

23 June 2023

Director, Regulatory Strategy Section
Harmonisation and Regulatory Strategy Branch
Department of Health and Aged Care
GPO Box 9848
Canberra ACT 2601

Email: agedcareregmodel@health.gov.au

Re: **Consultation paper No. 2 A new model for regulating Aged Care**

Dear Director, Regulatory Strategy Section

Thank you for the opportunity to provide feedback on the new model to regulate provision of aged care services in Australia.

Palliative Care Australia (PCA) is the national peak body for palliative care. 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 the need for, palliative care. PCA supports the health, aged care and community sector workforce who all have a role in providing palliative care to people with a life-limiting illness and supporting carers and loved ones.

Attachment A reproduces the nationally supported definition of palliative care – a definition which informs our comments below.

Palliative care and the new model for regulation of aged care services

PCA advocates for palliative care to be integral to the delivery of aged care services at all levels. The importance of providing palliative care in aged care services was highlighted by the Royal Commission into Safety and Quality in Aged Care, which made several recommendations to ensure high quality palliative care becomes “core business” for aged care services.¹

¹ Royal Commission into Aged Care Quality and Safety (2021), Final Report: Care, Dignity and Respect, Volume1 Summary and Recommendations, pg. 94. Retrieved from:
https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-1_0.pdf

PCA is not an aged care service provider, so our feedback on the proposed regulatory model is high-level and from a palliative care policy perspective.

Providing high-quality palliative care to those using aged care services requires a level of systemic change to ensure suitably trained and supported aged care professionals and services. This in turn requires the use of a range of other levers as part of any regulatory model. PCA refers to its previous submission on Aged Care Quality Standards Review which outlines some of the features needed to embed palliative care - not just clinical end-of-life care - at all levels of aged care service delivery. For example the submission advocates that all aged care workers receive training in palliative care, and that this training become a requirement of the aged care service system.²

PCA supports the four foundations of the proposed model:

- Rights-based
- Person-centred
- Risk-proportionate
- Focused on continuous improvement

PCA strongly advocates a human rights approach that enables people's preferences for receiving palliative care when and where it is needed and welcomes the Government's intention to set out a Statement of Rights in the new Aged Care Act to underpin the regulatory approach. This Statement of Rights should include the right for older people to access to high quality palliative care; that is: to live well, die with dignity, without pain, and in their place of choice.

PCA commends the focus on continuous improvement in aged care services in the proposed regulatory process. Striving for improvement in quality care for older Australians must include improved delivery of palliative care.

With respect to the proposed provider registration process, PCA recommends that a core condition for all registered providers be an understanding of palliative care. PCA believes that registered providers in the proposed new model, service provider categories 3 to 6, should have mandated education and training in providing palliative care, and provide leadership in guiding the delivery of palliative care with others involved in care services.

The definition of high-quality care, yet to be articulated in the new Aged Care Act, should include the provision of quality palliative care. This would then form part of the obligations of service providers under the proposed registration process. A strengthened definition in the new Act would highlight palliative care as being "core business" for aged care services, as envisaged by the Royal Commission into the Aged Care Quality and Safety.

The [PCA National Palliative Care Standards](#)³ and [National Palliative Care Standards for All Health](#)

² PCA 2022 Submission to Aged Care Quality Standards Review,
<https://palliativecare.org.au/submission/revised-aged-care-quality-standards-consultation/>

³ <https://palliativecare.org.au/publication/standards>.

[Professionals and Aged Care Services](https://palliativecare.org.au/publication/national-palliative-care-standards-for-all-health-professionals-and-aged-care-services)⁴ (collectively, the *PCA Standards*) have been developed with the aim of supporting better experiences and outcomes for people receiving palliative care. These standards describe in simple and clear ways what a quality palliative care service does. The Standards are generally normative standards, incorporating aspirational components to support providers and services seeking to enhance capability and achieve best practice. PCA encourages consideration of the PCA Standards in the development of the definition of high-quality care for aged care services, in the Aged Care Act and as part of the design of a new regulatory model.

Thank you again for the opportunity to comment on this new regulatory model. If you require further clarification on any of part of this submission, I can be reached at Camilla.rowland@palliativecare.org.au.

Yours sincerely

Camilla Rowland
CEO
Palliative Care Australia

⁴ <https://palliativecare.org.au/publication/national-palliative-care-standards-for-all-health-professionals-and-aged-care-services>.

Definition of Palliative Care

PCA uses the definition of palliative care outlined in the *National Palliative Care Strategy 2018* (signed by the Australian Government and all State and Territory governments). It is based on a definition first outlined by the World Health Organization.

Palliative care is an approach that improves the quality of life of patients and their families facing the problems associated with life-limiting illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial and spiritual.

The [*National Palliative Care Strategy 2018*](#) provides that palliative care:

- provides relief from pain and other distressing symptoms
- affirms life and regards dying as a normal process
- intends neither to hasten or postpone death
- integrates the psychological and spiritual aspects of patient care
- offers a support system to help patients live as actively as possible until death
- offers a support system to help the family cope during the patient's illness and in their own bereavement
- uses a team approach to address the needs of patients and their families, including bereavement counselling, if indicated
- will enhance quality of life, and may also positively influence the course of illness
- is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy, and includes those investigations needed to better understand and manage distressing clinical complications.⁵

⁵ Definition of Palliative Care in [The National Palliative Care Strategy 2018 | Australian Government Department of Health](#) Based on World Health Organization, 2017.