



Community and Public Sector Union

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Committee Secretary
Senate Standing Committees on Community Affairs
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Canberra ACT 2600

By email: community.affairs.sen@aph.gov.au

Dear Committee Secretary

Inquiry into Aged Care Quality and Safety Commission Bill 2018 and related Bill

As the primary union representing Australian Public Service employees, the Community and Public Sector Union (CPSU) is committed to providing a strong voice for our members in key public policy and political matters. The establishment of the Aged Care Quality and Safety Commission is an important process to CPSU members in the Australian Aged Care Quality Agency (AACQA), the Office of the Aged Care Commissioner and related areas of the Department of Health (DoH).

The CPSU welcomes the opportunity to make a submission to this inquiry into the Aged Care Quality and Safety Commission Bill 2018.

The operation and quality of the aged care sector continues to be of primary interest to the Australian people. Recent examples of wrongdoing have provided cause for concern about the current operation and oversight of the Aged Care industry, and the impacts of an ageing population will mean that problems left unaddressed have the potential to escalate over time.

The CPSU welcomes the formation of the Aged Care Quality and Safety Commission, and if properly resourced and led, will provide better outcomes for the aged care sector and especially for those reliant on the valuable services.

For the agency to operate effectively, the Aged Care Quality and Safety Commission Bill 2018 should:

1. Provide clarity on the role and registration requirements of quality assessors;
2. Ensure that an appropriate title is given to quality assessor staff that both reflects the functions performed and removes past differentiations;

3. Clarify the powers of the Commissioner, specifically around the capacity to close nonconforming aged care providers;
4. Strengthen the powers of entry for staff of the new Commission, and;
5. Ensure that the use of powers by staff is appropriately enabled.

Clarity on the registration process to ensure it covers all roles assessing/reviewing Aged Care Standards

All staff assessing residential aged care should be registered to do so. Currently, home care and flexible standards do not require the 'reviewer' to be registered. With the change to the new standards 1 July 2019 it would be more efficient for all assessing/reviewing roles be covered by a formal registration process. The annual registration process should be universal.

CPSU members believe that a position of Registrar should be created within the new Commission, and the appropriate delegations be created with the legislation. Currently within AACQA there is no one individual vested with the role of Registrar. A position of Registrar would ensure that the registration requirements of staff conducting reviews are appropriately managed.

Currently in AACQA there is a position of registrar but this has no autonomy or authority and the role is circulated within the quality team (National office).

An appropriate title for quality assessors

Past nomenclature within AACQA will not serve the new Commission well. This legislation provides an opportunity to move away from titles such as assessor, reviewer and surveyor and to adopt a new overarching title that reflects the regulator function of the role.

Clarify the powers of the Commissioner

The Bill does not appear to provide transparency around the suite of powers vested in the new Commissioner's role. Specifically, the question exists as to whether the Commissioner will have the power to close nonconforming providers, or if that function will sit with the DoH.

Given the transfer of functions from the DoH as part of this service realignment it would appear logical that this power sit with the new Commissioner.

Strengthen the powers of entry for staff

Currently the Bill references powers of entry for both complaints and assessor staff. However, this power ceases to operate if a provider denies consent to enter the premises.

For the safety of aged care service recipients, CPSU members propose the Bill be amended so that the provider be restricted to specific reasons in denying consent for Commission staff to enter the premises. For instance, the existence of a contagious illness (outbreak) at the identified facility.

Ensure the use of powers by staff is appropriately enabled

Some powers in the Bill carry over from the existing provisions. An example of these would be the power to take still or moving images. While these powers currently exist, they are not widely used and were not previously encouraged by senior AACQA management (and prior to this, the Accreditation Agency).

The CPSU supports strengthening of these powers to ensure the regulator is empowered to protect citizens and support individual privacy concerns.

Conclusion

The CPSU supports the establishment of the Aged Care Quality and Safety Commission. Our members view this as an opportunity to improve the regulation and accreditation of the vital aged care sector.

It is our belief that adoption of the changes within this submission will improve the functionality of the new Commission as it takes on this vital work.

For further information please contact our Parliamentary Liaison Officer, Elizabeth Hay, at [REDACTED] or on [REDACTED]

Your sincerely,

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