

SELECT COMMITTEE INTO ELDER ABUSE

Motion

Resumed from 6 September on the following motion moved by Hon Nick Goiran —

That —

- (1) A select committee into elder abuse in Western Australia is established.
- (2) The select committee is to inquire into elder abuse with particular reference to —
 - (a) determine an appropriate definition of elder abuse;
 - (b) identify its prevalence;
 - (c) identify the forms of elder abuse, including but not limited to neglect;
 - (d) identify the risk factors;
 - (e) assess and review the legislative and policy frameworks;
 - (f) assess and review service delivery and agency responses;
 - (g) determine the capacity of the Western Australia Police to identify and respond to allegations of elder abuse;
 - (h) identify initiatives to empower older persons to better protect themselves from risks of elder abuse as they age;
 - (i) consider new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse; and
 - (j) consider any other relevant matter.
- (3) The select committee is to report by no later than 12 months after the motion is agreed to.
- (4) The select committee shall comprise the following members —
 - (a) Hon Nick Goiran, Chair;
 - (b) Hon Alison Xamon, Deputy Chair;
 - (c) Hon Matthew Swinbourn; and
 - (d) Hon Tjorn Sibma.

HON NICK GOIRAN (South Metropolitan) [1.06 pm]: I rise today to speak to my motion to establish a select committee into elder abuse in Western Australia. At the outset, I am grateful for the cross-party support that I have already received for the establishment of this committee. It has been clear to me that members from all parties acknowledge that this is an area of need within our state and, unfortunately, cases of elder abuse are on the rise. I thank those members who have spoken to me personally in support of this motion.

I note that there has been a history of cross-party support on this issue. This was demonstrated in 2013, in the last Parliament, in response to a motion I put to this house to acknowledge elder abuse as a problem, to recognise efforts in this area and to call on the community to eliminate all forms of elder abuse. At the time, Hon Colin Holt said —

... we need to continue to look at ways of cherishing the value of our elderly in our communities.

Madam President, at the time you said —

I agree with Hon Nick Goiran that it is a growing problem ...

Many other members spoke in support of that motion.

I would also like to acknowledge the work that has already been done in previous Parliaments to address elder abuse. I note in the thirty-eighth Parliament in November 2011, the Labor Party tabled a discussion paper that Hon Sue Ellery was involved in titled, "Behind Closed Doors: Elder Abuse in Western Australia". I also acknowledge the work of the Community Development and Justice Standing Committee in the previous Parliament. The chair at the time was Margaret Quirk, member for Girrawheen, who authored and tabled the 2014 report titled, "Age-friendly WA? A challenge for government". This report provided a number of ways to tackle elder abuse. Having this issue highlighted in this report, as well as in Labor's discussion paper, provides

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a good background for a specific inquiry into the issue of elder abuse. Of course, I am also proud to note the work done by the Barnett government on this issue on 15 June 2016. That government injected \$135 000 into Advocare to enable it to continue to manage the elder abuse helpline, which provides a single point of contact for those affected, and offers advice and facilitates referral and triage to other services when necessary. Funding through the Barnett government launched this helpline in April 2014. Indeed, it was the former Minister for Seniors and Volunteering, Tony Simpson, who said at the time —

“By funding this new telephone service, we hope to reduce the number of instances of elder abuse, and offer advice and guidance to those feeling pressured or bullied.”

In introducing this motion, I acknowledge that, sadly, the vast majority of elder abuse cases are in the category of family and domestic violence. A recent report from the Australian Law Reform Commission titled “Elder Abuse— A National Legal Response” states that “elder abuse policy may learn much from initiatives to prevent family violence”. In commonly-used definitions of “elder abuse”, the perpetrator is referred to as “someone the elder trusts”, which in most cases is a family member.

It is positive that elder abuse awareness is now at a greater level than it was in 2011 when the Western Australian Parliament first considered the issue. Advocare, the leading hotline for elder abuse, is now more entrenched within our community, and over the years it has been collecting important data on the issue. We are now more aware of the extent and types of elder abuse that occur, and it is for this reason that an inquiry into elder abuse is timely.

As many members are aware, because they have sat through my member’s statements, motions, and answers to questions on notice et cetera, I often speak to issues of life that affect the most vulnerable members of our community. For me, the issue of elder abuse falls well and truly within the category of highlighting the plight of one of the most vulnerable groups of people in Western Australia. The report from the Australian Law Reform Commission refers clearly to the vulnerabilities of this group. The executive summary states in part —

- 1.4 ... More than 80% of people aged 85 years or over have some disability. While fewer than one in 20 Australians under 55 years have ‘severe or profound core activity limitations’, almost one-third of people aged 75 years or over have such limitations.
- 1.5 The prevalence of cognitive impairment also increases with age. From age 65, the prevalence of dementia doubles every 5 or 6 years. 30% of people aged over 85 have dementia, and over 1.1 million Australians are expected to have dementia by 2056. More generally, people aged 85 years and over need significantly more assistance and care than people aged 65–84.
- 1.6 Vulnerability does not only stem from intrinsic factors such as health, but also from social or structural factors, like isolation and community attitudes such as ageism. All of these factors contribute to elder abuse.

It is important that before the bulk of the inquiry work commences, we provide sufficient clarity of the meaning of “elder abuse”. Proposed terms of reference (2)(a) through to (d) provide for this. A definition is the starting point. The World Health Organization has adopted the following definition of elder abuse —

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.

That defines what constitutes abuse to an elder. However, it does not define what an elder is or what types of harm and distress are relevant to an elder. The Australian Bureau of Statistics defines an older person as a person aged over 65. A person aged over 65 with good health and cognition may not fall within a category of elder abuse; however, a 60-year-old with dementia may. With regard to harm or distress, there is evidence of elder abuse in the areas of psychological or emotional abuse, financial abuse, physical abuse, neglect and sexual abuse. A definition and explanation of elder abuse about which policy makers and agencies have consensus will help direct a more targeted approach to the prevention of elder abuse.

Term of reference (2)(b) is identify the prevalence of elder abuse. A number of factors are hindering an understanding of the prevalence of elder abuse in Western Australia. The main reason is the family relationship between the victim and the perpetrator. A victim who reports elder abuse risks harming their relationship with their family and thus their only avenue of family support. According to Western Australia Police, another issue that hinders consistent data collection about elder abuse is the absence of a specific criminal offence of elder abuse and thus a lack of awareness that elder abuse is a crime. Factors such as these distort the figures about the prevalence of elder abuse in the community. However, a study by the Crime and Research Centre at the University of Western Australia estimates that by 2031, there will be 24 000 victims of elder abuse annually.

Term of reference (2)(d) is identify the risk factors. It is important that the committee identifies the factors that place older Australians at risk of elder abuse so that strategies can be developed to target its prevention. I have

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mentioned the obvious risk factors, such as cognitive impairment, disability, and social isolation. However, a dynamic that deserves investigation due to the increase in financial abuse of elders is socioeconomic and intergenerational wealth factors. I refer to an article in *The Age* titled “Financial abuse of elderly parents on the rise as housing becomes more unaffordable”. Meagan Lawson, the chief executive officer of the New South Wales Council on the Ageing, states in that article —

“We’re seeing this kind of inter-generational financial abuse really growing,” ... It starts as, ‘Can I borrow ...?’ But over time it becomes quite abusive where people feel they have to give money to keep harmony in the family.

This “inheritance impatience” has an even darker side, one that I did not consider before I read that report. Kerry Marshall, manager of the New South Wales Elder Abuse Hotline and Resource Unit, states in that same article —

“Here, the adult children want to preserve their parents’ money for themselves, so they aren’t spending any of it on the care of their parents, and we’re seeing a lot of neglect linked to this financial abuse,” ...

Ms Marshall is telling us that adult children are purposefully neglecting the needs of their parents because of a selfish desire to get their inheritance. It is terribly sad and shocking when elderly parents are neglected by their children in their final years simply because of money.

