

# QLD Focus

Elder Abuse Prevention Unit Newsletter

Edition 10  
December 2006

## Teleconference untangles Duty of Care issues for Peer Support Network Members.

Mr Brian Herd, a renowned elder law solicitor and expert on legal matters relating to elder abuse provided down to earth legal advice on the topic of "Duty of Care: my legal responsibilities" at a Peer Support Network teleconference held on the 18<sup>th</sup> October. The teleconference hooked up 16 sites across Queensland and questions submitted by an audience of rural and isolated workers were answered by Mr Herd during the teleconference. In all there were twenty questions submitted and Mr Herd was able to address eighteen of them before time ran out.

Questions such as; "Some of the people I visit are pretty isolated, no one around for miles. If I report the abuse it could make the situation worse and if my client gets hurt, haven't I gone against my duty of care?" and "What are our legal responsibilities when a client chooses to live in a very unhealthy environment, i.e. dog never leaves the inside of home; No clothes washing being done; No home cleaning? But yet this client remains to manage own medication and is of sound mind. General complaints of living status continue to surface." As well as providing legal opinion on these matters, Mr Herd provided a brief background about duty of care within the law of negligence as well as previewing changes to the Commonwealth Aged Care Act (to be introduced in April 2007) that will ramp up an organisation's and worker's duty of care obligations.

Yes, all this and more was revealed during the teleconference including the fact that Mr Herd wouldn't rescue me if I was drowning in the river, at least he would have no legal obligation to do so. It was refreshing to hear this complex area of law explained in a clear and simple way and I believe the audience also were appreciative of this. I was providing training to the workers in Sapphire the week after teleconference who told me their question was answered very clearly and they now knew where they stood with their client's situation. Certainly the evaluations I have seen were very positive about the teleconference and will encourage the EAPU to put on another teleconference for the Peer Support Network.

At present the recording of the teleconference has been typed up and the evaluations and other material have been processed to make into a report. Hopefully, we will be able to compile an information sheet from this material and make this available online. In the meantime people who are interested in joining the Peer Support Network and receiving a copy of the report should email [EAPU@lccq.com.au](mailto:EAPU@lccq.com.au) or phone the Helpline on 1300 651 192 (Qld only) or 07 3250 1956 for outside Queensland. Membership to the Peer Support Network is free and no obligation is placed on members to contribute or otherwise commit to the network activities. Members receive hard copies of newsletters and are contacted to keep them informed of activities and issues of interest to them.

Les Jackson, Senior Project Officer EAPU

### QUOTE:

"Those are my principles. If you don't like them I have others."

Groucho Marx



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ELDER ABUSE  
HELPLINE

1300 651 192



## From the Editor:

Domnica Alexa ([domnica.alex@lccq.org.au](mailto:domnica.alex@lccq.org.au))

It is only a few short weeks before we look back at yet another year full of amazing experiences—some good and others we'll write off as learning experiences. For the EAPU, there have been requests to provide training, a half-day Multicultural forum to host, the Peer Support Teleconference and the massive task of putting together the Annual Report, amongst other endeavours.

There have also been “farewells” and “welcomes”. Thank you greatly to Verna Halsey, our Rockhampton worker whose hard work and dedication is and will be greatly missed. Also farewell to de Arn Dixon, our Cairns worker. Thank you for your hard work and efforts within your area. Farewell also to Jacki who was with us for a very short while. Welcome to Andrea Dowling who has recently joined our team as the new Rockhampton worker.

It is also with sadness that we bid farewell to a long-standing and integral member of EAPU, Les Jackson who is moving to Canberra in the New Year. Claudia Ferrante will be joining the team in his place—good luck Claudia.

Other exciting news includes the increase in funding for SAILS and QADA and various strategic Legal services throughout Queensland. What an awesome achievement for much needed services! Congratulations!

