

What to expect from an adviser

Tracey Johnstone

WHEN meeting a legal, accounting or financial adviser, seniors should be aware of how that adviser should act towards you and for you.

Chair of the Elder Law, Capacity and Succession Committee of the Law Society of NSW Darryl Browne recommends seniors use the following 11 tips to prepare themselves for meeting with an adviser to discuss their concerns, particularly if they are subject to elder abuse or think they may be in the future.

Booking an appointment

Because you are the client, instructions will need to be taken from you and not your delegate. The meeting can be arranged by the delegate, but the meeting must take place with you.

Sole participation

You will generally be interviewed alone. Sometimes a support person may be present but that person will need to be someone with no personal interest in the outcome of the service being considered. Any person who may have an interest will be excluded.

Allow sufficient time

Sufficient time should be allocated by your adviser to ensure the service can be properly explained and your understanding carefully assessed.

An appropriate place

The meeting should occur at a place where it is appropriate to discuss the relevant issues. This shouldn't be a cafe, supermarket, newsagent, pharmacy or any other place which doesn't offer a quiet and confidential space. It shouldn't be a social occasion.



ELDER ABUSE: Check out these 11 tips to help prepare for meeting with an adviser to discuss your concerns.

PHOTO: YINYANG

Quiet surroundings

The environment in which the meeting is held must allow you to concentrate on the advice given. This may mean that young children, mobile phones and other distractions are removed.

Choose an independent adviser

You should choose your own adviser, otherwise you may not receive independent advice and the risk of financial abuse increases.

The right language

Any conversation should occur in a language which both the adviser and you fully understand. If this isn't possible, an independent and qualified interpreter should translate the conversation. A person who has an interest in the advice should not be the interpreter.

What is the intended outcome

You should state the outcome which you want to achieve, and the reason for obtaining the service. This could be as simple as "I want to make a will because I've never made one".

What is the transaction

The adviser should explain the effect of the transaction or service involved and highlight the

positive and negative features. There will usually be advice about alternatives which could be available to you.

The adviser will probe understanding

You should expect the adviser to discuss the relevant issues in a way which allows them to form an opinion about your understanding of the transaction or service. The adviser should 'test' you to ensure it is being undertaken voluntarily. The adviser will mostly ask open questions which require you to provide information, rather than 'yes' or 'no' answers. This approach can be challenging. It can be viewed as prying into personal or confidential issues. But it is an important part of the adviser's role.

Take time to reflect

It is often useful to reflect on advice. So, unless there is a need for urgency, the adviser will allow you the opportunity to consider any documents and issues at your leisure.

Darryl Browne is an accredited specialist in wills and estates. He is the principal of BROWNE.Linkenbach Legal Service in Leura NSW.

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