278. A salt

Proposal 2–1

Agree entirely

Proposal 2–2

Agree entirely

Proposal 3–1

How are 'care and support needs' defined?

Do all three criteria have to apply before the investigation of elder abuse?

Will these criteria apply to an older person who is deemed to have capacity?

To protect the older person with capacity points (b) and (c) should be sufficient to instigate an investigation of elder abuse.

Proposal 3–2

This proposal should also include a principle that 'the older person experiencing abuse or neglect will be offered relevant information on elder abuse so that they can make an informed decision'.

Proposal 3–3

Agree entirely.

Proposal 3–4

Agree entirely.

Proposal 3–5

This proposal should also include a point that states:

'threatened or have action taken to restrict or prevent visitation with the older person by the person who reports the abuse'

Proposal 5–1

Agree entirely

Proposal 5–2

Agree

Proposal 5–3

Agree

Question 5–1

Currently it is possible to phone the register and request this information without providing identification, and I see no reason to change this.

Question 5–2

Agree entirely, in fact it should be mandatory that random checks are instigated when a concern about abuse is reported, even if a full investigation has not commenced.

Proposal 5–4

This proposal is flawed because there are no guidelines or processes around how each witness can objectively certify points (a) and (b).

Based on personal experience it should be mandatory that the medical practionser is one witness, or that the professioanl witness must seek assurance from the medical practioner in regard to points (b) and (c).

Proposal 5–5

Agree entirely.

Proposal 5–6

Agree entirely

Proposal 5–7

This proposal should also include the criteria:

'has not completed and passed a mandatory training course on the roles and responsibilites of enduring attorney'

Proposal 5–8

Fom personal experience this proposal should also incude a criteria that states:

'write letters to the principals lawyer that are signed by the principal that result in changes to the Will or nominate the writer as a beneficiary'

Proposal 5–9

Based on personal experience the enduring attorney and enduring guardians should also be required to keep records of all their dealings from the date both instruments were signed.  In my experience my family member had an advocate involved to provide support and a letter from the principal's lawyer was ignored by the enduring attorneys and guardian.  In addition the enduring guardian and enduring attorneys ignored a written request from the principal as did the aged care provider, even though the principal had capacity.

Proposal 5–10

Currently enduring powers of attorney exclude the attorney from exercising any power in relation to health, health care and health information, but in my experience aged care providers and  medical practioners/hospitals are either ignorant of or confused by this exclusion as they have taken instructions from the enduring attorney which were in contradiction of the documented wishes of the principal.

Proposal 5–11

Agree

Proposal 5–12

Agree

Proposal 5–13

Agree

Proposal 6–1

All guardians and financial adminsitrators should be required to complete and pass training on the relevant roles and responsibilites.

All guardians and financial administrators should be required complete and pass training on the indicators of elder abuse.

Question 6–1

As stated in Proposal 6-1 all training should be mandatory.

Proposal 6–2

Absolutely, and all family members should be made aware of the guardians and financial adminsitrators responsibilites and obligations.

Question 6–2

Can't comment.

Question 6–3

Directly and/or with the support of a professional advocate

Proposal 7–1

From personal experience the Code of Banking Practice should require the bank report if an older person uses multiple bank branches particularly for the transfer of large amounts of money.

Proposal 7–2

This Proposal is flawed as the customer may be under the influence of person being given authorisation and they may have been coached to state they understand the scope of the authority.  Elder abuse research identifies that the older person may abide by the wishes of 'a person of influence'.

There needs to be a process in place that so that the bank ensures the customer is not being influenced to give authorisation to another person.

There needs to be clear guidelines on who can act as witness to the customer signing the form giving authorisation.  A senior bank employee should be one of the witnesses.

Question 7–1

Agree

Question 7–2

Absolutely.

Proposal 8–1

Agree.

Question 8–1

Good question. As a suggestion siblings, children, nominated extended family members

Proposal 9–1

Based on personal experience additional criteria should state that it is mandatory that pevious wills are retained as a record.

In addition is should be mandatory to report dates wills are changed .

It should be mandatory that all letters from the older person to the lawyer involved in regard to will changes are reported.

It should be mandatory that the legal practioner provides evidence of how he knows the person understands the nature of the document.

Proposal 9–2

Absolutely

Proposal 9–3

Absolutely

Proposal 10–1

Agree entirely

Proposal 10–2

This proposal is flawed as the person of Age Pension age may be under the influence of others. There needs to be a process for Centrelink staff to check understanding similar to that required/suggested for lawyers.

Proposal 10–3

Agree entirely

Proposal 10–4

Agree entirely

Proposal 11–1

Agree

Proposal 11–2

Point (a) should also include 'family member/other' after 'staff member' (based on personal experience).  The same addition applies to the last sentence in regard to home care or flexible care.

It should also be mandatory for aged care providers to record and report concerns of elder abuse raised by family members/others

Proposal 11–3

Agree

Proposal 11–4

Agree

Proposal 11–5

Absolutely

Question 11–1

Theft, assault (physical & sexual), pornography involving children, family violence......

Question 11–2

Annually

Question 11–3

Embezzlement, fraud

Proposal 11–6

Aged care workers must be registered.

Proposal 11–7

Agree

Proposal 11–8

Agree

Proposal 11–9

Agree

Proposal 11–10

Absolutely

Proposal 11–11

Agree entirely

File