

National Plan to End the Abuse and Mistreatment of Older People (2024 – 2034)

Public Consultation Draft

Elder Abuse Action Australia Submission

Elder Abuse Action Australia acknowledges the Traditional Owners of Country and Island Home throughout Australia and recognise their continuing connection to land, waters, and culture. We pay our respects to their Elders past and present.

Sovereignty was never ceded.

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About Elder Abuse Action Australia

Elder Abuse Action Australia (EAAA) is a national peak body which was established in 2018 to create meaningful change in response to the need to address and eliminate the abuse of older people (elder abuse). Elder abuse has been recognised as a scourge on Australian society and the work of EAAA impacts positively on the older person, their loved ones, their communities and society more broadly.

In the short period since its inception, EAAA has established itself as the leading authority on elder abuse in Australia and is best known for delivering the national elder abuse knowledge hub [Compass.info](https://compass.info). This valuable resource raises awareness of elder abuse by providing comprehensive and practical information and connects people to frontline services which tackle the abuse of older people. In 2022 EAAA delivered the very successful National Elder Abuse Conference *Walk the Talk* in Hobart, followed the highly lauded 2024 National Conference *Turn up the Volume!* in Adelaide. Planning is currently underway for the 2026 National Elder Abuse Conference. In 2024 EAAA launched SPARK, the Seniors Panel for Advocacy Rights and Knowledge. This expert panel is made up of older people from every state and works to combat ageism and elder abuse by elevating the voices of older people and putting their needs at the centre of our work.

What we do

EAAA was established to confront the often-hidden problem of discrimination, neglect and mistreatment of older Australians. As the national voice for action, EAAA campaigns for a society that respects and values older Australians and is free from elder abuse. We use the tools of advocacy, policy development, research and capacity building to raise community awareness of elder abuse and improve the lives of older people.

Why we do it

Older people are among the most vulnerable of all Australians, not because of age itself, but due to the associated and intersected vulnerabilities associated with ageing. As people age, they increasingly rely on family, friends and carers for additional support. For many the experience of ageing is soured by discrimination, ageism, exclusion and abuse.

Older people have the same rights as everyone else. They have the right to be treated fairly, feel safe in their home, and live with dignity and self-determination. The abuse of older people affects individuals and society as a whole. It can limit the participation of older people in their communities and deny those communities the benefits of having older people fully contribute.

EAAA exists to give a voice to those older Australians whose safety, rights, dignity and autonomy are diminished by the people or institutions that they deal with.

Background

Elder Abuse Action Australia (EAAA) was gratified by the release of the *Draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034*¹ and welcomes the opportunity to further contribute to the development and refinement of the Plan. This National Plan represents a vital step toward addressing the pervasive issues of abuse, neglect and exploitation that continue to directly impact the lives of an estimated 650,000 older Australians every year². It is fundamental in progressing on the previous National Plan which expired in 2023. This Plan has the potential, through a collaborative and evidence-based approach, to create meaningful change and address the systemic and societal factors that contribute to elder abuse.

This submission seeks to emphasise the importance of prioritising the voices and lived/living experience of older people in shaping the National Plan. It highlights critical areas for attention, including areas for improvement based on learnings from the first *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023*. It also advocates for stronger prevention frameworks, enhanced community awareness and robust support systems. Fostering a coordinated and inclusive response, EAAA is hopeful that the finalised Plan can pave the way for meaningful cultural and systemic change that upholds the rights and dignity of older Australians.

Why do we need a National Plan?

The Draft National Plan and the World Health Organization (WHO) define elder abuse as:

“A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust that causes harm to an older person.”³

The idea that this happens is shocking to many in the community, partially due to low community awareness of the problem. This has improved significantly (though insufficiently) under the first National Plan. One in six older Australians, equating to approximately 650,000 people, experience abuse each year⁴, though this is likely an underestimation. For the most part elder abuse remains invisible, is poorly understood as abuse and mistreatment or goes unreported. Across the nation, there are limited opportunities to report elder abuse and initiate action to stop abuse. In many cases, observers may dismiss an older person’s claim of abuse and turn a blind eye.

The abuse of older people in Australia is pervasive and alarming, it is also highly complex due to a number of factors including but not limited to:

- Balance the autonomy of an older person with the desire to protect them

- Increased vulnerabilities that are often associated with ageing, including greater likelihood of disability, chronic health conditions, dependency on others and cognitive decline
- Protection of family members who are causing harm (particularly adult children) and desire for abuse to stop.
- Shame and stigma that may be associated with experiencing abuse, particularly amongst older men
- Widespread acceptance and presence of ageism in our society, including systemic ageism and internalised ageism where the older person places less value on themselves
- Abuse may be unintentional and, in some cases, may even stem from a desire to protect the older person from harm but with the consequences of infringing on their autonomy
- Power imbalances that often exist within the older person's life
- Increased likelihood of social isolation amongst older people⁵.

The above complexities also make the abuse of older people distinct from Family and Domestic Violence, which is primarily concerned with abuse between intimate partners, with its own unique nuances and challenges.

The consequences of elder abuse are also profound, affecting not only individuals but their families, communities and society. Older people who experience abuse can experience severe impacts including to their physical, mental and cognitive health⁶. Abuse also increases the likelihood of poor long-term health conditions, cognitive declines, further social isolation, and may even result in a greater risk of mortality⁷. The trauma associated with abuse, particularly when the abuse comes from a loved one, can erode an older person's self-esteem and sense of safety, ultimately undermining their quality of life.

Beyond the significant personal impact, elder abuse places a considerable strain on families, loved ones and the broader community. Loved ones who witness, or suspect abuse may experience guilt, distress, or conflict, particularly if the person causing harm is also a loved one⁸. Many older people socially withdraw during or following an experience of abuse, diminishing or even erasing the valuable contributions they bring to the community⁹. Society more broadly bears the costs of elder abuse through increased demand for healthcare, legal systems and social services¹⁰. These systemic costs of elder abuse highlight the broader social and economic implications of the failure to address elder abuse effectively.

Abuse undermines the fundamental rights and dignity of older people, eroding trust in relationships and institutions that should be there to protect them. Its ripple effects challenge the values of respect and inclusion that should define Australian society.

The complexities, nuances and devastating consequences of elder abuse - highlighted as widespread by the Australian Institute of Family Studies' *National Elder Abuse Prevalence Study 2021* (hereafter referred to as 'the Prevalence Study')¹¹ - clearly demonstrates the critical need for a strong and effective National Plan.

Despite the successes of the first National Plan, current responses to elder abuse remain fragmented, leading to gaps in support and protection for older people experiencing or at risk of experiencing abuse. A cohesive framework is crucial to ensure that policies, legislation and services are aligned and adequately resourced. The Prevalence Study was a vital component in strengthening our understanding of the abuse of older people in Australia, but there remains much that we don't know. A nationwide longitudinal data collection and research strategy is vital to ensuring that effective interventions, services and protections can be designed and evaluated.

A National Plan must elevate elder abuse as a public policy priority and ensure the dignity, autonomy, and protection of older people across Australia under a robust legislative framework accompanied by universal access to specialised support services. A National Plan that is needs-based and trauma informed can allow us to uphold the rights of older people and empower them to live free from abuse and mistreatment. A National Plan is a practical necessity, but even more it is a moral and ethical obligation.

Australian Law Reform Commission Report 2017

In 2016 the Australian Law Reform Commission (ALRC) was commissioned by the Commonwealth Attorney-General's Department when undertaking an Inquiry into Protecting the Rights of Older Australians from Abuse. A final report, *Elder Abuse: A National Legal Response*¹², was delivered in May 2017. The Report made a large number of recommendations amongst which were significant Aged Care Reform¹³, something that was also recommended by The Royal Commission into Aged Care Quality and Safety¹⁴ and may be partially addressed through the Aged Care Bill 2024¹⁵, and a National Plan to Combat Elder Abuse¹⁶. Further recommendations included setting requirements for any National Plan, reforming legislation on enduring appointments in each state and territory and establishing nationally consistent safeguarding laws across all jurisdictions¹⁷. The latter two of these recommendations later came to be included within the goals of the first National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023¹⁸.

The Report highlighted one of the key ongoing barriers to responding to the abuse of older people as the balance between "*dignity and autonomy on the one hand, and protection and safeguarding, on the other.*"¹⁹ Awareness of this balance must continue to underpin our response to abuse and all initiatives to eliminate it.

It is encouraging to see that many of the recommendations for the formation of the National Plan were included in both the first National Plan and the current Draft Plan^{20,21}.

Other elements have been only partially considered and the need for harmonisation of enduring documents with an accompanying register of such powers, has been abandoned.

Recommendation 3.4 of the ALRC report stated that the National Plan must take into account the different experiences and needs of older persons with respect to:

- Gender
- Sexual orientation
- Disability
- Cultural and linguistic diversity
- Older Aboriginal and Torres Strait Islander people
- Older people living in rural and remote communities.²²

A consideration of the differing needs of diverse communities was glaringly absent from the first National Plan despite this key recommendation²³. The new Draft National Plan pleasingly includes a section which considers the unique needs and experiences of older First Nations Peoples²⁴.

Harmonisation of enduring powers of attorney and the establishment of a national register of enduring documents were key recommendations of this landmark report²⁵. Investigation into the feasibility of these measures were also central commitments in the first *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023*²⁶. Consultation into a national register garnered overwhelming support²⁷. Harmonisation has been neither attempted nor achieved but watered down to attempts at ‘greater consistency’. It is concerning that although the importance of both harmonisation and a national register is widely acknowledged, they remain conspicuously absent from the Draft National Plan²⁸.

A final recommendation of this Report worth mentioning is the establishment of adult safeguarding units in each state and territory²⁹. This recommendation is yet to be realised, with adult safeguarding in one form or another existing only in South Australia, New South Wales and the Australian Capital Territory. This leaves a significant gap in the protection and support available for older Australians experiencing or at risk of abuse.

The National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023

The *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019 – 2023* was a landmark achievement in that it was Australia’s first coordinated effort to address elder abuse at a national level³⁰. The National Plan represented a critical step forward in recognising elder abuse as a serious issue which requires a unified and strategic response. The Plan was a key recommendation of the ALRC, with many of the plan’s priorities

reflecting the ALRC's call for systemic reform to protect the rights and dignity of older Australians³¹.

The National Plan outlined five key Priority Areas to guide action:

1. **Enhancing our Understanding:** The Plan identified that there was a sparsity of data collection and research on elder abuse. Understanding the prevalence, drivers and impacts of elder abuse is critical to address gaps in knowledge and inform effective policy and interventions.
2. **Improving Community Awareness and Access to Information:** Aimed at raising public awareness about elder abuse and ensuring that older Australians and their loved ones have access to clear, accessible information about their rights and the available services and supports.
3. **Strengthening Service Responses:** Enhancing service delivery to ensure older Australians experiencing or at risk of abuse have access to appropriate and effective support.
4. **Planning for Future Decision-Making:** Supporting older Australians in planning for their future by improving systems related to enduring powers of attorney and advance care directives. The Plan prioritised harmonisation of laws and the development of mechanisms such as a national register to prevent misuse.
5. **Strengthening Safeguards for Older Adults:** Enhancing legal and policy protections to better safeguard older Australians from abuse. This included reforms to existing systems to ensure the rights of older people are upheld³².

The Plan's alignment with the ALRC report was evident in its emphasis on legal reforms and safeguarding measures as well as its rights-based approach to empowering older people. Specific ALRC recommendations such as the harmonisation of enduring powers of attorney laws were identified as critical components for reducing systemic risk.

The *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019 – 2023* laid out a comprehensive framework and vision for addressing elder abuse. This implementation relied heavily on collaboration across all levels of government and the availability of sufficient resources. Despite any shortcomings, during the lifetime of the Plan key accomplishments and progress were achieved including the Service Trials³³, [Compass.info](#)³⁴, and the National Elder Abuse Prevalence Study³⁵.

Elder Abuse Service Trials

In July 2019, as a part of the *National Plan to Respond to the Abuse of Older People (Elder Abuse) 2019 – 2023* three different specialist service models were implemented in a total of twelve sites around Australia. The three specialist service models introduced were:

Specialist Elder Abuse Units: In Specialist Elder Abuse Units, lawyers, social workers, and other relevant support staff work in tandem with clients to develop an individual and holistic case plan which responds to the individual's needs.

Health Justice Partnerships: Health Justice partnerships allow health care workers and social workers to identify those older people in the health care system as being at risk or potentially subjected to elder abuse. These individuals are then able to access legal support services.

Case Management and Mediation: Case Management and Mediation Services work therapeutically with the older person and their loved ones (including persons causing harm) to find relational solutions to underlying risk factors contributing to abuse in a strengths-based, collaborative and non-confrontational manner.

While each state and territory has at least one specialist service in place, the three service models are aimed at assisting people in different circumstances and are not equally distributed or available to everyone regardless of where they live.

The Commonwealth Attorney-General's Department commissioned Inside Policy to carry out an evaluation of the trials and their report was published in 2021. The evaluation was overwhelmingly positive finding that specialist elder abuse services should be:

- Funded by the Commonwealth Government
- Client-centred and client-led
- Address legal needs in ways that recognise that legal and social needs are interconnected for people experiencing abuse or at risk of experiencing abuse
- Provide case management and ongoing support beyond initial advice and referral including through partnerships within and across services.³⁶

The evaluation found that the service trials achieved not only this but also that:

- Social Return on Investment (SRI) for the service trials was \$3.69 for every dollar invested
- Older people felt supported and that the services met their needs
- Older people were satisfied that their issues were being resolved appropriately
- Older people felt able to take legal action if they chose
- Older people feel better able to deal with their issues.³⁷

A survey of clients³⁸ from each of the three service models illustrated the contrast between data from the National Elder Abuse Prevalence Study, where only half of those who sought help indicated that this was effective³⁹, and those using the service trials:

	<i>Clients reporting an overall positive outcome</i>	<i>Clients reporting an overall negative outcome</i>
<i>Specialist Elder Abuse Units</i>	86.5%	5.8%
<i>Health-Justice Partnerships</i>	95.7%	2.6%
<i>Case Management and Mediation Services</i>	86.4%	3.6%

Compass.info

[Compass.info](#), Australia’s national hub for information on the abuse of older people is an EAAA project and has grown significantly since its launch some five years ago. The development and implementation of Compass was highlighted by participants of the AIFS and NARI Evaluation of the first National Plan as a key achievement and a vital resource in Australia’s goal to end elder abuse⁴⁰. As a quality, trustworthy and government-endorsed resource, Compass has become a vital tool for individuals, families and professionals seeking reliable information and assistance. Over 1.5 million people have visited Compass to date, with a 10% increase in visitors in 2024 compared to the previous year. These visitors are engaging more deeply with the site, accessing articles, videos and resources to better understand and address elder abuse.

