

NEW LAWS TO PROTECT VULNERABLE ADULTS



INFORMATION FOR PEOPLE OVER 60 YEARS OLD TO WHOM AN ELEMENT OF VULNERABILITY APPLIES

On 20 April 2021, new laws will come into effect in the ACT that introduce new offences to protect vulnerable adults (18 years old and over). These are: abuse of vulnerable person, failure to protect vulnerable person from criminal offence, and neglect of vulnerable person.

Who is a vulnerable person?

A vulnerable person includes someone who is 60 years of age or older, to whom one or more of the following elements of vulnerability apply:

- > A disorder, illness or disease that affects the person's thought processes, perception of reality, emotions or judgement or otherwise results in disturbed behaviour.
- > An intellectual, psychiatric, sensory or physical impairment which results in a substantially reduced capacity of the person for communication, learning or mobility.
- > Social isolation or the inability to participate in their community.

What are the new laws?

Abuse of vulnerable person

This law makes it illegal for caregivers to abuse a vulnerable person for whose care they are responsible.

This means:

- > If a person caring for you abuses you, and causes physical, psychological or financial harm, they can be charged with this offence.
- > If a person caring for you abuses you, and they receive a financial benefit, or a person they are associated with receives a financial benefit, they can be charged with this offence.

The penalty for abuse depends on the level of harm that is caused and can be up to five years imprisonment.

A caregiver can be a paid health or aged care professional, such as a nurse or support worker, as well as an unpaid friend or family member who assists you with daily activities.

Examples of abuse

The things below are examples of abuse:

- > Physical violence

- > Threats
- > Intimidation
- > Sexually inappropriate behaviour
- > Making you feel dependent or subordinate
- > Isolating you from friends or family
- > Limiting your access to services, including your access to resources and peer connections that support your ethnicity, religion or spiritual beliefs, sexual orientation and gender identity
- > Depriving or restricting your freedom
- > Frightening, humiliating, degrading or punishing you

Failure to protect vulnerable person from criminal offence

This offence makes it illegal for a person in authority in an institution to fail to protect you as a vulnerable person under the care of that institution.

An institution is an organisation that operates facilities or provides services and activities for vulnerable people in their care. Examples are disability care services, nursing or group homes, hospitals and some religious organisations.

Institutions are required to protect vulnerable people from abuse. If a person in authority at an institution is aware that you are at risk of a serious offence being committed against you, the person in authority can be charged with the offence if they fail to protect you.

The maximum penalty for this crime is five years imprisonment.

Examples of serious offence

Serious offences are offences that are punishable by imprisonment for 5 years or longer. Examples of serious offences could include:

- > Assault that causes a physical injury (for example, a broken arm, bruising or swelling)
- > Threats to inflict serious injury
- > Sexual assault
- > Deception, which results in a financial advantage to the caregiver (for example, deceptively taking ownership of your house or money)

Neglect of vulnerable person

This offence makes it illegal for a person who is caring for a vulnerable person to neglect the vulnerable person. This means, your caregiver needs to make sure that you are provided with the necessities of life, including sufficient food, clothing, shelter, hygiene and health care. If a caregiver does not provide you with the necessities of life, and this causes you serious harm, the caregiver can be charged with this offence. The penalties for this offence include a fine of up to \$80,000, five years imprisonment, or both.

Where to find help

If you are in the care of an institution, have concerns about your treatment, and feel comfortable doing so, you should speak to a manager.

If your concerns relate to an ACT Government health service, you can also provide feedback by submitting this form <https://www.health.act.gov.au/about-our-health-system/consumer-feedback/i-want-provide-feedback-about-public-health-service>.

If you are not comfortable speaking to the institution or they have not resolved your issue, you can make a complaint to the **ACT Human Rights Commission**. The ACT Human Rights Commission can consider complaints about the abuse, neglect or exploitation of vulnerable people. This can include complaints against caregivers. The Commission can investigate complaints, and work with you and the other person to try and fix the issue. This does not have to involve police. You can ring the ACT Human Rights Commission on (02) 6205 2222 for a confidential conversation or submit a complaint online at <https://hrc.act.gov.au/complaints/>. If you wish to report a crime, you can contact **ACT Policing** by calling 131 444 or visiting your local police station. If you are in an emergency or life-threatening situation, call 000.

You can talk to both the ACT Human Rights Commission and ACT Policing to find out how they might handle your case and to work out which option is best for you.

Support services

If you are experiencing or witnessing abuse or neglect, or need help making a complaint to the police or ACT Human Rights Commission, there are a number of community-led organisations in the ACT that can provide support and assistance to Canberrans. You can find out more about advocacy services in the ACT here: <https://www.communityservices.act.gov.au/quality-complaints-and-regulation/advocacy>.

1800RESPECT is the national sexual assault, domestic and family violence counselling service, and provides support for people experiencing, or at risk of experiencing, violence and abuse, their friends and

family, and professionals. Please call 1800 737 732 to discuss your needs with a qualified counsellor or visit their website at

<https://www.1800respect.org.au/services/about-service-directory>.

ACT Disability, Aged and Carer Advocacy Service (ADACAS) is a human rights based organisation that provides free individual advocacy, information and advice to people with disability, people experiencing mental ill health, older people and carers. Their advocates can assist you to understand the new laws, provide support to make a report or complaint. ADACAS is located at Unit 14/6 Gritten Street, Weston ACT 2611 and you can contact them on (02) 6242 5060 or by email at adacas@adacas.org.au. More information can be found at <http://www.adacas.org.au/>.

Consumer Law Centre and Care Inc Financial Counselling Service can offer assistance if you believe you have been subjected to financial abuse. You can contact the Consumer Law Centre on (02) 6143 0044 or online at <https://www.carefcs.org/contact>.

Victim Support ACT provides a range of services to people who are victims of crime. You can contact Victim Support ACT on 1800 822 272 or online at <https://hrc.act.gov.au/contact-us/>.

Legal assistance

This factsheet provides general information only and should not be considered legal advice. To obtain legal assistance, you can contact the **Legal Aid ACT Older Persons ACT Legal Service (OPALS)** on 1800 353 374 or (02) 6243 3436. OPALS provides legal help to older people in Canberra and can assist with legal issues involving abuse or neglect.

Interpreter assistance

To speak to someone in a language other than English please telephone the Telephone Interpreter Service (TIS) 131 450. This service operates 24 hours a day, seven days a week.

إذا كنت بحاجة إلى مترجم إتصل بالرقم: 13 14 50

如果您需要翻譯，請致電：13 14 50

Ako trebate tumača, nazovite: 13 14 50

Αν χρειάζεστε διερμηνέα, τηλεφωνήστε: 13 14 50

Se hai bisogno di un interprete, chiamate: 13 14 50

Jekk għandek bżonn ta' interpretu, sejha: 13 14 50

اگر شما لازم است، فوراخوان 131 450

Jeśli potrzebujesz tłumacza, zadzwoń: 13 14 50

Se você precisar de um intérprete, ligue para: 13 14 50

Если Вам нужен переводчик, пожалуйста звоните по номеру 13 14 50

Ако треба тумача, назовите: 13 14 50

Si usted necesita un intérprete, llame al: 13 14 50

Eğer bir tercümana ihtiyacınız Arama: 13 14 50

Nếu bạn cần một thông dịch viên, xin gọi: 13 14 50