

**THE COST OF ELDER ABUSE IN QUEENSLAND:
WHO PAYS AND HOW MUCH**



A Report by
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Elder Abuse Prevention Unit – Qld
June 2009

The Elder Abuse Prevention Unit is
A program of Lifeline Community Care Qld
Funded by the Qld Department of Communities

Acknowledgements

The EAPU wishes to acknowledge Gary Price Principal Solicitor and Coordinator from the Central Qld Community Legal Centre Inc and in particular Jessica Franco, Solicitor for providing the case study and costing at attachment 2. The Seniors Legal and support Service Centres who contributed to this report are also gratefully acknowledged.

The EAPU

The Elder Abuse Prevention Unit (EAPU) is a Queensland wide program provided by Lifeline Community Care Brisbane and funded by the Queensland Government Department of Communities. The EAPU works from a Human Rights perspective and provides:

- **A Helpline** for information, support and referrals to people who experience, witness or suspect elder abuse.
- **Training** to service providers and tertiary students (free for community based and educational institutions).
- **Awareness Raising and Information Sessions** for community groups to raise awareness of the issue and promote preventative strategies (free).
- **Peer Support Network (PSN)** for rural and remote workers, by providing opportunities to participate in free professional training through teleconferences, information updates, Newsletters etc.
- **Network participation and support** for communities and cultural groups responding to elder abuse.
- **A website** of information and resources for service providers and older people.

For further copies of this report or information about any of the services listed, please call the EAPU Helpline during business hours (9am-5pm)

1300 651 192

Mobile or Interstate callers phone: 07 3250 1836

Or visit the EAPU Website

www.eapu.com.au

or email

eapu@lccq.org.au



Elder Abuse Prevention Unit

Promoting the right of all older people to live free from abuse

Funded by



Queensland Government
Department of Communities



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Introduction

This report is the latest in a series of papers and submissions produced by the Elder Abuse Prevention Unit (EAPU) that highlight the extent of the financial and other forms of abuse affecting Queensland's growing senior population. The report finds that substantial amounts of money are involved, either directly exploited from older people or bled from the state health and welfare systems through the additional costs associated with elder abuse. The report notes the considerable emotional, physical and financial impact on individual older people although the report's main focus is the significant financial impact on the whole community.

Prevention is considered the most effective means, both in human and financial terms, when dealing with elder abuse. The report finds that because of the size of the problem and the amounts of money involved, any reduction in elder abuse will have a significant reduction in the cost burden to the whole community.

The report recommends a number of initiatives involving research, coordination and prevention at a state and federal level

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This report invites researchers to review and challenge the figures and material contained in this report on elder abuse in Queensland and to undertake their own research to gain a greater understanding of this growing social issue.

Stories of Abuse

It is important when looking at the costs and statistics presented in this report to remember the human costs involved as the statistics represent individual stories of abuse and distress, mostly of older women, mostly aged between 75 and 85. Some of the stories from the Elder Abuse Prevention Unit's (EAPU) Helpline for the 2007/08 year included:

- The 73 year old woman whose daughter returned home for a while after a relationship breakdown and ran up a \$300 phone bill which the mother can't afford to repay on the pension and can't get the daughter to pay.
- The 52 year old son who sold the family home for \$870k through the misuse of an enduring power of attorney forcing the mother, who is showing early signs of dementia, to move in with her daughter.
- The grandson who moved in with his ill grandmother with an arrangement to provide some care for free board. He now has lots of friends over for parties where damage has been done to carpets and walls. The woman is very scared of her grandson who has started verbally abusing her – she locks herself in her bedroom most of the time.
- The daughter-in-law who regularly took her mother-in-law's pension money to gamble and buy alcohol even though the older woman is looking after the daughter-in-law's children.
- The 72 year old woman who sold everything to build a granny flat at her son's house only to now find herself in a fight with the son and his wife but unable to sell up as she doesn't have a separate title to the granny flat.
- The older man who is too scared to evict his 50 year old alcoholic son because he has bashed him before.
- The parents who loaned their son \$1,500 to pay off a credit card debt but now the son says he won't repay, claiming it was a gift.

There are many more stories; in fact 710 more were reported to the Elder Abuse Prevention Unit from the 2007/08 financial year and these stories involved people from all cultural backgrounds, people from remote locations as well as city folk, those who would be considered financially well off and those who struggle on fixed incomes, highly educated people as well as those who are unable to read and write. In other words, elder abuse can and does affect all sections of Queensland's diverse population, the common factors however are the destruction of the older people's lives and the cost this has to the community.

