



**AGE  
CONCERN  
NEW ZEALAND**

He Manaakitanga  
Kaumātua Aotearoa

# Submission to Call for inputs on violence, abuse and neglect against older persons

For the 2023 Independent Expert's Health  
Research Council Report

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# Call for inputs: Violence, abuse and neglect against older persons

## Age Concern New Zealand submission to United Nations Human Rights Special Procedures Independent Expert

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From the 1940s, across New Zealand, local Age Concerns developed as community not-for-profit agencies with a range of services to support the wellbeing of older people. Together these 30+ Age Concerns formed Age Concern New Zealand in the 1970s to provide combined centralised advocacy for older people's issues. Age Concern members and staff have been at the forefront of highlighting the growing questions about elder abuse and neglect since the 1980s. By initiating public awareness discussions as part of a prevention approach, as well developing elder abuse intervention services, local Age Concerns were gaining experience and expertise. Throughout this time, Age Concern New Zealand provided both support to workers and analysis of statistical information to develop a broader understanding of the context of elder abuse. In collaboration with workers in Age Concerns (and other agencies employed to work with people experiencing elder abuse), Age Concern New Zealand has developed policy protocols, practice guidelines and education resource manual material for workers to utilise. This has provided the ethical foundation and driven the professionalism of the work practice for this small but specialised workforce.

### 1. Legal, policy and institutional frameworks

Legislation in New Zealand has not specifically focused on older people, but are included in the following human rights law:

- Te Tiriti o Waitangi is the foundation treaty document signed in 1840 between Māori (indigenous people) and the British crown that included citizenship rights.
- Bill of Rights Act 1990 sets out a range of civil and political rights, which arose from the United Nations International Covenant on Civil and Political Rights but there is no specific comment on age discrimination.
- Human Rights Act 1993 sets out “prohibited grounds for discrimination” rights of adulthood people between ages of 16 and age 65 (the age at which when entitlement to government tax-funded superannuation scheme is part of Social Security legislation).

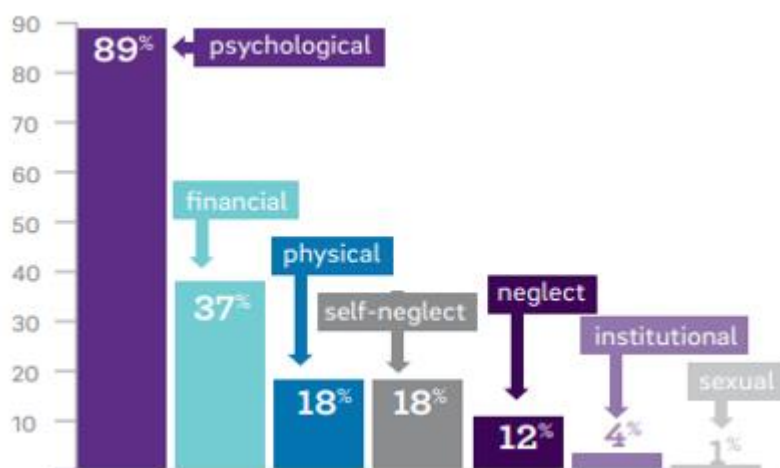


Other relevant legislation:

- Health and Disability Act Consumer Rights 1993 sets out protections for all people using hospital and community health services, including home support and residential care for older people and disabled people. This covers access to services, information about informed consent processes and protection of personal information.
- Protection of Personal and Property Rights Act 1989 introduced ability to proactively appoint 'enduring powers of attorney' ('Person Care and Welfare', or "Property") as well as the appointment of 'Welfare guardians' or 'Property managers' or 'Personal orders' for a person assessed to not have capacity to make decisions.
- Family Violence Act 2018, while not naming older people specifically, does name "vulnerable adults" and those in carer relationships with a "vulnerable adult".

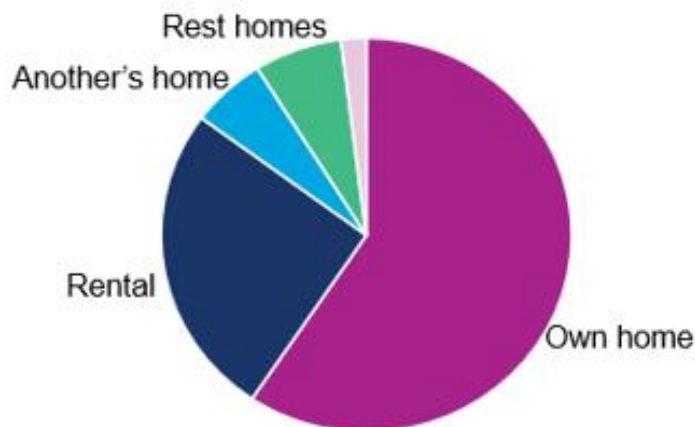
## 2. Manifestations of violence

Age Concerns use the 2002 Toronto definition of elder abuse, but this is not enshrined into any one law in New Zealand. Since 2017, the government has contracted community agencies to provide intervention services. In most regions Elder Abuse Response Services are provided by Age Concerns. We use the following categories to explain the types of abuse in these cases. The percentages of each are shown for the 2021-2022 year; these reflect a similar pattern to previous years.



