



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair), Mr Andrew Braddock MLA

Inquiry into Annual and Financial Reports 2020-2021
ANSWER TO QUESTION TAKEN ON NOTICE
22 February 2022

Asked by Dr Marisa Paterson on 22 February 2022: Ms Karen Toohey took on notice the following question(s):

[Ref: Hansard Proof Transcript 22 February 2022 [PAGE 77]]

In relation to:

DR PATERSON: It came up before, when Ms Toohey was speaking about aged-care facilities and the oversight during COVID. In lots of areas the responsibilities are under ACT jurisdiction and the directorates, whereas aged care is different. Can you describe the challenges of working with aged care during COVID and the oversight that was or was not there?

Ms Toohey: As you know, aged care is predominantly a commonwealth responsibility and the Aged Care Complaints Commissioner has primary responsibility and responsibility in that space. I have a specific jurisdiction for complaints about services for older people. Our view is that we are able to take those complaints. We did have a range of matters brought to our attention right from March 2020, the beginning of the pandemic, around things like access to visits, people concerned about their parents, particularly some older people with conditions like dementia, who benefit so much from regular visits and regular support from family, and regular engagement, and all that being interrupted.

While we have a complaint mechanism and, indeed, at different points through the lockdown we have been out to various facilities to talk to the owners and the operators where we have had complaints about those arrangements, the thing that we do not have in the ACT, which we are fortunate to have, for example, in the disabilities space and in mental health, is the Official Visitor program. It became apparent during the pandemic that having community members from the ACT with some expertise being able to go into those facilities would have been of significant benefit. I think we were all concerned that during these sorts of periods we lose sight of some of our most vulnerable community members.

While the complaints are a mechanism for us to engage with those providers—and many of them were very positive in that engagement—that break between an assumption that matters have to go to the federal commission, which means that we do not have eyes on them, and something happening because of increasing concern over the pandemic is certainly an area that we will be doing more work on. We are working with some of our colleagues at the Council on the Ageing, COTA, and other organisations, looking at what are the other mechanisms available within the ACT, particularly since I have had the abuse, neglect and exploitation jurisdiction for older people.

While I am not suggesting that there are systemic institutional issues in that space, it has certainly come up as an issue around things like access to visits, adequate food, adequate nutrition—even

adequate health care, because of issues around GP access to aged-care facilities over this period. So I think it has really become very stark. Even though the ACT is a small jurisdiction, it is a proportion of our population where we really do want to make sure that we have local eyes on our community members.

DR PATERSON: And why do we not have an official visitor program?

THE CHAIR: We might get this answered on notice. We have come to the end of our session. Please finish the question and maybe get the answer on notice from the commissioner?

Ms Toohey: Happy to take that question on notice.

Karen Toohey, Discrimination, Health Services, Disability and Community Services Commissioner.

The answer to the Member's question is as follows:–

While the Human Rights Commission has not previously been involved in any consideration of extending the Official Visitors program to aged care I note the aged care sector is generally seen as the responsibility of the Commonwealth and particularly the Aged Care Quality and Complaints Commission. However, as the ACT Human Rights Commission can accept complaints about services for older people in the ACT, and now with the vulnerable person jurisdiction which allows us to receive complaints regarding alleged abuse, neglect or exploitation of vulnerable people over the age of 60 we have had an increase in complaints related to aged care facilities and older peoples services in the ACT. We note that while the NDIS Quality and Safeguards Commission has had jurisdiction with respect to complaints about people with a disability accessing NDIS funded services the Official Visitors for disability in the ACT still provide valuable oversight of and support for people with a disability in the ACT and raise concerns where necessary through the NDISQSC or through the ACT HRC if complaints about service providers need to be made.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 8/03/2022

By the Discrimination, Health Services, Disability & Community Services Commissioner,
Ms Karen Toohey