

RW Speech for AAG – FINAL

Human Rights Plenary

November 7, 2019

To begin I would like to acknowledge the Gadigal People of the Eora Nation, the traditional custodians of this land on which we meet today and I pay my respects to Elders past, present and emerging.

Good morning everyone. I would like to extend my thanks to the Australasian Association of Gerontology for inviting me to speak today, and it is extremely pleasing to see such a large audience.

I have been Chief Executive Officer of Seniors Rights Service since January 2011. In that period – just less than a decade – there have been a plethora of inquiries into elder abuse more broadly as well as specific inquiries into Australia’s aged care system. Some of these inquiries have been national while some have been state focussed. All of these inquiries hand down recommendations around law reform matters or systemic issues within our aged care sector. Off the top of my head – and I know there have been many more – some of these key inquiries and reports include:

- The Commonwealth’s Living Longer; Living Better report and subsequent bill in 2013
- The 2015 NSW Parliamentary Inquiry into Elder Abuse – and many other parliamentary inquiries from other states across Australia
- The 2017 report from the Australian Law Reform Commission Inquiry into Elder Abuse after rigorous national consultations
- Six community-based conferences across Australia with various calls to action by community. Those conferences spanning across seven years from 2012 to the most recent event in July of this year in Brisbane
- Commonwealth’s 2019 launch of a National Plan Addressing the Abuse of Older Australians

- And now of course the interim findings of the Royal Commission into Aged Care Quality and Safety

While each of these exercises outlined here have led to incremental reform in various areas of sectors that work with older Australians there has been no *revolution* into how Australia's elderly are treated. As a group who work with older people almost every day – many of whom are attending this conference – we see and hear of older Australians being mistreated, in distress and in need of support almost every working day.

In talking to various colleagues since the interim findings of the royal commission were handed down few expect to see significant change in the aged care system except for announcements of extra aged-care packages – something that the sector has been lobbying for long before the royal commission was called. And this came to fruition over the past week while writing this speech.

I'd like to briefly focus on some of the work conducted by Seniors Rights Service in terms of our legal advices and other legal services. Demand for these services increase from year-to-year. Resources remain stagnate despite our best efforts to ensure our growing number of clients get the best possible service they deserve.

If we go back to the Australian Law Reform Commission Inquiry into Elder Abuse and its findings released in its 2017 report – while we are seeing a diligent response within the Commonwealth's National Plan to Address the Abuse of Older People – unfortunately to many observers some aspects of that plan seem to be moving too slowly and older people are missing out on timely and meaningful reform.

Now I understand that setting up a prevalence study into elder abuse is big and complex but despite recommendations of this as a necessity to help underpin the national narrative on elder abuse it is yet to come to fruition. Without it in place it means services like Seniors Rights Service have little data to back our need for additional resources.

Let's look at some of the effects of a growing awareness across our communities and indeed the nation in regard to the rights of older people.

In the 2018-19 year alone demand for Seniors Rights Service legal services grew by 25% to more than 3,422 legal services being delivered across NSW. That's a huge growth in one year and it has not been matched with additional resources – in fact zilch additional resources. And right now we cannot gauge whether that high service demand will continue to increase or if in fact plateau. We have no prevalence data that really demonstrates how many people are in need. A continued increase of 25% a year in service uptake is unsustainable for an already underfunded community-based service delivery organisation. If indeed prevalence of elder abuse is somewhere around 10% as some social researchers in the sector use in the absence of actual prevalence data, then theoretically the number of people in NSW who experience abuse may well be 10% of 1.5 million older people across the state – or 150,000 older New South Welsh people.

So... again just focusing on the issue of abuse and narrowing in on the recommendations of the Australian Law Reform Commission it's great to see that the Commonwealth's Attorney-General Department has provided funding to a dozen elder abuse pilot sites for set-up in various localities around Australia. However, it is a great pity that funding has gone to relatively small geographically focussed sites and do not go to the heart of how we need to address the enormity of elder abuse across all of our communities in all four corners of the nation.

We need nationwide and state-wide services that provide equity of access to all, not just gold-plated pilots that provide services to only a few in certain areas of Australia. Elder abuse is a national problem not neatly confined as a local issue. So, for example, while the NSW Gosford pilot is a great initiative for people in that catchment area older people in need of an elder abuse service who live in Broken Hill, Ballina, Bega or Bourke will continue to rely on Seniors Rights Service state wide service that delivers across the state despite an individual's postcode. That said, with service demands increasing from year-to-year but resourcing not following that demand our organisation is at stretching point. There seems to be an expectation by funders that community-based organisations like ours can do more

and more with no real funding increase – we can't. We know that abuse and the mistreatment of older people is huge, the government sponsored reports are telling us all that this is the case. Community-based organisations can only be as creative and innovative to a point.

