



ADA Australia

Your aged and disability advocates



The Advocate

November / December 2019



CEO'S MESSAGE

Welcome to the final edition of *The Advocate* for 2019. It's been a big year for ADA Australia and 2020 promises to be even more significant with major reforms on the cards.

When the Royal Commission into Aged Care Quality and Safety handed down its interim report in October, the message to governments, the industry and Australia was very clear – we need to do better, as a country, to care for the older members of our community.

I was heartened to see that the report included three important recommendations, despite previous advice that it would not make any recommendations at this stage. The three priority areas identified in the report were increasing home care packages, reducing the use of chemical restraints, and moving younger people out of residential aged care.

The Australian Government has pledged to take strong action on these areas and has committed 10,000 new home care packages, set targets to reduce the number of young people entering residential care and moved to strengthen regulations around the use of chemical restraint.

Overall, the contents of, and response to, the interim report were undoubtedly a step in the right direction, though only a small step in what will need to be a long journey of reform.

While government has taken steps to reduce chemical restraint in aged care, it must move to prohibit the practice. Additionally, it was disappointing that advocacy was not raised, although I note that the interim report only covered the period prior to the Brisbane hearings. I am hopeful it will be addressed in the commission's final report, due by 12 November next year.

Another highlight of the year was Prime Minister Scott Morrison announcing the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

ADA Australia is pleased that the government has committed to funding individual advocacy and counselling for participants throughout the inquiry and we are currently offering support to people in Rockhampton and the Gold Coast. You can read more in this edition of *The Advocate*.

As 2019 draws to an end, looking back I am proud of the progress we have made. We're happy to see increased demand for advocacy services and greater focus on assisting people with disability, as well as the very successful National Elder Abuse Conference, two royal commissions and several parliamentary committees and inquiries providing national platforms for ADA to represent our community.

You can read about these successes and more in our [2018/19 Annual Report](#).

I thank our outgoing chair Richard Olley for five years of dedicated service to our organisation and congratulate Liz Kearins who has stepped into the role. Thanks also goes to all our staff and volunteers who have worked so tenaciously this year to make a difference in the lives of older Australians and those with a disability.

ADA Australia will be closed from 12pm on 24 December until 2 January. We wish you and your family a safe and happy holiday season.

Geoff Rowe,
CEO

AGED CARE FACILITIES CHEMICALLY RESTRAINING OLDER AUSTRALIANS

A new Human Rights Watch (HRW) report released in October at Parliament House in Canberra has revealed the extent to which Australian aged care facilities unnecessarily restrain older people with medication.



The report highlights how widely practiced chemical restraint is within Australia, as a method that sees aged care staff routinely give elderly dementia patients medication to control their behaviour, even though the medication is not required to treat any medical symptoms.

The research shows chemical restraint was practiced in 35 aged care facilities across three different states. These findings were uncovered through first-hand interviews with family members, doctors, nurses, and advocates in the Australian aged care community.

Speaking of the report's launch, ADA CEO, Geoff Rowe said that while ADA was proud to support such important research, he was concerned that the situation in Australia was so poor that HRW saw the need to intervene. He hoped the report's findings would help drive action to end unnecessary chemical restraint in the aged care sector.

"We cannot keep burying our heads in the sand when it comes to the welfare and treatment of elderly Australians, particularly in regard to the unnecessary medication and restraint practices occurring in aged care facilities," said Mr Rowe.

"Chemical restraint can be dangerous and should not be the 'go to treatment' when those experiencing dementia and similar conditions become challenging for care staff to handle.

"Instead, the government needs to step in and put a stop to this practice and invest time and resources into finding ways to improve the lives of our elderly people through more dignified means."

As an organisation with its 'feet on the ground' engaging with the aged care community daily, ADA understands this issue is more widespread than people realise.

"Our advocates often hear stories from families and carers about their loved ones being drugged when it isn't medically necessary," said Mr Rowe.

The Australian Government has taken some steps to addressing chemical restraint in aged care, but Human Rights Watch and Aged and Disability Advocacy Australia are calling for the prohibition of the practice all together.

The full report is available to download on the Human Rights Watch website [here](#).

