

Hayes, C. P.
 Jones, S. P.
 King, C. F.
 Marles, R. D.
 Mitchell, R. G.
 O'Connor, B. P. J.
 Plibersek, T. J.
 Sharkie, R. C. C.
 Snowdon, W. E.
 Templeman, S. R.
 Watts, T. G.

Hill, J. C.
 Kearney, G. M.
 King, M. M. H.
 McBain, K. L.
 Mulino, D.
 Owens, J. A.
 Rowland, M. A.
 Shorten, W. R.
 Stanley, A. M. (Teller)
 Thistlethwaite, M. J.
 Wells, A. S.

Husic, E. N.
 Khalil, P.
 Leigh, A. K.
 McBride, E. M.
 Murphy, P. J.
 Payne, A. E.
 Ryan, J. C. (Teller)
 Smith, D. P. B.
 Swanson, M. J.
 Thwaites, K. L.
 Wilson, J. H.

Question agreed to.

Original question agreed to.

Bill read a second time.

Messages from the Governor-General recommending appropriation for the bill and proposed amendments announced.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr TIM WILSON (Goldstein—Assistant Minister to the Minister for Industry, Energy and Emissions Reduction) (18:03): I present a supplementary explanatory memorandum to the bill. By leave—I move:

(1) Clause 2, page 2 (at the end of the table), add:

11. Schedule 9 The day after this Act receives the Royal Assent.

(2) Schedule 1, page 10 (after line 4), after item 37, insert:

37A Subsection 44-21(2) (Care subsidy reduction calculator, step 4, paragraphs (a) and (b))

Repeal the paragraphs, substitute:

- (a) the *adjusted basic subsidy amount* for the care recipient for the day (see subsection (6A));
- (b) any primary supplement amounts for the care recipient for the day.

37B Subsection 44-21(2) (Care subsidy reduction calculator, step 5, paragraphs (a) and (b))

Repeal the paragraphs, substitute:

- (a) the *adjusted basic subsidy amount* for the care recipient for the day (see subsection (6A));
- (b) any primary supplement amounts for the care recipient for the day.

37C Subsection 44-21(3)

Omit all the words after "*care subsidy reduction*", substitute:

for a day is the total of the following amounts:

- (a) the adjusted basic subsidy amount for the care recipient for the day (see subsection (6A));
- (b) any primary supplement amounts for the care recipient for the day.

37D After subsection 44-21(6)

Insert:

- (6A) The *adjusted basic subsidy amount* for a care recipient for a day is an amount:
 - (a) determined by the Minister by legislative instrument; or
 - (b) worked out in accordance with a method determined by the Minister by legislative instrument.

(3) Schedule 1, items 40 and 41, page 10 (lines 11 to 25), omit the items.

(4) Schedule 1, item 71, page 14 (lines 22 to 25), omit the item, substitute:

71 Subsection 44-21(3) (Income tested reduction calculator, step 4, paragraph (c))

Repeal the paragraph (not including the note), substitute:

- (c) the *subsidy related amount* for a care recipient for a day (see subsection (4)).

71A At the end of section 44-21

Add:

- (4) The *subsidy related amount* for a care recipient for a day is the total of the following amounts:

(a) the adjusted basic subsidy amount for the care recipient for the day (see subsection (5));
 (b) the amounts of any primary supplements worked out using Subdivision 44-C for the care recipient for the day; less the amounts of any reductions in subsidy worked out using Subdivision 44-D for the care recipient for the day.

(5) The **adjusted basic subsidy amount** for a care recipient for a day is an amount:

- (a) determined by the Minister by legislative instrument; or
- (b) worked out in accordance with a method determined by the Minister by legislative instrument.

71B Paragraph 44-23(4)(b)

Repeal the paragraph, substitute:

- (b) the subsidy related amount worked out under subsection 44-21(4) for the care recipient for that day.
- (5) Schedule 1, items 80 and 81, page 16 (line 30) to page 17 (line 17), omit the items.
- (6) Schedule 1, item 90, page 20 (after line 10), after paragraph (1)(c), insert:
 - (ca) section 44-21;
- (7) Schedule 1, item 90, page 20 (line 24), omit paragraph (3)(f), substitute:
 - (f) section 44-21;
 - (fa) paragraph 44-23(4)(b);
- (8) Schedule 1, page 25 (after line 15), after item 97, insert:

97A Saving—care subsidy reduction under the Aged Care Act

Despite the amendments of section 44-21 of the Aged Care Act made by the amending Part, that section, as in force immediately before the commencement day, continues to apply, on and after that day, in relation to a payment period that starts before that day.

