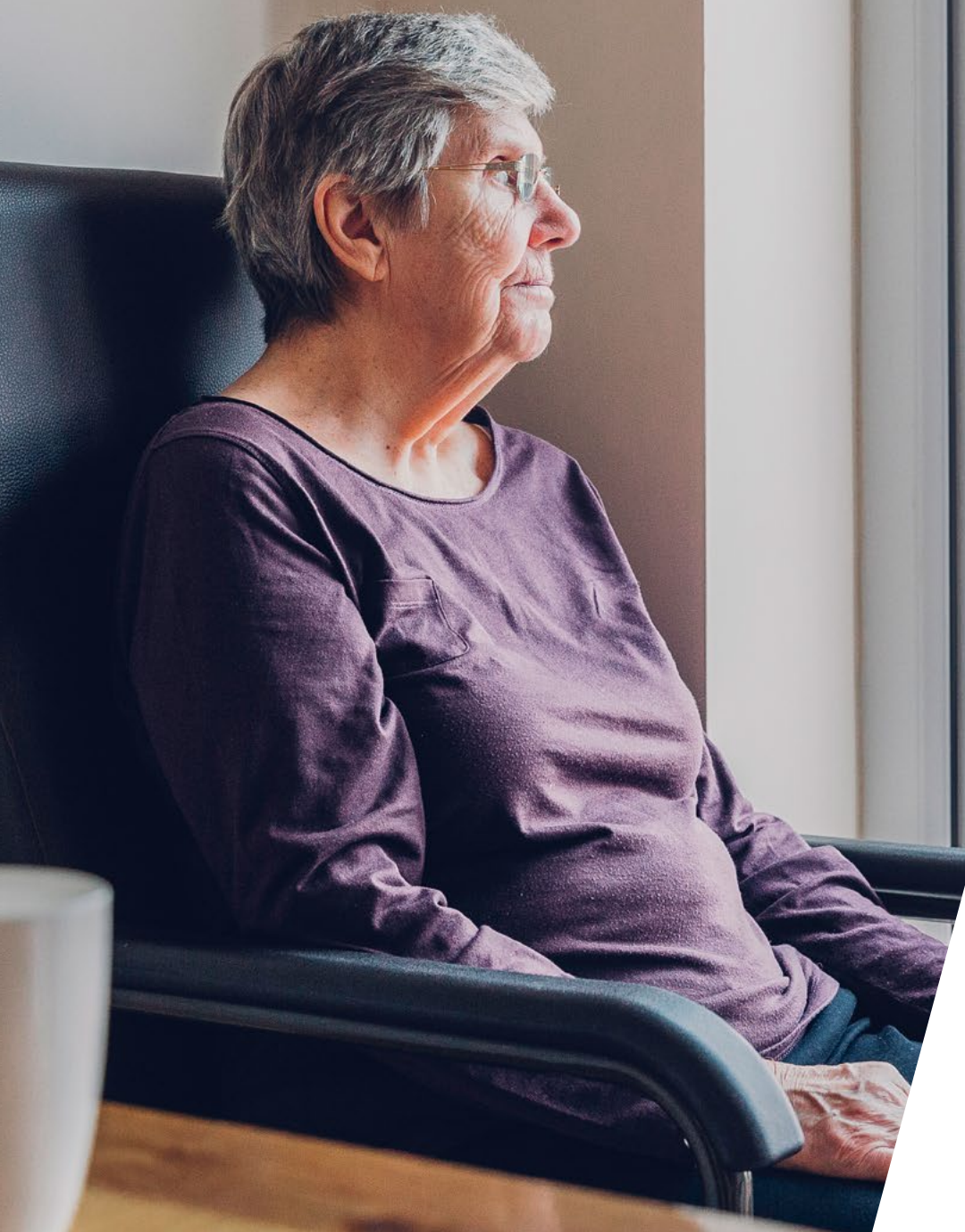


International Day of Older Persons

1 October 2022



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The International Day of Older Persons is celebrated on 1 October every year. Its purpose is to increase awareness of the vital contributions older persons make to communities globally. It is a call to action and opportunity, aimed at embracing the voices of older persons and showcasing their resilience and contributions in society, while promoting policy dialogues to enhance the protection of older persons' human rights.