SUMMIT ON HUMAN RIGHTS FOR PEOPLE WITH DEMENTIA IN RESIDENTIAL AGED CARE

People living with dementia, care partners, advocates, lawyers, academics and interested community members gathered at University of Technology Sydney on Friday 22 November 2019 for a summit on human rights of people living with dementia in residential aged care.



People with a dementia diagnosis offered personal insights on living with this condition and their concerns about entry to full-time care and resultant loss of autonomy, dignity and freedom. They called for the recognition of human rights of all people living with dementia including the right to equality, rehabilitation, and independent living. Other presenters echoed these sentiments.

Representatives from Care Leavers Australia Network spoke about the trauma care leavers (i.e. people who were in child welfare institutions, such as orphanages) have from their childhood and their fears of being re-institutionalised in aged care facilities – noting that many would choose suicide over residential aged care.

The lived experiences of diverse populations living with dementia including LGBTI, public housing residents, care leavers, and older women (notably those who are homeless, in poverty or experiencing domestic violence) were highlighted.

Bethany Brown from Human Rights Watch Skyped in from New York on the recent report on chemical restraint in Australian residential aged care facilities and the need for the Australian Government to shift from regulating to prohibiting this practice. In a similar vein, Laura Grenfell (Law, Uni of Adelaide) argued that some harmful practices in residential aged care facilities might breach international human rights law relating to torture.

Legal representatives discussed the possibilities for and barriers to realising legal rights for people living with dementia. Academics offered their reflections on how a facility's built environment and care practices can uphold the dignity of those who reside there. Presenting at the summit, Karen Williams, Manager of ADA Australia's Human Rights Service commented "You can't access legal rights without human rights!"

The summit forms part of the knowledge translation of the project 'Safe and Just Futures for People Living with Dementia in Residential Aged Care' funded by Dementia Australia Research Foundation. Through the lens of the Convention on the Rights of Persons with Disabilities, this project has focused on exploring (a) current barriers to liberty and community access for people living with dementia in residential aged care facilities, and (b) the possibilities and challenges of utilising a human rights framework to transform the living and support arrangements of people living with dementia.

The event was hosted by University of Technology Sydney Faculty of Law, University of Wollongong and Dementia Alliance International and was funded by Dementia Research Foundation and Law Health Justice Research Centre at University of Technology Sydney.

In coming months an anthology reflecting diverse voices and perspectives in support of human rights for people living with dementia (including those of the presenters at the summit) will be produced. The Royal Commission into Aged Care Quality and Safety provides an exciting opportunity for transformation of the aged care sector in line the new Aged Care Standards, informed by the human rights values of dignity and autonomy. Summit organisers will be making a submission on human rights to the Royal Commission. For more information on the summit or the project, please email Linda Steele linda.steele@uts.edu.au.

SUPPORTING SUBMISSIONS TO THE DISABILITY ROYAL COMMISSION

ADA Australia has provided disability advocacy support to people in the Fitzroy and Gold Coast areas since late 2018, thanks to funding from the National Disability Advocacy Program (NDAP).

In a short time, our three disability advocates have quickly established a profile, and have been busy managing large case numbers. This is reflective of the high level of need in the local community, particularly as people are still adapting to the NDIS service environment.



Recently, ADA Australia received advice that funding has been made available by the Disability Royal Commission (DRC) to support people in Fitzroy and the Gold Coast who wish to make a submission to the DRC but require support.

We're pleased to advise that for the term of the DRC (anticipated three years), our disability advocates are available to help local people who wish to contribute.

We can:

- Plan the best way to tell their story
- Alert the DRC to the specific communication supports required (e.g. interpreters, accessible interview techniques, recordings)
- Assist as required, with referrals to agencies offering ongoing counselling and/or psychological support
- Address other related issues confronting people engaging with the DRC e.g. accessing services, addressing discriminatory practices or making a complaint.

