

**MEDIA RELEASE**

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**QUEENSLAND PUBLIC ADVOCATE AND PUBLIC GUARDIAN JOINTLY WELCOME ROYAL COMMISSION AND CALL FOR THE SPECIFIC EXAMINATION OF RESTRAINT IN AGED CARE**

Queensland's Public Advocate Mary Burgess and Public Guardian Natalie Siegel-Brown are delighted by the Prime Minister's announcement of the Royal Commission into Aged Care Quality and Safety, but both have stressed the need for the Royal Commission to have a specific focus on the specific human rights abuses arising from the use of restraints.

This inquiry is long overdue. Both the Public Advocate and Public Guardian welcome the possibility of much needed reform in this industry. It is imperative, however, that the Commission looks into the dire need for the regulation of all types of restraints in aged care, and they call on the Prime Minister to include this in the term of reference.

Ms Burgess has previously publicly called on the Federal Government to address the lack of regulation of the use of restraints in aged care, including psychotropic medication – a stance that has been repeated by Ms Siegel-Brown.

"I find it difficult to understand why no action has been taken by the Commonwealth Government to address restrictive practices, when on a daily basis aged care residents across the country are being subjected to physical and chemical restraint and seclusion without any oversight or accountability," Ms Burgess said.

"There is the potential for these actions to amount to criminal assaults and other civil and criminal wrongs. Essentially the unregulated use of restrictive practices in residential aged care amounts to institutionalised elder abuse."

"The current lack of policy and legislation governing the use of restraints in the aged care sector is out of step with the laws, standards and regulations in other comparable Western countries including New Zealand, the United Kingdom, the USA and Canada."

"We need action on this issue and we need action now."

With many guardianship clients residing in aged care facilities, The Public Guardian sees firsthand the prevalence of the unregulated use of restrictive practices.

“The excessive use of restrictive practices in aged care presents one of the greatest potential infringements of human rights my office deals with,” Ms Siegel-Brown said.

“These residents are among some of Australian’s most vulnerable citizens, and too often they have no one in their corner to advocate for them, leaving them open to continued abuse through the unregulated use of restraints.”

Ms Siegel-Brown has also been vocal in her calls for a fully resourced federal Community Visitor program with oversight of aged care that is empowered to take action on behalf of residents, a position backed by Ms Burgess.

“A Community Visitor program, similar to the program managed by my office to provide oversight and accountability to certain sections of disability and mental health sectors, would provide a powerful advocacy function to a section of society that are currently too often without a voice,” Ms Siegel-Brown said.

“We are calling for the implementation of an oversight body with the ‘teeth’ to identify, investigate and advocate for residents in aged care on the unregulated use of restraints, as well all other issues relating to abuse, neglect and exploitation.”

Ms Burgess and Ms Siegel-Brown both acknowledge that regulation and oversight alone are not enough to make our aged care settings safe and happy places for residents. They note that workplace culture, staffing levels and qualifications, and the operation of services in the sector must also be addressed to ensure that restrictive practices are only ever used as a last resort, and are united in their calls for these areas to also come under scrutiny.

“The human rights of older members of our community are not negotiable. There is no excuse for further delays and prevarication.” Ms Burgess said.

“It is my sincere hope that change is achieved during the course of the Royal Commission, because for residents of aged care facilities exposed to neglect and abuse, the end of the inquiry is just too long to wait.”

“But if nothing else, the Public Guardian and I expect the Royal Commission to address the restraints issue as part of this inquiry.”

ENDS

*Note 1: The role of the Public Advocate is to promote and protect the rights, autonomy and interests of Queenslanders with impaired capacity.*

*Note 2: Queensland’s Public Guardian advocates for the human rights of vulnerable Queenslanders.*

*Note 3: Office of the Public Guardian media contact: (07) 3006 2589 or [commed@publicguardian.qld.go.au](mailto:commed@publicguardian.qld.go.au)*