

**Submission by the Australian Nursing and Midwifery Federation**

**ANMF Response to the Office of the Interim Inspector-General of Aged Care's regarding their report on the implementation of recommendations of the Royal Commission into Aged Care Quality and Safety**

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**Australian  
Nursing &  
Midwifery  
Federation**



**Annie Butler**  
**Federal Secretary**

**Lori-Anne Sharp**  
**Federal Assistant Secretary**

**Australian Nursing and Midwifery Federation**  
**Level 1, 365 Queen Street, Melbourne VIC 3000**  
**E: [anmffederal@anmf.org.au](mailto:anmffederal@anmf.org.au)**  
**W: [www.anmf.org.au](http://www.anmf.org.au)**



## About the ANMF

The Australian Nursing and Midwifery Federation (ANMF) is Australia's largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF's eight state and territory branches, we represent the professional, industrial and political interests of more than 320,000 nurses, midwives and carers across the country.

Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, fulfil their professional goals and achieve a healthy work/life balance.

Our strong and growing membership and integrated role as both a professional and industrial organisation provide us with a complete understanding of all aspects of the nursing and midwifery professions and see us uniquely placed to defend and advance our professions.

Through our work with members, we aim to strengthen the contribution of nursing and midwifery to improving Australia's health and aged care systems, and the health of our national and global communities.

ANMF members work across all settings in which aged care is delivered, including over 45,000 direct aged care workers. Many more deliver health care to older people moving between health care settings (acute, residential, community and in-home care), depending on their health needs. Being at the centre of care delivery makes them ideally placed to determine risk to people receiving care and make recommendations.

## Introduction

The ANMF welcomes the opportunity to provide feedback to the Office of the Interim Inspector-General of Aged Care's regarding their report on the implementation of recommendations of the Royal Commission (the Commission) into Aged Care Quality and Safety prepared at the request of the Minister for Aged Care and Sport, the Hon Anika Wells MP. Overall, the ANMF is pleased to see that the Federal Government has made genuine progress and achieved much in terms of beginning to respond to and address the recommendations of the Commission since forming government. Key achievements strongly welcomed by the ANMF include mandated 24/7 registered nursing presence in all nursing homes, the 15 per cent wage increase for aged care workers as ordered by the Fair Work Commission as a first stage in adequately remunerating aged care staff, legislated minimum direct care time standards



in residential aged care, progress towards improvements to the diet and nutrition provided to older people in nursing homes, and work around improving funding transparency and accountability for the use of funds by approved providers. While these are excellent signs of progress towards addressing each of the Commission's recommendations, none will work singly to fix the long-standing aged care crisis. This is the first time in over two decades that a Government has shown genuine commitment to real changes including visible and tangible recognition of the value of aged care nurses and care workers. This also demonstrates that the Government also values and support the vulnerable older people who access the Australian aged care system.

As the implementation of the Commission's recommendations progress, the ANMF has worked and will continue to work with the Government to action real change. This will include ongoing monitoring of the process of providers passing on funding in full as wage increases. The ANMF will also continue to work with the Government on accountability and transparency for the taxpayer funding dedicated to wage increases to ensure it is used solely for its intended purpose – a long overdue and very well-deserved wage increases for aged care workers.

In progressing towards full implementation of the Commission's recommendations, the ANMF commends the Federal Government for their commitment to fixing aged care thus far. We also acknowledge there is much more to be done; however, these are critical first steps in acknowledging the true worth of aged care workers who have been undervalued for their complex work. The reforms thus far will help retain and recruit nurses and carers to the sector and ultimately ensure that older Australians get the quality care they deserve. More work is required, and many more recommendations must be actioned in synchrony to ensure a sustainable, safe, and high-quality aged care sector that supports effective, dignified care as well as the health, safety, and wellbeing of the hardworking staff that ensure the sectors' continued operation.

