

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Supplementary Budget Estimates 2011-2012, 19 October 2011

Question: E11-365

OUTCOME 4: Aged Care and Population Ageing

Topic: JALLARAH HOMES

Written Question on Notice

Senator Fierravanti-Wells asked:

- a) Is the Department of Health and Ageing aware of the claim by United Voice on behalf of its members?
- b) Is the Department aware of other claims of this nature in other aged care facilities?
- c) Is there any federal funding available to help small not for profit homes to make payments of any successful claims for back pay?
- d) Is there any other assistance with advice or negotiation available through the department to help not for profit facilities?
- e) If the claims were successful and the home was not able to pay and forced to close, what other arrangements would be made to house the 30 residents as the nearest aged care facility is 75km away in Murray Bridge?

Answer:

- a) Yes.
- b) No.
- c) No. While the Government has an overarching role as funder of programs and services, aged care providers are responsible, together with their staff, to negotiate wages and conditions.
- d) The Department of Health and Ageing is able to provide information to providers about their obligations under the *Aged Care Act 1997* in relation to prudential requirements and their responsibilities for care recipients.
- e) The decision to close a home is a matter for the approved provider. The role of the Department in any closure is to ensure that aged care providers comply with their obligations under the *Aged Care Act 1997*.

The priority is to ensure ongoing quality care and the well-being and safety of older Australians at Jallarah Homes.

Existing residents have security of tenure while the service remains operational and can meet the residents' assessed care needs.

When a residential care service is closing, the approved provider is legally obliged to inform residents of their rights about leaving, including the right of access to internal and external complaints processes and to advocacy services.

The provider must not take action to make the resident leave, or imply that the resident must leave, before suitable and affordable alternative accommodation is available that meet the resident's assessed long-term needs and is affordable by the resident.