



LEGISLATIVE COUNCIL GENERAL  
PURPOSE STANDING COMMITTEE NO.2

# Inquiry into Elder Abuse in New South Wales



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# Executive Summary

Elder Abuse is a serious issue – and one that the Government is committed to addressing. It is why this Government established the NSW Elder Abuse Helpline and Resource Unit.

On 1 September 2015, the General Purpose Standing Committee No. 2 (the Committee) commenced the Parliamentary Inquiry into Elder Abuse in NSW. The Committee tabled its report on 24 June 2016.

The Committee's report includes 11 recommendations to the NSW Government. The proposed response for most recommendations is 'supported' or 'supported in part'. No recommendation has been rejected outright.

The Committee's report acknowledges the work already underway across the NSW Government to address elder abuse but recommends further work and investment.

While acknowledging that there is further work to do in addressing this issue, there are several processes currently underway – the Australian Law Reform Commission Inquiry, the NSW Law Reform Commission's inquiry into guardianship laws, and the working group established by the Australian Attorneys-General considering national approaches – which will affect further implementation of initiatives to combat elder abuse. The NSW Government is awaiting the outcomes of these actions to ensure the response to elder abuse is well integrated across agencies, legislative frameworks and jurisdictions to provide the best outcomes for the people affected.

## Committee Recommendation

That the NSW Government embrace a comprehensive, coordinated and ambitious approach to elder abuse with the following elements:

- i. a rights based framework that empowers older people and upholds their autonomy, dignity and right to self-determination
- ii. a major focus on prevention and community engagement
- iii. legislative reform to better safeguard enduring powers of attorney and to establish a Public Advocate with powers of investigation
- iv. an ambitious training plan to enable service providers to identify and respond appropriately to abuse
- v. an active commitment to building the evidence base for policy
- vi. an enhanced role for the NSW Elder Abuse Helpline and Resource Unit.

## Government Response

### Recommendation 1(i): Rights based framework

#### Response: Supported

The NSW Government is committed to supporting older people to lead active and rewarding lives and to promoting communities that are inclusive of people of all ages so they can live in safety and with dignity.

*NSW Ageing Strategy 2016-2020*

The implementation plan for the first year of the renewed Strategy (2016/17), released in October 2016, outlines a range of measures to promote the autonomy, dignity and rights of older people. These include:

- Continued funding for the Seniors Rights Service, a community legal centre that protects the rights of older people through providing telephone advice, advocacy, legal advice and educational services.
- Continuation of the Get It In Black and White campaign, which encourages people to plan ahead to ensure their future financial, health and lifestyle decisions are respected. The campaign includes the Planning Ahead Tools website, which provides information on completing a will, power of attorney, enduring guardianship and advance care directive.
- *'Taking Care of Business – Planning ahead for Aboriginal people in NSW'*. This tailored community education resource will continue to be available online. The booklet is designed to inform and encourage Aboriginal people to complete a will, power of attorney, enduring guardianship and advance care planning directives.
- The Older Persons' Legal and Education Program, provided by Legal Aid NSW, will continue to provide legal advice, referral and education for older people in NSW including those in rural and remote areas. This service is for people over 60 years of age, particularly those who are socially or economically disadvantaged.

- The Veterans' Advocacy Service, a state-wide specialist service of Legal Aid NSW, will continue to provide free legal advice, assistance and representation to veterans and their dependents about their rights and entitlements under the Veterans' Entitlements Act 1986.
- The Legal Topics for Older People diary will again be published in 2017. The diary is a free annual publication with information about the legal rights of older people. It is developed in partnership with the Seniors Rights Service and the Financial Ombudsman Service.
- The inaugural Ministerial Advisory Committee on Ageing Media Awards, which seek to challenge negative stereotypes towards older people by highlighting examples of balanced and realistic media reporting on older people and ageing. As part of the awards, the Ministerial Advisory Committee on Ageing has also released a set of guidelines for media professionals with guidance on portraying people who are older.

#### *NSW Trustee and Guardian and NSW Public Guardian*

NSW Government agencies also play a key role in upholding the rights of older people including through the work of the NSW Public Guardian and the NSW Trustee and Guardian. These agencies provide substitute decision making and financial management services for people who have impaired capacity, such as those whose capacity is affected by dementia, and educate the community on the role of substitute decision makers.

