



Hutchinson
Legal

Aged
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SUMMER 2019

Insight

Update on the Royal Commission into Aged Care – 2019

With the Interim Report handed down on the 31st of October 2019, and a Final Report due on the 12th of November 2020, the Australian Aged Care Royal Commission is well underway. The submissions received to date total 6897, in addition to the 4630 telephone calls to the information line. In October, the most common term of reference was the substandard or unsafe aged care services. For each month of 2019, the Royal Commission has published a paper on different topics within Elder Law.

These publications are easily accessible on the Royal Commission website, and have covered topics from “Dementia in Aged Care” to “Advanced care planning” to a “History of Aged Care Reviews”. The Dementia paper published in May 2019 provides an informed overview of Dementia and its prevalence in Australia. Additionally, the paper touches on the physical and social consequences of Dementia.

The Interim Report released on the 31st of October 2019 is entitled “Neglect”, as it has discovered that Australia’s current Aged Care system fails to provide for the needs of older Australians. The report summarises the various submissions to date, and advocates for the need for a total overhaul of our Aged Care system.

In a brief summary, the Royal Commission outlines three areas that need urgent attention:

1. Further provision for Home Care Packages;
2. Review of controversial chemical restraint use in Aged Care; and
3. The prevention of younger people with disabilities being admitted into Aged Care.

As the Royal Commission enters its final year, the public is still encouraged to make submissions using an online form. The Commission will continue to accept submissions

until the end of April 2020. Your submission may be anonymous, and you may choose not to provide your contact details.

However, by completing as much of the form as possible, you will greatly assist the Commission in identifying issues with the Aged Care system to ensure that future change is made.

The Eldercare Legal Team at Hutchinson Legal eagerly anticipates the results of the Royal Commission, and will endeavour to provide another update on the outcome of the report, in due course.

“It’s not how much we give but how much love we put into giving.”

MOTHER THERESA

FAST FACTS

1/4

It is estimated that one quarter of the Australian population will be 65 and over by the year 2050

12,960,500

The approximate number of employed people in Australia as at August 2019

1.5 billion

The number of calories Santa will consume if he eats one cookie per Australian household on Christmas Eve



If police ask to search you, do you have to let them?

Imagine that you are driving home one day and a police cruiser pulls you over. You stop your vehicle and the officers walk towards you. They ask to search your vehicle.

Similarly, imagine that you are at home and suddenly your doorbell rings. You answer the door to find two police officers standing there. They ask to enter the premises to conduct a search.

Finally, imagine you are walking down the street and police officers ask to speak to you. They want to search your backpack.

Do they have the power to search in any of these scenarios?

Well...it depends.

Search Warrant

They have the right to proceed with the search if they present you with a search warrant.

Otherwise, they only have the power to search you, your property or your home, when:

- You consent;
- They have reasonable grounds; or
- They are within a designated search area.

Consent

If you answer yes to their request for search, they can search anything from your bag to your home.

It should be noted that it is within your right to say no.

Reasonable Grounds

If you exercise that right: "Sorry, officers. I do not consent to a search". The officers then tell you that they have reasonable grounds. This is true if they reasonably believe that you:

- Possess illegal drugs;

- Possess an item that can explode or catch fire;
- Possess guns, knives, imitation weapons etc;
- Possess an item that could be used for graffiti;
- Have any connection with terrorism.

Unless they give you a reason for believing that you possess any of the above, it will be unlawful for them to conduct a search, in the absence of your consent.

Designated Search Areas

NONE OF THE ABOVE APPLIES?

The police can set up public search zones if it is a regular trouble spot. They can then conduct their searches in these "designated search areas" without a warrant and without reasonable grounds.

They need to inform you of this fact and can search anything from your bag to your vehicle.

If a police officer asks to search you because you are in a designated area, you must let them.

Similarly, where you consent or where they have grounds, you must let them conduct their search. It is a criminal offence to refuse.

If you are concerned about being searched, it is important you obtain legal advice to help you understand your legal rights and obligations.

Please contact our criminal law department if you would like to discuss your particular circumstances on 9870 9870.



Christmas Greeting

The Christmas season has the capacity both to stir up past memories and garnish them with hope for the future. Yet amidst our reflections and our plans, it is important to take time to savour the present; for that is where the heart of Christmas truly lies. From all of us at Hutchinson Legal, we hope you have a peace-filled Christmas.

Con Nottas *Grant Hutchinson* *Jason Lau* *Madelaine Pelsler* *Shani Comben*

PER CON NOTTAS, GRANT HUTCHINSON, JASON LAU, MADELAINE PELSER & SHANI COMBEN

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