

2019

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Aged Care Amendment (Staffing Ratio  
Disclosure) Bill 2019**  
**No. , 2019**

*Mad\_Bear\_O\_Melbourne MP*

**A Bill for an Act to amend the Aged Care Act 1997 ,  
and for related purposes.**

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## **Schedule 1 - Amendments**

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# **A Bill for an Act to amend the Aged Care Act 1997 , and for related purposes.**

The Parliament of Australia enacts:

## **Part 1—Preliminary**

### **1 Short title**

This Act may be cited as the *Aged Care Amendment (Staffing Ratio Disclosure) Act 2019*

### **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.

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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

### **4 Commonwealth to be bound**

This Act binds the Crown and the Commonwealth in all its capacities.

# Schedule 1—Amendments

## *Aged Care Act 1997*

### **5 After section 9-3B**

Insert:

#### **9-3C Obligation to notify Secretary of staff to care recipient ratios**

- (1) An approved provider must, for each residential care service operated by the approved provider and for each day referred to in subsection (4), notify the Secretary of the ratio of:
  - (a) care recipients to whom residential care is being provided through that residential care service; to
  - (b) staff members of the approved provider who provide a service connected with that residential care service.

Note: Approved providers have a responsibility under Part 4.3 to comply with this obligation. Failure to comply with a responsibility can result in a sanction being imposed under Part 4.4. Information notified under this section is made publicly available (see section 86-9).

- (2) The ratio must also be broken down into ratios for each category of staff member referred to in subsection (5).
- (3) In counting staff members for the purposes of this section, part-time staff members are to be taken into account as an appropriate fraction of a full-time equivalent.
- (4) For the purposes of subsection (1), the days are the following:
  - (a) the 4 days, in each year, specified in the regulations; or
  - (b) if no days are specified in the regulations for the purposes of paragraph (a)—each 1 January, 1 April, 1 July and 1 October.
- (5) For the purposes of subsection (2), the categories of staff members are the following:
  - (a) registered nurses level 1;
  - (b) registered nurses level 2;
  - (c) registered nurses level 3;
  - (d) registered nurses level 4;

- (e) registered nurses level 5;
  - (f) enrolled nurses;
  - (g) nurses with certificate IV or an equivalent qualification;
  - (h) personal care attendants;
  - (i) allied health staff;
  - (j) other staff members.
- (6) A notification under subsection (1) must be made as soon as practicable after the day to which the notification relates.
- (7) The notification must be in the form approved by the Secretary.
- (8) The notification may include an explanation by the approved provider in relation to any ratio notified. The explanation must not exceed 250 words total.
- Note: If an explanation is provided, the explanation will be made publicly available: see section 86-9.
- (9) If, between making notifications under subsection (1), there is a change of more than 10% in a ratio notified under that subsection, the approved provider must, within 28 days of that change, notify the Secretary of the change.
- (10) In this section: staff member of an approved provider has the same meaning as in section 63-1AA.

## **6 After subsection 86-9(1)**

Insert:

- (1A) The Secretary must make publicly available any information about staff to care recipient ratios of residential care services notified to the Secretary under section 9-3C.

## **7 Subsection 86-9(2)**

After “(1)”, insert “or (1A)”: