



Communities
& Justice

NSW Elder Abuse Inquiry Final Report June 2020

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Minister's foreword

I am pleased to provide a final report on actions undertaken by the NSW Government and our community partners in addressing the abuse of older people.

The abuse of older people is a serious issue, and one that the NSW Government is committed to addressing. Older people who experience abuse suffer a range of psychological, financial and physical effects, and the factors surrounding the abuse of older people are complex, and require both holistic and integrated responses. Across the Government, we are working together with community partners to raise awareness about the abuse of older people, help prevent it from happening, and respond effectively when it does occur.

I wish to acknowledge the work of the NSW Legislative Council's General Purpose Standing Committee No 2, which conducted the Parliamentary Inquiry into Elder Abuse and delivered its report on 24 June 2016. I also wish to thank all stakeholders and members of the public who made a submission or presented to the Inquiry.

The Government has taken the findings of the Inquiry very seriously. The Government's response to the report was tabled in Parliament on 9 January 2017, and a further progress report published in 2018. This final report demonstrates that the NSW Government has sustained its commitment and achieved significant results in addressing the abuse of older people.

I am very pleased with our progress over the past years. The Government has made substantial progress on all supported recommendations of the Inquiry, and is committed to building on these efforts into the future.

The NSW Government is committed to putting the right protections in place to safeguard the financial, physical and psychological wellbeing of older people.

I look forward to continuing our collaboration with other governments and the community in continuing to deliver action to protect older Australians.



The Hon Dr Geoff Lee MP

Acting Minister for Seniors



Executive Summary

The abuse of older people (also called elder abuse) is a serious issue and continues to be a focus that the NSW Government is committed to addressing.

On 1 September 2015, the NSW Legislative Council General Purpose Standing Committee No. 2 (the Committee) commenced the Parliamentary Inquiry into Elder Abuse in NSW. The Committee tabled its report on 24 June 2016. The Committee's report included 11 recommendations to the NSW Government.

The NSW government published its response to the recommendations in January 2017 and a Progress Report in 2018.

In the last five years there has been an increase in awareness on the abuse of older people and significant changes to ensure prevention and detection measures are known and in place for people, including the current Royal Commission into Aged Care Quality and Safety and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

This final report captures all NSW Government achievements in implementing the recommendations up to January 2020. The NSW Government continues to work with the Federal Government and community partners to address the abuse of older people. Highlight actions to date include:

- On 1 July 2019, the NSW Government established the Ageing and Disability Commission (ADC) to safeguard and promote the rights of adults with disability. Mr Robert Fitzgerald, AM, was appointed as NSW's first Ageing and Disability Commissioner. The ADC has powers to inquire into and investigate reports about adults with disability and older people who are subject to, at risk of, or living in circumstances that will result in, abuse, neglect or exploitation. The ADC also has the power to conduct own motion inquiries and investigations.
- In 2019 the NSW Government announced the enhancement of police resources to include Aged Crime Prevention Officers (ACPOs) in each Police Command across NSW.
- The NSW Government is participating in a Council of Attorneys-General (CAG) Working Group comprised of representatives from each jurisdiction to develop options for greater consistency of approaches to enduring powers of attorney.
- The NSW Government has also worked closely with the Commonwealth and other states and territories to develop the National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023, which was launched in March 2019. An implementation plan has also been agreed to by all jurisdictions and contains initiatives by all governments, including NSW, to address priority areas of the National Plan.
- Revision of the NSW Interagency Policy on Preventing and Responding to the Abuse of Older People to be released in 2020.

A considerable amount of work is underway at both a state and national level to address the abuse of older people. With the ageing of our population, the importance

of this work is gaining pace. In cooperation with the Federal Government, we are working to develop strategic whole-of-government approaches, as well as targeted responses to address the needs of vulnerable older people across our state. The NSW Government remains committed to strengthening the service system that assists members of our community experiencing abuse.

In reading this report note that:

- 2020 content includes current names of departments and organisations.
- Department and Organisation names from 2018 have not been changed.
- The Ageing and Disability abuse Helpline was previously the Elder Abuse Helpline and Resource Unit (EAHRU).

No.1

Committee Recommendation

That the NSW Government embrace a comprehensive, coordinated and ambitious approach to elder abuse with the following elements:

Recommendation 1(i) Right based framework

That the NSW Government embrace a comprehensive, coordinated and ambitious approach to elder abuse with the following elements:

- I. A rights based framework that empowers older people and upholds their autonomy, dignity and right to self-determination

Government Response: Supported

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

Elder abuse has been identified as a critical issue in the *NSW Ageing Strategy 2016-2020*. The Strategy is the Government's response to the opportunities and challenges associated with an ageing population, and underpins all NSW policy, projects and supports related to ageing.

The actions of the Strategy include specific initiatives to address elder abuse, including implementing the recommendations of the Inquiry, such as:

Funding of the Seniors Rights Service, a community legal centre that protects the rights of older people through providing telephone advice, advocacy, legal advice and educational services.

Continuation of the *Get it in Black and White* campaign, which encourages people to plan ahead to ensure their future financial, health and lifestyle decisions are respected. The campaign includes the Planning Ahead Tools website, which provides information on competing a will, power of attorney, enduring guardianship and advance care directive.

Delivery of the *Taking Care of Business – Planning ahead for Aboriginal people in NSW* initiative. A tailored community education resource for Aboriginal people, which provides information on completing a will, power of attorney, enduring guardianship and advance care directive.

Delivery of the annual Legal Topics for Older People diary, a free publication produced by Legal Aid NSW with information about the rights of older people.

Delivery of the Ministerial Advisory Council on Ageing Media Awards, which seek to challenge the negative stereotypes towards older people by

highlighting examples of balanced and realistic media reporting on older people and ageing.

Development of a NSW Health policy on identifying and responding to elder abuse.

Development of an online training module to support NSW Health workers to identify and respond to elder abuse.

Review of the NSW Interagency Policy for Preventing and Responding to Abuse of Older People, which commenced July 2017. For further information, please see Recommendation 4.

2020 Final Report:

Annual Action Plans describe initiatives to implement the *NSW Ageing Strategy 2016-2020* and include new actions and existing programs that seek to positively influence outcomes for older people. Activities in the annual action plans promote the autonomy, dignity and rights of older people.

Actions include specific initiatives to address elder abuse, including implementing the recommendations of the Inquiry, including funding of the Ageing Peaks and Advocacy program, with the primary aim to support the wellbeing of older people throughout NSW. The organisations funded under the program (Council on the Ageing NSW, Seniors Rights Service NSW, Combined Pensioners and Superannuants Association and the Older Women's Network) provide a range of services and support that promote the autonomy, dignity and rights of older people in NSW.

These organisations help older people in NSW enjoy meaningful and independent lives, as well as address the longer term issues raised by population ageing, including:

- The delivery of evidence-based policy advice
- The dissemination of information, research and evidence about ageing issues
- Advocacy of issues relating to older people and the ageing population in NSW
- The development of resources, reports and materials to support the ageing population
- Fostering partnerships and collaboration across sectors and communities
- Building capacity amongst service providers, communities and individuals

DCJ also supports Carers NSW and is currently developing the NSW Carers Strategy 2020-2030 using a co-design process involving stakeholders such as government, carers and the non-government sector.

The NSW Trustee & Guardian (TAG) launched the fourth iteration of the *Get it in Black and White* campaign in May 2019. The social marketing campaign ran for eight weeks with the aim of educating people in NSW aged 35 years and older about the importance of planning ahead, what the benefits are of making a Will, Power of

Attorney and Enduring Guardianship appointment, and how to get started. The campaign included regional television, digital display, catch up TV, social media and a buy across the Tonic Health Network which comprised of television commercials, posters and brochures in GP clinics across Sydney metropolitan and regional NSW.

TAG continued to produce and distribute *Taking Care of Business - Planning ahead for Aboriginal people in NSW* initiative. A bespoke publication promoting the importance of planning ahead for Aboriginal communities. The publication includes information on the importance and benefits of planning ahead, things for Aboriginal people to consider and how to get started.

TAG is committed to increasing the uptake of planning ahead documents among Aboriginal people and promote opportunities to engage and educate the community about *Taking Care of Business*. TAG held a community event at the National Centre for Indigenous Excellence in 2019, to offer practical advice and information around a range of subjects, including the importance of getting a Will, Power of Attorney and Enduring Guardianship in place. Information and services were also made available from 14 other agencies including Births, Deaths & Marriages, Legal Aid, NSW Ombudsman and Victims Services, to expand awareness and engagement activities. TAG also participated in community events throughout 2019 and 2020 including the Yabun Festival in January which is the largest one day gathering and recognition of Aboriginal and Torres Strait Islander cultures in Australia and Mardi Gras Fair Day in February/March.

Legal Aid NSW produced and delivered 100,000 each copies of the 2019 and 2020 Legal Topics for Older People Diary. The diary was distributed across Seniors Festivals in NSW, community groups, sponsors, NSW libraries and individuals.

Legal Aid NSW has recently established a specialist Elder Abuse Service (EAS). It is a multi-disciplinary team providing holistic wrap around services to residents of the Central Coast. The service has Commonwealth funding for 3 years under the *Protecting the Rights of Older Australians Elder Abuse Service Trials*. The service commenced in September 2019.

The Ministerial Advisory Council on Ageing (MACA) has continued to deliver the annual MACA Media Awards, an event which seek to challenge the negative stereotypes towards older people by highlighting examples of balanced and realistic media reporting on older people and ageing. The Awards are now an established annual event on the ageing calendar in NSW, and have continued to increase awareness in both media and communities across NSW.

The NSW Health policy *Identifying and responding to abuse of older people* was published on the NSW Health website on 19 July 2018. The policy was updated in 2019 to include the establishment of the NSW Ageing and Disability Commissioner, and will continue to be reviewed to apply significant and applicable changes in the sector, as required. The policy outlines the responsibilities of NSW Health staff to identify and respond to abuse of older people and outlines specific responsibilities of NSW Health organisations to implement local protocols and provide staff training.

