

Sanctions Amendment (Appointment of Administrators and Advisers) Principles 2017

I, Ken Wyatt, Minister for Aged Care, make the following principles.

Dated  6 February 2017

Ken Wyatt, AM MP

Minister for Aged Care

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Sanctions Principles 2014 2

1 Name

 This instrument is the *Sanctions Amendment (Appointment of Administrators and Advisers) Principles 2017.*

2 Commencement

 (1) Each provision of this instrument 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 instrument | The day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

 This instrument is made under the *Aged Care Act 1997.*

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Sanctions Principles 2014

1 Part 3

Repeal the Part, substitute:

Part 3—Administration of sanctions

7 Purpose of this Part

 This Part specifies:

1. for subsection 66A‑2(1) of the Act—the class of persons excluded from being appointed as an adviser; and
2. for subsection 66A‑2(4) of the Act—the matters that the Secretary must take into account in specifying the period within which an approved provider must appoint an adviser; and
3. for section 66A‑3(1) of the Act—the class of persons excluded from being appointed as an administrator; and
4. for subsection 66A‑3(4) of the Act—the matters that the Secretary must take into account in specifying the period within which an approved provider must appoint an administrator.

8 Class of persons excluded from being appointed as an adviser

 For subsection 66A‑2(1) of the Act, disqualified individuals are excluded from being appointed as an adviser.

9 Matters to be taken into account in specifying period for appointing an adviser

 For subsection 66A‑2(4) of the Act, in specifying the period within which an approved provider must appoint an adviser, the Secretary must take into account:

1. the location of the aged care service specified in the section 67-5 notice, including whether it is in a metropolitan, regional, rural or remote location;
2. the nature of the approved provider’s non-compliance ; and
3. any other relevant matter.

10 Class of persons excluded from being appointed as an administrator

 For subsection 66A‑3(1) of the Act, disqualified individuals are excluded from being appointed as an administrator.

11 Matters to be taken into account in specifying period for appointing an administrator

 For subsection 66A‑3(4) of the Act, in specifying the period within which an approved provider must appoint an administrator, the Secretary must take into account:

1. the location of the aged care service specified in the section 67-5 notice, including whether it is in a metropolitan, regional, rural or remote location;
2. the nature of the approved provider’s non-compliance; and
3. any other relevant matter.