

FREQUENTLY ASKED QUESTIONS
Elder Abuse





As Australia's population ages, in the years to come, there will be increasing attention on the needs and issues facing older Australians. Sadly, one of these issues is the potential for elder abuse.

Source: Australian Government Attorney-General's Department 2022

What is Elder Abuse?

Elder abuse refers to the mistreatment or exploitation of an older person, usually by someone that they know and trust.

Elder abuse can take the form of financial abuse, physical abuse, sexual abuse, psychological abuse or neglect.

Generally speaking, older persons may be more vulnerable to abuse than other members of the community due to factors such as the prevalence of dementia and other cognitive impairments, more reliance on others for support and the risk of social isolation as previous support networks weaken.

Elder abuse is usually caused by someone who is trusted by them. Most abuse is intra-familial and intergenerational. Otherwise, elder abuse may be at the hands of a paid caregiver, a family member, friend or professional. Elder abuse does not only occur in the home.

What does Elder Abuse look like?

The most common form of elder abuse in Australia is financial abuse. Some examples of financial abuse include:

- Spending or misusing an older person's money without their consent
- Using an older person's assets (for example, living in their home or using their car) without their consent or without paying fair value
- Misuse of an Enduring Power of Attorney in breach of an attorney's legal obligations
- Pressuring an older person to make financial gifts, to transfer assets (such as the family home) or to make a Will in a particular way
- Forging of signatures on legal or financial documents
- Controlling an older person's money in such a way that it improperly denies them use or access to their own funds

To learn more about the warning signs of elder financial abuse, [right click here to open in a new tab and read a more detailed article.](#)

Sadly, other forms of abuse, including physical, sexual or psychological abuse also occur. Examples of psychological or emotional abuse include:

- Threats to withdraw care or threats of institutionalisation
- Verbal intimidation, humiliation or embarrassment
- Isolating an older person or preventing contact with family members and friends
- Removal of decision-making powers.





Where to Get Help

If you are the victim of elder abuse, or you suspect someone you know may be the victim of elder abuse, please reach out for support.

If you or the victim of this abuse are in a threatening or unsafe situation, you should contact the Police on 000. The Domestic Violence Crisis Service also provides urgent information and support by calling the 24 Hour Crisis Line on 02 6280 0900.

Elder Abuse Phone Line

Ph: 1800 ELDERHelp (1800 353 374)

ACT Disability, Aged and Carer Advocacy Service (ADACAS)

ADACAS provides free, independent advocacy and information for people with disabilities, older people and their carers in the ACT.

www.adacas.org.au

Ph: 02 6242 5060

Aged Care Complaints Commissioner

Provides a free service for anyone to raise their concerns about the quality of care or services being delivered to people receiving aged care services subsidised by the Australian Government.

www.agedcarequality.gov.au/making-complaint

Ph: 1800 550 552

Council on the Ageing - ACT

COTA ACT is the peak non-government organisation concerned with all issues related to ageing in the ACT.

www.cotaact.org.au

Ph: 6282 3777

What Can be Done to Prevent Elder Abuse?

There are a number of current law reform projects looking into what better legal protections and frameworks can be put in place to protect older people from abuse. Elder abuse is a complex issue that will ultimately require a multi-faceted response by the law, policy and services providers, as well as social change. In the meantime, there are a number of practical steps that can help reduce the risk of elder abuse:

- Having a plan about who will make decisions for you and help manage your finances if you lose capacity at some point in the future. Getting good legal advice about making an Enduring Power of Attorney will help to ensure that the right people are named as attorneys with appropriate safeguards in place.
- If you have made an Enduring Power of Attorney, make sure your attorneys know what their legal duties and responsibilities are.
- If you have been named as an attorney, take steps to ensure you know what you can and can't do when using an Enduring Power of Attorney.
- If you are thinking of entering a financial transaction with a family member (e.g. giving a lump sum to your child before moving in with them), it is wise for both parties to get independent legal advice.
- Professionals working with older persons should receive specific training on identifying the warning signs of elder abuse and be aware of where to refer an older person for further assistance.
- As a community, let's start talking about elder abuse in a way that affirms the valued place of older members of our society and respects and protects their rights.





A message from Phil Davey

Elderly people can become vulnerable to financial or other kinds of abuse, especially when they lack proper legal assistance to help them identify early warning signs.

My team has extensive experience in elder law and can provide practical and sensitive legal advice to clients who are experiencing, or are concerned about, elder abuse.

Whether you are the person at risk or experiencing financial abuse or you are concerned about someone else, you are welcome to confidentially discuss those concerns with us.

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