#### *NSW Interagency Policy on Preventing and Responding to Abuse of Older People*

The NSW Interagency Policy on Preventing and Responding to Abuse of Older People also supports a rights-based approach to addressing elder abuse. The Interagency Policy includes guidance for organisations supporting older people to effectively respond to abuse. It is based on the general principle that older people have the right to (p12):

- be treated with dignity and respect
- make their own decisions and choices
- live in a safe environment
- access the protections available to other adults in the community.

The Interagency Policy also reflects the United Nations Principles for Older Persons<sup>1</sup> which aim to uphold the rights of older people to independence, participation, care, self-fulfilment and dignity (p22).

#### **Recommendation 1(ii): Prevention**

*See recommendation 2*

#### **Recommendation 1(iii): Legislative reforms**

*See recommendation 7 and recommendation 11*

#### **Recommendation 1(iv): Training on elder abuse**

*See recommendation 5*

<sup>1</sup> *United Nations Principles for Older Persons*. Adopted by General Assembly resolution 46/91 of 16 December 1991. Accessed at: [www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx)

## Recommendation 1(v): Building the evidence base

### Response: Supported

The Committee's Inquiry into Elder Abuse in NSW has played a valuable role in highlighting the experiences of older people who have suffered abuse, of their family members, and of organisations that support older people. Through the Inquiry, the need for more robust evidence on the prevalence of elder abuse in the community has also been highlighted, to inform design of effective policy responses. This need is also highlighted in the recent Australian Institute of Family Studies report *Elder Abuse: Understanding Issues, Frameworks and Responses*,<sup>2</sup> which was commissioned by the Commonwealth Government Attorney General.

As acknowledged in the Committee's report, the NSW Government is supportive of a national prevalence study into elder abuse. In December 2015, the Minister for Ageing, the Hon. John Ajaka MLC, contacted the Commonwealth Government Attorney General to offer funding towards a study. The Federal Coalition released its policy to protect the rights of older Australians on 15 June 2016.<sup>3</sup> Under the policy, the Commonwealth Government has committed to developing a national plan to protect older Australians from all forms of abuse. The commitment includes developing measures to enhance the knowledge base, relating to:

- the nature and prevalence of elder abuse
- risk factors
- the effectiveness of existing prevention, intervention and remediation measures and programmes at all levels of government.

At the recent (21 October 2016) meeting of the Law, Crime and Community Safety Council, Australian Attorneys-General agreed to establish a working group to discuss current activities to combat elder abuse in jurisdictions, consider potential national approaches, and consider the findings and recommendations of the Australia Law Reform Commission Inquiry *Protecting the Rights of Older Australians from Abuse*. NSW will be represented on this working group.

The three yearly review of the Interagency Policy on Preventing and Responding to Abuse of Older People, planned to commence in early 2017, will also include consideration of opportunities for NSW Government agencies to improve data collection on elder abuse. For example, the NSW Police Force is currently developing a new version of its Computerised Operational Police system, and this may assist in improving data collection for those cases that are reported to Police. Agency data in itself cannot indicate the prevalence of abuse in the community, due to such factors as under-reporting, however when considered alongside further prevalence data it may be used to help evaluate the effectiveness of elder abuse response measures.

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<sup>2</sup> Research Report No. 35 - *Elder abuse: Understanding issues, frameworks and responses*. Kaspiew, R, Carson, R and Rhoades, H. Australian Institute of Family Studies. February 2016

<sup>3</sup> Federal Coalition Policy to Protect the Rights of Older Australians. 15 June 2016. Accessed at: [www.liberal.org.au/coalitions-policy-protect-rights-older-australians](http://www.liberal.org.au/coalitions-policy-protect-rights-older-australians)

*NSW Elder Abuse Helpline and Resource Unit annual report*

In 2016, the Elder Abuse Helpline and Resource Unit Helpline will publish an annual report with information on calls to the Helpline and its awareness raising and training activities during 2015/16.

Information on calls to the Helpline helps illustrate the experiences of older people and others in the community who are concerned about abuse. The number of calls to the Helpline does not indicate prevalence of abuse, as evidence suggests abuse is often unreported. Abuse may also be reported through other channels such as directly with Police or the NSW Trustee and Guardian. The number of calls can also reflect the results of awareness raising activities targeted at particular parts of the community or service providers.

