**Submission to elder abuse inquiry**

**[redacted]**

**Matter of [redacted]- Date of Death 17th December 2006.**

I am the only surviving son of [redacted]. The matter of her estate is being finalized at the moment by [redacted].

I have had recent dealings with Westpac both directly as administrator and major beneficiary of the estate (cash only $1.15 million) and also via the Financial Ombudsman Service. Previous to my mother’s death I had extensive dealings with VCAT under whose control my mother was placed under Guardianship in 2002.

Consequently I shall just confine my submission to the points that have aroused most concern.

Firstly, on the occasion that I asked VCAT around 2005 for any information regarding my mother’s financial affairs, I was advised rather curtly, I thought at the time, that VCAT had no jurisdiction over financial matters and their only concern was my mother’s welfare. After another year or so had elapsed VCAT initiated a private investigator’s report as a result of VCAT correspondence being unanswered to my nephew [redacted] who was a practicing lawyer at that time and to whom VCAT was instructed to address all correspondence in relation to prior and pending counter Guardianship applications by my brother [redacted]. As a result of the investigation it was apparent that a Power of Attorney had been implemented in 1988, by my brother. As information has become more readily available it is clear that at the age of 75 my mother delegated all the responsibility for her substantial cash savings to my brother via the power of attorney instrument. Some 12 or so years go by and my mother is placed in the [redacted] for aged care following falls and stroke. Matron is presented with a series of serious public safety breaches and hostile behaviour from my brother and some of his children (3 teenage daughters barricaded themselves in the kitchen). As a result guardianship was placed with VCAT and my brother had an indefinite restraining order placed on him not to attend the premises. Following death in 2006 at the age of 93, further procedures were applied in this instance requiring a full autopsy – my brother had made allegations that the doctor had poisoned her.

As it has transpired over the period now of 11 years after my mother’s death it is clear that my brother and his wife and son systematically designed and created and operated a system of applying the cash funds to their own personal use. The pinnacle perhaps in this complex labyrinth of bank transactions could be any of:

1. 18 bank accounts so far identified as in use.
2. Many substantial cash transfers from my mother’s accounts to an account that connected to the name of an alias that my brother used [redacted] as Director of a company [redacted] addressed at premises owned by my brother.
3. Substantial investments (some individual investments nearly 200,000 dollars) made to GE Finance and ES&A Finance for high-return debentures in high interest, private motor finance-type industry i.e. GE Finance located in outer suburbs of Adelaide for high-interest lending to low-income and vulnerable people.
4. Accounts decline in value of some $300,000 in the 6-7 year period following my mother’s death to date accounts were frozen (March 2013)
5. As all the accounts can be operated by internet transfers, after my brother died in 25/6/2012, the accounts are still being operated with further balance reductions.
6. My brother declined to advise any of the banks of my mother’s death, so bank records would just show the accounts being depleted while my dead mother who would have been nearly 100 apparently investing heavily in high-return motor finance products. After my brother died accounts were still operated for 9 months or so. Accordingly banks were not aware of a dead persons accounts being operated by another dead person.

This was presented to the Banking Ombudsman and the order was that the Ombudsman service is unable to progress this matter and I should need to make a claim against Westpac as a civil action.

Accordingly irrespective of the claims by both banks and VCAT that the matters of scrutiny, ethics, checks and controls are being optimized and will be under constant review, my own personal experience has been the opposite to their statements of claim.

27th February 2017