

**Submission  
No 55**

## **INQUIRY INTO ELDER ABUSE IN NEW SOUTH WALES**

**Organisation:** Women's Electoral Lobby NSW and Older Women's Network  
NSW

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**Submission of**

**Women's Electoral Lobby NSW**  
**and**  
**Older Women's Network NSW**

**to the**

**NSW Legislative Council Inquiry**  
**into elder abuse in NSW**

**November 2015**



15 November 2015

The Director  
General Purpose Standing Committee No. 2  
Legislative Council  
**Parliament of NSW**  
Macquarie Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Submission from Women's Electoral Lobby NSW and Older Women's Network NSW to  
the NSW Legislative Council Inquiry into Elder Abuse**

This joint submission from Women's Electoral Lobby NSW (**WEL**) and Older Women's Network NSW (**OWN**) to the NSW Legislative Council Inquiry into Elder Abuse incorporates and builds on our research, activism and advocacy work over the past four decades.

OWN and WEL organised a consultation on 22 October 2015, bringing together our networks and community and expert advocacy groups, with on direct knowledge and experience. The knowledge and recommendations that came out of this Forum are incorporated into this submission.

We would be very happy to elaborate further on any of the matters covered in this submission, including by giving oral evidence before the Committee if that would of assistance. Please direct these inquiries to:

1. **Dr Jane Mears**  
School of Social Sciences and Psychology, Western Sydney University
2. **Mary O'Sullivan**  
Convenor, WEL Affordable Housing Action Group

Yours sincerely,

Jozefa Sobski  
Convenor, Women's Electoral Lobby NSW

Annette Bray  
Chair, Older Women's Network NSW

## **THE WOMEN'S ELECTORAL LOBBY NSW**

The Women's Electoral Lobby NSW (**WEL**) is an independent, feminist lobby group dedicated to creating a society where women's participation and their ability to fulfil their potential are supported and respected. Founded in 1972, WEL is an advocacy group for issues that continue to disadvantage women.

WEL promotes equality between men and women and seeks to change attitudes and practices that discriminate against women, particularly those relating to women's health, safety, economic security, and participation in public life.

## **THE OLDER WOMEN'S NETWORK NSW**

Established in 1985, the Older Women's Network of NSW (**OWN**) is an active network of older women in NSW who seek to uphold the dignity, respect and rights of older women. Operated almost entirely as a volunteer organisation, OWN has its roots in advocating for social justice, and providing meaningful and engaging activities to enhance social connectedness and wellbeing.

## **INTRODUCTION**

This joint submission from WEL and OWN to the NSW Legislative Council Inquiry into Elder Abuse incorporates and builds on our research, activism and advocacy work over the past four decades. In addition, we organised a consultation on 22 October 2015, bringing together our networks and community and expert advocacy groups, with on direct knowledge and experience (See **Annex 1** for participating organisations). The knowledge and recommendations that came out of this Forum are incorporated into this submission.

## **RECOMMENDATIONS**

RECOMMENDATION 1: That the NSW government advocate for a national plan to address abuse and violence against older people, with targeted resources to respond to and prevent violence against older women.

RECOMMENDATION 2: That as part of a National Plan to prevent abuse and violence against older people, the NSW Government propose a research program to collect comparable statistics and commission specific reviews into the impact of violence and abuse on older people with a focus on older women.

RECOMMENDATION 3: That existing policies legislation, service provision and strategies to detect abuse and to support and protect women be routinely utilised to protect and support older women.

RECOMMENDATION 4: That the NSW Minister for Housing and Community Services and the Minister responsible for violence against women conduct consultations with the objective of including experience of abuse and domestic violence as a criterion for eligibility for social housing.

RECOMMENDATION 5: That the NSW Government develop a plan to provide affordable housing for older women to include the following elements:

- A. An evidence base that tells us the scale and nature of the problem facing older women through data collection and research.
- B. A long term strategy and framework to plan for the increased demand for affordable housing options by older women, that includes:
  - Ensuring that private rental is affordable and secure;
  - Identifying ways to improve access to assets, including super, for women during divorce to support housing choice; and
  - Ways to improve the transition between affordable and social housing and the aged care systems.
- C. Trialling new housing models particularly via the Affordable Housing Fund that enhance communities, such as cluster housing for older women and shared housing.
- D. Maintaining a focus on older women as a client cohort in funding housing and homeless services and programs.

RECOMMENDATION 6: The NSW Government support a Commonwealth/State-funded program specifically for women's refuges, transitional housing and other related services, separated from the current homelessness program.

RECOMMENDATION 7: That the NSW Government adopt OWN's 2009 recommendations in The Disappearing Age, as part of a plan to address Housing Affordability for older women in NSW.

- A. Urgently provide funded proportionate levels of supported crisis accommodation services for older women.
- B. Recognise older people as a specific target group in homelessness programs.
- C. Conduct snapshot data collections to monitor usage of SAAP (now Specialist Homelessness Services-SHS) and housing services by older women.
- D. Review social and public housing programs to ensure appropriate and proportionate access and responses for single older women.
- E. Conduct research to map the hidden homelessness of many older women.
- F. Develop a strong advocacy base to ensure the rights of older homeless women are not neglected.

RECOMMENDATION 8: That the Elder Abuse Helpline and Resources Unit investigate counselling services that could help combat psychological abuse. That the NSW Government, through COAG, request that the Commonwealth support development of a specialist counselling service for older people receiving homecare or in registered residential accommodation. That counselling for older people be available in community languages.

RECOMMENDATION 9: That the NSW Minister for Ageing develop proposals for COAG for greater timely, appropriate support to assist carers in their caring role and promote their own health and wellbeing in order to reduce the risk of elder abuse perpetrated by carers.

RECOMMENDATION 10: That the NSW Government advocate for the inclusion of a study of the prevalence of abuse amongst non-users of aged care services as part of the Commonwealth's review of the implementation of Consumer Directed Care

RECOMMENDATION 11: That the NSW Minister for Ageing requests other state and territory ministers to urge the Commonwealth to ensure that homecare package

case workers are baseline inclusions funded separately - with options available for the extent of their use by individuals.

RECOMMENDATION 12: That the NSW Minister for Ageing seek the agreement of his state and territory colleagues to ask COAG to investigate an additional function for Centrelink Financial Services to provide independent financial advice to aged pension recipients to support their decision making and financial planning.

RECOMMENDATION 13: That the NSW Minister for Ageing work with COAG to urge the Commonwealth to maintain the current mix of types of service providers pending consultations on enhancing quality and accountability as part of the review of consumer directed care.

RECOMMENDATION 14: That the design of Government tendering for the provision of aged care services does not encourage further entry of 'for profit' providers into aged care services.

RECOMMENDATION 15: The NSW Minister for Ageing and the Attorney General undertake extensive consultation with other states and territories prior to any consideration of strengthening legislative responses to abuse and violence towards older people.

RECOMMENDATION 16: That the Working with Older and Vulnerable Adults check for care workers be developed by NSW in collaboration with other states and territories, with a view to national implementation.

RECOMMENDATION 17: That the NSW Minister for Ageing advocate through COAG the development of a consistent national reporting regime for abuse and violence against older people.

RECOMMENDATION 18: That the Minister for Family and Community Services ensure that a focus on older people is retained following a review of community services or tendering processes.

RECOMMENDATION 19: That the Office of Local Government ask that every NSW Council develop an Ageing Strategy and Plan which includes provision for programs raising awareness of violence and abuse and ways of preventing and overcoming it.

RECOMMENDATION 20: That the Elder Abuse Helpline and Resources Unit prepare an annual report to be placed on its website covering key areas of activity and progress in combatting abuse and violence against older people.

