Australian Government

RESPONSE TO THE SENATE COMMUNITY AFFAIRS LEGISLATION COMMITTEE REPORT

Aged Care Bill 2024 [Provisions]

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Acknowledgment

The Australian Government thanks the Senate Community Affairs Legislation Committee (Committee) for their examination of the provisions of the Aged Care Bill 2024 (Bill), consideration of stakeholder submissions, and information conveyed at the various public hearings which provided a strong voice in favour of the Bill and its aim of ensuring a sustainable, transparent aged care system which focuses on the needs and rights of older people.

Response to Committee recommendations

Recommendation 1
3.198 The committee recommends that the bill be passed.

The Government notes this recommendation.

The Aged Care Bill 2024 was passed by the Parliament on 25 November 2024 and received Royal Assent on 2 December 2024. The *Aged Care Act 2024* (the Act) subsequently commenced on 1 November 2025.

During debate on the Bill in the House of Representatives, the Government made 66 amendments and supported 2 non-government amendments, with debate in the Senate resulting in a further 90 Government and 9 non-government amendments.

Many of these amendments address additional commentary and recommendations in the Committee's report as raised by non-government senators.

The then Minister for Aged Care, the Hon Anika Wells MP, also provided a detailed response to the related inquiries by the Senate Standing Committee for the Scrutiny of Bills and the Parliamentary Joint Committee on Human Rights. The Government's response to these Committees is outlined in Scrutiny Digest 14 of 2024 and Report 10 of 2024 respectively.

Response to additional comments – Coalition senators

Recommendation 1
1.12 Coalition senators recommend the System Governor be required to report quarterly on both the current waitlist and wait times from application to service commencement of Commonwealth funded aged care.

The Government notes the recommendation.

During passage through the Senate, the Bill was amended to require quarterly reporting of waiting periods.

Recommendation 2
1.14 Coalition senators recommend the Bill include provision to ensure aged care places.

The Government notes the recommendation.

Recommendation 3
1.27 Coalition senators recommend that the timeframe for the release of the schedule of rules and the instruments through which they will be delegated be agreed prior to the Bill being passed.

The Government notes the recommendation.

Recommendation 4
1.28 Coalition senators recommend that upon public release, all relevant rules and subordinate legislation pertaining to the Aged Care Bill 2024 be referred to the Senate Standing Committee for Community Affairs for inquiry and public comment.

The Government notes the recommendation.

During passage through the Senate, the Bill was amended to require the Senate Community Affairs Legislation Committee, or other Senate committee, must begin a review of any rules specified at subclause 602(13) within three months after the day the rules are tabled in the Senate.

Recommendation 5
1.29 Coalition senators recommend that the timeframe for the commencement of the Support at Home Program be revised to allow sufficient time for implementation, following receipt of the transition Bill and all the subordinate legislation.

The Government notes the recommendation.

The commencement of Support at Home and the *Aged Care Act 2024*, occurred on 1 November 2025.

Recommendation 6

1.30 Coalition senators recommend that in recognition of the cost, both in staff training time and monetary value of these changes, the Government must provide certainty to the sector through a clear transition path including implementation information beyond 1 July 2025.

The Government notes the recommendation.

Recommendation 7

1.31 Coalition senators recommend that the transition arrangements include a provision that the start date for all changes that require ICT builds be set on a date not less than six months following (a) receipt of pricing from IHACPA, (b) tabling of the chapter 4 rules, and (c) all associated Government ICT changes be in place (or, at least scoped to the extent that would provide certainty regarding the systems interface with providers IT).

The Government notes the recommendation.

Recommendation 8

1.32 Coalition senators recommend that the Government adopt an approach ensuring providers are not penalised until full transition has been completed.

The Government notes the recommendation.

Recommendation 9

1.34 Coalition senators recommend that the design of the CHSP replacement program be expedited to give providers sufficient time to make necessary changes and to prevent the challenges associated with rushed policy implementation as seen with this Bill. This would also enable providers the opportunity to undertake ICT changes for both Support at Home and the CHSP replacement program concurrently.

The Government notes the recommendation.

Recommendation 10

1.43 Coalition senators recommend that the Government undertakes further consultation on care management fee caps, including with clinicians, to provide greater transparency about the factors that were used to determine the Service Lists.

The Government notes the recommendation.

Recommendation 11

1.44 Coalition senators also recommend that the Government specifically review their determination to cap cleaning and gardening services and the categorisation of activities such as showering within the Service Lists.

The Government notes the recommendation.

Recommendation 12

1.46 Coalition senators recommend that an extensive education and information campaign be undertaken to address the understanding gap clearly articulated throughout this inquiry. This campaign should be targeted at both older Australians and their families, and the wider aged care sector.

The Government notes the recommendation.

Recommendation 13

1.49 Coalition senators recommend that the Bill is explicit about its definition of hardship, including what defines someone as experiencing hardship and what are the obligations of providers regarding the treatment of someone experiencing hardship.

The Government notes the recommendation.

Recommendation 14

1.51 Coalition senators recommend that clear definitions of terms, including metrics by which they will be measured, be included in the primary legislation.

The Government notes the recommendation.

Recommendation 15

1.54 Coalition senators recommend that supporter provisions be removed from the Bill to allow additional time for consultation. This would help to address concerns about the practical application of these provisions, and their interaction with existing State and Territory legislation, notably power of attorney practise.

