



# Appendix E – Responsibilities of approved Home Care Package (HCP) providers

Approved providers must deliver aged care services through the HCP Program that align with the responsibilities and standards specified in the [Aged Care Act 1997](#) and associated legislation.

This appendix is designed to be used together with the [HCP Program Operational Manual](#) (HCP Manual) to assist providers to meet their obligations as approved providers of aged care.

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# 1. Quality of care – Part 4.1 in the *Aged Care Act 1997*

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Quality of care	Approved providers must comply with the <a href="#">Aged Care Quality Standards</a> .	Section 54-1 of the <i>Aged Care Act 1997</i>	<a href="#">Quality of Care Principles 2014</a>	Section 3
Quality of care	Providers must maintain an adequate number of appropriately skilled staff to ensure that the care needs of care recipients are met.	Section 54-1 of the <i>Aged Care Act 1997</i>	Quality of Care Principles 2014	Section 4
Care and services	An approved provider of a home care service must provide a package of care and services that includes: <ul style="list-style-type: none"> <li>• care management</li> <li>• at least one other service that is specified in Part 1 of Schedule 3 of the Quality of Care Principles (or is agreed per subsection 13(2) of the Quality of Principles 2014).</li> </ul> Extracted at Section 9.2 of the HCP Manual.	Section 54-1 of the <i>Aged Care Act 1997</i>	Quality of Care Principles 2014	Section 9
Care and services	Part 2 of Schedule 3 of the Quality of Care Principles specify excluded items that must not be included in	Section 54-1 of the <i>Aged Care Act 1997</i>	Quality of Care Principles 2014	Section 9

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	the package of care and services provided under section 13 of the Quality of Care Principles.  Extracted at Section 9.3 of the HCP Manual.			
Care and services	Care and services provided to the care recipient must be consistent with their care plan.	Section 54-1 of the <i>Aged Care Act 1997</i>	Quality of Care Principles 2014	Section 7

## 2. Rights of care recipients – Part 4.2 in the *Aged Care Act 1997*

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Budgets, fees and pricing	An approved provider of home care must not charge for the care recipient's entry to the service through which the care is, or is to be, provided.	Section 562(a) of the <i>Aged Care Act 1997</i>	<a href="#">User Rights Principles 2014</a>	Section 6
Budgets, fees and pricing	If the care recipient is a post-1 July 2014 care recipient, providers must not charge more than the maximum daily amount.	Sections 52D-1, 52D-2 and 56-2(b) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 7

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<p>The maximum daily amount depends on the care recipient and will need to be worked out using the home care fee calculator. The home care fee calculator is at section 52D-2 of the <i>Aged Care Act 1997</i>.</p>			
Budgets, fees and pricing	<p>If a care recipient who is a post-1 July 2014 care recipient leaves the HCP Program, any fees paid in advance in respect of a period occurring after the care recipient's death, or the cessation of home care, must be refunded to the care recipient.</p>	<p>Sections 52D-1 and 56-2(b) of the <i>Aged Care Act 1997</i></p>	<p><a href="#">Fees and Payments Principles 2014 (No.2)</a> User Rights Principles 2014</p>	Section 14
Budgets, fees and pricing	<p>If the care recipient is a pre-1 July 2014 care recipient, providers must charge no more for provision of the care and services than the amount permitted by the Aged Care (Transitional Provisions) Principles.  This is outlined in Appendix A of the HCP Manual.</p>	<p>Section 562(c) of the <i>Aged Care Act 1997</i>  Sections 601(a) and 60-2 of the <a href="#">Aged Care (Transitional Provisions) Act 1997</a></p>	<p><a href="#">Aged Care (Transitional Provisions) Principles 2014</a>  User Rights Principles 2014</p>	Appendix A

