

Submission on a new model for  
regulating Aged Care:  
Consultation Paper no. 2

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## Overview

Volunteers are an essential but distinct component of Australia's aged care workforce.

We welcome the considered inclusion of volunteers in the new model for regulating aged care and the proposed risk-proportionate approach.

In this submission, we continue to argue that the development of the new model for regulating aged care needs to differentiate between paid and volunteer roles; that it needs to consider how it will reduce the regulatory burden on volunteers and promote and support volunteer engagement, while also ensuring positive cultural change across the aged care sector. To achieve this balance, we advocate for:

1. A risk-proportionate approach to worker screening for volunteers, reflected in implementation and provider practice.
2. A risk-proportionate and tailored approach to training and education for volunteers (specific to role and risk).
3. Reduced regulatory burden for volunteers for low-risk interactions (for example, supervised companionship visits).
4. Improved reporting and data to provide a clear picture of actual risk and allow for better risk-proportionate regulation, achieved through understanding the frequency and prevalence of any breaches and compliance issues by volunteers involved in aged care.
5. Continued consultation on the development of mechanisms that flow from the regulatory model, such as worker screening, with relevant volunteering stakeholders, including volunteers, the peak volunteering bodies and providers that engage volunteers.

In general, it is vital that volunteer roles are clearly differentiated from those of paid workers. This is to ensure that volunteers are not exploited and do not perform duties which are the responsibility of paid workers.

## Introduction

### About the new model for regulating aged care consultation process

The Australian Department of Health and Aged Care (the department) is leading the development of a wide range of reforms including a new Aged Care Act and regulatory model<sup>1</sup>. This follows several reviews into aged care, including the Royal Commission into Aged Care Quality and Safety<sup>2</sup>, which all found that the aged care system needs significant improvement.

Consultation Paper no.2 is the second in a series of consultation papers informing the development of the regulatory model. The first consultation paper set out a high-level, end-to-end picture of a

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<sup>1</sup> <https://www.health.gov.au/our-work/new-model-for-regulating-aged-care>

<sup>2</sup> <https://agedcare.royalcommission.gov.au/>

new model for regulating aged care. Consultation Paper no.2 builds on this with a focus on specific regulatory safeguards.

Feedback will inform refinement of the model for consideration by government and inform the drafting of the new aged care Act (the new Act). The new regulatory model will 'go live' when the new aged care Act commences.

The design of the regulatory model is occurring alongside related activities and reforms in the aged care sector. These include: reforming in-home aged care; aligning regulation across the care and support sectors, and the introduction of a compulsory Code of Conduct. We continue to engage with the department on matters relating to volunteers specifically as these reforms are developed.

### About this submission

This submission was drafted by Volunteering Australia in collaboration with the State and Territory peak volunteering bodies. It describes the roles that volunteers play in aged care and the scale of their involvement. This is important as the new regulatory model needs to work for this diverse and significant element of the workforce. It complements previous submissions concerning aged care and the wider care and support sector, most recently:

- Submission on the Aged Care data strategy<sup>3</sup>
- Submission on the Care and Support Sector Code of Conduct<sup>4</sup>
- Submission on Aligning Regulation across Aged Care, Disability Support, and Veterans' Care<sup>5</sup>
- Submission to the Royal Commission into Aged Care Quality and Safety<sup>6</sup>
- Submission on a New Regulatory Model for Aged Care<sup>7</sup>
- Submission on the new in-home Aged Care Program<sup>8</sup>
- Independent Capability Review of the Aged Care Quality and Safety-Commission<sup>9</sup>

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<sup>3</sup> <https://www.volunteeringaustralia.org/download/153/2022/30934/september-2022-submission-on-the-aged-care-data-strategy.pdf>

<sup>4</sup> <https://agedcareengagement.health.gov.au/blog/consultation-for-the-code-of-conduct-for-aged-care/>

<sup>5</sup> <https://www.volunteeringaustralia.org/download/154/2021/26964/december-2021-submission-on-aligning-regulation-across-the-care-and-support-sector.pdf>

