

## **Elder law expert questions outcome of past inquiries, as new probe launched**

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MICHAEL BRISENDEN: While the Federal Government has announced a new inquiry into legal protections against the abuse of older Australians, an Elder Law expert says the recommendations of the last major inquiry remain unimplemented.

And an elderly victim of financial abuse has told AM the best way to reduce elder abuse is simply to talk about it more.

Simon Lauder reports.

SIMON LAUDER: Eighty-nine year old Melbourne woman Vivienne Lowe is not easily tricked.

VIVIENNE LOWE: And by the way, I look good too. I mean, I'm fortunate in that I don't look like a dodderly old lady - and my apologies to dodderly old ladies.

SIMON LAUDER: But a few years ago she entered an agreement with someone she'd known and trusted for decades. It didn't end well.

VIVIENNE LOWE: The person concerned wasn't as straightforward as she should have been and my money was going down the gurgler. I'd signed everything over to her and I lost the money and I lost my home.

SIMON LAUDER: It's estimated that as many as one in 10 Australians aged over 65 has been the victim of abuse, usually financial abuse and usually at the hands of a family member.

The Federal Government has now asked the Australian Law Reform Commission to examine ways to safeguard older Australians from abuse.

Sue Field lectures in Elder Law at Western Sydney University.

SUE FIELD: Although I think it's wonderful, I would like to see some outcomes as a result of a number of the enquiries, which hasn't actually happened in the past.

SIMON LAUDER: So what outcomes have been missing?

SUE FIELD: Well, if we go back to the **2007 House of Representatives enquiry into Older People and the Law**, they came up with 48 recommendations relating to, you know, age discrimination, access to justice, substitute decision making - **and not one of those recommendations have actually been acted upon.**

SIMON LAUDER: None of them?

SUE FIELD: No, not really, no, because it will be, 'well this is a state matter not a federal matter' or it's 'noted'.

SIMON LAUDER: So although you're welcoming this new enquiry, you're also wondering why they don't just implement recommendations from previous ones?

SUE FIELD: Yes. (laughs) In a nutshell, yes.

As I said, I think enquiries are great if they raise the profile, but then some people think "Oh, another enquiry - what's happening with all the other ones that have been and the recommendations?"

SIMON LAUDER: Vivienne Lowe says she's speaking out in the hope that others will learn from her story.

VIVIENNE LOWE: I want to be able to let people know that if they begin to feel uncomfortable, that they must themselves find a legal person, financial person who can help them and sort out their money for them. The difficulty is, the children all sit around and say 'I'll do it, no I'll do it' so mum or dad when they're older, beginning to get a bit confused and before long, their money's gone.

SIMON LAUDER: What can be done to stop this?

VIVIENNE LOWE: Well, more talking which is going on at present, encouraging older people to be more assertive, to take care of their own affairs. They can discuss it with their children but let them know that they are the ones to have the say.

SIMON LAUDER: Have you caught people out trying to rip you off again since?

VIVIENNE LOWE: No, no, only the people on the telemarketing. And if anyone rings me on the telemarketing I say 'I'm sorry, somebody just died' and they hang up. I'm not easily fooled these days (laughs).

MICHAEL BRISSENDEN: Vivienne Lowe, speaking to Simon Lauder