

# SELECT COMMITTEE INTO ELDER ABUSE

## INQUIRY INTO ELDER ABUSE



TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 19 MARCH 2018

### SESSION TWO

#### Members

Hon Nick Goiran, MLC (Chair)  
Hon Alison Xamon, MLC (Deputy Chair)  
Hon Matthew Swinbourn, MLC  
Hon Tjorn Sibma, MLC

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**Hearing commenced at 11.06 am****Ms CAROLINE HANNINGTON****Senior Executive Officer, Women's Law Centre of Western Australia, sworn and examined:**

**The CHAIRMAN:** On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you whether you will take the oath or affirmation.

[Witness took the oath.]

**The CHAIRMAN:** You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**Ms HANNINGTON:** I have.

**The CHAIRMAN:** These proceedings are being recorded by Hansard and broadcast on the internet. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document that you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noise near them.

I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

At the outset, I would like to invite you to make an opening statement to the committee, should you wish to do so.

**Ms HANNINGTON:** Okay. I will just start by giving a brief overview of what we do at the Women's Law Centre of WA. We are a specialist community legal centre and we provide services for disadvantaged women throughout Western Australia. Predominantly, our services are in relation to victims of family and domestic violence and we do family law, care and protection matters, criminal injuries compensation that relates to injuries suffered as a result of family violence, and we help people with violence restraining orders.

We do not have a specific service for elder people, but we see a lot of them in the context of our family and domestic violence work and in some areas that I think are perhaps a bit out of the box and away from the sort of normal concepts of elder abuse. We also have a specific service for victims of family and domestic violence for Aboriginal women in the metropolitan area, called Djinda Services, where we assist those women in the same sorts of legal matters. We also have a service that we provide in conjunction with a couple of other community legal services for homeless women or women who are at risk of homelessness as a result of family and domestic violence. Really, our desire to enter this discussion is because we see the sort of elder abuse cases that we get coming through the door as very much part of the spectrum of family and domestic violence. Women, as we know, are very much more affected by and likely to be victims of family and domestic

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violence than men. So it is a gender-oriented response generally to that, and we believe that it should be also to elder abuse that is occurring within that context.

Having said that, we would very much like to expand our services to help women who are not necessarily victims of family and domestic violence as such, but with POAs who have suffered maybe carer abuse and other forms of violence. We just do not have the funding to do that at the moment, but we would like to move into that area because there are also more women affected across the board statistically by elder abuse and not just where it occurs in the context of family and domestic violence.

[11.10 am]

**The CHAIRMAN:** Where a perpetrator of elder abuse is not a family member, would it still be captured under your remit for domestic violence?

**Ms HANNINGTON:** If a victim comes in—we only look after victims. If a victim comes in to see us and they are seeking advice in one of the areas of law that we are funded to give advice on, then, yes, we can see them and we can help them.

**Hon ALISON XAMON:** If I could just elaborate on the Chair's question, if someone comes in, for example and they are experiencing financial abuse, but it is not necessarily their domestic partner—it may be a neighbour or something—are you unable to assist?

**Ms HANNINGTON:** That is a good question. It is more difficult for us to assist because generally we are working within the family and domestic violence parameters.

**Hon ALISON XAMON:** I am just confirming then that it needs to specifically pick up on that family violence component?

**Ms HANNINGTON:** We would try and bend the rules a bit to assist that person.

**Hon ALISON XAMON:** But you are not funded to do that?

**Ms HANNINGTON:** We are not specifically funded in that area, although, if the person was seeking a violence restraining order, and it is a neighbour who is abusing them, it is questionable. We just do not get many of those sorts of cases. They usually are family members that affect us, but we probably could bring that within the scope, I think, and I have a feeling that we have done in the past.

**The CHAIRMAN:** One of the tasks of the committee is to determine a definition of elder abuse for Western Australia. Is the Women's Law Centre of WA supportive of the definition recommended by the World Health Organization?

