

Committee Principles 2014

I, Mitch Fifield, Assistant Minister for Social Services, make the following principles.

Dated 19 June 2014

Mitch Fifield

Assistant Minister for Social Services

Contents

Part 1—Preliminary 1

1 Name of principles 1

2 Commencement 1

3 Authority 1

4 Definitions 1

Part 2—Aged Care Financing Authority 2

5 Purpose of this Part 2

6 Functions 2

7 Directions by Minister 3

8 Annual report 3

9 Constitution 3

10 Appointment of members 3

11 Acting appointments 4

12 Remuneration 5

13 Resignation 5

14 Disclosure of interests to the Minister 5

15 Disclosure of interests to the Aged Care Financing Authority 6

16 Termination of appointment 6

17 Other terms and conditions 6

Part 1—Preliminary

1 Name of principles

These principles are the *Committee Principles 2014*.

2 Commencement

These principles commence on 1 July 2014.

3 Authority

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

4 Definitions

In these principles:

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

***Aged Care Financing Authority*** means the committee established under paragraph 96‑3(1)(a) of the Act.

***Aged Care Financing Authority member***:

(a) means a member of the Aged Care Financing Authority; and

(b) includes the Chair and the Deputy Chair of the Authority;

but does not include a representative mentioned in paragraph 9(d) or (e) or the Aged Care Pricing Commissioner.

Part 2—Aged Care Financing Authority

5 Purpose of this Part

For section 96‑3 of the Act, this Part provides for matters in relation to the Aged Care Financing Authority, including the following:

(a) its functions;

(b) its constitution;

(c) appointment of its members;

(d) remuneration of its members;

(e) disclosure of members’ interests;

(f) termination of appointments.

6 Functions

(1) The functions of the Aged Care Financing Authority are as follows:

(a) at the request of the Minister, to provide advice to the Minister, in relation to any specific issues relating to the funding and financing of aged care services;

(b) to provide advice to the Minister, by 30 June of each year, on the impact of funding and financing arrangements on:

(i) the viability and sustainability of the aged care sector; and

(ii) the ability of care recipients to access quality aged care; and

(iii) the aged care workforce;

(c) to consider any other matters referred to the Authority by the Minister, and make recommendations to the Minister on those matters, within the times specified by the Minister.

(2) The advice mentioned in paragraph (1)(b) must deal with the impact of:

(a) revenue, cost and productivity movements in the aged care sector; and

(b) accommodation payments and fees for additional services that are charged by approved providers for aged care services.

(3) In performing its functions, the Aged Care Financing Authority must consult the following:

(a) providers of aged care services, or their representatives;

(b) recipients of aged care services, or their representatives;

(c) the aged care workforce, or their representatives;

(d) bodies or organisations that provide funding or finance for aged care services;

(e) any other bodies or organisations that the Authority considers appropriate.

(4) The Aged Care Financing Authority must publish, on the Authority’s website, a copy of any advice or recommendation given to the Minister in the performance of the Authority’s functions. The advice or recommendation must be published within 28 days after it was given to the Minister.

7 Directions by Minister

(1) The Minister may give the Aged Care Financing Authority written directions about:

(a) the way in which the Authority is to carry out its functions; and

(b) procedures to be followed in relation to meetings.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) The Minister must not give the Aged Care Financing Authority directions about the content of any advice, information or recommendation that may be given by the Authority to the Minister.

(3) Directions given by the Minister under subsection (1) must relate to administrative matters only and be of a general nature.

(4) The Aged Care Financing Authority must comply with a direction given by the Minister under subsection (1).

(5) A direction given under subsection (1) is not a legislative instrument.

(6) In the absence of any directions under subsection (1), the Aged Care Financing Authority may determine its own procedures.

8 Annual report

(1) The Aged Care Financing Authority must, as soon as practicable after the end of each financial year, prepare and give to the Minister a report on the operations of the Authority during that year.

(2) As soon as practicable after giving the report to the Minister, the Aged Care Financing Authority must publish a copy of the report on the Authority’s website.

9 Constitution

The Aged Care Financing Authority consists of the following:

(a) a Chair;

(b) a Deputy Chair;

(c) up to 10 other members;

(d) a representative of the Department administered by the Minister administering the Act;

(e) a representative of the Department administered by the Treasurer;

(f) the Aged Care Pricing Commissioner.

