

**Submission  
No 39**

**INQUIRY INTO SUPPORT FOR OLDER VICTORIANS FROM MIGRANT  
AND REFUGEE BACKGROUNDS**

**Organisation:** Eastern Community Legal Centre

**Date Received:** 30 November 2021



# **Eastern Community Legal Centre Response to Inquiry into Support for Older Victorians from Migrant and Refugee backgrounds**

*Legal and Social Issues Committee*

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*November 2021*

## INTRODUCTION

Eastern Community Legal Centre (**ECLC**) is a multidisciplinary legal service that works to prevent problems, progress fair outcomes and support the wellbeing and resilience of communities and community members in Melbourne's East.

ECLC is located in the Eastern region of Melbourne and serves the Cities of Whitehorse, Boroondara, Manningham, Maroondah, Knox and the Shire of Yarra Ranges. ECLC offers free legal advice from its offices in Box Hill, Boronia and Healesville during the day, at night and also through various outreach locations across the East, with a priority being given to those who are experiencing disadvantage. Having operated for almost 50 years, ECLC is one of Australia's most established community legal centres.

The Eastern Region has a number of areas of significant disadvantage. Healesville, in the Yarra Ranges, is home to the second most populous Indigenous population in Victoria. The cities of Whitehorse, Maroondah and Knox host large communities of migrants to Australia, particularly from the Horn of Africa and Burma.

In addition to direct legal services, ECLC also focuses on community development and education activities that empower clients, workers and the general community. It raises awareness of its service, new legal developments and human rights through various projects.

ECLC welcomes the opportunity to be able to provide its views on this area of the service system that directly impacts upon its communities. ECLC has worked closely with its diverse older community members across community engagement, education and direct service activities, specifically the following:

- ECLC is a member of the Community Council on Ethnic Issues (COOEI), which has a proud history of representing the voices of CALD and refugee communities in the Eastern region of Melbourne in relation to local and statewide policy initiatives.
- ECLC manages the *Engaging Communities in Democracy* project—led by a Multicultural Advisory Committee which works with Parliament staff to help CALD community members engage with democratic and law-making processes that affect their communities.
- ECLC also leads *A Matter of Respect*, which works with the Karen and Falam Chin Burmese communities on a Prevention of Violence against Women (PVAW) project, providing capacity building to community leaders then co-designing and delivering community led activities in the two communities.
- ECLC leads two Elder Abuse response programs, Rights of Seniors in the East (*ROSE*) and Engaging Living Safely & Autonomously (*ELSA*).

*ROSE* is an integrated multidisciplinary elder abuse response service comprising a Community Lawyer, Financial Counsellor, Advocate and Intake & Administration Officer and is the only service of this kind in Melbourne's eastern region (EMR). *ROSE* is also one of only two community legal services dedicated to responding to elder abuse in Victoria.

*ELSA* is a Health Justice Partnership with Eastern Health. A HJP is a model of providing integrated services where a lawyer or legal service becomes part of the healthcare team, and people have access to legal services in health care settings. Through the integration of a legal service into a healthcare setting, a HJP is designed to break down barriers to accessible legal services for people experiencing health issues and to thereby bring about health benefits due to effective legal advocacy on behalf of patients.

The views expressed in this submission have been informed by the experiences of the above ECLC programs, and through direct interviews with community members.

ECLC is privileged to work with the diverse cohort of older people from migrant and refugee backgrounds within its local municipalities. ECLC often calls upon these community members to contribute their professional, personal skills and experience through volunteering on numerous community engagement forums; advising on governance groups and assisting in direct service provision. Whilst it is clear that older people from migrant and refugee backgrounds contribute immensely to ECLC (and society in general), it is also unfortunately a disheartening reality that older people within Australian society are often marginalised, or made invisible as they age. This marginalisation contributes to increased social isolation and disengagement. ECLC notes that this is particularly the case for older people who are dependent on social security or come from lower income earning backgrounds. An additional layer of marginalisation exists for older people from migrant and refugee backgrounds who may have already had to contend with experiences of racism resulting in instances of social exclusion. ECLC is aware that there is also a growing cohort of older people who arrive in Australia on sponsored visas who lack both social and security supports and are entirely socially excluded and isolated.

It is important to recognise that older community members from migrant and refugee backgrounds are not a homogenous group, and also that within racial or ethnic groups, there exist different language and cultural practices.

The Eastern Metropolitan Region of Melbourne houses a significant proportion of people from the communities of Burma. The communities themselves are proudly distinct from each other in numerous ways. On a basic level, there are many different dialects spoken which are distinguishable from each other. In ECLC's interviews, it was reported that older people from the Falam Chin community regularly experienced difficulties in accessing services and being understood as there were not enough fluent Falam Chin speakers available and a lack of understanding of the different language and cultural groups within the community cohort. Even in circumstances when services such as Centrelink are able to

acquire an interpreter, the interpreter would not speak the right dialect and this would lead to frustration and confusion.

This situation can become dangerous in health care settings. One example that came to attention involved an older person who had a dental appointment and the interpreter that had been booked spoke a different dialect to the community member. As a result, the interpreter left before the community member received any dental treatment. The community member was frustrated and distressed as he didn't know what treatment he was going to get and was unable to give informed consent to the medical treatment.

The lack of appropriate interpreters to support newly arrived and migrant communities is also a significant issue for victims of elder abuse. Whilst it is common, and often acceptable for younger family members to interpret for their elderly family member, this can be extremely unsafe in circumstances where elder abuse exists. Despite the fact that it is considered best practice to utilise accredited interpreters in service provision, too often family members are used as interpreters for elderly parents in legal, health or community services as a matter of convenience. This becomes dire when the adult child is being abusive to their elderly parent.

