



Quality Agency Reporting Principles 2013

made under section 96-1 of the

Aged Care Act 1997

Compilation No. 1

Compilation date:	6 May 2016
Includes amendments up to:	F2016L00670
Registered:	9 May 2016

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About this compilation

This compilation

This is a compilation of the *Quality Agency Reporting Principles 2013* that shows the text of the law as amended and in force on 6 May 2016 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of principles

These principles are the *Quality Agency Reporting Principles 2013*.

3 Authority

These principles are made under section 96-1 of the *Aged Care Act 1997*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In these principles:

Accreditation Standards has the meaning given by section 3 of the Quality Agency Act.

accredited service has the meaning given by section 1.4 of the Quality Agency Principles.

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

commencing service has the meaning given by section 1.5 of the Quality Agency Principles.

final quality review report has the meaning given by section 1.4 of the Quality Agency Principles.

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

previously accredited service has the meaning given by section 1.4 of the Quality Agency Principles.

Quality Agency Act means the *Australian Aged Care Quality Agency Act 2013*.

Quality Agency Principles means the *Quality Agency Principles 2013* in force under section 53 of the Quality Agency Act.

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

review audit has the meaning given by section 1.4 of the Quality Agency Principles.

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review audit report has the meaning given by section 1.4 of the Quality Agency Principles.

Note: A number of expressions used in these principles are defined in the Aged Care Act, including the following:

- (a) Aged Care Commissioner;
- (b) CEO of the Quality Agency.

short-term restorative care has the meaning given by section 4 of the *Subsidy Principles 2014*.

Part 2—Information relating to residential care services and certain flexible care services

6 Purpose of this Part

The purpose of this Part is to specify:

- (a) the circumstances in which the CEO of the Quality Agency must provide, to the Secretary for the purposes of Part 4.4 of the Aged Care Act, information relating to:
 - (i) residential care services; and
 - (ii) flexible care services through which short-term restorative care is provided in a residential care setting; and
- (b) the kind of information that must be provided.

Note: See paragraph 12(a) of the Quality Agency Act, section 65-1A of the Aged Care Act and the *Australian Aged Care Quality Agency (Other Functions) Instrument 2015*.

7 Information about decision to accredit or re-accredit service

- (1) This section applies if the CEO of the Quality Agency makes a decision:
 - (a) to accredit a commencing service under paragraph 2.7(1)(a) of the Quality Agency Principles; or
 - (b) to re-accredit an accredited service, or a previously accredited service, under paragraph 2.18(1)(a) of the Quality Agency Principles.
- (2) Within 14 days after making the decision, the CEO must provide the following, in writing, to the Secretary:
 - (a) the decision;
 - (b) the reasons for the decision;
 - (c) the period of accreditation, or further accreditation, of the service to which the decision relates.

8 Information about decision not to accredit or re-accredit service

- (1) This section applies if the CEO of the Quality Agency makes a decision:
 - (a) not to accredit a commencing service under paragraph 2.7(1)(b) of the Quality Agency Principles; or
 - (b) not to re-accredit an accredited service, or a previously accredited service, under paragraph 2.18(1)(b) of the Quality Agency Principles.
- (2) As soon as practicable, but not later than 14 days, after making the decision, the CEO must provide the following, in writing, to the Secretary:
 - (a) the decision;
 - (b) the reasons for the decision.

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9 Information about decision to revoke accreditation of accredited service

- (1) This section applies if the CEO of the Quality Agency makes a decision under subsection 2.21(2), or subparagraph 2.42(1)(a)(i), of the Quality Agency Principles to revoke an accredited service's accreditation.
- (2) As soon as practicable, but not later than 14 days, after making the decision, the CEO must provide the following, in writing, to the Secretary:
 - (a) the decision;
 - (b) the reasons for the decision;
 - (c) the date the revocation is to take effect.

10 Information about decision not to revoke accreditation of accredited service and not to vary accreditation period

- (1) This section applies if, following a review audit of an accredited service, the CEO of the Quality Agency makes a decision under subsection 2.42(1) of the Quality Agency Principles:
 - (a) not to revoke the accreditation of the service; and
 - (b) not to vary the period of accreditation of the service.
- (2) Within 14 days after receiving the review audit report about the service, the CEO must provide the following, in writing, to the Secretary:
 - (a) the decision;
 - (b) the reasons for the decision.

11 Information about decision not to revoke accreditation of accredited service and to vary accreditation period

- (1) This section applies if, following a review audit of an accredited service, the CEO of the Quality Agency makes a decision under subsection 2.42(1) of the Quality Agency Principles:
 - (a) not to revoke the accreditation of the service; and
 - (b) to vary the period of accreditation of the service.
- (2) Within 14 days after receiving the review audit report about the service, the CEO must provide the following, in writing, to the Secretary:
 - (a) the decision;
 - (b) the reasons for the decision;
 - (c) the date on which the service's accreditation will cease.

