

Foundations of a new Aged Care Act

**Response to consultation
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About Dietitians Australia

Dietitians Australia is the national association of the dietetic profession with over 8600 members, and branches in each state and territory. Dietitians Australia is the leading voice in nutrition and dietetics and advocates for the profession and people and communities it serves.

The Accredited Practising Dietitian (APD) program provides an assurance of safety and quality and is the foundation of self-regulation of the dietetic profession in Australia. Accredited Practising Dietitians play an important role in aged care, such as in the assessment and dietary management of older Australians with chronic diseases and malnutrition, in the planning and coordination of food service within aged care homes and home delivered meal programs, and in the training of aged care sector staff.

This submission was prepared by staff of Dietitians Australia following the [Conflict of Interest Management Policy](#) and processes approved by the Board of Dietitians Australia.

Recommendations

The Statement of Rights within the new Aged Care Act

Dietitians Australia considers it vital that the Statement of Rights within the new Aged Care Act acknowledges and includes the human right to a standard of food, nutrition and nutritional care that supports health, wellbeing and quality of life.

These rights must apply to the standard of food, nutrition and nutritional care provided in Commonwealth funded residential aged care homes, as well as the standard of food, nutrition and nutritional care provided to older people receiving aged care services in the community and meals at home (via home-delivered meal programs).

Discussion

The human right to a standard of food, nutrition and nutritional care

Dietitians Australia welcomes a Statement of Rights within the new Aged Care Act. While we welcome the draft proposed Statement of Rights outlined in the consultation paper, we highlight there is no reference to the human right to a standard of food, nutrition and nutritional care that supports health, wellbeing and quality of life.

Everyone has the right to a standard of living, including food and housing, to support their health, wellbeing and quality of life. Access to a variety of safe and nutritious food/beverages is a fundamental human right and essential for the physical, mental, social and emotional wellbeing of all older Australians receiving residential aged care and in-home aged care services.

‘The International Declaration on the Human Right to Nutritional Care’¹ (Vienna Declaration) is a framework document to promote access to nutritional care for all people who are malnourished or at risk of malnutrition, based on a human rights-based approach. It sets a shared vision and five principles for implementation of actions, those being:

1. Public health policy must make the fulfillment of the right to nutritional care a fundamental axis in the fight against disease-related malnutrition.

2. Clinical nutrition education and research is a fundamental axis of the respect and the fulfillment of the right to nutritional care.
3. Ethical principles and values in clinical nutrition including justice and equity in nutritional care access are the basis for the right to nutritional care.
4. Nutritional care requires an institutional culture that follows ethical principles and values and an interdisciplinary approach.
5. Patient empowerment is a key enabler to necessary action to optimise nutritional care.¹

The Statement of Rights in the new Aged Care Act

It is proposed that the Statement of Rights in the new Aged Care Act will outline the specific rights of people accessing, or seeking to access, funded aged care services under the new aged care system. Given the plethora of issues identified in the Royal Commission into Aged Care Quality & Safety by older people and their families with regards to food, nutrition and access to nutritional care within residential aged care homes, Dietitians Australia considers it vital that the Statement of Rights within the new Aged Care Act acknowledges and includes the human right to a standard of food, nutrition and nutritional care that supports health, wellbeing and quality of life.

These rights must apply to the standard of food, nutrition and nutritional care provided in Commonwealth funded residential aged care homes, as well as the standard of food, nutrition and nutritional care provided to older people receiving aged care services in the community and meals at home (via home-delivered meal programs).

A Statement of Rights on a standard of food, nutrition and nutritional care is necessary as part of the holistic approach to prevent and treat malnutrition, improve clinical outcomes and improve quality of life among older people accessing funded aged care services.

Acknowledging the human right to a standard of food, nutrition and nutritional care is consistent with the need to address high rates of malnutrition among older people in Australia. In residential care, Australian studies have identified a prevalence of malnutrition from 22% up to 50%.² Among community-dwelling older adults living in Australia and new Zealand, between 1%-17% of adults are malnourished and between 4%-63% are at risk of developing malnutrition.³

The World Health Organization recognises malnutrition as one of six contributing factors to the declining physical and mental capacity of older people.⁴ Malnutrition increases the risk of falls, osteoporosis and fractures, slow wound healing, morbidity, mortality and contributes to poor quality of life.⁵ Malnutrition is an accelerator to entry to residential aged care.

The acknowledgement of a standard of food, nutrition and nutritional care in the Statement of Rights aligns with recent reforms in aged care, including:

- the draft revised Aged Care Quality Standards, specifically Standard 6 (Food and Nutrition). In the revised Standards for food and nutrition, the expectation statement for older people is: 'I receive plenty of food and drinks that I enjoy. Food and drinks are appetising, nutritious and safe, and meet my needs and preferences. The dining experience is enjoyable, includes variety and supports a sense of belonging.'
- the direction of the Aged Care Quality & Safety Commission to establish a new Food, Nutrition & Dining Hotline and Advisory Support Unit' within the Commission. The new hotline and unit have recently been established as part of the Government's investment of

\$12.9m to improve food, nutrition and the dining experience for older people in aged care, and support continuous improvement in the delivery of quality aged care.

It is therefore important for the Statement of Rights in the new Aged Care Act to reflect the renewed focus on food, nutrition and nutritional care as part of the aged care reforms.

References

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