

[REDACTED]

From: Jennifer Puxley [REDACTED]
Sent: Thursday, 29 February 2024 4:52 PM
To: Aged Care Legislative Reform
Subject: Feedback on the development of the new Aged Care Act
Attachments: RE: Feedback on the development of the new Aged Care Act [SEC=OFFICIAL]

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[REDACTED]

To whom it may concern,

Section 24:
Part 4- Supporters and representatives
30 -Duties of representatives

I wish to provide comments and feedback for consideration during the development of the new Aged Care Act.

My major concern is the recognition of human rights for people living with dementia. I was prompted reading the draft to forward the detailed email to all recipients below. I have not received responses from Parliamentarians but all other organisations have referred me to the Office of Public Advocate (Victoria) and suggested gaining private legal advice.

[REDACTED] were unaware of any formal requirements. I find this concerning as the peak body. Elders Rights Victoria stated they could not locate any legislation protecting the human rights for people with dementia to be advised of a Guardians decision only an indication it was a "moral" responsibility. The ERA representative contacted the Office of Public Advocate to verify OPA are governed by the Guardian and Administration Act 2019, which the new Aged Care Act draft has copied and pasted the wording for Section 24. There is no legal responsibility for a Guardian to advise a person of decisions impacting their lives.

In Australia in 2024 it is time to recognise individuals living with dementia are human beings and need to be treated with dignity and respect. I appeal to all concerned developing the New Aged Care Act to incorporate the requirement that all people without discrimination are informed of decisions made by a secondary party about their lives. This is a human right that needs to be addressed.

My email:

"I have read the Charter of Human Rights 2006 and I can not see reference to the "right" of being advised of decisions made by a secondary person.

I am looking to gain information whether there is a legal responsibility for a Guardian including a Guardian of the last resort (Office of Public Advocate Victoria) to inform the person who lives with dementia of decisions made which impact their life.

Are you able to provide advice of any legislation that states all individuals in Victoria have a legal right to be informed of decisions made about their life"

Law commission
Governor Generals Office
Attorney Generals Dept
Governor Victoria
human rights.gov.au
Prime Minister
Premier
Opposition Leader Vic
State Health MP
Federal & State Aged Care MPs
State disability MP
Andrew Giles - Lalor MP
OPAN - directed to ERA
Victorian Equal Opportunity and Human Rights Commission
Seniors Rights
Judicial College of Victoria
Legislation.vic.gov.au
dementia.org.au

- Jennifer Puxley
Aged Care Clinician - Community sector
Friend of an individual living with dementia in RAC
Daughter of parent living with dementia in receipt of CHSP services
Daughter in law of elderly woman in receipt of CHSP services