Cost to Older Queenslanders

The 2007/08 annual report of the EAPU shows that over \$14million was reported to the Elder Abuse Prevention Unit (EAPU) as being exploited from Queensland's senior's for that financial year. However the EAPU estimates that \$97million is a more realistic figure since most notifiers do not provide a dollar amount. The following material is provided to support this assertion.

A total of 717 separate elder abuse reports were recorded through the EAPU Helpline for the period 01/07/07 to 30/06/08 and of these 401 reports (55.9%) included some form of financial abuse of the older person. Of these financial abuse calls 14.5% (58) of the notifiers provided a dollar amount of what the older person lost. The sum of money involved in these 58 reports was \$14,052,641 which provides an average amount lost of \$242,287 per report of financial abuse. This seems like quite a large amount but it should be noted that the older person's home is often the prime target for family members or friends who are usually the abusers in these situations.

This average dollar amount of financial abuse for 2007/08 is also supported by the overall average of financial abuse calculated from EAPU records dating back to 2003, which provides a slightly higher average of \$243,131ⁱ. When this 2007/08 average is applied to the 401 financial abuse reports received for that year then an estimate of \$97,157,052 can be put forward as being the likely amount of financial abuse dealt with by the EAPU Helpline in just one year.

The actual total dollar amount of financial abuse occurring in Queensland would of course be considerably higher than \$97million as these are only EAPU figures and services such as private legal firms, Police, Courts, Centrelink, The Office of the Adult Guardian (who investigate the financial exploitation of those with impaired decision making ability), and the free Senior's Legal and Support Service centres throughout Queensland all respond in various ways to the financial abuse of seniors. Of course, a great deal of financial abuse will remain hidden and never come to the attention of any agency. Therefore the total sum of financial abuse occurring in Queensland will never be known. However if the EAPU can put forward \$97million as an estimate from this service, any overall estimation that includes figures from the services mentioned above, particularly the guardianship areas, would certainly be many hundreds of millions of dollars.

Another way to estimate these figures is by applying the EAPU average to a population estimate. Using lowest/highest elder abuse prevalence rates contained in research commissioned by the Department of Communities, the amount of financial exploitation of older people in Queensland for 2007/08 could be between a minimum of \$1.8 Billion and a maximum of \$5.8 Billionⁱⁱ. These are staggering amounts.

Cost to Queensland's Health, Welfare and other systems

The dollar amount exploited from older people is just one aspect of the overall cost of elder abuse. Overlaying the financial exploitation are the "hidden" costs that are attached to all forms of abuse involving seniors. The World Health Organisationⁱⁱⁱ notes that physical injury may be more severe for older people and there are higher rates of depression found in seniors who experience abuse. Mortality rates are also 3 times higher for these victims of abuse^{iv}. The emotional and sometimes physical trauma suffered by the victim will obviously have cost implications to those health and welfare services that help the older person put their life back together.

These hidden costs are hard if not impossible to calculate, but it is a worthwhile exercise to look at what can be estimated. To determine the number of Queensland's 534,000 seniors^v who are being abused each year this report uses prevalence rates based on

recent Queensland research which range between 2.6% and 8%^{vi}. This means that between 13,896 and 42,757 older people experienced some form of emotional distress, physical trauma, sexual abuse, financial abuse, social abuse and or neglect in the 2007/08 financial year^{vii}. Many of these victims would have accessed health, welfare and other services as a result of this abuse.

A recent Western Australian study^{viii} by Meuleners, Hendrie and Lee (2008) investigated the cost of hospital admissions due to interpersonal violence and a figure of \$3,622 was determined for each admission for those aged 60 and over. The most likely forms of elder abuse to require hospital admissions are Physical abuse, Sexual abuse and Neglect which make up nearly 20% of all the Primary^{ix} types of elder abuse reported to the EAPU Helpline. The additional cost to the Queensland's hospital system due to elder abuse admissions for the 2007/08 financial year could be between \$9.9 million dollars and \$30.7 million based on the lowest and highest prevalence rates determined in Queensland research^x. (refer table below)

Abuse Type likely to have a hospital admission	Elder Abuse Proportions (%) ^{xi}	Number of abuse cases using a 2.6% prevalence rate	Estimated Cost of Hospital Admissions (\$3,622 per admission @ 2.6% prevalence rate)	Number of abuse cases using an 8% prevalence rate	Estimated Cost of Hospital Admissions (\$3,622 per admission @ 8% prevalence rate)
Physical abuse	10.5	1459	\$5,284,498	4490	\$16,262,780
Neglect	8.37	1163	\$4,212,386	3579	\$12,963,138
Sexual abuse	0.96	133	\$481,726	410	\$1,485,020
Totals		2755	\$9,978,610	8479	\$30,710,938