2022 Theme

The 2022 Theme for the International Day of Older Persons is: The Resilience and Contributions of Older Women. The 2022 theme serves as a Hallmark and reminder of the significant role older women play in traversing global challenges and contributing to their solutions with resilience and fortitude.

The COVID-19 pandemic has exacerbated existing inequalities, with the past three years intensifying the socioeconomic, environmental, health and climate related impacts on the lives of older persons, especially older women.

While older women continue to meaningfully contribute to their communities, their contributions and experiences remain largely invisible and disregarded, limited by gendered disadvantages accumulated over history. The intersection between discrimination based on age and gender compounds inequalities, including negative stereotypes that combine ageism and sexism.

United Nations Human Rights Protections

In 1991, the United Nations adopted Human Rights *Principles for Older Persons*, focusing on safeguarding the independence, participation, care, self-fulfilment and dignity of older persons. Appreciating the contributions that older persons make to societies and recognising the scientific research disproving many stereotypes about inevitable and irreversible declining with age, the United Nations General Assembly encourages Governments to incorporate the Principles into their National Programmes.

Under Principle 1 of the UN Global Compact, businesses should support and respect the protection of internationally proclaimed human rights. This includes using due diligence to avoid infringing human rights and addressing adverse human rights impacts. At Hall and Wilcox, our pro bono practice focuses on protecting human rights, including a focus on older persons.

How have we assisted older persons?

A number of community organisations are taking direct action to assist those affected by Elder Abuse and other legal issues faced by Older Persons. These organisations provide advocacy for and legal assistance to older persons, as well as calling out for law reform. Hall & Wilcox is proud to support their efforts on a pro bono basis through clinic appointments and secondments. Our national Pro Bono & Community practice has Elder Abuse as one of our key areas of focus, which we report on every year to measure our contributions.

89.3 pro bono hours undertaken in FY22 for the Seniors Rights Service Clinic

Seniors Rights Service Clinic

89.3 pro bono hours undertaken in FY22 for the Senior Rights Service through a phone advice clinic on a diverse range of areas including consumer issues, human rights, debts, financial abuse, retirement villages, powers of attorney and guardianship.

Some of the major human rights problems faced by older persons in Australia include:

- workplace discrimination;
- balancing paid work with caring responsibilities;
- access to appropriate and adequate Aged Care facilities and health care;
- abuse;
- homelessness, and
- barriers in accessing government services and other opportunities to participate in the community and/or public life.

Elder abuse

Elder abuse issues can involve financial, physical, psychological, emotional and sexual abuse, or neglect, towards an older person. Elder abuse is an escalating issue that affects approximately 14% of older Australians. While the most common form of elder abuse is financial exploitation, it can also involve domestic violence, tenancy or living arrangement conflicts, misuse of powers of attorney and emotional manipulation.

There has been a shift in attention towards elder abuse in Australia in recent years, and it has become a focus of our firm's Pro Bono & Community practice.

Ava's story

Ava came to us in 2021, hoping to sell her property so she could move into a retirement village, after suffering domestic and family violence at the hands of her son.

Ava is a 75 year-old woman who owns a property in Queensland. She is widowed and has significant mobility issues. In 2018, Ava vacated the property and moved into a rental unit as she was unable to manage the property on her own. After Ava vacated the property, her son informed her he was in need of emergency accommodation. Ava allowed her son to move into the property for a fixed period of five months.

Ava suffered domestic and family violence perpetrated by her son when Ava endeavoured to remove her son from the property premises. Ava successfully obtained a temporary protection order against her son before a permanent order was granted in 2022.

Ava came to us in 2021, hoping to sell her property so she may move into a retirement village that fits her mobility and health needs. The lease on her rental unit expired and the owner subsequently sold the unit. Her son had been occupying Ava's property for three years and claimed to have an equitable interest in the land due to his possession.

