



**NEW SOUTH WALES GOVERNMENT  
RESPONSE TO**

**THE STANDING COMMITTEE ON SOCIAL  
ISSUES INQUIRY INTO AGED CARE AND  
NURSING HOMES IN NEW SOUTH WALES:**

**CARING FOR THE AGED**

**March 1998**

---

---

The NSW Government welcomes the report of the Standing Committee on Social Issues Inquiry into Aged Care and Nursing Homes in New South Wales, *Caring for the Aged*.

The Government is committed to addressing the needs and interests of older people in NSW and recognises that aged care forms an important aspect of these concerns. Following is the Government's response to the Standing Committee's recommendations.

**Recommendation 1:**

The Committee recommends that the total responsibility for aged care in New South Wales rest with the Minister for Aged Services, and through the Minister, the Ageing and Disability Department, including responsibility for all aged care policy, planning and related program funding, and that the Department be adequately resourced to take on this role.

The NSW Government recognises the critical need to focus on ageing issues including the provision of aged care in NSW. The Government recognises that the report does highlight some of the real and valid concerns confronting older people in NSW. However, it should be recognised that the Commonwealth Government has primary responsibility for the provision of residential aged care in NSW.

The NSW Government also recognises the need for a lead agency to provide strategic policy and planning advice on ageing issues across the Government and the Minister for Ageing, Faye Lo Po' has recently established an Ageing Issues Directorate in the Ageing and Disability Department to ensure this advice is available.

The Directorate will work closely with government agencies that play a key role in aged care in NSW, such as the NSW Health Department, to establish a more strategic approach. The Directorate will also co-ordinate Commonwealth-State relations on ageing and aged care; manage and co-ordinate the NSW Government action on International Year of Older Person in 1999; implement a range of health, accommodation, care and support initiatives for older people; and manage and co-ordinate the NSW Healthy Ageing Framework.

**Recommendation 2:**

The Committee recommends the Minister for Aged Services negotiate with the Commonwealth Minister for Family Services to develop a National Aged Care Strategy, including the establishment of a sub-group of the Health and Community Services Ministerial Council (HCSMC).

---

### **Recommendation 3:**

**The Committee recommends the Minister for Aged Services take up with relevant State and Commonwealth Ministers the need for regular meetings of Ministers on matters in relation to aged care planning and provision.**

The NSW Government has sought to establish a formal mechanism by which States and Territories can work with the Commonwealth on a multi-lateral basis to improve planning and provision of aged care services, through the Health and Community Services Ministerial Council (HCSMC) and Standing Committee of Community Services and Income Security Administrators (SCCSISA). To date, agreement has not been reached on an effective mechanism to address issues of national planning and policy for aged care.

The New South Wales Government is monitoring the impact of the *Commonwealth Aged Care Act 1997* on services and is pursuing a more co-ordinated approach to aged care issues in Australia. New South Wales is working with other States to identify common issues which should be monitored, and data sources to assist States in their role on the two year review of the *Act* which the Commonwealth must undertake. Following agreement at the July 1997 HCSMC meeting to include representation of States on the Review panel, an officer from the NSW Ageing and Disability Department, with expertise and experience in aged care, has been nominated along with representatives from Victoria and Western Australia to represent State/Territory interests on the Review. However, the Commonwealth Minister is yet to respond to the nominations.

An important mechanism by which ageing issues more broadly are canvassed is the National Healthy Ageing Taskforce. The Taskforce comprises senior State/Territory and Commonwealth officials, and the New South Wales representative on the Taskforce is the Ageing and Disability Department. The Taskforce has developed a draft National Healthy Ageing Strategy, which has been endorsed for release by HCSMC at its July 1997 meeting, and the release of the finalised Strategy is expected to be on 1 October 1998, International Day of Older Persons. Aged care is considered within Key Result Area 6 of the Strategy: *Appropriate Care and Support*.

In November 1997 the Commonwealth Government announced the development of a National Strategy for an Ageing Australia, in response to the negative publicity generated by the implementation of elements of the *Aged Care Act 1997*. The parameters of the proposed Strategy are unclear at this time, however, it appears that the Commonwealth will seek to include those aspects related to an ageing society for which the Commonwealth has responsibility, such as taxation reform, employment, and social security. The NSW Minister for Ageing is writing to the Commonwealth Minister for Family Services seeking clarification on the links between the proposed National Strategy for an Ageing Australia and the draft National Healthy Ageing Strategy, and outlining the issues which need to be considered on a national basis, including improved planning for aged care services and the development of sustainable means of financing aged care.

