

Frequently Asked Questions

Royal Commission into *Aged Care Quality and Safety*



What is a Royal Commission?

In Australia, Royal Commissions are the highest form of inquiry on matters of public importance. They can be initiated at national and state government level. At the national level, they are set up under the *Royal Commissions Act 1902 (Cth)* with Terms of Reference approved by the Governor-General. They are not meant to be on-going – rather they are temporary and ad hoc.

Royal Commissions are run by one or more judges or someone of similar legal standing. They are supported by a team of lawyers. Royal Commissions can refer information about suspected or alleged crimes to relevant law enforcement authorities or share relevant information with other ongoing inquiries. Their final reports of findings containing policy recommendations are made publicly available. However, these recommendations are non-binding.

The Royal Commission into Aged Care Quality and Safety

The Royal Commission into *Aged Care Quality and Safety* was established on 8 October 2018 by the Governor-General. The two Commissioners appointed are Lynelle Briggs AO and Hon. Richard Tracey AM RFD QC. Ms Briggs is former Chairperson of the NSW Planning Assessment Commission, Chair ASIO's Audit and Risk Committee, CEO of Medicare Australia, and Australian Public Service Commissioner. Mr Tracey is a former Judge of the Federal Court of Australia, President of the Defence Force Discipline Appeal Tribunal and Judge Advocate General for the Australian Defence Force.

The work of the Royal Commission has Terms of Reference which guide its work (see Attachment). The Commissioners are required to provide an interim report by 31 October 2019, and a final report by 30 April 2020.

How will the Royal Commission work?

Like most recent Royal Commissions, eg Institutional Responses to Child Sexual Abuse; Financial Services) this Royal Commission is “investigative” rather than “adversarial”. This means it is looking for information and making findings on that information, rather than hearing two sides and coming to some judgement on what is true and what is not.

Royal Commissions are powerful bodies. They have wide ranging coercive powers of investigation, that is they can compel people to participate in the inquiry. Their powers include the ability to call and cross-examine witnesses under oath; collect evidence; rights of entry; and phone-tapping. If summoned, there are very few grounds on which a person can refuse to give evidence. Failure to comply with a

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summons may result in a fine or, in some circumstances, imprisonment or a search warrant and/or arrest warrant.

It is an offence to intentionally provide false or misleading evidence to a Royal Commission or by intentionally insulting or disturbing it. The Royal Commission can provide protection from legal action such as defamation to witnesses and inquiry members.

The Royal Commission already has announced it will gather information by:

- A “request for information” as described above
- Public hearings starting in February 2019. These may be either open or closed or restricted to certain people. Evidence given in a closed hearing is not made publicly available.
- Seeking submissions from the public up to the middle of 2019. More information is available at this link - [Aged Care Royal Commission - Public Submissions](#)

As the Royal Commission progresses, other evidence gathering will take place.

You can subscribe to updates to the Royal Commission in to *Aged Care Quality and Safety* at <https://agedcare.royalcommission.gov.au/news/Pages/Mailing-list.aspx>

**The Royal Commission into Aged Care Quality and Safety
Terms of Reference**

The Commissioners are required and authorised to inquire into the following matters:

- 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.

You can find out more about the Royal Commission at their website:

<https://agedcare.royalcommission.gov.au/Pages/default.aspx>