



The Senior Clerk,
Senate Committee on Community Affairs,
Parliament House, Canberra, ACT

By email: seniorclerk.committees.sen@aph.gov.au

10th November 2021

Dear Sir,

Re: Aged Care and other Legislation Amendment (Royal Commission Response No 2) Bill 2021: 9th Schedule.

Re: Submission by Mr Rodney Lewis, Senior Solicitor, Elder Law Legal Services, Sydney, dated 8/11/2021

Aged Care Reform Now, is an independent, not for profit, community organisation that advocates for the rights of aged care recipients in all States and Territories, across Australia.

ACRN supports Mr. Lewis' submission in relation to his analysis of the 9th Schedule, and its proposal to grant immunity from civil and criminal claims and charges under certain circumstances.

Our group cannot find any such recommendation of the ACRC Commissioners which suggests that Providers and their staff should have immunity for any consequences or breaches of peoples' Human Rights. In Fact accountability was a recurring and resounding theme among the thousands of submissions put forward to the Aged Care Royal Commission.

We have many concerns about how consent will be granted, to whom it will be granted, if it will be executed in accordance with a care plan and the Quality of Care Principles 2014. The Australian Governments own web site states "From 1 July 2021, approved providers have updated and specific responsibilities under the Aged Care Act 1997 and the Quality of Care Principles 2014 relating to the use of any restrictive practice in residential aged care or short-term restorative care in a residential care setting" With responsibilities there must be accountability. If these procedures are not followed or enforceable and providers have immunity from civil and criminal liability this has potential to further traumatise and cause injustice through the unanswered questions of a Victim and their family.

These aspects of the Bill are contrary to the rule of law, deny Australian citizens their rights, may do great harm to vulnerable residents in aged care facilities, and must be rejected by the Parliament, for the reasons provided by Mr. Lewis.

Yours Faithfully,

Cecilia Webster

Convenor Victorian Chapter ACRN @