RECOMMENDATION 21: That the Minister for Ageing advocate for market research on response of older people to the name 'Elder Abuse Helpline' and seek a national approach to ensure consistency across helplines (including the Domestic Violence Helpline 1800 Respect).

RECOMMENDATION 22: That the NSW Government support more extensive community programs for older women of CALD background as a way of fostering knowledge and awareness of their rights as older women and of informally and formally exchanging information in diverse languages about identifying, reporting and combatting abuse.



## GENERAL OBSERVATIONS

Violence, in all forms, is a violation of basic human rights. Everyone, regardless of their **age**, sex, religion, nationality, race, language, relationship, or living arrangements, has the right to feel safe and be safe in public and at home (Queensland Task Force, 2015, p6 '**age**' added by OWN and WEL).

OWN and WEL adopt a human rights and life course perspective to women's lives which includes experiences of structural as well as interpersonal violence. This paradigm is underpinned by an understanding of the dynamics of violence, power relationships and the fact that many women have suffered violence and abuse, structural and interpersonal, throughout their lives. Working within a rights based framework, enables us to highlight the social context and the marginalisation of and discrimination against older women.

We believe that through adopting a human rights and life course paradigms, we can better advance policies that protect and benefit older women. In turn, we are better able to advocate for 'policies that enhance the lives of **all** older people, enabling older persons to live in dignity and security free of exploitation and physical or mental abuse.' (United Nations Principles for Older Persons No. 17, adopted by General Assembly resolution 46/91 of 16 December 1991).

OWN and WEL are:

- Working towards to a paradigm shift from understanding of violence against older people as a personal problem, to understanding this phenomena as a social issue, a basic human rights issue, of concern to us all (UN 2015).
- Seeking to shift the paradigm from one of blame the individual, to one that analyses the impact of ageism and challenges structural discrimination.
- Raising awareness that most older women have experienced and are vulnerable to abuse and violence, on a societal and individual level.
- Seeking to redress past injustices suffered by older women, by lobbying for a fair share of resources to support older women.
- Advocating to ensure that older women are free from violence and exploitation, and have the right to dignity and respect (van Bavel *et al.*, 2010, UN 2015).

We recognise that:

- Gender discrimination across the lifespan has a cumulative effect resulting in a high lifetime rate of violence against older women (Brownell, 2014).
- Older women are subjected to discrimination based on age, gender, ATSI, class, race, ethnicity, LGBTI, disability and chronic illness. Marginalised, and powerless they can often be vulnerable to structural and interpersonal violence and abuse, which can take physical, sexual, psychological, emotional and financial forms.
- Violence and abuse is experienced within complex relationships. Many women are likely to be victims of violence and survivors of past violence, from partners, adult children, grandchildren and within care relationships themselves.
- Many women also face challenges such as poverty, homelessness and difficulties accessing employment, health-care and aged care services.

We believe that the terminology of 'elder abuse' needs to be replaced by a description which better captures the dynamics of situations which many older people experience. 'Elder abuse' has its origins in medical diagnoses. The term occludes the relationships between domestic and gender-based violence and that perpetrated against older people. Moreover there is evidence it leads to a gender-neutral approach to prevention and protection and makes older women invisible in policy implementation (Choi et al, 2014:9).

**RECOMMENDATION 1: That the NSW government advocate for a national plan to address abuse and violence against older people, with targeted resources to respond to and prevent violence against older women.**

## TERMS OF REFERENCE – DISCUSSION QUESTIONS

### PREVALENCE OF ABUSE

#### 1. **The prevalence of abuse (including but not limited to financial abuse, physical abuse, sexual abuse, psychological abuse and neglect) experienced by persons aged 50 years or older in New South Wales**

Although there is clear evidence of the incidence and prevalence of violence and abuse experienced by older women in NSW, this data is limited and scattered across many sources (OWN, 2009).

The data reported in the NSW interagency policy *'Preventing and responding to abuse of older people'* includes the following:

- Prevalence, between 0.5 and 5 % of people 65 and over;
- A 2011 Western Australian study calculated an average prevalence rate to be 4.6 % (ranging between 3.1 and 6 %);
- Seniors Rights Victoria estimate that 34% of reported cases are psychological and 31% financial; and
- As many as 50,000 older people in NSW may have experienced some form of abuse (NSW Elder Abuse Helpline).

Other studies include:

- A 1998 CASA House phone survey on sexual assault, over 25% of calls were from women over 50 years of age, who said they called because their anonymity was assured (Duncan 2002);
- Morgan Disney (2000) in their study of older people and domestic violence found that over a third of the older women interviewed 'had never known a life without violence'; and
- Research suggests that as many as 50, 000 older people may have experienced abuse in NSW (Ciantar 2015).

The evidence available illustrates that violence and abuse perpetrated against older women is major social and personal problem. However, as can be seen above, these statistics are not always comparable. What is needed is sound and comparable evidence to understand the needs and dynamics of violence against older people.

**RECOMMENDATION 2: That as part of a National Plan to prevent abuse and violence against older people, the NSW Government propose a research program to collect comparable statistics and commission specific reviews into the impact of violence and abuse on older people with a focus on older women.**

## FORMS OF ABUSE

### **2. The most common forms of abuse experienced by older persons and the most common relationships or settings in which abuse occurs.**

The most common reported forms of interpersonal violence and abuse are within relationships of trust and are financial, physical, sexual and psychological and emotional. If one manifestation of abuse is 'discovered', it is highly likely other forms of violence will also be present.

Most of the serious violence perpetrated against older people takes place behind closed doors, in homes, boarding houses, hostels and residential care facilities. This violence is mostly perpetrated by people with close relationships to the older person, partners, siblings, cousins, children, grandchildren, but may also be perpetrated by carers, formal and informal.

We already have in place policies legislation, service provision and strategies to detect abuse and to support and protect older people. However, most of these strategies are **rarely, if ever**, utilised to protect support older people.

**RECOMMENDATION 3: That existing policies legislation, service provision and strategies to detect abuse and to support and protect women be routinely utilised to protect and support older women.**

## SUPPORT SERVICES

### **3. The types of government and/or community support services sought by, or on behalf of, victims of elder abuse and the nature of service received from those agencies and organisations.**

In this section of our submission we consider services. Those who participated in our consultations identified housing, psychological, financial and communication services as priorities for those vulnerable to violence and abuse and to victims. Support with everyday life needs were also important. Other issues our participants raised in relation to services related to the quality of services and the voice they had in their design which participants felt might be compromised if for profit providers come to dominate service provision.

#### ***Housing***

It is interesting to note that a recent review of the NSW Ageing Strategy identified Housing as the least advanced component of the strategy. (Better Outcomes Better Lives Evaluation of the NSW Ageing Strategy, NSW FACS 2015:115-17)

The OWN 2009 Strategy to Address Violence Against Older Women, *The Disappearing Age*, linked violence against older women with inadequate housing provision. In its submission to the 2014 Legislative Council Inquiry into Affordable Housing, WEL highlighted OWN's research to support recommendations on housing for older single women.

In their 2015 Housing Affordability Policy, WEL recommended that the NSW Government:

- Design and fund options for the growing number of older women in rental accommodation; and
- Strengthen social housing by adding to stock to provide diverse options for women needing secure long term and permanent accommodation following partner perpetrated domestic violence and for older single women at risk of homelessness.

As is the case with younger women, homelessness plays a critical role in older women's vulnerability to violence and abuse. Women with no housing alternatives will often endure repeated violence and abuse from intimate partners, or in the case of older women, from family members.

