



*the voice of older Australians*

## MEDIA Release

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### ABUSE of OLDER PEOPLE

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COTA Over 50s (Council on the Ageing) submission "***Older people and the law***" to the House of Representatives, Standing Committee on Legal and Constitutional Affairs, stated:

"The issue of the financial exploitation and abuse of older people by family and other trusted people is only emerging as a mainstream issue in Australia. This form of abuse although widely recognized as the most common form of abuse, has received less attention compared with other types of older people abuse."

Older Australians increasingly have recurrent legal needs in the areas of fraud, financial abuse, general and enduring 'power of attorney' provisions, family agreements, barriers to accessing legal services; and discrimination.

The House of Representatives, Standing Committee on Legal and Constitutional Affairs has considered the adequacy of current legislation in addressing these needs and issued forty-eight recommendations in its report "***Older people and the law***", September 2007.

The COTA Over 50s submission to this Committee recommended that the government increase funding to harmonise protective Commonwealth and state/territory legislation, tighten financial and family law regulation, and monitor its implementation for the aged.

It also recommended that the government give much higher priority to overall preventative strategies that aim to eliminate the temptation of abuse, investigative strategies that focus on determining whether abuse has occurred, and remedial actions.

COTA Over 50s proposed that the government support relevant legislation by promoting improved awareness of and access to services for the aged. It should also develop and widely disseminate educational tools and guidelines for the aged, their carers and the providers of financial and legal services.

"The Committee's recommendations below were significantly influenced by the COTA Over 50s submission", states Dr Geoffrey Bird, Executive Director of COTA.

**COTA Over 50s Ltd**

ACN 118 911 541

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National Policy Secretariat  
PO Box 3508  
MANUKA ACT 2603

Telephone: (02) 6295 1844  
Facsimile: (02) 6295 1807  
Email: [info@cotaover50s.org.au](mailto:info@cotaover50s.org.au)  
Web: [www.cotaover50s.org.au](http://www.cotaover50s.org.au)

“These recommendations include establishing a detailed study of fraud and financial abuse against those over the age of 65, providing additional funding for mediation and dispute resolution services, and improving consumer protection measures and disclosure requirements for unsecured investment products”.

“COTA Over 50s has recognized the need for higher levels of cooperation with the banking and financial sector, including superannuation and life insurance companies to develop national, industry-wide protocols for identifying and reporting alleged financial abuse, and to improve financial management and literacy”.

“Recommendations related to family agreements address formalisation, registration, dispute resolution, and dissolution of family agreements in cases of disputes”.

“Furthermore, COTA Over 50s and the Committee both recommend improvements in advisory services, and more prudent use of family agreements, especially related to taxation and welfare implications of property transfers”.

“Finally, COTA Over 50s influenced the Committee’s recommendations regarding substitute decision making which involves working towards implementing uniform legislation on powers of attorney and guardianship across all states and territories, and establishing a nationally consistent approach to the assessment of capacity. This would be augmented by improved advance health care planning services provided by medical practitioners on the Medicare Benefits Schedule”.

COTA Over 50s is the nation’s leading independent consumer organisation run by and for Australian seniors. Its membership encompasses the peak body Councils on the Ageing in every state and territory as well as ARPA Over 50s. There are currently more than 6 million people in Australia over 50 years of age.

Authorized by and for more information:

Dr Geoff Bird, Executive Director, COTA Over 50s, Tel 0409 705 951

Copies of the report are available on [www.cotaover50s.org.au](http://www.cotaover50s.org.au)

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Web: [www.cotaover50s.org.au](http://www.cotaover50s.org.au)