



1 March 2017

The Executive Director
Australian Law Reform Commission
GPO Box 3708
Sydney NSW 2001
By email only to: elder_abuse@alrc.gov.au

Dear Sir/Madam

Submission in response to DP 83: Elder Abuse

We welcome the opportunity to make a submission in response to *Discussion Paper 83: Elder Abuse* (2016) (the **Discussion Paper**), and to this important inquiry.

Our submission focuses largely on the gendered nature of elder abuse, its intersections with intimate partner violence (and as a subset of family violence), and draw the Commission's attention to the intersectional disadvantage of vulnerable older women.

Summary of recommendations

We make the following recommendations:

- **Recommendation 1:** That the Commission further consider the gendered nature of elder abuse and, in particular, the interactions of relevant Commonwealth laws with laws relating to family violence including, for example, state and territory family violence laws and the family law.
- **Recommendation 2:** The terms of reference of the national prevalence study (Proposal 2-2) should include consideration of the gendered nature of elder abuse.
- **Recommendation 3:** That the Commission further consider what law reform efforts can be made to ensure housing security of older people who are the victims of elder abuse, and, in particular, older women.
- **Recommendation 4:** The national plan to address elder abuse (Proposal 2-1) should include a clear funding allocation for improved long-term housing options for older people, and, in particular, for victims of elder abuse.
- **Recommendation 5:** The terms of reference of the national prevalence study (Proposal 2-2) should include consideration of the relationship between intimate partner violence

and elder abuse and, in particular, whether perpetrators of intimate partner violence are more likely to commit elder abuse.

- **Recommendation 6:** The national plan to address elder abuse (Proposal 2-1) should include a clear funding allocation for the following:
 - a. development of a culturally-specific community education curriculum and program on elder abuse to be delivered to indigenous communities, and that workers in indigenous communities should be trained on how to prevent elder abuse and how to respond to incidences of elder abuse in the community;
 - b. development of a culturally sensitive training package on elder abuse for all aged care workers on how to identify and manage elder abuse in clients, and that further training should particularly be provided to bilingual community workers in aged care services to improve access to support for those in CALD communities;
 - c. the expansion of the Victorian respectful relationships program nationally, and the inclusion within that program to include elder abuse, given the common themes of gender and violence, and that a pilot be developed to assess its effectiveness.
- **Recommendation 7:** That the Commission consider whether, in addition to its Proposals 3-1 to 3-5: (a) state and territory police be provided with the power to establish specialist units focused on the detection of elder abuse, and (b) state, territory and federal police receive training in relation to elder abuse and its intersection with family violence.

About WLSA

Women's Legal Services Australia (**WLSA**) is a national network of community legal centres specialising in women's legal issues, which work to support, represent and advocate for women to achieve justice in the legal system. We seek to promote a legal system that is safe, supportive, non-discriminatory and responsive to the needs of women.

Our members provide free and confidential legal information, advice, referral and representation to women across Australia in relation to legal issues arising from relationship breakdown and violence against women. Our legal services are directed to vulnerable and disadvantaged women, most of whom have experienced family violence.

Our members' principal areas of legal service work are family violence (family violence intervention orders), family law, child protection and crimes compensation. Our members also deliver community legal education programs and workshops. Individually and together we advocate for laws that are fair for women experiencing violence and relationship breakdowns. We are informed by a feminist framework that recognises the rights of women as central.

The gendered nature of elder abuse

Firstly, we draw your attention to the gendered nature of elder abuse, as consisting of largely female victims and largely male perpetrators, as set out below. We are concerned that this was not acknowledged in the first introductory chapter of the Discussion Paper and that, as

a consequence, the Discussion Paper does not consider, or make proposals or recommendations in relation to this. While Chapter 1 of the Discussion Paper does briefly discuss the interaction of elder abuse and family violence, no recommendations are made in relation to this. However, given the gendered nature of elder abuse, the interaction of family violence and family law, on the one hand, and laws relating to elder abuse, on the other, should be an important aspect of the Commission's considerations in this inquiry. We would therefore encourage the Commission to further consider, in particular, the interactions of relevant Commonwealth laws with laws relating to family violence including, for example, state and territory family violence laws and the family law. To not do this may risk that there continues to be a "confusion"¹ about the applicability of laws relating to elder abuse, and those relating to family violence, in the case of older women.