**Ms HANNINGTON:** Yes, we are. We agree that it should not be age-specific. We have a particular reason for saying that too, which I think was outlined in the submission that our principal solicitor prepared, in relation to Aboriginal woman and the meaning of elder being a bit different from what it is in our culture. Hence, we have 40-year-old grandmothers coming in to see us quite commonly—more commonly all the time—who are elders within their own culture but would not necessarily be within ours. So, yes, we think it is very important that there is not some sort of age-specific reference in the definition.

**The CHAIRMAN:** I will move to term of reference 2—the prevalence of elder abuse. Are you in a position to comment on some of the barriers to reporting elder abuse that you have witnessed with your clients?

**Ms HANNINGTON:** Perhaps if I could talk a bit about the sort of clients that are coming through that we see in relation to elder abuse, and then I can talk about the barriers facing those clients. The

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people we are seeing very often have been in a long-term situation of family and domestic violence and abuse. When I say family and domestic violence too, I am including financial abuse in that term. The violence restraining order legislation was expanded last year to include that you can apply for and get a family violence restraining order. The definitions under that were widened to be more like the definitions in the Family Law Act. Those include financial abuse among a number of other things, and abuse of pets and other things that were traditionally not there before when you went to get a violence restraining order.

Particularly with the Safe as Houses program, which is the one I told you about which assists homeless women who are victims, we are seeing quite a number of women, particularly from culturally and linguistically diverse backgrounds—I will refer to those as CALD women from now on—who have maybe been deprived of money by their partner for most of their lives. That is partly because it might be more of a cultural norm where they come from. They are now in Australia and they realise that is not how things should be here, so they come and see us because things have gotten very, very bad. It might be accompanied by physical violence as well.

It is not only CALD women, though. We believe that the incidence of economic abuse, of financial abuse, is very high in our culture. It is not uncommon for women to come and see us where basically the other party has done what they liked with the money and spent a lot of it, and the woman has very, very little to spend on herself and on the children. That might be accompanied by other sorts of abuse as well. That is one type that we see coming through the door. The barriers there are all the same ones that attach to the reporting of any sort of family violence. I do not have the time to go into the dynamics of family violence here, but we know that for all sorts of reasons victims very often do not report it. They very often do not know that they have even been in the situation. When you have an older woman who has been in it all her life, you have the additional thing that you do not do that to your husband and that it is rather shameful to talk about it or even think about it in that way, and disloyal. With the older people, too—I am talking about people not just from CALD backgrounds—the other thing we find is that they may often be disrespected by children, particularly male children because the male children have had the abusive perpetrator as a role model all their lives. So it is perfectly natural for them to start behaving in the same way. That is a particular thing that we are seeing coming in. I have outlined some of the barriers there.

The other one that alarms me enormously is the number of Aboriginal women particularly, but it is not just confined to the Aboriginal community, who are grandmothers and are getting bound up with Family Court and child protection proceedings and getting into fights, often with grandparents on the other side—or conflict, I should say—as to where the children should be. It is not uncommon now for grandparents to be, effectively, fostering children because the parents are not able to look after them because of alcohol and drug problems or a variety of other problems. That is, unfortunately, very common. What we have seen with the Aboriginal community is that a grandmother will take over the care but will then become subject to abuse, either by the grandchildren for whom she is caring or the parents who have had the child taken off them. That can sometimes result in—it is the Department of Communities now, but it used to be the Department for Child Protection, so perhaps I will just refer to it as DCP—DCP taking an interest and then the children are removed and placed with non-family foster carers. All sorts of problems result from that that I could go on about at length, but we do not have time to today.

