

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health and Aged Care

Senate Standing Committee on Community Affairs Legislation Committee

Inquiry into the Aged Care Bill 2024 (Provisions)

03 October 2024

PDR Number: IQ24-000151

Statement of Rights and the Statement of Principles

Written

Senator: Marielle Smith

Question:

What is the purpose of the Statement of Principles? What's the difference between the Statement of Rights and the Statement of Principles?

Answer:

What is the purpose of the Statement of Principles?

The Royal Commission recommended the Aged Care Bill should include a Statement of Principles (Recommendation 3).

The Statement of Principles reflects the expectation that the Commonwealth aged care system as a whole will support the delivery of funded aged care services by registered providers in a way that recognises the rights of individuals under the Statement of Rights.

The Statement of Principles, while referencing the Statement of Rights and covering similar concepts, focusses on the expected actions of persons or bodies that will perform functions or exercise powers under the Bill (this includes the Minister, the System Governor, the Commissioner and delegated decision-makers).

Clause 25 of the Bill refers to the Statement of Principles which will guide the delivery of:

- a person-centred aged care system,
- an aged care system that values workers and carers,
- a transparent and sustainable aged care system that represents value for money, and
- an aged care system that continues to improve.

The Bill places a clear obligation on Government agencies operating under the Bill to have regard to the Statement of Principles. Together with the Statement of Rights and the Objects of the Bill, the Statement of Principles help to provide a level of surety to older people and their families and supporters that they will be at the forefront of the new aged care system, with their needs responded to appropriately and their individual circumstances recognised and respected.

What's the difference between the Statement of Rights and the Statement of Principles?

The Statement of Rights outlines the specific rights of people accessing, or seeking to access, funded aged care services under the new aged care system.

These rights, together with new clear and consistent obligations outlined in the legislative framework, will ensure registered providers and other workers within the aged care system have a common understanding of the outcomes expected when such services are delivered.

The Statement of Principles, while referencing the Statement of Rights and covering similar concepts, will guide the decisions, actions and behaviours of everyone operating in the aged care system (including, for example, the Minister, the Department and the Commission).

Consistent with the Objects of the Aged Care Bill and operational provisions under the Bill, the Statement of Principles aims to define the intended outcomes of the new legislative framework, including the new regulatory model. It also provides an additional level of surety to the people accessing, or seeking to access, funded aged care services that their interests, needs and personal circumstances will be recognised and respected when actions are taken under the Bill.