



Aged Care (Residential care subsidy — amount of hardship supplement) Determination 2009 (No. 1)¹

Aged Care Act 1997

I, JUSTINE ELLIOT, Minister for Ageing, make this Determination under subsection 44-30(5) of the *Aged Care Act 1997*.

Dated 8 September 2009

JUSTINE ELLIOT
Minister for Ageing

1 Name of Determination

This Determination is the *Aged Care (Residential care subsidy — amount of hardship supplement) Determination 2009 (No. 1)*.

2 Commencement

This Determination commences on 20 September 2009.

3 Revocation

The following determinations made on 28 May 1998 are revoked:

- (a) *Aged Care Act 1997 - Determination under subsection 44-30(5)*, also known as ACA No. 1/1998 and F2008B00267; and
- (b) *Aged Care Act 1997 - Determination under subsection 44-30(5)(a)* also known as ACA No. 2/1998 and F2008B00268.

4 Definitions

In this Determination:

Act means the *Aged Care Act 1997*.

Principles means the *Residential Care Subsidy Principles 1997*.

Note: A number of expressions used in this Determination are defined in the *Aged Care Act 1997* (see Dictionary in Schedule 1), including: total assessable income; standard resident contribution; and pensioner supplement.

5 Amount of hardship supplement – members of eligible classes of people

The hardship supplement for a care recipient who is a member of a class specified in a paragraph of subsection 21.37(1) of the Principles is the amount specified in the following table.

Item	Paragraph	Amount
1	(a)	The difference (worked out on a per day basis) between: <ul style="list-style-type: none">(i) the applicable rate of standard resident contribution for the care recipient; and(ii) an amount equal to 84% of the sum of:<ul style="list-style-type: none">(A) the care recipient's total assessable income;(B) the maximum family tax benefit entitlement for a person of the care recipient's age under the <i>A New Tax System (Family Assistance) Act 1999</i>; and(C) any youth disability supplement payable for the care recipient under the <i>Social Security Act 1991</i>.

Item	Paragraph	Amount
2	(b)	<p>The difference (worked out on a per day basis) between:</p> <ul style="list-style-type: none">(i) the applicable rate of standard resident contribution for the care recipient; and(ii) an amount equal to 84% of the sum of:<ul style="list-style-type: none">(A) the care recipient's total assessable income;(B) the maximum family tax benefit entitlement for a person of the care recipient's age under the <i>A New Tax System (Family Assistance) Act 1999</i>; and(C) any youth disability supplement payable for the care recipient under the <i>Social Security Act 1991</i>.

Item	Paragraph	Amount
3	(c)	The lesser of the following:

- (i) the sum of:
- (A) the basic income support compensation (BISC); and
 - (B) the pharmaceutical allowance compensation (PAC); and
 - (C) the pharmaceutical concessions compensation (PCC),

where:

BISC is the amount (rounded to the nearest 5 cents) worked out in accordance with the following formula:

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

where:

X is \$1774.42.

Y is the care recipient's total assessable fortnightly income.

PAC is \$0.40.

PCC is \$1.40.

- (ii) the difference between:
- (A) the rate of standard resident contribution under section 58-3C of the Act; and
 - (B) the rate of standard resident contribution under section 58-4 of the Act.

Item	Paragraph	Amount
4	(d)	<p>The sum of:</p> <ul style="list-style-type: none"> (i) the basic income support compensation (BISC); and (ii) the pharmaceutical allowance compensation (PAC); and (iii) the pharmaceutical concessions compensation (PCC), <p>where:</p> <p><i>BISC</i> for a care recipient is an amount equal to 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.</p> <p><i>PAC</i> is \$0.40.</p> <p><i>PCC</i> is \$1.40.</p>
5	(e)	\$0.80

6 Amount of hardship supplement – care recipients for whom a determination is in place under section 44-31 of the Act

The hardship supplement for a care recipient for whom a determination is in force under section 44-31 of the Act is the difference between:

- (a) the maximum daily amount of standard resident contribution for the care recipient referred to in subsection 58-3(1), 58-3B(3), 58-3C(3) or 58-4(4) of the Act (as the case requires); and
- (b) such lesser amount of standard resident contribution (worked out on a per day basis) that the Secretary has determined having regard to the matters specified in section 21.39 of the Principles.

Examples of amounts to which the Secretary may have regard when determining the lesser amount of standard resident contribution include additional costs of pharmaceuticals or continence aids for the care recipient.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

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