

15 Sep 2025

Productivity Commission
Level 8, Two Melbourne Quarter
697 Collins Street
Docklands Vic 3008, Australia

Dear Commissioners,

Thank you for the opportunity to comment upon the Interim Reports.
My comments are primarily directed at Building a Skilled and Adaptable Workforce and Delivering Quality Care more Efficiently.

I do not represent an organisation, these are my own comments.

My experience of the Care Sector is as a DVA card holder, also the Carer for my wife at home with CHSP support and Chronic medical conditions, and also as the Carer for my 54 year old son at home with NDIS support. In addition I have 7 years experience as a regional Team Leader in a Carer Support organisation. I have also assisted both parents and parents in law in Aged Care and I share the experience that most large families have of illness and caring situations. I am 74 years of age and I continue with some care sector volunteer and committee work.

Public discussion about the care sector seems to focus on the costs, inefficiencies, fraud and the abuse of vulnerable people. All these issues must be resolved or taxpayers will decline to pay the ever growing costs.

A properly regulated care sector with a well trained workforce and efficient, productive, management provides enormous economic benefits to Australia and a great services export opportunity.

I have identified some issues which, if addressed correctly, can help us achieve those benefits. Two of those issues are detailed below.

English Language Skills

My observation is that poor English language skills are an enormous drain on resources in the Care sector.

This is not simply about staff from non English speaking countries, this is also about staff and clients from English speaking countries that do not speak Australian English and have a different cultural and contextual base.

For example; some parts of Great Britain, New Zealand, India, Singapore and many others.

I have not been able to find any useful statistical information, but from my own experience I give one example quoted with my friends written consent, but I have not named my friend here. The full complaint documentation is available to the Productivity Commission if required.

I assisted a friend in 2024 with a formal complaint to the Aged Care Quality and Safety Commission. The overall complaint, including medication management errors, was found to be confirmed, but in regard to the specific issue of Care Staff not having adequate English language in a Transition Care Ward the Aged Care Quality and Safety Commission said, among other things

“..further consideration of this issue would not change the outcome.....”

Vague commitments from a service provider seemed to be the only available response ?
Not at all useful but indicative of how broad the problem is.

I am sure many other people have examples.

Language confusion is not only very dangerous in a care setting it is a huge time waster and limit on staff training and career advancement.

Add to that the time spent responding to local complaints, then the time dealing with complaints formally reviewed by the various regulators, it's a significant productivity problem.

We cannot rely upon basic training courses alone to solve this problem because part of the problem is that clients, families and carers do not understand “care language basics”

It is possible that English language requirements as part of VET training are not working well.

See quote below from Compliance and Quality Assurance e magazine Issue 1 May 2025, copy attached;

“.....The Australian Skills Quality Authority (ASQA) has cancelled more than 21,000 vocational qualifications since late 2024, revealing profound systemic issues in Australia's \$51 billion Vocational Education and Training (VET) sector. This unprecedented regulatory intervention has exposed significant failures in quality assurance and oversight, with major implications for Australia's skills pipeline, international education reputation, and the thousands of students left with invalid credentials during a nationwide skills shortage..... “

A potential part solution would be to develop a Glossary of Care Language to help all involved standardise their language to improve safety and productivity.

There are a number of Glossaries already that can provide a guide.

<https://www.aihw.gov.au/reports-data/australias-health/summaries/glossary>

<https://www.safetyandquality.gov.au/publications-and-resources/resource-library/nsqpcch-standards-guide-healthcare-services/glossary>

<https://www.myagedcare.gov.au/glossary>

<https://agedcareconnect.com.au/aged-care-terms-meaning-definition-description-classification-vocabulary.php>

<https://www.myagedcare.gov.au/glossary#char-C>

<https://www.ndis.gov.au/glossary>

If we develop a Glossary of Care Language it can be graded in progressively more comprehensive sections from Basic Care Support [for clients, families and Support Staff] to more advanced for more senior staff.

A schedule of learning outcomes required could be expeditiously agreed by providers and regulators and that could be tested randomly, or on specific occasions, to ensure that all employees meet the minimum standard in understanding care language.

Better English care language skills will allow better education and training for promotion, meaning businesses get a better longer term return on their investment in people.

It will also help clients, families and carers to cooperate with services.

