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24 September 2024

Proposed New Aged Care Act:

I have never been depressed until this week. I am so stressed; I cannot sleep and I cannot think straight – I am even having trouble writing this letter. Anyone who knows me well enough, knows I do not usually struggle to write a letter or a submission.

The reason for this? The new Aged Care Act proposed by the Albanese Government and, by all accounts, supported by the LNP.

Over the past year, I attended workshops, several webinars and read screeds about the proposed changes to the My Aged Care act. At times, what I heard and read concerned me.

Having heard and read about the proposed legislation in the past week, however, has not only concerned me, but distressed me and brought me to this state of depression and high stress. [REDACTED]

[REDACTED]

We each have an in-home Aged Care Package (ACP). [REDACTED] has a [REDACTED] and I a [REDACTED]. So far, it is meeting our needs well. It takes at least two-and-a-half hours per week to clean our home, and that is not counting ‘deep cleans’ that need to occur from time to time, or window cleaning.

[REDACTED]

Let me say upfront, the Aged Care In-Home Packages are supposed to support the elderly to stay in their own homes instead of going into Residential Care Facilities. The new Legislation will negate that. It will be impossible for us to stay in our home. We will be forced into an RCF, will have to sell our home – the home I fought the banks to keep when confronted by 24% interest rates during Keating’s ‘Recession we had to have’. [REDACTED]

[REDACTED]

A total cap of 70 hours per year (52 + 18) for combined personal assistance and home maintenance - covering cleaning and gardening as well as anything else still allowed - is simply, cruelly unrealistic.

Such across-the-board time restrictions on service provision would be in contravention of a key aspect of the proposed new Act:

Division 2 - Aged care principles (p82 draft AgedCareBill2024)

‘...older individuals ...will be at the forefront of the new aged care system, with their needs responded to appropriately and their individual circumstances recognised and respected.’

Clause 25 Statement of Principles

subclauses (1), (2) and (3).

- ❖ safety, health, wellbeing and quality of life
- ❖ puts older people first
- ❖ support individuals to be able to reside at their home (if they choose)

This also fails to address the Acting Inspector General Aged Care’s 2024 Annual Report direction regarding the rationing of service provision eg HCPs rather than addressing assessed individual needs.

OPAN states: ‘The new right-based Aged Care Act addressed the current power imbalance between older people and aged care providers. It has the potential to enhance quality standards, increase protections for older people, and create a financially sustainable aged care system for future generations.’

What rights? The right to have a clean house, to have a garden that one can walk in safely, to have shower without having to pay out of our measly pensions? OPAN has failed to recognise that our rights will be totally eroded by the new Aged Care Act!

Blanket annual drastic limiting of service provision hours completely fails to acknowledge individual needs and circumstances, key to ‘safety, health, wellbeing and quality of life’ that make it possible for a person to age in place at home and not be forced into a Residential Aged Care Facility. This will come at a much greater cost to the system.

[REDACTED]

It takes between 2.5 and 3 hours to thoroughly clean our home, if one includes skirting boards, window sills, bathroom vacuuming and washing floors – what I call a ‘basic and normal clean’ (it’s how my mother taught me). That doesn’t seem unreasonable, surely? But no, some pen pusher has decided one hour a week will do us.

It is unclear if there will be a time limit on other services – but wait! The government decided some time ago that we must employ support workers for a minimum of two hours per service! How does that work with one hour per week for cleaning? Do we still have to employ them for two hours and pay for the second hour fully ourselves?

Our gardener would not come for one or even two hours per week. The travel involved for those of us in rural or semi-rural areas makes it unviable.

Will window cleaning and deep cleans be prohibited under the new act, or is that supposed to be included in the one hour per week (can you see how ridiculous and unworkable this is?)?

People first or budget first? We are now being told our government will bring a surplus. Oh joy! For what? So that the elderly can exist in squalor?

These out-of-the-blue time restrictions on service provision are new unlegislated guidelines. This is a transferring the worst inadequacies of CHSP into a new Support At Home program including current HCPs. Even though the new Act is not scheduled to be in force until 1 July 2025, documents clearly direct that providers make these guidelines operational now.

