



Promoting opportunities. Protecting rights. For older Victorians.

COTA Victoria & Seniors Rights Victoria

VLSB+C Consumer Strategy Consultation Paper Submission

To:

Victorian Legal Services Board + Commissioner
Via email to: consumerstrategy@lsbc.vic.gov.au

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1 About us

Council on the Ageing (COTA) Victoria is the leading not-for-profit organisation representing the interests and rights of people aged over 50 in Victoria. Celebrating 75 years of service in 2026, we have led government, corporate and community thinking about the positive aspects of ageing in the state.

Today, our focus is on promoting opportunities for and protecting the legal rights of people 50+. We value ageing and embrace its opportunities for personal growth, contribution, and self-expression. This belief drives benefits to the nation and its states alongside communities, families, and individuals. [We also offer free membership to those who wish to aid us in our work.](#)

Seniors Rights Victoria (SRV) is the key state-wide service dedicated to advancing the rights of older people and the early intervention into, or prevention of, elder abuse in our community. It is the only Community Legal Centre dedicated to preventing and responding to elder abuse within Victoria.

SRV has a team of experienced advocates, lawyers, and social workers who provide free information, advice, referral, legal advice, legal casework, and support to older people who are either at risk of or are experiencing elder abuse. SRV supports and empowers older people through the provision of legal advice directly to the older person.

2 The cohort of Victorians we represent

As a peak body representing older Victorians and a Community Legal Centre dedicated to preventing and responding to elder abuse, COTA Victoria and SRV work with older people whose experiences of the legal system are often shaped by intersecting social, economic, and personal circumstances. This includes financial hardship, housing insecurity, declining or complex health needs, social isolation, digital exclusion, language barriers, and concerns about personal safety. Such circumstances can compound one another, making it difficult to understand legal rights, identify appropriate services, navigate legal processes, or afford professional assistance.

The ongoing shift towards digital service delivery creates additional challenges for some older people, particularly those in rural and regional communities, people with limited digital skills or access to technology, and people who do not speak English confidently. Digital services can improve convenience and access for many consumers, but they should not become the only practical pathway to legal information or assistance.

Elder abuse presents a further, often less visible, challenge. Although elder abuse is a form of family violence, it is not always recognised or understood in the same way as other forms of family violence. It can involve psychological, physical, sexual, or financial abuse, neglect, or other conduct that compromises an older person's rights, safety, and wellbeing. Abuse is frequently perpetrated by someone known to the older person, including an adult child or other family member.

These relationships can make seeking legal assistance particularly difficult. An older person

may love and wish to maintain a relationship with the person causing harm, rely on them for care or housing, or fear the consequences of legal intervention for their family. They may be reluctant to act if they believe it could expose a family member to criminal or other justice system consequences. Financial dependence, cognitive or communication barriers, and concerns about retaliation can further restrict their options.

Consequently, legal assistance may be sought only after a situation has escalated or when an older person has exhausted other avenues for resolving a problem. The way legal services are designed and delivered can either help overcome these barriers or inadvertently reinforce them.

Our feedback therefore emphasises the importance of a Consumer Strategy that recognises older people as a diverse group of legal consumers, supports informed decision-making, safeguards autonomy and dignity, and ensures that access to justice does not depend on a person's age, income, digital capability, or personal circumstances.

3 Consultation paper question feedback

3.1 Defining the language used in the Consumer Strategy

We support the proposed broad definition of *legal consumer*. It is important that the definition includes people who have not used legal services but need or want to, as well as people who have been affected by legal services. A narrow definition focused only on existing clients would overlook people who face the greatest barriers to obtaining legal assistance. This includes older people who cannot afford a lawyer, do not recognise that their circumstances involve legal issues, experience coercion or financial abuse, or are deterred by the perceived complexity of the legal system.

The Strategy should also define and apply concepts such as *accessibility*, *unmet legal need*, and *vulnerability* carefully. Vulnerability should be understood as potentially arising from a person's circumstances or interactions with a service, rather than as an inherent characteristic of older age, disability, or other personal attributes.