**Recommendation 1(vi): Role of the NSW Elder Abuse Helpline and Resource Unit**

*See recommendation 6*

## Committee Recommendation

That the NSW Government make a significant new investment of resources in the prevention of elder abuse. This must involve the development and funding of a new prevention framework that provides for:

- substantially enhanced primary prevention, community education, awareness and engagement, carer support and later life planning initiatives
- specific resources for strategies targeting culturally and linguistically diverse and Indigenous communities and engagement with Multicultural NSW and Aboriginal Affairs NSW.

## Government Response

### Recommendation 2

#### Response: Supported in part

The NSW Government will continue to deliver a range of programs that play a role in preventing elder abuse, including:

- The Liveable Communities Grants Program, which is providing \$4 million over four years (from 2015/16 onwards) to organisations in NSW to deliver programs that help older people contribute and connect with their community. A number of projects funded in 2015/16 will play a role in helping to prevent elder abuse, by supporting older people to stay connected with their community.
- The Tech Savvy Seniors program, which provides free or low cost training to help seniors learn to use computers, tablets and smartphones, increasing their independence and ability to connect online. Tech Savvy Seniors training is delivered in partnership with Telstra and provided through a network of over 135 community colleges and libraries across NSW. Since 2012, over 40,000 training places have been provided for older people. A culturally and linguistically diverse Tech Savvy Seniors program, developed in consultation with the Ethnic Communities Council NSW, is also available in eight community languages at select libraries. A Tech Savvy Elders program was also delivered in 2016, developed in collaboration with Indigenous stakeholders, to provide opportunities for Aboriginal Elders to learn about technology. From 2017, an online banking module will also be added to the program to give older people the skills and confidence to manage their accounts, shop and pay bills online.
- Further implementation of the Get It In Black and White campaign, delivered by the NSW Trustee and Guardian with support from the Department of Family and Community Services.

- Continued promotion of the community education resource ‘Taking Care of Business – Planning ahead for Aboriginal people in NSW’. Under the NSW Carers Strategy 2014-19, the resource was developed by a project group including Aboriginal organisations, Aboriginal Affairs, NSW Health, NSW Trustee and Guardian and the Public Guardian and disability and carers peak bodies. Since the updated version was released in 2015, 15,000 copies have been distributed to government agencies, non-government organisations and Aboriginal communities. Community education sessions about planning ahead have been delivered to thousands of community elders and service providers in metropolitan and regional centres, and the Benevolent Society has also included the resource in its client information packages for 4,000 Aboriginal people across NSW.
- Continued promotion of Community Justice Centres. Community Justice Centres provide a free, early intervention dispute resolution service to assist older people and their families communicate, negotiate and agree on short-, medium- and long-term arrangements.

The Year One Implementation Plan for the renewed NSW Ageing Strategy also identifies a number of new initiatives that aim to support older people to stay involved in their community, including:

- Creating Opportunities for Older People to Connect project – the Department of Family and Community Services, in partnership with the community sector, will explore what opportunities and programs can promote social engagement for older people. The focus of this project is older people who are, or are at risk of becoming, socially isolated.
- Creative Ageing strategy – to articulate a commitment across government to creating opportunities and supporting initiatives that enable older people to take part in artistic and cultural activities in their community.
- Singing program for older people - a number of private and community sector partners will be supported to establish singing groups for older people in a range of metro and regional locations across NSW.

The Department of Family and Community Services has also provided funding to the Seniors Rights Service in support of a national elder abuse conference to be held in Sydney in late 2017/early 2018. The conference will bring together professionals and experts from across a range of sectors to share evidence and best practice models for preventing elder abuse.

As acknowledged by the Committee, in late 2016 the NSW Elder Abuse Helpline and Resource Unit consulted with people from culturally and linguistically diverse communities and with Aboriginal communities, with support from Multicultural NSW and Aboriginal Affairs NSW. Engagement with these groups will enable the Helpline to develop appropriate resources for raising awareness of elder abuse among these communities, which will be a focus of the Helpline’s work over the next 18 to 24 months.

## *Elder Abuse Interagency Collaboratives*

The Helpline also continues to support the operation of elder abuse interagency collaboratives across NSW. The Helpline has set up four elder abuse interagency collaborative sites in NSW (Coffs Harbour, Ballina/Lismore, the Blue Mountains and Port Macquarie), and also works with a pre-existing interagency collaborative in the Hastings area.