[REDACTED]

Your situation	What you will pay for		
	Clinical care	Independence support	Everyday living
Full pensioner	0%	5%	17.5%
Part pensioner or health card holder	0%	5-50%	17.5-80%
Self-funded retiree	0%	50%	80%

Source: https://www.abc.net.au/news/2024-09-12/what-aged-care-recipients-will-pay-under-government-proposal/104344688?fbclid=IwY2xjawFdrchleHRuA2FlbQIxMQABHSjZjm2Ubp1_40En3ix9FIKYpAD0NyCZoDJUa-KhKV3yHRYlgJKFbZ9wZg_aem_ceDn7n8H-S6xmJ-7RbMobw

This impost will mean that we will not be able to afford even the small amount of services we will be ‘entitled’ to. As you are no doubt aware, the cost of services has skyrocketed since the introduction of the NDIS (in a word, due to ‘rorting’). This has had a flow-on effect into Aged Care. It is now at least \$65/hour for a cleaner or gardener. If we are to pay 17.5% of that cost, that will mean an impost of at least \$205 per year for gardening and almost \$600 per year for cleaning. And that is the thin edge of the wedge! Add to that social support, home maintenance etc. Aged Care will be out of the question for those of us on a pension.

Minister Wells was asked about co-payment and her response (paraphrasing) was along the lines of ‘You have always had to pay fees’. Yes, but those fees, for managing our packages (often extremely exorbitant fees!) were paid out of our packages, not out of our wallets.

Aged Care Minister, Anika Wells, answered, in response to a comment on her Facebook page (and this answer was repeated over and over, like a mantra):



Surely the Minister is aware that providers send out monthly statements, that recipients have a Care Plan that is worked out in consultation with the appointed Care Partner. We know exactly what funding is available to us. Our Care Partners assist us in budgeting (we are old, so we are not to be trusted in working these things out for ourselves, unlike our NDIS counterparts). [REDACTED]

We pay providers management fees (in our cases, 17% of our package) for them to assist us to ensure our **individual needs** are met. The budget may be amended at any time in order to meet our changing needs. Please do not patronise us and tell us that we need to make sure there are sufficient funds for clinical care!

Do you realise that some providers are even asking support workers – even cleaners and gardeners – to submit ‘shift notes’ on the status of the recipients? How do they appear? Do they appear healthy, are they appear to be coping? Medically untrained support workers – gardeners! This is a gross invasion of our privacy. In fact, it’s downright dangerous to be seeking what equates to a medical opinion from an unqualified gardener or cleaner.

There are 253 comments on the Minister's Facebook page (at 12:56, 06 October 2024), most reflecting the same opinions. This Bill is **not fit for purpose**.

I suggested to the Minister there is no need for us to write submissions to the Inquiry as the answer is very clear on her Facebook page. The new Bill is causing great angst and extreme stress among the elderly.

I don't need clinical support! Nor does my husband. What we do need is adequate cleaning and gardening support to enable us to stay in our own homes.

[REDACTED]

What has happened to:

- Person-centred care
- Dignity and respect
- Individuality and diversity
- Independence, choice and control?

These are the very words Minister Wells used on 18 September 2024!

Physio:

We will not be allowed to claim physiotherapy unless it is age-related!

If it is deemed to be caused by any other reason, it will not be claimable. How will this be determined? By some Care Partner without medical training?

New Levels:

There will be eight levels of support, replacing the current four levels. Each level will provide a different amount of funding.

From my understanding, no one is supposed to be worse off, but [REDACTED] (currently on [REDACTED] will be worse off by 38.5% (\$95.49 less)

Sylvia

The InvoX Take

Sylvia has reasonably high care needs. In Support at Home she will receive a class 5 package.

Under the current system, on a financially equivalent, level 3 package, Sylvia would receive, on average, 3.2 hrs/fortnight of Care Management.

Under the New Support at Home package, she will only be allocated 2 hrs/fortnight based on the funding received, a 38.5% decrease in Sylvia's Care Management funding.

Age pension status	Part pensioner
Total income	\$36,000
Homeowner or renting	Home owner
Home value	\$650,000
Other assets	\$200,000
Support at Home class 5	\$35,574

Source:

https://www.invoX.com.au/news-resources/cuts-and-complexity-support-at-home-2025?fbclid=IwY2xjawFdrBRleHRuA2FlbQIxMQABHbnGPakVdDIZt0Sh817CZX4Lfi-3QPldABgDSv2L7uewLhZvEfUEbDOurO_aem_R2hlWJ3rn2bhPPRycnkfmQ

The INVOX report (above) states the new Aged Care Act will result in an administrative nightmare and will result in funding cuts.

