Commonwealth Coat of Arms

Information Principles 1997

as amended

made under subsection 96‑1(1) of the

Aged Care Act 1997

**Compilation start date:** 1 July 2013

**Includes amendments up to:** Information Amendment (AIHW) Principle 2013

**About this compilation**

**The compiled instrument**

This is a compilation of the *Information Principles 1997* as amended and in force on 1 July 2013. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 6 August 2013.

The notes at the end of this compilation (the ***endnotes***) include information about amending Acts and instruments and the amendment history of each amended provision.

**Uncommenced provisions and amendments**

If a provision of the compiled instrument is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

**Application, saving and transitional provisions for amendments**

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

**Modifications**

If a provision of the compiled instrument is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

**Provisions ceasing to have effect**

If a provision of the compiled instrument has expired or otherwise ceased to have effect in accordance with a provision of the instrument, details of the provision are set out in the endnotes.

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**Note:  Part 6.2 of the *Aged Care Act 1997***

Part 6.2 of the *Aged Care Act 1997* is about protecting information about care recipients.

16.1 Citation

These Principles may be cited as the *Information Principles 1997*.

16.2 Commencement

These Principles commence on 1 October 1997.

16.3 Purpose of Principles (Act, s 86‑3)

These Principles specify kinds of persons to whom the Secretary may disclose protected information, and for what purposes the information can be disclosed.

16.4 Definitions

In these Principles:

***Act*** means the *Aged Care Act 1997*.

***protected information*** has the meaning given by section 86‑1 of the Act.

16.5 Disclosure of protected information

(1) The Secretary may disclose protected information:

(a) to the Secretary of the Department of Families, Housing, Community Services and Indigenous Affairs, for working out whether any amount is payable to a person as rent assistance under:

(i) the *Social Security Act 1991*; or

(ii) the *A New Tax System (Family Assistance) Act 1999*; or

(b) to the Repatriation Commission and the Secretary of the Department administered by the Minister who administers the *Veterans’ Entitlements Act 1986*, for working out whether any amount is payable to a person as rent assistance under that Act; or

(c) to the chief executive officer of the accreditation body, to assist the body to perform its functions under the *Accreditation Grant Principles 2011*; or

Note: The accreditation body is the body to which an accreditation grant is payable under Part 5.4 of the Act.

(d) if the information relates to fire safety—to the chief executive officer (however described) of a relevant authority, to assist the authority to perform its functions; or

(e) to the Aged Care Commissioner, to assist the Commissioner to perform his or her functions; or

(f) to the chief executive officer of the Australian Institute of Health and Welfare, to assist the body to perform its functions under the *Australian Institute of Health and Welfare Act 1987*, subject to the confidentiality and other information protection provisions in that Act, including but not limited to section 29.

(2) In paragraph (1)(d):

***relevant authority*** means an authority of a State or Territory (including a local authority) that has functions under a law of the State or Territory (including local by‑laws) relating to fire safety.

Note: A person to whom protected information is disclosed under this section must not make a record of, disclose or otherwise use the information except for the purpose for which the information is disclosed (Act, section 86‑5).

**Note:  Offences**

Section 86‑7 makes it an offence for the following to make a record of, disclose, or use, protected information about a person for a purpose other than the purpose for which the information was given without the person’s written consent:

1. an officer of the Department administered by the Minister who administers the *Social Security Act 1991*;
2. an officer of the Department administered by the Minister who administers the *Veterans’ Entitlements Act 1986*;
3. the CEO;
4. an employee of the Services Delivery Agency.

Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Information Principles 1997.*

| Title | Gazettal or FRLI registration date | Commencement date | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Information Principles 1997 | 29 Sept 1997  (*see Gazette* 1997, No. S380) | 1 Oct 1997 |  |
| Information Amendment Principles 2000 (No. 1) | 13 Sept 2000  (*see Gazette* 2000, No. GN36) | 13 Sept 2000 | — |
| Information Amendment Principles 2002 (No. 1) | 3 July 2002  (*see Gazette* 2002, No. GN26) | 3 July 2002 | — |
| Information Amendment Principles 2003 (No. 1) | 26 Nov 2003 (*see Gazette* 2003, No. GN47) | 26 Nov 2003 | — |
| Information Amendment Principles 2007 (No. 1) | 1 May 2007 (*see* F2007L01120) | 1 May 2007 | — |
| Information Amendment Principles 2008 (No. 1) | 19 Mar 2008 (*see* F2008L00900) | 20 Mar 2008 | — |
| Information Amendment Principles 2011 (No. 1) | 19 May 2011 (*see* F2011L00823) | 20 May 2011 (see s. 2) | — |
| Information Amendment (AIHW) Principle 2013 | 28 June 2013 (*see* F2011L01195) | 1 July 2013 | — |

Endnote 2—Amendment history

This endnote sets out the amendment history of the *Information Principles 1997.*

| ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted exp. = expired or ceased to have effect | |
| --- | --- |
| Provision affected | How affected |
| s. 16.3 | am. No. 1, 2000 |
| s. 16.5 | rs. No. 1, 2000 |
|  | am. No. 1, 2002; No. 1, 2003; No. 1, 2007; No. 1, 2008; No. 1, 2011; F2013L01195 |
| First boxed note to  s. 16.5 | am. No. 1, 2000 rep. No. 1, 2008 |
| Second boxed note to  s. 16.5 | am. No. 1, 2000; No. 1, 2007 rep. No. 1, 2008 |
| Boxed note to s. 16.5 | ad. No. 1, 2008 |

Endnote 3—Uncommenced amendments [none]

There are no uncommenced amendments.

Endnote 4—Misdescribed amendments [none]

There are no misdescribed amendments.