

Information Principles 2014

made under section 96–1 of the

Aged Care Act 1997

**Compilation No. 12**

**Compilation date:** 1 April 2023

**Includes amendments up to:** F2023L00389

**Registered:** 21 April 2023

**About this compilation**

**This compilation**

This is a compilation of the *Information Principles 2014* that shows the text of the law as amended and in force on 1 April 2023 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 *Information Principles 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*.

***relevant State or Territory authority*** means an authority of a State or Territory (including a local authority) that has functions under a law of the State or Territory (including local by‑laws) relating to fire safety.

***service staff***, in relation to an aged care service, has the meaning given by section 4 of the *Quality of Care Principles 2014*.

Part 2—Disclosure of protected information by Secretary

5 Purpose of this Part

For paragraph 86‑3(1)(j) of the Act, this Part specifies:

(a) kinds of persons to whom the Secretary may disclose protected information; and

(b) the purposes for which the information may be disclosed.

Note: ***Protected information*** has the meaning given by section 86‑1 of the Act.

6 Disclosure of protected information by Secretary

(1) The Secretary may disclose protected information:

(a) to the Repatriation Commission and the Secretary of the Department administered by the Minister administering the *Veterans’ Entitlements Act 1986*, for the purpose of working out whether any amount is payable to a person as rent assistance under that Act; or

(c) if the information relates to fire safety—to the chief executive officer (however described) of a relevant State or Territory authority, to assist the authority to perform its functions; or

(f) to the Director of the Australian Institute of Health and Welfare, to assist the body to perform its functions under the *Australian Institute of Health and Welfare Act 1987*, subject to the confidentiality and other information protection provisions in that Act (including but not limited to section 29).

(2) The Secretary may disclose protected information:

(a) that was given to the Secretary under section 30BA, 30C, 30CA 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.

Note: A person to whom protected information is disclosed under this section must not make a record of, disclose or otherwise use the information except for the purpose for which the information was disclosed (see section 86‑5 of the Act).

Part 3*—*Information about an aged care service

7 Purpose of this Part

For the purposes of paragraph 86‑9(1)(m) of the Act, this Part specifies information about an aged care service that the Secretary may make publicly available.

Note: Information specified in this Part that is disclosed under subsection 86‑9(1) of the Act must not include personal information about a person (see subsection 86‑9(2) of the Act).

8 Information about an aged care service

The information is the following:

(a) information given to the Secretary under Division 2A of Part 3 of the *User Rights Principles 2014* (home care pricing information);

(b) if an approved provider of a residential care service has an exemption from section 54‑1A of the Act in relation to a residential facility—the steps the Secretary is satisfied the provider has taken to ensure that the clinical care needs of the care recipients in the facility will be met during the period for which the exemption is in force;

(c) information about whether an approved provider of a residential care service:

(i) has given a notice in accordance with subsection 70AG(2) of the *Subsidy Principles 2014* or subsection 64C(2) of the *Aged Care (Transitional Provisions) Principles 2014*; or

(ii) has given a report for a quarter in accordance with subsection 70AG(10) of the *Subsidy Principles 2014* or subsection 64C(10) of the *Aged Care (Transitional Provisions) Principles 2014*;

(d) information about whether an approved provider of flexible care provided through a multi‑purpose service:

(i) has given a notice in accordance with subsection 91D(2) of the *Aged Care (Subsidy, Fees and Payments) Determination 2014*; or

(ii) has given a report for a quarter in accordance with subsection 91D(8) of the *Aged Care (Subsidy, Fees and Payments) Determination 2014*;

(e) information given to the Secretary under section 30BA, 30C, 30CA or 30D of the *Accountability Principles 2014* (relating to numbers of service staff and care recipients who have, or have not, received certain vaccinations);

(f) information included in any of the following:

(i) an aged care financial report given to the Secretary under section 37 of the *Accountability Principles 2014*;

(ii) a general purpose financial report, or an audit opinion about such a report, given to the Secretary under paragraph 35(4)(b) or (c) of the *Accountability Principles 2014*;

(iii) updated information given to the Secretary under section 41 of the *Accountability Principles 2014* in compliance with a notice under subsection 41(3) of those principles;

(iv) a financial support statement given to the Secretary under section 39 of the *Accountability Principles 2014*;

(v) a quarterly financial report given to the Secretary under section 43 of the *Accountability Principles 2014*;

(va) updated information given to the Secretary under section 44 of the *Accountability Principles 2014* in compliance with a notice under subsection 44(3) of those principles;

(vi) an annual prudential compliance statement given to the Secretary under section 51 of the *Fees and Payments Principles 2014 (No. 2)*;

(g) information about whether an approved provider has given a financial support statement to the Secretary under section 39 of the *Accountability Principles 2014*.

