

9 December 2021

Legislative Services
Attorney-General's Department
GPO Box 464
Adelaide SA 5001
LLPSubmissions@sa.gov.au

Consultation on the proposed Powers of Attorney Bill 2021

The Australian Banking Association (**ABA**) welcomes the opportunity to provide a submission to the proposed Powers of Attorney Bill 2021. The banking industry is committed to working with government and stakeholders to develop workable and effective strategies and policy solutions to help older Australians to protect themselves from financial abuse.

The ABA and banks have advocated for introduction of the recommendations from the Australian Law Reform Commission (**ALRC**) inquiry into elder abuse¹ as follows:

- National harmonisation of the laws governing enduring powers of attorney (including financial, medical, and personal)
- Establish a national register of power of attorney instruments, and
- Designate a body to receive and investigate reports on suspected cases of abuse in each state and territory jurisdiction. While some states have systems in place, there is no uniform approach to reporting suspected financial abuse and the abuse is not investigated or acted upon.

While the ABA acknowledges the proposed amendments to the South Australian Act include additional safeguarding provisions to help prevent financial abuse, we maintain that national harmonisation of laws governing enduring powers of attorney is a more effective to reduce financial elder abuse involving enduring powers of attorney. We urge the South Australian Government to support the harmonisation of enduring powers of attorney and a national register of instruments being considered by the Meeting of Attorneys-General.

We support the Government undertaking a broad awareness campaign to improve understanding of the purpose and use of powers of attorneys, including giving clear guidance to attorney(s) about their duties and obligations and explanatory information for organisations acting on the instruments.

Yours sincerely,



Amanda Pullinger
Policy Director

¹ [Australian Law Reform Commission's 2017 report: Elder Abuse: A National Legal Response \(ALRC Report 131\)](#)