



Aged Care Quality and Safety Commission (Consequential Amendments) Rules 2018

I, Ken Wyatt AM, Minister for Senior Australians and Aged Care, make the following rules.

Dated 20 December 2018

Ken Wyatt AM
Minister for Senior Australians and Aged Care

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1 Name

This instrument is the *Aged Care Quality and Safety Commission (Consequential Amendments) Rules 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	1 January 2019.	1 January 2019

Note: This table relates only to the provisions of this instrument as originally made.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

- (a) section 96-1 of the *Aged Care Act 1997*;
- (b) section 96-1 of the *Aged Care (Transitional Provisions) Act 1997*;
- (c) the *Aged Care Quality and Safety Commission Act 2018*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Repeal the following definitions:

- (a) the definition of *business hours*;
- (b) the definition of *home care setting*;
- (c) the definition of *premises*;
- (d) the definition of *Quality Agency*;
- (e) the definition of *quality assessor*;
- (f) the definition of *quality reviewer*;
- (g) the definition of *relevant official*;
- (h) the definition of *residential care setting*.

2 Part 2

Repeal the Part.

Aged Care (Transitional Provisions) Principles 2014

3 Section 4 (definition of Quality Agency)

Repeal the definition.

Information Principles 2014

4 Section 4 (definition of Quality Agency)

Repeal the definition.

5 Paragraphs 6(b) and (d)

Repeal the paragraphs.

6 Part 3

Repeal the Part.

Quality of Care Principles 2014

7 Section 4 (definition of premises)

Repeal the definition.

8 Section 4 (definition of service staff)

Omit “premises of the service”, substitute “any premises where the operation or administration of the service occurs”.

Subsidy Principles 2014

9 Section 4 (definition of accreditation application)

Repeal the definition, substitute:

accreditation application means an application under section 27 of the Quality and Safety Commission Rules.

10 Section 4 (definitions of *Quality Agency* and *Quality Agency Principles*)

Repeal the definitions.

11 Section 4

Insert:

Quality and Safety Commission Rules means the *Aged Care Quality and Safety Commission Rules 2018*.

12 Subsection 11(1)

Omit “CEO of the Quality Agency”, substitute “Quality and Safety Commissioner”.

13 Paragraph 11(1)(a)

Omit “Quality Agency”, substitute “Quality and Safety Commission”.

14 Subsection 11(2)

After “to accredit”, insert “or re-accredit”.

15 Subsection 11(3)

Omit “section 2.3 of the Quality Agency Principles”, substitute “subsection 28(1) of the Quality and Safety Commission Rules”.

User Rights Principles 2014

16 Paragraph 23AG(3)(b)

Omit “Aged Care Complaints Commissioner; and”, substitute “Quality and Safety Commissioner.”.

17 Paragraph 23AG(3)(c)

Repeal the paragraph.

18 Part 4

Repeal the Part.

19 At the end of Part 5

Add:

Division 3—Transitional provision relating to the Aged Care Quality and Safety Commission (Consequential Amendments) Rules 2018

32 Transitional provision in relation to flexible care agreements

Subsection 23AG(3) of these principles, as amended by Schedule 1 to the *Aged Care Quality and Safety Commission (Consequential Amendments) Rules 2018*,

applies in relation to a flexible care agreement in respect of short-term restorative care entered into on or after 1 January 2019.

Schedule 2—Repeals

Australian Aged Care Quality Agency (Other Functions) Instrument 2015

1 The whole of the instrument

Repeal the instrument.

Commissioner Principles 2015

2 The whole of the instrument

Repeal the instrument.

Complaints Principles 2015

3 The whole of the instrument

Repeal the instrument.

Quality Agency Principles 2013

4 The whole of the instrument

Repeal the instrument.

Quality Agency Reporting Principles 2013

5 The whole of the instrument

Repeal the instrument.