}}{\text{Total service care days}}$$

where:

service supplement amount is the service supplement amount for the payment period, determined under subsections (3) and (4), for the residential care service through which residential care is provided to the care recipient.

total service care days is the total number of days of eligible residential care provided in respect of care recipients during the payment period through that residential care service.

Service supplement amount

(3) Subject to subsection (4), the service supplement amount for a payment period for a residential care service is the sum of the facility amounts, determined under subsections (5) to (6C), for each qualifying facility for the period at which days of eligible residential care are provided in respect of care recipients during the period through that service.

(4) If, during a payment period, days of eligible residential care are provided in respect of care recipients at a qualifying facility for the period through more than one residential care service, the facility amount for the facility is to be apportioned between the services, in proportion to the number of days of eligible care provided at the facility through each service.

Facility amount—group A facilities in MM category 1

(5) The facility amount for a payment period, for a group A facility for the period with a street address in the MM category known as MM 1, is the amount set out in the following table for the average daily care count for the facility for the period.

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Facility amount—group A facilities in MM category 1		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 20	27,802
2	More than 20 but less than or equal to 25	24,790
3	More than 25 but less than or equal to 30	13,531
4	More than 30 but less than or equal to 35	10,982
5	More than 35 but less than or equal to 40	8,434
6	More than 40 but less than or equal to 45	5,885
7	More than 45 but less than or equal to 50	3,337

Facility amount—group A facilities in MM categories 2 and 3

(5A) The facility amount for a payment period, for a group A facility for the period with a street address in the MM category known as MM 2 or MM 3, is the amount set out in the following table for the average daily care count for the facility for the period.

Facility amount—group A facilities in MM categories 2 and 3		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 20	30,536
2	More than 20 but less than or equal to 25	27,228
3	More than 25 but less than or equal to 30	14,860
4	More than 30 but less than or equal to 35	12,062
5	More than 35 but less than or equal to 40	9,263
6	More than 40 but less than or equal to 45	6,464
7	More than 45 but less than or equal to 50	3,664

Facility amount—group A facilities in MM categories 4 and 5

(5B) The facility amount for a payment period, for a group A facility for the period with a street address in the MM category known as MM 4 or MM 5, is the amount set out in the following table for the average daily care count for the facility for the period.

Facility amount—group A facilities in MM categories 4 and 5		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 5	72,840
2	More than 5 but less than or equal to 10	61,804
3	More than 10 but less than or equal to 15	50,767
4	More than 15 but less than or equal to 20	39,731
5	More than 20 but less than or equal to 25	27,912
6	More than 25 but less than or equal to 30	15,234
7	More than 30 but less than or equal to 35	12,364

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Facility amount—group A facilities in MM categories 4 and 5		
Item	**Average daily care count**	**Facility amount ($)**
8	More than 35 but less than or equal to 40	9,495
9	More than 40 but less than or equal to 45	6,626
10	More than 45 but less than or equal to 50	3,756

Facility amount—group A facilities in MM categories 6 and 7

(5C) The facility amount for a payment period, for a group A facility for the period with a street address in the MM category known as MM 6 or MM 7, is the amount set out in the following table for the average daily care count for the facility for the period.

Facility amount—group A facilities in MM categories 6 and 7		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 5	86,378
2	More than 5 but less than or equal to 10	73,290
3	More than 10 but less than or equal to 15	60,203
4	More than 15 but less than or equal to 20	47,115
5	More than 20 but less than or equal to 25	33,099
6	More than 25 but less than or equal to 30	18,065
7	More than 30 but less than or equal to 35	14,663
8	More than 35 but less than or equal to 40	11,261
9	More than 40 but less than or equal to 45	7,857
10	More than 45 but less than or equal to 50	4,455

Facility amount—group B facilities in MM category 1

(6) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 1, is the amount set out in the following table for the average daily care count for the facility for the period.

Facility amount—group B facilities in MM category 1		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 20	13,902
2	More than 20 but less than or equal to 25	12,395
3	More than 25 but less than or equal to 30	6,766

Facility amount—group B facilities in MM categories 2 and 3

(6A) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 2 or MM 3, is the

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amount set out in the following table for the average daily care count for the facility for the period.

Facility amount—group B facilities in MM categories 2 and 3		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 20	15,268
2	More than 20 but less than or equal to 25	13,614
3	More than 25 but less than or equal to 30	7,431

Facility amount—group B facilities in MM categories 4 and 5

(6B) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 4 or MM 5, is the amount set out in the following table for the average daily care count for the facility for the period.