The collaboratives support coordinated, local responses to elder abuse. Membership is open to professionals wishing to support the rights of older people in their local community and involve local interagency representatives such as GPs, community services, police, ambulance, and lawyers.

Interagency collaboratives operate within the NSW Interagency Policy on Preventing and Responding to Abuse of Older People. They aim to:

- establish local referral pathways
- initiate and engage in local projects and programs for preventing abuse of older people
- increase local awareness and education about elder abuse
- provide the Helpline with a local point of contact for resolving abuse matters
- assist with the distribution of Helpline resources
- identify local limitations and gaps
- collect best practice stories and document improvements
- support the Helpline through regular reporting on actions, significant issues and recommendations.

The Helpline has developed a Guide to Establishing Interagency Collaboratives which is available on its website and in 2016/17 is working to support the establishment of a further five collaboratives in Sutherland, Hunter/Central Coast, Illawarra/Shoalhaven, Murrumbidgee (Wagga Wagga) and Goulburn.

It is anticipated that further work to target or expand measures that help prevent elder abuse will be informed by the outcomes of a national prevalence study (discussed above at recommendation 1). The Commonwealth Government commitment to develop a \$15 million national plan to protect the rights of older Australians also includes a national awareness campaign to educate the community about elder abuse and ensure the rights of older people are recognised.<sup>4</sup> Once available, details of these measures will also inform development of any further prevention measures.

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<sup>4</sup> Federal Coalition Policy to Protect the Rights of Older Australians. 15 June 2016. Accessed at: [www.liberal.org.au/coalitions-policy-protect-rights-older-australians](http://www.liberal.org.au/coalitions-policy-protect-rights-older-australians)

## Committee Recommendation

That the NSW Steering Committee on the Prevention of Abuse of Older People meet at least quarterly in order to enhance accountability and drive the implementation of government policy.

## Government Response

### Recommendation 3

#### Response: Supported

The NSW Ageing Strategy Interdepartmental Committee convened the NSW Steering Committee for the Prevention of Abuse of Older People in 2013, primarily to oversee establishment of the NSW Elder Abuse Helpline and Resource Unit. Now in its third year of operation, the Helpline is well established with strong links with a range of government and community agencies.

From 2017, the Steering Committee's terms of reference will be revised to support a more strategic approach to development, implementation and review of measures aimed at tackling elder abuse. It will meet quarterly.

## Committee Recommendation

That in undertaking the three year review of the NSW Interagency policy for preventing and responding to abuse of older people, the NSW Government:

- explicitly consider the improvements to content recommended by stakeholders documented in our report, including with regard to duty of care, reporting requirements in respect of a crime, and privacy and confidentiality
- conduct further consultation on potential improvements with relevant government and non-government stakeholders
- develop a comprehensive strategy to ensure widespread promulgation of a revised policy
- ensure that service providers exercise their responsibilities under the policy.

## Government Response

### Recommendation 4

#### Response: Supported

The Interagency Policy for Preventing and Responding to Abuse of Older People is subject to review every three years. The Interagency Policy was last reviewed in 2014, with some further minor changes made in November 2015.

The NSW Ageing Strategy Interdepartmental Committee will oversee a review of the Interagency Policy from early 2017. The review will include consideration of stakeholders' suggested changes to the policy, further consultation with stakeholders, and a comprehensive communication plan for ensuring government agencies and non-government service providers are aware of the policy and the principles for proactively responding to abuse of older people.

As part of this process, NSW Health proposes a review and development of a state-wide NSW Health policy to safeguard older people at risk from abuse. This would ensure consistent procedures are in place, aimed at ensuring that staff across all NSW Health settings are able to respond appropriately to suspected and/or actual abuse of adults at risk.

There is also a role for the Commonwealth Government, which has primary responsibility for funding and regulation of service providers within the MyAgedCare system, to ensure service providers are alert to and equipped to respond to elder abuse. NSW Health will consider opportunities for raising with the Commonwealth Government the importance of ensuring contracted service providers proactively respond to elder abuse. This includes responding in cases where an older person who receives aged care services while living in the community is experiencing abuse at the hands of a family member or friend.

