



Aged Care Legislation Amendment (Transparency of Information) Principles 2023

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

Dated 22 June 2023

Anika Wells
Minister for Aged Care

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1 Name

This instrument is the *Aged Care Legislation Amendment (Transparency of Information) Principles 2023*.

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 July 2023.	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Accountability Principles 2014

1 Subparagraph 53E(c)(i)

Repeal the subparagraph, substitute:

- (i) the representation of different demographic groups in the membership of the governing body (but, for any group, only if a member of the governing body who is a member of the group consents to that information being provided); and

2 Paragraphs 53G(2)(b) and (c)

Omit “and must be signed by a member of the approved provider’s governing body on behalf of all members of the governing body”.

3 After paragraph 53G(2)(c)

Insert:

- ; and (d) include any other statements or information required by the approved form; and
- (e) be signed by a member of the approved provider’s governing body on behalf of all members of the governing body.

4 Subsection 53G(2) (example)

Omit “Under”, substitute “For subparagraph (c)(iii), under”.

Information Principles 2014

5 Section 4

Insert:

financial year, for an approved provider, has the meaning given by subsection 32(1) of the *Accountability Principles 2014*.

staff member has the meaning given by section 4 of the *Accountability Principles 2014*.

6 Paragraph 6(1)(f)

Omit “Director”, substitute “Chief Executive Officer”.

7 Section 7

Repeal the section, substitute:

7 Purpose of this Part

This Part specifies:

- (a) for the purposes of paragraph 86-9(1)(m) of the Act—information about an aged care service that the Secretary may make publicly available; and
- (b) for the purposes of subsection 86-10(1) of the Act—information in relation to aged care services that the Secretary must make publicly available.

8 Section 8 (at the end of the heading)

Add “that may be made publicly available”.

9 Section 8

Omit all the words before paragraph (a), substitute:

For the purposes of paragraph 86-9(1)(m) of the Act, the following is information about an aged care service that the Secretary may make publicly available:

10 At the end of section 8

Add:

- ; (h) information given to the Secretary that is specified in sections 53E and 53F of the *Accountability Principles 2014*;
- (i) information included in a statement given to the Secretary under section 53G of the *Accountability Principles 2014*.

Note: Information specified in this section that is disclosed under subsection 86-9(1) of the Act must not include personal information about a person (see subsection 86-9(2) of the Act).

11 At the end of Part 3

Add:

8A Information about aged care services that must be made publicly available*Purpose of this section*

- (1) This section is made for the purposes of subsection 86-10(1) of the Act.

Note: Information specified in this section that is disclosed under subsection 86-10(1) of the Act must not include personal information about an individual (other than an individual who is one of the key personnel of an approved provider) (see subsection 86-10(3) of the Act).

Residential care services—income and expenditure

- (2) The Secretary must make publicly available information about the following matters in relation to a residential care service operated by an approved provider:
- (a) the approved provider’s income in relation to the service in a financial year for the provider;
 - (b) expenditure by the approved provider on the following matters in relation to the service in a financial year for the provider:
 - (i) care, including labour costs;
 - (ii) catering;
 - (iii) maintenance;
 - (iv) cleaning and laundry;
 - (v) administration;
 - (c) the approved provider’s profit or loss in relation to the service in a financial year for the provider.

Residential care services—other information

- (3) The Secretary must make publicly available information about the following matters in relation to a residential care service operated by an approved provider:
- (a) the kind of feedback and complaints received by the approved provider in respect of the service in a reporting period for the provider;
 - (b) improvements made by the approved provider in relation to the quality of the service in a reporting period for the provider;
 - (c) the representation of different demographic groups in the membership of the governing body (to the extent that the approved provider has given the Secretary this information);
 - (d) initiatives that the approved provider has implemented in a reporting period for the provider to support a diverse and inclusive environment, in relation to the service, for care recipients and staff members;
 - (e) the total number of persons to whom residential care is provided through the service at the end of a reporting period for the approved provider;
 - (f) the occupancy rate during a reporting period for the approved provider of places allocated in respect of the service;
 - (g) the number of persons who entered the service during a reporting period for the approved provider;
 - (h) the number of persons for whom the approved provider ceased to provide residential care through the service during a reporting period for the provider.

Home care services

- (4) The Secretary must make publicly available information about the following matters in relation to a home care service through which home care is provided by an approved provider:
- (a) the approved provider's income and expenditure in relation to the service in a financial year for the provider;
 - (b) the kind of feedback and complaints received by the approved provider in respect of the service in a reporting period for the provider;
 - (c) improvements made by the approved provider in relation to the quality of the service in a reporting period for the provider;
 - (d) the representation of different demographic groups in the membership of the governing body (to the extent that the approved provider has given the Secretary this information);
 - (e) initiatives that the approved provider has implemented in a reporting period for the provider to support a diverse and inclusive environment, in relation to the service, for care recipients and staff members;
 - (f) the total number of persons to whom home care is provided through the service at the end of a reporting period for the approved provider;
 - (g) the number of persons who entered the service during a reporting period for the approved provider;
 - (h) the number of persons for whom the approved provider ceased to provide home care through the service during a reporting period for the provider.

When information must be made publicly available

- (5) The Secretary must make information mentioned in this section publicly available as soon as practicable after the approved provider has given the

Secretary the information. The Secretary is not required to make information about a matter publicly available until the approved provider has given the Secretary information about the matter.

Note: Approved providers are required to give information to the Secretary about matters mentioned in this section under the Act and instruments and agreements made under or for the purposes of the Act.

12 In the appropriate position in Part 4

Insert:

10 Amendments made by the *Aged Care Legislation Amendment (Transparency of Information) Principles 2023*

Section 8A of this instrument, as added by the *Aged Care Legislation Amendment (Transparency of Information) Principles 2023*, applies in relation to information given to the Secretary on or after 1 July 2023.