SUBMISSION

Submission on the Aged Care Act (Exposure Draft)

Ethnic Communities' Council of Victoria

March 2024

About ECCV

Ethnic Communities' Council of Victoria (ECCV) is the peak body for people from migrant and refugee backgrounds in Victoria. ECCV works closely with more than 220 member organisations including ethnic associations, multicultural service providers, and regional ethnic communities' councils.

ECCV has been advocating for human rights, freedom, respect, equality and dignity for migrant and refugee communities, and for a socially cohesive and inclusive Victorian community, since 1974.

ECCV has a strong record of informing industry, practice and influencing Federal, State and Local governments to promote culturally responsive approaches and equitable access to services, anti-racism and socially just policy.

Acknowledgements

ECCV would like to gratefully acknowledge members of the Positive Ageing and Aged Care Policy Advisory Committee for sharing their views, experience and expertise for this submission. We are also grateful for the collaboration and sharing of information by the Federation of Ethnic Communities' Councils of Australia (FECCA), the Centre for Cultural Diversity in Ageing, and COTA Victoria.

A note on language

The term 'people from migrant and refugee backgrounds' is used in this document to refer to people and communities who have entered Australia through a variety of pathways, including through humanitarian, family, and skilled migration pathways. ECCV uses this term to refer to people with backgrounds and ancestry that is not part of the dominant Anglo-Celtic Australian population. This term is inclusive of people seeking asylum in Australia, people on temporary visas, undocumented migrants, and people born in Australia.

Suggested citation

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ECCV acknowledges the Traditional Owners of Country throughout Victoria and their continuing connection to land, water and community. We pay respect to their Elders past and present.

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Introduction

We would like to thank the Australian Government, Department of Health and Aged Care, for the opportunity to provide feedback to the new Aged Care Act (Exposure Draft). We commend the Government's efforts to improve the lives of older people in our community who are receiving support or care, or who may need this in the future. With this in mind, the Government has made genuine and considerable efforts to listen to and consult with older people and the sector as a whole.

As the peak body for people from migrant and refugee backgrounds in Victoria, we especially appreciate the opportunity to advocate for older people from migrant and refugee backgrounds, as well as workers and carers. Older people from migrant and refugee backgrounds face multiple, overlapping disadvantages and barriers and can find it difficult to navigate the aged care system and access culturally safe support. This is why promoting their rights and interests has long been a central organisational priority.

Building on relevant project work, research and policy analysis by ECCV, this submission was informed by the experience and expertise of our Positive Ageing and Aged Care Policy Advisory Committee. In particular, our recent meeting focused on the new Aged Care Act (Exposure Draft) with presentations from the Federation of Ethnic Communities' Councils of Australia (FECCA), and COTA Victoria. These organisations, as well as the Centre for Cultural Diversity in Ageing, generously shared their submissions at varying stages of development, and some of their recommendations are mirrored in this submission.

We have also been helpfully informed by various information sessions and publications about the new Aged Care Act (Exposure Draft), including the *Aged Care Act Exposure Draft: Key issues paper,* by OPAN, COTA Australia et al (2024), which argues that the Act be reviewed to ensure that diversity, equity and equitable access are reflected in the relevant sections of the Act. The suggestions and recommendations in this submission provide detail about how this might best be done.

The most important point emphasised by our members and by organisations working in aged care and support is that the new *Aged Care Act (Exposure Draft)* needs to be amended in multiple sections to reflect that access and support for people from culturally diverse backgrounds cannot be seen as something 'additional' or optional. The rights of *all* older Australians need to be upheld. This involves proactive attention to the language, culture, faith, spirituality, abilities, and literacy level of all older people who are in the aged care system or who may need support, so they can fully participate in decisions affecting their lives. ECCV believes a Multicultural Seniors' Advisory Council would be well placed to advise the System Governor in ensuring this happens, in the interests of older people from migrant and refugee backgrounds.

