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Submission from the Catholic Women's League Australia

Western Australia Inquiry into Elder Abuse

November 2017

“Stand up in the presence of the aged, show respect for the elderly and revere your God. I am the Lord.” Leviticus 19:32-34

1. Introduction

Catholic Women's League Australia Inc. (CWLA) is the national peak body representing the League's seven member organisations located throughout Australia. We are a Non-Government Organisation and have consultative (roster) status with the Economic and Social Council of the United Nations. We are also a member of the World Union of Catholic Women's Organisations. One of CWLA's four principle aims is to influence legislative and administrative bodies at all levels of government in order to preserve the dignity of the human person.

2. Definition of Elder Abuse

There are varying definitions of what constitutes elder abuse. For the purposes of this submission, we are adopting a commonly accepted definition of the term, as defined by the World Health Organisation:

A single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.¹

Elder abuse can encompass many common forms of abuse, including but not limited to neglect, physical abuse, sexual abuse, psychological abuse, social isolation and financial abuse. Older people can face increased risk of abuse when they:

¹ World Health Organisation, *The Toronto Declaration on the Global Prevention of Elder Abuse* (17 November 2002) 3.

- have a disability or poor health;
- are in dependent caring relationships, particularly where a carer is experiencing carer burden or carer stress;
- are isolated and/or without personal supports;
- have a past history of violence or conflict within the family;
- exhibit particularly difficult and/or inappropriate behaviour, and/or confusion or memory loss; or
- exhibit signs and symptoms of dementia².

It is important to clarify this definition to ensure that there is no ambiguity relating to what is meant by the term elder abuse so that older people can be assisted and supported to combat this issue in the best and most effective way possible. Elder abuse does not refer to acts of common crime committed against older people by unknown persons. Its' central focus point revolves around a relationship of trust between the older person and another person, such as a family member, carer, spouse, etcetera.

3. Human Rights Framework

The United Nations Principles for Older Persons (1991) states at principle 17 that “older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse”. Although these principles are not incorporated within a formal convention, they constitute a widely accepted set of guidelines that can guide us in the correct support and protection of older people.

4. Abuse of Older People: Interagency Protocol

One effective means of combatting elder abuse is to adopt a multi-disciplinary response. Elder abuse is not an issue that can be combatted by one individual or one organisation. It requires a planned, coordinated, integrated approach whereby a group of professionals work together in an effort to deal with the issue. Such professionals could include lawyers, doctors, nurses, counsellors, advocates, financial counsellors, psychiatrists, advocates, mental health professionals, etcetera.

² Podnieks, E et al (1990) National Survey on Abuse of the Elderly in Canada, Ryerson Polytechnical Institute, Toronto.

5. Statistics in Relating to Elder Abuse

The World Health Organisation (WHO) estimates that, globally, around one in ten older people experience elder abuse each month. Further, elder abuse financial abuse occurs at a rate of between 1% and 9%. WHO further projects that only one in 24 cases of elder abuse is actually reported to authorities³. Thus, underreporting can also be assumed to be taking place in Australia.

6. Constraints to Reporting and Combatting Elder Abuse

One of the biggest challenges that arise in attempting to combat elder abuse is that in many cases older people may be unwilling to take action to seek redress as the person who may be causing them harm may be their relative, child or a carer upon whom they are wholly dependent for care. Thus, being able to assist an older person to take affirmative action, such as seek legal recourse in a court of law, may be difficult. Similar difficulties can be found in the communities of older people from cultural and linguistically diverse backgrounds, who may find it difficult to communicate the abuse they may be suffering due to language difficulties, as well as their reluctance to combat someone in their community who they may depend on for support. Older people may furthermore make unreliable witnesses in court if they suffer from medical and health problems, such as dementia, memory loss etcetera.