To support implementation of the policy, the Ministry of Health engaged the Health Education and Training Institute (HETI) to develop a training module to support staff feel confident in identifying and responding appropriately to abuse of older people. The training module was launched on My Health Learning platform in July 2018.

Activities to raise awareness of abuse of older people and promote the NSW Health policy and training module across the health system have and will continue to take place through various communication channels, such as internal newsletters and educational forums.

The revised *NSW Interagency Policy preventing and responding to abuse of older people (Elder Abuse)* was launched June 2018 and continues to be a priority and implemented across NSW Government agencies. The importance of this work is understood across the sector, to ensure all staff are aware of the issue and where appropriate, the knowledge, skills and tools to take action to support older people and respond to instances of abuse. A further revision of the Interagency Policy, to include reference to the Ageing and Disability Commissioner, will be released in the second half of 2020.

The Social and Affordable Housing Fund (SAHF) is a \$1.1 billion program to increase the number of social and affordable dwellings in NSW. Nine contracts have been awarded to registered community housing providers through two tenders to deliver access to over 3,400 new social and affordable homes. All homes are expected to be delivered by the end of 2022.

The SAHF 2 tender, completed in February 2019, resulted in the award of contracts that include access to, 232 dwellings specifically targeted to older women. A total of 1,414 homes targeted to older people (aged 55 years and over, or 45 years and over for people who identify as Aboriginal or Torres Strait Islanders) are expected to be delivered through the SAHF program by the end of 2022.

Household data provided by SAHF contractors (December 2019) shows that 314 out of 530 older people housed through the SAHF are women.

Close to 900 homes have been constructed as of 31 March 2020 (including homes not targeted at older people) and tenanted, with nearly 1,800 additional dwellings currently under construction.

Through the SAHF, households receive a package that includes a quality home coupled with access to supports tailored to their individual needs such as training, employment opportunities and health services.

As part of the Domestic and Family Violence Innovation Fund, the NSW Government is supporting Relationships Australia to deliver *Let's Talk: Mitigating the risk and responding early to elder abuse* over three years in metro Sydney, Bathurst and Wagga Wagga. The program aims to assist families with conflict resolution, to prevent elder abuse and family violence.

In 2019 the NSW Government announced the enhancement of police resources to include Aged Crime Prevention Officers (ACPOs) in each Police Command across NSW.

Recommendation 1(ii) Prevention

See recommendation 2

Recommendation 1(iii) Legislative reforms

See recommendation 7 and recommendation 11

Recommendation 1(iv) Training on elder abuse

See recommendation 5

Recommendation 1(v) Building the evidence base

That the NSW Government embrace a comprehensive approach to elder abuse including: an active commitment to building the evidence base for policy

Government Response: Supported

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

The NSW Government has provided a funding contribution of almost \$200,000 to the Federal Attorney-General towards the National Elder Abuse Research Agenda, which includes a prevalence study. To complement NSW Government priorities, the Federal Government has agreed to focus our investment on culturally and linguistically diverse and Indigenous communities.

The National Elder Abuse Research Agenda: Stage 1 has commenced. The consortium engaged to conduct the research is being led by the Australian Institute of Family Studies. This project aims to: develop an Australian definition of elder abuse; develop test tools to measure elder abuse against this definition; and undertake analysis of existing data sets to answer key research questions on elder abuse.

2020 Final Report:

The NSW Government has worked closely with the Commonwealth and other states and territories to develop the National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023, which was launched in March 2019. An implementation plan has also been agreed to by all jurisdictions and contains initiatives by all governments, including NSW, to address priority areas of the National Plan. The NSW Government continues to support the National Plan through active involvement in working groups to support the implementation of the National Plan and progressing work to improve the collection and coordination of data and research, as well as communication and awareness raising.

The NSW Government contributed \$200,000 to Stage 1 of the National Elder Abuse Research Agenda in preparation for the first national prevalence study. The National Prevalence Study is currently underway and it is anticipated that data will be available in 2021. This will be the first study of its kind at the national level in Australia and is expected to provide useful input to future policy decisions.

The Ageing portfolio in the Department of Communities and Justice (previously FACS) continues to fund the SAX Institute to conduct research through the 45 Up Study which provides valuable input to the policy context for older people in NSW.

Information on enquires and reports to the Ageing and Disability Commission via the Ageing and Disability Abuse Helpline is the primary source of data held by the NSW Government. Opportunities for the collection of additional data by other NSW agencies continues at the NSW level and will also be influenced by work on this issue at the national level.

Recommendation 1(vi) Role of the NSW Elder Abuse Helpline and Resource Unit

See recommendation 6

No. 2

Committee Recommendation

That the NSW Government make a significant new investment of resources in the prevention of elder abuse. This must involve the development and funding of a new prevention framework that provides for:

- Substantially enhanced primary prevention, community education, awareness and engagement, carer support and later life planning initiatives
- Specific resources for strategies targeting culturally and linguistically diverse and Indigenous communities and engagement with Multicultural NSW and Aboriginal Affairs NSW.

