



## **SUBMISSION TO THE CONSULTATION FOR THE NATIONAL PLAN ON ELDER ABUSE**

### **BACKGROUND**

The Northern Territory provides a unique environment when considering the development and implementation of a National Plan on Elder Abuse. Cultural considerations, remoteness, poverty, stretched resources, and housing stress provide a distinctive framework within which services must operate.

With 26.8% of the NT population identifying as Aboriginal or Torres Strait Islander (compared with the next closest being Tasmania at 4.6%), and 79% living in remote areas, the NT faces unique challenges in addressing the abuse and mistreatment of older people.

Long term health conditions affect 9 in 10 (88%) of Aboriginal and Torres Strait Islander people over the age of 55 years in Australia.<sup>1</sup>

Aboriginal and Torres Strait Islander older people experience dementia at rates between 3-5 times higher than the general population.<sup>2</sup>

The average expenditure on aged care services per person in the NT is below average despite high costs of servicing and high needs. 43% of the NT aged care population have special needs compared to the Australian average or 3%.<sup>3</sup>

One in five Territorians were born overseas. The Philippines was the Territory's most commonly reported country of birth outside of Australia, followed by England, New Zealand, India, and Greece.

### **SUMMARY**

- The plan needs to recognise different contexts and should be flexible to allow tailored approaches. Similarly communications/information need to be place/community based and supported by appropriate services on the ground.
- Gender bias underpins all forms of Domestic and Family Violence and is no different for Elder Abuse - gender inequality needs to be addressed as part of the plan
- Lack of current remedies – the plan should outline a pathway to provision of remedies for Elder Abuse – eg Safeguarding Agency

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<sup>1</sup> <https://www.aihw.gov.au/reports/older-people/older-australia-at-a-glance/contents/diverse-groups-of-older-australians/aboriginal-and-torres-strait-islander-people>

<sup>2</sup> Radford K, Mack H., Draper B, Chalkley S., Daylight G., Cumming R, Bennett H, Delbaere K, Broe G., 11 (2015) *Prevalence of dementia in urban and regional Aboriginal Australians Alzheimer's & Dementia* (2015) 271-279 and Lo Giudice D, Smith K, Fenner S, Hyde Z, Atkinson D, Skeaf L, Malay R, Flicker L (2016) *Incidence and predictors of cognitive impairment and dementia in Aboriginal Australians: A follow-up study of 5 years* *Alzheimer's & Dementia* 12 252-261.

<sup>3</sup> *Productivity Commission, Report on Government Services 2018, Chapter 14 Aged Care Services.*



- Commonwealth should lead and resource to avoid confusion about roles and responsibilities but encourage genuine collaboration from the states and territories
- NT older people more vulnerable because of disadvantage, lack of aged care facilities and services and the intersection between disability and age is more significant
- Collaboration and co-ordination across services a key. Appropriate resourcing should be available to establish partnerships and enable collaboration.

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## RESPONSES TO SOME OF THE CONSULTATION QUESTIONS

### 4. NAME OF THE PLAN

#### 4.1 What are your views on the proposed title of the Plan – the National Plan on Elder Abuse?

During consultations and when providing workshops for the Elder Abuse Prevention Project the term “Elder Abuse” was frequently raised as a matter of concern. For Indigenous people of the Northern Territory, the term ‘Elder’ has a particular meaning in reference to a person recognised by their community as holding knowledge and lore with responsibility to country and community. Aboriginal workers have advised that the ‘abuse and mistreatment of older people’ is a more acceptable way of talking about the issue.

Non-Indigenous Territorians also expressed discomfort at use of the term, as it is known as a generally recognised term of respect for individuals in Aboriginal and Torres Strait Islander communities.

There is concern that the term will not be well received in Aboriginal and Torres Strait Islander communities, and that it will be interpreted as meaning the abuse of individual ‘Elders’ rather than older people generally.

#### 4.2 Is there a different title which would be more effective in sending a message about the importance of stamping out ageism, safeguarding the rights of older people, and ending abuse, mistreatment and neglect of older people?