## Feedback on the implementation of recommendations

The ANMF understands that the Office of the Interim-Inspector General of Aged Care intends to approach the provision of advice on the Royal Commission recommendations in a two-stage process. Stage 1 involves the preparation of an initial implementation report focussed primarily on the financial sustainability in the sector and consumer contributions to be delivered to the Minister by 31 July to assist the Taskforce. Stage 2, which is to be progressed later in the year, will be a more comprehensive report informed by extensive and detailed engagement with stakeholders and involving substantial qualitative assessment of the impact of implementation of the Royal Commission's recommendations.



The ANMF recommends that the Government develop and release a clear and detailed implementation report and timeline that clearly describes the Government's progress in terms of each recommendation noting that Recommendation 145 of the Commission is development of a 'report on recommendations' that the current Government has indicated has been completed by the previous Government which could now be considered out of date and redundant in terms of the current Government's progress and future plans.

The ANMF has completed the attached spreadsheet (noting that the spreadsheet appears to have been developed some weeks or months past and thus might not be up to date) with our views regarding the Department's assessment of its implementation progress. Overall, we note that many recommendations are marked as 'In Progress' with little to no up to date details regarding their current status. Here, the ANMF would require clearer and more detailed descriptive information and timelines to more readily evaluate how work toward responding to the Commission's recommendations are tracking in terms of timeliness, effectiveness, and appropriateness particularly when it comes to establishing the extent to which delivery on the recommendations has been actioned in real world terms across Australia's aged care sector. Here, while the ANMF has most frequently indicated that we agree with the Government's assessment on progress, particularly where the Government's position is that delivery on the recommendation is 'in progress', it is important to highlight that we cannot currently adequately evaluate the true extent or effectiveness of that progress owing to the scant detail provided in terms of specifics, timelines, and real world impact.

Additionally, the ANMF notes that several recommendations have been marked as 'Closed' or 'Completed' with no explanation regarding the terminological difference between the two statuses. More importantly however, is that a number of these recommendations are, in the ANMF's view and in line with the steps described by the Government to implement the recommendation, ongoing. For example, Recommendation 24 pertains to the newly implemented Star Rating system. It is acknowledged by the Government that this piece of work must be iteratively enhanced as new data sources become available. As such, the status of this recommendation should be 'in progress' rather than 'completed'. Likewise, ongoing monitoring and evaluation must occur to ensure that the system which largely replicates that which is used in the United States, is fit for purpose, effective, and appropriate for the Australian aged care sector and consumers.



The ANMF maintains that aged care is a social good with the primary aim of supporting older Australians with high quality and safe aged care services in a dignified, respectful, and person-centred way. While aged care continues to be largely privatised and market driven, it is likely there will be an ongoing tension between aged care providers and social expectations of what aged care should be. Transparent and detailed reporting by the Government in terms of the details of delivery on the Commission's recommendations and a comprehensive timeline both retrospectively and prospectively in terms of progress and future planning is necessary to monitor and course correct, if necessary, to ensure that the widespread reform agenda and implementation roll-out is achieving our nation and the community's aims for the sector.

The ANMF understands that the financial sustainability of the sector and providers operating within it is of importance. This is particularly the case in thin markets where consumers have little choice between providers and the closure of a nursing home due to lack of financial sustainability can have dire consequences for residents, families, staff, and the wider community. Referring to the Quarterly Financial Snapshot of the Aged Care Sector - Quarter 2 2022-23 (October to December 2022), the December 2022 year-to-date results show an improvement in the overall financial performance of the residential aged care sector of \$7.66 per resident per day on the September year-to-date position following the introduction of AN-ACC. While some providers are still operating at a loss, overall, this suggests that the proportion of aged care providers making a loss has fallen.

Fewer residential aged care providers reported negative earnings before interest, tax, depreciation, and amortisation (EBITDA). The December 2022 year-to-date percentage of providers reporting negative EBITDA was 35 per cent, down from 49 per cent at September 2022 year-to-date and an estimated 27 per cent of providers reported a negative EBITDA in quarter 2. Other key results revealed a slight increase in care minutes being delivered in the lead up to care minutes targets becoming mandatory from 1 October 2023, however apart from Government providers, other providers are still not performing. In terms of in-home aged care, the December 2022 year-to-date net profit before tax result decreased for home care providers. Further, the percentage of profitable home care providers decreased to 73.8 per cent, down from 78.4 per cent reported September 2022 year-to-date. Profitable providers appear to be caring for an increased percentage of residents/ care recipients.



