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THE FSC GUIDE TO THE

PREVENTION OF ELDER FINANCIAL ABUSE

FOREWORD

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Elder financial abuse can present in various ways across financial services institutions.

While Australia faces the challenges of an ageing population, the FSC remains committed to assisting members protect clients from the complexities of the issue through The FSC Guide on the Prevention of Elder Financial Abuse.

The Guide acts as a starting point for non-banking financial service organisations – including superannuation, advice, trustees, life insurance and wealth – to address the risks of elder financial abuse within their organisations.

Caring for an ageing population presents society with a range of risks and challenges, and elder financial abuse is one area that is becoming increasingly prevalent in Australian society. It is vital the financial services industry continues to be engaged on the topic and know how to best prevent it happening.

Acknowledging the range of sensitives with elder financial abuse, the Guide does not prescribe a one-size-fits-all framework, but rather sets out ways in which organisations can voluntarily adapt and employ aspects of best practice risk management strategies.

The FSC has been engaged in discussions on elder financial abuse since 2015 and the Guide has been developed by the FSC Working Group on the Prevention of Elder Financial Abuse and with the consultation of industry groups including the Australian Banking Association, the Australian Financial Complaints Authority, the Association of Financial Advisers, the Financial Planning Association of Australia and Protecting Seniors Wealth.

Thank you to all involved with the production of this important Guide.

INTRODUCTION

About This Guide

The FSC Guide to the Prevention of Elder Financial Abuse ('the Guide') has been developed to assist non-banking financial services institutions – specifically, wealth, superannuation, advice, trustees and life insurance – in responding to the risks of elder financial abuse.

The content of the Guide collates leading policy recommendations, best practice guidance notes published by recognised industry bodies and key support resources currently available for both employee training and customer awareness. This information is intended to support financial services institutions in developing an appropriate response to elder financial abuse within their organisation.

The Guide is presented in two parts:

PART A:
Risks, Red Flags and Responses

This section provides the key definitions of elder financial abuse, discussions regarding the types of risks and the way they may present in different financial services, and articulates the leading best practice responses that have been published in relation to the financial services industry.

Part A is intended to be used by financial service professionals (FSPs) at all levels. It is also expected to assist employee training programs across the organisation.

PART B:
Organisational Controls, Policies and Processes

This section discusses organisational controls that may help financial services institutions effectively mitigate and respond to risks of elder financial abuse. It also discusses best practice policy, disclosure and training processes as identified by the FSC.

Part B is intended for Board members, senior management, governance and risk management committees. It is also expected to inform policy development and implementation.

Recommendations within the Guide reflect the needs of a collaborative cross-sector and cross-community approach towards the prevention and mitigation of elder financial abuse. As such, the content presented in this Guide relates to the current mechanisms and policy settings in relation to elder abuse and will be updated periodically as the policy environment progresses.

KEY CHALLENGES AND CONSIDERATIONS

Elder financial abuse presents itself in various ways across different financial services institutions. The information presented in this Guide intends to address some of the common ways in which elder financial abuse has been detected and reported. However, it is important to recognise that elder financial abuse can arise in situations outside of these contexts and definitions, and it is up to individual institutions to consider how their policies and internal processes can best address and respond to its occurrence. As best practice guidance and regulatory recommendations continue to evolve, it is critical that financial services institutions, alongside legal, healthcare and community organisations, consider how they choose to approach the issue.

Some of the key challenges and considerations for the financial services industry include:

- **The importance of maintaining trusted and transparent client relationships**
  While some cases of elder financial abuse can be identified through irregular transactional behaviour, anecdotal evidence suggests that the relationship between the client and the financial services provider is the most important point of contact for identifying elder financial abuse. When FSPs have well-established relationships with clients, it allows them to detect actions or behaviours that are out of character for the client, and investigate further. Such relationships are not readily available across all types financial services and the challenge for these institutions is in identifying what forms of client contact are available to them and whether they can be enhanced to create greater trust and rapport.

- **Managing client confidentiality and appropriate responses to abuse**
  Financial services institutions have a legal responsibility to maintain the privacy and confidentiality of client information. In such an environment, requiring employees to investigate suspicious behaviour, or to disclose this behaviour to third parties, may infringe upon their legal and professional obligations. In order to effectively address elder financial abuse, financial services institutions must consider how internal reporting protocols and mechanisms can facilitate appropriate record-keeping and reporting, while protecting the employee and the institution from contravening their legal obligations. For some institutions, appropriate protections can be found within policies regarding fraud and corruption or protection of vulnerable clients. Industry bodies continue to advocate for legislated protections that allow FSPs to report suspected cases of elder financial abuse. However, until an outcome is reached, it is up to financial services institutions to clearly and transparently identify employee responses to elder financial abuse within the gamut of their broader risk management framework.

- **The importance of cooperation in a changing legislative environment**
  The increasing prevalence of elder financial abuse requires collaboration and cooperation between government bodies, financial institutions, legal and healthcare practitioners, third party service providers and community groups. Legislation on elder abuse in comparable overseas jurisdictions has worked to empower these relationships and the National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023[1] is expected to strengthen the ability for all participants to respond effectively to elder financial abuse. Elder financial abuse must be understood as a cross-industry issue, and the response must come from the creation and protection of enhanced communications and action between community and business. As such, financial services institutions need to consider how their relationship to these different parties can be utilised to empower their responses to elder financial abuse.

- **There is no 'one-size-fits-all' approach**
  Industry guidelines can be useful in setting minimum best practice standards, but for an industry as large and varied in operations and products as the financial services industry, the most effective responses arise from individual institutions customising and adapting standards so as to be effective in their specific operating environment. Admittedly, smaller institutions will have less resources and capacity to develop and implement comprehensive protocols regarding elder financial abuse than their larger counterparts. In such an environment, it becomes critical for industry participants to act in whatever means are available to them. This includes minor actions, such as making client support resources readily available on a company website or via a marketing campaign - as well as larger commitments, such as the development of employee training and reporting protocols.

- **Data, reporting and controls**
  One of the most significant barriers to the development of effective responses to elder financial abuse is a lack of consistent and comparable data. The Federal Government has established *Elder Abuse Action Australia* (EAAA), which will focus on a range of cross-industry activities, including data gathering. For financial services institutions, the integration of appropriate internal procedures regarding elder financial abuse can serve as an important method for data collection, and subsequently inform appropriate policy responses.

1 https://www.ag.gov.au/RightsAndProtections/protecting-the-rights-of-older-australians/Documents/National-plan-to-respond-to-the-abuse-of-older-australians-elder.pdf

PART A)
RISKS, RED FLAGS AND RESPONSES

WHAT IS ELDER FINANCIAL ABUSE?