Recommendation 1: That the Commission further consider the gendered nature of elder abuse and, in particular, the interactions of relevant Commonwealth laws with laws relating to family violence including, for example, state and territory family violence laws and the family law.

Recommendation 2: The terms of reference of the national prevalence study (Proposal 2-2) should include consideration of the gendered nature of elder abuse.

Research demonstrating gendered nature of elder abuse

Existing research and supporting data clearly demonstrates that the victims of elder abuse are very likely to be female, whilst the perpetrators are slightly more likely to be male than female. This is consistent across all kinds of elder abuse (financial, psychological/emotional, physical, social and sexual).²

The below table below draws together data from the following three reports concerning elder abuse, all released in the past two years by key stakeholders from across Australia:

- (a) Profile of elder abuse in Victoria: Analysis of data about people seeking help from Senior Rights Victoria - Summary Report, prepared in June 2015 by the National Ageing Research Institute (NARI) and commissioned by Senior Rights Victoria (SRV) (**Victorian Report**);³
- (b) Elder Abuse Prevention Unit: Year in Review 2015, prepared in 2015 by the Elder Abuse Prevention Unit (EAPU) of UnitingCare Community (**Queensland Report**);⁴ and

¹ See, for example Commonwealth Department of Social Services, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report* (2008), at 4.1.1 "Older Women": < <https://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/women-domestic-and-family-violence-and-homelessness-a-synthesis-report?HTML>>

² Seniors Rights Victoria, *Profile of elder abuse in Victoria: Analysis of data about people seeking help from Seniors Rights Victoria* (Jun 2015) < https://seniorsrights.org.au/wp-content/uploads/2014/03/Summary-Report_Profile-of-Elder-Abuse-in-Victoria_Final.pdf >.]

³ Ibid.

⁴ Elder Abuse Prevention Unit, *Year in Review 2015* (2015) < http://www.eapu.com.au/uploads/annual_reports/2014%20-%202015%20EAPU%20Annual%20Report_Final.pdf >.

- (c) the 2015/16 Annual Report for the NSW Elder Abuse Helpline & Resource Unit (EAHRU) (**NSW Report**).⁵

| | Victorian Report ⁶ | Queensland Report ⁷ | NSW Report ⁸ |
|------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------|--------------------------|
| Number of reported elder abuse cases | 455 reports representing 671 occurrences of different kinds of abuse | 1282 abuse notifications representing 1581 abuse cases | 1819 abuse-related calls |
| Percentage of victims that are female | 72.5% (apart from abuse by neglect) | 67.65% | 67% |
| Percentage of perpetrators that are male | 60% | 52.23% | Not reported. |

For clarity, the Victorian Report, Queensland Report and NSW Report are together referred to as “the **Reports**”.

Based on data contained in the Victorian Report for the period between June 2012 and June 2014, the table overleaf provides a more detailed breakdown of the types of elder abuse and the gender of victims and perpetrators for each type.⁹

| Type of elder abuse | Number of reported elder abuse cases | Percentage of victims that are female |
|----------------------------|--------------------------------------|---------------------------------------|
| Financial | 279 | 70% |
| Psychological or emotional | 270 | 79% |
| Physical | 75 | 69% |
| Social | 39 | 74% |
| Neglect | 6 | 50% |
| Sexual | 2 | 100% |

⁵ NSW Elder Abuse Helpline & Resource Unit, Annual Report 2015-2016 (2016) < http://www.elderabusehelpline.com.au/uploads/pdf/Annual_Report_2015_2016.pdf >.

⁶ Data set relates to the period between June 2012 and June 2014.

⁷ Data set relates to the period between 1 July 2014 and 30 June 2015.

⁸ Data set relates to the period between 2015/16.

⁹ We note that the Queensland Report contains a graph on page 19 illustrating the percentage of female and male victims and perpetrators in each abuse category as set out in the above table, however it does not provide exact numbers of cases or percentage figures.

