

Submission to the Second Action Plan

14 August 2026

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About Seniors Rights Service

Established in 1986, Seniors Rights Service is a specialist statewide community legal centre that has for 40 years protected and advanced the rights of older people. Seniors Rights Service seeks to raise awareness and empower older people to activate, uphold, extend and defend their individual rights.

Our legal service provides free legal advice, casework assistance, information, referral and community legal education. In NSW Seniors Rights Service delivers the National Aged Care Advocacy Program providing information, support and advocacy for people using or seeking to access in home and residential aged care services including specialist financial advocacy that helps older people to understand fees, costs and pricing, resolve concerns relating to costs and support consumer choice.

As the largest Ageing Peak Body in NSW, we work closely with the Department of Communities and Justice and other key NSW bodies and departments to further the NSW Government's Ageing Well in NSW: Senior Strategy 2021 -2031 with a specific role under the Ageing Well action plan under focus area 4: Being resilient and informed.

Our purpose: why we exist

To advocate for older people, assisting them and their carers to claim their rights and support them in the exercise of those rights, so they enjoy a rich life as senior and respected members of the community with dignified and equitable access to the care and support they need.

Our role: what we do

We give voice through advocacy, information through education and advice through legal services.

Acknowledgement of Country

Seniors Rights Service acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

Introduction

Seniors Rights Service welcomes the opportunity to provide this submission to the consultation paper on the Second Action Plan (**Action Plan**) in support of the National Plan to End Violence against Women and Children 2022-2032 (**National Plan**).

We support the introduction of a comprehensive and effective Action Plan to reduce the instances of gender-based violence and increase the supports available to victim-survivors. While there has been positive change in relation to sexual harassment against women, there has been no change in relation to jurisdictional rates in NSW of women who experiences of violence. Seniors Rights Service supports an Action Plan that will bring about meaningful change and greater protection for victim-survivors.

Seniors Rights Service specialises in the rights of older people and as such not all of the priority areas and questions have been addressed. Our submission has focused on the lived experience of older women in NSW.

Seniors Rights Service also has had the opportunity to read and endorses the recommendations contained in the submission to the Second Action Plan made by Women's Legal Service NSW on 31 July 2026.

Priority Area 1: Victim-Survivors

As a specialist community legal centre providing advice and assistance to older people across NSW, we are uniquely positioned as a frontline observer of systemic gaps and challenges which adversely affect victim-survivors experiencing intersectional disadvantages, including ageism and disability.

Service or system responses

While the legal system and judiciary play a vital role in preventing or responding to family, domestic and sexual violence (**FDSV**), there are opportunities to strengthen its current response to ensure that victim-survivors are treated respectfully and with compassion to promote their safety, wellbeing, healing and recovery.

The current legal process has been critiqued as highly adversarial which exposes victim-survivors to victim-blaming and re-traumatisation.¹ Practices such as shared waiting areas and inappropriate lines of questioning can create distress and discourage victim-survivors from engaging with the justice system.² There is also a risk that the legal system can be misused by the perpetrator as a means to further intimidate victim-survivors.³

Older women experience additional barriers when it comes to evidence. One study demonstrated that over half of the sexual abuse victim-survivors in a nursing home passed away within 12 months of the sexual assault.⁴ Further, delays in collecting evidence or interviews could be problematic if the victim-survivor has a progressive illness.⁵ The court process could be improved by allowing older women to pre-record testimonies, particularly for those in cognitive decline will ensure that evidence is gathered while the older woman still has capacity. This change would significantly reduce the risk of re-traumatisation.⁶ A more trauma-informed response from the legal system would require systemic change to ensure the safety, dignity and wellbeing of victim-survivors are embedded throughout the process to promote their recovery.

Recommendation 1

Encourage the use of pre-recorded of testimony of older women victim-survivors, particularly those who are in cognitive decline or have experience sexual assaults.

Accessing support earlier

Historical gender inequalities for older women create significant barriers for victim-survivors to access support and rebuild their lives. Older women are the lowest income earning family group in Australia with 60% relying entirely on the old age pension.⁷ Moreover, 34% of single older women live in poverty and the period between 2011 and 2021 saw a 40% increase in homelessness for

¹ Australian Institute of Health and Welfare, *Legal Systems* (Web Report, 24 February 2026) <https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/legal-systems-know>.

² Ibid.

³ Ibid.

