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Executive Summary:

Cognizant of the terms of reference of the inquiry into the adequacy of current legislative regimes in addressing the legal needs of older Australians, I have considered the issues and make the following recommendations:

1. Fraud:

- More funding must be made available for the prevention and punishment of fraud, if there is to be a definite deterrent.
- The incidence of fraud, especially against older Australians, emphasizes the need for greater financial literacy not just for older people but for all Australians.
- The general public must be made aware of the dangers of fraud via the internet.
- It must be mandatory for all upkeep requirements of an equity mortgage and the effects on the pension eligibility of the borrower to be shown in advertising for Reverse Mortgage products, by whatever name, so that borrowers can make informed decisions.
- The law must demand greater accountability from Financial Advisers. Advisers guilty of implication in fraud must be dealt with severely.

2. Financial Abuse:

- An advisory, educational program must be provided to show older people how to draw up agreements which safeguard equity in housing arrangements.
- Here again the need for financial literacy is most important.

3. General and enduring 'power of attorney' provisions

- Forms granting power of attorney must stipulate the limitations of that power and state what powers can be exercised legally.
- Current legislation is not uniform across Australia. There must be consistency of legislation across jurisdictions. The general population is so mobile this is essential.
- The differences among the States and Territories for the Guardianship Tribunal and Office of the Public Guardian must not be permitted to exist.

4. Family agreements:

- Older people must recognize the need to protect themselves by having legal agreements in matters of housing, finance and health care.
- The national review must set up a national system, which is consistent across all jurisdictions, for dealing with disputed wills.
- The granting of Probate in undisputed wills must be simple and speedy.
- All people should be aware of the need to have properly drawn up wills so that disputes do not arise. Women, whose husbands die intestate, are particularly vulnerable. This is especially relevant because of the complexity of modern family relationships.

5. Barriers to older Australians accessing legal services:

- Cost.
- Lack of knowledge.
- Complex family relationships.
- Fear and /or shame.

6. Discrimination: Despite the government policy of encouraging older people to stay in the workforce, Age discrimination still debar many who want to work from employment.