



# Application for summons to be issued

Before completing this form, refer to NCAT's Procedural Direction on Summons for detailed information about requesting a summons, available on the NCAT website [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

## CASE DETAILS

Division ☐ Administrative and Equal Opportunity Division ☐ Consumer and Commercial Division  
☐ Guardianship Division ☐ Occupational Division ☐ Appeal Panel

NCAT File Number

## PARTY NAMES

Applicant

[REDACTED]

Respondent

Other:

## PARTY APPLYING TO ISSUE THE SUMMONS

Issued at request of ☐ Applicant ☐ Respondent ☐ Other (please specify)

Name

[REDACTED]

Address

[REDACTED]

Contact details

Home

Work

[REDACTED]

Mobile

[REDACTED]

## PERSON TO BE SUMMONSED

Name

Address

## REASONS FOR THE REQUEST

Identify the issue in dispute that the evidence or documents is relevant to and explain how the evidence or documents relate to that issue.

## DECLARATION

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I declare that:

1. ☐ (a) I have asked this person whether he/she is prepared to attend the hearing to give evidence or to produce documents voluntarily and he/she has refused

OR

- ☐ (b) I believe that this person is unlikely to attend to give evidence or to produce documents without a summons being issued.
2. I undertake that at the time of service, or at some reasonable time before the person to whom the summons is addressed is required to comply, allowance and travelling expenses sufficient to meet the person's reasonable expenses of complying with the summons will be paid or tendered to the person.
3. A summons form has been completed and is attached to this application for NCAT's consideration.
4. I understand that the separate 'Summons' form must be completed and a separate fee must be paid for each summons to be issued. Refer to the fees and charges schedule available on [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

Date

Signature

## ORDERS (OFFICE USE ONLY)

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The issue of the summons is:

☐ Approved

☐ Refused

☐ Fee paid

The summons is to be served on or before:

Any conditions:


Member/Registrar

Signature

Date

# Appendix

From

<https://www.caselaw.nsw.gov.au/decision/17f060325d6ff02b9a95b09f>

## Is the mother entitled to the Age pension?

- 18 To be eligible for the Age pension, the mother's income and assets must be within the threshold, that is not greater than \$797 500.00. To meet this criterion, the [REDACTED] property, which itself is worth more than this amount, must not be regarded as an assessable asset.
- 19 For the [REDACTED] property not to be an assessable asset:
- (1) the mother must have entered a care situation between 1 July 2004 and 31 December 2016; and
  - (2) after 1 January 2017, the mother must not have re-entered aged care after having been absent for more than 28 days (other than being on leave); and
  - (3) the mother must be accruing a liability to pay either an accommodation charge, a daily accommodation payment or daily accommodation contribution; and
  - (4) her principal home must be rented and she must be receiving the rent. (see *Social Security Guide* Version 1.291 - Released 7 February 202 - <https://guides.dss.gov.au/social-security-guide/3/4/1>)
- 20 It is not in dispute that the mother entered care situation within the applicable period, namely 14 October 2015, and has remained in continual care since then.
- 21 For the reasons set out below, I am satisfied that the son is renting the [REDACTED] property and that since October 2019, he has been making payments into his mother's account of approximately \$660 per week. Residing with the applicant in the Ashfield property are lodgers who contribute towards the rental payments.
- 22 Since March 2019, the mother has been a fully-supported resident and has not been accruing a liability to pay either an accommodation charge, a daily accommodation payment or a daily accommodation contribution. This is because her assets fell below the applicable threshold set out above. In making this calculation, the [REDACTED] property was not considered to be an assessable asset.
- 23 Because she is no longer accruing a liability to pay either an accommodation charge, a daily accommodation payment or daily accommodation, I cannot be satisfied that the mother is eligible for an Age pension.

## How much do I pay and how much does the government contribute?

If you can afford it, you are expected to pay for your room. However, help with some or all of the accommodation costs is available to those who need it. This is determined by a means assessment, but as a general guide:

- If you have income below **\$28,472.60** and assets below \$51,500, the Australian Government will pay your accommodation costs.
- If you have income above \$71,781.32 or assets above \$175,239.20, you will need to pay for the full cost of your accommodation, negotiated and agreed to with the aged care home. (You may still need to pay the full cost of your accommodation if your assets and/or income are less than these amounts. Use the [fee estimator](#) to estimate the fees you can be asked to pay based on your income and assets.)
- If you need to pay for part of your accommodation, Services Australia or the Department of Veterans' Affairs (DVA) will determine your contribution amount based on your means assessment. The Australian Government will pay the rest.