7. Ways of Combatting Elder Abuse

a. Research

It is evident that there is currently a paucity of research focused on the issue of elder abuse as it exists in Australia and the most effective way to combat it. A national or state approach can only be effective if it is underpinned by comprehensive research on the issue. Providing funding on the issue on both a state and national level would be extremely helpful towards contributing and informing a state and nation-wide strategy framework.

b. National and State Strategies

In order to effectively combat elder abuse a national strategy should be developed. The Age and Disability Discrimination Commissioner, Susan Ryan, is calling for a national plan to prevent the elderly from becoming victims of financially motivated abuse⁴. However, it is submitted that given the different forms of elder abuse that such a strategy should be more widespread and

³ Found on 8 November 2015 at <http://www.who.int/mediacentre/factsheets/fs357/en/>.

⁴ Found on 8 November 2015 at <http://www.smh.com.au/federal-politics/political-news/susan-ryan-calls-for-national-plan-to-tackle-elder-abuse-20151012-gk6u6b.html>.

include the various different forms of elder abuse. A statewide strategy dealing with this strategy could also be developed, which could effectively feed into a national strategy. State funding for

the prevention and combatting of elder abuse could then be spent to pursue the implementation of the strategy objectives.

c. Training and Education

Providing training and education to older people, carers, and support workers, staff of residential aged care facilities, medical personnel including doctors, lawyers, counsellors, psychiatrists and other relevant and interested stakeholders should be created and provided. At present, there is a very poor overall understanding of what constitutes elder abuse, how it can be prevented and how it can be combatted. Many people lack an even basic understanding of what the term in and of itself means.

By providing older people, front-line workers and family members with training and education relating to elder abuse a way of recognising what is elder abuse is created. Once a person recognises that elder abuse is happening, they become more able to refer the case to the relevant contact person or organisation, which might be able to assist and provide the support that the older person may need. Many workers may realise that elder abuse is occurring but feel helpless to stop it from continuing. Knowledge via education can provide a way forward to helping people to stop this from happening. Thus the Western Australian government should allocate funding to ensure that such initiatives are implemented and are provided to those who support and possibly protect older people.

d. Information

Greater information resources need to be made available to older people so that they themselves can understand what constitutes elder abuse as well as how they can take steps to prevent and combat it. The information needs to be in an easily accessible and readable format, i.e. easy English, in an easily visible sized font. For older people deriving from cultural and linguistically diverse backgrounds the information should be made available in a wide variety of community languages. The information should be distributed to older people in places which they commonly frequent, e.g. at social clubs, community activities organised for older people, churches etcetera. The information should not only be communicated in a written format but made available to older people through presentations, discussion groups and other accessible formats. Other formats could include running a campaign on the issue through newspapers, television, radio, meals-on-wheels and centres for older people. The information should encompass personal

stories of abuse and guidelines on how to deal with abuse situations such as directing victims to services that can assist them and to the Elder Abuse Helpline. The Western Australian state government should dedicate funds to support such an initiative.

e. Elder Abuse Hotline

At present, in all states there is an elder abuse hotline, which concerned people and older people themselves can ring to access support and referrals to services, providing a means to help the older person and their carers to deal with elder abuse. To ensure that the hotline is functioning at the best capacity possible, funds and focus should be concentrated to ensure that the hotlines are manned for the maximum number of hours possible, so as to ensure greater outreach. The information and data collected from the hotlines should be used to inform research so that we have a better understanding of the extent of elder abuse in Australia. The most up to date information and referral contact points should be provided to the hotline staff and updated on a regular basis, to ensure that any outreach provided by the helpline is both effective and helpful.

f. Elder Abuse Conference

Every year a different advocacy organisation for older people hosts a prevention of elder abuse conference. The next conference is scheduled to take place in Sydney, February 2018. The conferences are an excellent networking opportunity, whereby research and information on elder abuse can be shared amongst interested stakeholders. When the conference is next scheduled to take place in Western Australia, the state government should provide some funding support to ensure that the conference can be as an effective tool as possible for helping to combat elder abuse.