Recommendation 2

Government Response: Supported in part

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

The NSW Government continues to provide funding of over \$600,000 a year to the NSW Elder Abuse Helpline and Resource Unit. In 2016/17 the service took over 2,000 calls directly related to abuse in and provided training to over 1000 frontline staff.

Funding of \$114,000 was provided to Justice Connect through the Liveable Communities Grants program to improve outcomes for older people using a Health Justice Partnership model of integrating a lawyer into health care teams. The pilot has been operating at within the St Vincent's Health Network, focusing on assisting patients who may have experienced elder abuse.

The NSW Government has provided support and a funding contribution of \$100,000 towards the Seniors' Rights Service for the 5th National Elder Abuse Conference to be held in Sydney on 19 and 20 February 2018. This will be the first time the conference has been held in NSW.

Funding was provided to a joint Culturally and Linguistically Diverse (CALD) project between the NSW Ethnic Communities Council, Seniors Rights Service, COTA NSW and the Elder Abuse Helpline and Resource Unit. The project's aim was to share knowledge, better understand barriers, and develop innovative ways to navigate pathways between service provision and people from culturally and linguistically diverse backgrounds with regard to elder abuse.

Funding was provided to the University of Newcastle for the development of a pilot project to improve early detection and intervention of elder abuse for older people with dementia.

The *Get it in Black and White* campaign has been renewed with over 30,000 people now more aware of the importance of preparing a will, making a Power of Attorney, appointing an Enduring Guardian and discussing advance care planning.

Legal Aid NSW, with support of a range of organisations including the Department of Family and Community Services, produced the Legal Topics for Older People diary which has been widely distributed.

2020 Final Report:

The NSW Government has continued to fund the Elder Abuse Helpline and Resource Unit, which was established in 2013. Since inception, the unit has received over 10,000 abuse calls and delivered over 100 training sessions to professionals. On 1 July 2019, the Elder Abuse Helpline and Resource Unit became the NSW Ageing and Disability Abuse Helpline, operating under the Ageing and Disability Commission (ADC). The establishment of the ADC is a key initiative by the NSW Government to address issues relating to the abuse of older people and adults with disability.

A number of projects have been funded by the NSW Government to develop prevention, education, awareness and support services for older people experiencing abuse. These include:

- Following a scoping exercise by the former Elder Abuse and Resource Unit Helpline in 2018, the Helpline was funded to conduct a Case Coordination trial where people with complex needs received additional support over a period of up to 12 weeks which was extended to end June 2019. Since 1 July 2019, the ADC (including the Ageing and Disability Abuse Helpline) has provided a more comprehensive response to reports about alleged abuse, neglect and exploitation of older people, including investigative action and case coordination.
- The former Elder Abuse Helpline and Resource Unit developed a CALD community education session in conjunction with key stakeholders, and produced a multilingual pocket guide to further support sharing information and extending awareness beyond session attendees.
- Funding the University of Newcastle to develop a Toolkit for Legal Practitioners on *Identifying and Acting on Elder Abuse*, which provides information and direction on what elder abuse looks like and what action to take. Launched in early 2019.
- Funding of \$50,000 was given to Seniors Rights Service (SRS) NSW to develop a suite of videos and accompanying kits, arising from the 5th National Elder Abuse Conference in Sydney in February 2018. This information was shared with professional groups who work with older people, community organisations and local communities across NSW so that communities are trained and kits are disseminated for self-facilitated workshops to occur amongst professional colleagues, community organisations and hard-to-reach communities.
- Department of Communities and Justice funded 4 regional community organisations, coordinated by SRS, to attend the 6th National Elder Abuse Conference held in Brisbane in July 2019.

- Funding towards a Legal Aid Legal Topics for Older People diary, a free resource produced for older people in NSW.
- Funding Relationships Australia through round 2 of the Domestic and Family Violence Innovation grants in 2018, to deliver the 'Let's Talk' project which encourages synergies between Relationships Australia NSW, the Ageing and Disability Abuse Helpline and Relationships Australia Canberra and Region, to address the need and gap in service provision for older people experiencing domestic and family violence.
- DCJ leads work in domestic and family violence (DFV) with Religious and Community leaders through the delivery of Justice information relating to their role and support provided to families experiencing DFV. This is achieved via facilitated seminars with presentations from subject matter experts from NSW Police Force, Victims Services, Legal Aid and local service providers that are specialists on the impacts of DFV on children. Seminars have been delivered across the state through both multi faith and faith based groups, and commenced in October 2018. Through the seminars elder abuse is discussed with advice provided to leaders seeking more information to get in contact with Elder Abuse Prevention officers based at their local Police Area Commands.

No. 3

Committee Recommendation

That the NSW Steering Committee on the Prevention of Abuse of Older People meet at least quarterly in order to enhance accountability and drive the implementation of government policy.

Recommendation 3

Government Response: Supported

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

The former NSW Steering Committee on the Prevention of Abuse of Older People was dissolved, and a new committee, the NSW Steering Committee for the Prevention of Elder Abuse convened to bring together a group more representative of the actions required to address elder abuse, with the Terms of Reference and membership also revised. The new Steering Committee met in July, August and November 2017.

