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A New Aged Care Act

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1. Executive Summary

- Mable welcomes the release of the draft Aged Care Act and supports the strong focus of the draft legislation on the rights and needs of older people.
- Mable was founded to *improve* continuity of care by enabling direct connections, with 67 per cent of Home Care Package (HCP) support provider and client relationships 3 months and older and 53 per cent of 6 months and older.
- Self employment is an essential solution in the aged care sector, particularly for those older persons who reside in rural and regional areas where direct employment options in aged care are often limited or, in some cases, non-existent.
- The new Aged Care Act represents a foundational change and it is essential that this legislation is future proofed and that time is taken to ensure it is correctly implemented.
- The model proposed to regulate aged care digital platforms recognises the unique role of platforms such as Mable as distinct from the current approved providers. These obligations are appropriate and largely align to existing best practice at digital platforms.
- Concerns raised by some parties that the regulation of digital platforms represent a 'loophole' or an attempt to circumvent obligations imposed on approved providers are not based on evidence, and ignore the substantial cost to build a digital platform and the reduced revenue available to non-approved providers.
- Mable supports compulsory worker screening, however favours a model where a single worker screening check is available across both aged care and the NDIS. It is essential that the pricing of and wait times for this check are consistent across state and territory jurisdictions.

2. About Mable

Mable is a health tech marketplace that offers a complementary approach to traditional aged care at home and disability support models. Mable gives older Australians and people with disability more choice, control and flexibility to shape the care and support they receive in their own homes and community. This choice is made possible by over 17,000 independent contractors providing valuable and necessary care and support services via the platform. Founded in 2014, Mable now operates at some scale with support providers on the platform providing care and support services to over 20,000 people with disability and older Australians.

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Co-Founders Peter Scutt and Tony Charara established Mable to enable older people and support providers to directly connect with one another. As a result of its design, in which older persons choose which support providers to work with, Mable provides excellent continuity of care. The company was founded after Peter observed that traditional providers sent different home care workers to provide care and support to his parents, which worsened his mother's dementia and led to his father wanting to decline care and support. As such, Mable was founded to *improve* continuity of care by enabling direct connections. Mable is still a young platform, which commenced operation in 2015, however, the predominant mode of work on the platform is now long-term relationships, with 67 per cent of Home Care Package (HCP) support provider and client relationships 3 months and older and 53 per cent of 6 months and older.

It is also worth noting that self-employment in aged care is still relatively rare and serves as a complimentary mode of engagement in the industry. The Productivity Commission has found that approximately 97 per cent of workers in the aged care industry were directly employed.¹ However, self employment is an essential solution in the aged care sector, particularly for those older persons who reside in rural and regional areas where direct employment options in aged care are often limited or, in some cases, non-existent. Currently on the Mable platform, 25 per cent of care and support is being delivered in rural and regional communities.

3. Mable position

Mable welcomes the release of the draft Aged Care Act and supports the strong focus of the draft legislation on the rights and needs of older people. This legislation represents a commendable attempt to balance the needs of all stakeholders and to ensure a sustainable aged care sector which is centred on the human rights of older persons. Mable has participated in the extensive consultation processes around the legislation and is grateful for the chance to share the experiences of its community.

One potential area of concern is the timeframe given the Government's stated intention to enact legislation and for that legislation to be in force by 1 July 2024. It is worth noting that the legislative draft released in December does not represent a complete draft and no doubt stakeholders would welcome the opportunity to provide additional input prior to the tabling of the legislation before Parliament. Given the significance of these reforms, Mable would encourage the Government to ensure adequate consultation and consideration prior to its final passage through parliament. The new Aged Care Act represents a foundational change and it is essential that this legislation is future proofed and that time is taken to ensure it is correctly implemented.

4. The Regulation of Digital Platforms

Mable supports the formal recognition of the essential role provided by digital platforms in facilitating care and support to older people and the incorporation of platforms into the regulation of aged care. The model recognises the unique role played by digital platforms which act as facilitators of services as distinct from the current approved providers

¹ Aged care employment Study report, Productivity Commission, October 2022, [link](#), p. 38.



