GUIDANCE FOR APPLICANTS SEEKING APPROVAL TO PROVIDE AGED CARE

Purpose of this guide

This guidance is to help you and your key personnel to complete the application for approval to provide aged care. It should be read in conjunction with the Application for Approval to Provide Aged Care.

There are three approved forms which align with the Aged Care Act 1997 (the Act):

- New Applicants
- Existing Approved Providers
- Government Organisations

Please ensure you complete the correct application form.

All three forms enable organisations to be approved for one or more types of care:

- Home care
- Residential care
- Flexible care (in the form of Short-term restorative care) and
- For one or more specified aged care services

Please read the Guidance carefully before completing the application form. The guidance provided is not intended to replace, or to be a complete summary of, the requirements contained in the Act or the associated Principles made under section 96-1 of the Act (the Principles).

It is the applicant’s responsibility to understand the provisions of the Act and the Principles before making an application seeking approval to provide aged care. You can access a copy of the legislation online at legislation.gov.au

The Guidance is divided into five parts:

- 1: Introduction
- 2: New Applicants
- 3: Existing Approved Providers
- 4: Government Organisations
- 5: Additional Information

Each part aligns with the relevant question numbers in the application form. For example; heading ‘3.1 Experience in aged or other related care’ refers to question 3.1 in the application form.

If you have any queries about the application forms, please contact the Approved Provider Applications team by emailing approvedproviderapplications@health.gov.au.
# CONTENTS

DEFINITIONS .................................................................................................................................................. 3

1. Introduction................................................................................................................................................ 6

1.1. What you must know before applying to become a provider of aged care ........................................ 6

1.2. What is an approved provider? ............................................................................................................. 6

1.3. Do I have to apply if I only want to display my services on My Aged Care? ....................................... 6

1.4. What criteria must be met before applying to become a provider of aged care? ............................... 7

1.5. Essential information to read before applying to become a provider of aged care ............................ 7

1.6. Other recommended reading for applicants ........................................................................................ 7

1.7. Application Forms .................................................................................................................................. 9

2. New applicants ...........................................................................................................................................10

2.1. Section 1: Applicant details .................................................................................................................. 10

2.2. Section 2: Key Personnel Details ........................................................................................................ 13

2.3. Section 3: Suitability of the Applicant .................................................................................................. 14

2.4. Section 4: Ability to Provide the Care Type/s Applying for ............................................................... 16

2.5. Section 5: Key Personnel Endorsement ............................................................................................... 18

3. Existing Approved Providers .....................................................................................................................19

3.1. Section 1: Applicant Details .................................................................................................................. 19

3.2. Section 2: Suitability of the Applicant .................................................................................................. 20

3.3. Section 3: Ability to Provide the Care Type/s Applying for ............................................................... 22

3.4. Section 4: Key Personnel Endorsement ............................................................................................... 24

4. Government Organisations .......................................................................................................................25

4.1. Section 1: Applicant details .................................................................................................................. 25

4.2. Section 2: Key Personnel Endorsement ............................................................................................... 26

5. Additional information ...............................................................................................................................26

5.1. Criteria for approval .............................................................................................................................. 26

5.2. Information used to assess the applicant ............................................................................................. 27

5.3. Disqualified Individuals ......................................................................................................................... 27

5.4. Application timeframes .......................................................................................................................... 27

APPENDIX .................................................................................................................................................... 29
## DEFINITIONS

Definitions of words or references in this Application for Approval to Provide Aged Care

