



# Preventing and responding to abuse of older people (Elder Abuse) **NSW Interagency Policy**

June 2020





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# Minister's foreword

The NSW Government sets out its vision for older people in NSW in the NSW Ageing Strategy 2016-2020. With that Strategy in its final year and a new Ageing Strategy in development, is a timely opportunity to update the NSW Interagency Policy for Preventing and Responding to Abuse of Older People to reflect important changes to support the Government's response.



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.

Additionally, 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 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.

The abuse of older people often happens in an environment with complex power dynamics. Those experiencing abuse may be dependent on their abuser and they may fear being cut off from loved ones including grandchildren. This makes the role of NSW agencies vital in ensuring that older people are able to make informed decisions while also acknowledging the duty of care to respond to criminal activity appropriately. Clear policies and procedures in combination with sound training support workers to identify and address issues.

This revision of the Preventing and responding to the abuse of older people, NSW Interagency Policy, is an important step in continuing to strengthen the response of the NSW Government to the abuse of older people.

**The Hon Dr Geoff Lee MP**  
Acting Minister for Seniors

## Prevention and early detection

Understanding and changing the circumstances that make abuse possible.

# 1

## Support

Providing and funding support services like the NSW Ageing and Disability Commission and the Ageing and Disability Abuse Helpline, health, justice and specialist services.

# 2

## Intervention and protection

Designing and using good practice approaches to respond appropriately to instances of abuse.

# 3

## Collective action

Working in a multidisciplinary way in day-to-day work and in systemic responses to abuse of older people to get better results for individuals and the community.

# 4

## Principles

### Safety

All people in NSW have a right to live free from abuse; ensuring safety is paramount. Sometimes this means sharing information without consent.

### Empower

Older people at risk of or experiencing abuse should be equipped with the support and information they need to make a fully informed decision about how to respond.

### Respect

Where older people are able to make their own informed decisions about responses, they should do so.

### Respond

Older people experiencing abuse should be supported and offered access to services. Criminal abuse should be treated as a crime.

### Separate

Where the abuser has complex needs, ensure the response for the abuser is separated from the response for the victim.

### Collaborate

Work with other service providers to coordinate responses and minimise the burden on the victim.

## The five types of abuse for older people

Physical

Sexual

Financial

Neglect

Psycho-  
logical/  
emotional

# Summary

## 1 About this policy

### 1.1 Purpose

This policy sets out the approach to preventing and responding to abuse of older people for NSW Government agencies. The abuse of older people is often called 'elder abuse'. This policy has three aims:

#### Aim

To describe the key parameters of abuse of older people, including types and risk factors

#### Located in

**Section 3** : About abuse of older people  
**Appendix 1** : Types of abuse  
**Appendix 2** : Risk factors

#### Aim

To set out the broad framework for responding to abuse of older people in NSW

#### Located in

**Section 4** : Prevention & early identification  
**Section 5** : Support  
**Section 6** : Intervention and protection  
**Section 7** : Collective action

#### Aim

To describe the requirements for agencies in dealing with abuse of older people

#### Located in

**Sections 4 - 7**  
**Appendix 3** : A summary of Agency requirements

The policy also sets out considerations for information sharing and decision making.

Others who work with older people, whether local government, non-government organisations or private service providers may also find useful guidance in this document.

### 1.2 A NSW Government commitment

The NSW Ageing Strategy 2016-2020 (the Strategy) sets out the NSW Government's commitment to older people. The Strategy incorporates the following vision.

**People in NSW experience the benefits of living longer and enjoy opportunities to participate in, contribute to and be included in their communities.**

The Ageing Strategy highlights the importance of abuse of older people as an issue that affects the safety of older people. In consultations for the Strategy, older people themselves highlighted the value they place on safe communities and protection from abuse. The NSW Government is committed to facilitating the safest environment possible through the actions of all members of the community, particularly Government agencies.

Development of the next NSW Ageing Strategy has commenced and will be launched in 2021. The prevention of abuse of older people will continue to be an important component of the Strategy.

The issue of abuse of older people was examined in the Legislative Council's General Purpose Standing Committee No 2 2016 Inquiry: *Elder abuse in NSW*. This inquiry identified the importance of a robust policy, legal and service framework for preventing, investigating and responding to abuse of older people and noted the importance of the previous NSW Government policy.

This policy continues to build on previous work to simplify and strengthen our response. The policy has been revised to reflect the establishment of the Ageing and Disability Commission (ADC) on 1 July 2019.

The NSW Government established the ADC to safeguard and promote the rights of older people and adults with disability. Mr Robert Fitzgerald AM was appointed as NSW's first Ageing and Disability Commission.

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 /and/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.

This policy applies to all NSW agencies; however, details additional requirements for agencies with significant interface with older people through the services they deliver.

The policy has a higher expectation of response and accountability for agencies that have a higher likelihood of identifying abuse or a role in assisting the response to abuse. Responses will be calibrated according to service type and nature, particularly where there is a professional duty of care.

## 1.3 A framework for response

This policy is structured around four themes:

### 1 Prevention and early identification

Abuse of older people should not occur. As a society, we must all work to understand and change the circumstances that make abuse possible. Work in this area includes shaping community attitudes of older people, training professionals to recognise abuse and better understand risk and effective responses.

### 2 Support for people experiencing abuse

No matter what kind of abuse an older person experiences, offering support is essential. Services to provide this support include the NSW Ageing and Disability Abuse Helpline, a part of the Ageing and Disability Commission, and other specialist services.

### 3 Intervention and protection

Many instances of abuse of older people are criminal. When the abuse is not legally criminal, it is always unethical. The duty to intervene and protect sits with the justice system in the case of criminal offences and civil legal wrongs, and across service providers for non-criminal abuse.

### 4 Collective action

Responding effectively to abuse of older people typically requires a range of services. Agencies should have in place arrangements for joint work. This is reflected in the governance arrangements for preventing and responding to abuse.

All agencies with significant interface with older people through service delivery are required to ensure they have internal policies, procedures and protocols in place that reflect the four key themes of this policy:

- prevention and early detection
- support for people who are abused or at risk of abuse
- intervention and protection
- a commitment to collective action.

