



ENDING THE ABUSE OF OLDER PEOPLE IN NEW SOUTH WALES

A policy agenda for 2030

CONTRIBUTING ORGANISATIONS

Relationships Australia NSW are grateful to the following organisations for contributing their expertise in shaping the content of this position paper, through individual interviews or participation in a September 2023 Roundtable event.

ACON

Carers NSW

Council on the Ageing

Health Justice Australia

Justice Connect

Elder Abuse Service, Legal Aid NSW

Elder Mediation International Network

NSW Ageing and Disability Commission

Relationships Australia (national, NSW and Canberra & Region organisations)

Seniors Rights Service

Settlement Services International

SydWest Multicultural Services

Employees from state government departments and one local government also attended the Roundtable and shared their perspectives and expertise but did not contribute to development of this paper.



BACKGROUND

The NSW Ageing & Disability Commissioner and Relationships Australia NSW convened a Roundtable event in September 2023, bringing together key stakeholders working on the abuse of older people, to review findings from the Hidden Gems report (Wong et al, 2023) and establish an agenda for the future. The Roundtable and subsequent discussions with further stakeholders form the basis of this Position Paper. Stakeholders who contributed to this paper include government, statutory and not-for-profit providers of services to older people, policymakers, advocates, and academics.

THE ROLE OF THE STATE IN ENDING ABUSE OF OLDER PEOPLE IN NEW SOUTH WALES

State governments have legislative and funding responsibility in some of the most critical portfolios that reach older people experiencing abuse, including health and hospital care, policing, housing and homelessness, and community services such as seniors and ageing, and domestic and family violence support. NSW has made important progress on responding to the abuse of older people since its Parliament's 2015 Inquiry, most notably with the establishment of the NSW Ageing & Disability Commission and the development of an Interagency Policy to prevent and respond to abuse.

However, despite its broad responsibilities, the NSW Government has made minimal financial investment towards building a service system to end abuse of older people in our state. This means that overall, the NSW service system remains underfunded and fragmented, and supports that fall under State responsibilities are lagging those funded Federally. Greater attention is needed to sustain the gains that have been made and enable innovation to respond to future challenges.

The first national prevalence study demonstrated that at least 15% of older people experience abuse, most commonly from an adult child, a friend, or their partner (Qu et al, 2021). As service providers working on the frontline, we see huge unmet need and are concerned about demographic trends which suggest this challenge will only grow.

- Nearly one-third (28%) of NSW residents over the age of 60 lived outside of Greater Sydney (ABS 2022), with less access to health and community services and increased risk of climate-related disaster events.
- Half of people over 65 years have a disability (ABS 2018), and the number of people living with dementia in Australia is expected to double to 8% before 2060 (AIHW 2023).
- More than half of adult children under the age of 30 live with their parents (Wilkins et al 2022), with economic pressures on younger generations increasing risk of abuse to older people (Wong et al 2023).

A group of five older adults are practicing Tai Chi in a grassy park. In the foreground, a woman with white hair, wearing a light blue jacket, is smiling and performing a Tai Chi movement with her arms extended. Behind her, a man in a grey tracksuit is also in a similar pose. Further back, three other individuals are visible, all engaged in the same activity. The background shows a lush green lawn and several trees, suggesting a peaceful outdoor setting.

A POLICY AGENDA FOR 2030

NSW is now at a crossroads. With an ageing population, the costs of inaction are already being borne in our health and aged care systems, and in lost revenue related to financial abuse. Dedicated services for older people experiencing abuse remain scarce, but those that exist are demonstrating clear material and social value. This Position Paper outlines a set of policy proposals for the NSW Government, based on the expertise of stakeholders involved in work to end the abuse of older people. Collectively, these proposals form an ambitious but realistic agenda for the NSW Government to 2030.

