

**Submission  
No 84**

**INQUIRY INTO INQUIRY INTO ELDER ABUSE IN NEW  
SOUTH WALES**

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The Chair  
General Purpose Standing Committee No.2  
NSW Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000.

### **INQUIRY INTO ELDER ABUSE**

We are senior citizens and are taking this opportunity to submit some comments to the Committee's inquiry into elder abuse in NSW.

We have a keen interest in what is happening to our society as many older people are maltreated. We are alarmed by the way society is spiralling out of control with widespread greed, acts of domestic violence, child abuse, youth suicide, drug abuse, and the abuse of the elderly. We are not just alarmed by cases of physical and emotional abuse and deliberate neglect. We are most concerned that very little is being done by the state government to investigate and punish those who greedily defraud older people of their property.

We have formed the view that the state government, which is no longer cash-strapped but has its coffers flushed with several billion dollars, has lopsided priorities in spending revenue. NSW as the "premier state" happens to have a very large number of older citizens. The government seems more interested in building transport hubs, giving face-lifts to stadiums, selling government-owned buildings to property developers, and outsourcing everything it is supposed to do, than it is in building a stable and healthy society. We are not convinced that the state government is directly attacking the problem of elder abuse. It is not employing enough personnel, and its infrastructure is too weak to deter and convict abusers of their crimes.

We also acknowledge that the problem of elder abuse is complex, and that there are no magic solutions that will completely stop abuse from happening. We appreciate that the current government has been developing a policy concerning elder abuse, and is supplying the Inquiry with its own submission to outline its initiatives to provide information to help senior citizens.

We appreciate that there is a good role played by the Elder Abuse Helpline and Resource Unit in listening to people who call and need help. However, we do not believe that the government's funding of the Elder Abuse Helpline and Resource Unit is making any direct impact on reducing elder abuse or is leading to the punishment of offenders. That Unit is a toothless tiger that has no authority to investigate reports. Similarly, we fail to see how the Tech Savvy Seniors programme is directly leading to any decline in the rate of elder abuse. Why does the government naively believe that using digital technology is the answer to everything? Why does it ignore the greedy motives of abusers?

We see the government's response as very deficient and list the following as its failures that worsens the problem of elder abuse:

1. There is no NSW Police Unit that is dedicated with qualified detectives to investigate cases of elder abuse and to follow the trail of money that relatives steal from the elderly by misusing a Power of Attorney, or by making ATM withdrawals using the person's PIN and then spending the funds on themselves. Why is the government turning a blind eye to the theft of assets from the elderly?
2. Unlike its state counterparts in Queensland, Victoria, Western Australia, and South Australia, there is no Office of the Public Advocate in NSW to investigate matters and to defend the rights of the elderly and disabled who have been abused and defrauded of property. Why is NSW in this matter, like other legal matters, always the last state to take action?
3. There is no system in place to force abusers to compensate their victims for the theft of cash investments, and the unauthorized sale, or transfer of ownership, of their homes. The government seems happy to support social re-engineering of community attitudes over "marriage equality": that involves state interference in the private affairs and views of families. It is similarly coercing citizens, especially the elderly in the way they conduct their personal affairs, to use digital technology in order to receive government service. So why does it fail to intervene in "private" family affairs where the elderly are mainly abused by their relatives? Why not help the victims, who fear their abusers, to regard their abuser as a greedy cheat and morally bankrupt thief?
4. The NSW Trustee and Guardian, which was created to serve the public in estate administration and in the financial management of the disabled and cognitively impaired. It is currently being subjected to arbitrary cuts in staff. Its capacity to raise revenue has been weakened by acting on the dubious advice of Independent Pricing and Regulatory Tribunal (IPART). Its state-wide network of branches, which exist for the public convenience, and in 2009 was heralded as making its services very accessible to all citizens, are now being closed. This agency performs a vital role in serving senior citizens and vulnerable people, and it makes no sense to be shrinking its staff and closing offices. In our life's experiences, the more a department is centralised, the more it becomes inefficient and incompetent to serve.

We do not accept the minister's press release of last October announcing that a crisis in the Trustee and Guardian means that the restructure will make it more efficient with fewer employees, fewer branches, and replacing that with a cumbersome centralised telephone service. We have just heard about the media expose of the messy inefficient centralised phone system in Centrelink where millions of calls each year go unanswered. Since the government keeps peeling back the employees and funding of the Public Service, the press release on the restructure of NSW Trustee and Guardian looks to us like a very weak case of "special pleading" that centralisation and technology are the magic answers.

5. There is no incentive for the public to report cases of abuse, and no mandatory reporting of cases by doctors and health-care workers, social workers, employees in the banking and finance industry.
6. There is no compulsory training course for individuals who are appointed to act on a Power of Attorney to learn how to properly perform their duties.
7. The government seems to direct its anti-abuse resources into creating information packets. This assumes that "information" is the solution to human greed. It expects older persons to stay in touch with government departments through personal computers and mobile phones. These devices are hard for older persons to use because the screens are small, the print is hard to read, and phone touch-screens are not user-friendly. It is difficult to believe in the age of mobile-phone-hacking by *News of the World* journalists, and email fraud and internet scams that the government expects older persons to put their trust in this technology.

Why are we being forced to transact private financial and legal affairs with government departments principally through electronic gadgets that are prone to criminal abuse? The emphasis on technology seems to be directed by people who have little awareness that older people do not run their lives like an immature twenty year old does by constantly fiddling with a mobile phone. Furthermore the suggestion that technology makes it more convenient for the elderly to access government service after business hours is asinine. The elderly are retired and not working nine-to-five. No older person is going to transact their private estate planning affairs over the Internet. No older person will feel confident talking to inexperienced and unqualified staff at the public counters of NSW Service Centres who know nothing about Wills, Powers of Attorney, Guardianship, and financial management.

We recommend the following practical suggestions to improve matters:

1. Create a taskforce in the NSW Police to crack down on elder abuse. The unit must be properly supported with suitably trained personnel and all relevant resources to investigate cases of physical and financial abuse, and to recover stolen assets.

tighten its expenditure to better improve the efficient delivery of the advice it hands to the government.

Our concerns and suggestions above are made in recognition that the Government is not ignoring the problem. We appreciate that the Government faces a very complex problem, and that there are no simple answers. We realise that the Government is not to blame for the rise in elder abuse as a social and criminal problem. We understand that the Government alone cannot stop elder abuse and that it needs the co-operative support of the whole community. We believe that it is valuable to warn senior citizens about the risks associated with unscrupulous people and ~~this warning is apparent in the information packages that the Government distributes through its departments to the public.~~ We applaud the Government for supplying information that alert us to the different kinds of abuse – physical, mental, financial. We hope that the Inquiry's Committee will be successful in its deliberations.

Yours faithfully,

David Williams

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