The ANMF believes every older Australian has a right to safe, dignified care and that taxpayers' contributions to funding aged care companies must be directed to ensuring the provision of that care to their residents. The ANMF has been vocal and active in ensuring that funds paid to approved aged care providers for the delivery of care for residents (including via payment of reasonable wages to staff) are accountably and transparently used for their stated purposes. We recognise that the Government is working towards improving accountability and transparency on the part of providers via a range of responses to various recommendations put forward by the Commission and that this work is ongoing. Given a major thrust of the aged care reforms and Recommendations from the Commission is increased scrutiny, transparency and accountability of aged care providers, the complexity of aged care provider corporate structures requires review.

The ANMF suggests that there is scope for regulatory intervention to ensure that aged care provider corporate structures are clearly visible and are organised to maximise the effectiveness of public funding for care rather than minimising tax liabilities and public scrutiny. The ANMF sees this as a key component of gaining insight into the financial sustainability of providers and the market as whole, as without this degree of transparency, proper monitoring for performance is not possible.

## Recognising enrolled nurses in aged care

One area where the Commission's recommendations did not provide a suitable level of detail nor direction regards recognising and supporting the important role and contribution that enrolled nurses have in the Australian aged care sector. As enrolled nurses were largely overlooked in the Commission's final report and recommendations, an evaluation of the implementation of the Government's performance regarding responses to the Commission's recommendations also risks obfuscating this vital component of the aged care workforce. With a growing population of older Australians, an increasing number and proportion of nursing home residents have complex care needs, polypharmacy, dementia,



mental health care needs, chronic and acute conditions, functional disabilities, and frailty.<sup>1,2,3,4,5,6,7</sup> Nursing homes need the right number of staff with the right education and skills to care for older people with diverse clinical needs and preferences. This demands that nurses should make up at least half of the direct care workforce with 30 percent registered nurses and 20 percent enrolled nurses supported by no more than 50 percent personal care workers.

The ANMF is concerned by the apparent substitution of ENs by unregulated PCWs within the nursing home workforce which appears to be occurring in various nursing homes around Australia including in Tasmania and South Australia.<sup>8</sup> This de-professionalisation the workforce effectively replaces more highly educated and regulated health professionals with workers who are less highly educated in healthcare, cheaper to employ, and not accountable regulatory standards and oversight.<sup>9,10</sup> The Royal Commission into Aged Care Quality and Safety (the Commission) heard that by 2050, the provision of best-practice nursing home care will require over 23,170 enrolled nurses who will be under particularly significant pressure as care requirements in the sector rise.<sup>11</sup> While a widespread lack, and even decline,

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<sup>1</sup> Australian Institute of Health and Welfare (AIHW). People's care needs in aged care [Online]. Canberra: Australian Government. 2021. Available: <https://www.gen-agedcaredata.gov.au/Topics/Care-needs-in-aged-care> (Accessed 27 July 2021).

<sup>2</sup> Kojima G. Prevalence of Frailty in Nursing Homes: A Systematic Review and Meta-Analysis. *J Am Med Dir Assoc*. 2015;16(11):940-5.

<sup>3</sup> Harrington C, Dellefield ME, Halifax E, Fleming ML, Bakerjian D. Appropriate Nurse Staffing Levels for U.S. Nursing Homes. *Health Serv Insights*. 2020;29(13):1178632920934785.

<sup>4</sup> IBID.

<sup>5</sup> Australian Institute of Health and Welfare (AIHW). People using aged care [Online]. Canberra: Australian Government. 2021. Available: <https://www.gen-agedcaredata.gov.au/Topics/People-using-aged-care> (Accessed 12 August 2021).