The 2012 ABS definition of 'homelessness' has contributed to a more comprehensive understanding of the elements of older women's housing exclusion. (4922.0 - Information Paper - A Statistical Definition of Homelessness, 2012)

When a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate; or
- has no tenure, or if their initial tenure is short and not extendable; or
- does not allow them to have control of, and access to space for social relations.

The ABS definition of homelessness is informed by an understanding of homelessness as **home**-lessness, not **roof**-lessness. It emphasises the core elements of 'home' in Anglo American and European interpretations of the meaning of home as identified in research evidence. These elements may include: a sense of security, stability, privacy, safety, and the ability to control living space. Homelessness is therefore a lack of one or more of the elements that represent 'home'.

The definition centres on:

- Adequacy of the dwelling;
- Security of tenure in the dwelling; and
- Control of, and access to space for social relations'.

Older women who are frail or in crisis may feel forced to stay with family and /or an informal carer, because transition to residential care is expensive and may entail selling their home with all the attendant anxieties and pressures which can shade into forms of financial abuse. In this sense they are homeless under the ABS definition, because they have no suitable accommodation alternatives.

In testimony given to the recent Legislative Council Inquiry into Registered Nurses in NSW Nursing Homes (report tabled October 29 2015) witnesses drew attention to the gap in appropriate housing options for older people. Older people overwhelmingly prefer to stay in a community setting with home care but may have no option following a crisis (such as abuse or violence) than extended stays in hospitals, respite care and nursing homes.

Participants in WEL and OWN's joint forum on violence against older women observed that even community housing could be too expensive for older women and that there was very limited stock for women living alone in social housing. Experience of domestic violence, including violence and abuse suffered by older women, should be a criterion for social housing eligibility.

**RECOMMENDATION 4: That the NSW Minister for Housing and Community Services and the Minister responsible for violence against women conduct consultations with the objective of including experience of abuse and domestic violence as a criterion for eligibility for social housing.**

Australian Institute of Health and Welfare data cited in the Mercy Foundation report 'Older Women's Pathways Out of Homelessness in Australia' shows that domestic violence is the top reason *older and* younger women cite for seeking assistance with specialist homelessness services (Pederson, M and Parsell, C Older Women's Pathways Out of Homelessness, Report for the Mercy Foundation 2014: 32).

A recent forum on Housing and Older Women convened by the Mercy Foundation on 4 August 2015 made a number of suggestions which WEL and OWN support and put to this Inquiry as a recommendation for consideration.

**RECOMMENDATION 5: That the NSW Government develop a plan to provide affordable housing for older women to include the following elements:**

- A. An evidence base that tells us the scale and nature of the problem facing older women through data collection and research;**
- B. A long term strategy and framework to plan for the increased demand for affordable housing options by older women, that includes:**
  - Ensuring that private rental is affordable and secure;
  - Identifying ways to improve access to assets, including super, for women during divorce to support housing choice; and
  - Ways to improve the transition between affordable and social housing and the aged care systems.
- C. Trialling new housing models particularly via the Affordable Housing Fund that enhance communities, such as cluster housing for older women and shared housing.**
- D. Maintaining a focus on older women as a client cohort in funding housing and homeless services and programs.**

### ***Women's Refuges***

Fatal and damaging domestic and family violence demands an immediate service response, pending attitudinal and behavioural change from prevention and other measures in the National Plan to Reduce Violence against Women and their Children 2010-2022.

In recent years women's refuges have been subsumed into the homelessness agenda and have not been recognised or adequately supported for the complex homicide prevention work they are required to provide. Escaping domestic violence is vastly different in character to homelessness and requires a specialised program. It is a crisis situation, which may eventually see the woman and her children returning to their home and community.

Community and women's organisations are asking the Council of Australian Governments (**COAG**) for urgent agreement at its next meeting to establish a long term Commonwealth/State-funded program specifically for women's refuges, transitional housing and other related services, separated from the current homelessness program which does not serve the specific needs of women and children escaping violence, including older women.

**RECOMMENDATION 6: The NSW Government support a Commonwealth/State-funded program specifically for women's refuges, transitional housing and other related services, separated from the current homelessness program.**

### ***Domestic Violence***

In this context WEL and OWN are also very disappointed that the *Going Home Staying Home* reforms do not specifically include in their accommodation options housing pathways appropriate for older women and men – including LGBTI people – escaping abuse and violence from family members including carers.

This exclusion is despite the fact that OWN's 2009 Strategy, *The Disappearing Age*, identified strong connections between older women's experience of violence and abuse and housing insecurity. Research we have already cited, such as that published by the Mercy Foundation, has since strengthened the evidence that older women living alone in private rental endure the highest level of rental stress of any population group. The finding for example of the 2014 NSW Government's annual Women in NSW report is that 'Out of the total over 45 population paying rents and mortgages, single women made up 60 % of people experiencing rental stress and 56% of those experiencing mortgage stress' (Women in NSW, 2014 [www.women.nsw.gov.au/publications/women\\_in\\_nsw\\_reports](http://www.women.nsw.gov.au/publications/women_in_nsw_reports)).

Seven years ago, in 2009, OWN made clear recommendations to the NSW Government in relation to housing services for older women, which were not acted on and are as relevant and urgent now as they were then. In 2015, OWN and WEL can only reiterate these recommendations to the NSW Government:



**RECOMMENDATION 7: That the NSW Government adopt OWN's 2009 recommendations in *The Disappearing Age*, as part of a plan to address Housing Affordability for older women in NSW.**

- A. Urgently provide funded proportionate levels of supported crisis accommodation services for older women.**
- B. Recognise older people as a specific target group in homelessness programs.**
- C. Conduct snapshot data collections to monitor usage of SAAP (now Specialist Homelessness Services-SHS) and housing services by older women.**
- D. Review social and public housing programs to ensure appropriate and proportionate access and responses for single older women.**
- E. Conduct research to map the hidden homelessness of many older women.**
- F. Develop a strong advocacy base to ensure the rights of older homeless women are not neglected.**

***Psychological services***

The highest reported area of abuse in most reported data is psychological abuse. Along with sexual abuse this is the most difficult area of abuse to confront since – unless accompanied by overt attacks, it is the least tangible. Over time – as experience in the domestic violence field shows - psychological abuse can have debilitating affects on an older person's sense of self, confidence and general wellbeing.

While older Australians have a relatively lower rate of mental health concerns than other age groups, women have a higher level of mental disorders than men in all age groups. In the category aged 45 to 54 a little under 25% of women suffer from mental disorders and in the 55 to 64 age bracket around 18% of women have problems with mental health. (Australian Institute of Health and Welfare, *Australia's Welfare 2015*: 35). Importantly older Australians of CALD background suffer higher levels of depression and mental health conditions than Anglo Saxon Australians and there is evidence that older CALD women in particular have high rates of depression. ('Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds', Federation of Ethnic Community Councils, March 2015)

Other disturbing data includes the high level of depression amongst residential care residents and a high suicide rate amongst elderly men.

OWN and WEL consider that there needs to be a better understanding of the nature of psychological abuse and ways of preventing it, together with services to enable older people to prevent and survive the suffering it can cause. Older people, such as some carers and partners of dementia sufferers, already have access to counsellors via carers services. WEL and OWN believe that psychological services need to be contracted or established which specialise in supporting victims and which could also empower older people in abusive and violent situations where lack of confidence and uncertainty often clouds understanding.

