

No. NPD-0034

COMMONWEALTH OF AUSTRALIA
Royal Commissions Act 1902
ROYAL COMMISSION INTO
AGED CARE QUALITY AND SAFETY

DIRECTION NOT TO PUBLISH PURSUANT TO SECTION 6D(3)

Pursuant to s 6D(3) of the *Royal Commissions Act 1902* (Cth), we the Honourable Gaetano Tony Pagone QC and Ms Lynelle Jann Briggs AO, Commissioners of the Royal Commission established under Letters Patent dated 6 December 2018, as amended on 13 September 2019, to inquire into and report on Aged Care Quality and Safety,¹ direct that:

1. Until further direction:
 - a. the video footage produced by Menarock Aged Care Services (Victoria) Pty Ltd in response to NTG-0456 shall not be published in connection with the public hearing of the Royal Commission in Melbourne scheduled from 14-18 October 2019 (Melbourne Hearing 3), except to:
 - i. the Commissioners, Royal Commission staff, counsel and solicitors assisting, including contracted service providers, for the purposes of exercising their functions and duties
 - b. if Sandra Nisi and Christine Lynch consent to the publication of the video footage in relation to Melbourne Hearing 3, to parties not listed in clause 1(a), clause 1(a) of this Direction will cease to have effect.

Dated this 14th day of October 2019



The Honourable Gaetano Tony Pagone QC
Chair of the Royal Commission



Ms Lynelle Jann Briggs AO
Commissioner of the Royal Commission

¹ The terms of reference of the Royal Commission, contained in the Letters Patent dated 6 December 2018, as amended on 13 September 2019, are set out as Annexure A to this Notice.

ANNEXURE A

TERMS OF REFERENCE

The Letters Patent dated 6 December 2018, as amended on 13 September 2019, requires and authorises the Royal Commission to (among other things) 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 [the Commissioners] believe is reasonably relevant to the inquiry

The Letters Patent provides the following definitions:

aged care services means services provided by any of the following:

- (a) approved providers within the meaning of the *Aged Care Act 1997*;
- (b) entities to which a grant is payable under Chapter 5 of the *Aged Care Act 1997*;
- (c) entities to which funding is payable under a program relating to aged care specified in Schedule 1AA or 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997*;

- (d) entities that receive funding for the purposes of the Veterans' Home Care Program established under the *Veterans' Entitlements Act 1986*.

ANNEXURE B

STATEMENT OF OBLIGATION OF COMPLIANCE TO A NON-PUBLICATION DIRECTION IN THE ROYAL COMMISSION

1. Pursuant to subsection 6D(2) of the *Royal Commissions Act 1902* (Cth) (**Act**), the Royal Commission may direct that any evidence given before the Commission or contents of any document, or a description of any thing; shall not be published or shall not be published except in such manner, and to such persons, as the Commission specifies.

Any person who makes any publication in contravention of any direction for non-publication commits a punishable offence.

The penalty for this offence is imprisonment for 12 months.