

Friday, 6 August 2021

National approach to prevent elder abuse needs to be a priority

Committed to tackling elder abuse occurring across the country, a national Roundtable convened by the Law Council of Australia, has recommended that the Commonwealth, state and territory Attorneys-General make the development of nationally consistent laws governing enduring powers of attorney a priority.

Chair of the Roundtable, President of the Law Council of Australia Dr Jacoba Brasch QC said, “the purpose of the Roundtable was to increase national awareness of financial elder abuse arising from enduring power of attorney arrangements, and to build the public case as to why more consistent laws and a national model enduring document are required to address such abuse.”

“Bringing together national experts from the legal sector including Law Council constituent bodies, public advocates, academia, the judiciary, older persons’ stakeholder groups, the Australian Law Reform Commission, and the Australian Human Rights Commission, the Roundtable also aimed to build consensus on the core essential features of more consistent laws to prevent elder abuse. This would then serve to provide a framework which could be adopted across states and territories and reflected in a national model enduring document.

“While enduring power of attorney arrangements are intended to ensure a person’s interests are protected when they lose capacity to make decisions for themselves, perversely, financial elder abuse by appointed decision-makers is often facilitated by those very arrangements.

“Today’s publication of a communiqué, summarising the outcomes of the Roundtable, outlines a number of recommendations as a pathway forward.

“These include greater consistency in state and territory laws governing enduring powers of attorneys, to increase clarity and awareness of such documents for all national stakeholders, including Australian families, communities, business, governments and the media, and enhance the overall effectiveness of these laws.

“Participants also agreed that the core essential features of nationally consistent laws governing enduring powers of attorney should address standard definitions, standard requirements for valid execution and revocation, the eligibility of the attorney, duties of attorneys, and interstate recognition of execution and revocation.

“It is over two years since the then Council of Attorney’s-General (now the Meeting of Attorneys-General) undertook to consider options for harmonising enduring power of attorney laws, and it is time that action is taken.”

A copy of the communiqué can be found [here](#).

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