The causes underpinning this gendered nature of elder abuse are uncertain, but possible explanations include:

- (a) elder abuse of women may be a continuation of lifelong patterns of family violence and spousal abuse;¹⁰
- (b) the greater lifespan of women may play a role in higher incidences of abuse against women. As women tend to outlive men, widowed women may be living alone, which has been noted as a key risk factor for elder abuse;¹¹
- (c) traditional perceptions of gender roles may also be a contributing factor, particularly in the area of financial abuse where women may not take responsibility for their financial matters. Previous patterns of women leaving control of their financial matters to others may increase the risk of elder abuse;¹² and
- (d) in the area of sexual abuse, older women are vulnerable to sexual assaults by intimate partners, family members as well as health care and general care service providers.¹³

Under-recognition of intimate partner violence as a form of elder abuse

There is a concern that intimate partner violence in elder abuse is under-recognised or under-reported. This is of concern given the higher risk of death in older domestic violence victims in comparison to younger people,¹⁴ whilst the Queensland Crime and Misconduct Commission reported in 2013 that 14% of homicides of victims aged 70 years and over were committed by an intimate partner.¹⁵

There are several suggestions in the research as to why there is such an under-recognition or under-reporting.

1. Professionals may not enquire about domestic or intimate partner violence, for reasons including:

¹⁰ E Cramer & S. Brady, "Competing values in serving older and vulnerable adults: Adult protective services, mandated reporting and domestic violence programs" (2013) *Journal of Elder Abuse and Neglect*, 25(5), 453-468.

¹¹ Rae Kaspiew, Rachel Carson and Helen Rhoades, Australian Institute of Family Studies, *Elder Abuse: Understanding issues, frameworks and responses*, Research Report No. 35 (2016), 47, available at <https://www.ag.gov.au/RightsAndProtections/HumanRights/Documents/Elder-abuse-understanding-issues-frameworks-and-responses.pdf>.

¹² Ibid, 9, citing K Peri, J Fanslow & J Hand, "Keeping older people safe by preventing elder abuse and neglect" (2009) *Social Policy Journal of New Zealand*, 35, 159–172, available at <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/spj35/keeping-older-people-safe.pdf>.

¹³ Rae Kaspiew, Rachel Carson and Helen Rhoades, Australian Institute of Family Studies, *Elder Abuse: Understanding issues, frameworks and responses*, Research Report No. 35 (2016), 11.

¹⁴ Chu, L.D., & Kraus, J.F. (2004). Predicting fatal assault among the elderly using the National Incident-Based Reporting System Crime Data. *Homicide Studies*, 8(2), 71-95.

¹⁵ Crime and Misconduct Commission, "Vulnerable victims: homicide of older people", Research and Issues no 12. Brisbane: CMC (2013), available at <http://www.ccc.qld.gov.au/research-and-publications/publications/research/vulnerable-victims-homicide-of-older-people.pdf>.

- i. a societal perception that the elderly are vulnerable and frail, leading to a view that an older intimate partner lacks the ability to cause physical harm to a partner; and
 - ii. the absence of dependent children at home.¹⁶
- 2. Women aged 70 years and older may be reluctant to report intimate partner violence. Reasons for this reluctance may include:
 - i. women of this age having grown up in an era where attitudes to gender and gender roles were vastly different and where domestic or intimate partner violence was not recognised or treated in the same manner as it is today; and
 - ii. an unwillingness to cause strain or threaten family relationships particularly where there are grandchildren in the family.¹⁷
- 3. Research has found that the mean duration of domestic violence is 39 years,¹⁸ which suggests most intimate partner violence in elderly couples is the continuation of domestic violence from the past.¹⁹ While the occurrence of physical violence within a couple may decrease with age, it could be replaced by other forms of abuse, such as emotional abuse.

Elder abuse of women and homelessness

Another important concern that is not explored in any detail in the Discussion Paper is the relationship between elder abuse and a lack of long-term housing options for victims of elder abuse, and particularly older women.

