


STATEMENT – ARTHUR LOPES MILLER

No. NTG-0349

**ROYAL COMMISSION INTO AGED CARE QUALITY AND SAFETY
NOTICE TO PRODUCE DOCUMENTS AND GIVE INFORMATION OR A STATEMENT IN WRITING**

To: The Solicitor Assisting the Royal Commission



1. My name is Arthur Lopes Miller of  in the State of Queensland.
2. My current occupation is the Managing Director of People Care Pty Ltd (**People Care**), the Approved Provider of care services in the residential aged care facility known as Hibiscus House and Orchid House. I am also the Managing Director of Miller Enterprises Pty Ltd, the Scheme Operator of the Earle Haven Retirement Village (**Miller Enterprises**).
3. My qualification is a Bachelor of Arts and Business Administration. I gained this qualification at Baylor University in Texas, during the 1960s, although I do not recall the exact year.
4. Regarding my previous work experience in aged care, in addition to my current role I have owned several nursing homes in Australia over the previous 30 years. I have been involved in the management of these nursing homes, but have never directly provided care services myself as I do not have any clinical experience.
5. Regarding the specific details of my roles in aged care, I began my current role as Managing Director of People Care in 2001. Prior to this, my aged care experience was as follows:
 - a. During the late 1990s I owned and operated the Bay Nursing Home in Blakehurst in the State of New South Wales through a company known as Franmore Pty Ltd;
 - b. Between 1994 and 1995, I was responsible for the operation of the Human Nursing Home in Greenacre in the State of New South Wales through a company known as Pilmont Pty Ltd;
 - c. Between 1992 and 1994, I operated the Laurels Nursing Home in Medowbank in the State of New South Wales through Pilmont Pty Ltd;
 - d. Between 1991 and 1992, I operated the WaveTree Nursing Home in Sydney in the State of New South Wales through Pilmont Pty Ltd; and

- e. Between 1985 and 1990, I owned and operated the Austin Nursing Home in Sydney in the State of New South Wales.
6. Regarding my experience and involvement in aged care, I have owned the nursing homes and residential aged care facilities listed above. My role always been as owner and director. My duties primarily involved the managerial aspects, including finance. I was heavily involved in payroll, accounts payable and general finance. I always ensured I engaged a qualified clinician to provide me with advice and guidance on the care aspects of each facility.
7. As Managing Director of People Care, I made the decision to sub-contract aspects of the management and all of the care within Hibiscus House to HelpStreet Villages (Qld) Pty Ltd (**HelpStreet**).
8. After HelpStreet started managing the residential aged care facility, I was not very involved in the operational part of the business. I was provided with updates from David Lamb and Kristofer Bunker, and I made my own enquiries.
9. The entirety of my oral communication with the Aged Care Quality and Safety Commission (**Safety Commission**) or the Department of Health (**Department**) during the period 1 May 2019 to 11 July 2019 is limited to a visit to Hibiscus House by two Safety Commission officers on 30 May 2019.
10. On 30 May 2019 I had oral communication with two officers from the Safety Commission who were conducting an investigation into resident complaints. Although I do not recall the exact words spoken during that day, I have described the conversation in as much detail as possible in this statement.
11. The meeting with the officers of the Safety Commission took place early on the morning of 30 May 2019 in Karen Parson's office, located in Hibiscus House. People in attendance at this meeting included myself, Bruce Lang (Finance Manager, People Care), Karen Parsons (Executive Director, HelpStreet), Telecia Tuccori (Clinical Care Manager, HelpStreet) and the two Safety Commission officers.
12. To the best of my recollection, the officers did the majority of the talking. The officers explained that they were here to investigate a complaint from a resident of Hibiscus House. Telecia answered the officers' questions, although I do not recall the specific questions.
13. To the best of my recollection, the officers did not direct any questions at me.
14. I asked the officers to send a report containing the results of investigations to Bruce Lang and me, so that we may forward it to HelpStreet. To the best of my knowledge the report has not yet been provided.
15. I was not provided with any documentation by the officers on the 30 May 2019 meeting.
16. On 31 May 2019, I sent a letter to David Lamb (CEO, HelpStreet) (attached to this document as **Exhibit "A"**). The letter detailed my concerns about the care provided by HelpStreet, arising from the 30 May 2019 meeting with the Safety Commission officers.