## 1.4 Principles to guide action

The four themes describe our response to the abuse of older people. The following principles shape how the themes are put into action.

### PROTECT

All NSW community members have the right to live free from abuse; ensuring safety is paramount. Sometimes, when the health or safety of an individual is at risk, safety may be a greater concern than privacy.

### EMPOWER

Older people at risk of, or subject to, abuse should be given the support and information they need to make informed decisions about how to respond. This includes access to culturally aware and competent services trained to support and equip them to understand their rights and stop abuse when it occurs.

Access to services is also contingent on the recognition that some elderly persons will not be aware of the rights and services available to assist them. Persons with language and education barriers should be considered in how an agency seeks to engage with older people when developing policies and initiatives.

### RESPECT

Where older people can make informed decisions about responses, they should be supported to do so. Where an individual makes an informed decision to not act in response to abuse, and the abuse is not criminal, that decision should be respected. People with impaired decision-making capacity may benefit from the involvement of an advocate, or other decision making support.

### RESPOND

Older people who are subject to abuse should be supported and offered access to services. Many forms of abuse of older people are criminal. Where this is the case, the abuse must be treated as a crime and appropriate legal remedies and protections offered. Reports can be made to the NSW Police without the consent of the victim, although consent is always desirable and beneficial for investigations and prosecutions.

### SEPARATE

Relationships can be complex, particularly where the abuser is managing their own complex needs. The needs of each individual should be considered separately and not compromise the response for the victim.

### COLLABORATE

There may be a number of people from different services involved and it is important that they work together to help the older person. This can include the need to develop and maintain connections between older people and the community; the need to share information and raise awareness of these issues between different services.

## 1.5 Key Partners

Many organisations play a role in preventing, identifying and responding to abuse of older people. While this policy applies to NSW Government agencies, other organisations are important in understanding, preventing, identifying and responding to abuse.

### Commonwealth Government

The Commonwealth Government regulates residential and community-based aged care services. There are compulsory reporting requirements for approved providers of residential aged care services that are outlined on the website of the Commonwealth Department of Health<sup>1</sup>. Information on what and how to report is provided on the Aged Care Quality and Safety Commission website<sup>2</sup>. The Commonwealth Government funds primary health services, which are important in identifying and responding to abuse of older people.

The Continuity of Supports (CoS) Program, administered by the Commonwealth Department of Health, is an adjunct to the aged care system. It was established to provide ongoing support for former clients of State and Territory disability systems who did not meet the age requirements of the National Disability Insurance Scheme (NDIS).

The Commonwealth Government also funds the NDIS Quality and Safeguards Commission. The NDIS Commission was given oversight responsibility (rather than the Aged Care Quality and Safety Commission) as the type and nature of supports funded under the CoS Program are similar to the type of supports funded under the NDIS. CoS providers are drawn from the disability system and many did not have an existing relationship with the aged care system.

The Commonwealth Government also has a range of responsibilities across social security and other relevant services.

The National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023 is a result of the Commonwealth Government and all States and Territories working collaboratively.

### NSW Government

This policy applies to all NSW agencies however some agencies have greater interface with older people through the services they deliver. This interface increases the likelihood that they may have contact with older people who are experiencing abuse.

As members of the community, NSW Government employees also share a responsibility to respond to the abuse of older people in their daily lives.

### Non-government and private services

Non-government and private services are increasingly playing a key role in the lives of older people. Organisations providing support services should familiarise themselves with the signs of abuse of older people and have clear response protocols.

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<sup>1</sup> <https://agedcare.health.gov.au/ensuring-quality/aged-care-quality-and-compliance/compulsory-reporting-for-approved-providers>

<sup>2</sup> <https://www.agedcarequality.gov.au/>

## 2 About abuse of older people

### 2.1 Definition

There are many definitions of abuse of older people in common use. For the purposes of this policy, we define abuse of older people as:

**A single or repeated act, or lack of action, occurring within a relationship where there is an expectation of trust, and which causes harm or distress to an older person.**

Older people are affected by other forms of abuse, including consumer scams, professional misconduct, harassment and criminal acts by strangers or more distant acquaintances, self-neglect or self-mistreatment and in residential aged care settings. While these are serious issues requiring intervention, they are not included in the definition of abuse of older people.

Other factors for consideration in how to define abuse of older people should take into account differing cultural perceptions of what is defined as abuse, particularly from cross generational expectations around caring within a family setting.

### 2.2 Types of abuse

There are five commonly recognised types of abuse:

<b>Physical abuse</b>	Intentionally inflicting physical pain or injury or physical coercion. Includes all forms of physical assault, including physical and/or chemical restraint.
<b>Sexual abuse</b>	Unwanted sexual acts including sexual contact, rape, language or exploitative behaviours where the older person's consent has not been obtained, where consent has been obtained through coercion, or where the older person is unable to consent due to cognitive incapacity.
<b>Financial abuse</b>	The illegal or improper use or management of an older person's money, property or other financial resources.
<b>Neglect</b>	The failure of a responsible person to provide the older person with the necessities of life — such as adequate food, shelter, clothing medical or dental care — or to prevent others from providing them. It can also include failing to take reasonable actions to assist the older person to access necessary aged care or other supports. Neglect can be intentional or passive.
<b>Psychological/ Emotional abuse</b>	The infliction of mental stress involving actions and threats that cause isolation, fear of violence, restricting or preventing social contact with others, deprivation and feelings of shame and powerlessness.

Different forms of abuse often occur together, for example, psychological and emotional abuse, in which the older person is cut off from communication with others, is often an enabler for other forms of abuse.

Appendix 1 has more detail on each of the categories of abuse and the behaviours and signs that may be apparent with them.

## 2.3 Abuse of older people in society

Abuse of older people is often a hidden issue and therefore likely to be underreported. The abuse may not be recognised by the older person's family, carers and friends, or even by the older person themselves. The power dynamics can be complex.

Acting in response to abuse by a family member can have many repercussions for the older person, including withdrawal of care, or access to loved grandchildren, which can deter them from seeking help. Some older people may not be aware of the help available or how to respond, which may result in them suffering silently rather than acting.

