279. Name Withheld

Proposal 2–1

Yes I have read many reports of the increase of Elder Abuse, as there are many services and laws in place for demestic violence, child abuse even animal abuse and so little aid or laws for the Elderly, a national plan is long overdue.

Proposal 2–2

Yes again for reasons in proposal 1

Proposal 3–1

All of the above: Public Advocates need to be trained in Elder Abuse laws and how to identify Elder Abuse. In my experience the appointed   Public Advocate officer who investigated my fathers elder abuse case was either untrained, biased against men or just incompetent. Even with the undisputable evidence I provided re:my father's POA (daughter) using our fathers account overseas, a bank letter to the POA stating they had closed her Third Part account due to her "misuising his funds", bank statements of over the past 12 months where his POA withdrew a total of $8,000 which she not accounted for, the POA sold my fathers chatels to herself, she shared my fathers banking information with his EX wife, picked my father up from a solicitors office after he was diagnosed with cognitive impairment and not informing the solicitor of his condition. I produced 2 ACAS reports confirming my father had cognitive impairment and proof my father would sign anything placed in front of him, even with all this evidence provided and more the Public Advocates officer decided the abuse was minmal and there wasn't enough evidence. I also provided proof of physical abuse in the way of my father's POA not providing him with decent clothing, a comfortable wheel chair, alarm pads for his chair and medication for his dementia. The investigater who was also his appointed guardian visited him once only in her 12 month postion. The gaurdian relied on phone calls to the POA and his Aged Care to check up on my father's health etc, sadly the Aged Care facility was part of the problem.

Proposal 3–2

a) No if the elder person refuses help it may be that they are scared, bullied or suffering cognitive impairment. Therefore they not able to ask for support or help or understand the abuse. In my fathers case he suffered financial abuse but was unaware of the abuse due to his cognitive impairment and trust in his daughter to do the right thing as his POA financial.

b) This is a grey area again it depends on the elder persons state of mind and if they are capable of understanding their choices.

c)Again depends on the persons state of mind and that the decisions they make are of their best interests and if their decisions could place them in an unsafe enviroment or positon.

Proposal 3–3

Yes all three. In my experience my fathers POA told the OPA investigating officer that they had evidence of all bank transactions, reciepts, documents etc but these were never produced. The OPA took the POA at her word. I produced a document from my fathers bank stating they cancelled the POA's third party card from my fathers account for "misusing funds" this should have been enough to have her removed as POA.

Proposal 3–4

a) b) c) yes

d) no in my opinion public advocates etc are not qualified enough in investigating elder abuse or the signs of abuse. The decision to take no futher action should be in agreement with a social worker, health professionals and supporting family members and only after a thourough investigation.

Proposal 3–5

a)b)c)d) certainly not, they're identity should be protected from they're employees. We need people to be confident in reporting Elder Abuse not scared of loosing a job position. The identity of reports should be kept private.

Proposal 5–1

Yes with easy access for police, public advocates, solicitors, bank managers and JP's. If JP's, solicitors could look up Elderly citizens on an register. This register shouls also included medical diagnose of the person if they have cognitive impairment etc.

Proposal 5–2

Yes I believe all such documents should be registered. This may help when Wills and POA's are changed in abuse cases and there would be records of any previous documents.  Also this could prevent any unregistered documents being brought forward in VCAT cases or Will contesting. I also think previous Wills and POA's although revoked should not be destroyed but kept lodged in a file. I believe my fathers previous Will was very different to the one that was written whilst he had cognitive impairment, a copy previous Will would be helpful in my upcoming court case.

Proposal 5–3

Yes The public need time to become aware of the registration of documents but eventually I think all such documents should be registered regardless of age.

Question 5–1

Police, solicitors/barristors, VCAT, Public Advocates Office and JP's.

