



Submission No. 70.1

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PUBLIC ADVOCATE

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BY: LACA

Committee Secretary
House of Representatives Standing Committee on
Legal and Constitutional Affairs
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary,

Inquiry into Older People and the Law
Addendum to submission of the Public Advocate of Victoria

I refer to section 6.3 of my submission to the Inquiry into Older People and the Law in which I discussed the need for organisations, such as Centrelink and Veterans' Affairs, to work with the guardianship and administration system managed by State tribunals to respond to allegations of financial abuse of older persons.

My attention has been drawn to section 207 of the Social Security (Administration) Act 1999 as an example of the need for legislative reform –

An officer must not, except for the purposes of the social security law or the *Farm Household Support Act 1992*, be required:

- (a) to produce any document in his or her possession; or
 - (b) to disclose any matter or thing of which he or she had notice; because of the performance or exercise of his or her duties, functions or powers under the social security law or the *Farm Household Support Act 1992*, to:
 - (c) a court; or
 - (d) a tribunal; or
 - (e) an authority; or
 - (f) a person;
- having power to require the production of documents or the answering of questions.

This provision fails to acknowledge the important role of judicial and quasi-judicial bodies to prevent abuse. The provision should be amended to ensure that the work of guardianship and administration bodies (be they courts, tribunals, investigators, guardians or administrators) are not impeded from obtaining factual material upon which to evaluate whether a person is being abused.

Yours faithfully,

Julian Gardner
Public Advocate of Victoria

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