---

**Recommendation 4:**

**The Committee recommends the Minister for Aged Services charge the Ageing and Disability Department to develop a NSW Aged Care Strategy which is consistent with the principles and directions established at the national level (as per Recommendation 2).**

NSW is undertaking a number of initiatives:

1. The establishment of an Ageing Issues Directorate in the Ageing and Disability Department (ADD) to co-ordinate aged care and ageing issues across the NSW Government. The Directorate will provide strategic policy and planning advice on aged care and co-ordinate Commonwealth-State relations on aged care, including through its responsibility for the Healthy Ageing Framework;
2. The NSW Healthy Ageing Framework includes a chapter on health, accommodation, care and support. The objective of this chapter is: 'The promotion of independence, well-being and health for older people through an integrated system of health, accommodation, care and support'. The draft Framework, which has recently been made available for public comment, is a whole-of-government approach to ageing in NSW, and is jointly oversighted by the Ageing and Disability Department and NSW Health;
3. An Aged Care Advisory Group has been established within the Ageing and Disability Department for a temporary time to provide advice on the implications of the *Commonwealth Aged Care Act* and strategic directions for aged care. The Group will report to the Minister for Ageing in April;
4. ADD has also been involved in the development of improved planning procedures for aged care services in NSW, including the development of a Population Group Planning model which includes consideration of the needs of people aged 65 years and over across service systems (e.g. community and residential care). In addition, ADD has commenced discussions with the Commonwealth Department of Health and Family Services to plan better for older people across jurisdictions, including possible sharing of data, and joint planning around the Population Group of older people; and

**Recommendation 5:**

**The Committee recommends that the Minister for Aged Services and the Minister for Health ensure that the consultations on the NSW Healthy Ageing Strategy include a comprehensive discussion on the provision of aged care services in New South Wales.**

As noted above in response to Recommendation 4, aged care was considered in the consultations on the Draft NSW Healthy Ageing Framework. Participants included peak ageing organisations, industry, consumer and professional group representatives. Comments from the consultation process, and from the more than

---

140 submissions received more generally, will be incorporated in the finalised NSW Healthy Ageing Framework.

**Recommendation 6:**

The Committee recommends that the Ageing and Disability Department conduct a review of relevant aged care legislation following the development of a NSW Aged Care Strategy (as per Recommendation 4) and provide advice to government on whether the interests of older people, service providers and government would be better served if there was a single NSW Aged Care Act developed.

The legislative and policy implications for NSW of the *Commonwealth Aged Care Act 1997* are currently under review by relevant departments.

The NSW Government Social Justice Directions Statement commits the Government to "*examine ways to protect the rights of people living in nursing homes, hostels and boarding houses through reviews of the relevant legislation and policy over 1997-98*". The first major review associated with this commitment is the review of the Retirement Villages Act and a report on the review's findings will be presented to the Minister for Fair Trading in April 1998.

**Recommendation 7:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to ensure that the Commonwealth Department of Health and Family Services collects data concerning breaches of accreditation standards and publishes them annually.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

This matter will also be taken up by NSW in the context of the two year review of the *Aged Care Act 1997* which the Commonwealth is required to undertake.

**Recommendation 8:**

The Committee recommends the Minister for Aged Services request of the Commonwealth Minister for Family Services to include State and Territory representatives on the Residential Aged Care Workforce Review Committee, and extend the Terms of Reference to include community aged care services.

**Recommendation 9:**

The Committee recommends that the Ageing and Disability Department include in the NSW Aged Care Strategy (see Recommendation 4) the development of a New South Wales aged care industry training framework, which builds on the work of the Commonwealth's Residential Aged Care Workforce Review Committee, and includes community care workforce issues.

---

**Recommendation 10:**

The Committee recommends that, as part of the development of a New South Wales aged care training framework (see Recommendation 9), the Ageing and Disability Department work with relevant stakeholders and the NSW Vocational Education and Training Accreditation Board (VETAB) to review existing accredited or approved aged care programs to ensure that they are driven from a social model of care perspective, as well as including the relevant clinical components.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns regarding the Residential Aged Care Workforce Review Committee.

The NSW Government recognises the importance of having appropriately trained staff in providing quality care for those who need it. The Ageing and Disability Department has indicated in its Strategic Plan 1997-99 that it will commence work on developing a training strategy for service providers to assist them to provide improved and required outcomes for people who use services. The strategy will aim to be consistent with National Competency Standards and include consultation with relevant stakeholders, including service providers, industrial groups and relevant government agencies, in its development.

**Recommendation 11:**

The Committee recommends that all nursing and personal care staff in New South Wales residential care facilities be trained to an Assistant in Nursing Course Certificate III level by the year 2000 and that a range of programs be made available to ensure equitable access to training.

This recommendation will be carefully examined, having regard to resource requirements and the needs of the aged care sector.

**Recommendation 12:**

The Committee recommends that the Ageing and Disability Department include in its monitoring of the impact of the *Commonwealth Aged Care Act, 1997* information which will reflect the quality of care for residents and appropriate staffing profiles.

The Ageing and Disability Department has commenced collecting data on impacts of the *Commonwealth Aged Care Act 1997* on NSW services, for inclusion in the two year review of the Act.

The quality of care for residents of Commonwealth funded residential aged care facilities, however, is essentially the responsibility of the Commonwealth Government. The Commonwealth has stated its intention to continue to make publicly available reports outlining the quality of residential aged care services through the Aged Care Standards and Accreditation Agency when it becomes fully operational in mid-1998.

---

Residents of high care residential facilities (formerly known as nursing homes) will continue to have access to the NSW Health Care Complaints Commission if they have complaints about the standard of their care.

