

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health and Aged Care**

**Senate Standing Committee on Community Affairs Legislation Committee**

**Inquiry into the Aged Care Bill 2024 [Provisions]**

**21 October 2024**

**PDR Number: IQ24-000179**

**Penalties for code of conduct and breaches**

**Spoken**

**Hansard page number: 21**

**Senator: Marielle Smith**

**Question:**

CHAIR: We have also heard concerns about the civil penalty amount for an aged-care worker's failure to comply with the code of conduct, which has a maximum of 250 penalty units or \$78,250. Can you provide an explanation to the committee about how these amounts were arrived at. Take those on notice for me.

**Answer:**

Section 74AC of the *Aged Care Quality and Safety Commission Act 2018* provides a 250 penalty unit maximum penalty for aged care workers who breach the Code of Conduct. This has been in place since 1 December 2022 and is consistent with the NDIS penalty for workers who breach the Code of Conduct (section 73V of the *National Disability Insurance Scheme Act 2013*). The Aged Care Bill 2024 adopts the same approach under clause 145.

Civil penalties are reserved for the most serious breaches of the Code of Conduct. Since its introduction in 2022, no civil penalties have been issued under the Code of Conduct provisions – although compliance notices and caution letters have been issued.