g. Elder Abuse Hub

Aged Rights Advocacy Service South Australia (ARAS) are currently in the process of creating and launching a National Elder Abuse Prevention Hub (NEAPHUB). The aim of the hub is to “contribute to the development of a national approach to elder abuse prevention and will play a lead role in providing elder abuse prevention resources”. The objectives of the NEAPHUB will include the following:

- build the profile of elder abuse as a national issue;
- create an easily accessible window into the specialist programs and initiatives that are working to prevent and respond to elder abuse;
- developing a ‘one stop shop’ for consumers and service providers seeking information;
- building a directory of elder abuse related information; and
- leading the way to key information and resource referral points for stakeholders.

According to Marilyn Crabtree, the coordinator of ARAS “this site would provide a focus for, and bring together aspects of, elder abuse happening in Australia so information about what is happening in each state and territory would be available, and there would be somewhere to showcase the numerous elder abuse prevention services... We think it will also help to create a national picture, by showing what each of the state governments are doing. It will build the profile of elder abuse as a national issue – because it tends to be seen as a state issue rather than a federal issue.”⁵

Ms. Crabtree, who has been working on the hub’s development for the past year, said it will enable services and professionals working in the field to share information, resources and knowledge. This would lead to greater efficiencies for the service providers, all of which were working with “very limited resources” she said.

Providing funding support to the NEAPHUB may be an additional means that the state government can help combat elder abuse in both Western Australia and throughout Australia.

h. Enduring Powers of Attorney

Many older people arrange for a family member or friend to hold an enduring power of attorney for them in the event that they may experience poor health and somehow not be able to make decisions for themselves. Elder abuse may arise when the holder of an enduring power of attorney fails to make a decision that is in the best interest of the older person and instead makes decisions for their own personal benefit, e.g. using the older person’s money for themselves rather than for the older person. Given the growing frequency with which this is occurring it is evident that more education and information needs to be provided to holders of enduring power of attorneys so that they can better understand what their responsibilities towards the older person are and to provide them with information so that they do not commit acts of elder abuse in the future. Family members need education to understand that holding such an attorney does not give

⁵ Found on 8 November 2015 at <http://www.australianageingagenda.com.au/2014/08/08/national-elder-abuse-hub-development/>.

the attorney free reign to access what may be construed as an “early inheritance”; and that the assets of an older person only become an inheritance when the person dies and the assets are either bequeathed to the younger person or pass on to them according to estate/probate law.

8. Recommendations

Recommendation One: For funding to be dedicated to researching the issue of elder abuse in Western Australia so as to inform a state plan to prevent and combat the issue.

Recommendation Two: For the Western Australian state government to create a state plan to prevent and combat the issue of elder abuse in Western Australia and to lobby for and contribute to a national plan to prevent and combat elder abuse on a nation-wide basis.

Recommendation Three: For funding to be dedicated to supporting the training of professionals who work with older people, so that they may be equipped to support any older people who are facing elder abuse.

Recommendation Four: For funding to be dedicated towards updating the current multi-disciplinary response to elder abuse amongst Western Australian state agencies.

Recommendation Five: For funding to be dedicating to providing information and education for older people so that they may acquire a better understanding of the issue of elder abuse and learn how they can prevent and combat it.

Recommendation Six: For the Western Australian Government to support such initiatives as the national elder abuse conference, the elder abuse hub and to further strengthen and support the Elder Abuse Hotline.

Recommendation Seven: For research to be conducted into ways of strengthening criminal law so that older people are better able to access protection from the legal system.

Recommendation Eight: For greater education and information to be provided to persons who are or are about to hold Enduring Powers of Attorney on behalf of another person, so that they may acquire a better understanding of what their responsibilities towards the subject of the Enduring Power of Attorney are.

We wish the Committee well in its deliberations.

Anne Marie Clark

President

CWLA