Term of reference (2)(c) is identify the forms of elder abuse, including but not limited to neglect. Identifying the prevalence of elder abuse, the forms of elder abuse and the risk factors will enable this committee to evaluate changes to law and policy, the delivery of services, and the response of agencies to elder abuse. It is also important that the committee looks at the capacity of WA Police to respond to allegations of elder abuse.

Term of reference (2)(i) is consider new proposals or initiatives that may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse. Term of reference (2)(j) is consider any other relevant matter. That will provide the committee with the opportunity to consider matters that may arise during the committee’s proposed 12-month inquiry that may be pertinent to this issue.

I conclude by saying that I look forward to working with my parliamentary colleagues on this important issue— my good friend Hon Tjorn Sibma, the shadow Minister for Seniors and Ageing; my learned friend Hon Matthew Swinbourn from the government; and my other learned friend Hon Alison Xamon from the Greens.

Hon Sue Ellery: Too many lawyers there!

Hon NICK GOIRAN: I think the four of us will bring to this committee different perspectives and skills in this area. My hope is that the report and recommendations made by this committee will be implemented to provide greater justice for elderly people who have been abused; greater access to support for the elderly; and, most importantly, greater ability to prevent elder abuse. I commend the motion to the house.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.17 pm]: I commend Hon Nick Goiran for bringing this motion to the house. It is clear from the fact that we have nominated a government member to be on the proposed select committee on elder abuse that the government will be supporting this motion.

I want to make a couple of comments on the motion. When the Labor Party was last in government, I was the Minister for Seniors and Volunteering, and in our first term in opposition I was responsible for the seniors portfolio. Hon Nick Goiran has referred to a discussion paper that we issued during that time.

As newer members will find, and as more experienced members already know, from time to time we look to good community-based organisations to provide our constituents with the assistance that they need, particularly technical skills or a form of assistance that members of Parliament are not able to offer. In the area of elder abuse there are two organisations that I have come to rely on and I regularly refer constituents to them. Both of those organisations deal with elder abuse in various forms. One is Advocare, a longstanding organisation. If members do not already know about these organisations, they should take a note and make sure that their electorate staff do. As I said, Advocare is a longstanding organisation. The name comes from what it does: it provides advocacy services and care-related services directly to older people on a whole range of issues, not just to do with abuse. The other organisation that I refer people to is the Older People’s Rights Service. This operates out of the Northern Suburbs Community Legal Centre. It is a long way from my electorate office in Willetton, but it is funded to take queries from older people or older people’s advocates from across the metropolitan area and it does a fine job at that.

I have had a couple of constituents come to my office over the years with really shocking examples of financial abuse. Hon Nick Goiran is right when he says that the figures of abuse of the elderly in the form of family and domestic violence are way too high. But I think people would be surprised to learn the extent of the financial abuse of our elderly and, in particular, the kind of vicious cycle that seniors can get themselves into, because most often,

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the perpetrator of that financial abuse is a member of their own family or somebody who is very close to them. There is also a degree of shame when they seek to get assistance or contemplate getting assistance because they have to admit that someone they love is doing something so terribly wrong and they feel the ordinary human emotions that that reflects badly on themselves. It becomes really hard to get them to speak up or seek assistance because they do not want the relationship they have with that person to alter; they want the bad stuff to stop. They do not want to break the relationship with that family member. To the extent that the committee will examine that particular area, I look forward to seeing its recommendations, because it is an area that is hard to regulate. We cannot always see the results of family and domestic violence, but sometimes we can see the physical results of family and domestic violence. It is very rare to see the effects of financial abuse. We do not get to see the bank accounts of people walking down the street or the legal documents that transfer ownership of the family home. Being able to eradicate financial abuse and educate properly and meaningfully about it and regulate it is very difficult, because we do not see it—yet it is rife. I do not know why, but for a little while I attracted a stream of people, I suspect through word of mouth, who came to my electorate office about that issue. It was greatly distressing for the people involved. They were mortified that they had to reveal to me their financial circumstances, never mind the mortification they felt about revealing the broken relationships within the family that had led to this. I look forward to what this committee inquiry will come up with about financial abuse.

Having made that comment though, elder abuse in whatever form is unacceptable and it is widely unreported. That is why we are pleased to support the establishment of this committee. We want to make sure that the recommendations that come out of the inquiry will help to protect vulnerable members of our community and supplement the work that has been done in the other place. A couple of years ago, the Legislative Assembly's Community Development and Justice Standing Committee released a report titled, "Age-friendly WA? A challenge for government." I know that Margaret Quirk did a lot of work on that.

We went into this election with a strong policy on elder abuse as part of our comprehensive family and domestic violence package. We are committed to ensuring that every Western Australian has the ability to make a positive contribution without being at risk of becoming a victim of abuse. We have made a series of commitments around some practical responses to put actions in place to protect older Western Australians. One of those is to expedite the enactment of amendments set out in the recommendations of the "Statutory Review of the Guardianship and Administration Act 1990" report, which goes into the laws surrounding the power of attorney and guardianship.

Another commitment was to identify a lead agency for overall responsibility for the coordination of the response to elder abuse. That will be the Department of Communities. Although over the last 10 years agencies became much better at working together on issues such as elder abuse that cross over a whole range of portfolios, often the left hand did not really know what the right hand was doing. We thought that appointing one agency to be the lead, the single point organisation, was an important thing to do. In that capacity, the Department of Communities will be responsible for overseeing the establishment of a register of enduring powers of attorney and guardianship. It will also be responsible for conducting an education program for those professionals who are in regular contact with seniors. That includes GPs and also banking staff. Some of the research that I have read on financial abuse—if I was good, I could remember the references, but I cannot—indicated that it was often banking staff who were the first to identify whether financial abuse was going on. People of my generation and younger, which of course is very young, do not go inside their bank very often, except when they need to pick up a card that is being replaced or something like that. People older than me still go inside the bank and have regular conversations. For many of them it is one of the few regular conversations that they have with people outside their immediate family or outside their home. They have conversations with the bank tellers, the people behind the counter, and it is those people who can see whether an older person is coming in with someone who seems to be directing them to take out particular amounts of money. Those people behind the counter can pick up those signs that something is not right; however, they have limited power to do anything about that. We will be engaging them in an educational program so that they can help to identify it and know what action they can take if they have reason to suspect someone is being bullied into taking money out when they do not really want to. That is going to be important, and I am pleased it is one of the things that we have committed to do.

The Department of Communities will also take a key role in negotiations between ourselves and the federal government to develop a national strategy for the prevention of elder abuse, and a funding model to enable the delivery of services required for that model to be successful. The Department of Communities has also begun a review of the elder abuse guidelines, which is scheduled for later this year, to ensure that the current recommended response continues to be a best practice model. The new Minister for Seniors and Ageing has met with Advocare, I understand, to discuss the services that it provides. While I am talking about Advocare, I note that the long-serving and outgoing CEO of Advocare, Greg Mahney, has moved on to a new stage of his life and I wish him well for that. He is a long-term campaigner and hard worker on behalf of the people who use his service.

Although it is true to note that there is not one definition that everybody agrees on, I think the scope of things that fall within elder abuse is generally acknowledged. It includes financial or material abuse, neglect, emotional or psychological abuse, social abuse, physical abuse or sexual abuse. The misuse of an enduring power of attorney is one of the most, if not the most, common types of abuse. Although people might think elder abuse is about physical abuse, they should not underestimate the psychological power and the psychological abuse that occurs as a result of the misuse and abuse of enduring powers of attorney. Victoria's figures show that financial abuse is responsible for over one-third of the calls made to its elder abuse hotline.

Psychological abuse is another common type of elder abuse. We know that the shame associated with it means that victims are often isolated and that it is underreported. The World Health Organization has estimated the prevalence of elder abuse in high or middle-income countries, such as Australia, as being between two and 14 per cent, but the suggestion is that that is a low estimate. If we take those figures, that would suggest that around 15 000 older Western Australians are right now the victims of elder abuse. I could share the range of horrific circumstances that my constituents have shared with me, but I am sure that other members will consider their own. A lot of work has been done by the two previous governments—and the government before that and the one before that. We started to acknowledge elders' rights and our responsibility to provide legal and other protections for seniors between 30 and 35 years ago, but it has been incremental. I hope that the committee we set up today will bring much of that work together and make sure that we identify the key priorities that need adjusting or fine-tuning and those areas that need new things.

