

Australian Institute for Primary Care & Ageing (AIPCA)

17/10/2024

Mailing address

La Trobe University
Victoria 3086 Australia

T + 61 3 9479 5809

F + 61 3 9479 5977

E y.wells@latrobe.edu.au

latrobe.edu.au/aipca

CAMPUSES

Melbourne (Bundoora)

Albury-Wodonga

Bendigo

City (Collins Street)

Mildura

Shepparton

Sydney

Public hearing into the Senate Inquiry into the Aged Care Bill 2024: Summary response from the AIPCA

We welcome (for older people):

- The shift away from a primary focus on funding.
- The definition of high-quality care (p. 44), which is better than reliance on person-centred care (PCC).
- Attention to protections for older people from mistreatment, neglect, and harm.
- Recognition of supported decision making.
- Recognition of the role of pets in supporting quality of life.
- Framing the legislation within a human rights perspective: though we note:
 - No alignment with other statements of human rights
 - Contradiction in allowing use of restraint under some circumstances.
- The recognition that rights described in the Act may be limited by competing or conflicting rights. We also note that the legislation does not recognise:
 - Additional limits where:
 - An individual has an unrealistic appraisal of their own capacities.
 - Resources are constrained.¹
 - Any mechanism for dealing with conflicts between conflicting rights and principles.

We welcome (for staff):

- Protections for whistle blowers.
- The establishment of a national screening mechanism for aged care workers.
 - We would suggest expanding the register to include the person's qualifications, so that it functions more like AHPRA for nursing assistants.

¹ Byrne, A. L., Baldwin, A., & Harvey, C. (2020). Whose centre is it anyway? Defining person-centred care in nursing: An integrative review. *PloS One*, 15(3), e0229923.

Australian Institute for Primary Care & Ageing (AIPCA)

We think improvement is needed in:

- Differentiation between the accommodation contribution and the accommodation payment (e.g., pp. 6 and 14).
- The text on aged care digital platforms (p. 193, clauses (2) and (3)), which seems contradictory.
- The definition of a “well-skilled” workforce (p. 45). What are the criteria for determining what well-skilled means?
- Eligibility criteria for an aged care assessment (section 58) for people aged under 65.
 - People aged under 65 can choose to be assessed for aged care services if informed that other services may be available. Additional justification (e.g., demonstrable potential need for services; attachment to a parent in aged care) should be added to this criterion to avoid unnecessary assessment.

We are concerned about:

- Using the word “sickness” to define eligibility (meaning “an infirmity, illness, disease, incapacity or impairment”, p. 29).
 - The term “sickness” is inherently misleading.
 - Using the term “sick” to describe older people requiring services is ageist.
- The description of how accommodation contributions and accommodation payments are determined. These parts of the legislation are complex and beyond the understanding of most people, far less those who have a “sickness” and are at the point of requiring accommodation in a residential care home.
- How the whole Act is framed very much around the individual, individual rights, and the concept of person-centred care (PCC).
 - The term PCC is contested.²
 - While largely appropriate for use in individualistic societies, PCC does not recognise the concerns of more collectivist cultures that prioritise interdependency and mutual responsibilities between individuals and their networks.

Prof Yvonne Wells

A/Prof Janette Collier

AIPCA

² Edgar, D. A., Wilson, V. J., & Moroney, T. (2020). Which is it, person-centred culture, practice or care? It matters.