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Recommendations for reform of elder abuse laws need serious consideration

The Federal Government should give close attention to a number of recommendations made by the Australian Law Reform Commission (ALRC) in its [Elder Abuse Discussion Paper](#), including further exploring a proposal to create a national register for powers of attorney, and tighter witnessing and reporting requirements.

The ALRC's Discussion Paper, released today, contains 43 proposals for law reform, many of which overlap with recommendations [put forward by the Law Council](#) earlier this year.

These include the Law Council's recommendations to consider:

- The benefits and potential disadvantages of a register of financial powers of attorney;
- Expanding the role of public advocates to investigate cases of suspected elder abuse;
- Ensuring that relevant tribunals have sufficient power to hold attorneys and similar representatives to account for their actions;
- Establishing a screening process for those working with vulnerable older persons; and
- Establishing a national elder abuse prevalence study.

Law Council of Australia President, Stuart Clark AM, said elder abuse was a serious and growing problem, and reform options needed to be considered.

"Elder abuse is not a problem we have fully come to grips with. Effective responses and prevention measures for elder abuse are less developed than they are for family violence and child abuse," Mr Clark said.

"For that reason the Law Council is extremely supportive of active discussion of the recommendations put forward by the ALRC. It is critical that we start grappling with these issues openly and thoroughly.

"Whether it would be appropriate and useful to establish a national register of power of attorney documents is very much a live debate within the legal profession. However, there is no doubt that older Australians are often the victims of abuse in this area, and discussion over the best legislative response is necessary.

"These 43 proposals for law reform are well-considered and broad, concerning public advocates and public guardians, enduring powers of attorney and enduring guardianship, family agreements, banking, aged care, and social security.

"The Law Council of Australia looks forward to engaging in discussion with policy makers and other stakeholders about how best to reform our laws to deal with this issue.

"The law should protect the rights of everyone. If elder abuse is happening at anywhere near the one in ten rate the World Health Organisation estimates, then we need to be taking urgent action."

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