I could talk about this issue for a long time but the point that needs to be made is that some of these issues were raised in the Legislative Assembly's Community Development and Justice Standing Committee report. According to that committee's stats, which this committee needs to consider, by 2021, 51 per cent of Western Australia's population will be over 60. On a number of occasions, the committee heard about the culture of secrecy and shame that shrouds the issue of elder abuse. It formed the view that it is "reminiscent" of the way we used to think about child abuse and domestic violence—that what went on behind closed doors was nobody's business. In the case of elder abuse, whether it is physical, sexual or financial or any other form, most often the abuser, the perpetrator, is a member of the victim's immediate family. We have this notion that our elderly are most at risk from thugs and antisocial people who roam our suburbs from time to time when, in fact, they are most at risk from those they love the most, the people who are closest to them, members of their family.

Advocare told the Assembly committee that clients often explain the guilt and responsibility they feel when their abuser is their son or daughter and they do not take any action to prosecute their abuser. The Legislative Council is its own body and it will do its own inquiry, but I encourage the committee to assume the baton that was laid down by the Assembly committee when it completed its work and make sure that we build on it—not repeat what it has done—and move forward.

Last February, the federal government announced an inquiry into how national laws can prevent elder abuse. It sent a reference paper to the Australian Law Reform Commission to conduct an inquiry into the laws and frameworks to safeguard our seniors. That is an important step forward through the legal system but it is not just the legal system we need to look at. I note the preponderance of lawyers on the committee that we have just established, and I encourage them to look beyond their professional backgrounds and more broadly into other areas.

Hon Matthew Swinbourn: We always do!

Hon SUE ELLERY: Sure.

Elder abuse is an increasing concern to many of us, not the least of which because we are all living longer and our expectations of how we expect to be treated are that much higher than those of the generations that have gone before us. In the near future, unprecedented proportions of Australians will be seniors.

The discussion paper released by the federal government just a few months ago in December last year outlined a number of the important aspects of elder abuse. The final copy of the report was released on 15 June and it outlines recommendations from the Law Reform Commission after having done extensive consultation and engagement. That report makes an important link—this is the issue that Hon Nick Goiran touched on—namely, the link between elder abuse and family violence. The two are intimately linked. Similar to family violence, elder abuse can be physical, sexual, psychological or financial and is usually committed by a family member. Another element revealed by research is that women are more likely to be victims and men are more likely to be perpetrators, although that is not always the case. That is what the stats show us. The way that elder abuse manifests is different from the usual perception of family and domestic violence. It is more often the case that the perpetrator of elder abuse is an adult child rather than a victim's partner, and it involves power and control, as does any form of violence. But there is less agreement about the dynamics of elder abuse than there is about family and domestic violence as we generally understand it. Some researchers have noted that a power imbalance may not be a necessary feature of elder abuse because it can just be about access to money as opposed to wanting some kind of psychological control, which is often at the core of violence perpetrated by males against female members of

their family. It is about what researchers call a wealth abuse epidemic—inheritance impatience—that is driven disturbingly, as is canvassed in the discussion paper, by the fact that the abuser does not think the elder is dying soon enough, which is pretty shocking when one thinks about it, but that is what has been revealed.

It is also the case because of the nature of the shame of elder abuse and its under-reporting, we do not have enough data and we do not have enough identification. There is a need—this will not be the work of this committee—for more research to be done to gain data on prevalence. Although there is a sense that elder abuse is widespread, I am advised that Western Australia Police has noted that the problem of determining its prevalence is due to under-reporting, and it suggested in the report to the Law Reform Commission that that relates to the stuff to which I referred—that is, the victim is dependent on the perpetrator for their daily care and they are fearful that they will be put in a residential facility if they do not agree to release regular amounts of funds or transfer the ownership of the family home. Those things are really important. I imagine that the committee will seek submissions from a wide range of organisations, including Western Australia Police.

With those comments, I will conclude on behalf of the government. We commend the establishment of the committee and I personally and on behalf of the government look forward to reading its work.

HON ALISON XAMON (North Metropolitan) [1.39 pm]: I rise on behalf of the Greens to indicate our very strong support for this motion, and I want to thank Hon Nick Goiran for introducing it, on a topic that I believe is of absolute significance to our community. This is an issue that is often highly detrimental to some of the most vulnerable members of our community, yet it is far too often hidden. The proposal to establish a select committee so that we can go into some of the detail around this issue is well worth supporting. Should the motion be successful in being passed, I very much look forward to the opportunity to work with other members who have been named as potential members of the committee to unpick the insidious effects and impacts of elder abuse. This is particularly important as we look at what is happening with the ageing population of Australia. As we know, our population is ageing, and the risk is that the numbers of people who might potentially be affected by elder abuse can only grow unless we start to take some really important steps towards addressing the root causes of why elder abuse occurs in the first place, as well as looking at the sorts of protections that can be placed around older people to support them legally and with service provision.

It is really timely that we, as members of state Parliament, consider this issue, given that it comes only a few months after the Australian Law Reform Commission released a report documenting the findings of its inquiry into how best to protect the rights of older Australians from abuse. We know that the best chance we have of tackling the really complex array of contributory factors to elder abuse is by implementing change at both the state and federal levels in a coordinated way. I would suggest that one of the opportunities available to the committee would be to draw on the findings of that report to see how best we can complement its proposed strategies. I also note that many of the findings that came out of the federal inquiry into elder abuse mirrored those of previous WA-based reports into elder abuse, so we have a fair bit of data that we can draw on. This is an issue that people have been trying to tackle for quite some time.

One of the reasons the Greens feel so strongly about wanting to support the establishment of this select committee to address the issue of elder abuse is that we have a longstanding approach to older Australians in that we strongly feel that we need to support seniors to be able to maintain optimal health and to ensure that they feel secure. We also strongly feel that our older Australians should be valued, active participants in all aspects of community life. It is certainly my aspiration to one day be an older Australian; that is my intention. Of course, sometimes life can throw things at one that perhaps one did not expect, but it is my hope that I will be joining the ranks of older Australians—the very, very, very older Australians—at some point far into the future, because I am, of course, young and vibrant!

Anyway, we know that we need, as a society, to develop a more positive approach to the ageing of our population. Members will be aware that we in Australia, within the western context, do not revere and respect our older Australians as much as perhaps we should. The participation of seniors within the broader Australian community life should be maximised. Importantly, the contribution of their knowledge and their experiences should be valued, and I am simply not convinced that we do value them enough. Unfortunately, sometimes within our society we lose sight of this, and I think we could all gain so much more if we focused more of our attention on valuing and engaging with our seniors than we currently do. There is an old saying that sums this up: for the unlearned, old age is winter; for the learned, it is the season of the harvest. I like that.

The need for a positive framework is also reinforced within the Law Reform Commission report, and I note that the report observed that vulnerability stems from not only intrinsic factors such as health, but also social or structural factors like isolation and community attitudes such as ageism. All these factors contribute to elder abuse.

On a more tangible level, it is also important to acknowledge that if we focus on helping older Australians maintain their mobility, wellbeing and participation—we should be finding as many opportunities to do this as we can—we

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will also be engaging in one of the prime protective factors; we will be reducing the risk of people potentially being subject to elder abuse.

We know that many older people are already making enormous contributions to our society. Again, I am one of those people who intends never really to retire; I do not think it is in my DNA. I would like to continue working in some capacity until such time as I fall off the perch, which, again, I am hoping will be a very long, long way away. I think that is the case for many of our older Australians, who have a great level of knowledge and wisdom that should be valued. I do wonder what would happen if we were to place greater emphasis on valuing the wisdom and knowledge of our older Australians, and provide further avenues for their contributions to be expressed.

Before I talk specifically about elder abuse, it is important to start by setting the context and focusing on some of the issues that are affecting older Australians more generally. The question has to be asked: how are older people faring? One of the key issues I would like to speak about is the issue of older Australians and mental health, which should come as no surprise to anyone in this place.