The Steering Committee is a sub-committee of the NSW Ageing Strategy Interdepartmental Committee, and it supports a broad, strategic approach to the development, implementation a review of measures aimed at tackling elder abuse in NSW. It oversees the implementation of the Government's response to the Elder Abuse Inquiry and provides a forum for continued cooperation and communication.

Members of the Committee represent the following agencies and organisations: Family and Community Services, NSW Health, Department of Justice, NSW Police, NSW Trustee and Guardianship, Education NSW, Multicultural NSW, Women NSW, Federal Department of Human Services, Federal Department of Health, Ministerial Advisory Council on Ageing, Seniors Rights Service, NSW Law Society, Legal Aid NSW and the NSW Elder Abuse Helpline and Resource Unit.

2020 Final Report:

The NSW Steering Committee on the Prevention of Abuse of Older People (elder abuse) was reconvened in 2017 and meets at least four times per calendar year.

The Steering Committee is a sub-committee of the NSW Ageing Strategy Interdepartmental Committee, and supports a broad strategic approach to the development, implementation and review of measures aimed at tackling elder abuse in NSW. The current Terms of Reference are heavily focused on the response to the Inquiry.

Members of the Steering Committee represent the following agencies:

- NSW Department of Communities and Justice (Chair and Secretariat – Strategy, Policy and Commissioning)
- NSW Communities and Justice (Policy, Reform and Legislation, Women NSW)
- NSW Health
- NSW Police Force
- NSW Trustee and Guardian
- Aboriginal Affairs NSW
- Multicultural NSW
- Legal Aid NSW
- Centrelink
- Australian Government Department of Health
- NSW Ministerial Council on Ageing
- Council on the Ageing NSW
- Seniors Rights Service NSW

The Advisory Board to the NSW Ageing and Disability Commission also plays a key role in overseeing activity relating to the abuse of older people in NSW.

No. 4

Committee Recommendation

That in undertaking the three-year review of the NSW Interagency Policy for Preventing and Responding to Elder Abuse of older people, the NSW Government:

- Explicitly consider the improvements to content recommended by stakeholders documented in our report, including with regard to duty of care, reporting requirements in respect of a crime, and privacy and confidentiality
- Conduct further consultation with potential improvements with relevant government and non-government stakeholders
- Develop a comprehensive strategy to ensure widespread promulgation of a revised policy
- Ensure that service providers exercise their responsibilities under the policy.

Recommendation 4

Government Response: Supported

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

The NSW Interagency Policy on Preventing and Responding to Abuse of Older People supports a rights-based approach to addressing elder abuse. The purpose of the Policy is to:

Outline the commitment of the NSW Government to preventing and responding to the abuse of older people and to minimising the risk for those living in community settings

Guide the conduct, accountability and ongoing development of the Elder Abuse Helpline and Resource Unit

Provide direction to government and non-government agencies and community organisations working with older people.

The Policy is subject to review every three years, and was last review in 2014, with further minor changes made in November 2015.

The review of the Policy commenced in July 2017 and is being conducted through the NSW Steering Committee for the Prevention of Elder Abuse. Extensive consultation with agencies and the Federal and non-government partners are being conducted. The review will include consideration of stakeholders' suggested changes to the policy, and a comprehensive communications plan for ensuring government agencies and non-government service providers are aware of the policy and the principles for proactively responding to abuse of older people.

The Policy is available at [NSW Interagency Policy Abuse on Older People](#)

2020 Final Report:

The Steering Committee reviewed the Interagency Policy in 2018 and following approval by the Social Policy Committee of Cabinet, the revised NSW Interagency Policy Preventing and responding to abuse of older people (Elder Abuse) June 2018 was launched on World Elder Abuse Awareness Day, 15 June 2018.

The Policy has been communicated to all NSW agencies and Cluster Secretaries provided an update on implementation for consideration by Social Policy Committee of Cabinet in November 2018. Ongoing implementation will be oversighted by the Ageing Strategy Interdepartmental Committee and reported in the annual Ageing Strategy progress reports.

A further revision of the Interagency Policy, revised to include reference to the Ageing and Disability Commissioner will be released in the second half of 2020.

No. 5

Committee Recommendation

That the Department of Family and Community Services and the NSW Ministry of Health develop and fund a comprehensive plan addressing the training needs of service providers, to enable better identification and responses to abuse. The plan should address:

- the role of the NSW Elder Abuse Helpline and Resource Unit and other potential training providers
- the needs of the full range of service providers including general practitioners and other health professionals
- the potential for mandatory training for some service providers.

Recommendation 5

Government Response: Supported in principle

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

The NSW Government continues to fund the NSW Elder Abuse Helpline and Resource Unit, which provides training, including train-the-trainer courses, across NSW. Between July 2016 and June 2017, more than 2300 participants attended over 50 training and information sessions held across NSW.

