

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Supplementary Budget Estimates 2016 - 2017, 19 October 2016

Ref No: SQ16-000694

OUTCOME: 6 - Ageing and Aged Care

Topic: Residential aged care funding

Type of Question: Written Question on Notice

Senator: Polley, Helen

Question:

In a recent Judgement the Full Federal Court found ACFI documents are “riddled with ambiguous, uncertain and inconsistent language” and that they should be reviewed (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCAFC/2016/108.html?stem=0&synonyms=0&query=DLW%20health%20services>). Do you disagree with the Full Federal Court of Australia?

Answer:

The Full Federal Court decision on 23 August 2016 in relation to DLW Health Services Pty Ltd versus Department of Health supported the Department’s ability to use relevant aspects of the Aged Care Funding Instrument User Guide in classifying care recipients according to the level of care they need.

Noting that the comment quoted above did not have a bearing on the issues in dispute, the Department, as it works to improve aged care documentation, will take the Court's comments into account.