We know that although depression is common throughout the population, older people are more likely to experience contributing factors such as physical or economic dependency; mental and physical health problems; living with grief; loneliness; and carer stress—the stress of looking after a sick or elderly spouse, in particular. It is estimated that between 10 and 15 per cent of older people experience depression, and about 10 per cent experience anxiety. Rates of depression amongst people living in residential aged care are believed to be even higher; in fact, it is estimated to be around 35 per cent. I think it is really heartbreaking to think that one-third of residents living in aged-care facilities are living with a diagnosed mental illness like depression. This is aggravated by the fact that older people can be more hesitant to share experiences of anxiety and depression with others. This is a characteristic of this particular generation. Many people aged over 65 years feel quite acutely the stigma attached to mental health problems. We are talking about a generation of Australians who were raised when mental health issues were viewed as character flaws, rather than being recognised as genuine health conditions, which they are. Unfortunately, this self-stigmatising behaviour can contribute significantly to preventing older Australians from feeling comfortable to reach out for help.

I also want to talk about the often hidden issue of older Australians and suicide. The 2015 Australian Bureau of Statistics data shows that the death rate for intentional self-harm is the highest in men aged 85 years and over, with a rate of 39.3 deaths per 100 000. We do not talk about this very often. We talk about suicide in young people and in at-risk populations, but our male older Australians are one of the groups at highest risk of suicide. Furthermore, suicide is likely to be under-reported in the elderly, with general practitioners and other doctors being more likely to record deaths in our frail elderly as somehow due to natural causes, because they wish to avoid the pain and the stigma for families. A concern raised in the research is that in some circumstances, it is possibly done to cover up assisted suicides.

I am particularly concerned to look at the intersection between elder abuse and rates of older adult suicide. The figures coming out on the issue of older adult suicide show that it relates to factors such as loneliness, isolation, a sense of despair and the potential impacts of elder abuse. As Hon Sue Ellery referred to, it can also relate to the sorts of pressures that are brought to bear around money. People may feel as though, in the worst-case scenario in my mind, they are effectively being pressured into needing to take their own lives. It is very important to unpick this issue.

Also, it is important to talk about how this impacts on particular populations of older people. As with all ages, suicide risk is even greater for lesbian, gay, bisexual, transgender and intersex elderly people, who do exist. Elderly LGBTI people are at increased risk of social isolation and lack of support networks compared with non-LGBTI people. We are talking about people who, for the most part, have spent almost a lifetime having to hide their sexual orientation and living in the closet, if you like. They are also less likely to approach support services until they reach a point of absolute desperation. That is often due to a fear of homophobic retribution and abuse. There are also particular concerns about LGBTI people being discriminated against in aged-care facilities. I want to acknowledge the important work of organisations such as GLBTI Rights in Ageing, which is doing much to highlight the needs of this cohort of older Australians and to highlight their needs as they age.

Family support is also a significant protective factor in preventing suicide. That is precisely why the effects of elder abuse, which is often perpetuated by family members, has such deeply entrenched ramifications. I think it is important for members to be aware and not to assume that older people are taking matters into their own hands simply because euthanasia is not legal. We know that the suicide rates are higher in countries where euthanasia is legal, such as the Netherlands, Belgium and Switzerland, than those in Australia. Access to euthanasia does not affect the high rates of suicide in old men, which is unsurprising because it is important to note that they are two very different issues. I would like to point out that confusing the idea of an older person's right to die with suicide is serving only to hamper suicide prevention work. As a suicide prevention advocate, I get really frustrated when the issue of older Australians taking their lives is trivialised by people who try to say, "If only we had access to

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euthanasia; it would mean that we would not have the rates of suicide because that is what people are trying to do by default.” The figures do not bear that out. We need to look at the issue of why older Australians are choosing the path of suicide.

I also want to look at the intersection with disability, which, as we know, is more common among older people. More than 80 per cent of people aged 85 years or over have some disability. Almost one-third of people aged 74 years or over have limitations. The prevalence of cognitive impairment also increases with age. From age 65, the prevalence of dementia doubles every five years.

There is also an ongoing concern for older Australians about access to housing. Housing is a key determinant of health and mental health wellbeing, yet we are seeing more and more older people facing housing insecurity. Given that the majority of seniors have fixed incomes, this makes them particularly vulnerable to changes in housing affordability. Housing insecurity impacts on older people’s ability to access support networks and to maintain social connections, both of which are important protective factors. Limited housing options for seniors is a particular concern in the regions, particularly when older Australians who may have a strong connection to a community find themselves unable to live within that community any longer.

I want to talk about defining “elder abuse”, which I know is one of the first tasks of the committee. Determining an appropriate definition will be the first thing that needs to be done. It is one of the stumbling blocks when trying to establish the prevalence of elder abuse, because it is nearly impossible to find a consistent definition of elder abuse. By way of example, the authors of the Australian Law Reform Commission report have used the World Health Organization definition, which defines “elder abuse” as —

“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”

The definition from the Older Peoples Rights Service at the Northern Suburbs Community Legal Centre—I will talk a bit more about that service in a moment—is somewhat narrower. It states —

... clients abused or are at risk of abuse by family members, friends or carers.

Agreeing on a definition is tricky. If the definition is too broad, it will become meaningless; if it is too narrow, it can make it difficult to be a useful tool in picking up the full range of forms that abuse can take.

There are also inconsistencies around age limits and where elder abuse intersects with other issues, such as domestic and family violence. We know that all definitions recognise that elder abuse can take many forms, including financial, physical, emotional, psychological and sexual and neglect. Agreeing on a common definition is a necessary first step to ensure that we are all speaking about the same thing.

Another issue is unpicking the prevalence of elder abuse, which has already been referred to. Notwithstanding the difficulties that I have already outlined with establishing a clear definition of elder abuse, we can begin to draw some inferences about the scale of the issue. Of note is the fact that the Australian government has already committed to an Australia-wide prevalence study undertaken by the Australian Institute of Family Studies, and work has begun. As I alluded to earlier, it makes sense that, at the very least, we take into account the work that has been done on this matter at the federal level. As at 2015, 473 703 people—18 per cent—living in WA were aged 60 or older. By 2050, the number of people aged 65 to 84 years will double and the number aged over 84 years will quadruple. I am planning on being in that latter cohort. A 2011 study into the extent of elder abuse in WA, undertaken by the Crime Research Centre at UWA in partnership with Advocare, found that an average and heavily qualified prevalence rate for WA was calculated to be 4.6 per cent. Using the most recent numbers in WA, this currently equates to almost 16 000 Western Australians over the age of 65, with the number continuing to rise.

There is a genuine issue around the fear of reporting elder abuse. These figures are thought to under-represent the scale of the problem because we know that many cases go unreported due to a legitimate fear about the alternative to family care or maybe a nursing home not being available, if that is what needs to be provided. There are fears of not being believed and fears of retribution. Tragically, there is a sense of shame that this has come about, if it has come from the family, and also a lack of confidence in the justice system. By any measure, elder abuse is clearly a significant issue for our community. Increasingly, in our fast-changing world, more and more seniors are finding themselves supporting adult children and grandchildren. At the same time, some of them are still caring for their own parents. We know that most often the perpetrators of elder abuse are sons and daughters, with the abuse happening behind closed doors. Typically, it is happening in the older person’s home. We also know that perpetrators are equally male and female and that far too often issues of substance abuse, drug addiction and underlying mental health issues can be common in perpetrators, but not always.

Fran Ottolini, the senior lawyer for the Older Peoples Rights Service, has described four key drivers for older people seeking assistance through that service. The first is inheritance issues, from people who perhaps feel as

though mum or dad need to hurry up and die because they are sitting on their money and they would like to have it, thank you very much, to parents lending money to their children without contracts and then again, perhaps those children feel that it is simply an early inheritance and they are entitled to it so why on earth should they have to give it back? There is a problem with granny flats, particularly if they are built on land that the older person does not own. If the land is subsequently sold, that older person has no rights over the granny flat. Very often we hear cases of older Australians who have paid for the granny flat to be built, perhaps on their child's property, yet they do not end up seeing anything for it. Of course there are ongoing problems with enduring powers of attorney. They are very easy to put in place but it can be very hard to recover funds if they are misused. This mirrors the experience of Advocare, one of the main organisations that assists with issues of elder abuse, as well as what is happening in other states. Financial abuse is the most common reason for older people seeking assistance.