COMMUNITY VOICES Joe Ibrahim, Professor Aged Care, Latrobe University (vol#403) believes the Aged Care Reforms are 'Unfair Unreasonable Unsustainable'

Source:

https://www.mixcloud.com/michael-lester5/aged-care-reforms-unfair-unreasonable-unsustainablejoe-ibrahim-prof-aged-care-latrobe-u-vol403/?fbclid=IwY2xjawFdrIFleHRuA2FlbQIxMAABHZ_i3ovPEdNDeKa3MIWgRo_n959o299dcUgAPLA_9PsX876o4cRw6mkPsg_aem_f-tSyoTVjDNe-qDDW0J2hw&ai

Aged Care Reforms Already In Place:

Aged Care Minister Wells has denied that there have been any changes already made to the In-Home Care Packages. I asked her the question and she denied it.

That is not the experience of those of us who self-manage our funds. So many things have been deemed 'exclusions. For instance, supplements used to be claimable from the packages. I need a range of supplements to treat peripheral neuropathy. They are extensive, costing about \$150 per month. The used to be claimable but are now excluded. The supplements I am on are from a program called 'The Protocol' (<https://connect.mayoclinic.org/discussion/have-you-tried-the-new-protocol-525-product-for-neuropathy-relief/>). It even finds a recommendation on the Mayo Clinic support page. The government will happily amputate my legs, starting with the toes and progressing upwards, but will not fund supplements that have been proven to provide relief! When I questioned Anika Wells about this, her response was 'non-PBS medications have never been included'. I was not asking about non-PBS medications and made that very clear in my question.

Acupuncture is off the list too. [REDACTED] was having acupuncture, with excellent results, but it was removed from allowable inclusions. So too, remedial massage.

If we need an aid, such as a \$30 shower chair, we are expected to provide an Occupational Therapy report at a cost of some \$600! As stated above, I manage a package for a friend who has dementia. I requested a shower chair for her so that her husband could assist her showering and was informed we needed an OT report. I argued the case and eventually won a dispensation, but the situation is ridiculous. Need a \$12 pick-up-stick? Get a letter of Clinical Justification from your OT! Need a tipping kettle? Get a letter of Clinical Justification from your OT! And so on. There is an option to ask for support from one's GP, however, it now takes at least three months to get an appointment with our GP. The system is a mess.

Why can we not have true self-management as NDIS recipients have? We, as aged care recipients, are infantilised. We are treated as though we are not capable of managing money or making viable, sensible decisions.

I have been waiting almost one year for my provider, [REDACTED], to approve or disallow rechargeable hearing aids. As a sufferer of peripheral neuropathy and a serious index finger injury suffered during a fall last year, I am unable to handle the tiny batteries in the government-supplied hearing aids. As I am not able to get any more government funding, so have requested funding from my ACP.

I have submitted the support documentation from my doctor and audiologist four times and have been told my request has been sent to the Inclusions Committee but never get a resolution. Providers are running scared. They are frightened of being sanctioned for allowing anything that may be an exclusion.

One of the best providers in the business, run by one gem of a man who genuinely cared for his clients, was persecuted, for want of a better word, by the Regulator, the Aged Care Quality and Safety Commission. He

was not allowed to take on more clients and ended up closing his business, leaving c200 clients needing a new provider.

Unclear:

Many things are still unclear. Clarification is needed before this Act goes before Parliament.

Payment of workers:

There is talk that we may have to pay workers upfront and then await reimbursement. Please tell me what pensioner has money like that at their disposal? We already have to pay for many things upfront. For instance, I needed pull-out baskets for my kitchen cupboards as I cannot bend over. I had to find nearly \$700 to pay upfront and then wait to be reimbursed. The payment was 'put on hold' by the Accounts Department of ██████████ because it was deemed 'not in the Care Plan', which was blatantly untrue. I fought for 8 months (15 emails!) to have them approved. This is what happens all the time and it is why we, the HCP recipients, need some sort of autonomy.

Residential Care Facilities

The RAD has always been unfair. Privatising RCFs was a huge mistake – just as the privatisation of our water, electricity etc was. In the history of privatisation, there is not one service that has left consumers better off – in fact, we are all far worse off. Meanwhile, the politicians who make these arbitrary decisions walk away – no care and no responsibility.

Now it will be even worse. When my mother entered a ██████████ RCF in Goolwa SA, in 2023, we could not sell her home as it would have meant my younger sister would be homeless. We decided to pay the non-refundable fees. That took all of Mum's Australian Pension, all of her German Pension and part of her savings **every month! Non-refundable!** It's disgusting – and all that for substandard care where we, the family, were not welcome as visitors. Three of our family turned up on Mum's 97th birthday and a stern finger was pointed at us and we were told, '**ONE** of you needs to leave right now!'. It's distressing, and for that we paid a fortune.

