

Monday, 1 March 2021

## Government must act on Royal Commission recommendations

The findings and recommendations outlined in the final report of the Royal Commission into Aged Care Quality and Safety released today, indicate there is much to be done to address systemic issues within the aged care sector says the Law Council of Australia.

Law Council President, Dr Jacoba Brasch QC, in agreeing with the Royal Commission that ‘a philosophical shift is required that places the people receiving care at the centre of quality and safety regulation,’ says the rights of older people need to be embedded in the planning, provision and monitoring of aged care services.

“The Law Council is pleased to see that the Royal Commission has signaled the need for a fundamental shift in thinking, towards a human-rights oriented approach as the basis for protecting and promoting the rights of older persons in aged care,” Dr Brasch QC said.

“This recommendation reflects the Law Council’s key position, as outlined in our detailed submission, in which we called for a move away from ‘consumer-driven, market-based system.

“But as outlined by the Royal Commission, ‘rights are, of course, of little use if they are not enforceable’. That is why they must be legislatively enshrined in a new aged care Act.”

“It is also pleasing to see the Report calls for the introduction of a new serious incident reporting scheme, as proposed by the Law Council.”

“There is now a need to ensure that the legislative instruments implementing this scheme are appropriately clear and defined to ensure that they will work effectively when put into practice,” Dr Brasch QC said.

The Law Council will spend time considering the 148 recommendations in detail; however, at this stage it is pleased to see the following recommendations in the Report; calls for improving independent oversight, governance and accountability; providing stronger regulation of the use of restrictive practices; urgent and periodic review of the Aged Care Quality Standards; new requirements for minimum staffing levels and minimum qualifications for staff providing care; and better provision for the diverse needs of persons requiring aged care, including culturally safe care for Aboriginal and Torres Strait Islander persons and meeting specific needs of older persons with disability.

“The Law Council recognises that significant work is being undertaken by the Australian Government towards addressing these challenges, including the immediate injection of \$452 million,” Dr Brasch QC said.

“But fundamentally there must be a change in the ethos of the legislative framework, and a new aged care Act, based on the simple concept of respect for the individual.”

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