**Recommendation 13:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services change the complaints resolution process outlined in the third exposure draft of the *Commonwealth Aged Care Act, 1997 Principles, Chapter 3, Part 1: Committee Principles* to provide for residents to have direct access to the independent Complaints Resolution Committee without first having to lodge their complaint with the Secretary of the Department of Health and Family Services.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

The NSW Government believes there is value in having a staged approach to complaints mechanisms, starting at the local level, then using more formal mechanisms, as required.

**Recommendation 14:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services ensure the proposed accreditation-based system for quality control in residential aged care facilities embodies the following principles:

- an independent complaints body similar in structure to the Ombudsman's Office;
- the maintenance of the Commonwealth Department of Health and Family Services' role in monitoring the accreditation standards which are currently being developed;
- a separate unit within the Department of Health and Family Services to be responsible for imposing sanctions on facilities which fail to meet the accreditation standards;
- automatic application of the hierarchy of sanctions available under the *Commonwealth Aged Care Act, 1997* for facilities failing to meet the same standard on three consecutive visits; and
- public access to accreditation standards reports, including posting the accreditation inspection reports in the foyer of each facility.

The Minister for Ageing is writing to the Commonwealth noting the Committee's concerns and requesting that they be considered.

---

**Recommendation 15:**

The Committee recommends that the Ageing and Disability Department take into account the findings of the evaluation of the National Residential Dementia Training Initiative, and any recommendations of the NSW Advisory Group for the Initiative in its consideration of an aged care training framework (as per Recommendation 9).

**Recommendation 16:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to ensure that Dementia Training is included in the training curriculum for aged care services, or any other training program being considered by the Residential Aged Care Workforce Review Committee.

**Recommendation 17:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to determine what dementia training will be made available by the Commonwealth in the future.

**Recommendation 18:**

The Committee recommends that, should the Commonwealth not provide dementia training in the future, the Minister for Aged Services develop and implement a training program similar to that offered under the National Residential Dementia Training Initiative, or contract out for the development of such a program, and that the Commonwealth be approached to provide funding for such a program.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services requesting a copy of the findings of the evaluation of the National Residential Dementia Training Initiative and noting the Committee's concerns.

The NSW Government believes that training for staff and management in dementia care is a key element to providing quality care.

Dementia training is given a high priority under the NSW Action Plan on Dementia, with funding allocated to develop and/or support dementia training for General Practitioners, public hospital staff, carers and community care workers. This builds on the training which has been developed under the National Action Plan for Dementia Care, and which has been supported with funding by the New South Wales Government, for workers in Home and Community Care (HACC) Services.

Funding has also been allocated under Implementation Strategy 17 of the NSW Dementia Plan to support staff working in rural hospitals in New South Wales, where there are long-stay residents who are older and have dementia and who cannot access Commonwealth funded residential aged care services. As the majority of residential aged care services in New South Wales are funded and administered



---

by the Commonwealth Government, the NSW Government does not intend to develop separate training to be implemented in that sector.

The care of residents with dementia in residential aged care services will be closely monitored by the NSW Government through its participation on the two year review of the *Aged Care Act 1997* and by its continued close relationship with industry and consumer representatives, such as the NSW Aged Care Alliance, the Committee on Ageing and the ADD Aged Care Advisory Group.

**Recommendation 19:**

The Committee recommends that the Ageing and Disability Department consider allocating funds from within the NSW Action Plan for Dementia Care to support the establishment and/or ongoing viability of a central dementia resource centre for staff and management of aged care services.

**Recommendation 20:** The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to ascertain the whereabouts of resources produced under the National Action Plan for Dementia, previously housed at the Clearing House and Resource Centre at Monash University, and the possibility of including these resources in the collection to be established under Recommendation 19 above.

These recommendations arose due to the cessation of National Action Plan for Dementia Care funding for the National Clearing House and Resource Centre which was based at Monash University.

Under the New South Wales Action Plan on Dementia funds have been allocated to establish a collection site of materials for people from a non-English speaking background on dementia.

The Commonwealth has advised that the resources which were held in the Clearing House are now stored with the National Ageing Research Institute in Victoria, and once reviewed and catalogued, will be again available for loan.

**Recommendation 21:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services make available the findings of the environmental design consultancy undertaken as part of the National Action Plan on Dementia Care.

---

**Recommendation 22:**

The Committee recommends that when developing the NSW Aged Care Strategy, and contributing to the National Aged Care Strategy, the Ageing and Disability Department take into consideration developments in dementia and psychogeriatric care which have occurred internationally as well as within Australia, such as the cluster and group home models which have been developed in Europe.

The context for these recommendations was a discussion in the report on the value of good design of buildings in enhancing the lives of people with dementia and the need of proprietors for guidance in their upgrading of facilities to meet certification requirements.

