



The Royal Commission into Aged Care

Following the Four Corners Special Investigation, the Commonwealth Government established the Royal Commission into Aged Care Quality and Safety on 8 October 2018.

The inquiry is one of more than 20 inquiries into aged care that spans back to 1997.

The Royal Commission will primarily look at the quality of care provided in residential and home aged care to senior Australians. It will also include young Australians with disabilities living in residential aged care settings.

As part of the investigation, the Royal Commission has written to aged care approved providers inviting early written submissions.

Larger aged care providers are required to respond by early January 2019. Smaller facilities will have until early February 2019 to respond.

SCOPE OF THE ROYAL COMMISSION

According to Prime Minister Morrison:

“A key task of the Royal Commission will be to help build a national culture of respect for ageing and older Australians...”¹

The scope of the inquiry of the Royal Commission includes:

- The quality and standard of aged care services including the extent of substandard care, mistreatment and abuse;
- How to best deliver aged care services to people with dementia and disabilities including younger people;

- How to ensure that aged care services are person-centred, including 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;
- Future challenges and opportunities for delivering accessible, affordable and high quality aged care services including issues of sustainability; technology and investment.

WHAT TO EXPECT

- The Terms of Reference are set out on page 2 of the Letters Patent.
- The Honourable Justice Joseph McGrath and Ms Lynelle Briggs AO have been appointed the commissioners.
- Various case studies which warrant further inquiry by public hearing may be selected for public hearing.

During the hearings, the Commission may:

- Issue notices to produce on aged care facilities and parties who may be required for examination
- Require aged care facilities to provide written witness statements addressing specific topics
- Subpoena witnesses on behalf of an organisation to give evidence in the Commission
- Invite organisation and witnesses who may be the subject of adverse evidence to apply for leave to appear at public

hearings.

Relevant Dates

The Commission will be based in Adelaide and the Royal Commission will hold a preliminary hearing in Adelaide in January 2019.

An interim report is scheduled to be released by 31 October 2019 and a final Report by 30 April 2020.

WHAT YOU SHOULD DO

Some of the key steps which you should consider in preparing for the Royal Commission include:

- Identify a point of contact in your organisation for the coordination and provision of information requested by the Commission and document control
- Retain a legal team including Counsel to assist in preparation of responses, advise and to appear at the hearing
- Review your internal management strategy and plans to manage the escalation of issues arising out of findings by the Commission
- Develop communication protocols to manage internal and external document exchanges and to ensure that information is easily accessible to the Royal Commission
- Identify and obtain statements from potential witnesses who may give evidence on behalf of the Aged Care Facility
- Review insurance policies to determine whether legal costs and expenses for participation in the Royal Commission are recoverable.

OUR TEAM

Our Principal David Glinatsis, has been a director and board member of an aged care facility for over 25 years.

In that role, David has gained extensive experience in the governance of aged care facilities, the delivery of quality care and the regulatory framework of the aged care sector.

In addition; our lawyers have significant experience in acting for organisations and individuals in various Royal Commissions, Inquiries and investigations, including:

- The Royal Commission into Trade Union Governance and Corruption
- Royal Commission into Institutional Responses to Child Sexual Abuse

- Special Commission of Inquiry into Electricity Transactions
- ICAC investigations

HOW WE CAN ASSIST

Our Special Projects team will be able to provide practical assistance and legal advice in response to the enquiries made by the Commission and acting on your behalf during the term of Commission.

More particularly, we can assist with:

- The production of documents in response to any notice to produce;
- Advise in relation to document management protocols, claims for confidentiality and privilege and extent of your compliance obligations;
- The preparation of any written submissions to be provided by you to the Royal Commission;
- the preparation of your witnesses and witness statements of individuals called to give evidence before the Royal Commission.

David Glinatsis is the Director of Kreisson.

For more information, contact us at excellence@kreisson.com.au or on 02 8239 6500.

¹Joint media statement dated 9 October 2018 by the Hon Scott Morrison MP; The Hon Greg Hunt MP and the Hon Ken Wyatt MP

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