



**SENIORS UNITED PARTY of AUSTRALIA INC.**

REG. NO. INC 2200946

**“A Voice for Seniors”**

P.O. Box 40, FIG TREE, NSW 2525

Email [supa.australia@gmail.com](mailto:supa.australia@gmail.com)

ABN 88456912375

Phone 0458 686 884

**Submission to the Department of Health and Aged Care**

# **A new Aged Care Act:** **exposure draft**

February 2024

The Seniors United Party of Australia Inc is an incorporated but unregistered political party representing all Australian seniors without financial compromise or negative influences from self-interested outside parties. Our only funding comes from our members.

The Seniors United Party of Australia Inc appreciates the opportunity to make this submission to the Department of Health and Aged Care. Our submission is based on the document –

**A new Aged Care Act: exposure draft**  
Consultation paper No.2 -  
summary  
Plain English version

## **SUBMISSION**

This exposure draft of the new Aged Care Act states under the Introduction on page 2

### **Introduction**

#### **“About the new Aged Care Act”**

**“The new Act is the next step in the Government’s plan to fix the aged care crisis, it follows:**

- . making aged care transparent with Star Ratings”**

### **Comment**

#### **Star Ratings**

The star rating introduced by the federal government in December 2022 for aged care homes to provide simple and reliable information about their quality of care **HAS ALREADY FAILED !**

Adjunct Professor Rodney Jilek of Canberra University completed a study of 501 aged care homes on the federal government’s non-compliance register from November 2022 to November 2023.

Being non-compliant should have earned these homes the lowest star ratings, but 68 homes were found to have 5 stars, the highest rating for compliance and 81 had 4 stars .

“Dr Jilek said: ‘The resident experience measure is completely useless, only 10 per cent of residents are surveyed, and the care provider can control the outcome by cherry-picking the residents’

He explained that the staffing and quality measures were based on un-vetted provider supplied data and there was no validation or check measure to ensure it was correct.”

Source: Rachel Lane, ‘Why some five-star aged care homes are the worst in the country’ The Age (online, 16 January 2024).

Dr Jilek stated on linkedin.com: “It is simply yet another case of bureaucratic incompetence or is there a more sinister agenda to mislead parliament and the Australian people.”

Source: [linkedin.com/posts/dr-rodney-jilek-maicd-8a71342a\\_the-failure-of-the-aged-care-star-rating-activity-7148429968186720256-gdif](https://www.linkedin.com/posts/dr-rodney-jilek-maicd-8a71342a_the-failure-of-the-aged-care-star-rating-activity-7148429968186720256-gdif)

## Recommendation:

**All material to be used for star ratings should be collected by government officers and cross checked with different independent sources.**

Comment:

This study illuminates the fact that public aged care homes are needed across Australia where profit is not the primary motive of the nursing home providers.

The exposure draft of the new Age Care Act states on page 3

### **“Tell us what you think**

**We want to know:**

. . . . . **Is it clear that older people will be at the centre of aged care?...”**

**Our response** to this is **NO!**

While ever aged care does not have the majority of aged care homes, facilities and home care services in public hands in Australia but instead relies on private providers, the system will never truly have older people at the centre of aged care.

While ever private providers have a major influence over politicians and the aged care system the aged care system will always have profits before people!

Only under a public aged care system can older people be at the centre of aged care, and only if governments give the system adequate funding.

When speaking of adequate funding we find the use of the term “sustainable” in reference to the aged care system most distressing. The term “sustainable” is not used when there is talk of funding for the Australia’s armed forces or the salaries of Australian politicians.

It does not take much imagination to see future governments white-anting a quality aged care system by using the term “not sustainable” to justify reducing funding.

Politicians and the Australian public must be reminded that older Australians have mostly paid their taxes for their working lives. Surely it is a duty of the federal government to now give older Australians a quality aged care system that is uncompromised by those with self- interest.

Page 4 of the exposure draft

Heading

**“Using aged care services”**

**Ref: “...If there is a high demand for services there will be a process to decide who gets priority.”**

This comment implies that FAILURE of the system has already been accepted !

The comment also highlights the great need for an adequately funded public aged care system which does not rely on private providers seeking profits.

Page 5 of the exposure draft.

Heading

**“Overseeing the aged care system”**

**Ref: “The Secretary of the Department of Health and Aged Care (the System Governor) and the Commissioner will manage the aged care system. The Inspector-General of Aged Care will provide independent oversight of the system.**

...

**The Commissioner and System Governor will have powers to regulate the system under the new Act“.**

The degree to which older people will be at the centre of aged care depends greatly on the calibre of those in the highest positions. Not only must qualifications and experience determine who fills these top positions, character must also be a serious determining factor.