National Plan to Address the Abuse and Mistreatment of Older People

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## FIVE OVERARCHING GOALS FOR THE NATIONAL PLAN AND SIX NATIONAL PRIORITY ACTION AREAS

### A. PROMOTE THE AUTONOMY AND AGENCY OF OLDER PEOPLE

Older people who contribute to the community in diverse ways, and by their very existence are entitled to fundamental human rights available to all Australians.



Use and promote accurate and respectful representations of older people through a national awareness and education campaign.

## **B. ADDRESS AGEISM AND PROMOTE COMMUNITY UNDERSTANDING OF ELDER ABUSE**

### **Improving specialist responses**

### **Improving mainstream responses**

DCLS suggests an awareness campaign consisting of a number of different communications tailored to place and audience. It needs to be non-generic in nature and incorporate strategies and messages for identified at-risk groups.

In the Northern Territory, communications need to be appropriate to our demographic and recognise the NT's diverse community.

Lessons should be learnt from the previous national campaign on Domestic and Family Violence which had no relevance for Aboriginal and Torres Strait Islander peoples. It was criticised for directing funds to advertising which drove demand for services on the ground who were already over stretched and had themselves had funding cut.

Community led information and awareness activity is the preferred approach and should take into account that:

- Aboriginal and Torres Strait Islander populations are not homogenous. A common message may work around 'elder abuse vs elder respect' but, for example, videos in health clinics and clubs would be made in local language using local actors.
- Promoting gender equality and respectful and non-violent relationships benefits the whole community, including men.
- A focus on the rights of older people eg the right to be treated with dignity and have privacy respected; to receive care that is respectful of the person, their family and home; to be treated without exploitation, abuse, discrimination, harassment or neglect.
- Given that most older people being abused by family members do not want their loved ones penalised, programs or referral pathways for perpetrators across a range of services, including financial counselling, gambling, alcohol and drug misuse must be available.
- Advertise and promote a national helpline number.
- Programs that target young people in schools, community based and community relevant, about relationships with older people, their value, what 'respect' is and how it can be expressed,



- Undermine ageism and promote the value of older people connected to and participating in the life of their communities. Encourage interdependence as a fact of social cohesion.
- Targeting aged care facilities won't work as only 4.65% (172,000 of 3.7 million over 65 years) of Australians over the age of 65 years live in a residential aged care facility.<sup>4</sup>
- Accessibility to resources is important - many people are confronted by technology and not all people are confident using online services - internet services are not always available or reliable in remote communities
- Both small and corporate businesses need to be engaged - we note, for example, that the Real Estate Institute of Victoria has developed a training program for property managers, specifically about dealing with family violence issues. The one-day course for property managers focuses specifically on family violence and is designed to make property managers aware of the signs of domestic violence and trains them to refer victims to services for help.<sup>5</sup>

### **C. PROGRESS NATIONAL CONSISTENCY**

#### **Improving national arrangements for substitute decision making in financial matters**

#### **Developing options to prevent, detect and intervene early in suspected financial abuse**

The Commonwealth should coordinate and lead the Elder Abuse work and resource this appropriately to ensure nationally consistent objectives are achieved but place-based responses are developed.

The establishment of a national online register of enduring documents supported by legislation to clarify responsibilities and limitations applying to an appointed attorney will enhance protections for some older people at risk of financial abuse.

An online register needs to be adequately funded and maintained.  
Banks need to play a role in identifying and reporting suspected abuse.

Centrelink has a role to play in terms of easy access and responsiveness should complaints be made about the financial abuse of older people subject to income management.

### **D. SAFEGUARD AT-RISK OLDER PEOPLE AND IMPROVE RESPONSES**

#### **Improving safeguarding of vulnerable older adults**

During consultations for the Darwin Community Legal Service (DCLS) Elder Abuse Prevention Project, the comment was frequently made that there is no number to

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<sup>4</sup> <https://www.aihw.gov.au/reports/older-people/older-australia-at-a-glance/contents/health-and-aged-care-service-use/aged-care> - viewed 31.07.18

<sup>5</sup> <https://reiv.com.au/learning/training-programs/challenging-situations-in-property-management-you> - viewed 31.07.18



call, no one agency to turn to, no-one with any authority to do anything to protect older people who are at risk.

