

The Council of Elders

A voice for older Australians in the aged care reforms and ageing generally

Communiqué – 19 August 2022

At the August 2022 meeting, the Council of Elders provided advice on four priority areas of the aged care reforms: the Support at Home program; the Aged Care Quality and Safety Commission Capability Review; the new Aged Care Act; and policy supporting the development of the Inspector-General of Aged Care.

The Council welcomes the extension of the implementation of the Support at Home program to 1 July 2024, aligning with the original date put forward by the Royal Commission into Aged Care Quality and Safety. This will allow greater opportunity to consider the key design elements and the trade-offs required to have an effective and sustainable model.

Key messages from the Council included the need for older Australians to have more control of their Support at Home packages and more choice in providers. The Council is concerned that data showing unspent funds suggests that older Australians are not accessing their packages and receiving the services that they need. Members were pleased to see consideration given to the options for providing goods, equipment, assistive technology, and home modifications as a specific service.

The approach to and draft terms of reference for the Aged Care Quality and Safety Commission Capability Review were considered by members. The objective of the review is to conduct a forward-thinking independent review of the Aged Care Quality and Safety Commission to ensure the Commission is fit for purpose and can meet its future regulatory responsibilities and keep older Australians safe. The Council reminded the Department of Health and Aged Care that consumer confidence was very low throughout the Royal Commission, and this has continued. It is important that both confidence in, and the work of the Commission, can be assured throughout the review and that higher levels of confidence is an outcome of the review.

The Council considered and discussed the proposed approach for incorporating consumer rights into the new Aged Care Act. Recommendation 2 of the Royal Commission states the new Aged Care Act should specify a list of rights for people seeking and receiving aged care. The Department explained how the rights of older Australians could be integrated into the legislation in a meaningful way. The Department advised the Council that the approach to rights in the new Aged Care Act is open for their consideration. The Council expressed views on a range of areas including:

- the importance of rehabilitation and maximising function
- the ability for older Australians to be able to take action
- for the inclusion of responsibilities as well as rights, and
- reducing the power imbalance between complainants and respondents.

The Department advised that one of the aims is to ensure the rights empower people within the system, through best practice, supported decision making, and increased transparency.

The Inspector-General Taskforce briefed the Council on the proposed approach and process for formal reviews. The Inspector-General Taskforce advised that the Inspector-General of

Aged Care will provide systemic oversight of the aged care system through undertaking targeted reviews and ongoing monitoring and reporting on regulatory decisions and performance. The Council suggested that the Inspector-General Taskforce consider the difference between 'systemic' and 'system' oversight.

The next meeting of the Council will be held online on 16 September 2022.