

# THE ADVOCATE

Your aged care and disability advocacy news, 21 April 2021

Contact us: 1800 700 600

## Message from the CEO

The three-day lock-down in Greater Brisbane just before Easter was a reminder of just how quickly things can change with COVID-19 and how we need to remain vigilant.

Our health officials quickly put measures in place to protect our most vulnerable – in this case visitor restrictions were placed on aged care and disability accommodation facilities right across Queensland for 17 days.

However, we know that these measures can cause great difficulty for residents and loved ones. There has been some uncertainty for providers and families about when exceptions to visitor restrictions can be made for continuity of care purposes, or in exceptional circumstances.



That's why we will be working with Queensland Health over the coming months to get clearer **guidelines for visitor exemptions**, under Principle 7 of the Industry Visitor Code <https://www.cota.org.au/wp-content/uploads/2020/12/Industry-Code-File-20112020.pdf>, so both service providers and families can have certainty going forward.

There has been much media coverage around the national COVID-19 vaccination rollout. Vaccinations are continuing in Queensland aged care and some disability care facilities, and for frontline workers and older people in the community. In this edition we talk more about consent for the vaccine and where to go for the latest **COVID-19 vaccine and health information** if you have concerns.

From April 1, the **Serious Incident Response Scheme (SIRS)** commenced for all providers of residential aged care. For our readers who don't work in the aged care sector and are not familiar with SIRS, we have provided a brief outline of the scheme which we hope will provide greater safeguards for aged care residents.

Disability advocacy has also been a big focus for ADA Australia. Queensland disability advocacy organisations and people with disability formed an Alliance for the **Stand with us!** campaign to seek a commitment from the Queensland Government for continued funding for disability advocacy.

I am pleased to say that the Queensland Government has made a funding commitment of \$8.1M over the next two years to continue advocacy services.


However, there is more work to be done to secure a sustainable advocacy funding model for the future. In the meantime, we can continue to provide disability advocacy support where it's needed.

Part of our disability advocacy work includes assisting people to access the NDIS through the **Targeted Outreach Project**. This project has been running for over a year now and has successfully signed up almost 950 people to the NDIS. In this edition we provide an update on the project and where it will be available next.

We also take another look into **Enduring Power of Attorney**. Over a three-part case study we will look at what it means, what makes a good attorney and options if you are being mistreated by your attorney or their decisions are not working for you.

Until next time.

Geoff Rowe



## COVID-19 Vaccination information

New information for aged care residents and families and for aged care workers has been released by the Australian Department of Health.

Download the latest fact sheets here:


**Aged care residents and families**  
[https://www.health.gov.au/sites/default/files/documents/2021/04/covid-19-vaccination-aged-care-vaccination-rollout-update-for-residents-and-families\\_1.pdf](https://www.health.gov.au/sites/default/files/documents/2021/04/covid-19-vaccination-aged-care-vaccination-rollout-update-for-residents-and-families_1.pdf) - there is no change to the rollout for aged care residents

**Aged care workers**  
[https://www.health.gov.au/sites/default/files/documents/2021/04/covid-19-vaccination-aged-care-vaccination-rollout-update-for-workers\\_3.pdf](https://www.health.gov.au/sites/default/files/documents/2021/04/covid-19-vaccination-aged-care-vaccination-rollout-update-for-workers_3.pdf) - options are being developed for aged care workers under 50

While government, the aged care sector and advocates, strongly encourage aged care residents and all older people to have the vaccine when it's available to them, each person offered the vaccine must give "informed consent" before receiving the vaccine.

Informed or "valid" consent means that you have been given clear information about your choices, so you can make the right decisions for you about your health. Everyone should be afforded the opportunity to give an indication about what their wishes and preferences are, including older people with declining cognitive ability - it's not good enough for families to make the decision, or for appointed decision-makers to decide on their own.

Visit the Australian Government COVID-19 Vaccination website [www.health.gov.au/covid19-vaccines](https://www.health.gov.au/covid19-vaccines) for information to assist. You can also talk to your GP about the benefits and any risk.





