



# Australian Pensioners and Superannuants' League Qld Inc.

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*NY* The Secretary  
House of Representatives Standing Committee  
on Legal and Constitutional Affairs  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

Dear Sir/Madam

**Re: Inquiry into Older people and the law**

Thank you for giving me the opportunity to make a submission on the above.

I am pleased to enclose my submission together with a copy of the Abuse of older people booklet produced by the League.

Yours faithfully

Yvonne Zardani OAM  
State Secretary

Enclosures



27 October 2006

## INQUIRY INTO OLDER PEOPLE AND THE LAW

To investigate and report on the adequacy of current legislative regimes in addressing the legal needs of older Australians in the following specific areas:

- Fraud
- Financial abuse
- General and enduring 'power of attorney' provisions
- Family agreements
- Barriers to older Australians accessing legal services
- Discrimination

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The League identified Elder Abuse in 1992 when we attended a conference held by the Council of Carers and the Queensland Department of Health.

At that conference they showed a video called "Relative Hell", that was made in England. The case studies were horrifying and I realised I had been dealing with such cases, but never had a name for it. I learned at the Conference that it was "Elder Abuse".

On that video was a case study of a man called \_\_\_\_\_, in his early 60s, who was in a respite centre recovering from a stroke. A daughter he had not seen for a while came to visit him when her sister was not there. She took him home to her 2 bedroom council flat, where she lived with her husband, three children, dogs and cats. They took his pension, left him in filth and squalor and starved him.

His other daughter visited him and realised he was starving when he tried to steal her children's food. He had lost the capacity to speak and gave the "thumbs up" sign for good and "thumbs down" for bad. He could not complain.

Dozens of services came in, but seemed to lack the capacity to do anything for him.

He died on Christmas Day and the police were called in. By the time they came his mattress was thrown out, the place cleaned up and the lock taken off the outside of the door where he had been locked in.

The family was charged with neglect, but before the judge could sentence them, a young girl, \_\_\_\_\_, was found dead in a cupboard and all the headlines were focused on her, not on

This confirmed what I already knew; the community does have sympathy for the older people in our community, but a great deal of compassion for young children. I believe that we must protect both ages.

This story had such an effect on me that I researched to find out when the video was made. It was made in 1987, and here we were in 1992 and England had legislation to protect children, but still did not have legislation to safeguard older people from abuse.

From then on I lobbied all Governments to try and get legislation changes from Domestic Violence to Family Violence. We had no protection for younger teenagers, disabled groups, men, gays and lesbians, and older people.

The League was the first group to raise awareness by producing a brochure. Then with support of the Office of Ageing we held forums around the state with the assistance of the Government. We produced a folder of fact sheets in English and 8 different languages.

We held the first National Conference on Elder Abuse for Older People at Riverside in Queensland. Speakers came New South Wales and Victoria. Our delegates were older people from all over the state.

It was interesting that people came from all over Queensland to learn about abuse, but said it did not happen in their area. After the Conference they rang me to say they could now identify it in their towns.

In all our forums we found every form of Elder Abuse:

- Financial
- Physical
- Sexual
- Intimidation
- Emotional

We even found something that we had only seen before in American papers, "Granny Dumping".

**Taking your Terms of Reference I would like to address the issues as you have listed them:**

- **Fraud**

By tradesmen not doing jobs properly:

- Older people trust tradesmen to take them to the bank and then have extra money drawn out of their account.

Real estate agents:

- Not being honest about the price they put on a person's home and then either buy it themselves or sell it cheaply to a relative or friend.

Suppliers of goods or services:

- Taking cash or deposits for goods and not delivering what people have ordered.

These are only a few cases of fraud. It must be realised that older people are from a time when your word was your bond. A handshake signed a deal. They are very vulnerable.

- **Financial abuse**

This is one of the worst forms of abuse, especially abuse of the Enduring Power of Attorney:

- This Power is very important to make sure your wishes are carried out. We must make sure forms are tightened up and the attorney knows what they are responsible for, especially keeping records of what they have spent.
- People who put their money into a granny flat must have a contract to make sure their investment is secure in the case of divorce or marriage break-up or accident.
- Some children try to acquire their parents' money before they die and beat their siblings to it. They use their parents to get everything that they can.

- **General and Enduring 'Power of Attorney' provisions**

The Power of Attorney's provisions are very important, but their needs to be a small booklet to go to the attorney to give them all the explanations of what their responsibilities are. If the Power of Attorney is abused it should be cancelled, and the Public Trustee put in charge of the person's life.

- **Family agreements**

Quite a few older people, male and female, are cheated out of their money through these Trusts:

- Families say they need the money and the older people don't.
- A lot of farmers or property owners' family trusts cheat the older person.

- **Barriers to older Australians accessing legal services**

In Queensland we have our first pilot state-wide Legal Service for Older People. This service has been needed for years.

The Australian Pensioners and Superannuants League Qld travelled the state in 1999, the Year of Older Persons, organising a number of consultations. This was what older people told us they wanted, so we put that in our report as a recommendation.

In Queensland if you have a house you cannot access Legal Aid. If the person you are suing has Legal Aid you cannot have the help.

There is not a lot of sympathy in the community for older people:

- They are seen as an expense
- Using up the welfare dollars
- Using the tax payers' money
- Not contributing to society
- In other words, a nuisance

- **Discrimination**

There is a great deal of discrimination of older people:

- They are past it
- They're a drain on society
- Older people have lived their lives
- We must look after the youth of today

***Government and businesses see our youth as the future of Australia, and that is true.***

***But, they need to remember that older people made our country what it is.***

***And both need to be cared for.***