



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE
PROOF
MATTERS OF PUBLIC INTEREST
Elder Abuse
SPEECH

Wednesday, 18 November 2009

BY AUTHORITY OF THE SENATE

SPEECH

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Senator POLLEY (Tasmania) (1.27 pm)—It is a sad reality that the abuse of elderly Australians by those they trust continues to be a hidden problem. Abuse of our elderly is a social curse that affects thousands of Australians over the age of 65 each year. These figures fluctuate so heavily because the problem is alarmingly unreported. As a consequence, we continue to operate with only a notion of how truly horrifying and widespread this abuse has become. Elderly abuse, especially financial abuse, remains unreported for a number of reasons. Elderly Australians feel shame at the treatment they endure, they maintain a sense of loyalty towards their abusers as they are only too often their children or their carers, they fear retaliation and possibly being institutionalised, they fear being estranged from their children and from their grandchildren; and, sadly, many older Australians do not report abuse for the simple fact that they do not believe it is serious enough to warrant investigation, thereby downplaying their own abuse and their own importance. Unfortunately, there is not a lot of statistical data on the prevalence of elderly abuse that allows us as legislators to understand, define and respond to the issue. At present there are no databases throughout Australia that capture or analyse relevant data on elderly abuse.

A 2007 report by the House of Representatives Standing Committee on Legal and Constitutional Affairs suggested that between three per cent and seven per cent of elderly people will experience abuse by someone they trust. In 2003, professionals in the field estimated that approximately 80,000 cases of various forms of elder abuse, neglect, mistreatment or exploitation had occurred in Australia. However, it is widely believed that this only represents the tip of the iceberg and only one in five cases are reported. In Tasmania, the group Our Island Our Voices, which works on behalf of older Tasmanians to raise the issue of elder abuse, has indicated that up to 4,000 older Tasmanians are abused each year. The truly sad fact is that the person reporting the suspected abuse is almost never the victim themselves but a third party. This is all tied in with the feelings of shame and loyalty and the possible emotional blackmail being experienced by the victim.

Abuse can take many forms, especially when it comes to older Australians, who are often highly

vulnerable as well as usually having a high degree of assets and savings. Abuse can be perpetrated by family members, non-family members in a position of trust or carers. Abuse can be physical, ranging from inappropriate restraint to severe beatings or sexual abuse. It can be emotional or psychological, such as the use of name calling, silent treatment or threats. Such actions can cause mental anguish, stress and fear amongst the victims. Abuse can also take the form of carer neglect. This can range from withholding food and water to intentionally failing to meet the care needs of the person.

But it is the rising prevalence of financial exploitation and abuse that is of particular alarm to me at present. Many people, when asked about elder abuse, think that it only applies to extreme cases of physical mistreatment and do not tend to think of financial abuse when considering the issue. Many people have admitted to having never even heard the term before, but most of them will say that they would certainly report abuse of this kind or abuse of any nature if they saw it occurring. But how are we meant to report something, let alone prevent something, that we cannot even define or identify?

A report handed down in Queensland earlier this year estimated that nearly \$100 million was inappropriately acquired from older Australians in that state alone last year, and \$14 million was the amount officially reported to have been swindled from elderly people in cases of financial abuse in 2007-08. If we extrapolate those figures across the nation we begin to understand the sheer magnitude of this social blight. It is of particular concern for me, coming from Tasmania, because we are set to have the oldest population by 2019 and no doubt will have a corresponding rate of elder abuse. Cases of financial abuse do not just cost the victim the amount that has been wrongfully acquired by the abuser. There are knock-on effects, such as legal costs, social costs and medical costs, much of which is paid for by the taxpayer. This is in addition to the cost to the victim's dignity and sense of security and trust.

Financial abuse comprises largely adult children intentionally and inappropriately acquiring money or assets from elderly parents over whom they may have power of attorney—but it is not limited to those who do, I might add. They may also simply

exercise a high degree of control and manipulation of elderly parents who place implicit trust in their children. Some common stories of financial abuse include adult children harassing elderly parents or relatives for money on pension day; transferring titles to property into their own names; placing caveats on family homes without the consent of their parents, or without them having a true understanding even if they are consulted; coercing their parents into using their property as a guarantee for a loan taken out by the child; making inappropriate withdrawals from the parent's bank account or superannuation; and asking the parent to pay for an extension to be added to the child's house on the understanding that the parent will move into that accommodation with their family and then moving the parent into an aged-care facility instead. It can take many forms, but beneath each and every example is an attempt by a person of trust to manipulate, coerce or cheat an elderly person for their own financial gain. It is most disheartening, almost heart wrenching, to know that the main perpetrators of such abuse are the person's own family members. Those who should be the most loving and loyal, who should be protecting their elderly relative, are the very ones committing the offence.

