

ABN 19 659 150 786

1 September 2023

Lisa Paul AO PSM, Co-Chair  
Professor Bruce Bonyhady AM, Co-Chair  
NDIS Review

Dear Ms Paul and Professor Bonyhady

**RE: What we have heard report**

The Aged and Community Care Providers Association (ACCPA) welcomes the Australian Government and Disability Ministers' commitment to review the NDIS, to improve the experience of participants and ensure that the NDIS is sustainable. ACCPA also welcomes the opportunity to provide a response to the *NDIS Review What we have heard Report* (the Report).

ACCPA is the national Industry Association for aged care providers offering retirement living, seniors housing, residential care, home care, community care and related services. We work to unite aged care providers under a shared vision to enhance the wellbeing of older Australians through a high performing, trusted and sustainable aged care sector.

ACCPA acknowledges there are many NDIS recipients also receiving aged care services, including in residential care. We also note the relationship between the aged care and disability sectors, such as workers across the care and support economy who deliver care to both NDIS recipients and older people.

ACCPA provides feedback on the Report to encourage consideration of the disability and aged care interface as it relates to the NDIS.

**Dual regulation and the importance of harmonisation of regulation across the care and support economy**

On 1 December 2020, aged care providers who had NDIS recipients in residential aged care, were automatically registered as a NDIS provider under the *National Disability Insurance Scheme Act 2013* (NDIS Act). Prior to this time, they were exempt from the requirements of NDIS legislation given their coverage under the Aged Care Act 1997 as per Rule 7(4) and (5) of the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018.

While ACCPA understands the rationale of the shift to include NDIS recipients in residential aged care facilities under NDIS legislation, there was an expectation that the Government would deliver on its commitment to reform the care sector to harmonise regulation across aged care, disability, and veterans care.

In the ensuing three years, very little has been achieved to alleviate the dual regulatory burden on aged care providers who are impacted, including dual standards, auditing, registration, worker screening and reporting of serious incidents and restrictive practices. These similar requirements result in duplicative effort, inefficiencies and additional administration costs arising from the oversight by two different Commissions.

In this context, ACCPA therefore welcomes the establishment of the National Care and Support Economy Taskforce, by Prime Minister Albanese, on 28 May 2023 and led by the Department of Prime Minister and Cabinet. The remit of the taskforce includes 'reviewing regulations to determine where streamlining can occur while ensuring there are adequate safeguards to protect clients.'<sup>1</sup>

ACCPA believes that harmonisation of regulations across the NDIS and aged care, as part of this review, would benefit both recipients and service providers. We also note that aged care providers would welcome any reconsideration of NDIS regulatory requirements until such time as harmonisation is achieved.

**R1 That the Review makes recommendations to expedite the process of harmonisation of regulation across the aged care and disability sectors.**

**R2 That the Review supports streamlined or exempted requirements for NDIS providers, who are also providing aged care, until harmonisation is achieved.**

#### Opportunities for addressing challenges facing the workforce supporting both the aged care and disability sectors

Section 5 'The support and service marketplace' of the Report states that you have heard of the many challenges facing NDIS workers are similar for workers in aged care and veterans' care, and that some people work across the care and support sector.<sup>2</sup>

We support recognition in the Report that coordinated action is needed across the care support sector to achieve a range of outcomes including attraction, mobility, career pathways and retention.

ACCPA members support harmonising worker screening across all jurisdictions in Australia to enable workers in both aged care and disability care to meet the same requirements. Efficient means of processing such screening in all jurisdictions would also be welcomed, which would remove the issue as a deterrent from working in the sector, support efficient and timely recruitment and optimise workforce planning – particularly for those providers operating across aged care and disability services.

ACCPA also notes that the National Care and Support Economy Taskforce is another opportunity for the issues raised in the Report, for workers in both disability and aged care sectors, to be considered and addressed.

**R3 That the Review makes recommendations to seek coordination across the Australian and State and Territory Governments to harmonise worker screening requirements across the aged care and disability sectors, and for jurisdictions to streamline application and approval processes.**

#### Younger people in residential aged care

ACCPA and our members are active in the work supporting younger people in residential aged care who are NDIS recipients while they undertake the process of considering a 'goal to move' from a residential aged care facility.

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<sup>1</sup> Department of Prime Minister and Cabinet, *Care and Support Economy Taskforce Terms of Reference*, 28 May 2023, <https://www.pmc.gov.au/resources/care-and-support-economy-taskforce-terms-reference>

<sup>2</sup> NDIS Review, *What we have heard Report*, June 2023, p.14 <https://www.ndisreview.gov.au/sites/default/files/resource/download/what-we-have-heard-report.pdf>

However, this requires careful and complex engagement and planning, and we note that younger people currently in residential aged care facilities may need additional NDIS funding and supports to ensure their care needs are met while they are in a residential aged care facility. ACCPA is aware from key stakeholders in this area, that addressing such needs may not be possible through aged care funding arrangements.

ACCPA encourages the NDIS Review to consider options for increasing the funding and supports available to younger people in residential aged care, in such a way that will increase their choice and control – while avoiding an increased administrative or regulatory obligations for residential aged care providers.

**R4 That the Review specifically engages with relevant Government agencies and stakeholders involved in supporting younger people in residential aged care to determine appropriate additional funding and supports that will improve their care and choice while in residential aged care facilities.**

Thank you again for the opportunity to submit a response to the *NDIS Review What we have heard Report*. ACCPA looks forward to reading the final report later this year.

Yours sincerely

Roald Versteeg  
General Manager, Policy and Advocacy  
Aged & Community Care Providers Association