

Enforceable Undertaking

Aged Care Quality and Safety Commission Act 2018

Section 74EC

Regulatory Powers (Standard Provisions) Act 2014

Section 114

The commitments in this undertaking are offered to the Aged Care Quality and Safety Commissioner by:

Infinite Aged Care (Cornubia) Pty Ltd

ABN 65 610 759 503

RACS 5341

(“Approved Provider”)

Level 3, 128 Bundall Road, Bundall QLD 4217

1. Definitions

In addition to terms defined elsewhere in this Undertaking and in the associated legislation, the following definitions are used:

Acceptance Date means the date of acceptance by the Commissioner of this Undertaking.

Act means the *Aged Care Act 1997 (Cth)*,

Approved Provider means a person approved by the Commissioner under section 63D of the Commission Act as a provider of aged care.

Commission means the Aged Care Quality and Safety Commission.

Care Minute Responsibilities means the aged care responsibilities under section 10 of the Quality of Care Principles that relate to the required amounts of direct care as calculated under section 9 of the Quality of Care Principles.

Care recipients means individuals receiving care and services from the approved provider through a service who are 'counted care recipients' (as is defined in section 10(4) of the Quality of Care Principles) for the purpose of the care minutes responsibilities.

Commissioner means person in the role of 'Aged Care Quality and Safety Commissioner' for the Commission.

Commission Act means the *Aged Care Quality and Safety Commission Act 2018 (Cth)* (as amended or replaced from time to time).

Direct care has the same meaning as the definition included in section 4 of the Quality of Care Principles.

Direct care staff member has the same meaning as the definition included in section 4 of the Quality of Care Principles.

EN means an enrolled nurse staff member as defined in section 4 of the Quality of Care Principles.

Government means the Australian Government.

IAC means Infinite Aged Care (Cornubia) Pty Ltd ACN 610 759 503, in its capacity as Approved Provider for the Service.

Model of Care means an operating model framework that an Approved Provider uses to deliver care and services to residents. This model outlines how care is organized, managed, and delivered to ensure that residents receive high-quality, person-centred care.

PC means a Direct care staff member who is not an RN.

Quality of Care Principles means the *Quality of Care Principles 2014 (Cth)*.

Regulatory Powers Act means *Regulatory Powers (Standard Provisions) Act 2014 (Cth)*.

RN means a registered nurse staff member as defined in section 4 of the Quality of Care Principles.

Service means Infinite Care Cornubia (RACS 5341).

Undertaking means this Enforceable Undertaking.

2. General Information

2.1 The Commissioner's role

The Commissioner may accept an Undertaking in accordance with section 114 of the Regulatory Powers Act.

2.2 Purpose

The purpose of this Undertaking is to state the undertakings offered to the Commissioner under section 74EC of the Commission Act and section 114 of the Regulatory Powers Act in relation to the Commissioner's concerns of non-compliance described in Part 4 of this Undertaking.

2.3 Commencement

This Undertaking commences on the Acceptance Date. Upon the Undertaking taking effect, the Undertaking may be enforced in accordance with section 115 of the Regulatory Powers Act.

2.4 Term of the Undertaking

This Undertaking continues, as may be varied from time to time with the Commissioner's consent, from the Acceptance Date until it is withdrawn by IAC with the Commissioner's consent under section 114 of the Regulatory Powers Act or cancelled by the Commissioner under section 114 of the Regulatory Powers Act, whichever is earlier.

3. Background

3.1 Service background

3.1.1 The Service is located at 144 Beenleigh-Redland Bay Road, Cornubia, Queensland 4130.

3.1.2 The Service is accredited to 9 November 2025.

3.1.3 The Service has 137 operational places.

3.1.4 As at 10 December 2024, the Service:

- provides care for ~131 Care recipients;
- has an overall star rating of 3 stars;
- employs the following direct care staff members:
 - ~90 PCs
 - 15 RNs
 - 3 ENs

3.1.5 The average amount of Direct care required under the Care Minute Responsibilities to be provided through the Service by Direct care staff members per Care recipient per day (as calculated under s9(1) of the Quality of Care Principles) for the following period(s) was:

- April 2023 to June 2023 – 193.3 minutes
- July 2023 to September 2023 – 199.0 minutes
- October 2023 to December 2023 – 198.5 minutes
- January 2024 to March 2024 – 198.0 minutes
- April 2024 to June 2024 – 205.3 minutes
- July 2024 to September 2024 – 209.7 minutes.