Domnica Alexa  
Project Officer

## SENIORS AND THE LAW BOOKLET

Provided by Senior's Enquiry Line 1300 135 500



**Q.** I have heard there is a legal information booklet specific to seniors. How can I access this information?

**A.** The Department of Communities, in partnership with the Queensland Law Society, has produced the booklet: *Seniors and the Law—Handy information for Queensland Seniors*. The booklet contains information on legal matters that commonly affect older people.

Topics covered include:

Common legal disputes, Grandparents: Parenting and Family Law, Debts and becoming a guarantor, Volunteering, Accommodation, Decision-making, Elder abuse and violence.

The booklet aims to alert service providers and seniors to pertinent issues in a variety of legal situations. It also provides links to services that can assist with in-depth information about a range of legal issues.

Call Seniors Enquiry Line for a free copy of the *Seniors and the Law* booklet.

### Seniors Enquiry Line

**1300 135 500**

9am—5pm Weekdays

[www.seniorsenquiryline.com.au](http://www.seniorsenquiryline.com.au)

TTY Hearing Impaired Service

**07 3250 1928**

*Seniors Enquiry Line is funded by the Queensland Government Department of Communities and operated by Lifeline Brisbane.*

## LAW REFORM COMMISSION: REVIEW OF THE QUEENSLAND GUARDIANSHIP LAWS

(Taken from Queensland Law Reform Commission Website)

The Queensland Law Reform Commission has been the key stakeholder in Reviewing the Queensland legislation on Guardianship. The two Acts pertinent to guardianship are *Guardianship and Administration Act 2000 (Qld)* and the *Powers of Attorney Act 1998 (Qld)*.

The Commission, pursuant to the [terms of reference](#) is to conduct the review in three stages.

The first stage focuses on the legislation's confidentiality provisions and the second, its General Principles. A discussion paper on the confidentiality provisions is due for publication in late July. Whilst [consulting](#) on this discussion paper, the Commission will commence work on its review of the General Principles. The final report on the confidentiality provisions is due for completion in March 2007 with an interim report on the General Principles to follow in September 2007.

The third stage of the review, which will start once the other stages are complete, involves reviewing Queensland's guardianship laws more generally, although particular regard will be given to the matters specified in the Commission's terms of reference. The Commission will present its final report to the Attorney-General at the end of 2008.

**The Commission is currently seeking comments from interested members of the public on the confidentiality provisions.**

Websites:

Law Reform Commission: <http://www qlrc.qld.gov.au/projects.htm#guard>

Confidentiality Provisions: <http://www qlrc.qld.gov.au/wpapers/WP60.pdf>

## Grandfamilies Program Update

(by Craig Shaw—Seniors Enquiry Line)

Who am I?

My name is Craig Shaw, I'm a descendent of the Palawa, Oyster Cove Dalrymple Mob (Tasmania).

My role?

I have been employed as the Senior Regional Project Officer with the Time for Grandparents Project. As a part of this role, I have been establishing links with Seniors Enquiry Line to the Indigenous Community. The role requires the setting up and running of weekend respite camps for Grandfamilies around the state. For this reason don't be surprised if you don't actually get to see me in person.

The camps for the Indigenous Grandfamilies are Indigenous specific; this is not to say that non-indigenous grandfamilies are not welcome. They are merely focused on teaching traditional Indigenous culture. An organisation called Blackbase has been engaged to deliver Traditional Aboriginal and Torres Strait Islander Games (Trad Games). The camp program is based primarily on the Trad Games, as this is the traditional way in which Indigenous culture was taught to children. The games encompass hunting, language, team building and in a small way, tracking skills. The activities for the weekend include Traditional Song and Dance from the Nunukul Yuggera people (Stradbroke Island) and traditional painting. This holistic approach ensures that all aspects of the culture are engaged.

For the past three months I have been spreading the message through the Brisbane region, as well as travelling to Cherbourg, Palm Island, Magnetic Island and Townsville. The plan is to have regular camps and activities throughout the state so as to address the needs of all Queensland Grandfamilies.

