

Culturally appropriate care as a fundamental human right within the new Aged Care Act

The Centre for Cultural Diversity in Ageing (The Centre), supported by Benetas, welcomes the Australian Government’s deliberations to introduce a new Aged Care Act replacing the Aged Care Act 1997. The Centre for Cultural Diversity in Ageing provided a policy submission to the Department of Health and Aged Care’s consultation paper on the [foundations](#) of a new Aged Care Act. The new Act is considered to be transformational in a sense that it will change the aged care legislative framework towards a “rights-based” one, putting the older person at the centre of aged care.

[The Centre](#) has over 25 years of experience in supporting aged care providers to address the needs of seniors from culturally, linguistically and spiritually diverse backgrounds. It plays a key role in advocating for a more culturally appropriate aged care system including through its representation at national advisory bodies. Based on the 2021 ABS Census data, 36.4% of people aged 65 and over were born outside of Australia with the majority from mainly-non English speaking countries. It is therefore paramount that the foundations of the new Aged Care Act are inclusive of the preferences and specific care needs of seniors from culturally, linguistically, and spiritually diverse communities.

The Centre advocates that an intersectional lens is applied across aged care service delivery and recognises that seniors from culturally, linguistically and spiritually diverse communities also identify with a number of diversity characteristics that may relate to disability, gender, sexuality, financial hardship, homelessness, caring responsibilities, dementia and living in rural and regional areas to name a few. The Centre welcomes that the Departmental consultation paper has recognised the importance of culturally and appropriate aged care. In view of that, the new legal framework needs to ensure and uphold:

- An explicit human right to communicate in one’s native or preferred language in line with articles 26 and 27 of the [International Covenant on Civil and Political Rights](#) to which Australia is a signatory of;
- That high-quality care includes access to culturally appropriate food options;
- Specific considerations relating to seniors from diverse backgrounds living with dementia;
- A change in eligibility requirements for people from refugee backgrounds aged 50 and over who may age prematurely due to trauma and grief-related issues;
- A culturally sensitive approach for the proposed nominee framework is applied; and
- Linking the legislation to strategic aged care policy frameworks, such as a targeted approach to support the aged care sector to deliver culturally appropriate care.

Nikolaus Rittinghausen, Manager, Centre for Cultural Diversity in Ageing, emphasised that:

“While the new Aged Care Act puts the individual at the forefront of the new aged care legislative framework, it is important to not lose sight of rights that relate to diverse groups and communities and perhaps consider a stronger focus of people’s intrinsic connection to community whether it is that they are part of a social club, identify with an ethnic group, share the same language, or follow particular faith practices.”

Nikolaus Rittinghausen further noted:

“Australia can be considered a highly successful multicultural nation with targeted government programs providing vital support to migrants and refugees and social cohesion [research](#) indicating that the majority of the population supports multiculturalism. It is now more important than ever that a new Aged Care Act lays the solid foundations to enshrine culturally appropriate care practices and approaches across the whole of the aged care system. “

The Centre is confident that a truly inclusive aged care system is not just a legal requirement but will help to improve the lives and promote the wellbeing of seniors from diverse backgrounds who access aged care.

To access the Centre’s policy submission, please visit our [website](#).

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For more information or interview requests, please contact Nikolaus Rittinghausen, Manager, Centre for Cultural Diversity in Ageing, on info@culturaldiversity.com.au

The Centre for Cultural Diversity in Ageing is funded by the Department of Health and Aged Care under the Partners in Culturally Appropriate Care (PICAC) program and supported by Benetas. The Centre provides expertise in culturally inclusive policy and practices for the aged services sector. We have over 25 years of experience in supporting aged care providers to address the needs of older people from culturally and linguistically diverse backgrounds.