

# THE ADVOCATE

Your aged care and disability advocacy news, 22 June 2021

Contact us: 1800 700 600

## Message from the CEO

Welcome to the May-June edition of The Advocate.

### Aged care

Since our last newsletter, we now know what has been delivered for aged care reform in the much-anticipated May 2021-22 Federal Budget. Overall, I would say it's a good first step - there is still much to do!

With a total investment of \$17.7 billion over five years, it is a welcome increase in funding for aged care but in the context of what the Royal Commission was asking for to fix the system, around \$9 billion per year, it has to be the first step in a journey.

ADA Australia and other aged care advocacy organisations have welcomed a \$94 million additional investment in aged care advocacy. We know that implementing reforms will take time, and increased advocacy provides a vital safeguard against abuse and breaches of rights for older people in aged care while reforms are taking place and into the future. The aged care advocacy workforce will more than double to over 150 advocates nationally, delivering an estimated additional 15,000 information and advocacy cases per annum.



In this edition, we will take a look at the wins for older people in aged care and the areas which are still to be addressed.

### COVID-19 vaccination rollout

There has been much media coverage around failures in the national COVID-19 vaccination rollout for people with disability living in group accommodation and for aged care and disability support workers. Some measures to assist have since been put in place. We have included information and contact points for Queenslanders who are eligible but are still yet to receive their vaccine.

### Enduring Power of Attorney

June 15 was World Elder Abuse Awareness Day. This year we partnered with Griffith University who undertook research into the [top risk factors for financial elder abuse](#), and developed a suite of [resources](#) to help financial and legal professionals know when older clients might be at risk and how to help them. 'Don't Cross the Line' in particular focuses on acting appropriately as an enduring power of attorney.

We continue to see the lack of understanding about the role of an attorney and how to be a good attorney, cause infringements on the rights of older people.

Recently Karen Williams (Senior Solicitor ADA Law) and I met with officers from the Attorney-General's Department in Canberra who have been tasked with developing a national register of Enduring Power of Attorneys (EPOA). While it's a step in the right direction, it needs to be rolled out with sector and community education about the role of an Attorney and how the person must be included in decision-making. We must remember it's about supporting decisions, not taking over decisions.

We also continue our look into Enduring Power of Attorney, with part two of a three-part case study.

### Disability Advocacy

Advocacy for people with disability has also been in the spotlight. The State Budget announcement last week confirmed that currently funded disability advocacy organisations will continue to be funded for a further six months, while a tender process for delivery of ongoing disability advocacy is undertaken.

We would like to see that all Queenslanders with disability have access to advocacy services regardless of where they live, and inclusion of advocacy services that meet the needs of Aboriginal and Torres Strait Islander people with disability.

In May we also participated in the Pause, Reset, Co-Design NDIS Reforms webinar with a collaboration of sector peak bodies and disability advocacy organisations. The webinar was an opportunity for Queenslanders with disability and family members to give feedback on proposed changes to the NDIS, including Independent Assessments and changes to the definition of “reasonable and necessary” for supports. While providing a platform for people to raise their concerns, the main aim of the webinar was to put forward alternative solutions to the Queensland Government, and ultimately the Commonwealth. We continue to follow this important issue for people with disability closely.

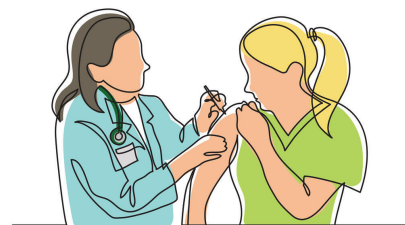
ADA Australia disability advocates also continue to be available to support people with disability share their story with the Disability Royal Commission. It is important that the voices of people with disability and their families are heard and to help make meaningful change for society to become fully inclusive and fair for people with disability.

Until next time.