**RECOMMENDATION 8: That the Elder Abuse Helpline and Resources Unit investigate counselling services that could help combat psychological abuse. That the NSW Government, through COAG, request that the Commonwealth support development of a specialist counselling service for older people receiving homecare or in registered residential accommodation. That counselling for older people be available in community languages.**

Psychological abuse can often occur in a family and intimate context where carers are involved. This throws up the complex nature of the relationships that can occur between carers and older people. Seventy percent of primary carers are women and are most likely to be older themselves, with the largest age category being 55-66. Two thirds of primary carers live in households in the bottom 2 quintiles of gross household income (ABS 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2012)

We understand that the Carers NSW 2014 Carer Survey found that carers, especially carers of the elderly, experienced significantly lower wellbeing and significantly higher psychological distress than Australian averages. Carers NSW advised us that the Australian Unity Wellbeing Index indicates that carers have the lowest wellbeing of any group, including the unemployed and homeless. One long-term approach to reducing violence and abuse, especially psychological abuse against older women, would be to provide greater and more tangible support and assistance for carers.

**RECOMMENDATION 9: That the NSW Minister for Ageing develop proposals for COAG for greater timely, appropriate support to assist carers in their caring role and promote their own health and wellbeing in order to reduce the risk of elder abuse perpetrated by carers.**

Carers NSW has advised us that Carers can also be victims of abuse perpetrated by the person they care for, especially where the person they care for exhibits behaviours of concern as a result of their condition.

As an example, they cited an ageing parent caring for adult offspring with an intellectual disability, or an older person caring for a spouse with dementia. Carers NSW pointed out that for older carers in abusive situations, it may be difficult to escape abuse because of the often high and ongoing support needs of the person they care for. The Carers NSW 2014 Carer Survey found that over 40 per cent of carer respondents had nobody else who helped them care. One third said there was not even anyone available to help them if they were ill or needed a break.

Ultimately it is important to note that abuse within carer relationships is complex due to the dependent nature of care. Loyalty and commitment to the person they care for may prevent older carers from reporting or addressing the abuse, especially if it is linked to deteriorating capacity or behaviours related to disability and not seen as intentional. Over 40 per cent of respondents to the Carers NSW 2014 Carer Survey indicated that they felt an emotional obligation to care, while one in four respondents felt they had no other choice. Furthermore, many older carers are in interdependent care relationships and may rely on the person they care for practically, emotionally or financially”.

(Carers NSW advice to OWN /WEL via emailed personal communication)

### ***Access to services***

The complexity of the system potentially excludes people from marginalised communities including CALD women. There is extensive evidence that older people from CALD backgrounds have much less recourse to aged care services than other groups of the population. (Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds', Federation of Ethnic Community Councils, March 2015). This puts CALD Women in particular at much greater risk of violence and abuse.

One of the most important and pervasive preventative mechanisms to combat abuse and violence towards older women lies in strengthening the skills and knowledge of the personnel who work or volunteer in the aged care services sector itself, or in broader community networks such as neighbourhood centres and local Government supported services and initiatives. The best protection against violence and abuse comes from day to day encounters between care workers and older people. We will discuss this further in the section on the barriers to reporting (Term of Reference 5).

Yet more than 70% of older people over 65 did not use an aged care service in 2011-12 and there is little reason to think this proportion has changed since. (Australian Institute of Health and Welfare 2015:36) Little is known at this stage about those who do not use any aged care service, although that proportion declines as people reach their eighties. Commentators assume that those outside the system do not need it and tend to put a positive gloss on this. Negative views of dependency, especially when dependency entails use of Government services are a powerful component of ageism and indeed gerontophobia.

It would be important to understand what proportion of those who are *outside* the aged care service system are actually unable to access it due to marginalisation, and especially the isolation arising from language and cultural barriers. Difficulties of access are exacerbated for older women from culturally and linguistically diverse communities. By 2026 it is estimated that around 25% of older people will be from CALD backgrounds, with many having a language other than English as their home language.

**RECOMMENDATION 10: That the NSW Government advocate for the inclusion of a study of the prevalence of abuse amongst non-users of aged care services as part of the Commonwealth's review of the implementation of Consumer Directed Care**

### ***Accessing a Complex Aged Care System***

More than 70% of all aged care clients are women. The complexity and opacity of the aged care system for its clients was a recurrent theme in the views put by the service and professional associations WEL and OWN consulted for this submission. Many older people find it difficult to navigate, let alone to access for information, advice and support.

In particular Consumer Directed Care puts the onus on the older person to be the responsible arbiter of their care choices and to choose correctly or (effectively) live with the consequences. Without independent and informed advice these choices are more likely to be flawed or not in the best interests of the older person. In fact once Consumer Directed Care is fully implemented from 2017, older people with low levels of confidence could become more susceptible to abuse from some family members attempting to influence package components and expenditure for their own benefit or convenience.

During our consultations we heard reports that under Consumer Directed Care some older people were being pressed by family members to omit caseworkers or coordinators from their Home Care packages, so that other services could be

included. In the context of the Commonwealth Government's Review of Consumer Directed Care we recommend that case workers should be integral to empowering and supporting older people to make independent and informed decisions in their own interests as the new system encourages.

**RECOMMENDATION 11: That the NSW Minister for Ageing requests other state and territory ministers to urge the Commonwealth to ensure that homecare package case workers are baseline inclusions funded separately - with options available for the extent of their use by individuals.**

### ***Financial***

Single, elderly female households continue to experience the highest rates of poverty in Australia - excluding the poverty experienced in Aboriginal communities. For example the HILDA survey for 2015 shows in terms of income 38% of single, older women households live in poverty, compared with 34% of older men, the next largest category. Single, elderly female households are also at the greatest risk of persistent permanent poverty.

The impact of a permanent state of poverty is well researched. Those in states of disadvantage commonly experience all welfare reliance, social exclusion and poor health outcomes.

Financial decisions for older women in these situations can be urgent and difficult to make independently of pressure from family members, whether the older person lives in a residential care facility or in their own home. Times of crisis almost always entail complex financial decisions relating to home or family and coincide with increased vulnerability on the part of the older people.

On the basis of the very limited available data examined in section two of our submission, the second most frequent area of allegation and complaints of abuse towards older people involve financial issues. As The Aged Rights Service (**TARS**) and Women's Legal Services NSW (**WLS NSW**) submissions will attest and illustrate with case studies, referrals from such allegations can entail complex and distressing procedures and litigation.

As with other older women, older women in Aboriginal communities also encounter various forms of financial abuse involving pressure to assist family members. Women in dependent relations with family and informal carers are particularly susceptible to theft and fraud since they may be recipients of the aged pension. As with other areas of abuse and violence, it is very likely that incidences of financial abuse are seriously under reported.

WEL and OWN understand that Victoria has recently amended legislation on powers of attorney to create a new supportive attorney role to assist older people to make informed financial decisions and give effect to them. We support recommendations made in this respect in the submission from TARS to investigate creation of a new category of supportive attorney to assist financial decision-making, without the older person ceding their control over financial decisions.

However there is a need for women wanting to exercise control over their finances, or those confronted with financial pressure or seemingly small anxieties, such as suspicions regarding misuse of credit cards by an informal carer, to seek independent and free advice outside the legal context. The best defence against abuse is prevention.

We understand that many submissions to the Inquiry will include recommendations to prevent financial abuse which target awareness training of the finance industry, bank staff, solicitors and others who encounter older people in transactions with their family and carers. We support these proposals but believe that there needs to be an independent and trusted source of advice for older people who are often highly stressed by financial issues, as well as being amongst the poorest people in our community – especially older women.

