266. Name withheld

Proposal 2–1

This is a better idea than having a state-by-state plan - as long as it doesn't take years to develop.

PS Other National databases that I think should be available include those for Missing Persons, Vehicle Registrations and Weapons Licences.

Proposal 2–2

Hopefully there will be enough people affected (one way and another) who make submissions here to get the ball rolling for a prevalence study to be commissioned. I would be happy to document my mother's (and my) experiences in that regard. I have kept diary notes, documents and correspondence relating to all that happened so am well prepared.

Proposal 3–1

When I applied to the Qld Guardianship and Administration Tribunal in November 2009 to have an Administrator/Guardian appointed for our mother, [redacted], (in a bid to lessen the undue -and to my mind unhealthy- influence of my two sisters, [redacted] and [redacted]), I was stymied, initially, by the medical profession, and then by the Tribunal itself.  To put this in context - I live 8 hours by road from where my mother lived in Gympie, and have lived sometimes more than that distance away from Gympie all my married life (52 years). So what I was trying to do had to be done by phone, fax and email.  [redacted] so I am familiar with those processes. However, my dealings with the Tribunal were done entirely on my own and not under the auspices of a solicitor.

* On Wed. 4th November 2009, I faxed to [redacted] (2 Gympie GPs, among others, who saw Mum at various times) the 6 pages (Report by Medical and Related Health Professionals) required by the Guardianship Tribunal to 'accompany' my guardianship application. They were to forward the completed form directly to the Tribunal. There was no option (in the instructions for lodging the form) for the GPs to return the completed form to me.
* Thur. 5th November 2009, I followed up with a phone call to the GP's office, secretary [redacted] said their fax was 'playing up' & to send it through again. I rang again, [redacted] said it came through OK 'this time'.
* Fri. 6th Nov. 2009, I faxed the application, sans the GP's report, to the Tribunal.
* Fri. 6th Nov. 2009, 3.30 pm, I rang the GP's office, was told [Redacted] doesn't work today (Friday) & Dr Fricke has gone for the day'.
* Tues. 10th Nov. 2009, I rang the GP's office, was told the form was 'still in Dr [redeacted] basket'. Allison suggested I ring Thursday morning.
* Thur. 12th Nov. 2009, I cannot remember which GP I spoke with - maybe it was Dr [redacted] (another GP that Mum was taken to when the others were not available). The advice I was given was that Mum was 'coming in this afternoon' (which means being brought in by [redacted] and/or [redacted]), Dr will speak to her then (about the form presumably), she hopes to speak to Mum privately (without [redacted] or [redacted] being present). I said I don't want Mum upset.
* Heard nothing more from the GPs.
* 20th Nov. 2009, I rang the Tribunal's 1300 number and left a message. Later that day, [redacted] from the Tribunal returned my call and advised that she would write to the GPs, they will claim patient privacy but she will point out the Tribunal's mandate overrides that issue. [redacted]'s letter to me (dated 20/11/09) states that **my application did not include the medical report** and further states that the Tribunal will give the GPs 3 weeks to furnish the information, otherwise ".....the Tribunal may close this matter and not proceed any further."
* 5th February 2010, I rang [redacted]'s number and left a message asking for an update, no response.
* 12th Feb. 2010, emailed [redacted] asking for an update, and had they received the medical report?
* 11th May 2010 - **3 months later** - [redacted] rang and apologised that this matter had been overlooked, asked if anything had changed and did I want to proceed with the matter. I told her YES!!!!
* 6th July 2010, letter from QCAT which said in part: "The Tribunal has obtained medical information which does not appear to support the need for the appointment of an administrator or guardian for Mrs [redacted]." There was no copy of that information attached to the letter. In this letter also, [redacted] writes again that "**Your application did not include a Report by Medical and Health Related Professionals."**
* 6th Aug. 2010, letter from QCAT enclosing the Tribunal's order - my application for guardianship and administration "is dismissed."
* Sometime in May (?) 2010, I filled out a questionnaire stating my dissatisfaction with the whole appeal process.
* The process should not require the applicant to be repeatedly told that she has not provided a **Report by Medical and Health Related Professionals** when such a report is unobtainable by the applicant.