At this time, there is no clear evidence of the rate of abuse of older people that can inform the best responses. A national prevalence study is being conducted in 2020 and data from this study is expected to be available in later 2021. In 2016 the Australian Institute of Family Studies reported that psychological and financial abuse were the most common types of abuse, although one study suggested that neglect could be as high as 20% among older women<sup>3</sup>.

In 2016-2017 calls to the then NSW Elder Abuse Helpline and Resource Unit identified that around 67% of alleged victims were women, and around 72% of alleged perpetrators were family members, mainly adult children, with around 12% being spouses. The most common type of abuse raised in calls was psychological abuse, followed by financial abuse, neglect, physical and sexual abuse<sup>4</sup>.

There are a range of risk factors that may increase vulnerability to abuse such as social isolation or fear of speaking out. Older people identifying as lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI), those from culturally and linguistically diverse (CALD) and Indigenous communities, and those living in regional and remote communities may have heightened vulnerability. It is essential to consider the social environment of the older person when identifying and responding to abuse as this is an important factor in achieving a positive outcome.

Current research gaps suggest that a stronger commitment to research on elder abuse in vulnerable communities will further efforts to identify and respond to risks among these cohorts.

The population in regional NSW is ageing at a greater rate than in metropolitan Sydney. Given the limited availability of support services and factors, such as social and geographical isolation, older people in regional and remote communities can be a vulnerable group at risk of abuse.

<sup>3</sup> <https://aifs.gov.au/publications/elder-abuse/3-what-known-about-prevalence-and-dynamics-elder-abuse>

<sup>4</sup> <https://public.tableau.com/profile/facs.statistics#!/vizhome/ElderAbuseHelplineandResourceUnit/Elderabuse>

While abuse may manifest differently in different contexts, what is common is the misuse of power by someone who should be trusted to care for the older person.

### Abuse of older people in CALD communities

Older people in CALD communities may face specific challenges to disclosing and reporting abuse and seeking assistance. These include language difficulties where English is not the primary language, dependence on family members for social interactions, and the potential for conflict from the different expectations of care in different generations<sup>5</sup>.

Other commonly suggested risk factors include culture-specific gender roles, lack of familiarity with legal systems and avenues of support and cultural norms prohibiting discussing family dysfunction or conflict. Older people from refugee backgrounds may have ongoing trauma, creating additional challenges. Different cultures may have differing understandings of what constitutes abuse or exploitation.

Agencies should consider the importance of factors such as confidentiality within the community, cultural values, loss of 'face', beliefs around mental health and any potential for mistrust of authority when preparing guidance on responding to abuse of older people.

In the case of older people with poor or no English skills, it is not appropriate to use family members as translators as they are likely to have an emotional involvement, their language ability has not been determined and it could breach the confidentiality of the older person.

In addition, older people may require intensive support from interpreters to engage with relevant mainstream services. Information and education should also be positioned to accommodate different cultural perceptions, including in relation to how abuse is described and defined.

### Abuse of older Aboriginal people<sup>6</sup>

The cultural obligations and circumstances of grandparents in many Aboriginal communities are significant factors to consider when responding to abuse of older people, particularly in relation to reciprocity, where resources and family responsibilities (such as parenting) are shared, and kinship, where family relationships and responsibilities extend outside the family.

The changing roles of elders and kinship members may complicate the way in which abuse is experienced and understood in the community. Previous negative experiences with welfare and justice systems have also led many Aboriginal people to mistrust government agencies, which in turn may affect their willingness to, or confidence in, reporting abuse or seeking help.

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<sup>5</sup> Kaspiew, R, Carson R, and Rhoades H 2016 *Elder Abuse: Understanding issues, frameworks and responses*. Melbourne: Australian Institute of Family Studies.

<sup>6</sup> Within Aboriginal culture, the terms 'elder' and 'Elder' can have two different meanings. 'Elders' are generally community leaders and not only hold key community knowledge but can also have strong influence over when, how and if a community will work with people from outside their community. An 'Elder' may not be an older person, but rather is determined by the respect accorded by the community.

An additional factor to consider with abuse of older Aboriginal people is that life expectancy is substantially lower than for non-Aboriginal people. In general, we would consider a lower age, such as 50+ years, as older for Aboriginal people, rather than the more generally applied 65+ years<sup>7</sup>.

Agencies should recognise and involve Aboriginal Elders, older Aboriginal people and respected community members in developing information on, and responses to abuse of older people.

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<sup>7</sup> For example reports to the NSW Ageing and Disability Commission about 'older adults' pertain to people aged 65 years and older, and Aboriginal and Torres Strait Islander people aged 50 years and over.

## 3 Prevention and early identification

**Abuse of older people should not occur. As a society, we must all work to understand and change the circumstances that make abuse possible. Work in this area includes shaping community attitudes, training professionals to recognise abuse and better understanding risk and effective responses.**

### 3.1 Supporting better recognition of abuse of older people

Many government workers are in direct and, sometimes, frequent contact with older people. It is important that staff understand abuse of older people, and can identify behaviours and signs of potential abuse, to enable an early response.

Cultural competency training for relevant staff to understand the diverse cultural interpretations of 'elder', what constitutes abuse, the risks and indicators is a key step to achieving early identification. Many agencies have already taken that step through developing and delivering training.

This policy requires that agencies with a significant interface with older people through service delivery ensure access to training for relevant staff. Training should cover identification, support and response.

### 3.2 Shaping community attitudes

The broader community plays a crucial role in preventing abuse of older people. As with other hidden forms of abuse, such as other forms of domestic violence, we each need to be alert to the indicators of abuse and to know how to respond when we suspect or become aware of it.

The NSW Government predominantly works in three ways to influence community awareness and understanding.

The first is through resourcing such bodies as the Ageing and Disability Commission, including the Ageing and Disability Abuse Helpline, to raise awareness of the issue and develop resources to assist services and the broader community to better prevent and respond to abuse of older people. This is supported by the Council on the Ageing (COTA) and the Seniors Rights Service. Legal Aid NSW provides legal information, assistance and resources to support older people at risk of, or subject to, abuse.

In July 2019, the NSW Police Force introduced the new role of Aged Crime Prevention Officer (ACPO). The ACPOs primary responsibility is to prevent, disrupt and respond to the abuse, neglect and exploitation of vulnerable people – including older people, people with disability and the homeless. ACPOs are members of the Crime Prevention Unit, and the role is progressively being rolled out to each Police Command across NSW.

