



Australian Government

Department of Health and Ageing

First Charter of Rights and Responsibilities for Community Aged Care

Please find enclosed a copy of the Charter of Rights and Responsibilities for Community Care (the Charter).

The Charter became law on 1 October 2009. It has been developed to apply to people in receipt of Australian Government funded packages legislated under the *Aged Care Act 1997* (the Act), namely Community Aged Care Packages (CACPs), Extended Aged Care at Home (EACH) and Extended Aged Care at Home Dementia (EACH-D) packages.

This is a significant step forward in explaining the rights of people receiving aged care services in the community as well as the rights of care workers who are providing the care and in raising awareness of the importance of rights and responsibilities in our community.

The Charter is the result of consultation with a wide range of individuals and groups through the Ageing Consultative Committee.

As a result of the consultation process, two versions of the Charter were developed. The legislative Instrument version reflects the legislation drafting style and is in third person. The implementation version for distribution is written in the first person and this is the document attached.

What is the effect of the Charter becoming law?

Currently section 23.25 of the *User Rights Principles 1997* (the Principles) made under the Act specifies a number of rights of recipients of community care. The new Charter replaces and clarifies these existing provisions. The amendments to the Principles also clarify that the rights and responsibilities of recipients of community care extend to recipients of flexible care in the community in the form of EACH and EACH-D.

Where organisations already have existing “charter-like” documents in place these may continue to be used as long as the care recipient is also given a copy of the Charter and helped to understand it.

As an approved provider of community care (CACP) or flexible care in the form of EACH or EACH-D, you have a responsibility, under paragraph 56-2(i) or paragraph 56-3(j) of the Act, not to act in a way that is inconsistent with any rights and responsibilities of care recipients that are specified in the Principles.

If an approved provider were to act in a way that is inconsistent with the Charter, it may be in breach of its responsibilities under the Act and be subject to appropriate compliance action.

The Department is making arrangements to amend Payment Agreements to reflect the introduction of the Charter. Please note that if there is any inconsistency between the Act or Principles and the Payment Agreement, then the legislation prevails to the extent of the inconsistency.

What advice needs to be provided to care recipients?

A copy of the Charter should be provided as soon as is reasonably practicable to all current and future care recipients or their representatives, noting that its purpose is to explain the rights and responsibilities of people who receive care in the form of community care packages (CACP), EACH or EACH-D (as applicable) funded by the Australian Government.

The Department of Health and Ageing in consultation with the Charter Working Group will be developing further material for service providers and care recipients in the coming months.

Copies of the Charter are available electronically on the Department of Health and Ageing website at <http://health.gov.au/internet/main/publishing.nsf/Content/ageing-charter-rights.htm>. Additional copies of the Charter may be ordered from National Mailing and Marketing on 02 6269 1060 and through email on health@nationalmailing.com.au

If you have any enquiries regarding the Charter please ring the Aged Care Information Line on freecall 1800 500 853.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carolyn Smith', is centered on the page.

Carolyn Smith
First Assistant Secretary
Office of Aged Care Quality and Compliance
1 October 2009