

# 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: IQ24-000119

#### Recommendations from the Aged Care Royal Commission

##### Written

**Senator:** Marielle Smith

##### Question:

What other recommendations from the Aged Care Royal Commission are being addressed or further addressed through this Bill

##### Answer:

Fifty-eight (58) recommendations are being addressed, in full or in part, by the Aged Care Bill 2024.

Ref	RECOMMENDATION	LOCATION IN BILL
1	<b><u>Recommendation 1</u></b> A new Act	<ul style="list-style-type: none"><li>• Aged Care Bill 2024</li><li>• Clause 5 Objects of the Act</li></ul>
2	<b><u>Recommendation 2</u></b> Rights of older people receiving aged care	<ul style="list-style-type: none"><li>• Division 1, Part 3, Chapter 1 – Aged Care Rights</li><li>• See also; clause 144 Rights and Principles</li></ul>
3	<b><u>Recommendation 3</u></b> Key principles	<ul style="list-style-type: none"><li>• Division 2, Part 3, Chapter 1 – Aged Care Principles</li><li>• See also; clause 144 Rights and Principles</li></ul>
4	<b><u>Recommendation 8</u></b> Cabinet Minister and Department of Health and Aged Care	<ul style="list-style-type: none"><li>• Part 2, Chapter 5 – System Governor</li><li>• Part 9, Chapter 8 – Reports on and review of this Act</li></ul>
5	<b><u>Recommendation 13</u></b> Embedding high quality aged care	<ul style="list-style-type: none"><li>• Clause 20</li></ul>
6	<b><u>Recommendation 14</u></b>	<ul style="list-style-type: none"><li>• Clause 152 Workforce and aged care worker requirements</li></ul>

Ref	RECOMMENDATION	LOCATION IN BILL
	A general duty to provide high quality and safe care	<ul style="list-style-type: none"> <li>• Clause 146 Compliance with Aged Care Quality Standards</li> <li>• Clause 147 Continuous improvement</li> <li>• Division 1, Part 5, Chapter 3 – Provider and responsible person duties</li> <li>• Division 2, Part 5, Chapter 3 – Other provisions that apply to duties</li> </ul>
7	<b><u>Recommendation 25</u></b> A new aged care program	<ul style="list-style-type: none"> <li>• Chapter 2 – Entry to the Commonwealth Aged Care System</li> <li>• Chapter 4 – Funding of aged care services</li> </ul>
8	<b><u>Recommendation 28</u></b> A single comprehensive assessment process	<ul style="list-style-type: none"> <li>• Chapter 2 – Entry to the Commonwealth aged care system</li> </ul>
9	<b><u>Recommendation 31</u></b> Approved providers responsibility for care management	<ul style="list-style-type: none"> <li>• Clause 8 Aged care service list</li> <li>• Division 1, Part 2, Chapter 4 – Subsidy for home support</li> </ul>
10	<b><u>Recommendation 32</u></b> Respite supports category	<ul style="list-style-type: none"> <li>• Clause 8 Aged care service list</li> <li>• Division 4, Part 2, Chapter 4 – Subsidy for residential care</li> </ul>
11	<b><u>Recommendation 33</u></b> Social supports category	<ul style="list-style-type: none"> <li>• Clause 8 Aged care service list</li> <li>• Division 1, Part 2, Chapter 4 – Subsidy for home support</li> </ul>
12	<b><u>Recommendation 34</u></b> Assistive technology and home modifications category	<ul style="list-style-type: none"> <li>• Clause 8 Aged care service list</li> <li>• Division 2, Part 2, Chapter 4 – Subsidy for assistive technology</li> <li>• Division 3, Part 2, Chapter 4 – Subsidy for home modifications</li> </ul>
13	<b><u>Recommendation 35</u></b> Care at home category	<ul style="list-style-type: none"> <li>• Clause 8 Aged care service list</li> <li>• Division 1, Part 2, Chapter 4 – Subsidy for home support</li> <li>• Division 2, Part 2, Chapter 4 – Subsidy for assistive technology</li> <li>• Division 3, Part 2, Chapter 4 – Subsidy for home modifications</li> </ul>
14	<b><u>Recommendation 36</u></b> Care at home to include allied health care	<ul style="list-style-type: none"> <li>• Clause 8 Aged care service list</li> <li>• Division 1, Part 2, Chapter 4 – Subsidy for home support</li> <li>• Division 2, Part 2, Chapter 4 – Subsidy for assistive technology</li> <li>• Division 3, Part 2, Chapter 4 – Subsidy for home modifications</li> </ul>
15	<b><u>Recommendation 40</u></b> Transition to care at home	<ul style="list-style-type: none"> <li>• Clause 8 Aged care service list</li> <li>• Division 1, Part 2, Chapter 4 – Subsidy for home support</li> <li>• Division 2, Part 2, Chapter 4 – Subsidy for assistive technology</li> <li>• Division 3, Part 2, Chapter 4 – Subsidy for home modifications</li> </ul>

