



ADA Australia

Your aged and disability advocates



September / October 2020



CEO'S MESSAGE

Welcome to the September-October edition of The Advocate.

Since our last edition, I am heartened to see the COVID-19 situation in Victoria and their aged care homes has improved, and ADA Australia advocates continue to lend information and advocacy support to older Victorians.

For this edition, our aged care advocates have put together important 'things to know' for older people and people with disability, and their families and carers, as they navigate their support arrangements during the COVID-19 pandemic.

Aged Care landscape

A lot has also happened in the national landscape for the aged care sector. In September, the Royal Commission turned their focus to funding and prudential regulation of the aged care system which sparked extensive national discussion about key structural and regulatory issues. Then, early this month, the Commission released its special report on the COVID-19 pandemic in aged care which provided six recommendations for immediate action and improvement. You can read the recommendations and report at <https://agedcare.royalcommission.gov.au/news-and-media/covid-19-report-identifies-immediate-areas-action>. The Australian Government has agreed to implement all six recommendations, and we look forward to seeing these reforms roll out.

The recent 2020-2021 Commonwealth Budget has given a welcome though modest boost to the home care system, with an additional 23,000 home care packages. While this is welcomed, I remain concerned that some 75,000 older Australians will remain on the waiting list for a home care package. As a community we should expect to see more when the government responds to the release of the Aged Care Royal Commission's final report in February next year.

As aged care advocates, we are pleased to see the conversation now focusing on how we are going to improve the system to meet the care and support needs and legitimate expectations of older Australians and their families. Any reform needs to be considered in the context of what older Australians want from their aged care system and have a human rights-based approach at its heart.

Today is the final hearing for the Royal Commission, where Counsel Assisting are presenting their final submission and proposed recommendations <https://agedcare.royalcommission.gov.au/hearings-and-workshops/final-hearing> for the consideration of the Commissioners. ADA Australia, together with OPAN <https://opan.com.au> will take the opportunity to make a response, supporting the focus on 'rights as part of reform'.

Disability News

In disability news, eight Queensland organisations came together to host the Make Disability Count virtual forum, to make sure disability and inclusion are firmly on the agenda for all political parties as they head to the Queensland State Election.

The Disability Royal Commission has held hearings in Brisbane during October, looking at barriers people with disability face in the education sector, and will hold hearings in November

focusing on the experiences of First Nations people with disability dealing with child protection systems.

ADA Australia continues to be available to support people to be heard and participate in the Disability Royal Commission. <https://adaaustralia.com.au/disability-royal-commission/>

ADA Law

On a final note, we introduce 'From the ADA Law Desk'. Over a 6-part series, our ADA Law experts will take you through a common situation people find themselves facing when their decision-making capacity is questioned, including the steps that are taken, and the support available to help you maintain your independence. In this edition we look at Bill's Journey, Part 1.

Until next time.

Geoff Rowe

ADA Australia CEO

NAVIGATING AGED CARE AND DISABILITY SUPPORT DURING COVID-19

ADA Australia advocates have been supporting people to navigate and resolve issues with their aged care and disability supports, which have arisen because of the COVID-19 pandemic. Here they share their collective knowledge about the measures currently in place to help older people and people with disability to manage their support arrangements during this time.



Here are the key things you should know.

1. **Residential aged care homes cannot ban visitors, unless there is a state-issued health directive specifically imposing restriction**
2. **You, or your loved one, can temporarily move out of an aged care home at any time**
3. **Aged care residents can choose to access external medical advice if they wish**
4. **NDIS packages now have more flexibility**

5. **People with disability arriving in Queensland should consider their requirements for quarantine.**

<https://adaaustralia.com.au/navigating-aged-care-and-disability-support-during-covid-19/>

Corona Memoir

While we've heard much information from the sector, health experts and families on the impacts of COVID-19 on residents in aged care, we don't often get to hear first hand from older people about their experiences and thoughts during COVID-19 lockdown in their aged care home.

Corona Memoir from an Old People's Home is one such account. https://cdn-au.mailssnd.com/05724/pdYXdjlc0L3XWHg_FVO6pAEVnSaOeNasDuh-ECWhK-0/3339292.pdf

This direct and unedited story from aged care resident, Barbara Ann Berlin, has been provided by our Victorian OPAN colleagues, Elder Rights Advocacy.

AGED CARE NAVIGATOR - HELP WITH ACCESSING AGED CARE

When it's time to look at getting some extra support, many older people and families are not sure where to start. ADA Australia provides free support in the Wide Bay region to help you make your way through the aged care system and get access to services. As an Aged Care System Navigator, they can help you:

- understand how the aged care system works and the type of support available
- get help to apply and get an assessment, including help with completing forms
- find organisations who can deliver the services you need in your area.



