



# **Accountability Amendment (Access and Assistance for Independent Health and Aged Care Pricing Authority) Principles 2023**

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

Dated            8 August 2023

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>
	<i>Accountability Principles 2014</i>	2



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## 1 Name

This instrument is the *Accountability Amendment (Access and Assistance for Independent Health and Aged Care Pricing Authority) 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	The day after this instrument is registered.	15 August 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Section 4 (note)

Repeal the note, substitute:

- Note: A number of expressions used in these principles are defined in the Act, including the following:
- (a) approved provider;
  - (b) disqualified individual;
  - (c) flexible care;
  - (d) home care;
  - (e) key personnel;
  - (f) Pricing Authority;
  - (g) Quality and Safety Commissioner;
  - (h) residential care.

#### 2 Section 4

Insert:

***participating care recipient***: a care recipient is a ***participating care recipient*** for a Pricing Authority advice activity if:

- (a) consent for the care recipient to participate in the activity has been given by:
  - (i) the care recipient; or
  - (ii) if the care recipient lacks capacity to give consent to participate in the activity—a representative of the care recipient; and
- (b) that consent has not been withdrawn by:
  - (i) the care recipient; or
  - (ii) if the care recipient lacks capacity to withdraw consent to participate in the activity—a representative of the care recipient.

***Pricing Authority advice activity*** means an activity mentioned in paragraph 131A(1)(c) of the *National Health Reform Act 2011* conducted for the purpose of performing a function mentioned in paragraph 131A(1)(a) of that Act.

#### 3 After Part 1A

Insert:

### **Part 1B—Access, facilities and assistance for Pricing Authority advice activities—residential care services**

#### 4C Purpose of this Part

For the purposes of paragraphs 63-1(1)(hb) and (hc) of the Act, this Part requires an approved provider of a residential care service to:

- (a) allow persons performing Pricing Authority advice activities access to the service; and

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- (b) provide such persons with all reasonable facilities and assistance necessary for the performance of those activities.

#### **4D Allowing access to service and providing facilities and assistance—general**

- (1) This section applies if:
  - (a) the Pricing Authority gives the approved provider of a residential care service notice in writing that access to the service is required on a day specified in the notice for the conduct of a Pricing Authority advice activity; and
  - (b) the notice is given at least 14 days before the specified day.

##### *Access*

- (2) The approved provider must allow the persons performing the activity timely access to the following on the specified day as required for the persons to perform the activity:
  - (a) all areas of the premises of the service, other than the personal rooms of care recipients who are not participating care recipients for the activity;
  - (b) service staff in relation to the service who are on the premises of the service on the specified day;
  - (c) the care recipients who are provided with residential care through the service and are participating care recipients for the activity;
  - (d) records kept by the approved provider.

Note: For paragraph (d), examples of records kept by the approved provider that may be required for the persons to perform the activity include the following:

- (a) records relating to the care needs of care recipients who are provided with residential care through the service;
- (b) records relating to the costs of providing residential care.

##### *Facilities and assistance—general*

- (3) The approved provider must provide the persons performing the activity with all reasonable facilities and assistance necessary for the performance of the activity, including but not limited to any of the following:
  - (a) site orientation, including guidance on how to safely navigate the premises of the service;
  - (b) dissemination of information to service staff in relation to the service and care recipients and their families or representatives;
  - (c) access to facilities at the premises of the service for working onsite at the premises;
  - (d) instructions necessary for accessing records of the service.

#### **4E Providing assistance—data**

- (1) This section applies if:
  - (a) the Pricing Authority gives the approved provider of a residential care service notice in writing of data that is necessary for the conduct of a Pricing Authority advice activity; and
  - (b) the notice specifies a day for providing the data; and
  - (c) the notice is given at least 14 days before the specified day.

- (2) The notice may specify requirements for the form or quality of the data or the manner for providing the data.
- (3) The approved provider must provide the data in accordance with the notice.

#### **4F Providing assistance—access to relevant persons**

- (1) This section applies if:
  - (a) the Pricing Authority gives the approved provider of a residential care service notice in writing that access to a person mentioned in subsection (2) (a **relevant person**) is required for the conduct of a Pricing Authority advice activity; and
  - (b) the notice specifies a day by which arrangements must be made for the access; and
  - (c) the notice is given at least 14 days before the specified day.
- (2) For the purposes of paragraph (1)(a), the persons are the following:
  - (a) a specified member of the key personnel of the provider;
  - (b) a member of the key personnel of the provider who is responsible for a specified matter for the provider;
  - (c) a specified member of the service staff in relation to the service;
  - (d) a member of the service staff in relation to the service who is responsible for a specified matter for the service.
- (3) The approved provider must:
  - (a) before the end of the specified day, make arrangements to allow the persons performing the activity timely access to the relevant person; and
  - (b) facilitate the access in accordance with the arrangements.