

Aged Care Act – Exposure draft

Response from the AIR Mandurah Branch.

Questions to think about for Chapter 1

6. Do you think it's okay that an older person can only have either representatives or supporters? Are there times when an older person, or their families and support networks, would want a representative and a supporter?

We located the following definition to allow us to determine the different roles

By definition from the 103 page document

- *Supporters: are able to receive documents and information, and communicate information on behalf of the older person*
- *Representatives: can do the same things as a supporter, and can make decisions on behalf of an older person when they do not have capacity to do so, or they want the representative to make the decision on their behalf.*

It appears when reading these definitions that a Representative could do both roles, however it was thought that a Supporter may well be needed in addition to a Representative and the reason was that we are of the opinion that the Supporter would be more aligned with the person being cared for and look after their interests better than an appointed Representative. On that basis we believe there may be a need for both people on some occasions.

Questions to think about for Chapter 2

11. Do you think there are other services that can or should be available for Aboriginal or Torres Strait Islander people aged 45 to 49 who are homeless or at risk of becoming homeless? Do the current aged care services meet their needs? We would like to hear from First Nations people about their experiences. Or the experiences of their family and community

According to the My Aged Care website *To qualify for assessment, you must meet some needs and age requirements. that you are 65 years or older (50 years or older for Aboriginal or Torres Strait Islander people).*

if you are on a low income, homeless or at risk of being homeless, and aged 50 years or older (45 years or older for Aboriginal and Torres Strait Islander people)

We have a number of concerns around this point.

We can emphasise that people aged 50 (45 for indigenous) face difficulties and I see a number of these people on a weekly basis. However someone that is as young as this age should not access the Aged Care system as it will blow out considerably the cost and management by the large increase in the number of people who will be under this aged care criteria. There should be some form of transition package that people in these circumstances can access rather than calling them 'aged' We are also concerned that there is a difference in the age that people can access this Aged Care system. Non indigenous need to be 65 and indigenous only need to be 50. This point may be out of your remit however we cannot understand why there is such a large gap. In the case above of the people being homeless there is only a 5 year differential and we believe this should be the case for accessing the system, ie 65 for non-indigenous and 60 for indigenous.

We are in effect creating a class distinction whereas we should all be equal in this country.

And as there is to be a First Nations Aged Care Commissioner, does this mean there will be special aged care homes for only these people?

Questions to think about for Chapter 3

19. What kind of information should aged care digital platforms show? For example, to help protect people who use aged care services. What responsibility should people who run digital platforms have to check information provided by aged care workers and providers? Can you think of any practical issues with digital platforms checking and confirming the information?

We believe that the person in Aged Care (and probably their families) should be able to request a copy of the personal confidential information that the Department has stored on the data base and have means for this to be corrected if need be, and no information should be shared without their written consent.

We are also not convinced how much the operators of the data system should be doing in the role of checking the data. When the data is loaded the system will be designed to run various editing and validation tests to ensure the data being loaded contains the correct information. The data system operators run computer systems and my experience is that you have a separate group of people to do any checks on the data, and these people would need to be accredited before they were allowed to access and change any data.

We are also concerned about retention of personal information if a person in Aged Care moves out of that care and records are kept for an indefinite period. There needs to be a regulation that calls for records to be deleted for the same period as taxation records are held e.g. 5 years.

Questions to think about for Chapter 4

22. Do you think having 'person-centred' and 'provider-based' types of subsidies reflects the person-centred approach of the new Act?

We are of the opinion that funding should be using a Person-centred approach, this more accurately assigns the funds the benefit of the people being cared for rather than focusing on the Provider.

Questions to think about for Chapter 5

26. Is it clear how the roles of the System Governor and Commissioner are different? But also how they fit together, as roles that oversee and manage the aged care system?

The roles of the Governor and Commissioner need to be easily understood by the people being cared for and their families / supporters, in other words they need to be in plain English and concise rather than a lengthy document that most people will not read or able to comprehend.

Questions to think about for Chapter 8

37. Do you have any concerns about the process of asking for an independent review body to review a decision under the current aged care laws? Would you like any concerns addressed in the new Act?

There needs to be access to an independent review process. What is needed is an internal dispute process and if the client is not happy then they can refer it to an external dispute process. These need to be provided at no cost and also with timelines for action to be taken.

Other comments about the Act follows:

1. Will there be any unregistered providers as in the NDIS? I see a registered provider can use an associated provider e.g sub contract out the work. This concerns me. Provider 1 needs to make a profit? Associated provider needs to make a profit? Associated provider does NOT need to be registered. All from persons funding. Given the amount of roting in the NDIS this is of a big concern.

2. I noticed that Residential Aged Care places are given to the person not the provider. Does this mean people can self manage and just pay fees etc to the provider? Can a person decide to move providers and take funding with them? Does this mean a family member can become a registered provider and care for the person in their home?
3. The draft states person responsible for the provider is a person who manages the organisation. If the organisation is controlled by a Board of Directors who is the responsible person?
4. In Part 4 the draft states to become a Registered Provider only CERTAIN applicants will need to do an audit. Same total criteria should apply to all applicants for registration. Concerned about the very small criteria needed to become a provider.
5. Part 4 under Provider obligations, it states ONLY CERTAIN providers will need to meet Quality Standards?? This should be across the board.
6. Under subsidies it comments on two new subsidies, one being person centred funding. What is the need for this when the care package should all be person centred. Costs need to be kept down and realistic or the aged care reform will end up in the same mess as NDIS.
7. Why do we need a First Nations Aged Care Commissioner? Another waste of money. Given the ratio of Indigenous people to non indigenous, surely the Commissioner can handle both. We should all be treated equally. The draft gives special privileges to Aboriginal and Torres Strait Islanders in relation to accessing funding in relation to homelessness, several years before they reach their qualifying age for funding which is 50years, way below the non indigenous qualifying age. I do acknowledge their average life span is shorter.

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Working for Australians in retirement