

NEW LAWS TO PROTECT VULNERABLE ADULTS



INFORMATION FOR PEOPLE WITH DISABILITY

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 an adult who has a disability.

Who is an 'adult with disability' under this legislation?

The meaning of an adult with disability mirrors the provisions in the *Disability Services Act 1991*. This includes a person with an intellectual, psychiatric, sensory or physical impairment. The disability must be permanent, or likely to become permanent and means the person has a substantially reduced capacity for communication, learning or mobility, together with the need for continuing support services. A person with a disability that is chronic or episodic in nature will be covered under this definition if the other criteria are met.

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 will depend on the level of harm that is caused and can be up to five years imprisonment.

A caregiver can be a paid health or disability 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

Examples of abusive conduct include:

- > 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 you, humiliating you, degrading you 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 in 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 offence 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 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 and 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 filling out and 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 with a disability. 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

<https://hrc.act.gov.au/complaints/>.

If you wish to report a crime, you should 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. 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 about ADACAS can be found at <http://adacas.org.au/>.

Advocacy for Inclusion provides individual, self and systemic advocacy for people with disabilities who live in the ACT. Their advocates can assist you with further information about the new laws, to get help or to make a complaint or report. Advocacy for Inclusion is located at Suite 2.02 Griffin Centre, 20 Genge Street, Canberra ACT 2601 and can be contacted on (02) 6257 4005 or by email at

info@advocacyforinclusion.org. More information can be found at <https://www.advocacyforinclusion.org/>.

Consumer Law Centre and Care Inc Financial Counselling Service can offer assistance if you think 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>.

The **National Disability Abuse and Neglect Hotline** is a free, independent and confidential service for reporting abuse and neglect of people with disability. To make a report, contact the Hotline on 1800 880 052 or send an email to hotline@workfocus.com. More information can be found at <https://www.jobaccess.gov.au/complaints/hotline>.

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

<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** Helpline on 1300 654 314. The Legal Aid ACT Helpline can provide legal information and organise appointments for free legal advice.

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، فراهوان 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