

Submission re proposed Amendments to the Aged Care (Accommodation Payment Security) Levy Amendment Bill 2025 and the Aged Care and Other Legislation Amendment Bill 2025

Submitted on behalf of NACAC members by the Chair, Emeritus Professor Sue Gordon.

The National Aged Care Advisory Council (NACAC) provides independent advice to Government on aged care reform and was established in response to Recommendation 7 of the Royal Commission into Aged Care Quality and Safety.

NACAC comprises 17 members (including the Chair).

Members include people of eminence, with knowledge and expertise in aged care services, encompassing perspectives of people receiving aged care, the workforce, providers, health and allied health professionals, specialists in training and education, and independent experts. This expertise allows NACAC to provide advice from these perspectives.

Nine of NACAC's members currently serve on the Aged Care Transition Taskforce.

NACAC welcomes and supports:

- The introduction of a time-limited rule making power which empowers the Minister, during the first two years of operation of the new Act, to make rules modifying the operation of primary legislation to ensure that continuity of care is maintained for older persons in the event of unforeseen or unintended circumstances arising during transition and implementation of the new rights-based aged care system established by the new Act **(Schedule 2, Part 4, Item 2)**
- The extension in time to 1 November 2027 to give the Inspector-General appropriate time to gather sufficient evidence on the impact of the new Act to inform their review. **(Schedule 3, Item 231 – Subsection 28(5))**

Star Ratings

NACAC welcomes and supports:

- The increased information that the System Governor must publish in relation to funded aged care services delivered by registered providers in approved residential care homes including compliance with 24/7 nursing **(Schedule 1, Item 260 – Subsection 541(2))**
- The System Governor to be able to give an approved residential care home a low star rating for quality if the registered provider fails to comply with requirements under the Act **(Schedule 1, Item 262 – Subsection 541(4))**

However, NACAC suggest that further improvement in the usability, and value of star ratings would be possible through greater transparency and accountability regarding the formulation of Star Ratings. It is suggested that Star Ratings, and implementation of reviews, could both be improved by having a mechanism for the worker voice within the

aged care system. This would help determine if the compliance information is accurate, and the reviews are comprehensive.

Aged Care Quality Standards Review

NACAC welcomes Periodic reviews of the conduct and operation of the Aged Care Quality Standards **(Schedule 1, Item 24 – At the end of section 15)**.

NACAC recognises the importance of getting the new system right. The Minister’s rule making power during the first two years of roll out will support responsive implementation. As well review of the Standards will be key to ensuring the ongoing adoption of best practices in contemporary care related to the Act. With the increasing rate of advancements in technology and care delivery a review of the Standards at two or three years after enactment would maintain currency and respond to critical concerns. Ongoing reviews should be frequent enough to support dynamic, informed and responsive changes.

Service delivery

This item repeals the subsection 11(7) of the new Act and substitutes it with new clause 11A to provide for certain circumstances where a registered provider should be deemed to have provided a funded aged care service where they have not actually provided the service. This is to ensure that registered providers, particularly those providing services under the Support at Home program, can receive the appropriate subsidy under the new Act in these circumstances. **(Schedule 1, Item 23 – Subsection 11(7))**

Members of the Council remain concerned that there are instances where it is impossible for recipients of aged care services to provide 48hours notice of changes to services to avoid a fee. In cases where this occurs due to emergencies such as hospital admission or emergency respite care the Act should include a fair and consistent rule such as a shortened period of notice and a waived or substantially reduced fee.