Proposal 3–2

(a) The only trouble is that older people such as my mother, who was born in 1920 and reared in a Christian household, was brought up to believe that women do not speak up for themselves but that 'putting up with things' was the Christian way and their lot in life. Mum's being a 'martyr' was what played into my sisters' hands in their neglect and abuse of her.

(b) Attorneys appointed under Enduring Powers of Attorney legislation need to be made more aware of the limits of their powers. In June 1992, when Mum was 70, my two sisters, [redacted] and [redacted], had themselves appointed Mum's EPOA under the Property Law Act 1974-1990 but were under the misapprehension that this entitled them to be Mum's (exclusive) Health Attorneys as well. It was useless for me to insist that I was a Health Attorney as well just by virtue of the fact that I was her daughter and cared about her. I had to fight (long distance) with [redacted] particularly who was convinced by her 'naturopath' that Mum did not need Dilantin, even when Mum had been diagnosed with epilepsy at age 52 after many 'turns' went undiagnosed. Dad used to ring me up and I would pack up the two boys and travel to Gympie for 3-4 weeks to look after things while Mum got back on her feet.

[redacted] and [redacted] went ahead and put her in care in Gympie in August 2011, even though my husband and I wanted Mum to live with us (and she was happy to do this.) I might mention that by this stage I had obtained my Certificate III in Community Services (Aged Care Work) Nursing Assistant, so was in a much better position to offer care in a home environment than the sisters. However, it was hard to counteract the sisters' influence when I lived 8 hours by road away from Gympie and [redacted] and [redacted] were "Johnnies on the spot". Also, again, it was not an option for me to upset Mum (and they knew this.)

 (c) After Dad died in January 1988, Mum revised her Will, as we are advised to do in these circumstances. Nothing changed, the 3 daughters were her executors and her estate went in equal shares to her 5 children (3 daughters and 2 sons). All of the 5 children always knew that Mum's wishes were for her three daughters to be the Executors of her Will. In February 2010, [redacted] and [redacted] took her to the solicitors that Dad and Mum had always dealt with in Gympie – [redacted] - and had her sign a new Will (witnessed by partner [redacted] - who also witnessed the EPOA mentioned above) removing me as an executor. No bequests were changed, so all they did was deny Mum her wishes after death (under the smokescreen of the EPOA I imagine). I cannot believe that Mum would have knowingly made this change.

Mum died in September 2016 and I only found out about being excluded as an executor in January 2017.

These sorts of things should not be allowed to happen, there should be a mechanism in place that sets off alarm bells in this sort of instance. There should be some provision for questions to be asked, I should have been contacted by the solicitor to verify that my sisters were, and he was, entitled to take such an action.

Also in January this year I found out that [redacted] & [redacted] had applied for probate of Mum's will. It seems an irresponsible thing to do - no Probate of Dad's will was applied for and he owned 2 houses at the time of his death. Mum owned one house at the time of her death and had $60,000.00 in fixed deposit. I think applying for Probate was an unnecessary impost on Mum's estate. Maybe the rules about those things should be tightened up.

Proposal 3–3

(a) Yes, give them more teeth so that people like the GPs in Mum's case cannot hide behind their "I am God" attitude.

(b) People like my Mum erroneously believe that what 'Doctor' says is gospel, and they have no concept of questioning pronouncements or asking for more information.

(c) In my mother's case, it would have been upsetting for her to go to an interview for a change of Guardianship because of the nature of the (covert) coersive attitude towards Mum by [redacted] & [redacted]. Mum always wanted to 'keep the peace' at all costs and saw it as her duty to try to do so. And they played on this aspect of Mum's character. As a result, I gave up travelling up to Gympie to see Mum in the care facility because I would get upset and then Mum would be upset, so it was better for Mum, I felt, if I stayed away.

 Abuse can also take the form of denying the older person access to other family members, as happened in Mum's case at the hands of [redacted] & [redacted] who refused eventually to let her come to visit me for 3 months of each year (as had been agreed among us) and who made it nearly impossible to contact Mum by phone or have an uninterrupted conversation with her, before Mum was put in care.

