

## AGED CARE JUSTICE PTY LTD

### ANNUAL REPORT FOR YEAR ENDING 30/11/2022

- **2022: Summary:** 2022 saw significant developments in ACJ – along with the Aged Care Sector generally, and a federal election with the newly elected Labor Government placing Aged Care reform as a prominent election policy.
- In addition, the October 2022 Federal Budget allocated funding to Aged Care, including to promote some of the Aged Care Royal Commission recommendations. ACJ continues to play a role to ensure the new Aged Care Act supports enforcement provisions, a complaint management system that can respond to the needs of older Australians, measurable quality standards and, transparency in reporting on government spending in aged care.

#### 1 Notable 2022 ACJ Developments:

- People;
  - Following ACJ’s advertising and interviewing several candidates, Katrina Ryan, was employed as Legal Education & Communications Officer in March 2022;
  - ACJ’s Board & Consultant membership saw changes: for details see para 7 below and [Appendix 2 & 3](#).
  - Late in 2021 several law student volunteers retired, and during 2022 we welcomed additional law student volunteers from Monash, Melbourne and South Australia Universities.
- ALARM changed its name to Aged Care Justice Pty Ltd by resolution of the Board on the 22 August, 2022.
- The Board decided to expanding services into Home Care aged care from 26 October 2022 requiring a change to its Purposes: see below, para 3.
- The “Launch” of ACJ was held on 26 October 2022 at the offices of Holding Redlich.
- A significant increase in complainants occurred during 2022. We acknowledge and express sincere gratitude for the continued support of the allied legal firms. We particularly acknowledge the solicitors involved, who support complainants through difficult circumstances.
- The allied legal firms have dealt with a variety of issues, eg: families denied access to aged care residents; physical injuries sustained in aged care facilities; medical negligence; chemical restraint; and contractual issues. Most matters have been resolved without the need to commence legal proceedings. A few have resulted in the initiation of proceedings with one involving physical injuries and a contractual dispute settled immediately prior to the hearing date. We are currently exploring a possible class action in relation to a matter affecting many of our aged care population. For all firms involved, see [www.agedcarejustice.org.au/allied-firms](http://www.agedcarejustice.org.au/allied-firms)

- ACJ is grateful for funding received from a private donor, enabling us to extend our paid position into 2023, and upgrade our website and communications programs.
- Other Activities;
  - ACJ developed a series of educational material on restrictive practices to assist residents and families to understand their legal rights.
  - ACJ continues to develop alliances with community legal centers, community advocacy groups and State and Federal politicians. Significant agreements have been reached with Aged Care Reform Now, a grassroots aged care organization, and Victoria Legal Aid who have offered to promote ACJ ongoing.
  - ACJ has met with several Senators and Ministers to discuss age care reforms, including reform of the *Aged Care Act* due in 2024.
  - ACJ has issued a series of media releases and has been quoted in some Aged Care media outlets.

**2 Personnel.** As at November 2022, about 35 people were involved on a regular basis with ACJ. We thank sincerely all our volunteers and contractors for their support, numerous and varied contributions, and continued concern to achieve some law reform and improved conditions for aged care residents and home care recipients. A list of ACJ Personnel is set out at [Appendix 2](#).

**3 Expansion into Home Aged Care Services.** At the Committee of Management’s meeting on 26 October, the Committee resolved to expand ACJ’s activities to embrace a large additional group: those receiving aged-care services in their homes. As a result, ACJ’s Purposes in our Model Rules were amended accordingly. See [Appendix 1](#).

**4 ACJ Launch: 26 October 2022.** The launch occurred at the city offices of Holding Redlich, Solicitors, being our Vice-President’s firm. This was, by all accounts, a great success. About 40 attended, including people from interstate (NSW & WA); members of ACJ’s Committee of Management, Consultants, and others. The President was regrettably present by zoom only, due to contracting Covid. Sue Williamson did a great job as the MC, introducing the speakers and setting the context for the event.

