

Ms Esther Bogaart  
Assistant Secretary  
Family Violence and Elder Abuse Taskforce

3 August 2018

Dear Esther

### **Commonwealth Funding for Elder Abuse-Related Services**

Thank you for your letter dated 25 June 2018, in which you invited the National Association of Community Legal Centres (NACLC) to nominate potential service trial sites to inform decision-making about the allocation of additional Commonwealth funding for elder abuse-related services.

#### **Overview**

In the 2018 Federal Budget, \$18 million was allocated to establish a number of specialist elder abuse units, health justice partnerships and case management and mediation services to assist people experiencing elder abuse.

As the peak body for centres across Australia, NACLC is not in a position to recommend that any one centre receive funding over another centre. However, we are firmly of the view that CLCs are best placed to provide services to older people experiencing elder abuse through specialist elder abuse units and health justice partnerships in particular.

As a result, NACLC (with the assistance of the State and Territory CLC Associations and National Older Persons Legal Services Network) provides some high-level information about the work of the sector in this area and has compiled the table attached at **Attachment A**. It outlines the elder abuse services and capacity to provide these services of centres across Australia. NACLC compiled but has not edited the table information as provided by State and Territory Associations and individual centres.

#### **Why Are Community Legal Centres Well Placed to Do This Work?**

Community legal centres across Australia have, over a long period, been at the forefront of responding to and working to prevent elder abuse. As a result, we welcome consideration of these issues at a national level, including through the development of a National Plan, support for the establishment of Elder Abuse Action Australia (led by a number of CLC representatives) and this additional funding for services.

The work of the sector is an important component of addressing and responding to elder abuse, alongside broad and nationally consistent legal responses. The ALRC's Elder Abuse Inquiry Report provides a blueprint for reform in many areas and the development of the National Plan will also play an important role.

Community legal centres provide vital legal and non-legal support and assistance to older people, their families and support services where elder abuse is occurring or suspected. Centres provide older people with holistic, wrap-around, client-centred and often multidisciplinary services and many operate good practice responses to elder abuse.

Community legal centres are experts at identifying legal problems arising from a person's individual circumstances and providing them with options for addressing the abuse and improving their overall safety and wellbeing.

Community legal centres are imbedded in community and have strong partnerships and relationships with other community services which means centres are able to provide older people with warm referrals to other services that can assist with housing, health and aged care, financial counselling and assistance.

Centres across Australia undertake a range of activities to support people experiencing elder abuse and assist with:

- legal information and advice
- social work services
- short-term counseling
- advocacy
- referrals to other legal, consumer and support services
- representation in court or before tribunals (in certain circumstances).

Some examples of assistance provided by centres include:

- obtaining domestic violence protection/intervention orders
- developing safety plans
- supporting relocation to a place of safety
- advice on guardianship
- advice on appointing or revoking a power of attorney
- advice and assistance with wills
- information on protective strategies to manage assets and prevent or stop financial abuse
- advocacy and negotiation on behalf of residents in retirement villages experiencing unfair contract terms and conditions, and
- advising on recovery of property or money following elder abuse or financial exploitation.

In addition to the direct services provided, centres also undertake a significant number and range of community legal education and awareness sessions and campaigns around elder abuse across communities. These sessions are designed to educate and empower older people as well as professionals who encounter elder abuse in professional or employment roles (for example, medical and allied health professionals, aged care workers, support and respite workers, Justices of Peace, and similar).

Many centres also engage in law reform, policy and strategic advocacy designed to ensure that laws and legal frameworks are effective in protecting the rights of older people. For example, many centres engaged in the recent ALRC Inquiry into Elder Abuse and regularly provide submissions and evidence to relevant inquiries and reviews.

## **Health Justice Partnerships**

As the Government is aware, there are also an increasing number of Health Justice Partnerships (HJPs) between CLCs and hospitals and health services across Australia. Through multidisciplinary engagement and collaboration between lawyers and health care teams, these partnerships play a key role in early identification of and responses to elder abuse.

The HJPs include co-location of health and legal services; appropriate training and professional development for the health workforce, secondary consultations; wrap-around services addressing legal, health and broader social issues; and targeted legal help.

## **Legal Needs of Older People**

Finally, in considering the legal needs of older people, NACLCLC understands that the Government is interested in the identification of services in high-need areas based on geography. We have been encouraged by the sector to emphasise that while it is useful to identify legal need by geographical areas where there are high numbers of older people, the Government may also wish to consider other characteristics. For example, characteristics identified as leading to a higher risk of elder abuse such as cognitive impairment or other disability; social isolation; and the characteristics of perpetrators, including alcohol and drug problems, experience of mental health issues, and financial dependence.

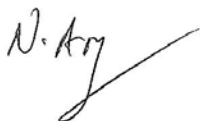
## **Further Information**

In addition to the points outlined above, we provide two attachments:

- Attachment A: Table overview of CLC elder abuse services across Australia
- Attachment B: Selection of case studies provided by centres across Australia that demonstrate their work in assisting people experiencing elder abuse.

We hope this information is useful. Please contact either Amanda Alford (Director Policy and Advocacy) at [amanda.alford@naclc.org.au](mailto:amanda.alford@naclc.org.au) or 0421 028645 or me at [nassim.arrage@naclc.org.au](mailto:nassim.arrage@naclc.org.au) or 02 9264 9595 to discuss any of this in more detail.

Kind regards



**Nassim Arrage**  
**Chief Executive Officer**  
**National Association of Community Legal Centres**

*Attachment A: Table Overview of CLC Elder Abuse Services Across Australia*  
*Attachment B: Selected Case Studies*