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Budgets, fees and pricing	Care recipients must not be required to pay home care fees more than one month in advance.	Section 52D1 of the <i>Aged Care Act 1997</i>  Section 601(b) of the <i>Aged Care (Transitional Provisions) Act 1997</i>	User Rights Principles 2014	Appendix A
Budgets, fees and pricing	Providers must not charge home care fees for any period prior to the time the care recipient was being provided with home care.	Sections 562(b), 562(c) and 52D-1 of the <i>Aged Care Act 1997</i>  Section 60-1(c) of the <i>Aged Care (Transitional Provisions) Act 1997</i>	User Rights Principles 2014	Appendix A
Fees and payments	If a care recipient who is a pre-1 July 2014 care recipient leaves the HCP Program, any fees paid in advance in respect of a period occurring after the care recipient's death, or the cessation of home care, must be refunded as soon as practicable to the	Section 601(d) of the <i>Aged Care (Transitional Provisions) Act 1997</i>	Aged Care (Transitional Provisions) Principles 2014	Appendix A

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	care recipient or a person authorised to receive the refund for the care recipient's estate.			
Agreements with care recipients	Providers must provide such other care and services as agreed in the Home Care Agreement between the approved provider and the care recipient.	Section 562(e) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 6
Fees and payments	Providers must charge no more for any other care or services than an amount agreed beforehand with the care recipient.	Section 562(d) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 7
Budgets, fees and pricing	Providers must give the care recipient an itemised account of any other care or services.	Section 562(d) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 10
Stability of approved provider	Providers must provide security of tenure to care recipients.  The approved provider may cease to provide home care to the care recipient only if: <ul style="list-style-type: none"> <li>the care recipient cannot be cared for in the community with the resources available to the approved provider</li> </ul>	Section 562(f) and 631AA of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 3

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>• the care recipient notifies the approved provider, in writing, that they wish to move to a location where home care is not provided by the provider</li> <li>• the care recipient notifies the approved provider, in writing, that they no longer wish to receive the home care</li> <li>• the care recipient's condition changes to the extent that the care recipient no longer needs home care, or the care recipient's needs, as assessed by an aged care assessor, can be more appropriately met by other types of services or care</li> <li>• the care recipient has: <ul style="list-style-type: none"> <li>○ not paid to the approved provider (for a reason within the care recipient's control) any home care fee specified in the Home Care Agreement between the care recipient and the approved provider</li> <li>○ not negotiated an alternative arrangement with the approved provider for payment of the home care fee</li> </ul> </li> </ul>			

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>the care recipient has intentionally caused serious injury to or infringed the right of a staff member (to work in a safe environment) of the approved provider.</li> </ul>			
Agreements with care recipients	Providers must offer to enter into a Home Care Agreement with the care recipient, and, if the care recipient wishes, to enter into such an agreement.	Section 562(g) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 6
Agreements with care recipients	The Home Care Agreement must include specified provisions. These are extracted at Section 6 of the HCP Manual.	Section 61-1 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 6
Monitoring, compliance and other access	Providers must allow people acting for bodies that have been paid advocacy grants under Part 5.5 to have access to each home care service through which they provide home care.	Section 562(j) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 12
Rights of care recipients	Providers must not act in a way which is inconsistent with the legal and consumer rights of a care recipient.	Sections 541(1)(d) and 56-2(k) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Sections 3 and 6



Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Rights of care recipients	<p>Providers must give a prospective care recipient a copy of the <a href="#">Charter of Aged Care Rights</a>. The copy of the Charter of Aged Care Rights that is provided must:</p> <ul style="list-style-type: none"> <li>• be signed by a staff member of the provider</li> <li>• include the signature of the care recipient, or their authorised person if they have signed it</li> <li>• include the date on which the care recipient or their authorised person was given reasonable opportunity to sign the Charter of Aged Care Rights, if they have not signed it</li> <li>• set out the full name of the care recipient</li> <li>• set out the full name of an authorised person who was present at the time the copy of the Charter of Aged Care Rights was given to the care recipient, if relevant</li> <li>• set out the date on which the copy of the Charter of Aged Care Rights was given to the care recipient.</li> </ul> <p>This must be done:</p>	Sections 562(k) and 56-2(l) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 3