⁴ Ann Burgess, Elizabeth Dowdell and Robert Prentky, 'Sexual Abuse of Nursing Home Residents' (2000) 38(6) *Journal of Psychosocial Nursing and Mental Health Services* 10.

⁵ Older Women's Network NSW, *Older Women and Sexual Assault: Age is Not Protective* (Web Report, 31 May 2024) <https://www.alrc.gov.au/wp-content/uploads/2024/07/153.-Older-Womens-Network-NSW.pdf>.

⁶ Ibid.

⁷ Catherine Barrett et al., *The [Un]silencing of Older Women. A Gender Lens for Elder Abuse* (Web Report, 2025) https://ageingdisabilitycommission.nsw.gov.au/documents/reports-and-submissions/reports/The_unSilencing_of_Older_Women_Celebrate_Ageing.pdf.

older women.⁸ These statistics amplify the reality that for many older women, their financial vulnerability limits their ability to achieve independence and safety following separation from their perpetrator. Victim-survivors may be concerned that accessing support or engaging services will result in homelessness or financial hardship and the prospect of having to rebuild independence can be daunting.

As such, it is important to recognise financial and housing security as fundamental to encouraging the help-seeking behaviour of victim-survivors. Practical assistance with secure housing and financial independence can provide the stability needed for women to seek help earlier and remain engaged with services overtime. Responses to violence against women should therefore improve efforts to adopt a holistic approach and incorporate housing and crisis accommodation alongside specialist FDSV services.

Recommendation 2

Embed early intervention strategies that address financial and housing security in the Action Plan.

Current or emerging issues

Older people experience DFSV in different ways to children and young people and other adults. Particular dedicated focus is required to address the needs of older victim-survivors, in the same way that the needs of children and young people are being specifically explored in the Action Plan. The following are current issues experience by older women in particular.

Coercive control

The Action Plan should address how coercive control is recognised, understood and addressed, particularly amongst older women. Of the 14,451 reports the Australian Disability Commission received about abuse of older people in 2019-2024, 67% were about abuse of older women.⁹ Majority of the reports alleged abuse and neglect by adult children (57%), while some involve alleged abuse by current or former intimate partners (13%).¹⁰ Abuse and mistreatment of older people is widely used to describe this form of violence, it does not adequately capture the nature of

⁸ Ibid.

⁹ Ageing and Disability Commission, 'We're Overdue to Address Domestic and Family Violence of Older Women' (Media Release, 10 February 2025) <https://ageingdisabilitycommission.nsw.gov.au/news/media-releases/we-are-overdue-to-address-domestic-and-family-violence-of-older-.html>.

¹⁰ Ibid.

the violence occurring as a significant portion of the reported cases are about domestic and family violence, including coercive control.¹¹

Coercive control against older women can be particularly difficult to identify because controlling behaviour may be concealed as ordinary family support and caregiving. Societal expectation for family members to assist older people and their increased dependency can make it hard to recognise when care becomes a means to exercise control and exploitation for the perpetrator's own benefit.

The Action Plan should therefore ensure that older women's experiences to coercive control is identified through a FDSV lens rather than being treated as a generic form of abuse and mistreatment of an older person. This should include improving recognition and understanding among professionals and services to allow a more effective response to the operation of coercive control in family and caregiving relationships with older populations.

Technology-facilitated Abuse

The impact of technology-facilitated abuse impacts all ages and sectors of society. Australian National Research Organisation on Women's Safety estimated that 33% of people aged 65-74 and 25% of people aged 75 and over experienced technology-facilitated abuse in their lifetime.¹² As more services shift online, older people are increasingly relying on family members and caregivers to manage their digital tasks on their behalf, which poses heightened risks of financial abuse, fraud and coercion.¹³

The nature and impact of technology-facilitated abuse on older people remains underexplored thus it is timelier than ever to start addressing this issue. The Action Plan should raise awareness of the expanding forms of technology-facilitated based violence and develop outreach and community programs targeting older people to educate them about how to prevent technology-facilitated abuse, such as how to prevent stalking via mobile phone tracking, secure access to bank accounts and lock smart devices.

¹¹ Ibid.

¹² Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence* (Web Report, 24 February 2026) <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/older-people>.

¹³ Aberystwyth University, 'A New Guide to Tackle Tech Abuse of Older People', *Tech Xplore* (online at 3 October 2025) <https://techxplore.com/news/2025-10-tackle-tech-abuse-older-people.html>.

