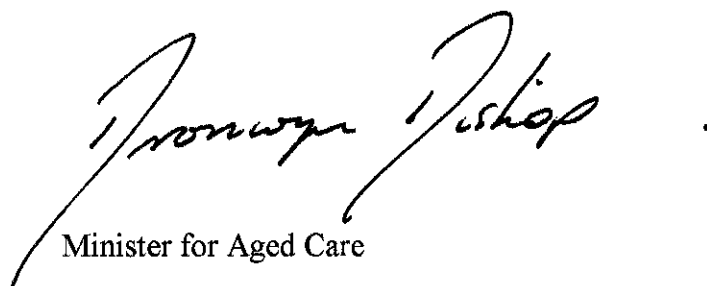




Sanctions Amendment Principles 2001 (No. 1)

I, BRONWYN KATHLEEN BISHOP, Minister for Aged Care, make these Principles under subsection 96-1 (1) of the *Aged Care Act 1997*.

Dated 18th January, 2001


Minister for Aged Care

1 Name of Principles

These Principles are the *Sanctions Amendment Principles 2001 (No. 1)*.

2 Commencement

These Principles commence on gazettal.

3 Amendment of *Sanctions Principles 1997*

Schedule 1 amends the *Sanctions Principles 1997*.

4 Transitional

Part 2 of the *Sanctions Principles 1997*, as in force immediately before the date of commencement of this section, continues to apply in relation to a notice mentioned in subsection 66-2 (1) of the Act that was issued before that date.

Schedule 1 Amendments

(section 3)

[1] Section 22.3

substitute

22.3 Definitions

In these Principles:

Act means the *Aged Care Act 1997*.

non-compliance means a failure by an approved provider to comply with 1 or more of the approved provider's responsibilities under Part 4.1, 4.2 or 4.3 of the Act.

Note: Definitions

A number of expressions used in these Principles are defined in the *Aged Care Act 1997* (see Dictionary in Schedule 1), including:

- aged care
- approved provider
- disqualified individual
- key personnel
- residential care.

[2] After section 22.3

insert

Part 1A Reasonable steps to ensure suitability of key personnel

22.3A Purpose of Part (Act, s 63-1A)

This Part sets out reasonable steps that an approved provider must take to ensure that none of its key personnel is a disqualified individual.

22.3B Reasonable steps to be taken

- (1) For subsection 63-1A (2) of the Act, the following reasonable steps are specified:
 - (a) for a person who is one of the approved provider's key personnel at the date of commencement of this Part (*the commencement date*), the approved provider must, within 14 days of the commencement date, require the person to disclose in a signed statutory declaration whether he or she:
 - (i) has been convicted of an indictable offence; or
 - (ii) is an insolvent under administration;
 - (b) for a person who proposes to become, or who has become, one of the approved provider's key personnel after the commencement date, the approved provider must, in relation to the person:
 - (i) seek (with the person's written consent) a report about the person's criminal conviction record from the Australian Federal Police; and
 - (ii) conduct a search of bankruptcy records; and
 - (iii) conduct previous employment and referee checks;
 - (c) for each of the approved provider's key personnel, the approved provider must:
 - (i) ensure the person understands the obligations of key personnel and of approved providers under the Act in relation to disqualified individuals; and
 - (ii) if the approved provider reasonably believes that the person may be mentally incapable of performing his or her duties as one of the approved provider's key personnel — make arrangements for the person to be examined by a registered medical practitioner; and
 - (iii) if the approved provider has ascertained that the person is a disqualified individual — ensure that the person ceases to be one of the approved provider's key personnel;
 - (d) if the approved provider reasonably believes that a person may be a disqualified individual — the approved provider may take any of the steps mentioned in paragraphs (a) and (b), or other appropriate steps, to ascertain if the person is a disqualified individual;
 - (e) if the Secretary seeks information from the approved provider as to the steps taken by that approved provider to ensure that the person is not a disqualified individual — provide that information to the Secretary.
- (2) For paragraph (1) (a), a person is required to give the approved provider a signed statutory declaration within 14 days of being required to do so.

(3) In subsection (1):

disqualified individual, indictable offence and *insolvent under administration* have the same respective meanings as in section 10A-1 of the Act.

[3] Section 22.4

omit

the requirements for appointing

insert

requirements concerning the appointment of

[4] Sections 22.5 and 22.6

omit

[5] Subsection 22.7 (1)

omit

the nomination,

insert

a nomination by the approved provider under subsection 66A-2 (2) of the Act,

[6] Section 22.8

omit

[7] Subsection 22.9 (3)

substitute

(3) Section 22.7 and this section apply to the nomination.

[8] Section 22.10

omit

the requirements for nominating and appointing

insert

requirements concerning the appointment of

[9] Sections 22.11 and 22.12

omit

[10] Subsection 22.13 (1)

omit

the nomination,

insert

a nomination by the approved provider under subsection 66A-3 (2) of the Act,

[11] Section 22.14

omit

[12] Subsection 22.15 (3)

substitute

(3) Section 22.13 and this section apply to the nomination.