<table>
<thead>
<tr>
<th>TERM</th>
<th>MEANING</th>
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<tbody>
<tr>
<td>Aged Care</td>
<td>Care of one or more of the following types:</td>
</tr>
<tr>
<td></td>
<td>a) Residential care</td>
</tr>
<tr>
<td></td>
<td>b) Home care</td>
</tr>
<tr>
<td></td>
<td>c) Flexible care</td>
</tr>
<tr>
<td></td>
<td><strong>Note:</strong> Flexible care in the form of short term restorative care.</td>
</tr>
<tr>
<td>Applicant</td>
<td>The organisation applying for approval to provide aged care.</td>
</tr>
<tr>
<td>Application Form</td>
<td>The form approved by the Secretary for the purpose of applying to the Secretary to be approved as a provider of aged care under subsection 8-2(1) of the Act. The department has three different application forms depending on the status of the organisation applying.</td>
</tr>
<tr>
<td>Approved Provider</td>
<td>A person or body in respect of which an approval to provide aged care under Part 2.1 of the Act is in force, and, to the extent provided for in section 8-6 of the Act, includes any State or Territory, authority of a State or Territory of local government authority.</td>
</tr>
<tr>
<td>Aged Care Quality and Safety Commission</td>
<td>The Aged Care Quality and Safety Commission (the Commission) oversees the accreditation, quality review, monitoring and complaints handling of aged care services. It also provides information and education to providers. These processes are undertaken in accordance with the Aged Care Quality and Safety Commission Rules 2018 established under the Aged Care Quality and Safety Commission Act 2018 or through contractual arrangements. The Commission is reasonable for:</td>
</tr>
<tr>
<td></td>
<td>- accrediting and monitoring the quality of care and services of residential aged care services.</td>
</tr>
<tr>
<td></td>
<td>- conducting quality reviews of home care services to assess whether a provider delivers services in accordance with the applicable aged care quality standards.</td>
</tr>
<tr>
<td></td>
<td>- conducting quality reviews and assessing the performance of flexible care services.</td>
</tr>
<tr>
<td></td>
<td>- providing compliance monitoring, information and training to providers.</td>
</tr>
<tr>
<td>Australian Business Number (ABN)</td>
<td>For an entity means the entity’s ABN (eleven-digit number) as shown in the Australian Business Register (see: section 41 of the A New Tax System (Australian Business Number) Act 1999).</td>
</tr>
<tr>
<td>Authorised Contact Person</td>
<td>The person authorised to act on behalf of the organisation.</td>
</tr>
<tr>
<td>Australian Company Number (ACN)</td>
<td>The number given by the Australian Securities and Investments Commission (ASIC) to a company on registration (see: sections 118 and 601BD of the Corporations Act 2001).</td>
</tr>
<tr>
<td>Business Model</td>
<td>A plan for the successful operation of a business, identifying sources of revenue, the intended customer base, products and details of financing.</td>
</tr>
<tr>
<td>Business Plan</td>
<td>Is a documented set of business goals, objectives, target market information and financial forecasts that you are aiming to achieve over a certain period of time. For an example visit business.gov.au.</td>
</tr>
<tr>
<td>Certificate of registration</td>
<td>Certificate issued by ASIC upon registering a body corporate under Division 1 or 2 of the Corporations Act 2001 (see: s 601CU).</td>
</tr>
<tr>
<td>TERM</td>
<td>MEANING</td>
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<tr>
<td>Charitable</td>
<td>An organisation that intends social value or utility to the general community or an appreciable section of the public, and that is not established primarily to provide profit, gain or benefit to its individual owners or members.</td>
</tr>
<tr>
<td>Community Based</td>
<td>An organisation formed for a particular common purpose by members of an identifiable community based on locality, ethnicity or some other identifiable affiliation, whose activities may be carried out for the benefit of its members but which does not provide financial profit or gain to its individual owners or members.</td>
</tr>
<tr>
<td>Description</td>
<td>A statement or account that describes or provides a representation in words.</td>
</tr>
<tr>
<td>Department</td>
<td>The Department of Health.</td>
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</tbody>
</table>
| Disqualified Individual | A disqualified individual as defined under section 10A-1(1) of the Act. Section 10A-1(1) provides that an individual is a disqualified individual if:  
  a) The individual has been convicted of an indictable offence; or  
  b) The individual is an insolvent under administration; or  
  c) The individual is of unsound mind. |
| Flexible Care       | Has the same meaning as s49.3 of the Act, that is, ‘care provided in a residential or community setting through an aged care service that addresses the needs of care recipients in alternative ways to the care provided through residential care services and home care services’. |
| For-Profit          | A for-profit organisation is one which operates primarily for the financial profit or gain of its owners, members or shareholders. For-profit organisations include private incorporated bodies that are registered by the Australian Securities and Investment Commission (ASIC) or public listed companies that are listed on the Australian Stock Exchange. |
| Governance          | Establishment of rules, policies, processes and continuous monitoring to ensure accountability, transparency, responsiveness, stability and equity.                                                                         |
| Home Care           | Under s45-3, ‘home care is care consisting of a package of personal care services and other personal assistance to a person who is not being provided with residential care’. The Subsidy Principles may specify care that does or does not constitute home care for the purposes of the Act. |
| Indictable Offence  | An indictable offence is defined under section 10A-1(2) of the Act as:  
  (a) an indictable offence against a law of the Commonwealth or of a State or Territory*; or  
  (b) an offence that:  
    (i) is an offence against a law of a foreign country or a part of a foreign country; and  
    (ii) when committed, corresponds to an indictable offence against a law of the Commonwealth or of a State or Territory. |
| Key Personnel (KP)  | Key personnel as defined under section 8-3A of the Act. This includes:  
  (a) a member of the group of persons who is responsible for the executive decisions of the entity (the aged care provider);  
  (b) any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the entity;  
  (c) if the entity conducts an aged care service, any person who is responsible for the nursing services or the day-to-day operations of the service; or  
  (d) if the entity proposes to conduct an aged care service, any person who is likely to be responsible for the nursing services or the day-to-day operations of the service. |
<table>
<thead>
<tr>
<th>TERM</th>
<th>MEANING</th>
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<tbody>
<tr>
<td>My Aged Care</td>
<td>My Aged Care is the main entry point to the aged care system in Australia. It aims to make it easier for older people, their families, and carers to access information on ageing and aged care, have their needs assessed and be supported to find and access services.</td>
</tr>
<tr>
<td>Not-for-Profit</td>
<td>A not-for-profit organisation is one which is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect. This applies when the organisation is operating and when it winds up/concludes. The Australian Taxation Office accepts an organisation as a not-for-profit where its constituent or governing documents prevent it from distributing profits or assets for the benefit of particular people.</td>
</tr>
<tr>
<td>Organisation</td>
<td>The aged care business that is applying to deliver aged care.</td>
</tr>
<tr>
<td>Residential Care</td>
<td>Has the same meaning as s41-3 of the Act, that is, ‘Personal care or nursing care, or both personal care and nursing care, that is provided to a person in a residential care facility in which the person is also provided with accommodation’.</td>
</tr>
<tr>
<td>Principles</td>
<td>The Principles made by the Minister under section 96-1 of the Act. Relevant Principles include: The Approved Provider Principles 2014, the Quality of Care Principles 2014 and the User Rights Principles 2014.</td>
</tr>
<tr>
<td>Religious</td>
<td>An organisation whose objectives and activities reflect its charter as a body instituted for the promotion of religious objectives and the beliefs and practices of whose members constitute a religion.</td>
</tr>
<tr>
<td>Statutory Declaration</td>
<td>Is a written statement which a person signs and declares to be true, before an authorised witness. This is different from an affidavit which is a written statement, confirmed by oath or affirmation for use as evidence in court proceedings.</td>
</tr>
<tr>
<td>System</td>
<td>A set of principles or procedures according to which something is done; an organised scheme or method.</td>
</tr>
<tr>
<td>Trust Deed</td>
<td>The legal document creating and setting out the terms, rules and conditions of a trust.</td>
</tr>
<tr>
<td>You, your, applicant</td>
<td>To the organisation completing this application.</td>
</tr>
</tbody>
</table>
1. INTRODUCTION

1.1. What you must know before applying to become a provider of aged care

Your organisation must be incorporated

Only organisations that are incorporated (are a corporation) can apply to become an approved provider of residential care, home care and/or flexible care. This means that if you are a sole trader, your organisation cannot be approved as a provider of aged care under the Act.

A corporation is a trading or financial corporation within the meaning of paragraph 51(XX) of the Constitution.

Your organisation must be able to demonstrate how it is suitable to provide aged care

Section 8 of the Act sets out the considerations the department must take when assessing an applicant’s suitability. It is up to you as the applicant to effectively demonstrate how and why your organisation meets these suitability criteria.

Your organisation must not have any disqualified individuals as key personnel

All applicants must ensure that it understands the meaning of key personnel as detailed under the Act and establish who within the organisation meet this definition. You, the applicant must also be certain that none of your key personnel are disqualified as defined under section 10A the Act.

You must apply using the approved form

You must use the approved form that is current at the time you make your application.

The Act requires that an application for approval to provide residential care, home care and/or flexible care must be made using the approved application form. All application forms are developed to ensure that applicants provide the necessary information to allow an assessment against the suitability criteria and reflect current legislation.

Forms that are incomplete or have been altered will not be accepted.

The application form can be found on the department’s website.

1.2. What is an approved provider?

An approved provider of aged care is an organisation that has been approved to provide residential care, home care and/or flexible care under the Act.

The approved provider is responsible for the decisions about the delivery of care and financial management and has responsibilities and obligations to deliver the care in line with the standards that are specified in the Act and Aged Care Principles. Approved providers receive subsidies for the delivery of care to approved care recipients.

To gain approval as a provider of aged care under the Act, the applicant must be assessed by the department as suitable to provide aged care.

1.3. Do I have to apply if I only want to display my services on My Aged Care?

No. If your organisation would simply like to display its service(s) on My Aged Care, do not complete the Application for Approval to Provide Aged Care.

Information about registering with My Aged Care, including fact sheets, FAQs, user guides, quick reference guides and videos are available on the department’s website.
Commonwealth-funded providers
If you are already a Commonwealth-funded approved provider but are not currently appearing on the My Aged Care website, please email MyAgedCare@health.gov.au providing your organisation’s details and a contact person. When your email is received, you will be contacted to progress the request.

Non-Commonwealth-funded providers
If you are an aged care service provider who doesn’t receive Commonwealth Government subsidies, you may be able to list your service on My Aged Care through the National Health Services Directory at www.healthdirect.gov.au.

