Carers Tasmania's Submission

on the Stage 4b Consultation Draft Release of the

Aged Care Rules 2025

May 2025

About Carers Tasmania

Carers Tasmania is the Peak Body representing the more than 87,000 informal carers (hereafter carers) in the state.

Carers Tasmania's vision is for an Australia that values and supports carers.

Our mission is to work to improve the health, wellbeing, resilience and financial security of carers and to ensure that caring is a shared responsibility of family, community, and government.

Our values drive everything we think, say, and do.

- **Carers first** – we listen to what carers need, commit to their desired action plan, and deliver results that matter most to carers
- **Care in all we do** – we care for our work, about each other, about Tasmania's family and friend carers, and the bigger world we all share
- **Integrity always** – we are transparent, act ethically, own when things don't go to plan and do what we say we will
- **Quality every time** – we don't accept 'good enough' because carers deserve our very best every time
- **Speed that matters** – we are agile and don't put off what can be done today.

These values represent how we engage with and serve carers, how we work with each other, and our commitment to the broader community. Carers Tasmania encourages partnership with governments and health and community sectors to enhance service provision and improve conditions for family or friend carers through policy development, research and advocacy.

We acknowledge and support people of all genders, sexualities, cultural beliefs, and abilities and understand that carers in Tasmania, whilst sharing the common theme of caring for a family member or friend, are diverse individuals with varying beliefs, experiences, and identities. We value and respect the diversity of carers, their lived and living experiences, and recognise that carers are the experts in their own lives.

Carers Tasmania has offices in Moonah, Launceston and Burnie.

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1. Background

Carers Tasmania is the Peak Body representing the more than 87,000 informal carers within the state.

A carer is a person who provides unpaid care and support to a family member, or friend, with disability, mental ill health, a chronic or life-limiting condition, alcohol or other drug dependence, or who is frail or aged. Informal kinship carers who care for a child under the age of 18, because the parent is unable to, are also recognised as carers. Carers are predominantly family members, but may also be friends, neighbours, or colleagues. Informal carers are not to be confused with paid support workers who are often called 'carers', with the difference being that support workers are fully employed and remunerated with all the benefits of employment. On the contrary, informal carers perform their caring duties without remuneration, other than minimal carer payments and allowances from the Australian Government.

In addition to representing carers through the Peak Body activities, Carers Tasmania provides support to carers living in Tasmania through its service delivery arm, Care2Serve. The Australian Government Carer Gateway program is delivered through Care2Serve in Tasmania, as are other supports and services, such as the Tasmanian Government's Home and Community Care program.

Anyone may become a carer at any time. The likelihood of this occurring in Tasmania is high, with estimates showing that one in six people living in Tasmania is a carer. This proportion is higher than the national average. The Australian Bureau of Statistics Survey of Disability, Ageing and Carers (SDAC) revealed that there were 80,100 carers in Tasmania in 2018.[1] By 2022, this figure had increased to more than 87,000.[2]

The Carer Gateway program provides a range of free services and supports for carers which are designed to build resilience and knowledge, increase wellbeing, improve quality of life, and sustain carers to effectively continue their caring roles. The available supports include the provision of information, advice and referrals, holistic identification of carer strengths and needs through a carer support planning process, professional counselling, peer support, and coaching which aims to support carers in achieving specific goals.

Care2Serve, through the Carer Gateway, has capacity to fund certain instances of planned, practical support services such as in-home respite, personal care, domestic assistance, and meal preparation. Care2Serve may also fund items such as laptops to assist carers who are studying or trying to enter the workforce. Care2Serve also coordinates the provision of emergency support during instances where a carer may be unable to provide the care that they usually do, resulting from unexpected illness or injury of the carer.

