

ABC NEWS

Three sons who stole \$1.6 million from their elderly parents yet to face criminal charges

By Rebecca Turner

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PHOTO: Chloe* is frustrated there have been no major responses to what she alleges is criminal behaviour. (ABC News: Rebecca Turner)

More than two years after \$1.6 million was siphoned from her dementia-affected grandparents' estate by their three sons, a young Perth woman wants to know why no charges have been laid.

Chloe* spent a lot of time, money and emotional energy in raising the alarm about the disappearance of her grandparents' assets, but is now frustrated that there have been no serious repercussions for what she alleges is criminal behaviour.

She said she would probably already be in prison if she had taken such a big amount of money from her employer's bank account.

"Their only punishment has been returning the house and money," she said.

"And they are going to get it straight back. They just wanted it before their time."

After noticing a decline in her grandparents' cognitive abilities and a disappearance of their assets, Chloe sought an independent administrator for the couple in mid-2017, in defiance of her father and uncles.

In October that year, the State Administrative Tribunal found the men were involved in "questionable transactions" and ordered the Public Trustee to investigate and consider whether anything should be referred to police, including:

- Transferring \$1.6 million from the sale of the family farm out of the couple's joint account and into their own bank accounts
- Transferring ownership of a northern suburbs home into their names
- Using their parents' money to pay their legal bills and for renovations to the northern suburbs home

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Key points:

- Chloe's grandparents had \$1.6 million siphoned from their estate by their sons
 - The State Administrative Tribunal found there were "questionable transactions"
 - No criminal charges have been laid, and Chloe wants elder abuse laws introduced
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But 18 months later, no charges have been laid.



PHOTO: In 2017, the State Administrative Tribunal found the men were involved in "questionable transactions". (ABC News)

The Public Trustee declined to comment on the investigation because of the confidentiality requirements around cases under state administration and guardianship.

While she was pleased that most of the assets were returned to her grandparents last year, allowing them to move to a comfortable aged care facility, Chloe said it was more difficult than it should be to protect her vulnerable relatives.

"If I didn't do what I did, my grandparents wouldn't have a house, they wouldn't have any money," she said.

"They were left with nothing so they could have become homeless."

Support services under growing pressure

Elder abuse is broadly defined as the abuse of a person aged 65 or older by a person they trust.

The World Health Organisation estimates that about one in six people aged older than 60 will be victims each year.

This abuse can be physical, psychological, sexual, by neglect or — the most common form — financial.

But Chloe — and many other people who have contacted the ABC about their difficulties in getting authorities to investigate suspected elder abuse — said the current system does not adequately support people who want to blow the whistle on potential financial exploitation.

Initially, she tried to ring an elder abuse phone hotline, but found she could not use its services because she did not have her grandparents' permission to report their case.

This service could also only help people who were still able to make their own decisions.

While the Public Advocate's office — which helps people with a decision-making disability such as dementia — conducted a thorough investigation into her grandparents' situation, it took longer than six months.

During this time Chloe's father and uncles transferred one of their parents' properties into their names and their health deteriorated.

Like the Public Trustee, the Public Advocate's office is under growing pressure for its services, with both citing an increased incidence in dementia, longer life expectancies and financial elder abuse as factors for their increased workload.

Silent epidemic of elder abuse



Catherine is just one example of the estimated one in six elderly people subjected to abuse at the hands of their children.

These agencies are also bound by complex legislation in managing the affairs of vulnerable people.

When asked how she would improve the system, Chloe said she would like to see the police have more authority to act in elder abuse cases.

"They think it's a family matter, and the onus is on people to come up with the evidence," she said.

"And it's really hard. It was hard for me to come up with evidence.

"I don't have access to their bank account details."

'There were no alarm bells'

Chloe also called for specific elder abuse laws and the mandatory reporting of elder abuse by people most likely to witness it, for example, frontline bank staff, first-response police officers and doctors.

She said her grandparents' bank should have raised concerns when her frugal grandparents began to make "questionable transactions".



PHOTO: The US state of California introduced elder abuse laws in 1986. (ABC News)

"They would never be withdrawing all of that money and also spending so much money on food and drink," she said.

"There were no alarm bells with the bank at all."

She has been interested to hear of the effectiveness of elder abuse laws and mandatory reporting in the US state of California.

The laws were introduced in 1986 and cover physical, mental and financial abuse, as well as neglect and false imprisonment.

Mandatory reporters include caregivers, frontline police officers, priests and bank tellers.

Laws deter would-be exploiters: consultant

Former San Diego district attorney Paul Greenwood prosecuted more than 750 cases — including 10 murders and hundreds of financial abuses — during his 20 years with the elder abuse unit.

Now an elder abuse consultant, Mr Greenwood is a big supporter of the elder abuse laws and said they are a big deterrent to would-be exploiters of the elderly.

He said they were particularly effective in San Diego because of the collaboration between police, prosecutors and social service workers who specialised in older adult protection.

"I think once the UK and Australia get to the point where they agree it is a crime, like domestic violence and stalking or child abuse, then we will see a significant improvement in the response by local police," he said.

Most of his victims never reported the crime or wanted their relatives to get in trouble with the police.

"If they're being financially ripped off, they'd never pick up the phone and say 'by the way, officer, I'm being ripped off by my caregiver or by my grandson who's a drug addict'," he said.



PHOTO: Paul Greenwood said elder abuse laws were a big deterrent to would-be exploiters. (Supplied: Paul Greenwood)

"We had to rely on neighbours or people who could spot the red flags.

"This is where elder abuse law is important because with that law comes mandatory reporting".

Mandatory reporting subject to debate

A landmark 2017 Australian Law Reform Commission (ALRC) report into elder abuse recommended the introduction of what it called "adult safeguarding" legislation.

But only one Australian state has introduced the laws, with the South Australian Government last year passing legislation prompted by the shocking stories of elder abuse uncovered at the Oakden nursing home.

A recent WA parliamentary committee determined it was not necessary to introduce new elder abuse laws and instead recommended strengthening existing laws to protect older citizens.

Mandatory reporting is also subject to much debate, with some arguing it undermines the rights of older Australians.

For example, the Law Council of Australia does not support mandatory reporting of elder abuse where the victim is still capable of making their own decisions.

"From a rights-based approach, it is vital that the older person retains the right to decide whether to report the abuse or not," its submission to the ALRC said.

***Names have been changed to protect the identity of the grandparents who are under state guardianship and administration.**



PHOTO: A 2017 report into elder abuse recommended the introduction of "adult safeguarding" legislation. (AAP: Dave Hunt)

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