Elder abuse can often result in older people who have worked hard their whole lives finding themselves living in poverty and not having access to even basic human rights such as secure housing. We also know that some of the likely risk factors for people subject to elder abuse include how dependent they are on others, poor physical and mental health, low incomes, living with a cognitive impairment and being socially isolated. Again, as I have said already, older people are not a homogenous group; their experiences can be shaped from being part of one or more particular communities. Being part of a particular group can also affect how likely it is that a person will be abused or it can affect their ability to access services. As I have said, disability is more common among older people, and there is an intersection between elder abuse and the abuse of people with disabilities. I note that my Greens colleague in the federal Parliament Senator Rachel Siewert has been calling for a royal commission into violence against and the abuse and neglect of people with a disability because alarming evidence is emerging of the level of abuse of people with disability in institutional and residential care. There are some intersections there also with older Australians.

It is imperative that we acknowledge the particular challenges for older people who are living in regional WA. I note that the "Ageing in the Bush Report", which was produced by the Regional Development Council, stated —

Projected growth rates for the older population in regional WA are greater than for metropolitan areas. There is a pressing need to address current issues and prepare for future demands. It is imperative for the economic and social viability of regional WA that the number of older people who have to leave their homes to access the care they need, is reduced.

As I articulated earlier, LGBTI older people may be at risk of elder abuse because they can often be subject to discriminatory practices. Often they are also members of what we term "families of choice" rather than biological families. Unfortunately, these families may not be recognised by service providers as family members.

There has also been little research about elder abuse in Aboriginal communities. However, in 2005, the WA Office of the Public Advocate undertook an investigation into this issue, although the project was conducted only over a three-month period so it could not be considered definitive. This research identified significant issues linked to elder abuse in communities, including a loss of respect for old people and culture and the need to teach young people respect; alcohol and substance abuse in the community; the number of grandparents raising their grandchildren; and poor housing conditions. The final conclusion from this research was that, given the social complexities of Aboriginal communities and the factors contributing to elder abuse within their own communities, a whole-of-government approach, in partnership with Aboriginal communities, is required. Cultural expectations and norms can inform the way abuse is understood within different communities. For some people from culturally and linguistically diverse backgrounds, limited English skills can contribute to a sense of social isolation. I think it is really useful to look at the prevalence of elder abuse within various multicultural communities. Some multicultural communities have maintained strong respect structures for older people. It will be interesting to see how that plays out as a protective factor. Clearly, any strategies to curb the effects of elder abuse must recognise the diversity of older people, as well as their commonalities.

I will now speak to the current state of play in the elder abuse space, at both a state and federal level. I will begin by outlining some of the key recommendations from the Australian Law Reform Commission report on legal responses to elder abuse. Although the ALRC report is framed as a legal response to elder abuse—because it is always really helpful to look at the laws and unpick what is happening legally, and it is great that we will have so many lawyers on this committee—it ostensibly focuses on legal frameworks across commonwealth, state and territory laws to try to bring about some national consistency. It makes what it calls a capstone recommendation for the establishment of a national plan to combat elder abuse. The commission made this recommendation in recognition of the need to develop strategies beyond legal reforms. A national plan would present the opportunity to develop national awareness and community education campaigns, provide training, establish elder abuse helplines, and direct future research. This recommendation is strongly supported by the Greens. A number of other wideranging recommendations in the report reflect the broad scope of actions that can be taken to reduce the incidence of elder abuse. These include aspects such as enhancing employment screening for people who work in

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aged care; regulating the use of restrictive practices; introducing greater safeguards for enduring powers of attorney and guardianship; enabling tribunals to have jurisdiction over disputes relating to family agreements; reviewing provisions around superannuation and wills; and amending the Code of Banking Practice to require banks to take reasonable steps to identify and prevent the financial abuse of vulnerable customers. The report makes a number of recommendations for the introduction of adult safeguarding laws in each state and territory.

Of particular relevance at the state level and to the select committee are the recommendations to improve the criminal justice response to elder abuse, including how police respond to issues and help witnesses who need support to participate in the criminal justice system. In 2002, I found myself in an unexpected position when I suddenly became the carer for my grandfather and my grandmother. They were the parents of my father, who had taken his life, so the caring responsibilities skipped a generation. Even though I had a young child and was pregnant with my second, I found myself needing to look after my grandmother, who had been debilitated by 20 years' worth of strokes. The first one occurred after my father chose to die. My grandfather, who we found out had been living with Alzheimer's, had been trying to cover it up for the previous two years. My grandpa had just enough cognitive ability to be able to choose to appoint me as the enduring power of attorney for both him and my grandmother. It is a role that I took on with great pride until last year, 14 years later, when my grandmother finally passed away. When I started going through what was happening with my grandfather's finances to pull them together so I could do the job properly, I became aware of a particular guy and his girlfriend, who were drug addicts. They did not know my grandfather very well; they had come across him via church. They were going around to see my grandfather every week and taking him—marching him—up to the bank and helping themselves to his money at anything from \$1 to \$500 at a time. He was terrified of these people. He did not know how to respond. My grandmother, who was completely bedridden, was unable to do anything about it and begged me to try to do something. I went to the police, who were marvellous and wanted to try to do the best they could, but they said that, unfortunately, I was not able to do anything about it because I was not my grandfather's guardian. I had only the enduring power of attorney. I was desperate to try to take a restraining order out against these people to make sure that they kept the hell away from my grandparents. I wanted to stop them from being able to do this. Trying to protect him became a long, drawn-out and very painful saga. The only legal advice I was given was that I had to try to apply for guardianship over my grandparents. That, in itself, would have been a drawn-out process and would not have provided the level of protection that my grandparents needed to make sure these people stopped stealing from them and terrorising them. My grandfather was a very well known elder at the local church. Eventually, thanks to the good work of the local reverend, who came with me, and through no legal recourse, I was able to successfully manage to get these people to keep away from my grandfather. That was not before they had stolen \$24 000 of my grandparents' money. My grandparents lived in Gosnells. They were not wealthy people; they had just worked hard their whole lives. I raised this because I want to point out how vulnerable older people can be to people who choose to prey on them. It is not always family members. Sometimes family members are desperate to do something about it. This goes to the inadequacy of our laws in ensuring that there is a swift way to step in to stop people from being able to prey on vulnerable, frightened older people. We never saw that money again. I managed to successfully sue the couple in court but they did not have any money, so I never saw it. But I did manage to keep them away.

As we know, a number of well-established initiatives, networks and services are already doing great work to support victims of elder abuse in WA, but a lot more still needs to be done and lots of protections need to be considered. Elder abuse networks are in place, including the high-level interagency policy group Alliance for the Prevention of Elder Abuse. This network is currently working on updating the "Elder Abuse Protocol: Guidelines for Action". These protocols are designed to assist organisations that work with older people to respond to elder abuse. The WA Network for Prevention of Elder Abuse is another mechanism designed to coordinate service provision around this issue. However, as is the case at the federal level, there is a need for a more cohesive approach to elder abuse across government and non-government organisations, beginning with an agreed definition. There is a lag in public awareness of elder abuse compared with child abuse and domestic violence in terms of public recognition and social responses. The 2011 report, "Examination of the Extent of Elder Abuse in Western Australia", jointly undertaken by the University of Western Australia and Advocare, recommended further exploration of the commonalities and differences between elder abuse policy and practice and that of child protection and domestic violence. Other recommendations from the report include elevating community awareness and introducing greater protections against financial abuse, and provision of training. Although the government's "Seniors Strategic Planning Framework 2012–2017" echoes many of these recommendations, it is not at all clear what has been achieved in this space. Much work still needs to be done with greater emphasis on prevention and early intervention, education and training, and providing greater safeguards.