WEL and OWN believe that with additional Commonwealth funding, the long established Centrelink Financial Advice Service would be well placed to provide an independent source of financial advice, education and guidance for older people, who might otherwise never think to use such services in the private market. Recent scandals in the financial advice industry and high fees mean that most older women would have no trust in commercial advice or means to purchase it.

As the public service arbiter of the aged pension and many related provisions, Centrelink plays a significant and generally respected role in the lives of the great majority of older people. The Financial Service already exists to support decision making on tailoring finances to enable access to the aged pension and other provisions. Centrelink also has extensive experience in dealing with fraud issues in relation to the aged pension through Centrelink Offices. It has a regional geographical reach in metropolitan and regional Australia. The NSW Minister for Ageing would need to advocate for this proposal with his state counterparts as part of a national plan to eliminate violence and abuse against older women and men.

WEL and OWN also support the recent call from Susan Ryan, the Age Discrimination Commissioner for a National Financial Abuse Helpline. However it is critical that such Helplines targeted at older people include the main community languages.

**RECOMMENDATION 12: That the NSW Minister for Ageing seek the agreement of his state and territory colleagues to ask COAG to investigate an additional function for Centrelink Financial Services to provide independent financial advice to aged pension recipients to support their decision making and financial planning.**

### ***Day-to-day services***

The consequences of reported abuse or violence from a trusted carer on a dependent older person can be devastating in terms of everyday activities. Community transport is a critical infrastructure of many older women's lives. While more flexible than public transport, it needs to be booked and operates within regional boundaries which can limit access to appointments outside these. Many older people also depend on a carer for shopping trips and day-to-day needs including medical visits. This is particularly the case in rural and regional NSW. Older people dependent on such incidental but vital care services from a family member or friends may feel they have no alternatives to help their daily needs even if they are suffering abuse or violence at the hands of such a carer. In our discussion of the proposal from WEL in relation to housing for the victims of domestic violence, we highlighted the importance in that proposal of a complex of services to support women leaving violence. The Women's Refuges and Housing Program or WRAHP, envisages such services also being available to older single women needing to leave violent and abusive family, including carer contexts.

### ***Ownership of Services***

During our consultation, groups representing aged care services workers identified concerns regarding the potential impact of increasing competition on the price and quality of services for older people in the aged care sector.

While the Harper Review (Competition Policy Review, March 2015) is relatively cautious about further expanding competition in the community services sector, it cites many examples from consumer directed aged care and the NDIS as models for competition policy reform in community services.

A related concern is a potential entry into Australia of large 'for profit' providers into aged care services - especially in the home care component, which at present is dominated by 'not for profits'. The latter currently control 81% of the services, with for profit providers constituting only 9% of the market and the remaining 10% as for profits.

We therefore urge the Inquiry to recommend that the NSW Minister for Ageing work with COAG to urge the Commonwealth to maintain the current mix of types of service providers, pending consultations on enhancing quality and accountability as part of the review of consumer directed care. We also recommend that the design of government tendering for the provision of services should not unduly advantage entry of 'for profit' providers into the system.

In countries such as Sweden, where corporate and for profit models of services have developed, there is evidence of some decline in the accountability of providers. Transparent accountability to governments as funders and to the community of users must underlie any system of prevention and reporting of violence against older people.

**RECOMMENDATION 13: That the NSW Minister for Ageing work with COAG to urge the Commonwealth to maintain the current mix of types of service providers pending consultations on enhancing quality and accountability as part of the review of consumer directed care.**

**RECOMMENDATION 14: That the design of Government tendering for the provision of aged care services does not encourage further entry of 'for profit' providers into aged care services.**

This issue is also relevant in NSW as the Government Home Care agency and its workers are about to be outsourced to Australian Unity, a mutual and not for profit provider. Accountability and reporting regimes in relation to violence and abuse towards older people who are clients of homecare are still unclear. We strongly support concerns raised in the Inquiry submission from United Voice about the applicability of the NSW Interagency Protocol to private providers such as Australian Unity. We will return to this issue in our comments on the NSW Interagency Policy.



## POLICE

### **4. The adequacy of the powers of the NSW Police Force to respond to allegations of elder abuse.**

#### ***Adequacy of NSW Police Force powers to respond to allegations***

In preparation of this submission OWN and WEL consulted with WLS NSW, who have also made a submission to the Inquiry. We support their submission and recommendations regarding the adequacy of police powers.

However we would like to make some observations regarding the relative invisibility of older women in reporting on police interventions in relation to their powers under Domestic Violence legislation and on the call by some aged rights advocacy groups such as TARS for specific legislation on elder abuse.

NSW Domestic Violence legislation covers violence and abuse of older people and Domestic Violence officers in each station work in terms of this legislation. We support the concern raised by WLS NSW in their submission (based on their extensive experience) regarding the need for the police to have further training around the nature and dynamics of domestic and family violence, including for older women.

In our comments under Term of Reference 1 – on the prevalence of abuse – we suggested that standard data collections (such as those from the ABS Personal Safety Survey or from the NSW Bureau of Crime Statistics and Research) may not accurately represent the extent of abuse and domestic violence against older women. There is indeed a consensus on underreporting of domestic and family violence which is even stronger in relation to data on abuse and violence against older women. It is interesting in this regard that BOCSAR does seem to publish statistics for successfully granted Apprehended Domestic Violence Orders against the *age* of the protected person. This is one of the many significant gaps in our knowledge of the extent and prevalence of violence against older women and of elder abuse in general and we recommend that the BOCSAR include age related data in all their domestic violence reporting.

WEL and OWN understand that Apprehended Domestic Violence Orders have been under review for some time. At present the *Crimes Domestic Violence Act (2007)* covers carers by defining a domestic relationship as including 'marriage and *de facto* partnerships; intimate personal relationships; people living in the same household; long term residents in the same residential facility; carers; relatives; and extended family or kin in the case of Aboriginal Australians. It does not matter whether the

relationship is past or current.' Any removal of carers relationships from the span of domestic relationships would mean a diminishment of protection for older people (and people with disabilities), as police must apply for an AVO if they believe a domestic violence offence is involved.

We understand that the NSW Police believe that they have an adequate basis for statutory responses under offences detailed in the *Crimes Act*. Such offences include those common to the spectrum of violence against women such as: intimidation, assault, wounding, detaining for advantage, failure to provide the necessities of life, larceny, fraud, forgery, and identification matters. Where allegations of violence and abuse from a carer are involved, Police advised the recent Forum on Elder Abuse convened in Auburn of sections of the *Crimes Act* especially relevant to carers, including Section 44 Failure to provide the Necessities of Life and Section 35 Reckless Grievous Bodily Harm.

Nevertheless, advocates such as TARS are calling for an Elder Justice Act with legal definitions of terms like elder, vulnerability, and spelling out obligations of carers with new offences such as breach of fiduciary duty, and restraint of an elder. The Age Discrimination Commissioner has also called for the consideration of new laws to create specific offences for elder abuse. ('Age Discrimination Commissioner Urges National Plan Against Elder Abuse', *Sydney Morning Herald*, 13 October 2015)

While WEL and OWN recognise the good intentions and indeed frustrations behind this proposal for legislation, we understand that many advocacy and service organisations have significant concerns that a specific legislative response to the long history of government and community neglect of violence and abuse towards older people will in fact not enhance current police powers. There is a real danger that such legislation could increase the vulnerability of victims, care workers and carers. Most care workers and carers are women who themselves are marginalised in their roles.

In this respect we note the submission to this Inquiry from the Victorian Seniors Rights Service which recommends that violence and abuse against older people be more explicitly incorporated into the legislation and penalties governing Domestic Violence, rather than creating a new category of elder abuse. (This submission was originally tendered to the Victorian Royal Commission into Family Violence).

