



Aged Care Legislation Amendment (Vaccination Information) Principles 2024

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

Dated 5 December 2024

Anika Wells
Minister for Aged Care

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1 Name

This instrument is the *Aged Care Legislation Amendment (Vaccination Information) Principles 2024*.

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	6 December 2024.	6 December 2024

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Sections 30BA and 30C

Repeal the sections, substitute:

30BA Reports about service staff—**influenza vaccinations**

Residential care services, certain flexible care services, and home care services

- (1) An approved provider of:
- (a) a residential care service; or
 - (b) a flexible care service through which transition care is provided (whether in a residential or community setting); or
 - (c) a flexible care service through which short-term restorative care is provided (whether in a residential care setting or a home care setting); or
 - (d) a home care service;

must, on request by the Secretary, give the Secretary a report, in a form approved by the Secretary, that sets out the following information in relation to the service staff in relation to the service, as at the reporting day specified in the request:

- (e) the total number of service staff in relation to the service;
- (f) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received the annual seasonal influenza vaccination for the calendar year that includes the reporting day (whether or not under the approved provider's influenza vaccination scheme (if any)).

Note: Certain approved providers must have an influenza vaccination scheme for service staff: see sections 8 and 15BA of the *Quality of Care Principles 2014*.

Multi-purpose services

- (2) An approved provider of a multi-purpose service must, on request by the Secretary, give the Secretary a report, in a form approved by the Secretary, that sets out the following information in relation to the service staff in relation to the service who access, or are reasonably likely to access, any premises where residential care is provided through the service, as at the reporting day specified in the request:
- (a) the total number of those service staff;
 - (b) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received the annual seasonal influenza vaccination for the calendar year that includes the reporting day.

Secretary may request report

- (3) The Secretary may, at any time, request an approved provider to give to the Secretary a report under subsection (1) or (2).
- (4) A request under subsection (3) must:
- (a) be in writing; and

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- (b) specify a reporting day that is not more than 3 years before the request is made.
 - (5) An approved provider must comply with a request under subsection (3) within 7 days after the request is made, or such longer period as is agreed, in writing, between the Secretary and the approved provider.

30C Reports about service staff—COVID-19 vaccinations

Residential care services, certain flexible care services, and home care services

- (1) An approved provider of:
 - (a) a residential care service; or
 - (b) a flexible care service through which transition care is provided (whether in a residential or community setting); or
 - (c) a flexible care service through which short-term restorative care is provided (whether in a residential care setting or a home care setting); or
 - (d) a home care service;
 must, on request by the Secretary, give the Secretary a report, in a form approved by the Secretary, that sets out the following information in relation to the service staff in relation to the service, as at the reporting day specified in the request:
 - (e) the total number of service staff in relation to the service;
 - (f) the number of those service staff who have voluntarily informed the approved provider that they have, in the period specified in the request before the reporting day, received a COVID-19 vaccination.

Multi-purpose services

- (2) An approved provider of a multi-purpose service must, on request by the Secretary, give the Secretary a report, in a form approved by the Secretary, that sets out the following information in relation to the service staff in relation to the service who access, or are reasonably likely to access, any premises where residential care is provided through the service, as at the reporting day specified in the request:
 - (a) the total number of those service staff;
 - (b) the number of those service staff who have voluntarily informed the approved provider that they have, in the period specified in the request before the reporting day, received a COVID-19 vaccination.

Secretary may request report

- (3) The Secretary may, at any time, request an approved provider to give to the Secretary a report under subsection (1) or (2).
- (4) A request under subsection (3) must:
 - (a) be in writing; and
 - (b) specify a reporting day that is not more than 3 years before the request is made.
- (5) An approved provider must comply with a request under subsection (3) within 7 days after the request is made, or such longer period as is agreed, in writing, between the Secretary and the approved provider.

2 Subsection 30CA(2) (definition of *influenza vaccination reporting day*)

Repeal the definition, substitute:

influenza vaccination reporting day means each of the following:

- (a) 31 July 2025;
- (b) each subsequent 31 July.

3 Section 30D

Repeal the section, substitute:

30D Reports about residential care recipients—COVID-19 vaccinations

- (1) An approved provider of:
 - (a) a residential care service; or
 - (b) a flexible care service through which transition care is provided in a residential setting; or
 - (c) a flexible care service through which short-term restorative care is provided in a residential care setting; or
 - (d) a multi-purpose service;must, on request by the Secretary, give the Secretary a report, in a form approved by the Secretary, that sets out the following information, as at the reporting day specified in the request:
 - (e) the total number of care recipients to whom residential care is provided through the service;
 - (f) the number of those care recipients who have voluntarily informed the approved provider that they have, in the period specified in the request before the reporting day, received one or more COVID-19 vaccinations;
 - (g) the number of care recipients covered by paragraph (f) who informed the approved provider that they had received only one COVID-19 vaccination;
 - (h) the number of care recipients covered by paragraph (f) who informed the approved provider that they had received 2 COVID-19 vaccinations.
- (2) The Secretary may, at any time, request an approved provider to give to the Secretary a report under subsection (1).
- (3) A request under subsection (2) must:
 - (a) be in writing; and
 - (b) specify a reporting day that is not more than 3 years before the request is made.
- (4) An approved provider must comply with a request under subsection (2) within 7 days after the request is made, or such longer period as is agreed, in writing, between the Secretary and the approved provider.