Defining Elder Financial Abuse

Elder abuse refers to "a single or repeated lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person."[2] It has also been defined as "any act occurring within a relationship where there is an implication of trust, which results in harm to an older person. Abuse can be physical, sexual, financial, psychological, social and/or neglect"[3].

Elder financial abuse has further been defined as "the fraudulent or otherwise illegal, unauthorised, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets."[4]

Based on practices in Australia, definitions of specific terms are as follows:

- *Elder:* Australians aged 65 and over.[5]
- *Financial:* With regards to financial decisions, arrangements, products, monetary value or assets.
- *Abuse:* Any activity or lack of activity that results in neglect, maltreatment, coercion, exploitation or other forms of harm.

The FSC defines elder financial abuse as:

Any activity by an individual that seeks to use fraudulent, illegal, deceptive or otherwise improper acts or processes to advantage from the financial resources of an older or elderly individual. Advantage can include personal profit or gain, enabling profit or gain for a relative, friend, spouse or business associate, or deprivation of the right of an older or elderly individual to access benefits, resources, belongings or assets for any reason.

2 World Health Organization, 2008 (first defined in 1995), http://www.who.int/ageing/projects/elder_abuse/en/
3 Australian Network for the Prevention of Elder Abuse in 1999, https://www.ag.gov.au/RightsAndProtections/protecting-the-rights-of-older-australians/Pages/default.aspx
4 United States Older Americans Act 2006, https://acl.gov/about-acl/authorizing-statutes/older-americans-act
5 Australian Bureau of Statistics, 2012, as cited in the Australian Institute of Family Studies report to the Attorney-General's department, 2017.

It should be noted that while clear definitions are useful in the development of policy, training programs and resources, elder financial abuse can occur in contexts outside those that fall within the definitions that are provided. For example, legislation in different countries will have different thresholds for the age that qualifies an individual to be ‘elderly’, but an individual who is slightly outside of this age bracket may still legitimately be a victim of elder financial abuse. As governments, community and industry groups become increasingly aware of the complex and manifold ways in which elder financial abuse manifests, definitions change and evolve. Institutions should make employees and managers aware that definitions are there to assist processes, and that it is acceptable to respond to potential red flags even where they occur in situations where the criteria for definitions are not strictly met.

Prevalence of Elder Financial Abuse

Global data on the prevalence of elder abuse disclosed by the World Health Organization suggests that between 2 per cent to 14 per cent of elderly people in high- or middle-income countries suffer elder abuse. Of these, the most common type was financial abuse (9 per cent), followed by psychological abuse (6 per cent) and neglect (6 per cent), physical abuse (5 per cent) and sexual abuse (1 per cent).[6] It should be noted that these figures do not account for elderly people in institutional care or with a cognitive impairment.

In Australia, data collection has chiefly been undertaken on a State-by-State basis through community groups and call centre data. Some of these statistics are provided below:

- 40 per cent of the calls received by the Elder Abuse Prevention Unit Queensland between 2014 – 2015 are regarded elder financial abuse. Calls were most commonly made by a concerned person calling to seek advice on the situation.[7]
- 61 per cent of the calls received by Senior Rights Victoria between 2012 and 2014 were regarding elder financial abuse, followed closely by psychological abuse (59 per cent). Elder abuse calls were most frequently made in relation to female victims (73 per cent) and male perpetrators (60 per cent), and the relationship of the abuser was most commonly the child of the elderly person (67 per cent).
- 46 per cent of calls received by the NSW Elder Abuse Hotline over a period of two years reported elder financial abuse and reflected the same findings as Senior Rights Victoria with regards to the gender and relationship of victims and perpetrators.

More resources have been committed by the Australian government to enhance the scope of data collection and analysis. However, elder financial abuse is widely agreed as among the most prevalent forms of elder abuse. This is further evidenced by the increase in court cases and media articles reporting on the issue over the last few years.

It should also be noted that regulators are increasingly concerned about the number of telephone and email scams targeted towards elderly persons. The Australian Competition and Consumer Commission (ACCC) notes $76 million lost via approximately 90,000 scams as at August 2018. The most commonly reported scams include phishing, identity theft, remote access, and prize and lottery winnings, with the greatest number of reports coming from people aged over 65.[8] While the FSC considers such scams to represent a form of elder financial abuse, this guide focuses on elder financial abuse committed via financial products by individuals known to the elderly person.

6 World Health Organization, 2015, sourced from AIFS report, https://aifs.gov.au/publications/family-matters/issue-98/elder-abuse
7 https://aifs.gov.au/publications/family-matters/issue-98/elder-abuse
8 https://www.scamwatch.gov.au/about-scamwatch/scam-statistics

COMMON FORMS OF ELDER FINANCIAL ABUSE

Everyday forms of Elder Financial Abuse

Elder financial abuse can take many forms and is likely to vary across financial services. While efforts have been made to identify the kinds of activities that constitute elder financial abuse, it should be understood that an act of elder financial abuse includes any activity that seeks to undermine the rights of an elderly person for the financial gain or advantage of an individual. Activities undertaken with this intention, whether previously listed under this title or not, may still be regarded as elder financial abuse depending on the circumstance.

The below activities provide examples of how elder financial abuse may manifest in day-to-day interactions:

- Illegal or improper use of an elderly person's assets, including physical assets (home or car) and/or financial assets (pension payments or investment portfolios).
- Acquisition and misuse of control over elderly person's funds or assets through threatening or coercive means.
- Acting as an agent for the elderly person's financial matters without being appointed to do so.
- Committing an elderly person to financial contracts or commitments that are not in their best interests, such as informal loans made to family members or friends.
- Coercion of an elderly person into appointing a Power of Attorney (POA).

Common Risk Profiles

Research and data reported by the Australian Institute of Family Services, State Trustees Victoria, and key community contact centres across New South Wales, Victoria and Queensland consistently identify the following trends regarding common risk profiles of victims and perpetrators of elder financial abuse.

- Older women are the most common victims of elder abuse.
- Financial abuse of parents by children is the most common form. Other cited forms included financial abuse by relatives, friends and spouses.
- Sons are more often perpetrators of elder financial abuse than daughters.
- Spouses are perpetrators in a small amount of cases.

The below factors also increase the vulnerability of an elderly person to elder financial abuse:

- Ongoing or historical family violence.
- Cognitive impairment or disability.
- Social isolation.

Research by State Trustees Victoria noted that, on average, $113,000 is the amount of money appropriated through an act of elder financial abuse.