I also want to make some comments about the Older People's Rights Service. As I referred to earlier, a lot of great work is already being undertaken in WA and I want to mention an example of this. We are fortunate here in WA to have the Older People's Rights Service, which is run out of the Northern Suburbs Community Legal Centre.

The service has two full-time staff working to provide legal aid and wraparound support for the victims of elder abuse. In delivering this service, those working at the legal centre have come to realise that in nine out of 10 cases their clients do not proceed with legal proceedings related to the abuse. This can be because the system is set up so that few legal remedies are available to them, or because of the emotional complexities around taking legal action against a family member or carer. It has becoming increasingly clear to this service that there is a pressing need for more work to be done in the early intervention and prevention space, in raising community awareness about elder abuse and in educating older people about how to best protect against it.

In response, the Northern Suburbs Community Legal Centre, in partnership with Southern Communities Advocacy Legal and Education Service, has developed a peer education package called the older people's peer education scheme. It has secured funding under the Criminal Property Confiscation Grants Program and Lotterywest for a two-year pilot study, and the project is proving to be very successful. The centre has employed two coordinators, one for the south and one for the north, to support volunteer peer educators. As a peer-based service, the volunteers are able to connect better with the people with whom they are trying to engage, and it also provides a mechanism for older people to participate, which is one thing that we need to do. This scheme has seen the generation of all sorts of ideas for projects to raise awareness of elder abuse and the supports out there, including what is known as the Purple Road project, which is designed to connect, inform, support and empower older people. The campaign centres on the construction of a three-metre long road made up of hundreds of handmade purple flowers contributed by arts and crafts groups and senior members of community. Every flower represents someone's story or a conversation related to elder abuse. Another idea that has come from participants of this scheme includes the making of bookmarks that raise the awareness of elder abuse and are to be distributed by libraries. The coordinator at the Northern Suburbs Community Legal Centre said that one of the biggest issues is to find a way to fund all these great initiatives, and what worthwhile initiatives they would be to fund. This peer-based scheme is a prime example of how important it is to ensure that we create mechanisms through which older people can contribute their vast skills and knowledge. We know that, ultimately, older people need to be at the heart of co-designing an approach to reduce elder abuse in our community.

We know that elder abuse is a significant issue for the community. With an ageing population and changes to our societal structures, it will become increasingly prevalent and this will elevate its importance, so we need to take action now. Raising awareness of how to recognise and respond to elder abuse should be everybody's business and a critical part of reducing abuse. It is a sensitive and really complex issue because the perpetrators are often family members and those closest to the person who is being abused. Responses to reducing elder abuse must recognise this context and work on so many levels within an overarching and positive framework of inclusive, age-friendly communities that ensures access to housing, public transport, health and wellbeing services. It needs to focus on early intervention and prevention, including peer-based education, preventive legal work and information on how to put in place legal protections. There must also be supports for those affected by elder abuse and avenues to pursue legal remedies if all else fails. We need to build on the positive work that has already been undertaken at a state level, and the momentum generated at the national level, and tap into the expertise already out there. There needs to be a political will to address this growing issue.

Once again, I commend Hon Nick Goiran for putting this motion forward, which the Greens wholeheartedly support.

HON COLIN HOLT (South West) [2.24 pm]: I rise briefly to make a contribution on and offer the support of the National Party for the motion on the establishment of a select committee into elder abuse. I have contributed to previous debates on this issue. In western society, we tend not to value our elders as much as many Indigenous societies around the world. People tend to retire out of the workforce fairly early and go off to do recreational activities, and, then, when they get into their more senior years, we put them into seniors' villages and homes. We need to recognise that seniors and elders in our society have a great deal to offer through wise counsel and the fact that they have lived many years and seen many things. People in the 80-plus age group now have lived through a number of wars, the Great Depression and times when things were pretty tough. My mother was born in 1927 and turns 90 years old this year. She lived her teenage years through World War II in the back blocks of Goomalling when they did not have too much in terms of material possessions. However, they lived on a great deal of community spirit during those times. Here we are talking about not only not valuing our elders, but also—to go that one step further—abusing our elders. We should be talking about this. As a government and a society, we should be discussing this and moving the debate along to: how do we address this in our community? With the baby boomer population bulge that is coming, of which I am a part, we will be faced with a great many more seniors in our society who need looking after, than at any time previously. As a society, we need to start shedding some light on this issue of elder abuse that exists within our community. The Leader of the House made some very good points about whether we know how much is going on. One of the points of the inquiry is to identify the prevalence of elder abuse. After the committee has agreed on the definition of elder abuse, it will be a great

challenge for it to come up with some hard data on its prevalence in our community. However, if we do not start discussing it, we will never get to the point at which we can identify its prevalence. This is a great motion on an issue that the Parliament should be forwarding debate on.

Another point in the motion talks about identifying the risk factors, which will be very valuable. If we cannot define the prevalence, then perhaps we can define the risk factors. The departments responsible for identifying the risk factors can then be on the lookout for those at risk, and then at least we are doing something about it.

A very good point in the motion states —

- (h) identify initiatives to empower older persons to better protect themselves from risks of elder abuse as they age ...

This is more about educating and preparing our population—people of all ages—for their senior years. We do it all the time as a government and as a society. We have introduced things like superannuation in an effort to help prepare our older people to be more financially secure. Why are we not doing more in this space to assist our elderly people to be more self-sufficient and confident, and to be more knowledgeable about how to mitigate the risk factors of elder abuse and cope with it in the future? It should absolutely be one of the focuses of this select committee. It is a very good point to help us to not only focus on the here and now, but also prepare us for that baby boomer bulge as it comes along. We can then be much more aware of the issue and how we could be directly affected by it, and armed with some ability to cope with it and hopefully not find ourselves in that situation. It is good that this work will be undertaken by the select committee. I think it will be difficult and we need to make a start by moving the debate along and keeping the community talking about it.

Hon Alison Xamon talked quite a bit about the situation for people in the regions. One of the greatest challenges faced by people as they get older and need more health and medical support is the tendency to move away from their communities. That has to be one of the major risk factors in this situation. Although much of the abuse could be coming from within their own families, one of the safeguards must be the community they wrap around them. That is what regional communities do so well. We struggle with ensuring that they stay in the communities they have grown up in, worked in and had children in. We started some of that with much more seniors' housing in regional communities to ensure people could stay in their communities. We need to continue that and provide opportunities for mum and dad to leave the farm and retire to their regional town. We need to do that so that as they get older and need more health support, they will not move to the city or a bigger regional town further away from the family and community support that has been around them their whole life. That support can help them cope with potential elder abuse by their family or anyone else, because we know that communities look after each other. People in the communities are their family to a great extent. That has to be one of the greatest factors the committee will discover. I encourage the Select Committee into Elder Abuse, as much as it can, to take evidence and gather information from regional communities. We need a societal and a government approach to solving some of these issues that will face our people more and more as communities and Western Australia see more and more seniors.

I say thanks to Hon Nick Goiran for bringing this motion forward. I congratulate and thank members of the committee, Hon Alison Xamon, Hon Matthew Swinbourn and Hon Tjorn Sibma, for taking on the role. This is the sort of work this house can take on to inform government decision and policy making into the future not only for Western Australia, but also other Australian governments. Thank you for taking on those roles. I look forward to seeing what findings they come up with in future reports. Good luck with the deliberations and I look forward to seeing how we can progress any recommendations as a National Party to address this issue in the future.

HON MATTHEW SWINBOURN (East Metropolitan) [2.33 pm]: I rise to support the motion to establish a Select Committee into Elder Abuse. I thank also Hon Nick Goiran for putting forward this motion and for pursuing it to the point at which we can now all support it.

I note that I have been recommended to be a member of the committee if this house agrees to the motion and it gets up. I support the motion because I am of the view that there are issues in our society on elder abuse that are not being adequately addressed and it is, therefore, timely that we inquire into it, as has been pointed out. As we all know, we have an ageing population, so the prospect of more elder abuse is increasing due to the increase in the number of people who fall into that category.

