

EXPLANATORY STATEMENT

Issued by the authority of the Assistant Minister for Social Services

Aged Care Act 1997

Accountability Amendment Principle 2014 (No. 1)

The *Aged Care Act 1997* (the Act) provides for the regulation and funding of aged care services. Persons who are approved under the Act to provide aged care services (approved providers) can be eligible to receive subsidy payments in respect of the care they provide to approved care recipients.

Section 96-1 of the Act allows the Minister to make Principles providing for various matters required or permitted by a Part or section of the Act.

Among the Principles made under section 96-1 is the *Accountability Principles 2014* (the Principles).

The purpose of the *Accountability Amendment Principle 2014 (No. 1)* (the Amending Principle) is to make technical amendments to the *Accountability Principles 2014* by replacing references to paragraph 63-1(1)(m) of the Act with references to paragraph 63-1(1)(l) in section 9 and paragraphs 10(2)(b) and (c).

Approved providers have a responsibility to allow the Chief Executive Officer (CEO) of the Australian Aged Care Quality Agency (the Quality Agency) or a quality assessor access to their service for the purpose of performing functions or duties, or exercising powers, as the CEO of the Quality Agency or a quality assessor. As an interim measure, before amendments could be made to the Act, this responsibility was legislated using the power under section 63-1(1)(m) of the Act, which requires approved providers to comply with “such other responsibilities as are specified in the Accountability Principles”. However, the *Aged Care and Other Legislation Amendment Bill 2014* replaces the words ‘accreditation bodies’ with ‘the CEO of the Quality Agency’ in paragraph 63-1(1)(l) of the Act. As a result, there is no longer any need to specify this responsibility in the Principles; rather it will appear in the Act.

The Amending Principle is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Consultation

As the amendments in the Amending Principle are minor and machinery in nature, no specific consultation was undertaken in relation to this instrument.

Regulation Impact Statement

The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required (OBPR ID: 17515).

Commencement

This Amending Principle commences on the day after it is registered, or the day after the *Aged Care and Other Legislation Amendment Bill 2014* receives Royal Assent, whichever is later.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Accountability Amendment Principle 2014 (No. 1)

The *Accountability Amendment Principle 2014 (No. 1)* (the Legislative Instrument) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The Legislative Instrument makes technical amendments to the *Accountability Principles 2014* by replacing references to paragraph 63-1(1)(m) of the Act with references to paragraph 63-1(1)(l). Amendments to the *Aged Care Act 1997* result in the need for this technical amendment. These amendments do not alter existing arrangements; rather they merely reflect a relocation of relevant provisions.

Human Rights Implications

The Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

The Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Senator the Hon Mitch Fifield
Assistant Minister for Social Services