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>• before the care recipient enters into a Home Care Agreement with the provider's home care service</li> <li>• by 1 December 2019 for care recipients who were already receiving home care services from the provider on 1 July 2019.</li> </ul>			
Rights of care recipients	<p>Providers must give a prospective care recipient information about:</p> <ul style="list-style-type: none"> <li>• their rights and responsibilities (including in relation to the payment of home care fees)</li> <li>• the rights and responsibilities of their provider.</li> </ul> <p>This must be done before the care recipient enters into a Home Care Agreement with the provider.</p>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 3
Rights of care recipients	Providers must assist prospective care recipients to understand information provided to them, including the Charter of Aged Care Rights.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 3

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Rights of care recipients	Providers must ensure that the care recipient, or an authorised person of the care recipient, has been given reasonable opportunity to sign a copy of the Charter of Aged Care Rights (after it has been provided to them).	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 3
Rights of care recipients	Providers must take reasonable steps to prevent the provider (or a person employed or otherwise engaged by the provider) from causing damage to a care recipient's home and other property in the course of providing the home care.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	-
Rights of care recipients	Providers must provide such information as is reasonably necessary to assist a care recipient to choose the care and services that best meet their goals and assessed needs and preferences, within the limits of the resources available.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 8
Care and services	Providers must give care recipients a written plan of the care and services that they will receive: <ul style="list-style-type: none"> <li>• before the care recipient receives home care, or</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 8

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>within 14 days of the date on which they commence receiving home care.</li> </ul>			
Budgets, fees and pricing	Providers must give care recipients invoices that are clear and in a format that is understandable.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 10
Budgets, fees and pricing	Providers must periodically review the home care fees that each care recipient is liable to pay, including if requested to do so by a care recipient on the grounds that the care recipient's financial circumstances have changed.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 7
Budgets, fees and pricing	Providers must provide notice of their pricing schedule to the Secretary before offering to enter into a Home Care Agreement with a care recipient.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix B
Budgets, fees and pricing	Providers must review their pricing schedule and price list at least every 12 months, and: <ul style="list-style-type: none"> <li>if there is to be a change, provide the Secretary with an updated notice, or</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix B

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>if there is not to be a change, provide the Secretary with a written notice that they have reviewed the information.</li> </ul>			
Care recipients changing providers/ leaving	<p>If a pre-1 July 2014 care recipient intends to move to another home care service, the provider that is to provide the new service must give the care recipient written notice of the following:</p> <ul style="list-style-type: none"> <li>If the care recipient moves to the new service within 28 days of leaving the old service, they may make a written choice to be covered by the post-1 July 2014 arrangements in relation to the new service. <ul style="list-style-type: none"> <li>Note: that choice cannot be made after they have already moved to the new service. If they do not make a choice before entering the new service, they will be covered by the pre-1 July 2014 arrangements.</li> </ul> </li> <li>If the care recipient moves to the new service 28 days or more after leaving the old service, they will automatically be covered by the post-1 July 2014 arrangements.</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix A

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>• If the care recipient is covered by the post-1 July 2014 arrangements that may result in a change to their fees payable.</li> <li>• If the care recipient moves from the pre-1 July 2014 arrangements to the post-1 July 2014 arrangements, they cannot make a choice to return to the pre-1 July 2014 arrangements.</li> </ul>			
Care recipients changing providers/ leaving	If a pre-1 July 2014 care recipient intends to move to another home care service, the provider that is to provide the new service must give the care recipient a copy of the document titled ' <a href="#">New Arrangements for Aged Care – for 1 July 2014</a> ', published by the department, as it exists on 1 July 2014.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix A
Budgets, fees and pricing	Providers must give every care recipient to whom they provide, or are to provide, home care, a written individualised budget which sets out a budget for the care and services detailed in the care recipient's care plan. The budget must be provided as soon as practicable after the provider has all the necessary information to complete it.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 7

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<p>The budget must state the amount of Home Care Packages subsidy payable to the provider for the care recipient in respect of the period agreed between the care recipient and provider, and the maximum amount of home care fees payable by the care recipient in respect of that period.</p>			
Budgets, fees and pricing	<p>Providers must prepare a care recipient's individualised budget:</p> <ul style="list-style-type: none"> <li>• in partnership with the care recipient, and</li> <li>• considering the care recipient's goals, assessed needs, preferences, resources available, and the services selected by the care recipient.</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 7
Budgets, fees and pricing	<p>Providers must review and, if necessary, revise the individualised budget of the care recipient if:</p> <ul style="list-style-type: none"> <li>• a change to the care and services to be provided through the home care service is proposed</li> <li>• the costs or providing the care and services change</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 10