**For all enquiries about dates, times and bookings please contact Seniors Enquiry Line on 1300 135 500.**

## EXPANDED LEGAL SERVICE FOR SENIORS

Minister for Communities, Disability Services, Seniors and Youth  
The Honourable Warren Pitt

18/09/2006

A specialist legal service formed to help prevent financial abuse of older people will be expanded, and also will include another four services in regional Queensland. Seniors Minister Warren Pitt said the expanded service would be piloted at a cost of \$1.9 million in 2006-07.

It would assist seniors at risk of abuse and exploitation by providing free legal information and advice, short-term counselling, court support and community education.

Mr Pitt said the service would be an extension of the Queensland Government-funded Seniors Advocacy Information and Legal Service (SAILS), currently operated through the Caxton Legal Centre at New Farm in Brisbane.

SAILS currently provides assistance and advocacy on a needs basis to at-risk older people mainly in the Brisbane area.

"The expanded service will employ solicitors and social workers to provide both legal support and short-term counselling to help at-risk older people deal with cases of abuse as well as fears and reservations they might have," Mr Pitt said.

"Initially, it will operate from Brisbane as well as in Cairns, Townsville, Hervey Bay and Toowoomba. The service will also act as a one-stop shop that can provide referrals to other advocacy, consumer and support services."

Research shows that financial abuse and exploitation of older people is a growing problem. It is estimated that between 14,000 and 23,000 seniors are adversely affected, and assets worth millions of dollars are involved.

The Department of Communities also is providing \$355,306 in 2006-07 to the Elder Abuse Prevention Unit (EAPU), operated by Lifeline Brisbane.

The unit provides information and support for victims, their families and friends, service providers and the public about all forms of abuse of older people, including financial.

**Media contact: Joe Begley 3235 4286**

**“Aging seems to be the only available way to live a long time”—Daniel Francois Esprit Auber**

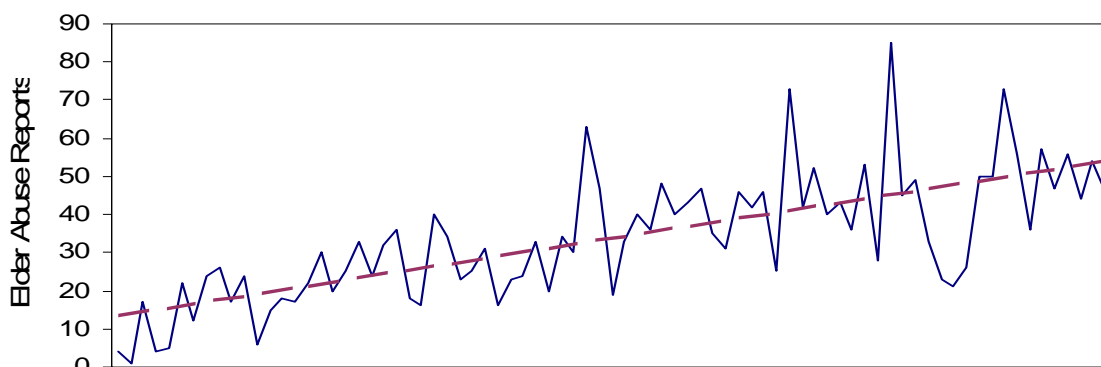
# EAPU Annual Report 2006

(Domnica Alexa— EAPU Project Officer)

The EAPU has had a phenomenal year. This year alone has seen some significant staffing changes. Verna Halsey has moved onto greener pastures and Andrea Dowling has joined the team as the new worker in Rockhampton. Also we have had to withdraw the position in Cairns and meet the need for training from Brisbane.

There were various forums held to raise the profile of Elder Abuse on World Elder Abuse Awareness Day, throughout Queensland and the nation. The Gold Coast and Hervey Bay Taskforces on the Prevention of Elder Abuse both held breakfasts to raise community awareness of elder abuse and the issues faced by older people experiencing abuse.

