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Federal Govt must deliver robust Aged Care Act without delay Rights of older people have been ignored for too long

The Federal Government must finally deliver a new Aged Care Act that protects and enforces the rights of older people, allows visitors in aged care at all times, and supports informal carers of older people without delay, organisations representing older people and carers say.

12 national organisations working with older people and carers have detailed the key requirements of a new Aged Care Act in a submission to the Federal Government's exposure draft on the new Act.

The submission, released today, highlights key areas that older people and carers say need to be addressed in the new Aged Care Act including:

- Enforceable rights of older people that address the current power imbalance
- A robust, independent complaints system
- Transparency of timelines and funding
- Strong regulation and penalties for those found guilty of not upholding the rights of older people
- A guaranteed right to aged care visitors at all times
- Ensure the new Act delivers supports for family and friend carers
- Strengthening diversity requirements, including through the referencing to the existing Aged Care Diversity Framework.

The consortium of 12 organisations said while it supported the government's decision to extend consultation on the exposure draft of the new Act to 8 March to ensure all voices were heard, the Federal Government committed to a 1 July 2024 deadline and the Act's passage remains an urgent priority for 2024.

COTA Australia Chief Executive Officer, Patricia Sparrow, said older people shouldn't have to wait any longer for the robust, enforceable rights they deserve.

"The Federal Government committed to a deadline for legislation enshrining the basic rights of older people and we're looking forward to seeing them delivered in that timeframe.

"We're looking forward to working with all politicians to deliver the robust Aged Care Act we all deserve. We can't afford to delay the fundamental rights of older people any longer.

Older Persons Advocacy Network (OPAN) CEO Craig Gear:

“The new Aged Care Act strives for a major cultural shift in the way aged care is delivered. It corrects the current power imbalance, putting older people at its centre, rather than the organisations that are providing services.”

“Three years after the Aged Care Royal Commission handed down its final report, older people are still waiting for their human rights to be upheld. The Act’s passage remains an urgent priority for 2024.”

“But there are significant gaps in the current exposure draft – such as fees and charges and the complaints framework– that need to be addressed prior to its commencement this year. The legislative framework must also include stronger protections around choice and control, transparency, an effective complaints process and enforceability of rights.”

National Seniors Australia CEO Chris Grice:

“A new rights-based Aged Care Act will be a long-awaited, watershed moment for older Australians. Among many crucial reforms, the Act must build in much greater transparency across all aspects of the system. Importantly, this must include transparent use of funds, whatever their source, and transparent timelines across the full journey for older people accessing care.

The Act must also contain specific timeframes for access to care and transparency around adherence to those timeframes, if it is to implement the principle of guaranteed equitable and timely access to aged care services across Australia.”

Federation of Ethnic Communities’ Councils of Australia (FECCA) CEO Mary Ann Geronimo:

"This joint submission is our collective contribution to a new Aged Care Act that must be well equipped to ensure the rights, dignity and needs of older people in Australia are protected and upheld, without discrimination. FECCA holds high expectations that this will be an inclusive Act, which will reflect our multicultural and increasingly diverse society."

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