Research indicates that elder abuse is a risk factor for homelessness.²⁰ This same research recommends that "the identification and recognition of elder abuse necessarily involves consideration of the impacts on accommodation"²¹ and that the law reform priorities for ensuring older people maintain secure housing are the same as recommendations being made to prevent and address elder abuse, namely:

In addition to the basic need to alleviate financial hardship, and increase access to legal services among older people, strengthening human rights, power of attorney, guardianship and administration law to protect vulnerable older people are all measures that ultimately also strengthen their housing security.²²

¹⁶ Chanaka Wijeratne and Sharon Reutens, 'When an elder is the abuser' (2016) 205(6) *Medical Journal of Australia*, 246, 246.

¹⁷ *Ibid*, 246.

¹⁸ *Ibid*, 247 citing A Lazenbatt and J Devaney, "Older women living with domestic violence: coping resources and mental health and wellbeing" (2014) *Curr Nurs J* 2014; 1: 10-22.

¹⁹ *Ibid*, 247 citing A Lazenbatt and J Devaney, "Older women living with domestic violence: coping resources and mental health and wellbeing" (2014) *Curr Nurs J* 2014; 1: 10-22.

²⁰ Susannah Sage Jacobsen, 'Elder law, elder abuse and housing' [2009] *Australian Law Reform Commission Reform Journal* 36, 32.

²¹ *Ibid*, 33.

²² *Ibid*, 33.

This is particularly important, as research has shown that the number of older women at risk of homelessness is growing. A report released in 2014 found that in 2012-13, 4880 women aged over 55 sought access to homelessness services in Victoria, a 30 per cent rise on the previous year.²³ The Productivity Commission had also found that nearly 40 per cent of people experiencing income poverty are older women; women over 55 typically have less than half the superannuation of men.²⁴

Recommendation 3: That the Commission further consider what law reform efforts can be made to ensure housing security of older people who are the victims of elder abuse, and, in particular, older women.

Recommendation 4: The national plan to address elder abuse (Proposal 2-1) should include a clear funding allocation for improved long-term housing options for older people, and, in particular, for victims of elder abuse.

Possible correlation between intimate partner violence and elder abuse

Anecdotally, our legal casework experience suggests there may be a link between intimate partner violence and elder abuse in cases where the perpetrator of intimate partner violence (the son), once excluded from the family home, will move in with his parents and commit elder abuse. One tragic example of this is the case of Dimitrious "Jimmy" Gargasoulas, who recently killed five people on Bourke St in Melbourne. Gargasoulas had both an extensive history of intimate partner family violence, and at least a limited history of elder abuse - only a few days prior to the Bourke St killings, Gargasoulas had assaulted his mother's former partner.²⁵ Tragically, this is not uncommon, as set out in the story of Sally, in Case Study 1.

Case study 1: Sally's story

Sally²⁶ and her ex-partner, Matthew, are the parents of a son with an intellectual disability. Since the beginning of their relationship, in about 2004, Matthew has committed multiple acts of family violence toward Sally. This includes punching her, kicking her, and dragging her by her hair and body around the house. Sally and Matthew's son was born in 2005.

In 2007 Sally was hospitalised due to injuries caused by an assault by Matthew, for which he was charged and later convicted. The police have since taken out two intervention orders against Matthew on behalf of Sally and her son.

Sally separated from Matthew in 2009. Despite the history of violence, since that time they have shared the care of their son.

Upon separation from Sally, Matthew went to live with his mother. In late 2016, police were called to Matthew's mother's home, in response to a report of Matthew's aggressive behaviour toward his mother. A few days later, Matthew's mother had asked him to leave

²³ < <http://www.theage.com.au/victoria/older-women-fall-victim-to-crisis-in-homelessness-20140407-36957.html>>

²⁴ Ibid.

²⁵ See < <http://www.news.com.au/national/victoria/crime/rampaging-melbourne-drivers-troubling-facebook-posts-revealed/news-story/9f31c53361bee9ce2ab4982a496a9c5d>> and <<http://www.theage.com.au/victoria/im-ashamed-to-be-his-mum-mother-of-alleged-bourke-street-mall-driver-speaks-20170121-gtw63y.html>>.