In the past 12 months, Compass has enhanced both its reach and relevance by building stronger connections with service providers and updating its comprehensive resources. Annual audits ensure all content remains current and accurate, while new material is developed in collaboration with subject matter experts. Recent additions to the section on Enduring Powers of Attorney have resulted in arguably the most comprehensive roundup of this information in Australia.

Compass has also expanded its video and podcast offerings, with the new *On Point* series featuring interviews with leading figures discussing critical topics like financial Powers of Attorney, ageism and isolation. These 46 video resources, viewed over 2.7 million times, provide accessible and practical information that resonates with a broad audience. Recognised as an authoritative gateway to elder abuse services, Compass facilitates connections to over 590 partner organisations, creating two-way pathways for accessing help, particularly for regional and remote communities. Recent upgrades have improved mobile accessibility reflecting user preferences, while a strong interest in PDF downloads highlights the increasing need for offline access to resources.

As Compass continues to grow and innovate, its role in raising awareness, enhancing education, and connecting Australians to support is critical to the national effort to prevent elder abuse.

National Elder Abuse Prevalence Study

One of the greatest hinderances to stopping the abuse of older people is that there is simply not enough information, evidence or data available on the topic. The Prevalence Study was specifically called for in the 2017 ALRC Report, with Recommendation 3.5 reading:

“There should be a national prevalence study of elder abuse to build the evidence base to inform policy responses.”⁴¹

The first National Plan allowed for the first National Elder Abuse Prevalence Study to be completed by AIFS in 2021 as a part of **Priority Area One: Enhancing Our Understanding**⁴². Whilst there is some anecdotal suggestion that the numbers in the Prevalence Study remain low due to shame, stigma, invisibility, under-reporting and other factors, the Prevalence Study nonetheless filled in many gaps in our knowledge about elder abuse in Australia with key findings including:

- 1 in 6 older Australians had experienced abuse in the 12 months prior to being surveyed
- Almost two thirds of those who experience abuse don't seek help
- Only half of those who sought help found this to be effective in stopping the abuse
- Family members are primarily responsible for abuses, most commonly adult sons and daughters
- Whilst women are more likely to experience abuse than men, the abuse of older people is not gendered in the same ways as domestic and family violence with more than 46% of those who experience elder abuse identifying as male:
 - 15.9% of women over 65 had experienced abuse in the past twelve months.
 - 13.6% of men over 65 had experienced abuse in the past twelve months.⁴³

This vital data allows us to develop more evidence-informed policy, legislation and service approaches into the future. Despite some gaps and the lack of longitudinal data, the Prevalence Study has been overwhelmingly considered a success by stakeholders.

The AIFS and NARI evaluation of the first National Plan indicated huge support for the Prevalence Study, particularly amongst focus group participants. Participants reported more than just satisfaction with the data and increased understanding, many reported that the Prevalence Study had provided insight that led to practical and strategic changes⁴⁴. These changes within organisations of varying kinds enhanced the reach and quality that these services were able to offer to people experiencing abuse. The evaluation also found that the

prevalence data and the understanding of abuse that stemmed from it was invaluable in advocacy efforts, including seeking additional funding for services and lobbying for policy changes⁴⁵.

The gaps in the Prevalence Study notwithstanding, from a starting place of close to zero data, the first National Elder Abuse Prevalence Study has undeniably been a standout success of the first National Plan.

Failures and Limitations of the first Plan

The accomplishments outlined above speak to the importance and value of the first National Plan and do not encompass the entirety of the progress made under it. The first National Plan was a significant step forward in the development of a collaborative, nationally consistent and Commonwealth-led approach to ending the abuse of older people and reduction in the jurisdictional fragmentation of previous efforts⁴⁶. The Plan did however fall short in several key areas which limited the implementation of effective interventions and reduced the ability of the Plan to achieve all its stated goals. These shortfalls were present to varying degrees across all five Priority Areas and were the result of a variety of factors.

Failure to Implement Actions Under Priority Area 4:

Priority Area Four of the first National Plan intended to empower older people through improved decision-making tools and safeguards. It recognised the complexity and fragmentation of existing systems and the importance of rectifying this. All three initiatives listed under Priority Area Four remain incomplete or unfulfilled.

Initiative 4.1 called for States and territories to:

“consider developing options for harmonising enduring powers of attorney, particularly in relation to financial powers of attorney, to achieve greater national consistency.”⁴⁷

The phrase ‘consider developing’ is deliberately vague and could be argued as immeasurable, however there is little evidence that this was ever seriously considered. The closest action taken in relation to this was a consultation by the Commonwealth Attorney-General’s Department in late 2023, occurring just within the confined period of the plan⁴⁸. This consultation considered options for ‘greater consistency’, which is distinctly different to harmonisation. Nevertheless, greater consistency has yet to make any progress. In any case, greater consistency is insufficient to address the confusion, inequality and lack of cohesion that exists when jurisdictional boundaries alter the obligations, limitations and requirements of power of attorney documents.

Initiative 4.2 was to:

“Investigate the feasibility of a national online register of enduring powers of attorney.”⁴⁹

There was only slightly more achieved under this initiative where at least the consultation conducted was exactly as intended by the Plan, though ‘investigate the feasibility’ again is intangible and immeasurable. The consultation, which is referenced later in this submission under recommendation six, was conducted by the Commonwealth Attorney-General’s Department in the first half of 2021⁵⁰. Submissions to this consultation showed overwhelming support for a national register⁵¹, but no further progress or investigation appears to have occurred in the intervening period.

The final initiative listed under Priority Area Four, Initiative 4.3 could be argued to have been achieved on a greater scale.

“Better inform people of rights and obligations when entering into arrangements that enable others to make decisions on their behalf.”⁵²

In October 2019 the Victorian Office of the Public Advocate on behalf of the Australian Guardian and Administrative Council developed *You Decide Who Decides*⁵³, a guide for those seeking to make financial enduring powers of attorney. This guide is limited in its capacity due to the lack of consistency across states and territories, the lack of publicity given to the guide and its predominantly digital nature.

Lack of Longitudinal Data Development and Research Gaps

EAAA emphasised the Prevalence Study as a vital step in enhancing our understanding of the abuse of older people in Australia and building a strong evidence base for the future. Despite its importance, significant data gaps remain and there is no clear plan for ongoing longitudinal research.

The Prevalence Study was the first of its kind in Australia, meaning that it provides us with a snapshot in time but no method for comparison⁵⁴. This also means that any usage of the data collected relies heavily on the assumption that the Study’s twelve-month reference period is representative of the norm, without any way to test or validate this assumption.

The scope of the Prevalence Study prevented it from ensuring strong representation of diverse communities. It also lacked the capacity to separate collected data in a way that provides meaningful insights into the variation of abuse across and within different groups in Australia. This significantly hinders any attempts to use the data to consider the issues in particular communities or to use it to understand the role played by intersectionality in the prevalence or risk factors or protective factors for abuse.

The survey scope was also limited to people aged 65 and over as this is the standard definition used for 'older person' in Australian legislation. This standard definition is also inclusive of Aboriginal and Torres Strait Islander peoples aged 50 – 64, who were not considered in scope for the study. Because the study took the form of survey work, both abuse and the seriousness of abuse were reliant on self-reporting. We know that the awareness of elder abuse is known to be low in Australia and that there remains significant shame and stigma around having experienced abuse. Again, due to the survey nature of the Prevalence Study, it was not considered possible to include people with cognitive impairment who are believed to experience particularly high rates of abuse.

EAAA acknowledges that research and data collection on the topic of elder abuse has been conducted outside of the Prevalence Study and that research into diverse populations is currently taking place. But this is happening outside of the National Plan and is often fragmented or inconsistent. An example is the Elder Abuse Helplines, which are run by the states and territories, all of which collect different sets of data from callers. There is also not yet any cohesive framework to link disparate sources of data from areas including health, legal services and social services.

Underfunding and Resource Constraints

The first National Plan was undeniably ambitious in its objectives, however many of its initiatives required resourcing that simply was not adequately provided. Many initiatives relied on resource-heavy activities by the states and territories who reported feeling under-resourced to effectively complete them⁵⁵.

The AIFS and NARI evaluation of the plan engaged with stakeholders representing each of the states and territories and found significant tensions surrounding the expectations of the jurisdictions including funding expectations and the resourcing they received from the Commonwealth⁵⁶. There was little in the Plan to outline how initiatives were to be funded⁵⁷, which unsurprisingly led to much of the National Plan being aspirational as opposed to achievable.

Specialist elder abuse services also remain considerably underfunded and under resourced. The plan did not provide any framework to determine what funding is appropriate, or what investment model is most suitable for eliminating elder abuse⁵⁸.

Limited Public Awareness Campaigns

In the lifetime of the National Plan, efforts to raise awareness about elder abuse from all levels of government were sporadic and insufficiently funded. EAAA notes that the release of the new Draft Plan has also not been accompanied by a significant media strategy or efforts to raise awareness.

A National Elder Abuse Awareness Campaign was launched in July 2024⁵⁹; however, this was outside of the lifetime of the plan. Campaigns across jurisdictions lacked consistent messaging and often occurred in isolation, leading to the dilution of their message⁶⁰. A significant portion of these campaigns remained in the digital realm, further isolating those who are digitally excluded from awareness and understanding. There are exceptions to this across some jurisdictions but even the most successful campaigns failed to be nationally coordinated in messaging, approach or timing.

It is also worth noting that the national campaign in 2024, which did see a rise in number of visitors to Compass.info and an increase in calls to 1800ELDERHelp, was not accompanied by additional funding. State and territory helplines are already overburdened, and in the case of Victoria, funding cuts at the state level saw helplines unstaffed.

What has shaped this submission

EAAA as a national peak and leading authority on the topic of elder abuse recognises that protecting the rights of older people must start with elevating their voices and ensuring that they are both seen and heard. EAAA is thus committed to reducing the invisibility of the abuse of older people and of older people more broadly, as a key principle underpinning all the work we do.

To that end, EAAA's approach to advocacy and evidence-building is always informed by listening to the voices of lived and living experience and focusing on the inclusion of qualitative as well as quantitative data. The 650,000 older people who experience abuse each year⁶¹ are not just numbers. They are individual human beings who have experienced potentially traumatic events and seen their human rights and dignity infringed. EAAA consulted heavily to inform this submission and analyse public and service perceptions of the success of the first National Plan. We undertook further consultations this year which considered the contents of the Draft Plan.

These consultations sought input from older people, members of the community, experts in the field of elder abuse, service providers, people who work with or alongside older people and others who care deeply about ending elder abuse. This has been complemented by the expertise of EAAA and research and analysis undertaken by other organisations including the Australian Law Reform Commission (ALRC), the Australian Institute of Family Studies (AIFS), the National Ageing Research Institute (NARI), and Inside Policy.

National Plan Consultation 2023

In 2023 EAAA was commissioned by the Commonwealth Attorney-General's Department to undertake consultation and research to inform the recently released Draft National Plan. Face-to-face focus groups were held with both older people and service providers who work with older people or in the elder abuse service system in every state and territory capital city as well as in Berri, South Australia, and Katherine, Northern Territory. A specific focus group for Aboriginal and Torres Strait Islander people was facilitated by Worimi and Wonnarua woman Dr Elizabeth McEntyre in Adelaide and additional online focus groups and interviews were held to capture the voices of the following diverse communities:

- First Nations peoples
- Members of the LGBTIQ+ community
- People living with dementia and their loved ones
- People from culturally and linguistically diverse backgrounds
- People living in regional and remote areas.

A final focus group was held with expert researchers in elder abuse to ensure that no available evidence or insight was absent from the final Report produced. In total more than 250 individuals contributed to this consultation leading to the development of robust insight and recommendations from a broad array of people around Australia⁶².

Participants were overwhelmingly supportive of many of the achievements outlined above that stemmed from the first National Plan, and of the commitment of Commonwealth, state and territory governments to a new National Plan. They did raise concerns about some of the failures and limitations of the first Plan, including:

- Failure to invest appropriately and proportionately to known prevalence in community education around abuse and ageism
- Failure to invest appropriately and proportionately in specialist services
- Limitations and lack of universal access to specialist service
- Small number and limited reach of the Service Trials
- Lack of progress made towards harmonisation of legislation and regulation
- Absence of appropriate collaboration across jurisdiction
- Limited research agenda and in particular the lack of research into perpetrators and how to best engage with them
- Lack of leadership and accountability from Commonwealth, state and territory governments to ensure the objectives of the plan were met.⁶³

The Report that resulted from this national consultation process identified significant gaps in the current ecosystem as well as large numbers of opportunities for the next National Plan and for addressing elder abuse into the future. At the same time several challenges that cannot easily be addressed were also identified. These included the barriers to reporting due to the nuances of elder abuse and the familial relationships that are so often involved and the delicacy required to ensure dignity of risk in the balancing act between autonomy and safeguarding⁶⁴.

Key recommendations stemming from this consultation process included the inclusion of *Cultural Abuse* as a unique and distinct form of abuse alongside the five previously recognised forms of abuse⁶⁵. This is an acknowledgement that removing or restricting one's access to culture is particularly prominent amongst older people and can have devastating consequences. In addition, it was agreed that the new plan should be for 10 years to allow for real progress and evaluation within its lifetime.

Four key focus areas were identified and recommended to the Commonwealth Attorney-General's Department for the new National Plan:

1. *Stop elder abuse through education and raising community awareness on ageism, elder abuse and the rights of older people:*

Participants were strongly in favour of changing the language to “stopping” elder abuse as opposed to “responding” to elder abuse as in the first National Plan, feeling that response did not go far enough and made it sound as though some level of elder abuse was acceptable.

2. *Strengthen the legal and regulatory framework:*

Emphasis was given here by participants about the confusion and failures that were caused by a lack of harmonisation of legislation and regulation across the different states and territories.

3. *Improve the service system response, including the capacity and capability of the specialist and mainstream service systems, and strengthen information sharing between services, banks, and other relevant sectors for best practice guidance:*

Many participants shared personal stories about seeking help from many sources and being referred in a circular manner to the next service, and then the next, with the need to retell often traumatic stories each time before being referred on again.

