

Community lawyers warn elderly abuse cases on the rise

Community Legal Centres Queensland has released figures showing a 19% increase in reported cases of people aged over 65 seeking legal support.

The figures, which were compiled over a five-year period, show older people reaching out to community legal centres for a range of reasons including financial abuse, psychological abuse, neglect and physical abuse.

A similar [report](#) issued by the Elder Abuse Prevention Unit shows a 20% increase in reported cases of financial abuse from 2014-15 to 2015-16. The report² showed that the common age for financial abuse is 80-84 and the abusers were 50 to 54 years of age. The report also showed that women were twice as likely to be abused as men.

According to Community Legal Centres Queensland Director James Farrell, elder abuse is a new wave of violence which is notoriously under reported.

"It is widely understood that one in four people don't report elder abuse due to shame, reliance on the abuser for care, love for the abuser, fear of being placed in aged care and fear of breaking up the family," said Mr Farrell.

"Many victims also suffer cognitive impairments such as dementia and are unable to provide clear and reliable evidence.

"Part of the problem is that there is no adult protective legislation and little legal recourse for elder abuse victims which is cost effective.

"For example, if they want to pursue someone for misusing an enduring power of attorney they need to file a civil action, defend the presumption that any transfer of money from parent to child is a gift and then prove undue influence or unconscionable conduct.

"People who have lost all their money can't afford to do this and more commonly do nothing."

In response to the latest figures, Community Legal Centres Queensland is calling for new laws to protect older Queenslanders against elder abuse including implementing the recommendations from the Queensland Law Reform Commission's Review of Guardianship Laws and the criminal codes relating to this issue.

It is also calling on the State Government to better fund seniors legal services.

Mr Farrell said there was a serious shortage of community legal services from Hervey Bay to Townsville despite a funding allocation in the State Budget for the current financial year.

"The 2016-17 State Budget included funding to expand these services, and it's vital that these services hit the ground as soon as possible, to offset pending funding cuts by the Federal Government," said Mr Farrell.

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“Unfortunately only half of the people who contact one of our community legal centres are able to get the help they need.

“The remaining 50% are turned away because we just don’t have the resources we need to provide help for everyone who qualifies.

“In July this year the Commonwealth Government will cut almost 30% of funding to community legal centres across Australia.

“Community Legal Centres Queensland is calling on Malcolm Turnbull and George Brandis to reverse this decision to ensure people experiencing elder abuse get the legal help they need and the protection they deserve.”

-Ends-

NOTES:

1. Community Legal Centres Queensland Inc (formerly QAILS) is the state-wide peak body representing community legal centres in Queensland. Queensland community legal centres have 40 years of service delivery experience providing free information, advice and referral, casework and representation to the community. www.communitylegalqld.org.au
2. Elder Abuse Prevention Unit Highlight Report: 2015-16 Financial Year
www.eapu.com.au/uploads/annual_reports/highlight_reports/Highlight%20Report%20August%202016.pdf
3. 10 Tips to avoid financial abuse – Source Kirsty Mackie, Research Officer, Community Legal Centres Queensland:
 - Don't give your PIN number to anyone;
 - Don't permit anyone to register for online/internet banking on your behalf;
 - Get independent legal advice before loaning money to family, moving in with family or allowing family to move in with you;
 - Talk to Centrelink before loaning or gifting money as your Age Pension may be affected;
 - Make a Will and review it every three years;
 - Make an Enduring Power of Attorney and appoint an attorney you trust. Review this every three years;
 - Don't be pressured to sign a new Will or Enduring Power of Attorney;
 - If you don't understand it, don't sign it;
 - Join a group and stay healthy. Keep active, maintain a network of friends and supportive family;
 - Speak up. Elder abuse and financial abuse is form of family violence. Talk to your financial planner, your GP your lawyer or the local police if you are concerned about yourself or someone else who may be a victim of financial abuse.

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