

Royal Commission into Aged Care Quality and Safety

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13 July 2020

Dear Commissioners,

Jesuit Social Services welcomes the opportunity to respond to the Royal Commission into Aged Care Quality and Safety.

Jesuit Social Services is a social change organisation. We work with the most disadvantaged members of the community, providing services and advocacy in the areas of justice and crime prevention; mental health and well-being; settlement and community building; education, training and employment; gender justice; and ecological justice. We have a presence in Victoria, Western Sydney and the Northern Territory, working where the need is greatest, and where we have the capacity and expertise to make the most difference.

We acknowledge the detailed and complex nature of the Commission's deliberations and its attention to sensitive issues impacting older Australians. Jesuit Social Services would like to draw attention to two contexts in this submission – the experience and care of older Australians in prisons, and of older Aboriginal and Torres Strait Islander people.

Older people in prisons

Jesuit Social Services highlights the increasing population of older people in Australian prisons. The number of older people in prisons has increased 79 per cent since 2009¹.

Older people must live in physical conditions appropriate to their needs, with access to comprehensive and, where needed, expert support. These standards are expected for older people in our communities. Older people in prison deserve no less. These standards must be met in a custodial context and must also apply to older people returning to the community after they have served their custodial sentence.

Jesuit Social Services notes that too often there is a lack of age appropriate programs and services to meet the particular needs of older prisoners, both while in custody and on release. Observations from Jesuit Social Services' Reconnect program, which works with men and women exiting the prison system, include:

- Older people can experience a range of additional physical and mental health concerns during their time in prison and also exiting the system.
- Many programs, services and facilities in the prison system were not designed with the physical, health and social needs of older prisoners in mind. Any prison system must have rehabilitation

¹ AIHW *Health and ageing of Australia's prisoners 2018*, available [here](#). The AIHW notes that "a prisoner is commonly considered 'older' around the age of 45, which is 10 years younger than a person in the community. This earlier onset of age-related conditions is known as accelerated ageing (Baidawi et al. 2011; Turner & Trotter 2010)."

and resocialisation as its goals, but this is particularly challenging when facilities and programs cannot be accessed by older prisoners because of health or disability.

- There is a general lack of age appropriate programs and transitional services for ageing prisoners, with prisoners aged 60+ having to participate in the same services as younger prisoners, and little consideration given to their specific physical, health and social needs.
- Some participants require specific aged care accommodation post-release, however, navigating the aged care system is difficult.
- People with a disability who are incarcerated for more than two years lose their Disability Support Pension, which means they return to the community without an automatic income and having to reapply for their pension, creating further challenges for them.
- Older prisoners may be more likely to have reduced family or social networks in the community which would present further barriers to their successful reintegration.

The rising number and proportion of older prisoners also has implications for higher prevalence of health conditions. Older prisoners experience chronic physical health problems and a range of mental health issues, including pre-existing mental health conditions and substance misuse, which often contributed to the offending which led to their incarceration in the first place. There is also a potential increase in the incidence of dementia in prison due to prisoners' overall poorer physical and mental health.

Finally, we also emphasise that homeless and incarcerated people and those experiencing disadvantage age prematurely and often have needs commensurate with ageing populations, despite being younger.

To support the health and wellbeing of older people in prisons, the Federal Government must:

- Adequately fund the development of appropriate social housing for older people exiting prison, including but not limited to specific aged-care accommodation.
- Address shortcomings in access to the Disability Support Pension that presents additional challenges to older people exiting custody in need of financial support.
- Empower oversight mechanisms, including National Preventive Mechanisms (NPMs)², to monitor conditions and practices within prisons that negatively impact older Australians.
- Invest in place-based solutions to local disadvantage that drives offending and entrenches individuals and communities in justice-involvement.

Aged care systems for older Aboriginal and Torres Strait Islander people

Drawing on our experience in the Northern Territory, we also emphasise the need for the aged care system to support older Aboriginal and Torres Strait Islander people to live on country and highlight the harmful intergenerational consequences of the failure to do so.

As the Royal Commission heard in Alice Springs, being on country is critical to Aboriginal people's social and emotional wellbeing. Inadequate funding for aged care in more remote locations and a lack of flexible respite options means that many old people are forced to move to town centres to receive care, severing their ties with country and kin. Separation from country and family is not only detrimental to the health

² As recommended by the Australian Human Rights Commission (2020). *Implementing OPCAT in Australia 2020*, <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>.

and wellbeing of older people, but has intergenerational consequences, as they are unable to pass their knowledge on to the young ones.

In the Northern Territory, Jesuit Social Services delivers a number of programs to children and young people caught up in the justice system. A key message from the community consultations that informed the draft Northern Territory Aboriginal Justice Agreement was the strength and resilience found in culture. Learning culture from their Elders was highlighted as a key protective factor for children and young people against involvement in the justice system.³ As articulated so powerfully in the *Elders' Report into Preventing Indigenous Self-Harm and Youth Suicide*, supporting young people's reconnection to culture and country is foundational to their social and emotional wellbeing and preventing suicide and self-harm. In this context, the aged care system has an important role to play in supporting Elders to remain on country so that they can maintain this knowledge and pass it on to the younger generations.⁴

To support Aboriginal and Torres Strait Islander old people to remain on country, Jesuit Social Services calls for:

- Increased, adequate and flexible funding (including community-based block funding) for:
 - on-country aged care services in remote Aboriginal and Torres Strait Islander communities, including residential care facilities and care in the home, and
 - respite care that enables old people to return to country for periods of time, without having to give up their care place in town.
- More flexible vocational education and training options in aged care and disability services, including on-the-job support and mentoring, for Aboriginal and Torres Strait Islander people living in remote communities to support the provision of culturally appropriate care and sustainable local employment opportunities.

We invite the Royal Commission to consider these issues in the broader context of housing and social security policy. Aboriginal and Torres Strait Islander people suffer disproportionately from overcrowding due to inadequate quantity and quality of social housing, both in urban and regional centres and in remote communities. This situation is compounded by the deepening poverty caused by historically inadequate levels of, and a punitive approach to, income support, all of which impact on the health and wellbeing of older First Nations people who take on significant caring roles within their family and kinship networks.

To support the health and wellbeing of older First Nations people and their families, the Federal Government must:

- Address overcrowding by investing in appropriate housing for remote Aboriginal communities, including new stock and upgrades to ensure that their housing meets the National Indigenous Housing Guidelines.
- Permanently increase the income safety net by maintaining the recent increases to JobSeeker payment and other allowances.
- Replace the Community Development Program, the Government's current remote employment and community development service, with a scheme that is genuinely place-

³ Northern Territory Government Department of Attorney-General and Justice (2019) *Pathways to the Northern Territory Aboriginal Justice Agreement*.

⁴ The Elders' Report into Preventing Indigenous Self-Harm and Youth Suicide (2019) ([online](#)).



based and community driven and is effective in increasing economic opportunities in remote communities.

- **Not** expand income management in the Northern Territory through the Cashless Debit Card.

We appreciate the Royal Commission taking our views into account.

Yours sincerely

A handwritten signature in black ink that reads 'Sally Parnell'.

Sally Parnell
Acting CEO, Jesuit Social Services