To find out more, please contact us at ADA Australia on 1800 818 338 or info@adaaustralia.com.au

Information about making a submission to the DRC is available at:

<https://disability.royalcommission.gov.au/submissions/Pages/default.aspx>

The DRC has translated the submission process into Auslan found at:

<https://disability.royalcommission.gov.au/submissions/Pages/default.aspx#auslan>

Hearing dates for the DRC are available via access to the website:

<https://disability.royalcommission.gov.au/hearings/Pages/default.aspx>

The DRC information line is available on 1800 517 199 between 9am to 5pm or email:

DRcenquiries@royalcommission.gov.au

UPDATE ON THE DISABILITY ROYAL COMMISSION

Although first announced in April 2019, the first public sitting of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability did not take place until 16 September 2019 in Brisbane. The latest hearing took place from 2-6 December at the Melbourne Convention and Exhibition Centre.

This hearing examined the homes and experiences of people who live or have lived in group homes in Victoria. It explored:



- The right of people with disability to choose where they live and who they live with
- How group homes have affected the accommodation options and experiences of people with disability
- The causes of violence, abuse, neglect and exploitation against people with disability who live in group homes
- How effective laws, policies and government agencies are in protecting residents of group homes with disability from violence, abuse, neglect and exploitation
- Social inclusion options for living independently and alternatives to group homes.

The commission has also released an [issues paper](#) on education and learning that focuses on key issues and barriers experienced by students with disabilities. The paper highlights that children with disability:

- Experience higher rates of suspension and expulsion from schools
- May be excluded from school activities such as excursions, assemblies and sports carnivals
- Are being increasingly segregated to special education units/classes.

In his closing remarks, Commissioner Sackville advised the next hearing will likely take place in February 2020 in Western Sydney. It will deal with the issue of access to health services for people with cognitive disability.

Follow the commission's progress via live webcasts, video recordings or transcripts of each hearing, available at [the website](#).

AGED CARE ROYAL COMMISSION RELEASES INTERIM REPORT

The interim report by the Royal Commission into Aged Care Quality and Safety has been released. The findings of this report, titled 'Neglect', highlight that the aged care system has failed to meet the needs of older Australian citizens in the delivery of safe and quality care.

The report illustrates what has been learned to date, details some preliminary conclusions and outlines key areas for its work over the next 12 months.

The major quality and safety issues that have been identified include:

- Inadequate prevention and management of wounds
- Poor continence management
- Dreadful food, nutrition and hydration, and insufficient attention to oral health
- A high incidence of assaults by staff on residents, and by residents on other residents and staff
- Common use of physical restraint on residents to make them easier to manage
- Widespread overprescribing, often without clear consent, of drugs which sedate residents
- Patchy and fragmented palliative care for residents who are dying.

The interim report identified three areas that require immediate action:

- To provide more home care packages to reduce the waiting list for higher level care at home
- To respond to the significant over-reliance on chemical restraint in aged care
- To stop the flow of younger people with disability going into aged care and expediting the process of removing younger people from aged care.



It is expected that the final report will have recommendations surrounding comprehensive reform and transformation of the Australian aged care system. This final report will be handed to the Governor-General on 12 November 2020.

You can access the full interim report [here](#).

ADA Australia, as a member of the Older Persons Advocacy Network (OPAN), has been active over recent months providing written submissions to this royal commission, as way of ensuring that the consumer voice is well represented. ADA Australia understands that the evidence it holds in respect to the nearly three decades worth of 'evidence' in the form of individual concerns that advocates have assisted with, must be put to the best use, by articulating from a consumer perspective, how aged care services should function. Whilst the confidentiality of client information is absolutely maintained, these reports speak to the issues people have faced in the process of receiving care and this adds to the weight of evidence that the current system is in urgent need of major reform.

INQUIRY INTO EARLE HAVEN CLOSURE

Reports from two independent inquiries into the Earle Haven closure have now been released. The first was conducted by Ms Kate Carnell AO on behalf of the Australian Government, and the second was commissioned by the Queensland Government by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (HCDSDFVPC). Both these inquiries sought to understand the factors that contributed to the emergency closure of the Gold Coast Earle Haven residential aged care facility on 11 July 2019. Findings and recommendations of the Carnell report were released in early November with the Queensland Government inquiry made public in late November 2019.



