



# QUEENSLAND PARLIAMENT **COMMITTEES**

## **Inquiry into elder abuse in Queensland**

Education, Arts and Communities Committee



**Report No. 11**

**58th Parliament, November 2025**

## **Education, Arts and Communities Committee**

<b>Chair</b>	Nigel Hutton MP, Member for Keppel
<b>Deputy Chair</b>	Corrine McMillan MP, Member for Mansfield
<b>Members</b>	Wendy Bourne MP, Member for Ipswich West
	Nicholas (Nick) Dametto MP, Member for Hinchinbrook (until 13 October 2025)
	Hon Michael (Mick) de Brenni MP, Member for Springwood (from 14 October 2025)
	Ariana Doolan MP, Member for Pumicestone
	Jon Krause MP, Member for Scenic Rim

## **Committee Secretariat**

<b>Telephone</b>	07 3553 6623
<b>Email</b>	<a href="mailto:eacc@parliament.qld.gov.au">eacc@parliament.qld.gov.au</a>
<b>Committee Webpage</b>	<a href="http://www.parliament.qld.gov.au/eacc">www.parliament.qld.gov.au/eacc</a>

All references and webpages are current at the time of publishing. Legislative references in this report are to Queensland laws, unless otherwise stated.

## **Acknowledgements**

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## Chair's Foreword

Twelve months ago, the Education, Arts and Communities Committee was entrusted with the task of investigating the topic of elder abuse in Queensland.

This report presents a summary of the committee's inquiry. The committee's task was to consider the nature and extent of elder abuse, the effectiveness and cohesiveness of responses to elder abuse, and opportunities to improve responses to elder abuse in Queensland within the government, broader community, non-government, and private sectors.

Over the course of this inquiry, we heard from the lived experiences of Queenslanders and on behalf of the committee I thank those who shared their personal challenges because they, like us, wished to ensure that their experiences are not repeated. The voices and stories of vulnerable Queenslanders are embedded throughout this report and expose the challenges faced by seniors in the community.

Our inquiry heard from people living across the state (from the far North to the South, the East and the West). We heard from Queenslanders with different socio-economic backgrounds and education who gave testimony to the need for place-based responses to enhance regional service delivery and accessibility to state and non-state resources.

The committee further sought the views of stakeholders and considered relevant findings, reports, research and prevalence studies from state and national entities. I thank each service, agency and individual who invested time and effort in providing submissions and gave oral evidence at the inquiry hearings.

The committee found that elder abuse is complex, underreported, difficult to define and poorly understood. Elder abuse takes many different forms and can manifest as neglect, domestic and family violence, financial abuse, and isolation. The committee found that while not all older people are at risk of elder abuse, there are barriers to speaking up, as well as significant societal change occurring, which supports the need for governments to respond to elder abuse in its many forms.

The committee acknowledges that work is being undertaken at both state and federal levels to address elder abuse, with much needed efforts underway to reform enduring powers of attorney and estate planning.

The committee's recommendations seek to provide practical opportunities for Government action, including the education of the wider community, along with older people themselves, as to the nature, risk, and available responses to elder abuse.

Across Queensland we heard of services doing tremendous work, and the value these programs provide for their communities. Our committee makes recommendations for the extension of successful programs to help more Queenslanders in regional areas and remote communities across Queensland.

Our report explores the topic of supported decision-making and recommends the government consider reforms in this space.

On behalf of the committee, I wish to thank the various Queensland Government departments and agencies who assisted the inquiry.

I acknowledge the various Members of Parliament who participated in the inquiry and those who assisted the committee by attending and promoting public hearings in Brisbane, the Gold Coast, the Sunshine Coast, as well as Central, North, and Far North Queensland.

My final thanks are provided to the front line of our inquiry, the committee secretariat. Lynda, Andrew, and Janette bore the burden of exposure to vulnerable Queenslanders' worst experiences and provided support to those in need. I thank the committee secretariat for their work.



**Nigel Hutton MP**

Chair



## **Inquiry terms of Reference**

On 10 December 2024, the Legislative Assembly agreed to a motion that the Education, Arts and Communities Committee (the committee) inquire into and report on Elder Abuse in Queensland. The terms of reference are as follows:

1. That the Education, Arts and Communities Committee inquire into and report to the Legislative Assembly by 12 December 2025 into the abuse of older people in Queensland (elder abuse), defined as a single or repeated act, or lack of appropriate action, in the context of a relationship of trust, causing harm or distress, including the:
  - a. nature and extent, including for vulnerable cohorts, of:
    - i. forms of neglect and abuse, such as physical, sexual, psychological, emotional and financial;
    - ii. relationships where elder abuse occurs, including family and kinship relationships;
    - iii. risk and protective factors, and barriers and enablers for people to access support.
  - b. effectiveness and cohesiveness of responses to elder abuse, including Queensland laws, policies, programs and services, in preventing, safeguarding, identifying and responding to elder abuse, including:
    - i. adult guardianship and violence protection services, other funded services, and community-based interventions;
    - ii. civil and criminal legal frameworks;
    - iii. community awareness, education and engagement initiatives;
    - iv. monitoring, evaluation and reporting processes;
    - v. human rights protections.
  - c. opportunities to improve responses to elder abuse in Queensland, within the government, broader community, non-government, and private sectors, including ensuring responses are trauma informed and culturally appropriate.
2. The inquiry will consider:
  - a. voices of people with lived experience of elder abuse (with appropriate assistance to be provided for people to engage with the inquiry where required);
  - b. views of other stakeholders; and
  - c. relevant findings, reports and prevalence studies (insofar as they relate to elder abuse).