4. *Increase understanding of elder abuse through research and information sharing between the states, territories, and Commonwealth.*⁶⁶

In addition to these focus areas, key principles which should underpin every element of the next National Plan were also identified:

- Strengthening and supporting the individual decision-making capacity, autonomy, dignity and rights of older people
- Prevention and combatting ageism
- Engaging and supporting diverse communities, with a focus on intersectionality
- A human rights approach
- Lived experience at the heart of the response
- A trauma-informed approach
- Strengthening protective factors
- Dignity of risk
- The least restrictive option
- A whole of government approach
- Strengthening shared accountability and shared leadership
- Proportional investment.⁶⁷

EAAA was pleased to be able to conduct this consultation and to hear the voices of so many who assisted in the development of these vital and insightful recommendations.

EAAA Membership Consultation 2025

EAAA undertook three two-hour online consultations with our individual and organisational members in late January 2025 with the sole purpose of assisting in the development of this

submission. To remove any possibility of impartiality on the part of operational staff, an external facilitator Alison Harwood was engaged to lead these sessions. Eighty-nine members registered for these three sessions including professionals from a range of industries including legal services, financial services and advocacy organisations.

The consultations considered legislation and safeguarding, language and framing, the Priority Groups and lack of reference to intersectionality when considering vulnerability to abuse.

Participants in all three consultations unanimously agreed that the inclusion of cultural abuse as an ‘emerging’ form of abuse was insufficient. Members felt strongly that cultural abuse was a clear and longstanding issue within a diverse range of communities, with Tasmanian members pointing out that it was recognised as a distinct form of elder abuse in their state⁶⁸.

Members felt that context and settings were important when considering language and changes such as the inclusion of ‘mistreatment’ and the replacement of ‘perpetrator’ with ‘person causing harm’. Many of the issues discussed did not lead to unanimous agreement, but robust discussion and information sharing that help expand the scope of this submission and bring new ideas to life.

Overall, members were encouraged by the plan but remained concerned that the lack of measurable goals and accountability mechanisms, or as one member put it:

“It [the plan] promises a lot but commits to nothing.”

Seniors Panel for Advocacy Rights and Knowledge (SPARK)

The Seniors Panel for Advocacy, Rights and Knowledge (SPARK) are EAAA’s expert advisory panel, made up of twelve older people representing every state in Australia who come with a diverse range of professional and personal experiences. SPARK was created in 2024 in response to the recognition that EAAA could not effectively and appropriately advocate for the rights, wellbeing and dignity of older people without first listening to them and elevating their voices in the quest to end elder abuse.

One of the core purposes of SPARK was to ensure that the policies and advocacy work of EAAA was informed by the real-life experience of older people. Panel members have already been pivotal in providing firsthand knowledge on the challenges, needs and opportunities faced by older people in Australia daily. Given this expertise and the value already provided to EAAA by SPARK in only a short period, EAAA viewed their input as imperative when considering the successes and shortcomings of the Draft National Plan and in the development of this submission.

SPARK were briefed on the Draft National Plan and provided with background information relating to the first National Plan. In addition, we provided them with the evaluation of the first Plan undertaken by the AIFS and NARI and the consultation undertaken by EAAA to inform the Draft Plan in 2023.

On Wednesday 15 January an Extraordinary and extended meeting of SPARK was convened to discuss the Draft Plan. Although consensus was not reached on each aspect of the plan, robust and important conversations took place, with the Panel overwhelmingly reporting their satisfaction with the content and outcomes of the meeting.

Insight from SPARK members is found throughout this submission, with members particularly highlighting the importance of funding and pushing for real systemic change whilst simultaneously praising the Draft Plan's recognition of the need for services and community awareness, particularly in remote and regional areas.

Endorsements

The release of the *Draft National Plan to End the Abuse and Mistreatment of Older People 2024 – 2034*⁶⁹ in December last year was an encouraging and heartening moment for EAAA. The commitment to a ten-year plan, to be underpinned by two five-year Action Plans was a direct recommendation from EAAA and delivers a commitment to ongoing support for the fight against the abuse of older people. We are also hopeful the Plan will make tangible progress in tackling this insidious issue and appropriately evaluate and progress the measures and initiatives being undertaken.

As the table below illustrates, the four Focus Areas of the Draft National Plan reflect closely the Focus Areas identified and recommended by EAAA in our 2023 Report:

Focus Areas of the National Plan		
	Recommended by EAAA ⁷⁰	Draft National Plan ⁷¹
Focus Area One	Stop elder abuse through increasing education and raising community awareness	Increase whole-of-community awareness, education, and engagement
Focus Area Two	Strengthening the laws, regulation and systemic responses, safeguarding and jurisdictional consistency	Enhance legal frameworks and adult safeguarding responses
Focus Area Three	Improve service system response: capacity, capability and information sharing	Strengthen the capacity and capability of services, including through targeted education and training for professionals
Focus Area Four	Research, information sharing and learning between jurisdictions	Address gaps in the evidence base and increase collaboration

EAAA was also pleased to see the inclusion of *Cultural Abuse* in the Draft National Plan⁷², noting that this was a particular focus of First Nations participants in our 2023 Consultation⁷³ although, as participants in our consultations have vehemently told us, we cannot endorse this as is. It is insufficient to consider cultural abuse as emerging, as it is a long-standing and pervasive problem for several communities, including First Nations peoples.

The alteration in language in the new National Plan is significant step forward, noting that terms including ‘abuse’ and ‘perpetrator’ have associations that may not always be relevant. Furthermore, they are also terms which may not resonate with all communities or

individuals and are not always easily translatable across the many languages spoken by Australians.

The principles that underpin the Draft National Plan reflect many of those recommended by EAAA, though we do note that not all our recommendations have been adopted. It is nonetheless encouraging to see the adoption of the below principles as proposed by EAAA:

Proposed by EAAA ⁷⁴	Draft National Plan ⁷⁵
A human rights approach	Taking a human rights approach
Prevention and combatting ageism	Combatting ageism
Engaging and supporting diverse communities with a focus on intersectionality	Listening to and learning from the experiences of older people and diverse communities
Strengthening protective factors	A strong focus on prevention and early intervention
Dignity of risk The least restrictive option	Supporting individual decision-making, autonomy and dignity
Lived Experience at the heart of the response A trauma-informed approach	A person-centred and trauma-informed approach

EAAA is pleased to offer our endorsement of the following elements of the Draft National Plan:

1. **A ten-year plan**
2. **Replacing ‘Perpetrator’ with ‘Person Causing Harm’**
3. **Inclusion of the term ‘mistreatment’**
4. **Seeking to ‘End’ abuse**
5. **Focus Areas are reflective of EAAA recommendations**
6. **Taking a trauma-informed approach**

Endorsement One: A ten-year plan

The first National Plan was a milestone accomplishment for Australia, but it was limited in its scope in part because of the brief timeframe it was forced to operate within. A ten-year plan, as recommended by EAAA, has significant benefits over the shorter first Plan. The abuse and mistreatment of older people is a complex societal issue that cannot be eliminated easily or within the lifespan of a single plan of any length. Nevertheless, the benefits of a long-term plan over a shorter plan are substantial.

A ten-year plan shows a long-term commitment⁷⁶. It represents a critical step forward in addressing the systemic and complex factors that contribute to abuse, and to creating a society where the safety, dignity and rights of all older people in Australia are upheld. The ten-year timeframe, and the two shorter Action Plans that are yet to be released, align with EAAA's recommendation for sustained and coordinated action. This approach prioritises both the immediate needs of older people and the systemic change required to achieve lasting outcomes and eliminate elder abuse and mistreatment for good.

The findings of the Evaluation of the first National Plan conducted by AIFS and NARI also emphasised the need for long-term strategies⁷⁷. Findings from the Delphi Study undertaken as a part of the evaluation process indicated that a longer-term strategy and thus a longer plan was considered 'critical' by 61% of respondents to enable forward planning and cover multiple government cycles⁷⁸. The Evaluation emphasised that addressing the drivers of abuse, including entrenched ageism, familial expectation, and gaps in culturally appropriate services, requires time, consistency and collaboration⁷⁹. The risk of shorter plans is that they may only deliver piecemeal or reactive responses, in contrast to this decade long approach. This timeframe enables the possibility of both foundational investments and the upscaling of effective strategies within the Plan's lifespan.

A ten-year plan ensures that efforts to eliminate the abuse and mistreatment of older people will extend across multiple terms of Commonwealth, state and territory governments. This long-term vision reduces the risk of interruptions caused by electoral cycles, partisan politics, or changing political priorities, providing continuity and stability in the delivery of services and initiatives. It signals a bipartisan commitment to ending the abuse of older people and ensuring that progress remains focused and uninterrupted regardless of changes in government leadership.

The extended timeframe, and the commitment to a second five-year Action Plan (2029/30 – 2033/34)⁸⁰ also allows for the integration of lessons that emerged from the first National Plan and from the first Action Plan that accompanies this new Plan. The longer timeframe provides opportunity for initiatives to be implemented at a greater scale. Over the period of a decade, strategies can be evaluated and refined, as opposed to merely developed and implemented.

The Draft Plan's long-term scope provides the opportunity to foster deeper collaboration between governments, service providers, academic researchers and communities. Continuity and stability, as provided by a longer plan, gives older people, their loved ones, and their advocates an assurance that the systems and services designed to protect and support them will remain.

EAAA applauds the Australian Government in the adoption of a ten-year vision as a demonstration of its leadership and commitment to addressing the abuse and mistreatment of older people as a priority that transcends political cycles. This sustained approach reflects the scale and urgency of addressing and eliminating elder abuse and lays the groundwork for significant and lasting change to protect the safety, dignity and rights of older people in Australia for generations to come.

Endorsement Two: Replacing 'Perpetrator' with 'Person Causing Harm'

EAAA has long been concerned about the term 'perpetrator' when it comes to describing those who are directly responsible for the abuse of older people. This is in part because some proportion of abuse may begin as benevolent⁸¹, something which distinguishes elder abuse from domestic and family violence. Benevolent elder abuse often arises when family members, loved ones, caregivers, or professionals make decisions that they deem to be in the best interests of the older person but do so without the input or consent of the individual. Benevolent abuse can be just as harmful as malevolent abuse by undermining an older person's autonomy, dignity and rights. Due to the good intentions that often underpin these abuses, there is significant concern about labelling those committing them as 'perpetrators'.

The categorisation of well-meaning loved ones as 'perpetrators' can create feelings of guilt, defensiveness and resentment and may discourage older people from seeking help or strategies for improved caregiving. This language furthermore risks damaging the relationship unnecessarily and increasing social isolation for all parties. The challenges of addressing benevolent abuse are underpinned by the principles of intent vs impact, in that the intent of benevolent abuse is usually positive and the impact negative. The term perpetrator has an implication of malicious intent and is used at a legal level across multiple jurisdictions. It is clear that while some people responsible for elder abuse may be perpetrators, it is not an appropriate over-arching term.

The complex familial relationships within which elder abuse often occurs means that older people experiencing abuse often do not seek help for fear of losing the relationship⁸². This fear is exacerbated by terms such as perpetrator, which is accompanied by a presumption of guilt and malice. Many people want the abusive behaviour to stop but that is all the change they are seeking⁸³. Terms such as perpetrator which are heavily associated with criminality,

discourage these people from seeking support or advocacy services. This may also apply to the person causing harm, as they grapple with the desire to protect a loved one while feeling uncertain about whether their response or actions are appropriate. Feeling labelled or judged will likely discourage these people from seeking help.

The new term, ‘person causing harm’ removes the accusatory language. This may encourage both older people and the person causing harm to seek assistance and is more supportive and can allow for more constructive conversations about awareness and prevention. This is true not only within individual relationships but in broader public discourse as we seek to educate the community on elder abuse. Elder abuse extends beyond physical violence or malicious intent, encompassing a broad range of behaviours including withholding information or excessive protection⁸⁴. These actions, though not intended to cause harm, can significantly undermine an older person’s autonomy and dignity, often with devastating consequences.

The alteration of the language in the Draft National Plan, from perpetrator to person causing harm was widely supported by SPARK at their extraordinary meeting as well as by EAAA members during our consultations with them. One SPARK member also drew attention to the complexity of the word ‘perpetrator’ within our multi-lingual community, highlighting that it was not simple English that could be easily understood by everyone, and that translations of the word may indicate a criminal verdict against the individual. Elder abuse does not exist in a single type of relationship, or to a certain demographic of older person⁸⁵. It happens to one in six older people and therefore it can happen to anyone⁸⁶. This means that community awareness and information must be accessible. The change from perpetrator to person causing harm has benefits in this area too as it is easily understandable, simple English and less likely to be mistranslated.

SPARK members also highlighted the criminal connotations of the term perpetrator, and consensus was that it was a term that belonged in the courtroom and not in the broader discussion surrounding the abuse of older people. The term ‘person causing harm’ in contrast was felt appropriate particularly in cases where abuse is unintentional. Unlike the word ‘perpetrator’ it did not feel irredeemable, but instead as though the actions could be addressed and the relationship potentially healed. This is a vital change as evidence shows that most older people who experience abuse from family members or close loved ones do not want the person held accountable or to end the relationship. They simply want the abusive actions to stop^{87,88}.

The change of this term is also backed by evidence that suggests that one of the leading reasons that older people do not seek help is the fear of punitive actions against the person who is causing harm⁸⁹. Another barrier to reporting and help seeking is that there remains shame and stigma in labelling a loved one as a ‘perpetrator’ of abuse. It is hoped that a shift in this language will assist with a reduction in this shame.

EAAA is pleased by this change in language, and we have begun to incorporate this new term in our own language and publications. We applaud the Standing Council of Attorneys-General on this alteration and are pleased to endorse this as a part of the Draft National Plan and as a part of a broader change in our language surrounding the abuse of older people.

Endorsement Three: The Inclusion of the Term ‘Mistreatment’

A second alteration in the language in the Draft National Plan is the inclusion of the term ‘mistreatment’ alongside abuse⁹⁰. EAAA recognises that this change is reflective of an effort to capture all forms of abuse. It is also an acknowledgement that not all harmful behaviour may be immediately recognised as abuse by members of the public or even the older person themselves. EAAA is broadly in agreement with this approach however it is critical that the use of the term ‘mistreatment’ does not unintentionally diminish the seriousness of the abuse of older people or weaken public and policy responses.

The consultations with our members and Extraordinary SPARK meeting provided EAAA with valuable insights into the benefits and risks of this inclusion and how it may be understood within the community. While a strong majority of members did not object to its inclusion and were understanding of the intent of the change, there was clear agreement that ‘mistreatment’ was a term that should never be used in isolation. The consistent pairing of ‘abuse and mistreatment’ is essential to ensure that elder abuse remains clearly defined and does not become diluted or reframed in a way that minimises its severity.

