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Response to ALRC discussion paper on Elder Abuse

By:

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To whom this may concern,

Elder Abuse is an issue which has only very recently begun to gain a voice. The key to making this discussion have an impact is education. Education of both the general public, about what constitutes Elder Abuse and students, who may help those experiencing Elder Abuse in the future. This is an important first step in combatting the problem. The ALRC discussion paper on Elder Abuse has largely ignored how education might occur. As two law students who are particularly passionate about the subject of Elder Abuse we are writing to you today to shed light on the fact that education surrounding Elder Abuse is insufficient and to put simply, non-existent. For this reason, we believe that the discussion paper should have some sort of focus on how the public, will learn about abuse in these circumstances.

As two young adults who are concerned and interested in helping an aging population, it is imperative that this issue be addressed. In no law subject has Elder Abuse ever been mentioned. In crucial subject areas concerning Elder Abuse such as Family Law, Wills and Contract law, there is no mention, neither in the textbooks or in the readings on the topic, of Elder Abuse. If either of us had not taken part in volunteering at a community legal centre the phrase ‘Elder Abuse’ would not have even become part of our vocabulary. Family violence, particularly women in abusive relationships has attracted much media attention over recent years (as it should) but why hasn’t Elder Abuse?

We have both completed some of our law course at Deakin University, a time in which we have learnt a great deal about the law and related issues of policy. However as of yet, there has been no explicit mention of Elder Abuse. Although we are but a portion of the way through our degrees, early mention of such a prevalent social problem is necessary. After research into law units yet to be completed in our degree, we have reached the conclusion that Elder Abuse is unlikely to be a considerable focus in any unit. Although elements of Elder Abuse may be mentioned in units such as Family Law, Superannuation Law and Health law, we assume that other concepts will take precedence in the curriculum. There is no unit which will have an in depth, holistic illumination of Elder Abuse as its own issue. As law is such a wide-ranging conglomeration of many different issues and principles, it is difficult to distil everything into one Bachelor degree. It is understandable that tertiary institutions may be unable to devote considerable time to the single issue of Elder Abuse. However, in saying this, if law students are not educated thoroughly on the concept then who will support those going through Elder Abuse currently and those who sadly may experience it in the future? Lawyers are part of the frontline in the fight against Elder Abuse. Legal practitioners may be the first to detect that Elder Abuse is occurring through suspicious changes made to enduring documents or through the sale of property. For this reason, a concerted effort to educate the lawyers of the future is crucial to the detection of Elder Abuse in the community. It may be that there is an elective subject implemented into University courses on Elder Abuse or more importantly a small portion of law subjects which may apply to Elder Abuse (Family law, Health Law, Superannuation Law) having and explicit mention and learning in regards to Elder Abuse.

The lack of public awareness and visibility for Elder Abuse within an educational context is a concern. This particular issue has been overlooked by the discussion paper and to put honestly, completely ignored. A concerted effort into educating both the public and students alike, particularly the younger generation, would be an investment into the future of protecting Australians and may lead as an example for the rest of the world.

Thank you.