NSW Health has established a Steering Committee to lead the development of a departmental policy and new online training modules for staff. Representatives from the Elder Abuse Helpline and Resource Unit and the Department of Family and Community Services are members of this Committee.

There is also a role for the Federal Government in ensuring service providers within the aged care sector and the national health system are able to access training on identifying and responding to elder abuse. Development of pilot training programs on elder abuse forms part of the Federal Government's \$15 million national research agenda on elder abuse, with training initially targeted towards frontline staff. The NSW Government will engage with the Federal Government to share training resources and help ensure broad coverage of professionals supporting older people across different levels of government.

2020 Final Report:

The NSW Government has continued to fund the Elder Abuse Helpline and Resource Unit, which provided training, including train the trainer courses across NSW. On 1 July 2019, the Unit became the Ageing and Disability Abuse Helpline, under the Ageing and Disability Commission (ADC). While the ADC has had an initial focus on community engagement on the role of the ADC and Helpline, it is revising and

developing training packages to deliver to agencies, service providers and community post June 2020.

The NSW Health Steering Committee on Abuse of Older People was established in May 2017 to oversee the development of the first NSW Health policy and training module on identifying and responding to abuse of older people. The committee met until the policy and training module were published in July 2018. Membership included representatives from NSW Health local health districts, the Health Education and Training Institute, NSW Ambulance, the Department of Communities and Justice and the Elder Abuse Helpline and Resource Unit.

The Department of Communities and Justice is finalising a policy, guidelines and training resource for staff on identifying and responding to abuse of older people which will be launched in 2020.

No. 6

Committee Recommendation

That the NSW Government expand the role of the NSW Elder Abuse Helpline and Resource Unit to include:

- provision of case management and coordination
- consideration of Helpline operating hours, based on an assessment of demand
- adequate provision for culturally and linguistically diverse and Aboriginal clients.

Recommendation 6

Government Response: Further consideration required

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

Established by the NSW Government in 2013 as an initiative of the NSW Ageing Strategy, the NSW Elder Abuse Helpline and Resource Unit provides a statewide, confidential, free-call service to the community, offering advice regarding abuse of older people, whether it is suspected or witnessed. Callers to the Helpline are frequently referred to government agencies, such as the Police, the Guardianship Tribunal and health services. To date, the Helpline has received over 7,900 calls, with more than 6,500 calls relating to suspected abuse. The Resource Unit also plays an important role in increasing awareness of elder abuse throughout the community. This includes training on the prevention and response to abuse for workers who support older people.

The NSW Government has provided funding to the Elder Abuse Helpline and Resource Unit to scope a case coordination pilot. A proposal for funding to undertake a one-year pilot is currently being considered.

The Government is awaiting the outcomes from the working group established by the Attorneys-General into national approaches to consider any ongoing decisions to expand or restructure the functions of the Elder Abuse Helpline and Resource Unit.

Other Federal initiatives that should also be noted include the funding for the Knowledge Hub to provide information and training materials to professionals and the public, and the creation of a national peak body, Elder Abuse Action Australia (EAAA), to support the national coordination and advocacy of issues related to the prevention of elder abuse.

2020 Final Report:

In 2018, the Department of Communities and Justice and the former Elder Abuse Helpline and Resource Unit considered the Helpline's operating hours and conducted an assessment of demand for extended hours. The evidence did not support extending the operating hours. Further to this, discussions with other states and territories indicated that the NSW Helpline is one of the jurisdictions with the longest hours of operation for calls. On 1 July 2019, the Elder Abuse Helpline and Resource Unit became the Ageing and Disability Abuse Helpline, and now comes under the Ageing and Disability Commission (ADC).

The NSW Government previously provided funding to the Elder Abuse Helpline and Resource Unit to conduct a one-year phone-based case coordination trial, which commenced on 1 March 2018. The funding was extended to 30 June 2019, following the initial trial. Since 1 July 2019, the ADC (including the Ageing and Disability Abuse Helpline) has provided a more comprehensive response to reports about the alleged abuse, neglect and exploitation of older people, including investigative action and case coordination.

No. 7

Committee Recommendation

That the NSW Government, as a priority, introduce legislation to amend the *Powers of Attorney Act 2003* consistent with Victoria's *Powers of Attorney Act 2014*, thereby significantly enhancing safeguards in respect of enduring powers of attorney.

Recommendation 7

Government Response: Further consideration required

Lead Agency: Department of Customer Service

2018 Activities and Progress:

The NSW Attorney General requested the NSW Law Reform Commission to review and report on the desirability of making changes to the *Guardianship Act 1987* (NSW). The current draft proposals ahead of the final report allow a formal decision-maker to be appointed to make personal, financial and medical decisions for someone who is incapable of making those decisions because of a disability. It is anticipated that the review will be finalised in 2018.

2020 Final Report:

Work on enhancing safeguards in respect of enduring powers of attorney is continuing. The Australian Law Reform Commission report (*ALRC Report 131: Elder Abuse – A National Response*) was tabled on 14 June 2017 and the NSW Law Reform Commission Report 145: Review of the *Guardianship Act 1987* was tabled in Parliament on 15 August 2018.

