HUMAN RIGHTS & SOCIAL JUSTICE

SHIFTING CLIENT CONTROL

23-24 MARCH, 2017 / GOLD COAST
ADAAUSTRALIA.COM.AU

CONFERENCE PROGRAM

Crowne Plaza, 2807 Gold Coast Highway, Surfers Paradise QLD

*All speakers, topics and times are correct at the time of publishing and are subject to change without notice. ADA Australia reserves the right to amend the program details as required.
Program as at 20 March, 2017.
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Details</th>
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<tbody>
<tr>
<td>8:00am</td>
<td>Registrations open</td>
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<tr>
<td>9.00am</td>
<td>Angela Catterns AM, Master of Ceremonies</td>
<td>Welcome to Country - Aunty Robyn Williams</td>
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<tr>
<td>9.20am</td>
<td>Introduction and welcome</td>
<td>Geoff Rowe, CEO, Aged and Disability Advocacy Australia</td>
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<tr>
<td>9.35am</td>
<td>Video address</td>
<td>The Honourable Coralee O’Rourke MP, Minister for Disability Services, Minister for Seniors and Minister Assisting the Premier on North Queensland</td>
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<tr>
<td>9.40am</td>
<td>Our Community: What do we mean?</td>
<td>The Honourable Michael Kirby AC, CMG</td>
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<tr>
<td>10.20am</td>
<td>Morning tea</td>
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<tr>
<td>10.50am</td>
<td>Q&amp;A with The Honourable Michael Kirby*</td>
<td>An up close and personal interview with The Hon. Michael Kirby, facilitated by Master of Ceremonies Angela Catterns</td>
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<tr>
<td>11.50am</td>
<td>Supporting older people in exercising and protecting their rights – Insights from the Australian Law Reform Commission’s Disability and Elder Abuse Inquiries</td>
<td>Emeritus Professor Rosalind Croucher AM, President, Australian Law Reform Commission</td>
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<tr>
<td>12.30pm</td>
<td>Lunch</td>
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<tr>
<td>1.30pm</td>
<td>Concurrent 1 Consumer rights in aged care</td>
<td>Dignity and risk</td>
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<td></td>
<td>(45 mins) Consumer directed aged care: freedom or fallacy</td>
<td>Providing choice and control to people with a cognitive disability</td>
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<td></td>
<td>Brenton Pope, Residential Programs Manager, Aged Rights Advocacy Service, South Australia</td>
<td>Dr Jeanette Stewart, Senior Clinical Neuropsychologist/ Clinical Psychologist, St Vincent’s Clinic and Liverpool Hospital, Sydney and Dr Ilana Hepner, Clinical Neuropsychologist, Prince of Wales Hospital and St Vincent’s Clinic, Sydney</td>
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<tr>
<td>2.15pm</td>
<td>Consumer directed care</td>
<td>Death and delight or, despair and dignity</td>
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<td></td>
<td>(45 mins)</td>
<td>Professor Joseph E Ibrahim, Head, Health Law and Ageing Research Unit, Department of Forensic Medicine, Monash University</td>
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<td>3.00pm</td>
<td>Afternoon tea</td>
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<td>3.30pm</td>
<td>The dignity of touch</td>
<td>Rachel Wotton, Touching Base</td>
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<td>4.15pm</td>
<td>Understanding and meeting the needs of older Lesbian, Gay, Bisexual, Transgender and Intersex people</td>
<td>Dr Catherine Barrett, Director, Celebrate Ageing and Christopher Robb, Advocate (LGBTI), Aged and Disability Advocacy Australia</td>
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<td>5.00pm</td>
<td>Closing</td>
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<tr>
<td>5.30pm -</td>
<td>Networking function</td>
<td>The Networking Function will provide a relaxed atmosphere for delegates to connect and socialise. The evening will feature the unique sound and playing style of guitarist Chris Tamwoy <a href="http://christamwoy.com/">http://christamwoy.com/</a></td>
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DAY 2: FRIDAY 24 MARCH, 2017

8.45am Welcome
Angela Catterns AM

8.50am Are we there yet? A personal reflection on the aged care roadmap
The Honourable Ken Wyatt AM, MP, Minister for Aged Care and Indigenous Health

9.10am 10 years of DisCo: The past, present and future of disability rights
Alastair McEwin, Disability Discrimination Commissioner, Australian Human Rights Commission

9.55am The right to be wrong – learning from complaints about consumer directed care
Rae Lamb, Aged Care Complaints Commissioner

