



Australian Aged Care Quality Agency Legislation Amendment (Unannounced Re-accreditation Audits) Principles 2018

I, Ken Wyatt AM, Minister for Aged Care, make the following principles.

Dated 6 March 2018

Ken Wyatt AM
Minister for Aged Care

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1 Name

This instrument is the *Australian Aged Care Quality Agency Legislation Amendment (Unannounced Re-accreditation Audits) Principles 2018*.

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	The day after this instrument is registered.	17 March 2018

Note: This table relates only to the provisions of this instrument as originally made.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:

- (a) the *Aged Care Act 1997*; and
- (b) the *Australian Aged Care Quality Agency Act 2013*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Quality Agency Principles 2013

1 Section 1.4

Insert:

relevant service, in relation to an application made under section 2.2, means the commencing service, accredited service or previously accredited service to which the application relates.

2 Before Division 1 of Part 1 of Chapter 2

Insert:

Division 1A—Reminder notices

2.1A Reminder notices

- (1) Before the end of the period of accreditation of an accredited service (the *current accreditation period*), the CEO of the Quality Agency may give to the approved provider of the service:
 - (a) a written notice:
 - (i) reminding the approved provider of the day on which the current accreditation period will end; and
 - (ii) specifying a day on or before which the approved provider must apply for re-accreditation of the service under subsection 2.2(2) in order for section 2.5 not to apply; and
 - (iii) specifying the form of words to be used, if the approved provider applies for re-accreditation of the service, to tell care recipients of the service and their representatives about the site audit of the service that will be conducted in relation to the application; and
 - (b) a poster to inform the care recipients and their representatives about the site audit.
- (2) In considering whether to specify a particular day under subparagraph (1)(a)(ii), the CEO must have regard to the likelihood that he or she would make a decision under subsection 2.18(1) on an application for re-accreditation of the service before the end of the current accreditation period if the application were made on or after that particular day.

3 Subsection 2.3(2)

Omit “may”, substitute “must”.

4 At the end of section 2.3

Add:

- (3) If:
 - (a) the application is made under subsection 2.2(2); and
 - (b) the CEO has informed the approved provider of the matters mentioned in subsection 10(2) of the Accountability Principles;

the application must include a statement that the approved provider consents to the assessment team that will be appointed under section 2.10 accessing the premises of the relevant service for the purpose of conducting a site audit of the service in relation to the application.

Note: The approved provider may withdraw the consent at any time (see subsection 10(4) of the Accountability Principles).

5 Section 2.4

Omit “subsection 2.3(1)”, substitute “subsections 2.3(1) and (2) and (if applicable) 2.3(3)”.

6 At the end of Division 1 of Part 1 of Chapter 2

Add:

2.5 Effect of application for re-accreditation being made late

- (1) Subsection (2) applies in relation to an application made under subsection 2.2(2) for re-accreditation of an accredited service if:
 - (a) the CEO of the Quality Agency gave to the approved provider of the service a notice under paragraph 2.1A(1)(a) in relation to the re-accreditation; and
 - (b) the approved provider makes the application for re-accreditation after the day specified in the notice under subparagraph 2.1A(1)(a)(ii).
- (2) To avoid doubt:
 - (a) the assessment team that is appointed to conduct a site audit of the service is not required to complete the site audit before the service ceases to be accredited; and
 - (a) the assessment team is not required to give the site audit report for the service to the CEO of the Quality Agency under subsection 2.17(3) any earlier than 7 days after the site audit is completed, even if the 7 days ends after the service ceases to be accredited; and
 - (c) the CEO is not required to make a decision under subsection 2.18(1) in relation to the application any earlier than 28 days after receiving the site audit report, even if the 28 days ends after the service ceases to be accredited.
- (3) Subsection (2) does not, by implication, affect the time by which anything is required to be done under this instrument in relation to an application if that subsection does not apply in relation to the application.

7 Section 2.6 (note)

Omit “an application made under section 2.2 if the application does not comply with subsection 2.3(1)”, substitute “such an application if the application does not comply with subsections 2.3(1) and (2)”.

8 Section 2.9 (note)

Omit “an application made under section 2.2 if the application does not comply with subsection 2.3(1)”, substitute “such an application if the application does not comply with section 2.3”.

9 Sections 2.10 and 2.11

Repeal the sections, substitute:

2.10 Appointment of assessment team

- (1) If the CEO of the Quality Agency receives an application under subsection 2.2(2), the CEO must appoint an assessment team to conduct a site audit of the relevant service.

Note: Part 4 deals with the appointment of assessment teams.

- (2) As soon as practicable after the CEO appoints the assessment team, the CEO must give to the assessment team the self-assessment information that accompanied the application under subsection 2.3(2).

2.11 Form of words and poster to be used to tell care recipients about site audit

- (1) As soon as practicable after receiving the application under subsection 2.2(2), the CEO of the Quality Agency must give to the approved provider of the relevant service:
 - (a) a written notice specifying the form of words to be used to tell care recipients of the service and their representatives about the site audit of the service that is to be conducted; and
 - (b) a poster to inform the care recipients and their representatives about the site audit.
- (2) This section does not apply if the CEO gave the approved provider a notice and poster under section 2.1A in relation to re-accreditation of the relevant service.