Speeches were delivered by ACJ’s Patron, Tony Pagone; the President Bryan Keon-Cohen, Vice President Sue Williamson, an experienced aged-care Principal Lawyer from Slater & Gordon (solicitors) Shari Liby; and Amina Schipp from a key ACJ ally, Age Care Reform Now. She had travelled from Perth for this event. Volunteers Elizabeth Papapetrou and Daniel Peet provided reception services (name tags, an ACJ info brochure; ACJ’s Fact Sheets on Restraint in Aged Care facilities; and film and video recording respectively.) We thank Holding Redlich, especially its senior partners, for their generosity and support in hosting this event. Photos of the event and footage of speeches will be made available on ACJ website.

## 5 Working Group Activities: Year-Ending 30/11/22:

**Working Group 1(a): Board:** The Management Committee met monthly until July; thereafter bi-monthly. Amongst many significant decisions and membership changes, law student volunteers Dimitri Osianlis and Yasmin Chalabi retired as Co-Secretaries early in 2022 when Sue Williamson became acting Company Secretary. In August 2022, our new Secretary, Cai Lin Tan was appointed. Cai Lin brings considerable experience and professional expertise to this role.

Patrick O'Doherty and Catherine Henry both retired from the Board, to continue as consultants. Di McDonald joined the Board in May 2022, bringing depth of experience, including in the not-for-profit sector. Manny Spiteri joined as a Consultant in March 2022. See further [Appendix 1 & 2](#).

**Working Group 1(b) Management Team:** Comprised of President, Vice President, CEO Anna Willis and Senior Legal Education Officer Katrina Ryan, this team met regularly throughout the year, managing various issues and projects.

**Working Group 1(c): Governance, Finance, Regulatory Compliance: Chair:** Henry Walachowski. Our thanks to Henry for supporting ACJ particularly in respect to regular financial reporting, invoice, banking, donations management, and financial oversight generally.

### **Working Group 2: Fundraising:**

**Chairs:** B Keon-Cohen; Katrina Ryan; **Secretary:** Elizabeth Papapetrou; **Consultant:** Di McDonald; **Volunteers:** Elizabeth Rudelic; Lani Nguyen; Andrew Browell, Yuthara Periera.

The Fundraising Team has researched and compiled a list of philanthropic organisations and developed a schedule of different types of grants with their various application periods. Applications to the Bennelong Foundation and Victoria Law Foundation (VLF) were unsuccessful. The VLF Grants Manager has since advised that Aged Care Justice may have more success in the upcoming round (\$20,000 in funding) due to our creation of legal education material and the networks we are building to distribute this material. On 2/11/22, an application for funding was submitted to the Harcourts Foundation for \$50,000 to deliver a national aged care legal education campaign through the development, dissemination and promotion of Aged Care Justice's Fact Sheets. Donations via the website are at \$179.40 to date.

### **Working Group 3 Law Reform, Education & Advocacy.**

**Chair:** Katrina Ryan; **Secretary** Daniel Peet; **Consultants,** Bryan Keon-Cohen; Eileen Webb, Catherine Henry; Rodney Lewis; Elizabeth Barton; Melanie Scott; Manny Spiteri. **Volunteers:** Lani Nguyen, Thu (Anna) Huynh, Dan Tran, Ed Carlisle, Vanessa Hutchens, Harriet Knapman.

Law reform submissions and legal education fact sheet topics are attached as [Appendix 4](#)

**Working Group 3(a):** Law Reform has been active in forming stronger relationships with policymakers, and the Department of Health & Ageing which is seeking community consultation on aged care reforms. The Department provided a signed response, at the request of Minister Anika Wells, to Group 3's ACQSC Article. Assistant Minister for Health and Aged Care, Ged Kearney provided a signed response to our reform letter regarding the *Implementing Care Reform Bill (2022)*.

**Working Group 3(b) Legal Education:** This group has made multiple submissions to members of parliament, and consulted with Independent Kate Chaney, Senator Rice, and Senator Matt O'Sullivan, to ensure future reforms highlight the enforceable rights of aged care residents. A database with contact details for Federal and State politicians has been completed. Law reform articles appear on ACJ's website. Further articles in production include 'a general duty of care'; 'aged care residential fees'; 'sexual assault in aged care' and 'challenges faced by aged care in rural communities'.

Katrina Ryan, as part of her work with this Group, has also produced a set of Fact Sheets on Restrictive Practices. Further Fact Sheets on the Aged Care Residential Contract are near completion. We thank Katrina for her significant work in this regard.

Group 3(b) has also forged alliances with organisations willing to distribute our education material, such as Victoria Legal Aid.

