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## Media Release

### Commission cracks down on aged care providers failing to meet care minutes

The Aged Care Quality and Safety Commission is taking regulatory action against residential aged care providers that have persistently failed to meet their mandatory care minutes targets.

Mandatory care minutes ensure that older people in residential aged care homes receive the dedicated direct care time, including from a registered nurse, that they need.

Enforceable Undertakings are now in place with 11 providers operating 27 individual residential aged care homes that have fallen well short of delivering their care minutes targets across successive quarters. The Commission's initial action has focused on services in metropolitan locations where surrounding services have much smaller – or no – care minutes shortfalls.

An Enforceable Undertaking is legally binding and sets out agreed actions that the provider will take to meet their care minutes requirements. Examples of actions that providers have agreed to take include immediate recruitment of more nursing and care staff.

Use of an Enforceable Undertaking by the Commission depends on a provider's acknowledgement that there is a problem to be fixed, and the likely effectiveness and timeliness of the action/s proposed by the provider to address the problem. The Commission can take the provider to court for failing to implement its Enforceable Undertaking. Sanctions and financial penalties can be imposed.

"The Commission is being firm and fair with these providers and we are using our regulatory powers to hold them to account," said Aged Care Quality and Safety Commissioner, Janet Anderson.

"Failure to deliver mandatory care minutes where there is an absence of tangible effort to achieve these targets could lead to sanctions and financial penalties.

"All residential aged care providers are on notice as the Commission will continue to actively monitor, engage with and take regulatory action against providers that persistently fall well short of their care minutes requirements."

Since 1 October 2023, residential aged care homes have had to deliver mandatory care minutes, increasing to a sector average of 215 care minutes per resident per day on 1 October 2024. This includes 44 minutes of registered nurse care.

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## **Further information**

- Following the Royal Commission into Aged Care Quality and Safety, the Australian Government introduced additional mandatory workforce-related responsibilities for residential aged care providers. These responsibilities require providers to deliver:
  - 24/7 registered nurse (RN) staffing on every site from 1 July 2023
  - mandatory care minute targets on every site from 1 October 2023. These targets increased from 1 October 2024.
- The Commission's key focus is on making sure that the needs of people receiving aged care are met and their wellbeing is supported. The Commission pursues this through effective risk-based and proportionate regulation of approved providers of aged care.
- Providers are required to report their care minutes data to the Commonwealth Department of Health and Aged Care on a quarterly basis. The first mandatory reporting quarter for care minutes was Q2 (October-December) 23/24 FY.
- The Commission applies a risk-based methodology to target non-compliant providers that present the highest level of risk to those receiving aged care services.
- The Commission has targeted providers that have fallen well short of delivering their care minutes targets across successive quarters. The Commission's initial action has focused on services in metropolitan locations where surrounding services have much smaller – or no – care minutes shortfalls.
- These providers were placed under active supervision due to their significant, unexplained and sustained non-compliance with care minutes requirements. They were each invited to offer to the Commission, for our consideration, an enforceable undertaking to address the non-compliance. Alternatively, or if an offered enforceable undertaking was not acceptable to the Commission, we indicated that we would issue them with a Non-Compliance Notice (NCN).
- An enforceable undertaking sets out and explains the provider's proposed actions to address non-compliance within a certain timeframe. Making this formal commitment to the Commission enables a provider to demonstrate appropriate governance and accountability by acknowledging their non-compliance, taking responsibility for addressing it, and providing evidence to the Commission of the effectiveness of their remediation efforts.
- Once accepted by the Commission, enforceable undertakings are legally binding. The Commission can apply to a court to enforce the undertaking if necessary, resulting in the court making any or all of the following orders (or any other order the court considers appropriate):
  - an order directing the provider to comply with the undertaking
  - penalties up to the amount the provider has financially benefited (directly or indirectly) from the breach
  - compensation for any person who has suffered loss or damage as a result of the breach.

