



# **Aged Care Legislation Amendment (Independent Complaints Arrangements) Principle 2015**

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I, Sussan Ley, Minister for Aged Care, make the following principle.

Dated 20 December 2015

Sussan Ley  
Minister for Aged Care

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## 1 Name

This is the *Aged Care Legislation Amendment (Independent Complaints Arrangements) Principle 2015*.

## 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	1 January 2016.	1 January 2016

Note: This table relates only to the provisions of this instrument as originally made.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 section 96-1 of 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (subparagraph (a)(iii) of the definition of *relevant official*)**

Omit “or”, substitute “and”.

**2 Section 4 (subparagraph (a)(iv) of the definition of *relevant official*)**

Repeal the subparagraph.

**3 Subdivision B of Division 1 of Part 2 (heading)**

Repeal the heading.

**4 Section 9 (heading)**

Repeal the heading, substitute:

**9 Purpose of this Division**

**5 Section 9**

Omit “Subdivision”, substitute “Division”.

**6 Subdivision C of Division 1 of Part 2**

Repeal the Subdivision.

### *Extra Service Principles 2014*

**7 Division 3 of Part 4**

Repeal the Division.

### *Information Principles 2014*

**8 Before section 1**

Insert:

## Part 1—Preliminary

**9 Before section 5**

Insert:

## Part 2—Disclosure of protected information by Secretary

**10 Section 5 (heading)**

Repeal the heading, substitute:

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**5 Purpose of this Part****11 Section 5**

Omit “86-3(j) of the Act, these principles specify”, substitute “86-3(1)(j) of the Act, this Part specifies”.

**12 Section 6 (heading)**

Repeal the heading, substitute:

**6 Disclosure of protected information by Secretary****13 Paragraph 6(d)**

After “Aged Care” (wherever occurring), insert “Complaints”.

**14 At the end of the principles**

Add:

## **Part 3—Disclosure of protected information by the Aged Care Complaints Commissioner**

**7 Purpose of this Part**

For paragraph 86-3(2)(f) of the Act, this Part specifies:

- (a) kinds of persons to whom the Aged Care Complaints Commissioner 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.

**8 Disclosure of protected information by Aged Care Complaints Commissioner**

The Aged Care Complaints Commissioner may disclose protected information:

- (a) to the CEO of the Quality Agency, to assist the CEO to perform the functions mentioned in section 12 of the *Australian Aged Care Quality Agency Act 2013*; or
- (b) to the Aged Care Pricing Commissioner, to assist the Aged Care Pricing Commissioner to perform his or her functions; or
- (c) to the Secretary, to assist the Secretary to perform his or her functions relating to aged care.

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).

***User Rights Principles 2014*****15 Section 24**

Omit “a person authorised by the Secretary”, substitute “an authorised complaints officer”.