These income and asset amounts change with indexation on 20 March and 20 September every year and are up to date as at 20 September 2021. [page 86](#)

## Aged Care Home Fee Estimate

7/02/2022 2:31 PM

To [REDACTED]

Based on the figures you provided,

- your individual income estimate for aged care is \$37,487.50 p.a. This includes \$47.50 as deemed income from your assets.
- your individual asset estimate for aged care is \$23,000.00

Based on your individual income and assets, you may be asked to pay \$65.94 per day. This includes:

Basic daily fee: \$53.56

Means-tested care fee: \$0.00. Based on the figures provided, you cannot be asked to pay a means-tested care fee. The Government will cover the cost of your care above the basic daily fee.

**Accommodation contribution: \$12.38.** This amount will be confirmed by Services Australia once you move into your aged care home. The Government may also contribute towards your accommodation costs.

If the value of your income or assets changes, your estimated fees may also change.



# How much will I pay?

Print Share

If you would like to know how much you might have to pay towards your Home Care Package or aged care home, our fee estimator can give you an estimate – to help you plan.

This simple calculator asks for a few details (about your income, assets and household) to calculate what your fees might be. The figures it provides are an estimate. The exact amount you pay will depend on your financial situation when you enter care and the provider you choose.

## The Fee Estimator is for

People applying for:

- ☐ a Home Care Package
- ☐ a place in an aged care home

If you are applying for services under the Commonwealth Home Support Programme (CHSP), MPS program or Short-Term Care, your costs will be different. Find out more about [CHSP](#) or [Short-Term Care](#) costs.

## What do I need?

Before you get started, you will need to gather some information about your financial situation. If you have a spouse or partner, you should include your combined income, assets and debts.

To get an estimate you will need the total figure for each of these categories:

Your income

Your financial assets

If you are applying for a place in an aged care home, you will also need:


Value of your family home

Your superannuation and other assets

Your debts


# Let's estimate your fees

What type of care are you applying for?



Home Care Package

☐



Aged Care Home

☒

## 1 Your situation

Do you have a partner?

☐ Yes ☒ No

[I'm not sure](#) ▾

Do you currently own (or are you paying off) the home you live in?

☒ Yes ☐ No

Does your partner, carer or a close relation (who meets the requirements below) live in your home?

☒ Yes ☐ No

Answer yes, if the person who lives in your home is:

- ☐ Your partner or your dependent child
- ☐ Your carer who has lived with you for the past 2 years and is eligible for income support, or
- ☐ A close relation such as sister, brother, parent, child or grandchild who has lived with you for the past 5 years and is eligible for income support.

If you can answer yes to this question, your home may not be included as an asset.

[I'm not sure](#) ▾

## 2 Your finances

My annual income is

My total financial assets

My superannuation and other assets

My total debts or loans on any assets included above  
(not including household mortgage)

Show my estimated fees

By clicking the "Estimate my fees" button I understand that I will see an estimate of the fees I may have to pay towards an aged care home. This is based on the information I have entered. I understand the estimate does not take account of my objectives, financial situation, or needs.

[Show disclaimer](#) ▾

Estimate my fees

3 Your estimate

Based on the figures you provided,

- your individual income estimate for aged care is \$37,487.50 p.a. (this includes \$47.50 as deemed income from your financial assets)
- your net asset estimate for aged care is \$23,000.00.

These are the figures we use to estimate how much you may need to pay.

The daily amount you may be asked to pay is: \$65.94

[Why is this only an estimate?](#) ▾

This estimate includes your Basic daily fee + Means-tested care fee + Accommodation contribution.

Your total includes

Basic daily fee \$53.56

[What's this?](#) ▾

Means-tested care fee \$0.00

[What's this?](#) ▾

Based on the figures provided, you cannot be asked to pay a means-tested care fee. The Government will cover the cost of your care above the basic daily fee.

Accommodation contribution \$12.38

[What's this?](#) ▾

This amount will be confirmed by Services Australia once you move into your aged care home. The Government may also contribute towards your accommodation costs.