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Carers NSW thanks the Community Affairs Legislation Committee (the Committee) for the opportunity to respond to the inquiry into the *Aged Care (Accommodation Payment Security) Levy Amendment Bill 2025* and the *Aged Care and Other Legislation Amendment Bill 2025*. In principle, Carers NSW supports the amendments to the *Aged Care (Accommodation Payment Security) Levy Amendment Bill 2025* to better align with and support the transition to the new *Aged Care Act 2024*. However, Carers NSW has concerns about the potential risks associated with the proposed automation of key administrative actions under the *Aged Care and Other Legislation Amendment Bill 2025*. In this submission, Carers NSW highlights the importance of implementing robust safeguards and clear avenues for review and redress in any automation efforts. These measures are crucial to protect the rights and wellbeing of older people and their carers while ensuring efficient administration.

Carers NSW is the peak non-government organisation for carers in New South Wales (NSW). A carer is any individual who provides care and support to a family member or friend who lives with a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. Carers NSW is part of the National Carer Network and a member of Carers Australia. Our vision is an Australia that values and supports all carers, and our goals are to:

- Be a leading carer organisation in which carers have confidence
- Actively promote carer recognition and support
- Actively support carers to navigate a changing service landscape that will be characterised by ongoing policy reform
- Promote connected community experiences and opportunities for carers that are inclusive of diverse carer groups
- Lead and advocate for carer-specific and carer-inclusive policy making, research and service delivery
- Continue to be a quality-driven, responsive and carer-focused organisation

## Background

The 2022 Survey of Disability, Ageing and Carers (SDAC) found that approximately 1.7 million people who are ageing or frail require assistance with at least one everyday activity, with 71% (approximately 1.2 million) reporting assistance with everyday activities from informal supports. Informal care was most commonly provided by spouses or partners, who are often ageing themselves, representing over one third of informal carers for people who are ageing or frail.<sup>1</sup>

The Royal Commission into Aged Care Quality and Safety highlighted the significant role of carers within the aged care system and the need for increased recognition and support for carers to ensure

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<sup>1</sup> Australian Bureau of Statistics (2024), *Survey of Ageing, Disability and Carers 2022*, TableBuilder Dataset, Australian Government, Canberra, available online at: [www.abs.gov.au](http://www.abs.gov.au).

the sustainability of the system. The care provided by family and friend carers plays a critical role in supporting the independence and wellbeing of the older person requiring care. Many carers provide a range of supports to help the person they care for to remain living at home and in the community, while others may provide support to an older person living in residential aged care. This care can include practical support, assistance with navigating and coordinating aged care services, emotional and social support, and advocacy. For many, caring is a 24-hour job with emotional, physical and financial impacts that can also affect their participation in employment, education and community activities.

### **Risks associated with automation**

Carers NSW welcomes increased efficiencies within the aged care system to address the anticipated increase in the volume of payments and determinations to be processed following the introduction of the new Aged Care Act. While Carers NSW understands that computer programs can support the processing of large amounts of information and enable consistency in decision-making, Carers NSW has concerns about overreliance on automated decision-making where there may be minimal or no human oversight in individual decisions.

The proposed amendments authorise the automation of key administrative functions, including subsidies, individual fees and contributions and means testing, introducing significant risks for older people and their carers. Incorrect determinations arising from administrative errors or automated system triggers may lead to overcharging or underfunding, with limited avenues for redress unless manually identified and corrected. This may place significant financial and emotional strain on family and friend carers who may be required to cover care costs or navigate complex appeals processes. Carers who are cohabiting or providing high levels of support may be disproportionately impacted by such disruptions to funding or service access. A number of carers have previously been adversely affected by automated decision-making, including through Centrelink's Compliance Program (Robodebt). The automated decision-making algorithm employed by the program resulted in the miscalculation of debts for a number of people receiving or formerly receiving Commonwealth income support payments, including carers and the people they care for, who are more likely to rely on income support payments.

Importantly, the transition to automated, rule-based decision-making substantially reduces discretionary oversight and limits the capacity to assess individual circumstances flexibly. This increases the risk of incorrect determinations arising from administrative errors or the system's inability to capture the complexities of care arrangements. Carers supporting older people with fluctuating or complex needs are especially vulnerable, as informal financial arrangements, shared expenses, or the carers' own financial vulnerabilities are unlikely to be adequately recognised or accommodated by automated systems.

### **Implement robust safeguards and avenues of redress**

With decision-making becoming increasingly automated, Carers NSW believes that there must be additional safeguards in place to protect those who are most vulnerable, including carers and people who are ageing. Carers NSW welcomes the provision for the System Governor to substitute an incorrect automated decision with a corrected decision without requiring a formal review. However, this provision depends on errors being identified and brought to the System Governor's attention, which may not always occur. To strengthen oversight, Carers NSW supports the introduction of an external, new independent regulatory body responsible for reviewing, approving, monitoring and auditing of automated decision-making by government bodies. Carers NSW believes that this body should also provide accessible information and referrals to individuals, including carers and people who are ageing, to enable them to understand automated decision-making outcomes and to assist them in accessing the appropriate advocacy or legal services to challenge automated decisions. Carers NSW further supports a human rights impact assessment on the use of automated decision-making to ensure that the rights of affected older people are upheld.

Furthermore, Carers NSW believes that where an automated decision-making process has occurred under the new Act, there should be an onus on the decision-making body, in this instance, the Department, to review and investigate the accuracy and appropriateness of decisions before they are applied. Where the onus is placed on the person the decision is made against, carers and people who are ageing may be disadvantaged, feeling unable to challenge decisions due to time and financial constraints, or a lack of adequate information or education.

To ensure aged care reforms fulfil their intent, placing the rights of older people at the centre of the aged care system, Carers NSW believes robust safeguards, effective oversight and clear avenues for redress must be embedded in current and planned legislative and regulatory frameworks. Transparency and accountability around the use of automation in decision-making are also essential in ensuring the quality, safety and continuity of aged care services.

Thank you for accepting our submission. For further information, please contact Lauren Brooks, Policy and Development Officer

Yours sincerely,

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Carers NSW