One of the key strengths of including the word mistreatment is its potential to make the issue more approachable. One SPARK panel member noted that some older people may find it intimidating to report abuse as the term can feel severe or confrontational. Other SPARK and EAAA members broadly agreed, highlighting that the term ‘mistreatment’ may be seen as a less intimidating entry point for older people who are experiencing harm but are reluctant to label their experience as abuse. In using both terms together the National Plan may help lower barriers to reporting and encourage more people to seek help.

The term mistreatment may also be beneficial when discussing elder abuse with members of the public, who remain largely uninformed and under-educated on the subject⁹¹. The word abuse is often associated with physical violence. Mistreatment may more readily capture other damaging behaviours which constitute abuse but are not as well understood as such by the public. These include coercion, manipulation, neglect, or chronic disregard for an older person’s dignity and rights. A clear and effective communications strategy incorporating this terminology can enhance public awareness and foster a deeper understanding of the various ways older people may experience harm or abuse.

EAAA's research and consultation has also raised concerns that 'mistreatment' could be misinterpreted or used in ways that downplay the gravity of elder abuse. There is a risk that, if not carefully framed, the term could be seen as a softer, less urgent issue. This could potentially lead to weaker policy responses, reduced accountability for people who cause harm, or a diminished sense of urgency. To mitigate this EAAA urges governments and other stakeholders to ensure that abuse and mistreatment remain consistently linked in all communications, policies and interventions in response to elder abuse.

The inclusion of the word 'mistreatment' in the Draft National Plan represents an opportunity to improve understanding and increase reporting and help seeking, but only if it is used responsibly and strategically. EAAA will continue to monitor how this term is applied in policy and public discourse. We advocate for a balanced approach that maintains the visibility and urgency of elder abuse while expanding community awareness on the full range of harmful behaviours experienced by older people.

EAAA commends the commitment to making the National Plan as inclusive and effective as possible, and looks forward to working with governments, service providers and the community to ensure that this change in language strengthens the protections for older people rather than unintentionally weakening them.

Endorsement Four: Seeking to 'End' abuse

EAAA welcomes the alteration in the aims of the Draft National Plan to a focus on ending the abuse and mistreatment of older people⁹² in contrast with the first National Plan which sought merely to respond to abuse⁹³. This marks a fundamental shift as setting an objective of 'responding' implies that the primary goals of the first National Plan were primarily to improve response to elder abuse as it occurred. While better responses are essential, they are not enough to create meaningful or lasting change. A truly effective strategy must not only respond to incidents of abuse but work towards a future where they do not occur to begin with.

The difference between responding to abuse and ending abuse is more than a shift in language. It signals a shift in objectives and the change is profound. A response-based approach acknowledges the harm once it has already occurred, seeking to intervene, support those who have experienced abuse, or hold people causing harm accountable. This is crucial but it also means that older people must first suffer. It also places the burden of addressing the issue on individuals, the older people and their loved ones, rather than on the broader systemic causes of abuse.

In contrast, ending abuse requires a proactive, systemic approach. It means creating an environment in which abuse is far less likely to occur in the first place. This involves addressing the root causes of abuse and mistreatment so that older people are not placed in

vulnerable situations. It also means embedding strong protections within legal, financial, healthcare and other relevant systems so that exploitation, coercion and neglect become increasingly difficult to execute.

A focus on ending rather than responding to abuse is a commitment to prioritising primary prevention methods, leading to better outcomes for individuals, families, and communities. Prioritising prevention means reducing the number of older people in Australia experiencing abuse and easing the burden on families navigating complex and traumatic situations. Successful strategies to ending the abuse and mistreatment of older people may also relieve the pressure on governments and service providers as fewer abuses take place and require intervention. This shift is not only the right thing it is also a practical long-term strategy for older people.

EAAA endorses this change, however while aiming to end abuse is a stronger commitment than merely responding to it, the ultimate goal should be to ‘stop’ abuse entirely. Stopping abuse means preventing it at its source, through immediate and sustained action that eliminates the conditions that allow it to arise. EAAA is encouraged by the change made but believes that there is still the ability to go further in our shift in language. EAAA commends the Draft National Plan and the Standing Council of Attorneys-General on moving beyond a response-based objective and towards an end to elder abuse. We also urge that this vision is taken further, and that every action under the two Action Plans is geared to not just managing abuse but toward prevention and ultimately stopping all abuse and mistreatment of older people. Addressing the root causes and embedding prevention at every level is how we can work towards a future where all older people in Australia live free from abuse.

Endorsement Five: Focus Areas are reflective of EAAA recommendations

EAAA is strongly supportive of the four Focus Areas of the Draft National Plan. All four elements are crucial in preventing elder abuse and creating a society where older people feel valued and have their rights and security upheld. A national and coordinated approach is essential to addressing the systemic and structure challenges that contribute to the abuse and mistreatment of older people. The Focus Areas of the Draft Plan provide a strong foundation for meaningful change⁹⁴.

Focus Area One, raising whole-of-community awareness, education and engagement is vital in preventing abuse before it occurs. Community understanding of the rights of older people, the signs of abuse and the pathway for intervention remains low⁹⁵, contributing to underreporting. Public education campaigns, targeted training, and sector-wide engagement will help shift societal attitudes and promote a culture where the abuse and mistreatment of older people is not tolerated. EAAA has previously advocated for greater community awareness and education⁹⁶ as a key strategy to reduce the prevalence of abuse

and ensure that older people, their loved ones and their communities are empowered to take action to prevent and respond to abuse.

Focus Area Two, enhancing legal frameworks and adult safeguarding responses are not the primary prevention mechanism that awareness and engagement are. But they are vital to ensure that older people have access to appropriate protections when experiencing abuse regardless of where they live. Legal inconsistencies and a lack of safeguarding services in most jurisdictions create gaps that leave many people vulnerable and without access to appropriate assistance⁹⁷. Strengthening laws, regulations and systemic responses can establish a more consistent and coordinated approach to safeguarding older people's rights, with a particular focus on financial abuse and the misuse or manipulation of enduring powers of attorney. Clear and enforceable legal mechanisms, alongside well-resourced safeguarding bodies, can allow for timely intervention and reduce barriers to justice.

Focus Area Three calls for improving the service system capacity and capability. This is fundamental to ensuring that professional bodies working in the elder abuse space and individual professionals working with older people, have the necessary knowledge, skills and resourcing to respond effectively. A well-trained and adequately resourced workforce across health, aged care, legal services and community services is a core requirement for identifying, responding and preventing abuse. When implemented effectively, targeted education, training and improved information-sharing mechanisms can enable a more effective, multi-sectoral response. Stronger collaboration between and within agencies, supported by appropriate funding and resourcing, is critical to ensuring that older people receive timely, coordinated assistance and support when they need it most⁹⁸.

Priority Area Four which seeks to develop a stronger evidence base is essential for shaping effective policy and practice. The challenges in addressing gaps in the prevention and response system is alleviated significantly through improved understanding. Resolving gaps in research and increasing collaboration and information sharing across jurisdictions will enhance the ability of governments, service providers and advocacy organisations to develop targeted, data-driven and evidence-informed solutions. Investment in research, the collection of nationally consistent data and cross sector knowledge sharing will improve understanding of longitudinal prevalence, risk factors and best practice responses to the abuse and mistreatment of older people⁹⁹. Furthermore, investment in greater coordination in research and learning between jurisdictions can ensure that effective models are shared and scaled instead of being siloed in individual states or territories¹⁰⁰.

EAAA looks forward to continuing to work with governments and stakeholders to refine and implement these priority actions, which are largely reflective of what was recommended by EAAA in our 2023 Research and Consultation report¹⁰¹. We are pleased to endorse all four focus areas noting that by strengthening awareness, legal protections, service capacity and our evidence base Australia can take significant steps toward ending the abuse and mistreatment of older people.

Endorsement Six: Taking a Trauma-Informed Approach

EAAA applauds the National Plan on committing to having a trauma-informed approach underpinning all elements and initiatives of the Plan and the two forthcoming Action Plans¹⁰². Trauma was something that EAAA heard a lot about during our 2023 consultations to inform this Plan. It may seem obvious that abuse is traumatic but for many, it was events following the abuse that caused additional trauma¹⁰³.

Several older people reported that when they had tried to seek help to end the abusive situation they were in, it was difficult to get anyone to believe them, further isolating them and increasing their trauma. Accessing services too, was reported as a difficult and traumatic experience, not only for the older person themselves, but also for their loved ones. One participant told us of their specific traumatic experience in trying to protect and seek help for their mother:

“I was mum’s carer. She was diagnosed with dementia 12 months ago, but before that she was very switched on, she got everything in place including Power of Attorney. I was the Attorney. My brother is a narcissist, I have always tried to protect mum from him, but to keep the peace with him, to pacify him for mum’s benefit. I went away for a few days with one of my children and when I got back two of my siblings had changed the Power of Attorney, changed the locks, took mum to a new lawyer who drew up a new will, got rid of her regular GP, and taken a restraining order out against me. The restraining order prevents me from having any contact with mum. How can this happen to an 85-year-old-woman with dementia who had all the paperwork in place? I had to get a lawyer to contest my innocence. Meanwhile mum is in a terrible state and is deteriorating. The system is so disconnected, there are people who will listen but there is no one who can help with solutions or support. The inaction is awful. Meanwhile mum is languishing in her apartment.”

Another participant told us:

“I tried to talk to a social worker at the hospital [about the abuse], but they told me it was above their paygrade and wouldn’t engage any further.”

A trauma-informed approach recognises these far-reaching impacts of abuse and prioritises the physical, psychological and emotional safety of all parties in all responses to abuse. It ensures that policies, service delivery, and frontline interventions are built on safety, trust, empowerment, collaboration and choice. Older people who experience abuse often face unique barriers to seeking help, including fear of retaliation, social isolation, ageism, and a lack of accessible and appropriate services¹⁰⁴. Many have endured sustained harm from trusted individuals, which exacerbates feelings of betrayal and distress. In underpinning the National Plan with the principle of taking a trauma-informed approach we can look to

mitigate these challenges by fostering environments that acknowledge the lived and living experience of older people who have experienced abuse.

Elder abuse is itself traumatic, but the impact of trauma is also a cumulative process. Older people who have experienced past adversity, such as family violence, institutional harm, or systemic discrimination, may be further retraumatised when experiencing abuse or seeking help¹⁰⁵. Services that fail to take a trauma-informed approach risk reinforcing these harms thus deterring older people from accessing the very supports designed to assist them.

For the National Plan to be effective, trauma-informed practice must be embedded at all levels, from government policy and law reform to frontline services and community supports. It is also vital that older people with lived experience of abuse are actively involved in shaping the policies and services designed to support them. Their voices and insights are crucial to ensure that responses are not only effective but also empowering.

Recommendations

As outlined above, there is much to be proud of and optimistic about in the Draft National Plan¹⁰⁶, there are also several key areas where it can be further strengthened to protect, support and empower older people in Australia. The recommendations in this submission seek to build on the solid foundation already laid out in the Draft Plan¹⁰⁷, expanding the scope to address critical gaps and ensure a comprehensive, unified approach to tackling the abuse and mistreatment of older people. The incorporation of these recommendations aims to ensure that the Plan is not only reactive but proactive in preventing abuse, promoting recovery and empowering older people.

The below recommendations cover a broad spectrum of issues. They include the recognition of cultural abuse alongside other subtypes of abuse, rather than simply emerging; the expansion of human rights principles; and the need for a more coordinated legal framework across states and territories. EAAA seeks to ensure that under this National Plan, all older people in Australia are afforded the protection, respect and care that they are entitled to, and that systemic issues, cultural barriers and gaps in services are identified and addressed. EAAA acknowledges the current strengths of the Draft Plan, however these recommendations must be embedded to develop a more robust, coordinated approach that fully embraces a human rights framework, tackles ageism head on, and prioritises autonomy and dignity for all.

Harmonisation of enduring powers of attorney across states and territories would simplify and strengthen protections, reducing confusion and exploitation by ensuring consistent legal standards nationwide. A national register would further enhance safeguards by preventing misuse and fraud, enabling verification of authority and ensuring transparency in decision-making for vulnerable older Australians. Their omission from the Draft National Plan represents a significant gap in addressing systemic risks and undermines efforts to create a robust framework to prevent elder abuse.

Many areas of the current Draft rely heavily on education and raising community awareness. While this is critical, it is insufficient without clear measurable actions to accompany it and monitor the effectiveness on education and awareness programmes. The abuse and mistreatment of older people in Australia is widespread, pervasive and has far reaching consequences. Systemic changes and significant cultural changes are required that cannot be achieved through words alone.

EAAA's recommendations are grounded in the understanding that ending the abuse and mistreatment of older people is a complex and multifaceted issue that requires a coordinated, person-centred response. The addition of these proposals to the National Plan can contribute to not only addressing the immediate needs of those affected by abuse, but

also create a sustainable, long-term framework for preventing abuse, promoting dignity, and ensuring the safety of older Australians. These are all critical issues, particularly given the longevity of this Plan.

EAAA is pleased to recommend the following additions to the Draft National Plan:

1. Cultural abuse should be considered alongside other abuse subtypes
2. An expansion of the commitment to a human-rights approach
3. Combatting Ageism Through Action
4. A national commitment to supported decision-making
5. Harmonisation of enduring Powers of Attorney legislation
6. Registration of Powers of Attorney
7. Harmonisation of public trustee and guardianship systems
8. Funding for specialist services
9. Prioritisation of recovery and healing
10. Including a human perspective
11. A nation-wide definition
12. Clear definitions of Priority Groups and their purpose
13. Proportional investment for the abuse of older people
14. A whole-of-government approach to ending abuse
15. Education and intervention for people who cause harm
16. Shared accountability and shared leadership
17. Regular reviews and measurable goals

Recommendation One: Cultural abuse should be considered alongside other abuse subtypes

One of the key recommendations of EAAA's 2023 Research and Consultation Report *From Insight to Action* was the inclusion of cultural abuse as a sixth distinct form of elder abuse in the new National Plan¹⁰⁸. EAAA was encouraged to see that the Draft Plan does acknowledge cultural abuse, however it falls short in that cultural abuse is only considered as 'emerging'. The Plan must rectify this and consider cultural abuse alongside and equal to the five previously recognised forms of abuse.

The concept of cultural abuse was first presented to EAAA by First Nations peoples, who told us repeatedly that this was a longstanding issue experienced by many older Aboriginal and Torres Strait Islander people and reflective of a larger push to assimilate people away from traditional ways of living. EAAA further tested the concept of cultural abuse with other groups including those from culturally and linguistically diverse backgrounds and members of the LGBTIQ+ community. The response was a resounding voice telling us that this issue was highly prevalent, long established and went repeatedly unaddressed.