[11.20 am]

That is a specific, new type of abuse that is occurring, but, again, it is within the family violence context, and I think that is the point we are making here. The other one that concerns us greatly, and still does me because I used to work on Aboriginal communities up north, is that the isolation

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factor on those communities, and I think in regional and rural Australia generally, is not conducive to assisting in any forms of abuse. Aboriginal women on remote communities, particularly those when cash becomes available maybe through royalty payments or whatever—the moment an older person has a lot of money, they are subject to humbugging and various problems. There are also problems on those communities with a lack of housing and various relations taking advantage of the older person's hospitality. We see a lot of that out to—we run a program, which I did not mention before, but it is in our submission, out to the NPY Lands which border with South Australia and the Northern Territory. We work with the Ngaanyatjarra Yankunytjara Pitjandjatara Women's Council in a holistic way with Aboriginal women on those communities. So isolation on those communities and I think in remote and regional Australia generally is a big factor.

**The CHAIRMAN:** We are really capturing two terms of reference here, which is quite helpful. We are looking at the prevalence of elder abuse and the forms of elder abuse. The committee has been doing a little bit of work around the issue of humbugging, but I think that it is the first time it has been raised in public session, so it might be useful for the sake of the record to indicate what is humbugging.

**Ms HANNINGTON:** I am not really talking from the Women's Law context here in that case, but I was in the Kimberley for about six years and worked on and off remote communities there. I would define it as a situation in which for some reason somebody suddenly has money, either through social security or because of some sort of royalty payment, or maybe there is some sort of compensation payment. There is a reciprocal obligation system there among family members and a cultural obligation that things are shared. It has certain rules attached to it, which I could not tell you about all of them because I am not Aboriginal; what I do know is that it gets abused in the name of culture, I believe, on those communities, because various family members will then latch onto that person and basically not stop until they get some of that money. That is what I observed. Also in the towns I have watched a situation in which an older person will try to get some of that money out of an ATM and the rellies will hang around the ATM and basically try to procure that money. But that is my perception of this.

**Hon ALISON XAMON:** In your opinion, what types of programs would be useful to assist specifically with working with Aboriginal communities around the issue of humbugging? Do any exist now; and, if so, could you give the committee some examples of good programs?

**Ms HANNINGTON:** I think that is a dialogue that needs to be had with Aboriginal people and Aboriginal people on those communities, too, and not with a white person who has not been there for some years. We know it is still going on because our solicitor who goes out to the lands has indicated. I cannot see why it would have come to an end; I do not believe that it is has.

**Hon ALISON XAMON:** Do you know any programs that are working that might be happening now?

**Ms HANNINGTON:** No, I do not know what happened to a response by the last state government through, I think, the department of regional services that focused on Aboriginal communities and on improving conditions on Aboriginal communities. I do not know what happened to that and where that is going now. I think that that would be the appropriate means—to ask through that and to investigate further through that. That is not something that I have knowledge of in my current position with Women's Law, what specific programs there are to address that. I think it lies with people who are more directly involved in those communities at the moment to answer, either through that program I have just mentioned; it also involves a dialogue with Aboriginal people. I do not want to say too much more about it, because I am coming from a non-Aboriginal perspective on that.

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**The CHAIRMAN:** We are conscious that your organisation is going to be working with a subset of individuals who would be susceptible to elder abuse—obviously, solely focused on women. In that respect, are you in a position to indicate to us how confident you are that the instances of elder abuse for women are being reported?

**Ms HANNINGTON:** Not confident at all. I think a very great number are not, and it concerns me that there seems to be—there is a prevalence of financial abuse. The statistics cite most elder abuse as financial abuse, from what I can see. It concerns me that in these long-term relationships of family violence, there are a number of incidents of physical violence that are not being reported. I think also, as I have said, financial abuse was not even really looked at so much as abuse; it was only included within the definition of what constituted abuse when they changed the legislation last year. I think there are a lot of people in that situation—a lot of women in that situation. No, it is not being reported because they do not realise that is what it is.

**The CHAIRMAN:** Anything further on terms of reference 2 or 3 on prevalence or forms of elder abuse? If not, we will move to the fourth term of reference, which is for the committee to identify risk factors. I note that at page 15 of your submission you touch on homelessness as a risk factor for elder abuse, especially for Aboriginal women. Are you in a position to elaborate on that for the benefit of the committee?