It is clear that there continues to be a need for information on dementia design to be more readily available and therefore the Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

The NSW Government is also concerned about the provision of appropriate accommodation for people with dementia and psychogeriatric care needs. Under Strategy 18a of the New South Wales Action Plan on Dementia funding has been provided to the Hostel and Care Program (HCP) to consider good practice in design for people with dementia. The HCP will undertake three projects over a twelve month period, due to finish in December 1998:

1. Conversion model - this project will assist three not-for-profit providers upgrade parts of their mainstream residential aged care facilities to better accommodate people with dementia. The findings of this project widely disseminated;
2. Information for carers on practical home modifications for a person with dementia; and
3. Provision of information for carers of people with dementia to assist them in selecting appropriate residential care and to participate in the planning process where a facility is being upgraded.

In undertaking preliminary work for the projects, the Hostel and Care Program were granted permission from the Commonwealth to view the work of the environmental design consultancy which had been done under the National Action Plan for Dementia Care. The Hostel and Care Program has taken into account the developments internationally and nationally in regard to best practice in accommodation for people with dementia.

**Recommendation 23:**

The Committee recommends that the development of the NSW Aged Care Strategy (see Recommendation 4) include the provision for a comprehensive network of community psychogeriatric teams.

---

**Recommendation 24:**

The Committee recommends that the Ageing and Disability Department and the NSW Health Department fund the establishment of a comprehensive network of community psychogeriatric teams, including funding for a budget-holding role which can be used for short-term interventions in community care settings and residential care services for people with challenging behaviours.

The NSW Government already responds to the needs of older people with psychogeriatric care needs through the adult mental health, geriatric and rehabilitation services and Confused and Disturbed Elderly (CADE) units administered by NSW Health.

NSW Health and the Ageing and Disability Department will consider the findings of the evaluation of the Commonwealth's Psychogeriatric Care and Support Unit (PGU) Initiative when it is finalised. Under Commonwealth funding, a PGU has been established in the Illawarra. The Unit has a budget-holding capacity to support short-term interventions for people with dementia and challenging behaviours who live in Commonwealth residential aged care facilities.

As noted above in response to recommendations 15-18, training and support in dementia will also be provided for General Practitioners, hospital staff and staff in long-stay wards in rural hospitals under the NSW Action Plan on Dementia.

**Recommendation 25:**

The Committee recommends that the Ageing and Disability Department include in its monitoring of the impact of the *Commonwealth Aged Care Act, 1997* the appropriateness of funding for people with dementia.

The NSW Government will monitor the appropriateness of funding for people with dementia in Commonwealth funded residential aged care facilities through continued close liaison with key industry stakeholders, including consumer, provider and professional groups. As noted above in response to recommendation 4, the Ageing and Disability Department has established a small Aged Care Advisory Group to provide advice on strategic directions for aged care in NSW as well as implications of the *Commonwealth's Aged Care Act 1997*. This Group has worked very well and provided an important mechanism for the Department to be informed of developments within the industry and of issues which the NSW Government should be raising with the Commonwealth and other State and Territory Governments.

**Recommendation 26:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services release the report prepared by Alzheimer's Association Australia on respite needs for people with dementia and their carers as soon as possible.

---

**Recommendation 27:**

The Committee recommends that the Minister for Aged Services negotiate with the Commonwealth Minister for Family Services to improve access to residential and day respite care in dementia-specific facilities and facilitate the development of more responsive and flexible models of respite care.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services requesting release of the report on respite for people with dementia written by the Alzheimer's Association Australia and noting the Committee's concerns.

Respite for people with dementia has been identified as a key area for action under the New South Wales Action Plan on Dementia. Implementation Strategy 5 aims:

*To expand the range, flexibility and availability of services which provide respite care for people with dementia and their carers, including dementia-specific day care, in-home, extended, out-of-hours, weekend, overnight and emergency respite services.*

Funding of up to \$100,000 has been allocated to Strategy 5(g) to consider effective respite options for people with dementia and to recommend best practice models. This project will be informed by the report prepared by the Alzheimer's Association Australia when this becomes available (see response for Recommendation 26).

The New South Wales Government also supports people with dementia and their carers through the joint Commonwealth State HACC program. Out of the 1997/98 HACC growth funds, an additional \$490,000 has been provided on a recurrent basis to new dementia respite services. A further \$271,120 has been provided for an additional two dementia monitoring services.

**Recommendation 28:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services ensure that all residential aged care facilities with residents of non-English speaking backgrounds be required to provide the services of a professional interpreter or phone interpreter for all medical assessments, consultations and any negotiations concerning accommodation bonds or residents' fees where a resident needs such services to communicate effectively.

**Recommendation 29:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services ensure that the Resident Classification Scale recognises the additional resources needed to meet the needs of non-English speaking background residents with low levels of fluency in English, and that higher funding be allocated accordingly.

---

**Recommendation 30:**

The Committee recommends that the Minister for Aged Services support the NSW Clustering Service being funded on a five-year basis, and approach the Commonwealth Minister for Family Services to request this.

**Recommendation 31:**

The Committee recommends that the specific needs of people of diverse cultural and linguistic backgrounds who use aged care services be addressed within the NSW Aged Care Strategy to be developed under Recommendation 4.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

The NSW Government recognises the need to take into consideration in planning and delivery of aged care services the needs of people of diverse cultural and linguistic backgrounds. The NSW Social Justice Directions Statement has a priority aim of promoting a more inclusive community.