1. Strengthening the NSW service system

NSW currently has a small but creative service sector, with a committed workforce who are skilled at responding to abuse. The Ageing and Disability Commission plays a critical role in supporting coordination of services, such as through convening place-based Elder Abuse Collaboratives. However, the system currently suffers from funding insecurity, which exacerbates service fragmentation and entrenches a postcode lottery of service availability for older people and their families.

To address these challenges, the NSW Government should:

Improve service sustainability

- 1.1 Create a clear policy and service pathway, that ensures successful pilots move out of short-term “innovation” funding and onto longer-term service contracts, and that “innovation” funds are subsequently released for further innovations in the sector.
- 1.2 Provide dedicated funding for services for older Aboriginal and Torres Strait Islander people and ring-fence this funding for Aboriginal Community Controlled Organisations (ACCOs) only.
- 1.3 Commit that NSW’s financial contribution to ending the abuse of older people will not be reduced as a result of any Commonwealth contributions under the National Plan.

Improve service integration

- 1.4 Continue to support place-based Elder Abuse Collaboratives, as an efficient resource for information-sharing, workforce development, abuse prevention measures and service system connections.
- 1.5 Explore regional consortia funding as a method to improve integration between service organisations and increase warm referral pathways for older people and their families.
- 1.6 Fund dedicated service navigation workers with expertise in abuse of older people, who have capacity to meet with older people and their families in-person if they wish. Older people who are at risk of, or experiencing abuse, often have multiple support needs and need assistance to navigate their options.

Increase service options

- 1.7 Maintain and expand regional and place-based approaches, such as through regional “hubs”, to address postcode injustice.
- 1.8 Maintain and expand services that provide mediation and other relational, intergenerational interventions outside the legal system, ensuring this is grounded in organisational expertise in systemic family approaches and preventing escalation of abuse.
- 1.9 Invest in specialist services to broaden access to supports for all older people experiencing abuse, including specialist LGBTQ+ and culturally and linguistically diverse service providers.
- 1.10 Ensure interventions across the service system are designed to centre older people’s autonomy and engage in supported decision-making.
- 1.11 Introduce a module on identification of, and response to, the abuse of older people into the NSW Police Academy training program.
- 1.12 Re-fund the Aged Crime Prevention Officer roles in the NSW Police, or otherwise ensure NSW Police has identified roles with knowledge and expertise in relation to older people, who can support officers to ensure appropriate responses to matters involving older people.
- 1.13 To enable NSW to catch up to action taken Federally and in other states, establish high level political leadership and accountability for ending the abuse of older people in NSW, preferably in the Premier’s Department.



2. Opportunities for legislative reform in NSW

Legislative reform has the potential to drive improvements in both prevention of abuse, and in responses to abuse. Many of these reforms are available to NSW at the state level and provide an opportunity for our state to lead the nation.

The NSW Parliament should consider the following legislative opportunities:

Preventing abuse of older people

- 2.1 Harmonise Enduring Power of Attorney laws and create an NSW Register of appointments (see: EAAA, 2022).
- 2.2 Legislate mandatory training and funding to support Attorneys or Guardians appointed under an Appointment of Power of Attorney/Enduring Power of Attorney or Appointment of Enduring Guardian.

Responding to the abuse of older people

- 2.3 Investigate the opportunities and risks of mandating Elder Mediation for ageing-related family conflicts, in line with existing mandated mediation requirements for separating parents, and with appropriate protections to prevent risks of further systems abuse through mediation.
- 2.4 Develop a legislated information-sharing framework to protect older people who are at risk of abuse, in line with existing frameworks for family violence and child protection. The new National Strategic Framework for Information Sharing between the Family Law and Family Violence and Child Protection Systems may provide a useful model for NSW, while highlighting a national gap that NSW could address with state-based legislation.
- 2.5 At the review date of the Crimes Legislation Amendment (Coercive Control) Act 2022 in July 2026, consider the opportunity to criminalise coercive and controlling behaviour by family members other than an intimate partner.

