STAND UP SPEAK OUT
27-29 JULY 2026

2026 AUSTRALIAN ELDER ABUSE CONFERENCE

Safeguarding older people: Multidisciplinary approaches to capacity, coercion and financial exploitation

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ARC Justice

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Acknowledgement of Country

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Who is ARC Justice?

- A rights-based, social justice organisation incorporating the Loddon Campaspe Community Legal Centre in Bendigo, the Goulburn Valley Community Legal Centre in Shepparton and Housing Justice, a specialist renter support program.
- 13 local government areas across central, northern and north-east Victoria.
- Family violence, family law, child protection, housing and civil law.
  - Lawyers
  - Social workers
  - Housing advocates
  - Community partnerships

Legal problems rarely exist in isolation

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If an older person has legal capacity ...

... are they truly exercising free will?

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Capacity through different lenses

Discipline	Primary lens	Typical questions they ask
Law	Decision-making capacity, rights and autonomy	Does the person have legal capacity to make this specific decision? Is there undue influence? Is consent valid?
Health (medicine, nursing, psychology)	Cognition and functional decision-making	Is there delirium, dementia or another condition affecting understanding, reasoning or communication?
Social work	Relationships, context and supported decision-making	What family dynamics, coercion, isolation or social vulnerabilities are influencing decisions? What strengths and supports exist?
Aged care	Safeguarding, person centered care and risk enablement	How can the person's choices be respected while protecting them from abuse, neglect or exploitation?

Different professions at times ask different questions ... all equally important

Susan's Story:*

- Power of Attorney established
- Financial abuse occurred
- POA revoked
- Threats and emotional abuse
- Access to grandchild withheld
- Attorney reappointed

Capacity remained.

Coercion increased.

*** Client's name changed to protect confidentiality of all involved**

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Lucia's* Story:

- Sells own property and pays for shed conversion
- Lives in shed and pays all pension to daughter
- Asked to co-sign daughter's mortgage application
- Receives independent legal advice
- Signs mortgage documents despite advice
- Receives housing support
- Moves into independent living

Reducing dependence created genuine choice

* Client's name changed to protect confidentiality of all involved

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What did these cases teach us?

❤️ Relationships
🏠 Dependence
💰 Financial exploitation
⚖️ Lawful legal documents

Capacity and coercion often co-exist

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A multidisciplinary response

No single profession sees the whole picture

Questions every discipline should ask

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1. Can this person make the decision?
2. Who benefits from this decision?
3. What happens if they refuse?
4. What practical supports could reduce this person's dependence?
5. Who else should be involved?

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When an older client makes a decision that we don't understand, the question shouldn't be …

"Do they have capacity?"

But rather …

"What pressures are shaping this decision and how can we reduce them, while preserving autonomy?"

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Thank you!

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