Submissions to the Australian Law Reform Commission also note a high risk of elder financial abuse within Culturally and Linguistically Diverse communities, Aboriginal and Torres Strait Islander communities, LGBTQI communities and rural and remote communities. Further information on High Risk Communities can be found in Appendix A (page 30).

The Misuse of Powers of Attorney (POA) Instruments & 'Inheritance Impatience'

Misuse of POA instruments and Enduring POA instruments are among the most common ways in which elder financial abuse is committed. The way instruments are misused varies across different financial services and products, and cannot be definitively listed. It is nevertheless clear that a POA appointment makes it easier for a perpetrator to engage in elder financial abuse using the activities listed above, as well as through the use of any other rights inferred through the POA appointment.

In alignment with the risk profiles identified in the previous section, the misuse of POA rights for the purposes of elder financial abuse are commonly identified in situations where adult children (predominantly males) seek to deprive an elderly parent of their access to or use of financial resources, with the intention of preserving assets that they are likely to inherit when the elderly parent passes away. Improper transactions in relation to an elderly parent's assets are also commonly committed by adult children who have a sense of entitlement to those assets due to their role as a primary caregiver to their parent. Dubbed as 'Inheritance Impatience', these motivations for elder financial abuse comprise the overwhelming majority of elder financial abuse cases that are reported.

Anecdotal evidence reports some of the following types of transactions as common forms of elder financial abuse committed by adult children POAs seeking to access or preserve their inheritance:

- Improper trading in title to property.
- Failure by adult children to sell assets or release funds needed by an elderly parent for the purposes of preserving inheritance.
- Adult children gaining control over all inheritable property and exhausting estate resources to the disadvantage of elderly parents or other beneficiaries.
- Adult children benefitting from carers payments without providing adequate caregiving services to the elderly parent.

COMMON RED FLAGS

Client-facing Red Flags

Client-facing interactions are an important opportunity for FSPs to identify and respond to any signs of elder financial abuse.

Red flags to be aware of include:

- Behavioural changes.
- Signs of distress, confusion or lack of care.
- Anxiety, nervousness or tension in discussions around a third party (including around a partner or family member), or when a third party is mentioned.
- Any of the above behaviours accompanied by requests to make changes to long-standing financial arrangements without being able to provide an adequate explanation as to why.[9]

Where financial services do not have frequent opportunities for client-facing interactions, these red flags can be adapted for use on the phone. For example, where an FSP speaks to a client on the phone and notices distress, confusion, or fearfulness towards a particular person throughout the conversation, this is adequate to raise concern and to follow up with further contact or discussion with management.

9 Red flags for frontline banking staff can be found at: https://www.ausbanking.org.au/wp-content/uploads/2019/05/Industry_Guideline_Protecting_vulnerable_customers_from_potential_financial_abuse2.pdf

Transactional Red Flags

Client transactions on financial accounts or products can be important indicators for elder financial abuse. Where financial services institutions are familiar with routine transactions on an account, or long-standing arrangements regarding an account, they may be able to identify what constitutes *unusual* account activity, or activity that suggests irregular use of the financial product. Such transactions may be used as triggers for follow-up action, verification or authorisation, not dissimilarly to the implementation of transactional triggers for potentially fraudulent account activity.

The following list provides some examples of red flags in account and transactional interactions. These transactional red flags may or may not be accompanied by the client-facing red flags identified in the previous section. Importantly, these transactions are considered red flags only where they deviate from previously discussed or long-standing arrangements on an account i.e. where they represent a deviation from business-as-usual.

- Activity in previously inactive accounts.
- Address changes on an account by a third party, or requests by the third party to send correspondence to them.
- New third-party requests on behalf of a client.
- Increases in withdrawals, payouts, or liquidity.
- Transfers of assets or financial products to a new third party.
- Changes in preferred operation of financial instruments following the appointment of a POA or legal guardian.
- Underwriting of loans, purchases of new assets or new financial products.

APPROPRIATE RESPONSES TO RED FLAGS

Best Practice Guidelines

Appropriate responses to red flags can be developed by each financial services institution with regards to its internal management and reporting systems, controls and policies.

Guidelines published by the Australian Financial Complaints Authority (AFCA) and the Australian Banking Association (ABA) are considered as best practice for banking institutions in responding to red flags. They provide some insight into the elements of an appropriate response that a financial services institution can consider adopting when developing their own guidelines.

The AFCA Approach[10] to Financial Elder Abuse explains how AFCA handles complaints raising elder abuse issues. The document specifies standards that financial firms should meet when red flags have appeared.

The standards specified by AFCA are:

- We expect a financial firm to talk to the elderly person separately and in private about the financial transaction. We consider a conversation must be more than one question.
- A third party should not be present during this conversation.
- When the customer is alone a financial firm should be willing to have a conversation with them about the reason for the financial transaction.
- Financial firm employees should listen carefully to what the customer says.
- Financial firm employees should discreetly discuss the financial transaction to test the credibility of the explanation. However, the conversation should not be an interrogation.
- Financial firm employees should check the elderly person's account records, account operating instructions and who is authorised to operate the account. If there is more than one account holder or person authorised to operate the account, the financial firm should contact the other account holder or authorised person before allowing the financial transaction to occur.
- Where a POA is acting on behalf of the elderly person, check the POA to see if there is another attorney who can verify that the financial transaction is appropriate and not to the detriment of the elderly person.
- Has a Guardian been appointed? If so, is the person accompanying the elderly person the Guardian? If not, the financial firm should take steps to contact the Guardian and not perform the financial transaction until it has been confirmed by the Guardian.
- Financial firm employees should escalate their concerns to the appropriate senior person before conducting the financial transaction.
- A financial firm may consider declining or delaying the transaction, for example by asking the customer to come back the next day if they still want to proceed.

10 https://www.afca.org.au/public/download.jsp?id=7236

- Financial firm employees should feel free to ask the customer if there is another family member or friend the financial firm can talk to about the financial transaction before proceeding with it.
- If there is no other family or friend, a referral to a relevant support service might be appropriate.
- Financial firm employees should follow their internal policies and procedures whenever they see warning signs of financial abuse. If there are no policies and procedures in place, we expect the financial firm to explain why.

