



Records Principles 2014

made under section 96-1 of the

Aged Care Act 1997

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About this compilation

This compilation

This is a compilation of the *Records Principles 2014* that shows the text of the law as amended and in force on 22 January 2022 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of principles

These principles are the *Records 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*.

Answer Appraisal Pack has the meaning given by section 4 of the *Classification Principles 2014*.

application for classification has the meaning given by section 4 of the *Classification Principles 2014*.

Assessment Pack has the meaning given by section 4 of the *Classification Principles 2014*.

charge exempt resident has the meaning given by clause 1 of Schedule 1 to the *Aged Care (Transitional Provisions) Act 1997*.

Charter of Aged Care Rights means the “Charter of Aged Care Rights” set out in Schedule 1 to the *User Rights Principles 2014*.

home care setting has the meaning given by section 4 of the *Subsidy Principles 2014*.

multi-purpose service has the meaning given by section 104 of the *Subsidy Principles 2014*.

National Aged Care Mandatory Quality Indicator Program Manual means the *National Aged Care Mandatory Quality Indicator Program Manual 2.0—Part A*, published on the Department’s website, as existing at the start of 1 July 2021.

NDIS worker screening clearance has the meaning given by section 4 of the *Accountability Principles 2014*.

NDIS worker screening rules has the meaning given by section 4 of the *Accountability Principles 2014*.

police certificate, for a person, means a report about the person’s criminal conviction record prepared by:

- (a) the Australian Federal Police; or
 - (b) the Australian Criminal Intelligence Commission; or
 - (c) an agency accredited by the Australian Criminal Intelligence Commission;
- or

(d) the police force or police service of a State or Territory.

process of obtaining an NDIS worker screening clearance has the meaning given by section 4 of the *Accountability Principles 2014*.

representative, of a care recipient, has the meaning given by section 5.

residential care setting has the meaning given by section 4 of the *Subsidy Principles 2014*.

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

short-term restorative care has the meaning given by section 106A of the *Subsidy Principles 2014*.

staff member, of an approved provider, has the meaning given by section 4 of the *Accountability Principles 2014*.

transition care has the meaning given by section 106 of the *Subsidy Principles 2014*.

volunteer, for an approved provider, has the meaning given by section 4 of the *Accountability Principles 2014*.

5 Meaning of *representative*

- (1) In these principles, **representative**, of a care recipient, means:
 - (a) a person nominated by the care recipient as a person to be told about matters affecting the care recipient; or
 - (b) a person:
 - (i) who nominates himself or herself as a person to be told about matters affecting a care recipient; and
 - (ii) who the relevant approved provider is satisfied has a connection with the care recipient, and is concerned for the safety, health and wellbeing of the care recipient.
- (2) Without limiting subparagraph (1)(b)(ii), a person has a connection with a care recipient if:
 - (a) the person is a partner, close relation or other relative of the care recipient; or
 - (b) the person holds an enduring power of attorney given by the care recipient; or
 - (c) the person has been appointed by a State or Territory guardianship board (however described) to deal with the care recipient's affairs; or
 - (d) the person represents the care recipient in dealings with the approved provider.

Note: Nothing in this section is intended to affect the powers of a substitute decision-maker appointed for a person under a law of a State or Territory.

6 Purpose of these principles

For Division 88 of the Act, these principles specify the kinds of records that must be kept and retained by an approved provider.

Note: Under subsection 89-1(2) of the Act, a person who has ceased to be an approved provider must retain records that the person was required to retain under section 88-1 of the Act, other than records that the approved provider is required to transfer to another approved provider under section 16-10 of the Act.

7 Records about care recipients

An approved provider must keep the following kinds of records:

- (a) assessments of care recipients;
- (b) appraisal and reappraisal records for care recipients in the form of Answer Appraisal Packs, including:
 - (i) assessment tools from the Assessment Pack; and
 - (ii) sources of evidence mentioned in the Answer Appraisal Pack;
- (c) copies of applications for classification for care recipients that are not transmitted to the Secretary in electronic form;
- (d) individual care plans for care recipients;
- (e) medical records, progress notes and other clinical records of care recipients;
- (f) schedules of fees and charges (including retention amounts relating to accommodation bonds) for previous and current care recipients;
- (g) agreements between care recipients and the approved provider;
- (h) accounts of care recipients;
- (i) records relating to the approved provider meeting prudential requirements;
- (j) records relating to the payment and repayment of refundable deposits, accommodation bonds and entry contributions;
- (k) records relating to care recipients' entry, discharge and leave arrangements, including death certificates where appropriate;
- (l) records relating to a determination that a care recipient is a care recipient with financial hardship;
- (m) records of the amount of daily accommodation payments, daily accommodation contribution and accommodation charge paid or payable to the approved provider by care recipients;
- (n) records of the amount of accommodation charge refunded by the approved provider in relation to care recipients who paid an accommodation charge for a period during which they were charge exempt residents;
- (o) in relation to a continuing residential care recipient to whom the approved provider starts to provide residential care through a residential care service on or after 1 July 2014—a record of whether the care recipient made a written choice to be covered by Chapters 3 and 3A of the Act in relation to the service;
- (p) in relation to a continuing home care recipient to whom the approved provider starts to provide home care through a home care service on or after 1 July 2014—a record of whether the care recipient made a written

