



Government of **Western Australia**  
Department of **Communities**

Our ref: 2017/16797  
Enquiries: Adrian Warner; 08 9440 2265

Hon Nick Goiran MLC  
Chairman  
Select Committee into Elder Abuse  
Legislative Council  
Parliament House  
PERTH WA 6000

Dear Mr Goiran

**Inquiry into Elder Abuse**

Thank you for your letter dated 18 September 2017 inviting the Department of Communities to make a submission to the Select Committee into Elder Abuse.

The Department's submission is attached. Any part of the submission may be published or directly quoted in the report of the Select Committee.

Should hearings be held at a later date, the Department would be keen to participate, as the lead agency for the Government's response to elder abuse.

Once again, thank you for the opportunity to provide a submission to this important inquiry. As requested, an electronic copy of this submission has also been emailed to [eld@parliament.wa.gov.au](mailto:eld@parliament.wa.gov.au).

Yours sincerely



Paul Whyte  
**Acting Director General**

14 / 11 / 2017

cc. Hon Mick Murray MLA

## **Department of Communities**

### **Submission to the Inquiry into Elder Abuse**

The Department of Communities (Communities) notes the Australian Law Reform Commission's (the Commission) *Elder Abuse – A National Legal Response summary report*, May 2017, and supports its aim of a nationally consistent response to elder abuse.

Communities recognises that the best chance of tackling the complex array of contributory factors to elder abuse is by implementing change at both the State and Commonwealth levels in a coordinated way.

The Commission's capstone recommendation for a national plan to combat elder abuse recognises the need to develop strategies beyond legal reforms. It presents the opportunity to develop national awareness and community education campaigns, provide training, establish elder abuse helplines and direct future research.

As the State Government agency with responsibility for elder abuse, Communities has a key role in negotiations between the State and Commonwealth Governments to develop a national strategy for the prevention of elder abuse, and a funding model to enable the delivery of services required for that model to be successful.

#### **a) Determine an appropriate definition of elder abuse**

Elder abuse, as described by the World Health Organization (WHO), is:

*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.*

The Western Australian definitions of elder abuse vary. The Alliance for the Prevention of Elder Abuse, Western Australia (APEA:WA) defines it as:

*any act which causes harm to an older person and occurs within an informal relationship of trust, such as family or friends.*

The Older People's Rights Service (OPRS) uses:

*clients abused or are at risk of abuse by family members, friends or carers.*

Communities recommends that the WHO definition be adopted as it is broader and aligns more with the general community's understanding of elder abuse. The Commission uses the WHO definition.

Public perceptions of elder abuse generally include abuse that occurs within a residential aged care facility, or any abuse of an older person, irrespective of the familial relationship of trust. Consideration must, therefore, be given to the 'abusers', including people who provide in-home care, other paid carers, and

professionals such as bank personnel, accountants, financial advisors and real estate agents. The term 'elder' also needs to be defined; commonalities (such as age limits) and diversity (for example, a person's individual attributes) need to be considered.

If the WHO definition is adopted, the types of 'harm or distress' need to be defined so that a more targeted approach to the prevention of elder abuse may be developed.

The research paper, *Examination of the extent of elder abuse in Western Australia: a qualitative and quantitative investigation of existing agency policy, service responses and recorded data* (April 2011) called for a review of the concept of elder abuse.

**b) Identify its prevalence**

Identifying the prevalence of elder abuse is difficult due to the fact that it frequently involves a family relationship between the older person and the perpetrator, who may be their only avenue of support. Another issue that hinders data collection is that elder abuse is not a specific criminal offence.

The Commonwealth Attorney-General's department has commissioned a scoping study on research into the prevalence of elder abuse in Australia, to be undertaken by the Australian Institute of Family Studies (<https://aifs.gov.au/projects/elder-abuse-national-research-strengthening-evidence-base-stage-one>). Communities recommends waiting for this work to be completed prior to determining if additional research is required on the prevalence in Western Australia. Should additional work be required, this could be completed by an independent research institution or university.

**c) Identify the forms of elder abuse, including but not limited to neglect**

Older people's ability to manage their own affairs, or to stand up for themselves as they age, leave them vulnerable to many forms of abuse.

WHO identifies that elder abuse can take various forms, such as physical abuse, psychological or emotional abuse, financial abuse, sexual abuse and neglect.

Communities supports APEA:WA's most commonly adopted categories of abuse, which include:

- *Financial or material abuse*: includes the illegal or improper use of a person's finances or property.



- *Emotional or psychological abuse*: inflicting mental anguish through actions or words that cause fear of violence, isolation or deprivation, and/or feelings of shame, indignity and powerlessness.
- *Physical abuse*: inflicting physical pain or injury or physical coercion.
- *Sexual abuse*: incorporates a broad range of unwanted sexual behaviour, including rape, indecent assault, sexual harassment and sexual interference. This also includes such practices as inappropriate administration of enemas or cleansing of the genital area.
- *Social abuse*: the forced isolation of an older person, such as limiting or preventing access to grandchildren, other relatives, friends and services. Sometimes it may have the additional effect of hiding abuse from outside scrutiny.
- *Neglect*: the failure to provide the necessities of life to an older person for whom one is responsible.