The recent history of Australia Post whose chief executive Christine Holgate, was removed mainly through political interference highlights the need for these positions to be held by strong people whose positions cannot be undermined by contractual uncertainty and who appreciate that they are public servants and that their greatest loyalty is to the Australian public.

The selection of people to fill top positions may determine how quickly the new aged care system succeeds or fails.

We urge that those people who are chosen to fill these top positions should have no loyalties to private enterprise.

Page 5 of the exposure draft continued.

Heading

## **“Managing and protecting information”**

**Ref: “The new Act will do more to protect information. This includes protecting whistleblowers.”**

### **Recommendation**

- i. Mandatory notices of the protection of whistleblowers should be positioned in more than one location throughout an aged care home and should set out details of the protection for staff and visitors. The notices should be signed on the bottom by the Commissioner. This notice should also be given to clients receiving home care services.
- ii. Whistleblowers in some circumstances should be financially rewarded, or given rewards and employment deemed fitting for the situation.
- iii. All levels of the aged care system should have whistleblower protection, and if necessary information should go directly to the minister.
- iv. There should be no time limit on complaints if the complaints are made by two or more people.

## **Chapter 1 - Introduction**

Page 10 of the exposure draft

### **Questions to think about for Chapter 1**

Question 4

**“Do you think a single list of services will make it clearer which services the funded aged care system provides?”**

### **Recommendation**

During the introduction of the new aged care system any list of services should be reviewed at a very early stage to correct anomalies and rectify obvious omissions. Numerous reviews should be carried out in the first several months at all levels with issues passed on to the Commissioner and System Governor so that they can move quickly to rectify inadequacies.

## Questions

- a. If private providers argue that items on the list cannot be afforded how will this issue be resolved?
- b. Will costs of items not specified by the government be overseen by government offices and will the government officer arbitrate between the provider and the resident / client?

## **Chapter 4 – Fees, payments and subsidies**

The Seniors United Party of Australia Inc does not oppose means testing as a way of determining a level of payment in general, but not for aged care.

It should be mandatory that all older Australians receive a good level of aged care and that the cost of this level of care is equivalent to two-thirds of the aged pension which is paid by all recipients. The cost of higher quality care, if desired by the resident, should be paid mostly by the resident, but if higher quality of aged care is required for health reasons the government should pay for the aged care.

There is to be no up-front fee, and no additional fees unless the resident requests a higher level of care without the health issues requiring a higher level.

The Seniors United Party of Australia Inc believes that as most Australians have paid income tax for most of their working lives (20 to 40 years), or have been a carer for most or part of that time, they are entitled to quality aged care mostly paid by the government.

Page 19 of the exposure draft

## **Questions to think about for Chapter 4**

Question 23

**“Are there any other ways you think we could improve the subsidy framework for the new Act?”**

### **Recommendation**

In regards to person-centred subsidies a resident should be able to ask a government officer and the Complaints Commissioner to reduce or stop payments to their provider if they believe the service has not been given, or that the service given was so poor that full payment should not be made.

This would help emphasis that the new aged care system is a “rights-based approach” and “that older people are the centre of aged care”



## **Part 5 – Complaints Commissioner**

### **Recommendation**

It is imperative that the Complaints Commissioner is independent of private enterprise and the government, and is protected from threats and influence of both these bodies. If this is not seen to be happening the public will quickly lose faith in the new aged care system.

The Complaints Commissioner must be continually well funded and well resourced, including with adequate staff, so that complaints can be dealt with quickly and effectively.

NB. Under-funding is often seen by the public as a means by which a government undermines a body or person.

## **Chapter 6 – Regulating the aged care system**

### **Part 4 – Monitoring and investigating authorised by the Commissioner**

**“The Commissioner may permit an officer to enter an approved residential care home so they can monitor and investigate. They can do this without the occupier’s consent or a warrant.”**

#### **Recommendations**

**i. This paragraph (above) to be amended to -**

**“The Commissioner may permit an officer and members of their team to enter an approved residential care home, or a residential care home which had been previously approved so they can monitor and investigate. They can do this without the occupier’s consent or a warrant and can do this without warning.”**

This amendment would allow a home that continues to operate after losing its permit to be investigated.

**ii. When officers are entering a residential care home they should not be alone. They should have a second officer, and one preferably trained in appropriate legal matters, and if not, at least a reliable witness.**

## **SUMMARY**

**In summary Australia's aged care system will deteriorate while ever there is a profit motive involved and no public aged care system to give quality care to older Australians.**

**Thank you for considering this submission.**

**Bob Patrech  
Federal Secretary  
Seniors United Party of Australia Inc**