

Respect and Protect Older Tasmanians

TASMANIA'S ELDER ABUSE
PREVENTION STRATEGY
2019–2022



Acknowledgements

The Tasmanian Government would like to acknowledge the members of the State-wide Elder Abuse Prevention Advisory Committee who have participated in consultations to inform the *Respect and Protect Older Tasmanians: Tasmania's Elder Abuse Prevention Strategy 2019–2022*.

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Tasmania is now a better place to live, work and invest than ever before. The Hodgman Liberal Government wants all Tasmanians to contribute to, and benefit from, our State's brighter future, regardless of their age.

Older Tasmanians, especially, have a diverse wealth of knowledge and experience that can help build a more inclusive and vibrant Tasmania, supporting social and economic growth.

Generally, our older Tasmanians are happy, they are leading healthy and active lives, and are connected and contribute to their communities. Some Tasmanians however, as they grow older, may become increasingly vulnerable and need our protection.

Since its inception in 2011, the *Protecting Older Tasmanians from Abuse: Tasmania's Elder Abuse Prevention Strategy* has been successful in raising awareness to help prevent elder abuse from happening in Tasmania, focusing on four key themes: Awareness, Empowerment, Action and Support.

During the consultation process for the new Strategy, it became evident that there was a need to review current safeguarding practices in Tasmania.

The Government has listened to this feedback and, as a result, our new strategy, *Respect and Protect Older Tasmanians: Tasmania's Elder Abuse Strategy 2019 – 2022* (the Strategy), will include a new, fifth key theme — Safeguards.

This Strategy supports the Tasmanian Government's *Strong Liveable Communities: Tasmania's Active Ageing Plan 2017-2022*. Released by the Premier of Tasmania, the Hon Will Hodgman MP, in May 2017, the *Active Ageing Plan* is a comprehensive whole-of-government commitment to support individuals to make informed choices about their health and wellbeing, education, participation and security.



One of the *Active Ageing Plan's* four actions to support Tasmanians to age well and overcome barriers to participation is to “*Support awareness of, and improve our response to, elder abuse*”. This Strategy sets out our plan to deliver this action.

The *National Plan to Respond to the Abuse of Older Australians* identifies the importance of raising community awareness of ageism and its consequences. Ageism is defined in the National Plan as “a set of negative or hostile attitudes towards a person or group of persons due to their age which gives rise to prejudicial acts and social disenfranchisement. Ageism includes all forms of discrimination and segregation based on age”.

This Strategy demonstrates our commitment to reducing ageism in our community so that older Tasmanians feel respected, protected and cared for.

The Hodgman Liberal Government is committed to the prevention of all forms of elder abuse and to supporting those older people who are experiencing it.

Everyone, regardless of age, has the right to participate in their community, to have choices and to live with dignity.

I thank the members of the State-wide Elder Abuse Prevention Committee, Tasmanian Government agencies and the broader Tasmanian community who have been instrumental in developing the *Respect and Protect Older Tasmanians: Tasmania's Elder Abuse Strategy 2019 – 2022*.

Roger Jaensch MP
 Minister for Human Services
 Minister for Housing
 Minister for Planning

OVERVIEW

The abuse of older adults occurs all too frequently, but remains a largely hidden problem¹.

In response to the issue of elder abuse, the Tasmanian Government commenced the implementation of the *Protecting Older Tasmanians from Abuse: Tasmania's Elder Abuse Prevention Strategy* in January 2011. The aim of this strategy was to prevent elder abuse in Tasmania and a number of initiatives were implemented in its first stage, including the establishment of the Tasmanian Elder Abuse Helpline, service provider education and training and World Elder Abuse Awareness Day activities.

With the opportunity to build on the work that has been done to raise awareness, the *Respect and Protect Older Tasmanians: Tasmania's Elder Abuse Prevention Strategy 2019 – 2022* supports new and contemporary ways to inform and educate and provide services that respond to the issue of elder abuse. More significantly, the future focus will be on safeguarding and working across government and the community to determine the best way we can protect older Tasmanians from abuse and harm.