Facility amount—group B facilities in MM categories 4 and 5		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 5	36,421
2	More than 5 but less than or equal to 10	30,902
3	More than 10 but less than or equal to 15	25,384
4	More than 15 but less than or equal to 20	19,866
5	More than 20 but less than or equal to 25	13,956
6	More than 25 but less than or equal to 30	7,618

Facility amount—group B facilities in MM categories 6 and 7

(6C) The facility amount for a payment period, for a group B facility for the period with a street address in the MM category known as MM 6 or MM 7, is the amount set out in the following table for the average daily care count for the facility for the period.

Facility amount—group B facilities in MM categories 6 and 7		
Item	**Average daily care count**	**Facility amount ($)**
1	Less than or equal to 5	43,190
2	More than 5 but less than or equal to 10	36,646
3	More than 10 but less than or equal to 15	30,102
4	More than 15 but less than or equal to 20	23,558
5	More than 20 but less than or equal to 25	16,550
6	More than 25 but less than or equal to 30	9,033

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Average daily care count

(7) For the purposes of subsections (5) to (6C), the average daily care count for a qualifying facility for a payment period is the total number of days of eligible residential care provided in respect of care recipients at the facility during the period, divided by the number of days in the period.

(8) If, during a payment period, days of eligible residential care are provided in respect of care recipients through the same residential care service at more than one residential facility then, for the purposes of subsection (7), the total number of days of eligible residential care provided at each facility is taken to be proportional to the number of operational places allocated in respect of the service, on the last day of the payment period, in respect of the location of each facility.

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Division 7—Outbreak management support supplement

91T Amount of outbreak management support supplement

For the purposes of subsection 44-27(3) of the Transitional Provisions Act, the amount of the outbreak management support supplement for a day for a care recipient is $1.65.

Note: The outbreak management support supplement is set out in Subdivision K of Division 8 of Part 3 of Chapter 2 of the Transitional Provisions Principles. Eligibility for the supplement is dealt with in that Subdivision.

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Chapter 4—Flexible care subsidy

92 Purpose of this Chapter

For section 52-1 of the Transitional Provisions Act, this Chapter provides for the amount of flexible care subsidy that is payable for a day in respect of flexible care that is provided through a flexible care service.

93 Amount of flexible care subsidy

Flexible care provided through multi-purpose service

(1) The amount of flexible care subsidy payable for a day in respect of flexible care that is provided through a multi-purpose service is the amount of flexible care subsidy that would apply for the day under Part 1 of Chapter 4 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014* if:

(a) the flexible care were provided to care recipients who were not continuing care recipients; and

(b) the flexible care subsidy were payable under the *Aged Care Act 1997*.

Flexible care provided through innovative care service

(2) The amount of flexible care subsidy payable for a day for a care recipient who is being provided with flexible care through an innovative care service is the amount of flexible care subsidy that would apply for the day under Part 2 of Chapter 4 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014* if:

(a) the care recipient were not a continuing care recipient; and

(b) the flexible care subsidy were payable under the *Aged Care Act 1997*.

Flexible care provided as transition care

(3) The amount of flexible care subsidy payable for a day for a care recipient who is being provided with transition care through a flexible care service is the amount of flexible care subsidy that would apply for the day under Part 3 of Chapter 4 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014* if:

(a) the care recipient were not a continuing care recipient; and

(b) the flexible care subsidy were payable under the *Aged Care Act 1997*.

Flexible care provided as short-term restorative care

(4) The amount of flexible care subsidy payable for a day for a care recipient who is being provided with short-term restorative care through a flexible care service is the amount of flexible care subsidy that would apply for the day under Part 4 of Chapter 4 of the *Aged Care (Subsidy, Fees and Payments) Determination 2014* if:

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(a) the care recipient were not a continuing care recipient; and
(b) the flexible care subsidy were payable under the *Aged Care Act 1997*.

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Chapter 5—Resident fees

94 Purpose of this Chapter

This Chapter is made for the purposes of section 58-6 of the Transitional Provisions Act.

95 Maximum daily amount of resident fees for reserving a place

The maximum fee in respect of a day that a care recipient can be charged for reserving a place in a residential care service for the day is the amount equal to the sum of the following amounts:

(a) the maximum daily amount of resident fees (within the meaning of section 58-2 of the Transitional Provisions Act) that would have been payable by the recipient if the recipient had been provided with residential care through the service on that day;

(b) the amount of residential care subsidy that would have been payable to the approved provider operating the service in respect of the recipient for the day if:

(i) the recipient had been provided with residential care through the service on the day; and

(ii) it were assumed that the service amount for the recipient for the day were the amount that would be worked out under subsection 84(1) in respect of a residential care service that meets, on the day, the requirements set out in column 1 of item 8 of the table in that subsection.