Most of the elder abuse that Age Concerns work with involves older people living in their home environment as shown in the graphic below. The small light pink category covers people living in temporary or respite accommodation. This validates our assertion that elder abuse and neglect is a societal issue, rather than a residential care issue.





### 3. Intersectionality

One of the advantages of the model of elder abuse service provision developed in New Zealand is its community base. Age Concerns are community agencies within each locality and provide a range of services for older people including health promotion and social connection programmes. We are not described as an exclusively family violence agency, but we receive referrals from the public as well as health, police, and community agencies and work across any sector for each case. We offer to talk anonymously to anyone about an elder abuse concern and have no mandated reporting requirements. For these reasons we can talk about elder abuse and neglect issues with those who would not go to a government agency like police, where older people fear their abusers (family members) will be “criminalised”. We can develop relationships with migrant/refugee communities coming from countries with untrustworthy government agencies. In some regions staff from specific ethnic groups work for local Age Concerns and this encourages some older people to speak with them. For other older people talking with a mainstream service is safer. There are potential repercussions of further isolation if identifying abuse and abusers within small minority communities of similar ethnicity, disability, gender, or sexual orientation of ‘known’ members.

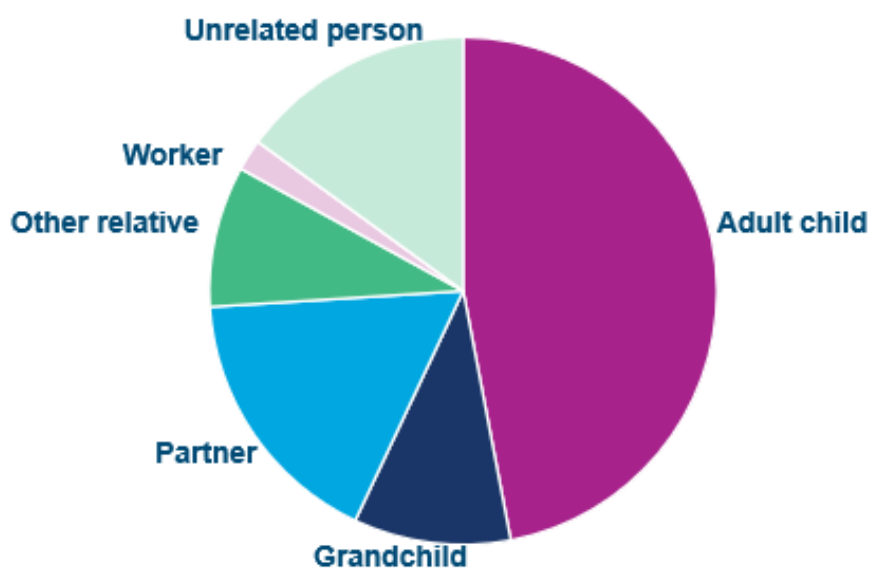
### 4. Data

Age Concern New Zealand has continued to collect data from local Age Concerns about their elder abuse cases. The statistics in this report are taken from the July 2021 – June 2022 year for all our Age Concerns with elder abuse response services and cover a total of 2768 cases where elder abuse was suspected. These figures are different from prevalence studies or research projects that ask specific groups of people about their experience of elder abuse and neglect. Other government agencies, such as the Health

