

Wednesday, 23 September 2020

A guide for lawyers to help with Elder Abuse released

Coinciding with Dementia Action Week, the Law Council of Australia is today releasing a [*Best Practice Guide for Legal Practitioners in relation to Elder Financial Abuse*](#) (the Guide).

The Guide is intended to assist legal practitioners to identify and address potential issues regarding elder financial abuse in the preparation and execution of wills and other advance planning documents.

Law Council President, Ms Pauline Wright, says that it has never been more important for Australia and the legal profession to do more to ensure that the human rights of older persons are strongly protected.

“Today, one in every six Australians (15.9%) are aged 65 and over, and these figures are set to increase,” Ms Wright said.

“Legal practitioners are in a key position to recognise and prevent the abuse of older persons, including financial abuse,” Ms Wright said.

Recent public reports and inquiries, including the ongoing Royal Commission into Aged Care Quality and Safety, have told distressing stories of elder abuse that is often preventable. In response to a recommendation from the Australian Law Reform Commission’s (ALRC’s) 2017 Report, the Guide has been developed by the Law Council’s specialist National Elder Law and Succession Law Committee in consultation with constituent bodies.

The Guide includes topics such as setting up meetings effectively, taking instructions, ensuring appropriate support, communicating effectively with the client, checking for decision making capacity, being alert to the warning signs of potential abuse, and keeping records.

“While much of the lawmaking in the area is made at the state and territory level, the Guide provides overarching principles to complement more detailed guidance provided by the Law Council’s constituent bodies,” Ms Wright said.

“There are growing concerns about the increasing rates of elder abuse in Australia.”

“That is why it is imperative that steps are taken to address the issue and implement changes to protect older Australians,” Ms Wright said.

ENDS

Contact: Fiona Wade P. 0403 810 865 E. Fiona.wade@lawcouncil.asn.au

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.