Added to the Queensland hospital bill are those victims who aren't admitted but will use hospital outpatient services. Due to limited resources the EAPU was unable to estimate this outpatient cost or the additional costs elder abuse adds to other services, such as:

- GP's, Specialists and other private based medical services accessed for health problems related to abuse (Medicare burden)
- Community based health services providing in-home care
- Financial counselling services who are assisting older victims of financial abuse
- Emergency services for ambulance and police call-outs to abuse situations^{xii}
- Seniors Legal and Support Service centres and Community Legal Services who assist with protection orders and civil matters found in many elder abuse situations
- Guardianship services such as the Office of the Adult Guardian, the Guardianship and Administration Tribunal and the Public Trust Office
- Mental health and counselling services, particularly for assistance with depression common to victims of abuse situations involving seniors.
- Public housing who are accessed by victims who have lost their house or are escaping abuse
- Centrelink for various services involving pensions and benefits, particularly for those who claim the Age Pension when they are no longer able to self fund their retirement due to financial abuse,
- Non-Government agencies who often assist in situations of abuse such as those dealing with dementia, advocacy, carer support, etc

An abuse victim will usually access one or more of the above services and some are obviously more expensive to the person and/or the community than others. Also the cost will also depend on the type and severity of abuse experienced.

Volunteers also provide many support services and although there is no cost to the consumer, their services certainly have a cost equivalent. Carers are an often overlooked group and the impact of abuse usually flows onto the victim's family and friends. Stories from the EAPU Helpline include carers, usually daughters, who have given up paid employment to provide care for their mother or father, or who are assisting them with medical and accommodation costs as a result of an abusive situation.

Case studies on Costs

Two case studies are supplied, one on physical abuse and the other on financial abuse to highlight the potential hidden costs associated with elder abuse.

Physical abuse (refer Attachment 1) can involve a range of services and the costs of providing these are difficult to determine. In attachment 1, emergency services, hospital admissions, courts and support services for protection orders and potentially many other services could have been used. In this case most of the costs are unknown as the EAPU doesn't have the time and resources to undertake a full investigation. However it is clear that \$4,882 is a very low estimate. It should also be considered that the abuser in this example also requires services to manage her addictions and anger. Ongoing family counselling would be an option and as with many elder abuse cases the parent usually does not want to lose the relationship with their adult child, regardless of the abuse they experience.

Financial abuse (refer Attachment 2) is the focus of the second case study. If fairly major legal work is involved, such as in civil actions common in financial abuse situations, or with some matters involving substitute decision making, then legal costs can soar. This case study involves costs associated with the misuse of an Enduring Power of Attorney (EPA). It has been kindly provided by the **Central Queensland Community Legal Centre Inc.**

In this example there is a minimum professional fee calculated at \$4,853. It also notes that there would be other costs associated with the services provided by the Office of the Adult Guardian and running the Guardianship and Administration Tribunal and that, "*Total cost to the community could easily run into the tens of thousand of dollars*" (attachment 2).

The EAPU believe that this case study is a fairly typical representation of abuse involving an EPA. Also, according to the 2007-08 Annual Reports of both the *Guardianship and Administration Tribunal* and the *Adult Guardian*, abuse involving an Enduring Power of Attorney is a significant issue for both these agencies.

Clearly, the best way to reduce the older person's physical, mental and financial costs and the subsequent costs to the guardianship, police, legal, health and welfare systems is to prevent abuse from occurring in the first place. Early intervention when abuse is first suspected is also necessary to ensure the abuse and costs involved don't escalate. In both examples the EAPU believe the abuse could have been prevented or an earlier intervention may have stopped the escalation of the abuse and subsequent costs involved.

Prevention:

According to the World Health Organisation (WHO) in a report on elder abuse, "Prevention starts with awareness" and the WHO report further asserts that an important way to do this is through education and training^{xiii}. This is an area with which the EAPU has over a decade of experience. To prevent abuse the EAPU connects with senior's groups across Queensland in face to face sessions to raise awareness of the issue and talk about prevention strategies. Similarly the EAPU provides intensive training to service providers on early detection and safe responses to elder abuse. In 2007/08 the EAPU spoke directly to 1,271 seniors and trained 1,567 of the state's workers, all sessions are evaluated wherever possible and the education and training is considered highly useful and practical by the participants^{xiv}.