10.40am Morning tea

11.10am Concurrent 2
Consumer rights
Human rights and elder abuse
Human rights in action

11.10am (45 mins) Restorative practice - a tool for achieving human rights and social justice?
Fiona May, CEO, ACT Disability Aged and Carer Advocacy Service

11.10am (45 mins) No longer behind closed doors
Kaz Mackay, Elder Abuse Prevention Unit Co-ordinator, Eastern Community Legal Centre (ECLC)

11.10am (45 mins) Towards a convention on the rights of older persons
Bill Mitchell, Principal Solicitor, Townsville Community Legal Service Inc

11.55am Bringing life to the client voice in decisions regarding restrictive practices
Fiona Phipps, Regional Manager, State Wide Services, and Darren Harris, Acting Team Leader, Positive Behaviour Support Team, Office of the Public Guardian

11.55am Examining access to justice for people with an Enduring Power of Attorney who are experiencing financial abuse
Dr Cassandra Cross, Senior Lecturer, School of Justice, Queensland University of Technology and Karen Williams, Manager, Guardianship Team, Aged and Disability Advocacy Australia

11.55am What difference does a UN Convention make to people on the ground?
Graeme Innes AM, Human Rights Lawyer and former Disability Discrimination Commissioner

12.40pm Lunch

1.30pm Panel discussion: Would a human rights act shift client control?
Panel Members:
Graeme Innes AM, Human rights lawyer and former Disability Discrimination Commissioner
Mary Burgess: Public Advocate for Queensland, Office of the Public Advocate
Aimee McVeigh: Legal Practitioner Director, Disability Law Queensland
Facilitator: Angela Catterns AM

2.30pm A conversation with Richard Fidler* - Brought to you by the Department of Health
Master of Ceremonies Angela Catterns AM interviews Richard Fidler.

3.30pm Conference close

3.40pm Afternoon tea

* Richard Fidler appears by arrangement with Saxton Speakers Bureau
MEET THE SPEAKERS

The Honourable Michael Kirby AC CMG

Our community: what do we mean?

The presentation will be looking at the challenge of building a fair community which respects all of its members and not just the majority. This is a perennial issue for the Australian people who have a troubling record in hostility, antipathy, inequality and exclusion towards women, the aged and minorities including Aboriginals, racial minorities, religious minorities, and LGBTIQ citizens. How can we turn around a country which has great pride in its spirit of “mate-ship” but is selective in those who whom it will call mates?

The Honourable Coralee O’Rourke MP, Minister For Disability Services, Minister For Seniors And Minister Assisting The Premier On North Queensland

Welcome video address to be delivered by Michael Hogan, Director General, Department of Communities, Child Safety and Disability Services

Emeritus Professor Rosalind Croucher AM, President, Australian Law Reform Commission

Supporting older people in exercising and protecting their rights— Insights from the ALRC’s Disability and Elder Abuse Inquiries

The ALRC’s Disability inquiry embodied the paradigm shift of the UNCRPD to supported decision making and, as a first principle, that all adults have an equal right to make decisions that affect their lives and to have those decisions respected. In the Elder Abuse inquiry the ALRC has had to balance this principle of autonomy with the challenge of ensuring that laws and legal frameworks provide appropriate protections and safeguards for older Australians, while minimising interference with the rights and preferences of the person. This presentation provides insights from both inquiries, led by Professor Croucher.

Brenton Pope, Residential Programs Manager, Aged Rights Advocacy Service, South Australia

Consumer Directed Aged Care: Freedom or Fallacy

While Consumer Directed Care is often presented as a concept destined to liberate all that participate in it, is it really capable of delivering the freedom and control that we expect it to? This presentation explores some of the key underlying issues associated with Human Rights and Consumer Directed Aged Care and examines the possibility that it may not be the holy grail that we think it is.

Shona McQueen, Assistant Secretary of Home Care Reform Branch, Ageing And Aged Care Stream, Department of Health

Consumer Directed Care

The recent changes to the way older Australians received home care has been a major milestone in increasing choice and control for older people in our aged care system. For the first time, funding now follows the consumer, not the provider, which places older people and their families at the centre of the decision-making process when it comes to their care needs. This is an opportunity to hear from the Department of Health on the implementation of this and other current reforms to aged care.
Dr Jeanette Stewart and Dr Ilana Hepner

Providing choice and control to people with a cognitive disability

This presentation will discuss the role of neuropsychological assessment in the evaluation of testamentary capacity and the capacity to manage financial affairs/confir power of attorney, with a focus on how this can provide choice and control to people with a cognitive disability.

