273. J Green

Name: J Green

Proposal 2–1

Yes.

Proposal 2–2

Yes.

Proposal 3–1

Yes.

Proposal 3–2

Yes, but if the elderly person doesn't have the mental capacity and their power of attorney's behaviour in relation to the donor is of concern, we would hope that the Public Advocate / Guardian has the authority to investigate.

Proposal 3–3

Yes.

Proposal 3–4

(b) & (c) - proactive engagement is favored - assistance, support and followup.

Proposal 3–5

Yes.

Proposal 5–1

Yes.

Proposal 5–2

Yes.

Proposal 5–3

Yes

Question 5–1

Access restricted to the proposed national governing authority; financial institutions; law enforcement & legal practitioners and government services such as Centrelink, Medicare, ATO.

Question 5–2

No, checks must be initiated when suspicion or evidence of abuse is reported.

Given the rise of elder abuse, time would be best served responding to actual complaints rather than random checks.

Proposal 5–4

Yes.

Proposal 5–5

Yes, but in our case the Power of Attorney was removed by the Supreme court and an adminstrator appointed to determine financial abuse by the POA. Once appointed, the adminstrator would only proceed if they were granted a Beddoe Order (this provided them with legal immunity from being sued for any losses to the estate as a consequence of their decisions).

Any representation for the donor, be it POA or court appointed guardian or administrator must remain accountable for any losses.

Proposal 5–6

Yes. All express authorisation must be written form, witnessed by two independent witnesses, attached as an addendum to the original enduring POA document and submitted to the national register.

Proposal 5–7

Yes.

Proposal 5–8

also - the Power of Attorney cannot deputize another person who wasn't authorized by the Principal.

Proposal 5–9

Yes.

Proposal 5–10

Yes.

Proposal 5–11

Yes.

Proposal 5–12

Yes.

Proposal 5–13

Yes.

Proposal 6–1

Yes. From our experience in Victoria, though this criteria was listed on the POA document, it was not enforced.

Question 6–1

Yes, a requirement to undertake a process of certification would provide more confidence the appointed guardian / administrator was fully educated about their responsibilities and informed of the seriousness of their actions in relation to the principal's well being. Duty of care is paramount.

Proposal 6–2

Yes.

Question 6–2

Question 6–3

The requirement for any financial transactions to be overseen and authorized by at least 2 people, one of whom must have certified expertise in financial decision making.

Proposal 7–1

Yes.

Proposal 7–2

Yes.

Question 7–1

Question 7–2

The requirement for any financial transactions to be overseen and authorized by at least 2 people, one of whom must have certified expertise in financial decision making.

Proposal 8–1

Yes, but it can only proceed to court for legal action when there exists witnessed written legal documents and evidence, it cannot be based on undocumented testimony. This removes the strategy of using the threat of court costs to gain advantage.

Question 8–1

Family is defined as someone the elderly person has a mutual relationship with and a documented history of engagement.

Proposal 9–1

Yes. If a legal practitioner is found to be negligent in fulfilling these standards, they should be subjected to a penalty.

Proposal 9–2

Yes.

Proposal 9–3

Yes.

Proposal 10–1

Yes

Proposal 10–2

In our case, the person of Aged Pension age was a self-funded retiree. His POA claimed this elderly person wanted to gift all his substantial investments to the POA to be eligible for an aged pension. As Centrelink had no direct contact with either party, the rules of exceeding gifting limits and the implications of elibiblity for the aged pension were not known. So a meeting of all Age Pension aged people with Centrelink staff, regardless of retirement funding options, should be mandatory.

If an elderly person finds themselves in a position where their entire savings have been withdrawn they are not eligible for a pension. As a preventative action, the financial institution has to inform Centrelink when transaction patterns are altered in a significant way and large or frequent withdrawals are made from the elderly person's bank account.

Proposal 10–3

Yes.

Proposal 10–4

Yes.

Proposal 11–1

Yes. Includes Power of Attorney, residential care and home care behaviour.

Proposal 11–2

Yes.

Proposal 11–3

Proposal 11–4

Yes.

Proposal 11–5

Yes.

Question 11–1

In any profession that cares for those who are vulnerable, any adverse findings against aged care workers found in dereliction of their duties should result in a permanent loss of employment.

Question 11–2

Employment clearance must require annual review before renewal.

Question 11–3

Proposal 11–6

All aged care workers who provide direct care, must be registered.

Proposal 11–7

Yes.

Proposal 11–8

Yes.

Proposal 11–9

Yes.

Proposal 11–10

Yes.

Proposal 11–11

Yes

File