**Ms HANNINGTON:** Yes, I am. I have talked about remoteness and lack of services and lack of access to the police in remote communities. I think the other risk factor certainly in remote places is people being close to perpetrators and not being able to physically get away from them. That is a real issue. Going into the wider spectrum of elder abuse, I see people being particularly at risk when they have been in long-term abusive relationships, where their attitude has been inherited by children, as I have talked about before; mental health issues are big factor; disabilities present, risk factor; cultural factors in terms of certain cultures; certain behaviours being supposedly acceptable without being checked; age; cultural factors, too; a lesser likelihood to report because I think for older people there is less awareness and less of an inclination to recognise abuse for what it is and report it. You also have people who when they are older may not be so able to rebuild if radical action is to be taken.

If somebody suffers abuse—a young person—and their relationship breaks up and it is terrible for a few years, there is some hope of rebuilding life and getting into a situation where maybe that does not occur again. That opportunity might not be there with older people.

[11.30 am]

On mental health issues, if we had a situation where you have an older person, maybe with mental health issues, who is very, very difficult and a carer or a spouse or somebody else living with them who also has trouble coping, you have a risk situation there straightaway. It is very hard. When I was doing the preparation for this meeting, I became aware of just how big the spectrum is when you are talking about elder abuse. It is enormous. It constitutes both institutional abuse and within relationships and by family members, and obviously that is the side that we see at Women's Law. There are so many risk factors there—being isolated, being unsupported for whatever reasons, being uneducated, not being able to access services and having something like a mental illness or a disability on top of that. I know we are going to move into response in a few minutes, but if we are going to have any sort of particular office or responsibility for this, either within the context of a domestic violence environment or out of it, some sort of risk assessment is going to be necessary and going to be a part of that that can look at and take into account all these factors. Does that make sense?

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**The CHAIRMAN:** Yes, it makes a lot of sense. You mentioned a couple of times the need for things to be culturally safe. I note that earlier in the submission there was a remark made that if services are not culturally safe, people from those communities where abuse and family violence is more prevalent will not access the services.

**Ms HANNINGTON:** Correct.

**The CHAIRMAN:** Can you explain to us what is meant by “culturally safe”—services that are more culturally safe?

**Ms HANNINGTON:** Cultural safety is to do with recognition of what is culturally appropriate. There are certain aspects to services that are delivered, for instance, to non-Aboriginal people but are not appropriate for Aboriginal people. If you are running any sort of Aboriginal service, you really need to make sure that you are doing things in a manner that is culturally appropriate to that person and you are not using terminology or processes or doing anything else that will cause a person to go away. Just to give a for instance, in some Aboriginal communities there are certain family members who cannot be in the same room, cannot interact together, because of their particular family relationship. I think it is important to remember there are all sorts of Aboriginal nations and countries and languages, so I cannot speak for one custom or one way of things throughout, but that is a for instance. In the context of giving, say, some family law advice, there is an expectation on the part of the family lawyer that those people are going to be brought together. That would be totally unacceptable to that client. They just would not be able to do that. They are going to go away and say, “We can’t go to that service. They want me to do something I can’t do.” It is making sure that you are aware of all the cultural norms and putting in safeguards to do that. In Djinda Services, we have an Aboriginal reference group of elders who advise us on what is all right and what is not and that is very important, because some things are not, and we are not Aboriginal so we do not necessarily know what is not. We put a very high value on that. Yes, that is extremely important and that needs to be there. Looking at the question of elder abuse within the Aboriginal community and within that context, too, is really something that Aboriginal people—and there are Aboriginal services there for victims of family and domestic violence, including the legal one, which has regional offices in WA and that is called Aboriginal Family Law Services. Bringing them into this debate in terms of that is very, very important.

