



Queensland Focus

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WEAAD 2019

This WEAAD I'd like to bring your attention to one event in particular, which is happening on Friday, June 14th (hosted by the QLD Law Society [QLS]). It'll cost you \$25 and an hour and half of your time, while netting you 1 point of CPD and some delicious breakfast. I've assumed you know what WEAAD is, but if you don't look further below for a quick brief.

"The World Elder Abuse Awareness Day (WEAAD) breakfast seminar is one of QLS's key strategies. Join the esteemed panellists as they engage in discussion focusing on understanding issues surrounding elder abuse and what legal practitioners can do to help elder or vulnerable people maintain their rights and freedom". The event will feature prominent elder law practitioners including:

- Christine Smyth — Former President, QLD Law Society
- Hon Justice Martin Daubney AM – President of QCAT
- Two legal experts that really need no introduction in the Elder Abuse field, both of whom sit on the QLS Elder Law Committee:
 - ⇒ Brian Herd
 - ⇒ Kirsty Mackie

This is an amazing line-up. You can [register here](#) (you'll need to start a free QLS account first). View the [program here](#).

What is WEAAD?

WEAAD or, World Elder Abuse Awareness Day, is the day designated by the United Nations when the whole world voices its opposition to the abuse and suffering inflicted to some of our older generations.

While the day falls on June 15th each year, in reality the month of June is usually packed full of events aimed at raising awareness and helping prevent elder abuse in the community. Awareness events usually take on the colour theme purple. The QLD Government each year also runs a significant awareness campaign through a variety of forms of media. In the past the QLD Government have also had resources such as posters and brochures that could be ordered from their campaign page [here](#). However, these resources can still be downloaded and printed currently. Keep an eye out for ways to get involved!

ROCK
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The 2019 National Elder Abuse Conference

22nd & 23rd July

How could you not have already heard about this? Don't worry I'll forgive you! After the whirlwind of World Elder Abuse Awareness Day passes in June, Brisbane will host people from all over the globe at the National Elder Abuse Conference 2019.

Experts will gather together to address the many facets of elder abuse, all with the singular purpose to ROCK THE BOAT! #neac2019 #rocktheboat

The program has now been released and looks to be an impressive line-up of presenters. You can have a good look at it [here](#). You'll hear about issues pertaining to:

- Human rights
- Decision making and choice
- Law and safeguards

- Contemporary collaborative responses to elder abuse
- Personal lived experiences of elder abuse
- ... and much more.

"NEAC 2019 is an opportunity to drive real change as the Royal Commission into Aged Care Quality and Safety unfolds and a National Plan on Elder Abuse is drafted".

This event is hosted by [ADA Australia](#) and [Caxton Legal Centre](#). It is supported by the Australian and Queensland Governments. If you had any general enquiries, they can be directed toward:

- e: info@neac2019.com.au
- p: 1300 878 815.

Register here:

<https://nectarcc.eventsair.com/neac2019/delegate/Site/Register>

Subscribe to updates here: <https://neac2019.com.au/>

ROCK
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New National Elder Abuse Helpline

What's the deal?

In mid-march the federal Government announced a new national helpline. There was not a big media flurry around this, so there may still be some unanswered questions:

What is the number?

1800ELDERHelp. Or, 1800 353 375.

Is this helpline a different elder abuse service to those that already exist?

No, this is not a new service. This number will simply direct you to the existing elder abuse helpline or service located in your region. Generally speaking, each state and territory have a single service that covers the entire region (though some areas are divided between two services).

What if the issue I'm concerned about involves a person interstate?

If a person or issue you are concerned about crosses state/ territory borders, it may be best (and at times necessary) to make contact with services interstate. This is because states and territories have different laws, for example, when creating a protection order or in guardianship and administration matters. Workers more local the situation might have better insight into the options, services and law in that area.

For this reason, most state/territory helplines have a landline number so that interstate callers can still make contact. Ours is (07) 3867 2525.

National Rental Affordability Report 2019 & Older People

"Each year, Anglicare Australia agencies use data provided by the REA group to analyse rental listings on realestate.com.au. Each property is assessed for its affordability and suitability for low income households". This year's Snapshot looks at older people who are stuck in expensive and insecure rentals at a time in their life when stability is more important than ever [[Housing Affordability Snapshot 2019](#)]. So what does it have to say?

- Only 3.2% (2223 from 69,000+ assessed rental properties) were affordable and appropriate for a couple with no children on the age pension.
- Only 0.8% (552 from 69,000+ assessed rental properties) were affordable and appropriate for a single person on the age pension.
- The number of homeless people in Australia has risen dramatically. Older single women, many who are homeless for the first time, are a key demographic.

Including Rent Assistance:

- 88,800 age pension recipients pay more than 30% of their income in rent.
- 22,529 age pension recipients pay more than 50% of their income in rent.