The NSW Government is participating in a Council of Attorneys-General (CAG) Working Group comprised of representatives from each jurisdiction to develop options for greater consistency of approaches to enduring powers of attorney. This is in line with recommendations made in the ALRC Elder Abuse Report.

In November 2019, Ministers from all jurisdictions agreed to pursue a staged approach to enduring power of attorney reform, first focusing on law reforms to support the establishment of a mandatory national register of enduring power of attorney instruments.

A detailed proposal and implementation plan for a Commonwealth established and maintained register is to be considered at the first Council of Attorneys-General meeting in 2020.

Following this, CAG will consider other reforms to enduring powers of attorney laws to enhance safeguarding provisions and access to justice.

No. 8

Committee Recommendation

That the NSW Government liaise with Law Society of New South Wales to request that the Society include a unit on the assessment of mental capacity in respect of substitute decision making, wills and property transactions in its Continuing Professional Development Program for legal practitioners.

Recommendation 8

Government Response: Supported

Lead Agency: NSW Trustee and Guardian

Actions reported in the interim Progress Report 2018:

Work on this matter is underway by the Elder Law Capacity and Succession Committee of the NSW Law Society. The Committee members are organising professional development programs for legal practitioners. These programs include guidance on checking mental capacity and the intersection of capacity with will drafting, powers of attorney and enduring guardianship appointments and other property transactions.

In 2017, four Continuing Professional Development sessions on mental capacity and decision making were held.

The Law Society has also joined the NSW Steering Committee on the Prevention of Abuse of Older People.

2020 Final Report:

The Law Society of NSW has continued to provide regular Continuing Professional Development (CPD) sessions on mental capacity which have been provided in different formats, further detail provided in table below.

Session Topic	Date	Course Format
Dealing with clients with (possible) impaired mental capacity	12 September 2017	Live webcast/videocast
Mental capacity and substitute decision making	Available online	Online Module
Mental Capacity – Panel Discussion	29 October 2018	Panel discussion
Mental Capacity: Available remedies after things go wrong (Elder Law Wills & Estates one day intensive)	27 March 2019	Seminar

The Law Society of NSW has also assisted its Regional Law Societies to provide sessions to its members, as per the table below:

Session Topic	Date	Course Format
Assessing Mental Capacity	16 February 2018	Newcastle Law Society
Mental Capacity	23 March 2018	Central West Law Society
Update on Mental Capacity	22 February 2019	Newcastle Law Society

The Law Society is endeavouring to arrange a multidisciplinary forum to discuss the assessment of mental capacity and related issues from the medical and legal perspective. It is expected that that forum will occur at the end of 2020.

In early 2020, the Law Society of NSW met with AVANT, the medical indemnity insurer, to discuss means of educating and informing members of the medical profession about the legal capacity test for wills and powers of attorney.

The Law Society is currently developing a framework for solicitors to know how to respond if they detect financial abuse. Solicitors from the NSW Trustee and Guardian delivered a workshop on Will Drafting at the Blue Mountains Succession Law Conference in September 2019 at which testamentary capacity and testamentary undue influence were discussed.

No. 9

Committee Recommendation

That the NSW Government fund the NSW Elder Abuse Helpline and Resource Unit to conduct information sessions with financial institutions to raise awareness of financial abuse and promote online training tools for staff such as Capacity Australia's training program to identify financial abuse.

Recommendation 9

Government Response: Supported

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

The NSW Government is exploring the availability and uptake of current online training tools on financial abuse for staff of financial institutions.

The Elder Abuse Helpline and Resource Unit has a strategic approach to raising awareness of elder abuse throughout the community, to build understanding among key groups over time. This includes service providers supporting older people, people themselves and their friends and family, and other parts of the community such as businesses that provide services for older people. Under its four-year strategic plan for awareness raising of elder abuse, the Resource Unit will target financial institutions in 2018.

The Australian Bankers Association has issued an industry guideline – Protecting Vulnerable Customers from Potential Financial Abuse.

2020 Final Report:

The former Elder Abuse Helpline and Resource Unit provided training to Financial Information Officers across numerous locations and the Financial Services Council. They also developed and delivered a financial abuse awareness campaign targeting common forms of financial abuse e.g. inheritance impatience. The campaign had a dual target population, designed to speak to both perpetrators and older people with simple yet powerful messages.

The banking and finance sector was a key stakeholder group that was consulted and provided valuable input to the National Plan. The sector has demonstrated commitment to improving processes to support vulnerable clients, including circulation of draft guidelines for vulnerable clients to government in the first half of 2019 for comment and input.

No. 10

Committee Recommendation

That the NSW Police Force establish a Vulnerable Community Support Officer in each Regional Command in New South Wales, with the position entailing training and support to front line officers, police response, liaison with local service providers and other government agencies, community education, awareness and engagement.

Recommendation 10

Government Response: Further consideration required

Lead Agency: NSW Police (Department of Communities and Justice)

Actions reported in the interim Progress Report 2018:

Acknowledging that the NSW Police Force is currently undergoing a restructure, further consideration of this recommendation will be undertaken in due course.

