



Inspector-General of Aged Care (Consequential and Transitional Provisions) Act 2023

No. 56, 2023

**An Act to deal with consequential and transitional
matters arising from the enactment of the
Inspector-General of Aged Care Act 2023, and for
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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[Assented to 17 August 2023]

The Parliament of Australia enacts:

No. 56, 2023

*Inspector-General of Aged Care (Consequential and Transitional
Provisions) Act 2023*

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1 Short title

This Act is the *Inspector-General of Aged Care (Consequential and Transitional Provisions) Act 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	At the same time as the <i>Inspector-General of Aged Care Act 2023</i> commences. However, the provisions do not commence at all if that Act does not commence.	16 October 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Consequential amendments

Aged Care Act 1997

1 After paragraph 86-3(1)(b)

Insert:

(baa) to the *Inspector-General of Aged Care to assist in the performance of the functions, or the exercise of the powers, of the Inspector-General of Aged Care under the *Inspector-General of Aged Care Act 2023* or instruments made under that Act; and

2 Clause 1 of Schedule 1

Insert:

Inspector-General of Aged Care means the Inspector-General of Aged Care referred to in section 9 of the *Inspector-General of Aged Care Act 2023*.

Aged Care Quality and Safety Commission Act 2018

3 Section 7

Insert:

Inspector-General of Aged Care means the Inspector-General of Aged Care referred to in section 9 of the *Inspector-General of Aged Care Act 2023*.

4 After paragraph 61(1)(b)

Insert:

(ba) to the Inspector-General of Aged Care to assist in the performance of the functions, or the exercise of the powers, of the Inspector-General of Aged Care under the *Inspector-General of Aged Care Act 2023* or instruments made under that Act; or

National Anti-Corruption Commission Act 2022

5 Section 7

Insert:

Inspector-General of Aged Care means the Inspector-General of Aged Care referred to in section 9 of the *Inspector-General of Aged Care Act 2023*.

6 After paragraph 15(p)

Insert:

(pa) the Inspector-General of Aged Care;

Schedule 2—Application, saving and transitional provisions

1 Definitions

In this Schedule:

IGAC Act means the *Inspector-General of Aged Care Act 2023*.

Inspector-General has the same meaning as in the IGAC Act.

interim Inspector-General means an Inspector-General of Aged Care appointed by the Secretary on an interim basis before the transition time.

transition time means the commencement of the IGAC Act.

2 Transfer of records

- (1) This item applies to any records or documents that were in the possession of the following immediately before the transition time:
 - (a) the interim Inspector-General;
 - (b) an APS employee of the Department who, before that time, was assisting the interim Inspector-General.
- (2) The records and documents are to be transferred to the Inspector-General after the transition time.

Note: The records and documents are Commonwealth records for the purposes of the *Archives Act 1983*.

3 Review may relate to matters occurring before or after transition time

The Inspector-General may conduct a review under section 17 of the IGAC Act for the purpose of performing a function referred to in paragraphs 10(1)(a) to (d) of that Act in relation to the performance of functions, duties or obligations, exercise of powers or rights, establishment of systems or implementation of recommendations referred to in those paragraphs before or after the transition time.

4 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:

Schedule 2 Application, saving and transitional provisions

- (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subitem (1), the rules may prescribe matters of a transitional nature (including prescribing any saving or application provisions) relating to:
 - (a) the amendments or repeals made by this Act; or
 - (b) the enactment of this Act or the IGAC Act.
- (3) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act or the IGAC Act;
 - (e) directly amend the text of this Act or the IGAC Act.

*[Minister's second reading speech made in—
House of Representatives on 22 March 2023
Senate on 10 May 2023]*

(33/23)