The current star system of rating RCFs is a farce. The facility my mother was in was woeful. There is a ██████████ Facility in Port Elliot not many kilometres away that is fabulous (friends had their mother there), yet my mother's facility had more stars than the ██████████ facility. There have been many reports of this sort of thing on Aged Care social media groups.

With the new system, the providers will be able to keep 2% of the (non)-RAD per annum for five years. This means that approximately \$75,000 of the RAD will be taken by providers. It's immoral and obscene. We have worked all our lives and invested in our home, and for what? To have to hand \$75,000 over to a provider, plus 85% of our pension, plus daily 'well-being fees' (some as high as \$20 per day and not waivable) is immoral and unjust. What makes the government believe they will build more RCFs when they have not made any effort to do so to date? The government provided extra funding for food for RCFs, and yet, when pressured by providers, they relented and allowed them to funnel those funds into general revenue. The system is broken. This is Death Taxes by stealth!

On the other hand, I have a theory that the government actually wants us to go to RCFs because that means we will have to sell our homes. It will be cheaper and better for the government if Providers build large RCFs of 100 to 150 beds, the elderly sell their homes and move into the RCF, thus freeing up homes to ease the housing crisis. Is there method in their madness? Literally at the expense of the elderly citizens of Australia who have worked hard and paid taxes all their lives, many of whom went to war for this country's freedoms.

Will these changes also apply to First Nations people?

The system should be funded by a levy, as should the NDIS, as is Medicare. This would be the fairest option. That would ensure every Australian a decent old-age, an old-age where we would be able to get the assistance we need to stay in our own homes and not need to go into RCFs, and old-age where we didn't have to live in abject poverty. A system where, when we finally do need to go into an RCF, it would be well-funded and run under government auspices.

As mentioned earlier, the in-home care packages were designed to assist elderly people to stay in their own homes longer. This is the key to the program. We need to be able to employ support workers to do the jobs we are no longer able to do ourselves. Let's face it – no one wants to end up in an RCF!

Eminent Professor Kathy Eagars has stated that in ten years, the whole Act will have to be rewritten because it is not fit for purpose.

The new Aged Care Act, as it stands, is unworkable. They have thrown the baby out with the bathwater. This policy is discriminatory, ageist and will lead to most pensioners on a package living in even greater poverty and in squalor in houses not fit for habitation. We won't even be able to go out into our gardens because they will be overgrown. We won't be able to have visitors because we will be living in abject squalor.

Are these the sorts of conditions you would want your elderly parents/relatives to live under? Would you, if you were barely surviving on only the Aged Pension, like to be forced to live like this? No? Well, please don't force the rest of us into these sorts of conditions.

If you have stuck with me this far, I thank you. It has been difficult to write because I am feeling so stressed and emotional about what will happen not only to [REDACTED] and me, but also to all the elderly people in Australia. We are being shafted and we don't have a voice! OPAN has let us down. The Aged Care Quality and Safety Commission has let us down. Labor and LNP have let us down most of all.

I appeal to the Senate Committee – indeed, I **beg** the Committee to push for major amendments to this Bill. Please do not pass the Bill in the Senate as it stands.

Kind regards,

Hannelore (Hanna) [REDACTED]

PS, I have also sent this to PM Anthony Albanese's email address, only to have one of his staffers respond, saying it's nothing to do with the PM and they have sent my submission to Anika Wells, Minister for the Aged. Anika Wells does the politician thing: she answers the question she wishes she'd been asked rather than answering the question she was actually asked. Is it surprising we have lost faith?

Further sources and information:

https://www.smh.com.au/money/super-and-retirement/new-aged-care-rules-will-leave-most-of-us-worse-off-as-costs-rise-20240916-p5kb16.html?fbclid=IwY2xjawFdrb5leHRuA2FlbQIxMQABHXRzYbbUapoIb-TRUS1RKb_8a44aQuQ5hSrlGZJbfgkXMgfZJUlc0P-I_A_aem_1tOneB8w2drhhyDB4T6blw

https://www.abc.net.au/news/2024-09-12/what-aged-care-recipients-will-pay-under-government-proposal/104344688?fbclid=IwY2xjawFdrchleHRuA2FlbQIxMQABHSjZjm2Ubp1_40En3ix9FIKYpAD0NycZoDJUa-KhKV3yHRYlgJKFbZ9wZg_aem_ceDn7n8H-S6xmJ-7RbMobw

<https://johnmenadue.com/proposed-new-aged-care-act-leaves-gaps-in-rights/>

