

16 August 2022

Senate Standing Committees on Community Affairs  
Department of Justice and Attorney-General  
PO Box 6100  
Parliament House  
Canberra ACT 2600

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Dear Committee

### **Aged Care Amendment (Implementing Care Reform) Bill 2022**

Thank you for the opportunity to provide feedback on the Aged Care Amendment (Implementing Care Reform) Bill 2022 (the **Bill**). Aged and Disability Advocacy Australia (**ADA**) appreciates being consulted on the potential introduction of this framework.

#### **About ADA Australia**

ADA is a not for profit, independent, community-based advocacy and education service with more than 30 years' experience in informing, supporting, representing and advocating in the interests of older people, and persons with disability in Queensland.

ADA also provides legal advocacy through ADA Law, a community legal centre and a division of ADA. ADA Law provides specialized legal advice to older people and people with disability, including those living with cognitive impairments or questioned capacity, on issues associated with human rights, elder abuse, and health and disability legal issues related to decision-making.

ADA advocates and legal practitioners work with identified First Peoples advocates through the Aboriginal and Torres Strait Islander Disability Network Queensland (**ATSIDNQ**), a network established to support mob with disability and provide individual advocacy services for Aboriginal and Torres Strait Islander people with disability.

#### **Review of the Bill**

ADA has reviewed the Bill and provides the following for the Secretariat's consideration.

##### *Schedule 1 – Registered nurses*

ADA supports the proposal set out in the Bill to introduce a requirement that at least one registered nurse is to be present, *on site and on duty*, at all times in an aged care residential facility. The importance of having appropriately qualified and accessible nursing care for residents in aged care

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was recognised by the Royal Commission into Aged Care Quality and Safety (the **Royal Commission**). ADA strongly endorses the proposition in the Bill to mandate onsite availability of nursing care to 24 hours a day.

We note the provision in the Bill for the granting of an exemption from the requirement to ensure that at least one registered nurse is on site and on duty, at all times. The circumstances which may warrant the granting of an exemption were also contemplated by the Royal Commission. In part, the exemptions acknowledge the challenge that some providers will face in securing appropriately qualified nursing staff, particularly in facilities that are located in regional, rural and remote areas.

Whilst we appreciate this difficulty in resourcing registered nurses, particularly in relation to facilities located outside of metropolitan areas, we are concerned that the absence of clear conditions and time restrictions on the exemptions will lead to over-reliance, with outcomes that do not deliver the care improvements that the Bill purports to introduce. As currently drafted, the Bill does not adequately describe the proper application and intended use of an exemption, nor does it require that whilst an exemption is in place, the provider must be actively taking steps that seek to adjust its onsite workforce so that the exemption can be removed in a timely period.

ADA supports the comments made by the Royal Commission that are directed towards government intervention to urgently address the shortages associated with the aged care and allied health workforce.

#### *Schedule 2 – Capping home care charges*

ADA endorses the proposals in the Bill to implement a cap on the price that home care providers can charge care recipients, and removal of the ability to charge exit fees.

We support the caution noted in the submission by the Older Persons Advocacy Network, of which ADA is a member, which raise concerns that providers may respond to caps on administration, case management and other fees by raising direct care costs. This demonstrates the need for appropriate transparency of fee arrangements, as well as robust reporting and audit functions to ensure that these pricing changes deliver on the intended cost savings for the consumer.

#### *Schedule 3 – Transparency of information*

ADA supports the introduction of provisions to improve transparency within the aged care sector and increase information available and communicated to consumers and the community.

We submit that the drafting set out under schedule 3 of the Bill would benefit from greater detail to ensure that the provisions appropriately direct providers to make relevant information available, and accessible, to the public.

The leading sentence under clause 86-10 (2) of the Bill should be amended as follows:

*(2) Without limiting subsection (1), the Information Principles ~~may~~ must provide for ~~any or all~~ of the following: .....*

We note that the Information Principles are yet to be amended. We submit that further detail should be provided in the primary Act to guide and clarify the information types and detail that the Information Principles must cover.

Specifically, this should include:

- Financial information, including with respect to fees and miscellaneous charges, as well as expenditure costs relating to health care and nursing staff, food, maintenance and programs, as well as profits;
- Levels of care time
- Complaint numbers and mechanisms, reportable incident numbers and incident type, and referral pathways;
- Staffing levels, qualifications and skillset mix;
- Information about the number of residents, including average length of stay and reason for leaving the service.

Thank you again for the opportunity to comment. ADA would be pleased to further assist the Committee with its inquiry. Should you wish to discuss this submission, please do not hesitate to contact Vanessa Krulin, Solicitor and Senior Policy and Research Officer on [REDACTED].

Yours faithfully

A handwritten signature in black ink, appearing to read 'Geoff Rowe', with a long horizontal flourish extending to the right.

**Geoff Rowe**  
Chief Executive Officer