Some key issues raised:

- Governments of Australia previously invested strongly in social housing but have withdrawn from the responsibility and failed to keep pace with the growing population.
- Rent assistance has failed to keep the private rental market affordable.
- The proportion of older Australians is growing, as is the number living alone meaning many are retiring into rental stress (see previous statistic). Many women retire with less assets and income.
- Many older renters are forced in residential care at an earlier age, as private rental agreements can be ended with little notice and approvals for necessary home modifications can be difficult (e.g. hand rails).



#OLDMATE
QUEENSLAND

Combat loneliness. Together.

Social isolation and loneliness are major contributing factors to poor mental health and also risk factors for elder abuse. It's a little known fact, but those aged 80+ suicide more than any other age group and men suicide up to 5x more than women. Here are some other key statistics about loneliness:

- Loneliness is a modern epidemic. 5.6 million Australians experience loneliness
- Loneliness is as bad as smoking 15 cigarettes a day in terms of life expectancy
- Almost half of Australians do not have someone they could turn to for help if needed
- Lonely people are twice as likely to die prematurely
- Loneliness increases inflammation in the body which can contribute to heart disease and other chronic health conditions

By joining the #OLDMATE campaign you can join thousands of other people around the world who have signed the online pledge ([here](#)) to spend AT LEAST an extra hour per month with an Old Mate in their life. Once you've signed the pledge, you can look among the 70 fun and engaging activities, which you and your Old Mate could do together - no matter where you live, your Old Mate's capacity, or your budget ([here](#)). If you don't know an older person already, the campaign website can even help match you with an #OLDMATE!!

Source: #OLDMATE Queensland, a partnership between social impact strategists spur:org and not-for-profit Anglicare Southern Queensland, aims to reduce loneliness in people aged 18-35. Click [here](#) for the press release.

Australian Financial Complaints Authority (AFCA)

The AFCA approach to financial elder abuse

All statewide helplines throughout Australia report financial abuse as a primary type of abuse perpetrated against older people. While financial abuse of older people can take many forms, inevitably a great number of elder abuse cases involve interactions with financial institutions such as banks. Advocates and media headlines have called for the banking industry to do more to help prevent abuse and to some extent there has been some movements in the right direction. The Australian Banking Association (ABA) has [released guidelines](#) for banking practice and recently the [Australian Financial Complaints Authority](#) (AFCA) has published how it approaches complaints against a financial firm, which relates to financial elder abuse. It's clear from this publication that banks do have responsibilities and may be liable for compensation in some financial elder abuse situations.

AFCA helps resolve financial complaints made against a financial firm (e.g. a bank). In terms of financial elder abuse, AFCA states that 'appropriate safeguards' should be in place to protect consumers obtaining financial services or conducting a transaction. When considering a complaint against a financial firm for its interactions with older people and/or other concerned parties, the key considerations for AFCA are:

- Were there warning signs of financial elder abuse?
- Did the financial firm (e.g. bank) exercise reasonable care and/or skill to question the customer's authorisation of a transaction?
- If the firm did, should the transaction(s) have been delayed or prevented in some other way?

The document lists a number of 'red flags' that demonstrate clear warning signs of financial elder abuse and what is required of financial firms (e.g. banks) to exercise 'good industry practice'. It also outlines the expectations for a financial firm when responding to warning signs and when a financial firm may become legally liable for a customer's losses. Quoting the document directly,

"AFCA can award compensation for financial, consequential and non-financial loss. If the financial abuse results in funds being removed from an elderly person's account (term deposit/ savings/ passbook/ cheque/ credit card), AFCA generally requires the financial firm to reinstate funds back into the elderly person's account."

Where a mortgage or guarantee has been put in place, a complaint may also result in the older people being released from the arrangements put in place.

The case studies at the end of the document are particularly useful for exploring what a real scenario and complaint process might look like and what might be required to make a complaint that is successful in obtaining compensation from a financial firm. One case study looks at an elderly couple who were exposed to the 'undue influence' of a son and also involved the misuse of a Power of Attorney. Another involves an older person with impaired capacity who co-attends a bank with a 'friend'. Of course, it is important to note that each complaint and case of financial elder abuse is different and therefore outcomes and complaint processes may be different in each situation.

Disclaimer

Editor's note: *opinions expressed in this edition of "Queensland Focus" do not necessarily reflect those of the Elder Abuse Prevention Unit (EAPU) or UnitingCare Queensland. Articles in this newsletter may be used with the permission of the contributing author. This publication is a guide only and should not substitute independent legal advice.*

For more information please contact:

UnitingCare Queensland — Elder Abuse Prevention Unit



Guardianship and Administration and Other Legislation Amendment Bill 2018

“Better protection for some of Queensland’s most vulnerable” was the title of the Honourable Yvette D’Ath’s [media release](#) on March 26. The Guardianship and Administration Act deals with decision making and attorney’s acting under an Enduring Power of Attorney or otherwise. This is a very important act for many elder abuse cases, as many perpetrators misuse an attorney role for financial or other gain.