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>the care recipient requests the provider to do so.</li> </ul> <p>If the care recipient requests the review, the review must be completed within 14 days of the request.</p>			
Budgets, fees and pricing	If the provider reviews the individualised budget they must give the care recipient a copy of the revised individualised budget and help them understand it.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 10
Budgets, fees and pricing	<p>Providers must give all care recipients a written monthly statement of the available funds and the expenditure in respect of the home care provided to the care recipient during the month.</p> <p>The statement must be provided as soon as practicable after the provider has all the necessary information to complete it.</p> <p>The monthly statement must specify:</p> <ul style="list-style-type: none"> <li>the amount of Home Care Packages subsidy paid or payable to the provider for the care recipient in respect of the month</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 10



Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>• the total amount of home care fees paid or payable by the care recipient in respect of the month</li> <li>• the total amount paid or payable by the provider in respect of the home care provided to the care recipient during the month</li> <li>• an itemised list of the care and services provided to the care recipient during the month and the total amount paid or payable in relation to each kind of care or service</li> <li>• the total amount (if any) of the funds received or to be received in respect of any previous month for the provision of home care to the care recipient that have not been spent</li> <li>• if, during the month, the transfer portion of the care recipient's unspent home care amount was received by the approved provider — the amount that was received.</li> </ul>			
Budgets, fees and pricing	Providers must help care recipients to understand their monthly statements.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 10

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Care recipients changing providers/ leaving	<p>Provider must give notice to care recipients or, if the care recipient has passed away, their legal personal representative, of care recipients ceasing to receive care from their service within 56 days of the cessation date.</p> <p>The notice must specify:</p> <ul style="list-style-type: none"> <li>• the cessation date,</li> <li>• the care recipient’s total unspent home care amount and amounts broken into the Commonwealth portion, the care recipient portion and the transfer portion</li> <li>• the unpaid home care fee amount deducted (if relevant).</li> </ul> <p>The notice must also explain how unspent funds will be transferred.</p>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 14
Care recipients changing providers/ leaving	Providers must pay the care recipient and transfer portion of unspent funds as specified in the User Rights Principles. The relevant tables have been extracted at Sections 13 and 14 of the HCP Manual.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Sections 13 and 14

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Care recipients changing providers/ leaving	Providers who are making payment of a transfer amount to a care recipient's new provider must give the new provider the notice issued to the care recipient on their cessation at the time they pay the transfer portion to the new provider.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Section 13
Care recipients changing providers/ leaving	<p>Providers must give written notice to the Secretary, in an approved form, within 70 days after a care recipient's cessation date that specifies:</p> <ul style="list-style-type: none"> <li>• if there is a Commonwealth portion of the care recipient's unspent home care amount,</li> <li>• if the Commonwealth portion of the care recipient's unspent home care amount is nil.</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Sections 13 and 14
Care recipients changing providers/ leaving	Providers must not deduct an exit amount for a care recipient leaving their care from a care recipient's unspent funds.	Section 562(aa) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Sections 2.2, 5.6, 6.6, 13 and 14

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Budgets, fees and pricing	Providers must not charge care recipients separately for costs (however described) that are business costs or costs of providing care or services through a subcontracting arrangement.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix B and Section 2, 5, 6 and 7
Budgets, fees and pricing	Providers must not charge care recipients more than a reasonable amount for: <ul style="list-style-type: none"> <li>• care or services</li> <li>• travel</li> <li>• sub-contracting arrangements</li> <li>• package management.</li> </ul>	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix B
Budgets, fees and pricing	Providers must not charge care recipients more than a reasonable amount for business costs and costs of providing care or services through a subcontracting arrangement.	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix B and Sections 2, 5 and 7
Budgets, fees and pricing	Providers must charge care recipients the fees and/or prices listed in their pricing schedule (as it applies on the relevant day the service was provided) unless the Home Care Agreement	Section 56-2 of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Appendix B

