

# THE VOICE of Pensioners and Superannuants

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## Unprepared to meet somebody else's maker: advance care planning



IMAGINE being thrust into a job requiring you to make life-and-death decisions. Imagine you didn't apply for this job and you've not been given training to do this job. Imagine it's your spouse, partner, parent or other close relative or friend that the life-and-death decision is about.

Tough?

That would be the understatement of the year, but, effectively, this is what happens to everyday people every day in every hospital in Australia.

Suddenly people are expected to make decisions on behalf of their spouse, partner, parent or other close relative or friend who is approaching death and are no longer able to make their own decisions.

These people are known in hospitals as Substitute Decision Makers, or SDMs. Some have accepted being an SDM beforehand. Many simply find that they are *it* because there is no one else.

A recent study found that 13 per cent of people surveyed said that they had acted as an SDM, but said they had a poor or very limited understanding of what it meant.

Only one-in-three those surveyed were aware of the laws governing substitute decision-making.

The study also found that around 60 per cent of people identified a doctor or health professional as their preferred source of support and information about their SDM role.

The problem was that few reported receiving any support from them.

Advance Care Planning Australia (ACPA), the government-funded organisation which led this national study, says they are not surprised by the findings.

ACPA makes the obvious point that both the public and health professionals need more education and support for advance care planning.

ACPA is doing its bit obviously, but where is the policy buy-in from the federal and state and territory Departments of Health?

Why isn't advance care planning an integral part of aged care?

Until this issue is taken seriously by policy makers (and that means action is taken), everyday people will continue to find themselves making life-and-death decisions for people they love unprepared and unsupported by health professionals who are unprepared as well.

[Advance Care Planning Australia](#) offers information and free advice to the Australian public and health professionals. Call 1300 208 582.

## CPSA has been heard on non-compliant funeral homes



ON 13 April the Independent Pricing and Regulatory Tribunal (IPART) published a media release calling for more transparency about prices in the funeral industry, after public consultation with stakeholders including CPSA.

IPART's Acting Chair, Deborah Cope said that only two thirds of funeral providers in NSW had any price information on their websites and less than half publish the information they are required to.

Organising a funeral can be a stressful and confusing ordeal so it is only fair that funeral homes should clearly outline the costs involved with services so people can make clear comparisons and make informed choices.

In a [previous article in \*THE VOICE\*](#), it was reported that the Australian Competition and Consumer Commission (ACCC) fined two funeral homes for making false and misleading representation about their ownership. CPSA suggested that the Better Regulation Division of the NSW Department of Customer Service should follow the ACCC's lead and fine non-compliant funeral homes that IPART was referring to above.

Ask and thou shalt receive.

On 15 April, two days after IPART's media release, the NSW Minister for Better Regulation and Innovation announced a "funeral home blitz".

The NSW Government is putting “unscrupulous funeral home operators” on notice. Funeral operators that do not clearly display the costs of goods and services on their website or in their physical places of business can be fined up to \$5,500. In order to comply funeral operators must advertise the lowest cost options for the burial or cremation of a body.

Although it is great to see the NSW Government taking a stand on funeral operators willing to break the law and exploit grieving family members for financial gain, more can be done to simplify the funeral planning process.

In [CPSA’s submission](#) to IPART’s review of the NSW funeral industry recommended the NSW Government develop and operate a comparison website for the funeral industry containing the information that operators are required to publish. Participation by operators should be mandatory.

This should be the next step in the NSW Government’s blitz on funeral home operators.

### **National Power of Attorney reform now!**



CPSA is urging state and territory governments to adopt consistent laws on powers of attorney to prevent elder financial abuse.

A power of attorney is a legal document which can allow an individual to grant authority to someone else to make financial decisions on their behalf when they can no longer make decisions on their own.

However, just because a power of attorney is in place does not mean a person can be free from being taken advantage of. The most common perpetrators of financial elder abuse and misuse of powers of attorney are adult children. Even those most trusted can sometimes take advantage of a vulnerable person.

Financial abuse is a serious and far-reaching problem. Elderly people and those with a disability are most at risk.

State and federal Attorneys-General met in late March to consider the creation of a national register of power of attorney instruments. This register would mean that who holds a power of attorney and what that power actually covers, would be in the public domain which is not how it happens now. The register would create an opportunity to bring suspected financial abusers to the attention of authorities.

CPSA is calling on governments across Australia to establish power of attorney laws which are the same across the country with, these laws being backed up by a national power of attorney register which would enable the legitimacy and currency of each power of attorney instrument to be checked. There also needs to be an agency in each state and territory, such as the NSW Ageing and Disability Discrimination Commission, where abuse can be reported.

In 2017, the Australian Law Reform Commission report into elder abuse made recommendations in this regard.

In 2019, state and territory Attorneys-General committed to setting baseline minimum standards for powers of attorneys and to create a mandatory national online register of power of attorney instruments.

It is now time that this important reform is delivered.

The introduction of a register will greatly assist in safeguarding older and vulnerable people's financial status by providing a reliable single source of information to verify the authenticity and currency of an instrument.

It is critically important for our nation that all governments are doing all within their power to help people who are at risk of abuse in our community.