It is noted that the NSW Police Force has a Corporate Sponsor for the Vulnerable Communities portfolio at Assistant Commissioner level who is supported by Regional Sponsors. These senior officers are already in place across the regions. Further, the Police Area Command and Police District-based Domestic and Family Violence Officers, Crime Prevention Officers, Multicultural Liaison Officers and Aboriginal Community Liaison Officers are also responsible for responding to and supporting vulnerable people, including older people.

The NSW Police is currently developing an Elder Abuse education package for all police to complete.

2020 Final Report:

In 2019 the NSW Government announced the enhancement of police resources to include Aged Crime Prevention Officers (ACPOs) in each Police Command across NSW.

The ACPO's are members of the Crime Prevention Unit. Their primary responsibility is preventing, disrupting and responding to the exploitation, abuse and neglect of vulnerable people, including older people, people with disability and the homeless.

A pilot of 6 Aged Crime Prevention Officers (ACPOs) commenced in July 2019 as planned and each officer undertook a two-day induction course and a Professional Development Day as part of their continuing education. Training topics included: working with people with Dementia, de-escalating incidents involving people with Autism Spectrum Disorder, Trustee and Guardian Services and Powers of Attorney, identifying carer stress in Domestic Violence situations and implementing the protocol for homeless people.

The 6 ACPO's are strategically placed with the Vulnerable Communities Region Sponsors, located in:

Metropolitan Command Areas;

- Liverpool
- North Shore
- Eastern Suburbs

Regional Command Areas;

- Mid North Coast
- Monaro
- Central West

Since the roll out, ACPOs have conducted environmental scans of their local areas to better understand and connect with their local communities, service providers and stakeholders. ACPOs have developed local crime prevention strategies to address the issues of ageing and disability abuse as well as homelessness. ACPOs have also engaged extensively in the education of frontline and other police officers in their Police Area Commands and Districts on these issues. They assist in identifying offending trends and patterns in their areas and devising appropriate operational responses.

ACPOs have developed and participated in several education and awareness initiatives targeted at community members and professionals in various industries including the General Practitioner Health Network and Legal Aid. The officers also attend the 15 current local Elder Abuse Collaboratives and work closely with the Ageing and Disability Commission including the Ageing and Disability Abuse Helpline.

The NSW Police Force has also implemented WebCOPS enhancements to assist quality reviews of relevant events involving older people and people with disability, and disseminate these events to the ACPOs. Role-specific data sheets have been created to provide real time crime data for ACPOs review.

The implementation of this pilot is being closely supported and reviewed, outcomes of this process will inform the next phase of a further ACPO roll out later in 2020.

No. 11

Committee Recommendation

That the NSW Government introduce legislation to establish a Public Advocate's Office along the lines of the Victorian model, with powers to investigate complaints and allegations about abuse, neglect and exploitation of vulnerable adults, to initiate its own investigations where it considers this warranted, and to promote and protect the rights of vulnerable adults at risk of abuse. Further, that the operation of the Office be reviewed after three years.

Recommendation 11

Government Response: Further consideration required

Lead Agency: Department of Communities and Justice

Actions reported in the interim Progress Report 2018:

The NSW Government acknowledges the underlying community concerns about elder abuse that prompted the Committee to make this recommendation. Further analysis is required of the appropriateness of the recommendation in the NSW context before this recommendation can be acted upon.

The NSW Law Reform Commission is currently conducting an inquiry into the broader NSW guardianship framework, which specifically includes consideration of establishing a NSW Public Advocate. The terms of reference of the Inquiry require a review and report on the potential for changes to the *Guardianship Act 1987 (NSW)*, with specific regard to recent developments in law, policy and practice by the Federal, states, territories and overseas. Legislative change in this area should be deferred until the recommendations of the Inquiry can be considered.

2020 Final Report:

On 1 July 2019, the NSW Government established the Ageing and Disability Commission (ADC) to safeguard and promote the rights of adults with disability. Mr Robert Fitzgerald, AM, was appointed as NSW's first Ageing and Disability Commissioner.

The ADC has powers to inquire into and investigate reports about adults with disability and older people who are subject to, at risk of, or living in circumstances that will result in, abuse, neglect or exploitation. The ADC also has the power to conduct own motion inquiries and investigations.

The ADC's functions also include:

- raising awareness and educating the public about abuse, neglect and exploitation of adults with disability and older people

- providing advice and assistance to the public about matters relating to the abuse, neglect and exploitation of adults with disability and older people
- inquiring into and reporting on systemic issues relating to the abuse, neglect and exploitation of adults with disability and older people, or the protection and promotion of their rights
- advising and making recommendations about matters relating to the abuse, neglect and exploitation of adults with disability and older people.

The NSW Law Reform Commission (LRC) Report 145: *Review of the Guardianship Act 1987* also recommended that NSW establish a Public Advocate with new investigative and advocacy functions. The establishment of the ADC with investigative powers also responds to this recommendation.

An independent review of the *Ageing and Disability Commissioner Act 2019* must be tabled in Parliament before 1 July 2022.