

12 November, 2024

Dear Senator,

Older Australians need your urgent help to prevent new Guardianship systems from taking over their lives!

I am seeking your urgent support for older Tasmanians, and hundreds of thousands of older Australians, who risk being stripped of the basic dignity to decide about their own lives and care under the Aged Care Bill 2024 (the **Bill**).

Against the ongoing and deep shame of a Royal Commission that laid painfully bare the shocking tales of neglect happening out of sight and out of mind to older people around Australia, there is another tale of shame lurking in our guardianship and administration systems. A tale we risk perpetrating against the very same older people the Bill is trying to do better by.

For years, we have fought hard to share the stories of everyday Tasmanians who have had their lives destroyed by these systems. We have shared the deep suffering of people being imprisoned and gagged even speaking about their own lives. Of people being treated as less than human. Of people committing no crime and being locked away to rot, without anyone caring enough to even talk to them first.

There are now stronger laws in place in Tasmania, that seek to learn from the harms these systems have caused. Tasmanian laws now seek to make these systems of absolute last resort and pave the way for further change to happen. We have a long way to go, but we are now heading in the right direction.

This Bill risks undoing so many of the hard-won protections people now have in Tasmania to live with agency, dignity and choice in their own lives. It does this by recreating a new guardianship system that has the power to control and dominate older people's lives. Only this new system has none of the actual protections existing state-based guardianship systems have.

Under the Bill, there are no true checks and balances, no clear legal tests of decision-making ability or exceptional circumstances, no accessible review pathways, no enforceable obligations and no natural justice. The Bill calls those given decision-making authority over older people 'supporters'. But supporters are someone you choose for yourself, who help you build and assert your dignity and agency in your own life. A supporter is not someone a government authority, without any real accountability, gives legal power over your life to.

The Bill further erodes rights to make choices in advance that are entrenched in Advance Care Directives across the country. It also adds another person who can claim to be the "authorised decision-maker" when already covered by State legislation. There is already confusion on the ground, and this will make it so much worse. It is older people across the country who will suffer for it.

Alongside this incredibly concerning new guardianship system the Bill is seeking to create, the Bill also gives complete immunity to aged care providers who use restrictive practices against older people, as long as they comply with unspecified regulations. This is horrifying. We hear day in and out through our

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advocacy work people talking about the restrictive practices they are subjected to. Only they don't call them restrictive practices. They call them abuse.

In our aged care system, a system marred by an overwhelming amount of neglect and suffering, people are continually being subjected to restrictive practices – as a means of control, discipline, convenience and retaliation by providers. We see this constantly through our work. It is dehumanising, indefensible, and a complete failure to see people using these systems as individuals - with choice, agency and rights.

I urge you to listen to people's stories of restrictive practices littered throughout the Royal Commissions into both our aged care system and into abuses of people with disabilities, learn from their suffering, and change these draft laws. Restrictive practices are at odds with our international human rights obligations. They strip people of dignity and occur in a system of violence, coercion and control. They are a system that needs to be called what it is, abusive, and eliminated. The last thing they need is to be normalised and hidden away again out of sight, with the systems perpetrating them given legal protection.

I am seeking your urgent support to move amendments to the Bill to give real choice and power to older people about the services they are accessing. The Bill needs to live up to what it says in its objects - of providing a forward-looking aged care system designed to uphold rights and assist individuals to live active, self-determined and meaningful lives.

Specifically, I am asking you and your party to move amendments that:

1. remove all aspects of **Part 4 — Supporters** that provide for a System Governor to appoint someone else to have decision-making authority over older people; and
2. remove **Section 163 - Immunity from civil or criminal liability in relation to the use of a restrictive practice in certain circumstances** in its entirety.

We need a system that learns from the mistakes we keep making and stops treating older people as objects purely in need of protection, without rights and agency. A system that stops trading away people's freedom and choices for the convenience of others. A system that stops masking and justifying abuses with fancy language and legal immunity.

Older people need a transformative change in our aged care systems. They do not need more of the same, or for their protections to go backwards from hard-won progress in states. We must do better. We must learn from the suffering these systems have caused, instead of repeating the same failures that caused the suffering in the first place.

I urge you to meet with me and engage with this issue. Please read the myriad of experiences of suffering and systems failure laid out in both recent Royal Commissions around guardianship and abusive restrictive practices. Read the stories we have shared online on [our Facebook](#). Then please, move amendments that remove new systems of violence, coercion and control over older people, before they are created and start actively causing more harm and suffering.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Leanne Groombridge', with a stylized flourish at the end.

Leanne Groombridge
CEO