

11/10/18

Further LASA analysis - Terms of Reference and appointment of Commissioners for the Royal Commission into Aged Care Quality and Safety.

The Terms of Reference (ToR) for the Royal Commission into aged care quality and safety were announced on 9 October.

In consultation with our Members, LASA put forward a number of key issues for the Government to consider in setting the RC's Terms of Reference. Our review of the ToR reveals most the key issues identified by LASA Members have been addressed in the ToR.

Quality and safety concerns in aged care are definitely front and centre of the Royal Commission. These issues are part of all of the thirteen ToRs. ToR (a) further includes an investigation *'of the causes of any systemic failures'*. Many Members asked for an examination of the role of the Australian Aged Care Quality Agency in assuring quality and detecting failures. While the ToR do not explicitly include the Agency, the Commissioners have been directed to include *'recommendations about any policy, legislative, administrative or structural reforms.'*

Members were keen to see funding and its effect on quality and safety explored in depth by the Royal Commission. The ToR do refer to funding issues in terms of 'affordability' and 'sustainability' such as in ToR (c) which says:

'The future challenges and opportunities for delivering accessible, affordable and high quality aged care services in Australia...'

and ToR (f) which asks: *'how best to deliver aged care services in a sustainable way...'*

However, the true cost of delivering care is not a central focus of this Royal Commission. On the other hand, the Commission will likely seek to identify what is good quality care and how to achieve this. Once this is known, the funding required for this care can be determined and advocated for.

Workforce matters are addressed in ToR (j) which explores *'the critical role of the aged care workforce in delivering high quality, safe, person-centred care'*.

A number of ToRs address access to specific services, such as mental health, dementia and end-of-life care. LASA is pleased to see ToR (l) explore the interface between aged care and other services, such as primary health services, as this was a theme that emerged from our consultations with Members.

The Commissioners are being asked to learn from *'innovative models of care'* ToR (f) and to ensure that the work of previous inquiries is taken into account (ToRs n & q) which is something Members also proposed.

Overall, the Royal Commission's ToRs are very broad. It will be interesting to see how the Commissioners will work with such an extensive brief. The full ToR can be accessed via the website of the Attorney General's Department [here](#):

Also, please see below a short outline of each Commissioner's background.

Joseph McGrath is a judge of the WA Supreme Court and former WA Director of Public Prosecutions. Justice McGrath has enjoyed a distinguished career in law having worked in private practice, in government roles and at the Independent Bar.

Lynelle Jann Briggs AO is a former Australian Public Service Commissioner. She was chief executive of Medicare from 2009 until 2011, when Medicare was integrated into the Department of Human Services. In 2012, she was appointed to lead an inquiry into building site safety in Canberra. Ms Briggs is leading the Government's review of the Online Safety Act, is a non-executive director of Maritime Super and Goodstart Early Learning, a member of the Aid Governance Board for the Department of Foreign Affairs and Trade, and is chair of the General Insurance Code Governance Committee.

The Commissioners are required to begin their inquiry as soon as practicable, provide an **interim report by 31 October 2019** and a **final report by 30 April 2020**.

Prime Minister Scott Morrison announced that the Royal Commission will be based in Adelaide but hearings will take place around the country and evidence will also be taken by videolink and in other formats.

Watch out for LASA's **Royal Commission Updates** which are emailed out as new information becomes available.

A **webinar** about what to expect from the Royal Commission by McCullough Robertson Partners, Jason Munstermann and Scarlet Reid can be accessed [here](#).