



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE COVID-19 PANDEMIC RESPONSE
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Submission Cover Sheet

COVID-19 pandemic response

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The Committee Secretary
Select Committee on the COVID-19 pandemic response
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Via email: LACommitteeCOVID19@parliament.act.gov.au

20 August 2020

Dear Committee,

Re: COVID-19 Pandemic Response in the ACT

The ACT Disability Aged Carer and Advocacy Service (ADACAS) provides independent, individual advocacy to people with disability, people with mental ill health, older people and carers, and has been doing so for over 27 years. We adopt a human rights-based approach to advocacy which asserts, promotes and protects the rights and responsibilities of our clients. ADACAS Advocates and other staff have worked with individuals throughout the COVID-19 pandemic. We welcome the opportunity to provide feedback to Select Committee on the COVID-19 pandemic response.

As a human rights jurisdiction (ACT Human Rights Act) and a signatory to the United Nations Convention on the Rights of People with Disability (UNCRPD)¹ and many other international human rights conventions, Australia has international (and local) obligations to uphold human rights. In emergency situations, **human rights should predominate**, and the emphasis should be on ensuring equitable access to and quality of support.

Despite the ongoing and concerted efforts of many: we do not think that human rights have been successfully and consistently upheld for all in the ACT during COVID-19.

We highlight some of the areas of concern:

Challenges experiencing equitable access to and quality of healthcare:

We observe that:

- There is a risk of increased health impacts for many of the people with disability, people with mental ill health and older people during the pandemic. Despite this - at time of writing, the *COVID-19 – An ACT Operational Plan for People with Disability* (intended to work with the Australian Government Department of Health Management and Operational Plan for People with Disability) is still not finalised (months into the pandemic).
- For many years, people with disability, people with mental ill health, older people and carers in the ACT have been reporting difficulties in achieving equitable access to and quality of health care. Disparities in healthcare experiences can be magnified for those who experience intersectional stigma and discrimination. The pandemic has shone a bright light

¹ UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006, A/RES/61/106, Annex I, available at: <https://www.refworld.org/docid/4680cd212.html> [accessed 23 April 2019]

on the pre-existing issues whereby many people with disability, older people and people with mental ill health are not always having their health and other needs adequately met.

- In terms of personal and protective equipment (PPE) for people with disability and others with health vulnerabilities: there was much advocacy by many organisations (ACTCOSS, NDS and Carers ACT amongst them) required to seek clarity as to whether there was and would continue to be sufficient stock of PPE for people that need it during the pandemic. It continues as a topic of concern for many as COVID-19 escalates in other states.
- During COVID-19 months, there has been work by researchers and health staff towards an ethical medical decision-making framework to seek to navigate situations where complicated ethical decisions about access to treatments and services might be necessary. With many other advocacy and representative organisations, ADACAS advocated strongly for ensuring that everyone who might need health support could access non-discriminatory, human-rights based approaches to the support needed, however we note with concern the ever present potential for people with disability, people with mental ill health and older people to experience heightened risks during this time.

Risks to disability and carer support during the pandemic/ ongoing need for strengthened safeguards:

A proportion of people with disability, people with mental ill health and older people receive support with health, wellbeing and day to day living, from a combination of families/friends and health and/or disability support workers. Both informal and formal support arrangements can come under pressure during COVID restrictions – with consequent impacts for people with disability, people with mental ill health, older people or carers. It is imperative that the combination of the various safeguards in place across different settings are rigorous, accessible, and known widely, such that anyone who needs added support can easily access it. As a society we have an obligation to uphold the rights of all – this is nowhere more evident than in a pandemic.

Education:

COVID-19 requirements have had extraordinary impacts for families with school-aged children with disability, who in many cases were expected to suddenly start home schooling children without the added support that would be available (as a result of reasonable adjustments) in many school settings, and in many cases, alongside continuing to manage any other work or caring commitments. The impacts for both the children with disability and their families (carers) has been immense, and for those who are NDIS participants – the response times for review requests have varied (not always been sufficiently speedy).

Employment/ Finances:

Many people with disability, people with mental ill health, older people and carers have experienced losing their jobs during this time. People with disability were already over-represented amongst those needing to access Centrelink (especially JobSeeker (formerly Newstart)) payments, and many were already experiencing precarious financial circumstances.

We call upon the ACT government to stand with us to lobby the Federal government to extend the COVID supplement to people who receive the Disability Support Pension, or Carer payment/supplements, and to challenge the Federal government desire to reduce the amount of payments such as Jobseeker.

Mental health and wellbeing:

COVID-19 (and the restrictions required as a result of it) is having an ongoing impact on the mental health and wellbeing of many in the community. We draw especial attention, however, to the need to provide urgent access to quality wellbeing and mental health support for older people living in residential aged care settings in the ACT during COVID period.

In seeking to safeguard the physical health of residents and staff against COVID-19, it seems that the mental health and wellbeing impacts of reducing or stopping family and friends from visiting has not been adequately addressed, leaving many residents experiencing extreme isolation, depression, and despair. Older people living in residential aged care talk of feeling locked up and forgotten. They have explained to us that staff responsibilities are high and that they are often so very busy, that they don't have sufficient time to provide any needed wellbeing support. Older people with disabilities living in residential aged care can be disproportionately affected, if for example – they have a hearing impairment and can't talk on the phone, or need support from staff and/or equipment (that is not always readily available) to use digital devices for video-chat etc.

Families of people with dementia living in aged care talked to ADACAS about being stopped from visiting their loved ones (whilst there are federally endorsed provisions of the *Industry Code for Visiting Residential Aged Care Homes during COVID-19*, many aged care facilities have chosen to further restrict liberties) and of fears that by the time they are able to visit more freely, that their loved one will no longer remember them.

People experiencing violence

We urge the ACT government to invest in flexible support and responses that can be tailored to meet specific needs for people with disability, people with mental ill health, older people and carers who are experiencing family or domestic violence, or abuse during the COVID-19 period.

Consultation/working with community advocacy and representative partners:

We call also for earlier and embedded consultation/partnerships with key advocacy and representative stakeholder community organisations when key government frameworks are developed.

Advocacy

During the COVID-19 period there has been a glaring need for increased individual (and systemic) advocacy. We call on the Legislative Assembly to invest in increased funding for individual advocacy organisations, such that we can continue to act as a safeguard to support people whose human rights are being breached, and also conduct greater outreach into situations where people might be experiencing their rights not being upheld, but are finding it harder to reach out for help.

In conclusion

We conclude by re-stating – during these COVID-19 times, it is imperative that the human rights of all of us are upheld and respected. We thus urge continued and additional focus on the needs of people with disability, people with mental ill health, older people and carers during these times.

We appreciate your consideration of this letter. Please do not hesitate to contact either Lauren O'Brien (Systemic Advocacy Team Leader (lauren@adacas.org.au or 6242 5060), or myself should you require further information.

Yours sincerely,



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