



# **Aged Care Legislation Amendment (Vaccination Information) Principles 2021**

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I, Greg Hunt, Minister for Health and Aged Care, make the following principles.

Dated 3 September 2021

Greg Hunt  
Minister for Health and Aged Care

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## 1 Name

This instrument is the *Aged Care Legislation Amendment (Vaccination Information) Principles 2021*.

## 2 Commencement

- (1) Each provision of this instrument 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
Provisions	Commencement	Date/Details
1. The whole of this instrument	6 September 2021.	6 September 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

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

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Accountability Principles 2014*

#### 1 Section 4

Insert:

*home care setting* has the meaning given by section 4 of the *Subsidy Principles 2014*.

*transition care* has the meaning given by section 106 of the *Subsidy Principles 2014*.

#### 2 Section 30B

Repeal the section, substitute:

##### 30B Purpose of this Division

For the purposes of paragraph 63-1(1)(m) of the Act, this Division specifies the responsibility of an approved provider of certain kinds of aged care services to give a report to the Secretary about the numbers of service staff and care recipients who have, or have not, received certain vaccinations.

#### 3 Section 30C (heading)

Repeal the heading, substitute:

##### 30C Reports about service staff—COVID-19 vaccinations

#### 4 After paragraph 30C(1)(a)

Insert:

- (aa) a flexible care service through which transition care is provided (whether in a residential or community setting); or

#### 5 Paragraph 30C(1)(b)

Omit “in a residential care setting”, substitute “(whether in a residential care setting or a home care setting)”.

#### 6 Paragraphs 30C(1)(d) and (e)

Repeal the paragraphs, substitute:

- (d) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received a single dose of a COVID-19 vaccine;
- (e) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received all required doses of a COVID-19 vaccine;
- (f) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have not received a single dose, or all required doses, of a COVID-19 vaccine because:

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- (i) an exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory applies to them; or
  - (ii) the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them;
  - (g) for those service staff covered by paragraph (f):
    - (i) the nature of the exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory; or
    - (ii) the reason why the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them.

## **7 Paragraphs 30C(2)(b) and (c)**

Repeal the paragraphs, substitute:

- (b) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received a single dose of a COVID-19 vaccine;
- (c) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received all required doses of a COVID-19 vaccine;
- (d) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have not received a single dose, or all required doses, of a COVID-19 vaccine because:
  - (i) an exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory applies to them; or
  - (ii) the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them;
- (e) for those service staff covered by paragraph (d):
  - (i) the nature of the exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory; or
  - (ii) the reason why the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them.

## **8 Subsection 30C(3)**

Omit “27 July 2021”, substitute “7 September 2021”.

## **9 Subsection 30C(3)**

Omit “paragraphs (1)(d) and (e), or paragraphs (2)(b) and (c)”, substitute “paragraphs (1)(d), (e) and (f), or paragraphs (2)(b), (c) and (d)”.

## **10 Subsection 30C(4) (definition of *reporting day*)**

Omit “27 July 2021”, substitute “7 September 2021”.

## **11 Section 30D (heading)**

Repeal the heading, substitute:

### **30D Reports about residential care recipients—COVID-19 vaccinations**

## **12 After paragraph 30D(1)(a)**

Insert:

(aa) a flexible care service through which transition care is provided in a residential setting; or

**13 Subsection 30D(2)**

Omit “27 July 2021”, substitute “7 September 2021”.

**14 Subsection 30D(3) (definition of *reporting day*)**

Omit “27 July 2021”, substitute “7 September 2021”.

***Information Principles 2014***

**15 Section 4**

Insert:

*service staff*, in relation to an aged care service, has the meaning given by section 4 of the *Quality of Care Principles 2014*.

**16 Section 6**

Before “The Secretary”, insert “(1)”.

**17 Section 6 (before the note)**

Insert:

- (2) The Secretary may disclose protected information:
- (a) that was given to the Secretary under section 30C or 30D of the *Accountability Principles 2014* in relation to the numbers of service staff and care recipients in a State or Territory (the *relevant State or Territory*) who have, or have not, received certain vaccinations; or
  - (b) that is, or relates to, an analysis of the information referred to in paragraph (a) carried out by, or on behalf of, the Department; to the head (however described) of a State or Territory body that is responsible for the administration of matters relating to health in the relevant State or Territory, to assist the body to perform its functions.

**18 Paragraph 8(e)**

After “have”, insert “, or have not,”.

***Records Principles 2014***

**19 Section 4**

Insert:

*home care setting* has the meaning given by section 4 of the *Subsidy Principles 2014*.

*transition care* has the meaning given by section 106 of the *Subsidy Principles 2014*.

**20 After paragraph 10A(a)**

Insert:



- 
- (aa) a flexible care service through which transition care is provided (whether in a residential or community setting); or

**21 Paragraph 10A(b)**

Omit “in a residential care setting”, substitute “(whether in a residential care setting or a home care setting)”.

**22 Section 10A**

Omit “voluntarily informed the approved provider”, substitute “informed the approved provider, whether voluntarily or as required under a law of a State or Territory,”.

**23 After paragraph 10B(1)(a)**

Insert:

- (aa) a flexible care service through which transition care is provided (whether in a residential or community setting); or

**24 Paragraph 10B(1)(b)**

Omit “in a residential care setting”, substitute “(whether in a residential care setting or a home care setting)”.

**25 Paragraphs 10B(1)(c) and (d)**

Repeal the paragraphs, substitute:

- (c) the number of service staff in relation to the service who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received a single dose of a COVID-19 vaccine;
- (d) the number of service staff in relation to the service who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received all required doses of a COVID-19 vaccine;
- (e) the number of service staff in relation to the service who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have not received a single dose, or all required doses, of a COVID-19 vaccine because:
  - (i) an exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory applies to them; or
  - (ii) the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them;
- (f) for those service staff covered by paragraph (e):
  - (i) the nature of the exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory; or
  - (ii) the reason why the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them.

**26 Paragraphs 10B(2)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received a single dose of a COVID-19 vaccine;

- (b) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received all required doses of a COVID-19 vaccine;
- (c) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have not received a single dose, or all required doses, of a COVID-19 vaccine because:
  - (i) an exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory applies to them; or
  - (ii) the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them;
- (d) for those service staff covered by paragraph (c):
  - (i) the nature of the exemption from the requirement to receive a COVID-19 vaccine under a law of a State or Territory; or
  - (ii) the reason why the requirement to receive a COVID-19 vaccine under a law of a State or Territory does not apply to them.

**27 After paragraph 10C(1)(a)**

Insert:

- (aa) a flexible care service through which transition care is provided in a residential setting; or