

Submission
No 87

INQUIRY INTO INQUIRY INTO ELDER ABUSE IN NEW SOUTH WALES

Name: Name suppressed
Date received: 4/02/2016

Partially Confidential

I have a strong reason to believe that my mother was a victim of elder abuse. Many times she told me that my brother (who was her carer) told her that she was "crazy", "losing her marbles" and threatened to have her scheduled or put in an aged care home. She also said that she believed my brother was trying to frighten her to death. Sometime in 2004 two friends of mine Mr and Mrs W , at my request and my mothers came to visit her. When my mother opened the door she was bleeding from her forehead and told them that she had fallen. Mrs W suspected that my mother had been assaulted by my brother . Soon after my brother arrived back at the house and my mother then told Mrs W to leave. But before Mrs W left my brother told her that what had occurred in the house had nothing to do with Mrs W or me being his brother and it was none of my business (which was very strange). I did not go to the police as I felt my mother would have turned them away. At the time I was 123 Km away and felt like I couldn't do anything.

As best I can recall my mothers abuse started from December 1999 until at least 2008. My mother died on the January 2013.

No one should have to put up with what my mother put up with. The abuse was physical, verbal and financial and I felt powerless to do anything.

For example in April 2008 my mother told me that she intended to change her will and make it fairer towards me. So she asked me to acquire a will kit for her, organise a solicitor and organise a witness. I was able to organise a Will kit and a witness but not a solicitor but that didn't matter for within 24 hours my mother had changed her mind. I believe that this was not by choice but by undue influence as two days after my mother was going to change her will I had a conversation with her where I asked her "this has nothing to do with me, however why did you change your mind"? My mother responded by saying "he threatened me" meaning that my brother , her carer, had threatened her. I took this to mean that if she changed her will to make it fairer towards me my brother would leave her to fend for herself, which would have been impossible as she was totally blind and couldn't look after herself.

I am left wondering how can someone who is a carer/abuser inherit most of that persons estate? I strongly suspect that her last will was made under undue influence because I was to receive half the house, my brother was to receive half the house, and I was supposed to have half the cash assets. Any money that my mother had some of it she gave him, the rest of it he took, and he had the hide to tell me that my mother was a mad gambler. I do not believe she was because she kept her house for 28 years and she paid all her bills.

In legal proceedings if you give evidence and were found to have lied to the court you should be charged with perjury. This doesn't happen as much as it should, and certainly if you lie while settling an estate, there is even less chance you will be prosecuted, and there are no checks and balances.

The other thing, while settling my mothers estate, I felt bullied by my brother who refused to leave me alone when I asked. He also tried to tell me what to do in the months after my mothers death and was manipulative (ie. telling me not to tell our sister that other mother had died). I imagine this was how my mother was treated. I have cerebral palsy and believe that he was trying to take advantage of that.

I wish that there was more options for me to help my mother when she was alive. ie. Organise Home Care or anything else that she needed. I asked her to let me do that about 20 years before she died, however she refused. I don't know how much of that refusal was influenced by my brother.