Since this report is looking at "costs", one way to consider prevention is in the dollar amount saved if the elder abuse prevalence rate is reduced, for example, by 1% due to prevention measures. Such a reduction in prevalence would reduce financial exploitation of older people from between \$.7 billion and \$1.1 billion based on the 2007/08 figures reported here. Similarly, a savings from a reduction in hospital admissions would be around \$3.8 million^{xv}. It is logical and obvious that prevention will provide a reduction in trauma and suffering to older people but the size of the cost savings to the older person, the government and the whole community is what is often overlooked and what is being highlighted in this report. Investment in prevention and early intervention services will therefore deliver a significant return in the form of private and public dollars saved.

Australia's Response to Elder Abuse

In 2007 the federal government introduced specific legislation and responses to abuse occurring mainly in residential aged care facilities. It also set up the Office of Aged Care Quality and Compliance to address abuse occurring in federally funded aged care schemes across Australia.

Also deriving from the federal sphere was the report *Older People and the Law* produced by the House of Representatives Legal and Constitutional Standing Committee in 2007^{xvi}. This comprehensive report highlights the issues faced by older people including financial abuse, fraud and abuse involving a Power of Attorney document. A number of recommendations were made by the committee to address these issues including the provision of ongoing commonwealth funding of the Australian Network for the Prevention of Elder Abuse to "Assist in its information sharing role among the many community and government bodies working in the field of elder abuse." (Recommendation 4).

Outside the Federal Government, each Australian state and territory government has some form of elder abuse response and most have a recognisable agency that can assist the victim. Although service models differ in each state, they have very similar definitions and all work within an empowering framework to ensure the rights and wishes of the older person are respected. Links between states are mainly kept through membership to the *Australian Network for the Prevention of Elder Abuse* (ANPEA). Despite the recommendations of the House Standing Committee mentioned previously, the ANPEA network remains unfunded and is tenuously maintained through the good will of overloaded individuals who voluntarily contribute their time and effort to keep the network going. It should be noted that it was through this network that the all important similarities in definitions and frameworks across Australia have developed and ideas and resources continue to flow. However, without funding support for ANPEA there can only be a limited national coordinated approach to elder abuse, while research and innovation occurring across Australia can never fully be fully utilised without a central clearing house.

The EAPU believes that if there is a vibrant and supported Australian network such as ANPEA bringing ideas together and widely disseminating information at a national level,

there will be a much more informed, coordinated and cost effective approach to addressing elder abuse at the national and state/territory level.

Queensland's Response to Elder Abuse

The Queensland Government's elder abuse response, particularly those provided through the Office for Seniors, Dept of Communities has been long term, innovative and wide ranging in that:

- Programs are funded specifically to address elder abuse in the community, such as the Elder Abuse Prevention Unit, the Seniors Legal and Support Service Centres and the Senior's Advocacy Information and Legal Service.
- Initiatives from the Office for Senior's have regularly targeted social isolation and other factors that contribute to abuse.

Supporting these initiatives were major legislative changes including:

- New Guardianship legislation was introduced in 2000 to provide comprehensive protection for those with impaired decision making ability,
- Domestic and Family Violence legislation was enhanced in 2003 to provide protection for most elder abuse situations,

The key agencies in Queensland that have some form of direct response to elder abuse, including education on prevention measures, include:

- The Elder Abuse Prevention Unit, a program of Lifeline Community Care Brisbane and funded through the Queensland Government Department of Communities. This service provides state-wide training and awareness raising as well as an information, referral and support Helpline for those experiencing or witnessing the abuse of an older person. An interactive website with information and resources for older people and service providers is also provided. (1300 651 192 available during business hours)
- Seniors Legal and Support Service (SLASS) Centres also funded by the Queensland Government Department of Communities through the Office for Seniors provide free legal and support services to seniors in elder abuse situations with five services funded across Queensland. These highly successful services use an innovative model that pairs a lawyer with a social worker who can visit the older person in their own home or wherever a safe place can be organised. The EAPU referred 160 abuse situations to SLASS centres in 2007/08.
- Queensland Government agencies such as the Office of the Adult Guardian, The Guardianship and Administration Tribunal and The Public Trustee of Queensland respond when abuse involves a person with impaired capacity. This area is currently reviewing their guardianship legislation.
- Community Legal Services also assist in various ways to elder abuse situations as the case study in attachment 1 demonstrates.
- The Queensland Police Service (QPS) responds to those abuse situations involving criminal activity and or Domestic and Family Violence. The QPS Crime Prevention Unit is also innovative with its senior safety initiatives.
- The federal government's Office of Aged Care Quality and Compliance has an Aged Care Complaints Investigation Scheme which responds to abuse occurring mainly in Residential Aged Care facilities. The Aged Care Accreditation agency is also involved in ensuring older resident's safety and rights.

