

## EDITORIAL

It's not usual to refer to a volume of a prestigious law journal as being a "bumper edition", however, there really can't be any other way of describing the contributions made by our many contributors, both domestic and international, for Volume 10 – a milestone in itself.

As our readers know each volume of the Elder Law Review is thematic and the current volume is no exception, though this time we took a broader approach with the Call for Submissions looking for "International Perspectives on Elder Law."

This volume we have a total of twelve articles, six refereed and six non-refereed and certainly providing us with much to consider in the emerging issues in respect of the speciality of elder law.

### Refereed

Professor Israel Doron, Dr Benny Spanier and Mr Ori Lazar's article "The Rights of Older Persons within the African Union" examines the extent to which human rights for older persons are expressed in activities in the African Court on Human and People's Rights and the African Commission on Human and People's Rights within the legal framework of the African Charter on Human and People's Rights.

Philippe Meier's article on "The Swiss 2013 Guardianship Law Reform – A Presentation and a First Assessment in the Light of the Convention on the Rights of Persons with Disabilities" examines the long awaited revised Swiss Adult Protection Law which came into effect in 2013. Philippe outlines the main innovations and instruments of the new law which are underpinned by the promotion of autonomy and self-determination.

The subject of sexuality in aged care, forms the basis of the article "Conflicting Agendas: The politics of sex in aged care". The article by Alison Rahn, Tiffany Jones, Cary Bennett and Amy Lynkins provides a researched and thought provoking insight into a topic that some would prefer to ignore, but is certainly foremost in the minds of many baby-boomers, who will form the next generation of aged care residents.

Mickey Schindler and Meytal Segal-Reich provide us with a detailed analysis of supported decision-making in Israel. Their article "Supported Decision-Making for Older Persons in Israel: The 2015 Precedent and the Following 2016 Regulation" provides us with a background to guardianship in Israel leading up to the 2015 Precedent, made possible by the activity of two civil society organisations and then leading us onto the subsequent 2016 Regulation.

In her paper "Promoting Autonomy and Dignity Later in Life, A review of Guardianship and Administration in Queensland" Ellen Scobie examines how the Guardianship and Administration Tribunal in Queensland addresses the issue of a human rights approach when dealing with those persons with cognitive impairment.

The authors Nola Ries, Briony Johnston and Shaun McCarthy in their article "Technology-Enabled Legal Service Delivery for Older Adults: What Can Law Learn From Telehealth? Findings from an International Review of Literature" discuss what law can learn from the use of technology in delivering legal services to older people. Telehealth has long been used in the health system and the authors advocate how a similar system could be advantageous to older persons seeking legal assistance.

The compilation of journal can only succeed with the tireless involvement of many. Therefore it is with much gratitude that I acknowledge the invaluable assistance of Esterina Lentini, Mary-Ann deMestre, Professor Carolyn Sappideen, and Cathy McFall and last, but certainly not least, the contributors themselves, who make this Journal what it is.

### **Non-refereed**

Acting Senior Sergeant Kerry McKay, from the Queensland Police Service discusses the role of the recently appointed Elder Abuse Officer who is attached to the Domestic, Family Violence and Vulnerable Persons Unit (of Queensland Police). Included in this role is education of both the public and police officers about the issues surrounding elder abuse.

Superintendent Rob Critchlow from NSW Police provides an overview of the NSW Police response to elder abuse. This response is led by the Corporate Sponsor for Vulnerable Communities. Part of the work includes acting as liaison between the Elder Abuse Helpline and Resource Unit and providing a co-ordinating role between NSW Police and service providers in the government and non-government sectors.

Faith Hawthorne and Jess Eastwood, with the inclusion of a case study, and statistics, highlight the benefits of health justice partnerships – an initiative between Justice Connect Seniors Law in Victoria (Australia) and two health organisations, St. Vincent’s Hospital Melbourne and co-health, a community based health organisation.

Caitlin Evans and Cybele Stockley provide us with an overview of the 4<sup>th</sup> National Elder Abuse Conference, hosted by Senior’s Right Victoria, and held in Melbourne in February of this year. The theme of the conference was Ageism, Rights and Innovations and attracted a number of high profile international and national speakers. It is of note that the Federal Attorney General chose this conference to announce the national inquiry into elder abuse to be conducted by the Australian Law Reform Commission (see Professor Croucher’s article on this important inquiry).

Professor Rosalind Croucher, President of the Australian Law Reform Commission, provides a detailed overview of the current national inquiry into Elder Abuse. The first consultation document, an Issues Paper, was released in June of this year and the Consultation document is due for release in December of this year. The Inquiry is due to conclude in June 2017 with a Report to the Attorney General which will include recommendations relating to the relevant laws and legal frameworks impacting on elder abuse.

Esterina Lentini in her article “Wills that “Shock the Conscience” An Australian Perspective on *Spence v BMO Trust Company*” details the Canadian case concerning an application by a daughter for provision from the estate of her deceased father. The article highlights the conflict between testamentary freedom and the extent to which public policy considerations may impact of the freedom of the testator in making their final testament. The article compares the Ontario case with decisions reached in Australia, including the Queensland case of *Ellaway v Lawson & Anor* and the High Court decision in *Re Estate of Griffith (deceased); Easter v Griffith and Others*.

Sue Field

Sydney, November, 2016