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Department of Health and Aged Care
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Australia

New Aged Care Act Rules Consultation - Release 3 Providers' Obligations

National Seniors Australia (NSA) welcomes the opportunity to provide feedback on Release 3 of the Aged Care Rules, which focuses on the obligations of registered providers and conditions on registered providers under Chapter 3 of the new Aged Care Act. We understand this includes existing provider obligations, new requirements and reporting and record-keeping requirements.

NSA is the leading advocacy organisation for older Australians. Through our research and advocacy activities, NSA works to improve the well-being of all older Australians.

We appreciate the release of the Supporting Document alongside release 3. While full draft explanatory material would be preferable, such a document would have been of assistance in consulting on releases 1 and 2. We are hopeful similar documents are released alongside release 4a and 4b.

There are two main areas on which we wish to raise queries: worker qualifications and worker screening.

Worker qualifications

Section 152-35 of the draft rules require aged care workers of registered providers “must have appropriate qualifications, skills or experience to provide the funded aged care services that the provider delivers to individuals”.

We assume the consultation on *A national registration scheme to support personal care workers employed in aged care*, which closes after the due date for the consultation on release 3, will outline the specific qualifications required and the pathways open to personal care workers.

Having skilled and qualified staff providing care is a concern of those receiving residential aged care.¹ Ensuring that staff meet a minimum qualification level is important to regain confidence in the aged care system.

The Royal Commission into Aged Care Quality and Safety recommended (in Recommendation 78) that a Certificate III should be the mandatory minimum qualification for personal care worker registration. The intent of this recommendation was to professionalise the workforce and improve quality of care. It also recommended that the registration of personal care workers be in place with a minimum qualification of Certificate III by July 2022.

Our concern is not with the wording of the Rules but that this process has been significantly delayed to the detriment of people receiving care and support within the aged care system. We will advocate for the registration of personal care workers to be accelerated as part of our submission to the national registration scheme. Having clear rules about minimum qualifications and the pathways needed to obtain these qualifications is essential to building a competent and trusted aged care workforce.

Worker screening

While recognising the worker screening process involve a multiple stage transition process and subject to further consultation and agreement with the States and Territories, we question why there is a different treatment of some criminal offences between CHSP/NATSIFACP (National Aboriginal and Torres Strait Islander Flexible Aged Care Program) workers and residential care or Support at Home Workers.

Section 152-20 covers aged care workers in the interim period, though there is a similar section for responsible persons. For a residential care or Support at Home worker the criminal offences of primary concern are:

- (i) convicted of murder or sexual assault; or*
- (ii) convicted of, and sentenced to imprisonment for, any other form of assault.*

However, for CHSP or NATSIFACP workers the listed offences are:

- (a) convicted of an offence involving the death of a person; or*
- (b) convicted of, and sentenced to imprisonment for at least one year for, any of the following offences:*

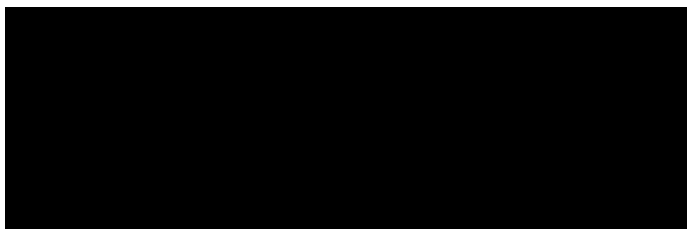
¹ [Aged Care Amendment \(Staffing Ratio Disclosure\) Bill 2018 submission - NSA](#)

- (i) a sex related offence, including sexual assault (whether against an adult or child), child pornography, or an indecent act involving a child;*
- (ii) an offence involving dishonesty that is not minor*

Aged care workers, in particular those in risk assessed roles, are placed in a position of trust. We therefore question why there is a differentiated test for some workers? If dishonesty offences (such as fraud or stealing) which resulted in imprisonment for at least one year prohibit a worker from working for a CHSP or NATSIFACP provider, why does a similar provision not apply to residential care and Support at Home?

NSA remains committed to collaborating with the Department of Health and Aged Care to ensure the program's success and welcomes continued engagement throughout this consultation process.

Yours sincerely,



Chris Grice
Chief Executive Office