



Legislative Assembly for the
Australian Capital Territory

Select Committee on Social Policy

Submission cover sheet

Inquiry into Petition 017-25 and E-Petition 005-25: Closure of Burrangiri Aged Care Respite Centre in Rivett

Submission number: 18

Submitter: ACT Human Rights Commission

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Standing Committee on Social Policy
ACT Legislative Assembly
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Canberra ACT 2601
By email: LCommitteeSP@parliament.act.gov.au

12 May 2025

Dear Committee,

Inquiry into Petition 017-25 and E-Petition 005-25: Closure of Burrangiri Aged Care Respite Centre in Rivett

Thank you for the opportunity to provide a submission to support the inquiry into the petitions relating to the closure of Burrangiri Aged Care Respite Centre in Rivett.

As the Health Services, Discrimination, Disability and Community Services Commissioner, I administer a number of complaint jurisdictions, which allows me to accept and consider complaints that are particularly relevant to older people and their supports. These include complaints about:

- Older person services.
- Health services.
- Code of Conduct for Health Care Workers.
- Discrimination under the ACT *Discrimination Act 1991*.
- Abuse, neglect or exploitation of vulnerable people with a disability or over 60 years old.
- Retirement villages.
- Disability services.
- Human rights complaints.
- Charter of Rights for Victims of Crime.

In managing these complaint jurisdictions, the Commission regularly engages with older people and their informal carers, as well as the professionals and services who support them. I draw on the information obtained from complaints and these engagements to highlight some of the issues and themes that may be relevant to the inquiry.

Role and importance of respite

Drawing on information obtained from individuals and services through complaints and inquiries, and our community outreach work, the Commission is aware that access to designated overnight respite beds for older people is critical to:

- Enable carers to maintain their own health and wellbeing, as necessary to sustain their ability to provide safe and effective care for the older person in the community.
- Enable carers to complete tasks they cannot manage whilst the older person is in their care, such as attending work, health appointments or managing other daily living tasks.
- Reduce risks associated with carer stress and burnout, which can cause physical and psychological harm to both the carer and the older person, and increase the risk of both abuse and neglect.
- Facilitate timely hospital discharges where a person is medically stable, but does not yet have access to the care, services, equipment or home modifications they may require to safely return home.
- Reduce the risk of older people requiring social admissions to hospital when a carer needs to access health care and/ or the carers becomes overwhelmed by the burden of care.
- Allow the carer and older person to maintain their relationship and living arrangements for as long as possible.

Information available to the Commission suggests that access to regular day respite is equally important to carers and older people, providing a consistent pattern of alternative care that supports:

- Carers to take a break and attend to other tasks they need to manage on a regular basis, including attending to their own physical and mental wellbeing.
- Older people to have a regular routine of activities outside the home and the opportunity to socialise with other people, which can reduce feelings of isolation and improve their wellbeing.
- Care arrangements to be sustained, particularly where the carer works, experiences their own health and/ or age-related issues or the older person has more complex needs.
- Reduce risks associated with carer stress.

The Commission receives a significant number of vulnerable person complaints each year, where our enquiries determine that carer stress and burnout is one of the primary drivers of the neglect and/or abuse that is reported to have occurred. Respite has an important role to play in addressing safeguarding risks, both as a preventive measure and a reactive safeguarding response.

As a preventative measure, access to regular respite limits the likelihood that the carer will become so overwhelmed by care related exhaustion that they neglect or harm the older person. As a reactive safeguarding response to abuse and neglect reported, respite can offer a circuit breaker that allows the older person to access alternative care while they and their carer consider additional supports or alternative care arrangements.

Drawing on information obtained through our enquiries, carers appear to be at higher risk of experiencing carer strain and burnout in situations where the:

- Older person they care for has high physical care needs or a condition that affects their cognition and behaviour (e.g. dementia).
- Carer is a similar age to the older person they care for, and/or has their own health issues.
- Carer feels pressure to sustain care for the older person, due to a desire and/or need to maintain their relationship and living arrangements for as long as possible.

The Commission raises concern that the closure of Burrangiri Aged Care Respite Centre may have the unintended consequence of placing more older, vulnerable Canberran's at risk of abuse, neglect and/or exploitation.