The second is working collaboratively with other jurisdictions across Australia to improve understanding of abuse of older people, including through research, and to inform approaches to enhanced community understanding.

In March 2019, the National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023 was launched. The National Plan is a result of the Commonwealth Government and all States and Territories working collaboratively. 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 inter-jurisdictional working groups to enable 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 third is to boost awareness in individual agencies. Government employees, as members of the community, will be an important component to achieving change. Promotion of the issue within all agencies can be crucial to better identification.

All agencies are required to highlight the issue of abuse of older people to improve awareness and understanding by employees and, where appropriate, other stakeholders. This practice should occur regularly, at least on an annual basis.

World Elder Abuse Awareness Day is held annually on 15 June to raise awareness of abuse of older people, and highlight ways to challenge such abuse. This is an opportunity to ensure the principles of the prevention of abuse of older people remain familiar to existing staff and are introduced to new staff.

### **3.3 Better understanding of risk and responses**

As abuse of older people is often a “hidden” issue, there is a lack of strong research to underpin improved work on identification and responses. In addition to working nationally to improve our collective knowledge about abuse of older people, we are working within NSW to improve data monitoring. In the absence of research, administrative data can provide some insight into the scope and scale of the issue.

The Ageing and Disability Commission, including the Ageing and Disability Abuse Helpline, is often the first contact for older people who are subject to abuse, and those concerned about them. The ADC collects a range of data, including on the frequency and types of reported abuse. Other agencies also collect administrative data.

All agencies with significant interface through service delivery with older people are required to examine whether it is possible to strengthen data collection on abuse of older people, to inform improved practice and response.

Ongoing consideration of data and research is considered by a national Working Group supporting the National Plan.

## 4 Support for people experiencing abuse

No matter what kind of abuse an older person experiences, they must be offered support. The NSW Ageing and Disability Commission and other specialist services can provide support to older people experiencing abuse.

### 4.1 NSW Ageing and Disability Commission

The NSW Ageing and Disability Commission includes the Ageing and Disability Abuse Helpline (previously the Elder Abuse Helpline and Resource Unit). The Helpline is funded by the NSW Government to be a central point for information, advice, referral and data collection.

Anyone, including older people themselves, can make a report to the Helpline and obtain assistance and support, including information, advice and referral to other appropriate bodies.

In appropriate cases, the Ageing and Disability Commission's actions include working with the older person and other relevant agencies (such as service providers and police) to look into and take steps to address the reported abuse, neglect or exploitation to improve the older person's safety and wellbeing.

The Ageing and Disability Commission is also funded to raise community awareness and educate the public about matters relating to the abuse, neglect and exploitation of older people, including providing education and training for service providers and frontline workers, and the broader community.

The Ageing and Disability Abuse Helpline can be contacted on 1800 628 221 (Monday-Friday, 9am-5pm), or [NSWADC@adc.nsw.gov.au](mailto:NSWADC@adc.nsw.gov.au)

### 4.2 Other services

The NSW Government operates many services that can provide support for people experiencing abuse, from health through to justice. Key services offered include the following:

<b>NSW Health</b>	<p>In addition to mainstream health services such as those available through hospitals and community health, there are specific services that can be of use.</p> <p>Mental health services, including specialist mental health services for older people, are offered across NSW. In addition, the Mental Health Access Line provides 24-hour mental health connection and referral services and is staffed by mental health professionals.</p> <p>Services include the NSW Rape Crisis Centre/Sexual Assault Hotline which offers crisis counselling.</p>
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<b>NSW Trustee and Guardian</b>	NSW Trustee and Guardian is an independent and impartial Executor, Administrator, Attorney and Trustee for the people of NSW. It also provides direct financial management services, and authorisation and direction to private financial managers. The Public Guardian makes health, lifestyle and accommodation decisions for people with a decision-making disability, while also promoting the rights and interests of people with a disability.
<b>LawAccess, Legal Aid NSW</b>	<p>LawAccess provides legal information, referrals and in some cases, advice for people who have a legal problem in NSW.</p> <p>Legal Aid NSW provides legal services including information, advice, community legal education, minor assistance and representation. Legal Aid NSW has a particular focus on the needs of people who are socially and economically disadvantaged but legal information and advice are provided to everyone and are not means tested. Legal Aid NSW has a specialist Domestic Violence Unit that provides integrated legal and social work assistance to people experiencing or at risk of domestic violence, including older people.</p> <p>Legal Aid NSW has a specialist Elder Abuse Service. It is a multi-disciplinary team providing holistic wrap around services to residents of the Central Coast. It is three year Commonwealth funded pilot that commenced in September 2019.</p>
<b>Community Justice Centres</b>	Community Justice Centres assist people in managing disputes through mediation
<b>NSW Victims Services (Victims Access Line)<sup>8</sup></b>	Victims Services provides information, support and referral to victims of violent crime, with an emphasis on immediate assistance and access to counselling. Although Victims Services generally assists victims of violent crime, it recognises that many of its clients present with other forms of victimisation, including financial and psychological abuse and neglect.
<b>Domestic Violence Line</b>	Domestic Violence Line offers telephone counselling, information and referrals for women and same-sex partners who are experiencing or have experienced domestic violence.
<b>Women's Domestic Violence Advocacy Services (WDVCAS)</b>	Women's Domestic Violence Advocacy Services (WDVCAS) provide women experiencing domestic and family violence with information, advocacy and referrals. WDVCASs undertake safety planning for women and their children, and provide referrals to services including housing, counselling, legal advice, obtaining an Apprehended Domestic Violence Order, financial assistance or health services. WDVCASs also provide services at 117 local court locations across NSW.

<sup>8</sup> Victims Services can only aid and assist those defined as 'victims of crime' under s5 of the *Victims Rights and Support Act 2013*.