<sup>6</sup> <https://www.volunteeringaustralia.org/download/142/2020/22701/july-2020-submission-to-the-royal-commission-into-aged-care-quality-and-safety.pdf>

<sup>7</sup> <https://www.volunteeringaustralia.org/download/153/2022/30935/october-2022-submission-on-a-new-model-for-regulating-aged-care.pdf>

<sup>8</sup> <https://www.volunteeringaustralia.org/download/153/2022/31550/november-2022-submission-on-a-new-program-for-in-home-aged-care-discussion-paper.pdf>

<sup>9</sup> <https://www.volunteeringaustralia.org/download/153/2022/31666/december-2022-independent-capability-review-of-the-aged-care-quality-and-safety-commission.pdf>

- Submission on the Exposure Draft of the Inspector-General Aged Care Bill.<sup>10</sup>
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## The National Strategy for Volunteering (2023-2033)

The new National Strategy for Volunteering (2023–2033) is a ten-year blueprint for a reimagined future for volunteering in Australia. It is the first National Strategy for Volunteering in a decade, providing a strategic framework for enabling safe, supported, and sustainable volunteering. The National Strategy for Volunteering was developed through a 12-month co-design process with members of the volunteering ecosystem.<sup>11</sup>

The reform of Australia’s aged care system, which includes working towards recommendation 44 of the Royal Commission into Aged Care Quality and Safety, specifically relating to volunteers, should consider alignment with the National Strategy for Volunteering. Two of the Strategy’s strategic objectives are particularly relevant:

- Strategic Objective 1.1: Focus on the Volunteer Experience
- Strategic Objective 1.2: Make Volunteering Inclusive and Accessible

## Volunteers in Aged Care

Volunteers contribute in significant and diverse ways across aged care.

The 2016 National Aged Care Workforce Census and Survey<sup>12</sup> estimated that volunteers were engaged extensively across aged care, with 83 per cent of residential facilities and 51 per cent of home care and home support outlets engaging the services of volunteers.

The roles volunteers undertake differ across residential and home aged care. For example, volunteers are more likely to undertake ‘shopping/appointment assistance’ and ‘meal-preparation assistance’ in home aged care than in residential facilities. Community aged care providers are more likely to engage volunteers in ‘transport assistance’ than residential aged care providers. The more recent 2020 Aged Care Census<sup>13</sup> revealed that volunteers were disproportionately affected by the COVID-19 pandemic compared to the paid workforce, with volunteer activity decreasing significantly and not yet returning to pre-pandemic levels. Earlier in 2022, volunteering peak bodies in each State and Territory worked with the Australian Department of Health and Aged Care to re-engage volunteers in residential aged care facilities.

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<sup>10</sup> <https://www.volunteeringaustralia.org/download/199/2023/37852/january-2023-submission-to-exposure-draft-of-the-inspector-general-of-aged-care-bill.pdf>

<sup>11</sup> <https://volunteeringstrategy.org.au/the-strategy/>

<sup>12</sup> <https://www.health.gov.au/sites/default/files/documents/2021/10/2020-aged-care-workforce-census.pdf>

<sup>13</sup> <https://www.health.gov.au/resources/publications/2020-aged-care-workforce-census>

There remains a significant challenge to reinvigorate volunteering across aged care; with the consideration of volunteering as part of ongoing reforms an important opportunity to facilitate this.

## About the new model for regulating aged care

The consultation paper proposes a new model that will place older people in Australia at the centre of regulation, increasing protections and empowering them to exercise their rights in the context of a reformed and improved aged care system. These rights are expected to be outlined in a Statement of Rights to be included in the new Act.

Under the new model, regulation will be proportionate to the risks being addressed and support continuous improvement in the sector. The new model's four foundations build an approach that is:

- rights-based
- person-centred
- risk-proportionate
- focused on continuous improvement
- and applies obligations on providers that are proportionate to the risks and characteristics of the services they deliver.

