



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

Fact Sheet 3 – Background to the Adult Safeguarding Unit

Policy background to the Adult Safeguarding Unit (ASU) provisions

In early 2011, the findings of the *Closing the Gaps Report*¹ reflected the strong view among a wide range of interested parties for stronger safeguarding mechanisms to protect older adults, who may be vulnerable, against abuse. These views were repeated in the ALRC Commission Inquiry into Elder Abuse and the Final Report of the Joint Committee into Elder Abuse (in South Australia) in 2017. In 2018, the South Australian Parliament made changes to what is now known as the *Ageing and Adult Safeguarding Act 1995* ('the Act'), to establish the ASU, which is the first of its kind in Australia. The ASU commenced operation on 1 October 2019. Situated within the Office for Ageing Well, it aims to safeguard the rights of all adults who may be vulnerable to abuse. The ASU has a range of functions (see Fact Sheet 3).

Current issues

The original policy intention behind the Act was to address the gaps in services for elder abuse as highlighted by the various reports and advocacy groups. The Act was designed to respond to reports of abuse of all vulnerable adults but introduced a transitional provision so that the ASU's mandate during its first year was to respond to reports of abuse or neglect of older adults (65 years and over or Aboriginal people aged 50 years and over). In October 2020, the ASU's legal mandate extended to respond to reports of abuse or neglect of adults with a disability. From October 2022, the ASU will have a legal mandate to respond to reports about any adult who may be vulnerable.²

The Act and the ASU service model was based on an elder abuse policy response and has been adapted to provide a service response for adults living with a disability. It is not clear whether the Act and service model can be easily adapted to other cohorts who may be experiencing abuse or neglect as intended in October 2022. Nationally and internationally, this type of service/legislative response is limited to abuse or neglect of older people. Importantly, there are existing services available to respond to the needs of these other vulnerable cohorts, which is not the case for older people or adults living with disability who may be vulnerable.

Consultation Questions

1. Should the Adult Safeguarding Unit be focused on older people and adults with a disability or extend to all adults vulnerable to abuse?
2. Is the safeguarding response provided for in the Act suitable for other 'vulnerable adults'?

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¹ *Closing the Gaps: Enhancing South Australia's Response to the Abuse of Vulnerable Older People* (Report, October 2011).

² *South Australian Adult Safeguarding Unit Annual Report* (Report, July 2021).