



**Northern Suburbs
Community**

Legal Centre Inc.



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Hon. Nick Goiran MLC
Chairperson
Select Committee into Elder Abuse
Parliament House
4 Harvest Terrace
West Perth WA. 6005

Dear Mr Goiran

Inquiry into Elder Abuse hearing on 19 March 2018 – supplementary questions

I refer to your correspondence of the 21 March 2018 with regard to additional information required by the Select Committee from Northern Suburbs Community Legal Centre Inc.

We thank you for the opportunity to firstly address the Select Committee, and secondly for the opportunity to answer the requested information.

Question 1: *Refers to our submission (at Page 19) on the gendered nature of financial elder abuse, in that male clients are more likely to suffer from financial and emotional elder abuse, whereas female clients are the largest group of financial abuse victims.*

As stated in page 19 of our submission, the majority of our clients are older women affected by financial abuse. We qualify that statement by adding that financial abuse does not occur in isolation and our older female clients suffer a significant level of emotional abuse from their perpetrator, who is often a child or grandchild. In comparison, our anecdotal evidence shows that the perpetrators who financially and emotionally abusing our older male clients are often younger women, who have befriended, partnered or married the older male clients.

Question 2: *Refers to our submission and the higher risk of elder abuse that is faced by: (a) CaLD elders and (b) women*

It is our experience that CaLD women are at a higher risk of elder abuse (as they are to family violence) due to a number of factors including social isolation and increased vulnerability, cultural practices and attitudes, language difficulties, immigration status, complex family structures in some cultural groups, and fear of community rejection if the women disclose abuse. Overriding all of these factors in some refugee communities is illiteracy or lack of formal education and a poor understanding of the western law system.

For instance, a cultural or traditional belief entrenched in many communities, is that children must look after their elders and so, cultural practices may conflict with the western legal systems. One good example is that household financial decisions (as with guardianship decisions) may be governed by informal cultural practices in conflict with the legal functions under enduring powers. If children of migrants do not follow or respect the established traditions, the result may be a generational cultural conflict, or elder abuse.

A further factor affecting some CaLD women is the complexity of the family finances. In some communities, family finances are intertwined, and it is very difficult to establish ownership of funds or property when there is family breakdown.

Seeking help for CaLD women may also pose a barrier, in that our services systems are complex and require some skill to negotiate them without assistance. Older CaLD woman may also face issues of mistrust with some interpreters, particularly when they live in smaller cultural communities.

In reference to isolation, as an agency, we have been addressing the problem of reaching out to isolated community members across a number of our programs. We currently provide family violence education to newly arrived migrants and humanitarian entrants almost immediately on arrival through partnerships with the Adult Migrant Education Program (AMEP) at TAFE and with Mercy Care, Edmund Rice Centre and with ISHAH Multi-Cultural Women's Centre.

Question 3: *Refers to our submission at pages (28 and 30) on the problem with informal family agreements and how they can lead to elder abuse – how would we address this problem through law reform?*

As stated in our discussion with the Committee, we believe that Elder Justice Legislation giving jurisdiction to a specialised division of the State Administrative Tribunal ('SAT') to hear family accommodation and care issues will go a long way to ensuring an expensive and speedy resolution of what is often a complex matter.

In addition the Elder Justice legislation would mandate a standard/or pro forma family agreement form to be completed for all parties intending to

enter into a family agreement, and that the document be registered with other documents such as SAT orders and enduring documents at a place to be identified by government.

Government agencies such as Centrelink should have accessible copies of the pro forma family agreement and request that their age pensioner clients seek financial advice from the Financial Information Service, and legal advice from Legal Aid or Community Legal Centres, on the risks of entering into financial arrangements with family members, carers or friends.

Question 4: *Refers to age discrimination in Western Australia and in our experience how does this interact with the WA Criminal Code?*

The Equal Opportunities Act of Western Australia ('Act') defines age discrimination as:

Direct age discrimination that occurs, when a person is treated unfairly because of their age, or the age of a relative or associate, compared to another person of a different age in the same or similar circumstances.

Indirect age discrimination is when a requirement, condition or practice that is the same to everyone has an unfair effect on someone of a particular age, and is unreasonable in the circumstances.

The Act does not make discrimination unlawful, and there is no provision in the Criminal Code for discrimination on the grounds of 'age'. However, if a crime is committed against an older person, it is often attracts a higher penalty.

OPRS agrees that any crime against an older person should be considered an aggravated crime, attracting a higher penalty. In addition, OPRS firmly believes that breaches by Enduring Attorneys should to be recognised as specific crimes under the Criminal Code.

