

From Duty to Diligence: Supporting Directors in a changing aged care landscape

Thursday 2 October 2025

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Acknowledgement

The background of the slide is a vibrant Indigenous artwork. It features a dark blue/black base with various colorful patterns. On the left, there are concentric circles and wavy lines in purple, blue, and green, some filled with dots. In the center, a large, flowing blue wavy line is prominent. To the right, there are green arrows pointing upwards and yellow star-like patterns. At the bottom right, there are more concentric circles and wavy lines in purple, blue, and green, some filled with dots. The overall style is traditional Indigenous dot painting with a modern, colorful twist.

Russell Kennedy acknowledges the Traditional Custodians of the land and waters on which we gather today – the Yugambeh people. We honour their Elders past and present and recognise the continuing connection to Country. We also acknowledge Aboriginal and Torres Strait Islander peoples from other regions, as well as South Sea Islander peoples who now live in this area and contribute to the community.

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Introduction

Welcome to today's session on supporting directors in a changing aged care landscape.

As the aged care sector undergoes significant reform, directors face evolving responsibilities and heightened expectations.

This session will unpack the evolving statutory duty of care, highlight key governance reforms, clarify the due diligence expectations for responsible persons, and offer practical tools to help boards lead with confidence and compliance.

Key governance dates

2022

October

Launch of reform roadmap

November

Code of Conduct

2023

December

New requirements for governing body membership and provider advisory bodies took effect

2024

October

Providers were required to meet 215 care minutes per resident

November

Passing of the New Aged Care Act

2025

1 November

Introduction of New Aged Care Act

Statutory duty of care for registered provider and certain responsible persons

Reasonably practicable is a consideration of:

- ✓ Likelihood of adverse effect occurring
- ✓ Degree of harm that might result from the adverse effect
- ✓ What is known or ought reasonably to be known about eliminating or minimising adverse effect
- ✓ Availability and suitability of eliminating or minimising adverse effect
- ✓ Rights of individuals under the Statement of Rights



Must ensure that the conduct of the provider **does not cause adverse effects** to the health and safety of individuals to whom the provider is **delivering funded aged care services** while the provider is delivering those services so far as **reasonably practicable**.

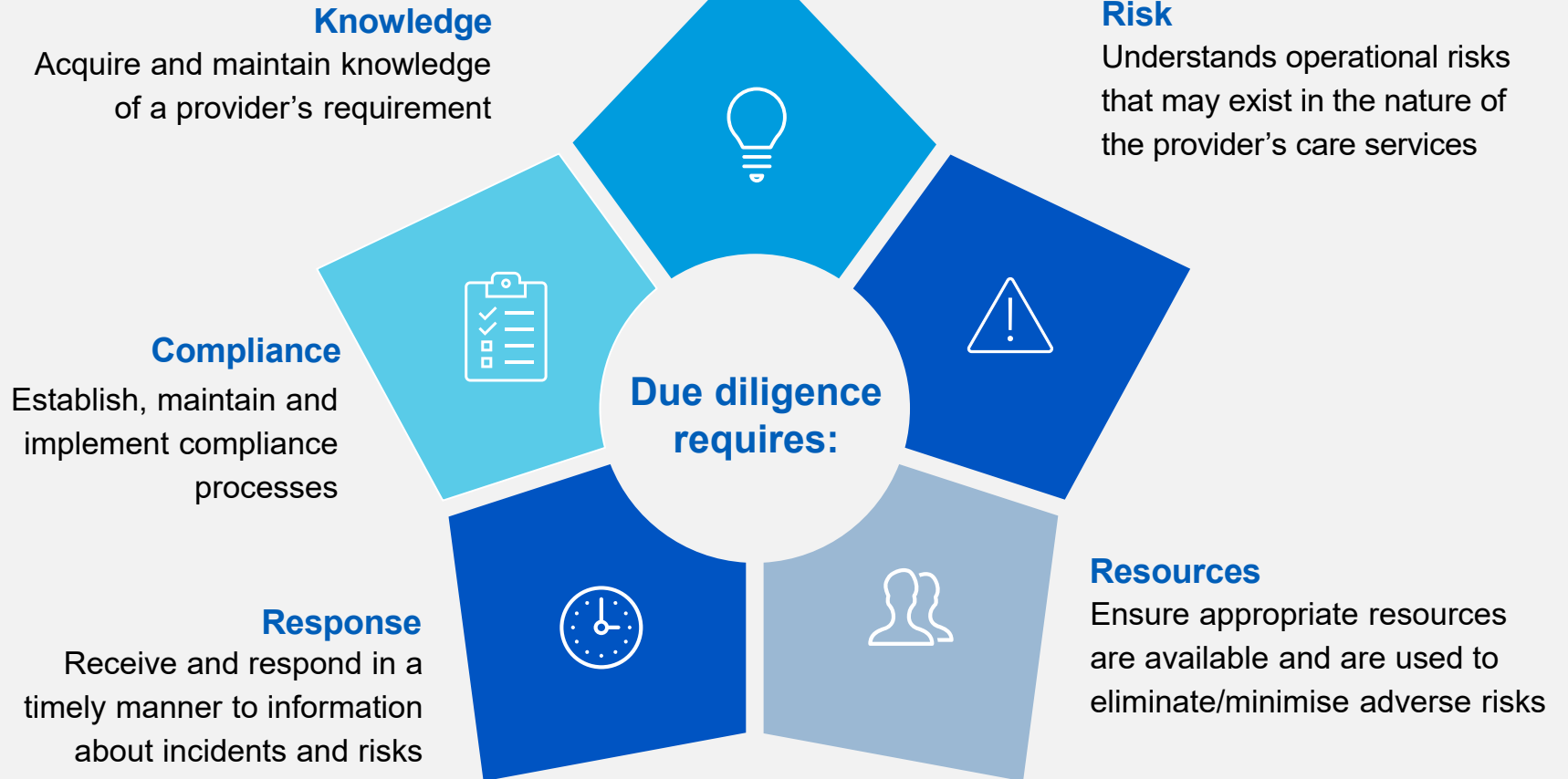
Statutory Duty of Care – Duty of Certain Responsible Persons