We provided Ava with legal advice on her option in selling the property, enforcing her sons vacation of the property and commenced negotiations with the son. After these were unsuccessful, the son was given a notice to vacate but despite confirming receipt, failed to leave the property within the allocated time. In 2022 we filed an application for the residential tenancy dispute in QCAT and sought a writ for warrant of possession and termination of the son for failure to leave.

QCAT awarded the warrant in May 2022.

Over the next three decades, the number of older persons worldwide is projected to more than double, reaching more than 1.5 billion persons in 2050 and 80% of them will be living in low-and-middle income countries.

Greg's story

Greg was a vulnerable pensioner, who lost over \$400,000 when his son approved a number of unauthorised transactions while Greg was hospitalised.

In early 2020, Greg was admitted to hospital suffering from acute liver failure. Prior to his admission, he organised for an Enduring Power of Attorney (POA) to be signed, appointing his son as attorney over his health and financial affairs. Around the same time, Greg was expecting a significant transfer into his account from selling his family home after his wife passed away. He was a vulnerable pensioner who was relying on this money to manage his health and future living expenses. There was a history of coercive control between Greg and his son, including restricting access to money, identification, transport and communication whilst they were residing together.

Shortly after Greg's admission, his son began making unauthorised transactions from Greg's bank account including using the majority of Greg's property settlement to purchase property. Greg was not notified, nor did he receive any benefit.

After trying to recover the money he was owed from his son for approximately one year, and despite initially being unable to find a lawyer willing to assist him pro bono, we commenced acting for Greg. When Greg came to us, he had lost over \$400,000 from the unauthorised transactions his son made without his knowledge or consent. We advised Greg of his options in obtaining repayment and after extensive negotiations with Greg's son, a Deed of Settlement was signed in February 2022. Despite this, his son did not repay the money as required by the Deed.

We provided Greg with legal advice and assistance to enforce the Deed of Settlement and force the sale of the property Greg's son purchased with the money taken from his bank account. The settlement was effected and Greg received the majority of the money he had lost.

A longer life brings with it opportunities, not only for older persons and their families, but also for societies as a whole. Additional years provide the chance to pursue new activities such as further education, a new career or pursuing a long neglected passion. Older persons also contribute in many ways to their families and communities. Yet the extent of these opportunities and contributions depends heavily on one factor: health.



Caxton Legal Centre

Women's Property Initiatives

Older Persons Advocacy and Legal Service

Law Graduate Daniel Simpson completed a part-time secondment with Caxton Legal Centre in their Older Persons Advocacy and Legal Service (OPALS).

OPALS assists older persons through a partnership with metro-hospitals, who refer persons presenting or describing symptoms of elder abuse. In order to increase access to the service, OPALS lawyers will often visit hospitals or travel to a location where a meeting can be conducted privately and away from an abuser. This is an important consideration, as elder abuse is commonly intra-familial and inter-generational, with many older people being the subject of abuse by their own children or grandchildren. The primary reason for this process is that there are several barriers which prevent elderly people from accessing legal assistance on their own accord; for instance, because of limited mobility, technological capabilities or their location.

James' story

One of the client's Daniel helped was James, an older homeless man who used his vehicle to travel to medical appointments for long-term treatments. However, due to outstanding parking and traffic fines, the enforcement agency suspended James' driver's licence, preventing him from travelling and seeking medical attention. Fortunately, Daniel was able to obtain an exemption for James, suspending further enforcement action until James was in a suitable condition to make contributions to the debt through community service.

The Women's Property Initiatives (WPI) is a new housing project which gives older single women secure long-term housing in return for the women loaning part of their super funds to WPI. We provided initial advice to a number of women interested in pursuing a long-term lease with the project.

Laura, one of our clients, has now proceeded with the project and entered into a 15-year lease of the property with WPI. As part of our assistance, we have reviewed, negotiated and provided advice to the Laura on:

- a long-term lease agreement of a property;
- the loan agreement which our client has entered into with WPI; and
- security for the funds she has lent to WPI.

We negotiated a clause in the loan and lease agreements, that if/when the lease ends, or Laura requests to leave the property, the loan monies will be returned in full by WPI to Laura.