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	specifies a different fee and/or price and the reason for the different amount.			
Budgets, fees and pricing	An approved provider of home care must not charge more for a home care service than is specified in the User Rights Principles 2014.	Section 562(ab) of the <i>Aged Care Act 1997</i>	User Rights Principles 2014	Sections 2, 5 and 7
Rights of care recipients	Provider must establish a complaints resolution mechanism for their aged care service.	Section 564(1) of the <i>Aged Care Act 1997</i>	-	Section 10
Rights of care recipients	Providers must use their complaints resolution mechanism to address any complaints made by or on behalf of a care recipient to whom care is provided through the service. The complaints resolution mechanism must be the complaints resolution mechanism provided for in the Home Care Agreement entered into between the provider and the care recipient.	Section 56-4(1) of the <i>Aged Care Act 1997</i>	-	Section 10
Rights of care recipients	Providers must advise a complainant of any other mechanisms that are available to address	Section 56-4(1) of the <i>Aged Care Act 1997</i>	-	Section 10

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	complaints and provide such assistance as the care recipient requires to use those mechanisms.			
Rights of care recipients	Providers must comply with any requirement made of the provider in relation to a direction made by the <a href="#">Aged Care Quality and Safety Commission</a> .	Section 56-4(1) of the <i>Aged Care Act 1997</i> Section 21(2) of the <a href="#">Aged Care Quality and Safety Commission Act</a>	<a href="#">Aged Care Quality and Safety Commission Rules 2018</a>	Section 3
Information and record keeping	Personal information must not be used other than: <ul style="list-style-type: none"> <li>for a purpose connected with the provision of aged care to the person by the approved provider</li> <li>for a purpose for which the personal information was given by or on behalf of the person to the approved provider.</li> </ul>	Sections 562(h) and 62-1 of the <i>Aged Care Act 1997</i>	-	-
Information and record keeping	Except with the written consent of the person, personal information must not be disclosed to any other person other than: <ul style="list-style-type: none"> <li>for a purpose connected with the provision of aged care to the care recipient by the approved provider</li> </ul>	Section 562(h) and 62-1(b) of the <i>Aged Care Act 1997</i>	-	-

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>• for a purpose connected with the provision of aged care to the care recipient by another approved provider</li> <li>• for a purpose for which the personal information was given by or on behalf of the care recipient</li> <li>• for the purpose of complying with an obligation under the <i>Aged Care Act 1997</i>, the <i>Aged Care (Transitional Provisions) Act 1997</i> or any of the principles.</li> </ul>			
Information and record keeping	Personal information must be protected with security safeguards that it is reasonable in the circumstances to take against the loss or misuse of the information.	Section 611(c) of the <i>Aged Care Act 1997</i>	-	-

### 3. Accountability – Part 4.3 in the *Aged Care Act 1997*

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Record keeping	<p>Providers must keep the following kinds of records about care recipients:</p> <ul style="list-style-type: none"> <li>• assessments of care recipients</li> <li>• individual care plans</li> <li>• medical records, progress notes and other clinical records</li> <li>• schedules of fees and charges</li> <li>• Home Care Agreements</li> <li>• accounts of care recipients</li> <li>• records relating to care recipients' entry, discharge and leave arrangements, including death certificates where appropriate</li> <li>• records relating to a determination that a care recipient is a care recipient with financial hardship</li> <li>• in relation to a continuing home care recipient of care to whom the approved provider starts to provide home care through a home care service on or after 1 July 2014 — a record of whether the care recipient made a written choice regarding whether they would be</li> </ul>	<p>Sections 631(1)(a) and 87-2 of the <i>Aged Care Act 1997</i></p> <p>Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	<p><a href="#">Records Principles 2014</a></p> <p>User Rights Principles 2014</p>	-



Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<p>covered by the pre or post-1 July 2014 arrangements</p> <ul style="list-style-type: none"> <li>• up to date records of: <ul style="list-style-type: none"> <li>○ the name and contact details of at least one representative of each care recipient</li> <li>○ the name and contact details of any other representative of a care recipient</li> </ul> </li> <li>• copies of unspent funds notices</li> <li>• records relating to the payment of the care recipient portion or transfer portion of care recipients' unspent home care amounts.</li> </ul>			
Record keeping	Providers must keep all required records for care recipients for 3 years after 30 June of the year in which they ceased to provide care to the care recipient.	Section 631(2) of the <i>Aged Care Act 1997</i>  Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i>	Records Principles 2014	-
Record keeping	Providers must keep records relating to each copy of the Charter of Aged Care Rights given a care recipient.	Sections 631(1)(a) and 87-2 of the <i>Aged Care Act 1997</i>	Records Principles 2014	-

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<p><b>Note:</b> this requirement does not apply if the care recipient does not enter the provider's home care service.</p>	<p>Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>		
Record keeping	<p>Providers must keep records that enable them to demonstrate that:</p> <ul style="list-style-type: none"> <li>• they have police certificates that are not more than 3 years old, for all staff members or volunteers</li> <li>• for any period where a staff member or volunteer was without a police certification: <ul style="list-style-type: none"> <li>○ an application for a police certificate had been made</li> <li>○ any statutory declaration required to be made by a staff member or volunteer has been made.</li> </ul> </li> </ul> <p>Police certificates must be kept in compliance with the <a href="#">Privacy Act 1988</a>.</p>	<p>Sections 631(1)(a) and 87-2 of the <i>Aged Care Act 1997</i></p> <p>Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Records Principles 2014	-
Record keeping	<p>Providers must keep records (in written or electronic form) that enable claims for payments of subsidy to be properly verified. These records must be kept for</p>	<p>Section 63-1 of the <i>Aged Care Act 1997</i></p>	-	-

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	3 years after 30 June of the year in which the record was made.	Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i>		
Record keeping	Providers must keep records (in written or electronic form) that enable proper assessments to be made of whether the approved provider had complied, or is complying, with its responsibilities. These records must be kept for 3 years after 30 June of the year in which the record was made.	Section 631(1) of the <i>Aged Care Act 1997</i>  Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i>	-	-
Monitoring, compliance and other access	Providers must co-operate with any person who is exercising powers under Part 6.4 in relation to the service and comply with Part 6.4 in relation to the person's exercise of those powers.  Part 6.4 of the <i>Aged Care Act 1997</i> makes provisions for authorised officers to exercise monitoring and questioning powers. The following obligations arise in relation to exercise of those powers:	Sections 631(1)(b) and 90-1 to 94-2 of the <i>Aged Care Act 1997</i>	-	-

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>• a person at any premises entered into under a warrant must provide reasonable assistance to an authorised officer</li> <li>• a person whom the Secretary has requested to give evidence pursuant to section 93-1 must: <ul style="list-style-type: none"> <li>○ attend at a time and place specified in the notice</li> <li>○ take any oath or affirmation requirement</li> <li>○ answer any questions put by an officer or produce any documents (or copies or documents) as are referred to in the notice.</li> </ul> </li> </ul> <p><b>Note:</b> They may refuse any requests that lead to self-incrimination, or do not relate to:</p> <ul style="list-style-type: none"> <li>a) the affairs of a corporation that is/has been an approved provide</li> <li>b) the payment of a subsidy.</li> </ul>			
Monitoring, compliance and other access	Providers must co-operate with any person who is exercising powers under Part 8 of the <i>Aged Care Quality and Safety Commission Act 2018</i> in relation to the services.	Section 631(1)(b) of the <i>Aged Care Act 1997</i>	-	-

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	Part 8 of the <i>Aged Care Quality and Safety Commission Act 2018</i> currently enables authorised officers and regulatory officials to enter and search premises.	Part 8 of the <i>Aged Care Quality and Safety Commission Act 2018</i>		
Reporting and disclosure	Providers must notify the Secretary of the name and address of the service in relation to each home care service, in the form approved by the Secretary, before providing home care through the service.	Sections 91A and 631(1)(c) of the <i>Aged Care Act 1997</i>  Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i>	-	Sections 5 and 15
Reporting and disclosure	Providers must notify the Secretary of any changes to the name and address of the service within 28 days of the change.	Sections 91A and 631(1)(c) of the <i>Aged Care Act 1997</i>  Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i>	-	Section 15

