



Royal Commission
into Aged Care Quality and Safety

2 May 2019

John Coorey and Deborah Morris
Sparke Helmore Lawyers
Level 29, MLC Centre, 19 Martin Place
Sydney NSW 1230

By email: [REDACTED]

Dear Mr Coorey and Ms Morris

Notice to Give NTG-0137

I refer to Notice to Give NTG-0137 (**the Notice**), which required Mrs Kee Ling Lau to provide a statement on or before midday on 1 May 2019.

I also refer to the email of Meredith Hagger to Deborah Morris of 1 May 2019, advising that the Commission had received neither Mrs Lau's statement nor a request for an extension to the Notice.

Ms Morris responded by email on 2 May 2019, advising:

As we have previously advised, Ms Lau returned to Australia from annual leave during the evening of Friday 26 April 2019. We have since then been working diligently with Ms Lau, who is 70 years of age, on the preparation of her statement even though she was ill yesterday and could barely speak. We expect that the statement will be finalised and signed today and that we will be able to provide it to the Commission, along with attachments to the statement identified in accordance with the Document Management Protocol, by 5 pm today.

You were initially advised that the Notice would be returnable on 23 April 2019. In an email of 16 April 2019, Ms Hagger advised you that the Commission had, after considering your request, agreed to a later return date for the Notice of midday on 1 May 2019.

The Commission expects parties to formally advise it as soon as it becomes apparent that a notice may not be able to be complied with, and to request an extension to the return date of that notice. The Commission is concerned that this appears not to have happened in this case.

Evidence of Mrs Lau

Senior Counsel Assisting has indicated that he may ask Mrs Lau to comment on the proposition that the Restraint Chart records of Garden View (CTH.4001.0004.6767) indicate that Mr Terance Reeves was restrained for particular lengths of time on days in the period between 28 May 2018 and 7 July 2018, as set out in **Annexure A** of this letter.

Please contact Meredith Hagger on [REDACTED] if you would like to discuss this letter.

Yours sincerely



Louise Amundsen
Co-Solicitor Assisting the Royal Commission
Royal Commission into Aged Care Quality and Safety

[REDACTED]



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Annexure A

Date	Length of period of physical restraint of Terance Reeves as indicated by Garden View Restraint Chart (CTH.4001.004.6767)
28/05/2018	13 hours 15 minutes
29/05/2018	9 hours 15 minutes
30/05/2018	10 hours
31/05/2018	6 hours
01/06/2018	7 hours 45 minutes
02/06/2018	Depending on interpretation of handwriting, either 9 hours 15 minutes or 9 hours 45 mins
03/06/2018	6 hours 45 minutes
04/06/2018	14 hours 40 minutes
05/06/2018	5 hours
06/06/2018	9 hours 5 minutes
07/06/2018	6 hours 45 minutes
08/06/2018	6 hours 45 minutes
09/06/2018	5 hours 30 minutes
10/06/2018	11 hours 30 minutes
11/06/2018	At least 9 hours 15 minutes recorded, with last "time removed" field left blank, and potentially another 9 hours 30 minutes left in that day
12/06/2018	At least 8 hours 5 minutes recorded, with last "time removed" field left blank, and potentially another 9 hours 20 minutes left in that day
13/06/2018	At least 12 hours, and potentially up to 16 hours, recorded. The uncertainty is generated by two "time removed" fields left blank
14/06/2018	8 hours 30 minutes
15/06/2018	At least 13 hours 10 minutes recorded, with a potential further 1 hour 30 minutes due to "time removed" field left blank
16/06/2018	5 hours 30 minutes
17/06/2018	4 hours 30 minutes
18/06/2018	13 hours 35 minutes
19/06/2018	At least 7 hours recorded, with last "time removed" field left blank, and another 9 hours 30 minutes left in the day
20/06/2018	14 hours
22/06/2018	5 hours 45 minutes
23/06/2018	11 hours
24/06/2018	5 hours of restraint recorded to 09.30, and no further entry, the final row being the last row on the page
25/06/2018	9 hours 30 minutes
26/06/2018	7 hours 30 minutes
27/06/2018	At least 9 hours recorded, with a potential additional 30 minutes due to a "time removed" field left blank
28/06/2018	5 hours
29/06/2018	At least 8 hours 15 minutes recorded, with a potential additional 2 hours due to "time removed" field left blank
30/06/2018	10 hours
01/07/2018	At least 4 hours 30 minutes recorded, but a potential 9 hour 30 minute period at the beginning of the day unaccounted for, with the first entry for the day recording that restraint removed at 09.30
02/07/2018	4 hours 15 minutes
03/07/2018	10 hours 20 minutes
04/07/2018	10 hours
05/07/2018	11 hours 45 minutes

Date	Length of period of physical restraint of Terance Reeves as indicated by Garden View Restraint Chart (CTH.4001.004.6767)
07/07/2018	4 hours 30 minutes