

INTRODUCTION

This submission responds to *Elder Abuse Responses – Safeguarding the rights of older South Australians Discussion Paper 2017*.

COTA SA recognises the work of the current government and Minister for Ageing in initiating a range of strategies to start the process of better safeguarding the rights of older people following the release of the *Closing the Gaps* report in October 2011.

There remain considerable shortcomings in the adequacy of the system to protect older people from abuse – including in the breadth and effectiveness of prevention strategies, in the legal protection and redress available for older people who are vulnerable, in what could be achieved in cooperation with other jurisdictions to achieve a national framework and plan, and in the services that older people should be able to access to stop abuse.

COTA SA welcomes the Discussion Paper as the next step in understanding, reviewing and improving our community's responses to older people who experience abuse but notes that the next stage of reforms to tackle elder abuse are both substantial and urgent.

WHO IS COTA SA?

COTA SA is an older people's movement run by, for and with older people. We represent the aspirations, interests and rights of 633,000 older South Australians. COTA SA reflects the diversity of modern ageing in terms of living arrangements, relationships, income, health, ambitions and aspirations. COTA SA connects with up to 100,000 older people each year through ZestFest, Strength for Life, a range of Peer Programs, along with an annual program of engagement and conversations throughout SA. COTA SA is part of the COTA Federation made up of all State and Territory COTAs and COTA Australia, a national policy and advocacy body focused on federal issues such as health, aged care and retirement income. For further information or advice regarding the content of this document please contact -

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NATIONAL FRAMEWORK AND PLAN

There is an increasing and very welcome interest in creating a national approach to elder abuse to ensure that strong local actions are supported by research, best practice, common definitions and consistent directions. This was the lead recommendation of the May 2017 Australian Law Reform Commission Report on Elder Abuse which proposed that a national plan to combat elder abuse be developed.¹ A similar recommendation was made in October 2017 by the Joint Committee of the Parliament of SA.²

COTA SA urges the SA Government to continue its collaboration with other jurisdictions, including the Australian Government, to develop a coordinated national approach to elder abuse policy, research, education and prevention.

There is a lack of data collection which has limited our understanding of the prevalence and nature of abuse in Australia, the risk factors and the strategies that will stop abuse. We don't yet know what works, for whom, and in what situations. Fundamental to understanding the prevalence and nature of abuse and integral to informing local solutions and approaches will be an agreement on the definition of elder abuse.

COTA SA encourages SA to join other states and territories to agree on a definition of elder abuse which is consistent throughout Australia.

PREVENTION - ELDER ABUSE AWARENESS

COTA SA urges a focus on both primary and secondary prevention of elder abuse. The discussion paper addresses strategies for secondary prevention and these are generally supported. Tactics that improve community awareness of elder abuse are important, as are strategies that ensure those likely to be first responders (eg Police, health staff, lawyers, JPs, GPs etc) understand their role and their options where they suspect abuse may be occurring.

While the paper emphasises SA Government agencies, COTA SA would urge that there is at least as much need for awareness training for services outside government.

Awareness campaigns need to be targeted at children, other family and friends as well as older people themselves. Family often don't know what they are or are not allowed to do, what is acceptable and what isn't. Equally friends and peers are perhaps the most important eyes and ears in ensuring our community maintains high standards for the care of vulnerable older people whether at home or in health or aged care facilities.

Peer processes are emerging as powerful and effective opportunities for older people to support one another in understanding issues that affect them.

¹ <https://www.alrc.gov.au/publications/elder-abuse-report>

² <https://www.parliament.sa.gov.au/Committees/Pages/Committees.aspx?CTId=2&CId=334>

South Australia should lead the trial of peer approaches to raising awareness about elder abuse among older people and COTA SA advises the development of this as an immediate priority.

PREVENTION - PRIMARY PREVENTION

There is an urgent need to make an equivalent investment in primary prevention.