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Reporting and disclosure	<p>Providers must notify the Aged Care Quality and Safety Commissioner of any change of circumstances that materially affects the approved provider's suitability to be a provider of aged care within 28 days of the change. Commonwealth for providing that aged care.</p> <p>If that change in circumstances relates, wholly or partly, to key personnel becoming a disqualified individual, the approved provider must notify the Secretary of the reason why they are, or are about to become, a disqualified individual.</p>	<p>Sections 9-1 and 631(1)(c) of the <i>Aged Care Act 1997</i></p> <p>Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	-	Section 15
Reporting and disclosure	<p>Providers must respond to a written request from the Commissioner for information relating to:</p> <ul style="list-style-type: none"> <li>• the provider's suitability to be a provider of aged care</li> <li>• payments made under the <i>Aged Care Act 1997</i> or <i>Aged Care (Transitional Provisions) Act 1997</i></li> <li>• the provider's financial situation: <ul style="list-style-type: none"> <li>○ within 28 days after the request was made</li> </ul> </li> </ul>	<p>Sections 9-2, 9-3, 9-3B and 631(1)(c) of the <i>Aged Care Act 1997</i></p> <p>Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	-	Section 15

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>○ within any shorter period as is specified in the notice</li> <li>○ before the time or times worked out in accordance with the request (if a periodic request is made with respect to financial information).</li> </ul>			
Monitoring, compliance and other access	Providers must allow aged care assessors, or other people authorised by the Secretary to assess the care needs of any care recipient, access to the service.	Section 631(1)(g) of the <i>Aged Care Act 1997</i>	-	-
Monitoring, compliance and other access	Providers to comply with any agreement they make in lieu of revocation of approved provider status, and with any undertaking they give to respond to notice to remedy non-compliance.	Sections 662(1)(b), 63-1(1)(k) and 67-4 of the <i>Aged Care Act 1997</i>	-	-
Reporting and disclosure	Providers must notify the Secretary, in writing and in an approved form, of each care recipient who starts to be provided with home care through the service. Notice must be provided within 28 days of the date the care recipient starts to be provided with home care through the service.	Section 631(1)(m) of the <i>Aged Care Act 1997</i>	<a href="#">Accountability Principles 2014</a>	Section 6

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Reporting and disclosure	Providers must notify the Secretary, in writing and in an approved form, of each care recipient who ceases to be provided with home care through the service. Notice must be provided within 31 days of the date the care recipient ceases to be provided with home care through the service.	Section 631(1)(m) of the <i>Aged Care Act 1997</i>	Accountability Principles 2014	Sections 13 and 14
Reporting and disclosure	Providers must give the Secretary an aged care financial report each financial year, within 4 months of the end of the financial year. The report must be signed by one of the providers' key personnel (who is authorised by the provider to sign the report).	Section 631(1)(m) of the <i>Aged Care Act 1997</i>	Accountability Principles 2014	Section 15
Reporting and disclosure	If a provider of an aged care service receives an aged care workforce census form sent by or on behalf of the department, the approved provider must complete the form and return it to the department by the date specified in the form.	Section 631(1)(m) of the <i>Aged Care Act 1997</i>	Accountability Principles 2014	-
Staff and volunteers	A provider must not allow a person to become a staff member or volunteer of the provider, unless satisfied that:	Section 631(1)(m) of the <i>Aged Care Act 1997</i>	Accountability Principles 2014	Section 4



Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<ul style="list-style-type: none"> <li>• the person has a police certificate that is not more than 3 years old that does not record that the person has been convicted of murder or sexual assault, or convicted or imprisoned for any other form of assault, or</li> <li>• the person has applied for a police certificate               <ul style="list-style-type: none"> <li>○ will be supervised when with care recipients until their police certificate is approved</li> <li>○ has completed a statutory declaration stated that they have not been convicted of murder or sexual assault, or convicted or imprisoned for any other form of assault</li> </ul> </li> <li>• if the person has been, at any time after turning 16, a citizen or permanent resident of a country other than Australia — the person has made a statutory declaration stating that the person has never been convicted of murder or sexual assault, or convicted or imprisoned for any other form of assault.</li> </ul>			