Note: The representatives mentioned in paragraphs (d) and (e) and the Aged Care Pricing Commissioner are not Aged Care Financing Authority members (see the definition of ***Aged Care Financing Authority member*** in section 4).

10 Appointment of members

(1) Each Aged Care Financing Authority member is to be appointed by the Minister by written instrument.

(2) An Aged Care Financing Authority member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

Note: An Aged Care Financing Authority member may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

(3) An Aged Care Financing Authority member holds office on a part‑time basis.

(4) A person is not eligible for appointment as an Aged Care Financing Authority member (other than the Chair or the Deputy Chair) unless the Minister is satisfied that the person has expertise or experience in at least one of the following fields:

(a) equity finance;

(b) debt finance;

(c) aged care consumer issues;

(d) aged care workforce issues;

(e) the provision of not‑for‑profit aged care services;

(f) the provision of for‑profit aged care services;

(g) any other appropriate field.

11 Acting appointments

Chair

(1) The Minister may appoint a person to act as the Chair of the Aged Care Financing Authority:

(a) during a vacancy in the office of the Chair of the Authority (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the Chair of the Authority:

(i) is absent from duty or from Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

Deputy Chair

(2) The Minister may appoint a person to act as the Deputy Chair of the Aged Care Financing Authority:

(a) during a vacancy in the office of the Deputy Chair of the Authority (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the Deputy Chair of the Authority:

(i) is absent from duty or from Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

Other members

(3) The Minister may appoint a person to act as an Aged Care Financing Authority member (other than the Chair or the Deputy Chair):

(a) during a vacancy in the office of an Aged Care Financing Authority member (other than the Chair or the Deputy Chair), whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when an Aged Care Financing Authority member (other than the Chair or the Deputy Chair):

(i) is absent from duty or from Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

(4) A person is not eligible for appointment to act as an Aged Care Financing Authority member (other than the Chair or the Deputy Chair) unless the Minister is satisfied that the person has expertise or experience in at least one of the fields mentioned in subsection 10(4).

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

12 Remuneration

(1) An Aged Care Financing Authority member is to be paid the remuneration and allowances that are determined, in writing, by the Minister.

(2) However, an Aged Care Financing Authority member is not entitled to be paid remuneration if he or she holds an office or appointment, or is otherwise employed, on a full‑time basis in the service or employment of:

(a) a State; or

(b) a corporation (a ***public statutory corporation***) that:

(i) is established for a public purpose by a law of a State; and

(ii) is not a tertiary education institution; or

(c) a company limited by guarantee, where the interests and rights of the members in or in relation to the company are beneficially owned by a State; or

(d) a company in which all the stock or shares are beneficially owned by a State or by a public statutory corporation.

Note: A similar rule applies to an Aged Care Financing Authority member who has a similar relationship with the Commonwealth or a Territory (see subsection 7(11) of the *Remuneration Tribunal Act 1973*).

13 Resignation

(1) An Aged Care Financing Authority member may resign his or her appointment by giving the Minister a written resignation.

(2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

14 Disclosure of interests to the Minister

An Aged Care Financing Authority member must give written notice to the Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member’s functions.

15 Disclosure of interests to the Aged Care Financing Authority

(1) An Aged Care Financing Authority member who has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by the Authority must disclose the nature of the interest to a meeting of the Authority.

(2) The disclosure must be made as soon as possible after the relevant facts have come to the member’s knowledge.

(3) The disclosure must be recorded in the minutes of the meeting of the Aged Care Financing Authority.

16 Termination of appointment

(1) The Minister may terminate the appointment of an Aged Care Financing Authority member:

(a) for misbehaviour; or

(b) if the member:

(i) is unable to perform the duties of his or her office because of physical or mental incapacity; or

(ii) is absent, without reasonable excuse, from 3 consecutive meetings of the Authority; or

(iii) fails, without reasonable excuse, to comply with section 14 or 15.

(2) The Minister must terminate the appointment of an Aged Care Financing Authority member if the member:

(a) becomes bankrupt; or

(b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

(c) compounds with his or her creditors; or

(d) makes an assignment of his or her remuneration for the benefit of his or her creditors.

17 Other terms and conditions

An Aged Care Financing Authority member holds office on the terms and conditions (if any) in relation to matters not covered by these principles that are determined, in writing, by the Minister.