Shortage of respite places within the ACT

Drawing on information the Commission has received through complaints, inquiries and community engagement, the Commission is aware there is a significant shortage in overnight respite places available to older people and their carers within the ACT. As a result, it is becoming increasingly difficult for older people and their carers to access overnight respite as they require it.

Information available to the Commission suggests that the below factors are affecting the availability of overnight respite within the ACT:

- The percentage of older people, as a proportion of the population, is showing year on year increases across Australia, as per census data published by the Australian Bureau of Statistics. The most recent data obtained through the 2021 census showed that people aged between 65-74 account for 7.9% of the ACT population and those aged 75+ years of age accounted for 5.9% of the ACT population.
- Designated overnight respite services are already heavily subscribed and the demand for their service exceeds their capacity to provide overnight respite as requested.
- There is a general shortage of aged care places in the ACT and Residential Aged Care Facilities (RACF's) have high occupancy rates. As a result, ACT based RACF's less frequently need to consider:
 - Offering a designated respite bed that can be booked in advance for regular respite.
 - Offering short term respite to fill an unoccupied permanent bed.

The Carers Gateway service, operated by Carers ACT, can assist to link carers to overnight respite beds in RACFs who do offer respite, however the Commission is aware that demand for these respite beds substantially exceeds their availability. The Commission has also been made aware that some RACFs are unable to offer respite to older people with higher level care needs, particularly those with dementia related behaviours. These restrictions limits respite access for carers who are at the highest risk of carer stress and burnout.

The Commission is aware that Carers ACT operates Deakin Cottage and Naraganwali Cottage to enable carers of people who are ageing and/or have dementia to have a short break, either through day respite or overnight respite. The cottage environment, whilst optimal for attendees, limits the numbers of places available, particularly for overnight respite. In emergency situations, Carers ACT can also put in place 1-1 care for the older person in their home, however funding is generally limited to 40 hours.

The Commission has heard that day centre respite places are more difficult to access for individuals with higher level care needs, particularly for those with high physical care needs or dementia related behaviours, due to the environment and staffing required to meet the needs of this cohort.

Respite available through Burrangiri Aged Care Respite Centre

Burrangiri Aged Care Respite Centre has 15 designated overnight respite beds (5475 nights of respite per annum), which older people and their carers have been able to book in advance and/or access at point of need for up to 3 weeks at a time, irrespective of whether the older person has been formally approved by ACAT for residential respite. The centre is known for being willing to provide care to older people with higher care needs and/ or who have a diagnosis of dementia, which other respite service providers cannot consistently accommodate.

The overnight respite service Burrangiri Aged Care Respite Centre has offered to date is distinct to that offered by RACFs, who require the older person to have a valid ACAT referral code approving them for residential respite and who may prioritise the offer of a vacant bed to a person seeking permanent residential care over a person seeking respite.

As a designated respite service, older people and their carers have been able to utilise Burrangiri Aged Care Respite Centre to book and access regular short-term respite, allowing them to plan for breaks in care and build familiarity with a single service, decreasing the stress that can frequently be associated with accessing overnight respite in a new environment.

Burrangiri Aged Care Respite Centre has also provided centre-based day respite to support older people and their carers from 9 am – 3 pm on weekdays, including to individuals which other services cannot consistently accommodate due to their higher care needs.

Impact of closure of Burrangiri Aged Care Respite Centre

The Commission notes the two petitions raise concern about the closure of Burrangiri Aged Care Respite Centre, on the basis there is already a critical shortage of respite within the ACT and the closure of the centre, without equivalent respite services being funded and made available prior to closure, will further exacerbate this shortage and impact the population who rely on this service.

Information obtained from complaints, community outreach and the Commission's enquiries would suggest the petitions raise valid points for consideration by the standing committee.

Information available to the Commission suggests that the closure of the centre is likely to have a significant impact on the ACT population who require access to both day and overnight respite, and may more profoundly affect those caring for people with higher level care needs that cannot be consistently accommodated by other services.

The Commission reiterates its concern that the closure of the facility, and the associated loss of the day and overnight centred based respite that it has provided to vulnerable older adults and their carers, may have the unintended consequence of increasing the risks that vulnerable older adults will experience abuse, neglect or exploitation associated with carer stress.

To support your inquiry, the Commission brings to your attention the below de-identified case studies, which relate to information the Commission has received via complaints and inquiries, primarily through our vulnerable person's complaint jurisdiction.