<b>Safer Pathway</b>	Safer Pathway is a system-wide reform that provides a streamlined and integrated approach to safety assessment, referrals and service coordination for victims of domestic violence. Key components include a Domestic Violence Safety Assessment Tool (DVSAT) to better and consistently identify the level of threat to victims; a Central Referral Point to electronically manage and monitor referrals; a state-wide network of Local Coordination Points that facilitate local responses and provide victims with case management coordination and support; Safety Action Meetings in which members develop Safety Action Plans for victims at serious threat of death, disability or injury as a result of domestic violence; and, information sharing legislation that allows service providers to share information about victims and perpetrators.
<b>Multicultural NSW</b>	Multicultural NSW provides translating and interpreting services in a variety of contexts covering NSW Government health and legal services. Interpreting services required by individuals in dealings with NSW Government departments or agencies are the responsibility of the NSW Government.

### 4.3 Other resources

The NSW and Australian Governments fund services that offer resources and support for people experiencing abuse. Key resources include:

<b>Carers NSW</b>	Offers information, support and counselling to carers.
<b>Centrelink</b>	Delivers payments and services through social supports.
<b>Embrace Multicultural Mental Health</b>	Run by Mental Health Australia and provides a national focus on mental health and suicide prevention for people from culturally and linguistically diverse (CALD) backgrounds.
<b>Head to Health</b>	Digital mental health resources.
<b>Life in Mind</b>	A national gateway connecting Australian suicide prevention services to each other and the community.
<b>Lifeline</b>	A national charity providing all Australians experiencing a personal crisis with access to 24 hour crisis support and suicide prevention services.
<b>Relationships Australia</b>	Relationships Australia (NSW) provides supports to older people who are subject to, or at risk of, abuse and neglect.
<b>Seniors Rights Service</b>	A community legal centre that offers telephone advice, advocacy, legal advice and educational services for older people.
<b>Transcultural Mental Health Centre</b>	Works with health professionals and communities across New South Wales to support positive mental health for people from culturally and linguistically diverse communities.

# 5 Intervention and protection

Abuse of older people is often criminal, and may also breach civil laws. Even when not illegal, abuse of older people is always unethical. Work to intervene and protect is the responsibility of the justice system in the case of criminal offences. Health, welfare and legal service providers can intervene and support victims in cases of criminal and non-criminal abuse of older people.

## 5.1 Good practice approaches

It is essential that those working closely with older people have sufficient clarity and resources to identify and respond to abuse. There are essentially five stages to identifying and responding to abuse, as follows. In all cases, individuals should follow their agency's policies and procedures.

<b>1. Identify abuse</b>	Consider whether a risk assessment is appropriate. Where you suspect, have witnessed or have had abuse disclosed, gather information. Always take an account directly from the victim rather than the 'carer' or family member.
<b>2. Assess immediate safety</b>	Evaluate the urgency of safety concerns. Contact emergency services where appropriate. Protect evidence. Report via internal channels.
<b>3. Provide support</b>	Listen, acknowledge and validate. Offer information to support fully informed decision making. Refer to other services as appropriate.
<b>4. Inform manager and document</b>	Document and report suspected, witnessed or disclosed abuse in accordance with agency procedures. Document where the older person has made an informed decision not to accept intervention.
<b>5. Respond and refer</b>	<p>Discuss the available options with the older person (not an intermediary). If the person does not have decision making capacity, discuss the available options with the older person and their lawful substitute decision-maker. Offer information in an easily understood way.</p> <p>Seek consent from the older person or their substitute decision-maker for referral, then make the referrals. Where the older person makes an informed decision to not accept assistance, assess whether their safety is at risk or there is criminal activity.</p> <p>Be aware of the need for additional resources such as language or culture-specific supports. Understand when it is important to act without the consent of the older person.</p> <p>Understand when to contact the NSW Ageing and Disability Abuse Helpline for assistance and action. Understand when to refer to the NSW Police – staff should refer to internal policies clarifying situations when Police must be called for reports of violence, abuse and neglect. Coordinate and monitor as appropriate.</p>

The issue of the capacity of the older person to make informed decisions is critical to deciding on the appropriate response, including when or whether to share information about the abuse. Appendix 4 outlines the major legislation affecting information sharing and provides further information on decision making and consent.

The Ageing and Disability Commission offers a toolkit for agencies that work with and provide services to older people living in the community who may be subject to, or at risk of, abuse. The toolkit expands on these five stages.

The toolkit is available on the ADC website <https://www.ageingdisabilitycommission.nsw.gov.au/home>

All agencies with significant interface with older people through service delivery are required to have a policy and procedures on abuse of older people. At a minimum, the policy and procedures should address the following:

- How to identify abuse, taking into context the cultural practices specific to the circumstances.
- Assessing safety, including when to report to emergency services, and protecting evidence.
- Approaches to providing support, including a list of resources and how to identify where additional support (such as language or cultural support) is needed.
- Procedures for documenting and reporting suspected, witnessed or disclosed abuse.
- Procedures for responding and referral, which balance the need for empowering the older person to respond, respecting their decision, and responding appropriately to criminal or other serious matters. These should also address duty of care where appropriate.
- How to balance privacy concerns and dignity with the safety of the client.
- When to refer to specialist services (such as those outlined in section 4).
- How to respond when the alleged abuser also needs support.
- Where possible, policies and procedures should be made publicly available in community languages.

If a crime is suspected, there should be a coordinated approach to any investigation or intervention involving NSW Police and any other relevant authorities.

## 5.2 Legal interventions

Many instances of abuse of older people are criminal or civil wrongs. The principles set out in this document ask that agencies balance consideration of safety and appropriate responses to crimes with the individual's own decision about how to respond. Achieving this balance is difficult, particularly as the complex power dynamics of abuse in intimate relationships can mean that victims may be less willing to pursue a criminal response. Nevertheless, you must consider all factors in determining the next steps.

**The following are serious crimes under NSW law: murder, attempted murder, sexual assault, acts of indecency, rape, sexual offences against people with cognitive impairment, physical assault, grievous bodily harm, poisoning to endanger life or inflict harm or to injure or cause distress, domestic violence, neglect, kidnapping, robbery/stealing, stealing or destroying wills, fraud, forgery, harassment and intimidation.**

In NSW, with limited exceptions including nurses and psychologists, there is an offence under s316 of the *Crimes Act 1900* of failing without reasonable excuse to report a serious indictable offence. This applies where someone knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension, prosecution or conviction of the offender. A serious indictable offence is anything punishable by five or more years imprisonment, which would include the more serious instances of physical, sexual and financial abuse.