- The Queensland Aged and Disability Advocacy service also responds, particularly where abuse involves a service provider.

Generally Queensland agencies that provide services to older people have or are developing agency specific protocols to ensure their elder abuse response is appropriate. In this regard Qld Health have developed Elder Abuse Protocols if abuse occurs in their residential aged care facilities. The EAPU notes however that other areas of Qld Health are developing protocols in isolation to each other with some health regions at various stages of development and some hospitals only now investigating how protocols can be developed and applied across a range of disciplines.

This report also recognises that there are many other individuals and organisations that identify elder abuse as a serious and growing social issue and provide support in various ways to victims. Older person's organisations were the first to raise elder abuse as a significant issue in Queensland and succeeded in securing ongoing state government funding for the EAPU in 1998. Organisations such as ***Older People Speak Out, National Seniors, the Council on the Aging and the Australian Pensioner's and Superannuant's League*** continue to develop and support elder abuse initiatives.

Support from the academic sector is valuable and although Queensland's elder abuse research is considered innovative, there are very few research projects undertaken in the area of elder abuse. Griffith University's Centre for Ethics, Law Justice and Governance provided a recent literature review on elder abuse (as cited in this report) while the University of Queensland's School of Social Work and Social Policy have undertaken many years of valuable research around the subject of asset management and decision making for older people. Also, the Queensland Law Society's Elder Law Section and the Public Advocate are undertaking research into laws that are relevant for elder abuse situations. However, research that can underpin the Queensland response is sparse while nationally little elder abuse research is available, particularly research on abuse occurring in Aboriginal and Torres Strait Islander communities (although Western Australia should be recognised for research in this area).

Effectiveness of the Current Queensland Response

The obvious question is that with this substantial investment in time, money and effort across many jurisdictions to address elder abuse, why is there so much abuse still occurring in Queensland?

The tempting answer is that the Queensland Government isn't sufficiently funding those agencies directly responding to the issue. Certainly this report has argued that prevention and early intervention initiatives provide a reduction in elder abuse and a flow on cost benefit to the older person and the whole community. Therefore any funding increases in this area is in fact a government saving. However, to fully answer this question there are a number of points to consider, such as:

Is the Queensland Government's response in fact working reasonably well? This is hard to support without a measurement, over time, of the actual prevalence rate of elder abuse in Queensland. Without this basic measure there is no way to gauge the overall effectiveness of the elder abuse initiatives being used.

Systems can always be improved. The EAPU identifies, for example, a lack of connectedness among services and jurisdictions and so the wheel continues to be reinvented each year by services developing their own response and resources. Planning and coordination is seen as a highly desirable step in enhancing the current response and determining the gaps where funding is required.

The EAPU believes that the planning and coordination of the state elder abuse response can be achieved at relatively little cost. A specific information, review and planning conference can be achieved with a small seed grant from the government and

supplemented with sponsorship money sourced mainly from private enterprise. The EAPU would like to see this type of conference occur each year around World Elder Abuse Awareness Day in June to allow an ongoing and inclusive planning and review process. Any working groups that would form after planning recommendations at the conference could be supported relatively cheaply using secretarial support provided by the relevant government jurisdictions related to the particular working party carrying an issue forward. In this regard it would be expected that issue streams would form around such topics as Legislation/Laws, Research, C.A.L.D. Communities, Aboriginal, Torres Strait and Islander Communities, Guardianship, Awareness Raising, and so on. Connecting and disseminating the information from the working groups would be the ongoing role of the conference organisers.

The last point is whether the Queensland response provides adequate coverage to remote and isolated older people and workers. In a decentralised state this is always going to be a challenge. The EAPU undertake regular trips across Queensland, operates a statewide telephone Helpline and provides a support network for remote and isolated workers. Seniors Legal and Support Service Centres have also been funded and operate out of five regional centres across Queensland. These types of hands on services are vital to provide the social and legal support needed by older victims of abuse and should be grown to provide greater access to more areas of Queensland.

This section finds that although the Queensland elder abuse response is innovative and broad, it could be improved by better coordination, planning, access for regional communities and the introduction of prevalence studies to measure the success of the response. Also that further investment in prevention and early intervention initiatives should be undertaken as a cost saving measure.