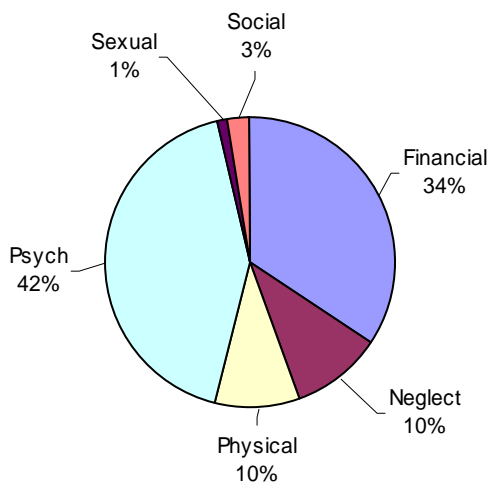
The 2005-2006 financial year has again shown an increase in the number of unique calls to the Helpline, with a 12% increase from last year.



*Longitudinal display of number of calls received each month on the Helpline.*

Abuse Types are captured on two levels in the EAPU database; the primary abuse and secondary abuse. The Primary abuse type is the most critical presenting problem for which the caller is seeking assistance. The Secondary abuse types are the other forms of abuse the victim may be subjected to. There may be several secondary abuse types.

As in previous years Psychological Abuse of older people has been the most predominant form of primary abuse recorded by the Helpline, with 42% (253) of calls being in relation to psychological abuse, followed by 34% (205) being in relation to Financial Abuse.



# EAPU Annual Report 2006 (continued)



Alleged Abuser	2005/2006		All Data (01/11/99 to 30/06/06)	
	Records	Percent	Records	Percent
Female	251	42.40%	1117	41.80%
Male	316	53.21%	1418	53.07%
Unknown	28	4.39%	137	5.13%
<b>Totals</b>	<b>595</b>	<b>100%</b>	<b>2672</b>	<b>100%</b>

Abused	2005/2006		All Data (01/11/99 to	
	Records	Percent	Records	Percent
Female	429	72.10%	1962	73.43%
Male	165	27.73%	699	26.16%
Unknown	1	0.17%	11	0.41%
<b>Totals</b>	<b>595</b>	<b>100.00%</b>	<b>2672</b>	<b>100.00%</b>

Women (72.1%) remain the main targets of elder abuse reported to the EAPU Helpline.

Across the board, for all types of abuse reported to the Helpline, males remained the largest group of perpetrator, although it should be noted that these differences were slight.

Region	2006 Calls	Total Helpline Calls		ABS % of over 65's
		Number	Percentage	
Far North	26	133	4.37	4.8
North West	1	9	0.17	0.5
Northern	16	78	2.69	4.8
Central West	1	5	0.17	0.4
Mackay	8	38	1.34	2.6
Fitzroy	18	94	3.03	4.2
Wide Bay/Burnett	36	171	6.05	8.5
South West	7	19	1.18	0.7
Darling Downs	34	141	5.71	6.5
Brisbane & Moreton	393	1759	66.05	67
Unknown/Interstate	55	225	9.24	N/A

As the Helpline is a state-wide service, the table above is a breakdown of the number of unique calls received by region.

A copy of the EAPU 2006 Annual Report may be downloaded from the EAPU Website: [www.eapu.com.au](http://www.eapu.com.au)