Cultural abuse is distinct from psychological abuse, involving the erosion or denial of a person's cultural, identity, values, beliefs and practices. Stories of cultural abuse told to EAAA in 2023, and again in 2024, include removal from country; restriction of access to cultural or religious activities; prevention of the use of a preferred language; imposing cultural values on an individual that conflict with their own; isolating them from their community; and the provision of culturally inappropriate foods, clothing and services.

Cultural abuse is unlike other forms of abuse in that it more often manifests in systemic discrimination which intersects with ageism. It may be exacerbated by a lack of culturally appropriate services, or coercive control within families or institutions. The loss of cultural connections can lead to profound emotional distress, social isolation, reduced access to essential support system, a loss of trust in systems and families, and negative physical and mental health outcomes.

In talking to our members during our January 2025 consultations to inform this submission, the need to elevate cultural abuse to the level of the other subtypes was unanimously supported by participants. Tasmanian members were shocked at its absence, noting that Tasmania has considered cultural abuse as a distinct form of abuse for several years¹⁰⁹. If we are going to truly address this historical oversight, we first need to acknowledge that it is in fact an oversight, rather than hiding behind the idea that cultural abuse is simply starting to emerge. As one EAAA member told us:

“Cultural abuse has been there for a long period of time – it is not just emerging, it is now being noticed!”

Recognising cultural abuse as a distinct form of abuse is not just about achieving a more nuanced understanding and targeted response, it is about acknowledging a reality that has been overlooked for too long. Framing it as ‘emerging’ implies a lack of accountability for the failure to address it sooner. Another EAAA member told us:

“This is definitely not emerging. It’s very real and very prevalent.”

A distinct focus ensures the development of culturally competent policies, services and interventions that respond to the unique needs and experiences of people experiencing cultural abuse. The Draft Plan's commitment to listening to diverse populations, and

particularly First Nations people¹¹⁰, is a step in the right direction but the Plan must go further. Cultural abuse is not a new phenomenon, it is a longstanding and systemic issue that deserves the same recognition and prioritisation as the five established forms of abuse.

Recommendation Two: An expansion to the commitment to a human-rights approach

Elder Abuse Action Australia strongly supports the principle of taking a human rights approach as a core principle that underpins the Draft National Plan¹¹¹. We note that this was a recommendation put forward to the Commonwealth Attorney-General's Department by EAAA in 2023¹¹². A commitment to human rights is essential to ensuring that older people are treated with dignity, respect and equality. This support however is tempered by the fact that while the principle is laudable, it risks remaining a high-level aspiration unless it is translated into concrete actions, accountability measures and systemic reforms.

The language of human rights is powerful, yet it is often used in ways that are more rhetorical than practical. A genuine human rights approach must go beyond being a guiding principle and must be embedded into every aspect of policy, design, service provision, legal reform and awareness raising. This means that older people's rights must be not only recognised but actively upheld in a manner that is measurable and enforceable.

EAAA's key concern is that despite a stated commitment to "listening to and learning from" older people, their involvement in decision-making processes remains tokenistic. A human rights approach is insufficient if it simply gathers the voices of older people without ensuring that those voices can drive meaningful change. Consultation alone does not equate to empowerment. Older people must have a central role in shaping policies, informing service delivery, overseeing implementation and evaluating initiative effectiveness. This means embedding their perspectives at every level, including advisory panels, legislative review and program evaluations.

To implement a human rights approach, the National Plan must include mechanisms to amplify the voices of older people across all elements of its development and execution. This requires structural commitments such as dedicated representation in governance bodies, mandated co-design processes, and clear accountability measures that ensure older people are not only heard but that their insights lead to tangible policy and practice improvements.

A human rights approach should not merely reinforce existing service models - it should challenge and transform them where necessary. The words 'human rights' are often used without a clear reflection of what they really mean. Taking a human rights approach requires us to define human rights and measure the effectiveness of the principle in

achieving its aims. This requires clear benchmarks, without which it is impossible for any evaluation to determine whether the principle or any commitments made under it have translated into real-world improvements. The National Plan must include specific indicators related to the participation, protection of all human rights and empowerment of older people to ensure that progress is made and not simply promised.

The commitment to a human rights approach in the Draft National Plan is an essential and foundational framing and is reflective of EAAA's prior recommendation, however it must move beyond rhetoric and be backed by structural and measurable actions. Older people in Australia must not only be consulted but actively included in leadership, decision-making and accountability mechanisms. A true human rights approach is one where the voices of older people do not just inform change but lead change.

Recommendation Three: Combatting Ageism Through Action

EAAA's 2023 Consultation and Research Report highlighted the importance of addressing ageism as an underlying cause of elder abuse¹¹³, something that was heard repeatedly during our consultation process with one person telling us:

"Ageism isn't focused on well at all – the approach is continually tokenistic"

We were therefore gratified to see the principle of 'Combatting Ageism' within the Draft National Plan¹¹⁴. Ageism remains a deeply ingrained issue that influences policy, service provision and societal attitudes towards older people. It is the most socially acceptable form of discrimination in Australian society¹¹⁵ and the only one which equates to discrimination against one's own future self.

Although the Draft National Plan acknowledges the pervasiveness of ageism and the need to address it¹¹⁶, the proposed actions to do so focus primarily on awareness-raising, which though important does little to dismantle entrenched systemic and sometimes institutional ageism.

Raising awareness is of course necessary, but it is not sufficient. Without clear and enforceable mechanisms to address age-based discrimination, awareness campaigns become superficial gestures and not catalysts for real and lasting change. The National Plan must go beyond the general commitments in the current Draft and articulate specific, actionable reforms to eliminate structural or systemic ageism across various sectors, including employment, healthcare and aged care. The concern around the absence of such measures was heard repeatedly by EAAA during our consultations to inform this submission, with one member telling us:

“I’m in my eighties, well into my eighties, and what I’m noticing and what I’m experiencing is systems abuses. If you’re over eighty, or even if you’re in your seventies, in the public health system, and even in the private system, you’re put in the too hard basket. You’re the lowest priority. Ageism is at the root of it, and we need to address ageism, but we also need to address professionals and systems which are inherently ageist.”

Another member put it more succinctly, having been told by a health care professional when seeking assistance for a healthcare issue:

“Well, what do you expect at this age?”

Others reported being left untreated or sent home, and significant concern was also raised about terminology such as ‘bed blockers’ to refer to older people receiving care in hospital. References were made to the push to move people out of hospitals and into residential aged care regardless of their wishes or lack of requirement for aged care services.

Whilst these examples focus primarily on healthcare settings, we know that this is not the only part of our system which is systemically ageist at the expense of the rights and dignity of older people in Australia. Institutional ageism manifests in policies that limit workforce participation for older people. This includes forced retirement ages in some industries (such as judges)¹¹⁷, healthcare systems that de-prioritise their needs¹¹⁸ and service models that diminish their autonomy. To address these systemic issues, the National Plan must include measures such as age impact assessments for new policies, mandatory training on ageism for service providers and stronger legal protections against age-based discrimination. These steps can help to ensure that older people are not only respected in theory but empowered in practice.

Another critical gap in the approach taken by the Draft National Plan is the lack of accountability mechanisms. Ageism cannot be appropriately or effectively combatted unless we put in place robust monitoring and enforcement strategies. This could be accomplished through a range of measures such as the establishment of independent oversight bodies, a requirement for regular public reporting on the milestones contained in the 5-year action plans, and the embedding of anti-ageism measures into our legislative and regulatory frameworks. Without accountability, combatting ageism remains merely aspirational. It will continue to be discussed but meaningful action is near impossible.

EAAA believes strongly in the principle of combatting ageism, however this commitment must extend beyond symbolic statements. This is reflective of many of the recommendations made in this submission where the sentiment of the Draft Plan is right but are rhetorical rather than actionable. To combat ageism we need systemic changes, enforceable policies and measurable outcomes that challenge and ultimately dismantle the structures that perpetuate age-based discrimination.

Recommendation Four: Supporting Autonomy to be Backed by a National Commitment to Supported Decision-Making

The Draft National Plan rightly prioritises individual decision-making, autonomy and dignity under Principle Five¹¹⁹. These values are essential to upholding the human rights of older people and ensuring they can lead independent, self-directed lives. As with many elements of the Plan, there are gaps in this commitment to supporting autonomy. A national commitment to supported decision-making is necessary to fully realise these principles and to prevent an undue reliance on substitute decision-making, which undermines autonomy and increases the risk of abuse.

Supported decision-making recognises that all individuals, regardless of age, disability, or cognitive ability, have the right to make their own decisions with the appropriate support. It prioritises the person's will and preferences by providing tailored assistance where necessary through methods such as trusted individuals, accessible information, or communication aids, use of translators and translated resources. Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) states:

“State parties shall recognise that persons with disability enjoy legal capacity on an equal basis with all others in all aspects of life.

State parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

State parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights laws. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, and are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible, and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.”¹²⁰

In other words, Australia's ratification of the UNCRPD in 2008 is, or should be considered, as a commitment to supported decision-making, but has not been so in practice. Substitute decision-making remains an acceptable norm in Australia, though Victoria¹²¹, Queensland¹²², and Tasmania¹²³ have taken strong steps towards embedding supported decision-making into their legal frameworks. Substitute decision-making involves a legally appointed guardian or administrator to make decisions on behalf of an individual without consideration for their will and preferences. It is disempowering, an infringement of the human rights and dignity of the person and a pathway for abuse. Substitute decision-making

may be necessary in a limited number of cases, but it must only be used as a last resort when all avenues for supported decision-making have been exhausted. The current processes in all Australian jurisdictions have an over-reliance on substitute decision-making, concentrating power outside of the individual and removing the older person's voice from decision affecting them, sometimes leading directly to abuse.

A national commitment to supported decision-making would ensure that policies, laws and service systems prioritise autonomy while providing the necessary safeguards. Any principle of supporting individual decision-making, autonomy and dignity without this commitment is largely meaningless and lacking in accountability.

EAAA appreciates that a national shift of this magnitude is not simple, however successful models of supported decision-making can be found overseas. Canada¹²⁴ and Sweden¹²⁵ are two countries that have successfully incorporated supported decision-making into all relevant elements of their legal frameworks, demonstrating that it is possible to uphold autonomy while providing adequate safeguards. Australia can follow suit in this regard, by embedding supported decision-making as the national standard. We can ensure that older people are empowered rather than marginalised in decisions about their lives.

A national commitment to supported decision-making is not simply about preventing elder abuse, it is about fostering a society where all people, regardless of age or disability, are recognised as active agents in their own lives.

Recommendation Five: Harmonisation of Powers of Attorney Legislation

The 2017 ALRC Report identified almost a decade ago now that harmonisation of power of attorney legislation across states and territories was a vital pathway to reducing elder abuse, particularly financial elder abuse¹²⁶. A Report from the Law Council of Australia further stated:

“Uniformity would reduce the current complexity and overlap in the application of the law in relation to powers of attorney and enduring guardianship.”¹²⁷

This recommendation was heard and reflected in the first National Plan, where the first initiative of Priority Area Four (Planning for Future Decision-Making) was:

“States and territories consider developing options for harmonising enduring powers of attorney, particularly in relation to financial powers of attorney, to achieve greater consistency.”¹²⁸

This commitment was to be completed within a two-to-three-year timeframe and is not only yet to be completed, but is conspicuously absent in the Draft National Plan, which instead references ‘greater consistency’¹²⁹. Greater consistency, which is distinct from harmonisation, was also consulted on by the Standing Council of the Attorneys-General in late 2023¹³⁰. At this time EAAA drew the Standing Council’s attention to the disparity between harmonisation and greater consistency and is disappointed that not only has harmonisation been apparently removed from the objectives of the Plan, but that no real progress has been made in greater consistency either. Misuse of enduring powers of attorney is believed to be rampant and EAAA consulted on powers of attorney with our members in 2023, with the two of the greatest concerns raised were:

- The inconsistencies of legislation across jurisdictions, noting complexities due to the mobility of the population
- A lack of education about the responsibilities and obligations of the attorney.

While the first of these concerns is clearly best addressed through the harmonisation of legislation the second too is simplified if harmonisation is accomplished. EAAA acknowledges the 2019 National Guide to Powers of Attorney developed by the Victorian Office of the Public Advocate on behalf of the Australian Guardian and Administration Council¹³¹. This guide is limited as it attempts to unpack and explain a jurisdictional issue with a national guide. In practice this means that the guide cannot provide effective or accurate information without being accompanied by additional jurisdictional resources.

Education, and the application of powers of attorney are further complicated by the fact that we have a mobile population, and it is not uncommon for attorneys and principals to reside in different jurisdictions. This makes the whole process of powers of attorney, as put so aptly by one SPARK member, “a dog’s breakfast”. This member later corrected themselves telling us:

“Actually, it’s only a dog’s breakfast for people who are trying to do the right thing. For people who want to abuse the system, powers of attorney are heaven on earth.”

It is not only principals and attorneys who can be victims of the fragmented system surrounding enduring documents. Service providers are required to understand and appropriately implement the rules and requirements of the different states and territories, although even interstate recognition of enduring documents is not uniform across Australia. This recommendation was unanimously endorsed during EAAA member consultations and at the SPARK extraordinary meeting with many sharing their frustrations that not only had this been on the agenda for so long without progress, but that it now appeared to have fallen off the agenda entirely. One member told us:

“The language around EPOAs isn’t there, there’s no commitment. It needs to happen now!”

Others raised the specific challenges for border populations or cases where principals and attorneys reside in different jurisdictions:

“People live in different states, it becomes overly complicated for no reason. Families are dispersed across Australia.”

“It’s just a really practical and obvious step, particularly for people who are dealing with cross-border issues.”

Harmonisation is vital to reducing the manipulation and confusion surrounding enduring powers of attorney. This has been acknowledged by the ALRC¹³², the Law Council of Australia¹³³, and the first National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019 – 2023¹³⁴. The benefits are clear and there does not seem to be anyone who is arguing to the contrary, but it appears to have been removed from the agenda. EAAA acknowledges that this is a process that must be state-led and that it cannot be mandated by the Commonwealth, however we must continue to push for a change that is so vital. We urge the Standing Council strongly to reconsider this omission, which we believe to be largely led by the states’ commitment to their own models. This refusal to compromise or change with no evidence to back the position comes at the expense of Australians all around the country. Failure to reverse this decision is a massive step back from the aspirations of the first National Plan and is highly disappointing.