At a system level, we also believe the new *Aged Care Act* should be linked with a Multicultural Aged Care Strategy that elevates the cultural appropriateness of the aged care system as a whole and improves the experiences of older people from diverse cultural, linguistic, spiritual and faith backgrounds who use or wish to access aged care services.

About ECCV's advocacy for seniors from migrant and refugee communities

Since ECCV was founded in 1974, we have supported and advocated for multicultural seniors through our policy and advocacy work, including consultations and research to inform government policy and programs and improve inclusion and equity.

We also manage a range of projects promoting positive ageing to seniors groups, coordinate the Access and Support (A&S) Network, and deliver training for bilingual community educators to engage and inform their communities about how to prevent and respond to elder abuse.

The ECCV Ageing Well Hub includes an overview of our work in this area. The Hub has been developed as a resource for older people from migrant and refugee communities and their families and carers, as well as the multicultural aged care sector. It provides information on positive ageing in culturally diverse communities, resources and in-language information. Information about ECCV projects is also provided such as the Recognising and Respecting CALD Carers project. More information can be found here: https://eccv.org.au/ageing-well-hub/.

ECCV's policy analysis and advocacy is evident in numerous research reports and submissions about aged support and care over time, such as: submissions to the Royal Commission into Aged Care Quality and Safety (2020, 2019), *Submission to the Inquiry into the recognition of unpaid carers* (2023), and a submission to the Federal Government's Multicultural Framework Review (2023). Recent research projects have included: *Elder abuse in care relationships: Key learnings from the Recognising and Respecting Carers project* (2023), and the *Joint report on the needs of regional aged care providers,* with the Centre for Cultural Diversity in Ageing – PICAC VIC (project lead), the National Ageing Research Institute and Icon Agency (2023). More information can be found on the ECCV website: https://eccv.org.au/policy-advocacy/.

Of particular relevance for this submission, ECCV convenes a Positive Ageing and Aged Care Policy Advisory Committee (PAACPAC) which provides a voice for our member organisations and stakeholders who hold a special interest in issues concerning the aged care sector and older people from migrant and refugee communities. This Committee also provides members with the opportunity to share information and discuss issues, and to inform ECCV's advocacy work.

1 Objects, definitions, concepts, rights, principles, supporters and representatives: Response to Chapter 1 of the Aged Care Act (Exposure Draft)

Objects, definitions, and key concepts

ECCV is pleased to see reference to the *International Covenant on Economic, Social and Cultural Rights,* and the *Convention on the Rights of Persons with Disabilities*, along with other Australian laws, in the Objects of the Act (5a,p.2). However, explicit reference should also be made to Australia's obligations under the **International Convention on the Elimination of All Forms of Racial Discrimination**.

In this section, the Object of 'equitable access' (5b,iii,p.3) should explicitly refer to the full spectrum of support for an older person, including *proactive* information and engagement, navigation assistance, determining eligibility at entry point, the assessment process, and receiving desired and required service supports for home or residential care. Such equity of access necessarily includes ensuring at all points that communication takes into account language and culture for everyone, not just as an 'add on' or an optional extra. Communication also needs to be cognisant of and adapted to literacy level, digital literacy, and cognitive, physical, and sensory orientations and abilities.

The use of funded interpreter services as a quality standard is especially important during critical points such as determining eligibility, assessment, care planning and review.

In relation to abilities, it also should be explicitly stated in the Objects of the Act that a key function of the aged care system is to provide disability supports to people over 65 years old, as well as those under 65 who qualify for aged care.

While ECCV is pleased that support for older people who are accessing funded aged care services to effectively *participate in society* is included in the Objects (15b,iv,p.3), this active life dimension should be consistently included and reinforced across the Act as a whole and within all relevant sections. This would reinforce the binding understanding that older people should be supported to lead active, engaged and meaningful lives, rather than being seen as necessarily ill or impaired or a passive recipient of care, as much of the Act would seem to imply. For this reason and to reflect the full spectrum of support we suggest the name of the Act be changed to the *Aged Care and Support Act*.

