

# **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: IQ24-000116**

#### **Changes to exposure draft of the Bill**

#### **Written**

**Senator:** Marielle Smith

#### **Question:**

What changes were made by the government in response to feedback given through the exposure draft of the Bill.

#### **Answer:**

In response to feedback received during public consultations on the exposure draft, a number of updates have been made. The most notable changes are to:

- supported decision making arrangements
- introduce a positive requirement for providers to uphold rights and clarifying how rights should be balanced
- adjust the membership of governing bodies requirements to enable exemptions to be specified in the Rules
- a new condition of provider registration related to staff members, ensuring workers in risk-assessed positions are screened for suitability to work in an aged care setting (including subcontractors)
- clarifying provisions relating to advocacy and volunteers
- removing the criminal penalties that attach to the new duties on providers and responsible persons so they now operate as civil penalties
- providing more detail in respect of some registration conditions and obligations (for example direct care and vaccination related requirements)

- obligations of digital platforms, including requirements to check and display whether entities (including individuals) are subject to a banning order before they are advertised on the platform, and to retain and disclose information in accordance with the rules
- narrowing the definition of protected information
- refining whistleblower provisions, and
- ensuring independence of the Complaints Commissioner.

Importantly, Chapter 4 of the Bill has been included. It covers the contributions the Commonwealth will make towards aged care services, the contributions individuals need to make towards aged care services, and how people's means will be assessed to make contributions towards the cost of their care.

A number of technical changes to clarify the operation of the Bill were also made.