



## SUMMARY TABLE - AGED CARE AND OTHER LEGISLATION AMENDMENT (ROYAL COMMISSION RESPONSE NO. 2) BILL 2021

Relevant part of Bill	Detail	Commencement
Schedule 1	<b>AN-ACC</b> Royal Commission (RC) Recommendation: 120 AN-ACC to replace ACFI	1 October 2022
Schedule 2	<b>Employment Screening</b> RC Recommendation 77 <ul style="list-style-type: none"><li>Establishment of national registration scheme for aged care workers and governing persons – Aged Care Screening Database</li><li>Mutual recognition of screening checks across aged care and disability support</li></ul>	Date earlier of date fixed by proclamation or day after 12 months after the Act receives Royal Assent Likely 1 July 2022

Relevant part of Bill	Detail	Commencement
Schedule 3	<p><b>Code of Conduct</b></p> <p>RC Recommendation 77, 103 Banning order</p> <ul style="list-style-type: none"> <li>• ACQSC’s Code of Conduct to apply to approved providers (AP) and workers, including governing persons</li> <li>• New term ‘governing person’ defined in Quality and Safety Commission Act</li> <li>• Code likely to be based on the NDIS Code of Conduct and finalised after consultation</li> <li>• Powers to deal with information received and enforce alleged and actual breaches</li> <li>• Power to impose banning orders on aged care workers and governing persons of APs</li> <li>• Civil penalties for APs, workers or governing persons for breaching banning order</li> <li>• Power apply for review/variation/revocation of order</li> <li>• Register of information as to banning orders</li> </ul>	1 July 2022
Schedule 4	<p><b>Extension of SIRS</b></p> <p>RC Recommendation 100</p> <ul style="list-style-type: none"> <li>• SIRS extended to home care and flexible care delivered in a home or community setting</li> <li>• Detail to be included in Quality of Care Principles</li> <li>• New responsibilities for approved providers of home care and flexible care delivered in home or community setting, to manage incidents, including through implementing and maintaining an incident management system that complies with requirements set out in the Quality of Care Principles</li> <li>• Definition of reportable incident expanded</li> <li>• Protected disclosure provisions expanded</li> <li>• Expansion of the ACQSC’s powers to deal with incidents</li> </ul>	<p>Two Parts</p> <p>Part 1 - 1 July 2022</p> <p>Part 2 - Day after the Act receives Royal Assent</p>

Relevant part of Bill	Detail	Commencement
Schedule 5	<p><b>Governance</b></p> <p>RC Recommendation: 88 to 90</p> <ul style="list-style-type: none"> <li>• Membership of governing bodies               <ul style="list-style-type: none"> <li>• Majority of members to be independent non-executive members; and at least one member with <i>experience in the provision of clinical care</i></li> <li>• Limited exceptions for governing body with fewer than five members and provider cares for less than 40 care recipients</li> <li>• Can apply for exemption from majority independent and/or one clinical member condition</li> </ul> </li> <li>• Establishment of new advisory bodies               <ul style="list-style-type: none"> <li>• Establish and maintain ‘<i>quality care advisory body</i>’ with responsibility to oversee and report on processes established and maintained</li> <li>• At least every 12 months, offer opportunity to establish consumer advisory body for consumer feedback as to quality of care which must be considered when making decisions in relation to provision of services</li> </ul> </li> <li>• Staff members must have appropriate qualifications, skills or experience to provide the care or services and be able to develop their capabilities</li> <li>• New reporting responsibilities - annual statement on operations publicly available. Accountability Principles will specify information to include details of key personnel, attestations by the governing body, information on staffing, financial information and complaints</li> <li>• Specific obligation in constitution of AP that directors not to act in interest of parent body</li> <li>• Change in time to notify change in circumstances that materially affects AP’s suitability- change from 28 days to 14 days</li> <li>• Notify changes to or suitability of key personnel - strict liability offence</li> <li>• Key personnel to notify if individual becomes aware of change of circumstances relating to suitability matters - new strict liability offence</li> <li>• ACQSC can determine an individual who is key personnel is not suitable to be involved in the provision of aged care - offence if AP fails to respond to a determination</li> <li>• AP to consider the suitability matters for key personnel at least once every 12 months and retain records</li> <li>• Disqualified individual arrangements to be replaced with suitability test for key personnel</li> </ul>	<p>1 March 2022 for new approved providers</p> <p>Provisions relating to membership and form of constitution apply from 1 March 2023 for approved providers as at 1 March 2022</p>

Relevant part of Bill	Detail	Commencement
Schedule 6	<p><b>Information Sharing</b></p> <ul style="list-style-type: none"> <li>Facilitate greater information sharing between Commonwealth bodies across aged care, disability and veterans' affairs in relation to non-compliance of providers and workers</li> </ul>	The day after the Act receives Royal Assent
Schedule 7	<p><b>Use of RADs and Accommodation Bonds</b></p> <p>RC Recommendation 134</p> <ul style="list-style-type: none"> <li>New power (Secretary and Commissioner) to request information or documents from a provider or borrower of a loan made using a RAD/bond</li> <li>Specific provisions to be contained in loan documents – retrospective operation</li> <li>Offence for a borrower who does not comply with a request</li> <li>Period of liability for existing offence for misuse of RAD and prior to an insolvency event for providers and key personnel from 2 years to 5 years</li> </ul>	1 July 2022
Schedule 8	<p><b>Independent Health and Aged Care Pricing Authority</b></p> <p>RC Recommendations: 6, 11, 115 and 139</p> <ul style="list-style-type: none"> <li>Expansion of functions of renamed Independent Health and Aged Care Pricing Authority to include provision of advice on aged care pricing and costing matters and performance of other functions, eg to provide advice on calculating amounts of subsidies and supplements</li> <li>New governance and appointments processes for the Pricing Authority</li> </ul>	28 days after the Act receives Royal Assent

**FOR FURTHER INFORMATION, PLEASE CONTACT:**

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