Question 5: *Refers to the Women's Resource and Engagement Network (WREN) and its role in the context of women experiencing elder abuse.*

WREN is a Specialist Family Violence unit and Health Justice Partnership (SDVU/HJ) funded by the Commonwealth Government to provide 'wrap around' services to women escaping family violence through the SPV, and to provide education to medical practitioners and support to victims of family violence identified by medical and related practitioners through the Health Justice partnership.

OPRS is a specialist legal advice and advocacy service for older people who are at risk of elder abuse.

Although both units provide wrap around services and both units specialise in the mistreatment of individuals they are, in terms of work practices, significantly different due to the nature and age of their clients.

If a medical practitioner at the hospital raises concerns about a woman who may be the victim of elder abuse, the first action by WREN would be to refer the woman directly to the OPRS. Having said that, often the WREN social worker will work cooperatively with the Nurse Advocate at OPRS and with staff at the hospital to make sure that immediate concerns are addressed. For example, a family member might be coercing an older woman into sign documents providing the family member with access to her bank accounts.

Staff at the hospital have articulated that there is a need for a model of referral and service delivery similar to WREN for older people at risk.

In terms of education, WREN is accredited by the Royal Australian College of General Practitioners to provide education to medical staff and general practitioners in Western Australia and does so through "Lunch and Learn" sessions at the hospital and at medical centres. It is not a long bow to see that Elder Abuse education could be adapted within this framework to deliver to medical professionals, as well as to private lawyers.

Question 6: *Refers to the target audience for the Northern Suburbs Community Legal Centre YouTube channel (at page 47 of the submission) and whether there is feedback that older people are watching the videos?*

The NSCLC YouTube channel is a generalist channel with videos depicting a number of issues affecting clients and community members. For example, there are videos on family violence, getting a Driver's Licence, Fines, and Debts etc. There is also a number of videos discussing the risks associated with older abuse.

The Elder Abuse training video has 2300 views including 1719 views on Enduring Powers of Attorney and Elder abuse, 496 views on Violence Restraining Orders. The videos are also utilised in training materials and for the training of Older People's Peer Education Scheme (OPPES) volunteers.

An Analytical search of YouTube suggests that 45% of the traffic on the channel are through YouTube searches, 22% are by suggested videos, 19% external and 14% other.

The question of whether the videos are reaching a targeted audience of older people is something we are intending to address through a review of our marketing strategies and as such are liaising with the ECU School of Business and Law to engage marketing undergraduates to assist in this process.

Question 7: *Refers to the role of volunteers (at page 48) in new proposals or initiatives to address elder abuse and are there new proposals we may envisage involving volunteers*

Following the success of OPPEs and the number of retired professionals volunteering with the project, we have started to investigate the success (or otherwise) of a Financial Abuse Specialist Team (FAST) program and how that may be adapted into a community based volunteer program.

The Sonoma County Human Services is part of the Elder Justice Coalition in the USA and utilises skilled retired volunteers in a number of disciplines including Accounting, Estate/Financial Planners, Forensic Accounting, Bankers, and Insurance Experts in their FAST program to assist with assessing active and potential cases of elder financial abuse.

The role of the volunteers in the FAST program is to -

- Provide specialist advice and assistance to investigators
- Develop interventions designed to reduce instance of harm
- Assist with the creation of sustainable preventive programs
- Work with legislative groups to create and strengthen the laws available to protect the vulnerable adult population
- Work with the Sonoma County Elder Justice Coalition and other groups to provide training on elder abuse to the public and key professionals

The introduction of a similar program has been on the radar of OPRS for some time but limited funding has prevented us from researching and planning a model that would fit comfortably alongside the current legal and advocacy program at OPRS.

In a very limited capacity, we have already utilised the skills of a retired banker and psychologist, who are OPPEs volunteer, to assist with the assessment of a complicated financial abuse/possible fraud matter involving a number of loans and multiple transfers of funds.

In addition, a semi- retired Barrister, provides legal opinion and mentoring to the OPRS Solicitor on a monthly basis.

Question 8: *Refers to the Seniors At-Risk Register (as at 19 March 2018) and how long a "at risk" person may remain on the register?*

There are 219 people registered on the At-Risk Register, as at the 19 March 2018.

An 'at risk' person remains on the register until they enter into residential care, request removal, or OPRS is notified that they are deceased.

Four volunteers have telephone contact with 50 plus 'at risk' persons each week.

Clients and Personal Stories;

We have spoken to Irina Lobeto-Ortega regarding our clients appearing at a hearing, and to date, we have confirmed the attendance of a client in a family agreement matter.

Yours faithfully



Karen Merrin
Manager