

Reference: 7332602

28 March 2025

Office of the Inspector-General of Aged Care  
Scarborough House, Level 14  
WODEN ACT 2606

Via email: [royalcommission@igac.qov.au](mailto:royalcommission@igac.qov.au)

To the Office of the Inspector-General of Aged Care,

The Office of the Public Guardian (OPG) appreciates the opportunity to provide a submission on the progress of the implementation of Aged Care Royal Commission recommendations.

OPG is an independent statutory office in Queensland that, relevant to this report, promotes and protects the rights of adults with impaired decision-making abilities. OPG has direct involvement with the aged care system where the Public Guardian is appointed as a guardian or where OPG is undertaking an investigation into an allegation of abuse, neglect, or exploitation of a decision-making arrangement for an adult with impaired capacity who is receiving aged care services or residing in an aged care facility.

Given that OPG's involvement with aged care services is limited, this submission will not focus on individual recommendations of the Aged Care Royal Commission and will instead outline the challenges and barriers front-line OPG staff are observing as they support older people interacting with the aged care system. These issues primarily reflect a reluctance from aged care providers to individualise their operating frameworks which is resulting in poor outcomes for clients.

#### *Aged care assessments*

Historically, hospital staff would assist in arranging aged care assessments and provide support throughout this process. OPG has observed a decline in this assistance from hospital staff and consequently is having to fill this gap for the client which is beyond the scope of OPG's role. It is acknowledged this is likely beyond the scope of the hospital staff's role too, so this highlights the need for an accessible service that can provide individualised support in the aged care assessment process.

Additionally, OPG has observed delays in the completion of assessments, which is negatively impacting clients.

#### *Aged care facilities*

It has been observed that some aged care facilities will not accept OPG clients who are likely to require the use of Restrictive Practices (RP) if they do not have a restrictive practice decision maker (RPDM) in place before entering the facility. The challenge with this approach is that the Queensland Civil and Administrative Tribunal (QCAT) will commonly not consider making an appointment of a decision maker for restrictive practices until the adult is residing in an aged care facility. It is understood that this is so Tribunal Members can be satisfied the least restrictive approach has been considered, and

may require detailed information from the aged care facility to assist in their decision. The result of these contradictory approaches is that adults may spend more time in a hospital setting than is clinically required while hospital staff and OPG guardians try to find a facility that will accept the person. It is observed that another potential challenge to this process is facilities are either not familiar with or are unwilling to use the interim arrangements for consent to restrictive practices set out in the Quality of Care Principles (2014).

Similarly, OPG has observed some facilities refusing to accept someone if they display behaviours that may cause concern or harm. This can be despite the adult being on the waitlist for that facility. This has resulted in clients having to move away from family and support networks to find a facility that will accept them.

Should you require further information regarding this matter, please contact Kelly Unsworth, Principal Policy Officer, by email on [kelly.unsworth@publicguardian.qld.gov.au](mailto:kelly.unsworth@publicguardian.qld.gov.au), or on (07) 3738 9397.

I trust this information is of assistance.

Yours sincerely

Lisa Pritchard  
**Deputy Public Guardian**