

AGED CARE ACT EXPOSURE DRAFT

Submission by the Multicultural Communities Council of SA

V.2 – 8 February 2024

The Multicultural Communities Council of SA is the peak organisation serving, empowering and advocating for the culturally and linguistically diverse communities of South Australia.

Background

The Australian Government released the Aged Care Act exposure draft on 14 December 2023, together with a consultation paper that explains the main concepts. This legislation, which is scheduled to come into effect on 1 July 2024, will inform the future of Australia's aged care. The Multicultural Communities Council of SA reviewed and distributed the Key Issues Paper, jointly prepared by COTA Australia and OPAN in collaboration with 10 additional older people and carer organisations, as a preliminary assessment of issues identified within the Exposure Draft of the new Aged Care Act.

Endorsement of *Key Issues Paper*

The Multicultural Communities Council of SA fully aligns with the 23 points presented in the *Key Issues Paper* (January 2024) as well as with the potential solutions for discussion. Our organisation shares a commitment to addressing the identified issues and actively participating in constructive discussions toward the enhancement of the Aged Care Act.

Legislating Cultural Competence for our Diverse Aged Care Workforce

While the Aged Care Act exposure draft acknowledges and affirms the vital importance of culturally safe and appropriate care, including access to preferred languages and bilingual workers, we recognise the significant challenges presented by an increasingly

diverse population and workforce amidst existing staff shortages. Achieving all legislative requirements in every scenario may not always be feasible. Therefore, we advocate the need to refer to aged care workforce trained in cultural awareness and intelligence. Equipping staff with the knowledge and skills to understand and appreciate diverse cultural backgrounds will enable them to communicate effectively and provide respectful care even when language barriers exist.

Provisions Needed for CALD Providers

While the exposure draft outlines the System Governor's role in promoting high-quality care by developing policy in consultation with individuals of diverse backgrounds and promoting availability and choice of registered providers, it is crucial to acknowledge potential challenges for CALD providers, particularly those operating at the grassroots level. For these community-centric organisations, navigating the complexities of legislative compliance (e.g. reporting) often requires significant adaptation and additional resources.

Striking a balance between legal adherence and maintaining culturally sensitive practices can be particularly challenging for CALD providers, and particularly those run by smaller ethnic communities. Their approach on relationship- and trust-building, often driven by ingrained collectivist cultural principles, may not always align seamlessly with standardised regulations that focus on number of tasks completed. Additionally, translating legal requirements into accessible and culturally relevant formats presents a significant hurdle for organisations working with diverse populations.

It is imperative that the Act makes provisions for CALD Providers. This approach is essential to guarantee the uninterrupted provision of services for individuals from CALD backgrounds.

Concerns on Language Access in Aged Care Assessments

Notably, some CALD communities have expressed concerns regarding the use of computer programs for assessment tools. They contend that these tools are often ineffective for individuals whose first language is not English. This feedback underscores

the need for thoughtful consideration and adaptation to ensure equitable access and quality care for all.

Culturally Inclusive Review: Ensuring Equitable Aged Care Access

The Multicultural Communities Council of SA recommends that the Aged Care Act drafters undertake a review of each clause through the lens of Culturally and Linguistically Diverse communities. This review should identify and address any potential unintended consequences that may arise for CALD individuals, ensuring equitable access to quality aged care services.

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