

agedcarelobbygroup

7 Browning Street
Clearview SA 5085

Ph/Fax 08 8260 3918

November 5 2008

Email: jbooth@picknowl.com.au

Submission relating to the *Aged Care Amendment (2008 Measures No. 2) Act*

Firstly we are pleased to see that amendments are being made to the *Aged Care Act*, but believe that a completely new Act is required rather than a series of patchwork measures. As the Minister said in her Second Reading speech, the aged care sector has changed considerably since the Act originally came into operation. Small facilities are vanishing and large scale operators are becoming more common, negating the oft repeated view that there is insufficient funding (i.e. profit) in aged care.

There is still no accountability for taxpayer funds in the \$40 billion allocated to aged care over the next four years. More money is quite rightly being put into Stay at Home packages as residents only go into nursing homes as a very last resort. To date, there does not appear to be any recognised correlation between increased numbers of such packages and empty beds in aged care facilities.

Turning to the amendments:-

1. The provision in 8-3A relating to key personnel that a person referred to in the sub-paragraphs 'must hold a recognised qualification in nursing' in our view negates the purpose of the paragraph and muddies the waters. Makers of 'executive decisions' relating to the provision of care may well be the persons holding the purse strings. Consider the rule in at least one facility known to us whereby the number of continence pads per resident is limited and no more may be issued regardless of circumstances.

If it is the intention of the amendments to put more responsibility upon the financial decision makers, as would seem the case from the Minister's speech, this may be more easily said than done. Some of the larger providers make each facility a private company under the control of a larger body. How is it going to be possible to hold the key person responsible in these circumstances since the power may lie in the holding company? Does the Department have full knowledge of the intricacies of these arrangements?

2. In instances where one aged care facility in a large group comes under sanction, a clause should be inserted to the effect that all facilities in the group may come under unannounced inspection. We know that the Minister asked for this in a recent case where the provider was found to own around 30 aged care facilities,

but such an action should be a matter of course rather than subject to a Ministerial direction.

3. We understand that the issue of new bed licences and the record of the provider requesting such licences are not currently related. Clearly when a provider has been either sanctioned or needing consistent help from the Department, such a provider is not a suitable person to receive a further allocation of beds.
4. We are pleased to see that the amendments remove the confusion over the regulation of multi-level facilities.
5. There is an urgent need to address the time-lag in the assessment of those needing access to care. Here in South Australia the restructuring has led to increased delays which affect the ability of carers to access respite facilities.
6. We are pleased to see that the Aged Care Principles are being amended to take more account of resident safety and hopefully of their wellbeing. We are rather dubious about the efficacy of police checks; whilst a welcome deterrent, they are only useful in instances when an applicant has actually been convicted.
7. We applaud the amendment which requires a provider to notify the Department if a resident is missing. We hope that the notification is immediate; better a false alarm than a continuing situation whereby residents can walk out of the facility.

We hope that the next amendments will relate to accreditation, which is still a hit and miss affair, depending too heavily on subjective assessments. We would like to see a triage system whereby the health and welfare of residents is given a higher rating than paperwork and processes of continuous improvement.