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House Standing Committee on Legal and Constitutional Affairs  
House of Representatives  
PO Box 6021  
Parliament House  
Canberra ACT 2600

3<sup>rd</sup> October 2006

Submission No. 2
Date Received 05-10-06

To Whom It May Concern,

**Re: Submission - Inquiry into older people and the law,  
Financial abuse & social isolation of the Elderly**

Financial abuse, social isolation and harassment of the elderly are, I believe among the most undetected crimes in Australia. They are crimes that promote fear and silence that are generally accompanied with shame and ignorance.

*"What will people think?" "Who would listen to me anyway?" "Where do I go for help?" "What will **THEY** do to me if I do ask for help?" "It's all too hard, I'm too old, too tired and I'm very frightened." "I can't cope with the stress."*

These questions are very real and although I have personally approached many organizations that should be available to help sift through the mire of fraud and protect elderly people I came across many blocks attempting to sort out my elderly mother's situation until I took my evidence to a forensic accountant.

The following story is still surreal to me, but eight years in Australian court systems trying to have fraud and violence addressed and prosecuted has also taught me the reasons misappropriation of funds and elderly abuse most often goes unnoticed.

### **CONCLUSION:**

- In conclusion my elderly mother's health made it impossible for her to address her situation via legal channels and I don't believe many elderly people could cope with the added burden of finding an appropriate lawyer to instruct, let alone cope in the court system. Tribunal Hearings may be quicker, less stressful and more cost effective than Court procedures.
- The first port of call for any person under stress is always to the trusted General Practitioner. I believe it would be an advantage to include the Medical Profession in educational seminars.
- My family and I have suffered extreme abuse and violence trying to support my mother and bring our case to the attention of the legal and justice authorities.

- I am an Australian Historical and Children's Writer and I have nearly drowned in the legal mire many times over, had I not been a writer it would have been impossible for me to survive the legal system. Although my elderly mother's situation is critical we are both bound by the constraints of the Court system to obtain a positive outcome and relief.
- While extended family members and friends have witnessed and are appalled at the extent of abuse, they beg me to do something to relieve my mother's situation and quietly support me, but say they are too frightened to speak up on our behalf.
- The common attitude of fear and silence further isolates the vulnerable elderly victim, whose friends are also elderly.
- I have personally experienced that Trusts can easily open the door to beneficiary fraud and tax evasion, particularly when the Trustee or Director is also a beneficiary and holds Power of Attorney.
- There appears no legal organization to register Solicitor witnessed Last Will and Testament documents, which is a mystery that such an important Deed isn't protected by formal registration.
- Law enforcement agencies do have the power to prosecute these crimes, however it appears fraud isn't a priority.
- Verily, I strongly believe if Parliament is to successfully address financial abuse and social isolation of the elderly and achieve the best possible result the appointment of Legal Consultants is paramount to that success.
- A direct link could be made possible via Legal Consultants who are capable of coordinating with lawyers, barristers and forensic accountants while supporting elderly people through their fear and the barrage of legal paperwork and court procedures.

Yours sincerely,

Narelle McDonald