Agencies should ensure that their employees are aware of this offence through their delivery of education information regarding the abuse of older people.

### Report crimes to NSW Police

The NSW Police are responsible for preventing and investigating crime and suspected crime. You can report crimes by calling 000 in emergencies, attending or calling a Police station, ringing Crime Stoppers on 1800 333 000 or ringing the Police Assistance Line on 131 444 for minor crimes. Crime Stoppers reports may be anonymous and are always followed up.

Preserving evidence, including the scene of a crime, the victim, objects or information records, assists in criminal investigations. Do not clean a suspected crime scene prior to police attendance.

All agencies with significant interface with older people through service delivery must include in their policies, procedures and training guidance on identifying and responding to crimes in the context of abuse of older people.

### **5.3 Civil interventions**

Older people who have experienced abuse may have options for redress under civil laws. This does not always involve going to court. Advice about civil law options should be sought from a legal practitioner. For more information see Appendix 5.

### **5.4 Responding to perpetrators**

Abuse of older people is never acceptable. Yet sometimes a comprehensive response to abuse will require support for the perpetrator. The experience of services such as Victims Services (Department of Communities and Justice) is that intervention may require coordinated action to assist both the victim and the perpetrator in order to prevent revictimisation. This is particularly the case when the parties are co-dependent.

When considering the need for support for perpetrators, be aware that support and response to the victim takes primacy, and that perpetrator needs must be addressed separately from those of the victim.

## 6 Collective action

**Responding effectively to abuse of older people typically calls on a range of services. Agencies should have in place arrangements for joint work. This is reflected in the governance arrangements for Abuse of Older People.**

### 6.1 Governance of abuse of older people in NSW

The NSW Ageing Strategy 2016-2020 sets out the NSW Government's vision for older people in NSW. This includes the prevention of abuse of older people. Implementation of the Strategy is monitored by the NSW Ageing Strategy Interdepartmental Committee (IDC), which prepares a yearly progress report for the Minister for Seniors.

The NSW Steering Committee for the Prevention of Abuse of older people reports to the IDC on the development, implementation and review of measures aimed at tackling abuse of older people. Membership spans NSW Government agencies with particular responsibilities for older people - Police, Centrelink and the Australian Government Department of Health, the Ministerial Advisory Council on Ageing and the Seniors Rights Service, with the (then) Elder Abuse Helpline and Resource Unit, previously an *ex officio* member.

The role of the Steering Committee is under review following the establishment of the Ageing and Disability Commission in July 2019 and as part of the development of the next Ageing Strategy. The Advisory Board to the Ageing and Disability Commissioner also plays a key role in overseeing activity relating to abuse of older people in NSW.

This policy will be reviewed in three years or at a time at which there has been a significant change in circumstance.

### 6.2 In day-to-day work

Identifying and responding to the abuse of older people generally requires a multidisciplinary response. It is essential that government agencies coordinate and work together in responding to abuse of older people. This should be built into the typical daily practice of agencies when working with older people or delivering services. Agencies should look at where their services for older people intersect with other agencies and work together to ensure seamless service and support as appropriate.

All agencies with significant interface with older people through service delivery should develop appropriate protocols for working with key partners in identifying and responding to abuse of older people.

# Appendix 1

## Types of abuse of older people

There are five commonly recognised types of abuse: physical abuse; sexual abuse; financial abuse; neglect; and psychological or emotional abuse. Different forms of abuse often occur together: in particular, psychological or emotional abuse, in which the older person is cut off from communication with others, may enable other forms of abuse.

The following outlines the different forms of abuses, the behaviours that illustrate that form of abuse and the signs of abuse.

<p><b>Physical abuse</b></p>	<p><b>Intentionally inflicting physical pain or injury or physical coercion.</b></p> <p><b>Behaviours that are physically abusive include:</b> hitting, slapping, and punching; burning; restraining (eg tying to a chair or bed); locking the person in a room; overuse, underuse or misuse of prescription medications; and use of other chemical restraints such as alcohol, household chemicals or poisons.</p> <p><b>Signs of physical abuse include:</b> injuries or bruises, lacerations, choke marks, abrasions and scratches; burns (such as from cigarettes, matches, an iron, rope); broken bones; unexplained hair loss (such as from pulling); missing teeth; eye injuries; pressure sores from the use of restraints; hypothermia or dehydration; and cringing or acting fearfully.</p>
<p><b>Sexual abuse</b></p>	<p><b>Unwanted sexual acts including sexual contact, rape, language or exploitative behaviours where the older person's consent has not been obtained, where consent has been obtained through coercion, or where consent is not possible due to cognitive incapacity.</b></p> <p><b>Behaviours that are sexually abusive include:</b> non-consensual sexual contact, language or exploitative behaviour; inappropriate touching, grabbing or treating someone's genitals roughly; unwanted exposure to pornography; enforced nudity; and sexual harassment.</p> <p><b>Signs of sexual abuse may include:</b> trauma around genitals, rectum or mouth; injury to face, neck, chest, abdomen, thighs or buttocks; presence of sexually transmitted diseases; recent incontinence (bladder or bowel); internal injuries; human bite marks; scratches, bruises, pain on touching, choke marks on throat, burn marks; torn or bloody underclothing or bedding; anxiety when near the alleged perpetrator; and changes in sleep patterns, sleep disturbances or nightmares.</p>