If this task was given to two or three Primary Health Networks [including one remote Primary Health Network] they could hire some staff and get the project moving quickly and probably produce the Glossary of Care Language in conjunction with their local service providers and lived experienced teams.

The whole Glossary of Care Language could be resident on line with self teaching exercises and tests. It should be free to use but allow individuals to Register on the website so that their progress can be reviewed in their own time.

A Safer Care Sector

Unfortunately, it seems that Australian Governments prioritise the availability of services and the profitability of service providers, instead of the safety of the vulnerable people in care.

It is very unlikely than anyone in authority will agree to this statement, but that is how it looks to me and probably a lot of other people.

This seems to be true in Aged Care, NDIS, Child Care, Out of Home Care, After School Care and other care services funded by Governments.

The stories of neglect, abuse and actual violence continue.

If Australians continue to lose confidence in the care sector it could lead to a massive loss of productivity as parents chose to reduce employment hours to care for children or other family members who would otherwise use NDIS or Aged Care.

This is likely to be higher skilled people, because they are those most likely to be able to afford to do it.

To actually make progress towards a much safer and efficient Care Sector we need to reduce the complexity of legislation across multiple States and Territories and funding methods.

We need a single new piece of national legislation to replace all State and Territory Legislation dealing with Relationship Violence, Neglect and Abuse .

The proposed legislation should cover all situations where a Duty of Care [for want of a better expression] exists, for example [but not exhaustive] School Teachers, Child Care Services, individuals providing support or social services, Sporting Coaches, Religious organisations, Medical Practitioners, Allied Health Services, Disability Services, Aged Care Services, Hospital

Services, Rehabilitation Services, Mental Health Services etc.

Bad things happen within the complexity of multiple jurisdictions and the lobbying of special interests for exemptions from potential liability. There should be no exemptions.

We urgently need national legislation, but we do not need to “reinvent the wheel”, the best current wording and practice can be consolidated from current legislation in the States and Territories.

The New Legislation

We need an Act to provide for the protection of persons against whom harm by violence, neglect or abuse is threatened or committed by a person or business entity.

This Act applies if a relevant relationship exists between the aggrieved person and the accused person or the accused business entity.

If a relevant relationship exists with a business entity a relevant relationship also exists with the persons who Manage or Direct that business entity.

There has been Royal Commissions into Aged Care, Disability Care and Child Care, Commissions of Inquiry into Responses to Domestic and Family Violence, Inquiries into Child Abuse and inquiries into Institutional Failures at State and Commonwealth levels.

We have years of reports and huge amounts of money spent to be told about things we do not seem prepared to fix.

Despite good intentions, the current State and Commonwealth laws provide very little protection to vulnerable people including children in child care.

Vulnerable people in any form of care seem helpless despite State Government regulators, the NDIS Quality and Safety Commission and the Aged Care Quality and Safety Commission.

Family violence, relationship violence and sexual violence is rampant within Australia.

While the neglect and abuse of children is clearly widespread and seems overwhelmingly difficult to solve.

We know what the problems are, and we do some good things, but we seem to get stuck in the complexities of multi jurisdictional legislation and overlapping responsibilities.

In Disability Services and Aged Care this is partly because we have been expecting administrative complaints bodies to recognise, report and examine evidence about violence, neglect and abuse.

In Child Care it seems that State Governments have not prioritised coming to grips with their responsibilities. The complexities of Federal Funding but State Compliance responsibilities simply leaves too many gaps in which evil happens.

It is clear that administrative or compliance supervision is inadequate to deal with violence [including sexual violence], neglect and abuse.

Offences against a person should be investigated by Police, not public servants.

If we want consumer confidence to return to the Care Sector it has to be made clear that in every Australian State and Territory, causing harm by violence, neglect or abuse in relationships,

workplaces and care situations is a criminal matter.

It is not a contract dispute, or quality of service issue or disappointing behaviour it is a criminal matter. Directors, Managers, Governing Persons by any definition and employees have responsibilities to vulnerable people and the new legislation should hold them all accountable.

We know from experience that if legislation is attempted for particular types of care organisations or particular types of relationships or particular types of corporate [or non corporate entities] then special interests will plead for exemptions and gaps will appear in the safety net of the legislation.

We must legislate for all types of care, all types of relationships, all business structures, all community and religious structures and all Trusts. No exemptions.

