



State of the Nation

Topics to be covered today:

- Fast Stats on ARAS 19/20
- COVID19 Impact
- Australian Law Reform Commission Report - Elder Abuse – A National Legal Response:
- National Plan:
 - Enduring Powers of Attorney: Where are we up to?
 - Aged Care: Where are we up to?
- Royal Commission into Aged Care Quality & Safety
- Future Directions



ARAS Fast Stats 19/20

- **3286** individual information/advocacy cases
- **402** education sessions
- **6319** participants
- **49776** website page views
- **6140** contacts from the public
- **2051** subscribers to our news
- **Abuse Prevention Advocacy:**
- **851** Information/Advocacy
- **107** Education sessions
- *Abuse reported – mostly financial (31%) and psychological (42%) with sons (33%) and daughters (37%) reported as the most common abusers*



COVID19 Impact 19/20

- **Aged care homes restrictions -**
 - Emergency Management (Residential Aged Care Facilities) Directions and outbreak responses
 - 141 Individual advocacy re restricted visitation
 - National Aged Care Access Visitation Code for Residential Aged Care Homes
- **But what about older people living at home?**
 - Older Persons Covid19 support line: 1800 171 866
 - Community Action
- **Vaccination**
 - Residents
 - Staff
 - Older People/Carers





Four years ago I had a dream..

The screenshot shows a web browser window displaying the Australian Law Reform Commission (ALRC) website. The page title is "Elder Abuse—A National Legal Response (ALRC Report 131)". The page is dated "Published on 14 June 2017" and is categorized under "Age Guardianship". The main content area features a summary of the report, stating that the ALRC was asked to consider Commonwealth laws and legal frameworks to better protect older persons from misuse or abuse. The report includes 43 recommendations for law reform, with a list of key areas: improved responses to elder abuse in residential aged care; enhanced employment screening of care workers; greater scrutiny regarding the use of restrictive practices in aged care; building trust and confidence in enduring documents as important advanced planning tools; protecting older people when 'assets for care' arrangements go wrong; banks and financial institutions protecting vulnerable customers from abuse; and better succession planning across the self-managed superannuation sector. A table of contents is provided on the right side of the page, listing sections such as Terms of Reference, Participants, Recommendations, Executive Summary, Concepts and Context, A National Plan to Combat Elder Abuse, Aged Care, Enduring Appointments, Family Agreements, Superannuation, Wills, Banking, Guardianship and Financial Administration, and Health and National Disability Insurance Scheme.



National Plan 2019-2023

- Launched on 19 March 2019
- Endorsed by Council of Attorney-Generals (CAG)
- Shared understanding of abuse of Older Australians
- Implementation Plan/ Service Stocktake:
 - https://www.ag.gov.au/sites/default/files/2020-03/Implementation_Plan.pdf
 - <https://www.ag.gov.au/sites/default/files/2020-03/Stocktake-of-elder-abuse-awareness-prevention-and-response-activities.pdf>
- Five Priority Areas:
 - Enhance our understanding
 - Improving community awareness and access to information
 - Strengthening service responses
 - Planning for future decision-making
 - Strengthening safeguards for vulnerable older adults



Enduring Appointments

- **Nationally consistent laws**
 - **Enduring Powers of Attorney**
 - State/Territory Responsibility
 - **Preventing and mitigating abuse**
 - **EAAA Position Statement:**
 - https://eaaa.org.au/wp-content/uploads/2020/05/EAAA-Policy-Position_PowerAttorney_V1-PRINT-VERSION.pdf
- **National Register of Enduring Powers of Attorney:**
 - **Consultation underway with Submissions due 30 June 2021**
 - <https://www.ag.gov.au/rights-and-protections/consultations/national-register-enduring-powers-attorney>