**The CHAIRMAN:** We move to term of reference 5, which is to assess and review the legislative and policy frameworks. Does the Women’s Law Centre support the creation of a central registry for enduring powers of attorney?

**Ms HANNINGTON:** Yes. We also support some sort of mandatory reporting of instances of abuse.

**Hon ALISON XAMON:** To whom?

**Ms HANNINGTON:** That is a good question. Can I park that one?

**The CHAIRMAN:** We would be happy for you to take it on notice. Perhaps you could take on notice that the obligation to report mandatorily should be upon whom and who should they report to.

**Hon ALISON XAMON:** And also, is it all manner of suspected elder abuse? If you wish, you may write to the committee as a follow-up.

**The CHAIRMAN:** Take that on notice. The committee will write to you in any case. That will be the first matter taken on notice.

**Hon TJORN SIBMA:** As well, just with respect to your support for a central registry of powers of attorney and other life documents, in the event that a national registration scheme might take some time to get to, would you support the creation of a Western Australian-based register?

**Ms HANNINGTON:** Yes. My views to that are very similar to the people who were giving evidence before me.

**Hon ALISON XAMON:** The Northern Suburbs Community Legal Centre?

**Ms HANNINGTON:** Yes.

**Hon ALISON XAMON:** I note that you have said that you support health justice partnerships. That has come up previously in a public hearing. Could you elaborate a little more on that and particularly why you find it to be a useful model?

**Ms HANNINGTON:** Yes. Not just health justice partnerships, but any sort of model that can be funded to provide holistic services in this space works well we have found. That is because victims of family and domestic violence, be it violence that falls into the elder abuse category or not, rarely has a single-stranded solution. These are complex, complex issues, often going on for years, often involving more than just a spouse, but involving whole family situations, particularly in other cultures, but not necessarily. Just seeing a lawyer and going to court is not going to solve the problem. Very often a number of other responses are needed. For instance, in the gender program, that is not just Women's Law delivering that; that is a partnership with Relationships Australia, in fact, where there are Aboriginal caseworkers and support workers. We may see a client and we may give them advice on getting a restraining order or on a family law matter or whatever is most appropriate, but that caseworker will have a valuable support in counselling. It may be arranging practical services in perhaps making sure that the person gets to appointments. There are a variety of ways in which other services can complement each other and provide and make sure that the person is supported by a range of different activities. Health justice partnerships are another way of doing that—a very effective way of doing that, and very good in this space, because very often medical and mental health issues are likely to attach to instances of elder abuse. It is being able to see the person not just as having a legal problem that is going to be solved by a lawyer. They have a range of issues and they need support. Particularly if they have been isolated and the only family they have are abusing them, they need some means by which people can identify the different aspects of their problem and support them in that.

[11.40 am]

That is where, by the right sort of assistance and by being given accurate and skilled information, they can start to become more empowered to deal with that situation themselves. In fact, the Women's Law Centre works very much on the principle of empowerment. We do not tell people they ought to do X, Y and Z. We give them the right information and we point them in the right direction and we aim to give them some hope, in feeling more supported, that now it is not so bad; they actually can do something about this, and there is a range of people out there who can help. I hope that explains the value of such approaches. It is very important.

**Hon ALISON XAMON:** You have already talked about violence restraining orders and how they potentially might be used around issues of financial abuse. This is why I am trying to elaborate: do you think there is any benefit to be gained from the use of misconduct restraining orders to assist around trying to address issues of financial abuse?

**Ms HANNINGTON:** I would have to take that question on notice. It is not something I had considered and I do not want to speculate about that now.

**Hon ALISON XAMON:** Okay. Does your centre ever assist with misconduct restraining orders?

**Ms HANNINGTON:** Very occasionally, but usually they are violence restraining orders. The family violence legislation has not been in for that long; we are still sort of feeling our way along with that

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and seeing how that works in terms of victims, not necessarily of physical violence, which was pretty much what you needed to show previously when you were getting a violence restraining order.