## Media Overview



<b>Reforms to Protect Aged from Physical Sexual Violence</b>	<b>Lateline</b>	<b>27 July 2006</b>
<a href="http://www.abc.net.au/lateline/content/2006/s1697959.htm">http://www.abc.net.au/lateline/content/2006/s1697959.htm</a>		
<b>Elderly warned of “financial abuse”</b>	<b>Courier Mail</b>	<b>17 October 2006</b>
<a href="http://www.news.com.au/story/0,10117,20596078-1244,00.html?from=public_rss">http://www.news.com.au/story/0,10117,20596078-1244,00.html?from=public_rss</a>		
<b>Elder Abuse Resources</b>	<b>CBS Evening News—New York</b>	<b>14 November 2006</b>
<a href="http://www.cbsnews.com/stories/2006/11/09/fyi/main2167185.shtml">http://www.cbsnews.com/stories/2006/11/09/fyi/main2167185.shtml</a>		
<b>Local Officials aim to stop elder Financial Abuse</b>	<b>Lodi News-Sentinel</b>	<b>21 November 2006</b>
<a href="http://www.lodinews.com/articles/2006/11/21/news/1_abuse_061121.txt">http://www.lodinews.com/articles/2006/11/21/news/1_abuse_061121.txt</a>		
<b>Residential Facility found liable in Elder Abuse case</b>	<b>ABC30 News</b>	<b>21 November 2006</b>
<a href="http://abclocal.go.com/kfsn/story?section=local&amp;id=4785399">http://abclocal.go.com/kfsn/story?section=local&amp;id=4785399</a>		
<b>Daly City man Jailed for Abusing 94 year old Mother</b>	<b>Mercury News</b>	<b>29 November 2006</b>
<a href="http://www.mercurynews.com/mld/mercurynews/news/breaking_news/16123995.htm">http://www.mercurynews.com/mld/mercurynews/news/breaking_news/16123995.htm</a>		
<b>Pair Safeguard Seniors from Financial Abuse</b>	<b>The Reporter—California</b>	<b>4 December 2006</b>
<a href="http://www.thereporter.com/news/ci_4768702">http://www.thereporter.com/news/ci_4768702</a>		
<b>Witnessing abuse—What would you do?</b>	<b>ABC News</b>	<b>4 December 2006</b>
<a href="http://abcnews.go.com/Primetime/story?id=2687691&amp;page=1">http://abcnews.go.com/Primetime/story?id=2687691&amp;page=1</a>		
<b>Trial date set in Elder Abuse Case</b>	<b>The Reporter - Vacaville, CA</b>	<b>5 December 2006</b>
<a href="http://www.thereporter.com/news/ci_4781708">http://www.thereporter.com/news/ci_4781708</a>		
<b>Domestic Violence: A mum’s abuse</b>	<b>Sidmouth Herald</b>	<b>5 December 2006</b>
<a href="http://www.sidmouthherald.co.uk/sidmouthherald/news/story.aspx?brand=SMHOnline&amp;category=news&amp;tBrand=devon24&amp;tCategory=newssmh&amp;itemid=DEED05%20Dec%202006%2014%3A17%3A14%3A163">http://www.sidmouthherald.co.uk/sidmouthherald/news/story.aspx?brand=SMHOnline&amp;category=news&amp;tBrand=devon24&amp;tCategory=newssmh&amp;itemid=DEED05%20Dec%202006%2014%3A17%3A14%3A163</a>		
<b>Converse County Bank Chooses Edcomm Group to deliver Elder Financial Abuse Compliance Training</b>	<b>The Open Press</b>	<b>6 December 2006</b>
<a href="http://www.theopenpress.com/index.php?a=press&amp;id=14718">http://www.theopenpress.com/index.php?a=press&amp;id=14718</a>		
<b>Jackson: Abuse of seniors is widespread</b>	<b>The Royal Gazette</b>	<b>6 December 2006</b>
<a href="http://www.theroyalgazette.com/apps/pbcs.dll/article?AID=/20061107/NEWS/111070137">http://www.theroyalgazette.com/apps/pbcs.dll/article?AID=/20061107/NEWS/111070137</a>		

## Research Roundup

by Domnica Alexa (EAPU - Project Officer)

**Oh, J., Kim, H. S., Martins, D & Kim, H (2006). A study of elder abuse in Korea. *International Journal of Nursing Studies*. 43(2), 203—214.**

Kim et al looked at the type and prevalence of abuse within a metropolitan city in South Korea. They found that of a group of 15320 people who were interviewed by trained nurses who engaged home visits, between 1.6 % and 3.7 % experienced abuse. They examined and compared the prevalence of abuse with familial relationships, education levels, gender, age and level of dependency of the abused person.

