

2 November 2021

Senator Wendy Askew  
Chair, Senate Standing Committee on Community Affairs  
C/O the Committee Secretary  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Senator Askew,

## **Aged Care and Other Legislation Amendment (Royal Commission Response No.2) Bill 2021**

Thank you for the opportunity to provide a submission to the Senate Committee Inquiry on Community Affairs in relation to the *Aged Care and Other Legislation Amendment (Royal Commission Response No.2) Bill 2021* (Aged Care Amendment Bill).

Palliative Care Australia (PCA) represents those who work towards high quality palliative care for all Australians who need it. Working closely with consumers, our Member Organisations and the palliative care workforce, we aim to improve access to, and promote palliative care.

As Australia's population ages and the number of people using aged care services increases, the demand for palliative care in community and residential aged care is also increasing. The Royal Commission into Aged Care Quality and Safety's (Royal Commission) final report acknowledged that evidence heard during the life of the Royal Commission shows that too few people receive evidence-based end-of-life and palliative care, and instead experience unnecessary pain or indignity in their final days, weeks and months. The Royal Commission recognised the significant role of palliative care in aged care, and the need for it to be core business for aged care providers. PCA believes that in order for palliative care to be core business in aged care, it is essential for aged care services to be delivered by a professional, skilled and competent workforce.

### ***Schedule 2 – National Registration Scheme***

PCA would like to comment on Schedule 2 of the Aged Care Amendment Bill relating to the establishment of a national registration scheme for the personal care workforce.

PCA supports the introduction of a national registration scheme for the personal care workforce as per the Royal Commission's Recommendation 77. Personal care workers are the frontline workforce in aged care and the best way to protect older Australians is to ensure they are cared for by a professionally trained and accredited workforce. PCA believes the scheme as outlined by the Royal Commission would ensure national standardisation across the personal care workforce, including minimum qualifications and training, professional support and career pathways. It would also ensure that the personal care workforce aligns with other health care professions.

Further to the registration scheme, PCA supports the recommendation of the Royal Commission that the Australian Health Practitioner Regulation Agency (AHPRA) should start a process to examine the feasibility of the registration scheme being administered by AHPRA under the National Registration and Accreditation Scheme. This would ensure the registration scheme aligns with those of other healthcare professions and provides transparent and consistent registration standards, codes of conduct and ethics and a professional avenue for dealing with complaints and breaches of codes of conduct. It also allows for identification of the scope of practice for aged care workers and provides assurance for aged care recipients, families, approved providers and the healthcare workforce that staff are adequately trained, skilled and competent.

The registration scheme as outlined in Schedule 2 of the Aged Care Amendment Bill does not adequately address the Royal Commission's recommendations. The scheme only covers police checks and does not include a minimum qualification, ongoing training, minimum levels of English language proficiency or the power for an appropriate registering body to investigate complaints and take disciplinary action. This proposed scheme is inadequate as it does not address the clearly outlined issues raised by the Royal Commission where for the aged care sector to meet the needs of older Australians, the workforce needs to be highly skilled and competent across a range of areas and skills gaps need to be constantly identified and addressed.

### ***Schedule 3 – Code of Conduct***

PCA would like to comment on Schedule 3 of the Aged Care Amendment Bill relating to the establishment of a Code of Conduct for approved providers and their workers.

PCA supports the introduction of a Code of Conduct which will help ensure that aged care recipients are protected from exploitation, abuse and inappropriate and unprofessional conduct. However, PCA has concerns about how the inclusion of aged care workers in this Code is stated. Currently, the aged care workforce is made up of many people with limited education and many are from non-English speaking backgrounds. This is a very vulnerable group of people that would be exposed to a code of conduct targeted towards business owners and with large civil penalties attached. Workers should instead be covered by an appropriate health care worker registration scheme with attached code of conduct, as per the Royal Commission's recommendation that workers be registered with AHPRA. Additionally, the Aged Care Quality and Safety Commission is not the appropriate body to be managing the registration of workers or their code of conduct. It is not a body established to monitor and/or support the workforce and as such does not have the appropriate skillset and knowledge to do this.

#### ***Schedule 4 – Extension of Incident management and reporting***

PCA would like to comment on Schedule 4 of the Aged Care Amendment Bill relating to the extension of incident management and reporting.

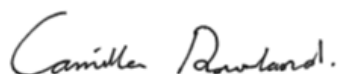
PCA supports the extension of incident management and reporting to home care and flexible care under Schedule 4 of the Aged Care Amendment Bill. This will ensure that those receiving care in both home care and flexible care, are protected against incidents of violence or abuse. People who are palliative and receiving home care can be very vulnerable and deserve full protection from abuse. They need to feel safe in their homes and to be assured those providing their care will not abuse them in any way.

#### ***Proposed Amendment – Senator Patrick***

PCA supports the proposed amendment to the Aged Care Amendment Bill from Senator Rex Patrick to require residential aged care providers to ensure at least one Registered Nurse is on duty at all times in the facility (there may be some rare exceptions to this based on strict criteria such as geography). While the Government has supported the introduction of mandatory care minutes for residential aged care, this does not provide a guarantee that all facilities will have a registered nurse available 24 hours a day. It is crucial that this level of worker is available in the facility to deliver clinical care, including the management, distribution and administration of medication. Palliative care patients require access to appropriate levels of care and support, including access to opioid medications at all times of the day based on their pain and symptoms. Many of these medications require a Registered Nurse to be able to access the medications cabinet and provide these medications to patients. It is critical that there is always a registered nurse on hand to provide this care when needed.

If you have any queries relation to the issues outlined above, please feel free to contact Katie Snell, National Policy Manager, Aged Care and Diverse Needs Groups at [katie.snell@palliativecare.org.au](mailto:katie.snell@palliativecare.org.au) or phone 02 6232 0700.

Yours sincerely,



Camilla Rowland  
Chief Executive Officer  
**Palliative Care Australia**