**Hon ALISON XAMON:** Yes. Of course, a misconduct restraining order does not have to demonstrate any violent component at all; it can be limited to simply inappropriate, ongoing, persistent conduct which would be similar to ongoing requests for money.

**Ms HANNINGTON:** Yes, I will take that on notice. I would need to consider it, but any form of financial or economic abuse, particularly of the long-term category to which I have been referring, should be captured now by the family violence restraining order. That is the intention.

**Hon ALISON XAMON:** It would be good to get some further information.

**Ms HANNINGTON:** That was the intention of the legislation and it is a manifestation of unacceptable power and control of one individual over another, and it should be captured by that now. But I will have a look —

**Hon ALISON XAMON:** But you are not sure that it necessarily will?

**Ms HANNINGTON:** I am as sure as I can be, because it is very much included in the legislation, in black and white. Certainly in our observation—and there is some work and some research going on into this at the moment too, into economic abuse specifically as a form of family violence. It has not been well researched. It has not been well recognised. It has been included in the legislation, but there is still some work that needs to go around it, and I would suggest that you will see more development of the law in this area in the next few years, particularly with this inquiry now into elder abuse. The intention is that it is captured by that legislation.

**The CHAIRMAN:** We will take that on notice as the second matter—the role of misconduct restraining orders with respect to female victims of elder abuse.

We move now to term of reference 6, to assess and review service delivery and agency responses. The Women's Law Centre obviously provides a number of programs and is involved in a number of projects. Are those programs and projects subject to periodic review?

**Ms HANNINGTON:** Yes, they are. Yes, we need to do that. We are funded by the commonwealth; our core funding is through the national partnership agreement. Djinda Services is funded through the Department of the Attorney General and through Legal Aid, and we have to prepare quite copious reports at six-monthly intervals for both the commonwealth and the state so that our funding can continue. We also capture statistics through a database, which actually needs some improvement because it was new last year. But we capture statistics in terms of clients we see. Women's Law is at the moment looking at engaging a consultant to do a full impact study of the effect that Women's Law is having in the community and how we can improve our services and our partnerships with other providers.

**The CHAIRMAN:** So those biannual reports every six months, are they by 31 December and 30 June each year?

**Ms HANNINGTON:** Yes, they are. We report on 31 January for the first six months of the financial year, and on 31 July for the second six months of the financial year.

**The CHAIRMAN:** And that report that would have gone in on 31 January this year, is that something you would be able to provide to the committee?

**Ms HANNINGTON:** I would need to ask; I will take that on notice, because I would need to speak to the funder, Legal Aid, about that. I am not sure about —

**The CHAIRMAN:** Sure. Let us take that on notice as matter number three.

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Members, anything further on assessing and reviewing service delivery and agency responses? Unless there is anything on which you would like to comment, particularly?

**Ms HANNINGTON:** Sarah addressed it pretty well in her submission and I think she talks about integrated service responses and an outreach legal practitioner for a community legal centre located in an aged-care accommodation facility and working in partnership—social workers working in there as well. It is really going over that concept of holistic responses that I have already articulated.

**The CHAIRMAN:** Okay. We will move to term of reference 7, which is to look at the capacity of WA police to identify and respond to elder abuse. The Women’s Law Centre has suggested the creation of a family violence commissioner within WA Police. Is that something that comes from another jurisdiction? Where does that originate from?

**Ms HANNINGTON:** Yes, my colleague who prepared this submission, and, unfortunately, is not here today, was working for the Victorian Law Reform Commission for quite a while and had quite a lot to do with it, where police response was one of the things that came under the spotlight to quite a great extent. As she outlines very well in this submission, there were a number of results of that, and those are on page 21, and the family violence commissioner is one of them.