²⁶ This story is fully de-identified and provided with the consent of the client.

her home due to his behaviour and ongoing drug habit. A few days after this, Matthew showed up at Sally’s home in the middle of the night, advising her that he had been asked to leave his mother’s premises, and demanding that Sally take him back in.

There is an ongoing dispute about parental responsibility in relation to their son, with which Women’s Legal Services Victoria is assisting Sally.

Relevantly, an analysis of the Reports, as seen in the table below, found that sons of older people were the most likely to commit elder abuse.

| Relationship of perpetrator to victim | Victorian Report ²⁷ | Queensland Report ²⁸ | NSW Report ²⁹ |
|---------------------------------------|--------------------------------|---------------------------------|--------------------------|
| Son | 40.0% | 41% (approx.) | 28% |
| Daughter | 26.8% | 32.5% (approx.) | 26% |
| Spouse/Partner | 11.2% | 11% (approx.) | 12% |
| Grandchild | 4.4% | 6% (approx.) | 3% |
| Friend | 2.0% | 2.5% (approx.) | 5% |

As seen in the table below, there has been some, albeit limited, research on the common characteristics of an elder abuse perpetrator.

| Characteristics of perpetrator | Victorian Report ³⁰ | Queensland Report ³¹ |
|---------------------------------------|--------------------------------|---------------------------------|
| Substance abuse or gambling addiction | 18.5% | 18.28% |
| Mental health | 13.2% | 16.57% |
| Dysfunctional/isolated family | 18.5% | Not provided. |
| Family history of violence | 10.1% | Not provided. |
| Financial difficulties | 18.2% | Not provided. |

The Victorian Report in particular identified that:

- the perpetrator came from dysfunctional or geographically isolated families in 18.5% of elder abuse cases; and

²⁷ Data set relates to the period between June 2012 and June 2014.

²⁸ Data set relates to the period between 1 July 2014 and 30 June 2015.

²⁹ Data set relates to the period 2015/16.

³⁰ Data set relates to the period between June 2012 and June 2014.

³¹ Data set relates to the period between 1 July 2014 and 30 June 2015.

- a history of family violence was prevalent in more than 1 in 10 elder abuse cases, although it does not identify what that history consists of.

Recommendation 5: The terms of reference of the national prevalence study (Proposal 2-2) should include consideration of the relationship between intimate partner violence and elder abuse and, in particular, whether perpetrators of intimate partner violence are more likely to commit elder abuse.

An intersectional approach to elder abuse

We support the comments throughout the Discussion Paper in relation to how the response to elder abuse (in terms of primary prevention, law reform, and research, among other things) will need to be culturally appropriate and targeted at differing communities, including: Aboriginal and Torres Strait Islander communities; culturally and linguistically diverse (**CALD**) communities; women with disabilities; and, lesbian, gay, bisexual, transgender and intersex (**LGBTI**) communities. However, we note that this is not explicitly incorporated into the Proposals set out in the Discussion Paper thus far.

We will refer to the following submissions in the remainder of this paper:

- Senior Rights Victoria's Submission to the Royal Commission into Family Violence (June 2015) (**SRV Submission**);³²
- Ethnic Communities Council of Victoria's submission to the ALRC Elder Abuse Inquiry (August 2016) (**ECCV Submission**);³³
- Women's Legal Service NSW's (WLSNSW) submission to the Senate Community Affairs Committee Inquiry into Grandparents who take primary responsibility for raising their grandchildren (August 2016) (**WLSNSW Grandparents Submission**);³⁴
- WLSNSW's submission to the Inquiry into Elder Abuse in NSW (November 2015) (**WLSNSW Abuse Submission**);³⁵
- Alzheimer's Australia's submission in response to the ALRC's June 2016 Issues Paper: Elder Abuse (August 2016) (**Alzheimer's Australia Submission**);³⁶ and

³² Senior Rights Victoria, Submission to the Royal Commission into Family Violence, June 2015, available at <https://seniorsrights.org.au/wp-content/uploads/2015/06/SRVs-submission-to-the-RCFV1.pdf>.