If services were to be delivered by a Business Entity the persons who Manage or Direct that Business Entity should be held liable and subject to a financial penalty and perhaps Banning Orders, even if a person working for that Business Entity is convicted for the direct harm caused by the same matter.

We can make new National legislation with the Cooperation of the States and Territories:

A quote from an on line search, I believe this is accurate:

“.....The referral provisions of the Australian Constitution are found in [Section 51\(xxxvii\)](#), which allows a state parliament to refer a matter within its own legislative power to the Commonwealth Parliament to make laws on that matter. The Commonwealth Parliament has the discretion to accept the referral. The resulting law only applies to the state that referred the matter or that subsequently adopts the law. This mechanism provides flexibility in the federal system, enabling cooperative arrangements between the Commonwealth and the states on issues that would otherwise remain under state jurisdiction.....”

This new National Legislation will recognise relevant relationships within Families within Friendships within Care Relationships within Workplaces within all situations where a Duty of Care [for want of a better expression] exists, for example [but not exhaustive] School Teachers, Child Care Services, individuals providing support or social services, Sporting Coaches, Religious organisations, Medical Practitioners, Allied Health Services, Disability Services, Aged Care Services, Hospital Services, Rehabilitation Services, Mental Health Services etc

This new legislation will provide a national legal framework in which to recognise, report, investigate and prosecute harm caused in all Relevant Relationships.

This will include all that we now identify as Family and Domestic Violence, Child Abuse, Elder Abuse and Sexual Abuse, including abusive behaviours now recognised by some jurisdictions as Coercive Control.

Australia considered that the effective regulation of business was important enough for national legislation, the Corporations Act was enacted and the States cooperated in allowing the Commonwealth to regulate most business activity.

Australia also considered the effective regulation of Family Law was important enough for national legislation.

We have a plague of violence, neglect and abuse across Australia, the Australian people and communities deserve National legislation to improve their safety.

Our objective should be to make the community safer for all people regardless of gender, age or ability.

The loss of Productivity due to Relationship Violence and safety failures in the Care Sector is significant.

The advantages of national legislation would include:

- No need to “reinvent the wheel” the best current wording and practice can be consolidated from current legislation in the States and Territories
- Standardised legal training and practices for legal practitioners and Magistrates
- Standardised Court documentation and standardised Protection Orders
- Standardised training and practice for Legal Aid and Aboriginal Legal services
- Standardised training and practice for all court support workers, court staff and community services
- A single piece of legislation to manage and amend as required
- Standardised training packages for Police, developed by experienced Police from all jurisdictions, would allow a “virtual” Community of Practice for Police thereby reducing the cost of training for each Police jurisdiction
- Standardised procedures to make referrals to Police on these matters for all Agencies and members of the public
- Standardised connections for Deportation matters
- Reduced translation and interpretation load for indigenous and CALD services because they can share that load across similar services nation wide
- The cost of producing good quality explanatory material and on line support services will be spread over a single national jurisdiction
- Individuals in mobile industries such as construction, education and the Defence Force etc will benefit from having national standards of workplace behaviour
- Businesses operating within multiple States and Territories will benefit from having a common national standard of procedures and behavioural expectations
- The national legislation will have complete coverage including Commonwealth land and facilities such as Defence Force bases, Airports, Antarctic Bases, Overseas Territories and similar
- Standard procedures and documentation across time zones may give direct telephone support over longer hours, particularly valuable for Indigenous and CALD services in thin markets with few staff
- Specialised Courts such as Circle Sentencing, Restorative Justice, Murri Court, can all benefit from having a national legal framework
- Increased Productivity in the Care Sector
- Increased Productivity in the Australian workforce due to better management of relationship violence
- Increased confidence in the Care Sector leading to stable and growing workforce participation rather than declining participation due to concerns about vulnerable people in care
- National legislation will provide the perfect base for national screening of staff and Banning Registers

All our accumulated experience can be used to get the Legislation right and to make the penalty

regime more effective.

Enforcement of the New Legislation

The new legislation would be enforced by State and Territory Police under arrangements with the Commonwealth Government.

Enforcement of a single piece of Legislation nationally, for what is a very significant proportion of Police work, should generate efficiencies, particularly in border regions.

Prosecution will be by the local Prosecution authority under arrangements with the Commonwealth Government.

Thank you for considering my submission,

Sincerely,

Max Vardanega