

Inquiry into Elder Abuse in Queensland

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Submitter Comments:

I am a finance lawyer of over 30 years standing and have been extensively involved in end-of-life planning and education in a voluntary capacity. The situation with financial enduring powers of attorney urgently requires attention at a state and federal level to minimise the risk of financial elder abuse. It is also necessary to provide certainty for banks and others about the legal status of a POA document and the authority of a person acting as attorney. There is currently a great deal of confusion and banks frequently refuse to follow legitimate instructions from an attorney on behalf of a loved one, leaving them unable to conduct financial transactions or access their own funds.

I'm aware of a situation where a bank would not recognise the POA appointing the daughter of a woman with severe dementia who was in a nursing home. She was trying to organise a payment of costs of her mother's care. The bank initially wanted the mother to visit the branch to confirm the daughter's authority. When finally convinced this was not possible, the bank sent a staff member to the nursing home to "view" the mother and confirm that she was incompetent. Surely there has to be a better way. The Federal Age Discrimination Commissioner has been very vocal on the need for action on this issue including a national register of POAs. I also feel very strongly that better community awareness about end of life planning is essential.