



Aged Care (Accommodation Payment Security) Levy Act 2006

No. 27, 2006

Compilation No. 5

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About this compilation

This compilation

This is a compilation of the *Aged Care (Accommodation Payment Security) Levy Act 2006* that shows the text of the law as amended and in force on 1 January 2020 (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 Legislation 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 series page on the Legislation 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 series page on the Legislation 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to the imposition of levies in respect of certain obligations to refund accommodation payment balances, and for related purposes

1 Short title

This Act may be cited as the *Aged Care (Accommodation Payment Security) Levy Act 2006*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	6 April 2006
2. Sections 3 to 10	At the same time as Schedule 5 to the <i>Aged Care Amendment (2005 Measures No. 1) Act 2006</i> commences.	31 May 2006

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Application of this Act

- (1) This Act applies in all the States and Territories.
- (2) However, this Act does not apply in any external Territory, except Norfolk Island, the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands.

4 Binding the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

5 Definitions

In this Act:

accommodation payment balance has the same meaning as in the *Aged Care (Accommodation Payment Security) Act 2006*.

approved provider has the same meaning as in the *Aged Care Quality and Safety Commission Act 2018*.

costs recoupment determination means:

- (a) a refund costs recoupment determination within the meaning of the *Aged Care (Accommodation Payment Security) Act 2006*; or
- (b) an administrative costs recoupment determination within the meaning of that Act.

default event declaration has the same meaning as in the *Aged Care (Accommodation Payment Security) Act 2006*.

levy means levy imposed by regulations under section 6.

outstanding accommodation payment balance has the same meaning as in the *Aged Care (Accommodation Payment Security) Act 2006*.

6 Regulations may impose levy

- (1) If a costs recoupment determination specifying a default event declaration has been made, the regulations may impose a levy in respect of the refund obligations of approved providers relating to the default event declaration.
- (2) For the purposes of subsection (1), the *refund obligations of approved providers* relating to a default event declaration is the set of obligations that the approved providers would have had, at the start of the day that was 10 days before the day on which the default event declaration was made, to refund accommodation payment balances if it were assumed that at that time the accommodation payment balances became outstanding accommodation payment balances.

7 Rate of levy

The rate of the levy is worked out in accordance with the regulations.

8 Maximum rate of levy

The rate of the levy is to be fixed on the basis that the amount of revenue to be raised by the levy must not exceed the costs recoupment amount specified in the costs recoupment determination, the making of which enabled the levy to be imposed.

9 Levy may discriminate between classes of approved providers

- (1) Regulations imposing a levy:
 - (a) may provide different rates (including a zero rate) of the levy for different classes of approved providers; but
 - (b) must not otherwise discriminate between different approved providers.
- (2) Regulations imposing a levy may define what constitutes a class of approved providers for the purposes of the levy, but must not

Section 10

define a class in such a way that the levy would discriminate between States or parts of States.

10 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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 the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Aged Care (Bond Security) Levy Act 2006	27, 2006	6 Apr 2006	s 3–10: 31 May 2006 (s 2(1) item 2) Remainder: 6 Apr 2006 (s 2(1) item 1)	
Aged Care Amendment (2008 Measures No. 1) Act 2008	1, 2008	18 Feb 2008	Sch 3: 20 Mar 2008 (s 2(1) item 6)	—
Aged Care (Bond Security) Levy Amendment Act 2013	80, 2013	28 June 2013	1 July 2014 (s 2)	Sch 1 (item 10)
Aged Care (Accommodation Payment Security) Levy Amendment (Norfolk Island) Act 2015	55, 2015	26 May 2015	Sch 1: 1 July 2016 (s 2(1) item 2)	—
Aged Care Legislation Amendment (New Commissioner Functions) Act 2019	116, 2019	11 Dec 2019	Sch 1 (item 2) and Sch 4: 1 Jan 2020 (s 2(1) item 2)	Sch 4

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 80, 2013
s 1	am No 80, 2013
s 3	am No 1, 2008; No 55, 2015
s 5	am No 80, 2013; No 116, 2019
s 6	am No 80, 2013
