

ADDITIONAL COMMENTS BY LABOR SENATORS

While Labor Senators support the recommendations of the report, they do not agree that the whistleblower protections outlined in the Bill should be limited to only those who report the sexual or physical assault of residents of aged care. As noted in the Aged Care Crisis Team's submission, whistleblowers are 'only protected if they report reportable offences.' However there are many aspects to potential elder abuse which were highlighted in the Health Services Union submission:

The legislative amendments before Parliament, though largely positive, are limited and do not address many aspects of abuse of older persons, particularly in regards to prevention.

A guidance list on elder abuse issued by the Department of Health in the UK in 2000 identified six main forms of abuse: physical abuse, sexual abuse, psychological abuse, financial or material abuse, neglect and acts of omission and discriminatory abuse. Thus, abuse of older people has many different dimensions.

In the Quality and equity in aged care inquiry in 2005, the Committee recommended the 'Commonwealth examine the feasibility of introducing whistleblower legislation to provide protection for people, especially staff of aged care facilities, disclosing allegations of inadequate standards of care or other deficiencies in aged care facilities'. Labor Senators note that the Government has still not responded to this recommendation.

Labor Senators recommend that the whistleblower protections in the Bill be extended to include all forms of potential abuse of elderly people in residential aged care. This extension should include deficiencies in nutrition, hydration, hygiene, verbal and emotional abuse or financial fraud as well as any other instances of inadequate care.

It is in the interests of residents of aged care facilities and the broader Australian community for whistleblowers to be able to report not only reportable assaults but also to be able raise quality of care issues without fear of victimisation, reprisal and termination of employment.

Recommendation:

That the Bill be amended to afford whistleblower protection to people who report, on reasonable grounds, any form of abuse or neglect in residential aged care.

Senator Claire Moore
ALP, Queensland

Senator Carol Brown
ALP, Tasmania

Senator Helen Polley
ALP, Tasmania

Senator Jan McLucas
ALP, Queensland