

**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)**  
**03 October 2024**

**PDR Number:** IQ24-000168

**Penalties in relation to a breach of the responsible person duty**

**Written**

**Senator:** Marielle Smith

**Question:**

What penalties will apply to a breach of the responsible person duty

**Answer:**

A breach of statutory duty for certain responsible persons has two levels of penalty, depending on the severity of the breach.

Conduct that amounts to a *serious failure* to uphold the duty could lead to a maximum civil penalty of 150 penalty units.

For conduct that results in *death or serious injury or illness*, the maximum civil penalty is 500 penalty units.

As at 1 July 2024, penalty units are equal to \$313. As such, the maximum fines for a breach of the duty are:

- \$46,950 for a serious failure; and
- \$156,500 for death or serious injury or illness.

These penalties are intended to address the very worst conduct in aged care and give the Aged Care Quality and Safety Commission strong powers to address this kind of behaviour.