**RECOMMENDATION 15: The NSW Minister for Ageing and the Attorney General undertake extensive consultation with other states and territories prior to any consideration of strengthening legislative responses to abuse and violence towards older people.**

## **CONSTRAINTS**

### **5. Identifying any constraints to elder abuse being reported and best practice strategies to address such constraints.**

Throughout this submission we have reiterated the serious under reporting of abuse and violence against older people and older women in particular. Major contributory factors to such under reporting create the constraints – such as shame and fear – that inhibit older people – especially older women – to report on their own behalf. In fact those aged 50 and over have the lowest rate of reporting domestic violence, with only 28% reporting the incident to the police, compared with 62% of 15-19 year olds and 57% of 20-29 year olds. (Gretch, K and Burgess, M Trends and Patterns in Domestic Violence Assaults NSW Bureau of Crime Statistics and Research, May 2011). This reluctance to report must partially explain the relatively low comparative rate of domestic violence recorded against older women in official statistics.

Ageism and misogyny also lead to the failure of witnesses to abuse and violence to take older women seriously and to respect their rights. Care workers and personal carers may simply be ignorant of the signals that a person is suffering abuse and violence from a family member or carer.

Unions representing aged care workers and nurses have also advised that inadequate training, rigid work schedules and very low pay for care workers can mean they lack the confidence to report abuse. In fact care workers are amongst the lowest paid workers in community services with a base salary well below the average wage, at about 52,000 a year.

Notoriously nurses and enrolled nurses in the aged care sector are paid less than their counterparts in public hospitals.

As we have pointed out in our discussion of the 'prevalence' and of the 'forms, relationships and settings of elder abuse' (Terms of Reference 1 and 2), reporting is constrained by an inconsistent and still shallow community understanding of abuse/violence against older people – especially older women. One of our community advocates commented that commonplace views and denials regarding violence towards older people were reminiscent of views on domestic violence twenty or thirty years ago.

As an example, a participant in our forum reported that some care workers still believed that 'we shouldn't interfere in families'. Another forum participant reported a care professional's comment that an older woman 'chose' to allow herself to be subjected to abuse/ intimidation by family members in her home.

From our consultations with groups representing care workers and professionals, we understand that many workers in the industry are currently not well equipped via professional confidence, training or information to recognise the signs of different types of abuse, such as financial abuse, violence in the home by an adult child or the various types of violence and abuse possible in residential aged care.

There is no formal qualification for employment as a home care worker, although the majority of homecare workers in NSW possess or are working towards a Certificate 3 Qualification. However there are doubts about the quality of some of this training, where some private and on the job trainers have drastically reduced the length and demands of courses against TAFE courses which are a benchmark of quality in the industry. Recent dramatic increases in TAFE fees must also impact on access to training for these generally very poorly paid workers.

Given the sensitivity and complexity of care work with older adults, the absence of entry qualifications or checks of any type is alarming. OWN and WEL strongly support the recommendation from the Legislative Council Inquiry into Registered Nurses in Nursing Homes that the NSW Government develop a Working with Older People/Vulnerable Adults Check, along the same lines as the Working with Children Check. However the Working With Children Check is a national prerequisite and must access information Australia wide to be effective. We therefore suggest that the Working with Older and Vulnerable Adults check be developed by NSW in collaboration with other states and territories, with a view to national implementation.

**RECOMMENDATION 16: That the Working with Older and Vulnerable Adults check for care workers be developed by NSW in collaboration with other states and territories, with a view to national implementation.**

There is also insufficient understanding across the community sector of the factors that make abuse more likely to occur: social isolation, powerlessness, chronic illness, frailty, accumulated experience of domestic violence, emotional dependency, dementia and confusion. Well trained and qualified care workers and well informed community members alert to older people in these situations, most of whom are women, would be better able to institute preventative measures, rather than reacting to an abusive event when the damage has been done.

We therefore support the recommendations re training and qualifications put forward to the Inquiry in the submission from the NSW Nurses and Midwives Association and the NSW Branch of United Voice which covers Homecare Workers.

WEL and OWN strongly endorse concerns raised by the NSW Nurses Association and other care worker and industry groups regarding the inconsistent and confusing

policies for reporting abuse across the sector. The Commonwealth Aged Care Quality Agency regulates and prescribes reporting for residential facilities, but in NSW reporting in the context of homecare and in the community sector takes place under the NSW Interagency policy *Preventing and responding to abuse of older people*.

This creates a serious systemic constraint in reporting arising from different reporting regimes for workers in Home Care and residential care sectors.

**RECOMMENDATION 17: That the NSW Minister for Ageing advocate through COAG the development of a consistent national reporting regime for abuse and violence against older people.**

Reporting abuse under the NSW Interagency Policy, which applies to Home Care and community settings, requires the older person to consent to a report being made. Where the abuse is a police matter the victim's consent is not required. Factors such as shame, fear and at times cognitive impairment, can make this consent difficult to obtain. As in domestic violence - and elder abuse exists in a continuum with domestic violence- the person suffering abuse and violence can undergo trauma, shame and fear, amongst many possible profound psychological responses. A decision to report in this context could require support at a level of sophistication that is only likely in a care worker or professional with expert training.

We understand that the NSW Nurses Association has made specific recommendations on this issue in their submission and we support their concerns and their call for changes in the training program to address this.

## **STRENGTH BASED INITIATIVES**

### **6. Identifying any strength based initiatives which empower older persons to better protect themselves from risks of abuse as they age.**

#### ***OWN Wellness Centres***

OWN works within an active ageing framework to enhance the participation, community connectedness and social inclusion of older women. The support services OWN provides to older women are wide-ranging, including research and publications, information on relevant issues, community based groups and activities. There are approximately twenty OWN groups located in metropolitan and regional areas of NSW, with five of these operating Wellness Centres. The Wellness Centres reach out, support, and deal with the problems faced by older women (Benton & Russell 1991, Cora, 2014) and make it possible for older women in their communities to access and participate in a range of affordable and appropriate social, educational and physical activities.

We would be happy to discuss the OWN Wellness Centres in more detail should we be called to a hearing of the Inquiry.

#### ***The HUB***

The HUB is a community initiated and driven not for profit of older local people operating in North Sydney. The HUB operates on a model of older people sharing skills, knowledge and services on a local community basis.

Again we would be happy to talk in more detail about the HUB at an Inquiry Hearing.

#### ***Neighbourhood Centres and Community Centres***

WEL and OWN are very conscious of the vital role neighbourhood centres and community services play in the lives of older people. Seclusion and social isolation are strong indicators that an older person is at risk of being abused. The programs involving older people run from local centres enable community building and interactions where informal education and learning about protection against and reporting of abuse and violence can occur with other older people and community workers.

We are especially concerned that tendering services in the community sector could diminish their range and quality and their connections with the needs of local communities of older people.

**RECOMMENDATION 18: That the Minister for Family and Community Services ensure that a focus on older people is retained following a review of community services or tendering processes.**

***Local Government***

Local Government has a complex and often unrecognised impact on the lives of older women and men. Engaged Councils run seniors programs and encourage involvement in community activities and initiatives. We are concerned that Council amalgamations could diminish the range and local reach of these programs which enable older people to overcome loneliness and isolation and to learn from each other.... antidotes to abusive situations. It is interesting in this regard that the extremely successful forum on elder abuse held at Auburn early in October was organised by officers from Auburn Council in conjunction with Aged Care students from Granville TAFE. WEL and OWN believe that Local Government should play a much greater role in awareness raising around elder abuse and violence and in building strong communities of older women and men. The NSW Government's Grants Program to Councils under the Ageing Strategy has assisted Councils without a previous focus on older people to initiate programs.

