

CHSP New Charter of Aged Care Rights

From 1 July 2019, the new Charter of Aged Care Rights will provide the same rights to all consumers, regardless of the type of Commonwealth subsidised care and services they receive.

The Charter will apply to consumers once they start receiving Government-subsidised aged care, including:

- residential care
- home care packages
- flexible care
- services provided under the **Commonwealth Home Support Programme** and the National Aboriginal and Torres Strait Islander Flexible Aged Care Program.

The new Charter of Aged Care Rights will replace the:

- *Charter of care recipients' rights and responsibilities – residential care*
- *Charter of care recipients' rights and responsibilities – home care*
- *Charter of care recipients' rights and responsibilities – short-term restorative care (part 1, residential care setting; part 2, home care setting)*

Charter of Aged Care Rights

I have the right to:

1. safe and high quality care and services
2. be treated with dignity and respect
3. have my identity, culture and diversity valued and supported
4. live without abuse and neglect
5. be informed about my care and services in a way I understand
6. access all information about myself, including information about my rights, care and services
7. have control over, and make choices about my care, personal and social life, including where choices involve personal risk
8. have control over, and to make decisions about, the personal aspects of my daily life, financial affairs and possessions
9. my independence
10. be listened to and understood
11. have a person of my choice, including an aged care advocate, support me or speak on my behalf
12. complain free from reprisal, and to have my complaints dealt with fairly and promptly
13. personal privacy and to have my personal information protected
14. exercise my rights without it adversely affecting the way I am treated

Key changes

The Charter of Aged Care Rights is easy to read and focuses on high-level consumer rights. The new Charter

will make it easier for consumers, their families, carers and representatives to understand what they can expect from an aged care service.

Rights afforded to consumers under the existing charters will be maintained through the new Charter, the new Aged Care Quality Standards, amendments to the User Rights Principles 2014 (User Rights Principles), and other laws that inform the delivery and quality of aged care. This includes rights under the *Competition and Consumer Act 2010* and Commonwealth anti discrimination law.

In addition, changes have been made to the home care security of tenure provision to include critical consumer responsibilities currently contained in the Charter of care recipients rights and responsibilities – home care (eg: payment of fees).

Signing the new Charter

Providers have responsibilities to support consumers to understand the new Charter.

From 1 July 2019, providers must give consumers a copy of the new Charter signed by the provider, and ensure that the consumer or their authorised person has been given a reasonable opportunity to sign a copy of the Charter.

The purpose of requesting the consumer’s signature is to allow them to acknowledge they have received the Charter and had assistance to understand it. Consumers are not required to sign the Charter and can commence, and/or continue to receive care and services, even if they choose not to sign the Charter.

Timeframes for implementing these new requirements are as follows:

- 1 July 2019 - onwards Requirements apply for all new consumers across aged care programs.
- 1 July - 30 September 2019 Requirements must be completed for existing consumers in residential care and short-term restorative care in a residential care setting.
- 1 July - 31 December 2019 Requirements must be completed for existing consumers in home care and short-term restorative care in a home care setting.

To assist providers with this requirement a [Charter of Aged Care Rights Template for Signing](#) is available for use from 1 July 2019.

Implementation arrangements for existing consumers of other aged care programs will be available shortly.

For further details on the legislative changes and the Charter, please see the [User Rights Principles](#).

Transition to the Charter of Aged Care Rights

Transition to the new Charter of Aged Care Rights has begun.

Providers must comply with the current relevant charters until 30 June 2019, with the new Charter of Aged Care Rights starting from 1 July 2019.

Service providers are encouraged to use the transition period to:

- align their systems, policies and practices with the new Charter and the provider responsibilities including the requirements.
- support staff to understand the new Charter.
- support care recipients and their families, carers and representatives to understand what the changes mean for them.

During the transition period the Department will develop resources to support the sector’s understanding of the Charter.