Elder Abuse on the Rise

Population trends show an aging community which will create a greater pool of potential victims of elder abuse. Queensland's population of those over the age of 65 is projected to rise from 534,465 in 2008 to 889,855 in 2020^{xvii}. If no progress is made towards reducing the prevalence rate then the estimated number of victims will rise from 13,896 to 23,136 (using a 2.6% prevalence rate) or from 42,757 to 71,188 (using an 8% prevalence rate). Obviously having a more robust prevalence rate will allow for better planning but the increased costs associated with the rise in elder abuse will be considerable and impact the whole community and certainly overstretch the current state response.

Awareness and better detection of elder abuse is slowly increasing among older people, their families, and among service providers and therefore it is increasingly likely that greater numbers of victims will be detected. Although this is not an actual rise in abuse, which could only be detected by a prevalence study, it will mean that greater numbers of older people will be seeking assistance.

The current global economic crisis may also impact on elder abuse as family members increasingly look to bail themselves out of a financial black hole by targeting the assets their parents have accumulated. The economic crisis may have other, at this stage unknown implications that will likely contribute to a rise in elder abuse.

Summary

The report finds that very large amounts of suffering and financial costs are associated with elder abuse. The overall cost of elder abuse has been considered in terms of the physical, mental and financial abuse suffered by older people. Also costs have been considered by the services that respond to elder abuse and the additional burden to various services from victims accessing the legal, health and welfare systems. Prevention is determined to be the most cost effective mechanism for dealing with abuse as well as early detection so that the abuse does not escalate.

The report briefly looked at the national and more particularly the Queensland response to elder abuse and determined that, although comprehensive the state response could be made more potent with greater coordination and planning. The report suggested an annual planning conference as one mechanism to do this. However the ability to measure the effectiveness of existing or future elder abuse responses using prevalence rates was noted as absent at the national and state levels.

The incidence of elder abuse will continue to rise as the population ages but also better detection among service providers will also bring more cases to the notice of Queensland's services. The global economic crisis was also briefly noted as having the potential to increase the rate of elder abuse.

Recommendations

- The Queensland Government support *Planning and Coordinating* a state response by providing seed funding for an annual information, planning and review conference
- That academic institutions and researchers undertake regular studies on the *Prevalence of Elder Abuse* in Queensland and Australia to provide a benchmark and to determine the effectiveness of the state's elder abuse response over time
- All jurisdictions and agencies maintain a focus on prevention, early detection and early intervention strategies as a way to reduce hardship and as a cost saving mechanism
- The Australian Government provide support for the *Australian Network for the Prevention of Elder Abuse* to undertake national coordination of awareness raising activities and to provide a clearing house for research and resources.
- the recommendations from the September 2007 "*Inquiry into older people and the law*" report by the House Standing Committee on Legal and Constitutional Affairs be implemented.

Attachment 1

Case Study of Physical abuse:

After separating from her partner a 45 year old woman moved in with her 73 year old mother who lived in rental accommodation. The daughter had a gambling addiction and was a heavy drinker. There were many loud arguments late at night and police had been called out several times by neighbours. The last call out was because the neighbours reported that there had been another loud fight and the daughter was in the yard, apparently intoxicated and yelling for help. When police arrived the mother had either been hit over the head or had fallen or been pushed over and hit her head which was bleeding. The mother was subsequently transported by ambulance to hospital where she was admitted for several days due to treatment of cracked ribs which were discovered on examination. The mother required emergency accommodation until she could get the daughter out of the flat and several follow up doctor's visits. A senior's legal service assisted with a Domestic Violence Protection Order against the daughter and also arranged for some counselling for the older woman. The older woman's health has deteriorated considerably since the assault and she continues to blame herself for failing her daughter.

Costs:

Police call outs (x3) = \$Unknown

Ambulance emergency call out = \$930

Hospital admission = \$3,622

Three follow-up doctors' visits = \$90

Pharmaceutical costs = \$Unknown

Three counselling sessions = \$180

Emergency housing = \$Unknown

Assistance with a protection order = \$Unknown

Court costs = \$Unknown

Estimated cost per incident = \$4882+.

**Attachment 2
Case Study of Financial Abuse**

Central Queensland Community Legal
Centre Inc.

Elder Abuse Case Study

An analysis of the data from Central Queensland Community Legal Centre found:

- That in a 5 year time frame (2004 to 2009) **28% of clients that accessed the legal centre were over the age of 50.**

This figure includes those who have sought legal advice, information, and who have been referred on to other agencies.

