



# **Aged Care Legislation Amendment (Financial Information) Principles 2022**

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I, Anika Wells, Minister for Aged Care, make the following principles.

Dated            29 August 2022

Anika Wells  
Minister for Aged Care

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# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
Part 1—Quarterly financial reports		2
	<i>Accountability Principles 2014</i>	2
Part 2—Publication of reports and information		4
	<i>Accountability Principles 2014</i>	4
	<i>Information Principles 2014</i>	4
Part 3—Permitted uses of refundable deposits and accommodation bonds		6
	<i>Fees and Payments Principles 2014 (No. 2)</i>	6
Part 4—Permitted uses reconciliation		7
	<i>Accountability Principles 2014</i>	7
Part 5—Disclosure to care recipients		8
	<i>Fees and Payments Principles 2014 (No. 2)</i>	8
Part 6—Application provisions		10
	<i>Accountability Principles 2014</i>	10
	<i>Fees and Payments Principles 2014 (No. 2)</i>	10
	<i>Information Principles 2014</i>	11



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## 1 Name

This instrument is the *Aged Care Legislation Amendment (Financial Information) Principles 2022*.

## 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 later of: (a) 1 July 2022; and (b) the day after this instrument is registered.	7 September 2022 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made.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 *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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### Part 1—Quarterly financial reports

#### *Accountability Principles 2014*

##### 1 Section 4

Insert:

*quarter*, of a financial year for an approved provider, has the meaning given by subsection 43(7).

*quarterly financial report* has the meaning given by subsection 43(1).

##### 2 At the end of section 31

Add:

Note: Part 4A of these principles specifies additional financial reporting responsibilities of approved providers.

##### 3 After Part 4

Insert:

### Part 4A—Quarterly financial report

#### 42 Purpose and application of this Part

- (1) For the purposes of paragraph 63-1(1)(m) of the Act, this Part specifies financial reporting responsibilities of approved providers.

Note: Part 4 of these principles specifies additional financial reporting responsibilities of approved providers.

- (2) This Part applies to an approved provider if the approved provider is:
  - (a) an approved provider of a residential care service; or
  - (b) an approved provider of a home care service; or
  - (c) an approved provider of a multi-purpose service.

#### 43 Quarterly financial report

##### *Provision of quarterly financial report*

- (1) An approved provider must, for each quarter of a financial year for the approved provider, give the Secretary a report (a *quarterly financial report*) for the approved provider for the quarter in accordance with this section.

Note: For a *quarter* of a financial year for an approved provider, see subsection (7).

- (2) A quarterly financial report for a quarter of a financial year for an approved provider must be given to the Secretary:
  - (a) for a quarter ending at the end of 31 December—within 45 days after the end of the quarter; and
  - (b) for any other quarter—within 35 days after the end of the quarter.

- (3) A quarterly financial report for an approved provider must:
- (a) be in writing; and
  - (b) be in a form approved, in writing, by the Secretary in relation to the approved provider or a class of approved providers to which the approved provider belongs; and
  - (c) include any information or statements required by that approved form to be included in the report.
- (4) To avoid doubt, the Secretary may, for the purposes of paragraph (3)(b), approve different forms in relation to different approved providers or classes of approved providers.

*Who must sign the quarterly financial report?*

- (5) If an approved provider is not a State, a Territory, an authority of a State or Territory or a local government authority, a quarterly financial report for the approved provider must be signed by:
- (a) if the approved provider is a body corporate that is incorporated, or taken to be incorporated, under the *Corporations Act 2001*—a director of the body corporate for the purposes of that Act; or
  - (b) otherwise—a member of the approved provider’s governing body.
- (6) If an approved provider is a State, a Territory, an authority of a State or Territory or a local government authority, a quarterly financial report for the approved provider must be signed by one of the approved provider’s key personnel who is authorised by the approved provider to sign the report.

*Quarter of financial year for an approved provider*

- (7) Each of the following is a **quarter** of a financial year for an approved provider:
- (a) the period of 3 months beginning on the first day of the financial year for the approved provider;
  - (b) each successive period of 3 months that occurs during the financial year for the approved provider after the end of the period mentioned in paragraph (a).

Note: Under paragraph 32(1)(b), a financial year for an approved provider may begin on a day other than 1 July.

## Part 2—Publication of reports and information

### *Accountability Principles 2014*

#### 4 At the end of subsection 35A(1)

Add:

Note: Copies of general purpose financial reports for a financial year for an approved provider must be given to the Secretary at the same time as the aged care financial report for the year: see paragraph 35(4)(b). Copies of general purpose financial reports must also be given to certain other persons on request, and must be published on a website: see sections 37A and 37B.