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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 how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Determination 2014	28 June 2014 (F2014L00872)	1 July 2014 (s 2)	
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2014 Indexation) Determination 2014	18 Sept 2014 (F2014L01242)	20 Sept 2014 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March 2015 Indexation) Determination 2015	18 Mar 2015 (F2015L00315)	20 Mar 2015 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Removal of Certification and Other Measures) Determination 2015	30 June 2015 (F2015L01009)	1 July 2015 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Indexation, Pre-Entry Leave and Other Measures) Determination 2015	30 June 2015 (F2015L01019)	Sch 1 and 2: 1 July 2015 (s 2(1) items 1, 2) Sch 3: 17 Sept 2015 (s 2(1) item 3)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2015 Indexation) Determination 2015	18 Sept 2015 (F2015L01453)	20 Sept 2015 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March 2016 Indexation) Determination 2016	18 Mar 2016 (F2016L00351)	20 Mar 2016 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Short-term Restorative Care) Determination 2016	5 May 2016 (F2016L00663)	6 May 2016 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (July Indexation) Determination 2016	30 June 2016 (F2016L01107)	1 July 2016 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2016 Indexation) Determination 2016	19 Sept 2016 (F2016L01456)	20 Sept 2016 (s 2)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Increasing Consumer Choice) Determination 2016	23 Sept 2016 (F2016L01494)	27 Feb 2017 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Viability Supplement) Determination 2016	19 Dec 2016 (F2016L01994)	1 Jan 2017 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March 2017 Indexation) Determination 2017	17 Mar 2017 (F2017L00246)	20 Mar 2017 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (July Indexation) Determination 2017	21 June 2017 (F2017L00716)	1 July 2017 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment Determination 2017	23 June 2017 (F2017L00744)	1 July 2017 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2017 Indexation) Determination 2017	14 Sept 2017 (F2017L01189)	20 Sept 2017 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March 2018 Indexation) Determination 2018	16 Mar 2018 (F2018L00263)	20 Mar 2018 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (July Indexation) Determination 2018	27 June 2018 (F2018L00893)	1 July 2018 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2018 Indexation) Determination 2018	17 Sept 2018 (F2018L01303)	20 Sept 2018 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March Indexation and Other Measures) Determination 2019	15 Mar 2019 (F2019L00308)	Sch 1 (Pt 2): 1 Apr 2019 (s 2(1) item 3) Remainder: 20 Mar 2019 (s 2(1) items 1, 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (July Indexation) Determination 2019	26 June 2019 (F2019L00882)	1 July 2019 (s 2)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September Indexation) Determination 2019	19 Sept 2019 (F2019L01216)	20 Sept 2019 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March Indexation) Determination 2020	19 Mar 2020 (F2020L00276)	20 Mar 2020 (s 2)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Workforce Continuity Funding) Determination 2020	30 Mar 2020 (F2020L00353)	1 Mar 2020 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Subsidies—COVID-19 Support) Instrument 2020	26 May 2020 (F2020L00615)	Sch 1 (items 5, 6): 27 May 2020 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (July Indexation) Determination 2020	30 June 2020 (F2020L00858)	1 July 2020 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Cessation of Temporary Funding Increases) Determination 2020.	27 Aug 2020 (F2020L01076)	1 Sept 2020 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Subsidies—COVID-19 Support Supplement and Workforce Continuity Funding Measures No. 2) Instrument 2020	18 Sept 2020 (F2020L01183)	Sch 1 (items 9–11): 19 Sept 2020 (s 2(1) item 2) Sch 2 (item 16): 1 Sept 2020 (s 2(1) item 4)	—
