

# 7NEWS

ANALYSIS

## The Aged Care Royal Commission hears recommendations are ignored and elderly at risk

By Anne Connolly

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PHOTO: Aged care homes look after some of our society's most vulnerable people. (Flickr: Candida.Performa)

### There was a star witness at the Aged Care Royal Commission last week.

In explosive evidence, he told of regulators who pay "lip service" to the welfare of the elderly but are so desensitised to poor care they allow bad nursing homes to stay open.

He attacked the Government's constant "consultation" on policy and the influence of the \$22 billion aged care industry while families and advocates remain weak.

In short, he summed up what he saw as a broken regulatory system putting the elderly at grave risk.

### Bruising critique

The critique was even more bruising because it didn't come from grassroots consumer advocates who've been calling for a royal commission for years.

It came from Professor Ron Paterson, an international expert on patients' rights and health care regulation. A man the Government trusted deeply who, judging by his testimony, appears to have struggled to keep his silence for years.

In 2017, Professor Paterson was commissioned by the Federal Government, along with Kate Carnell, to examine how Australia's regulators had allowed the horrors of South Australia's Oakden nursing

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home to continue for over a decade, while giving it 100 per cent scores for quality and safety.

When the two investigators handed the Carnell-Paterson Review, and its 10 sweeping recommendations, to Aged Care Minister Ken Wyatt in 2017, it was smiles all round.

The Government vowed Oakden was a wake-up call. It would never happen again.

Fast forward two years and here is Professor Paterson at the royal commission in Brisbane, hearing evidence about Earle Haven, the Gold Coast home which closed last month because of a dispute over money, leaving nearly 70 elderly residents homeless.

Disturbingly, the nursing home had been physically restraining half the residents and giving more than 70 per cent of them psychotropic drugs. Although the regulator knew all this and more, it kept Earle Haven open.

"Listening to the examples of how cases like Earle Haven are actually being handled this year suggests to me that the lessons have not yet been learnt and I can see why there's been a need for this royal commission," Professor Paterson said.

His disappointment at how much of his hard work come to nought was clear.

## Weak regulations

His recommendations for tougher regulation and greater transparency appear to have not been implemented. They join the other 70 government and industry reviews into the sector over the past decade.

The one reform that did go ahead was the merging of complaints and regulation into one organisation to ensure better communication and to stop failures like Oakden.

That body, the Aged Care Quality and Safety Commission, began work in January this year and was touted by Government as "the tough new cop on the beat".



PHOTO: Professor Ron Paterson has attacked the policy on aged care. (Supplied: agedcare.health.gov.au)



Ken Wyatt MP  
@KenWyattMP



Looking forward to releasing the review into aged care quality regulation. Thanks Kate Carnell & Ron Paterson. @COTAAustralia @LASANational



14 11:35 AM - Oct 25, 2017

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PHOTO: Gold Coast nursing home Earle Haven was kept open even after abuse of its elderly residents was known. (ABC News: Steve Keen)

Evidence this past week shows that's not the case.

While the Morrison Government may have changed the title, it appears the regulator's staff and the attitude of the past 20 years have remained the same.

While more and more nursing homes are found not to be meeting basic standards of safety and quality, the Commission keeps extending a lifeline to allow them to operate.

It means bad nursing homes remain open with no sanctions, no penalty and no fear.

The lack of transparency might explain why BUPA, one of Australia's biggest private nursing home chains, and its multiple failures have flown under the radar.

Over the past year, one third of BUPA'S 70 homes in Australia have been declared as putting the lives of residents at "serious risk".

One Sydney home, BUPA Seaforth, has consistently failed dozens of standards over the 12 months.

At one point it met just 10 of the 44 standards on quality and safety. It continues to appoint consultants to address the problems and when it fails, and the Commission extends the deadline for its so-called "timetable for improvement".

While we wait for aged care CEOs like BUPA to face the royal commission's critique, it's the (usually) faceless bureaucrats who have copped the grilling.

## Professor didn't mince words

Often defensive in their answers, many appear perplexed by suggestions from Commissioner Richard Tracey and Lynelle Briggs that the system of regulation is deeply flawed.

Yet the Department is just following policy devised by the Government.

Which is why Professor Ron Paterson couldn't contain himself when asked about his recommendation that Australia adopt a transparent system like that in the UK and US where complaints and investigations are made available to the public.

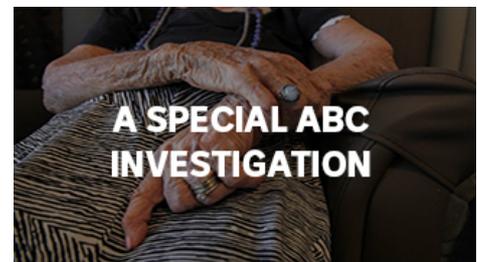
That would allow families to make an educated decision about where to put their loved ones. The industry is dead against it.

It seems the Government is too.

It cites statutory secrecy under the Aged Care Act, Commission Act and the Privacy Act preventing any such information being released to the public.

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**PHOTO:** Professor Ron Paterson wants Australia to adopt a transparent system that allows complaints and investigations to be public.  
(ABC Riverland: Catherine Heuzenroeder)

Professor Paterson, didn't mince words.

"These are publicly-funded providers and they are providers who are caring for the most vulnerable members of our community.

Why would the default position be secrecy of information about the providers? That strikes me as odd," he says.

With another eight months to run, the royal commission looks like it will uncover some other "odd" Government decisions and give, what industry experts like Professor Paterson see as long overdue scrutiny to many others.

**Anne Connolly is a reporter with ABC Investigations.**