1.4. What criteria must be met before applying to become a provider of aged care?

To apply for approval to provide aged care under the Act, your organisation must:

- Be incorporated
- Be able to demonstrate how it is suitable to provide aged care
- Not have any disqualified individuals as key personnel
- Apply using the approved form

1.5. Essential information to read before applying to become a provider of aged care

You must understand and be able to apply all relevant aged care legislation, including the relevant principles made under the Act, to your aged care service.

The following legislation is not an exhaustive list but are the main legislative instruments that govern the delivery of Government subsidised aged care. These may link to other principles:

- Aged Care Act 1997
- Approved Provider Principles 2014
- Quality of Care Principles 2014
- User Rights Principles 2014
- Accountability Principles 2014
- Sanctions Principles 2014

1.6. Other recommended reading for applicants

It is recommended that you review information available from the following external bodies to assist in completing your application:

Aged Care Quality and Safety Commission

The Aged Care Quality and Safety Commission (the Commission) oversees the accreditation, quality review, monitoring and complaints handling of aged care services. They also provide information and education to providers. These processes are undertaken in accordance with the Aged Care Quality and Safety Commission Rules 2018 established under the Aged Care Quality and Safety Commission Act 2018 or through contractual arrangements.

Residential Care

The Commission is responsible for accrediting and monitoring the quality of care and services of residential aged care services against the Aged Care Act 1997.

Home Care

The Commission conducts quality reviews of home care services to assess whether a provider delivers services in accordance with the applicable aged care quality standards.
Flexible Care

The Commission assesses the performance of flexible care services in accordance with the Aged Care Quality and Safety Commission Rules 2018.

Approved providers are required to participate in accreditation and compliance monitoring assessments undertaken by the Commission.

It is an approved provider’s responsibility to access and understand the role of the Commission and its accreditation and compliance monitoring processes. The Commission’s website contains valuable information that can assist you. Go to https://www.agedcarequality.gov.au/providers

Australian Securities & Investment Commission (ASIC)

- Australian Securities & Investments Commission
- Your business

ASIC also has links to information about reporting, record keeping and responsibilities:

- Directors and financial reporting requirements
- Record keeping for small business
- Responsibilities of company office holders

Business

- Business.gov.au
- Business plan template and guide
- WHS industry, state or territory requirements

Office of the Australian Information Commissioner (OAIC) – Privacy information

- State and territory privacy regulation
- Department of Health’s Australian Privacy Policy is available on the department’s website
- Information about accessing documents held by Australian Government ministers and most agencies

Australian Federal Police & FindLaw Australia

- Spent Convictions Scheme

Fair Work Ombudsman (previously Fair Work Australia)

- Awards and agreements
- National Employment Standards

Australian Health Practitioner Regulation Agency (AHPRA)

- Australian Health Practitioner Regulation Agency
- AHPRA - Legislation

Australian Competition & Consumer Commission

- Professional Services
- Franchising Code of Conduct
1.7. Application Forms

The three approved forms which align with the Act are:

1. **New Applicant**
   This form is for organisations that are not currently approved to provide any type of care under the Act, including residential care, home care and/or flexible care.

   The guidance for new applicants begins on page 10.

2. **Existing Approved Provider**
   Use this form if your organisation is an existing approved provider that wants to provide another care type. For example, an organisation already approved to provide residential care should use this form to seek approval to provide home care.

   As existing approved providers have already demonstrated their suitability to provide aged care through a previous assessment process, the application seeks specific detail to assess suitability to provide the additional type of care.

   **IMPORTANT**
   If you currently receive funding to provide services under the Commonwealth Home Support Program (CHSP) and would like to apply to become an approved provider, you must apply as a new applicant.

   The guidance for existing approved providers begins on page 19.

3. **Government Organisation**
   States, Territories, authorities of a State or Territory and local government authorities are taken to be approved in respect of all types of aged care. A simplified application form has been developed for these government organisations to enable the creation of a departmental record and, to enable the payment of subsidies to the organisation.

   The guidance for government organisations begins on page 24.
2. NEW APPLICANTS

This form is only for non-government organisations not currently approved to provide aged care under the Act.

If you are an existing non-government approved provider of aged care under the Act and wish to apply for approval to provide another care type, use the form for existing approved providers.

This form has 5 sections:
- Section 1: Applicant details
- Section 2: Key personnel details
- Section 3: Suitability of the applicant
- Section 4: Ability to provide the care type/s applying for
- Section 5: Key personnel endorsement

Your application form will not be accepted if you do not complete all relevant sections or fail to attach all necessary documentation.

2.1. Section 1: Applicant details

Subsection 1.1 - Incorporation Details

Legal name and Incorporation certificate

The applicant’s legal name is the name of the applicant organisation applying to become an approved provider. The legal name must exactly match the name on the certificate of incorporation which may be in the form of an Incorporation Certificate or Certificate of Registration of a Company (ACN), or Incorporated Association (IAN) or Indigenous Corporation (ICN).

Incorporation certificate means the legal document relating to the formation of a company or corporation, showing its legal name and date of incorporation. It is a license to form a corporation issued by state government or, in some jurisdictions, by non-government entity.

Note: see appendix for an example.

Applicant’s ABN

This is the ABN of the applicant. The name associated with the ABN on the Australian Business Register should be the same as the legal name of the company identified above. If the ABN is not associated with the legal name of the applicant, the applicant may be requested to provide further information which may delay the assessment of your application.

Trading Name

This is another business name under which the applicant may trade. Enter the trading name(s) for the applicant (if applicable).

Trust Deed

If your organisation’s ABN is associated with a Trust you must attach a copy of the Trust Deed or part thereof that identifies the relationship between the applicant and the trust.

Trust deed means the legal document creating and setting out the terms, rules and conditions of a trust.
IMPORTANT

The applicant must be a corporation as defined in the Act, that is, a trading or financial corporation within the meaning of paragraph 51(XX) of the Constitution.

You should seek legal advice if you are unsure whether your organisation satisfies this requirement. If the company is a trustee acting on behalf of a trust, in order for us to confirm the association between the two entities, you should supply a copy of the trust deed which indicates the name of the trustee and the trust.

Subsection 1.2 - Register Business Address

The registered business address of the applicant must be a physical address, not a post office box number. The address should match the registered business address as listed on the:

- ASIC company report for-profit organisations; or
- Australian Charities and not-for-profit Commission (ACNC) report for not-for-profit organisations.

Further information may be required from the department if the address do not match, delaying the assessment of your application.

Subsection 1.3 - Postal Address

This is the postal address of the applicant which may be the same as the physical address.

Subsection 1.4 - Authorised Contact Details

The department requires details of an authorised contact person for the applicant to discuss the application as needed. The contact person must be authorised to act on behalf of your organisation.

Subsection 1.5 - Type of care applying for

The applicant can apply for one or more types of care (home care, residential care/ and or flexible care) on one application form. The application will be assessed against the applicant’s suitability to provide the type(s) of care sought in the application.

✓ Tick the relevant box(es) to show the type(s) of care for which you are applying.