Ref	RECOMMENDATION	LOCATION IN BILL
16	<b><u>Recommendation 47</u></b> Aboriginal and Torres Strait Islander aged care pathway within the new aged care system	<ul style="list-style-type: none"> <li>• Clause 20 Meaning of <i>high-quality care</i></li> <li>• Clause 23 Statement of Rights</li> <li>• Clause 25 Statement of Principles</li> <li>• Clause 58 Eligibility determination for an aged care needs assessment</li> <li>• Clause 66 Aboriginal or Torres Strait Islander persons</li> <li>• Clause 71 Period of effect of approval <i>Alternative entry</i></li> <li>• Division 5, Part 2, Chapter 4 – Subsidy for certain specialist aged care programs</li> <li>• Clause 349 Safeguarding functions</li> <li>• Clause 358 Complaints functions</li> </ul>
17	<b><u>Recommendation 52</u></b> Funding cycle	<ul style="list-style-type: none"> <li>• Division 7, Part 2, Chapter 4 - Grants</li> </ul>
18	<b><u>Recommendation 53</u></b> Program streams	<ul style="list-style-type: none"> <li>• Division 7, Part 2, Chapter 4 - Grants</li> </ul>
19	<b><u>Recommendation 55</u></b> Multi-Purpose Services Program	<ul style="list-style-type: none"> <li>• Division 5, Part 2, Chapter 4 – Subsidy for certain specialist aged care programs</li> </ul>
20	<b><u>Recommendation 67</u></b> Improving data on the interaction between the health and aged care systems	<ul style="list-style-type: none"> <li>• Chapter 7 – Information management</li> </ul>
21	<b><u>Recommendation 74</u></b> No Younger People in Residential Aged Care	<ul style="list-style-type: none"> <li>• Part 2, Chapter 2 – Eligibility for entry</li> </ul>
22	<b><u>Recommendation 77</u></b> National registration scheme	<ul style="list-style-type: none"> <li>• Clause 152 Workforce and aged care worker requirements</li> <li>• Division 8, Part 3, Chapter 5 – Worker Screening</li> </ul>
23	<b><u>Recommendation 78</u></b> Mandatory minimum qualifications for personal care workers	<ul style="list-style-type: none"> <li>• Clause 152 Workforce and aged care worker requirements</li> </ul>
24	<b><u>Recommendation 80</u></b> Dementia and palliative care training for workers	<ul style="list-style-type: none"> <li>• Clause 152 Workforce and aged care worker requirements</li> </ul>
25	<b><u>Recommendation 92</u></b> Approval of providers	<ul style="list-style-type: none"> <li>• Part 2, Chapter 3 – Provider registration and residential care home approval process</li> </ul>
26	<b><u>Recommendation 93</u></b> Accreditation of high-level home care services	<ul style="list-style-type: none"> <li>• Part 2, Chapter 3 – Provider registration and residential care home approval process</li> </ul>
27	<b><u>Recommendation 94</u></b> Greater weight to be attached to the experience of people receiving aged care	<ul style="list-style-type: none"> <li>• Division 6, Part 3, Chapter 5 – Reporting and planning</li> </ul>
28	<b><u>Recommendation 95</u></b> Graded Assessments and performance ratings	<ul style="list-style-type: none"> <li>• Clause 110 Audit requirements</li> </ul>