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Staff and volunteers	Providers must continue to satisfy the above requirements related to police certificates and suitability of staff members or volunteers. Providers must ensure that each person who is a staff member or volunteer is not allowed to continue to be a staff member or volunteer unless the above is satisfied.	Section 631(1)(m) of the <i>Aged Care Act 1997</i>	Accountability Principles 2014	Section 15
Staff and volunteers	Providers must take reasonable measures to require each person who is a staff member or volunteer to notify them if they are convicted of murder or sexual assault, or convicted or imprisoned for any other form of assault.	Section 631(1)(m) of the <i>Aged Care Act 1997</i>	Accountability Principles 2014	Sections 4 and 15
Monitoring, compliance and other access	<p>Providers must do the following in relation to each of their key personnel:</p> <ul style="list-style-type: none"> <li>• ensure that the person understands the obligations of key personnel and of approved providers under the <i>Aged Care Act 1997</i> in relation to disqualified individuals</li> <li>• if the provider reasonably believes that the person may be mentally incapable of performing their duties as one of the approved provider's key personnel — make</li> </ul>	Section 631A of the <i>Aged Care Act 1997</i>	<a href="#">Aged Care Legislation Amendment (New Commissioner Functions) Act 2019</a>	Sections 4 and 15

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<p>arrangements for the person to be examined by a registered medical practitioner</p> <ul style="list-style-type: none"> <li>if the provider has ascertained that the person is a disqualified individual — ensure that the person ceases to be one of the approved provider’s key personnel.</li> </ul>			
Monitoring, compliance and other access	<p>Providers must do the following in relation to each person who proposes to become, or becomes, one of their key personnel:</p> <ul style="list-style-type: none"> <li>obtain (with the person’s written consent) a police certificate for the person</li> <li>conduct a search of bankruptcy records</li> <li>conduct previous employment and referee checks.</li> </ul>	Section 631A of the <i>Aged Care Act 1997</i>	Aged Care Legislation Amendment (New Commissioner Functions) Act 2019	Sections 4 and 15
Monitoring, compliance and other access	<p>If the Secretary requests it, providers must provide information related to the steps the provider has taken to ensure that a person who is key personnel is not a disqualified individual.</p>	Section 631A of the <i>Aged Care Act 1997</i>	Aged Care Legislation Amendment (New Commissioner Functions) Act 2019	-

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
Monitoring, compliance and other access	An approved provider of home care must do all things reasonably practicable to ensure that there is no change to circumstances materially affecting their suitability to provide aged care.	Section 631C of the <i>Aged Care Act 1997</i>	-	-
Record keeping	<p>Providers must keep the following kinds of records about care recipients:</p> <ul style="list-style-type: none"> <li>• assessments of care recipients</li> <li>• individual care plans</li> <li>• medical records, progress notes and other clinical records</li> <li>• schedules of fees and charges</li> <li>• Home Care Agreements</li> <li>• accounts of care recipients</li> <li>• records relating to care recipients' entry, discharge and leave arrangements, including death certificates where appropriate</li> <li>• records relating to a determination that a care recipient is a care recipient with financial hardship</li> <li>• in relation to a continuing home care recipient of care to whom the approved provider starts to provide home care through a home care</li> </ul>	<p>Sections 631(1)(a) and 87-2 of the <i>Aged Care Act 1997</i></p> <p>Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	<p>Records Principles 2014</p> <p>User Rights Principles 2014</p>	-

Topic	Responsibility	Principal legislation reference	Relevant principles	Section in the HCP Manual
	<p>service on or after 1 July 2014 — a record of whether the care recipient made a written choice regarding whether they would be covered by the pre or post-1 July 2014 arrangements</p> <ul style="list-style-type: none"> <li>• up-to-date records of: <ul style="list-style-type: none"> <li>○ the name and contact details of at least one representative of each care recipient</li> <li>○ the name and contact details of any other representative of a care recipient</li> </ul> </li> <li>• copies of unspent funds notices</li> <li>• records relating to the payment of the care recipient portion or transfer portion of care recipients' unspent home care amounts.</li> </ul>			