

DISCUSSION RESOURCE

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PROJECT OF
5TH NATIONAL ELDER
ABUSE CONFERENCE

HOSTED BY SENIORS
RIGHTS SERVICE



ELDER ABUSE, AGEISM AND AGE DISCRIMINATION

HON. DR KAY
PATTERSON AO





ABOUT THIS PROJECT

In February 2018, Seniors Rights Service hosted the 5th National Elder Abuse Conference, which brought together more than 500 delegates from a broad range of backgrounds. The conference culminated in an announcement by the Commonwealth Attorney-General, Hon Christian Porter MP, that a “National Plan” would be developed to ensure the protection of older people in Australian society.

To further the conversations generated by the conference, Seniors Rights Service engaged Ellen Fanning to conduct a series of interviews with experts who attended the conference. These videos, along with a discussion sheet for each video, are freely available to community members, professionals and students of all sectors, to enable engagement with the content using suggested discussion questions and to follow up with further reading.

IMPORTANT! READ THIS BEFORE HOLDING A DISCUSSION GROUP

Many people will share and benefit from participating in study and discussion on the topics.

Due to the sensitive nature of the topics, however, group leaders should ensure they are prepared to support individuals to find qualified assistance in a timely manner, should a topic generate personal concerns or issues for individuals.

As a minimum, group leaders should have available information sheets and phone numbers from the relevant seniors' legal rights service and/or elder abuse prevention service in your state or territory (on page 5 and current as of 2018).

ABOUT THIS RESOURCE

SHORT DESCRIPTION

Dr Patterson explains how ageism is one part of what causes elder abuse. Other issues, she says, are inheritance impatience, family breakdown and lack of understanding of the responsibilities relating to powers of attorney. Dr Patterson reminds viewers that people don't have power of attorney “over” somebody, but with or for (representing) that person. She argues that attitudes and expectations around ageing need to change. The Australian Law Reform Commission report has, she says, raised the profile of elder abuse, but publicising and informing your local MP about work in elder abuse prevention can also have a vital impact.

FOCUS AREA

Elder abuse, ageism and age discrimination

RELATED TOPICS

Elder abuse prevention, elder abuse intervention, ageism, inheritance impatience, ALRC, law reform

AUDIENCES

Legal professionals, police officers, community members, health workers, aged-care workers, community workers, researchers, students, advocates, policy officers

MATERIALS FOR FURTHER READING

Kay Patterson (2017), Kay Patterson on elder abuse, an opinion article published in The Australian, accessed from the Australian Human Rights Commission website www.humanrights.gov.au/news/stories/kay-patterson-elder-abuse

SUGGESTED AGENCIES

Australian Human Rights Commission, Age Discrimination www.humanrights.gov.au/our-work/age-discrimination



HON. DR KAY PATTERSON AO

AGE DISCRIMINATION COMMISSIONER, AUSTRALIAN HUMAN RIGHTS COMMISSION

BIOGRAPHY

Dr Kay Patterson was appointed as the Age Discrimination Commissioner in July 2016. Dr Patterson comes to this role with strong involvement in issues affecting older people. In 1987, she was elected to the Senate, where she served on several Senate committees and held various shadow portfolios. In 1988 she was appointed as a parliamentary secretary and in 2001 was appointed to Cabinet and served in the health and social security portfolios. She retired from Cabinet in 2006 and from the Senate in 2008. During her time in the Senate, she pursued issues affecting older Australians and fought tirelessly for the removal of the compulsory retirement age of 65 from the Australian Public Service and statutory authorities. Since then, she has served on many not-for-profit boards and in voluntary positions. She is a graduate of the Australian Institute of Company Directors. In 2016, she was appointed an Officer of the Order of Australia.

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DISCUSSION QUESTIONS

What does Ms Patterson say are some of her key concerns and how do these relate to the specific issue of elder abuse?