Geoff Rowe

## COVID-19 Vaccination rollout

Residents in aged care facilities or people with disability living in group homes who have missed out on getting their COVID-19 vaccination can call **1800 643 787**. This is the Australian Department of Health who will organise for a vaccination at your residence.



### Queensland Health Vaccination hubs


All people in Priority Group 1a and 1b (including residential aged care and disability care workers) as well as people aged between 40-49 can now book to receive a COVID-19 vaccine at a Queensland Health vaccination location. Register at <https://www.vaccinebookings.health.qld.gov.au/registerforvaccination/>

### Workforce

The Australian Government announced the introduction of a new reporting tool for all approved providers of residential, in-home and community aged care services to report on the COVID-19 vaccination status of their aged care workforce, which became a formal requirement for residential aged care providers from 15 June 2021.

## Budget 2021-22 wins and losses for aged care

- ✓ A new Aged Care Act that has the older person at its core
- ✓ Contribution of older people's voices through a Council of Elders
- ✓ 80,000 Home Care Packages by 30 June 2023
- ✓ Investment in increased independent advocacy
- ✓ 200 minutes of care per day each resident by October 2023
- ✓ 40 minutes nursing per day for each resident by October 2023
- ✓ Investment to grow and upskill the care workforce
- ✓ A new star rating system for the quality of aged care services and a care finder service
- ✗ No staff ratios
- ✗ No 24-7 nursing requirement
- ✗ No wage increase to attract more workers to the sector
- ✗ No mandatory staff training
- ✗ No aged care whistleblower protections

 Listen to [Geoff Rowe speak with The Last Post Editor, Greg T Ross](#) about the federal government's response to the Royal Commission into Aged Care's findings.

## Don't cross the line

On World Elder Abuse Awareness Day, Griffith University in partnership with ADA Law, launched a new suite of resources to assist taking action against elder abuse.

The resources have been developed following [research into elder abuse](#) published by Griffith University in January this year, showing that family conflict and isolation are the top risk factors for financial elder abuse.

There is information for finance and legal professionals, as well as information for care workers, and includes contact points for assistance and support. The resources are available on the ADA Law website [www.adalaw.com.au/elder-abuse-awareness](http://www.adalaw.com.au/elder-abuse-awareness).

We know that people who experience elder abuse generally will not want to prosecute family members for wrongdoing, so it's important people are aware that there are mediation, advocacy and family counselling services that can assist with negotiating a healthier arrangement.



## Share your story

In May we held an information session on the Gold Coast about participating in the Disability Royal Commission. Cody Skinner, First Nations ATSIDNQ Champion, spoke about his experience of sharing his story with the Disability Royal Commission – how, why, listening and healing.

The Disability Royal Commission wants to hear from First Nations people with disability about their experiences of abuse, neglect and discrimination. Sharing your story will help to make our communities better and safer for people with disability.

Talk to one of our Aboriginal and/or Torres Strait Islander advocates on 1800 818 338.



[Find out more](#)

## Yarning Circles

Following a quiet 2020, our Aboriginal and Torres Strait Islander Disability Network of Queensland (ATSIDNQ) is pleased to be back on the road again hosting Yarning Circles in Cairns, Maryborough and Hervey Bay. The Yarning Circles provide an inclusive place for our mob with disability to get together, have a yarn and share a cuppa. Connect with our [ATSIDNQ facebook page](#) to stay posted for upcoming events.



Yarning Circle and network meeting, Cairns



Maryborough Yarning Circle



## NDIS Reforms Pause, Reset, Co-Design

On the 19<sup>th</sup> of May, around 250 Queenslanders with disability, their families and supporters came together to speak out about a number of proposed reforms to the NDIS, and to voice their concerns that in their current form they will destroy the scheme's fundamental foundation of support based on individual needs and are not the way to bring greater equity and sustainability.

