



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH, AGEING AND COMMUNITY SERVICES  
BEC CODY MLA (CHAIR), VICKI DUNNE MLA (DEPUTY CHAIR), CAROLINE LE COUTEUR MLA

### Inquiry into referred 2017–18 Annual and Financial Reports ANSWER TO QUESTION ON NOTICE

Asked by Ms Nicole Lawder MLA

Ref: Community Services Directorate, seniors, 2.3

In relation to: ALRC REPORT INTO ELDER ABUSE

- 1) Following the recommendation of the ALRC Report into elder abuse, has the government introduced legislation for the safeguarding of adults at risk? Why not?
- 2) Is the government considering introducing any legislation to safeguard adults at risk?
  - a. What is the government considering?
  - b. When will the government release these reforms?
  - c. What has taken the Government so long to consider the report/recommendations and decide to legislate improvements?
- 3) Have other states introduced legislation to safeguard adults at risks since the release of the ALRC report? What states?

Minister Ramsay: The answer to the Member's question is as follows:–

The ACT Government is actively working with all jurisdictions as a member of the Council of Attorneys-General Working Group on protecting the rights of older Australians (the CAG Working Group) to consider all the recommendations the Australian Law Reform Commission's (ALRC) made in its report *Elder Abuse – A National Legal Response*.

The development of a National Plan was the capstone recommendation of the ALRC's Report and is an important step in shaping the important work recommended by the ALRC. The Council of Attorneys-General (CAG) has been closely monitoring the development of a National Plan to Combat Elder Abuse (the National Plan). On 23 November 2018, the CAG Working Group reported to CAG on progress on the National Plan.

States and Territories agree that a nationally consistent approach to address elder abuse would deliver optimal results. As such, the ACT Government considers that it is appropriate to align consideration of these reforms with the work of CAG.

The ALRC recommended adult safeguarding legislation to establish a service that would protect adults who are vulnerable even though they have full decision-making capacity. The ALRC contemplates an agency with clearly defined duty and coercive investigative powers to protect these vulnerable adults. This is significant additional oversight in a small jurisdiction such as the ACT and requires careful consideration before being implemented. The ACT Government would want to ensure that any new agency does not duplicate existing mechanisms.

In the ACT, the Public Advocate promotes the protection of people with a disability from abuse and exploitation. This may extend to any adult in the ACT community whose condition or situation makes them potentially vulnerable to abuse, exploitation or neglect. The ALRC's report expressly mentioned the Public Advocate's functions in this context.

The Disability and Community Services Commissioner, and the Health Services Commissioner may also consider and investigate complaints relating to elder abuse in the provision of disability services, health services or services for older people.

Alongside considering how to implement the ALRC recommendations, the ACT Government has put in place other, more immediate measures to support older people.

On 21 December 2018, I launched the Older Persons ACT Legal Service (OPALS) which is housed in Legal Aid ACT. This was not a specific ALRC recommendation, but complements the overall objects of ALRC's recommendations.

OPALS is a service dedicated to preventing abuse of older people and also educates and delivers training on elder abuse. The Government recognises that community awareness is the key to prevent and address elder abuse, thus encourages all individuals and organisations to actively engage OPALS' services when appropriate.

The protection of rights services legislative amendments that the Government introduced in 2015 streamlined governance arrangements and improved coordination processes for handling complaints, conducting investigations into systemic matters affecting rights and raising awareness of rights. These changes are part of the mechanisms currently in place for safeguarding vulnerable adults.

The amendments amalgamated various statutory offices whose functions are to protect the rights of vulnerable groups in the community. They also provided for a clear organisational structure within the amalgamated body to support improved services for vulnerable people, including handling complaints and enquiries.

In October 2011, the South Australian Public Advocate published a report entitled *Closing the Gaps: Enhancing South Australia's Response to the Abuse of Vulnerable Older People* (the *Closing the Gaps*). On 13 November 2018, the South Australian Parliament passed a bill broadly reflecting the recommendations in *Closing the Gaps*. The findings and recommendations in *Closing the Gaps* were cited extensively by the ALRC in relation to its recommendation about legislation for safeguarding adults-at-risk.

The Government will monitor and review the South Australian bill as it is being implemented and consider if these reforms are appropriate for the ACT.

Approved for circulation to the Standing Committee on Health, Ageing and Community Services

Signature:



Date:

19/12/18

By the Minister for Seniors and Veterans, Minister Gordon Ramsay