**d) Identify the risk factors**

The obvious risk factors, like cognitive impairment, disability and social isolation, are recognised; however, the Commission report states that further research is needed on risk factors for abuse. Other risk factors include physical or economic dependency, mental and physical health issues, living with grief and loneliness, carer stress due to caring for an elderly spouse, sick children, or grandchildren.

Another major risk factor is the older person's reluctance to admit that they are being abused, which is difficult to address. They can experience considerable shame and the perceived stigma that safeguarding their own interests equates to not loving their child.

In regional Western Australia, if the older person is unable to live within the community they are used to, they feel more socially isolated and are, therefore, more vulnerable.

Older people from culturally and linguistically diverse communities must be considered, as limited English skills already contribute to a sense of social isolation. Dependency on family members and different expectations of care and support add to a greater risk of elder abuse.

Although elder abuse may be linked to family violence due to perpetrators being a spouse, partner or adult child, it is strongly recommended that elder abuse be treated, and dealt with, separately so that paid carers and people who provide services like accountants and real estate agents are covered.

**e) Assess and review the legislative and policy frameworks**

Communities recognises that work must occur on many levels within an overarching and positive framework of inclusive age-friendly communities that ensures access to wellbeing services.

Communities is aware that a working group of the Council of Attorneys-General is examining matters relating to elder abuse, including the recommendations of the Commission. Communities' Assistant Director General, Strategy and Policy, has recently been nominated to participate on that working group, which will provide a more inclusive approach to the discussions and responses to the recommendations.

**f) Assess and review service delivery and agency responses**

Communities does not provide direct service delivery for dealing with elder abuse; however, it funds community service organisations that do, such as Advocare and the Older People's Rights Service. Initiatives funded and supported are listed in the response to (h).

**g) The capacity of the Western Australia Police to identify and respond to allegations of elder abuse**

Not applicable, although Communities expects that the Western Australia Police will comment on how to improve the criminal justice response to elder abuse, including how to respond to issues and help witnesses who need support.

**h) Identify initiatives to empower older persons to better protect themselves from risks of elder abuse as they age**

Communities works across government and with community sector organisations to raise awareness of elder abuse in Western Australia. It provides funding, grants and support for organisations that work to prevent elder abuse. These organisations include:

- Alliance for the Prevention of Elder Abuse Western Australia (APEA:WA) – formed in 2005, this high level interagency group promotes a whole-of-government policy framework that values and supports the rights of older people. Membership consists of State Government agencies that work collaboratively to raise awareness of issues around elder abuse. It also seeks to influence current attitudes, policies and practices.



- Advocare – an independent community based not-for-profit organisation that supports and protects the rights of older people and people with a disability.
  - *Elder Abuse Protocol: guidelines for action* (December 2013) is being updated with a Communities grant; the first draft is due in December 2017. The protocol assists organisations that work with older people to respond to elder abuse, and will ensure that the current recommended response continues to be a best practice model. Communities has also provided funding to produce 2,000 printed copies of the final protocol, along with the delivery of 10 metropolitan, six regional and four webinar workshops to inform stakeholders of the updated guidelines.
  - Elder Abuse Helpline is a free and confidential service that offers older people experiencing abuse access to support and assistance. It is delivered by Advocare and funded by a grant from Communities.
  - WA Network for Prevention of Elder Abuse is another mechanism designed to coordinate responses to elder abuse. It provides a forum for relevant stakeholders and comprises representatives from state and local governments, service providers, health and allied health care professionals, including those from residential and home aged care.
- Northern Suburbs Community Legal Centre – a non- profit community legal service.
  - Older People's Rights Service (OPRS) – funded by Communities, OPRS provides a legal service and social work for older people experiencing elder abuse.
  - In partnership with Southern Communities Advocacy Legal and Education Services, the older people's peer education scheme has been developed. The scheme is funded under the Criminal Property Confiscation Grants Program and Lotterywest as a two-year pilot study, and has examples of older people co-designing approaches to reduce elder abuse.

Communities will continue to support more efforts on early intervention and prevention, projects that raise community awareness, and greater access to support and education for older people on how to protect themselves against abuse and exploitation.

**i) Consider new proposals or initiatives that may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse**

In addition to current activities and initiatives underway, Communities is currently working on the following:

- Attitudinal study – Communities will be revising a 2006 research paper to investigate community understanding, attitudes and awareness of elder abuse. The updated study will inform any policy framework and enable a more strategic response to building community awareness and reducing the stigma associated with elder abuse.

- Communities will be developing an education program for professionals who are in regular contact with older people, such as doctors and banking staff, so that they can better identify possible abuse.
- Communities will be considering measures to assist isolated older persons' connection to the broader community. As an affiliate to WHO's Global Network of Age-friendly Cities and Communities, the State Government supports initiatives to address social isolation experienced by older people.

**j) Consider any other relevant matter**

Communities suggests that the following matters should be considered:

- institutional elder abuse;
- LGBTI (lesbian, gay, bisexual, trans and/or intersex) elders;
- prevalence in Aboriginal communities and among Aboriginal older people; and
- prevalence within multicultural communities.