

*Select Committee into Elder Abuse — Final Report —
“‘I Never Thought It Would Happen to Me’: When Trust Is Broken” — Motion*

Resumed from 12 August on the following motion moved by Hon Nick Goiran —

That the report be noted.

Hon ALISON XAMON: I rise because once again I would like to make some comments about this very important report “‘I Never Thought It Would Happen to Me’: When Trust Is Broken”, by the Select Committee into Elder Abuse, which I was fortunate enough to be deputy chair of. I have to say that, so many years after this report was tabled, I am incredibly disappointed that this government has simply not taken the issue of elder abuse review seriously. The report quite clearly outlined that a number of steps needed to occur. It was very disappointing to receive the government response to the report in the first instance. It effectively gave very little commitment to address the range of recommendations outlined in the report. To see that this has not been given any sort of priority by this government in any sort of meaningful way as we start to enter the closing stages of the fortieth Parliament is deeply distressing, particularly because we know that the rate of elder abuse, as outlined extensively in the report, is on the increase. In fact, I was very disturbed to hear concerns raised about how the rate of elder abuse has potentially increased in the context of COVID-19 lockdowns, in a similar way to how family and domestic violence has unfortunately increased as people have become increasingly distressed. One of the reasons for that, of course, is that, as outlined in the report, as people start to experience financial pressures, there is unfortunately a correlating increase in financial elder abuse being committed, with people feeling as though money that is ostensibly their parents’ is somehow theirs to take and the issue of what is termed “inheritance impatience” becomes very real.

This government could and should have done some very tangible things in order to address the appalling rates of elder abuse that we know exists in our community. The very recent feedback I have had from service providers such as Advocate Incorporated is that they feel the pressure they are under is as great as it ever has been, and there has been a complete failure to invest in things such as community campaigns to raise the issue of elder abuse.

One of the particularly disturbing things that came out of this report is the normalising of elder abuse—the fact that so many people in the community just do not recognise that the behaviours they undertake constitute abuse. People tell themselves that somehow what they are doing is in the realms of acceptable behaviour when in actual fact it is not. We need targeted campaigns for the early intervention and prevention of elder abuse, but they have not been invested in or undertaken as a matter of priority in any meaningful way by this government. I am very concerned that this area has not received the sort of attention that it absolutely requires.

I also want to express my ongoing frustration with the lack of progress about the way we are dealing with enduring power of attorney and enduring power of guardianship, and I am sure that others in this chamber will have more to say about this as well. Throughout this report there are a lot of recommendations about how we need to ensure that there is some sort of central registry for how EPAs and EPGs are managed. We found that there was a complete devolving of responsibility by the state government of this to the federal government, with the state government saying that it was too hard and that it would not bother looking at any central regime until the federal government did something. I am also frustrated that the federal government has not progressed this in any meaningful way so many years later, yet the need for the state government to step up in this space has never been lessened. Much time has passed and the government has had every opportunity to do something meaningful in this space, but instead all we have in the government response to the recommendations is a series of platitudes. There is just lots of in-principle agreeing with the recommendations, but a whole bunch of reasons for why nothing can be done in this space.

We could be doing better than this and we should be doing better than this. Older Western Australians deserve to be treated with a higher level of priority than this government has chosen to use. Instead, the mechanisms by which people can gain recourse have not been meaningfully assisted. There has not been more easily facilitated access to the State Administrative Tribunal for older people. There has been some commitment to increasing some legal services via Legal Aid, but that by no means touches the sides of what we know to be a huge demand for community legal services statewide for older people to be able to access information and have tailored services so they can know their rights and easily access services. I am extraordinarily disappointed that this government has chosen to fail our older people.

I also want to say how frustrating it is that the recommendations to improve the way that police can respond to concerns about elder abuse have not been progressed in any meaningful way. One of the recommendations was that specialist elder abuse units be created in the Western Australia Police Force. This idea did not come out of nowhere; it is replicated on a model that exists in other states. Yet, I note with disappointment that there has been no progress on this. This is the sort of easy and important reform that could occur if the political motivation was there to make it happen. Instead, we have not seen any serious consideration given to how such a matter could be progressed.

I do not want to hear about how nothing can be progressed because of COVID-19. That is just the worst type of buck-passing. This report has been here for years, there has been an opportunity to address this issue for years, yet

there has been absolutely no progress whatsoever. People can stand up and say, “Don’t you understand, we have had a pandemic?” Yes, I do understand. I live in this community as much as everybody else; I am really not interested in hearing that. When I hear people say that now, all I hear is, “I am looking for any excuse to justify why we have made absolutely no progress in this space whatsoever.” In this state we need to be able to walk and chew gum at the same time, and I do not think it is mutually exclusive to address the crisis of the pandemic—and every single one of us has been pulling up our socks to try to address it—and also make sure that our older vulnerable Western Australians are receiving the necessary support for and protection from elder abuse that they deserve.

Again, I am really disappointed that as we draw to the close of the fortieth Parliament, this government has shown such disdain for addressing elder abuse. What a lost opportunity. There are a lot of recommendations in this report that should and could have been enacted, but instead we have just seen pretty much indifference about how this quite wicked issue is addressed and tackled.

