

23 December 2024

Attorney-General's Department
Australian Government
4 National Circuit
BARTON ACT 2600

Via email: nationalplan@ag.gov.au

Consultation on the draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034

Thank you for the opportunity to provide feedback on the draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034 (the National Plan).

As you may be aware, as Public Advocate I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making ability.¹

As is noted in the Public Consultation Draft of the National Plan, older adults with cognitive impairment, including those with impaired decision-making ability, may be at particular risk of abuse and mistreatment.

The draft National Plan addresses many of the issues contributing to the abuse and mistreatment of older people in Australia.

I was particularly pleased to see that it is underpinned by a human rights approach (Principle 1), including a focus on supporting individual decision-making, autonomy, and dignity (Principle 5).

In considering the Focus Areas and Priority Actions outlined in the National Plan, I understand that a reasonably broad focus is needed in order to address the wide range of contributing factors and to incorporate the different approaches taken by each jurisdiction across Australia. However, I do think that the National Plan could benefit from more precise language and clearer actions.

For example, while I support the actions included within Focus Area 2 'Enhance legal frameworks and adult safeguarding responses', I believe the wording for several of these actions could be strengthened to reflect the importance of achieving these critical reforms within the 10-year timeframe of the plan.

For instance, Priority Action 2.1 'Continue efforts to achieve greater national consistency in enduring power of attorney laws' could be amended to focus actions on achieving national consistency in these laws within the timeframe of the National Plan.

Similarly, Priority Action 2.4 'Strengthen safeguarding frameworks and clarify pathways for abuse and mistreatment to be reported and addressed' could be amended to require that state and territory governments identify, or establish, adult safeguarding agencies in jurisdictions where this has not yet occurred.

This action would align with previous recommendations relating to the establishment of adult safeguarding agencies, including the Australian Law Reform Commission's recommendation that:

Adult safeguarding laws should be enacted in each state and territory. These laws should give adult safeguarding agencies the role of safeguarding and supporting "at-risk adults".²

¹ *Guardianship and Administration Act 2000* (Qld) s 209.

² Australian Law Reform Commission, *Elder Abuse – A National Legal Response*, ALRC report 131, (2017), p. 377.

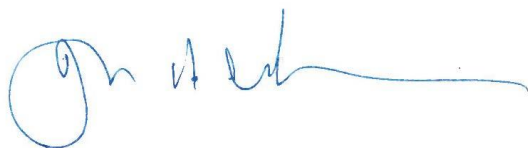
The recent Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability also recommended the establishment of 'nationally consistent adult safeguarding functions' to be operated by independent 'adult safeguarding bodies'.³

As the National Plan will operate over an extended timeframe, a focus on achievement in these areas would be a realistic goal. This would also help to target, and further strengthen, efforts to prevent and address the abuse of older people in Australia.

Thank you again for the opportunity to provide feedback on the draft National Plan.

Should you wish to discuss any of the matters I have raised in this submission further, please do not hesitate to contact my office via email public.advocate@justice.qld.gov.au or phone 07 3738 9513.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Chesterman', with a long horizontal flourish extending to the right.

John Chesterman (Dr)
Public Advocate

³ Commonwealth Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Independent oversight and complaint mechanisms*, Final report, Volume 11, (2023), p. 47.