Subsection 1.6 - Organisation Details

For-Profit - A for-profit organisation is one which operates primarily for the financial profit or gain of its owners, members or shareholders. For-profit organisations include private incorporated bodies that are registered by the Australian Securities and Investment Commission (ASIC) or publicly listed companies that are listed on the Australian Stock Exchange.

Not-for-Profit - A not-for-profit organisation is one which is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect. This applies when the organisation is operating and when it winds up/concludes. The Australian Taxation Office accepts an organisation as not-for-profit where its constituent or governing documents prevent it from distributing profits or assets for the benefit of particular people.

If the applicant is a not-for-profit organisation, ✓ tick the box that identifies its principal purpose:

Religious - An organisation whose objectives and activities reflect its character as a body instituted for the promotion of religious objectives and the beliefs and practices of whose members constitute a religion.

Community based - An organisation formed for a particular common purpose by members of an identifiable community based on locality, ethnicity or some other identifiable affiliation, whose activities may be carried out for the benefit of its members but which does not provide financial profit or gain to its individual owners or members.
Charitable - An organisation that intends social value or utility to the general community or an appreciable section of the public, and that is not established primarily to provide profit, gain or benefit to its individual owners or members.

If the applicant organisation is part of a franchise, please ensure your responses are in relation to the organisation subject of the application, not the parent company.

Organisational Chart and/or corporate structure
This is the organisational chart and/or diagram of the applicant’s organisation structure. You must attach a copy as part of your application.

It must clearly and accurately reflect how your organisation is structured, and all people with responsibility associated with the operation of your organisation.

Business Plan
You must attach a copy of your organisation’s business plan to your application. It should outline the business goals and detail how the applicant will achieve them. The business plan is used by the department to ascertain how you intend to operate your aged care service and must accurately reflect your business.

The department acknowledges that a business may use generic business plan templates available for free or through an external consultant. It is important that the content of the business plan is a true reflection of your business.

It is always the applicant’s responsibility to ensure all information submitted as part of your application is true and correct, and provides an accurate picture of your organisation.

Subsection 1.7 - Use of another entity
If the applicant intends to use another entity, such as a management company to deliver care services on its behalf, please state the full legal name of the entity and its ABN.

Provide a description of the arrangement between the applicant and the other entity. For example, if the arrangement is such that another entity will be engaged to manage services on your behalf you should include information on the types of services and the roles of all entities in delivery of the services.

There is no need to list the names of companies that the applicant proposes to contract for other services such as payroll or accounting.

You must include a copy of the agreement between yourself and the other entity with the application.

The agreement should include clauses explaining how:

- the other entity will ensure it complies with the obligations and responsibilities of approved providers under the Act
- the applicant will gain access to the service at any time to enable it to comply with the obligations and responsibilities of an approved provider under the Act
- the applicant will ensure continuity of care and service delivery in accordance with the provisions of the Act and the Principles:
  - if the other entity is unable or unwilling to meet its agreement with the approved provider for any reason;
  - if the applicant decides to terminate the agreement with the other entity; and
  - at the expiration of the agreement between the approved provider and the other entity.

! IMPORTANT
Any agreement with another entity to deliver care services on behalf of an approved provider does not remove or lessen any of the approved providers’ obligations and responsibilities under the Act.
2.2. Section 2: Key Personnel Details

**Subsection 2.1 - Applicants Key Personnel**

**Legislated criteria**

Under section 8-3 of the Act, certain matters must be considered when deciding whether an applicant is suitable to provide aged care. Paragraph 8-3(2) provides that the majority of these matters may also be considered in relation to the applicant’s key personnel.

The term key personnel is defined in Section 8-3A of the Act (see Key Terms on page 4 for full definition) and includes people with responsibility for making executive decisions about the operation of the organisation; have authority, responsibility or significant influence over the organisation; and those people responsible for the nursing services or the day to day operations of the service.

The suitability and experience of the key personnel may also be considered when deciding on an application, which is why the department requires personal information about the applicant’s key personnel. Personal information collected under the Act is protected information, which is prohibited from improper disclosure.

Personal information collected may be disclosed to, and used by:

- departmental officers for the purpose of performing regulatory functions, and
- another organisation in accordance with Part 6.2 of the Act or where otherwise permitted or required by law.

You must list all the people in your organisation that meet the definition of key personnel (see definition table for further information) and identify the positions they hold. This list must also include any persons identified as key personnel for other entities such as a management company. Applicants must ensure that:

- each key personnel is at least 18 years old
- each key personnel must provide a National Police Check (NPC). Please ensure that the correct timeframes and requirements are met as outlined under 2.2 below. Applications that do not include an NPC for each key personnel will not be assessed.
- key personnel are not disqualified individuals. Refer to subsection 10A-1(1) of the Act for further information about disqualified individuals.

**IMPORTANT**

When assessing the application, the department may identify other people who would be considered to be key personnel. This information may be obtained through checks on ASIC, ACNC and annual reports or from information obtained from the internet such as the applicant’s website. It is in the applicant’s interest to identify all key personnel in order to prevent a delay in processing the application.

**Subsection 2.2 - National Police Checks**

Provide scanned copies of either a National Police Certificate (NPC) obtained through a police agency or a National Criminal History Check (NCHC) obtained through an Australian Criminal Intelligence Commission (ACIC) accredited agency for each individual key personnel.

The NPC or NPHC for each individual key personnel should not be dated more than 90 days before the date the application from is submitted to the department. For example, if you submit the application form on 27 January 2019, the NPC/NCHC must not be dated before 30 October 2018. You should identify the purpose as Code Number 23 – Aged Care Key Personnel or key personnel working with vulnerable people or aged care.

If your name has changed, for example through marriage, the NPC or NPHC must show that all names, current and former, have been checked.
**Subsection 2.3 - Statutory Declaration Form**

If all your former or current names are not shown on the police check obtained or if you have been at any time after turning 16 years of age, a resident of a country other than Australia, you must complete a Statutory Declaration form and declare whether you have been convicted of an indictable offence.

An indictable offence is an indictable offence against a law of the Commonwealth or a State or Territory, or an offence against a law of a foreign country that corresponds to an indictable offence against a law of the Commonwealth or a State or Territory. The Statutory Declaration form/s (if applicable) must be attached to the application with your NPC or NCHC.

You can download a blank Statutory Declaration form from the Attorney-General’s website.

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### 2.3. Section 3: Suitability of the Applicant

**Subsection 3.1 - Experience in aged care or other relevant care**

**Legislated criteria**  Paragraph 8-3(1) (a) provides that the Secretary must consider the applicant’s experience in providing aged care or other relevant forms of care.

Describe your organisation’s current experience in the delivery of aged care under the Act or relevant care to the care type you are applying for. For example, this may include (but may not be limited to) the delivery of care under the Commonwealth Support Program (CHSP), National Disability Insurance Scheme (NDIS), brokerage, private fee for service care or care in another setting.

This response should include information on the types of services provided, who your services were delivered to, how long you provided these services and if the services were provided under brokerage arrangements or fee for service. For services provided under a brokerage, information about these arrangements must be provided.

If the experience relied upon for in your application is as part of a franchise of a principle franchise, ensure your response directly reflects that of your incorporated organisation and not the principle franchise organisation.