Recommendation Six: Registration of Power of Attorney

Harmonisation of enduring Power of Attorney legislation, as outlined in our previous recommendation, is a key element in seeking to address financial elder abuse and has been on the agenda for a long period of time. So too, has a National Register of enduring Powers of Attorney, which like harmonisation was recommended by the ALRC in 2017 with recommendation 5.3 of the Report stating:

“A national online register of enduring documents, and court and tribunal appointments of guardians and financial administrators, should be established. . .”¹³⁵

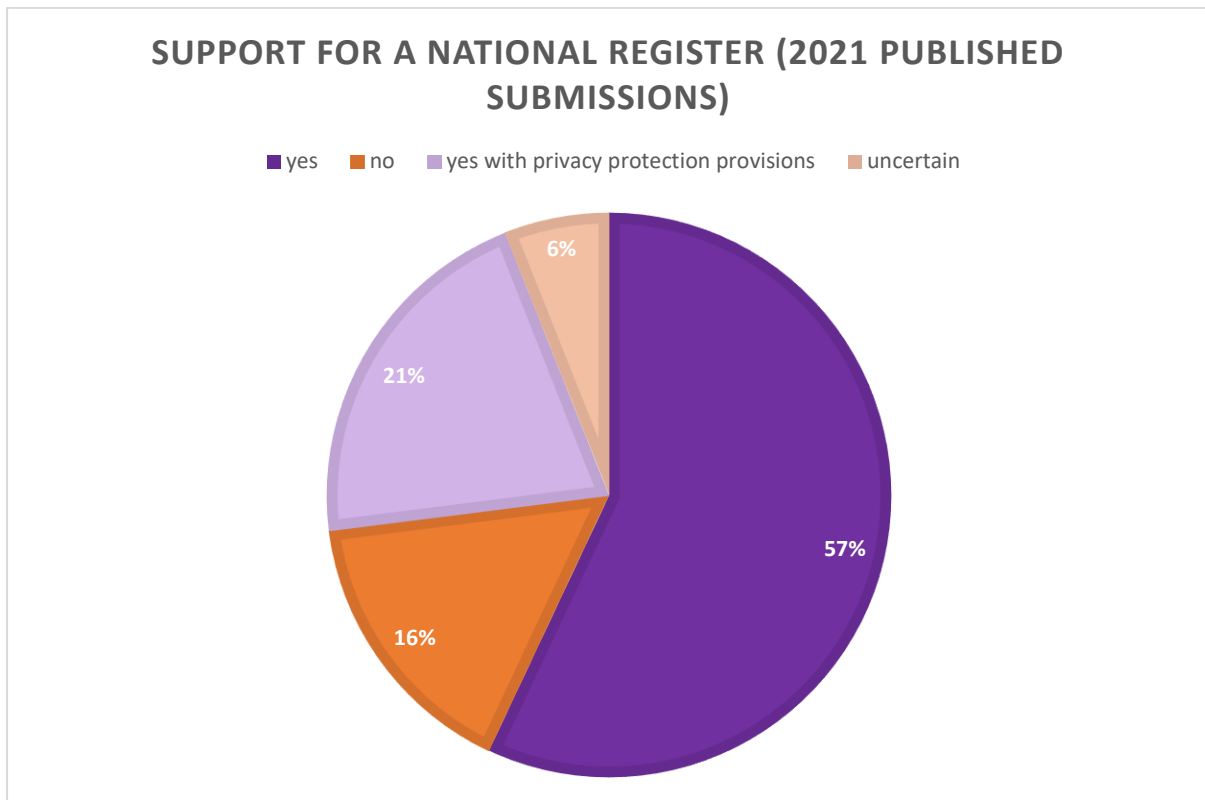
The National Register was also included in the first National Plan to Respond to the abuse of Older Australians (2019 -2023), under Initiative 4.2:

“Investigate the feasibility of developing a national online register of enduring powers of attorney.”¹³⁶

The purpose of a National Register is straightforward yet considerable, with the ALRC outlining that a national register would reduce financial abuse through:

- Increased transparency as to whether an instrument exists
- Provision of clarity as to the role and powers of the Attorney
- Minimisation of the extent to which documents can be forged or amended without the consent of the Principal
- Reduction in the ability for an attorney to rely on a revoked instrument
- Allowing institutions to identify the existence, scope and currency of an instrument¹³⁷.

EAAA acknowledges that in response to this initiative the Commonwealth Attorney-General's Department undertook a consultation in 2021 to consider the feasibility of implementing a register¹³⁸. This was an encouraging step. More encouraging still was that published submissions show more than 57% were strongly in favour of the register, with a further 21% in favour on the proviso of the inclusion of privacy protection mechanisms¹³⁹.



Despite the calls from the ALRC in 2017¹⁴⁰, and the support for the National Register apparent during the consultation¹⁴¹, no further visible progress has been made. More concerningly, there was no mention of a National Register of Enduring Powers of Attorney mentioned in the 2023 consultation paper on Greater Consistency of Enduring Powers of Attorney¹⁴², and there is no mention of it as either actionable or even aspirational within the Draft National Plan¹⁴³.

The reasons for the conspicuous removal of a National Register from the Draft Plan and from consideration more broadly has not been articulated through any formal channel. No rational explanation can be easily reached aside from it having been placed in the ‘too hard basket’. While this is understandable given the requirement to reach a consensus across all states and territories, the National Register is too crucial for this approach to be acceptable.

The absence of a clear rationale for omitting the National Register from current discussions raises significant concerns, particularly when viewed through the lens of safeguarding vulnerable adults who may be at risk of financial abuse. The implementation of a National Register would not only provide greater transparency but also ensure that enduring Powers of Attorney are recognised and easily verifiable across jurisdictions, noting the frequency of attorneys and principals being in different states and territories.

The absence of the National Register in the Draft National Plan is a concerning omission which must be reversed. Without a register, individuals are left vulnerable to exploitation and the integrity of the enduring Powers of Attorney system is compromised. EAAA strongly urges the Standing Council of the Attorneys-General to revisit this commitment and collaborate across jurisdictional boundaries to ensure the safety and protections that can only be brought through the implementation of a National Register.

Recommendation Seven: Harmonisation of Public Trustee and Guardianship Systems

In recommendation five of this submission, EAAA outlined the need for harmonisation of powers of attorney, something which has been long recommended without any discernible progress before apparently dropping off the agenda. Powers of attorney are not the only legislative area where jurisdictional differences cause complexities and inefficiencies that can leave older people more vulnerable to abuse. Another is the public guardian and trustee systems. The present patchwork of different laws, processes and practices and resulting inconsistencies create significant vulnerabilities for peoples who are often deemed to lack ‘capacity’. This concept of capacity is itself problematic for several reasons:

- The term capacity has different definitions in different states and territories¹⁴⁴
- Capacity is not absolute. For example, someone may have capacity to make financial decisions but not medical decisions or vice versa, which is not always recognised by the public guardians and trustees¹⁴⁵
- Capacity can be fluid¹⁴⁶
- A loss of capacity may not be permanent¹⁴⁷.

These challenges amplify the problems of having different guardian and trustee systems across the country, which in practice means that there is a disparity in the fairness and

equity experienced by older Australians who may become subject to trustee or guardianship orders.

The harmonisation of public trustee and guardianship systems would ensure that all older Australians, regardless of where they live, have equal access to consistency and reliable protections, as well as the same freedoms. It would also significantly simplify the implementation of recommendation four of this submission which calls for a national commitment to supported decision-making. A harmonised system would also serve to improve the accountability and transparency of public trustee and guardianship processes.

The differing practices across jurisdictions increase the risk of oversight or gaps. In some regions support may be insufficient; in others, systems may be overburdened or mismanaged. Standardising processes and implementing a unified set of guidelines would enable the system to operate more cohesively, improve monitoring and oversight and enhance accountability for systemic failures. Harmonisation of these systems is important for reasons that extend beyond the prevention of abuse, mistreatment or exploitation.

Public trustees and guardians are often involved or fully responsible for the management of financial matters, health decisions and personal affairs of older people, in contradiction with their right to autonomy and self-determination. This is exacerbated by inconsistent practices that may prevent people from accessing resources they need or from understanding what their rights are when under a guardian or trustee order.

Harmonisation of the public trustee and guardianship systems aligns with the broader goals of the Draft National Plan, but it must be included as a specific item for action. This allows us to better ingrain supported decision-making; reduces confusion about the rights and obligations of individuals as well as public guardians and trustees; and increases our ability to hold public trustees and guardians accountable when the rights, wellbeing and preferences of older people are undermined.

Recommendation Eight: Funding for Specialist Services

One of the most significant initiatives to come out of the first National Plan was the implementation of the specialist elder abuse service trials which commenced in 2019¹⁴⁸. The results of these trial models clearly demonstrate that these services are not only highly effective but also essential in empowering and safeguarding the wellbeing of older people in Australia¹⁴⁹. The evaluation conducted by Inside Policy for the Commonwealth Attorney-General's Department in 2021 indicated that the service trials received overwhelmingly positive feedback from clients, with high levels of satisfaction and tangible outcomes, including increased safety and enhanced wellbeing¹⁵⁰. These services also demonstrate a remarkable social return on investment (SROI) of \$3.69 for every \$1 invested, indicating cost effectiveness and value to society¹⁵¹. Despite this success there has been no ongoing or

expanded funding committed to the service models, including within the Draft Plan. This omission and the failure to expand beyond the original sites means that these services are unavailable to those who need them.

The three service models - specialist elder abuse units, health-justice partnerships and case management and mediation services - were designed to address the different and complex needs of older people experiencing abuse and mistreatment. In recognition that elder abuse is an issue that crosses jurisdictional boundaries, specialist services were set up in every state and territory. With only twelve trial sites, no jurisdiction has access to all three service types.

<i>Jurisdiction</i>	<i>Specialist Elder Abuse Unit</i>	<i>Health Justice Partnership</i>	<i>Case Management and Mediation Service</i>
<i>New South Wales</i>	✓	✓	X
<i>Victoria</i>	✓	✓	X
<i>Queensland</i>	X	✓	✓
<i>South Australia</i>	✓	X	X
<i>Western Australia</i>	✓	X	✓
<i>Tasmania</i>	✓	X	X
<i>Northern Territory</i>	X	X	✓
<i>ACT</i>	X	X	✓

The 2023 AIFS and NARI evaluation of the first National Plan emphasised the importance of equity in the distribution of services¹⁵². In the evaluation’s Delphi Study, 72.3% of participants identified the need for equitable access to specialist elder abuse services as ‘critical’¹⁵³. This means that no matter where older people live, in what state or territory or whether they live in urban, rural, or remote areas, they should be entitled to the same access to specialist services that meet their needs.

The existing specialist services have highlighted significant gaps in service availability and the lack of appropriate services available in every state and territory. EAAA therefore had

expected that the new Draft Plan would commit to funding and expanding these successful service models to address the disparity in access that leaves so many older people experiencing abuse without an appropriate place to go for help.

The 2024 National Elder Abuse Conference in Adelaide further reinforced the call for expanded services, with 25% of polled delegates identifying a “*national approach to providing elder abuse services that is equitable, appropriately funded and culturally appropriate, in particular for regional, remote and diverse populations*” as a top priority for ending elder abuse in Australia. This was the leading response amongst delegates.

The experience of the family domestic and sexual violence sector provides valuable insights into the funding mechanisms that would be most effective for elder abuse services. In the domestic violence sector, needs-based funding has proven to be more effective than per capita funding in achieving positive outcomes for those utilising services¹⁵⁴. Elder abuse has unique characteristics that require tailored approaches. A needs-based funding model will ensure that resources are directed to those who need them rather than being congregated in capital cities or along the coastline of Australia.

The SROI should also be highlighted. This figure reflects the significant social and financial benefits that result from providing adequate and specialised support to older people experiencing or at risk of experiencing abuse. In preventing the escalation of abuse and improving the wellbeing of older people, these services also ultimately reduce long-term flow-on costs to the healthcare system, the justice system and social services.

The abuse and mistreatment of older people is a widespread issue that affects older people in Australia from all backgrounds and walks of life. To ensure that every older person has the support and protection they need, the National Plan must commit to providing equitable access to appropriately funded specialist elder abuse services. The current service trial models have laid the groundwork and proven effective. Some States have funded specialist elder abuse services to serve some, but not all communities, but a post-code lottery remains. This is the time for expansion and this commitment must be included in the National Plan.

Recommendation Nine: Prioritisation of recovery and healing

The *National Plan to End Violence Against Women and Children 2022 – 2032*, much like the Draft Plan, identifies four Priority Areas¹⁵⁵. A key distinction between the two is that the Priority Areas in the National Plan to End Violence Against Women and Children are directly aligned with its overarching objectives: Recognition, Response, Prevention and Early Intervention, and Recovery and Healing¹⁵⁶. The Draft Plan divides its Priority Areas according to action as opposed to function¹⁵⁷. The first structure ensures that every stage of

addressing violence is embedded in the Plan's design, with the integration of a recovery and healing priority explicitly acknowledging that addressing violence and abuse does not end with intervention. It must extend to supporting survivors to reclaim their wellbeing, autonomy and dignity.

The Draft Plan covers three of these four areas in detail, but it does not meaningfully incorporate Recovery and Healing as a core element of its framework. The principles of the Draft do acknowledge the importance of recovery; however, the concept is not substantively woven into the Plan's strategic focus. The only explicit mention of recovery and healing within the Plan's Focus Areas is found in Focus Area Four. This proposes research into the issue rather than the implementation of direct actions to support older people who have already experienced abuse¹⁵⁸. This stands in stark contrast to other frameworks to address violence or abuse which position recovery and healing as an integral part of the overall response, not as a subject for future investigation.

The absence of a well-defined approach to recovery and healing raises critical questions about how older people's experiences of abuse are being understood and prioritised within the broader national agenda. Recovery from abuse is not a passive process, nor is it an issue that can be deferred to future research. For many older people the consequences of abuse can be profound and long-lasting, impacting on all aspects of their wellbeing¹⁵⁹. Without targeted measures to support recovery, many are left without the tools to rebuild their lives. This gap is particularly troubling given the complex nature of the abuse of older people which frequently involves family dynamics, financial exploitation and systemic barriers to accessing justice and support services¹⁶⁰.

The omission of tangible recovery and healing initiatives may also reflect a disturbing underlying assumption - that older people are somehow less in need of, or less capable of, recovery. This assumption, which can be linked to broader patterns of unconscious ageism, risks reinforcing the idea that prevention and intervention are the only necessary steps in addressing the abuse of older people, rather than recognising the full continuum of support required. If older people are not seen as having the same right to healing and restoration as others who experience abuse, then the national response risks failing them at a fundamental level and reinforcing ageist bias. Recovery and healing cannot be viewed as secondary considerations or issues that can be postponed for future exploration. Instead, they must be embedded within the plan as a core commitment, just as they are in other national strategies that address violence and abuse.