To inform our approach to the prevention of elder abuse, the Council of the Ageing (COTA) Tasmania, in partnership with the Tasmanian Government and in consultation with Government and non-government agencies, developed the *Guiding Principles that protect and respect older Tasmanians* (the *Guiding Principles*). The *Guiding Principles* have been adapted from *The United Nations Principles for Older Persons*² and the *South Australian Charter of the Rights and Freedom of Older People*³.

The *Guiding Principles* also provide a basis to combat ageist attitudes within our community, as it is recognised that the impact of ageism can restrict the participation and inclusion of older people in all aspects of Australian life, having an adverse effect on both community, and older people⁴.

Considering ageism, and based on the *Guiding Principles*, the *National Plan*, the *Active Ageing Plan* and a recent coronial inquest⁵, this four year strategy recognises and addresses the abuse of older Tasmanians.

Respect and Protect Older Tasmanians: Tasmania's Elder Abuse Prevention Strategy 2019 – 2022 draws together the key outcomes of previous work extending over the past fifteen years to create a new Strategy that incorporates five key themes: Awareness, Action, Support, Empowerment and Safeguards.

This new Strategy aims to ensure that the Tasmanian community understands and recognises elder abuse and, as a community, is committed to responding to and preventing the abuse of older Tasmanians.

Respect and Protect Older Tasmanians

Tasmania's Elder Abuse Prevention Strategy 2019–2022



AWARENESS

Raise community and service provider awareness about the nature of abuse of older Tasmanians

- Increase understanding of elder abuse within our community, including targeted messaging for older Tasmanians, community members, service providers and (potential) perpetrators.
-



EMPOWERMENT

Older Tasmanians will make decisions about their welfare

- Promote a range of options available to inform and support older Tasmanians to make decisions on their wellbeing, and to support Tasmanians to prepare for decision-making in their later years.
-



ACTION

Provide accessible avenues for responding to the abuse of older Tasmanians

- Facilitate a stream-lined and collaborative approach to responding to the abuse of older Tasmanians.
-



SUPPORT

Strengthen service system delivery to ensure older people receive the support they want and need

- Ensure that the services available are effective to assist and protect older Tasmanians at risk of, or experiencing elder abuse to navigate the system and access appropriate supports as and when required.
-



SAFEGUARDS

Strengthen and/or implement legislative frameworks to safeguard older Tasmanians

- Review and improve safeguarding arrangements, including legislature and official oversight, acknowledging that people can become vulnerable at any time and may not necessarily remain vulnerable.
-

Guiding Principles that protect and respect older Tasmanians

The following Guiding Principles will assist in developing policy and actions outlined in the Strategy:



INDEPENDENCE AND FREEDOM TO PARTICIPATE SOCIALLY AND ECONOMICALLY

Older Tasmanians will be able to fully participate socially, culturally and economically in their community.

Older Tasmanians will be able to choose where they live, to live at home for as long as they wish and have their right to family life and their family unit respected by others.

Older Tasmanians will be able to live in environments that are safe and adaptable to their personal choice and in consideration of their physical and mental capacity.



DIGNITY AND CHOICE

Older Tasmanians will be able to live in dignity and security and be free of exploitation and physical, emotional, financial or sexual abuse.

Older people will be treated fairly regardless of age, gender, sexual identity, racial or cultural background, disability or other status or political or religious beliefs.



STANDARDS OF LIVING AND CARE

Older Tasmanians will have access to healthcare to assist them to maintain or regain the highest standard of physical, mental and emotional wellbeing and to prevent or delay the onset of illness.

Older Tasmanians will be free from neglect and able to access adequate clothing, shelter and nutrition.



PARTICIPATION AND SELF-FULFILMENT

Older Tasmanians will have the opportunity to remain in the workforce and to decide when they no longer wish to work.

Older Tasmanians will have the opportunity to live a satisfying life through access to the educational, cultural, spiritual and recreational resources of society.

IMPLEMENTATION AND GOVERNANCE

GOVERNANCE

Respect and Protect Older Tasmanians: Tasmania's Elder Abuse Prevention Strategy 2019–2022 is Tasmania's whole-of-government response to elder abuse.