Ref	RECOMMENDATION	LOCATION IN BILL
29	<b><u>Recommendation 96</u></b> Responding to Coroner's reports	<ul style="list-style-type: none"> <li>• Clause 341 Register of coroner's reports</li> <li>• Clause 342 Reporting relating to recommendations in coroner's reports</li> </ul>
30	<b><u>Recommendation 97</u></b> Strengthened monitoring powers for the Quality Regulator	<ul style="list-style-type: none"> <li>• Chapter 6 – Regulatory mechanisms</li> <li>• Clause 427 Entry without warrant or consent</li> </ul>
31	<b><u>Recommendation 98</u></b> Improved complaints management	<ul style="list-style-type: none"> <li>• Clause 165 Complaints, feedback and whistleblowers</li> <li>• Division 3, Part 3, Chapter 5 – Establishment and functions of the Complaints Commissioner</li> </ul>
32	<b><u>Recommendation 99</u></b> Protection for whistle-blowers	<ul style="list-style-type: none"> <li>• Part 5, Chapter 7 – Whistleblower protections</li> </ul>
33	<b><u>Recommendation 101</u></b> Civil penalty for certain contraventions of the general duty	<ul style="list-style-type: none"> <li>• Clause 142 Conditions of registration</li> <li>• Clause 146 Compliance with Aged Care Quality Standards</li> <li>• Clause 147 Continuous improvement</li> <li>• Division 1, Part 5, Chapter 3 Provider and responsible person duties</li> <li>• Division 2, Part 5, Chapter 3 Other provisions that apply to duties</li> </ul>
34	<b><u>Recommendation 102</u></b> Compensations for breach of certain civil penalty provisions	<ul style="list-style-type: none"> <li>• Division 3, Part 5, Chapter 3 – Compensation pathway</li> </ul>
35	<b><u>Recommendation 104</u></b> Aged Care Quality and Safety Commission capability review	<ul style="list-style-type: none"> <li>• Division 3, Part 3, Chapter 5 – Establishment and functions of the Complaints Commissioner</li> <li>• Part 4, Chapter 5 – Aged Care Quality and Safety Advisory Council</li> <li>• Part 2, Chapter 8 – Reconsideration and review of decisions</li> </ul>
36	<b><u>Recommendation 105</u></b> Transparency around the performance of the Quality Regulator	<ul style="list-style-type: none"> <li>• Division 6, Part 3, Chapter 5 – Reporting and planning</li> <li>• Subdivision B, Division 2, Part 2, Chapter 7 – Authorisation of System Governor and Appointed Commissioners</li> <li>• Division 2, Part 4, Chapter 7 – Publication by Commissioner</li> </ul>
37	<b><u>Recommendation 106</u></b> Enhanced Advocacy	<ul style="list-style-type: none"> <li>• Clause 23 Statement of Rights</li> <li>• Clause 156 Access by supporters and independent aged care advocates etc</li> </ul>
38	<b><u>Recommendation 108</u></b> Data governance and a National Aged Care Data Asset	<ul style="list-style-type: none"> <li>• Chapter 7 – Information management</li> </ul>
39	<b><u>Recommendation 116</u></b> Requirement to participate in Pricing Authority activities	<ul style="list-style-type: none"> <li>• Clause 177 Cooperation with other persons</li> </ul>
40	<b><u>Recommendation 119</u></b>	<ul style="list-style-type: none"> <li>• Division 2, Part 2, Chapter 2 – Aged care needs assessments and reassessments</li> </ul>