3.1.6 The average amount of Direct care provided through the Service by Direct care staff members of the Approved Provider per Care recipient per day (as calculated under s9(1) of the Quality of Care Principles) for the following period(s) was:

- April 2023 to June 2023 – 153.5 minutes
- July 2023 to September 2023 – 164.5 minutes

- October 2023 to December 2023 – 165.8 minutes
- January 2024 to March 2024 – 162.3 minutes
- April 2024 to June 2024 – 160.9 minutes
- July 2024 to September 2024 – 166.4 minutes.

4. History of non-compliance

4.1 IAC Performance

IAC's compliance with its Care Minutes Responsibilities has been the subject of regulatory and administrative action since at least 30 October 2024. A history of the regulatory and administrative action taken against IAC with respect to its compliance with the Care Minutes Responsibilities is as follows:

- 4.1.1 On 30 October 2024, IAC received notice given by the Commission under section 74GA of the Commission Act. The notice required IAC to give information and/or produce documents in relation to Care Minute Responsibilities at the Service.
- 4.1.2 On 4 November 2024, IAC supplied the Commission detailed information in regard to the Service, including:
- (i) information relating to the challenges associated with meeting Care Minutes Responsibilities at the Service; and
 - (ii) information for July to October 2024 which demonstrated an improvement towards compliance with its Care minute responsibilities at the Service.
- 4.1.3 On 11 November 2024, IAC received a letter from the Commission advising of a decision to place IAC under active supervision in relation to the Care Minutes Responsibilities at the Service and seeking a formalised commitment from IAC to meet the Care Minutes Responsibilities.

4.2 IAC Progress

- 4.2.1 Since the introduction of Care Minute Responsibilities, the Service has encountered difficulties in meeting its targets to ensure compliance with its obligations.
- 4.2.2 Since 1 January 2024 the Service has recruited 51 new Direct care staff members including 11 RNs. Seven (7) of these RNs were internationally qualified workers who relocated to Australia with IAC incurring significant sponsorship and relocation costs.

5. Commissioner's concerns

As a result of the matters referred to in Part 4 above, the Commissioner has, and continues to have, concerns with respect to the provider's compliance with its care minutes responsibilities, specifically in relation to sections 10(2), 10(3) and 10(3A) of the Quality of Care Principles.

6. Acknowledgements

IAC acknowledges the Care Minutes Responsibilities are not yet being met at the Service as identified in Part 4 and accepts the Commissioner's concerns identified in Part 5.

7. Undertakings

7.1 Scope of Undertakings

In accordance with the operation of section 114 of the Regulatory Powers Act and section 74EC of the Commission Act, IAC has offered, and the Commissioner has accepted, the following undertakings:

- 7.1.1 Undertake a review of the existing Model of Care and identify any opportunities to enhance direct care delivery, resourcing and recruitment requirements by 31 January 2025 (**Model of Care Review**).
- 7.1.2 Notify the Commission through a written report of the outcome of the Model of Care Review by 14 February 2025.
- 7.1.3 Review and update the workforce and engagement strategy by 31 January 2025 to strengthen current attraction and retention efforts (**Strategic Review**).
- 7.1.4 Notify the Commission through a written report of the outcome of the Strategic Review by 14 February 2025.
- 7.1.5 Complete a review (**Assistance Review**) of the types and numbers of one-on-one assistance being given at the Service by 31 January 2025 to identify opportunities to increase the amount of Direct care provided by Direct care staff members.
- 7.1.6 Notify the Commission through a written report of the outcome of the Assistance Review by 14 February 2025.
- 7.1.7 Appoint the following staff in the period 1 November 2024 to 31 March 2025 to:
 - (a) 25 PCs; and
 - (b) 4 RNs,targeting to achieve net 98 PCs and 16 RNs, however IAC will be relieved of this obligation to continue appointing once meeting its Care Minutes Responsibilities.
- 7.1.8 Appoint the following staff in the period 1 April 2025 to 30 June 2025 to:
 - (a) 13 PCs; and
 - (b) 4 RNs.targeting to achieve net 105 PCs and 17 RNs, however IAC will be relieved of this obligation to continuing appointing once meeting its Care Minutes Responsibilities.
- 7.1.9 implement the recommendations from the Assistance Review, Model of Care Review and Strategic Review by 31 March 2025.
- 7.1.10 provide a written monthly report that outlines the progress of recruitment (as outlined in these undertakings) and progress towards meeting the Care Minutes Responsibilities within one (1) week of the end of each month.

