

13 May 2025

Secretariat  
Aged Care Transition Taskforce  
New Aged Care Act Transition Branch  
Department of Health and Aged Care  
GPO Box 9848  
CANBERRA ACT 2601

Via email: [transitiontaskforce@health.gov.au](mailto:transitiontaskforce@health.gov.au)

To the Proper Officer,

**Re: United Workers Union feedback on the New Aged Care Act Rules consultation – Release 4B – Audit Reports; Provider Register; Safety; Accountability; Digital Platforms**

*Acknowledgement of Country*

*We acknowledge and respect the continuing spirit, culture, and contribution of Traditional Custodians on the lands where we work, and pay respects to Elders, past and present. We extend our respects to Traditional Custodians of all the places that United Workers Union members live and work around the country.*

**About United Workers Union:**

*United Workers Union (UWU) is a powerful union with 150,000 workers across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops. We are proud of the work we do – our paramedic members work around the clock to save lives; early childhood educators are shaping the future of the nation one child at a time; supermarket logistics members pack food for your local supermarket and farms workers put food on Australian dinner*

*rink on your night off; aged care members provide quality care for our elderly and cleaning and security members ensure the spaces you work, travel and educate yourself in are safe and clean.*

UWU seeks to provide feedback on the contents of the Stage 4B release of the Aged Care Rules, which cover Chapter 2, 3, 4, 5, 7, and 8 of the new *Aged Care Act*. We are particularly concerned about safety, accountability, and privacy considerations.

On the issue of safety, UWU notes the proposed Rules at **148-30** concerns ‘requirements for personal protective equipment, infection prevention and control’ for providers delivering home and community services. These include home and community services providers ensuring that:

*(a) personal protective equipment is available to the individual, the aged care workers of the provider delivering the services and any other persons who need it; and*

*(b) the persons mentioned in paragraph (a) are supported to correctly use the equipment.*

UWU welcomes stronger requirements for personal protective equipment (PPE) for both workers and individuals receiving home care services. However, 148-30 should have a more explicit requirement for the workers to paid time training on how to best use PPE and implement other safety requirements.

UWU also wishes to note, however, an issue about PPE told to us by our members who in dementia care. While PPE should always be prioritised for the safety of workers and clients, our members report situations in which people with dementia do not recognise their care workers when those workers enter homes wearing PPE. This can make clients distressed, and (in extreme cases) create a dangerous situation for the worker. Nothing should compromise the provision of PPE. UWU only raises this point to indicate the need to consider a range of care needs when considering the application of the Rules.

UWU supports providers being strongly held accountable for pay increases and worker entitlements. So UWU is pleased that **166-745** requires that the 'annual accountability reports' for Transition Care program providers must include:

*(i) whether the Fair Work Commission wage increase component of the Commonwealth subsidy has been passed on to any eligible workers;*

However, it does not appear to require providers other than those doing Transition Care to include information the FWC wage increase. Annual reporting for all provider types should include this information.

On the same theme, **167-60** of the Rules reference requirements for notifying the System Governor of changes in a provider's circumstances on 'financial and prudential matters', including:

*(a) the inability to pay the entitlements of the provider's aged care workers;*

UWU supports notifying the System Governor about a provider's inability to pay its workers. However, given the serious impact this situation would have on low wage workers there must also be a requirement on the Governor to notify the relevant unions in the aged care sector. This should happen regardless of whether there are union members working at the specific provider, because the inability of a provider to pay entitlements has the potential to impact the whole sector (E.g. if the care work of that provider gets transferred elsewhere within the sector).

The ability of workers to access information about the state of aged care, and the state of *their* providers specifically, will be key to stronger accountability in the aged care. Therefore, UWU strongly supports the inclusion of **110-38** in the Rules requiring that '*responsible persons and aged care workers of the registered provider*' be informed of the outcomes of final audit reports. However, UWU points out that being 'informed' of audit outcomes is not about the mere provision of information. Workers will not be *fully* informed unless paid time is available for them to either consider the outcomes themselves or consult with their representatives. The Rules should include paid time for workers to discuss the outcomes of provider audits, including discussing them with their union. To this end, information on audit reports should be *also* provided directly to the relevant unions, so that members can be fully informed about audit outcomes across the sector.

Chapter 6 of the proposed Rules concern '*Obligations of operators of aged care digital platforms*'. In its submissions on the new Aged Care Act, UWU has outlined its concerns that digital platforms in the care and support sector could allow unscrupulous providers to exploit loopholes in registration and funding arrangements in ways that undermine direct and permanent employment in the sector. UWU therefore welcomes the requirements in the Rules (from 189-1 to 189-30) on digital platform operators for notifications and implementing complaints and incidents management systems. However, UWU remains concerned the aged care digital platforms will continue to facilitate a race to the bottom in pay and conditions of work in a sector which desperately needs to increase pay and conditions to secure high quality care outcomes.

UWU is also concerned about how the Rules address the information that will be contained on the 'Provider Register' which may, according to Section 141 (7)(a)-(b) of the new Act, be published 'in whole or in part' on the Aged Care Quality and Safety Commission's website. UWU is uneasy about how 188-1 of the Rules interacts with Section 188(1)(b)(vi) of the new Act, which set out how a platform will contravene the Act if it does not 'check and display' on the platform information about:

*(iii) whether a banning order against the entity is, or has at any time been, in force; and*

*(iv) whether an NDIS banning order against the entity is, or has at any time been, in force; and*

*(v) whether a banning order (within the meaning of the Commission Act as in force at any time before the commencement of this Act) against the entity has at any time been in force; and*

*(vi) any other information prescribed by the rules.*

An 'entity', according to the Rules, can be an aged care *worker*, about whom a registered aged care digital platform provider must display information, including if they comply with applicable worker screening requirements. UWU has previously indicated that the amount of information collected and potentially made public about 'banned' workers is too broad and poses significant privacy concerns. Information about a *current* banning order is all that should be required for a public register to include about a worker. It is not necessary for a worker's *previous* banning order to be publicly available in such a way that potentially harms that worker's reputation.

Thank you for the opportunity to provide this feedback. For more information about these submissions, please contact Tim Dymond, Senior Research Analyst, at

Regards

Catalina Gonzalez  
National Director Aged Care  
**United Workers Union**