The important role of informal carers needs to be included in the definitions too, with reference to the *Carer Recognition Act 2010*, and with more articulation in other relevant areas of the Act, for example relating to: the appointment of Supporters and Representatives, provision of training and support opportunities, making complaints, and whistleblower protections.

Overall, support and training for both paid workers and informal carers should be addressed and articulated much better within the Act.

Recommendations

1. Include reference to the *International Convention on the Elimination of All Forms of Racial Discrimination* in the Objects of the Act.

2. Define 'equitable access' in the Objects of the Act to reflect the full spectrum of support, including proactive information and engagement, navigation assistance, determining eligibility at entry point, the assessment process, and receiving desired and required service supports while at home or in residential care.

3. State in the Objects of the Act that a key function of the Aged Care system is to provide disability support for people over 65.

4. Change the framing and language in the Act away from an assumption of a necessarily ill or impaired person passively receiving care to include participation in society and leading a meaningful life, and to reflect the full spectrum of support that an older person might require.

5. Include the role of informal carers in the definitions of the Act and in other parts of the Act such as: Supporters and Representatives, training and support, making complaints, and whistleblower protections.

Definition of 'high quality care'

While ECCV understands that 'high quality care' is positioned in the Act as an aspirational goal, this concept is somewhat confusing, as most of its listed components would seem to be core requirements in a rights-based model, applicable to all older people requiring, or potentially requiring, support or care. In addition, the listed components of high quality care, and all 'care' for that matter, need to be amended to include considerations of preferred language, culture, faith and spirituality – to direct information provision and effective communication, as well as the content and shape of the care and support provided.

With this in mind, we agree with these additions to the definition of high-quality care in Section 19, suggested by the Centre for Cultural Diversity in Ageing (highlighted in green), along with suggestions by ECCV (in bold):

> i) kindness, compassion and respect for the life experiences, culture and faith, self-determination, dignity, quality of life, mental health and wellbeing of the individual.

> (viii) implementing inclusive policies and procedures, in partnership with and through co-design with Aboriginal or Torres Strait Islander persons and culturally and linguistically diverse communities, family and community to ensure that culturally safe, culturally appropriate and accessible care is delivered to those persons at all times, which incorporates flexibility and recognises the unique experience of those persons.

(x) multilingual or bilingual aged care workers and interpreters being **offered and** made available if requested by the individual.

(xii) that services are delivered in the preferred language of the individual.

(xiii) that aged care workers' **and carers'** culture, ethnicity and faith are respected and recognised, including the promotion of associated human rights to prevent racism…

…and that consideration is given to trauma-informed practices with a view to promoting people's mental health and wellbeing across the workforce.

(xiv) that takes into consideration the holistic needs and intersectional characteristics of the individual.

(xv) deliberate and targeted outreach services and capability building and navigation services to find and support individuals who are not accessing the aged care system or face exclusion, such as those from diverse cultural, linguistic, and faith backgrounds.

Recommendations

6. Clarify the essential non-negotiable components of care and support in a 'core requirement' list similar to the high quality care list, duplicating the items from the current high quality care list that also belong in this list.

7. Include access to preferred language, culture, faith and spirituality in both the 'core requirement' list (as per recommendation 6) and the high quality list.

8. In both the 'core requirement' list (as per recommendation 6) and the high quality list, include the wellbeing of workers and carers, protection for their human rights, and respect for their faith and cultural background.

Rights and Principles

ECCV supports having a list of Rights and a list of Principles underpinning the aged care system as prescribed in the Aged Care Act, in conjunction with the Objects. At the same time, we recommend their strengthening and better consistency between the two lists.

In relation to linguistic and cultural diversity, we note that within the Statement of Rights, under the heading '**Equitable** access': *'(2) An individual has a right to equitable access to: (a) have the individual's need for funded aged care services assessed, or reassessed, in a manner which is: (i) culturally safe, culturally appropriate, trauma-aware and healing-informed; and (ii) accessible and suitable for individuals living with dementia or other cognitive impairment, and (b) palliative care and end-of-life care when required'*. We note the word 'equitable' is probably unnecessary here as the Right is essentially that all older people have such access as they require– not just that they have access that is comparable to other people's access (implied by 'equitable'), which may dilute the intention of this provision.