[1] Australian Bureau of Statistics (2021). 44300DO006_2018 Disability, Ageing and Carers, Australia: Tasmania, 2018. Australian Bureau of Statistics. (abs.gov.au)
[2] Australian Bureau of Statistics. (2022). Disability, Ageing and Carers, Australia: Summary of Findings, 2022. Australian Bureau of Statistics (abs.gov.au)

2. Introduction

Carers Tasmania is pleased to provide feedback towards the Stage 4b Consultation Draft Release of the Aged Care Rules 2025 (the Draft Rules),[3] alongside the new *Aged Care Act 2024*.[4] We note that the Stage 4b Release contains the remaining draft Rules for several chapters of the new *Aged Care Act*. This is stated as the final release of the consultations specifically relating to the Aged Care Rules.

The Stage 4b release is stated to be focused on:

- *"Entering aged care and how places are allocated to people*
- *Rules for providers, workers and digital platforms*
- *Support to make a complaint*
- *What information the government must or can share*
- *Accommodation costs."* [5]

Our response is focused on ensuring consistent mechanisms are in place to identify carers, that clear definitions of key terms are included, ensuring emergency residential respite supports carer circumstances requiring urgent admission, processes and information related to complaints, and the need to ensure that appropriate accessible information is provided to older Australians and their carers.

3. Proposed Feedback

Consistent carer definitions to support better carer recognition

In relation to the Draft Rules,[6] the term 'carer' has not been defined despite the document referring to carers. In Part Two of the Draft Rules, within the definitions section, is a Note listing other expressions not explicitly defined within the Draft Rules, stating they have the same meaning as their definitions within the *Aged Care Act*. Neither the definition section or the Note defines or refers to carers. We seek for the term carer to be defined in the Draft Rules as per the *Commonwealth Carer Recognition Act 2010*,[7] or included in the Note.

The *Carer Recognition Act 2010* (Cth) defines carers as follows:

> "*A carer is an individual who provides personal care, support and assistance to another individual who needs it because that other individual:*
>
> *(a) has a disability; or*
>
> *(b) has a medical condition (including a terminal or chronic illness); or*
>
> *(c) has a mental illness; or*

[3] Australian Government Department of Health and Aged Care. (2025). Consultation draft – Aged Care Rules 2025. https://www.health.gov.au/sites/default/files/2025-04/consultation-draft-aged-care-rules-2025.pdf
[4] Australian Government. (2024). Aged Care Act. Aged Care Act 2024 - Federal Register of Legislation
[5] Australian Government Department of Health and Aged Care. (2025). Consultation draft – Aged Care Rules 2025. https://www.health.gov.au/sites/default/files/2025-04/consultation-draft-aged-care-rules-2025.pdf
[6] Ibid.
[7] Commonwealth of Australia. (2010) Commonwealth Carer Recognition Act 2010. Federal Register of Legislation - Carer Recognition Act 2010

(d) is frail and aged." [8]

We reinforce our previous and continued feedback, stating that the definition of a carer in both the *Aged Care Act*, Aged Care Rules, and their associated documents must use the *Carer Recognition Act* (Cth) definition of a carer.[9,10,11] Despite our consistent advocacy, the Act currently fails to correctly define carers as per the *Carer Recognition Act* (Cth). Incorrect identification and poor carer recognition has potential to cause confusion and ambiguity. Carers NSW, in their 2024 National Carer Survey highlight that their "*analysis of data from the 2020, 2022 and 2024 National Carer Surveys has shown that recognition is linked to better social connectedness, personal wellbeing, and reduced psychological distress among carers."* [12]

The need to align legislation and related correspondence relevant to carers is highlighted in the National Carer Strategy Action Plan, which articulates Government's commitment to improving identification and recognition of carers (Commitment Two).[13]

The term 'supporter' is used within the Draft Rules but not defined. We suggest that for clarity, it either be defined within the Draft Rules, or listed with the same definition as specified within the Act.