**Subsection 3.2 - Responsibilities as a provider**

**Legislated criteria**  Paragraph 8-3(1) (b) requires the Secretary to consider the applicant’s demonstrated understanding of its responsibilities as a provider of the care type/s for which approval is sought.

The applicant must demonstrate its understanding of the responsibilities as an approved provider set out under Chapter 4 of the Act as they relate to the type/s of care applying for. This part of the Act covers the various aspects of aged care delivery that an approved provider is expected to meet.

Your responses should clearly demonstrate that you have taken into account how your organisation will meet these responsibilities and how you will apply them to your day to day operations.

You should not provide full or part extracts of the responsibilities set out under Chapter 4 of the Act. Chapter 4 is broken into four parts, however only the following are a relevant consideration when assessing your application:

- Part 4.1 – this covers the quality of care an approved provider is expected to deliver. It also requires compliance with specific principles and standards that apply to the types of care that can be approved under the Act.
- Part 4.2 – under this part are the responsibilities regarding the user rights for the people to whom the care is provided.
- Part 4.3 – this part contains specific requirements about how an approved provider is accountable for the care it is approved to provide.
**Subsection 3.3 - Governance Systems**

**Legislated criteria**  
Paragraph 8-3(1) (c) requires the Secretary to consider the systems that the applicant has, or proposes to have, in place to meet its responsibilities as a provider of the type of care for which approval is sought.

The responses you provide must adequately describe your organisation's governance systems. You must clearly describe who will have responsibility for the overall operations of your organisation and how they will manage and coordinate the activities of the organisation.

This information will be used to confirm that your organisation has a leadership team and the resources required to deliver quality aged care under the Act and to meet your responsibilities as an approved provider.

If you include references to an off-the-shelf system, such as a Quality Management System or IT system, you must provide substantiating information or evidence as to how/why these systems will ensure compliance with the responsibilities set out under the Act.

Merely referencing a system is insufficient for the department to assess how you have or propose to utilise such a tool to deliver aged care.

In your response you should clearly and accurately:

- describe how your organisation works, including how the executive decision makers, managers and coordinators will contribute to the operation of an aged care service.
- describe your relationship with other entities that may influence the financial or strategic operations of the organisation. For example, if you have a parent or subsidiary company or are part of a franchise, what is the relationship between the organisations?
  - This includes any relationship with an external aged care expert or consultant (if applicable).
- describe how care services will be provided in multiple locations or regions (if applicable).
- describe the business model that will be implemented to deliver the aged care. This may include the conceptual structure that will support the viability of the business, its purposes, goals and plans for achieving them.

**Subsection 3.4 - Financial Management**

**Legislated criteria**  
Paragraph 8-3(1) (d) requires the Secretary to consider the applicant's record of financial management, and the methods that the applicant uses, or proposes to use, in order to ensure sound financial management.

This is where you must describe the methods the organisation uses, or proposes to use, in order to ensure sound financial management. This means your organisation's management of its financial resources and cash-flow to establish or expand an aged care service.

The information you provide should include:

- A description of the policies, processes and systems the applicant will have in place  
  - this includes how you intend to oversight financial practices, the financial management framework you will implement and any underpinning processes/policies.
  - you may also include an overview of your decision making processes that demonstrates how you will mitigate any financial risk to your organisation.
- Details of the individual(s) who will be responsible for financial management  
  - this means the people within the organisation who make decisions about your organisation's finances.
- An explanation of your revenue sources and dependence on other entities (if applicable)
- Information about the financial capacity of the organisation to cover start-up costs.
optional loans or financial assistance from other entities, including lending institutions and investors.

- where start-up costs are sourced from the private funds of directors, you must explain repayment terms and provide evidence that such funds are available to the organisation.

**If the applicant has been trading**

You must provide a copy of its most recent financial statements, that is, for the last two financial years. If the latest statement is greater than 6 months old, then a year to date financial statement is also required. The applicant should provide information about:

- any loans that have been identified in the statements
- an explanation for any negative equity or net income balances.

**If the applicant is a new entity**

If you do not have your own financial statements, you should provide evidence of your organisation’s financial capacity such as:

- a line of credit from a financial institution
- a projection of financial performance including statements as to how these projections were developed
- financial statements of a related entity that will assist with start-up funds.

! IMPORTANT

*If the legal name and/or ABN details on the financial statements are inconsistent with the information provided at 1.1 of the application, the applicant may be required to provide further information to explain the inconsistency.*

2.4. **Section 4: Ability to Provide the Care Type/s Applying for**

When seeking approval to provide a certain type of care, the applicant must demonstrate how it will meet the requirements that relate to the delivery of that type of care.

In this section, applicants are only required to complete the questions that relate to the care type/s being applied for.

**Subsection 4.5 - Residential Care**

Has the same meaning as s41-3 of the Act, that is, ‘Personal care or nursing care, or both personal care and nursing care, that is provided to a person in a residential care facility in which the person is also provided with accommodation’.

Your responses to the questions in this section build on those provided in the previous sections. They should not be a repeat of information you have already provided in this form.

You should ensure you have demonstrated:

- that you understand all legislated responsibilities and obligations in order to deliver quality residential care, specifically the Prudential Standards and managing refundable deposits.
- your reporting mechanisms, including the responsibilities of your key personnel for the purpose of managing refundable deposits.
  - you should include details of what the process is, how it will work, who is responsible and why you consider the mechanisms described will meet the underpinning legislative requirements.
• how your governance system, including a description of it, will be maintained to comply with the legislated requirements set out under section 52P-1 of the Act.

  o you may provide supplementary documentation or evidence that supports your responses in this section. If you choose to provide additional evidence, your response must identify the areas within such documentation that is relevant to your response.

**Subsection 4.6 - Home Care**

Under s45-3, ‘home care is care consisting of a package of personal care services and other personal assistance to a person who is not being provided with residential care’.

The Subsidy Principles may specify care that does or does not constitute home care for the purposes of the Act.

Your responses to the questions in this section build on those provided in the previous sections. They should not be a repeat of information you have already provided in this form.

You should ensure that you have demonstrated:

• how you intend to deliver home care, including your understanding of the referral process. You should identify:
  o the policies you will or have implemented to support the delivery of home care services
  o the steps you will take and the person responsible for, oversight of this process
  o how you intend to monitor your delivery methods, including how you will assess its effectiveness.

• how you organisation, and its key personnel will engage with care recipients to meet the obligations surrounding care plans and agreements. You should include:
  o an overview of how you will approach new care recipients
  o how you will manage the expectations of existing care recipients
  o what process you will/have implemented to engage with the representatives of care recipients

• how your organisation will assess, monitor and review the initial and ongoing needs of care recipients. You should provide insight to your underpinning policies and procedures.

• compliance with medication management and clinical care services are important aspects of the delivery of home care. You should provide:
  o a clear and accurate description of how you intend/will comply with the requirements in relation to these areas.
  o details of key staff responsible for this will assist in assessing your ability to meet these requirements.

• your understanding of the **User Rights Principles 2014** and how you intend to imbed this into the delivery of home care services.