## Requests for vaccinated workers

We understand that some people receiving home care services are requesting that only workers who have had the COVID-19 vaccination come to their house to deliver services. It's important that older people continue to receive their home care supports, recognising that we are yet to have a majority of people in the community vaccinated. If concerned, we encourage people to talk to their provider about what other strategies they may be able to put in place to minimise risk, for example additional PPE.

ADA Australia is here to assist with information and help people talk to their provider. **Phone 1800 700 600.**

## Update on the Royal Commission into Aged Care

ADA Australia with OPAN, has joined 11 other Aged Care Consumer organisations to put forward a plan of action to be taken following the Royal Commission into Aged Care, after consultation with consumers. We believe no one is better placed to understand the needs and wants of an older person, than the older person themselves.

The Joint Consumer Statement <https://www.cota.org.au/wp-content/uploads/2021/04/Post-ACRC-Final-Report-Joint-Statement-by-12-Aged-Care-Consumer-Organisations-ENDORSED-10-04-2021.pdf> details the urgent reforms that must be delivered in the next 12-18 months to build an aged care system that:

- is grounded in human rights
- treats older people with respect for their diversity and capacities
- ensures greater control over their care and support
- delivers appropriate, safe and timely services, and
- gives fair value for money.

We are making it clear to the Australian Government that we expect action now, and are keenly looking forward to what reforms will be announced in the May 2021-22 Federal Budget.



**Serious Incident Response Scheme (SIRS)** is strengthening the aged care system to reduce the risk of abuse and neglect. It includes:

- incident management obligations
- compulsory reporting obligations

From 1 April every residential aged care service must have in place an effective incident management system which staff are trained to use.

In addition providers are required to report serious incidents involving residents to the Aged

Care Quality and Safety Commission, and the police if it is criminal. This includes incidents involving residents with dementia.

**Find out more** <https://www.agedcarequality.gov.au/sirs>

## SIRS and home and community aged care



"elder abuse is everyone's business"

The Australian Department of Health has engaged KPMG to engage with stakeholders to explore options for expanding the Serious Incident Response Scheme to home and community aged care services.

Consultations were taking in place in March & April. We look forward to the outcome. This could be another big step forward in the awareness and prevention of elder abuse in the community.

## Stand with us!

A number of Queensland independent disability advocacy organisations together with Queenslanders with Disability Network (QDN) joined forces to form the Queensland

Disability Advocacy Alliance, who collectively called on the Queensland Government for continued funding support for individual, citizen and systemic disability advocacy.

**Stand with us!**  
QUEENSLAND DISABILITY ADVOCACY MATTERS.

Around 200 people with disability rallied in Brisbane and Rockhampton on March 24 to raise their concerns.

Uncle Willie Prince opened the Brisbane rally with an Acknowledgement of Country, followed by spokespersons Des Ryan and Karin Swift.

The turnout showed just how much disability advocacy matters to people with disability.

We would like to thank all those MPs who supported the campaign and attended the rally.

The Alliance welcomed the announcement on the day by the Queensland Minister for Disability Services, the Honourable Craig Crawford, that the government will extend its funding of disability advocacy services in Queensland, committing \$8.1 million over the next two years.

Take a look at the [photo gallery](https://www.standwithus.com.au/join-the-rally) <https://www.standwithus.com.au/join-the-rally> .





## Targeted Outreach Project - Where are we now?

**HELPING MORE QUEENSLANDERS WITH DISABILITY JOIN THE NDIS**

**Do you, or someone you know, need help to join the National Disability Insurance Scheme?**

Since early 2020, Queenslanders with Disability Network (QDN), and ADA Australia have been working with the Assessment and Referral Team (ART) on the Targeted Outreach Project, supporting more Queenslanders with disability to join the NDIS.

ADA Australia, through ATSIDNQ <https://atsidnq.com.au/>, are partners with QDN in the Project, working with Aboriginal and Torres Strait Islander communities.

Since its launch, more than 2,100 potential NDIS participants have been referred to the ART team for eligibility assessment. So far this has resulted in almost 950 successful NDIS applications.

As the Commonwealth funding is time limited, from 23 April 2021 we will no longer be accepting referrals from phase 1 regions of Fraser Coast, North Burnett, South Burnett, Gympie, Sunshine Coast and Moreton Bay. We will be moving into new regions to help others join the NDIS.