We believe that every Council should develop an Ageing Strategy and Plan which includes provision for programs raising awareness of violence and abuse and ways of preventing and overcoming it.

**RECOMMENDATION 19: That the Office of Local Government ask that every NSW Council develop an Ageing Strategy and Plan which includes provision for programs raising awareness of violence and abuse and ways of preventing and overcoming it.**

## EFFECTIVENESS OF LAWS

- 7. The effectiveness of NSW laws, policies, services and strategies, including the 2014 Interagency Policy *Preventing and Responding to Abuse of Older People*, in safeguarding older persons from abuse.**

### ***The Elder Abuse Helpline and Resource Unit and the Interagency Policy Preventing and Responding to Abuse of Older People***

The WEL and OWN strongly support the Elder Abuse Helpline and Resource Unit (**EAHRU**). In fact we believe that the EAHRU's responsibilities in preventing and responding to abuse of older people need to be strengthened and centralised, especially in relation to their training and education functions. The EAHRU can play a vital role in advising and supporting complainants and people making reports, where a direct approach to the police might be intimidating or challenge deep rooted family loyalties or affections. We know that the EAHRU works closely with the police as well as with TARS and WLS NSW.

OWN and WEL have been impressed by the presence of Helpline personnel at forums and discussions on elder abuse and appreciative of the information shared. We have used some of this information in the first section of this submission on the prevalence of violence and abuse. We understand that the recent Department of Families and Community Services (**FACS**) evaluation of the EAHRU identified strong support for the helpline - albeit from a limited sample. (FACS 2015 Evaluation of the NSW Ageing Strategy: 42)

Given the centrality of EAHRU to the architecture of violence and abuse prevention and protection in NSW, we are disappointed that the EAHRU does not seem to be required, under the terms of Catholic Care's contract with Government (it is managed by Catholic Care), to make publically available annual reports on its activities and progress. We understand that they do report to FACS, however publically available information assists the community and older people in particular in understanding the extent of abuse and the extent of success in combatting it.

**RECOMMENDATION 20: That the Elder Abuse Helpline and Resources Unit prepare an annual report to be placed on its website covering key areas of activity and progress in combatting abuse and violence against older people.**

Another barrier to effectiveness lies in a lack of clarity about the target audience of the elder abuse helpline itself.



In the first section of our submission we identified the problems we have with the term 'elder abuse', both from a gender perspective and from the perspective of the medical history of the term as a 'condition' whose symptoms are to be diagnosed in an individual - rather than being a consequence of power relations and social dynamics that can be prevented.

Information provided to us by the Helpline is that, while a large majority of the callers are women and most of the calls concern women, only about 15% of calls are *initiated* by an older person, who we assume is ringing on behalf of themselves- although this is not clear from the shared data.

Many older women in OWN and WEL have told us that, placed in the situation where they suffered abuse or violence, they would be unlikely to contact the helpline or identify it as a place to get help and advice. Women from organisations representing CALD communities advised that their older members and their families would be unlikely to contact an official telephone counselling and advice service. The title itself could be seen by some users as disturbing. Contrast the positive power in '1800 Respect', the national Domestic Violence counselling service contact. It is interesting in this regard that relatively few older people themselves contact the elder abuse helpline. Rather the majority of the callers are relatives of the victims.

**RECOMMENDATION 21: That the Minister for Ageing advocate for market research on response of older people to the name 'Elder Abuse Helpline' and seek a national approach to ensure consistency across helplines (including the Domestic Violence Helpline 1800 Respect).**

### ***Training and the Elder Abuse Collaboratives***

The EAHRU's work is guided by the *Interagency Policy: Preventing and Responding to Abuse of Older People*, which is NSW Government policy. Under the policy, an important role for the EAHRU is to work across agencies and service providers to facilitate referrals and advice, devise protocols for information sharing across agencies and service providers and work to develop resources and training for care workers and staff.

Operating within the NSW Interagency Policy, the EAHRU has set up a number of Elder Abuse Collaboratives trial sites in health districts across regional and metropolitan NSW which aim to:

- initiate and engage in local projects and programs related to the prevention of abuse of older people;
- raise the levels of awareness and education of elder abuse at the local level;

- provide EAHRU with a point of contact if a local abuse matter needs to be resolved;
- assist with the distribution of resources provided by EAHRU;
- identify local limitations and gaps;
- collect best practice stories;
- document improvements; and
- support EAHRU by reporting quarterly on actions, significant issues and recommendations.

We understand that the Collaboratives are providing community training to frontline service workers. It is our strong recommendation that these Collaboratives are adequately funded to urgently provide training and awareness to fill the gaps that many submissions to this Inquiry are identifying need to be filled. Australia wide there are 93,359 carers in the community care workforce engaged in direct care with another 56,442 in non-direct care. (Commonwealth Department of Health and Ageing and the National Institute of Labour Studies 'The Care Workforce' 2012 ) At least a third and probably more of these workers would be in NSW. EAHRU will need additional resources to undertake large scale and strategic training. Such training should also be accredited and undertaken in collaboration with a training provider with the state-wide reach and expertise to support such a project.

**RECOMMENDATION 22: That the NSW Government seek Commonwealth funding to develop a state-wide training program on violence and abuse towards older people prevention, identification and reporting to be delivered through the EAHRU Collaboratives to home and community care workers in aged care services. That this program be developed with a view to a national roll out.**

## CULTURAL CONSIDERATIONS

- 8. The possible development of long-term systems and proactive measures to respond to the increasing numbers of older persons, including consideration of cultural diversity among older persons, so as to prevent abuse.**

### ***CALD Women***

At the Forum WEL and OWN convened on violence and abuse against older women, Immigrant Women's Speak out advised us of the critical role in combatting abuse played by community centres and strong community organisations. Community groups which enable older women to leave their families – even if for only short periods – give them an independent space and voice to talk through issues in their lives, including experiences of abuse or violence.

Older women and older people with conditions such as dementia can be viewed very differently in diverse cultures and identifying and reporting abuse and violence can be difficult or impossible where there is no awareness of the signs or symptoms. This is especially the case where older people are not accessing aged care services and have limited contact with people outside their families.

WEL and OWN feel that it is imperative that the NSW Government support more extensive community programs for older women of CALD background as a way of fostering knowledge and awareness of their rights and informally and formally exchanging information in their languages about identifying, reporting and combatting abuse.

**RECOMMENDATION 22: That the NSW Government support more extensive community programs for older women of CALD background as a way of fostering knowledge and awareness of their rights as older women and of informally and formally exchanging information in diverse languages about identifying, reporting and combatting abuse.**

There is now an extensive research base available on older Australians of CALD background. A recently published review of such research concluded that such older Australians are less likely to access Australian systems and services and tend to see care as a family responsibility. (Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds', Federation of Ethnic Community Councils, March 2015). Incredibly this research report does not disaggregate for gender even though the Commonwealth Department of Social Security funded the research.

### ***Combatting Institutional Abuse: Inclusivity and LGBTI***

The NSW Domestic Violence Policy *'It Stops Here: Safer Pathways'* includes 'lesbian, gay, bisexual, transgender, intersex or queer communities'. Again there is little or no data on the prevalence of violence and abuse against older LGBTI people – especially older lesbians.