## Committee Recommendation

That the Department of Family and Community Services and the NSW Ministry of Health develop and fund a comprehensive plan addressing the training needs of service providers, to enable better identification of and responses to abuse. The plan should address:

- the role of the NSW Elder Abuse Helpline and Resource Unit and other potential training providers
- the needs of the full range of service providers including general practitioners and other health professionals
- the potential for mandatory training for some service providers.

## Government Response

### Recommendation 5

#### Response: Supported in principle

The NSW Government will continue to fund the NSW Elder Abuse Helpline and Resource Unit which provides training on preventing and responding to abuse of older people. The Helpline's 'train the trainer' program was delivered in locations across NSW from May to December 2016. Effectiveness of the program in increasing service providers' ability to respond to abuse is being evaluated from late 2016, with findings to inform future planning for elder abuse training.

The Department of Family and Community Services is currently developing a learning and development strategy for housing client service staff. This will include training on supporting people experiencing domestic and family violence, and there is scope to include information on identifying and responding to older people who are experiencing abuse within this training. This will be considered further as the strategy is developed.

An information resource for housing professionals about domestic and family violence is currently being developed as a project of the Department Of Family and Community Services funded *Community Housing Industry Development Strategy*. This resource recognises elder abuse in a domestic and family violence frame, and aims to assist community housing providers to recognise and respond to older clients who may be experiencing it. The resource will be distributed to community housing providers in NSW, accompanied by several industry workshops about domestic and family violence.

In partnership with TAFE, the Helpline also continues to provide a free online learning module on recognising and responding to elder abuse. The module includes information relevant to service providers working across a range of sectors. NSW Health will also work with the Helpline and the NSW Health and Training Institute to develop a targeted online elder abuse training module for health professionals. The module will be accessible to NSW Health frontline staff to support a consistent approach to identifying, responding and preventing the abuse of older people. An online module for staff in financial institutions will also be developed, discussed at recommendation 9 below.

It is noted that NSW Police Force training for Domestic Violence Liaison Officers includes material on elder abuse, and there are also three six-minute intensive training modules for police officers that deal with aspects of elder abuse, such as indicators of abuse and powers of attorney. These training modules are supported by a Policing Issues and Practice Journal article with guidance on identifying elder abuse. The NSW Police Force welcomes the opportunity to work with other agencies to further develop programs and training particularly if there are changes to legislation, reporting or prevention measures.

There is also a role for the Commonwealth Government in ensuring service providers within the aged care sector and the national health system are able to access training on identifying and responding to elder abuse. Development of pilot training programs on elder abuse forms part of the Commonwealth Government's commitment to invest \$15 million in a national plan for protecting the rights of older Australians, with training initially targeted towards frontline staff in the Commonwealth Government and contracted service providers. The NSW Government will engage with the Commonwealth Government to share training resources and help ensure broad coverage of professionals supporting older people across different levels of government.

These actions together contribute to achieving the intention of the Committee's recommendation.

## Committee Recommendation

That the NSW Government expand the role of the NSW Elder Abuse Helpline and Resource Unit to include:

- provision of case management and coordination
- consideration of Helpline operating hours, based on an assessment of demand
- adequate provision for culturally and linguistically diverse and Aboriginal clients.

## Government Response

### Recommendation 6

#### Response: Further consideration required

##### *Case management and coordination*

The NSW Government will await the outcomes of the working group established by the Attorneys-General into national approaches before making any decisions to expand or restructure the functions of the NSW Elder Abuse Helpline and Resource Unit.

As part of its commitment to develop a \$15 million national plan on elder abuse, the Commonwealth Government intends to develop measures to enhance the knowledge base. This work is expected to include examination of the prevalence of elder abuse and the effectiveness of existing prevention, intervention and remediation measures and programs. A prevalence study into the rates and patterns of abuse experienced by older people in the community will inform further policy development, including consideration of the level of need, and options for integrating or expanding current service responses in NSW. The NSW Government is engaging with the Commonwealth Government as it develops options for a national prevalence study into elder abuse.

It is also noted that the Commonwealth Government has responsibility for aged care assessment services including the Aged Care Assessment Program and the Regional Assessment Services Program. NSW Health has operational responsibility for the Aged Care Assessment Program and for some Regional Assessment Services. These services provide some time-limited case management/care-coordination services and linkage to other ongoing services as appropriate. NSW Health staff, including Regional Assessment Services and Aged Care Assessment Team staff, are required to comply with relevant NSW laws where neglect or abuse of older people is suspected as well as the Interagency Policy for Preventing and Responding to Abuse of Older People.