Dr Patterson is concerned about many intersecting issues such as discrimination against older workers in the workforce and on emerging issues such as older women who are working on lower incomes with no home ownership. Dr Patterson says low-paid older women are particularly vulnerable because if they can't work, they will be homeless. Dr Patterson is also concerned about "more subtle" issues of ageism that can result in elder abuse. For example, she says, a younger family member may decide an older relative "doesn't need all that money" because, in the younger person's view, the older relative doesn't spend very much. This leads to an idea that the money should belong to the younger person and from there they may start insisting the older relative "downsize" to provide the money to the younger person in order to buy a house. Dr Patterson also talks of how family conflicts around caring relationships can "slip into" elder abuse, for example, when a carer uses the power of attorney to pay for their own car registration and justifies this by saying that others in the family aren't helping out. She suggests that situations where family squabbles are inappropriately played out could result in elder abuse.

What examples does Dr Patterson give of people not understanding what power of attorney is and how this results in elder abuse?

Dr Patterson gives the example of some lawyers either not giving older people enough clear information about their rights in relation to powers of attorney (PoA), or attorneys perhaps not understanding their responsibilities. Dr Patterson describes a situation where a service was going to mediate for a woman who was living in residential aged care. The care facility said, "You can't come because the PoA says she can't have visitors." The lawyers said, "We had better come because a PoA has no right to restrict an older person having visitors". Another example Dr Patterson gives is how people show, in their use of language, an incorrect view of PoA. Dr Patterson says that, "People say, 'I have power of attorney over my mother.' " Dr Patterson points out that no one has power over somebody. She explains that with a PoA, you should be working in cooperation with the person who has written the PoA, with the older person. You do not override them or have power over them.

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How does Dr Patterson argue positive change can be made in this area?

Apart from the “legislative levers” such as changing the compulsory age of retirement in law, Dr Patterson thinks raising the profile of the issue of ageing, ageism and elder abuse is important. She gives as examples the Australian Law Reform Commission’s positive role in raising the profile of the issue of elder abuse, the importance of engaging the media (traditional and new forms of media) in the issues, and the importance of talking to community groups. Dr Patterson also emphasises the importance of services talking to their local members of parliament, to inform them of the work the service may be doing, and about the current issues for community members they are in contact with.



STATE/TERRITORY	AGENCY CONTACT	CONTACT
AUSTRALIA-WIDE	Older Persons Advocacy Network (OPAN)	1800 700 600 Connects you with aged-care advocacy services in your state or territory
NEW SOUTH WALES	Seniors Rights Service	1800 424 079
	NSW Elder Abuse Helpline	1800 628 221
AUSTRALIAN CAPITAL TERRITORY	Older Persons Abuse Prevention Referral and Information Line (APRIL)	(02) 6205 3535
	A.C.T. Disability, Aged and Carer Advocacy Service (ADACAS)	02 6242 5060
NORTHERN TERRITORY	Elder Abuse Information Line	1800 037 072
	Seniors and Disability Rights Service of Darwin Community Legal Service	1800 812 953
QUEENSLAND	Elder Abuse Prevention Unit	1300 651 192
	Aged and Disability Advocacy Australia (ADA Australia)	1800 818 338
	Caxton Legal Centre	(07) 3214 6333
SOUTH AUSTRALIA	Aged Rights Advocacy Service	(08) 8232 5377 (Adelaide)
	Alliance for the Prevention of Elder Abuse	1800 700 600 (rural)
	Legal Services Commission of South Australia	1300 366 424 (08) 8111 5555
TASMANIA	Tasmanian Elder Abuse Helpline	1800 441 169
	Advocacy Tasmania Inc. (ATI)	(03) 6224 2240
	Legal Aid Commission of Tasmania	1300 366 611 (03) 6236 3800
VICTORIA	Seniors Rights, Victoria	1300 368 821
	Elder Rights Advocacy (ERA)	(03) 9602 3066 1800 700 600 (rural)
WESTERN AUSTRALIA	Advocare Inc.	1300 724 679 (Perth) 1800 655 566 (rural)
	Older Persons Rights Service, Northern Suburbs Community Legal Centre	(08) 9440 1663 (Mirrabooka) (08) 9301 4413 (Joondalup)

DISCLAIMER

This is information only, not legal advice. If you have a legal problem, call our service directly or see your lawyer. The views expressed in the video are the views of the individual making them, not those of Seniors Rights Service Inc.