The Department of Communities Tasmania is the lead agency for the Strategy.

The State-wide Elder Abuse Prevention Advisory Committee (SEAPAC), comprising of community and government representatives appointed by the Minister for Human Services, will oversee the implementation of the Strategy. The SEAPAC will also continue to provide advice on matters pertaining to elder abuse to the Tasmanian Government.

IMPLEMENTATION

Action plans have been developed as separate “plan on a page” documents. The short-term action plan will cover the period from June to December 2019. The second, medium-term action plan will cover the period from January 2020 to June 2021. The supporting actions plans will take into consideration any future developments, including outcomes of the Royal Commission into Aged Care Quality and Safety⁶ and the National Research Program⁷.

As this Strategy is a living document, over the next four years the Tasmanian Government, in partnership with SEAPAC and the Tasmanian community, will continue to identify and respond to new priorities, review progress, develop new actions, and consolidate and strengthen existing activities. This includes key findings from any enquiries and/or research completed during this timeframe.

LINKED RESOURCES

The *National Plan* and its supporting document, *Everybody's Business, Stocktake of elder abuse awareness, prevention and response activities in Australia, March 2019*⁸, are comprehensive resources containing up-to-date information about the work of all Australian states and territories to respond to and prevent elder abuse. In addition, the *State of the (Older) Nation 2018*⁹ report, commissioned by the federation of nine Councils on the Ageing (COTAs) across Australia, can help with understanding the views, life experiences and needs of Australians aged 50 years and older.



Respect and Protect Older Tasmanians

Tasmania's Elder Abuse Prevention Strategy 2019–2022

Key actions	Short term (6 – 12 months)	Medium term (12 – 24 months)	Long term (24 – 48 months)
	ACTION PLAN 1	ACTION PLAN 2	ACTION PLAN 2
 AWARENESS — Raise community and service provider awareness about the nature of abuse of older Tasmanians			
Develop a dedicated, stand-alone website and platform for training, tool kits and referral pathways		✓	
Community awareness campaign		✓	
Review and update the branding and style of elder abuse collateral (advertising and educational materials)		✓	
Define and create resources and tools to support education and training		✓	
 EMPOWERMENT — Older Tasmanians will make decisions about their own welfare			
Provide a state-wide advocacy service, targeted at supporting older Tasmanians experiencing elder abuse	✓		
Support a state-wide specialist elder abuse unit (Service Trial)	✓		
Consider Older Tasmanians' perspectives when reviewing or introducing legislation	✓	✓	✓
 ACTION — Provide accessible avenues to respond to the abuse of older Tasmanians			
Provide a state-wide Elder Abuse Helpline	✓	✓	✓
Participate in the National Elder Abuse Service Trials	✓	✓	✓
Participate in the National Elder Abuse Phone Line	✓	✓	✓
Support access to specialised legal services	✓	✓	✓
Make clear referral pathways readily available		✓	✓
Consider the outcomes of national research activities for future policy development and/or review	✓		
 SUPPORT — Strengthen the service system delivery to ensure older Tasmanians receive the support they want and need			
Review aspects of the service system to better understand advantages, barriers and opportunities		✓	
Implement recommended short term, medium term and long term changes identified during the review process (in line with available resourcing)		✓	✓
 SAFEGUARDING — Strengthen and/or implement legislative frameworks to safeguard older Tasmanians			
Complete a gap analysis of the current Tasmanian legislative and oversight system for safeguarding older Tasmanians		✓	
Make recommendation/s to Tasmanian Government for changes to the current system, based on the gap analysis			✓



BACKGROUND

In 2016, the then Commonwealth Attorney-General asked the Australian Law Reform Commission (ALRC) to consider Commonwealth laws and legal frameworks and how they might better protect older people from misuse or abuse, and safeguard their autonomy.

The *Elder Abuse – A National Legal Response: ALRC Report 131 (2017)*¹⁰ report was tabled in 2017 and made 43 recommendations across 12 areas. This included the recommendation to develop a national plan to combat elder abuse, reforms to the aged care sector; reforms to guardianship and administration practices, and enactment of laws to safeguard at-risk adults.