A range of regulatory tools and functions will be used to help achieve these aims (annex 1). The tools are arranged across the following four groupings called 'safeguards':

- **Supporting quality care** – focuses on working with providers and helping the sector to lift the quality and safety of aged care service delivery
- **Becoming a provider** – the way entities will become an aged care provider and demonstrate they remain suitable to continue delivering services to older people
- **Responsibilities of a provider** – the obligations providers must meet to facilitate the delivery of high quality care and enhance the protections, rights and delivery of services provided to older people
- **Holding providers accountable** – the ways in which outcomes for older people will be achieved by facilitating high quality care and deterring poor performance through monitoring, compliance, and enforcement activities.

## Volunteers and the new regulatory model

### Safeguards

Of the four 'safeguard' streams proposed in the model, three cover areas which directly impact volunteers: supporting quality care, responsibilities of a provider and holding providers accountable.

### Supporting Quality Care

This safeguard includes building workforce capacity and continuous improvement through education and training. We support the overall goal to build a safe and skilled workforce and continuous improvement in the sector. However, the regulatory and training burden for volunteers, particularly in low-risk scenarios such as supervised companionship visits, must be proportionate to the risks and education requirements being addressed. It is critical that training is, where possible, role specific, practical and tailored to ensure that volunteers will want to continue giving their time to the sector.

### Responsibilities of a provider

This safeguard includes the worker registration, screening and code of conduct provisions. Paid and volunteer workers remain undifferentiated in the model and it is understood that the code of conduct and basic worker screening requirements already, or will, apply to all workers including volunteers.

Volunteers are different from paid workers in their role types, obligations and work expectations. Our main concern has always been for volunteers to be considered as an essential, but distinct, component of the aged care workforce.

While the continued lack of differentiation is not ideal for recruiting and retaining volunteers, particularly in low-risk roles, there is potential to mitigate this through the careful implementation of the risk-proportionate approach.

It will be critical to ensure the risk-proportionate approach is clearly communicated to providers in terms of allowable streamlined ways to engage and retain volunteers in practice. This will avoid a scenario where screening is applied in a blanket manor to the highest possible level, becoming a deterrent for volunteers seeking low-risk roles. It will also ensure the regulatory burden on volunteer engagement is lightened where appropriate.

This approach will be aided by supporting guidance on what are acceptable tasks and activities for volunteers, which could be co-designed by the Department of Health and Aged Care, Volunteering Australia and the volunteering peak bodies.

### Holding providers accountable

This safeguard includes risk-based monitoring by connecting information and intelligence to 'prevent, detect and correct risk.' With mandatory provider reporting of breaches and compulsory compliance now factored into the new system, there is an opportunity to improve reporting and