Financial abuse is not based on wealth or the perception of the elderly person having a lot of money. Financial abuse can and does happen to everyday Australians. The family home or its value is often the motivation. Of particular note is the rise in the use of the so-called reverse mortgage. Many older Australians are quite legitimately tapping into the equity in their homes so that they can enjoy their retirements and 'spend the kids' inheritance', as has become the expression of late. However, there are a rising number of cases of kids spending the kids' inheritance long before it is theirs to inherit, through the use of reverse mortgages. It is not hard to imagine how easy it could be for an adult child to persuade an older, vulnerable parent to take out a reverse mortgage on their property and to sign the proceeds over to the child. Often, this is done without the elderly parent having any concept of what a reverse mortgage is, let alone how this will affect them financially.

Many financial institutions state that the applicant of a reverse mortgage must seek financial or legal advice prior to using this service. However, rather than ensuring that this has occurred, many institutions simply ask the applicant to tick a box to say it has been done. Of course, quite often it has not been done and the applicant has little understanding of the consequences, because they were simply given precompleted paperwork to sign by their grown child. Surely, if we were serious about limiting the opportunities to exploit our older Australians, we would initiate a process that requires a financial adviser

or solicitor to sign a form confirming that advice has been given before any such reverse mortgage could be offered.

It makes sense; however, we are simply not doing it. We do not do it because the entire concept of elder abuse seems too difficult and too abstract to want to even begin to tackle the issue. We live in a society that has tried to encourage our elderly to become more self-sufficient, to plan for retirement and to have their own insurance for the possibilities of later life. The downside of this is that we have made many elderly people somewhat disconnected from the oversight that government and certain services can provide. This means we must find new and better ways to detect what may be occurring and to deter potential abuse through a high level of community awareness.

There are a number of effective measures that can be put in place to limit the risk and protect the elderly. The first and most important part of a response to the financial abuse of elders, or any abuse of elders, would be to instigate an educational campaign, particularly one aimed at professionals who deal with the elderly on a regular basis. This would allow us to build an awareness of the issue, and the facts and science of abuse, that would allow people to identify when it is occurring. An educational campaign would work as a foundation upon which we can demonstrate that we value our elderly and that we are willing to provide the services and resources necessary to ensure their welfare and protection.

A central contact point for reporting elder abuse could be established, along with national protocols for any service dealing with elderly Australians. Access to legal assistance for elderly people suffering abuse could also be made available. Mandatory reporting could be extended to include all financial institutions, financial advisers and solicitors so that no-one can pretend to be ignorant to what is happening or to simply push it aside as a family matter. Compulsory annual reporting could become a requirement of those exercising power of attorney over the elderly, thus instilling accountability firmly into this arrangement. Accommodation specifically for older women escaping abuse could be catered for. Training could be specifically provided to all community and aged care workers to identify, respond to and report abuse. More money could be directed towards research into the extent of elderly abuse and towards prevention. We could acknowledge the stress that a caring role can place upon a person and provide appropriate respite opportunities. This alleviates some of the burden on carers that could potentially manifest itself in abusive behaviour. Finally, we could all work to personally recognise the fact that no-one, regardless of age, should be subjected to any form of abuse,

neglect or mistreatment. Once we recognise this, we can live its truth.

We would not condone abuse it towards our young children. Why would we choose to condone it towards our elderly? Turning a blind eye and pretending that it is not really abuse is tantamount to condoning it. We must strive harder to understand the problem and identify its complexities so that we never have the opportunity to say that we do not see it happening. Information and understanding truly are our greatest weapons against this form of abuse, and compassion and human decency allow us a licence to use these weapons. Therefore, we must all be armed.

I have limited time and I cannot even begin to address the impact on our court system of the ever-increasing number of family disputes that are taken into our courts across the nation over the financial abuse of our elderly and other family disputes. I will be writing to the Minister for Health and Ageing, the Minister for Ageing and the Attorney General in the very near future imploring them to consider some, if not all, of the proposed measures I have outlined today. I will highlight to them the very simple measures that we as legislators can take to tackle this issue in a proactive way and together we can begin a dialogue to bring elder abuse firmly onto the social and political agenda.

We must remember that the losses to our elderly are not just financial losses. It is not just the physical abuse that we have to deal with; it is the impact on our society, it is the way we value human life and the way we value elderly Australians. After all, these are our grandmothers, grandfathers, mothers and fathers. They have been and will continue always to be the backbone of this country.

I would like to finish by reminding everyone out there who may be experiencing elder abuse, or those who know of someone who may be suffering abuse, there is help out there. I would encourage people with concerns to contact the elder abuse hotline on 1300651192 and begin the process of help and healing for the victims of elder abuse.