Aged Care Legislation Amendment (Basic Subsidy Amount—COVID-19 Support) Determination 2020	10 Feb 2021 (F2021L00111)	Sch 1 (item 2): 11 Feb 2021 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March Indexation) Determination 2021	16 Mar 2021 (F2021L00238)	20 Mar 2021 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Subsidies—Residential Care Support Supplement) Instrument 2021	29 Mar 2021 (F2021L00355)	Sch 1 (item 5): 30 Mar 2021 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (July Indexation) Determination 2021	29 June 2021 (F2021L00894)	1 July 2021 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Aged Care Legislation Amendment (Subsidies—Royal Commission Response) Instrument 2021	30 June 2021 (F2021L00913)	Sch 1 (items 11–16): 1 July 2021 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Improved Home Care Payment Administration) Instrument 2021	18 Aug 2021 (F2021L01133)	Sch 1 (item 3): 1 Sept 2021 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September Indexation) Determination 2021	8 Sept 2021 (F2021L01242)	20 Sept 2021 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March Indexation) Determination 2022	11 Mar 2022 (F2022L00304)	20 Mar 2022 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) Amendment (July Indexation) Determination 2022	29 June 2022 (F2022L00852)	Sch 1 (items 3–5): 1 July 2022 (s 2(1) item 1)	—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September Indexation) Determination 2022	15 Sept 2022 (F2022L01205)	20 Sept 2022 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Residential Aged Care Funding) Instrument 2022	29 Sept 2022 (F2022L01276)	Sch 2 (items 26–38) and Sch 3 (item 9): 1 Oct 2022 (s 2(1) item 1)	—
Aged Care Legislative Amendment (March Indexation) Instrument 2023	17 Mar 2023 (F2023L00236)	Sch 1 (item 2): 20 Mar 2023 (s 2(1) item 1)	—
Aged Care Legislation Amendment (July Indexation and Other Measures) Instrument 2023	26 June 2023 (F2023L00866)	Sch 2 (items 3, 4): 1 July 2023 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Subsidies) Instrument 2023	27 June 2023 (F2023L00872)	Sch 1 (items 9, 10): 1 July 2023 (s 2(1) item 1)	—
Aged Care Legislation Amendment (September Indexation and Other Measures) Instrument 2023	18 Sept 2023 (F2023L01261)	Sch 1 (item 2): 20 Sept 2023 (s 2(1) item 1)	—
Aged Care Legislation Amendment (December Additional Subsidy Increases) Determination 2023	30 Nov 2023 (F2023L01587)	Sch 1 (items 4–6): 1 Dec 2023 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Outbreak Management Support Supplement) Instrument 2024	22 Jan 2024 (F2024L00092)	Sch 1 (item 7): 23 Jan 2024 (s 2(1) item 1)	—
Aged Care Legislation Amendment (March Indexation) Instrument 2024	18 Mar 2024 (F2024L00330)	Sch 1 (item 2): 20 Mar 2024 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Aged Care Legislation Amendment (Registered Nurse Supplement) Instrument 2024	24 June 2024 (F2024L00765)	Sch 1 (items 12–20): 1 July 2024 (s 2(1) item 1)	—
Aged Care Legislation Amendment (July Indexation) Instrument 2024	27 June 2024 (F2024L00791)	Sch 2 (item 3): 1 July 2024 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Subsidy and Other Measures) Instrument 2024	13 Sept 2024 (F2024L01156)	Sch 2 (item 2): 20 Sept 2024 (s 2(1) item 3) Sch 3 (items 5–7) and Sch 4 (items 9–11): 1 Oct 2024 (s 2(1) item 4)	—
Aged Care Legislation Amendment (September Indexation) Instrument 2024	13 Sept 2024 (F2024L01157)	Sch 1 (item 2): 20 Sept 2024 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Adjusted Basic Subsidy Amount) Determination 2024	30 Sept 2024 (F2024L01235)	Sch 1 (items 3, 4): 20 Sept 2024 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Outbreak Management Support Supplement) (No. 2) Instrument 2024	20 Dec 2024 (F2024L01718)	Sch 1 (item 5): 1 Jan 2025 (s 2(1) item 1)	—
Aged Care Legislation Amendment (March Residential Care Subsidy Increase) Determination 2025	28 Feb 2025 (F2025L00246)	Sch 1 (items 3, 4): 1 Mar 2025 (s 2(1) item 2) Sch 2 (item 2): 20 Mar 2025 (s 2(1) item 3) Sch 3 (item 2): 1 July 2025 (s 2(1) item 4)	—
Aged Care Legislation Amendment (March Indexation) Instrument 2025	7 Mar 2025 (F2025L00323)	Sch 1 (item 2): 20 Mar 2025 (s 2(1) item 1)	—