The Elder Abuse Prevention Project Survey asked the question: *If you became aware of abuse or mistreatment taking place, what would you like to be able to do?*

Of the options available 'Report to a dedicated reporting and investigation phone line' was selected in 71.74% of cases, with 'Speak to someone with expertise' selected 64.13% of the time. 100% of respondents Strongly Agreed or Agreed that 'Suspicion of elder abuse should be investigated and acted upon.'

Consistent with Recommendation 14 of the Australian Law Reform Commission Report on Elder Abuse, safeguarding services should be available to 'at-risk adults', defined as adults who: (a) need care and support; (b) are being abused or neglected, or are at risk of abuse or neglect; and (c) cannot protect themselves from the abuse.<sup>6</sup>

The primary role would be to lead and coordinate the work of other agencies and services to protect at-risk adults. Consent should be obtained from the at-risk adult unless serious physical or sexual abuse or neglect require intervention. Legislation will be required to provide the safeguarding agency with the authority to require people to answer questions or produce documents if necessary for the benefit of the older person.

The establishment of a Safeguarding Agency for at risk older people is required in the Northern Territory.

## **E. BUILD THE EVIDENCE BASE**

### **Improving monitoring, evaluation and learning**

The evidence base for the prevalence of elder abuse is profoundly problematic. There are no reliable national statistics that provide a comprehensive picture of the nature or extent of elder abuse. An estimate is not sufficient to identify the extent of the problem, the impact on families and communities, or strategies that may assist in prevention or intervention.

A national data set that records the nature of abuse, risk factors, as well as social and economic impacts is required. Consideration of patterns of behaviour within CALD, LGBTIQ and Aboriginal and Torres Strait Islander communities will assist in the development of meaningful interventions and support. A baseline is required for evaluation of the effectiveness of the National Plan.

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<sup>6</sup> [https://www.alrc.gov.au/sites/default/files/pdfs/publications/31\\_may\\_summary\\_report\\_131\\_0.pdf](https://www.alrc.gov.au/sites/default/files/pdfs/publications/31_may_summary_report_131_0.pdf) - viewed 11.06.18



## OTHER ISSUES FOR CONSIDERATION

### Gender

The issue of gender appears to have been overlooked. Available research, drawn from information lines and our own Elder Abuse Prevention Survey consistently finds about 70% of elder abuse victims are women.<sup>7</sup>

Given that older women are subject to both ageism and gender inequality, it is more likely that they will experience elder abuse than men.<sup>8</sup>

Older women report lower rates of physical and sexual violence from intimate partners than younger women, but verbal and psychological abuse and controlling behaviours remain similar.<sup>9</sup>

The similarities as well as the differences between the abuse and mistreatment of older women and domestic and family violence need to be examined and recognised, with integrated responses implemented.

For example, the addition of an elder abuse module to domestic and family violence training.

### Trauma, lateral violence, and Aboriginal and Torres Strait Islander Populations

The 2016 census found that in the Northern Territory, Aboriginal and Torres Strait Islander people made up 25.5% of the population, and that 79% of this population lives outside the capital city area.<sup>10</sup>

Aboriginal populations experience higher levels of violence than members of the general population. For example, in 2014-15, hospitalisation rates for Aboriginal and Torres Strait Islander family violence-related assaults on women were 32 times the rate for non-Indigenous females.<sup>11</sup>

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<sup>7</sup> National Ageing Research Institute (NARI) in partnership with Seniors Rights Victoria (SRV) (2015) *Profile of elder abuse in Victoria*; Ruijia Chen and Xin Qi Dong (2017) Risk factors of Elder Abuse in *Elder Abuse: Research, Practice and Policy*, Springer, 93–107; Simone Lacher, Albert Wetstein, Olover Senn, Thomas Rosemann, Susann Hasler (2016) Types of abuse and risk factors associated with elder abuse, *Swiss Medical Weekly*, 146, w14273; Naughton et al. (2010) Abuse and Neglect of Older People in Ireland, National Centre for the Protection of Older People; Darwin Community Legal Service, Elder Abuse Prevention Project Northern Territory *Survey Report* (2018)

<sup>8</sup> Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia*.

