



Australian Government
Department of Health

Attachment A – Advisers and administrators

Advisers and administrators

Under section 66-2 of the *Aged Care Act (1997)* (Act), revocation of provider status will not take effect if the provider agrees to appoint an adviser and/or administrator able to effectively assist the provider to return to compliance under the Act.

It is the Department's expectation that the role of the **adviser** is to determine and guide interventions in relation to provision of care and services to enable the service to achieve and sustain compliance with its responsibilities under Part 4 of the Act. In the Department's experience, advisers use evidence-based clinical management and leadership practices to work with the approved provider's governing body and relevant personnel to initially address the risk to care recipients, and then to improve the quality of management and care at the service.

It is the Department's expectation that the role of the **administrator** is to determine and guide interventions in relation to governance and business operations to enable the service to achieve and sustain compliance with its responsibilities under Part 4 of the Act. In the Department's experience, administrators use evidence-based organisational management and leadership practices to work with the approved provider's governing body and senior personnel to improve the quality of management and care at the service.

Advisers and administrators must:

- be selected and contracted directly by the approved provider within the period specified in the Sanctions Notice
 - The Department will advise the approved provider on its expectations relating to the selection, appointment and role of the administrator/adviser.
 - the adviser/administrator should be able to effectively assist the provider to return to compliance in relation to care and services/governance and business operations.
 - The approved provider is responsible for the payment of remuneration and costs in connection with the contracted duties of the administrator/adviser.
 - The Department is not party to the contract between the approved provider and the adviser/administrator.
- not be a disqualified individual
 - Section 10A-1 of the Act defines a disqualified individual as one who has been convicted of an indictable offence, is insolvent under administration or is of unsound mind.
- not be a Commonwealth officer or employee
- be engaged for the duration of the sanctions period

Additionally the Department expects the following:

- That the adviser appointed has the skills, qualifications and experience to address the areas of non-compliance
 - This should include experience in senior positions in managing or providing professional advice and support to an aged care service.
- The adviser not have any conflict of interest between their duties as an advisor or administrator and any of their other interests or duties
 - The independence of the advisor/administrator is important to the provision of objective, unbiased and reliable advice and support.
- The adviser/administrator be available on-site while there is a high level of risk to care recipients. As the approved provider returns to compliance and as organisational changes become sustainable, the level of on-site assistance required by the approved provider may be reduced. However, the adviser/administrator is expected to remain involved with the approved provider for the duration of the sanction period.