Rights-based agencies need to be better resourced so that we can work with older people or their representatives in the community and stop matters escalating into situations that have even worse outcomes for the older person. Rights-based services should be seen as early intervention services so that individuals feel empowered to exercise their rights early rather than experience abuse.

Let's move to the current Royal Commission into Aged Care Quality and Safety. Since the Australian Law Reform Commission into Elder Abuse in 2017 that in essence focussed on abuse within the community, the royal commission is providing forensic examination of our aged care system. Last week's interim report was shocking and ugly. The unfortunate aspect of the bulk of the interim findings was that for those of us connected to the aged care sector some of it wasn't news. While there are some fantastic examples of quality aged care across Australia we all know from our work in this space – and from increased media intensity over the past five years – that there is a huge problem in our aged care sector.

Emphasis on waiting times and the need for more home care and high-level packages are to a degree easy and quick to address... it just requires an appetite from a government now reaching a budget surplus to inject several billions of dollars into the sector. Now there is clear evidence through the royal commission I assume this will be an option and it will immediately generate positive media headlines. And of course Minister Hunt did that on Sunday – a \$2.5 billion injection of funding into home care packages. A win, win I suppose... good headlines for the government and more packages for those on wait lists... but like I said... this will only be a quick one-off item that can be fixed ASAP. There's so much more to do and the royal commission will no doubt continue to shine the spotlight on other areas of need – both short-term and longer-term systemic change.

In the 2018-19 year aged-care advocacy services provided by Seniors Rights Service also increased significantly. In that year alone, aged-care advocacy services increased by 27% to 4,451. Again, an unsustainable increase without resourcing that tracks at that pace of demand. The *Catch 22* with the Royal Commission into Aged Care Quality and Safety is the media attention over the past 12 months means that people in care and the adult children and other significant people in the older person's life are now looking for rights-based services such as Seniors Rights Service in NSW or the national umbrella body – the Older Persons Advocacy Network– to find a suitable rights-based service to help them advocate for better quality care. We want more people to be aware of their rights but rights-based services need to be better resourced and equipped for a world that is becoming increasingly aware that rights-based agencies can offer guidance and help thousands exercise their rights and not have their personal situation fall into decline.

When combining both residential aged care and care services at home there are more than a million older Australians already in receipt of aged care. There is no measurement to understand how many of those people are being mistreated or those who simply want to ask for improvements in their care service. We are left with an issue across the aged care sector whereby the extent of this issue cannot be demonstrated by quantitative data but nonetheless compelling qualitative data – particularly given what we have seen emerge from the royal commission over the past years. Some terrifying and gripping stories... but exactly how many people in care have issues or problems with their service?

I would therefore hazard a guess that the number of people in care reaching out to Seniors Rights Service each year is probably the tip of the iceberg. If the National Aged Care Advocacy Program was funded to supply services to just 10% of those in care across Australia then that program would need a significant funding increases. And what we do know from aged care advocacy services is that when utilised early they can minimise the risk – and in some cases eliminate the risk – of cases of mistreatment or abuse within the care setting ever taking root to begin with.

I started this presentation talking about older people with legal need contacting Seniors Rights Service for advice. The number of legal services I quoted for the 2018-19 year was 3,422. They are on the whole people living in the community with a range of legal issues.

Aged care “consumers” receive services from our aged care advocates. Again, the number of services provided last year to aged care recipients was 4,451.

In a society where *ALL* older people were treated with dignity and respect – regardless of being in care or living within the community – those seeking rights-based services would decline and we would not be in a position where community-based organisations are always being asked to do more with less.

I noted at the beginning the Commonwealth launched its National Plan to Address the Abuse of Older Australians earlier this year. That plan touches on a national campaign to address ageism. It is ageism after all that is at the root of abuse, lack of respect and the negative outcomes that follow for older people and those who love them. When Australia decided to tackle smoking and encourage people to quit the nation and the states embarked on a generation long campaign that successfully reduced the rates of smoking in Australia by a significant amount. The smoking rate among men in Australia dropped from 40% in 1980 to about 15% today. Australia often boasts of its successful community and health behaviour change campaigns. Like our sustained safer sex campaigns targeting communities at risk since the beginning of the HIV epidemic in the mid-80s... whereby today Australia’s transmission rates of HIV are almost the lowest in the world.

Wouldn’t it be good to use every policy lever available so older people can seek rights-based community services regardless of where they live and without any delay, and parallel with a well-resourced rights-based framework a national campaign that gets the nation talking about the abuse of older people and how individuals, communities as well as workforces instil their own respective behaviours that identifies and calls out the abuse of older people... and then calls for it to end. If we’ve been successful on other social issues there is nothing stopping us to bring elder abuse, neglect of older people and disrespect of those older than us to a complete end. It just takes courage and a longer-term vision. It’s time that

all segments of our society said enough is enough and all governments at all levels work proactively together to support this change.

Thank you.

Final