

# Queensland Government update

on the key findings from the *Review into the prevalence and characteristics of elder abuse in Queensland* conducted by Curtin University in response to Recommendation 11 of the *Not Now, Not Ever* Report.

The Queensland Government welcomes the report *Review into the prevalence and characteristics of elder abuse* (the Curtin Report).

The authors of the Curtin Report are Dr Barbara Blundell, Dr Joe Clare, Dr Emily Moir, Professor Mike Claire and Dr Eilieen Webb from Curtin University and Murdoch University. A total of 184 individuals representing organisations that work with, or in the elder abuse sector in Queensland participated in the research used to inform the Curtin Report by way of interviews, focus groups, an online survey and a scoping literature review.

The key findings of the Curtin Report and the actions undertaken by the Queensland Government have been outlined in the Queensland Government update.

## Background

Elder abuse, as described by the World Health Organisation, is ‘a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person’. It can take various forms, such as physical abuse, psychological or emotional abuse, financial abuse, sexual abuse, and neglect.<sup>1</sup>

The Special Taskforce on Domestic and Family Violence provided its report, *‘Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland’* (the Not Now, Not Ever Report) to the Premier in February 2015. The Not Now, Not Ever Report acknowledged that elder abuse is a growing social issue world-wide, escalating in line with the ageing population and a parallel increase in age-related health issues such as dementia.

In recognition of the fact that majority of elder abuse cases reported occur in a domestic context, Recommendation 11 of the Not Now, Not Ever Report called for the Queensland Government to commission a specific review into the prevalence and characteristics of elder abuse in Queensland to inform development of integrated responses and a communications strategy for older people

who are victims of domestic and family violence. Additionally, the State Government’s report from the 2015 *Inquiry into the Adequacy of Existing Financial Protections for Queensland Seniors* called for a prevalence study of financial abuse of older Queenslanders.

In response, the Queensland Government commissioned Curtin University to undertake a specific review into the prevalence and characteristics of elder abuse in Queensland, and the current policy, legislative and services responses. The key findings from the review are detailed in the Curtin Report.

The Queensland Government’s annual elder abuse awareness campaign also fulfils Recommendation 11 by delivering a strategy for elderly victims of domestic and family violence.

## The ALRC Report

In May 2017, the Australian Law Reform Commission also released its report *Elder Abuse – A National Legal Response* (ALRC Report). The ALRC Report made a series of recommendations aimed at achieving a nationally consistent response to elder abuse, including that the Australian Government, in cooperation with state and territory governments, develop a National Plan on Elder Abuse.

Work on the National Plan is progressing through the Council of Attorneys-General Working Group on Protecting the Rights of Older Australians and will address a range of key findings considered in the Curtin Report, including those related to definitional issues, legislation and service and system interventions and responses.

## Next steps

The Queensland Government will continue to implement the actions as outlined in the Queensland Government update, including continuing to contribute to the National Plan work.

The Queensland Parliamentary Committee Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying and the Royal Commission into Aged Care Quality and Safety will also provide an opportunity to identify possibilities for strengthening the response to elder abuse.



<sup>1</sup> Elder Abuse – A National Legal Response (ALRC Report 131, 2017), p. 19

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## Definitional issues

### Key findings

- Lack of consistent definition.

### Actions

- Continue to contribute to the National Plan work including:
  - Consideration of definitional issues in partnership with the Australian Government and state and territory jurisdictions.
  - Consideration of the findings of the Australian Institute of Family Studies and the Australian Ageing Research Institute in relation to the definition of elder abuse, including relevance and applicability to Queensland.
  - Undertake targeted consultation with stakeholders on definitional issues.

## Legislation

### Key findings

- Enhance safeguards against the misuse of Enduring Powers of Attorney.
- Continue to monitor the legal response to elder abuse.
- Expand the jurisdiction of the Queensland Civil and Administrative Tribunal (QCAT) to hear complaints about assets for family agreements.

### Actions

- Progress reforms contained in the *Guardianship and Administration and Other Legislation Amendment Bill 2018* which enhances safeguards and protections for older persons with an Enduring Power of Attorney.
- Consider the recommendations of the ALRC in relation to adult safeguarding laws.
- Continue to contribute to the National Plan work, including consideration of the remaining recommendations of the ALRC Report.

## Education, training and information

### Key findings

- Education and training for older people, family, carers, bank employees, JPs, real estate agents, land titles office, health and legal professionals and wider community.
- Increase community awareness of enduring powers of attorney and educate attorneys about their obligations.

### Actions

- Deliver the annual state-wide elder abuse awareness campaign.
- Educate, train and inform older people, carers, professionals, specific occupational groups and the wider community by actively working with key stakeholders.
- Deliver education and information to specific occupational groups and the wider community through the Elder Abuse Prevention Unit.
- Explore options to encourage long-term financial planning and proactive independent decision making, including improved uptake of powers of attorney, advanced care directives and will making.
- Consider possible options to enhance attorney's awareness and knowledge of their duties and responsibilities.

## Characteristics and risk factors of elder abuse

### Key findings

- Complex issue shaped by the individual, perpetrator, family, community and service system/context.
- Estimated to be vastly under-reported.
- Tailor services to respond to the spectrum of abuse.

### Actions

- Provide funding to services to respond to the abuse of older people in Queensland, including seniors legal and support services (\$2.7M per annum), the Elder Abuse Prevention Unit (\$531,417 per annum) and Seniors Enquiry Line (\$100,000 per annum).
- Deliver five additional seniors legal and support services across Queensland to provide free legal services for seniors experiencing elder abuse, mistreatment or financial exploitation (\$700,000 per annum over three years).
- Provide additional funding of \$1.4M over four years to establish a specialist financial advice service to prevent financial abuse of older people.
- Continue to respond to the recommendations of the *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* report.
- Make representations to the Australian Government on funding carers in a way that removes the possibility of financial abuse.

## Prevalence and data collection issues

### Key findings

- National prevalence study indicated.
- Data collection could be sharpened to focus on vulnerability rather than age.
- Use data to develop targeted responses.

### Actions

- Contribute to the development of a national prevalence study in partnership with the Australian Government and other state and territory jurisdictions.
- Provide additional one-off funding of \$100,000 to the Elder Abuse Prevention Unit to improve data collection and reporting.
- Explore options for improving data on elder abuse based on the Queensland Government Statisticians Office report on administrative data collections.

## Service and system interventions and responses

### Key findings

- Skill and support frontline workers.
- Address needs of diverse and vulnerable older people.
- Develop coherent and cohesive response frameworks.
- Explore best-practice responses and frameworks.
- Support and enhance elder mediation.
- Ensure older people experiencing abuse have access to the justice system.

### Actions

- Provide support and information to older people by telephone and face-to-face (including outreach) modes by funding seniors legal and support services.
- Share information and knowledge about issues, trends, research and best practice approaches with stakeholders to improve responses and awareness and prevent abuse from occurring.
- Implement the *Queensland: an age-friendly community* strategy and action plan.
- Improve coordination and reduce fragmentation within the sector by working with stakeholders including the Australian Government on the National Plan.
- Explore alternative justice approaches such as family agreements and elder mediation in response to recommendations of the Parliamentary Inquiry into the adequacy of existing financial protections for Queensland's Seniors.
- Work with the domestic and family violence service sector to ensure the Curtin Report findings inform future service delivery for Queensland seniors.