<sup>6</sup> Harrison SL, Lang C, Whitehead C, Crotty M, et al. Trends in Prevalence of Dementia for People Accessing Aged Care Services in Australia. *J Gerontol A Biol Sci Med Sci*. 2020;75(2):318-325.

<sup>7</sup> Australian Institute of Health and Welfare (AIHW). Depression in residential aged care 2008-2012 [Online]. Canberra: Australian Government. 2013. Available: <https://www.aihw.gov.au/reports/aged-care/depression-in-residential-aged-care-2008-2012/contents/table-of-contents> (Accessed 12 August 2021).

<sup>8</sup> Tune D. Legislated Review of Aged Care 2017 Report [Online]. Canberra: Australian Government Department of Health. 2017. Available: <https://www.health.gov.au/resources/publications/legislated-review-of-aged-care-2017-report> (Accessed 19 Oct 2021).

<sup>9</sup> Wise S. Staffing policy in aged care must look beyond the numbers. *Aust Health Rev*. 2020;44:829-30.

<sup>10</sup> Australian Government Department of Health. 2020 Aged Care Workforce Census [Online].

<sup>11</sup> Deloitte Access Economics. Research Paper 11 - Aged Care Reform: Projecting Future Impact. Royal Commission into Aged Care Quality and Safety, Commonwealth of Australia. 2020. Canberra: Australian Government. 2021. Available: <https://www.health.gov.au/resources/publications/2020-aged-care-workforce-census> (Accessed 19 Oct 2021).





of sufficient numbers of enrolled nurses predates 2020,<sup>12</sup> enrolled nurses are and will remain a vital component of Australia's direct care workforce in aged care.<sup>13,14,15</sup>

Enrolled nurses are integral, valued members of the aged care nursing team. Without sufficient direct care numbers and the right skills mix of enrolled nurses in nursing homes, care is delayed, rushed, or missed altogether especially overnight when staffing levels and skills mix are often lowest.<sup>16,17</sup> Without enrolled nurses, there are many tasks and activities that cannot be safely or legally carried out by unregulated personal care workers.<sup>18</sup> Personal care workers rely on both registered nurses and enrolled nurses to provide guidance, support, and clinical care. Registered nurses and enrolled nurses work together in complementary roles to provide safe, efficient and high-quality nursing care in nursing homes. They collaborate with residents, families, and loved ones to plan, implement, and evaluate integrated care to ensure safety, quality, and best outcomes.

Despite the considerable contribution of enrolled nurses within Australia's nursing home sector, their value and importance appear to have been largely overlooked in recent reports.<sup>19,20</sup> The Commission's

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<sup>12</sup> Eagar K, Westera A, Snoek M, Kobel C, Loggie C and Gordon R. How Australian residential aged care staffing levels compare with international and national benchmarks [Online]. Centre for Health Service Development, Australian Health Services Research Institute, University of Wollongong. 2019. Available:

<https://agedcare.royalcommission.gov.au/system/files/2020-06/AHS.0001.0001.0001.pdf> (Accessed 27 July 2021).

<sup>13</sup> Australian Government Department of Health. 2020 Aged Care Workforce Census [Online].

<sup>14</sup> Deloitte Access Economics. Research Paper 11 - Aged Care Reform: Projecting Future Impact. Royal Commission into Aged Care Quality and Safety, Commonwealth of Australia. 2020. Canberra: Australian Government. 2021. Available: <https://www.health.gov.au/resources/publications/2020-aged-care-workforce-census> (Accessed 19 Oct 2021).

<sup>15</sup> Mavromaras K, Knight G, Isherwood L, Crettenden A, et al. The Aged Care Workforce 2017 [Online]. Canberra: Australian Government Department of Health. 2017. Available: [https://gen-agedcaredata.gov.au/www\\_ahwgen/media/Workforce/The-Aged-Care-Workforce-2016.pdf](https://gen-agedcaredata.gov.au/www_ahwgen/media/Workforce/The-Aged-Care-Workforce-2016.pdf) (Accessed 27 July 2021).