For me, one of the big things is that the police still do not really see family violence as part of their core business; it is sort of an extra thing that they have to deal with. It needs to be more ingrained within the police that it is a very large part and a very serious part of police work, and that there needs to be proper training in it and, I think, an analysis made of the responses. We have had too many instances within the centre of police going out to incidents and not really responding in an appropriate way because they do not understand what is going on and have not been trained and, in some instances, ending up targeting the victim and charging them with things to the point where people will not call the police out to a domestic violence incident. Worse still, there might be a violence restraining order in existence and the police will not be called in relation to a breach because people are afraid of what will happen to them, of not being believed by the police, the police siding with the perpetrator and the police not really taking it seriously. That old cultural security issue comes in again. It is the case that in some communities, particularly Aboriginal communities, family and domestic violence is seen as, “Oh well, that’s what happens; that’s the way of it. That’s how these people are. It’s family business, it’s not police business.” That is an extreme example, but I think you see that attitude permeating down into the rest of the community as well, too much. There is not enough proper police training yet, and I think some of those things that Sarah has identified, like creating and updating a code of practice, a common risk assessment tool and training police in relation to dynamics of family violence and the data collection and all those things that I mentioned in here, are all things that could greatly improve the safety and security of victims of family violence, and elders especially, because that is the context in which we are talking here.

[11.50 am]

**The CHAIRMAN:** Language is always very important in any area of law reform.

**Ms HANNINGTON:** Yes.

**The CHAIRMAN:** On the notion of a family violence commissioner, I am intrigued by the use of the word “violence” in there, because if we want to capture elder abuse and make sure that the police are more involved, I wonder whether a family abuse commissioner might be preferable to a family violence commissioner. We have talked about the definition of elder abuse. It does not always involve violence in terms of physical violence. We are being told financial abuse, emotional abuse and psychological abuse are the major forms of that. I invite any comment you might have in respect of that.

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**Ms HANNINGTON:** That argument makes a lot of sense; it does.

**The CHAIRMAN:** I will not press you further on that then.

**Ms HANNINGTON:** It does. I have not heard it suggested before but for the reasons you give, yes.

**The CHAIRMAN:** We can move to terms of reference 8 and 9.

**Ms HANNINGTON:** Can I just say too that what I have said is a generalist thing and does not apply to all the police.

**Hon ALISON XAMON:** No, of course.

**Ms HANNINGTON:** We have had a great deal of help from the police in some instances, but I think across the board it is a cultural thing; it is a systemic thing. It could be better.

**Hon ALISON XAMON:** Greater need for training.

**The CHAIRMAN:** Let us look then at terms of reference 8 and 9. This looks at the issue of initiatives to empower older persons to better protect themselves as well as new proposals or initiatives to enhance existing strategies to safeguard elders. In your submission, at page 3, you have a couple of relevant recommendations there. One is that a central agency should lead the approach to elder abuse, for example, the Department of the Premier and Cabinet with cooperation from the Department of Communities and the Department of Justice. The committee would be interested to know why the Women's Law Centre specifically mentions the Department of the Premier and Cabinet.

**Ms HANNINGTON:** I am sorry, what page.

**The CHAIRMAN:** This is your submission, page 3, recommendation 1.

**Ms HANNINGTON:** I think because the Department of the Premier and Cabinet is seen as having an over-arching responsibility over a number of areas now. For instance, the Department of Aboriginal Affairs is no more but a number of aspects in relation to policy with respect to that have gone to Premier and Cabinet. Certainly, with respect to the Aboriginal aspect, I think that is there for that reason. I think perhaps because with the new structure of government—I am speculating a little bit here because I have not asked the author why that was suggested—but I would say it is because it is seen as a department that has sort of an overall social responsibility in many ways. I think with the new structure of government, it is perhaps not quite clear yet where else that might fit in. I do not think it is a must that it would have to be led by the Department of the Premier and Cabinet. We do think the Departments of Communities and Justice have obvious roles in this. This needs to be wound in with the child protection system because of some of the examples I talked about earlier and the growing grandmother involvement as coming in on this spectrum. The part of the Department of Justice—my colleagues previously talked about a number of criminal responses—is obvious. It may be a collaboration of the various departments and maybe Premier and Cabinet is best placed to bring that together.