10 Paragraph 2.12(1)(b)

Repeal the paragraph, substitute:

- (b) of the period in which the site audit could occur; and

11 At the end of subsection 2.12(1)

Add:

- ; and (d) that the care recipients and representatives may give information to the Quality Agency about the care and services they are receiving; and
- (e) of how to contact the Quality Agency.

Note: The approved provider must keep up-to-date records of the name and contact details of at least one representative of each care recipient (see paragraph 7(r) of the *Records Principles 2014*).

12 Paragraph 2.12(2)(a)

Omit “given to the approved provider under subparagraph 2.11(a)(iii)”, substitute “specified in the notice given to the approved provider under subparagraph 2.1A(1)(a)(iii) or paragraph 2.11(1)(a)”.

13 Paragraph 2.12(2)(b)

Omit “2.11(b)”, substitute “2.1A(1)(b) or 2.11(1)(b)”.

14 Subsections 2.12(3) and (4)

Repeal the subsections, substitute:

- (3) The approved provider must take the steps mentioned in subsection (1) as soon as practicable after:
 - (a) receiving the notice and poster; or
 - (b) applying for re-accreditation of the relevant service;whichever occurs last.

15 Section 2.13

Repeal the section, substitute:

2.13 Notification of names of members of assessment team

At the start of the site audit of the relevant service, the assessment team must give to the approved provider of the relevant service a written notice that:

- (a) was issued by the CEO of the Quality Agency; and
- (b) states the full names of each member of the assessment team.

16 After paragraph 2.14(2)(d)

Insert:

- (da) consider any relevant information given to the team by the CEO of the Quality Agency, including the self-assessment information given under subsection 2.10(2); and

17 Paragraph 2.14(2)(e)

Omit “, including the self-assessment information given under section 2.13”.

18 After section 2.14

Insert:

2.14A Approved provider must take steps to inform care recipients that site audit has commenced

- (1) As soon as practicable after the start of the site audit of the relevant service, the approved provider of the relevant service must take reasonable steps to inform the care recipients and their representatives that the site audit has commenced.
- (2) For the purposes of subsection (1), the reasonable steps must include, but are not limited to, displaying in one or more prominent places within the relevant service any posters given to the approved provider by the assessment team for that purpose.

19 Subsection 2.15(1)

Repeal the subsection, substitute:

- (1) On each day of the site audit, the assessment team must meet with the person at the premises of the relevant service who is in charge of the service, to discuss the progress of the audit.

20 Subsection 2.15(3)

Omit “allow”, substitute “take all reasonable steps to enable”.

21 Section 2.16

Repeal the section, substitute:

2.16 Exit meeting

On the last day of the site audit of the relevant service, the assessment team must meet with the person at the premises of the relevant service who is in charge of the service, to discuss the key issues that the team identified during the audit.

22 Subsection 2.17(3)

Repeal the subsection, substitute:

- (3) Within 7 days after the site audit is completed, the assessment team must give the site audit report to the CEO of the Quality Agency.
- (4) As soon as practicable after receiving the site audit report, the CEO must give a copy of the report to the approved provider of the relevant service.
- (5) The copy given to the approved provider must not include identifying information that, under section 4.1, the CEO must not give to the approved provider.
- (6) The approved provider may, within 14 days after receiving the copy, give to the CEO a written response to the report.

23 Subparagraph 2.18(3)(a)(ii)

Omit “2.16(2)”, substitute “2.17(6)”.

24 Subsection 2.23(4)

Repeal the subsection.

25 Subsection 2.23(5)

Omit “and, if applicable, subsection (4)”.

26 Subsection 2.24(4)

Repeal the subsection.

27 Section 2.57

Repeal the section, substitute:

2.57 Purpose of this Part

The purpose of this Part is to set out how assessment teams for site audits and review audits are appointed.

28 At the end of section 2.60

Add:

- (4) Subsection (3) does not apply if:

-
- (a) the assessment team was appointed to conduct a site audit; and
 - (b) the appointment of the other person under subsection (1) occurs before the approved provider is notified of the names of the members of the team under section 2.13.

29 Section 2.61

Repeal the section.

30 Section 2.66 (table item 7)

Repeal the item.

31 Paragraphs 2.68(2)(b) and 2.69(5)(b)

Omit “5, 6 or 7”, substitute “5 or 6”.

32 In the appropriate position in Chapter 5

Insert:

Part 2—Transitional provisions relating to the Australian Aged Care Quality Agency Legislation Amendment (Unannounced Re-accreditation Audits) Principles 2018

5.3 Application of amendments

The amendments of this instrument (other than this Chapter) made by Schedule 1 to the *Australian Aged Care Quality Agency Legislation Amendment (Unannounced Re-accreditation Audits) Principles 2018* apply in relation to an application under section 2.2 of this instrument made:

- (a) between the day this section commences and 30 June 2018, if:
 - (i) the application is for re-accreditation of an accredited service; and
 - (ii) at the time the application is made, the period for which the service is accredited is a period ending on or after 1 January 2019; or
- (b) on or after 1 July 2018.

Subsidy Principles 2014

33 Subsection 11(3)

Omit “subsection 2.3(1)”, substitute “section 2.3”.