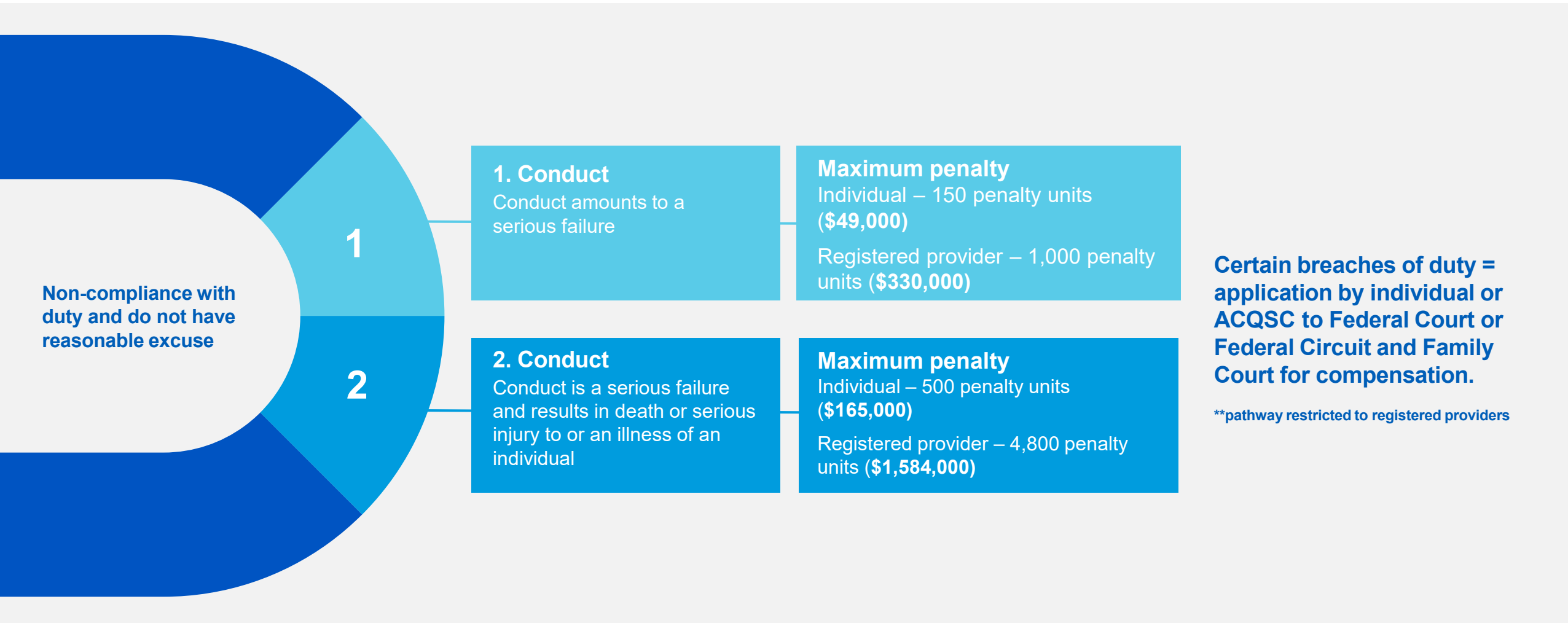
Certain responsible persons

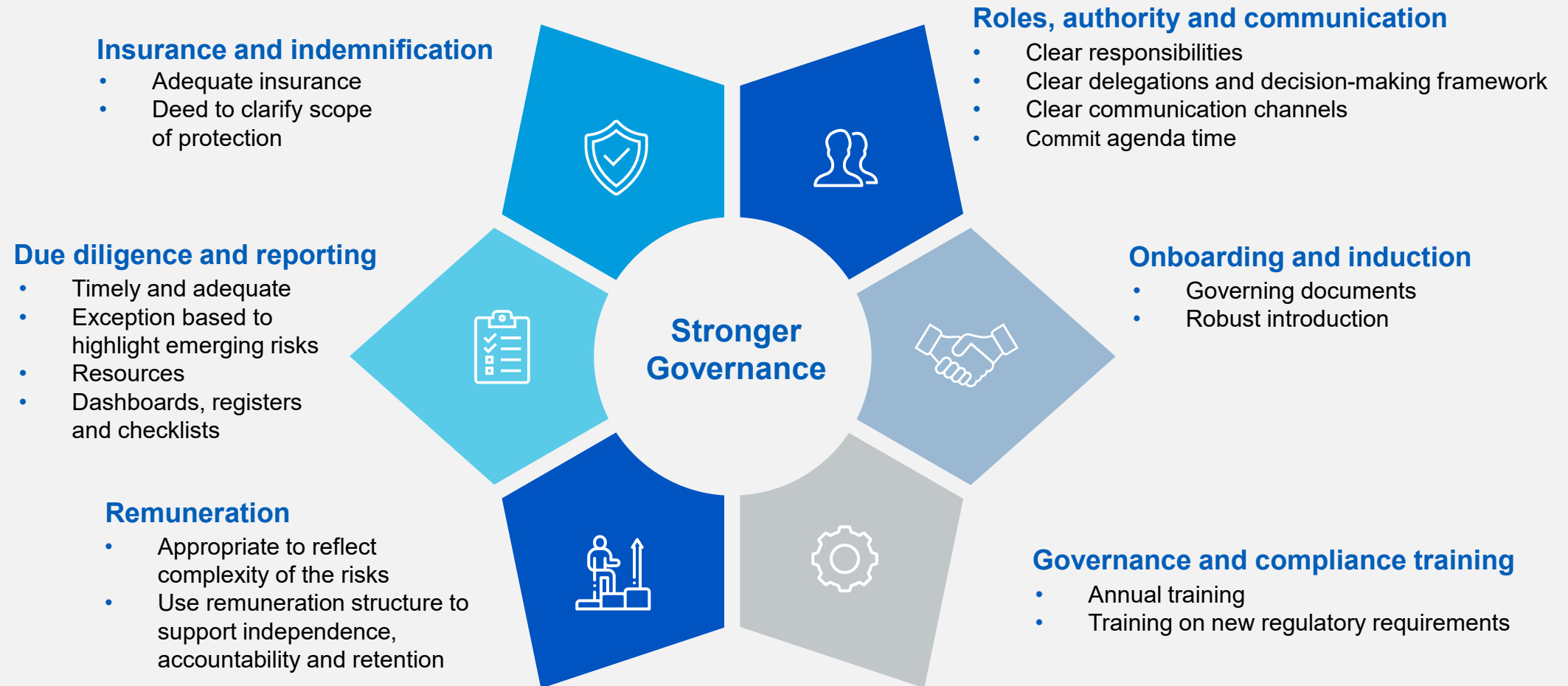
Must exercise due diligence to ensure that the provider complies with the provider's statutory duty.

Duty will only apply to operators who: Executive decision makers or any other person who has authority, responsibility or significant influence over planning, directing or controlling the activities of the provider.



Statutory Penalties and Compensation





Measuring Board Performance



Governance

- Board composition and skills mix
- Risk management and compliance
- Attendance and participation



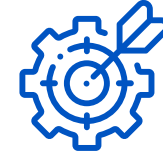
Quality & Safety

- Clinical governance framework
- Systems health check – incident reporting review



Culture & Engagement

- Board dynamics
- Stakeholder engagement
- Consumer and staff feedback



Strategy

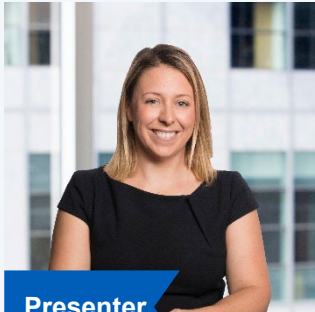
- Planning and direction
- Alignment with aged care priorities
- Monitoring of performance

Key Takeaways

- **Clear boundaries** to avoid interference, maintain proper governance and communication channels and overreliance
- **Proper documentation**
- **Continuous education and training**
- **Do due diligence**



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Stay Ahead of the Changes – Be Ready for 1 November 2025



RK DocsConnect is an online platform developed by Russell Kennedy to help aged care providers get ready for the new Aged Care Act.

It offers practical, legally reviewed template documents, tools, resources and training offerings on subscription.

Why choose RK DocsConnect?

- One-time purchase, multiple use
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- Built for providers
- Save time and money
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How it works

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Questions?



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