#### 5 Subsection 35A(4) (note)

Repeal the note.

#### 6 Section 36 (heading)

Omit “—non-government approved providers”.

#### 7 Section 37A (heading)

Omit “by non-government approved providers”.

#### 8 Section 37A

After “An approved provider”, insert “mentioned in subsection 35(4)”.

#### 9 After section 37A

Insert:

### **37B Publication of general purpose financial reports and audit opinions**

- (1) If an approved provider is required under section 35A to prepare one or more general purpose financial reports for a financial year for the approved provider, the approved provider must ensure that, for a period of at least 3 years starting no later than 5 months after the end of the financial year for the approved provider:
  - (a) each such report is published, in a way that makes the report readily accessible to members of the public, on:
    - (i) a website of the approved provider; or
    - (ii) if the approved provider does not have a website—another website; and
  - (b) each audit opinion about such a report that is obtained in accordance with section 36 is published on the same website as the report, in a way that makes the audit opinion readily accessible to members of the public.
- (2) All material required to be published under subsection (1) must, at any given time, be published on a single website. However, that single website may change from time to time.

### *Information Principles 2014*

#### 10 At the end of section 8

Add:

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- ; (f) information included in any of the following:
- (i) an aged care financial report given to the Secretary under section 37 of the *Accountability Principles 2014*;
  - (ii) a general purpose financial report, or an audit opinion about such a report, given to the Secretary under paragraph 35(4)(b) or (c) of the *Accountability Principles 2014*;
  - (iii) updated information given to the Secretary under section 41 of the *Accountability Principles 2014* in compliance with a notice under subsection 41(3) of those principles;
  - (iv) a financial support statement given to the Secretary under section 39 of the *Accountability Principles 2014*;
  - (v) a quarterly financial report given to the Secretary under section 43 of the *Accountability Principles 2014*;
  - (vi) an annual prudential compliance statement given to the Secretary under section 51 of the *Fees and Payments Principles 2014 (No. 2)*;
- (g) information about whether an approved provider has given a financial support statement to the Secretary under section 39 of the *Accountability Principles 2014*.

## **Part 3—Permitted uses of refundable deposits and accommodation bonds**

### *Fees and Payments Principles 2014 (No. 2)*

#### **11 At the end of paragraph 62(a)**

Add “, but only to the extent that the expenditure relates to those premises”.

#### **12 At the end of paragraph 62(b)**

Add “, but only to the extent that the expenditure relates to the provision of that residential care or flexible care”.

#### **13 At the end of paragraph 62(c)**

Add “, but only to the extent that the expenditure relates to the provision of that residential care or flexible care”.

#### **14 Paragraph 62(d)**

Omit “directly attributable to doing a thing referred to in”, substitute “directly connected to expenditure covered by”.

## **Part 4—Permitted uses reconciliation**

### *Accountability Principles 2014*

#### **15 Section 4**

Insert:

*permitted uses reconciliation* has the meaning given by subsection 40A(1).

#### **16 After section 40**

Insert:

#### **40A Permitted uses reconciliation**

- (1) A form approved by the Secretary for an aged care financial report for an approved provider may require such a report to include a statement (a *permitted uses reconciliation*) that sets out information, as specified in the form, about reportable uses of funds by the approved provider during a financial year or years for the approved provider specified in the form.
- (2) For the purposes of subsection (1), a reportable use of funds is any of the following:
  - (a) a permitted use of refundable deposits or accommodation bonds;
  - (b) a use of funds (other than refundable deposits or accommodation bonds) which was such that, if the funds had been refundable deposits or accommodation bonds, the use would have been a permitted use of refundable deposits or accommodation bonds.

Note: For the permitted uses of refundable deposits and accommodation bonds, see section 52N-1 of the Act.

## Part 5—Disclosure to care recipients

### *Fees and Payments Principles 2014 (No. 2)*

#### 17 Section 4

Insert:

*permitted uses reconciliation* has the same meaning as in the *Accountability Principles 2014*.

#### 18 Before subsection 57(1)

Insert:

*Notification by approved provider*

#### 19 After paragraph 57(1)(a)

Insert:

- (aa) if, during the 2 years prior to the request, the approved provider has given the Secretary an aged care financial report for the approved provider that included a permitted uses reconciliation—a copy of the permitted uses reconciliation included in the most recent such report;

#### 20 Before subsection 57(2)

Insert:

*Disclosure on request*

#### 21 Subsection 57(2)

Omit “If a care recipient who has paid a refundable deposit, an accommodation bond or an entry contribution requests the approved provider of the service through which the care recipient is being provided with care”, substitute “If a care recipient requests the approved provider of the aged care service through which the care recipient is being provided with aged care”.