### *Operating hours of the NSW Elder Abuse Helpline and Resource Unit*

The Commonwealth Government's commitment to develop a national plan also includes developing options for a national elder abuse helpline. Once available, further details of this measure will inform the NSW Government's consideration of the need to extend the operating hours of the NSW Elder Abuse Helpline. The NSW Government has extended funding to the Helpline until June 2019 ensuring the Helpline will continue to be available to provide advice, referrals and support for older people experiencing abuse, or those concerned about an older person living in the community.

### *Provision for older people from culturally and linguistically diverse backgrounds and older Aboriginal people*

This is supported. In the second half of 2016 the Helpline engaged with members of culturally and linguistically diverse and Aboriginal communities to develop a strategic plan for awareness raising. Consultation with these groups will inform development of appropriate awareness raising resources from 2017 onwards and help ensure staff are able to respond effectively to issues raised by older Aboriginal people and older culturally and linguistically diverse people who contact the Helpline.

Helpline staff have completed cultural awareness training and training on domestic violence in culturally and linguistically diverse communities. The Helpline also draws on the skills and experience of Aboriginal staff employed by Catholic Healthcare, which operates the Helpline, as well as that of Multicultural Health NSW and the Ethnic Communities Council NSW.

## Committee Recommendation

That the NSW Government, as a priority, introduce legislation to amend the *Powers of Attorney Act 2003* consistent with Victoria's *Powers of Attorney Act 2014*, thereby significantly enhancing safeguards in respect of enduring powers of attorney.

## Government Response

### Recommendation 7

#### Response: Further consideration required

The NSW Government will consider the outcomes of the NSW Law Reform Commission review of the *Guardianship Act 1987 (NSW)* and the Australian Law Reform Commission's Inquiry into Protecting the Rights of Older Australian's from Abuse before making its decision on any reform to the *Powers of Attorney Act 2003 (NSW)*. The NSW Law Reform Commission and the Australian Law Reform Commission are expected to report in 2017.

Further consultation and analysis of the Victorian legislation is required to ensure the right regulatory balance is achieved. The Victorian legislation commenced on 1 September 2015 and further changes are still being made, through the *Powers of Attorney Amendment Bill 2016 (Vic)*.

The NSW Government will continue to explore options to enhance safeguards in respect of powers of attorney, both general and enduring, within the existing regulatory framework. Improvements to the prescribed form and Act introduced in 2013 provide safeguards against attorneys who abuse their position of trust. Information for people using a power of attorney to educate them of their rights and responsibilities has also been improved, and is available in an updated fact sheet on the Land and Property Information website.

It is also recognised that conferring a new jurisdiction on the NSW Civil and Administrative Tribunal to order compensation for loss caused by enduring attorneys could have significant workload implications for the Guardianship Division of NSW Civil and Administrative Tribunal, as it would involve different processes and procedures to those currently in place. The proposed jurisdiction would entail a more adversarial process than standard Guardianship Division matters and raises complex practical issues such as the application of the laws of evidence and the representation of the person seeking compensation.

## Committee Recommendation

That the NSW Government liaise with Law Society of New South Wales to request that the Society include a unit on the assessment of mental capacity in respect of substitute decision making, wills and property transactions in its Continuing Professional Development Program for legal practitioners.

## Government Response

### Recommendation 8

#### Response: Supported

Work on this matter is already underway by the Elder Law and Succession Committee of the Law Society, which is responsible for organising and writing professional development programs on elder abuse. These programs include guidance on checking mental capacity and the intersection of capacity with will drafting, powers of attorney, enduring guardianship appointments and other property transactions. The NSW Government supports the continuation of this work.

## Committee Recommendation

That the NSW Government fund the NSW Elder Abuse Helpline and Resource Unit to conduct information sessions with financial institutions to raise awareness of financial abuse and promote online training tools for staff such as Capacity Australia's training program to identify financial abuse.