EAAA strongly urges the Department to take deliberate steps to integrate recovery and healing into the final National Plan, not as a subject of research but as a tangible and immediate priority. This includes recognising the unique barriers older people face in the recovery process, ensuring access to trauma-informed services, embedding financial and legal support mechanisms, and creating pathways for social and emotional reconnection. To

be inclusive and effective the National Plan must affirm that every person, regardless of age, deserves the opportunity to heal and regain their autonomy.

Recommendation Ten: Including a human perspective

The Draft Plan commits to a focus on lived experience of abuse and mistreatment, yet it fails to effectively represent the voices and lived/living experiences of older people, focusing solely on strategic priorities and responses¹⁶¹. The abuse and mistreatment of older people is an often-invisible problem and too often it is spoken about in theoretical terms, as opposed to as the real, complex and multi-faceted problem that it is. As one EAAA member put it:

“There’s not a single case study in the National Plan. Let’s bring it to life!”

Case studies are one of the most effective ways to both elevate the voices of lived/living experience and to put a face on the problem that is the abuse and mistreatment of older people. Without these illustrations of the real-life impact of abuse there is a risk that the Plan may feel abstract and fail to appropriately convey the human cost and need for action.

Case studies play a crucial role in grounding policy and strategy in lived/living experience by moving beyond quantitative data and technical language to emphasise the realities faced by older people who have experienced abuse. Case studies provide a window into the complex and intersecting factors that contribute to mistreatment, and the systemic barriers to accessing support. The inclusion of case studies which present both the challenges and the ways in which prevention and response measures can be effective, can change the way we think about abuse. They take us from a theoretical perspective to the realities and humanity of the abuse experience. They may also serve to highlight the diversity of the experience of abuse for older people and the unique needs of different people.

The incorporation of case studies throughout the National Plan will also help to ensure that commitments can translate into meaningful and tangible action. We need to highlight the human side of abuse and emphasise that the abuse of older people in Australia is a crisis affecting real people, often in profoundly damaging ways. The voices of older people must be elevated, not only to make the Plan more accessible and engaging, but to ensure that the response to the abuse and mistreatment of older people is driven by the realities of those it seeks to protect and empower. Personal stories can be a powerful mechanism to shift public attitudes, strengthen political will and build momentum for necessary reforms. They provide the opportunity to highlight both the harm caused by abuse as well as the impact of effective intervention. These stories allow us to accurately demonstrate why increased investment in specialist services, education and protections is essential.

EAAA strongly encourages the addition of case studies to the National Plan to help humanise both the plan itself and the realities of abuse. The one in six older people who experience abuse in Australia each year are not theoretical; they are 650,000 people¹⁶² with individual stories and challenges. The Plan highlights the need for education and commits to placing lived and living experience at the heart of the response¹⁶³. This needs to start at the beginning by embedding lived and living experience into the Plan itself.

Recommendation Eleven: A nation-wide Definition

The Draft National Plan uses the World Health Organization (WHO) definition of elder abuse:

“A single or repeated act, or lack of appropriate action occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.”¹⁶⁴

This is also the definition that is used by Western Australia, Tasmania, and the Northern Territory but there remains a lack of agreement across states and territories as to the definition of elder abuse as illustrated by the table below. EAAA is concerned that any national effort to end the abuse and mistreatment of older people is necessarily undermined by lack of nationally agreed definition.

New South Wales	<i>“Elder Abuse is any act that causes harm to an older person. It can be an intentional act that is physical, psychological, financial, verbal, or neglect.”</i>
Victoria	<i>“Elder abuse is any act that causes harm to an older person and is carried out by someone they know and trust, usually a family member.”</i>
Queensland	<i>“Elder abuse is any act within a relationship of trust which results in harm to an older person. It can be emotional, psychological, financial, physical or sexual abuse, or neglect.”</i>
South Australia	<i>“Elder abuse is any deliberate or unintentional action, or lack of action, carried out by a person in a trusted relationship which causes distress, harm, or risk of serious harm to an older person, or loss to damage to property or assets.”</i>

Western Australia

“A single or repeated act, or lack of appropriate action that occurs in a relationship with an older person where there is an expectation of trust, and where that action causes harm or distress to the older person.”

Tasmania

“A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.”

Northern Territory

“A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.”

Australian Capital Territory

“Elder abuse is any behaviour or action within a relationship of trust that harms an older person. It includes financial, psychological, physical, sexual, social abuse, and neglect. Elder abuse is defined as the mistreatment or exploitation of an older person by someone that they know and trust.

A quick analysis of these varying definitions reveals the discrepancy between them on issues as blatant as whether a lack of appropriate action constitutes abuse or whether it must be an act/action, or an act/action or lack of action. The discrepancies between how each state and territory defines elder abuse is further complicated by how it is considered from a legislative perspective.

In Victoria, for example, all elder abuse is considered under the *Family Violence Protection Act 2008*¹⁶⁵. This was recommended by the Victorian Royal Commission into Family Violence 2016¹⁶⁶ which determined that elder abuse was a form of family violence. In Tasmania, the *Family Violence Act 2004* confines family violence to acts that take place between intimate partners¹⁶⁷. In addition to the complexities and challenges to national cohesion caused by these varying definitions and processes, this also means that elder abuse funding is subject to separate streams across different jurisdictions.

A nationally consistent definition of elder abuse across Australian states and territories would provide a range of significant benefits all of which would contribute to the protection of older people from abuse and mistreatment. The lack of uniform definition creates confusion and undermines any national effort including the National Plan itself. It leads to inconsistencies in how the abuse of older people is identified, reported and responded to. A

uniform definition would provide clarity for frontline workers to recognise and respond to elder abuse, taking particular note of the complications that exist for border populations. Inconsistent definitions create confusion about what constitutes elder abuse, undermining awareness campaigns and leading to cases being overlooked or misidentified.

A nationally consistent definition would also assist with standardising reporting and data collection processes, enabling a more accurate and comprehensive evidence base to be developed. The consistency would allow for better tracking and monitoring of abuse cases, which is essential for understanding the scope of abuse and evaluating the effectiveness of intervention strategies, including those that stem directly from the National Plan.

Focus Area One of the Plan seeks to ‘increase whole-of-community awareness, education and engagement’¹⁶⁸. This can far more easily be achieved when there is a consistent definition in place. When there is a common and clear understanding of what constitutes abuse, it becomes easier to engage the public, communities and institutions in the conversation about how to end it. National campaigns and educational programs can be designed more effectively, aligning with the consistent definition. This may lead to increased reporting and earlier intervention.

When we talk about barriers to reporting and help-seeking in relation to elder abuse, we often also talk about shame and stigma¹⁶⁹. People who experience abuse are often reluctant to speak out due to a fear of not being taken seriously. A nationally agreed-upon definition may validate the experiences of older people and show them that their concerns are legitimate and deserving of attention. In consulting with EAAA members to inform this submission, one word that kept coming up in relation to this was ‘disrespect’. One member told us:

“Older people don’t talk about being ‘abused’ or ‘mistreated’ they talk about being ‘disrespected’. There is power in bringing in the term disrespect to the definition of abuse. This is critically important.”

This sentiment was echoed by others who highlighted the importance of using language that older people could relate to their own situation. An incident may be a clear and blatant case of abuse to an outside party, but the older person may not feel comfortable with that term. EAAA, earlier in this submission, endorsed the inclusion of the word ‘mistreatment’ in the Draft Plan for the same reason.

EAAA urges the Commonwealth and the Standing Council of Attorneys-General to come to a nationally agreed upon definition. This will allow for improved identification and reporting of abuse, more effective policy responses, and improved data collection and awareness raising campaigns. The inclusion of the word ‘disrespect’, currently lacking from the any of the definitions used by the Commonwealth or states and territories should be included in

this new definition. This more accessible language resonates with older people and is reflective of how they feel about their own situation.

Recommendation Twelve: Clear definitions of Priority Groups and their purpose

The 2017 ALRC Report *Elder Abuse – A National Legal Response* clearly identified that different demographics of older people in Australia had different experiences of abuse and would have different needs in terms of prevention and response. Recommendation 3.4 outlined the need for the first National Plan to take these diverse needs into account and provided a list of six different demographics for the Plan to recognise and address the specific experiences and needs of¹⁷⁰.

The first National Plan failed to overtly recognise the diversity of population or the resulting diversity of need¹⁷¹. EAAA was therefore encouraged to see the inclusion of priority groups in the Draft Plan¹⁷². There has nonetheless been some concern about the inclusions, with twelve different priority groups in what the plan identifies as a non-exhaustive list. This leads to the question as to how prioritisation is possible with such a lengthy list that has not been fully defined, or as one EAAA member put it:

“The list is buzzwordy. It feels really good to mention all of these groups, but it doesn’t really come from the human-rights approach. Implementation and planning are impossible if this is not appropriately defined. It looks like an attempt to name everyone but with no attempt to unpack that or consider what it would look like.”

It is also unclear as to the purpose of the Priority Groups with the plan largely seeking to acknowledge and recognise the unique needs and experiences of these groups with no underlying actions or initiatives included to address them¹⁷³. EAAA urges the Department to consider the purpose of the Priority Groups and seek to define it within the Plan to ensure diverse needs are met as opposed to simply acknowledged.

The recognition of diverse experience is important, and its absence was a glaring omission in the first National Plan¹⁷⁴. Meaningful change can only occur if the Plan incorporates concrete and actionable strategies tailored to these experiences. Without a clear framework for implementation, the Priority Groups remain a symbolic gesture and not a mechanism for targeted intervention. The Draft Plan acknowledges unique needs but the failure to outline how these needs will be addressed leaves the commitment to diverse needs performative rather than transformative. In the words of another EAAA member:

“Not using specific terms can create problems, the more broadly we go, the bigger the holes in our net.”

It is unclear how the inclusions were identified. Several EAAA members raised concerns that key cohorts may have been overlooked, and it is uncertain what mechanisms are in place to ensure the list remains responsive to emerging needs. Older people experiencing homelessness, those with cognitive impairment, and those with frailty are just some examples of groups who may be at heightened risk of abuse or have unique experiences and needs who are not explicitly referenced. If the list is to be non-exhaustive, as clearly stated in the Draft Plan¹⁷⁵, then a more transparent approach to development and ongoing review is required. In the absence of this the broad scope of the list, combined with the absence of specific actions, may dilute any intended impact.

There is also the fundamental question about the role of the Priority Groups within the Plan. If their inclusion is intended to ensure targeted action, then explicit commitments and initiatives designed to address their specific needs must be included within the plan. If their purpose is simply to acknowledge that different experiences exist, then this must be reconsidered. Recognition will not deliver the protections and support required to prevent and respond to abuse and mistreatment. It is time to move beyond symbolic inclusivity.

EAAA urges the Department to engage further to refine the framework for Priority Groups. The final plan must clearly define why these groups have been identified, how their specific experiences will shape policy and service responses, and what measurable commitments will ensure their inclusion leads to meaningful change.

Recommendation Thirteen: Proportional Investment for Elder Abuse

EAAA outlined earlier in this submission, primarily under recommendation eight, that funding mechanisms and models for services and initiatives have not been provided in the Draft National Plan¹⁷⁶. This will be addressed further in recommendation sixteen, however beyond the need for transparency of resourcing and funding, it is essential that it is proportional to the scope and scale of the problem.

No research into the economic cost of elder abuse has been publicly released. Evidence-informed estimations which utilise learnings from the domestic and family violence sector suggest that it is significant¹⁷⁷. Acknowledging the differences between the two due to factors such as older people being less likely to be active in the labour force but being more likely to require ongoing health care as a direct or indirect result of abuse, it can be estimated that the abuse of older people may be as high as \$14billion annually. EAAA recognises that these figures are based solely on extrapolation and numerous assumptions, but in the absence of any research into the cost of abuse this is what is available. Serious modelling must be funded to understand the fiscal cost of elder abuse to this country, and what it might cost to address the problem.

The fiscal cost is significant. So too is the cost to the individual, their loved ones, their communities, and society more broadly¹⁷⁸. The Prevalence Study tells us that 1 in 6 older people, or 650,000 people over the age of 65¹⁸⁰, experience abuse each year. This is staggering, and yet the investment into addressing the problem is minimal and certainly not even close to proportional or appropriate.

If we make comparisons to domestic and family violence, the 2021 Personal Safety Survey tells us that 4.8% of women had experienced sexual, emotional, or physical abuse from an intimate partner in the preceding twelve months¹⁸⁰. This is still alarmingly high, but it is one third of the 15% of older people who experience abuse annually. Despite this, the funding received by those working to end the abuse of older people or assist those who have experienced or are at risk of experiencing abuse is minimal compared to that provided to combat intimate partner violence.

The National Plan to End Violence Against Women and Children 2022-2032 was supported by an investment of over \$3.4 billion. The 2024/25 Federal budget included spending of over \$1.2 billion, with an annual spend of more than \$300 million¹⁸². This is not funding that is reaching the elder abuse space. In any case, significant proportions of domestic and family violence services couldn't be utilised for the abuse of older people even if they understood the complexities, nuances and unique circumstance of elder abuse. This is due to factors such as inaccessibility and the fact that more than 45% of older people experiencing abuse are male¹⁸³.

In comparison to the resourcing provided to address domestic and family violence, the abuse and mistreatment of older people receives between \$11 million and \$12 million annually. This is less than 0.1% of the estimated cost of the problem.

The disparity in funding allocation underscores another even larger issue: that the abuse and mistreatment of older people remains largely invisible in national policy priorities. It is simply not being prioritised by governments or departments at any level. There have been significant and high-profile investments made to address domestic and family violence, an issue that is undeniably critical but there is a persistent failure to make the same level of commitment, with the same urgency to end the abuse of older people. The current funding does not come close to meeting the scale of the problem, nor does it reflect a genuine commitment to systemic reform. Instead, it suggests that the abuse of older people is less important, again highlighting the possibility of unconscious ageism.

A National Plan to End the Abuse and Mistreatment of Older People must be backed by meaningful and needs-based funding that acknowledges the prevalence and impact of the issue. The commitment to ending abuse must be clear and apparent. It must be treated as the national priority that it should be, and this requires more than aspirational goals or using the right words. It requires genuine accountability, concrete funding and the political will to act.