• your policies and procedures that will support the requirement set out under the Act in relation to the management of individual care recipients’ fees, budgets, monthly statements, invoicing and subsidies. If you have identified or implemented tools to support this function, you should provide a description of how you use the tool, who is responsible for monitoring its use and accuracy of information, and how you will monitor its effectiveness.

• your understanding of your obligations for ensuring the portability of a care recipient’s home care package. You should explain this clearly, including the process you will undertake to meet the requirement.
**Subsection 4.6 - Flexible Care**

Has the same meaning as s49.3 of the Act, that is, *‘care provided in a residential or community setting through an aged care service that addresses the needs of care recipients in alternative ways to the care provided through residential care services and home care services’.*

**IMPORTANT**

*Before you answer the questions in this section of the application form, ensure you have read section 106A of the Subsidy Principles 2014 for information about the different kinds of flexible care.*

Your responses to the questions in this section build on those provided in the previous sections. They should not be a repeat of information you have already provided in this form or at question 3.1.1.

Your responses should demonstrate:

- that the applicant understands the responsibilities and obligations in delivering flexible care
- any experience that the applicant has had delivering similar types of restorative care
  - you should clearly articulate how your previous experience aligns with the objectives of the Short-term Restorative Care Program (STRC)
- your underpinning policies and procedures to ensure compliance with STRC requirements
- how and where the care will be provided
- the systems you have in place to ensure efficient management of care recipient’s funds as specified for STRC
- that you have an understanding of, can describe and can effectively implement the concept of multi-disciplinary teams.

2.5. **Section 5: Key Personnel Endorsement**

The application **must** only be signed by a person who is legally empowered to give assurance and enter into contracts and commitments on behalf of the applicant.

**IMPORTANT**

*Giving false or misleading information is a serious offence under the Criminal Code Act 1995*

Under section 8-2(4) of the Act, an application that contains information that is, to the applicant’s knowledge, false or misleading in a material particular is taken not to be an application.

Section 10-3(1)(c) of the Act states that the Secretary must revoke an approval of a person as a provider of aged care under section 8-1 of the Act if the Secretary is satisfied that the person’s application for approval contained information that was false or misleading in a material particular.
3. EXISTING APPROVED PROVIDERS

This form is only for existing approved providers of aged care under the Act. This means that only organisations that have been assessed to provide residential care, home care or flexible care must use this form.

This form has 4 sections:
- Section 1: Applicant details
- Section 2: Suitability of the applicant
- Section 3: Ability to provide the care type/s applying for
- Section 4: Key personnel endorsement

3.1. Section 1: Applicant Details

Subsection 1.1 – Organisation Details

Legal name and Incorporation certificate

The applicant’s legal name is the name of the applicant organisation applying to become an approved provider. The legal name must exactly match the name on the certificate of incorporation which may be in the form of an Incorporation Certificate or Certificate of Registration of a Company (ACN), or Incorporated Association (IAN) or Indigenous Corporation (ICN).

Incorporation certificate means the legal document relating to the formation of a company or corporation, showing its legal name and date of incorporation. It is a license to form a corporation issued by state government or, in some jurisdictions, by non-government entity.

Note: see appendix for an example.

Applicant’s ABN

This is the ABN of the applicant. The name associated with the ABN on the Australian Business Register should be the same as the legal name of the company identified above. If the ABN is not associated with the legal name of the applicant, the applicant may be requested to provide further information which may delay the assessment of your application.

Trading Name

This is another business name under which the applicant may trade. Enter the trading name(s) for the applicant (if applicable).

Trust Deed

If your organisation’s ABN is associated with a Trust you must attach a copy of the Trust Deed or part thereof that identifies the relationship between the applicant and the trust.

Trust deed means the legal document creating and setting out the terms, rules and conditions of a trust.

IMPORTANT

The applicant must be a corporation as defined in the Act, that is, a trading or financial corporation within the meaning of paragraph 51(XX) of the Constitution. You should seek legal advice if you are unsure whether your organisation satisfies this requirement. If the company is a trustee acting on behalf of a trust, in order for us to confirm the association between the two entities, you should supply a copy of the trust deed which indicates the name of the trustee and the trust.

Subsection 1.2 – Type of Care Currently Approved to Provide

This is the care type/s you are currently approved to provide. This may be residential care, home care, flexible care or a combination of two types of care such as residential and home care.
Subsection 1.3 - Registered Business Address

The registered business address of the applicant must be a physical address, not a post office box number. The address should match the registered business address as listed on the:

- ASIC company report for-profit organisations; or
- Australian Charities and not-for-profit Commission (ACNC) report for not-for-profit organisations.

Subsection 1.4 - Postal Address

This is the postal address of the applicant which may be the same as the physical address.

Subsection 1.5 - Authorised Contact Details

The department requires details of an authorised contact person for the applicant to discuss the application as needed. The contact person must be authorised to act on behalf of your organisation.

Subsection 1.6 - Type of Care you are applying for

The applicant can apply for one or more types of care (home care, residential care/ and or flexible care) on one application form. The application will be assessed against the applicant’s suitability to provide the type(s) of care sought in the application.

☑ Tick the relevant box(es) to show the type(s) of care for which you are applying.

Subsection 1.7 – Material Changes

You should consider whether any changes have been undertaken within your organisation that may be considered material in nature, and such changes have not been reported to the department. This could include such changes things as changes to the organisation structure, ABN/ACN and address.

This can be done by completing the Notification of a Material Change form which can be found on the department’s website.

3.2. Section 2: Suitability of the Applicant

Subsection 2.1 - Responsibilities as a provider

Legislated criteria  Paragraph 8-3(1) (b) requires the Secretary to consider the applicant’s demonstrated understanding of its responsibilities as a provider of the care type/s for which approval is sought.

You must demonstrate your understanding of the responsibilities as an approved provider set out under Chapter 4 of the Act as they relate to the new care type/s you are applying for.

Your responses should clearly demonstrate that you have taken into account how your organisation will meet these responsibilities and how you will include them into your existing day to day operations.

You should not provide full or part extracts of the responsibilities set out under Chapter 4 of the Act. Chapter 4 is broken into four parts, however only the following are a relevant consideration when assessing your application:

- Part 4.1 - covers the quality of care you are required to provide, including related standards and principles.
- Part 4.2 – covers the responsibilities regarding user rights for the people to whom the care is provided
- Part 4.3 – contains specific requirements about how an approved provider is accountable for the care it is approved to provide.
**Subsection 2.1 - Governance Systems**

**Legislated criteria**  
Paragraph 8-3(1) (c) requires the Secretary to consider the systems that the applicant has, or proposes to have, in place to meet its responsibilities as a provider of the type of care for which approval is sought.

The responses you provide must adequately describe your organisation’s governance systems. You must clearly describe who will have responsibility for the overall operations of your organisation and how they will manage and coordinate the activities of the organisation.

This information will be used to confirm that your organisation has a leadership team and the resources required to deliver quality aged care under the Act and to meet your responsibilities as an approved provider.

If you include references to an off-the-shelf system, such as a Quality Management System or IT system, you must provide substantiating information or evidence as to how/why these systems will ensure compliance with the responsibilities set out under the Act.