12 Information about failure to comply with Aged Care Act

- (1) This section applies if the CEO of the Quality Agency becomes aware of evidence of a failure by:
 - (a) an approved provider of a residential care service; or
 - (b) an approved provider of a flexible care service through which short-term restorative care is provided in a residential care setting;

to comply with one or more of the approved provider's responsibilities under Part 4.1, 4.2 or 4.3 of the Aged Care Act.

- (2) As soon as possible after the CEO becomes aware of the evidence, the CEO must inform the Secretary, in writing, about the evidence.

13 Information about serious risk to care recipients

- (1) This section applies if:
 - (a) the CEO of the Quality Agency finds that:
 - (i) an approved provider of a residential care service has failed to meet one or more expected outcomes in the Accreditation Standards in relation to the service; or
 - (ii) an approved provider of a flexible care service through which short-term restorative care is provided in a residential care setting has failed to meet one or more expected outcomes in the Flexible Care Standards that apply to the service; and
 - (b) the CEO decides that the failure has placed, or may place, the safety, health or wellbeing of a care recipient of the service at serious risk.
- (2) As soon as possible after making the decision mentioned in paragraph (1)(b), the CEO must provide the following, in writing, to the Secretary:
 - (a) specific information about the reason for the risk;
 - (b) evidence of the risk;
 - (c) a statement of any other expected outcome in the Accreditation Standards or Flexible Care Standards (as applicable) that the approved provider may have failed to meet.

14 Information relating to improvements of accredited service

- (1) This section applies if:
 - (a) the approved provider of an accredited service has been given a timetable for making improvements in relation to the service under section 2.23, 2.34, 2.46 or 2.47 of the Quality Agency Principles; and
 - (b) at the end of the period set out in the timetable, or any extension of that period, the CEO of the Quality Agency is not satisfied that the level of care and services provided through the service complies with the Accreditation Standards, or Flexible Care Standards, that apply to the service.
- (2) The CEO must provide the following, in writing, to the Secretary:
 - (a) the reasons why the CEO is not satisfied of the matters mentioned in paragraph (1)(b);
 - (b) details of the evidence relied on by the CEO to support this finding;
 - (c) a copy of any other relevant information.
- (3) The CEO must provide the information mentioned in subsection (2):
 - (a) as soon as practicable, but not later than 14 days, after the end of the period set out in the timetable; and

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- (b) if that period was extended—as soon as practicable, but not later than 14 days, after the end of each period of extension.

15 Reconsideration decisions made by CEO

- (1) This section applies if the CEO of the Quality Agency makes a decision (a **reconsideration decision**) under subsection 2.68(1) or 2.69(3) of the Quality Agency Principles.

Reconsideration decision made on request by relevant person

- (2) If the reconsideration decision:
 - (a) was made under subsection 2.68(1) of the Quality Agency Principles; and
 - (b) relates to a decision mentioned in item 1, 2 or 4 of the table in section 2.66 of those principles;the CEO must give the Secretary a copy of the reconsideration decision within 56 days after the CEO received the request for reconsideration.
- (3) If the reconsideration decision:
 - (a) was made under subsection 2.68(1) of the Quality Agency Principles; and
 - (b) relates to a decision mentioned in item 3, 5, 6 or 7 of the table in section 2.66 of those principles;the CEO must give the Secretary a copy of the reconsideration decision within 14 days after the CEO received the request for reconsideration.

Reconsideration decision made on CEO's own initiative

- (4) If the reconsideration decision:
 - (a) was made under subsection 2.69(3) of the Quality Agency Principles; and
 - (b) relates to a decision mentioned in item 1, 2 or 4 of the table in section 2.66 of those principles;the CEO must give the Secretary a copy of the reconsideration decision within 56 days after the CEO commenced the reconsideration.
- (5) If the reconsideration decision:
 - (a) was made under subsection 2.69(3) of the Quality Agency Principles; and
 - (b) relates to a decision mentioned in item 3, 5, 6 or 7 of the table in section 2.66 of those principles;the CEO must give the Secretary a copy of the reconsideration decision within 14 days after the CEO commenced the reconsideration.

Part 3—Information relating to home care services and certain flexible care services

16 Application of this Part

This Part, and any other provision of these principles, to the extent that the provision applies in relation to a home care service, applies on and after 1 July 2014.

Note: See paragraph 12(b) of the Quality Agency Act.

17 Purpose of this Part

The purpose of this Part is to specify:

- (a) the circumstances in which the CEO of the Quality Agency must provide, to the Secretary for the purposes of Part 4.4 of the Aged Care Act, information relating to:
 - (i) home care services; and
 - (ii) flexible care services through which short-term restorative care is provided in a home care setting; and
- (b) the kind of information that must be provided.

