



HOUSING FOR THE AGED ACTION GROUP INC.

**Housing for the Aged Action Group Inc**

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3 April 2023

Committee Chair  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Via email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

Dear Chair,

### **Submission to the Inspector-General of Aged Care Bill 2023**

Thank you for the invitation to make a submission to the Inspector-General of Aged Care Bill 2023.

By way of background, Housing for the Aged Action Group (HAAG) is the only Australian organisation of its type specialising in the housing needs of older people. The organisation has over 600 members actively campaigning for housing justice. Established nearly 40 years ago as a grassroots movement, the organisation has developed a robust service delivery arm in Victoria and has a strong presence in advocacy for older people experiencing housing and homelessness related issues across the country.

We have attached HAAG's submission to the previous consultation process conducted by Department of Health and Aged Care Inspector-General of Aged Care Taskforce. We made the following recommendations in our submission –

- Ensure genuine and meaningful consultation with older people from diverse backgrounds and older people with lived experiences in the Inspector General's consultation processes.
- Create a clear process to guarantee that the government is compelled to act on the recommendations made by the Inspector-General.

According to the explanatory memorandum, *'the IGAC Bill provides for the Inspector-General's functions, which are to monitor, investigate and report to the Minister and Parliament on the Commonwealth's administration and regulation of the aged care system, including by identifying and investigating systemic issues through the conduct of independent reviews, and making recommendations to the Commonwealth for improvement. The Inspector-General will report its findings and recommendations publicly, to the Minister and to Parliament.'*<sup>1</sup>

Under Clause 25 it is stated that *'the Minister is required to table the final review report in each House of Parliament within 15 sitting days after receiving it. After providing the final review report to the Minister, the Inspector-General is required to publish the report on its website. This will ensure that the Inspector-General's reports are publicly available, thereby providing transparency around the Inspector-General's findings following a review.'* We are encouraged to see the measures to increase transparency. However, it is unclear whether the Minister, other relevant government and

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<sup>1</sup> Inspector-General of Aged Care Bill 2023 Inspector-General Of Aged Care (Consequential And Transitional Provisions) Bill 2023 Explanatory Memorandum, 2023, accessible at: [https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_LEGislation/Bills\\_Search\\_Results/Result?bld=r6998](https://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bld=r6998)



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aged care entities will be compelled to act on the Inspector General’s recommendations in the final report. Given the critical need to improve the Aged Care system to address the gaps identified by the Aged Care Royal Commission, it is imperative that there is a clear process through the legislation to implement the recommendations of the Inspector General with clear timelines and transparency on how the recommendations are being implemented.

As highlighted in our submission, there is ample evidence to demonstrate that the Aged Care service systems are not adequately meeting the needs of older people, especially those retiring into poverty, people with a history of or currently experiencing housing or homelessness issues, older people from Aboriginal and Torres Strait Islander people, older people from migrant and refugee backgrounds, older people with physical and mental health issues and others. Therefore, it is critical that the Inspector General consults these cohorts of older people using multiple platforms and processes to ensure their concerns are heard and reflected in the consultation process and the final report.

Thank you again for the opportunity to provide input into the Inspector-General of Aged Care Bill 2023. Please feel free to get in touch with me via [haag@oldertenants.org.au](mailto:haag@oldertenants.org.au) or 03 9654 7389 if you need further information.

Yours sincerely,

Fiona York

Executive Officer



# Draft Inspector-General of Aged Care Bill

For more information:

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## Introduction

Housing for the Aged Action Group (HAAG) is the only Australian organisation of its type specialising in the housing needs of older people. The organisation has over 700 members actively campaigning for housing justice. Established over 35 years ago as a grassroots movement, the organisation has developed a robust service delivery arm in Victoria and has a strong presence in advocacy for older people experiencing housing and homelessness related issues across the country. During the 2021-22 financial year, HAAG supported close to a 1,000 older people, and assisted 120 older people into long term, affordable housing.<sup>1</sup>

In 2016, HAAG was funded by the Wicking Trust (a philanthropic organisation) to conduct research in every state and territory to understand the depth and breadth of housing and homelessness issues of older people. In consultation and engagement with services, people with lived experience, advocates and peak advocacy bodies across Australia, the research project produced a number of reports on the housing issues of older people.<sup>2</sup>

HAAG welcomes the opportunity to provide input into the *Draft Inspector-General of Aged Care Bill* and we are eager to engage with follow up consultations that may stem from this process.

## Recommendations

- Ensure genuine and meaningful consultation with older people from diverse backgrounds and older people with lived experiences in the Inspector General's consultation processes.
- Create a clear process to guarantee that the government is compelled to act on the recommendations made by the Inspector-General.

