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## Chief Executive Officer

Jane Staley

[jstaley@apla.com.au](mailto:jstaley@apla.com.au)

## National Policy Manager

Eva Scheerlinck

[escheerlinck@apla.com.au](mailto:escheerlinck@apla.com.au)

## Membership Officer

Felicity Crombach

[fcrombach@apla.com.au](mailto:fcrombach@apla.com.au)

## Marketing & Communications Manager

Lyndal Hayward

[lyhayward@apla.com.au](mailto:lyhayward@apla.com.au)

## Finance Officer

Maggie Galley

[mgalley@apla.com.au](mailto:mgalley@apla.com.au)

## Conference Manager

Tamara Dickson

[tdickson@apla.com.au](mailto:tdickson@apla.com.au)

## Branch Liaison Officer

Leesa Balchin

[lbalchin@apla.com.au](mailto:lbalchin@apla.com.au)

## Campaign Officer

Thea Bray

[tbray@apla.com.au](mailto:tbray@apla.com.au)

## Researcher

Kate Rowe

[krowe@apla.com.au](mailto:krowe@apla.com.au)

## Researcher

Adrienne Whitby

[awhitby@apla.com.au](mailto:awhitby@apla.com.au)

## Administration Officer

Katrina Bickley

[kbickley@apla.com.au](mailto:kbickley@apla.com.au)

## Personal Assistant

Khrise Toledo

[ktoledo@apla.com.au](mailto:ktoledo@apla.com.au)

## PLAINTIFF

### Managing Editor

Tina Cockburn

[t.cockburn@qut.edu.au](mailto:t.cockburn@qut.edu.au) Phone: 07 3864 2003

### Editor

Lyndal Hayward

[lyhayward@apla.com.au](mailto:lyhayward@apla.com.au) Phone: 02 9698 1700

### Design

Art Studio Z&Z [asz@zip.com.au](mailto:asz@zip.com.au)

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**AUSTRALIAN PLAINTIFF LAWYERS ASSOCIATION LTD**

PO Box 2348, Strawberry Hills NSW 2012 Australia

DX 22515 Surry Hills

Phone: 02 9698 1700 Fax: 02 9698 1744

Email: [info@apla.com.au](mailto:info@apla.com.au)

Website: <http://www.apla.com.au>

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# Managing Editor's *note*

Elder law is a growing area of legal practice due to the increasing numbers and proportions of older people in Australian society. To effectively practice law with older clients, practitioners require a knowledge of the current legislative, demographic and policy context; a recognition of the diverse needs and interests of older people; and practice arrangements, attitudes and communication skills which facilitate physical, economic and psychological access to legal advice. (Tolse, Setturlund, Wilson and Herd *Legal Practitioners and Older Clients: Challenges and Opportunities in the New Millennium* (2002) *Elder Law Review* 34).

In Australia, there is no mandatory reporting for suspected elder abuse, unlike in the United States, therefore plaintiff lawyers have a significant role to play in supporting older people to overcome situations of abuse and protect their basic human rights. Elder abuse occurs when the relationship of trust between an older person and another is abused and results in harm - financial, psychological, physical, social, neglect or sexual - to the older person. (Australian Network for the Prevention of Elder Abuse, 1999). In this edition, Ben Sillade provides a useful overview of various options to consider when advising older clients seeking remedies for financial abuse.

The loss of the capacity to manage one's financial affairs causes considerable angst for many older people and their carers. Trevor Lester explains substituted decision making in *It's My Money and I'll Do What I Want: Having to Make Decisions About Other People's Money*. Following on from this, Peter Seymour raises the possibility of appointing a private trustee.



The taxation system encourages us all to save for our retirement by making superannuation contributions. Hugh Sargent & Alexia Jackson discuss current superannuation issues for retirees, including the legal framework, tax aspects, estate planning and pension options.

Lawyers acting for older clients should also carefully consider the care requirements of older clients due to declining physical mobility and the costs and difficulties associated with such care, as identified by Oliver Cheng

& Bruce Wight. In many cases gratuitous carers provide this valuable service as recognised by Louise Hanby D'Wynn.

The University of Western Sydney's Centre for Elder Law

<http://www.uws.edu.au/law/elderlaw/> is also a useful reference for those interested in this area.

TINA COCKBURN, QLD