As a result, the Australian Council of Attorneys-General launched the *National Plan to Respond to the Abuse of Older Australians [Elder Abuse] (the National Plan)*¹¹ in March 2019, that demonstrates the Australian Government's commitment to support measures to reduce the prevalence, severity and impact of elder abuse. All states and territories are working collaboratively with the Australian Government, through the Attorney-General's Department, to develop nationally coordinated responses to the abuse of older Australians.

Tasmania's older population

Tasmania has the highest median age of all states and territories of Australia. The number of older people has increased in all Tasmanian regions over the past 10 years, and this trend is expected to continue.

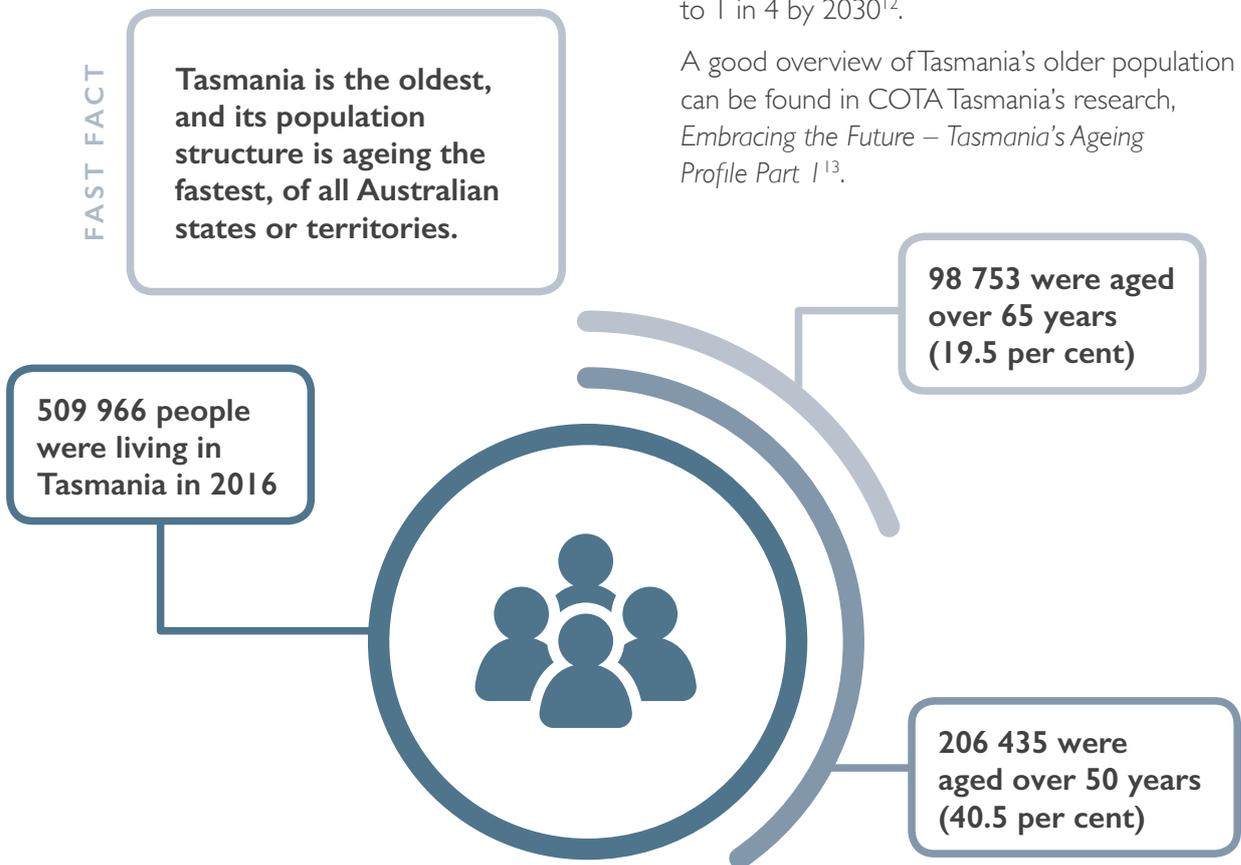
The Australian Institute of Health and Welfare defines "older" as meaning 65 years or older. This definition of older will be adopted for Tasmania's strategy for comparison of Tasmanian statistics against national figures and benchmarks. It is acknowledged that Aboriginal and Torres Strait Islander and culturally and linguistically diverse

members of our community may define "older" differently, and in some groups from as early as 50 years of age.