Recommendation Fourteen: A Whole-of-Government Approach to Ending Elder Abuse

The abuse of older people is complex and pervasive, meaning that it requires coordinated action across all levels of government, multiple sectors and the community. There is growing recognition of elder abuse in the community and elsewhere, but Australia's response remains fragmented which EAAA recognises the Draft Plan is seeking to address. The responsibility for the elder abuse lies primarily with the Attorney-General's Department, which has led to important legal and regulatory reform. However, the abuse of older people extends far beyond legal matters and requires a comprehensive strategy that also encompasses health, social and aged care services, housing, financial systems, and community support. The Commonwealth Attorney-General's Department has been a leader in raising awareness and seeking to end the abuse of older people in Australia. Nevertheless, for the above reasons, EAAA asks that serious consideration is given to moving the responsibility of elder abuse from the Attorney-General's Department to Prime Minister and Cabinet. This will elevate the issue as a national priority and ensure a coordinated, whole-of-government response. The call for this change was heard repeatedly during EAAA's 2023 consultations to inform the plan, with one participant telling us:

"We need political leadership, and we need a whole of government approach from the Commonwealth Government. Elder abuse really needs to sit in Prime Minister and Cabinet, where it can drive a cross-portfolio approach."

This was again echoed by EAAA members in the 2025 consultations which assisted in informing this submission.

The abuse of older people takes many forms. It occurs in families, institutions, and community settings, with devastating impacts on the health, wellbeing and dignity of older people. Addressing something of such a complex nature requires more than just legal frameworks. It needs cross-sector collaboration, policy reform and cross-portfolio consideration. A whole-of-government approach acknowledges that the abuse and mistreatment of older people is not just a legal issue, but must be a public health, economic, and social policy priority. The fragmented nature of Australia's current response means that older people at risk of abuse often fall through the cracks or believe that their only pathway to assistance is through the legal system. This Plan seeks to end the abuse of older people, and this requires a coordinated and strategic effort across multiple government portfolios.

A whole-of-government approach would enable Australia to reduce siloed responses and implement a comprehensive strategy addressing root causes of abuse and mistreatment and systemic barriers that contribute to abuse or barriers to help-seeking. This approach can:

1. **Enhance coordination across sectors.** The abuse of older people requires input from portfolios including but not limited to, health and aged care, social services, housing, Attorney General and treasury. A central coordinating body within Prime Minister and Cabinet could work to ensure proactive collaboration across these portfolios at a Commonwealth level as well as with state and territory counterparts.
2. **Strengthen national leadership.** Elevating the abuse and mistreatment of older people to the national agenda under the Department of Prime Minister and Cabinet is a statement about the importance of the issue. A coordinating body that can put a multi-faceted lens on the crisis of elder abuse is essential to drive systemic change.
3. **Ensure sustainable and needs-based funding.** A whole-of-government approach allows for better alignment of funding mechanisms across health, social services and justice systems. This can assist in facilitating recommendation eight of this submission and providing access to specialist services to all older people no matter where they live.
4. **Improve data collection and research.** Comprehensive, longitudinal national data is crucial for designing effective responses. A whole-of-government approach can allow for cross-portfolio cooperation and coordination to ensure research and data collection is funded appropriately and effectively to produce the most robust evidence base possible.
5. **Embed prevention mechanisms.** The Draft Plan commits significantly to prevention¹⁸⁴; however, a whole-of-government approach may allow existing initiatives to broaden their reach and receive the attention and resourcing they deserve. The Attorney-General's Department has been pivotal in the work done thus far to address the abuse of older people and EAAA commends them for their work, however the issue now demands a broader mandate. If the abuse and mistreatment of older people remains within the justice portfolio, we risk limiting our response due to the legal lens through which the issue is considered. The Department of Prime Minister and Cabinet is uniquely positioned to provide cross-portfolio leadership and to ensure that the abuse of older people is recognised as a national priority requiring coordinated and collaborative action.

There is so much to still be done to end the abuse and mistreatment of older people in Australia, and the Commonwealth and state and territory Attorney-General's Departments maintain a significant role to play. But they cannot do it alone. EAAA therefore again urges that this shift, recommended in our 2023 Report¹⁸⁵, is delayed no longer.

Recommendation Fifteen: Education and Intervention for People who Cause Harm

The Draft Plan is strong in its commitment to supporting those who experience abuse and developing systemic improvements¹⁸⁶, however it does not currently contain any initiatives aimed at understanding, addressing or changing the behaviours of those who are responsible for abuse. This is a significant gap which if not amended, limits the overall response to the abuse and mistreatment of older people in Australia.

The abuse of older people occurs in the context of complex interpersonal relationships, with family members, in particular adult children, the most likely to cause harm¹⁸⁷. Without dedicated strategies designed to intervene with people who cause harm the cycle of abuse is likely to continue, even if immediate protective measures are put in place. Addressing the root causes of abuse and mistreatment through education, intervention and accountability mechanisms is essential to reducing the prevalence of abuse of older people in Australia in the long-term.

The absence of initiatives focused on people who cause harm in the Draft Plan stands in contrast to national approaches addressing other forms of abuse and violence. This includes the *National Plan to End Violence Against Women and Children 2022-2032*¹⁸⁸, which amongst other initiatives, commits to the delivery of perpetrator interventions and programs. In the domestic and family violence sector, such intervention programs have been recognised as a crucial component of a holistic response, with efforts directed at behavioural change, accountability and the prevention of recidivism. While the abuse of older people is distinct from family violence, the similarities between the two show the critical need for similar approaches to be incorporated into the National Plan to ensure a full-spectrum response.

Community education and awareness raising as committed to by the Draft Plan may play some part in creating behaviour change¹⁸⁹, however people are reluctant to see themselves as someone who is causing harm. Educational initiatives targeting people causing harm, or those at risk of causing harm, can play a crucial role in prevent abuse and mistreatment before it occurs. Given this Plan's commitment to 'ending' the abuse and mistreatment of older people, the absence of these mechanisms appears a concerning oversight. Programs designed to increase awareness of financial abuse, coercion and neglect amongst other forms of mistreatment can help individuals to recognise their own harmful behaviour and understand their ethical responsibilities. Such programs are of particular importance in contexts where abuse is not always recognised for what it is, such as cases where entitlement or dependency dynamics exist within complex familial settings.

Preventative education should be accompanied by structured intervention programs for those who have already engaged in abusive behaviours. The experience of the domestic and

family violence sector has provided us with the necessary evidence to understand that targeted interventions, including counselling, behaviour change programs, behavioural therapy and restorative justice models, can be highly effective in reducing recidivism and promoting safer family dynamics¹⁹⁰. Intervention programs tailored to the context of the abuse of older people could incorporate elements such as financial literacy education and conflict resolution training. Structured support for caregivers who may struggle with carer burnout, serious illnesses like the onset of dementia or lack the skills to provide appropriate care should also be considered.

Accountability mechanisms must also be strengthened to ensure that people who cause harm are not only identified but provided with pathways to allow them to change their behaviour. In cases that require a legal response, this must be complemented by diversionary programs that allow individuals to engage in rehabilitation and behavioural change rather than simply facing punitive measures.

The implementation of initiatives which focus on people who cause harm, rather than on the older person themselves, will require cross-sector collaboration, with input from subject matter experts, legal professionals, social workers, and psychologists. Existing models from domestic and family violence can serve as a foundation for the development of tailored programs that address the specific dynamics of the abuse of older people. The National Plan must also ensure that services working with older people are adequately trained to identify people at risk of causing harm and be provided with referral pathways to assist them in understanding and changing their behaviour.

EAAA urges the Department to integrate education and intervention for people who cause harm into the National Plan. Without this, we cannot end abuse as we are overlooking some of the key factors that lead abuse to occur in the first place. A comprehensive approach must not only seek to protect older people from harm but also tackle the root causes of that harm. In engaging with those who cause or are at risk of causing harm, the National Plan can drive lasting cultural change towards eliminating the abuse and mistreatment of older people.

Recommendation Sixteen: Shared Accountability and Shared Leadership

A new National Plan represents the opportunity to embed a strategy for shared accountability and leadership in the quest to end the abuse of older people. Ending abuse and mistreatment cannot happen in a silo. It requires leadership from all levels of government as well as community organisations and specialist services. The Draft Plan recognises the necessity of collaboration; however, it fails to clearly delineate mechanisms, responsibilities or provide detail about how initiatives or services will be resourced.

A core lesson from the evaluation of the first National Plan was the concern expressed by the states and territories that they were identified as solely responsible for significant sections of the Plan¹⁹¹. Despite this, they were not provided with the resources to do anything beyond business as usual¹⁹². This lack of support limited the ability of jurisdictions to implement ambitious reforms that are required to address the abuse of older people comprehensively. The first National Plan did clearly identify which initiatives were the responsibility of the states and territories, which were the responsibility of the Commonwealth, and which required shared responsibility¹⁹³. The Priority Actions in the Draft National Plan fail to identify responsibilities or the expectations being placed on the various stakeholders to achieve outcomes¹⁹⁴.

Shared accountability is essential and requires a clear governance structure that outlines who is responsible for what. The failure of the Draft Plan to delineate responsibility and accountability for Priority Actions creates the risk that commitments made in the Plan will not translate into tangible outcomes. For the plan to be a success and achieve intended outcomes, each stakeholder must understand their obligations and be provided with the resources they require to fulfil them.

Shared leadership is equally important. A coordinated national response cannot be achieved if leadership remains fragmented. Commonwealth leadership is necessary to set national standards, drive legislative reform, and ensure consistency across jurisdictions wherever possible. State and territory governments must simultaneously be empowered to implement and adapt initiatives and strategies to their specific context, with support from the Commonwealth and without expectations that exceed their capabilities. Local governments, community organisations and service providers also have important roles to play particularly in frontline responses and early intervention strategies. A collaborative leadership model is essential to prevent duplication, allow for effective cooperation and collaboration and deliver a more effective response to the abuse and mistreatment of older people.

Resourcing is a fundamental element of shared accountability and leadership although funding models and costings are conspicuously absent from the Draft Plan. Ambitious strategies and goals are well and good but without appropriate funding commitments will remain aspirational instead of actionable. The experiences reported by states and territories under the first National Plan¹⁹⁴ illustrate the frustrations and limitations that come from a failure to provide appropriate resourcing. Without transparency on who is responsible for resourcing, there is a risk of duplication and unnecessary spend. EAAA asks the Department to provide transparency within the Plan as to how strategies will be managed and funded.

The Draft Plan must learn from the shortcomings of the first Plan and establish a framework that is built on shared leadership and shared accountability. This requires clarity on roles and responsibilities, strong coordination and adequate resourcing. Without this there is a

real risk of duplication or failure to deliver on initiatives, leaving the implementation of the Plan falling short across the board.

Recommendation Seventeen: Incorporation of Regular Reviews and Measurable Goals

The final version of the National Plan must include mechanisms for regular review and measurable goals to ensure its effectiveness. Findings from the Delphi Study that occurred as a part of the evaluation of the first National Plan reinforce the necessity of these elements¹⁹⁵. While a longer operational period, such as ten years, was preferred by many respondents, the strongest consensus in this area was around the importance of frequent reviews and short-term action plans with measurable objectives. These were considered ‘critical’ by 61% of respondents to enable forward planning and ensure that policy responses remained relevant across multiple government cycles¹⁹⁶.

The draft National Plan does include two five-year Action Plans, which should provide some structure for implementation. But this approach is insufficient on its own. Without built in mechanisms for ongoing assessment beyond these Action Plans, the Plan risks becoming outdated and ineffective in addressing emerging issues or responding to failures or successes of initiatives. Regular reviews ensure that new evidence, demographic shifts and evolving community needs are accounted for and assists in ensuring that interventions remain targeted and impactful. Incorporating evaluation mechanisms and regular reviews into the Plan itself allows governments and other stakeholders to assess progress systematically, make data driven adjustments and allocate resources in a more effective manner.

EAAA members shared their significant concerns about the lack of measurable actions in the plan, with some suggesting that it was full of “fluffy statements”, or in the words of others:

“Right words, right sentiments, but what will have changed in 10 years?”

and

“There’s just not much in the way of measurable ambition.”

A ten-year plan is a positive step because it provides an over-arching framework that allows for continuity and long-term strategic thinking. The AIFS and NARI evaluation of the first National Plan underscored the need for measurable outcomes and accountability mechanisms¹⁹⁷. Without clear benchmarks and scheduled assessments, it is difficult to determine whether initiatives are delivering tangible improvements. A ten-year plan with a

commitment to periodic reviews and measurable goals, means progress can be tracked, recalibrated as required and funding directed to the most effective strategies.

Despite the above advantages the Draft Plan does not commit to a comprehensive structure for evaluation and adaptation. The inclusion of two five-year Action Plans is a step in the right direction, but it does not provide the level of flexibility and accountability required to respond appropriately and efficiently to changing circumstances. Incorporating a structured review framework will enhance the Plan's credibility and provide transparency. The Commonwealth and the states and territories must recognise that an effective strategy to end the abuse and mistreatment of older people requires not only a long-term vision, but also the adaptability to evolve in response to new challenges and opportunities.

Conclusion

The *Draft National Plan to End the Abuse and Mistreatment of Older People 2024 – 2034* represents an opportunity to take meaningful action to end the abuse and mistreatment of older people in Australia. EAAA welcomes the significant progress reflected in the Draft Plan and acknowledges the Australian Government's commitment to addressing this complex and systemic issue. We are pleased to see the long-term commitment of the plan through its ten-year framework, its shift toward more person-centred and trauma-informed language and approaches, and its alignment with key recommendations that EAAA has pushed for. These elements lay the groundwork for a more effective and sustainable approach to eliminating the abuse of older people in Australia.

These advancements are commendable but require further steps to ensure the Plan achieves its intended impact. The recommendations above aim to strengthening the Plan's commitments by embedding a more comprehensive human rights approach, addressing structural barriers that perpetuate abuse, and ensuring proportionate investment in prevention, intervention and recovery. We also strongly urge for the full recognition of cultural abuse as a distinct and longstanding form of harm that has been overlooked for far too long.

A national strategy must also prioritise consistency and accountability. Harmonising legal frameworks around enduring powers of attorney, public trustee and guardianship systems, and implementing a nationwide definition of elder abuse will improve protections for older people and reduce systemic inconsistencies. The success of the National Plan is dependent on a whole-of-government approach, shared accountability and clear measurable goals. Without these elements, efforts to prevent and respond to abuse risk remaining fragmented or simply aspirational.

Elder abuse is a pressing human rights issue that demands bold, coordinated and sustained action. The National Plan presents a defining opportunity to drive real and lasting change – but its success hinges on strong leadership, meaningful investment and clear accountability. Without concrete reforms, harmonised legal protections and a fully resourced implementation strategy, the Plan risks becoming just another unfulfilled promise. EAAA is committed to working alongside governments, stakeholders and communities to ensure that the plan is ambitious, actionable and capable of delivering real impact. We urge the Australian Government to seize this moment and deliver a plan that is bold, comprehensive and transformative. The time for action is now.

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