³³ Ethnic Communities Council of Victoria, Submission to the Australian Law Reform Commission, *Inquiry into Protecting the Rights of Older Australians from Abuse*, August 2016, available at http://eccv.org.au/library/V2.ECCV_reponse_to_elder_abuse_inquiry_by_Australian_Law_Reform_Commission.pdf.

³⁴ Women's Legal Service NSW, Submission to the Senate Community Affairs Reference Committee, *Inquiry into Grandparents who take primary responsibility for raising their grandchildren*, 24 March 2014, available at https://www.alrc.gov.au/sites/default/files/subs/53_womens_legal_services_nsw.pdf.

³⁵ Women's Legal Service NSW, Submission No. 44 to the General Purpose Standing Committee No. 2, *Inquiry into Elder Abuse in NSW*, 16 November 2015, available at <https://www.parliament.nsw.gov.au/committees/DBAssets/InquirySubmission/Body/53744/0044%20Womens%20Legal%20Services%20NSW.pdf>.

³⁶ Fight Alzheimer's Save Australia, Submission to the Australian Law Reform Commission, *Response to the ALRC Issues Paper: Elder Abuse*, August 2016, available at <https://www.fightdementia.org.au/files/NATIONAL/documents/AA-Submission-to-ALRC-Elder-Abuse-Inquiry.pdf>.

- National Seniors' submission in response to the ALRC's Issues Paper 47 (August 2016) (**National Seniors' Response**),

(together, the **Submissions**).³⁷

We note and support the following previously made recommendations:

Elder abuse in the Indigenous community

- Elder abuse in Indigenous communities requires a 'culturally appropriate approach'.³⁸ The characteristics of elder abuse in Indigenous communities are different to mainstream society due to cultural, social and historical reasons.
- In handling these issues, the SRV Submission recommends that a full-time position be funded to develop and deliver a culturally-specific community education curriculum and program on elder abuse. These programs should then be delivered to indigenous communities to increase awareness. Finally, SRV recommends the improved training of workers in indigenous communities to prevent elder abuse, as well as to educate and respond to incidences of elder abuse in the community.³⁹
- Women's Legal Services NSW (**WLS NSW**) has an Aboriginal Women's Legal Program (**IWLP**). This program delivers a culturally sensitive legal service to Aboriginal women in NSW. It provides an Aboriginal legal advice line, participate in law reform and policy work, and provides community legal education programs and conferences that are topical and relevant for Aboriginal and Torres Strait Islander women. An Aboriginal Women's Consultation Network (**AWCN**) guides the IWLP. It meets quarterly to ensure we deliver a culturally appropriate service. The members include regional community representatives and the IWLP staff. There is a representative from the Aboriginal Women's Consultation Network on the WLS NSW Board.
- Women's Legal Service NSW made a submission to the Senate Community Affairs Reference Committee Inquiry into Grandparents who take primary responsibility for raising their grandchildren informed by IWLP and the AWCN. In that submission we raised psychological and financial abuse perpetrated against Aboriginal and Torres Strait Islander women by their adult children, for example, with respect to Aboriginal and Torres Strait Islander grandparents taking on the primary care of their grandchildren without financial support and other assistance.⁴⁰
- The AWCN and IWLP team have also observed that there needs to be much greater accessible community education about elder abuse as many victims/survivors are

³⁷ National Seniors Australia, Submission to the Australian Law Reform Commission, *Submission to the Elder Abuse Inquiry: Response to the Issues Paper 47*, August 2016, available at <http://nationalseniors.com.au/sites/default/files/National%20Seniors%20-%20Elder%20Abuse%20Inquiry%20Submission%20-%20August%202016.pdf>.

³⁸ SRV Submission, 53.

³⁹ SRV Submission, 54.

⁴⁰ For further information see WLS NSW submission to the Senate Community Affairs Reference Committee Inquiry into Grandparents who take primary responsibility for raising their grandchildren, 24 March 2014 at paragraph 24, 40-43 accessed on 28 February 2017 at: <http://www.aph.gov.au/DocumentStore.ashx?id=f94f4284-ee4d-4d00-bbab-a461117d26de&subId=205943>

unaware that what they are experiencing is elder abuse. They also commented that too often there is the assumption that older people cannot talk for themselves. It is important that all older people are allowed to speak for themselves and that decision makers listen.