In your response you should:

- describe how your organisation works, including how the executive decision makers, managers and coordinators will assist in the operation of an aged care service.
- describe your relationship with other entities that may influence the financial or strategic operations of the organisation. For example, if you have a parent or subsidiary company or are part of a franchise, what is the relationship between the organisations?
- describe how care services will be provided in multiple locations or regions (if applicable).
- describe the business model that will be implemented to deliver the aged care. This may include the conceptual structure that will support the viability of the business, its purposes, goals and plans for achieving them.

**Subsection 3.1 - Financial Management**

**Legislated criteria**  
Paragraph 8-3(1) (d) requires the Secretary to consider the applicant’s record of financial management, and the methods that the applicant uses, or proposes to use, in order to ensure sound financial management.

Describe the methods the organisation uses, or proposes to use, in order to ensure sound financial management. The information provided should include:

- a description of the processes and systems the applicant will have in place
- details of the individual(s) who will be responsible for financial management
- an explanation of revenue sources and dependence on other entities (if applicable)
- information about the financial capacity of the organisation to cover start-up costs. This should detail any loans or financial assistance from other entities.

If the applicant has been trading, it must provide a copy of its most recent financial statements, that is, for the last two financial years. If the latest statement is greater than 6 months old, then a year to date financial statement is also required. The applicant should provide information about:

- any loans that have been identified in the statements
- an explanation for any negative equity or net income balances.

If the applicant is a new entity without its own financial statements, it should provide evidence of its financial capacity such as:

- a line of credit from a financial institution
- a projection of financial performance including statements as to how these projections were developed
- financial statements of a related entity that will assist with start-up funds.
IMPORTANT

If the legal name and/or ABN details on the financial statements are inconsistent with the information provided at 1.1 of the application, the applicant may be required to provide further information to explain the inconsistency.

3.3. SECTION 3: ABILITY TO PROVIDE THE CARE TYPE/S APPLYING FOR

When seeking approval to provide a certain type of care, the applicant must demonstrate how it will meet the requirements that relate to the delivery of that type of care. Only complete the questions that relate to the care type/s you are applying for.

- 3.1 Residential Care
- 3.2 Home Care
- 3.3 Flexible Care

Subsection 3.1 - Residential Care

Has the same meaning as s41-3 of the Act, that is, ‘Personal care or nursing care, or both personal care and nursing care, that is provided to a person in a residential care facility in which the person is also provided with accommodation’.

Your responses to the questions in this section build on those provided in the previous sections. They should not be a repeat of information you have already provided in this form.

You should ensure you have demonstrated:

- that you understand all legislated responsibilities and obligations in order to deliver quality residential care, specifically the Prudential Standards and managing refundable deposits.
- your reporting mechanisms, including the responsibilities of your key personnel for the purpose of managing refundable deposits.
  - you should include details of what the process is, how it will work, who is responsible and why you consider the mechanisms described will meet the underpinning legislative requirements.
- how your governance system, including a description of it, will be maintained to comply with the legislated requirements set out under section 52P-1 of the Act.

You may provide supplementary documentation or evidence that supports your responses in this section. If you choose to provide additional evidence, your response must identify the area’s within such documentation that is relevant to your response.

Subsection 3.2 - Home Care

Under s45-3, ‘home care is care consisting of a package of personal care services and other personal assistance to a person who is not being provided with residential care’.

The Subsidy Principles may specify care that does or does not constitute home care for the purposes of the Act.

Your responses to the questions in this section build on those provided in the previous sections. They should not be a repeat of information you have already provided in this form.
You should ensure that you have demonstrated:

- how you intend to deliver home care, including your understanding of the referral process. You should identify:
  - the policies you will or have implemented to support the delivery of home care services
  - the steps you will take and the person responsible for, oversight of this process
  - how you intend to monitor your delivery methods, including how you will assess its effectiveness.
- how your organisation, and its key personnel will engage with care recipients to meet the obligations surrounding care plans and agreements. You should include:
  - an overview of how you will approach new care recipients
  - how you will manage the expectations of existing care recipients
  - what process you will/have implemented to engage with the representatives of care recipients
- how your organisation will assess, monitor and review the initial and ongoing needs of care recipients.
  - You should provide insight to your underpinning policies and procedures
- compliance with medication management and clinical care services are important aspects of the delivery of home care.
  - You should provide a clear and accurate description of how you intend/will comply with the requirements in relation to these areas. Identification of key staff responsible for this will assist in assessing your ability to meet these requirements.
- your understanding of the User Rights Principles 2014 and how you intend to imbed this into the delivery of home care services.
- your policies and procedures that will support the requirement set out under the Act in relation to the management of individual care recipients’ fees, budgets, monthly statements, invoicing and subsidies.
  - If you have identified or implemented tools to support this function, you should provide a description of how you use the tool, who is responsible for monitoring its use and accuracy of information, and how you will monitor its effectiveness
- your understanding of your obligations for ensuring the portability of a care recipient’s home care package. You should explain this clearly, including the process you will undertake to meet the requirement

**Subsection 3.3 - Flexible Care**

Has the same meaning as s49.3 of the Act, that is, ‘care provided in a residential or community setting through an aged care service that addresses the needs of care recipients in alternative ways to the care provided through residential care services and home care services’.

**IMPORTANT**

Before you answer the questions in this section of the application form, ensure you have read section 106A of the Subsidy Principles 2014 for information about the different kinds of flexible care.

Your responses to the questions in this section build on those provided in the previous sections. They should not be a repeat of information you have already provided in this form or at question 3.1.1.
Your responses should demonstrate:

- that the applicant understands the responsibilities and obligations in delivering flexible care
- any experience that the applicant has had delivering similar types of restorative care
  - you should clearly articulate how your previous experience aligns with the objectives of the Short-term Restorative Care Program (STRC)
- your underpinning policies and procedures to ensure compliance with STRC requirements
- how and where the care will be provided
- the systems you have in place to ensure efficient management of care recipient’s funds as specified for STRC
- that you have an understanding of, can describe and can effectively implement the concept of multi-disciplinary teams.

3.4. Section 4: Key Personnel Endorsement

The application must only be signed by a person who is legally empowered to give assurance and enter into contracts and commitments on behalf of the applicant.

**IMPORTANT**

*Giving false or misleading information is a serious offence under the Criminal Code Act 1995*

Under section 8-2(4) of the Act, an application that contains information that is, to the applicant’s knowledge, false or misleading in a material particular is taken not to be an application.

Section 10-3(1)(c) of the Act states that the Secretary must revoke an approval of a person as a provider of aged care under section 8-1 of the Act if the Secretary is satisfied that the person’s application for approval contained information that was false or misleading in a material particular.
4. GOVERNMENT ORGANISATIONS

This form is only for government organisations. If your organisation is a State or Territory, authority of a State of Territory, or a local government authority, it is taken to be approved under section 8-6 of the Act in respect of all types of aged care. This means you are not required to lodge an application, however, the department requires certain details to enable a record to be created and subsidies paid.

