

Queensland Government Response to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's *Report No. 30 – Investigation of the closure of the Earle Haven residential aged care facility at Nerang (Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying)*

Overview

On 14 November 2018, the Legislative Assembly established an inquiry into aged care, end-of-life care, palliative care and voluntary assisted dying (Inquiry), which would be undertaken by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (Committee). The Terms of Reference for the Inquiry require the Committee to provide the Legislative Assembly with a report on the delivery of aged care, end-of-life and palliative care in Queensland across the health and ageing service systems.

On 17 July 2019, the Committee commenced an investigation into the sudden closure on 11 July 2019 of Earle Haven Retirement Village (Earle Haven), a residential aged care facility in Nerang. The investigation focussed on the safety and quality of the care provided to residents at Earle Haven in the lead up to the events and what could be done to prevent a similar event occurring again in Queensland.

On 9 August 2019, the Committee advised via media release that it was conducting an investigation following the evidence provided to the Royal Commission into Aged Care Quality and Safety. The Committee called for submissions until 21 August 2019.

During September 2019, the Committee held public hearings on the Gold Coast and in Brisbane. The Committee heard evidence from officers from the Queensland Ambulance Service, the Gold Coast Hospital and Health Service and Mr Arthur Miller, Managing Director, People Care Pty Ltd, who was the approved provider for Earle Haven at the time of the closure.

The Committee also heard evidence from:

- Council on the Ageing Queensland
- Aged and Disability Advocacy Australia
- Aged Care Crisis
- Queensland Nurses and Midwives' Union
- Ms Meaghan Scanlan MP, Member for Gaven (in a private capacity)
- employees from the two companies responsible for the operation of Earle Haven, HelpStreet and People Care
- various other private individuals whose details were not published.

On 28 November 2019, the Committee published its report containing 12 recommendations. The Queensland Government accepts all recommendations. Additional comments are provided in relation to recommendations 1, 2 and 5.

Responses to Recommendations 1, 2 and 5

Recommendation 1: The committee recommends that all options be explored to allow the residents evacuated from the facility to return to their home

The Queensland Government notes that the Australian Government has sole responsibility for the oversight of the aged care sector, including, relevantly, the regulation of approved providers. That responsibility includes determining the ability of a provider of aged care services to continue to provide such services in line with its responsibilities under the *Aged Care Act 1997* (Cth).

In the event that an approved provider's accreditation is revoked, as occurred here, and where the Australian Government is unable to put appropriate alternative measures in place, it may not be possible for residents to return home or for the Queensland Government to assist with the return of residents to their home.

Generally, while state agencies may be able to assist with a crisis situation, such as the events at Earle Haven, the Queensland Government is not positioned to act in an interim or long-term capacity where approved providers of private residential aged care facilities are no longer able to operate.

Recommendation 2: The committee recommends that the state government explore options to strengthen evacuation planning measures for residential aged care facilities, in consultation with federal government agencies responsible for aged care, to ensure they adequately cover the evacuation of residents and staff from facilities due to the sudden loss of care services

The Queensland Government will review and finalise a report, including updating any existing policies, procedures or protocol documents, in relation to options to strengthen evacuation planning measures for residential aged care facilities to ensure they adequately provide for the evacuation of residents and staff from facilities due to a sudden loss of care services.

Recommendation 5: The committee calls on the federal government to better share 'red flag' information about operators of residential aged care facilities with state and territory governments and other regulatory bodies to prevent any recurrence of the Earle Haven disaster in other residential aged care facilities

Given the role of the Australian Government as the regulator and funder of the aged care sector in Australia, the Queensland Government accepts the recommendation on the basis that the Queensland Government may benefit from such information for its readiness to coordinate a health emergency response should risks to residents escalate to a crisis situation.