

# **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: IQ24-000146**

**Regulation of online platforms under the Aged Care Bill**

**Written**

**Senator:** Marielle Smith

**Question:**

How will online platforms be regulated under the Aged Care Bill

**Answer:**

Under the Aged Care Bill, registered providers are directly funded by the Commonwealth to deliver aged care services.

Online platforms which are not directly funded to provide aged care services, will not be registered providers under the Bill, however they will be regulated.

Under the Bill, online platforms in aged care will have to meet explicit obligations for the first time.

Feedback on the Exposure Draft of the Bill strongly supported better understanding of how regulation of online platforms will be managed.

Changes from the Exposure Draft include allowing for the rules to prescribe information that online platforms must check and display and record keeping and information handling.

Operators of aged care digital platforms may be subject to civil penalties if they fail to meet obligations to:

- notify the Aged Care Quality and Safety Commissioner that they are operating a platform;
- check and display whether providers representing via the platform that they can deliver services in the Commonwealth aged care system are registered, their registration categories and whether a banning order is, or has been, in force against the provider, including an NDIS banning order;

- implement a complaints management system and an incident management system and manage incidents in accordance with these systems to support registered providers in meeting their conditions of registration;
- display on the platform, a summary and explanation of the complaints management and incident management systems;
- prominently display the Aged Care Statement of Rights to older people seeking to access aged care services through the platform;
- report to the Commissioner, the Department of Health and Aged Care, the Complaints Commissioner or the Aged Care Inspector-General, any information which is prescribed for them in the rules;
- keep and retain records and disclose information contained in those records in accordance with the rules.

Online providers may be considered associated providers under the Bill, dependent on their business model and the services being delivered.

Under the Bill, a Registered Provider must be involved in all care delivery and the people who deliver care will be Aged Care Workers of that Registered Provider even if they are engaged through an online platform. This means that there is always an entity responsible for the quality of care delivered and that both providers and workers can be held accountable when things go wrong.