

30 January 2026

Committee Secretary  
Senate Standing Committees on Community Affairs (Legislation Committee)  
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Parliament House  
Canberra ACT 2600  
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To the Proper Officer,

**UWU Submission to Review of Aged Care Rules 2025**

*Acknowledgement of Country*

*We acknowledge and respect the continuing spirit, culture, and contribution of Traditional Custodians on the lands where we work, and pay respects to Elders, past and present. We extend our respects to Traditional Custodians of all the places that United Workers Union members live and work around the country.*

**About United Workers Union:**

*United Workers Union (UWU) is a powerful union with 150,000 workers across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops. We are proud of the work we do – our paramedic members work around the clock to save lives; early childhood educators are shaping the future of the nation one child at a time; supermarket logistics members pack food for your local supermarket and farms workers put food on Australian dinner tables; hospitality members serve you a drink on your night off; aged care members provide quality care for our elderly and cleaning and security members ensure the spaces you work, travel and educate yourself in are safe and clean.*

UWU appreciates the opportunity to provide input into the Review of the Aged Care Rules specified under section 602(12) of the *Aged Care Act 2024* and acknowledges the Committee's extension of time to make this submission.

UWU supports the Act's person-centred approach and its strong emphasis on the right of older Australians to receive high-quality care. To ensure that this vision is realised, both the Act and the *Aged Care Rules 2025* must recognise the central role of aged care workers in delivering safe and effective care by implementing mechanisms that support worker voice and the transparent oversight of quality care.

While the Rules have a range of potential impacts for aged care workers and care recipients, UWU's submission will focus on the Rules relating to the following sections of the Act:

- **Section 14: Aged Care Code of Conduct**
- **Section 15: Aged Care Quality Standards**

The **Aged Care Code of Conduct** sets behavioural expectations for providers, workers, and responsible persons. In section 14-5 of the Rules, the Code's list of requirements includes obligations to:<sup>1</sup>

- deliver services safely and competently.
- act with integrity, honesty, and transparency.
- raise and act on concerns related to quality and safety.

The **Aged Care Quality Standards** require providers to establish systems and cultures that enable aged care workers to deliver high-quality care. Key outcomes under Rules section 15-15 (Standard 2—The organisation) include:<sup>2</sup>

- **Outcome 2.2a** – fostering a culture of quality, safety, and inclusion.
- **Outcome 2.6a** – enabling workers to provide complaints and feedback.
- **Outcome 2.8** – undertaking effective workforce planning to meet current and future needs.

The Rules on the Code and the Quality Standards need to explicitly consider the challenges home care workers face when trying to raise concerns about care quality and safety, as well as providing complaints and feedback. The proliferation of unreliable providers seeking to make quick profits out of home care packages (HCPs) has degraded quality care in home care. Isolated and underpaid home care workers are not in a realistic position to 'raise concerns' or provide complaints' about providers who get close to criminal behaviour.<sup>3</sup> In this situation, it is government that proactively needs to stop allocating HCPs to dubious home care providers. A fully resourced regulator should be rigorously assessing the ability of potential providers to adhere to Codes and achieve Quality Standards.

Many UWU members report intimidation or hostility when attempting to raise concerns, particularly in poorly managed services. So, while the Code and the Standards want workers to raise concerns, or provide complaints, the power imbalance in workplaces makes this difficult to achieve in practice.

To enforce conduct and outcomes, the Act continues to rely heavily on punitive measures with substantial penalties that can fall disproportionately on individual workers - who are low-paid and hold limited decision-making authority. For example, a breach of the Code of Conduct under section 173 of the Act may result in a civil penalty of 250 penalty units (currently \$330 each), which could consume the full year's wages of many aged care workers. The *Royal Commission into Aged Care Quality and Safety* recommended that aged care workers, other than key personnel, should *not* be subject to civil penalties of this nature.<sup>4</sup> Penalties on workers should be removed from the Act entirely. It is the employer (the provider) who has full control over how a service delivers quality care and should be held fully responsible by government.