Ageism remains pervasive and largely unchallenged in the South Australian community, creating an environment of risk particularly if older people require support to live or lose the capacity to protect themselves. Too often they are portrayed as a burden to society through ageist language and imagery including the use of demeaning descriptors and this contributes powerfully to an atmosphere of devaluation.

Best practice in reducing violence against women includes strategies that address gender equality and counter sexism – there must be a similar priority to address ageism in both in SA and as part of a national approach to prevent elder abuse.

COTA SA urges that elder abuse strategies include support for events and activities that embrace and promote our ageing including through extending the age friendly communities approach already underway in SA and through events that challenge ageism and create new images of ageing such as ZestFest, the SA Festival of Modern Ageing.

MEDIATION

COTA SA welcomes the consideration of mediation as part of the suite of options and responses to support people who are experiencing abuse. However elder abuse involves a significant imbalance of power between the older person and the perpetrator and the option for mediation needs to be considered in light of the risk that an older person may not come to mediation on sufficiently powerful terms to achieve an appropriate outcome.

COTA SA advises that where there is evidence of it as best practice and it is the clear preference for an older person, that mediation be offered as part of the services available to stop elder abuse.

ADULT SAFEGUARDING LEGISLATION AND KEY AGENCY RESPONSIBILITY

There is now a well prosecuted case for the development of adult safeguarding legislation in South Australia to improve protections and create the necessary investigative mechanisms for effective intervention in abuse. The case is well laid out in the 2011 Closing the Gaps Report for example.³

In our submission to the Joint Committee on matters relating to Elder Abuse in SA⁴, COTA SA recommended the designation of a single multi-disciplinary

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http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewjRq7nctLjYAhWEIwKHRdADz0QFggsMAA&url=http%3A%2F%2Fwww.opa.sa.gov.au%2Ffiles%2F187_closing_the_gaps_final_report_proposed_policy_complete_document.pdf&usg=AOvVaw2gdaPMENnDqRulderPhg2S

⁴ <https://www.cotasa.org.au/lib/pdf/policy/COTA-SA-Elder-Abuse-Submission-2017.pdf>

agency with lead responsibility for the investigation, intervention and coordination of interagency work in elder abuse. In order that older people and the broader community are confident to report abuse and seek help, it will be important that there is a friendly, knowledgeable and helpful front door that is an identifiable and expert hub for information and action.

COTA SA advocates the immediate creation of both adult safeguarding legislation and of a lead agency for elder abuse in South Australia.

DIVERSITY

Strategies to promote the awareness of elder abuse need to take into account the diversity of older people – in terms of culture, language, location, resources and relationships.

It will be important that while strategies target CALD communities for example, that they also extend beyond formal community “gatekeepers” including in making information available in languages other than English and in formats likely to be directly accessible to older people.

COTA SA urges a layered approach to information that learns from some of the emerging approaches in increasing awareness of violence against women in CALD and ATSI communities.

COTA SA urges all information and service options to be made available (including in rural SA) in non-digital formats to ensure that all South Australians (including some of our most isolated and vulnerable) have access.

COTA SA has hosted the LGBTIQ People Ageing Well Project in partnership with SA Rainbow Advocacy Alliance over the last year. While an action planning session is scheduled for February 10th 2018 to finalise recommendations for the project, two issues are emerging as important in the context of elder abuse. The first is that isolation, loneliness and the risk of exploitation are being raised as key issues for the older LGBTIQ community. The second is that many older members of the LGBTIQ community are more reluctant than other older people to seek help. Evidence from elsewhere suggests that the LGBTIQ community itself is likely to hold the key to both raising awareness among older LGBTIQ people and to supporting one another including in relation to elder abuse. There is an opportunity in SA to explore the issues and trial approaches based on work done in places like Canada and the US.

COTA SA urges work to create a hub for older LGBTIQ people, incorporating peer approaches and including a focus on increasing awareness of elder abuse as a critical step in safeguarding the lives of older people in SA.