



Inquiry into Newmarch House needed

Tragedy highlights urgent need for aged care reform says Australian Lawyers Alliance (ALA).

An inquiry into the COVID-19 tragedy at Newmarch House is urgently needed as the situation has tragically highlighted the desperate need for reform in the sector, says the Australian Lawyers Alliance (ALA).

“A purposeful inquiry is needed. The investigation will get lost if it is incorporated as part of the very large Royal Commission into Aged Care Quality and Safety, as has been proposed,” said ALA spokesperson, lawyer and aged care advocate, Ms Catherine Henry.

“The residents of Newmarch House and their families have legal rights and, as a community, we need to understand what went wrong in the management of the outbreak at this facility.

“One of the significant and ongoing issues in aged care is the lack of transparency and accountability. Holding an inquiry into this disaster will provide the opportunity for open review of the situation and will draw the Federal Government’s attention to the urgent underlying issues.

“It seems that what we are seeing unfold at Newmarch House is a failure to meet accepted standards with undertrained, inexperienced staff being forced to handle the outbreak and the facility neglecting to provide adequate resources for its residents.

“Residents with COVID-19 don’t appear to be receiving treatment from doctors for days and sometimes are not even receiving treatment from registered nurses.

“We cannot understand why sick residents were not transferred to hospital and those not infected with COVID-19 moved elsewhere when the illness was first detected in the facility. It is inexplicable, and has resulted in a very distressing and tragic situation for the residents and their families.”

The ALA says failures in governance, accountability, policy and the regulatory framework are all evident in the current residential aged care system and have contributed to the tragic situation at Newmarch House.

“An underlying cause of the systemic problems in aged care is the Aged Care Act 1997 itself. It is weighted in favour of providers and has promoted the privatisation of services and competition, allowing profits to prevail over quality of care,” said Ms Henry.

“We need a new Aged Care Act – one that ensures transparency and accountability and includes an independent tribunal to hear complaints of substandard care.

“The current system places undue focus on internal complaint mechanisms. We believe the sector needs an independent, external tribunal like the NSW Health Care Complaints Commission.”

The ALA recommends that the tribunal’s function should include the capacity to: hear complaints with powers to issue fines; cancel accreditation; publicly reprimand providers; and order monetary compensation.

The ALA is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

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