

2019-2020-2021

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

As read a third time

**Aged Care and Other Legislation
Amendment (Royal Commission
Response No. 2) Bill 2021**

No. , 2021

**A Bill for an Act to amend the law relating to aged
care, health and aged care pricing, and information
sharing in relation to veterans and military
rehabilitation and compensation, and for related
purposes**

1 *suitability matters* in relation to an individual has the meaning
2 given by section 8C.

3 **25 Section 8A**

4 Repeal the section.

5 **26 After section 8B**

6 Insert:

7 **8C Meaning of *suitability matters* in relation to an individual**

8 (1) Each of the following matters is a *suitability matter* in relation to
9 an individual:

- 10 (a) the individual's experience in providing, at any time, aged
11 care or other relevant forms of care;
- 12 (b) whether a NDIS banning order against the individual is, or
13 has at any time been, in force;
- 14 (c) whether the individual has at any time been convicted of an
15 indictable offence;
- 16 (d) whether a civil penalty order against the individual has been
17 made at any time;
- 18 (e) whether the individual is, or has at any time been, an
19 insolvent under administration;
- 20 (f) whether the individual is or has at any time been the subject
21 of adverse findings or enforcement action by any of the
22 following:
- 23 (i) a Department of the Commonwealth or of a State or
24 Territory;
- 25 (ii) the Australian Securities and Investments Commission;
- 26 (iii) the Australian Charities and Not-for-profits
27 Commission;
- 28 (iv) the Australian Competition and Consumer Commission;
- 29 (v) the Australian Prudential Regulation Authority;
- 30 (vi) the Australian Crime Commission;
- 31 (vii) AUSTRAC;
- 32 (viii) another body established for a public purpose by or
33 under a law of the Commonwealth;

- 1 (ix) a State or Territory authority (including, but not limited
2 to, a body that is equivalent to a body mentioned in
3 subparagraphs (ii) to (vii));
4 (x) a local government authority;
5 (g) whether the individual:
6 (i) is, or has at any time been, the subject of any findings or
7 judgment in relation to fraud, misrepresentation or
8 dishonesty in any administrative, civil or criminal
9 proceedings; or
10 (ii) is currently party to any proceedings that may result in
11 the individual being the subject of such findings or
12 judgment;
13 (h) whether the individual is, or has at any time been,
14 disqualified from managing corporations under Part 2D.6 of
15 the *Corporations Act 2001*;
16 (i) any other matter specified in the rules.
17 (2) This section does not affect the operation of Part VIIC of the
18 *Crimes Act 1914* (which includes provisions that, in certain
19 circumstances, relieve persons from the requirement to disclose
20 spent convictions and require persons aware of such convictions to
21 disregard them).

22 **27 Paragraph 63D(2)(c)**

23 Repeal the paragraph, substitute:

- 24 (c) each individual who is one of the key personnel of the person
25 is suitable to be involved in the provision of aged care.

26 **28 After paragraph 63D(3)(e)**

27 Insert:

- 28 (ea) whether the person has at any time been convicted of an
29 indictable offence;
30 (eb) whether a civil penalty order against the person has been
31 made at any time;

32 **29 At the end of section 63D**

33 Add: