

Let's talk about **Elder Abuse**



“ You are not alone.
Help is available. ”



100
YEARS
since 1916



The Public Trustee is proud to work in conjunction with the Australian Pensioners' and Superannuants' League (QLD) to produce this publication about Elder Abuse.

Elder Abuse is a serious concern. Sadly each year thousands of ageing Queenslanders suffer neglect and financial, emotional, physical, psychological and sexual abuse.

This abuse often goes unreported and victims suffer in silence either because they don't know where to turn, they are too afraid to speak out or they feel there are no other options open to them.

This publication is designed to raise awareness of Elder Abuse within the broader Queensland community. It outlines ways people can protect themselves and provides resources where people can seek help and further information.

It is vital that as a community we value and protect the rights of ageing Queenslanders.

What is **Elder Abuse**?

Elder abuse can include the following:

Psychological/Emotional Abuse inflicting mental pain, anguish or distress through verbal or nonverbal acts such as humiliating, intimidating, or threatening behaviour.

Bob was always glad when his sons came to visit but recently they asked him what was in his Will and pressed him to give them some of their inheritance early. The reason being one son had school fees to pay and the other recently lost his job. Bob felt uncomfortable with the requests and said he'd rather not discuss it. Bob's sons became angry, accusing him of being an uncaring father and calling him names. One son now refuses to speak to him and the other has said if he doesn't 'help tide him over', Bob will never see his grandchildren again.

Financial Abuse stealing, misuse, or concealment of funds, property or a person's assets.

Myra lives in a nursing home. She signed an Enduring Power of Attorney appointing her daughter as financial attorney before having an operation. When she came out of hospital, her house had been sold and she was moved into a nursing home. The nursing home advised that her fees are now in arrears and investigations show there is \$247 left in her bank account. Her daughter said 'but Mum doesn't need the money'.

Physical Abuse inflicting physical pain or injury including hitting, slapping, bruising or restraining either physically or through over medicating.

Mary's carer often slaps her when helping her to get dressed. She tells Mary not to be so slow and stupid, to lift her feet and her arms. Mary is afraid to report this behaviour as she feels alone and is frightened the abuse will get worse if she complains. Previously she did complain, but her carer told her not to get agitated and gave her some medication to 'quieten her down'.

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Sexual Abuse non-consensual sexual contact of any kind, including touching, unwanted talk about sexual matters, sexual assault or rape.

Ruby lives on her own, she has no family or friends nearby and she doesn't get out much. Her neighbour Frank often does her mowing, gardening and small jobs about the house; which is a help as she does not have much money left over from her pension after paying rent. However, lately he has been making sexual remarks and has tried to touch her breasts. Ruby asked Frank to stop, but he told her not to be silly as he's 'just being friendly'. She doesn't dare ask him not to come over anymore.

Neglect the intentional or unintentional failure to meet basic needs such as adequate food, shelter, health care and medication, social contact, personal care and hygiene.

Peter lives with his son and daughter in-law in a small granny flat at the back of their house. Lately the roof has started to leak and the hot water is not working. Peter doesn't always shower as it's just too cold; he is embarrassed and uncomfortable about his personal hygiene but he doesn't like to make a fuss. He has recently developed an ulcer on his leg and has been asking to be taken to the doctor to 'get it seen to'. Peter's son keeps saying that they will take him, but like the roof and the hot water they never seem to get around to it.

Who can be affected by **abuse**?

Older people may experience more than one type of abuse. For example it's common that people who are subject to financial abuse often experience some form of emotional manipulation and psychological abuse.

Abuse can be experienced by men and women from all cultures and races and by both rich and poor. An abused older person may live on their own or in a household. They could be taking care of themselves, caring for someone or being cared for by someone.

Who does the **abusing**?

The person doing the abusing is often someone the older person knows and should trust; such as a spouse, son or daughter, grandchild, other family member, carer or friend.



Why abuse **often** remains unreported?

Sadly there are thousands of older people living in Queensland who experience abuse. The real number is not known as many older people who experience abuse are isolated from social contact or are living in an isolated location.

Older people often feel shame, embarrassment or fear the consequences of speaking out. This stops them reporting abuse or seeking support.

Many believe that 'family matters' should be kept private. Most don't realise that the problem is not theirs alone, this problem is shared by many in the community.

Why does abuse **happen**?

There are many reasons why older people experience abuse, these include social and personal factors and each person's experience of abuse is different. The factors listed below do not directly cause abuse but research shows they can contribute to it.

Social factors such as when societies don't value older people by portraying them as incapable of making their own decisions, not contributing to their community or being dependent and a burden.

Economic factors some older people experience poverty as do those who care for them. Low income and few assets result in fewer choices for where and how a person will live and this may also limit the support available outside the family.

Personal factors everyone's situation is different but sometimes abuse is more common where there is a history of abuse or violence. Some abusers can be experiencing addiction or mental illness. Abuse can also occur when a person is isolated from others or when there are differences in language and culture that make it harder for a person to seek support.



What to do if you or someone you know is being **abused**

If you are experiencing abuse or suspect someone is being abused there are a number of options open to you.

Any physical assault, sexual assault or rape should be reported to the police. **If you are in an emergency situation you should phone 000 immediately.**

Contact the Elder Abuse Prevention Unit for confidential advice, support, information and referral to services that can assist you. Phone **1300 651 192**, 9am to 5pm, Monday to Friday.

This free and confidential service can help you to talk through the options open to you. They will also be able to provide you with referral to appropriate services including legal, community support and advocacy services.

A list of other organisations you can contact are listed at the back of this brochure.

If you suspect a person with **impaired capacity** is experiencing any form of abuse you can contact the Public Guardian, phone **1300 653 187**.

The Public Guardian has investigative powers and they may suspend this person's Enduring Power of Attorney if there are reasonable grounds to believe that the Attorney for financial, personal or health matters is not acting appropriately.



How you can **protect yourself** should you lose capacity for **decision making**

While you have capacity for decision making you can outline who you would like to manage your affairs in an Enduring Power of Attorney.

What is an Attorney?

When we refer to the term **Attorney** in this brochure we are not meaning a 'Lawyer'. An **Attorney** is the person or persons you appoint in your Enduring Power of Attorney to manage your affairs and make decisions for you, if needed.

What is an **Enduring Power of Attorney**?

An **Enduring Power of Attorney** is a legal document that outlines who you would like to manage your affairs. You can prepare your **Enduring Power of Attorney** so it will only come into effect if you lose capacity for decision making.

People can lose capacity for reasons such as psychiatric disability, acquired brain injury, dementia or temporary illness such as delirium.

Loss of capacity does not just happen to people who are aging. A loss of capacity can happen at any time in a person's life and this loss may be temporary or permanent.

What is **impaired capacity**?

A loss of capacity for decision making means a person is deemed not to be able to make decisions about their health and personal and financial matters.

When a person loses capacity, The Queensland Civil and Administrative Tribunal may appoint a **Guardian** and/or **Administrator** (family members are appointed in most instances) to manage their affairs; if the person has not made prior arrangements such as an Enduring Power of Attorney.

Things to consider when preparing an **Enduring Power of Attorney**

A well prepared Enduring Power of Attorney should contain clauses to protect your interests. It is recommended you obtain independent advice before preparing your Enduring Power of Attorney.

It is advisable that you consider the following before preparing your Enduring Power of Attorney:

- When will your Enduring Power of Attorney commence? If the Enduring Power of Attorney is for financial matters, will it begin straight away or when you lose capacity?
- Do you want to appoint more than one person to act as your Attorney?
- What sort of decisions will your Attorney/ Attorneys be able to make? Will they make health and personal decisions such as where you will live and what medical treatment you receive? Will they be able to make financial decisions such as managing your assets and paying your bills?

Should you appoint family members as your **Attorney/s**?

Family members, friends and carers generally have a person's best interests at heart and many do a wonderful job protecting the interests of people for whom they have the Enduring Power of Attorney.

However, there are some instances when they may not always be the most appropriate people to manage a person's affairs.

Granting a person an Enduring Power of Attorney is not something you should do automatically because they are family or close to you.

You may choose to appoint an independent entity such as the Public Guardian to manage your health and personal affairs and The Public Trustee to manage your financial affairs in instances where:

- there is family conflict
- there is a prior history of violence or other abuse
- a potential attorney has difficulty managing their own personal and financial affairs
- you have no suitable person you would like to appoint
- you have a suitable person but you feel uncomfortable with them managing your affairs.

Where can I have my **Enduring Power of Attorney** prepared?

The Public Trustee can prepare your Enduring Power of Attorney for a competitive fee phone **1300 360 044** to make an appointment, or you can contact your solicitor.

What if someone is suspected of abusing their **Enduring Power of Attorney** for a person with impaired capacity?

The *Public Guardian Act 2014* confers upon the Public Guardian significant investigative powers. Queensland is the only state in which the Public Guardian can suspend an Enduring Power of Attorney if there are reasonable grounds to believe that the attorney is not competent.

Typically Enduring Powers of Attorney are suspended prior to hearing by The Queensland Civil and Administrative Tribunal.

If you suspect that a person with an incapacity is experiencing neglect, physical or financial abuse you can contact The Public Guardian phone **1300 653 187**.

The Queensland Civil and Administrative Tribunal can only appoint a **Guardian** or **Administrator** if:

- the adult has **impaired capacity** for a particular matter
- there is a need for decisions to be made for that adult, or the adult is likely to do something that involves, or is likely to involve, unreasonable risk to their health, welfare or property
- without the appointment of a **Guardian** or **Administrator**, the adult's needs will not be met, or their interests will not be adequately protected.



About **Guardianship** appointments:

- The Tribunal can appoint an **Administrator** to make financial decisions. Often The Public Trustee of Queensland is appointed **Administrator**. When The Public Trustee of Queensland is appointed **Administrator** we assist our clients according to their financial needs. This can include financial management, preparing tax returns and paying bills.
- The Tribunal can appoint a **Guardian** to make personal decisions in areas of an adult's life such as where they live, with whom they have contact and what services they receive. This allows an adult to continue to make decisions in those areas of their life for which they have capacity.
- Guardianship orders are time limited and are reviewed periodically.



What is an **Advance Health Directive**

An Advance Health Directive is a legal document you can prepare while you have capacity to make your own health care decisions. The form enables you to specify health care options and give directions about your future health care. Including:

- consent to certain future health care
- nutrition, hydration and resuscitation
- the circumstances under which life support is to be withheld or withdrawn.

For it to be valid an Advanced Health Directive must be signed by your Doctor after they have discussed the contents of document with you to ensure you are aware of its contents. You also need to have the document witnessed after it has been signed by your Doctor.

To obtain a form visit www.qld.gov.au/law or phone **07 3239 3520**.

If you are asked to sign documents by a family member, friend or carer:

- you should always make sure you understand what you are signing
- it is your right to only sign documents that you want to sign
- you should not feel bullied, coerced or blackmailed into signing documents.

If you require independent advice contact your solicitor or the Seniors Legal and Support Service (see page 19). You can also contact the Elder Abuse Prevention Unit to discuss your options.

Other ways you can protect yourself

- Become familiar with services that can help you to deal with difficult situations and don't be afraid to contact them. See the list on page 19 of this brochure.
- Keep a network of friends, neighbours and family members and/or join organisations in your local community. Also ensure you receive support from health and community care providers if needed. It is important that you don't become isolated.
- Before making changes to your financial arrangements seek your own professional and independent advice.



Elder Abuse Prevention Unit

1300 651 192

Monday to Friday 9am to 5pm

www.eapu.com.au

Seniors Legal and Support Service

Brisbane **07 3214 6333**

Cairns **07 4031 7179**

Hervey Bay **07 4124 6863**

Toowoomba **07 4616 9700**

Townsville **07 4721 5511**

Seniors Enquiry Line

1300 135 500

www.seniorsenquiryline.com.au

Lifeline – 24 hour crisis line

13 11 14

www.lifeline.org.au

Queensland Aged & Disability Advocacy (Guardianship Advocacy Service)

1800 818 338

www.qada.org.au

The Office of the Public Guardian

1300 653 187

www.publicguardian.qld.gov.au

Australian Pensioners' and Superannuants' League (QLD)

07 3844 5878

www.apsl.com.au

Office for Seniors

13 74 68

www.communityservices.qld.gov.au/seniors

Contact us

The Public Trustee

Phone 1300 360 044

Web www.pt.qld.gov.au

GPO Box 1449, Brisbane QLD 4001

Your nearest Public Trust Office

Brendale

Brisbane

Bundaberg

Cairns

Gladstone

Ipswich

Mackay

Maryborough

Mount Isa

Nambour

Redcliffe

Rockhampton

Southport

Sunshine Coast

Toowoomba

Townsville

We also offer a range of outreach services in other areas of Queensland. Phone us to find out about your nearest service centre.

1300 360 044

www.pt.qld.gov.au

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