

Strengthen protections for elders against financial abuse

The domestic, family and financial abuse of elders is a growing and under-recognised crisis. Coordinated reform is essential to prevent exploitation and ensure safety, dignity, and autonomy for older people, particularly for First Nations or culturally and

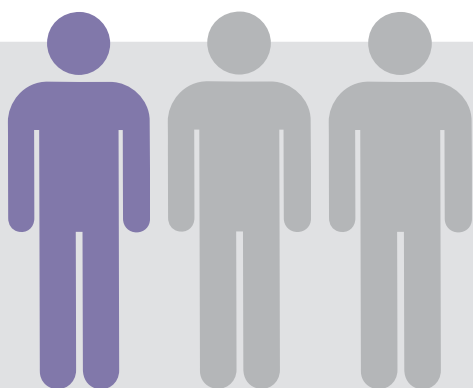
linguistically diverse communities. With our ageing population and economic pressures intensifying, NSW must act now to strengthen legal protections, community awareness and institutional safeguards for older people at risk of financial abuse.

Key recommendations

1 Undertake critical reform to protect elders with reduced capability

Actions

- Establish a full and mandatory state register for all powers of attorney.
- Reform public guardian and trustee operations to ensure accountability, client autonomy, and transparent pathways to transition out of state control.



One third of reported elder financial abuse includes **multiple types of financial abuse**.

Australian Institute of Family Studies *Elder abuse in Australia: financial abuse*, August 2022



70% of elder financial abuse perpetrators **are related to the victim**.

Australian Institute of Family Studies *Elder abuse in Australia: financial abuse*, August 2022

Impact

Powers of attorney in NSW are required to register only if they are making real estate decisions. Unregistered powers of attorney leave oversight gaps and enable abuse. A mandatory register for all powers of attorney would allow banks, legal services and support organisations to verify authorities and protect against misuse.

Systemic failures and conflicts of interest allow significant abuse to occur under legal guardianship. Vulnerable elders have limited recourse due to strict confidentiality laws preventing them from speaking out. Oversight, client-focused transition planning and staff training are urgently needed to ensure elders in the system are given appropriate agency.

\$8 billion

The NSW Trustee and Guardian manages over **\$8 billion in customer assets.**

NSW Trustee and Guardian Annual Report 2023-24

\$80 million

The NSW Trustee and Guardian receives over **\$80 million in fees a year** from their clients.

NSW Trustee and Guardian Annual Report 2023-24

2 Fund targeted community-based prevention

Action

Invest in practical education and support tools for those closest to elders such as families, carers, service providers, financial institutions and frontline workers.

Impact

Elder abuse often goes undetected because it occurs within trusted relationships and is poorly understood. Educating the elder's formal and informal support networks can help to identify subtle abuse, coercive control and empower appropriate interventions.

3 Tackle inheritance impatience and financial coercion

Action

Strengthen banking codes, lending practices, and utilities codes and practices to identify and prevent elder financial abuse in family property arrangements.

Impact

The housing crisis and cost of living pressures are driving intrafamilial coercive behaviours. Legal centres report rising cases of elders being pressured to fund their adult children's home purchases or share living arrangements with extended family, often to their detriment. Stronger lender accountability will reduce such exploitation.



Only 3 in 10 older Australians **seek help or advice** for financial abuse.

Australian Institute of Family Studies Elder abuse in Australia: financial abuse, August 2022

About the NSW Financial Inclusion Network | financialinclusionnetwork.com.au

The NSW Financial Inclusion Network formed in 2015 as a policy think tank, engaging the community sector and government to build a more financially inclusive future for NSW. It is funded by NSW Fair Trading and facilitated by Northern Rivers Community Gateway.

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This document and its recommendations have been developed in consultation with NSW Financial Inclusion Network members, and are therefore based on the particular expertise of those organisations.