Proposal 3–4

(a) (b) & (c)Who is going to label the 'perpetrator' as such and how will they be prevented from further offending?

(d) There should be no decision made 'to take no further action'. This is what happened to my Mum with the Tribunal - I wasn't told what 'medical information' was obtained upon which they based their decision to not proceed with the matter.

Proposal 3–5

Yes, there should be no question of anyone being treated as some whistleblowers have in the past. We should be able to have our legitimate concerns dealt with compassionately in a timely manner.

In the case of an Aged Care Facility, there should be clear instructions in prominent places around the facility, and particularly in the residents' rooms, that give residents/relatives/carers a number that they can ring to report abuse/neglect (preferably a free call number).

Proposal 5–1

Yes to all of that, and further, that people like me who have a principal's best interest at heart should be able to have access to the database.

Proposal 5–2

Yes

Proposal 5–3

Yes

Question 5–1

The general public as well as solicitors etc.

Question 5–2

Yes, this might help to 'keep the b....... honest'.

Proposal 5–4

Yes, this would take away the ease with which just the solicitor and his secretary, say, are able to witness an enduring document. But it would not have helped Mum in 1992 (when she signed the EPOA) because [redacted] and [redacted] would just have asked one of those GPs to be a witness. If the independence of the witness could be firmly established, it would provide a safeguard. Attending GPs and those associated with them should definitely be ineligible as witnesses.

Proposal 5–5

Yes

Proposal 5–6

Proposal 5–7

Yes to all, (d) - see my comments in Proposal 5-4 above.

Proposal 5–8

Yes to all

Proposal 5–9

Yes, yes , yes - and these records should be freely available to all other members of a principal's family

Proposal 5–10

Yes

Proposal 5–11

Proposal 5–12

Proposal 5–13

Proposal 6–1

Yes

Question 6–1

They should have to sign a Stat Dec declaring that they will always act in the best interests of the principal, will keep comprehensive records of their dealings on behalf of the principal and make these records readily available to other interested/related parties

Proposal 6–2

Yes, see my comment in 6-1 above

Question 6–2

Question 6–3

Proposal 7–1

Good idea

Proposal 7–2

Yes. But again, when elderly/naive people are presented with documents, they are not allowed sufficient time to read all the fine print and think that they should 'sign on the dotted line' promptly so as not to hold anybody up.

Question 7–1

Question 7–2

Proposal 8–1

[redacted] has lived in Mum's house from March 2010 (the month after [redacted] & [redacted] had Mum sign the new will) until the present time (Feb 2017). Mum lived there also for 18 months from March 2010 until August 2011 when [redacted] & [redacted] put her into care. I have no idea how much of Mum's money/assets have been used or what contribution [redacted] has made towards rent, maintenance, etc. in that time.

Question 8–1

Proposal 9–1

In my Mum's case, solicitor [redacted] would have been aware of her wish to have her three daughters as executors because he drew up her (revised) will in 1988 after Dad died. I don't know whether he saw Mum alone to take instructions for the will she signed in Feb 2010 excluding me as an executor. I cannot believe Mum would have done that knowingly. Again, people like Mum find it easier to sign what is put in front of them without questioning anything.

Proposal 9–2

Yes

Proposal 9–3

Proposal 10–1

The less Centrlink gets involved the better, in my opinion.

Proposal 10–2

Se comment above.

Proposal 10–3

See comment above.

Proposal 10–4

See comment above.

Proposal 11–1

Not only 'approved providers' but also spouses/partners/concerned relatives should be able to notify reportable incidents to the Aged care Complaints Commissioner (without fear of reprisal to the care recipient/resident or the 'whistle blower'.)

Proposal 11–2

Good idea

Proposal 11–3

Yes

Proposal 11–4

Change (a) to include international criminal history

Proposal 11–5

Yes

Question 11–1

Any of those listed in 11-2

Question 11–2

5 years?

Question 11–3

Proposal 11–6

Proposal 11–7

Proposal 11–8

Proposal 11–9

Proposal 11–10

Proposal 11–11

File