

**Government response to
Report of Social Services Committee
on
Petition of Mark Sainsbury: Our elderly deserve a champion**

Presented to the House of Representatives

In accordance with Standing Order 252

Government response to the Report of the Social Services Committee on the Petition of Mark Sainsbury: Our elderly deserve a champion

Introduction

- 1 The Government has carefully considered the Social Services Committee's report on the petition of Mark Sainsbury: Our elderly deserve a champion. The Government welcomes the Committee's report, which highlights the important issue of the proposed establishment of a Commissioner for the Elderly to advocate for seniors and to ensure their rights are protected.
- 2 The Government responds to the report in accordance with Standing Order 252.

Background

- 3 On 18 February 2019, Mark Sainsbury (the Petitioner), a talk-back radio show host, presented the petition entitled "Our elderly deserve a champion" (the Petition) to the House of Representatives. The Petition requested that the Government establish a Commissioner for the Elderly to advocate for the elderly and to ensure that seniors' rights are protected. A total of 15,136 people signed the Petition.
- 4 The Petition was prompted by a call from Corrina O'Brien on the Petitioner's radio show describing the severe neglect of her father while in the care of a rest home in Pukekohe. Ms O'Brien submitted a complaint to Counties Manukau DHB which undertook a review of the incident and the Health and Disability Commissioner (HDC) opened an investigation 17 months after the passing of her father. There was a significant response to Ms O'Brien's story by members of the public, with many people calling into the Petitioner's radio show relaying their own concerns for themselves or elderly family members in aged care.
- 5 The Petitioner and his supporters argue that Ms O'Brien's experience demonstrates the lack of accountability within the system and illustrates that the various monitoring roles of the Government are too broad to adequately protect and investigate the treatment of elderly people in care. The Petitioner insists that the Government establishes a Commissioner for the Elderly whose sole focus is to ensure that the rights and welfare of the elderly are protected. The Petitioner argues that mere clarification and expansion of the HDC's role is problematic because it does not make the process more accessible nor approachable for the public. The Petitioner maintains that a separate Commissioner for the Elderly would create accountability in the system and ensure a clear and expedient path of redress in cases of aged care abuse and neglect.

- 6 The Social Services Committee (the Committee) undertook an investigation of the Petition and produced a report on its findings. The Committee's report lays out the current provisions around the safety and quality of aged care and questions whether these provisions are sufficient for both current and future aged care issues. Several Government agencies including the Ministry of Health and the Ministry of Social Development were consulted in this process.
- 7 The report of the Social Services Committee submits that there are clear benefits to the sector in establishing a Commissioner for the Elderly and provides three recommendations for the Government.

Recommendations from the Social Services Committee Report

- 8 **Recommendation 1:** that the Government investigate the establishment of a Commissioner for the Elderly.
- 9 **Recommendation 2:** that in investigating the role of a Commissioner for the Elderly, the Government undertakes a regulatory impact analysis to identify overlaps with the health sector and other bodies to ensure that the role has a clear purpose, function and fit within the sector.
- 10 **Recommendation 3:** that in investigating the role of a Commissioner for the Elderly, the Government determines:
- *“whether this role be established as a “stand-alone: Commissioner”*
 - *“whether this role be established under the umbrella of an existing agency”*
 - *“whether this role be established by broadening the role of the Retirement Commissioner, the Health and Disability Commissioner, or the Ombudsman”*

Response

- 11 The Government recognises the merits in the recommendations of the Social Services Committee report and work is underway to address these issues.
- 12 The Government recognises that there is scope to build the capacity and capability of roles in Government to enable the system to achieve more effective outcomes in relation to the monitoring and protection of older people's rights in care.
- 13 The Government acknowledges that the current complaints process for elder abuse and neglect in care is complex and that it may discourage people from making a complaint. The Government agrees that there is a need for more clarity in the complaints process and is reviewing the effectiveness of the existing avenues of redress.
- 14 The Government intends to implement an Aged Care Commissioner that will have a responsibility to monitor aged care and to ensure that the rights of older people in aged care are protected and respected. It will give older people and their family greater confidence in the quality and safety of aged care, in the investigation of their complaints, and provide leadership to

systemic change. There is a programme of work underway to enable this role to be implemented and initiatives from this work will complement and enhance the efforts by various Government agencies to ensure safety and quality in aged care and to improve the experiences of older people and their families.

Conclusion

- 15 The Government is aware of the interest in the establishment of a Commissioner for the Elderly. Work is under way to address the Petition's recommendations.
- 16 The Government would like to thank the petitioners and the Social Services Committee for highlighting this important issue.