This form has 2 sections:
- Section 1: Applicant details
- Section 2: Key personnel endorsement

4.1. Section 1: Applicant details

Subsection 1.1 - Incorporation Details
Legal name and Incorporation certificate
The applicant’s legal name is the name of the applicant organisation applying to become an approved provider. The legal name must exactly match the name on the certificate of incorporation which may be in the form of an Incorporation Certificate or Certificate of Registration of a Company (ACN), or Incorporated Association (IAN) or Indigenous Corporation (ICN).

Incorporation certificate means the legal document relating to the formation of a company or corporation, showing its legal name and date of incorporation. It is a license to form a corporation issued by state government or, in some jurisdictions, by non-government entity.

Note: see appendix for an example.

Applicant’s ABN
This is the ABN of the applicant. The name associated with the ABN on the Australian Business Register should be the same as the legal name of the company identified above. If the ABN is not associated with the legal name of the applicant, the applicant may be requested to provide further information which may delay the assessment of your application.

Trading Name
This is another business name under which the applicant may trade. Enter the trading name(s) for the applicant (if applicable).

Subsection 1.2 – Government type
You must select the type of government entity your organisation is:
- State or territory government
- Authority of a State or Territory Government
- Local Government

Subsection 1.3 - Registered Business Address
The registered business address of the applicant must be a physical address, not a post office box number. The address should match the registered business address as listed on the:
- ASIC company report for-profit organisations; or
- Australian Charities and not-for-profit Commission (ACNC) report for not-for-profit organisations.
Subsection 1.4 - Postal Address
This is the postal address of the applicant which may be the same as the physical address.

Subsection 1.5 - Authorised Contact Details
The department requires details of an authorised contact person for the applicant to discuss the application as needed. The contact person must be authorised to act on behalf of your organisation.

Subsection 1.6 – Type of care you are applying for
The applicant can apply for one or more types of care (home care, residential care/ and or flexible care) on one application form. The application will be assessed against the applicant’s suitability to provide the type(s) of care sought in the application.

☑ Tick the relevant box(es) to show the type(s) of care for which you are applying.

Subsection 1.7 – Key Personnel Details
Please provide information about your senior management who have decision making responsibilities associated with the delivery of your aged care service.

4.2. Section 2: Key Personnel Endorsement
The application must only be signed by a person who is legally empowered to give assurance and enter into contracts and commitments on behalf of the applicant.

! IMPORTANT
Giving false or misleading information is a serious offence under the Criminal Code Act 1995

Under section 8-2(4) of the Act, an application that contains information that is, to the applicant’s knowledge, false or misleading in a material particular is taken not to be an application.

Section 10-3(1)(c) of the Act states that the Secretary must revoke an approval of a person as a provider of aged care under section 8-1 of the Act if the Secretary is satisfied that the person’s application for approval contained information that was false or misleading in a material particular.

5. ADDITIONAL INFORMATION

5.1. Criteria for approval
The Secretary must approve an application for approval to provide aged care if the applicant:

• is a corporation (section 8-1(1)(b) of the Act); and
• is suitable to provide aged care (section 8-1(1)(c) of the Act); and
• does not have any key personnel who are disqualified individuals (section 8-1(1)(d) of the Act); and
• makes an application on the approved form (section 8-2(2) of the Act) and includes all requested attachments.

In assessing suitability to provide aged care the Secretary must consider a range of matters that are set out in section 8-3 of the Act. Broadly, these matters include:

• the applicant’s experience in providing aged care or other relevant forms of care
• the applicant’s demonstrated understanding of its responsibilities as a provider
• the systems that the applicant has, or proposes to have, in place to meet its responsibilities
• the applicant’s record of financial management, and its methods to ensure sound financial management
- the applicant’s conduct as a provider of aged care
- any other matters specified in the Approved Provider principles
- The Secretary may also consider these matters (not systems) in relation to all key personnel.

5.2. Information used to assess the applicant

The Secretary will consider all information available to the department, including information from the application; the Aged Care Quality and Safety Commission; Commonwealth, State and Territory Government departments; the Australian Federal Police; Commonwealth, State and Territory court records; and organisations able to undertake independent financial probity and credit/debt investigations.

The applicant and its proposed key personnel should note that giving false or misleading information in relation to details within the application is a serious offence under the *Criminal Code Act 1995*.

Section 8-2(4) of the *Aged Care Act 1997* states that an application that contains information that is, to the applicant’s knowledge, false or misleading in a material particular is taken not to be an application.

Furthermore, section 10-3(1)(c) of the Act states that the Secretary must revoke an approval of a person as a provider of aged care under section 8-1 of the Act if the Secretary is satisfied that the person’s application for approval contained information that was false or misleading in a material particular.

5.3. Disqualified Individuals

Under section 63-1A(2) of the Act, it is the responsibility of each approved provider to take all reasonable steps specified in the *Sanctions Principles 2014* to ensure that none of its key personnel is a disqualified individual.

An indictable offence means an indictable offence against a law of the Commonwealth or of a State or Territory and includes an offence against a law of a foreign country or part of a foreign country that corresponds to an indictable offence against a law of the Commonwealth or of a State or Territory. There are laws which provide for when certain convictions (known as a ‘spent conviction’) no longer have to be legally disclosed.

The applicant should identify whether any offences for which a member of their proposed key personnel has been convicted are disclosable indictable offences, through obtaining their own legal advice or checking with the relevant judicial areas within their State, Territory or the Commonwealth.

Insolvent under administration is defined in the Act by reference to the *Superannuation Industry (Supervision) Act 1993* and the *Bankruptcy Act 1966*. It essentially covers people who are undischarged bankrupts (that is, the period of their bankruptcy has not finished yet), as well as people who have entered into an arrangement with creditors (including under a deed of assignment or composition under the Bankruptcy Act) and who have not yet been released from the arrangement.

A person is taken to be of unsound mind for the purposes of section 10A-1 if, and only if, a registered medical practitioner has certified that he or she is mentally incapable of performing his or her duties as one of the applicant’s key personnel.

5.4. Application timeframes

The Department processes applications within 90 days of receiving a complete application. If an applicant does not submit a complete application and/or the information provided is insufficient to determine the applicant’s suitability, then further information may be requested. This increases processing timeframes significantly.
To be complete, all questions in the application form and required documents, must be submitted. The complete application is then assessed to determine the applicant’s suitability. If necessary, further information may be requested through a formal written notice. The applicant is required to provide this information within 28 days. Once the response is received, the delegate has a new 90 days to make a decision.
APPENDIX

Example Incorporation Certificate:

Certificate of the Registration of a Company

Corporations Act 2001 Paragraph 1274 (2) (b)

This is to certify that

ASIC COMPANY PTY LTD
Australian Company Number 000 000 123

Is a registered company under the Corporations Act 2001 and is taken to be registered in Victoria.

On the first day of January 2011 the company changed its name to
ASIC COMPANY PTY LTD

The company is limited by shares.

The company is a proprietary company.

The day of commencement of registration is the first day of January 2011.

Issued by the Australian Securities and Investments Commission on this first day of January 2013.

[Signature]

Greg Medcraft
Chairman