Minister for Seniors and Disability Services, the Honourable Craig Crawford opened the webinar and said that the Palaszczuk Government does not support mandatory independent assessments in their current form and that the Government has a continuing commitment to ensuring that the state's investment in the NDIS continues to deliver for Queenslanders with disability, families and the sector.

The clear message from Queenslanders with disability was co-design. A report and options for the way forward will be provided to Queensland Government for consultation with the Commonwealth.

For more information visit <https://qdn.org.au/home/ndisreforms/>



## Out & About

Our advocates are back out at seniors, disability and community events across the state.

### Coming up

5 July – NAIDOC Week Community and Family Fun Day, Queens Park, Toowoomba

6 July – NAIDOC Week Hervey Bay Family Fun Day, Seafront Oval, Hervey Bay

9 July – RockNAIDOC, Rockhampton Cricket Grounds

9 July – NAIDOC Family Day, Cairns

9 July – Deadly Day Out, Pioneer Parklands The Riverway, Townsville

14-16 July – Queensland Nurses and Midwives Union Annual Conference, Brisbane

15 July – Cairns Disability Network Expo, Cairns Colonial Club

18 July - Retirement and Aged Care Expo, Southport RSL

29 July - ATSIDNQ & Wuchopperan Health Service Monthly Yarning Circle, 6 Moignard St Manoora, Cairns







## From the ADA Law Desk

### Enduring Power of Attorney: a case study Part 2

#### The Situation

ADA Law has been in contact with Randolph who was placed in an aged care facility following his recent admission to hospital. Randolph's EPOA was enacted during his hospital admission. Randolph explained that he was not happy with his current living arrangement at the aged care facility and that he was concerned about his finances and had not received any statements from his bank. [Catch up on Part 1 here.](#)

#### What's the issue?

Randolph's capacity was impaired when he was first admitted to hospital with a urinary tract infection which had been the cause of delirium. However, since his time in hospital, Randolph has made significant improvements.

During his time in hospital a number of mini mental state exams were conducted by the treating teams and the results showed that there was mild impairment to Randolph's cognition, but with his score from the testing increasing over time.

However, Randolph's capacity would need to be re-assessed to provide confirmation of whether or not Randolph was able to make his own accommodation and financial decisions.

It also needs to be determined if Randolph is able to amend his Enduring Power of Attorney arrangements or if a formal decision from the Queensland Civil and Administrative Tribunal (QCAT) would be required.

#### How can ADA Law help?

ADA Law explained to Randolph that there is a **presumption of capacity** which means that an adult is presumed to be able to make their own decisions unless there is sufficient evidence presented to prove otherwise.

With Randolph's permission ADA Law requested the aged care facility's general practitioner refer Randolph to a geriatrician for a capacity assessment.

ADA Law also talked to Randolph to assess whether Randolph understood the nature and effect of an Enduring Power of Attorney, and the option to vary or revoke his Enduring Power of Attorney.

In Part 3 we will learn the outcome of the capacity assessment and Randolph's and ADA Law's next steps.

#### Tips for health practitioners:

1. All adults are presumed to have capacity and to be able to consent to decisions unless there is sufficient evidence to prove otherwise.
2. If capacity is in question, consider alternative strategies to support the person give consent or refusal.
3. There must be a clear assessment of impaired capacity before moving to substitute decision-makers.

For more information refer to the [Queensland Capacity Assessment Guidelines](#) and [Guardian and Administration Act 2000 \(Qld\)](#).

#### Key terms

**Capacity:** means the person is capable of:

- understanding the nature and effect of the decision



- freely and voluntarily making the decision
- communicating the decision in some way.

*Capacity Assessment:* is an assessment undertaken, at the time a decision is required, to determine whether the person has sufficient capacity to make the decision.

QCAT: Queensland Civil and Administrative Tribunal is the independent tribunal that can make a declaration about an adult's decision-making capacity for some or all matters; and can appoint guardians or administrators to make some or all personal or financial decisions.

**[Contact ADA Law](#)**



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