Neuropsychological evaluations provide a comprehensive assessment of all major areas of neuropsychological (cognitive) functioning including, attention, language, memory, executive functioning, visuospatial/perceptual functioning and psycho/social functioning. Neuropsychological assessment allows for not only the identification of specific cognitive strengths and weaknesses but also an understanding of why these occur, i.e., problems with memory may reflect difficulties in other cognitive domains (attention, executive functioning, working memory) and can occur due to problems with encoding or retrieval. An analysis of these underlying cognitive foundations of decision making ability allow the neuropsychologist to determine whether specific cognitive impairments may act as barriers and, where appropriate, use the findings to guide the implementation of supports to facilitate decision making.

Case examples will be discussed in order to illustrate the degree to which a neuropsychological assessment can identify aspects of an individual’s profile that may, through the application of specific accommodations or strategies, enable the person with cognitive disability to meet the relevant legal criteria. The role of the clinical neuropsychologist will therefore be discussed within the context of supported decision making.

Professor Joseph E Ibrahim, Head, Health Law And Ageing Unit, Department Of Forensic Medicine, Monash University

Death and delight or despair and dignity:

This presentation is about supporting people to choose the activities they enjoy even though it may lead to injury or even death. Professor Ibrahim explores why doctors, nurses and family are so cautious and want to ‘wrap older people in cotton wool’ to keep them safe. Professor Ibrahim discusses a person’s right to choose to walk alone, even if it means they fall. Or to eat solid foods, even if it means choking to death.

Julia Duffy, Executive Director, Justice Services Division, Department of Attorney-General

Towards a Human Rights Framework for Guardianship

This presentation will examine the rights context for decision making in guardianship, emphasising the indivisibility and interdependence of rights. As guardians, complex decisions have to be made which may balance the right to autonomy with or against the right to health care, the right to life or the right to social inclusion.

Dr John Chesterman, Director of Strategy, Office of The Public Advocate, Victoria

Supported and substitute decision making: the need for reform

This presentation will consider the various ways in which our laws – primarily in the fields of guardianship, powers of attorney and medical decision making – enable financial, accommodation and medical decisions, among others, to be made by substitute decision makers when people with cognitive impairments are deemed to be unable to make decisions for themselves. These substitute decision-making laws are sometimes invoked when there has been an inability to resolve, or even address, a service failure, a family breakdown, or a wrong committed against a person. In addition to often being a less-than-ideal response to a person’s risk of, or exposure to, harm, substitute decision-making laws run counter to the trajectory of human rights developments, which seek to promote the ability of people to make and to implement their own decisions. This talk will consider ways in which the reform of substitute decision-making laws might occur, with a particular emphasis on developments in the field of supported decision making.
Rachel Wotton, Touching Base

The Dignity of Touch

This presentation looks at maintaining the right to say “yes” to sex throughout injury, illness, disability and the ageing process. It will also explore human rights, sexual rights and the roles sex workers may have in supporting someone’s sexual expression.

Dr Catherine Barrett, Director, Celebrate Ageing and Christopher Robb, Advocate (LGBTI), Aged and Disability Advocacy Australia

Understanding and meeting the needs of older Lesbian, Gay, Bisexual, Transgender and Intersex People

This presentation, through The Tango Project, explores the gap between recent legislative and policy reforms recognising the rights of older LGBTI Australians - and their lived experiences. It presents evidence relating to patterns in rights violations and describes the reluctance of some older LGBTI people to access advocacy and support services.

Engaging with the global, national and state based social policy and legislation that has led to an ‘invisible’ consumer population of 11% of Australian seniors. Discuss successes and hurdles that face our elders in accessing culturally safe services.

Alastair McEwin, Disability Discrimination Commissioner, Australian Human Rights Commission

10 years of DisCo: The past, present and future of disability rights

It has been 10 years since the Convention on the Rights of Persons with Disabilities (DisCo) was opened for signature. Alastair will reflect on the changing landscape of disability rights, the challenges that people with disability face to full participation and equal standing in society and present a vision for a future where all people with disability enjoy their human rights on an equal basis with others.

