NURSING HOMES ASSISTANCE AMENDMENT BILL 1980

Date Introduced: 15 May 1980
House: House of Representatives
Presented by: Hon. M.J.R. MacKellar, Minister for Health

Short Digest of Bill

Purpose
To amend the Nursing Homes Assistance Act 1974 by providing penalties for the furnishing of certain false or misleading information in connexion with requirements under the Act.

Background
The Principal Act was introduced by the Labor Government in 1974 to alleviate the financial problems of non-profit (chiefly religious and charitable) nursing homes for the aged, to encourage local government authorities to provide further such accommodation, and to assist these homes to improve and expand their services for the elderly. To do this, the Act established a system of deficit financing in place of the payment of nursing home benefits under the National Health Act.

As at June 30 1979, 298 homes out of 394 eligible homes were participating in the scheme, representing about 77% of the beds operated by eligible homes. The cost to the Commonwealth of the scheme in 1978-79 was $68.5m. Between the introduction of deficit financing on 1 January 1975 and the end of the 1978-79 financial year, a total of $269.2m was paid by the Commonwealth under this scheme.

Provisions
Proposed s.30A provides for a fine of $10,000 or imprisonment for 5 years for persons who make false or misleading statements when making applications under s.4 (approval of Nursing Home), s.6 (approval of additional services), s.9 (alteration of conditions applicable to a Nursing Home), or under s.10(2) (when requesting a review of a decision by the Permanent Head), or under s.15 (which deals with agreements between the proprietor of a Nursing Home and the Permanent Head).

Proposed s.30(B) provides that a prosecution under
s.30A shall be on indictment. However, a court of summary jurisdiction may hear such a charge if the defendant and prosecutor consent and if the court considers it is proper to do so. If a charge is dealt with summarily the maximum fine that may be imposed is $2,000 or imprisonment for 12 months.

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