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Aged Care and Other Legislation Amendment Bill (ACOLA) 2025

National Seniors Australia (NSA) welcomes the opportunity to provide feedback on the Inquiry into the *Aged Care (Accommodation Payment Security) Levy Amendment Bill 2025 and Aged Care and Other Legislation Amendment Bill (ACOLA) 2025*.

NSA is a peak consumer body representing older Australians with more than 270,000 members and supporters. We represent and advocate for a system that is fair, transparent, accessible and responsive to the needs of current and future aged care recipients. Over the years, we have been actively engaged in aged care reform through our research surveys and by drawing on feedback from older Australians.

We acknowledge the Government's intent to modernise and strengthen the aged care legislation framework through the ACOLA Bill, particularly to align with the new rights-based Aged Care Act 2024, due to commence on 1 November 2025.

Due to the urgent need to initiate reforms on 1 November 2025 and considering the changes to the ACOLA Bill and accompanying rules, we focus primarily on the overview of the Minister's influence and potential authority introduced by *Schedule 2 Amendments to the Aged Care (Consequential and Transitional Provisions) Act 2024*.

We broadly support the Bill's objective to:

- Ensure continuity of care during the transition to the new rights-based aged care system.
- Strengthen provider accountability and governance.
- Clarify rule-making powers to address unforeseen operational issues.

Schedule 2 Amendments to the Aged Care (Consequential and Transitional Provisions) Act 2024 amendments are critical as they would grant the Minister the authority to create Regulations designed to swiftly remedy any unintended consequences that may arise from unforeseen circumstances during the implementation of the Aged Care Act 2024.

By addressing these potential challenges proactively, we hope to ensure the legislation serves its intended purpose effectively and without unnecessary disruption to the care system. Given the



significant discretion granted to the Minister under the transitional provisions, independent oversight is essential.

We recommend expanding the Inspector General of Aged Care (IGAG) functions to be empowered to monitor and publicly report on the use of the Minister's powers and their impact on older Australians.

Our support is contingent on safeguards being implemented to ensure that legislative flexibility does not undermine parliamentary scrutiny or the rights of older people.

While this submission specifically addresses proposed amendments to the Minister's powers, these changes may impact the potential consequences of delaying the Support at Home program and affect the withholding of new Support at Home Packages.

More detailed feedback is outlined below.

Should you require further information or input, please contact the NSA Policy Team via policy@nationalseniors.com.au.

Yours sincerely,

Chris Grice
Chief Executive Officer

Schedule 2 Amendments and corrections to the Aged Care (Consequential and Transitional Provisions) Act 2024

Transitional Rule-Making Powers

Schedule 2 Amendments to the Aged Care (Consequential and Transitional Provisions) Act 2024 to the Bill allow the Minister with temporary powers to make rules modifying the operation of the new Act for two years post-commencement. While we acknowledge the practical need for flexibility during implementation, given the substantial changes to the aged care system through the Act, it is prudent to have some form of power to enable prompt action, ensuring there is no further disruption to care.

In our view, the power is appropriately limited in terms of time and purpose. While there are concerns about the extension of this type of power, given the consequences of an interruption to aged care, it is preferable to have this power, though with appropriate oversight and reporting mechanisms.

Oversight and Accountability

Given the significant discretion granted to the Minister under the transitional provisions, independent oversight will be of importance. The [Inspector General of Aged Care](#) empowered to monitor and publicly report on the use of transitional powers and their impact on older Australians, has an even more critical role to play.

The oversight of the Inspector General of Aged Care ability to directly investigate the transitional powers granted to the Minister under the Aged Care Act such as temporary rule-making powers depends on how those powers are exercised and whether they relate to the administration of aged care. While these powers are time-limited and intended to support continuity during the implementation of the new rights-based aged care framework, they carry the potential to materially affect the rights of older Australians and the governance of the aged care system.

We recommend that the functions of the Inspector [General under the Aged Care Act 2023](#) be interpreted and, if necessary, clarified to ensure the Inspector General has apparent authority to monitor, review, and report on the use of these transitional powers.

Such oversight is essential to:

- Promote transparency and accountability in the exercise of significant ministerial discretion.
- Ensure that any temporary modifications to the operation of the new Act do not undermine the intent of the legislative reforms.
- Uphold public confidence in the integrity and fairness of the transition process.

Given the central role of the Inspector General in safeguarding the rights and wellbeing of older people, robust oversight of transitional powers is critical to maintaining trust and ensuring that the new aged care system is implemented in a manner consistent with its stated objectives.

We recommend expanding the functions of the Inspector General of Aged Care to include the authority to monitor and publicly report on the use of these powers, as well as their impact on older Australians. This can be achieved by amending Section 10 of the Inspector-General of Aged Care Act 2023, which outlines the functions of the Inspector-General.

Workforce Capacity and Service Continuity

Australia's aged care services are delivered by a range of important workforce roles, which contribute to ensuring that older people receive safe and high-quality care. There has been significant progress in delivering better pay, conditions and opportunities for the aged care workforce. However, a range of longer-term challenges continues to persist, requiring balanced and coordinated approaches from all sectors involved in aged care.

The [Professional Framework](#) has been developed in consultation with the department's Aged Care Workforce Committee to outline the priorities for action in building a valued, skilled, and supported workforce that meets the needs and rights of older people. The success of the legislative transition relies on a skilled and stable workforce in the aged care sector.

The ACOLA Bill's provisions should be supported by parallel measures to:

- Ensure providers can retain and attract qualified staff during the transition.
- Minimise disruption to services for care recipients.
- Support training and upskilling in line with the new system's requirements.

The Bill's implementation, paired with the [professional Framework to build and strengthen the aged care workforce](#) continuity strategy, will prevent gaps in service delivery.

Conclusion

We support the Bill's objective and urge the strengthening of safeguards to ensure that ministerial discretion is balanced by transparency, accountability, and stakeholder engagement.

The real impact of the new Aged Care Act 2025 will only be seen once it is fully implemented. For this reason, **a robust, independent monitoring system with transparent public reporting and timely feedback loops is crucial for identifying emerging issues early, thereby safeguarding the rights of older people and informing continuous improvement.**