



ATSILS
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25th February 2025

Mr Tom Browne
Director
Protecting the Rights of Older Australians Section
Attorney-General's Department
Australian Government

By email: nationalplan@ag.gov.au

Dear Mr Browne,

Re: Public Consultation Draft of the National Plan to End the Abuse and Mistreatment of Older People 2024 - 2034

Thank you for the opportunity to provide comments on the Public Consultation Draft of the National Plan to End the Abuse and Mistreatment of Older People 2024 - 2034 (**Draft National Plan**). ATSILS strongly supports the Draft National Plan.

Preliminary consideration: Our background to comment

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (**ATSILS**), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil (including, child protection and domestic violence) and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

ATSILS is also a member of QATSIC (the Queensland and Torres Strait Islander Coalition) and a member of the Coalition of Peaks. Both coalitions were formed to work in partnership with all three levels of government under the National Agreement for Closing the Gap. Other members of QATSIC include: the Queensland Aboriginal and Islander Health Council (**QHAIC**); the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (**QATSICPP**); and the Queensland Indigenous Family Violence Legal Service (**QIFVLS**).

Comments on the Draft National Plan

ATSILS strongly supports the Draft National Plan and, in particular, the following aspects therein:

- express acknowledgement of the particular and unique experience that First Nations older peoples might have in the context of abuse and mistreatment of older peoples, including in consideration of intergenerational trauma, the impact of socio-economic disadvantage, health and disability, remoteness and isolation, intersectional factors and unique cultural considerations, including living in multigenerational households and the impact of kinship and community obligations;
- express acknowledgement of particular barriers that older First Nations persons might experience to seeking support, including, for example, the limited services in rural, regional and remote communities;
- express recognition of the government's commitments under the National Agreement on Closing the Gap (**NACTG**) including with respect to the self-determination of First Nations peoples, the need for input from First Nations peoples and co-design with (as distinct from consultation with) First Nations people on solutions and the need to invest in stronger partnerships with First Nations peoples in doing the same;

- recognition that community-controlled organisations are best positioned to deliver culturally competent and responsive services for older First Nations people;
- express acknowledgement of the importance of resourcing First Nations communities to design and deliver place-based solutions, enabled with the same access to relevant data and information that governments have access to;
- express acknowledgement of the need for better cultural competency in mainstream institutions;
- the level of accountability and reporting associated with the implementation of the 2 x 5-year action plans which will follow the Draft National Plan once finalised;
- embedding of a human rights approach to preventing and responding to the abuse and mistreatment of older people including with respect to the United Nations Principles for Older Persons and the United Nations Declaration on the Rights of Indigenous Peoples; and
- the express reference to the importance of Health Justice Partnerships and their role in removing barriers to those that might wish to seek legal assistance in a health/wellbeing context.

We have one minor additional comment with respect to the Draft National Plan. On page 26, under the heading “Proposed solutions and guiding principles”, at the 3rd dot point, the reference to “Aboriginal Community Controlled Organisations” should be amended to read “Aboriginal and/or Torres Strait Islander Community-Controlled organisations”.

We thank you for the opportunity to provide feedback on the Draft National Plan.

Yours faithfully,

Shane Duffy
Chief Executive Officer