

Ageing and Adult Safeguarding (Review Recommendations) Amendment Act 2025

Information sheet

The Parliament of South Australia has passed the Ageing and Adult Safeguarding (Review Recommendations) Amendment Act 2025 (the Amendment Act).

The Amendment Act amends the Ageing and Adult Safeguarding Act 1995 (the AAS Act) to respond to recommendations of an independent statutory review and to support the effective operation of the AAS Act.

This information sheet provides an overview of key amendments and the planned timeline for reform.

Why is the Ageing and Adult Safeguarding Act 1995 being amended?

The 1995 Act established the Office for Ageing Well (formerly the Office for the Ageing), which has responsibility for leading the Government of South Australia's commitment to support all South Australians to age well and to remain active and engaged in the community.

Important amendments were made to the AAS Act in 2018 and commenced in 2019. These amendments introduced the Adult Safeguarding Unit, which was the first of its kind in Australia. Other key changes included updating the title of the Office and introducing a *Charter of the Rights and Freedoms of Vulnerable Adults*.

The 2018 amendments also included a provision for the operation of the AAS Act to be reviewed within three years. An independent statutory review of the AAS Act was conducted by the South Australian Law Reform Institute (SALRI) and tabled in State Parliament on 1 November 2022.

Many of the review recommendations require amendments to the AAS Act. The Amendment Act updates the AAS Act to respond to these recommendations.

The Amendment Act also includes additional amendments to support the effective operation and administration of Office for Ageing Well and the Adult Safeguarding Unit.

What are the key changes that respond to the review recommendations?

In response to review recommendations, the Amendment Act updates the AAS Act to:

- modernise and update the objectives and functions of Office for Ageing Well to reflect the Office's current work and community expectations
- make clear that safeguarding is the primary purpose of the Adult Safeguarding Unit
- define safeguarding and increase flexibility within the AAS Act to better reflect the role of the Unit, including expressly providing that the Unit can take safeguarding actions at any time after an assessment has commenced (where appropriate)
- define key terms, including 'relevant adult', 'abuse', 'consent', 'serious abuse', 'serious financial abuse' and 'serious criminal offence'
- make clear the circumstances in which an investigation may be undertaken and the information relating to an investigation that must be recorded
- include an explicit power that the Unit may refer a matter to South Australia Police at any time following receipt of a report
- enable assessment outcome information to be shared with people who make reports to the Unit if it is safe, practicable, appropriate and in line with the principles of the AAS Act
- ensure information about the identity of people who make reports is kept confidential
- provide greater clarity about the review process for people who are aggrieved by a decision made by the Unit
- confer the roles and powers presently found in sections 31 to 37 of the AAS Act upon the South Australian Civil and Administrative Tribunal (SACAT) instead of the Magistrates Court
- broaden the parties who are eligible to apply to SACAT for an order, and
- provide for the amendments to be reviewed in five years' time.

What else is changing?

The Amendment Act incorporates some additional updates that were not considered by the independent review but support the effective operation and administration of Office

for Ageing Well and the Adult Safeguarding Unit. Some of these updates were informed by feedback provided by stakeholders during targeted consultation on a draft Bill.

The additional amendments:

- refer to the relevant United Nations instruments that underpin the work of Office for Ageing Well and the Adult Safeguarding Unit
- acknowledge that the whole community plays a crucial role in supporting relevant adults to uphold their rights and live free from abuse
- make structural amendments to the AAS Act, including to better align with the sequential order in which the service delivery of the Unit occurs once the Unit receives a report and to group all authorised officer powers together in one division
- empower Adult Safeguarding Unit authorised officers to exercise their powers and functions when they are necessary to safeguard a person from suspected abuse
- strengthen the provisions of the AAS Act that relate to information-sharing and gathering
- clarify administrative arrangements under the AAS Act, such as powers of delegation
- include relevant consequential amendments.

What are the next steps?

A commencement date for the new laws is yet to be set.

Before the new laws can commence, it is necessary to draft supporting regulations, and update the Adult Safeguarding Unit Code of Practice and Adult Safeguarding Charter of Rights and Freedoms (previously called the Charter of Rights and Freedoms of Vulnerable Adults).

Further information about the commencement date for the Amendment Act will be provided in due course.

For more information

For more information, go to: <https://dhs.sa.gov.au/how-we-help/ageing-well/ageing-well-strategy-for-south-australians/office-for-ageing-well>

To download a copy of the *Ageing and Adult Safeguarding (Review Recommendations) Amendment Act 2025* go to:

[https://www.legislation.sa.gov.au/lz?path=/v/a/2025/ageing%20and%20adult%20safeguarding%20\(review%20recommendations\)%20amendment%20act%202025_38](https://www.legislation.sa.gov.au/lz?path=/v/a/2025/ageing%20and%20adult%20safeguarding%20(review%20recommendations)%20amendment%20act%202025_38)