Interestingly, there are divergent views over whether it was necessary to evacuate the 69 residents on 11 July, 2019. The Carnell report acknowledges the harm caused to the residents and their families because of the sudden closure and relocation of facility residents. It is suggested that there was potential for a less reactive response that might have allowed the 69 displaced residents to remain in their home, whilst governments and key agencies implemented interim care arrangements until longer term structural changes occurred.

By contrast, the Queensland Government report defends the actions of Queensland Emergency Services and Gold Coast Hospital and Health services personnel who determined it necessary to relocate residents from Hibiscus and Orchid Houses, for their safety and well-being.

An important recommendation from the Carnell report is around the need for better information sharing

between key stakeholders including the Department of Human Services, The Aged Care Complaints Commission and Quality Agency (now identifying as the Aged Care Quality and Safety Commission), Australian Tax Office, Australian Securities Investment Commission and Fair Work Commission. According to this report, all held information on risk factors relating to both the approved provider, and the agency it had sub-contracted to provide direct care services. Because no mechanism existed to share data, the actual level of risk wasn't fully understood and subsequently was not responded to until after the crisis unfolded.

Many of the Carnell report's recommendations include improvements to the way agencies share information and how workplace culture in these agencies must change. It is intended that these improved practices will support proactive and better-informed decision-making on behalf of the Australian Government. The report also identifies a need for other non-government agencies to have a stronger role.

The Commonwealth Government will adopt all the report's recommendations. When implemented, struggling provider organisations will be offered support to address areas of risk, which will help maintain a stable aged care operating environment.

The full Carnell report can be accessed [here](#).

The report released most recently by the Queensland Government contains a series of recommendations including much stronger oversight of sub-contractor arrangements, stronger regulations governing the use of chemical and physical restraints, staff to resident ratios to ensure adequate care, and better pay for the aged care workforce. This report acknowledges the importance of both levels of government being better prepared if a similar event should happen again but places the responsibility for addressing the recent issues with the Australian Government, who is responsible for all aspects of aged care.

The full Queensland Government, HCDSDFVPC report can be accessed [here](#).

ADA Australia made written submission and its CEO gave direct evidence at both inquiries, calling for several key reforms of the aged care system premised on human rights framework to underpin all aspects of the way care is planned, delivered and evaluated. ADA Australia remains very active in highlighting weaknesses of the current system using the de-identified evidence provided to us by the people whom we've been supporting over several decades. This organisation's voice, as a champion for systemic reform, has never been louder nor more persistent and this will continue in the foreseeable future with both the Aged Care and Disability Royal Commissions still in progress.

CAMPAIGN TO STOP FINANCIAL ELDER ABUSE

The Seniors Rights Service (SRS) has joined forces with the Australian Banking Association (ABA) to launch a national campaign to end elder financial abuse.

The national campaign calls on the Federal Government to establish nationally consistent laws, a national power of attorney register and mechanisms to report abuse.

The ABA's involvement in the campaign marks an acknowledgement by financial institutions that they have an obligation to protect the finances of elderly people and will see banks finally play a major role in putting a stop to financial abuse.

Speaking at the launch in August, SRS CEO Russell Westacott highlighted the prevalence of elder financial abuse, especially the vulnerability of older women. Describing the issue as 'inheritance impatience' ABA Chief Executive Anna Bligh said it was one of the most prevalent forms of elder abuse, with family members often the perpetrators.

[YouGov research released by the ABA](#) revealed six in 10 Australians are worried that an older person they know will be the victim of financial abuse, while 87% want governments to do more to stop it.

Currently it is difficult for advocacy services, such as ADA Australia and SRS, to support older people to reclaim money illegitimately taken from them, after the transaction has occurred. But with the campaign in place and banks acknowledging their responsibility to monitor, detect and immediately report unusual or coercive bank transactions from the accounts of elderly people, it is hoped that fewer older persons will fall victim to this kind of abuse.

ADA CEO Geoff Rowe said financial abuse of the elderly was a serious and widespread issue and commended his NSW counterpart on the new partnership with the ABA.

"Like ADA, SRS is committed to educating seniors about their rights and providing free support to residents," Mr Rowe said.

"The partnership forged between the SRS and ABA will allow for more conversations to be had and create a higher level of industry awareness and professionals committed to creating positive change.

