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### **Inspector-General of Aged Care Bill 2023 and the Inspector-General of Aged Care (Consequential and Transitional Provisions) Bill 2023**

Carers NSW welcomes the opportunity to provide a submission to the Inspector-General of Aged Care Bill 2023 and the Inspector-General of Aged Care (Consequential and Transitional Provisions) Bill 2023 (the Bill). This brief submission will speak to areas of the Bill, including the role and function of the Inspector-General of Aged Care (the Inspector-General) that have direct relevance to family and friend carers in NSW.

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 has 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.

Carers NSW is pleased to observe that since initial consultation, further clarity has been provided regarding the scope and function of the Inspector-General of Aged Care, and believes the Explanatory Memorandum has begun to address concerns regarding potential duplication of existing aged care bodies and entities.

While these documents provide a useful explanation of the role of the Inspector-General, including its jurisdictional oversight, we believe the sector and community require further information as to how the Inspector-General will sit within the larger context of the aged care system, particularly where there is overlap of interest or oversight. For example, the Statement of Compatibility with Human Rights, *The right to health – article 12(1) of the ICESCR*, states that the Bill promotes the right to health by holding the Commonwealth to the highest standard in its governance, regulation and administration of aged care, including areas such as restrictive practices.

Currently, the Aged Care Quality and Safety Commission (the Commission), has oversight of restrictive practices within aged care, and provides regulatory guidance on their appropriate use. While Carers

NSW understands that the role of the Inspector-General will be to monitor the performance of the Commission in respect to this guidance, we are concerned that without proper clarification of roles and responsibilities, there may be ongoing confusion within the sector. As such, in line with our previous submission, we believe it is necessary for the Department to clearly demonstrate how the Inspector-General will integrate with existing entities and bodies. Carers NSW also recommends that the Department should create clear boundaries and a streamlined interface between existing agencies and the Inspector-General.

In addition to clarification of role and scope, Carers NSW wishes to respond to the proposed work plans as described in Subdivision A. Carers NSW supports this clause in principle, particularly as it demonstrates the Inspector-General's commitment to transparency around its priorities and areas of focus. Although subclause 15(3) creates the ability for the Inspector-General to consult with any person deemed appropriate when preparing the work plan, Carers NSW believes clear parameters should be made for the Inspector-General to routinely consult with community and sector on proposed work plans, to encourage greater collaboration with and trust of the Inspector-General.

Further, while Carers NSW has been pleased to hear mention that the Inspector-General will consult with stakeholders to develop a review program for systemic investigations, there is no reference to an advisory board or similar body identified in the legislative instrument. We believe clear governance responsibilities should be enshrined in the legislation to ensure that while independent, the Inspector-General has strong ties to the community it intends to systemically represent.

Carers NSW believes a strong collaborative relationship between the Inspector-General and sector more broadly is particularly important, especially as one of its key roles will be to review the implementation of recommendations made by the Royal Commission into Aged Care Quality and Safety. Although findings and recommendations from the Royal Commission, have adequately reflected the critical role family and friend carers play in the care and support of an ageing family member or friend, Carers NSW is disappointed to observe that these have not been consistently reflected in the proposed reforms. As such, we believe the Inspector-General must work closely with consumers, carers, and sector representatives, including those representing carers, to ensure the recommendations are adequately embedded and to protect against being replicated in the new system.

Thank you for accepting our submission. For further information, please contact

Yours sincerely,

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Carers NSW