



Catholic Health Australia supports Aged Care Act and suggests improvements

11 October 2024

Catholic Health Australia (CHA) expressed support for the passage of the Aged Care Act during its appearance before the Senate Standing Committee on Community Affairs on Friday. Policy Directors Laura Haylen and Alex Lynch appeared before the Committee to outline the views of the Catholic aged care sector, representing over 350 aged care facilities and 20 per cent of the home care market.

The new Act delivers on the key recommendations of the Royal Commission and lays the foundations for a higher quality and sustainable aged care sector for all Australians, whether they live in a city, regional town or rural area.

It will ensure aged care providers can move to a sustainable footing and start to look at areas of need in our community to expand, particularly for marginalised and vulnerable people.

Catholic Health Australia suggested some amendments to improve the Act further. These include changes to the Code of Conduct penalties, whistleblower protections, and the scope of responsible persons associated with statutory duties.

"The new Act is essential to address the recommendations of the Royal Commission and lays the foundation for a better quality and more sustainable aged care system that older Australians deserve," said Laura Haylen, Director of Aged Care Policy at Catholic Health Australia.

"We support the government's reform agenda and strongly back the passage of this Bill - but we believe certain provisions could be enhanced to better protect aged care providers and the older Australians they serve."

Catholic Health Australia also called for a year-long delay to the implementation of the Support at Home program to ensure it can be carried out effectively.

"The Support at Home program is a much-needed reform and will be transformational for the aged care system in supporting older Australians to age in place - but we are concerned that insufficient time has been allowed for the amount of work that will be needed to implement this once-in-a-generation reform," said Catholic Health Australia Director of Public Health and In Home Support Policy Alex Lynch.

CHA is committed to working with the Government, the Department of Health and Aged Care, aged care residents and other key sector stakeholders to ensure the reforms deliver the best outcomes for older Australians and aged care providers alike.



"We recognise the significant work undertaken by the Government to address concerns raised by stakeholders on the Exposure Draft, and believe our additional proposed amendments will make this Bill even stronger," said Ms Haylen.

Catholic Health Australia's recommendations for amendments to the Bill are:

- **Recommendation 1:** Improve transparency of timeframes for system access for older people by including clear timeframes for complaints processes and decision making by the System Governor, Complaints Commissioner, and the Aged Care Quality and Safety Commissioner.
- **Recommendation 2:** Government continue to monitor the impact of the funding reform on the aged care sector and adjust policy settings when required to ensure the sector remains financially sustainable and investable to support an ageing population.
- **Recommendation 3:** Remove the words 'granted by the individual' from clause 28(2)(c) in order to clearly recognise relevant state/ territory guardianship laws.
- **Recommendation 4:** Remove the direct civil penalty for an aged care worker not complying with the Aged Care Code of Conduct by removing the civil penalty under section 173.
- **Recommendation 5:** Remove aged care workers from the list of individuals that can receive disclosures under the whistleblower framework by removing section 547(a)(v) from the Bill and subsequently section 553(2)(a) or require providers to nominate personnel responsible for receiving disclosures.
- **Recommendation 6:** Exclude operational roles at a facility level from the definition of responsible persons that applies to the statutory duties.
- **Recommendation 7:** Clarify in the Bill and Explanatory Memorandum the relationship between protected information and relevant information so that information management requirements are clear.

For a copy of CHA's submission to the inquiry, contact Charlie Moore 0452 606 171