

From: Lee Rushton [REDACTED]
Sent: Friday, 8 March 2024 11:36 AM
To: Aged Care Legislative Reform
Subject: A new Aged Care Act: exposure draft Consultation paper No.2 - Written Submission
Attachments: RE: A new Aged Care Act: exposure draft Consultation paper No.2 - Written Submission [SEC=OFFICIAL]

Categories: ACTION REQUIRED

To whom it may concern

I am a PhD student at the University of Wollongong. My PhD thesis is called, *Exploring Agency and Citizenship among People With Dementia in Their Garden Experiences*.

I wish to make four points for your consideration/action on the exposure draft consultation paper no. 2.

1. Pages 21-22 - *Key new inclusions in the definition, consistent with the feedback we have received, include the prioritisation of:...supporting older people to remain connected to the natural environment, and animals and pets, if requested by the individual*. NB: emphasis is mine.

Comment: People with cognitive impairment, for example, people with dementia, may benefit significantly from being in the natural environment and being able to spend time with animals and pets. Please add the words, "...or their representative" to ensure that people who require supported decision-making are not excluded from this critically important aspect of high quality care.

2. Pages 23-24 - *In response to specific feedback from stakeholders, we have also updated the rights in the Statement. This includes amendments to:...recognise a right of equitable access to palliative care and end-of-life care for persons accessing or seeking to access funded aged care services when required – noting that actual delivery of such services may occur outside the Commonwealth aged care system:...expand the proposed right to remain connected, to reflect the significant role of pets, friends, community activities and public life – as well as community and Country for Aboriginal and Torres Strait Islander persons*. NB Emphasis is mine.

Comment: Please add the words, "natural environment,..." before the words, "significant role of pets..." to ensure that high quality care offered to people in palliative care is consistent with the high quality care received by the broader population in aged care. For example, a gentleman in palliative care at the aged care facility where I conducted fieldwork for my PhD was supported by staff to spend the last two days of his life sitting in the garden outside, looking at his beloved North Brother Mountain in the distance, just as he did every other day. This brought him enormous comfort in the last two days of his life.

3. Page 31 - *Supporters and representatives must use their best endeavours to maintain the older person's ability to make their own decisions*.

Comment: It is not clear whose responsibility it is to ensure this new requirement of the supporters and representative framework, other than the supporter or representative themselves, who may

be unaware of the need for changed behaviour on their part, despite the appointment process that has been outlined. As the Royal Commission was very clear that a new aged care system should provide older people with agency, more context is needed on how the required behaviour of supporters and representatives is to be encouraged and monitored, to lessen the risk of a new administrative process failing to bring about the required change for people who are reliant on supported decision-making to experience greater agency. For example, will this be a responsibility of the Commissioner to address this through education and engagement? If so, engagement with whom?

4. As you are aware, older people face discrimination and marginalisation, especially people with dementia, who are commonly not considered to possess selfhood or agency in social discourse. The word "individual" or "individuals" is used 69 times in the document to portray older people in aged care. Referring to older people more consistently as "people" rather than as "individuals" in the consultation paper would help to neutralise this de-humanizing social discourse.

Thank you for the opportunity to provide this written submission.

Your sincerely

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