



7 March 2024

Department of Health and Aged Care - New Aged Care Act Consultation  
GPO Box 9848  
Canberra ACT 2601

via email: [AgedCareLegislativeReform@health.gov.au](mailto:AgedCareLegislativeReform@health.gov.au)

Dear Sir / Madam,

### **COMMENTS ON PROPOSED NEW AGED CARE ACT**

I appreciate the opportunity to provide feedback on the proposed new aged care legislation particularly concerning increased penalties for directors. As someone deeply invested in the welfare of older Australians and the quality of aged care services, I appreciate the attention given to improving accountability and standards within the sector. However, as we navigate the complexities of ensuring the highest standards of care for our elderly population, it is imperative that we strike a balance between accountability and support for those in leadership positions.

While I understand the need for penalties to deter misconduct and negligence within the aged care sector, it is crucial to ensure that such measures do not discourage qualified individuals from taking up leadership roles. A punitive approach alone may inadvertently exacerbate existing challenges in staffing and governance within the aged care industry. Exposure to criminal penalties differentiates the aged care sector from public and private hospital services and disability accommodation services. Directors and senior managers in these sectors do not have a criminal legal risk as is proposed for aged care providers.

The Board of Alino Living is very concerned that the seemingly over punitive approach contained within the proposed new legislation will drive experienced and responsible directors and executive managers out of the sector and make it harder for community based organisations to attract suitably qualified individuals to serve on boards and take up leadership roles.

The legislation should emphasize proactive measures such as enhanced training and support for board members. By equipping directors with the necessary skills and resources, we can foster a culture of accountability and continuous improvement within aged care facilities.

Moreover, it's important to address the root causes of issues within the aged care sector rather than solely focusing on punitive measures. This includes addressing systemic issues such as staffing shortages and chronic underfunding. By tackling these root causes, we can create a more sustainable framework for delivering quality care to our elderly population.



In conclusion, while I support the goal of strengthening accountability within the aged care sector, I urge careful consideration of the potential unintended consequences of increased penalties for directors and executives. Ultimately, the overarching goal of any legislation in the aged care sector should be to promote the well-being and dignity of older Australians. Additionally, I urge careful consideration of the potential unintended consequences of increased penalties for directors. We must ensure that the legislation does not inadvertently discourage qualified individuals from serving on boards or deter investment in the aged care sector.

I trust that careful consideration will be given to all aspects of the proposed legislation to achieve this objective.

Thank you for considering my input on this important matter.

Yours faithfully,

  
for

**Graham McGuinness, OAM**  
**Chairperson**