

Submission to the Aged Care Legislative Reform Branch

Exposure Draft of the Aged Care Bill 2023

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I was aware of widespread discontent with the exposure draft, but due to the recommendations of the Royal Commission and the current Government's comments at the time, and in Government, I still approached reading the draft with hope and expectation.

I was so appalled with what I read that I have had trouble putting pen to paper (figuratively) since every time I looked at a section I became so angry that I had trouble limiting my expletives.

This draft legislation has enormous loopholes if the Government was truly trying to present a client-centred framework for Aged Care in Australia. It is convoluted in its structure, and one of the least easy-to-read pieces of draft legislation that I have ever tried to read (and I have had significant experience with several jurisdictions).

I presume it was drafted by a junior staffer with relatively little guidance on what was sought to be achieved, and then relatively little editing for logical structure, coherence and consistency with announced policy.

Most sections begin with statements of policy consistent with client rights, but then the following material is drafted at odds with those principles. By that I mean that a section may say that something should be put in place only with the agreement of the client, and then the body of the section refers to the service provider having the power to determine unilaterally what is required.

There are numerous points at which the draft legislation includes reference to a gap that is yet to be drafted – nearly always relating to crucial points of interest to clients, potential clients and to service providers. Nearly three months after release, no supplementary information addressing these gaps has been released.

In addition to my networks such as ten years as a Board Director of Seniors Rights Service, the last six of which I was Board Chair; a few years as Director of Ageing for the NSW Department of Ageing, Disability, and Home Care; I acted as primary carer for my 91 year old mother for 4½ years during which time she received eventually level 4 home care support, and also had stints in residential care; and I have been the recipient of level 2 home care support for the last 10 months. Therefore, I also read the draft legislation with an eye to seeing if it would obviate the past problems of which I was aware.

From this experience, I am extremely disappointed to believe that relatively few of past and existing problems in aged care support will be rectified by this proposed legislation, as it stands. The legislation needs to be substantially redrafted if it is to rectify past and existing

problems as demonstrated by the Royal Commission, and to be consistent with current Government public commitments.

The last total rewrite of the Aged Care Act for Australia occurred in 1997. It will be a travesty if this cobbled together piece of rubbish is presented to Parliament in the near future, without a substantial rewrite consistent with received submissions and announced Government policy, and fit for purpose for the next 25 years.