

5 November 2015

The Hon Yvette D'Ath MP  
Attorney-General and Minister for Justice and  
Minister for Training Skills  
GPO Box 149  
BRISBANE QLD 4001

Dear Attorney

### **Elder Abuse Law Reform**

I am writing to you in relation to Elder Abuse law reform, on behalf of the Elder Law Committee of the Queensland Law Society (QLS).

#### **ELDER ABUSE PREVALENCE IN QUEENSLAND**

The Queensland Elder Abuse Prevention Unit 2014 Year in Review reported a 19.49% increase in elder abuse notifications. Women are twice as likely to be abused as men and the relationship between victim and perpetrator is that of parent and child. Sons and daughters are almost equally likely to perpetrate the abuse with the gender gap narrowing in 2014. Most victims were in the 80-84 age group, whilst perpetrators were in the 50-54 age group. Financial abuse constitutes over 43% of the reported cases closely followed by psychological abuse.

The social impacts of elder abuse result in a marginalised existence for the older adult victim along with depression, exacerbation of health problems, homelessness and premature death. It is estimated that 1/5<sup>th</sup> of Australia's homeless population is over the age of 55 with a significant proportion of these people experiencing homelessness for the first time as a result of financial abuse. Victims of financial abuse are often forced to rely on government payments and pensions and further stress is placed on the public hospital system and publicly funded housing.

#### **LAW REFORM BACKGROUND**

QLS has been a strong advocate for the rights of older Queenslanders and has produced a number of documents and submissions in relation to much needed law reform surrounding the issue of elder abuse and elder law. Noted below are two publications which are in the public domain, on the QLS website.

In June 2010, the QLS Elder Law Committee together with the Public Advocate, released a joint issues paper on Elder Abuse entitled 'Elder Abuse: How well does the law in Queensland cope?' (copy enclosed). This paper identified a number of barriers which older people face when accessing legal advice, support and assistance for elder abuse issues.

A two month consultation period was then provided with more than fifteen submissions received. In the end result, a report was produced entitled 'Joint Issues Paper: elder abuse' dated June 2011 (copy enclosed). This report made a number of recommendations, including amendments to the civil and criminal law in order to reduce and prevent the incidence of elder abuse in our community.


In February 2015 the "Not Now Not Ever" Report was delivered to the government. The report identified that two key vulnerable victims of domestic violence were the elderly and the disabled. The report recommended a comprehensive communications strategy and a state wide prevalence study in Recommendations 11, 12 and 18. Furthermore, Recommendation 13 suggested the State Government make representations to the Federal Government in relation to the misuse of Centrelink Carer's Payments by abusers of older Queenslanders.

In July 2015 the State Government's Communities, Disability Services and Domestic and Family Violence initiated an Inquiry into the Adequacy of Existing Financial Protections for Queensland Seniors. The Chair of our QLS Elder Committee, Kirsty Mackie, was a witness at the public hearing. In August 2015 the Report was released and 42 recommendations were made. The Recommendations called for a prevalence study on financial abuse of older Queenslanders and supported an amendment to the definition of "relevant relationship" as contained in the *Domestic Violence and Family Protection Act 2012* to include paid carers and companions.

In conclusion, since 2010 there have been consistent calls by the Queensland Law Society for law reform surrounding the issue of elder abuse in the areas of criminal and civil law. There are current initiatives operating in USA, United Kingdom, South Africa and Canada to address and prevent elder abuse and these warrant detailed consideration, with a view to implementing similar practices in Queensland.

The Chair of QLS Elder Committee Ms Kirsty Mackie and I would be pleased to meet with you to discuss the above matters further.

Yours faithfully



Michael Fitzgerald  
President