The lack of interpreters also contributes to the shame and stigma associated with experiences of elder abuse, as the few interpreters that exist are often well known to smaller and newly arrived community groups. Hence, the likelihood of a disclosure being made to a suitable professional is unlikely when interpreters are scarce for particular language groups.

Older people from newly arrived and refugee backgrounds have appreciated the social and community services that are available to them to utilise for engaging in their cultural practices and celebrations. One interviewee reported that community dancing and engagement groups helped them 'feel young.' It is noted that for some older cultural groups, it may be more appropriate for local Councils to work closely with community leaders to understand the importance of making safe spaces available on a regular basis. Whilst local councils make community spaces available to all constituents, older people from migrant and refugee backgrounds often have to share their spaces with local sporting groups and are required to navigate booking systems which can be confusing due to language and technology. In addition, whilst applying for community grants may be a straight forward process for people who read and write fluent English, the processes are not as easy to navigate for those who don't have this advantage.

Victims of elder abuse are less likely to be engaged in local cultural community and social practices as elder abuse by its very nature enforces isolation from any forms of support. It is ECLC's experience that elder abuse victims are often only identified when they have come to the attention of mainstream services (such as emergency departments, hospitals, doctors). Elder abuse victims from migrant and refugee backgrounds are unlikely to have had much prior engagement with these mainstream services either due to the lack of culturally appropriate services or interpreters (as identified above) or their family members are being utilised to 'interpret' for them. As the family members are often the perpetrators of the

elder abuse, the older person is often navigated away from the services' attention. Elder abuse victims are often, if not always, bereft of any cultural and family support and in fact are not even aware that community, social or support groups may exist at all.

The advent of modern technology has enabled many communities to stay connected, particularly over the last eighteen months during the Covid-19 pandemic. ECLC is aware that some community groups actively communicate via apps such as Viber. However, for people from migrant and refugee backgrounds who are victims of elder abuse, the ability to even access, much less use a mobile phone are very limited. ECLC is aware of elder abuse victims being very reliant on the perpetrators of elder abuse to continue their phone plan payments, or indeed, even show them how to use a smartphone.

Older people from migrant and refugee backgrounds also understand the importance of having computer skills, and often look to their younger cohort to assist them. Digital literacy has become increasingly more important as health and social services move towards creating digital appointments and telehealth consultations. The need for community members to have access to websites such as My Gov to check their associated accounts with Medicare, Australian Tax Office and; Centrelink has also highlighted the importance of having computer skills.

Computer classes for older community members are well attended and utilised when they are run by language appropriate trainers. Community members have reported that when inappropriate interpreters (or no interpreters) are used, then computer classes are completely ineffective. ECLC encourages local councils to work closely with community leaders from migrant and refugee backgrounds to understand the different language and cultural needs of all groups within their municipalities.

It is ECLC's experience that elder abuse victims from migrant and refugee backgrounds are less likely to have had the opportunity to access any type of computer class, or to even know that they may exist. Also, separate to the ability to attend a class, if an elder abuse victim does not have basic computer skills, the move towards making digital appointments can act as a further barrier to accessing social and health services and entrenches the disempowerment that results from elder abuse. Online appointments can increase the ability for perpetrators of abuse to monitor those appointments, possibly without the detection of the provider if they stay off camera or take a phone appointment by speaker phone, and the digital records that they create also make it easier for those perpetrators to access the private information of the older person.

Government services increasingly requiring online engagement by their clients have generally neglected to make alternative arrangements or special provision for older community members (as well as those from CALD backgrounds or those with literacy issues). This leads to Services Australia becoming prohibitive for vulnerable groups and all but impossible to navigate for older people without computer literacy skills, particularly those experiencing elder abuse. Systems such as the My Gov account require users to have ongoing online access, which is problematic for those with limited/no computer literacy skills.

Community members would welcome authorities such as Centrelink to assist older people from migrant and refugee backgrounds to access MyGov on-site, as opposed to directing community members to navigate the website themselves. ECLC is aware that the Knox City Council in the Eastern Metropolitan region has staff available to assist community members to obtain their vaccination status on their phone and help them navigate the Medicare app. This type of service could be extended to other services to ensure accessibility.

Community groups from older migrant and refugee backgrounds have expressed their gratitude that the Victorian government are interested in hearing their views. However, they have noted that there have been occasions when their views have been actively sought for various government consultations, but their identified needs appear not to have been addressed. ECLC brings to the Legal and Social Issues Committee's attention that the Committee members are invited to come and meet with community members who have contributed to this submission.

## **CONCLUSION**

Having an equitable service sector where the barriers to access are reduced or ideally removed will increase access to knowledge about rights and other services as well as raise awareness for people at risk. This is key to helping older Victorians from refugee and migrant backgrounds to live free from neglect, mistreatment and abuse.

Steps to achieve this include:

- Cultural competency including ongoing training for service providers<sup>1</sup>
- Access to appropriate interpreters in all service settings
- Accessible education courses to increase digital competency
- Increased awareness and skills to respond to elder abuse across service sector as well as community
- Creating fit-for-purpose facilities
- Meaningful community consultation and co-design
- Recognition of community contribution

## **CONTACT**

ECLC welcomes the opportunity to discuss any of the issues raised in the body of this submission, and for any queries, please do not hesitate to contact:

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www.eclc.org.au

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<sup>1</sup> The Legal and Social Issues Committee is also directed to the "Welcoming Cities- Inclusive Communications Toolkit" ([www.info@welcomingcities.org.au](http://www.info@welcomingcities.org.au)) which provides a blueprint for local councils to effectively and meaningfully engage with their communities from migrant and refugee backgrounds