Question 5–2

Yes I believe this could be a scare tactic force POA's, gaurdians, administrators to keep reciepts bank statements, documents and any documents regarding the elderly's estate. May also put fear in an Abuser of being caught

Proposal 5–4

No I believe all elderly POA's and Wills should be done at a solicitors office alongside a doctors certificate declaring the person has capacity. Elderly citizens should be allowed free Will and POA advice from solicitors and any documents done for pensioners should be at a discounted fee or the gouvernement could set up local council Will and POA dates for Elderly for free

Proposal 5–5

simply "yes"

Proposal 5–6

Yes to a) and b) my fathers POA insisted they had my father's approval to borrow money from his account and use his ATM card overseas for emergancies. Of course she had an emergancy. When I questioned my father regarding the withdrawls he had no idea what I was talking about. The POA then produced a bank statement slip with "IOU" written on it with my fathers signature. I proved that my father would sign anything as I took random paper work into him and asked him to sign it and he signed it no questions asked. I believe my father was frightened of his POA therefore would agree to anything the POA wanted. I also believe the POA only returned the money because they found out I know they took it. This POA owns their own home and has 4 rental properties, hardly in the need for a loan.

Proposal 5–7

Yes to all above

d)I have read several cases where a care worker, aged care nurses etc have been an elder abuser financial and families of the elder person are left without their inheritance or worse the elderly person is left with little funds to care for themselves due to financial theft.

Proposal 5–8

a)c)d) I agree

b) My father's had both myself and my sister listed as financial POA but when my sister found out I was looking into my fathers account she took my 89 year old father to a local police station to have my POA revoked. She told the JP a story on which the JP admitted he believed and agreed to revoke my POA. Even though my father was present the JP should not have revoked my POA without a medical certificate of capacity. My point is allowing an attorney etc to revoke a POA is just making it easier to commit financial abuse.

e)f) I disagree but only if the principle has the ability to make these choices in their capacity and only after seeing a councilor/social worker and a solicitor so there finances are protected.

Proposal 5–9

Agree! In my fathers case at approximately aged 87 his POA had him sign her up as a third party to his account. At the time the bank should have asked for a medical certifate of my fathers capacity. The third party signatry made it easy for the POA to withdraw money from my fathers account with ease and without his knowledge. In the first year the POA took complete control over my fathe account an extra $8,000 was withdrawn from his account, this was not the holiday money. This money has never been accounted for. If the POA had no choice to go into the bank with her POA papers, maybe the bank assistant might have become suspious and reported a large withdrawl. If the POA had withdrawn the $7,000 holiday money from a bank teller using their POA papers maybe the teller would have reported them as suspicious. The trouble we have with third party and joint bank accounts is the banks are unaware that thier customers have a POA in place.

Proposal 5–10

We need laws in place, laws that must be punishable if broken, punishable laws could deter abusers. In my fathers case the abuser knew even if they were caught the only thing that would happen would be that they would loose thier POA position. The only way to punish abusers is if someone takes them to Supreme Court which is costly for the Elderly or concerned family, friends etc. In my case the POA knew of my father changing his Will after he was diagnosed with cognitive impairment. Although the POA claims not to be with him at the rewriting of his Will they did admit to driving him home from his appointment. In a Stat Dec to VCAT my fathers ex wife admitted to advising my father regarding his Will. To fight the Will I have to take the POA to court in so far costing me over $30,000 and I haven't a court date yet, the total cost estimate is $87,000.

The POA also took my father to a local police station to revoke my part of my fathers enduring POA. This was again after he was diagnosed with cognitive impairment. My fathers abuser had no fear of being caught. I went to the police in regards of the revocation, they told me all I can do is go to VCAT. Sadly the VCAT member in my case agreed my father had cognitive impairment but still let the POA revocation in place. Therefore the abuse continued.

Proposal 5–11

Proposal 5–12

Proposal 5–13

All Principals preferences and rights should be protected but again only in their best interest. Elderly people with cognitive impairment are easily minipulated to make poor decisions regarding their living arrangements, care, social ideals and financial decisions.

Proposal 6–1

Agree. I have personally been to a VCAT administrator meeting. The only problem is the scope of the administrator roles. The members themselves seemed unclear of the administrators guidelines, in my opinion there was no strict guidelines in place. When I asked a member if an administrator could charge the principal for home maintence and employ family members to do the jobs, the member answered "no, it was a conflict of interest" But when I brought this same issue up in a VCAT hearing this member did not have an issue with it although I offered to do the maintence for free. I also asked at the administrator meeting if the administrator could borrow money from the principal and was again told "NO" but at another VCAT hearing the member decided because the money was paid back there was no harm was done. The guidelines and restrictions of administrators needs to be clearer with no grey areas and punishible when these guidelines are broken.

