

**SUBMISSION TO THE SENATE COMMUNITY AFFAIRS LEGISLATION COMMITTEE
INQUIRY INTO THE LIVING LONGER, LIVING BETTER LEGISLATION**

Provided by

MASONIC CARE ALLIANCE



INTRODUCTION

The Masonic Care Alliance welcomes the opportunity to respond to the Committee on the Living Longer, Living Better legislation package.

The Masonic Care Alliance MCA is a newly established alliance of aged care providers that operate across Australia with tenets based in Freemasonry. The MCA provides residential aged care to over 4,000 clients and EACH and CACPs to 730 clients with brokerage services in excess of 35,000 per annum and 46,000 hours of day therapy services. In the members of the MCA collectively provide housing choices in retirement villages or low cost housing for 3,300 plus aged people across Australia. All members of MCA operate as not-for-profit entities.

AREAS OF CONCERN

1. The quantity of detail being relegated to the **subordinate legislation**: The industry has already experienced the impact of Delegated Legislation with the changes to ACFI (Aged Care Funding Instrument) as an example and has concerns regarding what will be relegated to the "Principles". Given the financial and viability impact of such legislation it is recommended that a mechanism is put in place to ensure oversight by Parliament.
2. The **timing** of the legislative process: The calling of the election and its associated mechanisms will restrict the consultative period regarding the details of legislation. With the impact vital to the service delivery to clients especially in regard to Home Care and long term viability of all aged care providers. MCA recommends that the legislation is amended to ensure appropriate and achievable start dates or the Bill not proceed.
3. **Aged Care Pricing Commissioner**: The MCA believes that this is a vital role within the new aged care structure and should be independent and not be able to delegate its responsibility to the Department.
4. **Aged Care Financing Authority**: To improve transparency, the Minister should be required to provide a statement of fact as to why the Minister's advice varies from the Authority.
5. **Sanctions**: The legislation proposes to impose sanctions on approved providers if they make a single mistake in appraising or reappraising a person's level of care. This is excessively punitive towards providers. The sanctions for breaching duties imposed by Parts 4.1, 4.2 and 4.3 of the Aged Care Act have not been discussed or mentioned previously with the industry. MCA believes that sanctions are withdrawn from the Act for further discussion and development.