

MEDIA RELEASE

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ARAS warns new Health and Wellbeing Bill puts older South Australians at risk

Aged Rights Advocacy Service (ARAS) is calling on the South Australian Government to urgently amend the Statutes Amendment (Health and Wellbeing) Bill 2025, warning it will strip away vital protections for older people and expose them to greater risk of abuse, unsafe decisions and loss of independence.

ARAS Chief Executive Carolanne Barkla said the Bill gives Substitute Decision-Makers (SDMs) and guardians unprecedented power to override the wishes of older people, including the ability to place them into residential aged care or authorise their detention for transport.

“These reforms take South Australia backwards to a time when older people could be moved into aged care against their wishes. That is unacceptable in a modern, rights-based system.”

Under the Bill, an SDM—often a family member—could decide that an older person must enter aged care after a hospital stay, even if they express a clear preference to return home with supports. These decisions could be made without any independent Tribunal review, with oversight occurring only months later.

“A delayed review cannot undo the trauma of being detained, restrained or placed into aged care unnecessarily. Once an older person loses their home or independence, the consequences are often irreversible.”

ARAS warns the Bill also heightens the risk of financial elder abuse. Family members are consistently the most common alleged abusers in South Australia, and SDMs may have financial motives for pushing an older person into aged care, including access to property or assets.

“Without checks and balances, older people may find themselves in aged care not because it is needed, but because it is convenient or financially beneficial for others.”

The Bill also contradicts national aged care reforms that emphasise autonomy, supported decision-making and human rights. ARAS is deeply concerned that key organisations—along with older people themselves—were not consulted before the Bill was drafted.

“Older people deserve to be treated as human beings with rights, not as bed-management problems to be moved out of the way. Consultation is not optional when laws have life-changing consequences.”

Ms Barkla emphasised that ARAS will continue advocating strongly now that the legislative amendments have passed.

“ARAS recognises the legislative amendments have now passed and we accept that responsibility to work with older people and government to monitor any unintended consequences. We will continue to monitor those impacts on older people, work collaboratively, and ensure that older people’s rights are upheld.”

ARAS is urging the Government to ensure independent oversight before any detention or aged care placement, allow older people to protect themselves through their Advance Care Directive, and engage directly with older people and their advocates.

“Older South Australians deserve laws that protect, not erode, their dignity, safety and choice. We urge the Government to rethink this Bill and work with us to safeguard the rights of older people.”

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