"In Queensland, ADA Australia's Elder Abuse Service has been established to facilitate difficult conversations around financial abuse. It provides information to people in residential aged care who are experiencing or are at risk of falling victim to all kinds of elder abuse."

For more info about ADA's Elder Abuse Service, click on the Advocacy tab at www.adaaustralia.com.au.

For more info about the new campaign go to ausbanking.org.au/elderabuse.



ADA CHRISTMAS OFFICE CLOSURE

ADA Australia takes this opportunity to extend a warm season's greetings to all readers of *The Advocate*.

Our offices will be closed from midday on Tuesday 24 December 2019 until they reopen on Thursday 2 January 2020.

If you need non-urgent support during this time, there are several options available:

- Refer to ADA Australia's [website](#) to access a range of useful information
- Call and leave a voice message, and we will respond when offices reopen in 2020
- Call ADA Australia when offices reopen on 02 January 2020
- Submit an online intake request, which will be responded to when offices reopen.

For immediate assistance, please consider the following options:

- Call 000 if the matter is life-threatening, or to report assault
- Call Lifeline (24/7) on 13 11 14
- Call Beyond Blue (24/7) on 1300 22 4636.

Our team looks forward to offering our continued support in the new year.



ADVOCATE SPOTLIGHT: GEMMA

The Advocate caught up with Gemma, an advocate with a love for the outdoors. Here's what she had to say:

Tell us a little about your career and life to date

In what feels like another life, I was a geologist and worked in coal exploration in central Queensland. I decided to go back to university to become a social worker – it was a huge change, but I absolutely loved studying again. While studying, I completed placements in a rural hospital, a housing and homelessness program and I worked in a community based mental health organisation – mostly supporting people to access the NDIS.



What inspired you to become an advocate?

I kept coming back from FIFO work feeling unsatisfied. On reflection, I realised I was missing what I got from working with people and feeling like I was contributing to something. Jumping from mining to social work was challenging, but I loved all that I got to experience and learn. I was inspired to become an advocate because it is direct work and there are also opportunities to report on systemic issues to bring about change.

What is the most rewarding part of your role?

I get a huge grin whenever someone says, "Thank you, you've really helped me."

Is there a standout moment you've had as an advocate?

There is no 'standout moment' that I can think of right now, but I feel like every day as a disability advocate involves tackling something new and challenging. The team at Woolloongabba is awesome - everyone is so supportive and helpful. I think a good team really does make a huge difference, so that is a highlight.

Tell us something about yourself that may surprise your colleagues

I'm a bit of an outdoors person. I like mountain biking, camping, flinging myself into the ocean and generally being in nature.

UPCOMING EVENTS

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JANUARY

1 [Drop-In NDIS Support: Nambour](#)

30 [Understanding and Implementing the ACFI](#)

INDUSTRY NEWS

Aged Care

- [Aged care royal commission hears of home care service rort in rural areas](#)
- [Aged care royal commission report condemns system as unsafe, reveals 'shocking tale of neglect'](#)
- [Greg Hunt flags 'stronger' regulations after aged care commission exposes 'inhumane' reliance on drugs](#)
- [Australians have earned the right to quality, affordable aged care](#)
- [Massage, music therapy manage dementia symptoms as well as antipsychotic drugs, study finds](#)

Disability

- [Disability inquiry begins with harrowing stories, but advocates fear it isn't equipped to succeed](#)
- [Concerns raised about missing voices in disability inquiry](#)
- [Disability is often overlooked in inclusion and diversity planning, RPS workshop hears](#)
- [Australian artists with disability getting more support to unearth their talents](#)
- [Education survey finds 12pc of children with a disability kept from class by school 'gate keeping'](#)

NDIS

- [First ever NDIS Participant Employment Strategy launch](#)
- [Gold Coast NDIS provider boosted by federal funding](#)
- [Advocates demand stronger targets for disability employment](#)
- [New design standard puts NDIS Specialist Disability Accommodation on solid foundations](#)

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ADA Australia

121 Copperfield St, Geebung QLD 4034

Telephone: (07) 3637 6000 or 1800 818 338

Website: <https://adaaustralia.com.au/>