The Government notes the recommendation.

During passage of the Bill through the Senate, the Government amended the legislation to remove 'decision-making supporters' to ensure that the will and preferences of older people are paramount in decision making.

The amendments also ensured there was no conflict between state and territory appointed decision-makers (those with guardianship, enduring power of attorney or similar) and individuals appointed under aged care legislation by the System Governor to make decisions on behalf of an older person about their access to aged care services.

Recommendation 16

1.58 Coalition senators recommend that the Bill clarifies who within an aged care organisation should be authorised to receive a disclosure, including the provision for an employee to opt out of being required to receive such disclosures.

The Government notes the recommendation.

Recommendation 17
1.60 Coalition senators recommend a time-based obligation for complaint determinations to be specified in legislation and urge the Government to explore additional measures to ensure the integrity of complaint reconsiderations and reviews.

The Government notes the recommendation.

Recommendation 18
1.68 Coalition senators recommend allowing greater flexibility in use of care minutes so that residential aged care homes can deliver individualised, fit for purpose care that is within the limitations of their market, while still ensuring high quality care.

The Government notes the recommendation.

Recommendation 19
1.71 Coalition senators recommend that further consideration is given to regulatory requirements to ensure that dignity of risk is never removed from the centre of high-quality care.

The Government notes the recommendation.

Recommendation 20
1.72 Coalition senators also recommend that the Bill mandates that no aged care resident is ever denied access to the person that they designate, or the person designated under appropriate authority.

The Government acknowledges the recommendation.

During passage through the Senate, the Bill was amended to provide that an individual has a right to access, at any time the individual chooses, a person designated by the individual, or a person designated by an appropriate authority.

Recommendation 21
1.76 Coalition senators note that consideration should be given to the exclusion of a RAD from aged care asset testing provisions where the person has sold their family home to pay the RAD. This would align the treatment of a RAD to its treatment in the age pension assessment and recognise that residential aged care is an individuals' home.

The Government notes the recommendation.

Recommendation 22
1.79 Coalition senators recommend that the review of the Accommodation Supplement be brought forward to report by 1 July 2026 and that this requirement and timeframe be contained in this Bill.

The Government notes the recommendation.

The Bill was amended to include provisions for the review of accommodation pricing.

Recommendation 23
1.81 Coalition Senators recommend that the review of the new Aged Care Act, 2024, be brought forward to three years and that this requirement and timeframe be included in this Bill.

The Government notes the recommendation.

The Bill was amended during passage through the House of Representatives to provide that the Minister must cause an independent review of the operation of the Act to be conducted within 6 months after the third anniversary of the commencement of the Act.

Recommendation 24
1.85 Coalition senators acknowledge it was a recommendation of the Aged Care Taskforce that agreement for additional services be made after a participant has entered care. However, we recommend that this provision be removed from the Bill to allow further time to resolve concerns about the practical application of the measure.

The Government notes the recommendation.

Recommendation 25
1.87 Coalition senators recommend that worker screening provisions should be amended to ensure flexibility and increase local community workforce participation particularly for Indigenous communities.

The Government notes the recommendation.

Recommendation 26
1.90 Coalition senators remain committed to YPIRAC targets and recommend that any exemptions for people under the age of 65 to enter aged care should be granted on a case-by-case basis, with regard to exceptional circumstance provisions, allowing for an assessment of the individual's specific circumstances.

The Government notes the recommendation.

Recommendation 27
1.92 Coalition Senators recommend that greater emphasis is placed on the additional value that is provided by organisations, such as Meals on Wheels, when determining contracts and pricing for services.

The Government notes the recommendation.

Recommendation 28
1.98 Coalition senators recommend that the Government immediately assess the scale of risk in relation to unrecoverable debts and makes provision to ensure that the liability for any unrecoverable debts' rests with the appropriate entity.

The Government notes the recommendation.

Recommendation 29
1.100 The Government has publicly acknowledged its intention to remove the worker voice provisions, and accordingly, Coalition senators require the removal of these provisions prior to the Bill being debated in the Senate.

The Government notes the recommendation.

During passage of the Bill through the House of Representatives, these provisions were removed.

Recommendation 30
1.102 Coalition senators recommend the Inspector-General of Aged Care review the reporting requirements in-line with the Royal Commission recommendations to ensure red and green tape is fit for purpose, proportionate and delivers real value.

The Government notes the recommendation.

Recommendation 31
1.106 Coalition senators recommend that any condition sufficiently important to require a civil penalty should be subject to the scrutiny of the Parliament.

The Government notes the recommendation.

Conditions which may attract a civil penalty are set out in either the Act or the Rules. Both are subject scrutiny by the Parliament and the relevant parliamentary committees, such as the Scrutiny of Delegated Legislation Committee.

Recommendation 32
1.107 Coalition Senators recommend that the Bill be passed with amendment.

The Government notes the recommendation.

The Aged Care Bill 2024, as amended during passage through the House of Representatives and the Senate, was passed by the Parliament on 25 November 2024 and received Royal Assent on 2 December 2024.

Response to dissenting report – Australian Greens

Recommendation 1
1.18 That the Government address many of the serious concerns raised throughout the inquiry, as well as provide the outstanding rules to enable a clearer assessment of the impact of the legislation in its totality.

The Government notes the recommendation.