

Media Release

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ELDERLY SUFFERING DUE TO GOVERNMENT’S LACK OF PROPER ACTION

Despite promising action in the wake of the highly publicised Four Corners expose on the shocking treatment of the elderly in aged care, the Australian Government’s lack of action to regulate the use of chemical and physical restraints continues to deeply frustrate Queensland’s Public Advocate Mary Burgess.

“I cannot believe that the government has not acted to introduce significant change to protect older Australians in aged care considering the public outrage generated by the Four Corners report and the recent distressing evidence before the Royal Commission into Aged Care Quality and Safety,” said Ms Burgess, who has been lobbying for laws to regulate the use of chemical and physical restraints in aged care facilities for two years now.

“Instead of introducing proper legal regulation, the Australian Government has announced it will merely tinker with standards and principles – that is not nearly strong enough to provide the necessary legal protections for aged care residents and proper accountability within the system.

“Not having a proper legal framework in place is clearly to the detriment of aged care residents who continue to be abused under the guise of ‘managing their behaviour’ on a daily basis. This essentially amounts to offences of assault, deprivation of liberty and administration of a stupefying substance, depending on what restrictive practices are used on them.

“We need regulation so that these practices can be used within a proper legal framework that provides for appropriate review, reporting and accountability, and protects the rights of aged care residents. Regulation should also ensure that when

these practices are necessary, the least restrictive option is used, for the shortest time possible and they are applied in accordance with best practice standards.

“This is not happening in our aged care homes and residents are suffering physical and psychological harm.”

Ms Burgess said it was an appropriate time to publicly air her frustration, with World Elder Abuse Awareness Day being celebrated tomorrow (June 14).

Ms Burgess recently wrote to the new Aged Care Minister, the Honourable Richard Colbeck, pleading for appropriate restrictive practices laws to protect the elderly after repeated calls to the former minister fell on deaf ears.

Ms Burgess has also tendered a submission to the Royal Commission outlining exactly why the Australian Government’s response, to date, is inadequate.

“The Australian Law Reform Commission recommended the regulation of restrictive practices in its final report for the Elder Abuse Inquiry two years ago,” she said.

Since then, the Australian Government has also received the report from the Review of National Aged Care Quality Regulatory Processes, undertaken by Kate Carnell AO and Professor Ron Paterson ONZM, which also recommended the regulation of restrictive practices in aged care.

“We owe older members of our community greater regard and respect than to permit this situation to continue,” Ms Burgess said.

“The use of unregulated, and essentially unlawful, restrictive practices in residential aged care amounts to institutional elder abuse and the Australian Government should act as a matter of urgency.”

ENDS

Note 1: The primary role of the Public Advocate is to promote and protect the rights, interests and participation of Queenslanders with impaired decision-making capacity in all aspects of community life.

Note 2: Public Advocate Mary Burgess is available for interview. Please contact the Department of Justice and Attorney-General Media Relations Branch on 3738 9295 with interview requests.