

Quality Agency Reporting Principles 2013

I, Mitch Fifield, Assistant Minister for Social Services, make the following principles under section 96‑1 of the *Aged Care Act 1997*.

Dated

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Assistant Minister for Social Services

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Part 1—Preliminary

1 Name of principles

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

2 Commencement

 These principles commence on 1 January 2014.

Note: Part 3, 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 (see paragraph 12(b) of the Quality Agency Act and section 16 of these principles).

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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

***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.

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

***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.

Part 2—Information relating to residential care services

6 Purpose of this Part

 The purpose of this Part is to specify the circumstances in which the CEO of the Quality Agency must provide information relating to residential care services to the Secretary, and the kind of information that must be provided, for the purposes of Part 4.4 of the Aged Care Act.

Note: See paragraph 12(a) of the Quality Agency Act and section 65‑1A of the Aged Care Act.

7 Information about decision to accredit or re‑accredit residential care 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 residential care 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.

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 an approved provider of a residential care service 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 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; 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 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.

 (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.

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

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 the circumstances in which the CEO of the Quality Agency must provide information relating to home care services to the Secretary, and the kind of information that must be provided, for the purposes of Part 4.4 of the Aged Care Act.

Note: See paragraph 12(b) of the Quality Agency Act and section 65‑1A of the Aged Care Act.

18 Final quality review report

 Within 20 days after the approved provider of a home care service 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 an approved provider of a home care service 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.

20 Information about serious risk to care recipients

 (1) This section applies if:

 (a) the CEO of the Quality Agency finds that 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; 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 that the approved provider may have failed to meet.

21 Information relating to improvements of home care service

 (1) This section applies if:

 (a) the approved provider of a home care service 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.

 (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).

Schedule 1—Repeal

Accreditation Grant Principles 2011

1 The whole of the Principles

Repeal the Principles.