Others here have spoken about the definitional issue of elder abuse. From my reading, there are a number of different versions, and I look forward to us hammering out a definition that will, hopefully, bring things together. I have my own definition here but I think it would be trite to read it out, given it is one of the matters the committee will determine for itself and the committee will, hopefully, make some recommendations about. One common thing about the notion of elder abuse is that it involves harm, which can be of various kinds—physical harm, sexual harm, psychological harm and social harm, and certainly deliberate isolation and excluding elderly people from

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social interactions. Obviously, one of the things referred to here is financial harm and perhaps one of the more pernicious forms of harm is simply neglect. Of course, the absence of an agreed definition of elder abuse is problematic and, obviously, it hinders our ability to properly measure elder abuse. Reaching a conclusion about that in this state will at least, hopefully, help us to see the size of the problem we might find.

One of the obvious definitional issues relates to what we mean by elder. Other members have spoken about that, and I think there are always problems when we have a cut-off age for elder or any particular thing because it does not take into account a person's individual attributes. Often the debate is at the other end, about younger people who may not have reached the age of 18 being extended the opportunity to vote and having those capabilities. But not every person below the age of 18 necessarily has either the desire or the will to participate in the political system. I am sure some over the age of 18 certainly have those attributes, but we have that cut-off. Certainly, using an arbitrary cut-off age of 60, 65 or 70 years in itself may be problematic. It has come to our attention that groups that may not come from the dominant culture have a different idea about what elderly means and how that should be responded to. The idea of elderly by those cultural groups is something we should consider when we talk about a definition of elderly. We may not be able to resolve all those problems but giving it a good go will be important.

I am certainly looking forward to considering whether elder abuse is a different species from other forms of abuse within relationships of trust and when a person is vulnerable, and whether that requires legislative or institutional responses different from those we already have. We have talked about there being a problem, but other forms of family abuse and institutional abuse happen to other members in the community. Are our responses to those sufficient to deal with elderly people, or are we looking for something in addition to that? I look forward to traversing those issues through the committee and listening to the evidence other people bring to it. Regardless of a precise definition, elder abuse is probably considered by most members of the community to occur when there has been a significant loss of either physical or mental function on the part of the elder person, although this is certainly not always the case. Unlike children, who are also considered to be vulnerable because of their position in society and their capabilities, elderly people tend not to increase their ability to manage their own affairs or to stand up for themselves as they age. On the contrary, it overwhelmingly tends to diminish, leaving elderly people particularly vulnerable to many forms of abuse as they continue to age. We see a shift in power in individuals when they are able, in their own time and in their own way, to manage their affairs, as we expect of all adults. As that diminishes over time for different reasons, that power is often shifted to others around them and, hopefully, to people they trust and those people are able to use the powers one would exercise on one's own behalf through the proxy person they have elected. This is where we see a lot of financial abuse and, as I say, a number of other members who have spoken on this motion have reflected on this.

I look forward to the committee considering how to deal with the issue of enduring powers of attorney. I suppose that is the lawyer in me coming out. It is apparent to me that although enduring powers of attorney are useful legal tools for many in society such as banks, government and others to be able to deal with people of diminishing capacity, the propensity for it to be abused by others is very, very high. The ease with which an enduring power of attorney can be entered into alarms me. The lack of any real qualification of a person appointed as an attorney to obtain or continue in that position is certainly something we should give regard to. We would not normally give that level of power to unqualified people. I am certainly not suggesting that only lawyers should be given that power; there should be at least some qualifications for holding that entitlement. An enduring power of attorney, or the attorney power, can be given to somebody who does not have the capacity to even manage their own affairs properly or competently, let alone be expected to manage them for others. I will be interested to see how we deal with that.

Hon Alison Xamon used her personal circumstances to demonstrate that the propensity for abuse—I am not sure whether that was through an enduring power of attorney or through pressure —

Hon Alison Xamon: I had no legal authority to prevent the abuse that was being perpetrated against my grandparents; and my grandparents, of course, were not in a position to defend themselves.

Hon MATTHEW SWINBOURN: Yes; and in that circumstance, it was about guardianship rather than an enduring power of attorney.

As I said, the lack of oversight of a continuing enduring power of attorney, especially when they are granted by someone with diminishing mental capacity, is certainly something that I will be interested in looking at through the committee process.

I am also interested in looking at the incidence of institutional elder abuse. There has not been much discussion about that, but certainly that is an issue, one that is perhaps a reflection of our society and how much we invest in the elderly, particularly when they become frail and vulnerable. It is probably a reflection of the “put them away and don't worry about them” mentality, but the ability of people in institutions to report abuse should be particularly alarming to us in here. The incidence of reporting is very low given the vulnerability of the elderly.

When we look at institutional forms of abuse, it will be interesting to see how well we are reacting to them and whether what is reported and dealt with accurately reflects the prevalence of those sorts of things.

Once again, I thank Hon Nick Goiran for putting this motion forward. If the house supports the motion, I look forward to being a part of the committee. I will certainly go into the process with an open mind on a range of different things and hopefully through that process and the evidence that is brought forward, we will get an opportunity to make recommendations that will make a difference. I commend the motion to the house.

HON MARTIN PRITCHARD (North Metropolitan) [2.42 pm]: I thank Hon Nick Goiran for bringing this motion to the house. I indicate that I am very supportive of the motion. It looks as though this house and Parliament will be making some hard decisions; obviously we have been elected to do just that. A number of issues will come before us that will tax us, none more so than the issue of elder abuse. Members who have been here for a while will understand that, being a former humble shop assistant, I call upon my life experience to try to move forward with the support I give to different things that come before the house. Newer members will get used to that, I hope.

I will bring a slightly different perspective to this issue. As I said, I am very supportive of looking into the issue of elder abuse. I recently had cause to look at how I interacted with my father and stepmother. I lost them both fairly recently—first my stepmother and then my father six weeks later. The two families had to work long and hard to try to support my father and stepmother in maintaining their independence and quality of life. I hope not to bore members too much, but I will reflect on that to try to make my point.

I come from England. My father was fair haired and fair skinned, and that would have been fine for a bricklayer in England but not for a bricklayer in Western Australia, particularly in the 1970s and 1980s. Anybody who knows bricklayers of that ilk knows that they used to wear a pair of thongs and a T-shirt, but they did not wear a hat and sunscreen despite constantly being out in the sun. This took a toll on my father. For the last 30-odd years of his life, he was riddled with skin cancers—very luckily in most cases none of those internalised into his organs so he was able to have a fairly long life—and he had to medically retire at 58. That was the first knock to his confidence; he was no longer employable and had to go on the pension. He had managed to build and pay off his home so he was reasonably comfortable on the pension, but obviously it was a knock to his confidence not being able to earn his own money in the traditional sense and not being able to spend to the extent that he used to spend. He lived his life pretty hard. Both my father and stepmum enjoyed a drink. Until about 20 years ago, my dad enjoyed a cigarette; my stepmother certainly enjoyed a cigarette. That was the first knock to his confidence. The skin cancers required radiotherapy, some around his eyes. He gradually lost his eyesight, which was another major knock to his confidence. He had about 25 per cent vision. He subsequently lost his hearing. My father, who had a sharp mind, was very dependent in many ways.

I will briefly talk about my stepmum. She had a hard life, but she was a very strong woman. She maintained good eyesight and hearing, although she was in pain for a number of other reasons. They made a pretty good pair because they were co-dependent. My father's mind was very sharp but my mother's mind was not so. She suffered from dementia and slowly became worse as she got older. I understand when people talk about being dependent or feeling frail. All through his working life, my father led a team of bricklayers and labourers and was always very decisive. Towards his latter days, he had to rely on other people quite dramatically. About eight years ago, he ended up in hospital and we expected to lose him. He was delirious and needed a lot of care. When he came out of hospital, he also needed a lot of care. The first small point I make is that in those situations, a son can become intimately involved with his father in a very physical sense. I will not go into all the details but members can imagine how a person who had been strong and independent all his life was now reliant on his son and wife to do the most manual things that at times he could not do. For quite a number of years, I had a father who lacked in confidence because of his physical dependence.