4 In the appropriate position in Part 8

Insert:

62 Application—amendments made by the *Aged Care Legislation Amendment (Vaccination Information) Principles 2024*

The amendments of sections 30BA, 30C, 30CA and 30D made by the *Aged Care Legislation Amendment (Vaccination Information) Principles 2024* apply in

relation to information given to an approved provider, as mentioned in those sections, regardless of whether the information was given before, on or after 6 December 2024.

Records Principles 2014

5 Sections 10A, 10B and 10C

Repeal the sections, substitute:

10A Records about service staff—*influenza vaccinations*

Residential care services, certain flexible care services, and home care services

- (1) An approved provider of:
- (a) a residential care service; or
 - (b) a flexible care service through which transition care is provided (whether in a residential or community setting); or
 - (c) a flexible care service through which short-term restorative care is provided (whether in a residential care setting or a home care setting); or
 - (d) a home care service;
- must keep records, for each calendar year, of the following information:
- (e) the total number of service staff in relation to the service;
 - (f) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received the annual seasonal influenza vaccination for that year (whether or not under the approved provider's influenza vaccination scheme (if any)).

Note: Certain approved providers must have an influenza vaccination scheme for service staff: see sections 8 and 15BA of the *Quality of Care Principles 2014*.

Multi-purpose services

- (2) An approved provider of a multi-purpose service must keep records, for each calendar year, of the following information in relation to the service staff in relation to the service who access, or are reasonably likely to access, any premises where residential care is provided through the service:
- (a) the total number of those service staff;
 - (b) the number of those service staff who have informed the approved provider, whether voluntarily or as required under a law of a State or Territory, that they have received the annual seasonal influenza vaccination for that year.

10B Records about service staff—*COVID-19 vaccinations*

Residential care services, certain flexible care services, and home care services

- (1) An approved provider of:
- (a) a residential care service; or
 - (b) a flexible care service through which transition care is provided (whether in a residential or community setting); or

- (c) a flexible care service through which short-term restorative care is provided (whether in a residential care setting or a home care setting); or
- (d) a home care service;

must keep records, for each calendar year, of the following information:

- (e) the total number of service staff in relation to the service;
- (f) the number of those service staff who have voluntarily informed the approved provider that they have received a COVID-19 vaccination in that year.

Multi-purpose services

- (2) An approved provider of a multi-purpose service must keep records, for each calendar year, of the following information in relation to the service staff in relation to the service who access, or are reasonably likely to access, any premises where residential care is provided through the service:
 - (a) the total number of those service staff;
 - (b) the number of those service staff who have voluntarily informed the approved provider that they have received a COVID-19 vaccination in that year.

10C Records about residential care recipients—vaccinations

- (1) This section applies to an approved provider of any of the following:
 - (a) a residential care service;
 - (b) a flexible care service through which transition care is provided in a residential setting;
 - (c) a flexible care service through which short-term restorative care is provided in a residential care setting;
 - (d) a multi-purpose service.

Influenza vaccinations

- (2) The approved provider must keep records, for each calendar year, of the following information:
 - (a) the total number of care recipients to whom residential care is provided through the service;
 - (b) the number of those care recipients who have voluntarily informed the approved provider that they have received the annual seasonal influenza vaccination for that year.

COVID-19 vaccinations

- (3) The approved provider must keep records, for each calendar year, of the following information:
 - (a) the total number of care recipients to whom residential care is provided through the service;
 - (b) the number of those care recipients who have voluntarily informed the approved provider that they have received one or more COVID-19 vaccinations in that year;
 - (c) the number of care recipients covered by paragraph (b) who informed the approved provider that they had received only one COVID-19 vaccination;

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- (d) the number of care recipients covered by paragraph (b) who informed the approved provider that they had received 2 COVID-19 vaccinations.

6 Section 11

Before “An approved provider who”, insert “(1)”.

7 At the end of section 11

Add:

- (2) An approved provider must retain records that the approved provider was required to keep under section 10A, 10B or 10C of this instrument as in force immediately before 6 December 2024 for a period of 3 years after that date.

Note: Those records relate to information given by service staff and care recipients to the approved provider about certain vaccinations.

8 In the appropriate position in Part 3

Insert:

14 Application provision—amendments made by the *Aged Care Legislation Amendment (Vaccination Information) Principles 2024*

The amendments of sections 10A, 10B and 10C of this instrument made by the *Aged Care Legislation Amendment (Vaccination Information) Principles 2024* apply in relation to information given to an approved provider:

- (a) on or after 6 December 2024; and
- (b) before 6 December 2024 if the information was required to be kept under section 10A, 10B or 10C of this instrument as in force immediately before 6 December 2024.