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Endnote 4—Amendment history

Provision affected	How affected
Chapter 1	
s 2	rep LIA s 48D
s 5	am F2015L01009; F2016L00663
	ed C18
	am F2020L00615; F2020L01183; F2022L01276
Chapter 2	
Chapter 2 heading	am F2022L01276
Part 1A	
Part 1A	ad F2022L01276
s 5A	ad F2022L01276
Part 1	
s 7	am F2022L01276
s 8	am F2015L01019; F2016L01107; F2017L00716; F2017L00744; F2018L00893; F2018L01303; F2019L00308; F2019L00882; F2020L00353; F2020L00858; F2020L01076; F2021L00894; F2022L00852
s 10	am F2015L01019; F2016L01107; F2017L00716; F2018L00893; F2019L00308; F2019L00882; F2020L00353; F2020L00858; F2020L01076; F2021L00894; F2022L00852
s 11	am F2021L00111
s 12	rs F2015L01019
	rep F2015L01019
Part 2	
Division 1	
s 14	am F2015L01009
s 15	am F2014L01242; F2015L00315; F2015L01009; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
s 16	am F2015L01009
s 17	am F2015L01009
s 18	rep F2015L01019
Division 2	
s 20	am F2015L01009; F2022L01276
s 21	am F2014L01242; F2015L00315; F2015L01009; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205

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Endnote 4—Amendment history

Provision affected	How affected
s 22	am F2014L01242; F2015L00315; F2015L01009; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
s 23	rep F2015L01019
s 23A	ad F2015L01009
Division 3	
s 24	am F2022L01276
s 25	am F2022L01276
s 26	am F2014L01242; F2015L00315; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
s 27	rep F2015L01019
Division 4	
s 29	am F2015L01009
s 30	am F2014L01242; F2015L00315; F2015L01009; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
s 31	am F2014L01242; F2015L00315; F2015L01009; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
Division 5	
s 36	am F2015L01019; F2016L01107; F2017L00716; F2018L00893; F2019L00882; F2020L00858; F2021L00894; F2022L00852
Division 6	
s 38	am F2015L01019; F2016L01107; F2017L00716; F2018L00893; F2019L00882; F2020L00858; F2021L00894; F2022L00852
Division 7	rep 1 Apr 2015 (s 39(3))
s 39	rep 1 Apr 2015 (s 39(3))
s 40	rep 1 Apr 2015 (s 39(3))
s 41	rep 1 Apr 2015 (s 39(3))
s 42	rep 1 Apr 2015 (s 39(3))
s 43	rep 1 Apr 2015 (s 39(3))
s 44	rep 1 Apr 2015 (s 39(3))
s 45	rep 1 Apr 2015 (s 39(3))
s 46	rep 1 Apr 2015 (s 39(3))
s 47	rep 1 Apr 2015 (s 39(3))
s 48	rep 1 Apr 2015 (s 39(3))
s 49	rep 1 Apr 2015 (s 39(3))
s 50	rep 1 Apr 2015 (s 39(3))

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Provision affected	How affected
s 51	rep 1 Apr 2015 (s 39(3))
Division 8	
s 52	am F2022L01276
s 53	am F2014L01242; F2015L00315; F2015L01019; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
Division 9	
s 55	am F2015L01019
Division 10	
s 57	am F2014L01242; F2015L00315; F2015L01019; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
Division 11	
Division 11 heading	am F2021L00913
s 58	am F2021L00913
s 59	am F2021L00913
s 60	am F2021L00913
Division 12	rep 1 Nov 2014 (s 63)
s 61	rep 1 Nov 2014 (s 63)
s 62	rep 1 Nov 2014 (s 63)
s 63	rep 1 Nov 2014 (s 63)
Part 3	
s 64	am F2022L01276
s 65	am F2015L01019; F2016L01107; F2017L00716; F2018L00893; F2019L00882; F2020L00858; F2021L00894; F2022L00852
Part 4	
Division 1	
s 67	am F2014L01242; F2015L00315; F2015L01453; F2016L00351; F2016L01456; F2017L00246; F2017L01189; F2018L00263; F2018L01303; F2019L00308; F2019L01216; F2020L00276; F2021L00238; F2021L01242; F2022L00304; F2022L01205
Division 2	
s 68	am F2022L01276
Division 3	
s 72	am F2022L01276
s 74	am F2015L01019
s 75	rep F2015L01019
Division 4	
s 76	am F2015L01019
s 77	rs F2015L01019