17. During the relevant period, other than the interaction in paragraph 9, I had no oral communication with the Safety Commission or the Department regarding any dispute between HelpStreet and People Care; the potential of HelpStreet to cease providing services; whether there was a need to evacuate residents or a plan to evacuate residents.
18. I do not believe there was a need to evacuate residents of Hibiscus House because of advice I received from Karen Heard, and also my own view. If the residents stayed I believe it would have been a much better outcome for them, and that they would have been safe and cared for in their own homes.
19. There has been no order for the appointment of an administrator, liquidator or receiver for People Care. I have never considered this or mentioned it to anyone.

Date: 2 August 2019

Signed: 

Arthur Lopes Miller

EXHIBIT "A"



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31 May 2019

Attn: David Lamb
Chief Executive Officer
HelpStreet Villages Pty Ltd
Nerang Qld 4211

Dear David

I would like to present the concerns and some solutions I have to working towards an improved partnership with HelpStreet Villages Pty Ltd (HelpStreet P/L).

A meeting was held in the offices of Help Street P/L Thursday May 30, 2019 with the Aged Care Quality and Safety Commission (Commission). Karen Parsons (Executive Director), Telecia Tuccori (Clinical Care Manager) and by invitation Bruce Lang (Finance Manager) and myself (Approved Provider People Care P/L) attended this meeting. The purpose of the meeting was to discuss a current complaint as lodged through the Commission by a consumer representative.

Through this meeting, concerns and complaints raised by consumers living in Hibiscus and Orchid Houses, an audit carried out by People Care P/L as well as employee feedback, the Approved Provider (AP), has identified operation concerns with HelpStreet P/L and themselves; predominantly the breakdown of a working partnership and collaboration with both organisations. As the AP and the bed licence owners, it is the responsibility of People Care P/L to have a working knowledge of the care and services provided by HelpStreet ensuring there is not impact on the consumers and staff, that compliance of the home and home care under the Aged Care Standards remains met and the contract between People Care Pty Ltd and HelpStreet Pty Ltd is upheld. The representatives from the Commission corroborated this during the above meeting.

To contribute to improvement of the working relationship, People Care Pty Ltd has employed an advisor to assist with the monitoring of care provision along with the homes appointed clinical manager. This includes a clinical audit due for commencement Tuesday June 04, 2019 (this has been confirmed with HelpStreet). Monitoring of systems and processes allows early intervention if a concern is raised or identified.

Exchange of important information, such as consumer complaints being investigated by the Commission is not being shared to the AP from HelpStreet P/L. People Care P/L expects to be advised of any concerns or complaints that are lodged to the Commission. The AP has contacted the Commission to ensure all correspondence is forwarded to People Care P/L as well as HelpStreet P/L.

I remain concerned that HelpStreet P/L is not adequately prepared for the Aged Care Quality Standards for both nursing home and home care; these come into effect from July 01, 2019. The concerns I have include non-compliance and sanctioning outcomes if adequate

31 May, 2019



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preparation has not been conducted. People Care Pty Ltd wishes to have access to the Action Plan for the planning and training towards these changes.

Consideration is currently being given for People Care P/L to contact and advising the ACQSC of their concerns about this possible lack of preparation and how there can be a closer working with the Commission and a plan for continuous improvement to meet these legislative changes with People Care P/L if this is deemed necessary.

HelpStreet P/L staff members have advised me their employee rights are not being upheld by HelpStreet P/L and because of this they have sought union advice; which I believe are currently being investigated by the union. This includes recent contracts, and changed working hours without adequate notification. Regarding staff contracts and the confidentiality clause, this has led staff to believe any discussion with People Care management could lead to their dismissal; impacting on their freedom to speak to peoples of their choice.

As the AP, I believe, this is an unfair approach. My other concern if is there was a staff strike as a result of this, the impact on the consumer and on People Care Pty Ltd.

The impact on revenue with the continued empty bed situation is also a concern; there has not been a history of empty beds of up to 15 – 18 as in recent times. This includes during refurbishment and the sanctioning period. People Care P/L has a marketing team. If HelpStreet P/L would like, they can utilise that team at an agreed cost.

These are a few options that People Care P/L have considered to enable information exchange, safe consumer care and satisfied consumers. People Care P/L sees this as a mutual benefit for both organisations that ultimately benefits all consumers.

Yours faithfully

PEOPLE CARE PTY LTD

A handwritten signature in black ink, appearing to read 'Arthur L. Miller', is written over the company name.

Arthur L. Miller
Managing Director

31 May, 2019