In 2017 the Australian Law Reform Commission into elder abuse and legal responses, recognised that there needed to be more **national** uniformity among laws relating to decision making. In short, states and territories have different laws regarding decision making. This essentially means that creating safeguards related to decision making would require each state/ territory to make changes to their own legislation.

So while national uniformity is perhaps a larger debate, it is great to see Queensland making positive changes in this area in the meantime. While most in the industry are still coming to terms with what these changes mean and when they will begin, here are some of the key changes as listed in the Attorney General’s media release:

- Strengthening the eligibility requirements for an attorney under an enduring power of attorney;
- Clarifying the capacity needed for an adult to execute an enduring power of attorney or advanced health directive;
- Strengthening the prohibition on attorneys and administrators entering into conflict transactions;
- Broadening the protection available to whistleblowers who disclose confidential information about conduct they believe could involve abuse, neglect and exploitation of an adult with impaired capacity;
- Enabling the Queensland Civil and Administrative Tribunal (QCAT) to appoint an administrator for a missing person where QCAT is satisfied that the person is a missing person and that without an appointment the person’s financial interests will be significantly adversely affected; and
- Giving greater power to QCAT to order an attorney who fails to comply with their obligations to pay compensation and to appoint an administrator for a missing person.

ADA’s New App: “Seniors Guide to QLD Help”

Source: ADA Australia

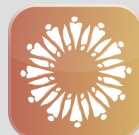
ADA Australia has developed an app called *Seniors Guide to Qld Help*, specifically for older Queenslanders aged 60 years and over. It provides users with easy referrals to agencies and sources of information for a wide range of life issues. The app empowers seniors to address issues they may be facing and also supports workers in many sectors to find appropriate referrals for clients.

Seniors Guide to Qld Help can help seniors and those who work with seniors to:

- find information, help and support for specific life issues (eg: aged care, elder abuse, family and finance troubles, grandparent relations, transport and more)
- access information on rights, and understand how to lodge complaints and seek resolutions to concerns with the right agencies.

Seniors Guide to Queensland Help can be downloaded for free on the App Store or Google Play. For more information [click here](#).

Look for this icon when searching the app stores!



Elder abuse in the media



March:

[Violence in families on the increase](#): The West Australian (6 March 2019)
[Coalition launches elder abuse crackdown and new national hotline](#): The Guardian (17 March 2019)
[Govt to launch national hotline to combat elder abuse](#): The Australian (19 March 2019)
[ABA moves to protect vulnerable customers](#): Financial Standard (20 March 2019)
[Government announces national plan to combat elder abuse](#): RACGP (20 March 2019)
[Plan provides framework for coordinated action on elder abuse](#): The Ageing Agenda (20 March 2019)
[Tasmanian body responds to national elder abuse plan](#): The Examiner (24 March 2019)
[What financial abuse is, and how to know if you are a victim of it](#): The Sydney Morning Herald (29 March 2019)
[Grandkids used as financial abuse 'level' against elderly](#): The Australian (31 March 2019)

April:

[Proposed models for reporting incidents in aged care released](#): The Ageing Agenda (1 April 2019)
[The sexual abuse scandal that nobody's talking about](#): ABC Radio (14 April 2019)
[New awareness drives increased calls to Elder Abuse Helpline](#): Seniors News (15 April 2019)
[The elder abuse plan doesn't go far enough \(opinion\)](#): The Ageing Agenda (17 April 2019)
[The Yarm firm's surveillance system trialled by Australian territory](#): Insider Media (17 April 2019)
[Three sons who stole from elderly parents yet to face charges](#): ABC (27 April 2019)

May:

[New service to protect Queensland seniors from financial abuse](#): Mirage News (10 May 2019)
[Financial abuse: a silent form of domestic violence](#): ABC (11 May 2019)
[Nurses in Forde push candidates to stop elder abuse](#): Courier Mail (15 May 2019)
[Older women facing increased financial hardship](#): The Examiner (22 May 2019)
[Gutless, violent thieves target elderly Australians](#): The Gympie Times (May 2019)

Media Releases:

[Action on Aged Care for LGBTI Senior Australians](#) (25 February 2019)

The Hon Ken Wyatt AM, MP
Minister for Senior Australians and Aged Care
Minister for Indigenous Health

[Better protection for some of Queensland's most vulnerable](#) (26 March 2019)

Attorney-General and Minister for Justice (QLD)
The Honourable Yvette D'Ath

LINKING SENIORS AND THEIR FAMILIES TO INFORMATION



Seniors Enquiry Line is a Queensland-wide telephone information and referral service which links seniors, their families, friends and carers with information on a wide variety of services throughout Queensland.

The services covered include those relating to retirement, concessions, leisure, accommodation, health, finance, the law, computers, home help, transport and many other areas relevant to Queensland seniors.