

Aged Care Legislation Amendment (Vaccination Information) Principles (No. 2) 2021

I, Greg Hunt, Minister for Health and Aged Care, make the following principles.

Dated 21 December 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 (No. 2) 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. | 22 December 2021 |
| 2. Schedule 1, Part 1 | 1 January 2022. | 1 January 2022 |
| 3. Schedule 1, Part 2 | The day after this instrument is registered. | 22 December 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Main amendments

Accountability Principles 2014

1 After section 30B

Insert:

30BA Reports about service staff—influenza vaccinations

Residential care services, certain flexible care services and home care services

(1) An approved provider of:

(a) a residential care service; or

(b) a flexible care service through which transition care is provided (whether in a residential or community setting); or

(c) a flexible care service through which short‑term restorative care is provided (whether in a residential care setting or a home care setting); or

(d) a home care service;

must, on each influenza vaccination reporting day, give the Secretary a report, in a form approved by the Secretary, that sets out the following information in relation to the service staff in relation to the service:

(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 the annual seasonal influenza vaccination for the calendar year that includes the influenza vaccination reporting day;

(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 the annual seasonal influenza vaccination for the calendar year that includes the influenza vaccination reporting day because:

(i) an exemption from the requirement to receive that vaccination under a law of a State or Territory applies to them; or

(ii) the requirement to receive that vaccination 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 that vaccination under a law of a State or Territory; or

(ii) the reason why the requirement to receive that vaccination under a law of a State or Territory does not apply to them.

Multi‑purpose services

(2) An approved provider of a multi‑purpose service must, on each influenza vaccination reporting day, give the Secretary a report, in a form approved by the Secretary, that sets out the following information in relation to the service staff in relation to the service who access, or are reasonably likely to access, any premises where residential care is provided through the service:

(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 the annual seasonal influenza vaccination for the calendar year that includes the influenza vaccination reporting day;

(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 not received the annual seasonal influenza vaccination for the calendar year that includes the influenza vaccination reporting day because:

(i) an exemption from the requirement to receive that vaccination under a law of a State or Territory applies to them; or

(ii) the requirement to receive that vaccination under a law of a State or Territory does not apply to them;

(c) for those service staff covered by paragraph (b):

(i) the nature of the exemption from the requirement to receive that vaccination under a law of a State or Territory; or

(ii) the reason why the requirement to receive that vaccination under a law of a State or Territory does not apply to them.

Meaning of **influenza vaccination** **reporting day**

(3) In this section:

***influenza vaccination*** ***reporting day*** means:

(a) 31 October 2022; and

(b) each subsequent 31 October.

2 Subsection 30C(1)

Omit “reporting day”, substitute “COVID‑19 vaccination reporting day”.

3 Paragraph 30C(1)(e)

Omit “all required doses”, substitute “a second dose”.

4 Paragraph 30C(1)(f)

Omit “all required doses”, substitute “a second dose”.

5 Subsection 30C(2)

Omit “reporting day”, substitute “COVID‑19 vaccination reporting day”.

6 Paragraph 30C(2)(c)

Omit “all required doses”, substitute “a second dose”.

7 Paragraph 30C(2)(d)

Omit “all required doses”, substitute “a second dose”.

8 Subsection 30C(3)

Repeal the subsection, substitute:

Exceptions

(3) However, an approved provider is not required to give the Secretary a report under subsection (1) or (2) on a COVID‑19 vaccination reporting day if the number of service staff referred to in each of paragraphs (1)(d), (e) and (f), or paragraphs (2)(b), (c) and (d), (as the case requires) on that day is the same as in the last report given by the approved provider under subsection (1) or (2).

9 Subsection 30C(4)

Repeal the subsection, substitute:

Meaning of **COVID‑19 vaccination reporting day**

(4) In this section:

***COVID‑19 vaccination*** ***reporting day*** means:

(a) 4 January 2022; and

(b) each subsequent Tuesday.

10 After section 30C

Insert:

30CA Reports about residential care recipients—influenza vaccinations

(1) An approved provider of:

(a) a residential care service; or

(b) a flexible care service through which transition care is provided in a residential setting; or

(c) a flexible care service through which short‑term restorative care is provided in a residential care setting; or

(d) a multi‑purpose service;

must, on each influenza vaccination reporting day, give the Secretary a report, in a form approved by the Secretary, that states the number of care recipients to whom residential care is provided through the service who have voluntarily informed the approved provider that they have received the annual seasonal influenza vaccination for the calendar year that includes the influenza vaccination reporting day.