- choice to be covered by Chapters 3 and 3A of the Act in relation to the service;
- (q) in relation to a continuing flexible care recipient to whom the approved provider starts to provide flexible care through a flexible care service on or after 1 July 2014—a record of whether the care recipient made a written choice to be covered by Chapters 3 and 3A of the Act in relation to the service;
 - (r) up-to-date records of:
 - (i) the name and contact details of at least one representative of each care recipient, according to information given to the approved provider by the care recipient or by the representative; and
 - (ii) the name and contact details of any other representative of a care recipient, according to information given to the approved provider by the care recipient or by the representative;
 - (s) copies of notices given under section 21E of the *User Rights Principles 2014*;
 - (t) records relating to the payment of the care recipient portion or transfer portion of care recipients' unspent home care amounts under section 21F of the *User Rights Principles 2014* (as in force before 1 September 2021);
 - (ta) records relating to the payment of the care recipient portion of a care recipient's unspent home care amount under section 21F or 37 of the *User Rights Principles 2014* (as in force on or after 1 September 2021);
 - (u) copies of notices of published exit amounts given under section 21J of the *User Rights Principles 2014*;
 - (v) records required by the National Aged Care Mandatory Quality Indicator Program Manual to be kept.

8A Records about Charter of Aged Care Rights given to care recipients

- (1) An approved provider must keep a record relating to each copy of the Charter of Aged Care Rights given to a care recipient under:
 - (a) for approved providers of residential care—paragraph 11(1)(b) or subsection 33(1) of the *User Rights Principles 2014*; or
 - (b) for approved providers of home care—paragraph 20(1)(b) or subsection 33(1) of the *User Rights Principles 2014*; or
 - (c) for approved providers of a flexible care service through which short-term restorative care is provided—paragraph 23AE(1)(b) or subsection 33(1) of the *User Rights Principles 2014*.
- (2) Subsection (1) does not apply to an approved provider if:
 - (a) for approved providers of residential care—the care recipient does not enter the approved provider's residential care service; or
 - (b) for approved providers of home care—the care recipient does not enter the approved provider's home care service; or
 - (c) for approved providers of a flexible care service through which short-term restorative care is provided—the care recipient does not enter the approved provider's flexible care service.

9 Records about staff members and volunteers—police certificates and NDIS worker screening clearances etc.

An approved provider must keep records that enable the provider to demonstrate that:

- (a) in accordance with Part 6 of the *Accountability Principles 2014*, there is for each person who is a staff member of the approved provider, or a volunteer for the approved provider, one of the following at all times during which the person remains a staff member or volunteer:
 - (i) a police certificate that is not more than 3 years old;
 - (ii) an NDIS worker screening clearance that is not more than 5 years old and is not suspended; and
- (b) for any period that a staff member or volunteer is allowed under Part 6 of the *Accountability Principles 2014* to be without such a police certificate or NDIS worker screening clearance:
 - (i) an application for a police certificate has been made; or
 - (ii) the staff member or volunteer is in the process of obtaining an NDIS worker screening clearance; and
- (c) any statutory declaration required to be made by a staff member or volunteer under Part 6 of the *Accountability Principles 2014* has in fact been made.

10 Duty to keep police certificates and documents relating to NDIS worker screening clearances

- (1) If a police certificate, or a copy of a police certificate, is kept by an approved provider under section 9, the police certificate or copy must be kept in accordance with the *Privacy Act 1988*.
- (2) If an NDIS worker screening clearance, or a copy or other evidence of an NDIS worker screening clearance, is kept by an approved provider under section 9, the clearance or copy must be kept in accordance with the *Privacy Act 1988*.

10A Records 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
 - (aa) a flexible care service through which transition care is provided (whether in a residential or community setting); or
 - (b) a flexible care service through which short-term restorative care is provided (whether in a residential care setting or a home care setting); or
 - (c) a home care service;must keep records, for each calendar year, of 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

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received the annual seasonal influenza vaccination for that year (whether or not under the approved provider's influenza vaccination scheme).

Note: An approved provider must have an influenza vaccination scheme: see sections 8 and 15BA of the *Quality of Care Principles 2014*.

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).

10B Records about service staff—COVID-19 vaccinations

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

- (1) An approved provider of:
 - (a) a residential care service; or
 - (aa) a flexible care service through which transition care is provided (whether in a residential or community setting); or
 - (b) a flexible care service through which short-term restorative care is provided (whether in a residential care setting or a home care setting); or
 - (ba) a home care service;must keep records of the following information:
 - (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 a second dose of a COVID-19 vaccine;
 - (da) 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 booster dose 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 a second dose, 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.