3.2 Understanding legal consumer needs and experiences

Quality, value, and informed choice

For consumers, a quality legal service involves more than the technical accuracy of legal advice or the final outcome. It also includes clear communication, timely responses, transparency about costs, respectful treatment, and advice that reflects the person's circumstances, priorities, and understanding. Legal matters involving family relationships, housing, financial security, or elder abuse can be particularly complex and emotionally charged. An older person may need time to understand their options, ask questions or consider the consequences of different courses of action.

The Strategy should encourage lawyers to explain their role, the scope and limitations of their services, likely costs, anticipated timeframes, and available options in plain language.

Consumers should be supported to ask questions and understand what is happening throughout the legal process. Practical tools to help consumers compare legal services, understand costs, and identify appropriate practitioners would also be valuable. These should be accessible in different formats and should not assume that consumers can readily interpret legal terminology or complex online information.

Accessible and responsive legal services

The Strategy should recognise that the same service model will not work for all consumers. Accessible legal services may require flexible communication methods, interpreters, accessible documents, additional time, face-to-face appointments, or support to navigate digital systems.

Older people should not be assumed to have limited capacity or digital skills because of their age. Equally, services should not assume that all consumers can independently navigate online portals, understand written legal advice, or communicate confidently in formal settings. In practice, legal services should be able to respond appropriately to the individual circumstances of their clients while preserving their autonomy and right to make decisions.

Case study: Barriers to accessing legal advice

Janet is a 69-year-old woman living in the eastern suburbs of Melbourne. She was feeling pressured to financially support her adult son, Thomas, for years. Thomas would send Janet text messages at all hours requesting money for food, petrol, medications, and other general living expenses.

Janet suffers from depression and anxiety, and her son's behaviour was having a significant impact on her mental health. She required inpatient care twice within the month prior to engaging with Seniors Rights Victoria. A social worker contacted SRV on Janet's behalf after it became clear that the ongoing provision of money to Thomas was becoming a significant issue that Janet was unable to navigate on her own.

71-year-old William lives in regional Victoria. He has a mild intellectual disability and is illiterate and does not use the internet.

In 2010, William met Shirley at a local bowls club and became friends. Shirley invited him to live with her where she was renting and offered to help him manage his financial affairs. She became a signatory on the only bank account he had, which was where his pension was deposited. He later appointed Shirley and her husband, Bob, as his Ensuring Powers of Attorney to take effect if he lost decision-making capacity.

While William was living with Shirley, Shirley began spending money from William's account to support herself and her husband, treating his funds as though they were her own. Shirley refused to allow William access to his own bank account, and William's social and digital isolation made it very difficult for him to reach out for help. After several years, Shirley arranged for William's pension payments to be redirected into an account only she could access, transferring only small amounts for William's use.

In early 2023, Shirley arranged for William to be admitted into temporary respite in a nursing home, alleging that he had dementia and needed to be in a locked ward to prevent his absconding. On the day she dropped William off at the nursing home, she deposited the Power of Attorney documents with the bank.

While in the nursing home, William reported the financial and other abuse to the staff who contacted SRV.

Consumers who are less likely to raise concerns or make complaints

A person's reluctance to complain may be shaped by several intersecting factors. They may not understand the distinction between an unsatisfactory outcome and potentially poor professional conduct. They may fear that complaining will be expensive, stressful, or unlikely to lead to a meaningful outcome. They may also depend on another person to communicate with the lawyer, arrange appointments, access documents, or manage finances.

Where a family member is involved in a legal matter or is the person causing harm, an older person may fear that raising concerns will worsen family conflict, jeopardise a relationship, or expose the family member to consequences they do not want. They may also be concerned about retaliation or losing access to housing, care, or financial support.

These barriers mean that a lack of complaints should not necessarily be interpreted as evidence that consumers are satisfied with legal services. The Strategy should consider how to identify unmet concerns and understand the experiences of people who do not approach the regulator directly.

To address this gap, in part, we suggest that the VLSB+C make available (via digital and non-digital pathways) additional clear, accessible information explaining when and how concerns can be raised, what the complaints process involves, what outcomes are possible, and what protections or support may be available. There is value in making this information available through community organisations and trusted intermediaries, as well as through the regulator's website.