We also agree with the intent within the Statement of Rights, under the heading 'Quality and safe funded aged care services '*(3) An individual has a right to: be treated with dignity and respect; and (b) safe, fair, equitable and non-discriminatory treatment; and (c) have the individual's identity, culture, spirituality and diversity valued and supported; and (d) funded aged care services being delivered to the individual: (i) in a way that is culturally safe, culturally appropriate, trauma-aware and healing-informed; and (ii) in an accessible manner; and (iii) by aged care workers of registered providers who have appropriate qualifications, skills and experience* (p.30). In addition, it is stated in the Act that: *(8) An individual has a right to communicate in the individual's preferred language or method of communication, with access to interpreters and communication aids as required* (p.31).

However, while the right to communicate in one's preferred language is included in the Statement of Rights, this needs to be explicitly reflected in the Statement of Principles as well. In particular, the right to linguistically and culturally appropriate support and care, as something to be *proactively* provided for all older people requiring, or potentially requiring, support and care should be embedded in the Act via clear inclusion in the Statement of Principles (even while it is currently implicit in 4c,p.34). This should also be referenced across the body of the Act in relation to all stages of the support and care journey for older people, to ensure accessible, inclusive, safe, supportive and empowering services.

An additional concern relates to the concept of and use of 'diversity' in the Act. Along with the Objects of the Act, the list of Rights and the list of Principles in the Act are '*aimed at ensuring quality and safe care for individuals'*. Presumably this refers to all individuals requiring such quality and safe care; however the Act currently appears to treat 'diversity' as something 'other' or additional, rather than core.

As noted by COTA, OPAN et al in the *Key issues paper: National organisations working with older people and carers,* 'diversity' is not identified outside a 'note', and the Statement of Principles which do not apply at provider level (2024,p.18).

Recommendations

9. Include in the Statement of Principles the right to communicate in one's preferred language without additional cost, and the right to linguistically and culturally appropriate support and care.

10. Include a diversity population list within both the Statement of Rights and the Statement of Principles, in a clause rather than a note, which includes but is not limited to: people from migrant and refugee backgrounds, people with diverse preferred languages, people with disability, and people of different faiths and spiritualities.

Cultural connection

The Act specifies connections that older people have a right to, including connections with significant persons, family, friends and pets (12a,p.31). In addition, the right to opportunities and assistance to stay connected is specified with reference to the individual's community, including through participation in public life and leisure, and cultural, spiritual and faith activities. ECCV supports the inclusion of such social connection as a right, but recommends that this be expanded to include access and participation in dimensions of life that are important to older people, suggested by the Centre for Cultural Diversity in Ageing (highlighted in green) in the following:

> (12) An individual has a right to opportunities, and assistance, to stay connected… with: (b) the individual's community, including by participating in and accessing public life and leisure, and cultural, spiritual, faith and lifestyle activities and supports…

This reflects that many older people require *proactive* support and assistance to access and maintain these types of connections, and such assistance and support is their right and should not be left to their confidence and knowledge for self-advocacy.

ECCV also supports the inclusion of faith as an important dimension of many older people's lives which they should have access to by right.

In general, service providers have the responsibility to uphold the right of older people for social connection and participation, as well as the provision of proper care and support.

Recommendations

11. That the Statement of Rights specifies that older people have a right to connection with their community and participation in cultural, spiritual and faith activities, and access to the supports to maintain such connection and participation.

12. That feedback and complaint processes include the requirement for communication in the older person's language, in a way that is culturally appropriate and allows the person to choose their advocate.

Diversity groups

ECCV also supports the inclusion of 'diversity groups' in the Act that encompass collective/group rights as well as individual rights, reflecting the fact that many people from migrant backgrounds come from collectivist cultures and see themselves as existing as a part of a community, family, ethnicity or social group. We understand that such an inclusion would be consistent with the Aged Care Act 1997.

