

**LAWWEEK**  
18-24 MAY 2020



community  
footprint

wotton  
kearney

A founding member of **LEGALIGN**  
GLOBAL

## W+K on seniors rights during COVID-19

In acknowledgement of Law Week 2020, Wotton + Kearney is highlighting the important work that our pro bono and community partners are doing to support people affected by the COVID-19 pandemic in some of our key areas of focus: **Seniors rights, homelessness, domestic violence, and refugees and people seeking asylum.**

Older Australians are particularly vulnerable to the devastating effects of COVID-19, not only because they are more susceptible to the virus from a health perspective, but because they also face higher levels of social isolation if they are not digitally connected.

We have all seen the heartbreaking stories coming out of countries with high rates of infection and overwhelmed health systems, where health professionals have been forced to choose who receives life-saving treatment in ICU beds with ventilators, often choosing a younger person ahead of an older person. Thankfully we have not so far needed to face these terrible choices in Australia.

### SENIORS RIGHTS SERVICE IN NSW (SRS)

Seniors rights organisations like the Seniors Rights Service in NSW, a member of the national Older Persons Advocacy Network (OPAN) and a key pro bono partner of W+K, have been strongly advocating in the interests of older Australians for right to access healthcare to be maintained during the pandemic. This includes regular healthcare alongside COVID-19 related healthcare.

This older persons advocacy work aims to ensure that medical resources are allocated through the application of an ethical framework rather than being allocated solely by age. In practice this would mean reviewing hospital discharge practises to ensure older Australians are not being prematurely released to free up beds, and to prevent older Australians being released from hospital into vulnerable circumstances.

Elder abuse is a form of domestic violence affecting up to 1 in 6 elderly people. Domestic violence is known to increase in times of crisis or financial stress. According to the National Aging Research Institute, financial abuse and psychological or emotional abuse are the two most common forms of elder abuse, with 92.3% of the abuse being

perpetrated by the elderly person's family member or partner. In approximately 43% of cases the elderly person is living with the perpetrator. Restrictions on leaving home can increase frequency of violence and make it harder for victims to seek assistance or emergency shelter.

Alarming, calls to family violence helplines have dropped during COVID-19, yet police reports show domestic violence is increasing. Domestic violence organisations have explained this is due to victims being unable to safely make calls for help.

### SUPPORT FROM W+K

W+K is proud to have partnered with the SRS for the past three years to support their work providing free legal advice to older Australians in New South Wales. W+K lawyers are rostered on with the telephone advice service once a month to provide advice and to also take on case referrals to protect the rights of older people in relation to legal issues such as wills, power of attorney, and elder abuse. W+K has also provided a pro bono intern to SRS once a week to provide legal research and support to the advice service.

Despite the challenges of operating the service during the pandemic, the incredible staff of the SRS have ensured that the telephone advice and advocacy programs are continuing as normal to ensure the needs of vulnerable older people are being addressed and their voices are being heard.

Since the start of the pandemic in early March SRS has now dealt with over 610 calls specifically concerning COVID-19, well over double the amount of calls we received for the same period last year. SRS has also reached to 60 aged care facilities offering advice, support and information to give to their residents and families. SRS is also assisting over 90 relatives and representatives of residents in Newmarch House in NSW responsible for the second largest cluster of COVID-19 cases and is putting in place a best practice response plan to deal with any further outbreaks in aged care facilities.

## RESOURCES

Learn more about the work of the Seniors Rights Service at <https://seniorsrightsservice.org.au/>

Older people across Australia who need help with a legal issue during the COVID-19 pandemic can contact the Older Person's COVID-19 Support Line on **1800 171 866**.

---

© Wotton + Kearney 2020

This publication is intended to provide commentary and general information. It should not be relied upon as legal advice. Formal legal advice should be sought in particular transactions or on matters of interest arising from this publication. Persons listed may not be admitted in all states and territories. Wotton + Kearney Pty Ltd ABN 94 632 932 131, is an incorporated legal practice. Registered office at 85 Castlereagh St, Sydney, NSW 2000.

## HOW YOU CAN HELP

Now more than ever you have an ability to make a difference! Below are some tips on how you can support older Australians in our community during COVID-19:

- Stay connected – Social distancing does not have to mean social isolation. Make a quick phone call to friends and family a part of your daily routine. This is especially important for older Australians who live alone and are unable to see their families during this time. For the more tech savvy seniors, talk them through setting up a Facebook or Skype account to allow for video communication.
- Check in on your neighbours – keep an eye out for anyone currently in quarantine or those who cannot leave their house. While you're out shopping for essentials pick some up some items for your neighbours and drop them at their doorstep to prevent the spread of infection.
- Consider volunteering – Numerous services which support vulnerable older people are facing increased demand at the same time as losing volunteer capacity due to social distancing requirements during COVID-19. Many volunteers are themselves older people who can no longer volunteer because they are in a high-risk group. If your usual volunteering activity is no longer running, check in with the organisation to see if there is any other way you can contribute during this time.

## Contact us

For more information please contact us.



### Heidi Nash-Smith

Partner – Pro Bono and Community

T: +61 2 8273 9975

E: [heidi.nash-smith@wottonkearney.com.au](mailto:heidi.nash-smith@wottonkearney.com.au)