When it considers complaints that involve financial elder abuse, AFCA asks the financial firm to provide information including:

- Contemporaneous customer notes about transactions where financial elder abuse was of concern. This should set out the circumstances giving rise to the concern and the steps the financial firm took to delay the transaction or take other preventative action.
- Details of any conversations held with the customer.
- If the financial firm did not discuss their concerns separately and in private with the elderly person, an explanation of why this did not occur.
- Details of any specific preventative action taken.
- Recollections of events from financial firm employees involved in transactions which are the subject of the complaint.
- Copies of its internal policy and procedures in relation to financial elder abuse, and specific steps the financial firm took to comply with those internal policies and procedures.
- Where applicable, contemporaneous notes or relevant documents showing the customer received a benefit from the transaction in dispute.

The second last bullet point above refers to a financial firm's 'internal policy and procedures in relation to financial elder abuse'. This point creates a requirement for a financial firm to have appropriate elder financial abuse policies and procedures in place.

The AFCA Approach document provides examples of situations where a financial firm may be liable to reimburse losses to a customer who is the victim of abuse, including:

- The customer is unable to read due to blindness or illiteracy.
- The customer's signature on withdrawal or other transaction documents has been forged.
- An unauthorised electronic transaction has been performed and liability is allocated to the financial firm under the ePayments Code.
- It is on notice of the customer's mental incapacity.
- It is on notice of undue influence.
- It has assisted in a breach of trust.
- It has itself taken advantage of a vulnerable elderly person so as to have engaged in unconscionable conduct.

The ABA has developed a series of guidelines for banking employees and customers regarding elder financial abuse. In the *Industry Guideline for Protecting Vulnerable Customers from Potential Financial Abuse* it notes the following steps that bank staff can take if they suspect a customer may be the victim of financial abuse: [11]

- Consider obtaining consent from customers to have conversations about suspected financial abuse. This might be a way to gain advance "permission" to have what would otherwise be awkward conversations.
- Ask clear, factual, and non-threatening questions to learn the reasons for a suspect transaction, transfer, payment or withdrawal (or frequent withdrawals).
- Check the third party's authorisation and documentation to act for the customer. If a third party presents a withdrawal form or instructions, bank staff should verify the third party's authority by directly contacting the customer or checking associated documentation (i.e. POA document).
- Contact their supervisor or branch manager, who can work with them to review the account history and the transaction to determine if it should be processed, stopped or reported to bank security or a senior bank officer, or whether legal, compliance or advice from the fraud department should be sought.
- Talk to their internal compliance or fraud departments if the vulnerable customer is accompanied by their potential abuser. If the customer and abuser are together, a possible response is to separate the customer from their companion so they can speak alone (do not let anyone else speak for the customer unless they have the appropriate legal authority to do so – this can be a red flag that something is wrong).
- Consider offering the customer a fraud alert once they are separated from the potential abuser.
- Consider delaying the transaction, transfer or payment if the customer is in immediate danger of losing money and refer the matter to a senior bank officer or legal counsel.
- Notify bank security and contact the police immediately if the customer appears to be in immediate physical danger.
- Consider seeking advice from the relevant State or Territory agency such as the Office of the Public Advocate, Trustee Body or Elder Abuse Prevention Service. If this was to occur, the customer's information should be de-identified.

- Other ABA guidelines include:
  - Industry guideline - Responding to requests from a power of attorney or court-appointed administrator.
  - Consumer fact sheet – Setting up a power of attorney to help manage your banking needs.
  - New tool to help detection of financial abuse of Australians (for bank staff).

It should be noted that several bodies, including the ABA, are currently advocating for financial services staff to be able to report to State authorities regarding suspected cases of elder financial abuse.

Different State agencies are taking different approaches to hearing cases of elder financial abuse. These are listed in the table on the next page. Currently, some jurisdictions allow for suspected cases of elder financial abuse to be reported by individuals.

Financial services institutions should ensure they are familiar with the possible contact points in State agencies with regards to elder financial abuse queries (see Appendix C on page 33). Where a financial services representative contacts these agencies in relation to suspected elder financial abuse, they should de-identify the customer to ensure that confidentiality is maintained.

11 https://www.ausbanking.org.au/wp-content/uploads/2019/05/Industry_Guideline_Protecting_vulnerable_customers_from_potential_financial_abuse2.pdf

Client Resources

One way in which many financial services institutions and other legal and community bodies have sought to respond to elder financial abuse is by equipping customers with relevant support contacts. These resources have been disclosed by the Australian Human Rights Commission, and can be communicated via various media channels of the financial services institutions in support of potential victims of elder financial abuse. They can also be made available physically at the institution's branches, or included as part of a broader pamphlet of general information.

Community Support Groups

State	Organisation	Phone Number
ACT	Older Persons Abuse Prevention Referral and Information Line	02 6205 3535
NSW	NSW Elder Abuse Helpline	1800 628 221
	The Older Person's Legal Service	1800 424 079/ 02 9281 3600
NT	Aged and Disability Rights Team, Darwin Community Legal Centre	1800 812 953/ 08 8982 1111
QLD	Elder Abuse Prevention Unit	1300 651 192
	Senior Legal and Support Service, Caxton Legal Centre	07 3214 6333
SA	Aged Rights Advocacy Service	08 8232 5377
TAS	Tasmanian Elder Abuse Helpline, Advocacy Tasmania	1800 441 169/ 03 6237 0047
VIC	Senior Rights Victoria	1300 368 821
WA	Advocare	1800 655 566/ 08 9479 7566

There are also legal resources that can be helpful to clients who suspect elder financial abuse is occurring, or who are looking for assistance in responding to forms of elder financial abuse that constitute criminal offences such as fraud, theft or deception (see Appendix D on page 35).

EXAMPLES OF ELDER FINANCIAL ABUSE ACROSS DIFFERENT FINANCIAL SERVICES

Elder financial abuse manifests in different ways across different financial services.

The following examples of elder financial abuse across different financial services have been identified from submissions made to the Australian Law Reform Commission, as well as disclosures by industry groups and individual financial services institutions. These examples are intended to provide some insight into the forms of elder financial abuse as they manifest across financial products, but are not a definitive list of suspicious behaviours.

In many cases, these actions are legitimately undertaken by clients on a regular basis, but they also represent the most common ways in which abuse takes place as per reported behaviour. It is often the circumstances surrounding the actions, such as when an action is at odds with the expressly communicated wishes of a client, or where the action represents a disadvantage to the client's full financial potential, that trigger suspicion.

It should be noted these actions can be undertaken by an individual through deception or coercion of an elderly person, or under their authority as a POA.

Superannuation

The following actions were identified as potential indicators of elder financial abuse in superannuation accounts.[12]

- Instructions to take a portion of a superannuation benefit as a lump sum rather than an income stream.
- Instructions to continue drawdown of only the statutory minimum amount of an account based pension, rather than maximising the value of a death benefit (that may become payable to a beneficiary later).
- Instructions in relation to the part commutation of an elderly person's account based pension where this is not beneficial to the elderly person or where this instruction is at odds with previously discussed plans. This action can be used by an abuser to access superannuation money for their own benefit.

