

20.09.2017

ACTING COMMITTEE SECRETARY

Legal Affairs and Community Safety Committee

PARLIAMENT HOUSE
GEORGE STREET
BRISBANE QLD 4000

Dear Sir/Madam,

Guardianship and Administration and Other Legislation Amendment Bill 2017

I am writing this submission following personal experience with two elderly relatives who were financially abused due to the lack of adequate legislated laws governing powers of attorney and guardianship. A family member was able to persuade my two elderly spinster aunts to change their EPOA to make him sole attorney. He was then able to open and close bank accounts, move money, then withdraw and use it for his personal use. This was not discovered until just prior to and following their death. This person was also the executive of their estates which led to a very lengthy and costly attempt of resolution. In the end he walked away stilling owing a considerable sum to the estates with no means of repayment and with no criminal consequence.

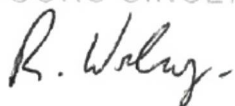
I would like the following points to be considered or improved in the new legislation.

- A minimum of two attorneys required for a legal EPOA document.
- A minimum of two signatures required when acting as an EPOA.
- The EPOA document to be lodged on a national register that can be accessed by banks or legal parties for verification.
- The national register should be notified when the attorneys activate the document.
- If an EPOA document is changed, including removal of an attorney, all parties involved should be notified.

- A governing body has the power to investigate financial abuse of an adult if it is discovered following their death
- If an attorney or any other party is proven to have financially abused another person it should be dealt with as a criminal offence.
- It should be a requirement for an existing will to be retained even if it is replaced or amended. If a new will fails because it is later found to be illegal for whatever reason, the previous will can be referred to by the courts.
- The executives of a will and the attorneys for financial decision making should not be the same people.

If all of these points could be considered there would be processes in place for early detection of possible intention of abuse.

YOURS SINCERELY



RICHARD WORLEY

