

7 August 2026

Committee Secretary
Senate Community Affairs References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Sent by email: community.affairs.sen@aph.gov.au

Dear Committee Secretary

Submission to the Inquiry into the Support at Home Program

I welcome the opportunity to make this submission to the Senate Community Affairs References Committee inquiry into the Support at Home Program in my capacity as Age Discrimination Commissioner at the Australian Human Rights Commission (the Commission).

The Commission is Australia's National Human Rights Institution. We provide independent services to promote and protect human rights, develop policy, undertake research to support compliance with human rights obligations, and investigate and conciliate complaints of unlawful discrimination and human rights breaches.

I refer the Committee to my previous submission to the Standing Committee on Community Affairs' inquiry into the Transition from the Commonwealth Home Support Program (CHSP) to the Support at Home Program Inquiry (the Committee Inquiry) dated 30 January 2026 at [Submission 75](#). I also note that the Committee Inquiry subsequent report made several significant recommendations which remain highly relevant when considering the implementation and future operation of the Support at Home Program.¹

Retention of the CHSP

I welcome and support the Committee Inquiry report's recommendation that the CHSP be retained as a separate block-funded program and not be transitioned into the Support at Home Program.² The Commission's position remains that the CHSP performs an important foundational role within Australia's aged care system and should not be fully absorbed into the Support at Home Program. Rather, it should be retained and reframed as a foundational supports program focused on social

supports, living supports and community connection. This approach recognises that some forms of support are best delivered through community-based and commissioned approaches rather than solely through fee-for-service arrangements. The Committee's recommendations similarly recognised the value of retaining CHSP as a separate block-funded program.

Recommendation 1: The Australian Government should retain the CHSP as a separate block-funded program and transform the CHSP into a new Foundational Supports for Older People at Home Program.

Integrated Assessment Tool (IAT)

The recent *Aged Care Act 2024* (Cth) amendment to restore human oversight and override functions in the administration of IAT is a positive and welcome development.³ However, this amendment must be more than a procedural adjustment; it must give material effect to the rights-based and person-centred approach championed in the *Aged Care Act 2024* (Cth) as well as support confidence and trust in the aged care system through strengthened transparency and accountability.

The Commission's view is that government automated decision-making systems must be designed with human rights protections at their core to ensure fair and transparent outcomes.⁴ To give material effect to the rights-based standards set out by the *Aged Care Act 2004* (Cth), human oversight and override functions must be conducted by suitably qualified and competent assessors with the relevant clinical expertise. It is also essential to ensure IAT gives the fullest effect to the right to remedy, in line with Australia's international legal obligations as a signatory to the International Covenant on Civil and Political Rights.⁵

Recommendation 2: The Australian Government must ensure human oversight and override functions in the administration of IAT are conducted by qualified assessors.

Support at Home Program

Whether the Support at Home Program gives practical effect to the Statement of Rights enshrined in the *Aged Care Act 2024* (Cth) depends on an older person's ability to access care and support in a timely, affordable and appropriate manner.⁶

Some concerns which have been articulated to me in my role as Age Discrimination Commissioner include:

- Long waiting times for assessment outcomes
- Unclear expectations on the application and approval process
- Increased out-of-pocket costs

- Reductions or changes in services
- Service unavailability in rural or remote areas, and
- Challenges with managing a complex system while dealing with age-related health, mobility, financial or practical challenges.

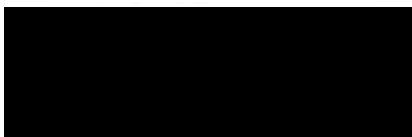
Some priorities that have been articulated to me, which specifically relate to the needs of Aboriginal and Torres Strait Islander Elders and Older People when it comes to the Support at Home Program, include:

- Ensuring that First Nations Aged Care reform continues to be grounded in genuine partnerships with Aboriginal and Torres Strait Islander communities including Elders, Older People, communities, Aboriginal Community Controlled Organisations, First Nations Aged Care providers and representative peak bodies.
- Ensuring the Support at Home Program leads to equitable outcomes for Aboriginal and Torres Strait Islander Elders and Older People, which includes:
 - Supporting culturally safe care
 - Strengthening Aboriginal Community Controlled and First Nations Aged Care providers
 - Addressing the realities of thin markets and remote communities, and
 - Removing financial, geographic and system navigation barriers that may limit access to services.

Recommendation 3: The Australian Government must ensure that the Support at Home Program provides older people with timely, affordable, and culturally appropriate access to the care and support they need, in line with the rights-based objectives of the *Aged Care Act 2024* (Cth).

Thank you for the opportunity to provide this submission.

Kind regards



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Age Discrimination Commissioner

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- ¹ Community Affairs Committee, Transition of Commonwealth Home Support Program Inquiry, Final Report, 2026, Recommendations 1-7. Access at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CHSPTransition/Report.
- ² Community Affairs Committee, Transition of Commonwealth Home Support Program Inquiry, Final Report, 2026, Recommendation 5. Access at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CHSPTransition/Report.
- ³ Aged Care Amendment (Restoring Human Override for Aged Care Needs Assessments) Bill 2026.
- ⁴ Australian Human Rights Commission, Use of Automated Decision Making by Government – Submission to the Commonwealth Attorney-General's Department, 15 January 2025, Recommendation 1. Access at: <https://humanrights.gov.au/resource-hub/by-resource-type/submissions/use-of-automated-decision-making-by-government>; Australian Human Rights Commission, Human Rights and Technology, Final Report, 2021, Recommendations 2 – 8. Access at: <https://humanrights.gov.au/resource-hub/by-resource-type/publications/technology-and-human-rights/final-report-human-rights-and-technology>.
- ⁵ The International Covenant on Civil and Political Rights art 2(3) requires each State Party to ensure a person whose Covenant rights have been violated has an effective remedy, and that this remedy will be enforced. See also UN Human Rights Committee, General Comment No 31 [80]: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 80th sess, UN Doc CCPR/C/21/Rev/1/Add/13 (26 May 2004, adopted 29 March 2004).
- ⁶ S 23, *Aged Care Act 2024* (Cth).