12 Transactions as listed in Australian Securities and Investments Commission submission the Australian Law Reform Commission. https://www.alrc.gov.au/wp-content/uploads/2019/08/143._asic.pdf

Life Insurance

As noted in other financial services, the concerns around elder financial abuse in life insurance regard policy-holders being unduly influenced to make changes to their financial arrangements or policy features under coercion or deception.

Some of the below examples have been cited with the misuse of life insurance products:

- Multiple beneficiaries replaced with a single beneficiary.
- Misuse of life insurance policy to underwrite business or personal loans unrelated to the client.
- An increase in life insurance cover amount following an increase in a client's mortgage or business interests, often involving a third party.

Trustees

Trustees work extensively with elderly clients and are often appointed as financial administrators for elderly people who have lost capacity. As such, much of the suspicious activity that they encounter with regards to elderly clients involves the use of Enduring POA instruments. Some of these are listed below alongside other financial abuse risks posed by guardians and service providers.

- Coerced changes to wills or POA appointments.
- Appointment of financial administrators and guardians working to advantage an abuser following a loss of capacity.
- Undue or increased fees charged for services for the elderly person.
- Unusual increases in payment amounts requested by a guardian.

Financial Advice and Financial Planning

Financial advisers and financial planners are uniquely positioned to identify financial decisions that are not in the best interests of the client and therefore may suggest suspicious activity.

Some examples of these activities are provided below. In some cases, the scenarios include the presence of both financial and other forms of abuse:

- An agent, child or friend speaking for the elderly client, or suppressing the comments of the elderly client during a meeting.
- An elderly client appearing intimidated by the mention of a particular agent, child, spouse or friend etc.
- An elderly client deciding to loan funds to a friend or relative where the reasons for the loan cannot be explained and is not documented or verified adequately.
- Service providers in a position of trust or dominance convincing elderly clients to make unnecessary financial commitments.
- Organisations contracted to assist the elderly client charging excessive fees, or providing unnecessary services.[13]

Research also suggests that financial planners face particular challenges identifying when a long-standing client begins to lose capacity and an Enduring POA needs to step in. Griffith University has undertaken research on this particular issue, noting that:[14]

- Financial planners can face legal liability for failure to recognise a client with diminished capacity (see AFCA Approach to Financial Elder Abuse).
- Strengthened procedures and protocols on capacity testing can assist in enhancing protections for financial planners. This can include defining appropriate communications for clients with diminished capacity.
- Financial planners should include considerations of these risks within the plans developed for clients at the outset of the relationship, including identification of appropriate relatives or trusted third-parties who can be contacted if and when suspicious changes are made to financial plans.
- Elderly clients with long-standing relationships may report abuse to their financial planner because they feel safe and are looking for assistance.

13 https://www.moneymanagement.com.au/features/expert-analysis/elder-abuse-and-vulnerable-clients-%E2%80%93-adviser%E2%80%99s-perspective
14 Griffith University research: Challenges facing financial planners advising agents with diminished financial capacity, https://www.griffith.edu.au/__data/assets/pdf_file/0025/205684/FPRJ-V1-ISS1-pp7-21-advising-ageing-clients.pdf

PART B)
ORGANISATIONAL CONTROLS, POLICIES AND PROCESSES

GOVERNANCE EXPECTATIONS OF FINANCIAL SERVICES INSTITUTIONS

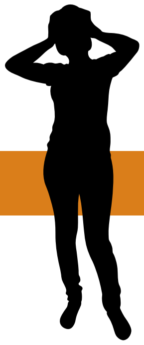
The following areas of effective governance have been identified as a priority based on current industry, community and regulatory discussions on appropriate responses to elder financial abuse. Financial services institutions should consider their relevant controls, policies and processes to help lower the risk of customers being affected by elder abuse.

An increasing number of states are also granting powers to the Office of the Public Advocate to hear cases of elder financial abuse, financial services institutions may be court ordered to provide account and transactional information, as well as demonstrate appropriate safeguards against suspicious activity. As such, institutions should have adequate internal processes to ensure appropriate information is accurately captured.

The FSC expects the following governance mechanisms will become necessary considerations for financial services institutions in the medium-term:

- Requirement for elder financial abuse policy to be articulated and effectively implemented by financial services institutions. The AFCA Approach to Financial Elder Abuse notes that service institutions are expected to have policies and procedures for financial elder abuse in place or be able to explain why they are not in place.
- Requirements to implement appropriate safeguards in relation to staff training, use of software, reporting protocols and internal verification measures. The Australian Law Reform Commission recommends that guidelines to prevent elder abuse should include:
  - Staff training
  - Use of software systems or other controls to identify suspicious transactions
  - Reporting to relevant authorities for escalation of incidents (dependent on State or Territory)
  - Measures to check that authority documents are not fraudulent
- Financial representatives may foreseeably have the power to report to State agencies or specially-authorised bodies on cases of suspected elder abuse, including elder financial abuse. Notably, advocacy by the ABA calls for bank staff to be able to report to a designated authority when elder financial abuse is suspected.[15] The FSC also supports measures that allow FSPs to meaningfully engage with regulators about suspected cases of elder financial abuse whilst still upholding their professional responsibilities. If such permission is granted, it is foreseeable that non-banking financial services representatives would also be allowed to report cases. Financial services representatives should therefore be trained in appropriate protocols to action the reporting of suspected cases of elder financial abuse.

15 https://www.ausbanking.org.au/media/media-releases/media-release-2018/call-to-action-to-help-tackle-elder-financial-abuse



KEY AREAS OF EFFECTIVE GOVERNANCE

Policies and Procedures

Policies on the financial institution's position on elder financial abuse, and the subsequent procedures it has in place, form an important first step towards appropriate prevention and management of elder financial abuse.

Elements of an effective policy include:

- A publicly stated commitment to work towards prevention and mitigation of elder financial abuse.
- An outline of the steps being taken by the company (e.g. training of relevant staff, procedures, community initiatives).
- Reference to organisation roles and governance committees accountable for implementation, maintenance and review of the policy (this may form one part of a broader suite of policies, as per related policies noted below).
- Schedule for review of policy effectiveness. This should include feedback required from employees and management with references to case studies where relevant.

Procedures that are expected to work alongside the above policies may include procedures for:

- Responding to red flags in client communications.
- Recording of appropriate information about suspicious activity on an account.
- Steps to verify the validity of legal instruments.
- Alerting management to suspicious activity.
- Escalation of a case to senior management.
- Escalation of a case to State authorities.

