

4 March 2023

Legatee Wayne McNee
Chairman/Director
LA Inc

Dear Wayne

Thank you for your invitation to provide input to the LA Inc submission on the Exposure Draft of the *Aged Care Bill 2023*.

The comments that follow are focused on the effects of the draft legislation on Legacy, especially on our raison d'être in regional areas.

A broader assessment of the Bill is not provided in my comments.

Recognition of the role of Volunteers

Regrettably, the proposed legislation does not appear to effectively embrace Legacy and other volunteer-based charities. From an organisational perspective, Legacy is unlikely to be, or become a "Registered Provider". For volunteers engaged in Aged Care, our Legatees do not fit the proposed definitions of "Supporter", "Carer", "Aged Care Worker", "Responsible Person" and "Representative", simply because such persons are generally seen as being associated with a "Registered Provider".

Whereas the "Statement of Principles" in the Bill includes recognition of the important role of volunteers, subsequently the only references to volunteers in the Bill are in the context of "Carer" and "Aged Care Worker", wherein the definition of:

- "Carer": does not include a person who provides personal care, support and assistance in the course of doing voluntary work for a charitable, welfare or community organisation; and
- "Aged Care Worker": can be a volunteer but such persons are engaged only by "Registered Providers".

As such the legislation could have the unintended consequence of restricting the role of volunteer-based charities in assisting with Aged Care. Such a consequence would be contrary to the recommendations of the Royal Commission into Aged Care Quality and Safety.

In this regard, it is noted that the Commonwealth Government's response to the Royal Commission's Recommendation 44 is silent on the proposed establishment of an "Aged Care Volunteer Visitors Scheme". The Commissioners noted that such a scheme would provide extended support for older people receiving aged care who are at risk of social isolation. Sadly, this tacit rejection of Recommendation 44 is reflected in the draft legislation, wherein the important role of Legatees and other volunteers in alleviating

social isolation is not supported, and indeed may be restricted, by the provisions of the Bill.

Equity of access

The proposed “Objects of the Act” include several provisions¹ focused on the concept of equity of access, a concept critical in addressing the tyranny of distance encountered in providing aged care services to regional, rural and remote areas. Specifically:

- s.5(b)(iii) highlights equitable access to, and flexible delivery of, services regardless of an individual’s location, etc;
- s.5(b)(iv) identifies that individuals should be supported to participate in society on an equal basis; and
- s.5(c) provides for an individual to exercise choice and control in the planning and delivery of services.

Such objects are laudable; however, there appears to be a dearth of provisions in the Bill to encourage “Registered Providers” or others to service relatively isolated aged persons. In other words, the Bill seems asymmetric, with lots of sticks but few carrots to achieve the Objects.

The reality is that “Registered Providers” are commercial enterprises, wherein profitability is underpinned by economies of scale and scope that are difficult to achieve when aged populations are widely dispersed. If the Objects of the proposed *Aged Care Act* are to be met, then the operations of providers in specific locations and certain circumstances will need to be underwritten by Government, possibly through a combination of the following amendments to the Bill:

- the incorporation of Community Service Obligations (CSOs), with consequent budgetary allocations;
- the extension of the Department of Health and Aged Care’s “Modified Monash Model (MMM)” beyond GPs, to legislate incentives and supports for those engaged in providing aged care services;
- legislating a model for home care, as flagged for design and funding in the Government’s response to Recommendations 34, 35 and 36 of the Royal Commission; and/or
- recognition in the proposed *Aged Care Act* that there are volunteer-based organisations adept at providing some assistance to those aged persons still living

¹ See Page 3 of the Exposure Draft, noting that s.5(b)(iii), s.5(b)(iv), and s.5(c) each have Objects relating to equity of access.

independently or making the transition to a supported care environment, including for example Meals on Wheels, Community Transport Services, and Legacy.

I hope the above helps.

Yours sincerely

Legatee Brian Hollins
Rockhampton and Central Queensland Contact Group
of Legacy Brisbane