



Australian Government

Department of Health

Mr Jason Lange
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Office of Best Practice Regulation
Department of the Prime Minister and Cabinet
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BARTON ACT 2600

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Dear Mr Lange

Certification of independent reviews: Response to the Royal Commission into Aged Care Quality and Safety

I am writing to certify that the attached independent reviews (**Attachment A**) have undertaken a process and analysis equivalent to a Regulation Impact Statement (RIS) for a number of aged care quality measures currently being considered by Government.

These documents are submitted to the Office of Best Practice Regulation for the purposes of satisfying the regulatory impact analysis requirements of the Government's response to the Royal Commission into Aged Care Quality and Safety (Royal Commission).

The scope of the certified reviews cover the scope of the policy proposals, with the exceptions of implementation and evaluation measures. While implementation of some measures is expected to occur in the short term, for some of the larger and more complex challenging reforms, implementation is expected to be staged over several years as part of a progressive rollout in consultation with stakeholders, with ongoing evaluation and refinement of detailed settings as part of implementation. Therefore I am satisfied that with this addition, the scope of the certified documents matches the policy proposal and answers all seven RIS questions.

Where fewer than three policy options have been examined, the Department's assessment is that this was feasible in light of the well-established policy problem and the extensive review processes which have informed this policy proposal.

The regulatory burden to business, community organisations or individuals is quantified using the Australian Government's *Regulatory Burden Measurement* framework and is provided below.

I note that the implementation of this proposal will increase the regulatory burden. A search was undertaken across the Department, but no offset measures were identified. The Department will remain alert to opportunities to reduce the regulatory burden for affected stakeholders.

Regulatory burden estimate table				
Average annual regulatory costs (from business as usual)				
Change in costs	Business	Community organisations	Individuals	Total change in costs
Total by sector	\$697,567,681	\$971,721,665	\$317,342,082	\$1,986,631,428

Accordingly, I am satisfied that the attached report is consistent with the *Australian Government Guide to Regulatory Impact Analysis*.

Yours sincerely



Michael Lye
Deputy Secretary
Department of Health

22 March 2021

Attachment A: Independent Reviews for certification of response to the Royal Commission into Aged Care Quality and Safety.

Independent reviews for certification of response to the Royal Commission into Aged Care Quality and Safety

1. Royal Commission into Aged Care Quality and Safety, *Final Report*, 26 February 2021
Available at: <https://agedcare.royalcommission.gov.au/publications/final-report>
2. Royal Commission into Aged Care Quality and Safety, *Counsel Assisting's Proposed Recommendations at Final Hearing*, 22 October 2020
Available at: <https://agedcare.royalcommission.gov.au/media/29098>
3. Royal Commission Aged Care Quality and Safety Hearing, *Interim Report*, 31 October 2019
Available at: <https://agedcare.royalcommission.gov.au/publications/interim-report>
4. Human Rights Watch, *"Fading Away" How Aged Care Facilities in Australia Chemically Restrain Older People with Dementia*, October 15, 2019
Available at: <https://www.hrw.org/report/2019/10/15/fading-away/how-aged-care-facilities-australia-chemically-restrain-older-people>
5. Senate Community Affairs References Committee, *Effectiveness of the Aged Care Quality Assessment and accreditation framework for protecting residents from abuse and poor practices, and ensuring proper clinical and medical care standards are maintained and practised - Final Report (April 2019)*
Available at:
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/AgedCareQuality
6. *Review of National Aged Care Quality Regulatory Processes Report*, Carnell, K and Paterson, R, October 2017
Available at: <https://www.health.gov.au/resources/publications/review-of-national-aged-care-quality-regulatory-processes-report>
7. Australian Law Reform Commission, *Elder Abuse—A National Legal Response (ALRC Report 131)* June 2017
Available at: <https://www.alrc.gov.au/publication/elder-abuse-a-national-legal-response-alrc-report-131/>
8. Legislated Review of Aged Care, *Final Report 2017*
Available at: <https://www.health.gov.au/resources/publications/legislated-review-of-aged-care-2017-report>

9. Senate Community Affairs Reference Committee, *Care and management of younger and older Australians living with dementia and behavioural and psychiatric symptoms of dementia - Final Report*, 2014

Available at:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Dementia/Report/index

10. House of Representatives Standing Committee on Health and Ageing, *Thinking Ahead, Report on the inquiry into dementia: early diagnosis and intervention*, 2013

Available at: <https://www.health.gov.au/resources/publications/thinking-ahead-report-on-the-inquiry-into-dementia-early-diagnosis-and-intervention>

11. Department of Health, *Inquiry into Events at Earle Haven*, 2019

Available at: <https://www.health.gov.au/resources/publications/inquiry-into-events-at-earle-haven>

12. Productivity Commission, *Caring for Older Australians*, 2011

Available at: <https://www.pc.gov.au/inquiries/completed/aged-care/report>

13. Australian Skills Quality Authority, *Training for Aged and Community Care in Australia, A national strategic review of registered training organisations offering aged and community care sector training*, 2013

Available at:

https://www.asqa.gov.au/sites/default/files/Strategic_Reviews_2013_Aged_Care_Report.pdf?v=1508135481

14. Aged Care Strategy Taskforce, *A matter of care, Australia's aged care Workforce Strategy*, 2018

Available at: <https://www.health.gov.au/resources/publications/a-matter-of-care-australias-aged-care-workforce-strategy>