To that end, the major advisory mechanisms of the Ageing and Disability Department for aged care related matters includes a representative from the peak ethnic agency in New South Wales, the Ethnic Communities Council.

Under the New South Wales Dementia Action Plan a working group has been established to consider how to improve services for people with dementia who are from a non-English speaking background. A number of resources are expected to be developed to assist services to better meet the needs of people with dementia and their carer who are from a non-English speaking background. Funding has also been allocated to develop a culturally sensitive dementia assessment tool.

Access to interpreters and culturally and linguistically appropriate services will be monitored by the NSW Government in the context of the two year Review of the Act. In addition, the adequacy of funding for such services will be monitored through continued close liaison with representatives of the aged care industry, including ethnic groups.

The inclusion of people of diverse cultural and linguistic backgrounds will be considered within the context of the NSW Healthy Ageing Framework, in its discussion and strategies for health, accommodation, care and support services, which includes aged care.

---

**Recommendation 32:**

The Committee recommends that the specific needs of indigenous Australians should be considered within the context of the NSW Aged Care Strategy to be developed under Recommendation 4, and developed in close consultation with indigenous Australian representatives.

As part of the NSW Government's Social Justice Directions Statement indigenous Australians are considered under the priority objective of promoting a more inclusive community. Specific strategies include the provision of *'effective services that respond to the individual needs of each community, recognising the diversity of Aboriginal and Torres Strait Islander communities in New South Wales'*.

The needs of older Indigenous Australians will be considered within the context of the NSW Healthy Ageing Framework, in its discussion and strategies for health, accommodation, care and support services, which includes aged care.

The Government's commitment to older indigenous Australians is demonstrated with funding it has provided under the Health and Community Care (HACC) Program for these communities, and the NSW Action Plan on Dementia. A working group has been set up under the Plan to consider issues about dementia and Aboriginal communities, and funding has been allocated to support priority projects identified by the working group.

**Recommendation 33:**

The Committee recommends that the Ageing and Disability Department include in the NSW Aged Care Strategy to be developed as per Recommendation 4 of this Report a review of the Multi-Purpose Service model, including discussion of the most appropriate management structures for this type of service.

The NSW Government is aware of the concerns within the aged care sector about the management of Multi-Purpose Services (MPS). Any evaluation of the MPS initiative would have to be done in conjunction with communities, the Commonwealth as well as NSW Health and the Ageing and Disability Department.

The Ageing and Disability Department, with its responsibility for the Home and Community Care Program, has been working on a protocol with NSW Health which requires all Multi-Purpose Services to be oversighted by a Committee which is representative of the wider community.

---

**Recommendation 34:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to ascertain the progress of the Scoping Study on Older People and Mental Health, and to request a meeting of State and Territory representatives to advance the work program and promote improved linkages between accommodation, treatment, care and support service systems for older people with mental health needs.

The Scoping Study on Older People and Mental Health is conducted by a Working Group which has been established under the auspices of the Australian Health Ministers Advisory Council Mental Health Working Group. The Ageing and Disability Department represents New South Wales on the Study.

A meeting of the Scoping Study Working Group was held on 24 February 1998 in Canberra after nearly a year since last meeting, at which time the work program was significantly reviewed. NSW made strong representations to the Commonwealth at the meeting to ensure that work continues to provide improved linkages between the accommodation, treatment, care and support services for older people with mental health needs.

The mental health needs of older people are being addressed by the NSW Government through three strategic avenues: the Ministerial Taskforce on the Use of Psychotropic Medication in Nursing Homes; Taskforce on Older People and Mental Health; and, the NSW Action Plan on Dementia Care.

The Recommendations of the Ministerial Taskforce on the Use of Psychotropic Medication were included as an appendix to the Standing Committee's report and are currently being implemented by NSW Health; the report of the Taskforce on Older People and Mental Health is currently being finalised by NSW Health; and the NSW Action Plan is currently being implemented and supported with \$2.2m under the NSW Aged Care Policy Framework.

**Recommendation 35:**

The Committee recommends that the Minister for Health ensure that all residential aged care facilities in New South Wales be required to set aside a private interview room for residents to consult with health personnel, including mental health specialists. The private room should be located as centrally as possible to ensure that the less mobile residents are able to access it.

This is primarily a responsibility for the Commonwealth Government. The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

---

**Recommendation 36:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to include in the Aged Care Rights Principles a specific reference to a right to sexual relations.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

**Recommendation 37:**

The Committee recommends that the Minister for Aged Services ensure that any impediments preventing residents of aged care facilities under the age of 60 years accessing Home and Community Care services and other State services be removed as a matter of urgency.

**Recommendation 38:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth to make the financial arrangements necessary to ensure access of residents of aged care facilities under the age of 60 years to Home and Community Care services.

**Recommendation 39:**

The Committee recommends that the Minister for Aged Services and the Commonwealth Minister for Family Services resolve the issue of transporting residents of aged care facilities under the age of 60 years to day centres and other Home and Community Care services.