#### **Working Groups 4(a) Legal Panel: 4(b) Complainants Register & Info.**

**Chairs 4(a)** Sue Williamson; **4(b)** Anna Willis. **Volunteers** Eliza Gannon and Jennifer Oh.

ACJ has 18 firms on the allied legal panel including two national firms. Our thanks are extended to each member of the panel; they provide not only expert legal advice to assist our complainants but also take the time to understand and support them through difficult times. For a full list, see [www.agedcarejustice.org.au/allied-firms](http://www.agedcarejustice.org.au/allied-firms). Group 4(a) has focused on identifying and recruiting firms to the Panel from Tasmania and Western Australia. The current focus is to work with the Law Societies in each jurisdiction to identify lawyers with appropriate expertise to join. During 2022 to date, ACJ received over 45 complaint enquiries involving 22 referrals from the following States: Queensland 5, South Australia 2, Western Australia 2, New South Wales 4, Victoria 9.

#### **Working Group 5 Allied Organisations.**

**Chairs:** Melanie Scott, Liz Barton; **Secretaries:** Olivia Malia, Joshua Cordina; **Consultant** Nil; **Volunteers** Emily Lai, Joshua Cordina, Olivia Mallia, Dan Tran, Katrina Ryan, Jennifer Ho, Emily Lai, Yalith Ratnavibushena.

The allied organisations team has been researching and contacting organisations to promote Aged Care Justice's educational material and referral services. The groups Aged Care Reform Now and Aged Care Matters have promoted Aged Care Justice utilizing their Facebook groups. We have also built relationships with the Australian Nursing and Midwifery Federation (Federal and Victoria branches), and Advocare. The team is continuing

to prioritise organisations to contact, and expanding the list of aged care health support, advocacy and community-based organisations.

#### **Working Group 6: People & Documents.**

**Chair:** Anna Willis **Volunteers:** Jennifer Oh and Yalith Ratnavibushena.

Group 6 has commenced a new google drive to develop safe storage facilities of all ACJ documents. We continue to investigate better methods to store and share documents. The Group is also compiling and managing the list of newsletter distribution list and compiled a list of Federal and State politicians, in conjunction with the communications team. The Group has welcomed nine new Monash Law School volunteers, who will begin work in 2023.

#### **Working Group 7: Website and IT.**

**Chair:** Patrick O'Doherty.

Website maintenance has been provided by Yarra Web Pty. Ltd. under Patrick O'Doherty's direction. The site update from ALARM to Aged Care Justice was actioned by Yarra Web for a cost of \$82.00. Yarra Web also assisted in the creation of new email addresses for Aged Care Justice for no charge. Since the organisation's name change, people have found it easier to find Aged Care Justice via Google Search and one complainant advised she found us on Google. We appear as the No.1 search result for the words 'aged care justice' on Google and appear on the first page when searching for 'aged care legal'. The redesign of the website is still underway and Patrick has assigned a developer -Tomi based in Hungary – who can deliver a full redesign of the website at a very competitive rate. The redesign will help with accessibility for users and feature more user friendly and helpful content for those in need of ACJ's referral service and educational material.

*We sincerely thank Patrick and his team for maintaining the ALARM/ACJ website, posting articles and updating information. We look forward to working closely with Patrick in 2023 as we continue to review the website and update information regarding our change of name and expansion into home care services. See [www.agedcarejustice.org.au](http://www.agedcarejustice.org.au).*

#### **Working Group 8: Marketing, Social Media & Communications.**

**Chairs:** Katrina Ryan, Sue Williamson; **Secretary** Di McDonald.

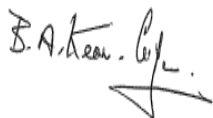
An increase in our public profile has occurred since changing the organisation's name from ALARM to Aged Care Justice and actively promoting this change. Activities of the Group 8 communications team include media releases on ACJ's insights on aged care law and reform, social media posts, and distribution of reform letters to allied organisations, media and politicians. The team led the name change and associated branding and organised a special event – a Launch – in Melbourne to promote Aged Care Justice: see above. The event successfully brought together law firms, aged care advocacy organisations and members of the not-for-profit sector to support our organisation and raise its profile.

