Australian Government
Department of Health, Disability and Ageing

A new rights-based Aged Care Act

The new Aged Care Act will put the rights of older people first. It includes a Statement of Rights for older people accessing aged care services. This fact sheet is a plain language summary of those rights.

About the Statement of Rights

The Australian Government is changing Australia's aged care laws. The *Aged Care Act 2024* (the new Act) has a Statement of Rights. This explains what rights older people have when accessing aged care services funded by the Australian Government. The Statement of Rights will replace the current Charter of Aged Care Rights on 1 November 2025.

The full Statement of Rights from the new Act is at the end of this fact sheet.

What the Statement of Rights means for you

The Statement of Rights will help make sure you are at the centre of your aged care.

It gives you the right to:

- make your own decisions about your own life
- have your decisions not just accepted, but respected
- get information and support to help you make decisions
- communicate your wishes, needs and preferences
- feel safe and respected
- have your culture and identity respected
- stay connected with your community.

Independence, choice and control

You have the right to make your own decisions and have control over:

- what funded aged care services you use
- how you access funded aged care services and who provides them
- your money and belongings.

You have the right to get support to make these decisions if you need to.

You also have the right to choose how you live, even if there is some personal risk. For example, choices about your social life and close relationships.

Fair access

You have the right to a fair and accurate assessment to find out what funded aged care services you need.

This assessment should be done in a way that suits you. It should respect your:

- culture and background
- personal experience and any trauma
- cognitive conditions, such as dementia.

You also have the right to get the kind of care you need, when you need it. This includes palliative care and end-of-life care.

Safety and quality

You have the right to safe, quality and fair funded aged care services that treat you with dignity and respect.

This includes the right to access funded aged care services that:

- value and support your identity, culture and background
- respect your experience, including any trauma
- are accessible and meet your needs
- are free from violence, abuse and neglect.

You have the right to access funded aged care services from:

- workers with the right training, skills and experience
- providers that meet all the conditions under the aged care laws.

If you feel unsafe when accessing aged care, you can get free support from lawyers, social workers and other specialists. Visit the Attorney-General's website for more information on protection against elder abuse.

Respect for your privacy and information

Your provider must:

- respect your personal privacy
- protect your personal information, such as information about your health and finances
- allow you to choose when your personal information can be given to someone else, such as an advocate or a lawyer.

You have the right to get records and information about your rights and the funded aged care services you use. This includes how much they cost.

Communication that meets your needs

You have the right to:

- get information in a way you understand
- give feedback.

You have the right to communicate in the language or method you prefer. This includes using interpreters or communication aids if you need them.

You also have the right to meet with your provider and your supporters in a way that suits you. That might mean meeting at a time of day that works best for you.

Support to raise issues quickly and fairly

When there are issues with your funded aged care services, you have the right to:

- get support from your provider
- complain without fear or being punished
- get a quick and fair response to your complaints.

Support and connection with people and community

You may need support to understand your rights, make decisions or make a complaint. You have the right to get this support from an independent advocate or someone else you choose.

You have the right to communicate with your advocate or support person at any time you like.

Providers should respect the role of the people who are important to you. For example, family, friends and carers.

You have the right to stay connected with:

- the people who are important to you
- your community, including by taking part in leisure or cultural activities
- your pets.

Aboriginal and Torres Strait Islander peoples have a right to stay connected with their community, Country and Island Home.

How to make sure your rights are upheld

Your provider must understand and follow the Statement of Rights. If they don't, you can make a complaint to the Complaints Commissioner.

You can make a complaint online, by phone or by letter. Visit the Aged Care Quality and Safety Commission website for more information.

If you need support to make a complaint or find information, call the Older Persons Advocacy Network (OPAN) on 1800 700 600.

OPAN has free, independent and confidential advocates to help you.

Statement of Rights in full from the new Act

Below is the full Statement of Rights from section 23 of the new Act.

Independence, autonomy, empowerment and freedom of choice

(1) An individual has a right to:
  (a) exercise choice and make decisions that affect the individual's life, including in relation to the following:
    (i) the funded aged care services the individual has been approved to access;
    (ii) how, when and by whom those services are delivered to the individual;
    (iii) the individual's financial affairs and personal possessions; and
  (b) be supported (if necessary) to make those decisions, and have those decisions respected; and
  (c) take personal risks, including in pursuit of the individual's quality of life, social participation and intimate and sexual relationships.

Equitable access

(2) An individual has a right to equitable access to:
  (a) have the individual's need for funded aged care services assessed, or reassessed, in a manner which is:
    (i) culturally safe, culturally appropriate, trauma-aware and healing-informed; and
    (ii) accessible and suitable for individuals living with dementia or other cognitive impairment; and
  (b) palliative care and end-of-life care when required.

Quality and safe funded aged care services

(3) An individual has a right to:
  (a) be treated with dignity and respect; and
  (b) safe, fair, equitable and non-discriminatory treatment; and
  (c) have the individual's identity, culture, spirituality and diversity valued and supported; and
  (d) funded aged care services being delivered to the individual:
    (i) in a way that is culturally safe, culturally appropriate, trauma-aware and healing-informed; and

(ii) in an accessible manner; and
(iii) by aged care workers of registered providers who have appropriate qualifications, skills and experience.

(4) An individual has a right to:
(a) be free from all forms of violence, degrading or inhumane treatment, exploitation, neglect, coercion, abuse or sexual misconduct; and
(b) have quality and safe funded aged care services delivered consistently with the requirements imposed on registered providers under this Act.

Note: Division 1 of Part 4 of Chapter 3 deals with conditions on registered providers, including requirements in relation to the use of restrictive practices and management of incidents.

Respect for privacy and information

(5) An individual has a right to have the individual's:
(a) personal privacy respected; and
(b) personal information protected.

(6) An individual has a right to seek, and be provided with, records and information about the individual's rights under this section and the funded aged care services the individual accesses, including the costs of those services.

Person-centred communication and ability to raise issues without reprisal

(7) An individual has a right to:
(a) be informed, in a way the individual understands, about the funded aged care services the individual accesses; and
(b) express opinions about the funded aged care services the individual accesses and be heard.

(8) An individual has a right to communicate in the individual's preferred language or method of communication, with access to interpreters and communication aids as required.

(9) An individual has a right to:
(a) open communication and support from registered providers when issues arise in the delivery of funded aged care services; and
(b) make complaints using an accessible mechanism, without fear of reprisal, about the delivery of funded aged care services to the individual; and
(c) have the individual's complaints dealt with fairly and promptly.

Advocates, significant persons and social connections

(10) An individual has a right to be supported by an advocate or other person of the individual's choice, including when exercising or seeking to understand the individual's rights in this section, voicing the individual's opinions, making decisions that affect the individual's life and making complaints or giving feedback.

(11) An individual has a right to have the role of persons who are significant to the individual, including carers, visitors and volunteers, be acknowledged and respected.

(12) An individual has a right to opportunities, and assistance, to stay connected (if the individual so chooses) with:

(a) significant persons in the individual's life and pets, including through safe visitation by family members, friends, volunteers or other visitors where the individual lives and visits to family members or friends; and

(b) the individual's community, including by participating in public life and leisure, cultural, spiritual and lifestyle activities; and

(c) if the individual is an Aboriginal or Torres Strait Islander person—community, Country and Island Home.

(13) An individual has a right to access, at any time the individual chooses, a person designated by the individual, or a person designated by an appropriate authority.