#### 22 After subsection 57(2)

Insert:

- (2A) Subsection (2) applies in relation to a care recipient who is being provided with aged care through an aged care service:
- (a) whether the aged care is residential care or another kind of aged care; and
  - (b) whether or not the care recipient has entered into an accommodation agreement with the approved provider of the aged care service; and
  - (c) whether or not the care recipient has paid a refundable deposit, an accommodation bond or an entry contribution to that approved provider.
- (2B) If:
- (a) as a result of a request by a care recipient, an approved provider is required under subsection (2) to give the care recipient the summary referred to in paragraph (1)(a); and

(b) the approved provider has given the Secretary an aged care financial report for the approved provider for the previous financial year, and that report included a permitted uses reconciliation;  
then the approved provider may satisfy the requirement to give the care recipient the summary by giving the care recipient a copy of that permitted uses reconciliation.

**23 Before subsection 57(3)**

Insert:

*Disclosure after end of financial year for approved provider*

## Part 6—Application provisions

### *Accountability Principles 2014*

#### **24 In the appropriate position in Part 8**

Insert:

#### **58 Application—amendments made by the *Aged Care Legislation Amendment (Financial Information) Principles 2022***

##### *Quarterly financial report*

- (1) Part 4A of these principles, as inserted by Part 1 of the amending Schedule, applies in relation to a quarter of a financial year for an approved provider if the quarter ends on or after the commencement of that Part.

##### *Publication of general purpose financial reports and audit opinions*

- (2) Section 37B of these principles, as inserted by Part 2 of the amending Schedule, applies in relation to a financial year for an approved provider beginning on or after 1 July 2021.

##### *Permitted uses reconciliation*

- (3) Section 40A of these principles, as inserted by Part 4 of the amending Schedule, applies in relation to an aged care financial report for a financial year for an approved provider if the financial year for the approved provider begins on or after 1 July 2021.
- (4) An approved form for an aged care financial report for an approved provider may, under section 40A of these principles (as inserted by Part 4 of the amending Schedule), specify a financial year or years for the approved provider whether the specified financial year, or any of the specified financial years, began before, on or after the commencement of Part 4 of the amending Schedule.

##### *Definitions*

- (5) In this section:

*amending Schedule* means Schedule 1 to the *Aged Care Legislation Amendment (Financial Information) Principles 2022*.

### *Fees and Payments Principles 2014 (No. 2)*

#### **25 In the appropriate position in Part 9**

Insert:

#### **78 Application—amendments made by the *Aged Care Legislation Amendment (Financial Information) Principles 2022***

- (1) Paragraph 57(1)(aa) of these principles, as inserted by Part 5 of the amending Schedule, applies in relation to an aged care financial report referred to in that

paragraph whether the report was given to the Secretary before, on or after the commencement of that Part.

- (2) Paragraph 57(1)(aa) of these principles, as inserted by Part 5 of the amending Schedule, also applies in relation to:
  - (a) a notification given by an approved provider under subsection 57(1) of these principles on or after the commencement of that Part, whether the accommodation agreement mentioned in that subsection was entered into before, on or after that commencement; and
  - (b) a request made by a care recipient under subsection 57(2) of these principles on or after the commencement of that Part; and
  - (c) a written statement given by an approved provider under paragraph 57(3)(b) of these principles on or after the commencement of that Part, whether the financial year for the approved provider mentioned in subsection 57(3) of these principles ends before, on or after that commencement.
- (3) The amendment of subsection 57(2), and the insertion of subsections 57(2A) and (2B), of these principles by Part 5 of the amending Schedule apply in relation to a request made by a care recipient on or after the commencement of that Part, whether the care recipient began to be provided with aged care before, on or after that commencement.
- (4) In this section:

*amending Schedule* means Schedule 1 to the *Aged Care Legislation Amendment (Financial Information) Principles 2022*.

## ***Information Principles 2014***

### **26 At the end of the instrument**

Add:

## **Part 4—Application, transitional and saving provisions**

### **9 Amendments made by the *Aged Care Legislation Amendment (Financial Information) Principles 2022***

- (1) Paragraph 8(f) of these principles, as added by Part 2 of Schedule 1 to the *Aged Care Legislation Amendment (Financial Information) Principles 2022*, applies in relation to information referred to in that paragraph that is given to the Secretary after the commencement of that Part.
- (2) Paragraph 8(g) of these principles, as added by Part 2 of Schedule 1 to the *Aged Care Legislation Amendment (Financial Information) Principles 2022*, applies in relation to information about whether an approved provider has given the Secretary a financial support statement under section 39 of the *Accountability Principles 2014* if the information relates to the approved provider's giving, or not giving, such a statement to the Secretary after the commencement of that Part.