Culturally and Linguistically Diverse communities

- The SRV Submission notes that approximately one third of people over 65 years of age in Victoria are from CALD communities. It notes that older persons in CALD communities may be at a greater risk of elder abuse due to a lack of English skills, cultural influences and smaller family networks. To this end, the SRV Submission comments that any programs that aim to educate and intervene in elder abuse need to be culturally sensitive.⁴¹
- The ECCV Submission recommends that all aged care workers need professional development and training to identify and manage elder abuse in clients, and notes that with such training the large body of bilingual workers in aged care services may improve access to support for those in CALD communities.⁴² The SRV Submission endorses the recommendations in the ECCV Submission.⁴³

Expansion of school education programs to include elder abuse

We note and support the following:

- The SRV Submission recommendation that the Victorian Government expanded its respectful relationships program to include elder abuse given the common themes of gender and violence, and that a pilot be developed to assess its effectiveness.⁴⁴

Recommendation 6: The national plan to address elder abuse (Proposal 2-1) should include a clear funding allocation for the following:

- development of a culturally-specific community education curriculum and program on elder abuse to be delivered to indigenous communities, and that workers in indigenous communities should be trained on how to prevent elder abuse and how to respond to incidences of elder abuse in the community;
- development of a culturally sensitive training package on elder abuse for all aged care workers on how to identify and manage elder abuse in clients, and that further training should particularly be provided to bilingual community workers in aged care services to improve access to support for those in CALD communities;
- the expansion of the Victorian respectful relationships program nationally, and the inclusion within that program to include elder abuse, given the common themes of gender and violence, and that a pilot be developed to assess its effectiveness.

⁴¹ SRV Submission, 55.

⁴² ECCV Submission, 5.

⁴³ SRV Submission, 56.

⁴⁴ SRV Submission, 23.

Enforcement

In relation to Proposals 3-1 to 3-5, we note the following:

- Previous submissions in relation to elder abuse have recommended the establishment of a specialist unit of each police force to detect elder abuse, and, in particular, specialist officers who can assist in responding to the abuse experienced by older women. Both the SRV Submission and the WLSNSW Abuse Submission submit that police are often reluctant or unwilling to enforce and investigate theft or fraud within a family context,⁴⁵ and that further training is required. As such, the SRV Submission recommends that the Victoria Police replicate the model of the Seattle Police Department and King County (Washington State) prosecutors, whose specialist unit is devoted to the detection and prosecution in elder abuse.⁴⁶ The WLSNSW Abuse Submission supports the introduction of specialist officers who can assist in responding to the abuse experienced by older women.⁴⁷
- Improved training of all police, including state, territory and federal police, is required in relation to elder abuse and its intersection with family violence. The SRV Submission states that in SRV's experience, police are inconsistent in responding to situations of elder abuse.⁴⁸ The SRV Submission recommends improved training of police to enable more effective responses to elder abuse and an increase in police with specialised capabilities to deal with such matters.⁴⁹ The Alzheimer's Australia Submission supports these recommendations.⁵⁰

Recommendation 7: That the Commission consider whether, in addition to its Proposals 3-1 to 3-5: (a) state and territory police be provided with the power to establish specialist units focused on the detection of elder abuse, and (b) state, territory and federal police receive training in relation to elder abuse and its intersection with family violence.

Further contact

We would be happy to assist you with any other questions you may have, or contacts that you required. Please do not hesitate to contact me by email at agata@womenslegal.org.au or on (+613) 8622 0606 (Mon – Thur).

Yours faithfully

Agata Wierzbowski
National Law Reform Coordinator

⁴⁵ SRV Submission, 36.

⁴⁶ SRV Submission, 36.

⁴⁷ WLSNSW Abuse Submission, paras 13-15.

⁴⁸ SRV Submission, 31.

⁴⁹ SRV Submission, 31.

⁵⁰ Alzheimer's Australia Submission, 6.