South Australia

- **South Australian Law Reform Institute (SALRI) undertook extensive consultation across South Australia in 2020:**
 - *Powers of Attorney and Agency Act 1984 (SA)*
- **Presented Attorney General, the Hon. Vickie Chapman with Report - 31 January 2021**
- **Report can be accessed:**
 - <https://law.adelaide.edu.au/system/files/media/documents/2021-01/POA%20Report%20FINAL%20-%202012%20Jan%202021.pdf>



South Australian Law Reform Institute Report: 120 Recommendations include:

- Educational and operational measures to promote and enhance the use and operation of EPAs and the awareness of misuse
- Greater clarity of the roles, powers and responsibilities of an attorney
- Updates to procedures and forms that clarify and emphasize an attorney's responsibilities, and confirm that they understand their responsibilities
- Witnessing of EPAs by suitable people such as a JP, lawyer or police officer
- Greater clarity and strength in the role of witnesses
- A strict definition of incapacity written into the law
- Confirmation of incapacity by a medical practitioner before an EPA can take effect
- A compulsory State and eventual national EPA register and a suitable agency to maintain it
- A new civil flexible low cost remedy to deal with the misuse of EPAs and the South Australian Civil and Administrative Tribunal (SACAT) to handle cases of misuse of EPAs



Royal Commission into Aged Care Quality & Safety 148 Recommendations

- **More Home Care Packages (Rec 39)**
- **New Aged Care Act – Rights focused (Rec 101-103)**
- **Council of Elders (Rec 9)**
- **Independent Pricing (Rec 120)**
- **Independent Auditor General (12)**
- **Increased staffing time (Rec 86) including RNs & Allied Health (Rec 38)**
- **Increased Transparency**
 - **More Quality indicators (Rec 22 & 23)**
 - **Star ratings (24)**
- **Improved Provider Leadership (Rec 89) and Governance(Rec 88)**
- **Review of the Aged Care Standards (Rec 19)**
- **National Registration of care & support workers (Rec 77)**



Australian Government May Budget Response

\$17.7 billion
5 pillars over 5 years

Pillar 1: Home care

2021

- 40,000 more home care packages.
- Senior Australians able to access assistance and information about aged care through 325 Service Australia Service Centres, and aged care specialists in 70 Service Australia centres.
- Extra support for informal carers.

2022

- 40,000 more home care packages.
- Respite services for 8,400 additional clients every year.

2023

- 500 local Community Care Finders provide targeted, specialist face-to-face support to vulnerable senior Australians to help them access aged care and connect with other health and social supports.
- Senior Australians can access a new support at home program.
- Single assessment workforce will expand to the new support at home program.

2024

- New support at home program supports senior Australians to stay in their homes and keep connected to their communities.
- Single assessment workforce will continue assessments for the new support at home program.

Pillar 2: Residential aged care services and sustainability

2021

- Supplement of \$0 per resident per day.
- Continuation of the increase to the homeless and stability supplements.
- New prudential monitoring, compliance and intervention to help providers build financial sustainability, capability and resilience.
- Independent Hospital and Aged Care Pricing Authority established, extending role of existing hospital pricing authority to include aged care advisory function.

2022

- New funding model to improve quality of care for 240,000 people using residential care and 27,000 people using residential respite care each year.

- Average care minutes for each resident increased to 200 minutes per day, including 40 minutes of registered nurse time.
- Registered nurse on site for a minimum of 18 hours per day.
- Structural Adjustment Program delivers increased provider viability and a strengthened aged care market.

- Single assessment workforce introduced to improve the experience of senior Australians in residential care.
- Better reporting, including through Star Ratings, to help senior Australians make easier comparisons and improve choice of care.

2023

- Minimum care time becomes mandatory.
- Annual funding increases and price setting take into account advice from the new Independent Hospital and Aged Care Pricing Authority.

2024

- Increased choice for senior Australians receiving residential care with care packages assigned to consumers, not providers.
- New residential aged care accommodation framework gives senior Australians more choice and improves accessibility and dementia-friendly accommodations.
- Aged Care Approval Board discontinued.

