

DISCUSSION RESOURCE

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PROJECT OF
5TH NATIONAL ELDER
ABUSE CONFERENCE

HOSTED BY SENIORS
RIGHTS SERVICE



ELDER ABUSE AND BANKING

HON. ANNA BLYGH AC





ABOUT THIS PROJECT

In February 2018, Seniors Rights Service hosted the 5th National Elder Abuse Conference, which brought together more than 500 delegates from a broad range of backgrounds. The conference culminated in an announcement by the Commonwealth Attorney-General, Hon Christian Porter MP, that a “National Plan” would be developed to ensure the protection of older people in Australian society.

To further the conversations generated by the conference, Seniors Rights Service engaged Ellen Fanning to conduct a series of interviews with experts who attended the conference. These videos, along with a discussion sheet for each video, are freely available to community members, professionals and students of all sectors, to enable engagement with the content using suggested discussion questions and to follow up with further reading.

IMPORTANT! READ THIS BEFORE HOLDING A DISCUSSION GROUP

Many people will share and benefit from participating in study and discussion on the topics.

Due to the sensitive nature of the topics, however, group leaders should ensure they are prepared to support individuals to find qualified assistance in a timely manner, should a topic generate personal concerns or issues for individuals.

As a minimum, group leaders should have available information sheets and phone numbers from the relevant seniors' legal rights service and/or elder abuse prevention service in your state or territory (on page 4 and current as of 2018).

ABOUT THIS RESOURCE

SHORT DESCRIPTION

Ms Bligh discusses the Australian Banking Association's guidelines aimed at protecting customers from potential financial abuse. These are used as a basis for training bank tellers to deal with these sensitive issues while also respecting privacy and confidentiality. Ms Bligh explains how banks implement the obligation to alert someone to the fact there are unusual transactions on their account.

FOCUS AREA

Elder abuse and banking

RELATED TOPICS

Elder abuse prevention, financial elder abuse, banking, financial services, enduring documents, power of attorney, legal responses, law, safeguarding

AUDIENCES

Community members, aged-care workers, health workers, banking staff, police officers, researchers, students, advocates, policy officers

MATERIALS FOR FURTHER READING

King C, Wainer J, Lowndes G, Darzins P, Owada K (2011) For Love or Money: Intergenerational Management of Older Victorians' Assets, Protecting Elders' Assets Study. Monash University, Eastern Health Clinical School, Melbourne. www.eapu.com.au/uploads/research_resources/VIC-For_Love_or_Money_JUN_2011-Monash.pdf

SUGGESTED AGENCIES

Australian Banking Association (industry package to combat financial elder abuse), accessed from www.ausbanking.org.au/media/media-releases/media-release-2013/Financial-abuse-prevention



HON. ANNA BLIGH AC

CEO, AUSTRALIAN
BANKING ASSOCIATION

BIOGRAPHY

Anna Bligh has had a long and distinguished career in politics and was the premier of Queensland for almost five years, until March 2012. She was also deputy premier and treasurer of Queensland and held ministerial responsibilities in education, social welfare, arts, economic and state development and infrastructure. She holds honorary doctorates from the University of Queensland and Griffith University. She is currently the CEO of the Australian Banking Association.

ELDER ABUSE AND BANKING

DISCUSSION QUESTIONS

What are the banking industry guidelines Ms Bligh mentions?

The Australian Banking Association (ABA) has industry guidelines aimed at protecting vulnerable customers from potential financial elder abuse. The guidelines are not mandatory laws but are there to give people guidance on how they might deal with situations that are often complicated, involving family relationships and difficult conversations that banking staff may have to have with customers. The guidelines are used in training with banking staff, where they train for situations in which a staff member may have concerns, for example, about a customer known for many years, where they suspect a younger family member might be taking advantage of that customer.

Why does Ms Bligh say that a register of enduring documents might not solve all the problems around financial abuse?

Ms Bligh argues the area is fraught with complexity and that no one strategy will be the "silver bullet" solution. For example, she explains that where bank staff suspect an enduring document has been forged, they would go to the police. While a register for enduring documents would be useful in some circumstances, it would not solve the problem where a bank teller sees that an older person is being spoken to in a way that indicates they are not being respected, and that there may not be an entirely consensual set of financial arrangements going on. Ms Bligh talks about the need for a stronger safety net around people who might be vulnerable.

What does Ms Bligh say about the Australian Law Reform Commission's notion that banks should have a binding obligation to protect older customers even if the person doesn't want to be protected?

Ms Bligh argues this would be difficult to implement. For example, she says it would be difficult for bank staff who deal with day-to-day routine duties, to be trained and able to intervene in "very fraught emotional and complex family relationships" or make judgements about someone's intellectual or mental capacity. Ms Bligh believes it is unreasonable to expect frontline bank staff to make judgements in areas where even tribunals have difficulty making such judgements.



STATE/TERRITORY	AGENCY CONTACT	CONTACT
AUSTRALIA-WIDE	Older Persons Advocacy Network (OPAN)	1800 700 600 Connects you with aged-care advocacy services in your state or territory
NEW SOUTH WALES	Seniors Rights Service	1800 424 079
	NSW Elder Abuse Helpline	1800 628 221
AUSTRALIAN CAPITAL TERRITORY	Older Persons Abuse Prevention Referral and Information Line (APRIL)	(02) 6205 3535
	A.C.T. Disability, Aged and Carer Advocacy Service (ADACAS)	02 6242 5060
NORTHERN TERRITORY	Elder Abuse Information Line	1800 037 072
	Seniors and Disability Rights Service of Darwin Community Legal Service	1800 812 953
QUEENSLAND	Elder Abuse Prevention Unit	1300 651 192
	Aged and Disability Advocacy Australia (ADA Australia)	1800 818 338
	Caxton Legal Centre	(07) 3214 6333
SOUTH AUSTRALIA	Aged Rights Advocacy Service	(08) 8232 5377 (Adelaide)
	Alliance for the Prevention of Elder Abuse	1800 700 600 (rural)
	Legal Services Commission of South Australia	1300 366 424 (08) 8111 5555
TASMANIA	Tasmanian Elder Abuse Helpline	1800 441 169
	Advocacy Tasmania Inc. (ATI)	(03) 6224 2240
	Legal Aid Commission of Tasmania	1300 366 611 (03) 6236 3800
VICTORIA	Seniors Rights, Victoria	1300 368 821
	Elder Rights Advocacy (ERA)	(03) 9602 3066 1800 700 600 (rural)
WESTERN AUSTRALIA	Advocare Inc.	1300 724 679 (Perth) 1800 655 566 (rural)
	Older Persons Rights Service, Northern Suburbs Community Legal Centre	(08) 9440 1663 (Mirrabooka) (08) 9301 4413 (Joondalup)

DISCLAIMER

This is information only, not legal advice. If you have a legal problem, call our service directly or see your lawyer. The views expressed in the video are the views of the individual making them, not those of Seniors Rights Service Inc.