Chapter Two:

Part Four - Division Three - *Circumstances for urgency ratings in residential care*

The Draft Rules specify circumstances for urgency ratings for residential care. Regarding urgent access to short-term residential care, the following is stated:

> *"Classification type short-term*
>
> *(1) For the purposes of subsection 87(2) of the Act, this section prescribes the circumstances in which an urgency rating of high will apply to an individual in relation to the classification type short-term for the service group residential care.*
>
> *(2) An urgency rating of high will apply to the individual if the individual has a need for immediate access to short-term funded aged care services delivered in an approved residential care home which, if not met, may place the individual's safety, health or wellbeing at risk."* [14]

We recommend this section also specifies that urgent access to emergency short-term residential care may be approved if there is imminent risk to the safety, health, or wellbeing of the carer. This is an important safeguard that must be included. If a carer's health or safety is at immediate risk, they must have access to support to prevent further injury or illness to themselves or the person they care for. Consideration must be taken on the rights

[8] Commonwealth of Australia. (2010) Commonwealth Carer Recognition Act 2010. Federal Register of Legislation - Carer Recognition Act 2010
[9] Carers Tasmania. (2024). Carers Tasmania's Submission on the Aged Care Bill Exposure Draft. Carers-Tasmania-Submission-on-the-Aged-Care-Bill-Exposure-Draft-1.pdf
[10] Carers Tasmania. (2024). Carers Tasmania's Submission on the Aged Care Bill 2024 Provisions. Carers-Tasmania-Submission-on-the-Aged-Care-Bill-2024-Provisions.pdf
[11] Carers Tasmania. (2024). Carers Tasmania's Response to the Aged Care Rules Stage 2a. Carers-Tasmanias-Response-to-the-Aged-Care-Rules-Consultation-Stage-2a.pdf
[12] Carers NSW (2025). 2024 National Carer Survey: Summary Report. Carers NSW, North Sydney. Online available from www.nationalcarersurvey.com.au
[13] Australian Government Department of Social Services. (2024). National Carer Strategy Action Plan. https://www.dss.gov.au/system/files/documents/2024-12/national-carer-strategyaction-planfinaldigital.pdf
[14] Australian Government Department of Health and Aged Care. (2025). Consultation draft – Aged Care Rules 2025. https://www.health.gov.au/sites/default/files/2025-04/consultation-draft-aged-care-rules-2025.pdf

and wellbeing of the carer. This aligns with the Statement for Australia's Carers, under the *Carer Recognition Act* (Cth), specifically:

> *"5. Carers should be acknowledged as individuals with their own needs within and beyond the caring role,*
>
> *8. Carers should be treated with dignity and respect, and*
>
> *10. Support for carers should be timely, responsive, appropriate and accessible."* [15]

This also supports the National Carer Strategy's Action 1.4:

> *"Work with carers, the carer sector and other stakeholders to identify strategies to improve access to respite arrangements in partnership with relevant policy and regulatory agencies including:*
>
> *• improve access to respite arrangements both directly through Carer Gateway and in partnership with Aged Care and the NDIS."* [16]

Not having urgent support accessible by carers who need it places both the carer and the person being cared for at risk. Therefore, it is essential that carers are explicitly mentioned within this section.

Chapter Two:

Part Five - Division One - *Allocation of places to individuals*

Within the place allocation section of the Draft Rules, there is no definition pertaining to either 'acceptance period' or 'period of acceptance' specified. These definitions are not found in the *Aged Care Act*.

The Draft Rules state:

> *"For the purposes of subsection 92(5) of the Act, the period for an acceptance by an individual of a place for a service group is as follows:*
>
> *(d) for a place for the service group residential care—6 years."* [17]

In reference to section (d), it is unclear as to whether this is about short-term or ongoing, residential care. This must be clarified and clearly articulated.

It is important that adequate information about the acceptance of services is provided to older Australian's and their carers, in plain English, or translated information, specifying where they can access support to assist them to navigate their responsibilities within this process.[18]

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[15] Commonwealth of Australia. (2010) Commonwealth Carer Recognition Act 2010. Federal Register of Legislation - Carer Recognition Act 2010

[16] Australian Government Department of Social Services. (2024). National Carer Strategy Action Plan. https://www.dss.gov.au/system/files/documents/2024-12/national-carer-strategyaction-planfinaldigital.pdf