<sup>16</sup> Mavromaras K, Knight G, Isherwood L, Crettenden A, et al. The Aged Care Workforce 2017 [Online]. Canberra: Australian Government Department of Health. 2017. Available: [https://gen-agedcaredata.gov.au/www\\_ahwgen/media/Workforce/The-Aged-Care-Workforce-2016.pdf](https://gen-agedcaredata.gov.au/www_ahwgen/media/Workforce/The-Aged-Care-Workforce-2016.pdf) (Accessed 27 July 2021).

<sup>17</sup> Australian Nursing and Midwifery Federation (ANMF). ANMF National Aged Care Survey 2019 – Final Report [Online]. Melbourne: Victoria: ANMF (Federal Office). 2019. Available: [http://anmf.org.au/documents/reports/ANMF\\_Aged\\_Care\\_Survey\\_Report\\_2019.pdf](http://anmf.org.au/documents/reports/ANMF_Aged_Care_Survey_Report_2019.pdf) (Accessed 13 Oct 2021)

<sup>18</sup> Nursing and Midwifery Board of Australia (NMBA). Enrolled Nurse Standards for Practice [Online]. Melbourne: NMBA. 2016. Available: <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards/enrolled-nurse-standards-for-practice.aspx> (Accessed 27 July 2021).

<sup>19</sup> Aged Care Workforce Taskforce. A Matter of Care: Australia's Aged Care Workforce Strategy [Online]. Australian Government Department of Health. Available: <https://www.health.gov.au/resources/publications/a-matter-of-care-australias-aged-care-workforce-strategy> (Accessed 13 Oct 2021).

<sup>20</sup> Committee for Economic Development of Australia (CEDA). Duty of Care: Meeting the Aged Care Workforce Challenge [Online]. Melbourne: CEDA. Available: <https://www.ceda.com.au/ResearchAndPolicies/Research/Health-Ageing/Duty-of-care-Meeting-the-aged-care-workforce-chall> (Accessed 13 Oct 2021).



final recommendations for sector-wide reform included limited mention of enrolled nurses, and disappointingly has conflated the role of enrolled nurses and personal care workers in terms of the minimum staff time standards for nursing homes.<sup>21</sup>

For example, at Recommendation 86.2 *'Minimum staff time standard for residential care'* the Royal Commission recommended that:<sup>22</sup>

*"...[f]rom 1 July 2022, the minimum staff time standard should require approved providers to engage registered nurses, enrolled nurses, and personal care workers for at least 200 minutes per resident per day for the average resident, with at least 40 minutes of that staff time provided by a registered nurse."*

Here, and at Recommendation 86.4, staff time standards for enrolled nurses and personal care workers have been combined which risk providers further eroding the roles and employment of enrolled nurses in nursing homes.

While the Federal Government has responded to Recommendation 86, little work has occurred to ensure that enrolled nurses are recognised as contributing to the minimum time standards.

The ANMF recommends that there must be immediate legislative change to mandate a minimum time standard for direct care staff that includes clear specification of the enrolled nurses role and contribution. The ANMF recommends that Australia's direct care workforce in nursing homes should be made up of 30 percent registered nurses, 20 percent enrolled nurses, and 50 percent personal care workers.<sup>23,24</sup> This position is in line with the position of the International Council of Nurses (ICN),<sup>25,26</sup> and supported by peak

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<sup>21</sup> Royal Commission into Aged Care Quality and Safety. Final Report: Care, Dignity and Respect [Online]. Canberra: Commonwealth of Australia. 2021. Available: <https://agedcare.royalcommission.gov.au/publications/final-report> (Accessed 13 Oct 2021).

<sup>22</sup> IBID. [12]

<sup>23</sup> Australian Nursing and Midwifery Federation (ANMF). Real Change for Aged Care...It's not too much to ask: How Australia can implement mandatory minimum staffing levels and skills mix in nursing homes [Online]. Melbourne: ANMF. 2021. Available: [https://www.anmf.org.au/documents/Real\\_Change\\_For\\_Aged\\_Care.pdf](https://www.anmf.org.au/documents/Real_Change_For_Aged_Care.pdf) (27 July 2021).