Community engagement and partnerships

We recommend that the VLSB+C continue to establish ongoing relationships with organisations that work directly with consumers experiencing barriers to legal assistance, including community legal centres, older people's organisations, disability advocates, and culturally specific community organisations. Consultation should include opportunities for consumers to share their experiences in accessible, culturally safe, and confidential settings. It should not rely solely on online surveys or feedback from people who have already successfully accessed legal services.

COTA Victoria and SRV would welcome opportunities to contribute to future engagement activities, including providing insights from frontline service delivery and supporting consultation approaches that capture older people's experiences.

3.3 Using dispute resolution and other consumer-focused powers to support good legal service outcomes

The VLSB+C's complaints and dispute resolution functions are important mechanisms for protecting consumers and maintaining confidence in the legal profession. However, these mechanisms are only effective if people understand them and feel able to use them.

We recommend that the VLSB+C consider the following opportunities:

- Provide plain-English guidance explaining common concerns, including costs disputes, poor communication, delays, and concerns about professional conduct. Information should explain what the regulator can and cannot do, how to raise a concern, what evidence may be helpful, and what outcomes are possible.
- Develop practical resources for areas such as wills and estates, powers of attorney, probate, conveyancing, and property transactions. These are particularly relevant where decisions may have significant consequences for an older person's assets, housing, independence, or family relationships.
- Explain the stages of a complaint, expected timeframes, opportunities for resolution, and the options available if a consumer has difficulty communicating or participating. Offer accessible channels for raising concerns, including non-digital options.
- Ensure that information and processes recognise that some consumers may be fearful, dependent on another person, or concerned about the consequences of raising a complaint. Where appropriate, provide guidance on how people can seek information independently and safely.

3.4 Responding to the opportunities and risks of new technologies

We recognise that technology, including artificial intelligence (AI), has the potential to improve access to legal information, reduce administrative burdens, and support more efficient legal services. These benefits should be pursued alongside appropriate safeguards.

However, consumers do not have equal access to technology, digital skills, or paid tools. Some older people may face additional barriers due to cost, limited connectivity, accessibility needs, or difficulty determining whether online information is reliable and relevant to their circumstances.

The VLSB+C's consultation paper identifies digital exclusion as a continuing issue and notes that AI can create risks involving inaccurate information, unrealistic expectations, and the disclosure of sensitive personal information. These concerns are particularly relevant when consumers are dealing with complex or high-stakes matters involving family relationships, property, financial arrangements, or elder abuse.

We recommend that work is undertaken to support consumers in understanding the limitations of AI-generated legal information and recognise when advice from a qualified legal practitioner is needed. Lawyers should remain accountable for the quality and

accuracy of their work, including where AI tools are used. We also suggest the need for consumers to receive clear information about how their personal information is handled when legal technology is used. Lawyers should take appropriate steps to protect confidential client information and ensure that technology is used safely and responsibly.

The Strategy might also be well-placed to consider whether the benefits of new technology are reaching consumers who face the greatest barriers to legal assistance. Access to appropriate legal support should not depend on a consumer's ability to pay for advanced digital tools or independently interpret this online information.

4 Our concluding recommendations

In conclusion, we recommend that the VLSB+C's Consumer Strategy:

1. Adopt a broad, inclusive definition of legal consumers, encompassing people who need legal assistance but cannot access it, as well as those indirectly affected by legal services.
2. Promote clear, accessible, and transparent legal services, including plain-English information, understandable costs, and flexible communication options.
3. Improve access to complaints and dispute resolution, recognising the barriers faced by older people experiencing family violence, financial abuse, dependency, or other circumstances that may prevent them from raising concerns.
4. Promote the safe and responsible use of technology, including appropriate safeguards for AI, privacy, and confidentiality, while maintaining meaningful non-digital pathways.

A consumer-focused legal services market must do more than make services available. It must enable people to understand their rights, make informed decisions, and obtain appropriate assistance when they need it. For older Victorians, this is essential to protecting their autonomy, dignity, financial security, and safety.