

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: IQ24-000117

Rights based aged care recommendations

Written

Senator: Marielle Smith

Question:

What were the recommendations from the Aged Care Royal Commission about rights based aged care, how does the Aged Care Bill respond to those recommendations

Answer:

Recommendation 2 of the Royal Commission into Aged Care Quality and Safety was for the new Aged Care Act to specify the rights of people seeking and receiving aged care.

The Aged Care Bill addresses Recommendation 2 of the Royal Commission by establishing a Statement of Rights.

The Statement of Rights focuses on what individuals accessing, or seeking to access, funded aged care services can expect from registered providers.

Importantly, it outlines rights specifically relevant to the aged care system and the delivery of funded aged care services under the Bill, and not the rights of older people more generally.

In conjunction with the Objects of the Bill and the Statement of Principles, the Statement of Rights is fundamental in underpinning the new rights-based aged care system and aims to ensure quality and safe care for individuals accessing, or seeking to access, funded aged care services.

The Statement of Rights will empower users of the aged care system and will place individuals and their needs at the centre of the legislative framework. It will provide clarity,

and promote confidence, among individuals, their family members and representatives, providing a reference point from which they can advocate in complex and sensitive circumstances.

The Statement of Rights draws on the recommended wording of the Royal Commission and covers rights designed to ensure individuals accessing, or seeking to access, funded aged care services have:

- independence, autonomy, empowerment and freedom of choice
- equitable access to funded aged care services
- quality and safe funded aged care services
- respect for their privacy and access to information
- person-centred communication and ability to raise issues without consequences, and
- access for advocates and significant persons, and social connections.