**Recommendation 40:**

The Committee recommends the Minister for Aged Services approach the Commonwealth Minister for Family Services to (1) develop a joint strategy to facilitate the transfer of the 929 younger people currently residing in aged care facilities out of these facilities into more appropriate accommodation options in the community, where possible, and (2) where this is not possible, ensure that younger persons receive the appropriate therapy and services they need.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concern and seeking clarification of the extent to which the quality assurance system will address the issue of appropriate services for younger people with a disability.

The context of these four recommendations is a discussion in the Report on younger people with a disability who are living in residential aged care facilities. The rationale for increasing access of such clients to HACC services appears to be in relation to enabling these clients to access supports and services which are more appropriate to their age and care needs.

The New South Wales Government recognises the difficulties associated with younger people with a disability being housed in residential aged care facilities.



---

However, simply to allow these residents with greater access to HACC services (residents can use HACC funded community transport services on a full-cost recovery basis if the service has capacity) does not address the underlying problem, and may have much broader consequences for the HACC program than was envisaged by the Committee.

The underlying issue is the provision of appropriate services for younger people with a disability who live in residential aged care services. The New South Wales Government has considered the needs of these clients in some detail, through the work of the Accommodation Task Force. The Report of the Task Force is currently under consideration by the Government.

**Recommendation 41:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to review the levels of Commonwealth payments for existing and subsidised residents of hostels (or low care residential aged care facilities, as they will be known) who do not have personal care needs.

The Minister for Ageing has previously written to the Commonwealth Minister for Family Services noting the NSW Government's concerns, but to date has received no satisfactory response from the Commonwealth Minister. The Minister for Ageing is writing again to the Commonwealth on this matter, and has noted the Committee's concerns.

The New South Wales Government is most concerned about the impact of the Commonwealth's removal of subsidy for those prospective residents who would have entered hostels with social and accommodation rather than care needs. Currently, it is estimated that there are currently close to 7,000 such residents, the majority of whom are financially disadvantaged. This is most likely to impact on people who are pensioners and who do not have their own home, such as those living in boarding houses and public housing. Impacts of the changes on such clients will be monitored by the New South Wales Government as part of its monitoring of *Commonwealth Aged Care Act 1997* and will be raised in the two year review.

**Recommendation 42:**

The Committee recommends that the Minister for Aged Services closely monitor the demand for Home and Community Care (HACC) services which is expected to arise as a result of the implementation of the *Commonwealth Aged Care Act, 1997* and, if demand is greater than the funds available, the Minister negotiate with the Commonwealth Minister for Family Services to secure additional funding for the Program.

---

**Recommendation 43:**

The Committee recommends that if the monitoring of the *Commonwealth Aged Care Act, 1997* shows that there is increased demand for public housing and boarding houses as direct result of the *Act*, then the NSW Minister for Aged Services and the NSW Minister for Housing commence negotiations to secure additional funding under the Commonwealth/State Housing Agreement, and that additional resources are provided to monitor and licence boarding houses in New South Wales.

The New South Wales Government is monitoring the impact of the *Commonwealth Aged Care Act 1997* on a range of New South Wales services, including HACC services, Guardianship Tribunal, public housing and boarding houses. The information will be used in responding to the two year independent review of the *Act* which the Commonwealth is required to undertake, and on which New South Wales is expected to participate. Any increased demand in service usage which is attributable to the implementation of the *Act* will be taken up with the Commonwealth.

**Recommendation 44:**

The Committee recommends the Minister for Aged Services include a review of the appropriateness of the allocation of high care places/beds, in particular in rural and remote areas, in the review of the *Commonwealth Aged Care Act, 1997* and development of the National and NSW Aged Care Strategies.

The context for this recommendation is a discussion in the report about the ability of people with high care needs to access appropriate residential care.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

Services to support older people living in rural and remote areas will be considered within the context of the NSW Healthy Ageing Strategy.

**Recommendation 45:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services include as part of the independent review of the *Commonwealth Aged Care Act, 1997* close scrutiny of the quality of care provided to residents, including drawing out the relationship between the care provided in facilities and related staffing profiles.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns. The quality of care for residents will also be monitored by the NSW Government through its close liaison with industry and consumer representatives.

---

**Recommendation 46:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Social Security develop and distribute guidelines for appropriate accommodation bond levels for residential aged care facilities to residential aged care facilities, Aged Care Assessment Teams and relevant advocacy services.

This recommendation is no longer applicable because of the changes to the high care (nursing home) accommodation bond scheme which were introduced in November 1997 in response to the negative public response to the scheme. An annual accommodation charge has replaced the accommodation bond scheme, and there are clear guidelines about how much people might be expected to pay, the maximum being \$4,380 per year for a maximum of five years.

The accommodation bond scheme for low care (hostel) residents continues to operate in much the same way as it did prior to the introduction of the *Commonwealth Aged Care Act 1997*.

There remain concerns, however, over the equity of the accommodation charge in light of the removal of the distinction between high care and low care places. In particular is the anomaly of residents classified as high care (and therefore not being required to pay an accommodation bond) who may be placed into a facility which was previously classed as a hostel, and therefore will be required to pay a bond. The extent to which this happens will be monitored by the NSW Government through its close liaison with the industry and as part of the Commonwealth's two year review.