Complaints

Supportive and enabling processes are especially important for older people from migrant backgrounds in providing feedback about their services and making complaints. There are cohorts that would need assistance and encouragement to make a complaint for a variety of reasons, including cultural barriers such as not wanting to make a fuss, or fearing they will be punished if they complain. Also, some migrants might not be literate in their own language.

With this in mind, complaint and feedback processes should include communication in the older person's preferred language, in a way that is culturally appropriate and sensitive and includes such Supporters, Representatives or allies as they choose. Mechanisms must be safe and include measures that help prevent negative, abusive, or neglectful situations before issues are escalated, for example via culturally sensitive mediation or restorative justice. Such provisions are especially important given the dependence older people will invariably have on those responsible for their care and support.

Recommendation

13. Outline feedback and complaint mechanisms that are accessible, linguistically appropriate and culturally sensitive for the older person, and that include mechanisms to prevent negative situations from escalating.

Supporters and Representatives

ECCV supports provisions in the Act that require Supporters and Representatives to promote the older person's values, choices, and their cultural, personal and social wellbeing, while enabling them to have control over decisions affecting their lives. This is crucial given that many older people from migrant backgrounds face multiple barriers in understanding and accessing information and support, and they are especially vulnerable to manipulation and elder abuse. As with all parts of the support and care journey, service providers should be required to act *proactively* to communicate with the older person in a way that aligns with their preferences and abilities – accounting for language, culture, physical and sensory abilities, cognitive capacity, education level, literacy level (including in own language), and digital literacy. If required for communication and decision making, an interpreting service should always be offered, at no extra cost to the older person, especially as Supporters and Representatives may not always be equipped to communicate complex information such as complaints procedures, aged care rights and the costs of services.

A final comment on the different roles of Supporters and Representatives, is that their differential and overlapping roles may be confusing for both older people and service providers – not just in principle but in the context of unfolding real-life situations. Some further clarification would seem to be warranted, as well as articulation of key processes to distinguish between the two roles.

Recommendations

14. Include in the Act the provision of a culturally appropriate aged care system which proactively enables culturally appropriate and sensitive decision-making by individuals from diverse cultural, linguistic, and faith backgrounds.

15. Require service providers to be proactive in communicating with the older people they support in a way that aligns with their language, culture, abilities, cognitive capacity, literacy level (including in own language), and digital literacy.

16. Further articulate and clarify the roles of Supporters and Representatives, including points of difference, areas of overlap, and guiding processes for when roles overlap but the interests of the older person are being represented in contradictory ways.

Enforcement

A final point in relation to Rights and Principles of the Act is how and if they will be made binding, and how compliance will be ensured. By definition, 'rights' are not optional, and thus the inclusion of robust enforcement mechanisms is required when the rights of older people are not upheld.

Recommendation

17. Include in the Act robust enforcement mechanisms to ensure that the Rights of older people specified in the Act will always be upheld.

2 Entry to the Commonwealth aged care system: Response to Chapter 2 of the Act

The Act should contain stronger explicit requirements to *proactively* support people who may need to enter the aged care system, and who are from diverse backgrounds not only in relation to preferred language and culture, but also relating to literacy level, digital literacy, and cognitive, physical, and sensory orientations and abilities. This applies when communicating information, when eligibility is being ascertained, as well as during the assessment process. The Act should clarify the parties who carry this responsibility, and this requirement could be enshrined in an additional clause in the Act.

Assessment for entry into the aged care system needs to include discussions with the older person about any cultural, linguistic and faith preferences in a manner and mode of communication that is also linguistically and culturally appropriate. If required a funded interpreter should be provided. Such assessment should not be restricted to the clinical, but should encompass psycho-social dimensions and focus holistically on the whole person in their world, living according to their preferences and with an optimal quality of life.

Importantly, support should be automatically offered to older people to understand and engage with the aged care system from the start, and not only when a request is made by them, especially given that the making of such requests assumes existing knowledge and confidence. On a broader level, the responsibility to determine preferences and goals should not be left to older people themselves, without ensuring that the systemic gaps in supports and services are addressed.