Question 6–1

a) Compulsive training is a must, administrators should not be able to use excuses as "I didn't know I couldn't borrow money or give large gifts or use the principles car or charge the principal for my role as administrator" etc. In many abuse cases that I have read I have heard many excuses from administrators using the phrase "I didn't know".

c) Information documents from the tribunal are a good idea but the documentation should be signed by the administrator stating they have read, understand the documents and know there is a punishment by law if they breach thier role as administrator

Proposal 6–2

As above 6-1 c)

Question 6–2

Question 6–3

The person should have a social worker explain the role of an administrator to them. Depending on the level of the persons capacity they could give opinion on their wishes on there life plan and how they wanted finances handled.

I also think that any children of the principal should recieve all copies of administrators ABA submitions. I found just because my fathers administrator had to submitt an ABA that it did not stop the finacial abuse.

Proposal 7–1

This would be a help to stopping elder abuse, in my fathers case if my fathers account was flagged the bank teller could have reported the large withdrawl of $3,000 the POA took to fund her holiday. The POA then took my father to the bank and closed his account. Again if his account had been flagged due his age or capacity then the transaction and closing of the account could have been reported.

Proposal 7–2

Also a good theory in the aid to prevent abusers from taking advantage of the elderly, I think my fathers POA may have bullied him or minipulated him into closing his account and removing all his funds. A declaration is in my opinion is a must in authorising third party accounts.

Question 7–1

Question 7–2

I think that POA and administrators should report to the state trustees and have approval on how to handle Super accounts and need approval from state trustee's for any changes to or using Super annuation of a principle

Proposal 8–1

Question 8–1

Proposal 9–1

a) yes my fathers POA and Ex wife clearly influenced my father in changing his Will.

b)yes but the person should have a doctors certificate of capacity and have a social worker present or a solicitor with trained experience on Elder Abuse

c)yes How could a any person with cognitive issues change a document without a clear understanding on what the document means

d)All previous Wills should be kept on file with accessibility to for other solicitors who are representing beneficiaries and people contesting Wills

Proposal 9–2

Yes as it is a financial document

Proposal 9–3

Agreed

Proposal 10–1

In my case my fathers POA was nominee for his Centrelink account making it impossible for me even as POA to ask for information of his account. I am still unsure if they had the right information of his assets and living situation. Because I was not nominee Centre Link would not investigate my fathers account. Maybe if this was in place I could have approached the Cth for aid to find out if my fathers asstes were listed correctly.

Proposal 10–2

Yes but again the Aged person should have a doctors certificate of capacity, anyone with no capacity should have a social worker present to sign on nominees. Or nominees should only be authorised POA's or adniministrators

Proposal 10–3

Agreed

Proposal 10–4

A must as when I approached Centre Link I spoke of my concerns of my fathers abuse and their response was "go to VCAT". If everyone goes to VCAT the courts would be over loaded with these cases. I wanted to provide Centre Link with my fathers list of assets and his living arrangements so they could investigate and report any differences on any information provided by me to what his POA had informed them.

Proposal 11–1

Agreed I approached the Aged Care Complaints Commissioner about my fathers abuse, my issue is they did not visit him, they took the word that the POA was happy with his care and recieved the Aged Care records. Records that could have been altered or been misleading. I think they should have visited my father at his Aged Care Facility to see the condition he was in. A week later he died.

Proposal 11–2

Makes no difference what you name it all "incidents" should be reported regardless of the nature.

Proposal 11–3

Yes This would protect all recipient with cognitive impairment, my father may have not been able to speak of his abuse but his body would have told the story of his abuse.

Proposal 11–4

All of the above

Proposal 11–5

You need a working with childrens card to work with children, the same should apply to working with the Elderly

Question 11–1

Theft, abuse of any kind family or otherwise, financial fraud, drug use, anger issues, anti social behavour,

.

Question 11–2

1-2years

Question 11–3

Criminal offences

Proposal 11–6

Agreed

Proposal 11–7

All of the above

Proposal 11–8

In my fathers case his POA filled out his Life Plan, my father was not cocidiered or present when the form was filled. I believe the plan she wroe was not of his wishes and she alone signed it. Any such forms should be written with the elderly person, all their family members and a solcial worker present.

Proposal 11–9

All of above

Proposal 11–10

Agreed  a) b) c)

Proposal 11–11

Yes there should be no restriction to official visitors providing the visitors have a "working with Aged citizens' card and these visitors should have access to all residents files.