



**Australian Government**

**Department of Health**

Mr Jason Lange  
Executive Director  
Office of Best Practice Regulation  
Department of the Prime Minister and Cabinet  
1 National Circuit  
BARTON ACT 2600

Email: helpdesk-OBPR@pmc.gov.au

Dear Mr Lange

A handwritten signature in black ink, appearing to read 'Jason', written over the text 'Dear Mr Lange'.

**Certification of independent reviews: *Initial response to the Royal Commission (Quality and Safety) – Strengthening providers; New Aged Care Act.***

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 initial 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 proposal, with the exceptions of implementation and evaluation measures. Given the Government's existing commitment to implementation of relevant Royal Commission recommendations, the Department will remain alert to opportunities to embed evaluation into the policy proposal. 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 that 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.

<b>Regulatory burden estimate table</b>				
<b>Average annual regulatory costs (from business as usual)</b>				
Change in costs	Business	Community organisations	Individuals	Total change in costs
Total, by sector	\$1, 446, 662	\$3, 708, 295	\$0	\$5, 154, 957

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

4 February 2021

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

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

1. 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>
2. Royal Commission Aged Care Quality and Safety Hearing, *Interim Report*, 31 October 2019  
Available at: <https://agedcare.royalcommission.gov.au/publications/interim-report>
3. Royal Commission into Aged Care Quality and Safety Hearing, Transcript of proceedings, Hobart, 15 November 2019  
Available at: <https://agedcare.royalcommission.gov.au/media/13646>
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](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/>