The above procedures are likely to work alongside broader training and risk oversight processes.

Related Policies

Other organisational policies related to elder financial abuse that may be co-referenced in the development of an elder financial abuse policy include policies on:

- **Capacity Testing**
  Some financial services institutions have expressed plans to expand upon their current requirements for Capacity Testing as a way in which protections against elder financial abuse may be enacted.

- **Vulnerable Clients**
  Often associated with family and domestic violence, or at-risk groups, institutions with Vulnerable Clients policies may wish to include elder financial abuse protections within their safeguards for Vulnerable Clients.

- **Fraud Detection**
  Fraud Detection systems may provide opportunities for tailored risk monitoring across systems with regards to the types of transactional behaviours commonly associated with elder financial abuse. Additions or amendments to these systems may capture appropriate information.

Policy Disclosure

Policies and relevant procedures should be disclosed via the financial services institution website and external reports to ensure public accessibility. Types of disclosure and discussion of how best they may be utilised are noted below:

- **Website**
  The company website is a key source for client information regarding the company's policies and activities. While elder abuse policies may be disclosed alongside other governance documents, enhanced visibility to users via disclosure on client-specific pages is recommended.

- **Annual reports**
  This may include via the annual report, or specialised reports such as Corporate Social Responsibility or Sustainability reports.

- **Proactive client communication**
  This may include email newsletters, a dedicated section of the website or the provision of pamphlets or booklets at financial services centres. Institutions may also wish to send out tailored communications for clients reaching a threshold age which increases their susceptibility to elder financial abuse.

- **Third party communications**
  Third parties such as medical practitioners, carers, community groups, interpreters and legal agents, should all be made aware of the policy and appropriate contact points.

Building Resilience of Monitoring Systems

Financial services institutions regularly undertake transaction monitoring, tracking, reporting and record-keeping on client information to ensure detection, prevention and action on suspicious or fraudulent behaviour. The increasing sophistication of these systems could enable application for use in elder financial abuse prevention.

Unusually large transactions, deviations from typical transactional behaviour on accounts, or other transactional red flags identified earlier are examples of the kinds of triggers that systems can be programmed to respond to.

Where triggers are identified, institutions can implement follow-up protocols to ensure the legitimacy of transactions, requesting additional information, co-authorisation or verification by a third party. Depending on the specific financial service and product in question, these triggers are likely to change.

Enforcing Powers of Attorney Safeguards

The following measures represent some ways in which financial services institutions have sought to enhance checks and balances in their operations involving Powers of Attorney and/or Enduring Powers of Attorney (POA) instruments.

Guidance for newly appointed POAs
The provision of guidance on the ethical responsibilities entailed in becoming a POA, and signed assurance against that guidance, can ensure that newly appointed POAs are aware of the parameters of their authority, and the checks and balances that exist upon that authority. POA 'checklists' currently include details on tasks that must be completed as part of the role, but financial services institutions can act proactively in ensuring that the ethical expectations of the role are clear and agreed with by the appointee. This may include an addition to the POA checklist that highlights:

- Activities that are not permitted by the POA.
- Criminal offences that POAs are susceptible to (depending on State jurisdiction).
- Resources that can support the POA with further questions about their responsibilities.

By way of example, the Queensland government has published a comparable document entitled *My Duties and Responsibilities as an Attorney Under an Enduring Power of Attorney in Queensland*[16].

16 https://adaaustralia.com.au/wp-content/uploads/2017/08/Duties-and-Responsibilities-as-an-Attorney-under-an-EPOA-in-Qld.pdf

Due diligence on POA/Enduring POA
Enforcing due diligence on the authenticity and authority of POA instruments is an important part of preventing misuse of POA instruments. The following measures are discussed in the ABA's guidance on how to recognise the authority of an attorney or administrator and have been adapted for application within this Guide.[17]

These measures relate to areas that ought to be verified by a FSP when a POA is being acted upon. Where verification results in inconsistent findings, this may trigger an internal process by the financial services institution to alert management, as well as other relevant family members, guardians, or authorities, about the action in question.

- Specific powers granted under the POA.
- Limitations to the period of time, or types of transactions, that the POA has authority to execute.
- Ability of the POA to act solely, jointly or jointly and severally.
- The accuracy/timeliness of the financial institution's record of that POA.

Support services for the Principal
The provision of resources for the principal who has appointed the POA ensures that principals know their rights and have appropriate contacts to reach out to if and when they require it. These resources can be provided in-person or digitally at the establishment of the relationship between the client and the financial services provider.

Relevant support groups and phone numbers are listed on page 16. Financial services institutions may also wish to invest in in-house contact and support services for their clients.

17 https://www.ausbanking.org.au/wp-content/uploads/2019/05/Industry_Guideline_Responding_to_requests_from_a_power_of_attorneys_or_court-appointed_administrator2.pdf

EMPLOYEE TRAINING AND INITIATIVES

Key Elements of Employee Training Programs

Training and procedures consistent with the financial institution's policies on elder financial abuse empower financial representatives to act promptly and with authority when elder financial abuse is suspected.

It is essential that training programs describe what actions to take when employees detect problems, including the process to be followed, and the roles and responsibilities of all staff and management involved.

Key elements of effective employee training include:

- Definitions, risk profiles and case studies of elder financial abuse.
- Identification of red flags (client-facing and transactional) and appropriate responses.
- Protocols for reporting and escalation, including details of what needs to be recorded and how.
- Methods for recording suspicious activity on client accounts.
- Contact points for employee assistance (internal and external).

Training needs to be tailored to different staff roles and repeated periodically. These processes should be overseen with the same due care as other employee training programs, including allocation of appropriate roles and responsibilities and clear links to internal governance procedures.

Employee and Third Party Training Resources

The resources listed below provide information about training programs and material that could be used to develop training programs.