## Government Response

### Recommendation 9

#### Response: Supported

Current funding to the NSW Elder Abuse Helpline and Resource Unit includes funding for awareness raising and education activities delivered to a range of service providers, including financial institutions. For example, in October 2015 the Helpline presented information on elder abuse to the Financial Services Council, and in March 2016 delivered training to 30 of its members. Bank staff have also attended the Helpline's training sessions on elder abuse.

The Helpline is also represented on the Financial Abuse of Older People Working Group, a committee convened by Alzheimer's Australia NSW to share information and best practice in responding to financial abuse. The Financial Services Council and the Australian Bankers Association are also represented on the committee, along with NSW Government agencies including the Trustee and Guardian, the Public Guardian, the Civil and Administrative Tribunal and the Department of Family and Community Services.

The Helpline has a strategic approach to raising awareness of elder abuse among the community, to build understanding among key groups over time. This includes service providers supporting older people, older people themselves and their friends and family, and other parts of the community such as businesses that provide services for older people. The approach of the Helpline is to target each of these groups in turn, to help ensure service providers have the skills and knowledge to effectively respond when concerns about elder abuse are raised. Under its four year strategic plan for awareness raising, the Helpline will target awareness raising activities towards financial institutions in 2018.

#### *Online training tools for financial institutions*

The NSW Government, in collaboration with stakeholders, is exploring the availability and uptake of current online training tools on financial abuse for staff of financial institutions. If required, a project group will be convened to develop appropriate online training tools, to be made available online without cost.

The NSW Government will also engage with the Commonwealth Government to share training resources and help ensure training is relevant to financial institutions, many of which provide services nationally.

## Committee Recommendation

That the NSW Police Force establish a Vulnerable Community Support Officer in each Regional Command in New South Wales, with the position entailing training and support to front line officers, police response, liaison with local service providers and other government agencies, community education, awareness and engagement.

## Government Response

### Recommendation 10

#### Response: Further consideration required

The NSW Police will need to consider this recommendation further.

It is noted that the NSW Police Force has a Corporate Sponsor for the Vulnerable Communities portfolio at Assistant Commissioner level, who is supported by Region Sponsors. These senior officers are already in place at the six Regions. Further, the Local Area Command based Domestic and Family Violence Officers, Crime Prevention Officers, Multicultural Liaison Officers and Aboriginal Community Liaison Officers are also responsible for responding to and supporting vulnerable people, including older people.

## Committee Recommendation

That the NSW Government introduce legislation to establish a Public Advocate's Office along the lines of the Victorian model, with powers to investigate complaints and allegations about abuse, neglect and exploitation of vulnerable adults, to initiate its own investigations where it considers this warranted, and to promote and protect the rights of vulnerable adults at risk of abuse. Further, that the operation of the Office be reviewed after three years.

## Government Response

### Recommendation 11

#### Response: Further consideration required

The NSW Government acknowledges the underlying community concerns about elder abuse that have prompted the Committee to make this recommendation. However, more analysis is required of the appropriateness of the application of the Victorian model in the NSW context before this recommendation is acted upon.

Notably, the NSW Law Reform Commission is currently conducting an inquiry into the broader NSW guardianship framework which specifically includes consideration of establishing a NSW Public Advocate. The terms of reference of the inquiry ask the NSW Law Reform Commission to review and report on the desirability of changes to the *Guardianship Act 1987 (NSW)*, with specific regard to recent developments in law, policy and practice by the Commonwealth, States and Territories and overseas. Legislative change in this area should be deferred until the recommendations of the NSW Law Reform Commission Guardianship report can be considered. The report is expected in 2017.

## (Footnotes)

1 *United Nations Principles for Older Persons*. Adopted by General Assembly resolution 46/91 of 16 December 1991. Accessed at: [www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx)

2 Research Report No. 35 - *Elder abuse: Understanding issues, frameworks and responses*. Kaspiew, R, Carson, R and Rhoades, H. Australian Institute of Family Studies. February 2016

3 Federal Coalition Policy to Protect the Rights of Older Australians. 15 June 2016. Accessed at: [www.liberal.org.au/coalitions-policy-protect-rights-older-australians](http://www.liberal.org.au/coalitions-policy-protect-rights-older-australians)

4 Federal Coalition Policy to Protect the Rights of Older Australians. 15 June 2016. Accessed at: [www.liberal.org.au/coalitions-policy-protect-rights-older-australians](http://www.liberal.org.au/coalitions-policy-protect-rights-older-australians)





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