Hon Dr SALLY TALBOT: I recognise that at this juncture I have only a very short time in which to speak about the final report of the Select Committee into Elder Abuse, and I am a little unclear about whether this debate will come back on again in a few weeks.

The CHAIR: Just to clarify, of course you will have the option to seek the call on other occasions as well. Temporary order 4 will apply shortly, unfortunately, and the report will find its way onto the notice paper in accordance with that temporary order for another go on another occasion.

Hon Dr SALLY TALBOT: Indeed, and I shall wait patiently for it to re-emerge at the top.

The CHAIR: You are at the top of the list, yes.

Hon Dr SALLY TALBOT: Thank you, Mr Chair, for your patient explanation.

This is a very powerful report, and I pay tribute to the members who devoted, I think, about a year of their lives to putting the report together. I know what it takes to do a report like this, having done several myself. It is a good report.

I do not respond to the report in the way that Hon Alison Xamon has just done. She will not be surprised to hear me take issue with the extremely negative spin that she has put on the couple of years since the report was tabled in this place. I think it is now about a year since the government tabled its response, or it might have been the end of last year.

Hon Nick Goiran: It was November 2018.

Hon Dr SALLY TALBOT: Every recommendation in the report was accepted by the government either in full or in principle, bar one, which is the one that I will talk about when I have time to do so. It is a nonsense to say that the government has been in any sense derelict in its duty to respond to the committee’s recommendations. Just because Hon Alison Xamon says it is so does not mean it is true. A whole lot of ministers are deeply engaged with implementing these recommendations.

Having said that, I have a great deal of sympathy for the service providers in this area. Hon Alison Xamon and some other members of this chamber are now trying to spin COVID out of the picture and say that anyone who raises COVID now is just making an excuse for their inaction. That is simply not true. The community sector and particularly groups like Advocare, which is directly involved in the sector with which this report is concerned, are under an extraordinary amount of pressure. Anything that the government can do to relieve some of that pressure is welcomed. We all know from our very busy lives that most members of the community do not understand what takes place in the background for us as members of Parliament, members of committees and local representatives of the state government. People might not be aware of the enormous amount of work that is going on. I am sure that plenty of ministers would be happy to provide briefings for people who are frustrated by what they perceive to be slow progress in the implementation of some of these recommendations. I will leave it at that for now, suffice to say that every recommendation, bar one, was accepted either in full or in principle when the government tabled its response.

Before I go to the substantive issue that I want to raise, I want to pay tribute to the committee for having looked at the issue of elder abuse and LGBTI rights. The committee did quite a good job. It devoted only a couple of pages to this issue; nevertheless, in a previous era this would not have been seen to be an issue at all.

Hon Alison Xamon interjected.

Hon Dr SALLY TALBOT: I certainly do. As Hon Alison Xamon has just noted, I want to acknowledge the work of GLBTI Rights in Ageing Inc. I have had a bit to do with that group in the past. GRAI has done a very fine job of raising the awareness of parliamentarians and the wider community about the particular issues that face LGBTI people as they age. The enumeration of those issues in these couple of pages of the report serves well to lay a template for future inquiries of this nature to look at. Great tribute is due to GRAI for the submissions that it made. I think it also attended hearings with the committee and talked to its submissions.

People who are part of the LGBTI community often feel sidelined by mainstream debate on issues such as elder abuse. Many of them included their families in discussions about their relationship only late in life. It often takes an enormous toll if a person discloses to their family late in life and finds they have lost their family's support. It comes particularly hard at whatever stage of life that may happen, but for an older person who might also be facing declining health, that is a terrible thing to happen. There is often also a lack of assistance and understanding by institutions about what these people are going through. The common observation of many of my friends is that even a separation that a member of the LGBTI community undergoes is not acknowledged in the same way as the separation of a person who was in a heterosexual relationship. That is because people do not see it. People are blind to it. If we transpose that observation, which I think is now fairly commonplace, into the area of elder abuse, we can see that there is a kind of double-silencing of an LGBTI person who is experiencing elder abuse, or wants to intervene on behalf of a friend or relative.

I come now to the final tragedy that is often visited on the LGBTI community. I am glad to see that the committee has specifically discussed this under the heading "Posthumous abuse". That is when a person's loved ones are effectively erased from the history of that person at the point of death. That is truly shocking and must surely constitute one of the ultimate examples of elder abuse.

In the couple of minutes that remain to me, I want to go to the one recommendation that was not accepted by the government.

The CHAIR: The question is that the report be noted. I note that the time has now expired.

Hon Dr SALLY TALBOT: I thought, Mr Chair, that you might have been so captivated by my remarks that you would allow me to continue.

The CHAIR: I was.

Hon Dr SALLY TALBOT: I look forward to continuing my remarks at a future stage.

The CHAIR: I do, too, but if we were to suspend standing orders to allow you to do that, I would have to report to the chamber and get its permission, and that is probably a bit much for now. Temporary order 4 again applies and the consideration of that report is interrupted, as it was on 10 October 2018; 13 February last year, 3 April last year, 8 May last year, 14 August last year, 25 September last year and 11 March this year. That matter now stands adjourned under temporary order 4.

Consideration of report postponed, pursuant to standing orders.