Case Study 1: Vulnerable person concern

A neighbour of an 80 year old lady (Mrs. Smith) with high physical care needs notified the Commission that they could hear her scream out several times a week, and raised concern that her 82 year old husband (Mr Smith) may be abusing Mrs. Smith.

Enquiries made by the Commission confirmed Mr Smith completed all of Mrs. Smith's personal care and transfers, as services could not assist due to the bathroom set up and lack of equipment. While the couple reported that they had a close and generally positive relationship over the years of their marriage, Mr. Smith was now struggling to provide the level of care Mrs. Smith required in the home following a recent deterioration in her function. Mrs. Smith privately disclosed that Mr. Smith could be quite rough with her and she no longer felt safe with him providing her care. Mr. Smith disclosed that he was not coping, but did not have any time to look into additional supports or alternative care option, as he was having to provide 24/7 care to Mrs. Smith and was exhausted. Arrangements were made for Mrs. Smith to go to Burrangiri Aged Care Respite Centre for 3 weeks respite and Mr. and Mrs Smith indicated

they would use the time Mrs. Smith was in respite to arrange additional short term supports whilst they attempted to locate a permanent residential care bed for Mrs. Smith.

Access to respite at Burrangiri Aged Care Respite Centre addressed the immediate safety risks for Mrs Smith and relieved Mr. Smith's acute carer stress.

Case Study 2: Inquiry about making a complaint

Through an inquiry at a community outreach event, a carer raised concern with the Commission about the closure of Burrangiri Aged Care Respite Centre, noting the centre had been the only respite facility in the ACT that had been willing to offer several weeks of overnight respite to their spouse who had experienced more severe dementia related behaviours.

The carer advised that they were a dementia advocate and support to other carers of people with dementia and that other carers were also expressing distress about the closure of the centre, indicating this would further limit their ability to access respite that they relied upon to cope as a carer, unless an equivalent support was put in place prior to the closure date.

The carer indicated to the Commission that they were considering making a complaint and supporting others to do so if action was not taken to address the concerns being raised by respite users and the wider ACT community about the closure of the centre.

Case Study 3: Complaint

A carer brought a complaint on behalf of their mother, raising concern about the ACT Health Directorate's decision to cease funding for Burrangiri Aged Care Respite Centre without communicating that it was funding an equivalent respite service.

The carer informed the Commission that their mother attended the day centre so they could go to work, noting that their mother had dementia and could not be left alone as she wandered. The carer stated Burrangiri Aged Care Respite Centre's day respite service had provided high level, consistent care to their mother for several years and neither they or her mother had been consulted prior to the decision being made and communicated about the day centre closing.

The carer was unsure what day centre service would be able to meet their mother's needs once Burrangiri Aged Care Respite Centre closed, and as of April 2025, claimed they had not received any support to locate or transition their mother to an alternate day centre service that could accommodate her dementia related needs. The carer indicated their mother was confused about the closure and would be distressed if she could not attend. The carer noted they were concerned about her ability to work if the centre closed.

The carer claimed that the manner in which a decision was made to close the centre, without consulting the people who use the service, dismissed issues relevant to older people, treated older people less favourably and may not meet the ACT Government's human rights obligations. The complaint will be considered as a human rights complaint.

Case Study 4: Vulnerable person concern

Concerns were raised with the Commission about the possible abuse of an older person in the ACT whose partner and carer, also an older person with disability, was threatening to self-harm and harm their partner as a result of the lack of supports at home.

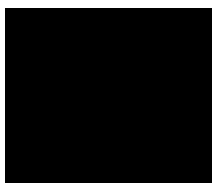
The couple's home was an occupational, health and safety (OHS) risk for services and accordingly, the couple were receiving limited supports. Urgent respite was necessary to address the safeguarding risks, and the only respite they could access at the time was through Burrangiri Aged Care Respite Centre.

The carer articulated that if they had not been able to obtain this respite, and been able to book further respite to have a regular break, they would not have survived.

I am grateful for the opportunity to provide this short submission.

Should you wish to discuss this matter further, you are welcome to contact me on (02) 6205 2222 or via email to [REDACTED]

Yours sincerely,



Karen Toohey
Discrimination, Health Services, Disability and Community Services Commissioner