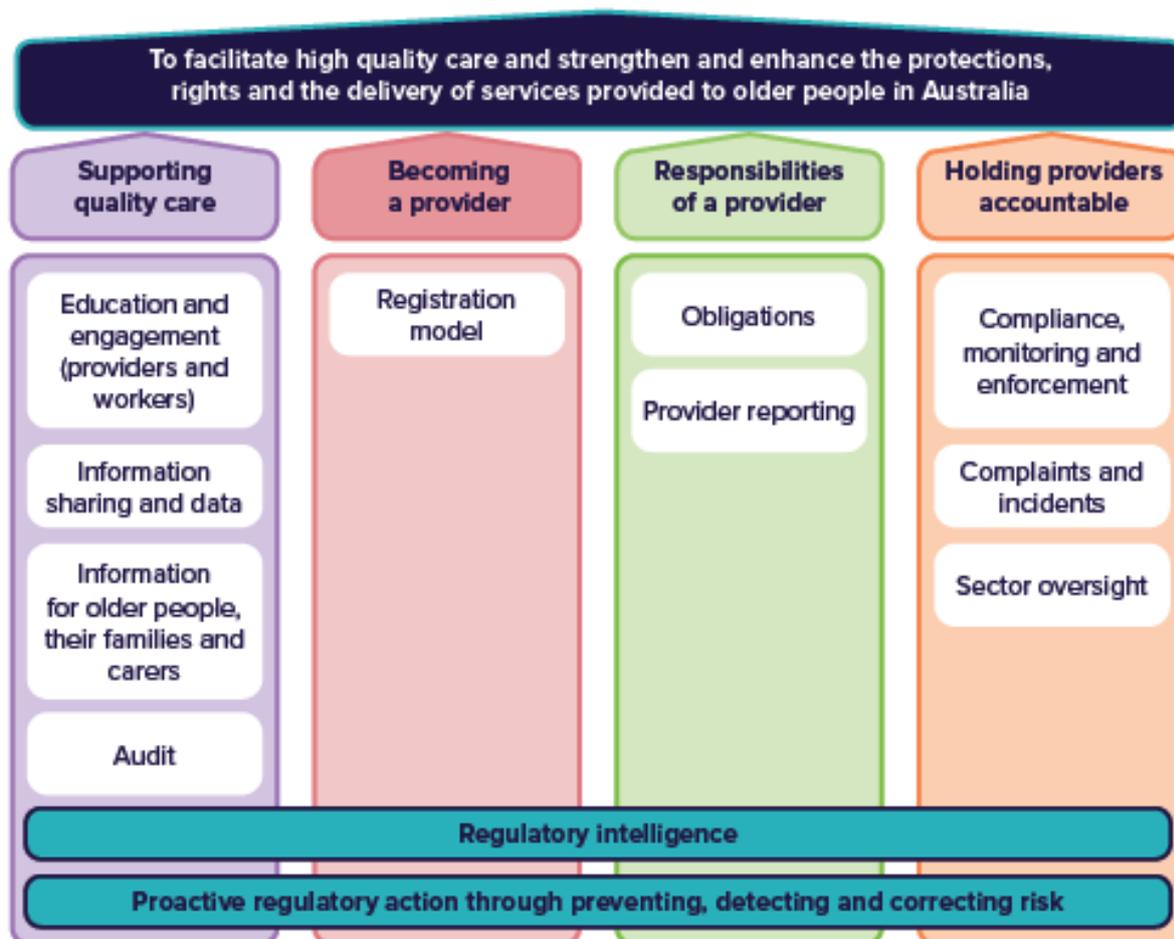
data collection overall to better inform a risk-proportionate approach. There is no data on the prevalence of breaches involving volunteers in aged care, either contemporary or historical. Risks posed by volunteers were not highlighted by the Royal Commission into Aged Care. Collecting a sub-set of workforce data, about volunteers, will allow better understanding of the risk environment and any breaches involving volunteers in aged care. This can in turn inform risk-proportionate screening, training and regulation. This will also need to be openly and respectfully communicated to aged care volunteers.

## Recommendations

Based on consideration of the proposed regulatory model and our ongoing consultations with the department, we recommend:

1. A risk-proportionate approach to worker screening for volunteers in the implementation of the new regulatory model, reflected in provider practice.
2. A risk-proportionate and tailored approach to training and education for volunteers (specific to role and risk). Alongside required training requirements, providers should also be encouraged to provide/broker optional or best practise training for volunteers (for example on dementia awareness or inclusion and diversity practices).
3. Reduced regulatory burden for volunteers for low-risk interactions.
4. Improved reporting and data to provide a clear picture of risk. Including a sub-set of workforce data, about volunteers, to better understand the risk environment and prevalence of breaches involving volunteers in aged care. This will allow for informed risk-proportionate screening, training and regulation.
5. Continued consultation on the development of mechanisms that flow from the regulatory model, such as worker screening, with relevant volunteering stakeholders, including volunteers, the peak volunteering bodies and providers that involve volunteers.

### Annex 1 The safeguards and regulatory tools that support the new model



## Authorisation

This submission has been authorised by the Chief Executive Officer of Volunteering Australia.



Mr Mark Pearce

Chief Executive Officer

## Endorsements

This position statement has been endorsed by the seven State and Territory volunteering peak bodies.



## About Volunteering Australia

Volunteering Australia is the national peak body for volunteering, working to advance volunteering in the Australian community. The seven State and Territory volunteering peak bodies work to advance and promote volunteering in their respective jurisdictions and are Foundation Members of Volunteering Australia.

Volunteering Australia's vision is to promote a strong, connected, and resilient Australian community through volunteering. Our mission is to lead, strengthen, and celebrate volunteering in Australia.

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