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Endnote 4—Amendment history

Provision affected	How affected
	am F2016L01107; F2017L00716; F2018L00893; F2019L00882; F2020L00858; F2021L00894; F2022L00852
Division 5	
s 78	am F2015L01019
s 79	rs F2015L01019
	am F2016L01107; F2017L00716; F2018L00893; F2019L00308; F2019L00882; F2020L00353; F2020L00858; F2020L01076; F2020L01183; F2021L00894; F2022L00852
Division 6	
Division 6 heading	am F2020L01183
Division 6	ad F2020L00615
s 79A	ad F2020L00615
s 79B	ad F2020L00615
	rs F2020L01183
Division 7	
Division 7	ad F2021L00355
s 79C	ad F2021L00355
s 79D	ad F2021L00355
Division 8	
Division 8	ad F2021L00913
s 79E	ad F2021L00913
s 79F	ad F2021L00913
Chapter 3	
Chapter 3	rep F2021L01133
	ad F2022L01276
Part 1	
s 80	am F2016L00663
	rep F2021L01133
	ad F2022L01276
s 81	am F2016L00663; F2016L01994
	rep F2021L01133
	ad F2022L01276
	am F2023L00866; F2023L00872; F2023L01587; F2024L00765; F2024L01156; F2025L00246
s 82	am F2016L01494
	rep F2021L01133
	ad F2022L01276
	am F2023L00236; F2023L01261; F2024L00330; F2024L01157; F2025L00323
s 83	am F2015L01019; F2016L01107; F2016L01494; F2017L00716; F2018L00893; F2019L00882; F2020L00353; F2020L00858; F2020L01076; F2021L00894
	rep F2021L01133

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Provision affected	How affected
	ad F2022L01276
	am F2024L01156
s 84	am F2016L01494
	rep F2021L01133
	ad F2022L01276
	am F2024L01156
Part 2	
Division 1	
s 85	am F2015L01019; F2016L01107
	rs F2016L01994
	rep F2021L01133
	ad F2022L01276
Division 2	
s 86	rep F2021L01133
	ad F2022L01276
s 87	am F2019L00308
	rep F2021L01133
	ad F2022L01276
Part 3	
s 88	rep F2021L01133
	ad F2022L01276
s 89	am F2019L00308
	rep F2021L01133
	ad F2022L01276
	am F2024L01235
Part 4	
Division 1	
s 90	rep F2021L01133
	ad F2022L01276
s 91	am F2015L01019; F2016L01107; F2017L00716; F2018L00893; F2019L00882; F2020L00353; F2020L00858; F2020L01076; F2021L00894
	rep F2021L01133
	ad F2022L01276
s 91A	ad F2022L01276
Division 2	
s 91B	ad F2022L01276
Division 3	
s 91C	ad F2022L01276
	am F2023L00866; F2024L00791

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Endnote 4—Amendment history

Provision affected	How affected
Division 4	
s 91D	ad F2022L01276
	am F2023L00866; F2024L00791
Division 5	
s 91E	ad F2022L01276
Division 6	
s 91F	ad F2022L01276
	am F2023L00236; F2023L01261; F2024L00330; F2024L01157; F2025L00323
Division 7	
s 91G	ad F2022L01276
Part 5	
Division 1	
s 91H	ad F2022L01276
	am F2023L00236; F2023L01261; F2024L00330; F2024L01157; F2025L00323
Division 2	
s 91J	ad F2022L01276
s 91K	ad F2022L01276
s 91L	ad F2022L01276
s 91M	ad F2022L01276
s 91N	ad F2022L01276
Division 3	
s 91P	ad F2022L01276
	am F2023L00866; F2024L00791
Division 4	
s 91Q	ad F2022L01276
Division 5	
Division 5	ad F2023L00872
s 91R	ad F2023L00872
	am F2023L01261; F2024L00330; F2024L01156; F2025L00246 (Sch 3 item 2)
	ed C49
Division 6	
Division 6	ad F2023L00872
s 91S	ad F2023L00872
	am F2023L01587; F2024L00765; F2024L01156; F2025L00246
Division 7	
Division 7	ad F2024L00092
s 91T	ad F2024L00092
	am F2024L01718
Chapter 4	
s 93	am F2016L00663

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Endnote 4—Amendment history

Provision affected	How affected
Chapter 5	
Chapter 5	ad F2022L01276
s 94	ad F2022L01276
s 95	ad F2022L01276
	am F2024L01235

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Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Section 91R

Kind of editorial change

Removal of redundant text.

Details of editorial change

Schedule 2 item 2 of the *Aged Care Legislation Amendment (March Residential Care Subsidy Increase) Determination 2025* instructs to omit "12.55" and substitute "$13.46" in section 91R.

This amendment results in two dollar signs before "13.46".

This compilation was editorially changed to omit the first occurring dollar sign before "13.46" in section 91R to remove the redundant text.

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