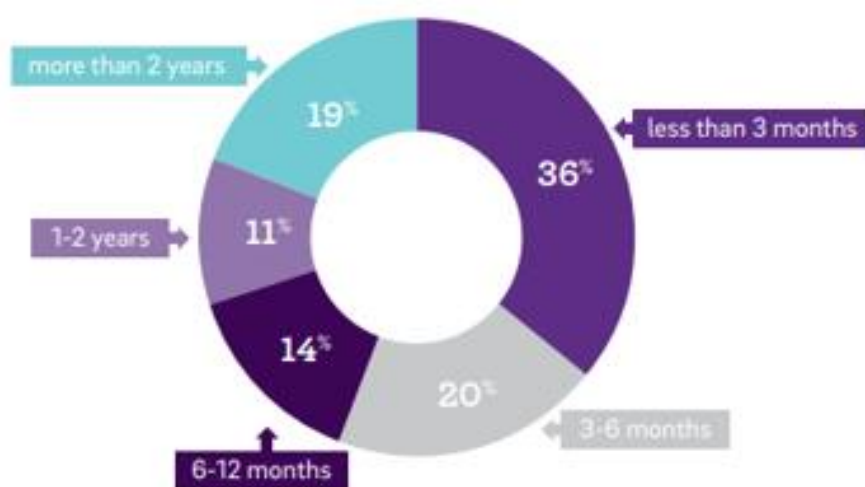


and Disability Commission or the government Elder Abuse phone helpline have different figures about enquiries they have received.

This graph shows that in more than three quarters of the cases that Age Concerns deal with, the alleged abusers are related as family members to the older person. This is in contrast with the commonly held myth that non-related carers are the perpetrators of elder abuse.



The elder abuse cases that Age Concerns see are seldom a one-off isolated incident. This graph confirms that the pattern is typically repeated actions (or lack of actions), usually not identified or named as elder abuse until months or even years later:



## **5. Access to justice**

The Protection of Personal and Property Rights Act of 1988 is based on substituted decision-making focus. The legislation requires Enduring Power of Attorney “to encourage that person to develop and exercise such capacity as that person has to understand the nature and foresee the consequences of decisions” and “while seeking at all times to encourage that person to develop and exercise such competence as that person has to manage his or her own affairs in relation to his or her property”. In our experience these approaches have been ignored in the many elder abuse cases we see where Enduring Powers of Attorney neither consider the older persons wishes and repeatedly override them being more concerned for their own needs (to preserve their own inheritance entitlements) than the older persons needs or preferences.

While these afford protection and advocacy rights, there remains a gap for those who are in care without ongoing advocacy, such as being placed under the “Personal Orders” provisions of the Act which has little review requirements (unlike people of any age placed under Mental Health Act). This issue has been covered under previous United Nations reviews and now the Ombudsman’s role is to report under OPCAT requirements. This has meant that since 2020 the Ombudsman has reported on inspections of aged care facilities under the Crimes of Torture Act 1989, although this does not entirely replace the need for each older person having a personal advocate.

## **6. Access to information**

Age Concerns have initiated and had continued involvement in public awareness raising activities since the 1980s. This started with events like workshops and seminars for older people, carers, and health professionals. As Age Concern elder abuse services developed, they provided education about elder abuse and neglect to staff and volunteers in government and community agencies, businesses, and health services in their regions. Age Concern New Zealand has provided information for public awareness activities and campaigns, as well as developing education material for those working with older people to increase identification, intervention, and prevention strategies. Printed material such as brochures and posters have been developed by Age Concern New Zealand for Age Concerns to distribute within their regions, and for bulk supplying libraries, government departments and hospital/health centres. Since the first ‘World Elder Abuse Awareness Day’ in 2006 and with the increasing use of electronic media, Age Concern New Zealand has widened its public awareness role including media campaigns. Age Concern New Zealand continues to provide education for national agencies like banks, professional groupings, and other older persons’ care providers. Using our statistics and extensive experience, Age Concern’s role continues in public awareness and education even though this work has not been government funded since 2017.



## **7. Examples of good practices**

Here is an example (using generic names) of our work to enhance safety and respect for older people while reducing the impact of elder abuse.

Age Concern was part of a Secondary School 'Health Day' activities. One student approached the Age Concern stand and asked questions about the "Always respected – Never abused" poster. The student asked if the Age Concern elder abuse worker could "visit his 'Grandad' because he was unhappy". When the Age Concern elder abuse worker contacted 'Grandad', he was surprised but pleased that his grandson was concerned about him. Since his children had moved to Australia, a young niece had asked 'Grandad' if she and her partner could stay in a caravan on his property while she looked for accommodation, in return for helping with gardening/lawns/housework. However, they had been staying rent free for several years without contributing financially nor helping with tasks, instead, the couple were leaving their young children for 'Grandad' to care for while they went off partying.

After talking with the Age Concern elder abuse worker, 'Grandad' considered his options and they agreed on a plan. As 'Grandad' was pleased that the Age Concern elder abuse worker helped to organise a meeting with all the relevant people, 'Grandad' wanted to be there. By including some family from Australia (by phone link) in the meeting, 'Grandad's concerns were aired for his own needs as well as for the niece's young children. As a result the young family agreed to leave, and the Age Concern elder abuse worker connected 'Grandad' with services to help him in his home. His high school student grandson was pleased that his 'Grandad' was his happy self again.

