

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2014-15 Supplementary Estimates Hearings

Outcome Number: 3 - Ageing

Question No: 454

Topic: Innovation Hub

Hansard Page: Written

Senator Polley asked:

Concerning the Innovation Hub being trialled in South Australia, the Department has stated that quality of care will be upheld because residents are still protected by the Charter of Residents Rights and Responsibilities. This Charter has no legal standing unless it is incorporated within the Resident Agreement. Therefore could you please explain how residents' rights will be protected when this Charter is unenforceable for most, if not all, residents?

Answer:

The Charter of care recipients' rights and responsibilities – residential care (the Charter), formerly known as the Charter of Residents Rights and Responsibilities, is legally enforceable under the *Aged Care Act 1997* (the Act).

Under 56-1(m) of the Act an approved provider has the responsibility to “not act in a way which is inconsistent with any rights and responsibilities that are specified in the User Rights Principles”.

Section 9 of the *User Rights Principles 2014* states “For paragraph 56-1(m) of the Act, the rights and responsibilities of a care recipient who is being provided with, or is to be provided with, residential care include the rights and responsibilities mentioned in the “Charter of care recipients' rights and responsibilities – residential care” set out in Schedule 1.

The Charter continues to apply to all residents living in aged care homes participating in the South Australia Innovation Hub (the Hub). It does not need to be incorporated in the resident agreement to be legally enforceable.