We have had an increase in social media interaction, with Facebook followers growing from 141 to 176 over the last few months; LinkedIn activity impressions up by over 500%; and 104 people searching for Aged Care Justice.

Our future strategy is to allocate a budget for future Facebook advertising and Twitter interaction. The team plans to budget for paid social media advertising and to commence Twitter postings. The group also seeks volunteers to manage a future ACJ newsletter. Currently, we have 34 subscribers to our newsletter who have received our Fact Sheets.

## 6 Future Plans - 2023:

Home Care: Apart from pursuing its current programs, indicated above, ACJ's major initiative for 2023 is to expand its activities into the large, and expanding, in-home aged care sector. We plan to review our website activities, consistent with the market review; our change of name; in-home aged care extension; and to continue to develop relationships with community legal organisations and large advocacy groups.



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**Dr. Bryan Keon-Cohen AM, KC, President**



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**Sue Williamson, Vice President**

**Date: 7 November 2022**

## Appendix 1: Revised Model Rules 2022: CI 2: Purposes

Amended clauses 2.1 to 2.4(a) of the Model Rules – Purposes:

*The purposes of the association are to —*

1. *advocate for and assert the rights of people receiving aged care services, government funded and private, and their families, within Australia, to ensure that aged care recipients receive proper care and support, in accordance with state and federal law, including legislation, contract and common law;*
2. *ensure that all aged-care providers, governments, and responsible agencies within Australia are held to account for breaches of civil and/or criminal law in their administration of aged care services and the care of aged care recipients;*
3. *improve access to justice for all people receiving, or eligible for aged care services in Australia and their supporters and families by:*
  - (a) *facilitating and supporting legal action in all appropriate forms and jurisdictions to achieve redress according to law; to protect the health and safety of aged care recipients; and to promote systemic law reform throughout Australia;*
  - (b) *referring abused aged care recipients and/or their families to supportive legal services or law firms to pursue prospects of civil and/or criminal proceedings in appropriate courts, preferably on a pro-bono basis;*
  - (c) *supporting individual residents and/or their families who have suffered loss or damage due to unlawful actions by providers of aged care services and/or governments and/or relevant agencies; and*
  - (d) *challenging harmful, abusive or discriminatory conduct, and/or involving human rights breaches, including conduct engaged in by governments or public agencies at federal, state, territory or local levels, by facilitating “test cases” to provide both redress to individuals and to establish legal precedents to force agencies to improve services and comply with all applicable legal obligations;*
4. (a) *facilitate and/or research and promote academic and public discussion to raise awareness of the legal rights of, and provide support to recipients of aged care services.*

## Appendix 2: ACJ Personnel: 2022

### Patron:

The Hon. Tony Pagone, AM, KC, Victorian Bar.

### Board of Management:

**President** Dr. Bryan Keon-Cohen AM, KC (Victorian Bar, retired);

**Vice President:** Sue Williamson, Partner, Holding Redlich;

**Secretary:** Cai Lin Tan;

**Treasurer** Henry Walachowski; Director, Marin Accountants, Melbourne;

**Members:** Anna Willis, Diane McDonald, Elizabeth Barton;

**Consultants:** Rod Lewis, Catherine Henry, Eileen Webb, Patrick O’Doherty; Guy Donovan, Melanie Scott, Manny Spiteri;

**CEO/Projects Manager:** Anna Willis.

### Contracted Staff:

**(per part-time hours, terms, conditions & remuneration, as agreed)**

- Legal Education & Communications Officer: Katrina Ryan;

#### Administrative Assistants:

- Legal Reform & Operations: Daniel Peet;
- Administration Support: Jennifer Oh, Yalith Ratnavibushena.

**Current Volunteers:** Andrew Browell, Thu (Anna) Huynh, Aristeia Nikolakakis, Daniel Peet, Dan Tran, Ed Carlisle, Eliza Gannon; Emily Lai, Harriet Knapman, Jack Watson, Jennifer Ho, Joshua Cordina, Josh Devonshire, Katelyn Limnios, Lani Nguyen, Liz Papapetrou, Liz Rudelic, Olivia Mallia, Thu Dan Tran, Vanessa Hutchens, Yalith Ratnavibushena, Yuthara Periera, Zara Bendit-Rosser.