Meaning of **influenza vaccination** **reporting day**

(2) In this section:

***influenza vaccination*** ***reporting day*** has the meaning given by subsection 30BA(3).

11 Subsection 30D(1)

Omit “reporting day”, substitute “COVID‑19 vaccination reporting day”.

12 Paragraph 30D(1)(f)

Omit “all required doses”, substitute “a second dose”.

13 At the end of subsection 30D(1)

Add:

; (g) the number of those care recipients who have voluntarily informed the approved provider that they have received a third dose of a COVID‑19 vaccine;

Note: Care recipients who are assessed by their health practitioner as being immunocompromised may receive a third dose of a COVID‑19 vaccine.

(h) the number of those care recipients who have voluntarily informed the approved provider that they have received a booster dose of a COVID‑19 vaccine.

14 Subsection 30D(2)

Repeal the subsection, substitute:

Exceptions

(2) However, an approved provider is not required to give the Secretary a report under subsection (1) on a COVID‑19 vaccination reporting day if the number of care recipients referred to in each of paragraphs (1)(e), (f), (g) and (h) on that day is the same as in the last report given by the approved provider under subsection (1).

15 Subsection 30D(3)

Repeal the subsection, substitute:

Meaning of **COVID‑19 vaccination reporting day**

(3) In this section:

***COVID‑19 vaccination reporting day*** has the meaning given by subsection 30C(4).

Information Principles 2014

16 Paragraph 6(2)(a)

Omit “section 30C or 30D”, substitute “section 30BA, 30C, 30CA or 30D”.

17 Paragraph 8(e)

Omit “section 30C or 30D”, substitute “section 30BA, 30C, 30CA or 30D”.

Records Principles 2014

18 Section 10A (after the heading)

Insert:

Residential care services, certain flexible care services and home care services

19 Section 10A

Before “An approved”, insert “(1)”.

20 At the end of section 10A (after the note)

Add:

Multi‑purpose services

(2) An approved provider of a multi‑purpose service must keep records, for each calendar year, in relation to the service staff in relation to the service:

(a) who access, or are reasonably likely to access, any premises where residential care is provided through the service; and

(b) who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received the annual seasonal influenza vaccination for that year (whether or not under the approved provider’s influenza vaccination scheme).

21 Paragraph 10B(1)(d)

Omit “all required doses”, substitute “a second dose”.

22 Paragraph 10B(1)(e)

Omit “all required doses”, substitute “a second dose”.

23 Paragraph 10B(2)(b)

Omit “all required doses”, substitute “a second dose”.

24 Paragraph 10B(2)(c)

Omit “all required doses”, substitute “a second dose”.

25 Paragraphs 10C(d) and (e)

Repeal the paragraphs, substitute:

(d) for each calendar year—the number of care recipients to whom residential care is provided through the service who have voluntarily informed the approved provider that they have received the annual seasonal influenza vaccination for that year;

(e) the number of care recipients to whom residential care is provided through the service who have voluntarily informed the approved provider that they have received a single dose of a COVID‑19 vaccine;

(f) the number of care recipients to whom residential care is provided through the service who have voluntarily informed the approved provider that they have received a second dose of a COVID‑19 vaccine;

(g) the number of care recipients to whom residential care is provided through the service who have voluntarily informed the approved provider that they have received a third dose of a COVID‑19 vaccine;

Note: Care recipients who are assessed by their health practitioner as being immunocompromised may receive a third dose of a COVID‑19 vaccine.

(h) the number of care recipients to whom residential care is provided through the service who have voluntarily informed the approved provider that they have received a booster dose of a COVID‑19 vaccine.

Part 2—Other amendments

Aged Care Legislation Amendment (Care Recipients and Service Staff Vaccination Recording and Reporting) Principles 2021

26 Subsection 2(1) (table item 4)

Repeal the item.

27 Schedule 3

Repeal the Schedule.

Aged Care Legislation Amendment (Service Staff Vaccination Recording and Reporting) Principles 2021

28 Subsection 2(1) (table item 3)

Repeal the item.

29 Schedule 2

Repeal the Schedule.