

## Submission to The Australian Law Reform Commission – Elder Abuse Inquiry

My mother had dementia. She had been a victim of elder abuse for many years. I am making this submission because the perpetrators of elder abuse have complete control over the life of the victim. In my mother's case it was her second husband and his children. They orchestrated her changing her guardianship arrangements and her will. Subsequently her own children were refused access to information, legal documents, medical information and her house. They also floated the idea of preventing her own children and grandchildren from even having access to her.

### **Mandatory Notification of Elder Abuse**

On several occasions I notified my mother's doctors of my concerns about her being a victim of abuse. I specifically said I believed my mother was being abused by her husband and I wanted them to be mindful of it. I was dismissed by one doctor and verbally abused by the other. I also notified support agencies in her local community. I was told repeatedly there was nothing I could do. I was told there was little the professionals could do because my mother and her husband did not want help. At no point was my mother's welfare considered as an individual in her own right. My mother lived in an isolated country town in an isolated house, she constantly praised her husband when in public and was rarely allowed out in public alone. Yet no one saw this as a red flag. Mandatory notification is essential to protect older people, especially those suffering from dementia.

As well as doctors and health professionals it is also essential that administrators, lawyers and financial planners are also mandated notifiers of elder abuse because it is these professionals who enable the elder abuse. They draw up the documents, witness the signatures and if they are later challenged they review documents themselves and pronounce everything is in order.

### **Elder Abuse Must be a Criminal Offence**

Because elder abuse is not a criminal offence I have had to do all investigations and pursue all legal proceedings myself. I have had no support in my quest to protect my mother. All investigations have occurred because I have done them.

I have taken my concerns to her administrators and explicitly detailed where I believe a criminal offence has occurred and asked them to obtain original documents and for the police to be informed. The response was always inaction.

### **Administrators Should Protect the Interests of the Donee**

Significant funds were transferred with no questions asked by financial planners. When concerns were raised with the professional company appointed as her attorney they choose to take no action.

### **Funding Provisions for Lawyers Fees**

In 2009 my mother's husband had my mother sign forms naming him as guardian and his children as back up.

In September 2014 my mother and her husband were both hospitalised and I was informed of the guardianship arrangements and that her husband had relinquished guardianship to his son and daughter.

I made an application to SACAT which the son viciously fought against despite living in another state, despite never having lived with my mother and despite never having had a close relationship with my mother. On every occasion that he flew to Adelaide to fight for guardianship of my mother he never visited her. Her husband's daughter who also lived interstate, who again had never lived with my mother and did not have an amicable relationship with my mother made a written submission that she supported her brother but did not attend any SACAT hearings.

After 3 hearings, many thousands of dollars spent in lawyers fees, many sleepless nights and a lot of grief not only for myself but for my husband, my brother and my three children, I was given joint guardianship of my mother with the Public Advocate. (The Public Advocate later requested to be removed as joint guardian)

If I did not have the financial ability to employ lawyers my mother would have been left under the guardianship of individuals whose only goal was to control her money.

### **Guardianship documents must be available to next of kin**

My mother changed her guardianship provisions to a highly unusual arrangement. Her own children were not informed. If this process was open and transparent it would not have occurred. Changes to her guardianship arrangements and will occurred without the knowledge of her family and without an appropriate advocate.

### **Dementia patients must be involved in and informed about a dementia diagnosis**

- My mother's husband said he first noticed signs of dementia in 1998
- In 2002 I first spoke to a medical professional about my concerns of her having dementia
- In 2005 her husband had her change her will to remove any inheritance protection for her own children.

- In 2009 he had her sign guardianship forms naming his children in preference of her own as having enduring power of attorney
- In 2011 her medical records first mention Alzheimer's disease.

Her doctor should have discussed her diagnosis with her prior to her being in the later stages. Her own family should also have been involved. She should have been given protection, support and counselling. The process should have been open and transparent. The secrecy and lack of thoroughness enabled her abuse.