



**SENATOR THE HON GEORGE BRANDIS QC
ATTORNEY-GENERAL
LEADER OF THE GOVERNMENT IN THE SENATE**

MEDIA RELEASE

SAFEGUARDING OLDER AUSTRALIANS

Today, the Government is taking significant steps to put the rights of older Australians on the national agenda.

The Government is appalled by reports of the levels of elder abuse within our communities. As the World Health Organisation identified, effective responses and prevention measures are less developed than for family violence and child abuse.

I have asked the Australian Law Reform Commission to conduct an inquiry into laws and frameworks to safeguard older Australians from abuse.

This inquiry will assist the Government in identifying best practices for protecting older Australians while promoting respect for their rights and preferences.

I have asked the ALRC to report by May 2017. The Terms of Reference for the inquiry are attached.

This adds to the inquiry currently being conducted by Ms Susan Ryan AO, the Age and Disability Discrimination Commissioner, into employment discrimination against older Australians and Australians with disability.

Today I am also releasing the report by the [Australian Institute of Family Studies](#) (AIFS) which was commissioned by the Government to conduct a scoping study of elder abuse in Australia. The report provides valuable insight into the nature and breadth of this issue, which is expected to rise as the population continues to age.

It is a symptom of attitudes which fail to respect and recognise the rights of older Australians to make decisions, to live self-determined lives, to live with dignity and live free from exploitation, violence and abuse.

Today's initiatives coincide with the opening of the Fourth National Elder Abuse Conference. I thank Seniors Rights Victoria for inviting me to address the conference. I commend them and Ms Susan Ryan AO for their dedication and tireless work in shining a light on this important issue.

24 February 2016

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**Australian Law Reform Commission inquiry
Protecting the Rights of Older Australians from Abuse
Terms of Reference**

I, Senator the Hon George Brandis QC, Attorney-General of Australia, having regard to:

- the principle that all Australians have rights, which do not diminish with age, to live dignified, self-determined lives, free from exploitation, violence and abuse
- the principle that laws and legal frameworks should provide appropriate protections and safeguards for older Australians, while minimising interference with the rights and preferences of the person, and
- relevant international obligations relating to the rights of older people under United Nations human rights conventions to which Australia is a party.

REFER to the Australian Law Reform Commission (ALRC) for inquiry and report, pursuant to subsection 20(1) of the *Australian Law Reform Commission Act 1996* (Cth), the consideration of:

- existing Commonwealth laws and frameworks which seek to safeguard and protect older persons from misuse or abuse by formal and informal carers, supporters, representatives and others. These should include, but not be limited to, regulation of:
 - financial institutions
 - superannuation
 - social security
 - living and care arrangements, and
 - health
- the interaction and relationship of these laws with state and territory laws.

Scope of the reference

In undertaking this reference, the ALRC should identify and model best-practice legal frameworks. The ALRC should also have regard to other inquiries and reviews that it considers relevant, including:

- the recommendations of ALRC Report 124, *Equality, Capacity and Disability in Commonwealth Laws* (2014)
- the recommendations of the Senate Standing Committee on Community Affairs report on violence, abuse and neglect against people with disability (2015), and
- the recommendations of the Commonwealth House of Representatives report, *Older People and the Law* (2007).

In conducting this inquiry, the ALRC should specifically consider best practice laws, as well as legal frameworks including, but not limited, to the National Disability Insurance Scheme and the Aged Care framework, which:

- promote and support older people's ability to participate equally in their community and access services and advice
- protect against misuse or advantage taken of informal and formal supporter or representative roles, including:
 - formal appointment of supporters or representatives
 - informal appointment of support and representative roles (eg family members)
 - prevention of abuse
 - mitigation of abuse
 - reporting of abuse
 - remedies for abuse
 - penalties for abuse, and
- provide specific protections against elder abuse.

Collaboration and consultation

In undertaking this reference, the ALRC should identify and consult relevant stakeholders, including Commonwealth departments and agencies, state and territory governments, key non-government stakeholders, including advocacy and policy organisations and service providers, the Age Discrimination Commissioner and the Aged Care Complaints Commissioner.

Timeframe

The ALRC should provide its report to the Attorney-General by May 2017.