

Tuesday, 15 June 2021

Time to strengthen the rights of older people

On World Elder Abuse Awareness Day, the Law Council of Australia remains committed to strengthening the rights of older people.

President of the Law Council, Dr Jacoba Brasch QC, says that given Australia's changing demographics, it is essential to ensure that Australia's laws are fit for purpose to protect the human rights of older persons in practice.

"Legal practitioners are in a key position to recognise and prevent the abuse of older persons, including financial abuse," Dr Brasch QC said.

"The Law Council fully supports the call for a 'comprehensive overhaul of aged care system' made by the Royal Commission into Aged Care Quality and Safety," Dr Brasch QC said.

"The fundamental shift towards a human-rights oriented approach to the rights of older persons in aged care is refreshing and reflects calls previously made by the Law Council."

"As stated in the Royal Commission's final report, rights are, of course, of little use if they are not enforceable. That is why they must be enshrined in law," Dr Brasch QC said.

The Law Council recognises the significant work that is being undertaken by the Australian Government towards addressing these challenges, including its announcement of a new aged care Act, and its substantial Budget investment of \$17.7 billion to improve aged care.

"While there is no doubt that the Royal Commission has underlined the urgency of these efforts, it will also be essential to get things right as we go forward," Dr Brasch QC said.

"In this context, the objectives of the current Aged Care and Other Legislation Amendments (Royal Commission No 1) Bill 2021, aimed at better regulating the use of restrictive practices and currently before the parliament, are welcome."

However, the Bill does not limit these practices to the extent recommended by the Royal Commission. The Law Council believes that greater parliamentary scrutiny and public consultation are important to achieve the right legislative settings," Dr Brasch QC said.

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