### Appendix 3: ACJ Working Groups, Personnel & Designated Activities Nov '22

Working Group	People	Activities
<p><b>Board</b></p> <p><b>Chair</b> B Keon-Cohen</p> <p><b>Dep Chair</b> Sue Williamson</p> <p><b>Secretary:</b> Cai Lin Tan</p> <p><b>Admin Support:</b> Daniel Peet Liz Papapetrou Yalith Ratnavibushena</p> <p><b>Legal Education, Reform &amp; Communications:</b> Katrina Ryan</p>	<p><b>Members</b> <b>Treasurer:</b> Henry Walachowski <b>Interim CEO:</b> Anna Willis Liz Barton Di McDonald</p> <p><b>Consultants</b> Rodney Lewis Guy Donovan Eileen Webb Melanie Scott Patrick O’Doherty Catherine Henry Manny Spiteri</p>	<ul style="list-style-type: none"> <li>• Oversight and direction.</li> </ul>
<p><b>Management Team</b></p> <p><b>B Keon-Cohen</b> <b>Sue Williamson</b> <b>Anna Willis</b> <b>Katrina Ryan</b></p>	<p><b>Members</b></p> <p>See previous.</p>	<ul style="list-style-type: none"> <li>• Governance</li> <li>• Strategic Planning</li> <li>• Policy development</li> <li>• Project development &amp; oversight</li> <li>• Reporting</li> <li>• Budgets</li> </ul>
<p><b>WORKING GROUP 1</b></p> <p><b>GOVERNANCE, FINANCE, REGULATORY, COMPLIANCE.</b></p> <p><b>Chair:</b> Henry Wallachowski Supported by ACJ Secretary and CEO.</p>	<p><b>Members</b></p> <p>See previous.</p>	<ul style="list-style-type: none"> <li>• Governance</li> <li>• Finance &amp; Accounts</li> <li>• Insurance</li> <li>• Strategic Planning</li> <li>• Policy development</li> <li>• Project development &amp; oversight</li> </ul>
<p><b>WORKING GROUP 2</b></p> <p><b>FUNDRAISING</b></p> <p><b>Chair</b> BKC <b>Secretary</b> Liz Papapetrou</p>	<p><b>Members</b></p> <p>Yuthara Periera Andrew Browell Liz Rudelic Katrina Ryan</p>	<ul style="list-style-type: none"> <li>• Philanthropists &amp; Philanthropic orgs: research &amp; apply for funding.</li> <li>• Create relationships with philanthropic contacts and associations.</li> </ul>
<p><b>WORKING GROUP 3</b></p> <p><b>LAW REFORM, EDUCATION &amp; ADVOCACY</b></p> <p><b>Chair:</b> Katrina Ryan</p> <p><b>Consultants:</b> BKC, Eileen Webb, Catherine Henry; Rodney Lewis; Liz Barton; Melanie Scott, Manny Spiteri</p>	<p><b>Members</b></p> <p>Lani Nguyen Thu (Anna) Huynh Dan Tran Ed Carlisle Vanessa Hutchens Harriet Knapman</p>	<ul style="list-style-type: none"> <li>• Education strategy: Inform/write information to target market on legal rights.</li> <li>• Research aged care legal reform issues related to target market.</li> <li>• Submit reform proposals and legislative critique to government.</li> <li>• Meet with government on reform matters.</li> <li>• Review RC Recommendations</li> <li>• Review AACC report &amp; advocacy publications</li> </ul>