Rae Lamb, Aged Care Complaints Commissioner

The right to be wrong – learning from complaints about consumer directed care

Aged care consumers are increasingly being asked to exercise their rights in making choices, taking greater control of their care, and – where necessary - voting with their feet. This presentation will look at the role of complaints in this, and what can we learn from them about how people are exercising their rights in choosing and receiving care.

Fiona May, CEO, ACT Disability Aged and Carer Advocacy Service

Restorative practice - a tool for achieving human rights and social justice

Restorative practice in Australia is most commonly seen in the justice context – as an alternative to traditional police and court processes however, it is being used more widely in other countries. Does it have the potential to contribute to achievement of human rights for people with disability and older people? What might need to change to move towards a restorative approach and where does individual advocacy fit?
Fiona Phipps, Regional Manager, State Wide Services and Darren Harris, Acting Team Leader, Positive Behaviour Support Team, Office of The Public Guardian

Bringing to life the client voice in decisions regarding restrictive practices

The guardianship system is designed to protect and promote the rights of adults with impaired capacity. The challenge for advocates is how to bring life to the voice of the adult within the complexity of the guardianship and restrictive practices system.

Kaz Mackay, Elder Abuse Prevention Unit Co-ordinator, Eastern Community Legal Centre (ECLC)

No Longer Behind Closed Doors

This is an opportunity to unpack why it is that we are hearing more and more about this issue, where it fits in terms of the family violence frameworks, and where it differs, as well as the controversial topic of mandatory reporting and the impact of dementia on the incidence of elder abuse. You will also learn how your organisation can take steps to identify and respond to elder abuse in ways which respect the dignity and autonomy of the older person.

Dr Cassandra Cross, Senior Lecturer, School of Justice, Queensland University of Technology; Karen Williams, Manager, Guardianship Team, Aged and Disability Advocacy Australia; Dr Kelly Purser, Senior Lecturer, School of Law, Queensland University of Technology; and Associate Professor Tina Cockburn, School of Law, Queensland University of Technology.

Examining access to justice for people with an Enduring Power of Attorney who are experiencing financial abuse

Financial abuse is significant issue, however little research to date has explicitly examined this particular type of abuse, particularly within the context of an enduring power of attorney document. This presentation will outline an exploratory research project between ADA Australia and QUT which is examining the issue of financial abuse of those with an enduring power of attorney. The presentation opens with a case study to illustrate some of the issues that are faced by clients presenting to ADA in these circumstances. The case study will highlight some of the challenges and complexities evident in the cases of those who allege financial abuse by a third party facilitated through the existence of an enduring power of attorney. Subsequent to the case study, this presentation will outline some of the challenges encountered in attempting to research this topic. It will further present an overview of 121 cases that form the basis of this research project. Overall, this presentation will provide preliminary findings of this project and highlight some of the areas that require further attention.

Graeme Innes AM, Human Rights Lawyer and former Disability Discrimination Commissioner

What difference does a UN Convention make to people on the ground?

Graeme was a Commissioner at the Australian Human Rights Commission for almost nine years, responsible for issues relating to disability, race and human rights. In this role he led work on the ratification by Australia of a UN Convention on the rights of people with disabilities. In this session Graeme will discuss the difference a UN Convention can make to people on the ground.

Bill Mitchell, Principal Solicitor, Townsville Community Legal Service Inc.

Towards A Convention on the Rights of Older Persons

The debate about a Convention on the Rights of Older Persons (CROP) dates back to the drafting of the Universal Declaration of Human Rights in 1948. Now, almost 70 years on, the United Nations Open Ended Working Group on Ageing has called for Member States to “start working on the text of a legal instrument.” The presentation summarises the key history of and recent developments towards a Convention.
The Honourable Ken Wyatt AM MP, Minister for Aged Care and Indigenous Health

Are we there yet? A personal reflection on the Aged Care Roadmap

This presentation explores the changing nature of the aged care sector, looking at the major achievements, roadblocks, milestones and challenges ahead.

Panel Discussion

Would a human rights act shift client control?

In this hour-long panel discussion with industry heavyweights including the former Disability Discrimination Commissioner Graeme Innes AM, the Public Advocate for Queensland, Mary Burgess, and Disability Law Queensland Director Aimee McVeigh, we will explore the role of a human rights act. Would such an act facilitate and lead to a shift in client control?

Richard Fidler, Author, Presenter

A conversation with Richard Fidler

Join the Master of Ceremonies Angela Catterns as she turns the table on one of Australia’s most celebrated talk show presenters. In this conversation style interview, Richard will share insights into the important role storytelling can play in shifting client control.