Organisation	Resource	Link
Senior Rights Service	Informative resources covering a range of issues including: law, policy, diversity and community	https://seniorsrightsservice.org.au/resources/video-resource-kits/
Australian Banking Association	Resources for banking staff best practice and consumer fact sheets	https://www.ausbanking.org.au/policy/customers/vulnerable-customers/
Australian Financial Complaints Authority	The AFCA Approach to Financial Elder Abuse	https://www.afca.org.au/public/download.jsp?id=7236
CPA Australia Elder Financial Abuse Toolkit	Training for Accountants	https://www.cpaaustralia.com.au/public-practice/toolkit/financial-abuse-of-older-people
Protecting Seniors Wealth	Training for Professionals & Educational Resources for the public with a focus on prevention	https://protectingseniorswealth.com.au/training-psw/
Capacity Australia	Training events held across law, medicine, psychiatry, neuropsychology and nursing	http://capacityaustralia.org.au/training-and-events/
Seniors Watch Victoria	Training for Lawyers	https://assetsforcare.seniorsrights.org.au/
NSW Elder Abuse Helpline & Resource Unit	Training for volunteers, care workers, and CALD community workers	https://www.facs.nsw.gov.au/resources/statistics/elder-abuse-helpline-and-resource-unit
Senior Rights Victoria	Training for elder services providers	https://seniorsrights.org.au/our-services/education/
Elder Abuse Prevention	Training for carers	https://elderabuseprevention.e3learning.com.au
Australian Multicultural Community Services	Training for elder services providers	https://www.amcservices.org.au/elder-abuse-prevention-training/

Collaboration with Third Parties

Third parties that see an elderly client regularly, such as a medical practitioner, carer, or residential services provider are often able to raise the alarm on the misuse or exploitation of a client's assets. As such, it is vital that third parties are aware of a financial services institution's policies on elder financial abuse and have access to relevant contact points or reporting mechanisms to alert the financial services institution when they suspect wrongdoing.

Financial services institutions can benefit from ensuring the following third parties are aware of the elder financial abuse policy and procedures:

- Carers.
- Medical professionals, including allied health service providers.
- Psychological or counselling services.
- Community or religious groups.
- Interpreters (for Culturally and Linguistically Diverse 'CALD' clients).
- Other financial services providers e.g. financial planners, trustees or guardians.

Third parties also provide a critical source of information in ensuring that a client's specific circumstances are taken into account by the financial services institution when considering elder financial abuse protections. Some examples of how their specific areas of expertise are noted in the Appendix B on page 32.

Broader Awareness-raising Campaigns

Creating public awareness about elder financial abuse has been cited as a priority for the Attorney General's Elder Abuse National Plan. Consistent with this, financial services institutions can provide clients with resources that reinforce their financial rights, provide opportunities for enhanced financial literacy, and include access to support services, such as legal and financial aid, as a tool in combatting elder financial abuse.

This may include:

- Dedicated online campaigns aimed at improving elderly people's financial literacy and awareness of financial rights. Consistent with prior discussions around at-risk communities, this may include campaigns in various languages or targeted towards specific geographical areas.
- The provision of a booklet or pamphlet directly to the elderly client at the outset of establishing the relationship. This booklet could include a discussion of elder financial abuse and provides key resources and contact points.
- The provision of a booklet or pamphlet to appointed POA discussing their ethical and financial responsibilities to the elderly client, and highlighting that pertinent institutional policies are in place.
- Inclusion of elder abuse awareness as part of community initiatives sponsored by the company.
- Active relationship-building with relevant health and community groups to foster closer relationships with key service providers. This would include training and awareness of company policies on elder financial abuse.
- Ongoing advocacy at State and Federal levels to reinforce financial services institutions support for measures to protect against and mitigate elder financial abuse.

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- Protecting Seniors Wealth
- The Australian Financial Complaints Authority
- The Australian Banking Association
- The Financial Planning Association
- The Association of Financial Advisers
- The FSC Elder Financial Abuse Working Group members including: ANZ Wealth, Australian Ethical, Dixon Advisory, Macquarie, Mercer, SKL Executive and Suncorp Life.

APPENDIX

A) High Risk Communities

Elder financial abuse is increasingly prevalent across all Australian states. However, research suggests that certain communities are at greater risk of elder financial abuse than others. Some of these groups are discussed below. (Please note that this is not a conclusive list of at-risk communities.)

Rural and Remote Communities
Elderly people living in rural and remote communities are shown to be at increased risk of elder financial abuse. Many elderly people living in rural and remote areas are geographically far from city centres where financial transactions may take place, and therefore have a greater dependence on children, other family members, friends and community networks to assist in the completion of financial transactions. The increasing digitisation of financial management, coupled with the decreased physical access to financial centres, further compounds dependence of many elderly people upon third parties to execute financial decisions. Other impacting factors are the inheritance expectations of children involved in family farming businesses on rural properties, as well as social stigmas prohibiting women from speaking out about family violence matters, including elder financial abuse. [18]

Culturally and Linguistically Diverse Communities
Elderly people from Culturally and Linguistically Diverse (CALD) backgrounds are another group at increased risk of elder financial abuse. Research on CALD communities and elder financial abuse shows several contributing factors to this, including:

- Cultural protocol of elderly parents entrusting adult children with care of their health and finances, including full control of all medical and financial decision-making.
- Family practices of sharing assets among all family members without consideration of risks.
- Language barriers decreasing likelihood of elderly people being aware of risks or seeking appropriate support services.
- Cultural stigmas regarding the discussion of wills, POAs or other legal affairs related to ageing and death.
- Cultural stigmas around the treatment of widows.[19]

It should be noted that research among CALD communities finds an increased reliance upon community groups for a range of support services, often due to language and cultural affiliations.

18 State Trustees Research, https://www.statetrustees.com.au/wp-content/uploads/2015/05/Financial-elder-abuse-report-2-prevalence.pdf
19 State Trustees Research & ECCV Submission to ALRC,
https://www.eapu.com.au/uploads/research_resources/VIC-Diversity_and_Financial_Elder_Abuse_FEB_2011-Monash.pdf

Indigenous Australian Communities
Elderly people in Indigenous Australian communities are often at a higher risk of elder financial abuse due to a range of interrelated factors. While some of these risks are similar to those experienced by CALD communities, it should be noted that the circumstances and histories impacting Aboriginal and Torres Strait Islanders manifest unique challenges that need to be addressed specifically.

These include:

- Impact of Stolen Generations on intergenerational poverty and connection with family members.
- Prevalence of exploitation by private financial parties.
- Cultural protocols of sharing wealth across family structures.
- Language barriers decreasing likelihood of elderly people being aware of risks or seeking appropriate support services.
- Exploitation of income management products for Indigenous people living in remote Top End communities.

Submissions to the ALRC by groups representing legal services for Aboriginal and Torres Strait Islander communities note a reliance on Aboriginal Controlled Community Organisations for a range of support services, including financial assistance[20].

It should also be noted that the term 'elder' has particular implications in Aboriginal and Torres Strait Islander communities. Several organisations suggest developing alternative phrases (older people, ageing) when dealing with these communities to avoid confusion and/or offence.