<sup>24</sup> Willis E, Price K, Bonner R, Henderson J, Gibson T, Hurley J, et al. Meeting residents' care needs: A study of the requirement for nursing and personal care staff [Online]. Melbourne: ANMF. 2016. Available: [http://www.anmf.org.au/documents/reports/National\\_Aged\\_Care\\_Staffing\\_Skills\\_Mix\\_Project\\_Report\\_2016.pdf](http://www.anmf.org.au/documents/reports/National_Aged_Care_Staffing_Skills_Mix_Project_Report_2016.pdf) (Accessed 27 July 2021).

<sup>25</sup> International Council of Nurses (ICN) Evidence-based nurse staffing – ICN Position Statement [Online]. Geneva: ICN. 2009. Available: [https://www.icn.ch/sites/default/files/inline-files/PS\\_C\\_%20Evidence%20based%20safe%20nurse%20staffing\\_1.pdf](https://www.icn.ch/sites/default/files/inline-files/PS_C_%20Evidence%20based%20safe%20nurse%20staffing_1.pdf) (Accessed 30 July 2021).

<sup>26</sup> Saudi Patient Safety Centre (SPSC); International Council of Nurses (ICN). Nurse staffing levels for patient safety and workforce safety – SPSC and ICN White Paper [Online]. Riyadh, Saudi Arabia: SPSC and ICN. 2019. Available: <https://www.icn.ch/sites/default/files/inline->



professional bodies including the Australian Medical Association (AMA), the Royal Australian College of General Practitioners (RACGP), and the Australian and New Zealand Society for Geriatric Medicine (ANZSGM).<sup>27,28,29</sup>

The ANMF's staffing and skills mix implementation plan provides the best approach for Australian nursing homes to be able to provide safe, quality care to residents now and in the future. Adopting the ANMF's implementation plan will not only ensure that Australian nursing home residents receive safe, quality care more quickly it will also guarantee better working conditions and therefore improved attraction and retention of nursing home staff. The staffing levels and skills mixes above are calculated across the facility, not by individual units or wings. This gives nursing homes the flexibility needed to respond to varying care needs of the residents. Toward the end of the implementation period, reassessment should occur to ensure that any future adjustments to minimum standards for nursing home staffing levels and skills mix will continue to provide safe, quality care for residents.

## Conclusion

As highlighted above the ANMF commends the Government's achievements to date and clear commitment to delivering on the many recommendations of the Commission, noting that these are the first vital steps towards much needed, sector-wide reform. The ANMF understands that Stage 2 of the Office of the Interim Inspector General will be progressing a more detailed report on the Government's implementation of responses to the Commission's recommendations later in the year and looks forward to participating in extensive and detailed engagement as part of the Office's consultation process. We urge the Government to develop a detailed and up to date report on the real-world progress and future plans on delivery against the recommendations that effectively replaces the previous Government's May 11 2021 report and enables more realistic and critical assessment of how the much needed reform of Australia's aged care is tracking.

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[files/WHITE%20PAPER%20on%20Nurse%20Staffing%20Levels%20For%20Patient%20Safety%20and%20Workforce%20Safety\\_1.pdf](#) (Accessed 30 July 2021).

<sup>27</sup> Australian Medical Association (AMA). Putting health care back into aged care [Online]. Canberra: AMA. 2021. Available <https://www.ama.com.au/articles/report-putting-health-care-back-aged-care> (Accessed 30 July 2021).

<sup>28</sup> Royal Australian College of General Practitioners (RACGP). RACGP co-signs open letter to PM over aged care staffing levels [Online]. Melbourne: RACGP. Available: <https://www1.racgp.org.au/newsgp/racgp/racgp-co-signs-open-letter-to-prime-minister-over> (Accessed 30 July 2021)

<sup>29</sup> Fedele R. Open letter calls on PM to legislate aged care ratios [Online]. ANMJ; Dec 15. <https://anmj.org.au/3066-2/> (Accessed 30 July 2021).