



The Hon Anika Wells MP
Minister for Aged Care
Minister for Sport
Member for Lilley

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Mr Nigel Hutton MP
Chair Education, Arts and Communities Committee
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Dear Mr Hutton

Thank you for your correspondence of 18 December 2024 to the Minister for Health and Aged Care, the Hon Mark Butler MP, and myself providing the opportunity to make a written briefing to the Queensland Government's Inquiry into Elder Abuse in Queensland. This response is provided on behalf of myself and Minister Butler.

The Albanese Labor Government is committed to preventing elder abuse and protecting vulnerable people in aged care from abuse and neglect.

To address ageism, promote the rights of older people and end abuse and mistreatment, the Australian Attorney-General, in a joint initiative with state and territory Attorneys-General, is progressing the draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034 (National Plan). Consultation on the National Plan is currently being undertaken. Further information about the National Plan, and the Government's response to the abuse of older people can be found at www.ag.gov.au. This includes information about the national research program on the nature and prevalence of elder abuse in Australia.

The Department of Health and Aged Care works together with the Attorney General's Department (AGD) in this area, with AGD holding this key policy responsibility. Initiatives that have been implemented or are being progressed by the department to prevent elder abuse and protect vulnerable older people include:

- Commonwealth laws requiring all Government-funded aged care providers to meet the Aged Care Quality Standards and the Charter of Aged Care Rights. The Charter of Rights enshrines a right for aged care recipients to live without abuse and neglect, and to have control over making choices about their care while being treated with dignity and respect.
- The *Aged Care Act 2024* (Act), passed by Parliament on 25 November 2024 and planned to commence from 1 July 2025, will introduce a Statement of Rights that outlines the rights that older people in the aged care system should expect when seeking or accessing government-funded aged care services.

- The Aged Care Code of Conduct (Code of Conduct) and banning orders to stop or restrict people from working in the aged care sector through banning orders. The Code of Conduct outlines the expected behaviours and responsibilities of approved providers of aged care and their workers and governing persons. The Code of Conduct supports a person's right to personal choice, dignity and respect, promotes kind, honest and respectful behaviour, and keeps people receiving aged care safe from harm. The Code of Conduct and banning orders commenced on 1 December 2022 and will continue under the Act when it commences.
- The Serious Incident Response Scheme (SIRS) sets requirements for home and residential care providers to report, manage and take reasonable action to prevent serious incidents in aged care.
- Funding of the National Aged Care Advocacy Program delivered by the Older Persons Advocacy Network (OPAN). OPAN provides independent and free aged care advocacy services for older Australians and their families. In providing these services, OPAN addresses elder abuse across a continuum of service, spanning prevention, early intervention and ongoing response.

The Code of Conduct, banning orders and SIRS are administered by the Government's end-to-end regulator of funded aged care services, the Aged Care Quality and Safety Commission.

In addition to the measures outlined above, the Albanese Government is working with the states and territories to expand the National Disability Insurance Scheme (NDIS) system of screening workers and volunteers to the aged care sector. This reform will provide a more robust and comprehensive screening process for persons working, or seeking to work, in aged care. The clearance aims to protect the safety and wellbeing of people accessing aged care.

All states and territories have given in-principle agreement to this reform with the Government providing funding to the states and territories for preparatory work ahead of signing an inter-governmental agreement. Alignment between the aged care and NDIS sectors will provide mobility for workers that hold a clearance to work across both sectors. Conversely, a person found by a state or territory worker screening unit to pose a risk of harm in one sector will be precluded from working in the other sector.

Thank you for writing on this matter. I trust this information is of assistance.

Yours sincerely



Anika Wells

5 March 2025