<p><b>Financial abuse</b></p>	<p><b>The illegal or improper use or management of an older person’s money, property or other financial resources.</b></p> <p><b>Behaviours that are financially abusive include:</b> threatening, coercing or forcing an older person into handing over an asset (such as signing paperwork concerning property, wills or powers of attorney); abusing or neglecting powers of attorney and financial management orders in managing an older person’s finances; misuse of financial management orders to the detriment of the older person; stealing goods (such as jewellery, credit cards, cash, equipment or other goods); using banking and financial documents without authorisation (such as credit cards); managing a competent person’s finances without their permission and denying them access to their own money; appropriating the proceeds of goods (e.g. the home), or securing sale of the home by misrepresenting provision of future accommodation or care; pressuring the person to relinquish an anticipated inheritance as a gift or a loan; and incurring bills or debt for which the older person is responsible.</p> <p><b>Signs of financial abuse include:</b> unexplained or sudden inability to pay bills; significant bank withdrawals; significant changes to wills; unexplained disappearance of possessions; lack of funds for food or clothing; disparity between living conditions and money; and recent addition of a signature on a bank account.</p>
<p><b>Neglect</b></p>	<p><b>The failure of a responsible person to provide the necessities of life—such as adequate food, shelter, clothing medical or dental care—to an older person. Neglect can be intentional or passive.</b></p> <p><b>Behaviours that are neglectful include:</b> failing to provide for the needs outlined above; refusing to permit others to provide appropriate care.</p> <p><b>Signs of neglect include:</b> inadequate nutrition, malnourishment and unexplained weight loss; inappropriate clothing (such as for the season); poor personal hygiene, unkempt appearance; poor skin integrity; hypothermia or overheating; being left alone, abandoned or unattended for long periods, or lacking in social, cultural, intellectual or physical stimulation; injuries that have not been appropriately cared for; exposure to danger or lack of supervision; absence of required aids.</p>

<p><b>Psychological/ Emotional abuse</b></p>	<p><b>The infliction of mental stress involving actions and threats that cause isolation, fear of violence, deprivation and feelings of shame and powerlessness, as well as restricting or stopping social contact with others.</b></p> <p><b>Behaviours that are psychologically or emotionally abusive include:</b> name-calling, degrading comments, or otherwise treating an older person as if they are a child; engaging in emotional blackmail; pressuring, intimidating or bullying; threatening to harm the person, other people or pets; preventing the person from speaking; repeatedly telling the older person that they are not capable or have impairment; threatening to withdraw affection or access to loved ones; threatening to put a person in a nursing home; preventing contact with family and friends or access to services; withholding mail or other contact; not allowing use of phone, email or internet, or monitoring communications or disconnecting access without consent; preventing the person from engaging in religious or cultural practices; and moving an older person away from their immediate family.</p> <p><b>Signs of psychological or emotional abuse include:</b> depression or tearfulness; feelings of helplessness; excessive fear; confusion or agitation; appearing ashamed or resigned; unexplained paranoia; disrupted appetite or sleeping patterns; sadness or grief at the loss of interaction with others, changes in levels of self-esteem and marked passivity or anger.</p>
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## Appendix 2 Risk factors

The research base on the dynamics of abuse of older people is at an early stage, particularly regarding an understanding of risk factors and responses. Current advice on risk factors includes the following.

### Risk factors for older people

There is research that supports the identification of the following risk factors.<sup>9</sup>

<b>Cognitive impairment and other forms of disability</b>	Reduced “intrinsic capacity”, such as impairment of physical and mental capacity, including through dementia is associated with increased overall risk of abuse of older people. The one exception is that rates of psychological abuse are lower for people with dementia.
<b>Social isolation and traumatic life events</b>	<p>Social isolation has a well-established association with vulnerability to abuse of older people: isolation both increases the vulnerability to abuse and makes it more difficult to identify abuse.</p> <p>There also appears to be an association between abuse of older people and previous trauma, possibly because of the pattern of family dynamics that this establishes. Practitioners observe that women who have been subject to (often unreported) domestic violence are also at risk of different types of abuse.</p>
<b>Other factors</b>	There is evidence that depression, drug or alcohol misuse by older people can make them more vulnerable to abuse. Practitioners advise that these factors in people with a relationship to older people can also increase the chance of abuse. There is also a higher rate of abuse where the perpetrator is financially, emotionally or relationally dependent on the victim. Social norms, for example around managing finances, also appear to perpetuate some forms of abuse. Practitioners advise that perpetrators with a gambling addiction and/or financial hardship can manipulate older people to enable the former’s addiction.

In addition, research indicates that the following also appear to be risk factors.

<b>Changed health status</b>	Dependent people of all ages can also abuse their older carer, sometimes due to an inability to accept their health status. Psychiatric illness or dementia can also result in aggression or impaired perceptions, rendering the carer vulnerable.
<b>Relative powerlessness</b>	People who are limited in their ability control or change their own environment or advocate effectively for themselves, can be more vulnerable to abuse.
<b>For CALD people</b>	Older people from a CALD background can have the above risks compounded by language barriers and other cultural values, historic influences and, possibly, the migration experience.

<sup>9</sup> R Kaspiew, R Carson & H Rhoades *Elder Abuse: Understanding issues, frameworks and responses*, Melbourne: Australian Institute of Family Studies, 2016

# Appendix 3

## A summary of agency requirements

### Requirements for all agencies

All agencies are required to:

- be confident in their ability to address and report on specific issues, under the key themes, for older people subject to abuse in particularly vulnerable cohorts noted in the policy (CALD and Aboriginal people).
- regularly highlight the issue of abuse of older people to improve understanding by staff and, where appropriate, other stakeholders.
- Be confident in their ability to address and report on specific issues, under the key themes, for elderly persons suffering abuse in particularly vulnerable cohorts noted in the policy (CALD and Aboriginal persons).

### Requirements for agencies with significant interface with older people through service delivery

All agencies with significant interface with older people through service delivery are required to:

- update their internal policies, procedures and protocols to reflect priorities in the themes of: prevention and early identification; support for people experiencing or at risk of abuse; intervention and protection; and collective action
- develop and implement training for relevant staff. Training should cover identification, support and response
- examine whether it is possible to strengthen data collection on abuse of older people, to inform improved practice and response.
- have a policy and procedures on abuse of older people. At a minimum, the policy and procedures should address the following:
  - How to identify abuse, taking into context the cultural practices specific to the circumstances
  - Assessing safety, including when to report to emergency services and protecting evidence
  - Approaches to providing support, including a list of resources and how to identify where additional support (such as language or cultural support) is needed
  - Procedures for documenting and reporting suspected, witnessed or disclosed abuse
  - Procedures for responding and referral, which balance the need for empowering the older person to respond, respecting their decision, and responding appropriately to criminal or other serious matters. This should include guidance on duty of care

- How to balance privacy concerns and dignity with the safety of the client
- When to refer to specialist services (such as those outlined in section 4)
- How to respond when the alleged abuser also needs support
- Where possible, policies and procedures should be made publicly available in community languages
- include in their policies, procedures and training guidance on identifying and responding to crimes in the context of abuse of older people.
- develop appropriate protocols for working with key partners in identifying and responding to abuse of older people.
- deliver cultural competency training.