The possibility of computer-assisted decisions by the Systems Governor and Commissioner should be treated with extreme caution, given the vulnerability and communication barriers for many older people from migrant and refugee backgrounds, as well as people with disabilities or cognitive challenges. Such an approach is antithetical to a central intention of the Act, which promotes supported decision-making of older people, rather than automated decision-making by software. Computerised homogenisation of system processes and decision making may provide efficiency and cost savings, but such homogenisation runs counter to the principle of recognising and responding to diversity, which will always need some case-by-case human involvement and oversight.

Recommendations

18. Enshrine as an additional clause in the Act the responsibility to proactively support an older person in communication and decision making relating to eligibility and assessment, taking into account preferred language, cultural background, literacy level, and cognitive, sensory and physical abilities, and clarify what parties are responsible for this.

19. Specify that assessments should be holistic and include psycho-social and cultural dimensions, and not be confined to deficit-focused clinical dimensions.

20. Prohibit the use of computer-assisted decision-making by the System Governor that doesn't involve case-by-case human involvement and oversight.

3 Registered providers, aged care workers and aged care digital platform operators: Response to Chapter 3 of the Act

One recommendation in ECCV's *Submission to the Royal Commission into Aged Care Quality & Safety* (2020) was that the Aged Care Quality and Safety Commission increase its relevance through culturally trained assessors, emphasis on localised knowledge, and freely available training to upskill service providers and their staff in quality service delivery.

In line with this, we believe the Act should explicitly require more support and training for workers, including cultural awareness training across the whole aged care workforce, and aged care training in areas such as dementia and trauma-informed practice.

We note that a high percentage of aged care workers are migrants on temporary visas. While coming from a culturally or linguistically diverse background is invaluable, this must be complemented with the provision of training in aged care, and local knowledge of aged care systems and support. A member of the ECCV Positive Ageing and Aged Care Policy Advisory Committee commented on this recently: *'When they (older people) have support it may be language support, but the workers may not understand the aged care service system and entitlements'.*

The role of informal, unpaid carers is conspicuously absent from the Act too. The legislation should prescribe that informal carers be provided with access to funded support, as well as training opportunities relevant for their carer role.

Another issue is the danger that smaller providers of aged care services for specific diverse groups, especially for new and emerging communities, may find some of the management and administrative requirements of the new legislation onerous and impossible to resource, and may become unviable or unsustainable because of this. This would be a significant loss to the aged care system and to some migrant communities. Therefore, we suggest that the Government carefully considers the impact on smaller providers and adopts flexible mechanisms to ensure that their expertise and capabilities in serving older people from migrant backgrounds is not lost in the transition process and in ongoing service provision. (This is in line with ECCV's *Submission to the Royal Commission into Aged Care Quality and Safety* (2020), which recommended that policies are put in place to protect smaller agencies, with additional resourcing for training and organised provider and cross-sector partnerships).

Recommendations

21. Explicitly require the provision of support and training for workers across the aged care sector including in rights, cultural awareness, trauma-informed practice, and dementia.

22. Explicitly require that informal carers be provided with access to funded support and training.

23. Adopt flexible mechanisms and additional support to ensure that the services and expertise of small aged care providers for older people from migrant and refugee backgrounds are not lost to the system and the community.

Obligations of registered providers and conditions on registration of registered providers

ECCV believes that providers should be responsible for keeping themselves aware of services and supports that are linguistically and culturally relevant for older people from migrant and refugee backgrounds and offer these to people who may need or benefit from them at all stages of the care and support journey.

Recommendation

24. The new Act includes a requirement for aged care providers to be aware of and offer service options that are culturally and linguistically relevant to meeting the individual's cultural, linguistic, faith and spiritual needs and preferences.