<sup>9</sup> Cailin Crocket, Bonnie Brandl and Firoza Chic Dabby (2015) Survivors in the Margins: the invisibility of violence against older women, *Journal of Elder Abuse and Neglect*, 27 (4–5), 291–302; Heidi Stökl and Bridget Penhale (2015) Intimate partner violence and its association with physical and mental health symptoms among older women in Germany, *Journal of Interpersonal Violence*, 30 (17), 3089–3111.

<sup>10</sup> <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20Population%20Data%20Summary~10> - viewed May 2018

<sup>11</sup> Steering Committee for the Review of Government Service Provision (2016) *Overcoming Indigenous disadvantage: Key indicators 2016*, Productivity Commission, Canberra, p.4.98, and table (table 4A.12.13).





The lateral or 'horizontal violence' experienced in many Aboriginal communities is sourced in colonisation, dispossession, forced removal of children, and cultural oppression. It continues to be driven by power imbalances and the ongoing impact of trauma.<sup>12</sup>

Responses to the abuse of older people in one Aboriginal and Torres Strait Islander community will not apply to all communities. In the Northern Territory, one size will NOT fit all.

Meaningful participation with individual communities to identify responses to their situation is required. Because it is respectful and more likely to result in successful outcomes, cultural recognition and safety must be paramount.

## **Law Reform**

Bold and vigorous law reform is required to ensure the protection of at-risk adults. Lack of action in this regard can be interpreted as an expression of ageism in itself.

## **Residential Aged Care Facilities**

Although the Commonwealth Aged Care Act provides standards and resourcing for Residential Aged Care Facilities (RACFs) and suspicion of abuse must be reported, the abuse of older people in RACFs remains problematic. The sector workforce is subject to high staff turnover, difficult and demanding work conditions, poor wages and low work-related status.

Along with Discrimination, Poverty and Violence and Abuse, the United Nations Office of the High Commissioner has identified 'Lack of specific measures and services' as a key challenge in addressing the needs of an ageing population.<sup>13</sup>

There are insufficient places available for those who need them in RACFs. We are aware of 13 older people living at Royal Darwin Hospital awaiting vacancies in aged care facilities. Some have been waiting for up to 12 months.

Aged Care Quality Standards are commonly not met as evidenced by the number of sanctions placed on RACFs in the Northern Territory.

It is imperative that: sufficient places in Residential Aged Care Facilities be adequately funded; staff to resident ratios be legislated; and Aged Care Quality Standards be vigorously applied with RACFs strongly sanctioned if they fail to comply.

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<sup>12</sup> <https://www.humanrights.gov.au/publications/chapter-2-lateral-violence-aboriginal-and-torres-strait-islander-communities-social> - viewed 23.07.18

<sup>13</sup> <http://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx> - viewed May 2018



## **Public/Private Dichotomy**

In spite of issues with Aged Care Facilities, older residents do have the benefit of supervision and complaints mechanisms. Similarly, people in receipt of Home Care Packages have contact with support services.

Unfortunately, many older people experience isolation in both a social and geographical sense, leaving them vulnerable to abuse.

It is important that any awareness and information campaigns reach these people.

## **Homelessness and Overcrowding**

Older, single women are increasingly vulnerable to housing stress, insecurity and homelessness.<sup>14</sup>

We support the view that the Commonwealth needs to maintain a role in housing and homelessness policy to lead and coordinate in this area.

It is not uncommon for several generations to live in one home in Indigenous communities with overcrowding contributing to poor school participation, domestic and family violence, mental illness and violence generally. In one report, a fridge was kept in a bedroom so that food could be secured and not stolen.<sup>15</sup>

Stable and appropriate housing is a necessity of life and acts as a protective factor for older people at risk of abuse.

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<sup>14</sup> Wesley Mission Brisbane and Council on the Ageing (COT) Queensland, and Urbis 'Doing it Tough' (2015)

<sup>15</sup> <https://www.theguardian.com/australia-news/2017/aug/20/we-are-begging-for-housing-the-crisis-in-indigenous-communities> - viewed 31.07.18