THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

AGED CARE AMENDMENT (SECURITY AND PROTECTION) BILL 2007

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be Moved on Behalf of the Government

(Circulated by authority of the Hon Christopher Pyne MP, Minister for Ageing)
AGED CARE AMENDMENT (SECURITY AND PROTECTION) BILL 2007

OUTLINE

The proposed Government amendment would change the commencement date of the Aged Care Amendment (Security and Protection) Bill 2007 from 1 April 2007 to:

- 1 May 2007 for Schedule 1 which contains new arrangements relating to the investigation of complaints and the establishment of an Aged Care Commissioner; and
- 1 July 2007 for Schedule 2 of the Bill which contains the new requirements relating to the compulsory reporting of reportable assaults and protections for those who make reports in accordance with the new compulsory reporting requirements.

This would allow more time for consultation on Principles to be made under the Aged Care Act 1997 (the Act) that would describe the detail of the proposed investigation procedures, and would also give approved providers of residential aged care services more time in which to prepare their organisations (including their staff) for the commencement of the proposed new requirements relating to compulsory reporting of reportable assaults.

FINANCIAL IMPACT STATEMENT

This Government amendment will have no financial impact.
NOTES ON CLAUSES

Item 1

Currently the commencement clause (clause 2) provides that the Bill commences on 1 April 2007. This Government amendment changes clause 2 such that the commencement of the Bill will be deferred and the commencement of the Schedules to the Bill will be staggered.

It is proposed that sections 1 to 3 of the Bill will commence on Royal Assent, Schedule 1 (which contains the proposed arrangements for investigation of complaints and the establishment of the Aged Care Commissioner) will commence on 1 May 2007 and Schedule 2 (which contains the new requirements in relation to compulsory reporting of reportable assaults and protections for those who make such reports) will commence on 1 July 2007.

The changes are in response to representations made by stakeholders regarding the desirability of further consultation on Principles to be made under the Act. The changes are also consistent with the recommendations of the Senate Standing Committee on Community Affairs. The Committee recommended that “in recognition of the additional responsibilities the Bill places on approved providers especially in relation to training staff members and instituting new systems, the commencement date, particularly in relation to the reporting provisions be deferred for a period of at least one month”.

Taking into account the recommendation of the Committee and the views of stakeholders (and recognising that the Bill imposes new requirements on approved providers and will require communication to staff), implementation of the compulsory reporting requirement should be deferred until 1 July 2007. This will enable adequate time for any staff communication and necessary changes to internal systems and procedures. The Government will, however be making it clear to approved providers that while the requirement for compulsory reporting will not be mandated until 1 July 2007, approved providers would still, in the meantime, be encouraged to report assaults to the police and the Secretary of the Department of Health and Ageing.

The Government considers that it is not necessary to extend the timeframes for commencement of the investigation processes (as detailed in Schedule 1) to 1 July 2007. This is because the investigation processes (which will be included in Principles made under the Act) will relate primarily to the roles and responsibilities of the Department of Health and Ageing and the Aged Care Commissioner. By contrast to the compulsory reporting requirements, very limited systems changes and training will be required to be put in place by approved providers in relation to the new investigations processes. However, it is proposed that the timeframes for implementation be extended by one month to enable further consultation with stakeholders on the proposed content of the Investigation Principles.