It is noted that the definition age should not create a barrier to accessing referrals to prevention or response services.

According to the 2016 Australian Census, there were 509 966 people living in Tasmania (in 2016). Of these, 98 753 Tasmanians were aged over 65 years (19.5 per cent) and 206 435 Tasmanians were aged over 50 years (40.5 per cent). It is estimated that by 2020, 1 in 5 Tasmanians will be aged over 65, jumping to 1 in 4 by 2030¹².

A good overview of Tasmania's older population can be found in COTA Tasmania's research, *Embracing the Future – Tasmania's Ageing Profile Part 1*¹³.



1 in 5 Tasmanians will be aged over 65 by 2020.



1 in 4 Tasmanians will be aged over 65 by 2030.



What is abuse of older people?

Definition

The World Health Organization (WHO) 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 person¹⁴.”

Abuse of older people can include physical, psychological/emotional, financial, sexual and social abuse, as well as intentional or unintentional neglect. This abuse is typically carried out by someone close to the older person with whom they have a trusting relationship. As an example, the trusting relationship can be between the older person

and their spouse or partner, children, in-laws, grandchildren, carers, neighbours and friends, and may be formal or informal, voluntary or involuntary, professional or paid.

Increasingly, it is recognised, that as elder abuse most often occurs within the home or other domestic setting, it can be a form of family violence. Additionally, elder abuse can often be intergenerational, leading to abuse of a parent by an adult child¹⁵.

The definition of abuse of older people does not include behaviours identified as self-neglect or self-mistreatment.

Types of abuse of older people

The *National Plan* acknowledges that there are five commonly recognised forms of abuse:

Physical abuse is an act that causes physical pain or injury to an older person. It can include, but is not limited to, actions such as hitting, pushing, or kicking. Inappropriate use of drugs or physical restraints is also an example of physical abuse.

Sexual abuse is any sexual behaviour without an older person's consent. It includes sexual interactions and non-contact acts of a sexual nature.

Psychological or emotional abuse is an act that causes emotional pain or injury to an older person. It can include insulting or threatening a person, acts of humiliation or disrespect, and controlling behaviours such as confining or isolating a person.

Financial abuse is the misuse or theft of an older person's money or assets. It can include, but is not limited to, behaviours such as using finances without permission, using a legal document such as an enduring power of attorney for purposes other than those it was originally intended for, withholding care for financial gain, or selling or transferring property against the older person's wishes.

Neglect can be intentional or unintentional and occurs when the basics of life are not provided by those responsible for the care of an older person. Neglect includes the inadequate or delayed provision of housing, bedding, food, clothing, hygiene, and medical or dental attention, as well as the inappropriate use of medication, such as under-medicating or over-medicating.

The Tasmanian Government acknowledges that in addition to the five commonly recognised forms of abuse of older people, the following types of abuse, which may also be considered to be psychological or emotional abuse, are becoming more widely known:

Social abuse includes preventing an older person from having social contact with friends or family or access to social activities. It includes moving the older person far away from, or cutting off support from, friends, family members, restricting telephone use, screening calls, preventing the older person from socialising or meeting with neighbours, and leading the older person to believe erroneously that their friends or family are interfering.

Spiritual abuse is the denial or use of spiritual or religious beliefs and practices to control and dominate a person, damage their spiritual experience and isolate them.

