

# MEDIA RELEASE

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## ACT legislation to protect vulnerable Canberrans

Carers ACT and Carers Australia support legislation to protect aged people and people with disability against abuse. However, immediate referral of those suspected of abuse to the criminal justice system is in many cases neither an appropriate nor effective approach to dealing with these circumstances.

“As far as family and friend carers are concerned, these people often take on substantial caring responsibilities out of love and concern for the people they care for, often at a cost to their own financial future and health and wellbeing. Such motivations do not lend themselves to perpetrating abuse,” said Lisa Kelly CEO of Carers ACT.

“We do acknowledge that there are cases where carers abuse or financially exploit those they are caring for, although the evidence we are aware of indicates that this is not common. Moreover, often such behaviour arises through ignorance or is a by-product of the carer being subject to extraordinary stress over a very long period of time.”

Mary Reid, Interim CEO of Carers Australia, notes that Carers Australia has done a great deal of research into Elder Abuse.

“International research identifies that carer risk of committing abuse can be the result of experiencing a high level of emotional, financial, physical and psychological distress as a result of their caring role. However, this is considered to be an intensifying, but not a determining factor.

“Abuse and exploitation is most likely to occur where it is part of a historical or current family pattern of behaviour or, especially in the case of financial exploitation, where the carer has a substance abuse problem,” she said.

Ms Kelly notes that: “A carer who is assisting an older person with income and assets can be confronted by the complexities. They may not understand that they are technically breaching a financial duty of care in relation to the person they are caring for, especially in co-residency situations where the household income is shared. In such situations the family carer is not in the same position as a support worker who deliberately commits theft.”

Both Carers Australia and Carers ACT are of the view that invoking the criminal justice system in such circumstances is not necessarily an appropriate first port of call.



There is plenty of evidence to suggest that restorative justice models, such as victim-offender mediation, can play an important role where the person who feels abused or exploited is reluctant to engage with the criminal justice system. They may also assist the family to understand why the abuse occurred, and prevent it in the future. Importantly, such mediations can also result in the perpetrator being referred to services which better help them to address the causes of their behaviour, alleviating their level of stress, and can inform them of their obligations and how to manage them.

These services also play an important role in identifying the most appropriate way to proceed when abuse is identified, such as police intervention, legal assistance, or reporting to an adult guardian where the client lacks capacity.

We hope that this new legislation does not override other effective interventions for protecting vulnerable people in the community.

**For media enquiries to Carers Australia please contact Samara McCann on 0428 948 415.**

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Carers Australia is the national peak body for Carers. Our vision is an Australia that values and supports the contribution that carers make, both to the people they care for and to the community as a whole.