Note: See paragraph 12(b) of the Quality Agency Act, section 65-1A of the Aged Care Act and the *Australian Aged Care Quality Agency (Other Functions) Instrument 2015*.

18 Final quality review report

Within 20 days after the approved provider of a home care service, or a flexible care service through which short-term restorative care is provided in a home care setting, is given a copy of the interim quality review report about the service under subsection 3.9(3) of the Quality Agency Principles, the CEO of the Quality Agency must give a copy of the final quality review report to the Secretary.

19 Information about failure to comply with Aged Care Act

- (1) This section applies if the CEO of the Quality Agency becomes aware of evidence of a failure by:
 - (a) an approved provider of a home care service; or
 - (b) an approved provider of a flexible care service through which short-term restorative care is provided in a home care setting;to comply with one or more of the approved provider's responsibilities under Part 4.1, 4.2 or 4.3 of the Aged Care Act.
- (2) As soon as possible after the CEO becomes aware of the evidence, the CEO must inform the Secretary, in writing, about the evidence.

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20 Information about serious risk to care recipients

- (1) This section applies if:
 - (a) the CEO of the Quality Agency finds that:
 - (i) an approved provider of a home care service has failed to meet one or more expected outcomes in the Home Care Standards in relation to the service; or
 - (ii) an approved provider of a flexible care service through which short-term restorative care is provided in a home care setting has failed to meet one or more expected outcomes in the Flexible Care Standards that apply to the service; and
 - (b) the CEO decides that the failure has placed, or may place, the safety, health or wellbeing of a care recipient of the service at serious risk.
- (2) As soon as possible after making the decision mentioned in paragraph (1)(b), the CEO must provide the following, in writing, to the Secretary:
 - (a) specific information about the reason for the risk;
 - (b) evidence of the risk;
 - (c) a statement of any other expected outcome in the Home Care Standards or Flexible Care Standards (as applicable) that the approved provider may have failed to meet.

21 Information relating to improvements of service

- (1) This section applies if:
 - (a) the approved provider of a home care service, or a flexible care service through which short-term restorative care is provided in a home care setting, has been given a timetable for making improvements in relation to the service under subsection 3.11(2) of the Quality Agency Principles; and
 - (b) at the end of the period set out in the timetable, or any extension of that period, the CEO of the Quality Agency is not satisfied that the level of care and services provided through the service complies with the Home Care Standards, or Flexible Care Standards, that apply to the service.
- (2) The CEO must provide the following, in writing, to the Secretary:
 - (a) the reasons why the CEO is not satisfied of the matters mentioned in paragraph (1)(b);
 - (b) details of the evidence relied on by the CEO to support this finding;
 - (c) a copy of any other relevant information.
- (3) The CEO must provide the information mentioned in subsection (2):
 - (a) as soon as practicable, but not later than 14 days, after the end of the period set out in the timetable; and
 - (b) if that period was extended—as soon as practicable, but not later than 14 days, after the end of each period of extension.

Part 4—Other reporting requirements

22 Protected information acquired by CEO

- (1) This section applies if the Secretary requests the CEO of the Quality Agency to provide to the Secretary protected information (within the meaning of the Quality Agency Act) that the CEO has acquired in the course of performing duties or exercising powers or functions under that Act.

- (2) The CEO must provide the protected information to the Secretary.

Note 1: The CEO will not commit an offence under section 48 of the Quality Agency Act if the CEO provides protected information to the Secretary under this section (see paragraph 48(2)(c) of that Act).

Note 2: The Minister may require the CEO to give the Minister specified information relating to the performance of the CEO's functions under the Quality Agency Act (see section 45 of that Act).

Endnotes

Endnote 1—About the endnotes

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 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

Name	Registration	Commencement	Application, saving and transitional provisions
Quality Agency Reporting Principles 2013	23 Dec 2013 (F2013L02189)	1 Jan 2014 (s 2)	
Aged Care Legislation Amendment (Short term Restorative Care) Principles 2016	5 May 2016 (F2016L00670)	Sch 1 (items 127–144): 6 May 2016 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 5	am F2016L00670
Part 2	
Part 2 heading	rs F2016L00670
s 6	rs F2016L00670
s 7	am F2016L00670
s 8	am F2016L00670
s 12	am F2016L00670
s 13	am F2016L00670
s 14	am F2016L00670
Part 3	
Part 3 heading	rs F2016L00670
s 17	rs F2016L00670
s 18	am F2016L00670
s 19	am F2016L00670
s 20	am F2016L00670
s 21	am F2016L00670
Schedule 1	rep LA s 48C