97B Saving—daily income tested reduction under the Transitional Act

Despite the amendments of section 44-21 and paragraph 44-23(4)(b) of the Transitional Act made by the amending Part, those provisions, as in force immediately before the commencement day, continue to apply, on and after that day, in relation to a payment period that starts before that day.

- (9) Schedule 1, items 99 and 100, page 25 (line 28) to page 26 (line 10), omit the items, substitute:

99 Application—maximum daily amount of resident fees on or after the commencement day under the Aged Care Act

Section 52C-5 of the Aged Care Act, as amended by the amending Part, applies in relation to a day that is on or after the commencement day.

100 Saving—maximum daily amount of resident fees for a day that is before the commencement day under the Aged Care Act

Despite the amendment of section 52C-5 of the Aged Care Act made by the amending Part, that section, as in force immediately before the commencement day, continues to apply, on and after that day, in relation to a day that is before the commencement day.

- (10) Schedule 5, item 16, page 71 (lines 8 to 24), omit subsections 63-1D(3) and (4), substitute:

(3) Subsection (2) does not apply in relation to an approved provider at a particular time if both of the following apply at that time:

- (a) the *governing body of the provider has fewer than 5 members;
- (b) the provider provides *aged care through one or more *aged care services to fewer than 40 care recipients.

(4) Paragraph (2)(a) or (b) does not apply in relation to an approved provider at a particular time if a determination under section 63-1E that the responsibility set out in that paragraph does not apply in relation to the provider is in force at that time.

- (11) Schedule 8, item 49, page 112 (line 15), omit "subsections (3) and (4)", substitute "subsection (4)".

- (12) Schedule 8, item 49, page 112 (lines 25 to 29), omit all the words from and including "anyone" to the end of subsection 161(3), substitute "a member of the Pricing Authority".

- (13) Schedule 8, item 124, page 137 (line 9), omit "subsection 161(3) of the *National Health Reform Act 2011*", substitute "subsection 161(1) or (2) of the *National Health Reform Act 2011* (other than a member of the Pricing Authority (within the meaning of that Act))".

- (14) Page 145 (after line 5), at the end of the Bill, add:

Schedule 9—Restrictive practices

Aged Care Act 1997

1 After subsection 54-10(1)

Insert:

(1A) The Quality of Care Principles made for the purposes of paragraph 54-1(1)(f) may make provision for, or in relation to, the persons or bodies who may give informed consent to the use of a *restrictive practice in relation to a care recipient if the care recipient lacks capacity to give that consent.

2 Subsection 54-10(3)

After "Subsections (1)", insert ", (1A)".

3 At the end of Division 54

Add:

54-11 Immunity from civil or criminal liability in relation to the use of a restrictive practice in certain circumstances

(1) This section applies if:

(a) an approved provider provides aged care of a kind specified in the Quality of Care Principles made for the purposes of paragraph 54-1(1)(f) to a care recipient; and

(b) a *restrictive practice is used in relation to the care recipient; and

(c) the care recipient lacked capacity to give informed consent to the use of the restrictive practice.

(2) A *protected entity is not subject to any civil or criminal liability for, or in relation to, the use of the *restrictive practice in relation to the care recipient if:

(a) informed consent to the use of the restrictive practice was given by a person or body specified in the Quality of Care Principles made for the purposes of this paragraph; and

(b) the restrictive practice was used in the circumstances set out in the Quality of Care Principles made for the purposes of paragraph 54-1(1)(f).

(3) Each of the following is a *protected entity*:

(a) the approved provider referred to in paragraph (1)(a);

(b) an individual who used, or assisted in the use of, the *restrictive practice in relation to the care recipient referred to in that paragraph.

4 Clause 1 of Schedule 1

Insert:

protected entity has the meaning given by subsection 54-11(3).

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr TIM WILSON (Goldstein—Assistant Minister to the Minister for Industry, Energy and Emissions Reduction) (18:04): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Social Security Legislation Amendment (Remote Engagement Program) Bill 2021

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Ms BURNEY (Barton) (18:05): I rise to speak to the Social Security Legislation Amendment (Remote Engagement Program) Bill 2021, and I move:

That all words after "That" be omitted with a view to substituting the following words:

"whilst not declining to give the bill a second reading, the House:

(1) notes:

(a) the proposed pilot remote engagement program is intended to replace the current remote employment program, the Community Development Program (CDP);

(b) the Government are the architects of the current failed CDP and the bill again delays long-overdue changes to this program;

(c) concerns this bill could entrench a welfare model, rather than job creation, economic development and self-determination; and

(d) this bill does not address fundamental issues in remote Australia such as housing and essential services; and