Recommendation 3

The Action Plan prioritise and specifically address the needs of older women in identifying, responding to and recovering from domestic, family and sexual violence.

Gaps in addressing the needs of diverse communities

Aboriginal and Torres Strait Islander (First Nations) people are disproportionately overrepresented as victim-survivors of FDSV. However, comprehensive data targeting older First Nations women remain limited as mainstream reporting frameworks fail to capture the distinct intersectional impacts of age and culture. Older First Nations women may be caring for partners, children, grandchildren and extended family, and may be unwilling to access services due to the history of institutional violence, child removal and dispossession.¹⁴ More consistent monitoring of the prevalence and experience of older First Nations women is important to identify service gaps and improve the visibility of victim-survivor needs. The inclusion of Elders in responding to violence against women will help improve culturally safe responses and support for victim-survivors.

Recommendation 4

The Action Plan to specifically address the needs of older First Nations women, through culturally safe education, cultural support from Elders and encouraged increased reporting of domestic, family and sexual violence.

Priority Area 2: Prevention and Early Intervention

Preventing violence from happening in the first place must involve challenging and addressing the drivers of violence against women. Longstanding research highlights the major role of gender inequality, rigid stereotypes of 'real men' and cultures that excuse or minimise disrespect and abuse.¹⁵ While there is an emerging push to target young men and boys as a preventative approach,¹⁶ with programs such as The Man Cave, more needs to be done to develop and deliver primary prevention activities tailored to older women and their experiences of violence. This could include delivering financial literacy workshops for older women and campaigns engaging older men

¹⁴ Catherine Barrett et al. (n 7) 11.

¹⁵ The Hon Will Alstergren AO, 'Preventing Family Violence', *Federal Circuit and Family Court of Australia* (Web Page, 2026) <https://www.fcfcga.gov.au/fl/pubs/fv-prevention-leadership-guide>.

¹⁶ Ibid.

that challenge internalised misogyny and social norms.¹⁷ Further education across all ages and genders on ageism and the rights of older people will also greatly in preventing the abuse and mistreatment of victim-survivors.

Recommendation 5

The Action Plan to include early intervention education strategies that address negative behaviours issues such as ageism and misogyny, while promoting positive actions such as financial literacy programs.

Emerging issue

The interplay between perpetrators with dementia and FDSV remains an underexplored area of research which could shed light on early intervention strategies to protect older women from violence. A recent 2024 Australian study found that out of 260 events of domestic violence perpetrated by a person with dementia, 75% of the perpetrators were male and 60% were aged 75 and over.¹⁸ Intimate partners and other family members were shown to be the most common victims (92.2%) and are mainly women.¹⁹ Victim-survivors may be less inclined to report FDSV due to a belief that the perpetrator's behaviour is influenced by their dementia or because they have already endured the abuse for years.²⁰ This demonstrates that violence perpetuated by people with dementia tend to be construed as a symptom of the cognitive impairment with little consideration of personality or aggression predating the onset of dementia.²¹

Partners and family members would benefit from increased education about behavioural changes associated with dementia as well as the availability of support and de-escalation strategies if they experience FDSV from an older perpetrator. Although existing services, such as Dementia Support Australia, provide targeted clinical intervention, enhanced multi-sectoral collaboration and cross-disciplinary training for police is recommended to effectively respond to people with dementia who may show aggressive behaviours²² or perpetrate DFSV. Police are often first to the scene but may

¹⁷ 'Preventing Violence and Abuse Against Older Women', *OurWatch* (Web Page, 2026) <https://www.ourwatch.org.au/preventing-violence/older-women>.

¹⁸ Sharon Reutens et al. 'Characteristics of Domestic Violence Perpetrators with Dementia from Police Records Using Text Mining' (2024) 14(15) *Front Psychiatry* 1, 7.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

not always appropriately respond to the violence.²³ Research and cooperation between clinicians and police is highly encouraged to develop strategies to manage violent behaviours by people in cognitive decline or who have dementia.

Recommendation 6

The Action Plan to explore and address the behaviours of people with a cognitive impairment and dementia who are also perpetrators of domestic, family and sexual violence.