The Targeted Outreach team are currently helping people sign up to the NDIS in phase 2

regions of Townsville, Bundaberg, South and Central Queensland.

Phase 3 of this work continues and stretches across the regions of Cairns, Mackay, Mount Isa and the broader North Queensland region. We will continue to rollout to other locations across Queensland during 2021 and 2022.

The project has been changing the lives of Queenslanders living with disability, many who have previously struggled to access the NDIS. Providing targeted assistance throughout the entire application process, including collecting documentation, working with specialists, and arranging clinical assessments where required, ART is unique to other social service delivery models.

### **Ask for help to join the NDIS**

<https://forms.office.com/Pages/ResponsePage.aspx?id=pN22SPKKGkecMSBHox1OyGmgpuppP61PulyVYCseaeZUQkIPRlg4UjVHMzZWTEE4U0VZUjIXWFhRSy4u&wdLOR=c5827B81C-4EC1-4042-ADEB-C935EF6BC9DA>

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## **From the ADA Law Desk**

### **Enduring Power of Attorney: a case study Part 1**

#### **The Situation**

ADA Law was contacted by Lucy, a long-term friend of Randolph. Lucy was concerned about her friend Randolph's situation when she learnt that Randolph had been placed in an aged care facility following his recent admission to hospital. Randolph had told Lucy that he wanted to return home and was worried about his finances.



Previously, when finalising his Will and planning ahead for the future, Randolph had made an enduring power of attorney (EPOA), appointing his younger brother, Jim, and nephew, Damien, as attorneys. An enduring power of attorney allows you (the principal) to appoint someone you trust (an attorney) to make decisions about personal (including health) matters and/or financial matters for you.

The EPOA was enacted during Randolph's hospital admission. Randolph was confused when he was admitted and it was deemed that he was not able to make decisions for himself at that time.

ADA Law contacted the aged care facility where Randolph was living and made an appointment with him to discuss the situation and his concerns.

The aged care facility then contacted Randolph's attorneys and advised that ADA Law had been in contact with Randolph.

Damien, Randolph's nephew, became concerned and contacted ADA Law to find out what had happened.

ADA Law explained to Damien that they had received a referral to make contact with

Randolph to see whether he would benefit from advocacy and support. It was also explained that this initial meeting would be with Randolph and an ADA Law representative only. This was to ensure that Randolph has a confidential space to discuss his situation freely.

### **What's the issue?**

It appears that Randolph's attorneys are not consulting with him about decisions and/or upholding his wishes, and possibly mismanaging or taking Randolph's money.

In addition, the actions of the aged care facility may have, unintentionally, breached Randolph's right to privacy and access to advocacy. If Randolph has been subject to financial abuse from his attorneys, the notification to them by the aged care facility may have placed Randolph in a compromised position.

At the first meeting with Randolph, he explained that he was not happy with his current living arrangement at the aged care facility. He was also concerned about his finances. As a former bookkeeper Randolph had always been astute with facts and figures. Since moving to the aged care facility, Randolph had not received any statements from his bank.

### **How can ADA Law help?**

ADA Law discussed Randolph's options with him - ranging from short-term to long-term.

In the short term, an option would be to organise a facilitated meeting with Randolph and his attorneys (Damien and Jim). A facilitated meeting would give Randolph the option of speaking with them directly about his concerns.

A longer term option would be to make an application to the Queensland Civil and Administrative Tribunal (QCAT) to seek a direction from the Tribunal on the actions of the attorneys.

We will cover Randolph's and ADA Law's next steps in Part 2.

3 tips for making an enduring power of attorney:

1. Appoint someone you trust as your attorney. It may be helpful to have conversations with your proposed attorney about things that are important to you.
2. Establish any desired limits on what your attorney may do. You can limit the authority you give, or specify that your attorney can act only after certain triggering conditions are met.
3. Review your enduring power of attorney document regularly. This will ensure that your attorneys are still able to make the best decisions for you.

### **Key terms**

**Attorney:** A person or organisation appointed under an enduring power of attorney by an adult with full legal capacity to make property and financial decisions on their behalf.

**Capacity:** Refers to whether a person can understand the decisions they need to make and the potential outcome of making those decisions, and being able to make these decisions voluntarily.

**Contact ADA Law** <https://adalaw.com.au/>



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