2025

- Improved service suitability that ensures the care needs and preferences of senior Australians in residential aged care are met.

Pillar 3: Residential aged care quality and safety

2021

- Immediate improvements to the quality of care in dementia, diversity, food and nutrition services.
- Stronger clinical care standards developed by the Australian Commission on Safety and Quality in Health Care.
- Up to 120,000 additional CP services through boosted Aged Care Access Incentive.
- Increasing dementia care capability delivers better outcomes for people living with dementia.
- Palliative care services expanded to support end-of-life care at home.

2022

- Residents access improved care through Primary Health Networks facilitating telehealth and out-of-hours triage services.

- Expansion of the Six Stars Incident Response Scheme gives 1 million senior Australians receiving home and community care greater protection.

- Stronger presence of Aged Care Quality and Safety Commission in facilities with an extra 1,200 site audits.
- Providers to report regularly to residents and families on care and responsiveness of Star Rating system.

2023

- Improved support and training in dementia care and minimising restraint (restrictive practices).

2024

- National Aged Care Data Strategy improves the information that is available to senior Australians about the quality in aged care.
- New independent regulatory authority established following review of the Aged Care Quality and Safety Commission.

2025

- Senior Australians receive high quality, compassionate care.
- Confidence in aged care is rebuilt.

Pillar 4: Workforce

2021

- Up to 8,000 new personal care workers in workplaces.
- Single locum workforce capacity in regional and rural locations.
- Improved training in dementia care and minimising restraint (restrictive practices).

2022

- Up to 7,000 new personal care workers in workplaces.
- 33,800 additional training places rolled out over two years for personal care workers to attain a Certificate III in Individual Support (Ageing).
- More registered nurses in workplaces due to nurse incentive and financial support schemes.
- Single assessment workforce in place to conduct assessments across residential and home care.

2023

- Additional training places for personal care workers to attain a Certificate III in Individual Support (Ageing).

2024

- Continued growth of the aged care workforce and a demonstrable increase in registered nurses choosing aged care as their career.

2025

- Tangible improvements seen in staffing levels, skills mix and training of the care workforce.
- Workforce continues to meet the demand for aged care services, particularly in home care.

Pillar 5: Governance

2021

- Initial rollout of expanded regional network to improve local planning and understanding of needs.
- Council of Elders established to provide a direct voice to Government.
- National Aged Care Advisory Council established to provide expert advice to Government.

- Expanded capital infrastructure grants available to improve access to better quality aged care services for First Nations people and those in rural and remote locations, or who are homeless or at risk of homelessness.
- Improved services and health outcomes for people in remote and indigenous communities as a result of additional aged care funding.

2022

- New workforce of trusted First Nations people to assist Older First Nations people navigate and access aged and disability care.

2023

- Introduction of a new, values based Aged Care Act.

2025

- Strong and effective governance of aged care is in place with senior Australians at the centre and improved care outcomes consistently delivered.



Future

- **Harmonisation of Enduring Power of Attorney Laws in Australia**
 - SA Government amend the Powers of Attorney and Agency Act 1984 & Implement Register
- **National Register**
 - Includes safeguards
- **Release of Prevalence Study**
- **Monitoring of the National Plan Progress**
- **Aged Care Act – Rights based**
- **Monitoring of Serious Incident Response Scheme**
- **Restrictive practices monitoring**
- **Guardianship & Administration**
 - access to justice
- **Monitoring of Implementation of Recommendations - eg**
 - Quality Indicators
 - Star ratings
 - Staffing



Thank you
Carolanne Barkla | carolannb@agedrights.asn.au
www.sa.agedrights.asn.au

ARAS is supported by funding from the Department of Health, National Aged Care Advocacy Program, Office for Ageing Well, SA Health and COTA Australia.

ARAS is the South Australian member of Older Persons Advocacy Network (OPAN).