I will talk briefly about my stepmother, who I loved dearly. She looked after me from the age of 12. I had a very good relationship with her. She had a hard early life. She had about 20 per cent lung capacity, but irrespective of that, she smoked all her life and drunk quite heavily—or enjoyed a drink, to put it more politely. I am not sure whether that contributed to the dementia, but dementia is probably more insidious than a physical disability, as members who have had a parent with dementia will know. I just wanted to provide that bit of background because I want to raise a few questions, particularly to the committee. I wish the best to Hon Tjorn Sibma, Hon Alison Xamon, Hon Matthew Swinbourn and particularly Hon Nick Goiran, who raised this matter.

We have talked a lot about elder abuse, and often that can be fairly obvious and easy to spot. In the example given by Hon Alison Xamon, the frustration came with trying to fix it. But on reflection over the last 10 years or so, I have had cause to think about my own interactions with my parents and whether any of it could be considered abuse of some description. I will go into that; obviously, I would not bring this out into the open were I not certain in my own mind that it did not equate to abuse, but I will just raise some questions.

Extract from Hansard

[COUNCIL — Wednesday, 13 September 2017]

p3863g-3878a

Hon Nick Goiran; Hon Sue Ellery; Hon Alison Xamon; Hon Colin Holt; Hon Matthew Swinbourn; Hon Martin Pritchard

I will pose a question about my stepmother, whom I loved dearly, to the house and to you, Mr Acting President (Hon Martin Aldridge). She enjoyed a cigarette and enjoyed a drink, but they obviously were not very good for her considering she had only about 20 per cent lung capacity. Often, when winter came in she caught a cold, and she would be straight off to emergency. One can imagine that smoking was not the most ideal thing for her. My question is: as a dutiful son, was it abuse if I drove over there every Tuesday, Thursday and Saturday night to make sure I could take her down to the shops so that she could get her cigarettes and wine? Was that abuse, or would it have been abuse if I had not done it and she craved them so much that she tried to walk down there herself? Which one of those is abuse? I do not know. I drove over there and took her down to the shops because I could not stand the thought of her trying to walk there; she had arthritis in her feet. I do not know the answer to that.

Also, because of her health problems, she took quite a lot of tablets. She did not like taking tablets and I would sit down with her and talk to her and try to justify it, saying, “You’ve got to have those tablets”, and she would argue but I would eventually win and she would have her morning tablets. But when it was time for her to have her afternoon tablets, I would have to go through the same argument again. Would it have been abuse to have acquiesced to her desire to not have the tablets, or was it abuse to keep pushing and pushing her in an almost overbearing way to make sure she had her tablets? If she did not have her tablets, when winter came along she would have struggled for breath. Which of those is abuse? I do not know. As I said, if she had an episode when winter came around she would be saying, almost on her dying breath, “I don’t want to go to hospital; I want to stay home.” Was it abuse to call the ambulance? I do not know.

I really encourage the committee to focus not just on easily identifiable abuse. It is easy to look at a son and say, “He wants to get the inheritance, so that’s abuse.” That is easy, but there are other aspects to elder abuse that are not so easy.

My stepmother passed away in hospital, where she did not want to be. We would go up there to visit her and she would ask, “When am I coming home?” We would lie and say, “Maybe tomorrow”, because if we told the truth it would only have distressed her. Why distress her, when in half an hour she would have forgotten and we would have the same discussion again? Again, is that abuse? I do not know. My stepmother passed away at St John of God in Midland; the staff and doctors there are tremendous. I have great admiration for them because I could go up there with my family and then go home, but the nurses and such were there constantly. I would say that my stepmother was a small woman, but wow, she could be quite aggressive!

In the meantime, my sister moved in with my father because his physical disabilities did not allow him to be by himself; he needed somebody there. I pose another question. My father often felt cold, so he always had the air conditioning on, and he paid the electricity. Should my sister have paid some of that electricity, or was she taking advantage of my father? Who knows. Luckily my sister moved in with my father, which meant that a lot of the decisions we really did not want to make did not have to be made, keeping in mind that my father had a very sharp mind. He was extremely aware of how vulnerable he was. With my stepmother it was different; that just had to be managed because every half an hour or less one would be having the same discussion, but my father’s mind was very good. How vulnerable would he have felt? He had his son doing things that he would never have wanted his son to have to do for him. He had lost his driver’s licence, so he could not drive, and I have a small story about that, that illustrates how good a pair he and my stepmother made. Towards the end, before my father lost his licence, he would drive to the intersection and my stepmother would tell him whether cars were coming and when he could go, because he really wanted to keep his licence. Anyway, he lost his licence. He was in a very, very vulnerable position.

If there were things that my older sister had to give up or extra costs that were put upon her because she gave up her time to spend with my father, of course he would always reach in his pocket to try to cover it. Was it abuse for my sister to accept that assistance? I do not think so; I think the alternative for my father was obviously moving into some sort of care, and that is something he did not want to do. He did everything he could to try to live out the rest of his life the best he could, and that did not include going into some sort of facility. However good a facility is, it has to be run to match the system rather than the individual. At least at home, he had a say in what would happen to him. By moving in, my sister obviously sacrificed her time to try to look after her father, and the rest of us tried to chip in wherever we could. I am sure that my sister did not ask for things, but I am sure that if my father—whose mind was still very good—thought that there was some way he could make it easier for her to stay as opposed to returning to her life with her husband, he would have accommodated her in whatever way he could.

As I said, these questions raise some very personal questions for me that I am happy to share with the house because I think this is a very important issue. I just hope that if this motion is passed and the committee is formed, as I believe we all think it should be, the committee will not just spend its time on the most obvious forms of abuse. There are lots and lots of different shades of grey. I remember in those last weeks, my father could not sign his name, so everything was in my stepmother’s name, including bank accounts. But then, because we were hoping

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our father would live a lot longer than he, unfortunately, ended up living, we moved everything into his name. Of course, he could not sign because he could not see, so he appointed the children signatories on his behalf. He was typical of the age; he had bankbooks. I did not think that they did bankbooks anymore, but he had two bankbooks. Of course, any of us could have picked up the bankbook, because we had our signatures in the back under the blue line, and gone into the bank and drawn out money. Often we had to do so, because although dad very much enjoyed a drive in the car and he would always insist on coming down to the shops with me for his lotto and stuff, he would want to sit in the warm car while I went in and did everything for him. That included going to the post office and drawing out money and counting it in front of him, and trying to organise his wallet so that he knew that the first note he drew out would be a \$5 note and the next one would be a \$20 note and so on. As I said, he had a very sharp mind because he remembered bills that he had to pay and how his wallet was set up. He remembered everything. It is such a pity that his body really did not allow him to enjoy his final years as much as he would have liked.

In sharing that personal experience, I hope the committee looks at the breadth of issues. It is very important, because there are obvious issues, including whether children who may have some sort of abuse problem want to access the money. I have seen that and it disgusts me in so many ways, but it happens. My family, including extended and step, is a very close and loving family, but not all families are like that and not all children respect or love their parents and not all parents respect or love their children. A lot of things can go off the rails. There are opportunities when people are hanging around or trying to devise ways to access the money prior to it being distributed. One thing I learned in the whole process is that wills are not as secure as people might think. We have a lot of lawyers here and they will tell members that a will really indicates only a preference. These are the sorts of things we are moving through now and I am very happy to say that in my case the children are moving together.

I will say a couple of final things about my parents. Both of them at different times ended up in the same ward at Midland St John of God and I am very pleased that they passed away peacefully in their sleep. I suppose at the end of the day, nothing is surer than passing away and passing away peacefully is probably the thing that we would most want to do. I was concerned about my stepmother because I always thought she would pass away gasping for breath, but I am pleased to say that that did not happen. As I said, they passed away peacefully and in a lot of ways they had independent lives, supported by the children on both sides, pretty much until the end. That was after my father looked as though he was going to pass away eight or nine years ago. At the end of the day, I am pleased for their lives. However, it still raises for me a lot of questions about the interactions that the kids had with them in those latter days. It raises lots and lots of questions. On that basis, I commend the motion to the house.

Question put and passed.