Many providers continue to underperform on core standards such as mandatory care minute targets, despite receiving full funding. According to the UTS Ageing Research Collaborative's most recent report for 2025, approximately four in ten residential aged care homes remain non-compliant with at least one care minute target.<sup>5</sup>

The government has sought to address this situation through changes to the AN-ACC funding model. From April 2026, up to \$33.41 per resident per day in Base Care Tariff (BCT) funding will be withheld from homes that have not been meeting their care targets.<sup>6</sup> While the government is justified in acting improve accountability, reducing funding risks worsening chronic understaffing and increasing pressure on workers where providers fail to act.

A better approach to improving care quality would create formal mechanisms that allow aged care workers to participate meaningfully in oversight and continuous improvement. The *First Reading* version of the *Aged Care Bill 2024* included provisions for a **Worker Voice Advisory Body (WVAB)**—a model that would allow workers to raise concerns, provide structured feedback to governing bodies, and access the data necessary to monitor care quality.<sup>7</sup>

Reinstating WVABs within the Act would ensure aged care workers have a key role in monitoring the implementation of care time minutes and assist in fulfilling the requirements and outcomes of the Code and the Quality Standards. WVABs should have access to all the information they require to undertake this role effectively. Worker Voice is central to ensuring that aged care workers themselves have a direct role in monitoring the performance and behaviour of the providers for whom they work. Without a Worker Voice, unscrupulous providers can more readily manipulate care time reporting to cover up their already scandalously bad record on mandated care minutes. The enforcement of care minutes will be weak, and there will be poorer outcomes for residents.

Transparent, evidence-based staffing decisions are essential to ensuring providers meet their mandatory care-time targets. Public disclosure in real time of how providers determine the number of care workers required, including the data, assumptions, and workforce-planning methods used, would enable aged care workers, along with care recipients and their families, to assess whether staffing levels genuinely align with resident needs. When workers have access to this information and can raise concerns through a WVAB, they can identify discrepancies between reported staffing models and the realities on the floor, provide informed feedback, and support providers to correct shortfalls early.

#### **UWU Recommendations on Rules for s14 and s15 of the Aged Care Act 2024**

- **Remove the penalties** that impact low-paid aged care workers.
- **Amend the Aged Care Act to introduce Worker Voice Advisory Bodies (WVABs)** to strengthen compliance with the Code of Conduct and the Quality Standards.
- **Require providers to publicly disclose real-time care-quality and staffing data**, including the basis on which staffing levels are calculated, and the number of staff they need to deliver on their mandated care targets, to enable oversight by WVABs, care recipients, their families, and the broader community.

Thank you for the opportunity to make these recommendations. For more information, please contact Tim Dymond, Senior Research Analyst, at [tim.dymond@unitedworkers.org.au](mailto:tim.dymond@unitedworkers.org.au).

Regards



**Catalina Gonzalez**

National Director Aged Care

**United Workers Union**

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<sup>1</sup> Aged Care Rules 2025 <https://www.legislation.gov.au/F2025L01173/asmade/text>

<sup>2</sup> Ibid.

<sup>3</sup> 'Aged home care package changes set off cash conflict between providers and suppliers', *ABC* (4 December 2025) <https://www.abc.net.au/news/2025-12-04/home-care-package-kickbacks-row-between-providers-suppliers/106095962>

<sup>4</sup> Royal Commission into Aged Care Quality and Safety, *Final Report*, Volume 3B, p.532  
<https://www.royalcommission.gov.au/aged-care/final-report>

<sup>5</sup> Ma, N., Yang, J.S., Lin, J., Malady, L., Sutton, N., Woods, M., Carnemolla, P. and Lorber-Kasunic, J. (2025), *Australia's Aged Care Sector: Full-Year Report (2024-25)*, UTS Ageing Research Collaborative, p 101  
[https://figshare.uts.edu.au/articles/report/Australia\\_s\\_Aged\\_Care\\_Sector\\_Full-Year\\_Report\\_2024-2025/30816452](https://figshare.uts.edu.au/articles/report/Australia_s_Aged_Care_Sector_Full-Year_Report_2024-2025/30816452)

<sup>6</sup> Ibid., p 102.

<sup>7</sup> Aged Care Bill 2024 (First reading), pp 167-8  
<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbills%2Fr7238%2Ffirst-reps%2F0000%22;rec=0>