Part 4—Application, transitional and saving provisions

9 Amendments made by the *Aged Care Legislation Amendment (Financial Information) Principles 2022*

(1) Paragraph 8(f) of these principles, as added by Part 2 of Schedule 1 to the *Aged Care Legislation Amendment (Financial Information) Principles 2022*, applies in relation to information referred to in that paragraph that is given to the Secretary after the commencement of that Part.

(2) Paragraph 8(g) of these principles, as added by Part 2 of Schedule 1 to the *Aged Care Legislation Amendment (Financial Information) Principles 2022*, applies in relation to information about whether an approved provider has given the Secretary a financial support statement under section 39 of the *Accountability Principles 2014* if the information relates to the approved provider’s giving, or not giving, such a statement to the Secretary after the commencement of that Part.

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 how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to 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) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Information Principles 2014 | 24 June 2014 (F2014L00800) | 1 July 2014 |  |
| Aged Care Legislation Amendment (Independent Complaints Arrangements) Principle 2015 | 24 Dec 2015 (F2015L02122) | Sch 1 (items 8–14): 1 Jan 2016 (s 2(1) item 1) | — |
| Aged Care Quality and Safety Commission (Consequential Amendments) Rules 2018 | 24 Dec 2018 (F2018L01840) | Sch 1 (items 4–6): 1 Jan 2019 (s 2(1) item 1) | — |
| Aged Care Legislation Amendment (Comparability of Home Care Pricing Information) Principles 2019 | 14 Mar 2019 (F2019L00288) | Sch 1 (item 1): 15 Mar 2019 (s 2(1) item 2) | — |
| Aged Care Legislation Amendment (Subsidies—Royal Commission Response) Instrument 2021 | 30 June 2021 (F2021L00913) | Sch 1 (item 17): 1 July 2021 (s 2(1) item 1) | — |
| Information Amendment (Vaccination Reporting) Principles 2021 | 26 July 2021 (F2021L01023) | 27 July 2021 (s 2(1) item 1) | — |
| Aged Care Legislation Amendment (Vaccination Information) Principles 2021 | 3 Sept 2021 (F2021L01236) | Sch 1 (items 15–18): 6 Sept 2021 (s 2(1) item 1) | — |
| Aged Care Legislation Amendment (Vaccination Information) Principles (No. 2) 2021 | 21 Dec 2021 (F2021L01873) | Sch 1 (items 16, 17): 1 Jan 2022 (s 2(1) item 2) | — |
| Aged Care Legislation Amendment (Independent Health and Aged Care Pricing Authority) Instrument 2022 | 11 Aug 2022 (F2022L01059) | Sch 1 (item 24): 12 Aug 2022 (s 2(1) item 1) | — |
| Aged Care Legislation Amendment (Financial Information) Principles 2022 | 6 Sept 2022 (F2022L01175) | Sch 1 (items 10, 26): 7 Sept 2022 (s 2(1) item 1) | — |
| Aged Care Legislation Amendment (Capping Home Care Charges) Principles 2022 | 19 Dec 2022 (F2022L01700) | Sch 1 (item 1): 1 Jan 2023 (s 2(1) item 1) | — |
| Aged Care Legislation Amendment (Quarterly Financial Reports) Principles 2023 | 29 Mar 2023 (F2023L00367) | Sch 1 (item 3): 30 Mar 2023 (s 2(1) item 1) | — |
| Aged Care Legislation Amendment (Registered Nurses) Principles 2023 | 31 Mar 2023 (F2023L00389) | Sch 1 (item 1): 1 Apr 2023 (s 2(1) item 2) Sch 2 (item 2): 1 June 2023 (s 2(1) item 3) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| Part 1 heading | ad F2015L02122 |
| s 2 | rep LIA s 48D |
| s 4 | am F2018L01840; F2021L01236 |
| **Part 2** |  |
| Part 2 heading | ad F2015L02122 |
| s 5 | am F2015L02122 |
| s 6 | am F2015L02122; F2018L01840; F2021L01236; F2021L01873; F2022L01059 |
| **Part 3** |  |
| Part 3 | ad F2015L02122 |
|  | rep F2018L01840 |
|  | ad F2019L00288 |
| s 7 | ad F2015L02122 |
|  | rep F2018L01840 |
|  | ad F2019L00288 |
|  | am F2021L01023 |
| s 8 | ad F2015L02122 |
|  | rep F2018L01840 |
|  | ad F2019L00288 |
|  | am F2021L00913; F2021L01023; F2021L01236; F2021L01873; F2022L01175; F2022L01700; F2023L00367; F2023L00389 (Sch 2 item 2) |
| **Part 4** |  |
| Part 4 | ad F2022L01175 |
| s 9 | ad F2022L01175 |