Help with accessing aged care

ADA Australia is your Aged Care System Navigator in the **Wide Bay region**



Contact **1800 700 600** for free support

MEDICATION: IT'S YOUR CHOICE

Some medications, those which change behaviour, or make you feel drowsy, are known to be overused in aged care homes in Australia. This is often referred to as 'restraint' or 'chemical restraint'.

On 1 July 2019, the Australian Government introduced new laws, the 'Restraint Principles', that aim to minimise inappropriate use of restraint in residential aged care.

Review of Restraint Principles

ADA Australia has participated in a review of the Restraint Principles, by Australia Healthcare Associates

[https://www.ahaconsulting.com.au/projects/restraints-](https://www.ahaconsulting.com.au/projects/restraints-principles/)

[principles/](https://www.ahaconsulting.com.au/projects/restraints-principles/) to help evaluate if they are driving greater individual autonomy and control over taking medication. Specifically:

- Has there been a reduction in the inappropriate use of chemical and physical restraint in residential aged care?
- Has there been a change in the levels of awareness, attitudes, skills and behaviours in relation to restraint across the aged care sector?

We are expecting answers to these questions in a report to be released in December 2020.

Taking medication is your choice and it's your right to make informed decisions about what you take. Visit www.opan.com.au/yourchoice for information and resources to help you make medication choices that are best for you.



Medication: It's Your Choice

How much do you know about your medication?
Did you know that what you take is your choice
and that you have control?

MAKE DISABILITY COUNT 2020 STATE ELECTION FORUM

ADA Australia was proud to join in with Queenslanders with Disability Network and six other community organisations to host the Make Disability Count Virtual Forum on 8 October. It was an informative night with over 200 people registering to attend and five political parties joining us to answer questions that are important to people with disability, their families and the organisations that support them.

MAKE DISABILITY COUNT 2020 STATE ELECTION VIRTUAL FORUM



We were pleased that many of the candidates were able to make commitments on the night to some of the 7 priority policy areas the organisations had collectively raised, including:

- Investment in independent individual and systemic advocacy
- Investment in frontline community services
- Commitment to disability leadership, governance and accountability across mainstream services
- Commitment to the retention of the Human Rights Act Qld
- Workforce development across the disability, community, health and mental health sectors
- Investment in disability, community services industry and sector peaks to continue to build capacity and resilience
- Commitment to implement the 17 recommendations from the Deloitte Review of Education for Students with Disability in Queensland State Schools.

You can find a full wrap up of the forum at <https://qdn.org.au/make-disability-count-forum-priority-policy-areas/> , including the 7 priority policy areas and a list of contact details for the candidates and organisations involved.

NEW QUEENSLAND GUARDIANSHIP LAWS AND FORMS FOR PLANNING AHEAD

New guardianship laws and enduring power of attorney and advance health directive forms will come into effect in Queensland from 30 November 2020.



An **Enduring Power of Attorney** is a legal document that gives someone you trust the authority to make personal, health and financial decisions on your behalf if you are not able to make decisions yourself.

The **Advance Health Directive** is a legal document which outlines what's important to you about your medical treatment and care in the event that you can't make or communicate decisions.

On 30 November 2020 important changes will be made to the law underpinning Queensland's guardianship system. These changes provide stronger safeguards for adults with impaired capacity, stronger protections against elder financial abuse and exploitation and a more modern human rights focus to guardianship in Queensland.

New enduring power of attorney and advance health directive forms will replace existing forms and the new forms should be used to make these documents from **30 November 2020**.

<https://www.publications.qld.gov.au/dataset/power-of-attorney-and-advance-health-directive-forms>

A factsheet has also been published with Frequently Asked Questions

<https://www.publications.qld.gov.au/dataset/power-of-attorney-and-advance-health-directive-forms/resource/af9f5c3d-e048-4421-978a-88724c1ef68b>

FROM THE ADA LAW DESK

Welcome to the ADA Law Desk. When older people or people with disability find themselves in situations where their capacity for making decisions is questioned, and subsequently, the decisions they wish to make about their finances, health or living arrangements are questioned, the process that follows can be overwhelming and complex. Over this 6-part series we will take you through Bill's journey, breaking down the issues and looking at the steps to take in each edition. ADA Law is available to lend free support at each step, including legal advice, representation and information. If you are experiencing similar issues, please contact our team on 1800 232 529.



Karen Williams
Principal Solicitor

Bill's Journey, Part 1

Bill is a widower who has lived in his home since 1985. He lived there with his wife, Gloria, however she passed away 5 years ago.

Recently Bill became dizzy and confused, and his neighbours called an ambulance for him when he was found in his front garden, after a fall.

Bill is now in the hospital and is recovering from having a urinary tract infection. The social worker there has been talking to Bill about him moving into an aged care facility, so he is safe and well cared for. Bill does not want to do this; he wants to go home.

