



# Introduction

████████████████████ is pleased to provide feedback on the Stage 3 release of the Aged Care Rules (Rules) Consultation. We appreciate the Department of Health and Aged Care's (Department) ongoing engagement with the sector as we transition to a more transparent, consumer-focused, and sustainable aged care system.

Our customers include Aboriginal and Torres Strait Islander Peoples, rural and remote communities, and people experiencing homelessness and vulnerability. With experience in these communities including in areas with thin markets, [REDACTED] provides unique insights into the real-world impacts of rising operational costs and workforce shortages.

The feedback in this submission highlights the key areas of concern for █████ and is provided in the context of the information available at present and we are yet to see all tranches of Rules. While █████ is committed to meeting the obligations of a registered provider, we have concerns about the worker screening requirements contained in the Rules. Of particular concern is the impact of worker screening on workforce shortages in regional, rural and remote areas, including for existing workers employed with Provider discretion.

■ supports a more flexible rights-based aged care system that meets the needs of all Australians, particularly First Nations people, people experiencing vulnerability, and those living in rural and remote areas. The current aged care reforms must support financial sustainability for Providers while enabling the continued delivery of high-quality care now and in the future.

## Worker Screening Requirements

██████ is concerned that the worker screening requirements contained in Chapter 4 Part 6 of the Rules will further exacerbate workforce shortages in regional, rural, and remote areas. Restricting employer discretion in worker screening could disincentivise the engagement of local, culturally appropriate workers, deepening the workforce gap in an already stretched sector.

Further clarification is required on the terms and offences contained in Chapter 4 Part 6 of the Rules. Specifically, clarification is required on what constitutes 'an offence involving dishonesty that is not minor' for Commonwealth Home Support Program (CHSP) and National Aboriginal and Torres Strait Islander Flexible Aged Care Program (NATSIFACP) responsible persons and aged care worker screening in the interim period. The lack of clarity may lead to differing interpretations by providers and may create a significant risk from an industrial relations (IR) perspective.

██████ recommends the Department provides a clearer definition of 'an offence involving dishonesty that is not minor' and supporting guidance for providers.

The impact to existing aged care workers who may not meet the new worker screening requirements under the Rules is another concern for ██████. There will be a burden on the provider to check that existing workers meet the screening requirements. Where worker screening requirements are not met, there will be IR considerations with a significant burden on providers in managing the IR risks.

The Aged Care Quality and Safety Commission (Commission) has powers to undertake various regulatory actions where a provider does not meet their responsibilities. Where the worker screening requirements are not met for existing workers due to provider discretion, ██████ is concerned about the risk of unintended regulatory consequences.

██████ notes the Rules are incomplete in relation to Section 7-5 Aged care worker screening laws [transitional and full implementation periods], making it difficult for Providers to understand the practical implications and plan effectively to ensure worker screening requirements are met.

██████ recommends the laws be released as early as possible so providers can adequately prepare for the commencement of the new Act 1 July 2025.

██████ acknowledges the Department is working to introduce a new Aged Care Worker Screening Check consistent with National Disability Insurance Scheme (NDIS) Worker Screening Checks (expected from 2026). As a dual aged care and NDIS provider ██████ has concerns about the new Aged Care Worker Screening Check based on current challenges with NDIS worker screening challenges, including application processing delays that impact on recruitment processes, leading to potential staffing shortages and exacerbating workforce challenges.

██████ recommends extensive consultation with the sector takes place with sufficient time to ensure current challenges with NDIS worker screening do occur with the new Aged Care Worker Screening Check.



## Strengthened Aged Care Quality Standards

■■■■■ supports the introduction of the strengthened Aged Care Quality Standards (Standards) designed to improve outcomes for the people we care for. Transitioning to the strengthened Standards is not cost neutral for providers, noting there are already significant administrative and regulatory costs the sector is struggling to absorb.

While the changes to the strengthened Standards outlined in the Rules do not affect the overarching expectations of the Standards, the new strengthened actions will impact on provider readiness where preparation for commencement 1 July 2025 is already underway.

■■■■■ recommends urgent release of updated education and training materials that reflect the recent changes in the strengthened Standards outlined in this release of the Rules.

## Conclusion

■■■■■ looks forward to working with Government, the Department and the Commission in reforming the aged care sector. We urge the Department and the Commission to consider the impact of the worker screening requirements on providers and to support the significant efforts required by providers to meet the strengthened requirements.

While ■■■■■ acknowledges the importance of consultation processes, the lack of timely information from the Department following consultation on each release of the Rules makes it difficult for providers to understand the changes and adequately prepare for the commencement of the new Act.

■■■■■ strives every day to deliver high quality care and will continue to do so under this new legislative framework.

We thank you for the opportunity to participate in this consultation.

