



30 September 2024

Dear Senate Standing Committee on Community Affairs,

Re: Provisions of the Aged Care Bill 2024

Inclusion Australia is the national peak organisation representing the rights and interests of Australians with an intellectual disability and their families. Founded 70 years ago in 1954, our mission is to work to make sure people with an intellectual disability have the same opportunities as people without disability.

Our strength is in our national representation and our connection to our community. We have a member organisation in every state and territory across Australia:

- ACT Down Syndrome and Intellectual Disability (ACT DSID)
- Council for Intellectual Disability (NSW)
- Developmental Disability WA (DDWA)
- Inclusion Northern Territory (Inclusion NT)
- Parent to Parent (P2P, Queensland)
- South Australian Council on Intellectual Disability (SACID)
- Speak Out Advocacy (Tasmania)
- Victorian Advocacy League for Individuals with Disability (VALID).

We write this letter in support of the submission by Young People In Nursing Homes National Alliance (YPINHNA) Ltd. On behalf of the community we serve, we particularly endorse their recommendation:

“A new provision should be added to the Bill to recognise the status, rights and regulatory regime apply to any NDIS participant aged 50-64 years who is fully funded by the NDIS or other program and contracts with a provider to live in a residential aged care facility to receive disability supports. This arrangement for people living in residential aged care but not as aged care clients and who receive no aged care funding, should be recognised in the Bill and associated regulatory system.

NB: All aged care providers who provide care to NDIS participants automatically become registered as NDIS providers and are regulated by the NDIS Quality and Safeguards Commission.”

We share YPINHNA’s concerns that the *Aged Care Bill 2024* may increase the numbers of young people with disability in residential aged care, despite the clear statement from the Aged Care and Disability Royal Commissions that residential aged care is an inappropriate setting and service for people with disability under 65 years. This practice must stop and

more appropriate housing arrangements need to be made, particularly given that more than [95% of younger people in permanent residential aged care are NDIS participants](#).

We share YPINHNA's concern that there is a worrying potential of a pipeline from Supported Independent Living (SIL) to residential aged care. SIL supports and living arrangements are not comparable to group-based aged care environments and must not be considered as 'like-for-like' arrangements or substitutions. It would be deeply problematic if the Bill 'normalises' aged care as an acceptable alternative to disability support funded by the NDIS and provided in the community, particularly because the care of young people with disability living as aged care clients in permanent residential aged care would be cheaper for the NDIA than if these same individuals were living in the community.

It is also concerning that that "changes to the NDIS Act are expected to result in more participants losing their entitlement to NDIS funding as they (a) turn 65 years after moving into residential aged care or (b) move into residential aged care after they turn 65" (YPINHNA submission, p. 8).

Together with YPINHNA, we also urge that NDIA, DoHAC and DSS work together to ensure that the Commonwealth coordinate policy provisions related to people with disability. The NDIS has responsibility to ensure that people with disability get the supports to which they are entitled and need to live a safe and dignified life, with genuine choice of where they live and how they are supported. This would not be achieved if young people with disabilities are pushed into aged care placement. In the drafting of the *Aged Care Bill 2024*, we urge you to address these concerns regarding NDIS participant aged 50-64 years.

Further, we agree with YPINHA that the legislated framework for a provider duty of care that contains both civil and criminal liability is a critical part of the safeguarding framework for Australia's care systems. We join their call for the most rigorous and effective safeguarding regimes to ensure there is real change to the culture and practice in service provision.

Thank you again for the opportunity to contribute to the consultation on provisions of the *Aged Care Bill 2024*. Inclusion Australia would be pleased to continue this conversation and provide additional information if requested.

Kind regards,

Catherine McAlpine
Chief Executive Officer
Inclusion Australia