

Elderly fall foul of greedy relatives

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Lawyers and health workers are reporting an alarming increase in financial abuse of the elderly as tough economic times, rising dementia cases and "an age of entitlement" creating targets of older Australians.

Kristy Mackie, of KRM Legal and chairwoman of the Queensland Law Society Elder Law Committee, said the problem would become only worse as the population aged, without legislative reform and better protection for victims.

In some cases, the granting of enduring power of attorney was done without sufficient diligence and became a "licence to steal", she said.

The latest Elder Abuse Prevention Unit report revealed a 20 per cent rise in elderly financial abuse cases in one year in Queensland alone, and a doubling of cases over the past decade.

In 2013-14, more than \$56 million was misappropriated from 139 elderly people through abuse of powers of attorney.

Ms Mackie said financial abuse of the elderly was something of a sleeper issue in the domestic violence debate. The perpetrators were mostly children of the elderly aged in their 50s and the victims were typically in their 80s.

An increasing number of cases involved grandchildren and non-family paid carers.

"Domestic violence against the elderly is generally not physical, but financial and psychological," she said. "This is going to become an enormous issue. It is already a big contributor to elderly homelessness and poverty.

"The victim is often depending on the perpetrator for care and placed in a position where they have to choose between protecting themselves from further abuse or destroying a family relationship."

The rising abuse had been

linked to adult children seeing the nest eggs of elderly parents as an easy source of funds as the cost of living and housing increased or they became greedy.

Ms Mackie said the increase in abuse was also linked to the ease of getting a carer's pension, with families moving in with elderly relatives so they could get free rent and receive government money.

The most common forms of abuse were people being awarded power of attorney and misusing it, homes being transferred to family members and adult children moving into the family home "and you can't get rid of them".

"We certainly seem to be in an age of entitlement where people say 'Mum would have wanted me to have' this even though she is sitting in a nursing home with dementia," Ms Mackie said.

"In these situations, the carers often don't just take the carer's pension, they refuse to give the parent access to any funds and they think they deserve for their mother to pay for a car or a holiday because they are stressed from looking after them."

Ms Mackie said that, while considerable work had been done to identify the problem, limited tangible progress had been made to address the issue.

The exception was Victoria, where misusing enduring power of attorney was a criminal offence; NSW recently announced a parliamentary inquiry into elder abuse.

In Queensland, paid carers were excluded from domestic violence legislation and the issue did not get the airing it deserved because community legal centres were not allowed to be active in legal reform debate. Most cases in Queensland were picked up by health workers, GPs and lawyers.

"There is currently no consequence for a misusing a power of attorney (in Queensland)," Ms Mackie said. "In most cases, once the money's gone it's gone, there isn't a lot you can do."