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	Maximum funding amounts for care at home	<ul style="list-style-type: none"> <li>Part 3, Chapter 2 – Classification</li> </ul>
41	<b><u>Recommendation 123</u></b> : Payment on accruals basis for care at home	<ul style="list-style-type: none"> <li>Subdivision A, Division 6, Part 2, Chapter 4 – Claims and payment for home support, assistive technology and home modifications</li> </ul>
42	<b><u>Recommendation 124</u></b> Standardised statements on services delivered and costs in home	<ul style="list-style-type: none"> <li>Clause 148 Delivery of funded aged care services</li> </ul>
43	<b><u>Recommendation 125</u></b> Abolition of contributions for certain services	<ul style="list-style-type: none"> <li>Clause 8 Aged care service list</li> <li>Part 3, Chapter 4 – Individual fees and contributions</li> </ul>
44	<b><u>Recommendation 126</u></b> Fees for respite care	<ul style="list-style-type: none"> <li>Clause 8 – Aged care service list</li> <li>Part 4, Chapter 4 – Accommodation payments and accommodation contributions</li> </ul>
45	<b><u>Recommendation 127</u></b> Fees for residential aged care - ordinary costs of living	<ul style="list-style-type: none"> <li>Clause 8 Aged care service list</li> </ul>
46	<b><u>Recommendation 128</u></b> Fees for residential aged care accommodation	<ul style="list-style-type: none"> <li>Clause 8 Aged care service list</li> <li>Part 4, Chapter 4 – Accommodation payments and accommodation contributions</li> </ul>
47	<b><u>Recommendation 129</u></b> Changes to the means test	<ul style="list-style-type: none"> <li>Division 2, Part 5, Chapter 4 – Means testing in approved residential care home</li> </ul>
48	<b><u>Recommendation 130</u></b> Responsibility for prudential regulation	<ul style="list-style-type: none"> <li>Clause 349 Safeguarding functions</li> <li>Division 7, Part 3, Chapter 5 – Financial and Prudential Standards</li> </ul>
49	<b><u>Recommendation 131</u></b> Establishment of prudential standards	<ul style="list-style-type: none"> <li>Division 7, Part 3, Chapter 5 – Financial and Prudential Standards</li> </ul>
50	<b><u>Recommendation 132</u></b> Liquidity and capital adequacy requirements	<ul style="list-style-type: none"> <li>Division 7, Part 3, Chapter 5 – Financial and Prudential Standards</li> </ul>
51	<b><u>Recommendation 133</u></b> More stringent financial reporting requirements	<ul style="list-style-type: none"> <li>Clause 166 Reporting</li> <li>Division 7, Part 3, Chapter 5 – Financial and Prudential Standards</li> </ul>
52	<b><u>Recommendation 134</u></b> Strengthened monitoring powers for the Prudential Regulator	<ul style="list-style-type: none"> <li>Chapter 6 – Regulatory mechanisms</li> </ul>
53	<b><u>Recommendation 135</u></b> Continuous disclosure requirements in relation to prudential reporting	<ul style="list-style-type: none"> <li>Clause 150 Compliance with Financial and Prudential Standards</li> <li>Clause 167 Change in circumstances</li> </ul>
54	<b><u>Recommendation 136</u></b> Tools for enforcing the prudential standards and guidelines and financial reporting obligations of providers	<ul style="list-style-type: none"> <li>Clause 142 Conditions of registration</li> <li>Clause 150 Compliance with Financial and Prudential Standards</li> <li>Clause 166 Reporting</li> <li>Clause 167 Change in circumstances</li> <li>Chapter 6 Regulatory mechanisms</li> </ul>
55	<b><u>Recommendation 140</u></b>	<ul style="list-style-type: none"> <li>Clause 8 Aged care service list</li> </ul>

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	Fees for residential aged care accommodation	<ul style="list-style-type: none"> <li>Part 4, Chapter 4 – Accommodation payments and accommodation contributions</li> </ul>
56	<b><u>Recommendation 141</u></b> Changes to the means test	<ul style="list-style-type: none"> <li>Division 2, Part 5, Chapter 4 – Means testing in approved residential care home</li> </ul>
57	<b><u>Recommendation 142</u></b> Phasing out of Refundable Accommodation Deposits	<ul style="list-style-type: none"> <li>Clause 600 Review of operation of refundable deposits under this Act</li> </ul>
58	<b><u>Recommendation 143</u></b> Implementation of new arrangements for financial oversight and prudential regulation	<ul style="list-style-type: none"> <li>See recommendations 130, 131, 132, 133, 134, 135, 136 and 137</li> </ul>