The Commonwealth Department of Health and Family Services has introduced a 'ready reckoner' which has been distributed widely which clearly identifies for people the range of costs which they might incur upon entry to a residential aged care facility. The 'ready reckoner' is part of a multi-tiered information strategy which the Commonwealth commenced in February 1998.

**Recommendation 47:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services ensure that advocacy services such as the Aged-Care Rights Service are adequately resourced to monitor the accommodation bond and fees agreements and provide advice and advocacy services on behalf of prospective and current residents.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns about adequate funding for the Aged-Care Rights Service.

The New South Wales Government also provides funding to the Aged-care Rights Service through the Department of Fair Trading and the Department of Community Services.

---

**Recommendation 48:**

The Committee recommends that the Minister for Fair Trading request that the Commonwealth Minister for Family Services arrange for mediation powers to be delegated to the Residential Tenancies Tribunal if the advocacy services as proposed in Recommendation 47 are found not to be sufficiently resourced.

The Residential Tenancies Tribunal currently does not have mediation powers, but it can make a limited number of orders under the *Retirement Villages Act 1989*. This Act applies to Commonwealth funded hostels but not nursing homes. Extension of the Act to nursing homes and access to dispute resolution services are issues which are currently being considered by the Department of Fair Trading in its review of the *Retirement Villages Act*.

**Recommendation 49:**

The Committee recommends that the Minister for Aged Services, together with the Commonwealth, monitor the impact of charging of accommodation bonds through the collection of relevant data (such as from Aged Care Assessment Teams, NSW Department of Housing, NSW Health, and Licensed Boarding Houses) and that data be collected on an ongoing basis and presented to subsequent meetings of Health and Community Services Ministers.

The accommodation bond scheme for nursing home residents was revised in November 1997 in response to significant negative public reaction (described in response to recommendation 46). Despite the changes, however, it appears that the annual accommodation charge, together with the higher daily fees, will still have a significant impact on the affordability of residential care for older people.

Anecdotal evidence from the industry suggests that for the first time there are nursing home bed vacancies as a direct result of people's fears at having to sell their homes to enter care. Feedback from Aged Care Assessment Teams also supports this, with fewer people presenting for assessment for admission to residential care while at the same time there has been an increase in the number of suspected cases of abuse. This is a major concern for the NSW Government as it means that older people may not be receiving the care they need and pressure is being put on community care services and public hospitals, as well as family carers, inappropriately. The Government is currently monitoring the impact of the *Commonwealth Aged Care Act 1997* and will use the information in the Commonwealth's two year review.

**Recommendation 50:**

The Committee recommends that the Minister for Aged Services assess the likely growth in demand for the Guardianship Board and the Office of the Public Guardian, and negotiate an agreement to have the Commonwealth fund any increase in services resulting from the aged care reforms.

In anticipation of the possible increase in workload, the Guardianship Tribunal and the Office of Protective Commissioner have introduced protocols regarding

---

applications associated with entry to residential aged care facilities.' The ongoing impact on demand on these services will be monitored and included in the two year review. Any increase in demand for service usage which is attributable to the *Aged Care Act 1997* will be taken up with the Commonwealth.

**Recommendation 51:**

The Committee recommends that the Minister for Aged Services request the Commonwealth Minister for Family Services to extend the period in which residents of aged care facilities must sign an agreement from seven days to two months.

**Recommendation 52:**

The Committee recommends that the Minister for Aged Services urge the Commonwealth Minister for Family Services to develop alternative methods for residents of aged care facilities to raise funds for an accommodation bond that enable them to retain ownership of the family home.

**Recommendation 53:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services allow facilities with high levels of concessional residents to have access to the Commonwealth's designated \$10 million capital fund program.

**Recommendation 54:**

The Committee recommends that the Minister for Aged Services approach the Commonwealth Minister for Family Services to review the levels of Commonwealth payments of subsidies for pensioners who are residents of low care residential aged care facilities, and that the resident contribution for such residents be decreased so that their disposable income remains at the current level.

**Recommendation 55:**

The Committee recommends the Minister for Aged Services monitor the capacity of smaller providers of residential aged care services to upgrade their facilities in order to achieve accreditation.

**Recommendation 56:**

The Committee recommends that in the event that smaller providers are found to be experiencing difficulties in obtaining funds for upgrade, then the Minister for Aged Services should discuss with the Commonwealth Minister for Family Services the possibility of the Commonwealth Government acting as guarantee for the funds.

**Recommendation 57:**

The Committee recommends that the Minister for Aged Services request that the Commonwealth Minister for Family Services increase funding for Commonwealth capital grants for residential aged care facilities to ensure that rural and remote facilities are able to access sufficient capital to maintain and improve facilities.

---

**Recommendation 58:**

The Committee recommends that the NSW Minister for Aged Services and the NSW Minister for Finance discuss with their relevant Commonwealth Government counterparts the need for more sustainable financing options for long term aged care, either through the taxation system and/or incentives regarding long term care insurance.

The Minister for Ageing is writing to the Commonwealth Minister for Family Services noting the Committee's concerns.