<p><b>Secretary:</b> Daniel Peet</p>		<ul style="list-style-type: none"> <li>• Advocacy strategy</li> <li>• Subs to Fed govt re RC Recs</li> <li>• Other: Blogs; seminars; etc</li> </ul>
<p><b>WORKING GROUP 4</b> <b>(a) Legal Panel</b> <b>(b) Complainants Register &amp; Info</b></p> <p><b>Chair</b> Sue Williamson 4(a) <b>Chair</b> Anna Willis (4b)</p>	<p><b>Members</b></p> <p>Eliza Gannon 4 (a) Jennifer Oh 4(b)</p>	<ul style="list-style-type: none"> <li>• (a) Research, appoint, liaise with “pro-bono” firms</li> <li>• (b) Maintain complainants register.</li> <li>• File phone/email/Get Help contact reports in google docs</li> <li>• Manage weekly ph/email roster</li> <li>• Manage Complainants before for whole journey with ACJ</li> </ul>
<p><b>WORKING GROUP 5</b> <b>ALLIED ORGANISATIONS</b></p> <p><b>Chair:</b> <b>Melanie Scott/Liz Barton</b> <b>Secretary</b> Olivia Mallia/ Joshua Cordina</p>	<p><b>Members</b></p> <p>Emily Lai Joshua Cordina Olivia Mallia Katrina Ryan Jennifer Oh Emily Lai Yalith Ratnavibushena</p>	<ul style="list-style-type: none"> <li>• Building relationships with other organisations to raise awareness of ACJ’s services</li> <li>• Disseminate ALARMS legal education material and articles.</li> <li>• Create opportunities to partner with the legal profession on reform issues.</li> </ul>
<p><b>WORKING GROUP 6</b> <b>PEOPLE &amp; DOCUMENTS</b></p> <p><b>Chair</b> Anna Willis <b>Secretary</b> Nil</p>	<p><b>Members:</b> Jennifer Oh</p>	<ul style="list-style-type: none"> <li>• Manage volunteers and paid staff – compliance and admin support.</li> <li>• Recruit volunteers and other staff as required.</li> <li>• Maintain updated personnel information.</li> <li>• Manage and maintain google documents</li> </ul>
<p><b>WORKING GROUP 7</b> <b>WEBSITE and IT</b> <b>Chair:</b> Patrick O’Doherty</p>	<p><b>See previous</b></p>	<ul style="list-style-type: none"> <li>• Website and It management for all.</li> <li>• Maintain licenses etc</li> <li>• Post and revise Website as requested.</li> <li>• Website development as required.</li> </ul>
<p><b>WORKING GROUP 8</b> <b>MARKETING, SOCIA MEDIA and COMMUNICATIONS</b></p> <p><b>Chair(s):</b> Katrina Ryan/Sue Williamson <b>Secretary:</b> Di McDonald</p>	<p><b>See previous</b> <b>(no volunteers at present)</b></p>	<p><b>Media</b> Develop a media strategy to promote ACJ to target market e.g. specific magazines Seniors etc.</p> <p><b>Social Media</b> Develop a digital platform to promote ACJ – content and outreach program. E.g. FB, LinkedIn etc.</p> <p><b>Website</b> Develop consistent messaging. Post relevant articles in general media and ACJ content.</p> <p><b>Promote</b> Promote ACJ, and ACJ’s educational and reform work by liaising with advocacy community, other ACJ working groups and the media.</p>

## Appendix 4: Law Reform Topics and Educational Material

### List of Law Reform Topics and Progress

TOPIC	ASSIGNED	Date for Completion
Challenges in Advancing Aged Care Complaints	Daniel Peet	July 30
Bupa Litigation class action (Vic S CRT)	Zara Bendit-Rosser	November 2022
General Duty of Care	Ed Carlisle	November 2022
Benefits and Drawbacks of the RAD	Harriet Knapman	November 2022
Workplace Manslaughter Laws in AC	Anna Hunyh	15/11/22
Privatisation of AC Workforce in Municipalities	Lani Nguyen	20/11/22
Sexual Abuse in AC & Serious Incident Response Scheme	Harriet Knapman	Nov/Dec '22
Aged Care in Regional, Rural and Remote Communities	Liz Barton and Liz Rudelic	TBC
Fees in H.C - recent legislation capping fees - criticism of numerous fees.	Ed Carlisle	TBC
Addressing the Elephant in the Room: Palliative Care	Liz Barton	TBC

### List of Educational Topics: Fact Sheets

TOPIC	ASSIGNED	DATE FOR COMPLETION
Restrictive Practices (Overview)	Katrina Ryan	Completed
Chemical Restraint	Katrina Ryan	Completed
Environmental Restraint	Katrina Ryan	Completed
Manual Restraint	Katrina Ryan	Completed
Mechanical Restraint	Katrina Ryan	Completed
Seclusion	Katrina Ryan	Completed
Entering a Resident Agreement	Katrina Ryan	November 2022
Resident Agreement: Negotiating Terms	Katrina Ryan	November 2022
Resident Agreement: Consumer Rights	Katrina Ryan	November 2022