In seeking to provide a gendered perspective on abuse and violence towards older people, it is important to acknowledge the experiences of older LGBTI people, many of whom have identified as members of a cultural minority as a defence against homophobia. A recent study of discrimination, depression, and anxiety amongst older LGBTI Australians found that many of the participants were afraid that ageing and disability would again expose them to institutional heterosexism in the provision of aged care services (Barrett,C, Whyte,C et.al.'There's No Need to Straighten Up. Discrimination, depression, anxiety and older LGBTI Australians' Beyond Blue Melbourne 20015 available at [valsafe.org.au](http://valsafe.org.au))

Those interviewed were afraid that in accessing aged care services they would need to 'straighten up' and return to the closet. The concerns articulated related to encounters with aged services, other clients and visitors. Some older LGBTI people feel that they have to conceal their identity from homecare workers. One of many distressing stories told by workers with older LGBTI people involved a transsexual person with some dementia whose son had admitted him to a nursing home as a man and who was subsequently ashamed and traumatised when staff attending him discovered he was a woman. He had lived his life as a transsexual and had made the transition but his son influenced him to conceal his hard won identity to enable entry to the home.

ACON is currently undertaking an extensive national training program to raise awareness and share best practice on older LGBTI people. The program is extremely successful with a high level of demand across the aged care sector. It consists of one day workshops on LGBTI inclusive service delivery in the workplace, for aged care sector workers and organisations providing aged care services and is delivered nationally. The ACON training program could provide one model for training programs in relation to preventing abuse and violence against older people.

## **NEW PROPOSALS OR INITIATIVES**

- 9. The consideration of new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse.**

We have decided to include the full suite of recommendations OWN made to the NSW government in 2009 in its report 'The Disappearing Age'. These recommendations have not been implemented and could be said to represent 'new proposals'. We have omitted the recommendations on housing since they are incorporated as a recommendation under Term of Reference 3 on services.

### ***Family Violence Services Recommendations***

- **Review supported accommodation and homeless models to ensure appropriate and proportionate access and responses for single older women.**
- **Develop policies and protocols for services responding to family violence that recognise the prevalence, specificity and complex nature of violence against older women.**
- **Develop safety plans for programs working with older women (including subsidised home security measures).**
- **Fund Community and Women's Health Centres to develop support programs for older women.**
- **Incorporate strategies to address violence against older women into national and state and territory plans to reduce violence against women**
- **Enhance the capacity of one specialist domestic violence service per region to act as conduit between the programs supporting older women and to ensure skilled responses to referrals of older women experiencing violence.**

### ***Recommendations for Improved Collaboration***

- **Include Aged Care Services and Departments in State, Territory and National Plans and Strategies to Reduce Violence Against Women.**
- **Include Family Violence and Homelessness Services and Departments**

### **in State, Territory and National Plans and Strategies to Reduce Abuse of Older People**

- **Establish Interagency Protocols for Responding to Abuse of Older People in every State and Territory, which incorporate strategies to develop collaborative networks of domestic and family violence, aged, health and legal services to reduce violence against older women**
- **Develop collaborative and accredited training on violence against older women for the domestic violence, aged and health sectors.**
- **Fund and train ACATs and HACCs to the levels necessary to respond to the reported levels of abuse of older people.**

### ***Medical and Health Community Recommendations***

- **Extend routine screening of women for domestic violence by NSW Health to services accessed by older women such as breast screening (with questions adapted to be sensitive to older women)**
- **Provide training to services utilising Routine Screening to ensure that appropriate assistance and referrals are made**
- **Encourage Divisions of General Practice to take a lead role in encouraging general practices to identify and respond to cases of violence against older women and, where possible, refer to a specialised family violence service**
- **Deliver training to medical and allied health workers on violence against women and the abuse of older people as part of their core curriculum.**
- **Extend the Commonwealth funded Practice Initiatives Program (PIP) Domestic Violence Initiative scheme to ensure the training of all GP Nurses and Aboriginal Health Nurses.**

### ***Justice and Legal Sectors Recommendations***

- **Incorporate legal and justice sectors in collaborative protocols with domestic violence, aged and health sectors to ensure effective pathways for older women experiencing violence to appropriate legal services.**

- **Introduce core training and ongoing professional development across mainstream justice and legal services on elder abuse**

### ***Community Awareness Recommendations***

- **Fund local community awareness campaigns with older women as the target group using non-threatening and appropriate language.**
- **Encourage older women to report to confidential and expert services, with the message that 'it is good for older women to talk with older women' at their local older women's group.**
- **Develop the campaigns as a collaborative initiative of the community, together with local aged, health and domestic violence services.**
- **Distribute the message through radio and other local media, and through local groups and services frequented by older women such as hairdressers, libraries, social and sporting clubs, and through pharmacies religious leaders and general practitioners.**
- **Design specialised campaigns for specific communities (older women with disabilities, CALD women and Indigenous women) in collaboration with these communities.**
- **Fund a broader campaign to raise the status of older women; e.g. as mentors, survivors, backbones of their community**

## **10. Any other related matter.**

We welcome the Australian Government's commitment at their recent United Nations Universal Periodic Review (**UPR**) appearance in Geneva to better promote and protect the rights of older persons, including through a dedicated section about the rights of older persons in all relevant human rights treaty and UPR reports as well as inclusion in United Nations Resolutions and Special Rapporteur procedures. (UPR Working Group 23<sup>rd</sup> Session, UPR of Australia Opening Statement by Australia, 9 November 2015)

WEL and OWN join other organisations in their call for new international instrument on the rights of older people that enshrines the right of older people to freedom from all forms of violence and abuse. (HelpAge International, 2015)

Such an instrument should include:

- Freedom from all forms of financial exploitation, fraud and scams, concealment, physical, sexual and psychological violence, neglect, coercion, abandonment, medical abuse, harmful traditional practices, expulsion from the home and threats of any kind regardless of where the violence and abuse occurs and by whom;
- Specific attention to violence against women in older age;
- Training of all care providers, health care personnel, social workers, traditional or community healers, government officials, judiciary and law enforcement in how to recognise and respond to situations of violence and abuse in which older people may be particularly at risk;
- Effective legislation and policies that ensure all forms of violence and abuse in older age are identified, reported, investigated and where appropriate prosecuted;
- Awareness raising and other measures to prevent all forms of violence and abuse in older age;
- Accessible and appropriate victim support services; and
- Access to effective remedies and redress.



## CONCLUSION

'All of us need to take a stand against violence; to commit to protecting the vulnerable; and to make it clear to those who would hurt another, within a relationship of intimacy and trust, that we will not tolerate, excuse, condone or accept their behaviour (Quentin Bryce, 2015).

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## **ANNEX 1 CONSULTATIONS**

WEL and OWN conducted a series of conversations with organisations and individuals with an understanding of elder abuse in NSW in October and November 2015. These discussions contributed to our understanding of the issues being investigated by the Inquiry and informed our submission. The views expressed in this submission are solely those of WEL and OWN and are not attributable to any other organisation or individual.

Representatives from the following organisations were consulted:

- AIDS Council of NSW (ACON)
- Australian Services Union (NSW Branch)
- Carers NSW
- Domestic Violence NSW
- Elder Abuse Helpline and Research Unit
- Home Instead Senior Care
- Homelessness NSW
- Immigrant Women's Speak Out
- Marrickville Council
- Mercy Foundation
- Newtown Neighbourhood Centre
- NSW Nurses and Midwives' Association
- Office of Tanya Plibersek MP
- Older Women's Network NSW
- The Aged Care Rights Service (TARS)
- United Voice (NSW Branch)
- University of New South Wales (Social Policy Research Centre)
- Western Sydney University (School of Social Sciences and Psychology)
- Women's Electoral Lobby NSW
- Women's Legal Services NSW
- Women's Housing Company