The funding of aged care is a key concern for the NSW Government, in particular the capacity of the residential aged care industry to have sufficient funding to upgrade and rebuild facilities to an appropriate standard. As noted in response to Recommendation 46, the Commonwealth revised the accommodation bond scheme for high care (nursing home) residents in November 1997 and residents may now be asked to pay an accommodation charge of up to \$4,380 per year for five years. Low care (hostel) residents will continue to pay an accommodation bond in much the same way they did prior to the reforms.

Feedback from proprietors and consumers in NSW is that the revised accommodation charge scheme and the Commonwealth capital subsidy for concessional residents will not be sufficient to significantly improve capital stock.

The NSW Government has communicated to the Commonwealth on several occasions the clear need for a revised approach to financing aged care other than dependence on Government grants and increasing user pays.

The NSW Government understands that alternative means of financing aged care may be considered by the Commonwealth under its National Strategy for an Ageing Australia. The issue is also addressed in the draft National Healthy Ageing Strategy which has been developed by the National Healthy Ageing Taskforce.

The Ageing and Disability Department has established an Aged Care Advisory Group to provide advice on the implications of the *Commonwealth Aged Care Act 1997* and strategic directions for aged care in NSW. The capacity of smaller providers, facilities with high levels of concessional residents, and rural and remote services to upgrade their facilities to meet accreditation will be monitored through feedback from this Group.

The NSW Government is writing to the Commonwealth highlighting its strong view that certification and accreditation should take into account the arrangements that are put in place to fund these developments. Unlike nursing home beds in the non-government sector, beds owned by the NSW Government do not attract a capital contribution from the Commonwealth.

---

The capacity of the residential aged care industry as a whole, including smaller, more vulnerable services to meet accreditation will be considered in the two year review.

**Recommendation 59:**

The Committee recommends the Minister for Aged Services represent New South Wales in any discussions about aged care at the next Health Ministers meeting scheduled for November 1997.

The NSW Minister for Health represents the NSW Government at these Ministerial meetings. Where issues of aged care arise the NSW Health Department can work closely with the Ageing Issues Directorate to formulate the NSW Government's response.

**Recommendation 60:**

The Committee recommends that the State retain its regulatory role until the impact of Commonwealth changes can be assessed, and, in particular, the efficacy of accreditation is determined. Thereafter it may be appropriate that one level of government be responsible for all regulation, providing that all current facets of regulation of standards are maintained.

The regulatory and policy implications for NSW of the Commonwealth Aged Care Act 1997 are currently being considered.

**Recommendation 61:**

The Committee recommends that the Minister for Aged Services prepare a consultation document for the purposes of entering negotiations with the Commonwealth regarding improved planning and service provision for aged care in New South Wales.

The Ageing and Disability Department has commenced some initial discussions with the Commonwealth regarding improved planning and service provision for people in New South Wales. The key area of activity has been around Population Group Planning, which has been developed by Ageing and Disability Department. Older people aged 65 years and over are one of the three population groups in the model. There has been discussion between the Commonwealth and ADD to share data regarding funding and service delivery patterns with the objective of a shared planning model which might inform local joint planning for aged care.

**Recommendation 62:**

The Committee recommends that in the development of the NSW Aged Care Strategy the Ageing and Disability Department consult with NSW Health to include consideration of the provision of appropriate care and support services across service settings, including sub-acute and palliative care.

The context for this recommendation was a discussion in the Committee's report of the increased use of palliative and post-acute care in residential services.

---

The NSW Government recognises the increased complexity of care needs which many older people have, and the imperative which this places for improved linkages between services such as accommodation, health, care and support. The draft NSW Healthy Ageing Framework includes actions to improve linkages between elements of the system, including co-ordination of services across different parts of the health, community and residential care systems and exploring opportunities to shift the balance of care from residential to community care with a wider range of support options to meet people's needs.

**Recommendation 63:**

The Committee recommends that the Ageing and Disability Department, in developing the NSW Aged Care Strategy as proposed Recommendation 4 of this Report, consider the adequacy of the provision of respite care in New South Wales, including evaluation of flexible and responsive respite options to better meet the needs of carers and older people.

The NSW Government recognises the critical role which carers have in supporting many older people to continue to live in the community and have improved quality of life, including when they are no longer able to live in the community and have moved to residential care. The Government also recognises that in evaluating the provision of respite care, the needs of carers and older people are inextricably linked.

Carers are a high priority under the NSW Action Plan on Dementia, with close to \$360,000 allocated to support carers of people with dementia. Of this, \$100,000 has been allocated specifically to improve respite services for carers of people with dementia. This builds on the work already underway through funding from NSW Health and the Home and Community Care Program, which includes people with dementia and their carers as a priority target group.

**Recommendation 64:**

The Committee recommends that in the development of the NSW Aged Care Strategy the Minister for Aged Services include discussion of the range of alternative supported accommodation options which might be available for older people, including assessing the Victorian moveable units program as an option for New South Wales.

These issues will be considered within the context of the Draft NSW Healthy Ageing Framework, in its discussion and strategies for health, accommodation, care and support services.