## Recognising and consulting older people from diverse backgrounds

It is encouraging that broad consultation is taking place on the role of Inspector-General of Aged Care and the government's commitment to implement the recommendations of the Aged Care Royal Commission.

This is a timely initiative, especially considering that there were nearly 38,000 serious incident response scheme notifications in the latest Productivity Commission Report on Government Services.<sup>3</sup> These include unreasonable use of force, unlawful sexual contact or inappropriate sexual conduct, psychological or emotional abuse, unexpected death, stealing or financial coercion, neglect, unexplained absence, and inappropriate use of restrictive practices. This is a staggering number and likely to be underreported in some settings and within certain cohorts that are experiencing additional challenges.

There is ample evidence to demonstrate that the Aged Care service systems are not adequately meeting the needs of older people, especially those retiring into poverty, people with a history of or

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<sup>1</sup> Housing for the Aged Action Group, Annual Report 2021-2022, accessible at:

[https://www.oldertenants.org.au/sites/default/files/annual\\_report\\_2021-22.pdf](https://www.oldertenants.org.au/sites/default/files/annual_report_2021-22.pdf)

<sup>2</sup> See further: Housing for the Aged Action Group, Ageing on the Edge National Action Project, accessible at:

<https://www.oldertenants.org.au/ageing-edge-national-action-project>

<sup>3</sup> Productivity Commission, Report on Government Services 2023, 14 Aged care services, 2023, accessible at:

<https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/aged-care-services>

currently experiencing housing or homelessness issues, older people from Aboriginal and Torres Strait Islander people, older people from migrant and refugee backgrounds, older people with physical and mental health issues and others.

Numerous Federal, State and Territory government policies identify cohorts that are at increased risk of or experiencing higher level of disadvantage. The *Aged Care Act 1997* identifies a range of cohorts as people with 'special needs' and they include people from Aboriginal and Torres Strait Islander background, people from culturally and linguistically diverse backgrounds, those living in rural and remote areas, people who are financially or socially disadvantaged, veterans, people who are homeless or at risk of becoming homeless, care-leavers, parents separated from their children by forced adoption or removal, lesbian, gay, bisexual, transgender and intersex people and people of a kind (if any) specified in the Allocation Principles.<sup>4</sup>

There is detailed discussion in the Royal Commission report on Aged Care on the importance of providing opportunities for older people to have a voice. It highlights that a strengthened and empowered advocacy network will help give a voice to those older people confronted by a complex and sometimes intimidating system.<sup>5</sup>

Considering all these, there is a clear need to ensure the rights of those who are experiencing additional challenges or are likely to experience disadvantage should be core part of the Inspector-General's role. This should include meaningful, in-depth consultation with people from the aforementioned diverse groups and their representative bodies or organisations.

The Consultation Paper outlines that the intention of establishing an Inspector-General is to improve transparency and accountability across the aged care system through reviewing and reporting on systemic issues which affect the funding, regulation, administration or delivery of aged care. The holistic approach to address aged care related policy is a welcome development. It is important to ensure that the Inspector-General receives independent advice from all parties relevant to aged care. In addition, the Inspector General's reports should be made publicly available including the relevant data.

### **Implementation of the recommendations made by the Inspector General**

The details on the process to respond to the Inspector General's report and the recommendations are not available in the Consultation Paper and highlights the department is 'giving consideration as to how the ongoing monitoring of the implementation of any recommendations made in the final review report should be managed (or occur) to ensure ongoing accountability and transparency'.

There have been numerous inquiries and other reports produced on various government services with recommendations to address the gaps in the existing systems. However, a large majority of those recommendations are not implemented, or the reports are not publicly available. Given the critical importance of the role, the government must be compelled to act on the recommendations made by the Inspector-General.

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<sup>4</sup> Aged Care Act 1997, Section 11.3, accessible at: <https://www.legislation.gov.au/Details/C2017C00241>

<sup>5</sup> Royal Commission into Aged Care Quality and Safety, Final Report: Care, Dignity and Respect, 2021, accessible at: [https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-1\\_0.pdf](https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-1_0.pdf)

### **Intersecting roles**

The Consultation Paper clarifies that in addition to the role of Inspector General, there will be an Aged Care Complaints Commissioner and an Aboriginal and Torres Strait Islander Aged Care Commissioner and highlights the possibility of interaction between the Inspector-General and both Commissioners, however, this remains subject to further consultation and decisions of Government. In addition to these interactions highlighted above, it is also important to clarify the Inspector-General's role in relation to elder abuse, in light of the National Plan to Eliminate Violence Against Women and Children 2022-2032. There needs to be further clarity around how the Inspector General will work with relevant State and Territory bodies such as Aged Commissioners and Ombudsman without duplicating their work.