



ADA Australia

Your aged and disability advocates



The Advocate

November / December 2020



CEO'S MESSAGE

Season's Greetings.

Welcome to the November-December edition of The Advocate.

To say it's been a difficult year I know is an understatement, and I won't dwell here on all we have faced this year, particularly in aged and disability care as the COVID-19

pandemic unfolded. Rather, I will reflect on what we can take away as we leave 2020 behind and look forward to 2021.

Valuable lessons have been learned. We need to continue to be vigilant about COVID-19 but valuable lessons have been learned and the aged care and disability sectors are better prepared and supported in terms of infection control, workforce management and keeping residents and families informed and in touch.

More compassion for visiting loved ones. We have a new code for visitor access to aged care facilities that balances safety and compassion - Industry Code for Visiting Residential Aged Care Homes during COVID-19 <https://www.cota.org.au/wp-content/uploads/2020/12/Industry-Code-File-20112020.pdf> . It is expected that the code will be fully adopted by all aged care providers, and that in the current environment all residents will be able to have visitors in a similar manner to before COVID-19. Recently, we have heard that people are still experiencing barriers visiting loved ones in aged care facilities, particularly in making plans for Christmas visits and celebrations. If you are having problems with this, please talk to an aged care advocate for help with access. Call **1800 700 600**.

The focus is on fixing aged care. The aged care system is in crisis, but the focus is now on how we move forward and re-build a system which supports dignity, choice and quality of life that has a human-rights based approach at its heart. We all await the final report from the Aged Care Royal Commission expected in February 2021, and it is my sincere hope that government commits to implementing recommendations and we see real change in the system.

Making life better and safer for people with disability. The Disability Royal Commission will continue its Inquiry into violence, abuse, neglect and exploitation of people with disability, looking at areas such as the justice system, the NDIS and service providers, out-of-home care, restraints in education and the health and safety of women and girls with disability. ADA Australia will continue to be available to support people with disability to provide information about their experiences to the Royal Commission.

Advocacy services are needed now more than ever. The COVID-19 pandemic has shown the importance of the national network of aged care and advocacy services, [OPAN](#). Between June and November OPAN took approximately 17,500 calls for support and OPAN organisations needed to work together to manage the high demand. Our disability advocacy services have also increased exponentially. While we are still dealing with COVID-19, as reforms are made across aged care, and we still have people with disability yet to access the NDIS, independent advocacy will continue to be crucial.

December is also the time we mark **International Human Rights Day**.

This year our spotlight was on the right of everyone to make or participate in decisions about their life, regardless of their capacity. Too often we see people unknowingly have their decision-making autonomy questioned and face formal guardianship and administration proceedings, without an opportunity to discuss or participate. We are all responsible for upholding a person's right to have a say.



In this edition of the ADA Law Desk, we continue our case example of Bill and his journey to retain his decision-making autonomy and return to his home.

On behalf of the staff at ADA Australia, I wish everyone a safe and happy festive season and we look forward to catching up with you again in the New Year.

Geoff Rowe

ADA Australia CEO

Christmas and New Year Opening Hours



ADA Australia offices will be closed from 12.00pm Thursday 24th December 2020 and will re-open on Monday 4th January 2021. If you require AGED CARE advocacy support during this time, please contact the Older Persons Advocacy Network (OPAN) for assistance on **1800 700 600**.

Phone for information and support

During this time of the COVID-19 pandemic, things can change quickly. There is a constant stream of information on television, in the media and online and it can be difficult or overwhelming for older people and people with disability to find the right information, or just to have a chat about their concerns.

You can phone these free support lines to get trusted information and to talk.

Disability Information Helpline - 1800 643 787

The Disability Information Helpline provides information and referrals for people with disability who need help because of the coronavirus (COVID-19). It is staffed by people who understand and who have worked with people with disability, and they will listen, answer questions, fact check and find information for people.



The Helpline is available Monday to Friday 8am to 8pm (AEST). Visit

www.dss.gov.au/disabilityhelp

Older Persons COVID-19 Support Line - 1800 237 981

You can contact the Older Persons COVID-19 Support Line to ask questions about COVID-19, health directions and travel restrictions, changes in your services or just for a friendly chat if you are feeling isolated.

The Support Line is available 7 days a week 6.00am to 10.00pm (AEST). [Visit](http://www.opan.com.au)

www.opan.com.au

Taking PRIDE

Everyone has the right to quality aged care and disability services and to be who they are. ADA Australia, and our Aboriginal and Torres Strait Islander Network of Queensland (ATSIDNQ) attended the Brisbane PRIDE Fair 2020 to provide information about our safe advocacy support services for our LGBTIQ+ elders and people with disability.



There was a huge interest in advocacy services from a wide cross-section of the community, including workers in the aged care sector who are often looking to connect their clients with an

advocacy service for support with various issues.

We would like to remind all aged care service providers that ADA Australia offers free training for residents and staff of aged care services to increase understanding about advocacy support. While our focus is on individual advocacy support, we also seek to work with services to provide training and facilitate viable and practical solutions for client issues.

Contact us to book an education session in 2021 go to our website

<https://adaaustralia.com.au/education/advocacy-education/>



From the ADA Law Desk

In this edition we continue Bill's journey when his capacity to make decisions about his living arrangements has been questioned.

I talk more about this issue of how human rights are often ignored in guardianship and administration proceedings, in this recent article in the Queensland Law Society's Online Proctor Magazine

<https://www.qlsproctor.com.au/2020/12/the-presumption-of-capacity-how-human-rights-are-ignored-in-guardianship-and-administration-proceedings/>



If you, or someone you know, is facing a similar situation, please contact us on **1800 232 529** for advice and support.

Karen Williams
Principal Solicitor

Bill's Journey, Part 2

Kirra from ADA Law visited Bill at the hospital and spoke to him alone about the application the hospital social worker has lodged to the Queensland Civil and Administrative Tribunal (QCAT) to appoint the Public Guardian to make his Accommodation decisions.

Bill explained that he wishes to return home, where he has good support from friends, neighbours and service providers. Bill told Kirra that he has home care services visit him for a couple of hours a week to help with cleaning and shopping, and he receives Meals on Wheels twice a week. On other days Bill sometimes visits his local club for lunch with friends, and usually makes his own suppers. Sometimes his neighbours bring him meals or invite him to their home. Bill's friends haven't visited him in the hospital.

Bill says he enjoys gardening, attending the Men's Shed and spending time doing genealogy on the internet. Bill was quite a sportsman in his youth and he still enjoys getting to local footy matches.

Bill has had the same GP for more than 15 years, and he visits her each month to get medication and blood tests for his heart condition.

We get Bill's permission to speak to QCAT, his GP and the hospital social worker, and Bill suggests his neighbours Maria and Tony would also be helpful to talk to.

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