Aged care digital operators

ECCV believes that, along with other service providers, digital operators should be required to offer and provide services in a way that is culturally and linguistically appropriate to the older person's background, and is accessible and sensitive, while also keeping in mind that the majority of people over 75 years old are not digitally literate and alternative options for access need to be available for them.

Recommendation

25. Require digital platform operators to offer and provide services in a way that is culturally and linguistically appropriate, accessible and sensitive.

4 Governance of the aged care system: Response to Chapter 5 of the Act

System Governor

ECCV proposes finer-grained articulation and more enhanced responsibilities for the role of System Governor. This includes oversight of access to ethno- and linguistic-specific providers, capacity building for multicultural groups and communities (particularly new and emerging communities) to provide support services, and capacity building for all aged care services to deliver culturally informed support.

We specifically support the recommendation of the Centre for Cultural Diversity in Ageing (highlighted in green) to amend the specified Functions of the Systems Governor in the following way (See Chapter 5, Part 2, Section 132, Page 133):

> 'The System Governor has the following functions:
>
> (iii) promoting diversity of registered providers to enable individuals to choose between registered providers including culturally diverse and appropriate providers;
>
> (iv) providing education to build the capacity of registered providers to adopt best practice in the delivery of funded aged care services, including the capacity to deliver culturally appropriate care; and
>
> (v) building the capacity of diversity groups and their communities to establish inclusive aged care services, including working in partnership with newly arrived communities to enable access to culturally appropriate services and provide support to multicultural communities to set up community-run, ethno-specific services'.

Multicultural Aged Care Strategy

We also support the recommendation of the Centre for Cultural Diversity in Ageing that the legislation be linked to a targeted diversity policy approach, through the development of a Multicultural Aged Care Strategy that elevates the cultural appropriateness of the aged care system and improves the experiences of individuals from diverse cultural, linguistic, and faith backgrounds who use or wish to access aged care services.

Recommendations

26. Amend the System Governor considerations to include reference to diversity of choice of culturally appropriate and ethno-specific providers as well as capacity building to train aged care providers to deliver culturally appropriate aged care.

27. Develop a Multicultural Aged Care Strategy to help ensure culturally appropriate care delivery across relevant government entities and funded aged care services.

Multicultural Seniors' Advisory Council

ECCV believes that the interests of older people from migrant and refugee backgrounds receiving support and care, would be best monitored and addressed through a Multicultural Seniors' Advisory Council that provides advice to the System Governor. This Council would represent views and experiences from their communities and services, while also reflecting together on service data (both quantitative and qualitative) as it becomes available, and providing advice on measures to address issues in the aged care and support system as they arise.

Recommendations

28. Create and embed a Multicultural Seniors' Advisory Council into the proposed governance functions of the new aged care system.

29. Make reference in the new Act to the collection of data about the cultural diversity of service users, and what parties are responsible for the collection and collation of this data, so as to inform and track inclusive practice and help promote an inclusive system.

Aged Care Quality and Safety Commission

The language of the Act relating to the Commissioner's role should be tightened to require providers to provide support and services that uphold people's rights and the intent of the Act in a way that is linguistically and culturally appropriate, relevant, accessible and sensitive. For example, in the Exposure Draft the Commissioner's role is said to include merely: '*encouraging*' services that are culturally safe, trauma aware and healing informed, and '*promoting*' high quality care to build trust and confidence in the system.

Recommendation

30. Tighten the language describing the Commissioner's role in relation to service providers to 'monitor and ensure' that services are culturally safe, trauma aware and healing informed, and that the wording of 'monitor and ensure' (or similar) is applied to all dimensions of service provision that relate to upholding people's rights and providing high quality care and support.

5   Miscellaneous: Response to Chapter 8 of the Act

Funding of specific populations

ECCV believes that wording in the Act should ensure grant purposes can be funded for specific populations defined as 'diverse'. This is especially relevant for new and emerging migrant groups that rarely have the collective resources of more established communities, and also for smaller ethno-specific agencies delivering support and care for older people.

Recommendation

31. Amend Section 392 to ensure grant purposes may be funded for specific populations outlined in the proposed diversity population list clause.