

Barton Deakin Brief: Royal Commission into Aged Care Quality and Safety

Today Prime Minister the Hon Scott Morrison MP, Minister for Health the Hon Greg Hunt MP, and Minister for Senior Australians and Aged Care the Hon Ken Wyatt MP announced the terms of reference and commissioners for the Royal Commission into Aged Care Quality and Safety.

This Barton Deakin Brief provides an overview of the Royal Commission, including its detailed Terms of Reference, biographies of the two Royal Commissioners, and an overview of the timeline of the Royal Commission.

Overview

The Royal Commission was first announced on Sunday 16 September.

The Government has recommended that the Honourable Justice Joseph McGrath and Lynelle Briggs AO be appointed as Royal Commissioners. The announcement follows an extensive period of public consultation with the community and with the health and aged care sectors.

The Commission will broadly look into issues of:

- quality and safety of care;
- how to care for people with disabilities living in aged care facilities; ‘
- how to best care for Australians living with dementia;
- the challenges in providing accessible, affordable and high quality aged care services;
- aged care in rural, regional and remote Australia; and
- how Government, the aged care sector, and the community can provide the best services and the most choice into the future.

Terms of Reference

The Royal Commission is to inquire in to:

- a) the quality of aged care services provided to Australians, the extent to which those services meet the needs of the people accessing them, the extent of substandard care being provided, including mistreatment and all forms of abuse, the causes of any systemic failures, and any actions that should be taken in response;
- b) how best to deliver aged care services to:
 - i) people with disabilities residing in aged care facilities, including younger people; and
 - ii) the increasing number of Australians living with dementia, having regard to the importance of dementia care for the future of aged care services;
- c) the future challenges and opportunities for delivering accessible, affordable and high-quality aged care services in Australia, including:
 - i) in the context of changing demographics and preferences, in particular people's desire to remain living at home as they age; and
 - ii) in remote, rural and regional Australia;



- d) what the Australian Government, aged care industry, Australian families and the wider community can do to strengthen the system of aged care services to ensure that the services provided are of high quality and safe;
- e) how to ensure that aged care services are person-centred, including through allowing people to exercise greater choice, control and independence in relation to their care, and improving engagement with families and carers on care-related matters;
- f) how best to deliver aged care services in a sustainable way, including through innovative models of care, increased use of technology, and investment in the aged care workforce and capital infrastructure;
- g) any matter reasonably incidental to a matter referred to in paragraphs (a) to (f) or that you believe is reasonably relevant to the inquiry.

The Commissioner has been directed to make any recommendations that are considered appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

The Commissioner has been directed to consider the above with regard to the following:

- h) all forms of Commonwealth-funded aged care services, whatever the setting or environment in which those services are delivered;
- i) all aspects of the quality and safety of aged care services, including but not limited to the following:
 - i) dignity;
 - ii) choice and control;
 - iii) clinical care;
 - iv) medication management;
 - v) mental health;
 - vi) personal care;
 - vii) nutrition;
 - viii) positive behaviour supports to reduce or eliminate the use of restrictive practices;
 - ix) end of life care;
 - x) systems to ensure that high quality care is delivered, such as governance arrangements and management support systems;
- j) the critical role of the aged care workforce in delivering high quality, safe, person-centred care, and the need for close partnerships with families, carers and others providing care and support;
- k) the wide diversity of older Australians and the barriers they face in accessing and receiving high quality aged care services. This should take into account the increasing incidence of chronic and complex conditions;
- l) the interface with other services accessed by people receiving aged care services, including primary health care services, acute care and disability services, and relevant regulatory systems. This should take into account how people transition from other care environments or between aged care settings;
- m) examples of good practice and innovative models in delivering aged care services;
- n) the findings and recommendations of previous relevant reports and inquiries.



The Commissioner is not required to investigate any matter where they are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

Timeline

The Royal Commission will be based in Adelaide. It is expected that the Royal Commission will provide an interim report by 31 October 2019 and a final report by 30 April 2020.

A website and detail on how to make submissions are yet to be released.

Royal Commissioners

Lynelle Briggs AO

Ms Briggs has worked in the Australian Public Services for more than 30 years, during which time she has been the CEO of Medicare Australia, Australian Public Service Commissioner and Deputy Secretary in the Department of Transport and Regional Services. She was closely involved in unemployment and retirement incomes policies, health care agreements, transport and infrastructure policy, private health policy and health care delivery.



Since leaving the public sector she has sat on and chaired numerous committees including ASIO's Audit and Risk Committee, the Australian Rail Track Corporation and the Independent Project Facilitator for the Millers Point Accommodation Project among others. Lynelle received the Order of Australia in the General Division in 2013 for her distinguished service to public administration, for leadership and professionalism.

Prior to her life in the Australian Public service Ms Briggs attended the University of Sydney spent two years working in the New Zealand Treasury.

The Honourable Justice Joseph McGrath

Justice McGrath is currently a judge of the Western Australian Supreme Court, after being appointed in 2016. Previously Justice McGrath served as the Director for the department of public prosecutions where he worked for over six and half years. Before being appointed director for the DPP he practiced both civil and criminal law out of Francis Burt Chambers in Perth and worked in the DPP in his early career.



Justice McGrath studied a Bachelor of Arts majoring in political science and economics at the University of Western Australia before he moved to the ACT to study law at the Australian National University. He went on to obtain two master's degrees in law from the University of Western Australia and the University of London. His areas of study included international criminal law, humanitarian law and public international law. He has been an advocate for the provision of



continuing professional education and undergraduate education. He has been a tutor at the School of Business Law at Curtin university and a guest lecturer at the University of Western Australia.

In 2011 Mr McGrath was recognised for his eminence as an advocate and appointed Senior Council.

Further Information

To read the joint press release from the Prime Minister, the Minister for Health, and the Minister or Senior Australians and Aged Care, [click here](#).

To read the full letters patent, [click here](#).

To access the Attorney-General's Royal Commission portal, [click here](#).

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