7.2 Commitment

- 7.2.1 IAC commits to giving the Commission information and/or documents in response to any reasonable request the Commission may make for information and/or documents to monitor progress and compliance with the terms of the Undertaking throughout the duration of the Undertaking.
- 7.2.2 IAC is responsible for demonstrating compliance with the Undertaking and evidence of compliance will be submitted to the Commission in accordance with clauses 7.1 above.

7.3 Costs of Compliance

IAC undertakes that it will pay all costs associated with its compliance with this Undertaking.

8. Acknowledgements and statements

- 8.1 IAC acknowledges that the Commissioner:

- 8.1.1 will publish this Undertaking on the Commission's website.

8.1.2 may make public reference, including by way of media release and/or Commission publications, to the acceptance of this Undertaking, referring to its terms and to the concerns of the Commissioner which led to its acceptance. However, the terms of any media release must be consistent with this Undertaking.

8.2 IAC acknowledges that:

8.2.1 this Undertaking has no operative force until accepted by the Commissioner.

8.2.2 the date of this Undertaking is the date on which it is accepted by the Commissioner.

8.2.3 the Undertaking is given voluntarily by IAC, who has had the opportunity to obtain legal advice in relation to its obligations under, and the effect of, this Undertaking.

8.2.4 the Commissioner's acceptance of this Undertaking does not affect any rights, remedies and powers available to the Commission, or the Commonwealth.

8.2.5 the Commission may undertake compliance monitoring activities to verify the evidence submitted as required by Part 7 and IAC's compliance with this Undertaking.

8.2.6 the Commissioner has the power to enforce the Undertaking under section 115 of the Regulatory Powers Act and may exercise this power if any requirement or condition of the Undertaking is breached.

8.2.7 if any part of this Undertaking is held invalid, that part shall be severed from this Undertaking and the remainder of this Undertaking will continue to be valid and enforceable.

8.2.8 the references to provisions of Commonwealth Acts of Parliament and Legislative Instruments in this Undertaking shall include references to those provisions as amended from time to time and in the event of a repeal of any of them, any equivalent provision from time to time.

8.3 IAC confirms it has the operational and financial capacity to comply with the Undertaking.

9. Provision of Documents

9.1 The address for providing the Commission with any notice or document which this Undertaking requires to be provided is:

Via email to compliance@agedcarequality.gov.au attention Scott Rumbold, Senior Director Compliance.

If you are unable to provide the document by way of email, please send to:

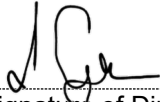
Aged Care Quality and Safety Commission

GPO Box 9819

CANBERRA ACT 2601

Attention: Scott Rumbold


**Executed by Infinite Aged Care
(Cornubia) Pty Ltd ACN 610 759 503**
in accordance with section 126 of the
Corporations Act 2001 (Cth) by its
Authorised Signatory



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Signature of Director & Authorised Signatory

Date accepted by the Commissioner: 20 December 2024

ACCEPTED by the **AGED CARE
QUALITY AND SAFETY
COMMISSIONER** or **DELEGATE**
under section 74EC of the
Commission Act and Section 114 of
the Regulatory Powers Act


.....
Peter Edwards a/g Deputy Commissioner
Aged Care Quality and Safety
Commissioner / Delegate

.....
Witness

Scott Rumbold

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Witness full name (*please print*)