(registered providers under the new Act).² Mable contends these obligations are appropriate and largely align to existing best practice at digital platforms. For example, Mable already operates a comprehensive worker screening and onboarding process and a Trust & Safety Framework, which would likely be in line with the proposed obligations. Mable is confident it can adapt these and other processes in line with the new regulatory design and continue to partner with approved providers to ensure excellent care and support for older people.

Mable notes concerns which have been raised by some parties that these reforms represent a 'loophole' or an attempt to circumvent obligations imposed on approved providers. However, this is a flawed argument for a number of reasons.

1. Firstly, as a non-approved provider there are multiple categories of fees which Mable and other digital platforms are not permitted to charge, namely package management and care management fees.
2. Further, this is appropriate as the Mable model involves a *partnership* between Mable (as a digital platform) which facilitates services and approved providers, which ensure compliance and hold ultimate regulatory responsibility for care management. As such, to become like Mable, an approved provider would have to forgo up to half of its revenue, and sustain itself only on fees charged for service.

The notion of approved providers 'becoming' digital platforms also ignores the substantial hurdles to developing a digital platform offering. Mable was founded in 2014 and commenced operating in 2015. During this time Mable has expended more than \$150 million in development costs to build the platform which is now broadly utilised across Australia. In addition, ongoing investment is still required to maintain and improve this offering. As a result of this substantial investment, Mable is yet to make a profit. For this reason, the notion that any approved provider could 'simply' build a digital platform is completely divorced from the capital intensive reality of building digital infrastructure, particularly in Australia.

As the Government has acknowledged, older persons should receive support on the vital work provided by approved providers in supporting package management and care management. Mable's goal is to continue to support approved providers in meeting their obligations to ensure excellent continuity of care for older persons now and into the future.

5. Mandatory Worker Screening

Mable supports, in principle, the proposed adoption of Mandatory Worker Screening for aged care workers.³ However, one area of concern is the recommendation that this screening process be managed by the states and territories in line with existing practice in the NDIS.

The Department's position on this matter, no doubt, represents an attempt to reduce regulatory burden on providers by mirroring the existing processes within the NDIS. This is a worthy goal, as on the Mable platform alone more than 45 per cent in the last financial year of support providers choose to provide care and support to Home Care Package and NDIS clients. However, the recent NDIS Review has recognised the many flaws with the current

² A New Aged Care Act: Exposure Draft Consultation paper No.2, Department of Health and Aged Care, 14 December 2023, [link](#), p. 61.

³ *Ibid*, p. 51.



NDIS Worker Screening Check system including significant differences in both fees and processing times across Australian states and territories.⁴

The NDIS Review has recommended that the Departments of Finance and Social Services should “improve, streamline and harmonise worker screening processes for care and support workers”.⁵ Mable strongly supports any move toward a single worker screening check which applies to both NDIS and Aged Care, to remove barriers to working across both sectors and also costs borne by independent contractors and, in many cases, employees of traditional providers. Mable encourages the Federal Government to take the lead in establishing a single Workers Screening Check for the Care & Support Economy and to ensure this is appropriately priced for both employees and independent contractors.

As the Prime Minister has recognised there is strong opportunity in improving productivity in the care and support economy, including by removing barriers to working across adjacent disciplines such as aged care and disability support.⁶ Mable is demonstrating how developing workforces available across both communities is ultimately to the benefit of the workforce, older people and the government.

Mable has been grateful for the chance to participate in discussions with the Department of Health and Aged Care about these important reforms and is available to answer any further questions or concerns from the Department.

⁴ *Working together to deliver the NDIS NDIS Review: Final Report*, NDIS Review, November 2023, [link](#), pp. 210 - 211.

⁵ *Ibid*, pp. 216.

⁶ Hon Anthony Albanese MP, “A Better Future for the Federation”, 28 April 2023, [link](#).