



Australian Government

**Department of Health
and Aged Care**

Deputy Secretary

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

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Dear Mr Lange

Certification of Independent Review: Response to the Royal Commission into Aged Care Quality and Safety – Approved Provider Governance Reforms

On 22 March 2021, I certified that the attached certified reviews (Attachment A) had undertaken a process and analysis equivalent to a Regulatory Impact Statement (RIS) for a number of aged care quality measures that were being considered by Government, with the exception of implementation and evaluation of measures. These measures included approved provider governance reforms.

With further development of the governance reforms anticipated to come into effect from 1 December 2022, a supplementary RIS addressing the implementation and evaluation of these measures is provided.

I am satisfied that with this addition, the scope of the certified documents matches the policy proposal and answers all seven RIS questions.

I note that the arrangements for approved provider governance reforms addressed by subordinate legislation will increase the regulatory burden on business and community organisations. However, the Royal Commission into Aged Care Quality and Safety made strong links between the criticality of sound organisational governance with the quality and safety of services to older Australians. Many of the changes are regular consumer-centred practice, with information and procedure able to be adapted from current business practice.

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 (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	\$2.64	\$6.27	\$ -	\$8.91

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 and Aged Care
18 November 2022

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-a-lrc-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 symptom of dementia - Final Report*, 2014

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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>