3. A Resilient Workforce

As service providers, insecure funding for services to support older people experiencing abuse has created significant challenges for workforce development. The sector is largely built on the goodwill of dedicated frontline practitioners who must manage high demand for their services, low pay in comparison to the skills required for their role, and a lack of job security. This represents unacceptable risk to employees and our organisations of both physical and psychological injury, and is not sustainable into the future.

The NSW Government should:

- 3.1 Fund services for periods of at least five years, to improve providers' ability to attract, develop and retain experienced employees in critical frontline roles.
- 3.2 Map capacity and skills to respond to the abuse of older people across related workforces, including the community, health and legal sectors.
- 3.3 Develop a supported and coordinated Training Framework for workers involved in responding to the abuse of older people across the NSW service system to enhance and upscale training across sectors, including:
 - Advanced training for specialist workers in services responding directly to older people experiencing abuse, such as in identifying and responding to abuse across diverse cultural contexts, supporting older LGBTQIA+ people, and working in partnership with Aboriginal-led services.
 - Training in identification and referral for frontline workers and volunteers who provide services to older people, including aged care workers, GPs and other frontline health workers, and community services workers.
- 3.4 Explore the role that peer workers might play in responding to the abuse of older people



4. Data to support service planning and innovation

The National Elder Abuse Prevalence Study was an important first step in understanding the scale of the problem of the abuse of older people. It continues to be a resource for the sector, but it does not provide the information we need to plan or innovate our services. As individual providers, we collect data for continuous service improvement, but our single viewpoints are always insufficient. The NSW Government has a critical role to play in aggregating and analysing data and investing in research to further our understandings of how best to prevent and respond to abuse.

At a minimum, the NSW Government should:

- 4.1 Introduce consistent data collection across interventions, to enable analysis of aggregated data and understand patterns in service use and outcomes.
- 4.2 Ensure demographic data is appropriately collected and reported, to enable analysis of access and support needs of older women, Aboriginal and Torres Strait Islander older people, culturally and linguistically diverse older people, and LGBTQ+ older people.
- 4.3 Invest in longitudinal research to understand service support needs and efficacy, including research with older people living in both community and institutional settings, and with older people with impaired cognition.
- 4.4 Invest in research to understand the specific experiences, risks and support needs of older people impacted by intersecting marginalisations, including older women, Aboriginal and Torres Strait Islander older people, LGBTQ+ older people, and culturally and linguistically diverse older people.

5. A National Plan to End the Abuse of Older People within a Generation

Regardless of action at national level, NSW has both the remit and the responsibility to take significant action for its own older residents. However, as the most populous state in the Commonwealth, it is well placed to argue for more political ambition in the next National Plan.

NSW should advocate that:

- 5.1 The next National Plan commits the nation to the same ambitious agenda as in the National Plan to End Violence Against Women and Children. It must leave behind the tepid language of “response” and commit to ending the abuse of older people within a generation.
- 5.2 The National Plan is a 10-year plan, with successive five-year Action Plans underneath it, thereby guaranteeing commitment to ending abuse beyond the 3-year terms of national government.
- 5.3 The Plan includes specific commitments to prevention of abuse, including moving beyond strategies that increase awareness of abuse and focusing instead on tackling endemic ageism in Australian institutions and across society.
- 5.4 The Plan establishes high level political leadership and accountability for ending the abuse of older people, preferably in a central agency such as the Department of the Prime Minister and Cabinet.
- 5.5 The Plan includes specific commitments to end the abuse of older Aboriginal and Torres Strait Islander people, as recommended by Aboriginal and Torres Strait Islander people, and that the Commonwealth is accountable to Aboriginal and Torres Strait Islander people for its delivery.
- 5.6 The Australian Government publicly commits to an International Convention on the Rights of Older People, and officially supports work to achieve the Convention through its international diplomacy.



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www.relationshipsnsw.org.au
1300 364 277

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