



Review of the *Ageing and Adult Safeguarding Act 1995 (SA)*

Fact Sheet 7 – Definition of Abuse

Definition of abuse

Under section 4 of the *Ageing and Adult Safeguarding Act 1995 (SA)* ('the Act'), **abuse of a vulnerable adult** means:

- Physical (including unlawful physical or chemical restraint); sexual, emotional or psychological abuse; and
- financial abuse or exploitation; and
- neglect; and
- exploitation or neglect consisting of a person's omission to act in circumstances where the person owes a duty of care to the vulnerable adult; and
- the abuse or exploitation of a position of trust or authority existing between the vulnerable adult and another person; and
- a denial, without reasonable excuse, of the basic rights of the vulnerable adult; and
- any other act or omission of a kind declared by the regulations to be included in the ambit of this section.

Current issues

One of the Act's primary aims is to safeguard vulnerable adults from abuse or neglect. This means the definitions of the terms 'vulnerable adult' (see Fact Sheet 6) and 'abuse' will determine the legal obligations of the ASU when a report is received. As a result, the definition of abuse in the Act is important in identifying how the ASU may respond to a report.

The World Health Organisation (WHO) defines elder abuse as 'a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person'.¹ Whilst the Act goes beyond this definition to include the abuse of any vulnerable adult, there is currently no requirement for a relationship of trust or duty of care to exist between the alleged perpetrator and the vulnerable adult. Such abuse in practice is often committed on a vulnerable adult by a family member and/or carer. Under the current definition, the ASU could receive reports about 'abuse' relating to neighbour disputes, online scams or other matters that are best dealt with by police or other services. Reports could also relate to an adult who can safeguard themselves and does not need the ASU's support.

Consultation Questions

1. Does the present definition of 'abuse' in the Act accurately reflect the issues that vulnerable adults need safeguarding from?
2. Should there be an additional requirement within the definition of 'abuse' for a relationship of trust or duty of care to exist between the vulnerable adult and the alleged abuser?

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¹ CRICOS PROVIDER 001234 World Health Organization, The Toronto Declaration on the Global Prevention of Elder Abuse (2002).