Legal Case study for an abuse of a Power of Attorney

Elder abuse includes financial exploitation, and more specifically includes the illegal or improper use or misappropriation of a person's property or finances. Legally speaking, an abuse of an Enduring Power Of Attorney is an occurrence that may amount to Elder Abuse.

It is expected by many that there may come a time in a person's life, when they are unable to manage their own affairs. Typically one prepares for this by way of legally appointing someone to manage their financial and personal/health matters in the chance that they lose the capacity to do so themselves. This is called an Enduring Power of Attorney (EPA).

Problems arise when an EPA is abused and mishandled. The following is a fictitious case study of an abuse of a Power of Attorney. It examines the approximate costs* associated with such an abuse:

John is at an age where he feels that appointing someone to deal with his financial affairs is appropriate. He appoints his son as an Enduring Power of Attorney to deal with his financial matters commencing immediately. (Cost of appointing an EPA through the Public Trust = \$143.00). Time goes on with his son handling his financial matters with no problems arising. John begins to notice that his investments are dwindling, his bank accounts look sparse and his property appears ill managed and poorly handled (Cost of poorly managed financial affairs, investments etc- Subjective). John talks to his son about his concern. His son voices that all is fine, and everything is in order. John becomes aware that his financial matters are not being looked after and he wishes to revoke his son as POA (Cost of revocation with the Public Trustee of Qld= \$63.00). Before revoking the POA, John wants to obtain legal advice (Cost of consultation with a private solicitor range between \$200- 350 an hour). John obtains independent legal advice and feels it is best to revoke the POA. He decides to book an appointment in the next few weeks after his pending Bowls tournament. In the next week John has a stroke and is rendered incapacitated to make decisions regarding his*

personal and health affairs. His EPA for health and personal matters is listed as his son. His son puts John in a nursing home and is happy to be able to invest, transfer and do as he wishes with his father's affairs. He has intentionally abused the powers given to him under the EPA and misappropriated his father's monies and assets to his own use. **(Cost of poorly managed financial affairs, investments etc- Subjective)**. While John is in the nursing home his sister visits him from England and notices that all is not well with John and his son. She makes an enquiry to the Adult Guardian regarding this matter **(Cost from Government to employ Adult Guardian to advise on such matters)**. The Adult Guardian investigates the matter and considers whether they will conduct an audit and summons John's son to provide information. John's sister however decides to initiate proceeding herself in the Guardianship and Administration Tribunal. She contacts a private solicitor as she doesn't feel that she can represent John competently when it proceeds to a hearing **(The cost of a private solicitor to represent John's sister at the Tribunal- after leave has been granted for him to do so- approx a range of \$200- 350 an hour. Preparation, appearance at the tribunal and following up of the matter approx= \$3,000 to a larger sum), (cost from Government for tribunal to be run, including cost of Registrar of the tribunal to sit and decide the matter)**. An order is made for the son to be removed as the EPA, as he has breached his obligations. An auditor is appointed to establish how much John should be compensated after the loss to his estate caused by the EPA's failure to comply with his obligations **(cost of auditor approx \$160 an hour, depending on the complexity of the transactions in the time frame to determine the amount of hours)**.

TOTAL COSTS

- ✚ \$4853 minimum professional costs.
- ✚ Cost of Government to have the Adult Guardian service in place.
- ✚ Cost of Government to run the Guardianship and Administration Tribunal, including court costs and employee costs to run same.
- ✚ \$80,000 expected loss of John's financial affairs through badly managed decision. These may or not be recovered by way of further court action.
- ✚ Total cost to the community could easily run into the tens of thousand of dollars.

* No exact costs range can be given. The above costs are estimates that may greatly vary depending on the situation. These costs are not to be relied on.

** Every effort has been made to ensure that the information contained in this document is as up to date as possible. Inevitably some of the laws will change and it is recommended that this document be used as a guide only, and expert legal advice be sought if necessary.

*** John is a purely fictional character.

Jesika Franco – Solicitor
Gary Price – Principal Solicitor and Coordinator

18 May 2008

End Notes

ⁱ From 01/07/03 to 30/06/08 there were 164 Helpline records where an amount of financial abuse was recorded. These records totalled \$39,873,550 which provides an overall average amount of financial abuse of \$243,131.40.