# Appendix 4

## Privacy, capacity and consent

### Balancing safety, capacity and consent

Determining what to do in response to the abuse of older people can require the consideration of a wide range of factors. The principles we have adopted to guide our response (section 1.4) require the provision of safety, the empowerment of the older person to make informed decisions and respect for the decisions of people with decision-making capacity.

To explain these three factors further:

- Providing for the safety of people is a fundamental responsibility of the NSW Government. In the absence of consent of the individual, achieving safety may require considering whether there are legal avenues for sharing information. It also extends to reporting serious, indictable offences.
- Empowerment of older people means making sure they are fully equipped to understand the abuse, its consequences, support available to them and legal and other remedies. It may take repeated effort for the older person to be fully informed.
- Respect for the decisions of older people means that where a person is able to make their own decisions about responses, they should do so, subject to the above. This includes a fully informed decision not to act.
- Abuse due to undue influence may occur even where an older person is capable of understanding what is being done to them or on their behalf. Undue influence is a risk when an older person is vulnerable or dependent upon another person; it may involve that other person threatening to withdraw essential support or threatening to harm the person or another person.
- Many instances of financial abuse contain elements of undue influence, whereby an older person may be influenced by a fear of the disapproval or anger of the person upon whom they have become dependent.
- Undue influence is also relevant to sexual abuse, as the law stipulates that a person only consents to sexual activity if they freely and voluntarily agree. If consent to sexual activity is obtained through threats of force, intimidation or coercive conduct, it is not true consent.

It is important to consider decision-making capacity when responding to abuse. Impaired decision-making ability, for example due to cognitive impairment, may make an older person susceptible to abuse. The older person may require decision-making support to maximise their ability to make an informed decision. Where an older person lacks capacity to make an informed decision about a specific issue, another person may need to be appointed to make decisions on their behalf. Mechanisms for such 'substitute decision making' are outlined in the *NSW Guardianship Act 1987* and the *Powers of Attorney Act 2003* and backed by a toolkit to assist in understanding of the issue of capacity at: [https://www.justice.nsw.gov.au/diversityservices/Documents/capacity\\_toolkit0609.pdf](https://www.justice.nsw.gov.au/diversityservices/Documents/capacity_toolkit0609.pdf)

In 2018, the NSW Law Reform Commission (NSWLRC) completed a review of the Guardianship Act, and made recommendations for a new decision-making framework. At the time of writing, the NSW Government is considering the recommendations of the NSWLRC.

## Privacy and information sharing

The following legislative instruments set out the requirements for workers in considering whether it is reasonable to share information that might be otherwise subject to privacy provisions.

<p><b><i>Privacy and Personal Information Protection Act 1998 (NSW)</i></b></p>	<p>Outlines the principles that govern the collection, storage, access, use and disclosure of personal information by public sector agencies. There are exemptions from these obligations when the personal information is being collected, stored, accessed, used or disclosed for certain purposes, including law enforcement and where it is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.</p>
<p><b><i>Health Records Information Privacy (HRIP) Act 2002</i></b></p>	<p>Outlines the principles that govern the collection, storage, access, use and disclosure of health information by public and private sector health service providers. There are exemptions from these obligations when the health information is being used or disclosed for certain purposes, including when the use or disclosure is reasonably believed by the organisation to be necessary to prevent or lessen a serious and imminent threat to the life, health or safety of the individual or another person, or a serious threat to public health or public safety.</p>
<p><b><i>Privacy and people with decision-making disabilities guide (Privacy NSW publication)</i></b></p>	<p>Best practice guide to assist people who handle the personal information of people with decision-making disabilities.</p>
<p><b><i>Health records and information privacy code of practice 2005</i></b></p>	<p>The Health Records and Information Privacy Code of Practice 2005 provides for exemptions from compliance with the HRIP Act's obligations around the collection, use and disclosure of health information by human service agencies (as defined in the Code) to support the scheme known as the Domestic Violence Intervention Court Model.</p>
<p><b>Public Interest Directions</b></p>	<p>Public Interest Directions made by the NSW Privacy Commissioner may allow the disclosure of information in certain circumstances (for example when an investigation is underway).</p>

<b><i>Victims Rights and Support Act 2013</i></b>	Contains the Charter of Victim's Rights.
<b><i>Crimes (Domestic and Personal Violence) Act 2007</i></b>	The principal legislation relating to domestic violence-specific offences. Part 13A allows information sharing between agencies and non-government support services to deliver Safer Pathway.
<b><i>Domestic violence information sharing protocol</i></b>	Provides detailed guidance on how to share information under Part 13A of the <i>Crimes (Domestic and Personal Violence) Act 2007</i> .
<b><i>Ageing and Disability Commissioner Act 2019</i></b>	Section 14 of the <i>Ageing and Disability Commissioner Act 2019</i> provides for the ADC and NSW public sector agencies (and other relevant agencies) to exchange relevant information to respond to matters relating to the abuse, neglect and exploitation of adults with disability and older people.

## Appendix 5 Civil law remedies

Older people who have experienced abuse may have options for redress under civil laws. This includes where the type of abuse is a crime, as well as where the abuse is not criminal.

Examples of abuse that may give rise to a civil law remedy include:

- misappropriation or misuse of money and other assets
- exerting undue influence to give away assets or gifts
- misuse of powers of attorney
- failure to repay loans
- forging or forcing an older person's signature
- promising long-term care in exchange for money or property and then not providing the promised care
- assisting an older person to sign a will, contract or power of attorney through deception, coercion or undue influence
- abusing a signatory authority, improper use of PIN and unauthorised on-line banking
- arranging for an older person to be a guarantor for a loan where the benefit of the loan is for someone else without sufficient information or knowledge to make an informed decision.

Clients can be referred to Legal Aid NSW or the Seniors Rights Service for advice on civil law remedies.





For more information visit  
**[facs.nsw.gov.au/inclusion/seniors/nsw-ageing-strategy-publications](https://facs.nsw.gov.au/inclusion/seniors/nsw-ageing-strategy-publications)**

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