**The CHAIRMAN:** Sure. Recommendation 2(3) is for targeted tertiary responses for elder abuse. Respecting the fact you are not the author of the submission, can you help us around the terminology of “tertiary responses”?

**Ms HANNINGTON:** I think it means training in a tertiary context and that would be from university and down through TAFE as well, as well as within those agencies themselves. Say, with social workers and with legal practitioners, training about domestic violence, elder abuse responses et cetera would actually become part of their degree. You might do a unit in that or units but in terms of other vocational training there, as the police do not do a degree in policing, that becomes part of their basic training as well. It is really incorporating it into basic training of people as they are

going through uni or whatever training program they are going through, as well as providing for there to be information and training post-graduate for people in various professions. That is my understanding of that.

**The CHAIRMAN:** Is there any concluding remarks you would like to make this morning.

**Ms HANNINGTON:** Yes. I would like to draw your attention to this report by the Australian Institute of Family Studies. It is “Family Matters No. 98” 2016. There are observations made in here in relation to prevention that talk about general values and attitudes in the broader community on the one hand and mitigating the risk for the elderly on the other. Those really resonate. I would say that—I think my colleague who was previously giving evidence when she talked about elder abuse being a global problem, or at least a national problem for us in Australia—the education that needs to occur to empower older people does not just need to happen with people as they come up to the age where they might be abused by children, relations or a spouse or whatever. It needs to be in schools. It is that respect for elders and it is that way to behave. It is the same sort of conversation that is happening with gender equality at the moment is it not, and the fact that education of respect for women starts basically in the home very early on? It is a philosophy that should be in schools and should be there at university. It should be there all through life. I would say respect for the elderly and for elders is something that needs to come in and that perhaps views need to change on it. We do know that behaviour can be changed in the community. We have seen that with change in the attitude to smoking—a hugely different attitude now from what it was 20 years ago. Who would have thought it 20 years ago? Things can be changed, so I would say that that needs to occur and you have to get rid of this role model thing too that it is okay for kids to behave in a particular way because dad did or whatever. The other thing this report talks about is mitigating the risk factors for elder abuse through measures to reduce social isolation, which we talked about a lot; increase autonomy and empowerment, which I talked about as one of the principles in which we operate; and support retention of control over financial affairs or, at the very least, help elders maintain knowledge of their financial affairs. I think my colleagues were talking about that a quite a lot. I note that in the commonwealth jurisdiction and in the report here—you know the one I am talking about; the commonwealth response—there are a number of measures in there aimed at helping older people be more financially literate and more in control of their affairs and closing various loopholes.

That is great. I would like to see that as a sort of background to some of the work that the states can do, which then can tune down more into the fine detail of what constitutes elder abuse, what might prevent it, what might help in assessing the risks and what might address it in a holistic way with regard to the demographics of the state, because they are all going to be different. WA is really quite unique with just the remoteness of its centres. We find that one size does not fit all. So that need for all those things we have talked about today needs to be looked at in the context of this state and to complement and enhance whatever the commonwealth is going to bring in in terms of greater financial controls. Does that make sense?

[12 noon]

**The CHAIRMAN:** Yes, absolutely.

Let me take this opportunity to thank you for attending today. A transcript of this hearing will be forwarded to you for correction. If you believe that any corrections should be made because of typographical or transcription errors, please indicate these corrections on the transcript. You did take a number of things on notice today, and so the committee requests that you provide your answers to questions taken on notice when you return your corrected transcript of evidence. We will write to you accordingly. If you want to provide additional information or elaborate on particular

points, you may provide supplementary evidence for the committee's consideration when you return your corrected transcript of evidence. Thank you very much.

**Hearing concluded at 12.01 pm**

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