LGBTQI Communities
Elderly LGBTQI people are faced with unique risks of elder financial abuse, particularly where they "come out" or transition later in life and their family is opposed to their choices. As such, financial services institutions may need to consider alternative definitions of 'family' to include friend/s and long-term partners that the elderly person identifies as family.[21]

20 https://www.alrc.gov.au/wp-content/uploads/2019/08/135._national_aboriginal_and_torres_strait_inslander_legal_services_natsils_final_.pdf
21 https://www.alrc.gov.au/wp-content/uploads/2019/08/373._national_lgbtt_health_alliance.pdf

B) Examples of Third Party Considerations

Medical Practitioners & Psychological or Counselling Services
Incidents of elder financial abuse are strongly correlated with psychological abuse, as well as other forms of abuse (physical, sexual). As such, medical practitioners, allied health professionals, psychologists and other counselling support services, may become aware of elder financial abuse before a financial services institution has detected any wrongdoing.

These professionals are also bound by strict privacy and confidentiality agreements. As such, it is important that financial services institutions collaborate with these third parties to identify ways and means for those third parties to equip their clients with the necessary resources when elder financial abuse is suspected. In some cases, these professionals are also likely to maintain organisational policies and processes to protect patients from harm and abuse. Becoming aware of and harmonising internal policies with those of third party providers can enhance the efficiency and effectiveness of responses to elder financial abuse.

Interpreters
Elderly persons from CALD communities/non-English speaking backgrounds, including Indigenous peoples, regularly rely on interpreters to explain their financial, legal or medical position.

Studies undertaken by the Ethnic Communities Council of Victoria (ECCV), which has undertaken elder financial abuse education campaigns across Victoria in association with Senior Rights Victoria, reports that interpreters were often the first service providers to become aware of elder financial abuse and, in association with this, psychological and other forms of abuse.[22]

Some of the other suggestions made by ECCV are as follows:

- Translation of information sheets on elder abuse to help raise awareness of older people's rights.
- Cultural awareness training for financial services staff.
- Cultivation of relationships with multicultural and ethno-specific agencies.

It was also noted that when institutions or organisations included interpreters in a meeting with a non-English speaking elderly person and their family member or agent, they tended to focus the discussions on the English-speaker, further excluding them from the decision-making process. This is one example of how financial services providers can review their interactions with CALD clients with elder abuse risks in mind.

22 https://www.alrc.gov.au/wp-content/uploads/2019/08/306._ethnic_communities_council_of_victoria_eccv.pdf

C) Relevant Instruments in State Agencies

State	Instruments	Content
ACT	ACT Elder Abuse Prevention Program Policy (2012)	Maintains referral line for elder abuse and dispenses resources to community groups working to support and protect victims of elder abuse. No legislative changes.
SA	Office of the Public Advocate	SA Office of the Public Advocate can provide guidance, advice and assistance with regards to the *Advance Care Directives Act 2013*, *Guardianship & Administration Act 1993*, *Mental Health Act 1993*, *Consent to Medical Treatment and Palliative Care Act 1995* and *Enduring Powers of Attorney*. Some systemic and individual advocacy is also available. The Strategy for the Safeguarding of Older South Australians Action Plan 2014-21 (2015)[23] also notes that elder abuse can be reported to a range of local authorities and highlights a series of laws which together provide protections against elder abuse. South Australia has also reviewed its Enduring Powers of Attorney regulation.
VIC	Office of the Public Advocate	The Victorian Civil and Administrative Tribunal (VCAT) is able to award criminal penalties for the abuse of enduring POA instruments. VCAT also allows for the appointment of a Supportive Attorney where a client requires an authority to obtain and communicate information to the principal for decision-making purposes. A suite of other measures in relation to elder abuse protections regarding POA instruments have also been introduced.[24]

23 https://bit.ly/2nPp96B
24 https://www.justice.vic.gov.au/justice-system/laws-and-regulation/civil-law/powers-of-attorney-act-2014

QLD	Office of the Public Advocate	The Queensland Office of the Public Guardian has the power to investigate complaints or allegations relating to adults with impaired capacity who are suspected of being neglected, exploited, abused, or having inappropriate or inadequate decision-making arrangements. Complaints can be raised by phone or email.
NSW	The NSW Government has funded a trial of an elder abuse support system and is considering changes to cases that can be heard by the Office of the Public Advocate in relation to elder abuse.	The NSW Office of the Public Advocate does not currently have powers to hear cases of elder financial abuse or abuse of Powers of Attorney instruments. The NSW Law Reform Commission has reviewed the State's Guardianship Act and considering future measures in this area. [25] The State is currently running a trial that facilitates greater access to support services for those suffering from elder abuse, including financial abuse. $150,000 has been committed to pay for caseworkers to assist victims access appropriate police, health, cultural and community services.
WA	-	The most recent guidance regarding elder abuse in Western Australia was in 2018: *Elder Abuse Protocol: Guidelines for Action (2018)* [26]
NT	-	No guidance from the NT at present.
TAS	-	The most recent guidance regarding elder abuse in Tasmania was published in 2012: *Responding to Elder Abuse: Tasmanian Government Practice Guidelines for Government and Non-Government Employees (2012).*

25 https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/Guardianship/Guardianship.aspx
26 https://publicadvocate.wa.gov.au/_files/Elder-Abuse-Protocols-2018.pdf

D) Legal Resources for clients who suspect Elder Financial Abuse

Legal Aid across States and Territories

State	Institute	Phone Number
ACT	Legal Aid ACT	1300 654 314
NSW	LawAccess NSW	1300 888 529
NT	NT Legal Aid Commission	1800 019 343
QLD	Legal Aid Queensland	1300 651 188
SA	Legal Services Commission of SA	1300 366 424 or 08 8463 3555
TAS	Legal Aid Commission of Tasmania	1300 366 611/ 03 6236 3800
VIC	Victoria Legal Aid	1800 677 402 or 03 9269 0120
WA	Legal Aid Western Australia	1300 650 579 or 08 9261 6222

Law Societies that provide Independent Legal Advice

State	Institute	Phone Number
ACT	The ACT Law Society	02 6247 5700
NSW	The Law Society of NSW	02 9926 0300
NT	Law Society Northern Territory	08 8981 5104
QLD	Queensland Law Society	1300 367 757
SA	The Law Society of South Australia	08 8229 0200
TAS	The Law Society of Tasmania	03 6234 4133
VIC	Law Institute of Victoria	03 9607 9550
WA	The Law Society of Western Australia	08 9324 8600

Source: Australian Human Rights Commission
https://www.humanrights.gov.au/publications/your-rights-retirement/5-your-right-be-free-financial-abuse

NOTES

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