[17] Australian Government Department of Health and Aged Care. (2025). Consultation draft – Aged Care Rules 2025. https://www.health.gov.au/sites/default/files/2025-04/consultation-draft-aged-care-rules-2025.pdf

[18] Australian Government Department of Health and Aged Care. (2025). Consultation draft – Aged Care Rules 2025. https://www.health.gov.au/sites/default/files/2025-04/consultation-draft-aged-care-rules-2025.pdf

Chapter Four:

Part Four - Subdivision D - *Requirements for care and services plans*

Within Subdivision D - Requirements for care and services plans, under the area of 'How a care and services plan is developed', the following is stated:

> *"(3) A registered provider to whom subsection (6) of this section applies must actively engage with:*
>
> *(a) the individual;*
>
> *(b) supporters of the individual (if any); and*
>
> *(c) any other persons involved in the care of the individual; in developing and reviewing the individual's care and services plan through ongoing communication."* [19]

The term carer must be specifically included in this list. This will support the Australian Government's obligations as per the Statement for Australia's Carers, specifically:

> *"6. The relationship between carers and the persons for whom they care should be recognised and respected.*
>
> *7. Carers should be considered as partners with other care providers in the provision of care, acknowledging the unique knowledge and experience of carers.*
>
> *8. Carers should be treated with dignity and respect*.[20]

Chapter Eleven:

Part Two - *Aged Care Quality and Safety Commission*

Carers Tasmania supports the increased safeguarding mechanisms that are articulated in the new *Aged Care Act*, and the Draft Rules. Additional safeguarding is essential in keeping older Australians safe.

Within the Complaints Commissioner - complaints and feedback section, we seek the inclusion of a clause to ensure the provision of effective and tailored communication to assist those who require alternative methods of information, advocacy, and other assistance navigating the complaints processes. This is critical, especially in Tasmania, where significant digital connectivity gaps and literacy challenges exist.[21] In addition, many Tasmanian carers have disability or health concerns of their own, and many who are providing care to others are aged 65 or over themselves.[22] Introducing initiatives such as a complaints support officer for those who require additional support and time would be beneficial. This support would be beneficial for any restorative engagement processes initiated between the complainant (whether that be carer, older person, or both) and the entity against which the complaint is made.

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[19] Australian Government Department of Health and Aged Care. (2025). Consultation draft – Aged Care Rules 2025. https://www.health.gov.au/sites/default/files/2025-04/consultation-draft-aged-care-rules-2025.pdf

[20] Commonwealth of Australia. (2010) Commonwealth Carer Recognition Act 2010. Federal Register of Legislation - Carer Recognition Act 2010

[21] 26TEN Tasmania. (2015). Tasmania's strategy for adult literacy and numeracy 2016–2025. https://26ten.tas.gov.au/wp-content/uploads/2024/06/26TEN-Tasmania-strategy-for-adult-literacy-and-numeracy-2016-2025-acc.pdf

[22] Australian Bureau of Statistics. (2022). Disability, Ageing and Carers, Australia: Summary of Findings, 2022. Australian Bureau of Statistics (abs.gov.au)

Chapter Four:

Part Seven - Division Two - *Provision of information to individuals*

This chapter of the Draft Rules lists the many forms of information that should be provided to those accessing aged care supports and their carers. We support the purpose of this section but strongly encourage the provision of information to be facilitated in a supported way when required. This will ensure that adequate assistance is provided when needed so that people understand their rights, the processes, and their responsibilities.

We also request this chapter specify that as a standard procedure, when there is a carer, information must be provided about available carer support such as Carer Gateway. As previously stated, carer recognition, followed by provision of support information is a critical step that must occur to best support older Australians accessing aged care, and keep those who care for them well. Legislating this via the Aged Care Rules, provides an appropriate opportunity to embed this process to influence positive, systemic change.

The need for ongoing, clear information

Of the upmost importance is the delivery of timely, accessible, and clear information relevant to accessing and receiving aged care services to individuals and their carers.