- The Commission publishes enforceable undertakings in full **on our website** when they are finalised.
- Where a provider declines an invitation to offer an enforceable undertaking to the Commission to remedy non-compliance, or offers an enforceable undertaking that is not accepted by the Commission because it fails to clearly articulate the steps they will take to reach compliance within an appropriate timeframe, the Commission will issue a Non-Compliance Notice (NCN).
  - The NCN sets out the non-compliance and specifies the broad actions that the provider is required to take to remedy the non-compliance.
  - A provider is required to respond to the Commission when issued with an NCN, prior to the Commission's decision to impose one or more sanctions:
    - The provider can demonstrate they have returned to compliance. If accepted by the Commission, there is no further formal regulatory action and the Commission will continue to monitor the provider.
    - The provider can detail their remediation process to return to compliance. If accepted by the Commission, a Notice to Remedy is issued and published on myagedcare.gov.au. The remediation process and return to compliance is case managed by the Commission.
  - If the non-compliance is not resolved following the Commission issuing an NCN, we can require a provider to agree to certain matters and apply sanctions including:
    - suspension or revocation of approval to provide aged care
    - restricting the payment of subsidies to the provider
    - prohibiting the further allocation of places, or revoking or suspending some or all of the provider's current allocation of places
    - prohibiting the charging of an accommodation bond, charge, payment or contribution.
- If we uncover evidence that a provider is intentionally working to avoid meeting its care minutes targets, we will investigate a potential breach of the Aged Care Code of Conduct which may attract a court ordered penalty of up to 250 penalty units per contravention.
- More information on care minutes, including on the Australian Government's recent announcement to link care funding to the delivery of care minutes for non-specialised metropolitan aged care homes, can be found **[here](#)**.

**Now available:** More information on aged care provider performance, trends and related insights is presented in our latest [Sector Performance Report](#) (covering the period 1 July to 30 September 2024 – Quarter 1 2024-25) which is now available on our website.

**Published Enforceable Undertakings (as at 10 January 2025)**

<b>Provider</b>	<b>Service</b>	<b>State</b>
Aged Care Group Pty Ltd	Northern Gardens Aged Care	Victoria
	Carrum Downs Aged Care	Victoria
	Boronia Residential Aged Care	Victoria
	Casey Manor	Victoria
Ejaz Nominees Pty Ltd	Deloraine Private Nursing Home	Victoria
Estia Investments Pty Ltd	Estia Health Valley View	South Australia
	Estia Health Golden Grove	South Australia
Farwell Nominees Pty Ltd	Liferview Willow Wood	Victoria
Hahndorf Holdings Pty Ltd	The Churchill Retreat	South Australia
	Klemzig Residential Care Services	South Australia
	Christies Beach Residential Care Services	South Australia
	Rose Court Aged Care Facility	South Australia
Infinite Aged Care (Cornubia) Pty Ltd	Infinite Care Cornubia	Queensland
Manly Vale Nursing Home Pty Ltd	Manly Vale Nursing Home	New South Wales
Menarock Aged Care Services (Templestowe) Pty Ltd	Salisbury House Nursing Home	Victoria
St Joseph's Aged Care Facility Kensington	St Joseph's Aged Care Facility Kensington	New South Wales
TriCare Agay St Aged Care Pty Ltd	TriCare Upper Mt Gravatt Aged Care Residence	Queensland
TriCare Annerley Aged Care Pty Ltd	TriCare Annerley Aged Care Residence	Queensland
TriCare Bayview Place Aged Care Pty Ltd	TriCare Bayview Place Aged Care Pty Ltd	Queensland
TriCare Carina Hts Aged Care Pty Ltd	TriCare Pimpama Aged Care Residence	Queensland
TriCare Dudley St Aged Care Pty Ltd	TriCare Cypress Gardens Aged Care Residence	Queensland
TriCare Jindalee Aged Care Pty Ltd	TriCare Jindalee Aged Care Residence	Queensland
TriCare Labrador Aged Care Pty Ltd	TriCare Labrador Aged Care Residence	Queensland
TriCare Mt Gravatt Aged Care Pty Ltd	TriCare Mt Gravatt Aged Care Residence	Queensland
TriCare Taringa Aged Care Pty Ltd	TriCare Mermaid Beach Aged Care Residence	Queensland
Wicklows Pty Ltd	Point Cook Manor	Victoria
	Ferndale Gardens Aged Care Services	Victoria