Priority Area 5: System Integration and Workforce

Creating a more coordinated and connected system

System integration and workforce is an area that requires further development and attention. The current systems in place relating to health, housing, policy, justice, education, child protection and specialist services do not address all of the needs of victim-survivors, even with the assistance of specialist domestic, family and sexual violence services. A key aspect of domestic and family violence is the abuse and mistreatment of older people, cause by family members, who at times, are not aware that they are perpetrators of violence.

Creating more coordinated and connected systems between the National Plan and the National Plan to End Abuse and Mistreatment of Older People 2026-2036, will greatly assist older victim-survivors. Much domestic and family violence is hidden in the guise of abuse and mistreatment of an older person or not recognised at all due to ageism and unconscious bias towards older people.

Recommendation 7

Create greater integration between the National Plan to End Violence against Women and Children 2022-2032 and the National Plan to End Abuse and Mistreatment of Older People 2026-2036.

²³ Jamie McKinnell, 'Former Officer Who Tasered 95yo Clare Nowland Backs Down From Bid to Get Job Back in Police Force', *ABC News* (online at 11 August 2025) <https://www.abc.net.au/news/2025-08-11/kristian-white-taser-police-discontinued-clare-nowland/105637352>.

Workforce capabilities and support

Greater training and support is needed in relation to the negative impacts of ageism and the rights of older people. Society in general does not recognise that abuse and mistreatment of older people, perpetrated by family members is domestic and family violence. This is seen as a separate issue and often dismissed as an older person lacking capacity when they make decisions that a younger family member does not agree with. This includes promoting dignity of risk and an older person's right to make a decision that may be harmful to them, without questioning the older person's capacity. Having a skilled and trained workforce will assist in identifying issues of abuse and mistreatment earlier, leading to better outcomes for the victim-survivor.

Recommendation 8

Provide specialist training on ageism, dignity of risk, capacity and the rights of older people for any worker or volunteer that assists victim-survivors.

Evidence and system gaps to strengthen

There continues to be significant gaps in the reporting, police investigation and criminal charges laid in relation to coercive control perpetrated against an older person in an intimate partner relationship. The reason for the under-reporting is varied and includes victim-survivors not identifying that they are experiencing domestic and family violence as well as inadequate police training to identify coercive and control behaviours in older people.

Older victim-survivors in particular would benefit greatly from the expansion of coercive control laws being expanded to include non-intimate partner domestic and family violence. It is our experience that a significant proportion of the domestic and family violence perpetrated against our clients, is from family members (primarily adult children) and takes the form of coercive control behaviours.

A further gap is abuse and mistreatment by substitute decision-makers (enduring powers of attorney or enduring guardians) whose actions against the older person are domestic and family violence. Such violence includes financial abuse, isolation and neglect. Often these instances of violence go unreported and if reported, they are often dismissed by police as a "civil issue" and domestic and family violence protections are not initiated.

Recommendation 9

Enhance community awareness and provide greater training to NSW Police officers to recognise coercive control behaviours towards older people.

Recommendation 10

Expand the current coercive control laws to include non-intimate partner domestic and family violence.

Recommendation 11

The Action Plan specifically address domestic and family violence perpetrated by substitute decision-makers (enduring powers of attorney or enduring guardians).

Conclusion

The Action Plan represents a significant opportunity for the needs of older victim-survivors who are women to be addressed under the National Plan. The First Action Plan made progress towards addressing the needs and protection of older women, however greater emphasis needs to be placed on addressing the underlying issues that lead to domestic, family and sexual violence, such as ageism.

Summary of Recommendations

Recommendation 1

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Recommendation 2

Embed early intervention strategies that address financial and housing security in the Action Plan.

Recommendation 3

The Action Plan prioritise and specifically address the needs of older women in identifying, responding to and recovering from domestic, family and sexual violence.

Recommendation 4

The Action Plan to specifically address the needs of older First Nations women, through culturally safe education, cultural support from Elders and encouraged increased reporting of domestic, family and sexual violence.

Recommendation 5

The Action Plan to include early intervention education strategies that address negative behaviours issues such as ageism and misogyny, while promoting positive actions such as financial literacy programs.

Recommendation 6

The Action Plan to explore and address the behaviours of people with a cognitive impairment and dementia who are also perpetrators of domestic, family and sexual violence.

Recommendation 7

Create greater integration between the National Plan to End Violence against Women and Children 2022-2032 and the National Plan to End Abuse and Mistreatment of Older People 2026-2036.

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