For example, the Supporting Document[23] released as part of this consultation would not be appropriate for the general public. The document includes a high level of technical complexity that would exceed the generally recommended Year 8 readability level.[24] The document appears to be written for professionals with expertise in aged care systems, or policy. It contains many acronyms and technical terms. Furthermore, there was no easy-read version available online, and the consultation appeared to only be available to complete online or via email, with no alternative methods. There is a link on the website that the document is provided on to provide online feedback about document accessibility.[25] However, this process may not be easy to navigate for those already having trouble with accessibility.

Carers Tasmania also highlights other correspondence available for older Australians and their carers, such as letters about the aged care changes and participant checklists.[26,27] There do not appear to be any easy-read versions available, and these do not contain any reference to carer support. The participant checklist does not even provide the phone number for My Aged Care.[28] Within these documents, most sentences are moderately long and contain some terminology that may be difficult for readers with literacy challenges, disability, cognitive decline, or limited English.

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[23] Australian Government Department of Health and Aged Care. (2025). Aged Care Rules – Release 4b Public Release – Supporting document. Australian Government. https://www.health.gov.au/sites/default/files/2025-04/aged-care-rules-release-4b-public-release-supporting-document.pdf

[24] Canberra Health Literacy. (n.d.). Writing health information for consumers. Retrieved from https://cbrhl.org.au/health-services-providers/writing-patient-information/

[25] Australian Government Department of Health and Aged Care. (2025). Aged Care Rules – Release 4b Public Release – Supporting document. https://www.health.gov.au/sites/default/files/2025-04/aged-care-rules-release-4b-public-release-supporting-document.pdf

[26] Australian Government Department of Health and Aged Care. (2025). Letter to older people approved for Home Care Packages before 12 September 2024 | Australian Government Department of Health and Aged Care

[27] Australian Government Department of Health and Aged Care. (20250. Support at Home program resources | Australian Government Department of Health and Aged Care

[28] Australian Government Department of Health and Aged Care. What you need to do to prepare to move to Support at Home

4. Recommendations

Carers Tasmania recommends the following with respect to the Draft Rules:

- Define 'carer' in the *Aged Care Act* and Aged Care Rules using the definition from the *Carer Recognition Act 2010* (Cth).
- Clearly define the term 'supporter' in the Aged Care Rules or explicitly state that it carries the same meaning as within the *Aged Care Act*.
- To align with the with the Statement for Australia's Carers and National Carer Strategy Action 1.4, amend the rules on short-term residential care to explicitly include urgent access due to risks to the carer's safety, health, or wellbeing.
- Clearly define the terms 'acceptance period' or 'period of acceptance'.
- Specify whether the 6-year acceptance period relates to residential care that is short-term, ongoing, or both.
- Explicitly include carers in the list of parties to be actively engaged (where applicable) in developing and reviewing care and services plans.
- Within the Aged Care Rules, acknowledge carers as partners in care to reflect their role and expertise in supporting individuals.
- Include provisions that ensure tailored communication and advocacy support is provided for those navigating complaints processes, especially where digital access is limited.
- Introduce a complaints support officer to assist individuals requiring additional support.
- Ensure restorative engagement processes are inclusive of carers as complainants or co-complainants.
- Ensure all relevant information is provided to both older Australians and their carers in formats that are accessible and readable.
- Within the Aged Care Rules, require that carers be provided information on carer support services, including Carer Gateway, as standard procedure.
- Ensure that communications related to aged care include relevant information and contact details, including phone numbers, to access carer supports, advocacy and complaints assistance, and My Aged Care services.
- Produce public documents in plain English at a Year 8 reading level or lower, with easy-read versions available.
- Ensure that for future aged care consultation opportunities, participation is accessible beyond just online and email.
- Mandate that aged care communications are accessible to people with literacy challenges, cognitive decline, disability, or limited English proficiency.

5. Conclusion

Carers Tasmania thanks the Australian Government for the opportunity to provide feedback on this stage of the Aged Care Reforms and looks forward to providing additional feedback as further consultation and implementation occurs. We trust that our feedback will be considered to help improve access to support and information for older Australians and their carers.