Multi-purpose services

- (2) An approved provider of a multi-purpose service must keep records of 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 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 a second dose of a COVID-19 vaccine;
 - (ba) 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 booster 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 not received a single dose, or a second dose, 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.

10C Records about residential care recipients—vaccinations

An approved provider of:

- (a) a residential care service; or
- (aa) a flexible care service through which transition care is provided in a residential setting; or
- (b) a flexible care service through which short-term restorative care is provided in a residential care setting; or
- (c) a multi-purpose service;

must keep records of the following information:

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- (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.

11 Kinds of records that must be retained

An approved provider who ceases permanently to provide care to a care recipient must retain, in relation to the care recipient, records of the kinds mentioned in section 7.

Note: Under subsection 89-1(2) of the Act, a person who has ceased to be an approved provider must retain records that the person was required to retain under section 88-1 of the Act, other than records that the approved provider is required to transfer to another approved provider under section 16-10 of the Act.

12 Transitional provisions—*Aged Care Legislation Amendment (Influenza Vaccination in Residential Care) Principles 2018*

Section 10A, as inserted by the *Aged Care Legislation Amendment (Influenza Vaccination in Residential Care) Principles 2018*, applies in relation to influenza vaccinations received on or after the commencement of this section.

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 the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Records Principles 2014	25 June 2014 (F2014L00810)	1 July 2014 (s 2)	
Aged Care Legislation Amendment (Increasing Consumer Choice) Principles 2016	23 Sept 2016 (F2016L01492)	Sch 1 (item 31): 27 Feb 2017 (s 2(1) item 3)	—
Aged Care Legislation Amendment (Influenza Vaccination in Residential Care) Principles 2018	30 Apr 2018 (F2018L00545)	Sch 1 (items 5–8): 1 May 2018 (s 2(1) item 1)	—
User Rights Amendment (Charter of Aged Care Rights) Principles 2019	22 Mar 2019 (F2019L00356)	Sch 1 (items 16, 17): 1 July 2019 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Quality Indicator Program) Principles 2019	20 June 2019 (F2019L00849)	Sch 1 (items 4, 5): 1 July 2019 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Serious Incident Response Scheme) Instrument 2021	9 Mar 2021 (F2021L00222)	Sch 1 (item 12): 1 Apr 2021 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Service Staff Vaccination Recording and Reporting) Principles 2021	4 June 2021 (F2021L00697)	Sch 1 (items 3–5): 5 June 2021 (s 2(1) item 2)	—
Aged Care Legislation Amendment (Requirements for Staff Members and Volunteers) Instrument 2021	15 June 2021 (F2021L00758)	Sch 1 (items 9–11, 26): 16 June 2021 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Quality Indicator Program) Principles 2021	29 June 2021 (F2021L00897)	Sch 1 (item 4): 1 July 2021 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Care Recipients and Service Staff Vaccination Recording and Reporting) Principles 2021	12 July 2021 (F2021L00981)	Sch 1: 13 July 2021 (s 2(1) item 2) Sch 3 (items 5–8): repealed before commencing (s 2(1) item 4)	—
as amended by			
Aged Care Legislation Amendment (Vaccination Information) Principles (No. 2) 2021	21 Dec 2021 (F2021L01873)	Sch 1 (items 26, 27): 22 Dec 2021 (s 2(1) item 3)	—
Aged Care Legislation Amendment (Improved Home Care Payment Administration) Instrument 2021	18 Aug 2021 (F2021L01133)	Sch 1 (items 24, 25): 1 Sept 2021 (s 2(1) item 1)	—
Aged Care Legislation Amendment (Vaccination Information) Principles 2021	3 Sept 2021 (F2021L01236)	Sch 1 (items 19–27): 6 Sept 2021 (s 2(1) item 1)	—

Endnotes

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Aged Care Legislation Amendment (Vaccination Information) Principles (No. 2) 2021	21 Dec 2021 (F2021L01873)	Sch 1 (items 18–25): 1 Jan 2022 (s 2(1) item 2)	—
Aged Care Legislation Amendment (Vaccination Information) Principles 2022	21 Jan 2022 (F2022L00056)	Sch 1 (items 6, 7): 22 Jan 2022 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 4	am F2018L00545; F2019L00356; F2019L00849; F2021L00697; F2021L00758; F2021L00897; F2021L01236
s 7	am F2016L01492; F2019L00849; F2021L01133
s 8	rep F2021L00222
s 8A	ad F2019L00356
s 9	am F2018L00545 rs F2021L00758
s 10	rs F2021L00758
s 10A	ad F2018L00545 am F2021L00697; F2021L00981 ed C8 am F2021L01236; F2021L01873 ed C11
s 10B	ad F2021L00697 am F2021L00981 ed C8 am F2021L01236; F2021L01873; F2022L00056
s 10C	ad F2021L00981 am F2021L01236 ed C10 am F2021L01873
s 12	ad F2018L00545