



# AUSTRALIAN WAR WIDOWS NSW LTD

27 February 2024

Department of Health and Aged Care  
New Aged Care Act Consultation  
GPO Box 9848  
Canberra ACT 2601  
E: [AgedCareLegislativeReform@health.gov.au](mailto:AgedCareLegislativeReform@health.gov.au)

Dear Sir/madam

Thank you for the opportunity to contribute to the public consultation for the new *Aged Care Act*. At Australian War Widows NSW, our interest in this sector is high. We note the ageing population of more than 36,000 remaining war widows around Australia and the need to ensure their interests are protected as the system changes, including the legislative framework as it takes effect.

We welcome the fundamental shift in the new Act's intent from process and provider focused to people focused and rights based. We are hopeful that this will have a positive impact on the veterans and in particular war widows currently in aged care. In particular we note the expanded right to remain connected and the importance of this to the social and emotional wellbeing of our community.

We welcome the changes made to the supporter and representative sections which seek to preserve the autonomy and promote the engagement of the older person as much as possible. This is consistent with the approach our organisation takes with our elderly and ageing members.

We have reviewed the Bill and note the following key points for your consideration:

- Section 22 references 'veterans or war widows.' Our concern is with the term war widow and note that using that term without defining it in the Act may have a limiting effect on those receiving services under this Act. Not all widow(er)s who receive entitlement, in this case a Gold Card, under the veterans' legislative framework are war widows. There are 5 official categories of what is generally termed 'war widow'. The terminology used within the Aged Care Act needs to be consistent with what is used in the new veterans' legislation (which is discussed below) to ensure it provides adequate and appropriate coverage where the widow(er) holds a Gold Card, regardless of how the veteran system classifies them. One such way to manage this is to include a clear definition of war widow within the Act.
- Section 5(b) currently just provides reference to veterans and does not include their widow(er)s. This section ought to reference both as it currently leaves out a group that holds entitlement under the veterans' legislative framework.
- References to *Veterans' Entitlement Act 1986* in s339 & 367 of the Bill may soon become redundant noting the veteran legislation reform work being undertaken by Minister for Veterans' Affairs. While the name of the new Act is not officially yet known, what is known is that the entitlements under all three Acts currently governing the veteran system will be harmonised and brought into one Act. While the Veterans' Entitlement Act will continue for some time yet, the new Act name ought to also be included to ensure that those veterans and their families with Gold Cards covered by this Act are covered by this legislation into the future.



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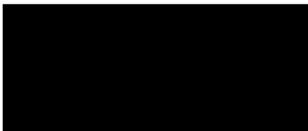
While not directly related to the Bill itself, I wanted to take this opportunity to mention a couple of issues and concerns that have been raised with us. Firstly, a number of widows we represent would like to see more information about how DVA and the Department of Health and Ageing intend on working together to implement both legislative and policy frameworks. In particular, how will Chapter 2 align with the veteran system where needs could be met by two different systems? How will Chapter 3 align and operate with the veteran system? There are challenges already within the current system and I believe there was hope the new Act might rectify some of those though the Act is silent on the interoperability of the systems.

Additionally, we understand that there has been some concern raised within the veteran community sector about the lack of targeted oversight of the aged care sector through the establishment of an Aged Care Ombudsman. We are aware of the Aged Care Quality and Safety Commission, and we welcome the proposal to strengthen the regulator. We do suggest there is a need to provide greater education and awareness about the roles, powers and responsibilities of this Commission within the veteran sector, including targeted information for the veteran sector to disseminate.

We believe the lack of general awareness of this Commission and its role within the sector is in the main due to a lack of strong relationships between the responsible departments and would encourage the forming of closer working and strategic relationships across the two sectors to better inform beneficiaries and policy makers.

I hope this information and input is helpful to your work on the new *Aged Care Act* and look forward to hearing more about its development and implementation.

Yours sincerely



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**Chief Executive Officer**  
**Australian War Widows NSW Ltd**

CC: Minister for Veterans' Affairs and Minister for Aged Care