ⁱⁱ The figure is calculated by using the average dollar amount of \$242,287 found in EAPU financial abuse notifications for 2007/08 and applying this to proportion of the population who may experience elder abuse. Population estimates is derived from the Office of Economic and Statistical Research, Queensland which show 534,465 persons aged 65+ in 2008-(see end note “v” for reference). The lowest/highest prevalence rates of 2.6% and 8% are found in research Commissioned by the Department of Communities as noted in end note “vi” below. The proportion of EAPU Helpline elder abuse cases that include financial abuse was 55.9% for 2007/08. High rates of financial abuse are often noted in research as shown in a March 2008 Western Australian study conducted by Barbara Black “The human rights of older people and Agency Responses to elder abuse”, which notes that financial abuse is the most common form of elder abuse and cites 2 studies with proportions of 81% and 74% (Curtin University of Technology).

ⁱⁱⁱ Ambulance costs are currently \$930 for an emergency call out, the cost of a police call out were not readily available from Qld Police Service.

ⁱⁱⁱⁱ Krug EG et al., eds. World report on violence and health. Geneva, World Health Organization, 2002: (Ch 5 Abuse of the Elderly).

^v Lachs, M. S., Williams, C. S., O'Brien, S., Pillemer, K. A., & Charlson, M. E. (1998). The mortality of elder mistreatment. *Journal of the American Medical Association*, 280, 428-432.

^{vi} Based on those aged 65+ in 2008 using data from the table “*Projected population by age, Queensland, 2006 to 2056 (medium series)*” downloaded Dec 2008 from the Office of Economic and Statistical Research, Queensland Government website www.oesr.qld.gov.au (Source for the table cited as: Queensland Government, Population Projections to 2056: Queensland and Statistical Divisions, 3rd edition, 2008)

^{vii} Dr. J. Sanderson and Prof. P. Mazerolle (Griffith University) found prevalence rates varied between 2.6% and 8% in an extensive literature review commissioned by the Queensland Department of Communities. An executive summary of the report entitled “Literature Review – Elder Abuse” was made available by the Department of Communities in 2008 and a copy of this can be obtained from the Department.

^{viii} It should be noted that this figure rises each year as the Queensland population ages, so by the year 2020 there will be between 23,136 and 71,188 cases of elder abuse in Queensland based on population projections and the 2.6% and 8% prevalence rates.

^{ix} Lynn Meuleners, Delia Hendrie and Andy H Lee (2008) Measuring the burden of interpersonal violence victimisation in Western Australia. Trends and issues in crime and criminal justice, Canberra: Australian Institute of Criminology, March 2008, no. 352, ISBN 978 1 921185 73 1 ; ISSN 0817-8542

^x The EAPU determine the main or most immediate abuse type notified during an EAPU Helpline call and enter this data as the Primary Abuse Type. Other types of abuse identified in a call are recorded as Secondary Abuse Types. Most victims have multiple forms of abuse.

^{xi} Dr. J. Sanderson and Prof. P. Mazerolle (Griffith University) found prevalence rates varied between 2.6% and 8% in an extensive literature review commissioned by the Queensland Department of Communities. An executive summary of the report entitled “Literature Review – Elder Abuse” was made available by the Department of Communities in 2008 and a copy of this can be obtained from the Department.

^{xii} Based on the proportions of Primary Abuse Types found in 3,253 individual elder abuse reports received through the EAPU Helpline for the period 1/11/02 to 30/06/08

^{xiii} Ambulance costs are currently \$930 for an emergency call out, the cost of a police call out were not readily available from Qld Police Service.

^{xiii} Krug EG et al., eds. World report on violence and health. Geneva, World Health Organization, 2002: (Ch 5 Abuse of the Elderly).

^{xiv} EAPU Annual report for 2007/08, this report and Annual reports for previous years can be found on the EAPU website: www.eapu.com.au

^{xv} At a reduced prevalence rate of 1.6% the number of Physical, Sexual and Neglect victims would be reduced from 2,755 (2.6% rate) or \$9,978,610 to 1,696 victims or \$6,142,912; a saving of \$3,835,698. Similarly a reduced upper end prevalence rate of 7% provides 7,419 victims or \$26,871,287 compared with the 8% rate of 8,479 victims or \$30,710,938; a saving of \$3,839,651.

^{xvi} The full report of "Older people and the Law" by the House of Representatives Standing Committee on Legal and Constitutional Affairs can be found on the Parliament of Australia website <http://www.aph.gov.au/house/committee/laca/reports.htm>

^{xvii} Based on those aged 65+ in 2008 using data from the table "*Projected population by age, Queensland, 2006 to 2056 (medium series)*" downloaded Dec 2008 from the Office of Economic and Statistical Research, Queensland Government website www.oesr.qld.gov.au (Source for the table cited as: Queensland Government, Population Projections to 2056: Queensland and Statistical Divisions, 3rd edition, 2008)