



Australian Council of Social Service

25 September 2018

Hon. Ken Wyatt AM MP
Minister for Indigenous Health
Minister for Senior Australians and Aged Care
Parliament House
Canberra 2600

Email: ken.wyatt.mp@aph.gov.au

Dear Minister,

Terms of Reference – Royal Commission on Aged Care Quality and Safety

Thank you for the opportunity to contribute to the development of the terms of reference for the Royal Commission on Aged Care Quality and Safety.

The Australian Council of Social Service is a national advocate for action to reduce poverty and inequality, and the peak body for the community services sector in Australia. Our vision is for a fair, inclusive and sustainable Australia where all individuals and communities can participate in, and benefit from, social and economic life.

ACOSS welcomes the Prime Minister's announcement of a Royal Commission into the Aged Care sector. This Royal Commission is vital to ensure that older people, their families and carers are provided with an opportunity to tell their story about the quality of care they receive in aged care settings.

We know from reports from advocates, families and the media that there are some appalling cases of abuse and neglect experienced by older people in aged care settings. ACOSS looks forward to this Royal Commission shining a light on these bad practices and ultimately leading to improvements in the care that older people receive.

Facilitating the voices of older people, their families and carers

It is vital that the voices of older people, their families and carers are central to the work of the Royal Commission. People will need clear information about the work of the Commission and what is involved in being a witness, including any protections available for vulnerable people who fear there will be negative consequences if they provide adverse evidence about their provider. People will also need adequate time to provide evidence. For many people who have experienced poor care, it can take time to prepare emotionally to tell their story. Facilitating the contribution of these voices will be essential to ensure the Commission thoroughly investigates aged care, and will require appropriate resourcing and support. It will also be important that the experiences of Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, LGBTI people, people with disability (see further below), people who are isolated with no family or carers,



and people from economically and socially disadvantaged backgrounds are included in the Royal Commission's work. The Commission will need to have active strategies for ensuring people with these experiences can fully participate Royal Commission with additional support services to be made available as required.

The Royal Commission into Institutional Responses to Child Sexual Abuse may provide a useful template into resourcing and supports that are required to ensure the voices of vulnerable people are heard. We urge the Federal Government to ensure that appropriate resourcing is provided to amplify these voices, and ensure these stories are told.

Competition Policy in Aged Care

It is important that the Royal Commission interrogates the impact of competition policy on quality and safety in the aged care sector, both by reference to previous reforms and to inform future reform directions.

Research recently published by ACOSS and CHOICE revealed a strong tendency for decision makers to overestimate the benefits of competition whilst underestimating the risks of such reform. In the sectors examined by our research – employment services and VET - competition policy has created unintended outcomes that have been detrimental to people accessing services, not for profit service providers and to the broader community as a whole. See ACOSS and CHOICE Report, [Competition Policy and Human Services: Where Theory Meets Practice](#), (September 2018).

In aged care, the people accessing residential aged care services and their families are particularly vulnerable, have limited information on the quality of a service when they choose a facility, often presented with the need to access aged care services in urgent and highly emotional circumstances. Further, people are faced with high switching costs when a facility fails to deliver a quality service. The role of competition policy in creating this environment, and the risks of a further extension of competition policy in aged care in this context, will be important to understand.

Interrogating the Models of Care and Enabling Older People to Stay in their Homes

Everybody should have a right to dignity and respect as we get older. The ways in which care can be provided must recognise the inherent humanity of older people, and ensure that we continue to be valued and treated with dignity and respect as we age. The Royal Commission must interrogate our current models of care, which are failing too many older people, and ensure that they meet the needs of people as we age. In particular, the Royal Commission must look at the barriers to older people remaining in their homes, including the barriers that families and friends face when contributing to their care of their loved one. The Royal Commission should also consider the extent to which housing security and design are undermining the ability of people on low and modest incomes to stay in their home as long as they wish, the likely changes in home ownership into the future, and the impact that will have on aged care service approaches, including financing models.

People with Disability, including Younger People with Disability in Residential Aged Care

ACOSS welcomes the Prime Minister's statement that the Royal Commission will investigate the experience of younger people living in residential aged care settings. People under 65 years of age do not belong in residential aged care. The Royal Commission must investigate why younger people



are in residential aged care settings in the first place and what must be done to ensure that this is not the model of care for people with disability.

I also want to reiterate the call of representatives of people with disability for a Royal Commission into the violence, abuse and neglect experienced by people with disability. People with disability, their families, carers and representatives have been calling for this Royal Commission for more than five years. The 2015 Senate Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings identified widespread violence and abuse against people with disability, and its key recommendation was a Royal Commission. The establishment of this Royal Commission is well overdue, and we urge the Federal Government to establish this Royal Commission without delay.

Protecting Whistle-blowers

We note that section 6M of the *Royal Commissions Act 1902* provides protections to witnesses appearing before Royal Commissions against violence, punishment, damage, loss or disadvantage. We also note that in his opening address to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, Commissioner Hayne reminded the industry of these protections. Noting the vulnerability of the potential witnesses to the Royal Commission and their families, it is critical that this section of the Act is upheld. There is a strong power imbalance between aged care providers and people receiving care, their families and people working in aged care. People who speak out about poor care before the Royal Commission must be protected from retribution. It will also be important for the Commission to accept evidence via private sessions to protect witnesses.

Thank you again for the opportunity to contribute to the development of these terms of reference. I look forward to this Royal Commission leading to improvements in the quality of care of older people in Australia.

Yours sincerely,

Dr Cassandra Goldie, ACOSS CEO