

Aged Care Legislation Amendment (Vaccination Information) Principles 2021

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

(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