

**Submission
No 54**

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

Name: Name suppressed
Date received: 14/11/2015

Partially Confidential

The following details are respectfully submitted to the inquiry. I am currently outside Australia but a prior resident of NSW.

My sister, _____, died and had an estate probated some time ago. She was a retired Senior Social Worker, employed initially at a major _____ hospital for ten years and then at the _____, in the _____ office. She developed dementia and full alzheimers and was admitted to a residential home, _____, at _____. I had previously acted as a full time carer for two years, and power of attorney for her was taken by her daughter, _____ and her son, _____. The legal frame work for the power of attorney was made by _____, solicitors, of _____, who are the Estate solicitors I left Australia to work in Europe shortly after she was admitted to the facility, but was less than satisfied by the financial advice she was receiving from her financial adviser and by the decisions of the family. Upon retirement she had a superannuation and annuity which was invested well into sound investments. My problem was that these seemed to be producing no more income than she would have got on a state pension and that she was advised to forego National Insurance income which she had accrued from working in England for several years. I would have preferred that the bulk of her income should come from the old age pension, rather than being a self-funded retiree, simply because it seemed a gamble on future financial outcomes of the Australian economy.

Given that communications with the holders of the poa was less than cordial, I was able to contact a prior work colleague of hers, _____, a social worker, with _____ who kept me up to date. _____ expressed some concern in an email about the quality of attention at the home: subsequent information was that _____ had suffered a fall and as a result, had a hip replacement operation. This struck me as relevant because, co-incidentally, I had talked to two people in the UK involved in Alzheimers work who had relatives with similar stories. Falls are a fact in nursing homes, but should be minimalized with strict safety and design standards and full nursing attention. Falls are difficult to understand in dementia facilities since patients have only short distances to traverse and beds usually have a guard rail. Several months later, I received an email from _____ announcing her death (there was no communication from the family). She was taken ill on a Saturday evening, transferred to _____ Hospital where she died the next day. Now, once again, a similar pattern has emerged in investigations into nursing home procedures in Britain. Senior staff do not work in nursing homes at weekends and there is no on-call medical staff, so patients are transferred by ambulance into the nearest Emergency department. Since staff requirements are at a premium it is unusual for the nursing home staff to remain at the hospital with the patient, who can then spend a long time in triage, especially given the pressure and nature of Saturday evening admissions. There is also the fact that dementia patients cannot communicate (I believe _____ at this stage had lost the ability to walk, talk or feed herself) so that any medical decisions tend to be somewhat ad hoc. I would imagine public hospitals in NSW are in a similar situation. Whether this constitutes abuse within your frame of reference is your decision, rather than mine: but I would like to have my discontent recorded.

The second part of my submission is convoluted. Probate was given on her estate six months later. Her initial investments were sound and liquidated. A substantial remaining amount (in excess of \$300,000), which was to be divided among the four beneficiaries, was probated but the sum was not "liquid". However, the information given to me (through my legal representative) was that it would be forthcoming in the future. It was part of the fall out of the GFC. My only communication directly with the family was in response to an inquiry I made later since I noted that a class action regarding these investments was a possibility. The family response was negative, although I did receive a break-down of the finances of the estate, and the reply asked me not to contact the family again. (In any case, investigation showed that the case would not have fitted into the class action which was proposed). I let the matter rest, but then, subsequently received a payment, through my lawyer of around \$1000 from the estate. My initial thought was that this was the total liquidation component, but there have been three sporadic similar payments made to me.

Now I think this fits into the framework of the enquiry from the following standpoints:

- 1) The invested sum was made by the holder of the poa from a residue of estate money. It was not an investment made by . Research has shown that the investment is in a property company, , which has a call up office in Sydney but an HQ in Melbourne. The property portfolio seems to consist of investment property throughout Australia, but very little in Sydney itself.
- 2) I investigated the possibility of investing some of my funds here, in the UK, and asked my bank, the RBS for advice. I was less than happy with the presence of what I thought were a couple of spivs (the RBS, as you may be aware, is the bank which crashed partly causing the GFC!) who suggested "property" through a similar company. It was, I was told, high yield, but less secure than other investments. (Needless to say, I declined!)

I knew well enough to know that, prior to the advent of dementia, she was far from stupid and I am prepared to swear on oath (if necessary) that she would never have invested along these lines. Effectively, this is a Ponzi scheme in which the yield is paid for from the funds used as new contributions. I am amazed that they are still being sold; amazed that the estate took the advice or made the decision in the first instance. My suspicion is that there was always the possibility of gains to be made, had it not been for the GFC, but any investment would have been useless for the estate simply because it was a paper and not a liquid investment and could never have been called up. Given that has produced "dividends" I have suggested (via my representative) that the investment should be cashed in. The reply has been that the estate is waiting for the situation to improve, and that they have the right to do that. Simply mathematics tells me that even if the original investment funds became liquid they would still add up to a financial loss to the estate.

In the long run, of course, this sets me in I believe an awkward situation. If the investment pays out another premium, and if, as I believe it is Ponzi rather than legitimate, I am effectively being bribed off by money fleeced from the public. There is also the fact that I do not like the fact that this has dragged on/is dragging on, and above all, I find it rather an insult to someone who has departed this life.