More than two-thirds of abuse was perpetrated by sons and daughters-in-law, whereas in the US, sisters and daughters were the main perpetrators of elder abuse. Older women between 65 and 80 were more at risk of being victims of abuse. Of interest is that older people over 80 were less at risk of abuse even though they may be more dependent and experienced more health problems.

The highest prevalence of abuse in Korea was that of emotional abuse, followed closely by economic abuse, with physical abuse the least reported.

Cultural sensitivities still explicit in Korean society include the filial piety and an expectation that the oldest son and his wife care for aging parents. This may be an explanation as to the reason for emotional abuse being the most reported type of abuse.

Recommendations from the study were that mandatory training for nurses working with older people include an elder abuse component to raise awareness and develop appropriate detection, prevention and intervention tools and skills.

**Morgan, E., Johnson, E. & Sigler, R. (2006) Public definitions and endorsement of the criminalisation of elder abuse. *Journal of Criminal Justice*. 34, 275—283.**

A ten year longitudinal study, in the United States, was conducted in three stages, investigating perceptions of what constituted elder abuse and what sanctions should be used to punish offenders. The first stage of data collection was in 1986-87, with 117 of 150 questionnaires being returned. The second and third stages were in 1991-92 and 1996-97, with 134 of 200 and 159 of 200 questionnaires being completed and returned respectively.

Participants rated their agreement to statements on the questionnaire as behaviours indicative of abuse. They were also asked to identify the severity of that abuse and whether abuse should be made misdemeanours, felonies or offenders be imprisoned.

The results found that majority of participants agreed that physical abuse should be a felony, however were unwilling to imprison offenders. The study found that participants “became more punitive over time”.

Recommendations from the study identified the need for greater community education into the definition of elder abuse and how to report and manage abuse situations.

## Upcoming Events

### **Aging in a Changing World: 18th Annual "Challenges in Geriatric Practice"**

16-17 February 2007  
University of North Carolina, School of Medicine  
The William and Idea Friday Center for Continuing Education  
Chapel Hill, NC  
Website: [www.med.unc.edu/cme/geriatrics07.htm](http://www.med.unc.edu/cme/geriatrics07.htm)

### **The One Abuse That Nobody Sees...A Call to Action**

#### **2007 ONPEA Elder Abuse Conference**

26-27 February 2007  
Doubletree International Plaza Hotel, Toronto  
Canada  
Website: [www.onpea.org/en/EAConference.htm](http://www.onpea.org/en/EAConference.htm)

### **American Association of Geriatric Psychiatry 20th Annual Meeting**

1-4 March 2007  
Sheraton New Orleans Hotel  
New Orleans, USA  
Website: [www.aagponline.org/](http://www.aagponline.org/)

### **Breakfast Colloquium**

17 March, 2 May, 11 July, 5 September, 7 November,  
UQ Australasian Centre on Aging  
Website: [www.uq.edu.au/cfha/index.html?page=9185](http://www.uq.edu.au/cfha/index.html?page=9185)

### **Beyond Awareness: Effecting Change, 3rd International Conference on Domestic Abuse in the Jewish Community**

18-20 March 2007  
Hyatt Regency Baltimore, MD  
Contact: Rachel Keller (Jewish Women International)  
Website: [www.jewishwomen.org/porograms/dvconference3.htm](http://www.jewishwomen.org/porograms/dvconference3.htm)

### **DATE CLAIMERS:**

International Migrants Day	18 Dec
World Elder Abuse Awareness Day	15 June
Senior's Week	18 - 26 Aug

EAPU hopes you have enjoyed the final edition of "Queensland Focus" for 2006. If you wish to become an online recipient please email the EAPU to join the mailing list.

The Elder Abuse Prevention Unit is funded by the Queensland Government Department of Communities and operates under the auspice of Lifeline Brisbane.

Editors Note: Opinions expressed in this edition "Queensland Focus", do not necessarily reflect those of The Elder Abuse Prevention Unit (EAPU). Articles in this newsletter may be used with the permission of the contributing author.



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