The social worker has made an application to Queensland Civil and Administrative Tribunal (QCAT) to appoint the Public Guardian to make Accommodation decisions for Bill.

The social worker realises that as she is applying to take Bill's autonomy away, she cannot give him independent support. Therefore, the social worker has referred Bill to ADA Law so we can give him independent information, advice and support to express his views and wishes at the Tribunal.

An ADA Law team member (solicitor or advocate) will speak with Bill privately and see what he wants in relation to the application that the Social Worker has lodged in QCAT.

ADVOCATE SPOTLIGHT: ALEX BERLIN, INTAKE ADVOCATE

What were you doing prior to working as an advocate and what initially attracted you to the role?

I was completing my social work degree prior to working at ADA Australia. During my degree I gained experience in the disability and health sectors. These experiences showed clear gaps in both the disability and aged care systems and many people not receiving the support they require to navigate, access, and manage issues within these systems. They highlighted the need for advocacy and individual support for people to bridge these gaps and receive the services they require to live independently and achieve their goals. Working at ADA Australia has allowed me the opportunity to assist in achieving these goals.



Is there anything which has really surprised or delighted you about the role that perhaps you hadn't anticipated?

I was delighted by how welcoming and supportive the other staff are and the diverse range of backgrounds and experiences everyone brings to the team.

What's the most challenging aspect of working as an advocate?

One of the most challenging aspects is when I feel unable to assist a client. This can be for a range of reasons, sometimes it is just that it is beyond our scope as an organisation. This can leave you feeling a bit helpless. In these situations, I try and link them in with another organisation that can hopefully provide the support they need.

Why is it do you think that advocates tend to remain in the role for such long periods of time relative to the many who tend to change roles every few years?

I imagine people stay in the role for so long for a combination of reasons. Personally, I think it is the supportive environment of the workplace and feeling like you are making a difference in people's lives.

What's a surprising fact about you and your life thus far that you are willing to share with readers?

I love adventure travel. One of my highlights was travelling to Africa. I was fortunate enough to have the opportunity to go into a lion pen and play with some juvenile lion cubs the size of big dogs.

What's been your personal survival strategy for getting through this period during 2020 of relative uncertainty?

It can be easy with all the uncertainty and changes occurring to become isolated. My personal strategy for getting through this period has been actively staying connected and reaching out to family, friends, and co-workers. Even if this is just occasionally checking in with people, it all counts!

UPCOMING EVENTS

NOVEMBER

8-14 [National Psychology Week](#)

8-15 [NAIDOC Week 2020](#)

10-12 [Community Legal Centres Queensland State Conference 2020](#)

11 [Remembrance Day](#)

NOVEMBER 2020							
SUN	MON	TUE	WED	THU	FRI	SAT	
	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30					

INDUSTRY NEWS

Aged Care

- <https://agedcare.royalcommission.gov.au/news-and-media/covid-19-report-identifies-immediate-areas-action>
- <https://www.agedcareinsite.com.au/2020/10/what-really-matters-time-for-a-new-vision-of-ageing-and-care/>
- <https://www.abc.net.au/radionational/programs/lifematters/calls-to-improve-the-aged-care-system-for-the-majority-who-remain/12619324>
- <https://www.abc.net.au/news/2020-09-16/peter-costello-royal-commission-aged-care-income-and-assets-test/12669774>
- <https://grattan.edu.au/report/rethinking-aged-care/>
- <https://www.australianageingagenda.com.au/executive/pandemic-budget-provides-some-relief-for-aged-care/>
- <https://caxton.org.au/capital-gains-tax-exemption-will-help-protect-against-elder-abuse/>
- <http://www.seniorau.com.au/9498-commission-launches-elder-abuse-awareness-campaign>
- <https://www.australianageingagenda.com.au/royal-commission/government-urged-to-act-fast-on-covid-recommendations/>

Disability

- <https://www.abc.net.au/news/2020-09-23/disability-royal-commission-hears-evidence-about-medication/12692972>
- <https://www.brisbanetimes.com.au/national/covid-has-revealed-some-uncomfortable-truths-about-australia-and-people-with-disability-20200915-p55w00.html>

- <https://www.disabilitysupportguide.com.au/talking-disability/new-funding-and-support-strategy-for-younger-people-living-in-aged-care>
- <https://www.abc.net.au/news/2020-10-16/disability-royal-commission-autism-in-mainstream-schools/12774382>

NDIS

- <https://www.abc.net.au/news/2020-09-02/coronavirus-queensland-rti-documents-disabled-hospitalised-ndis/12607344>
- <https://www.abc.net.au/news/2020-09-04/ann-marie-smith-federal-report-recommends-ndis-changes/12624154>

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