

21 June 2023

Care and Support Economy Taskforce
Department of the Prime Minister and Cabinet
PO Box 6500
Canberra ACT 2600
Australia

Via email: CareandSupportEconomyTaskforce@pmc.gov.au

Draft National Care and Support Economy Strategy 2023 Feedback

Thank you for the opportunity to comment on the draft National Care and Support Economy Strategy 2023 (the Strategy).

As the Public Advocate for Queensland, I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making ability.¹ There are several conditions that may affect a person's decision-making ability, including intellectual disability, acquired brain injury, mental illness, neurological disorders (such as dementia) or alcohol and drug misuse.

Many adults accessing supports through the disability, aged care and veterans' support sectors may have impaired decision-making ability or may experience this at some point in their life.

The Strategy, and the associated work, has the potential to facilitate a more holistic approach to the care and support economy. It may also assist to improve the experiences of, and outcomes for, people interacting with the disability, aged care, veterans' care, and early childhood education and care sectors.

In relation to the draft Strategy, I would like to put forward the following for consideration.

Human rights as a foundation for quality care and support

I support the focus on the provision of high-quality care as one of the key goals for the care and support economy. The draft Strategy notes that this should include person-centred services that focus on the needs of those who require the support. I would further suggest that quality care should also be based on the fundamental human rights afforded to people accessing, or seeking to access, these systems.

For adults with impaired decision-making ability who are engaging with these systems, this includes, for example, the rights afforded under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).²

Human rights, and in particular the UNCRPD, have strongly informed the approach and ongoing work of both the Independent Review of the National Disability Insurance Scheme and the Royal

¹ *Guardianship and Administration Act 2000* (Qld) s 209.

² United Nations. *Convention on the rights of persons with disabilities*, GA Res 61/106, 76th plen mtg, UN Doc A/RES/61/106 (adopted on 13 December 2006).

Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission).³

Similarly, human rights were a critical focus of the Royal Commission into Aged Care Quality and Safety (Aged Care Royal Commission). In its final report, the Aged Care Royal Commission noted that the protection and promotion of the rights of people who require aged care services should form the foundation of this system.⁴ Its proposed definition of quality of care emphasises a number of these rights, including care that promotes self-determination, is responsive to the recipient's preferences and needs, and supports dignity.⁵

These fundamental human rights form an important component of quality care and should be embedded across the broader care and support system.

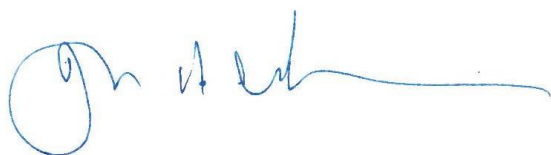
The Taskforce could consider the inclusion and recognition within the Strategy of the importance of the rights of people who require care and support services.

Consideration of the findings of major upcoming reviews

As is noted in the draft Strategy, there several reviews and other pieces of work occurring simultaneously that aim to strengthen aspects of the care and support system. These include the NDIS Review and the Disability Royal Commission, which are due to provide their respective final reports and recommendations on matters relevant to the care and support economy in the coming months. The Taskforce may wish to consider the timing of finalising the Strategy so that the findings and any relevant recommendations from these significant activities can be appropriately incorporated.

Thank you for the opportunity to provide feedback regarding the draft Strategy. If you require clarification of any of the issues raised in this correspondence, please contact my office on 07 3738 9513.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Chesterman', with a long horizontal flourish extending to the right.

John Chesterman (Dr)
Public Advocate

³ NDIS Review, *Our Approach, Independent Review of the National Disability Insurance Scheme*, Australian Government, November 2022; Commonwealth Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Interim Report* (2020).

⁴ Commonwealth Royal Commission into Aged Care Quality and Safety, *Final report: Care, dignity and respect, Volume 1 summary and recommendations* (2021) p. 14.

⁵ Commonwealth Royal Commission into Aged Care Quality and Safety, *Final report: Care, dignity and respect, Volume 1 summary and recommendations* (2021) p. 91.