LEGISLATIVE FRAMEWORKS IN AUSTRALIA

Whilst raising awareness is considered to be an effective way to safeguard older Tasmanians, legislation is another mechanism. Older Australians may be protected from abuse by state and territory, and commonwealth legislation. Under Tasmanian State law, the following legislation may provide a safeguard for older Tasmanians at risk of, or experiencing, abuse:

- *Police Offences Act 1935 (TAS)*¹⁶
- *Criminal Code Act 1924 (TAS)*¹⁷
- *Guardianship and Administration Act 1995 (TAS)*¹⁸
- *Powers of Attorney Act 2000 (TAS)*¹⁹
- *Wills Act 2008 (TAS)*²⁰
- *Anti-Discrimination Act 1998 (TAS)*²¹

Similarly, Commonwealth Law also comprises legislation which may protect and safeguard older Tasmanians, including:

- *Aged Care Act 1997*²²
- *Superannuation Act 1976*²³
- *Retirement Savings Accounts Act 1997*²⁴
- *Social Security Act 1991*²⁵
- *Veterans' Entitlement Act 1986*²⁶

Criminal matters, such as fraud and other forms of financial abuse, are dealt with primarily at state and territory level, although Commonwealth legislation covers certain criminal matters.





Existing responses to potential abuse of older people involving business and professional relationships

An older person may have a number of relationships with professional or business people where abuse or misconduct may occur. There are established means for addressing potential misconduct in the areas outlined below. This strategy does not duplicate existing processes, but may help people identify the appropriate response.

Consumer-based circumstances

Consumer-based transactions are those where money is exchanged for services. The Tasmanian Office of Consumer Affairs and Fair Trading (Consumer, Building and Occupational Services) provides advice and information to consumers on a range of products and services including warranties, door to door trading, credit cards, store and debit cards, buying a car, prepaid funerals, renting property and consumer scams and how to avoid them.

Professional misconduct

In cases of concern over the conduct of a health or community care professional, including allegations of abuse, several actions are possible, including lodging a complaint with the agency employing the worker; or lodging a complaint with the Health Complaints Commissioner Tasmania²⁷ or with the Tasmanian State Ombudsman²⁸ and/or the Australian Health Practitioner Regulation Agency (AHPRA)²⁹.

Australian Government-subsidised aged care services

The Aged Care Quality and Safety Commission³⁰ provide a free service to people who are concerned about any of the care and services they receive from an Australian Government- subsidised service provider. The Commissioner accepts confidential and anonymous complaints.

The Commissioner handles complaints concerning aged care homes, services delivered in your own home through home care packages, or through the Commonwealth Home Support Programme.

Risk factors

Abuse can happen to anyone. There are, however, a number of known factors that may increase a person's vulnerability, including isolation from family and friends, cognitive decline, need for care, a history of trauma, a history of family conflict, and language and cultural barriers.

The complex dynamics in which abuse occurs, including an interplay of individual, interpersonal and community and social factors, make it difficult to identify and determine all factors associated with the abuse of older people. There is no single type of older person who is at risk, and no single type of person who may cause harm.

Prevalence of abuse

There is limited data to indicate how widespread abuse of older people is in Tasmania or across Australia.

The Commonwealth Government is overseeing a National Research Program, with a focus on strengthening the evidence base on the nature and prevalence of elder abuse in Australia.



Australia's first national study into the prevalence of elder abuse within Australia will be conducted later in 2019 and will be comprised of two main elements:

- an older persons survey to collect data on personal experiences of elder abuse to enable comparisons with the prevalence of elder abuse in other countries, such as Canada and the United Kingdom; and
- a general community survey to explore attitudes and behaviours that may enable or permit elder abuse, and to collect information about family identified concerns of elder abuse.

It is anticipated that the findings from this study will be available in mid-2020.

Additionally, on 12 March 2019, two complementary research reports were released:

- *Insights into vulnerabilities of older Aboriginal and Torres Strait Islander people – In brief*³¹
- *Insights into abuse of older people – analysis of Australian Bureau of Statistics datasets*³²

Overseas studies show that abuse of older people affects between 2 to 12 per cent of older women and men. It has been estimated that as many as 185,000 older people in Australia experience some form of abuse or neglect each year. We know that abuse occurs both inside and outside the home, and that it can involve those we love. It appears from anecdotal evidence that financial abuse is the most prevalent form of older persons' abuse in Australia, and that it frequently co-occurs with one or more of the other recognised forms of abuse³³.



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