## Executive Summary

On 10 December 2024 the Legislative Assembly referred the inquiry into elder abuse (the inquiry) in Queensland to the Education, Arts and Communities Committee. This report outlines key issues and evidence gathered during the consultation process.

The committee engaged extensively, hearing from 124 witnesses across 16 locations in Queensland and receiving briefings from both Queensland and Australian government agencies. Submissions were received from numerous organisations, peak bodies, independent entities, academics and community groups.

Elder abuse often occurs in private settings, frequently within families, and remains underreported due to victims' reluctance or lack of awareness. The committee acknowledges the courage of individuals who shared their experiences.

Evidence indicates that elder abuse stems from a complex and evolving environment, marked by ambiguous definitions and diverse causes. Contributing factors include family stress, social isolation and financial pressures. The committee also noted pervasive ageism, whereby older people are at once undervalued yet expected to share their assets with younger generations.

Data collection by government and funded services was found to be inadequate, inconsistent, and poorly integrated across agencies. While there are vital and effective state and national entities working toward prevention, meaningful reform requires a coordinated, whole-of-government approach.

In addition to recommending that the Legislative Assembly note the report, the committee made 15 recommendations, found at page ix of this report, around the following key themes, to:

- improve data collection, management and reporting
- strengthen Queensland's elder abuse prevention and response frameworks
- collaborate at a national level to ensure consistent reform.

## Recommendations

### Recommendation 1 ..... 2

The committee recommends that the Legislative Assembly note this report.

### Recommendation 2 ..... 6

The committee recommends the Queensland Government advocate for the development of a nationally consistent, operational definition of elder abuse, including clear delineation of age. The committee recommends terminology be developed through a consultation process with key stakeholders and is consistently applied across all social services.

### Recommendation 3 ..... 21

The committee encourages the Queensland Government to continue its work to implement the draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034 to address elder abuse.

### Recommendation 4 ..... 29

The committee recommends that the Department of Families, Seniors, Disability Services and Child Safety undertake work to enhance data collection and reporting across funded services, to improve responses to elder abuse in Queensland. The committee requests consideration be given to:

- bolstering the work of the Elder Abuse Prevention Unit's existing data collection and reporting
- developing a consistent approach to collecting and reporting data across services, to improve understanding of the nature and extent of elder abuse in Queensland; and
- fostering a culture of data sharing between government and funding agencies to better inform service provision and improve outcomes.

### Recommendation 5 ..... 33

The committee recommends that a whole of government response to accessibility and navigation issues within government systems be undertaken with age friendly processes and policy development prioritised to simplify systems and enhance the customer service experience of seniors.

### Recommendation 6 ..... 39

The committee recommends that the Queensland Government promote digital literacy programs through the delivery of the Tech Savvy Seniors initiative, or similar training programs, to reduce the digital divide and provide enhanced access to resources for regional Queenslanders.

### Recommendation 7 ..... 44

The committee recommends the Queensland Government leverage communication and education investments for ageism and elder abuse awareness to improve understanding in society and foster a cultural shift towards greater respect for older members of the Queensland community.

### Recommendation 8 ..... 46

The committee recommends that in seeking to address social isolation as a contributor to elder abuse vulnerability, the Queensland Government further resource social prescribing initiatives and extend its work to addressing social isolation experienced by seniors.

<b>Recommendation 9 .....</b>	<b>47</b>
The committee recommends that the Queensland Government consider expanding the Seniors Legal and Support Service and Seniors Social Isolation Services to enhance access for regional, rural and remote areas of Queensland.	
<b>Recommendation 10 .....</b>	<b>55</b>
The committee recommends that a panel of experts be appointed to consider reform of capacity judgement frameworks used by government agencies, with a view to providing further supported decision-making to ensure the aspirations and views of the individual are recognised and supported.	
<b>Recommendation 11 .....</b>	<b>67</b>
The committee recommends the Queensland Government use the experiences provided in this report to give voice in advocating for the Standing Council of Attorneys-General to prioritise the harmonisation of enduring power of attorney legislation.	
<b>Recommendation 12 .....</b>	<b>81</b>
The committee recommends that the Queensland Government develop educational resources about the purpose and responsibilities of an Enduring Power of Attorney.	
<b>Recommendation 13 .....</b>	<b>83</b>
The committee recommends that the Queensland Government advocate for further consideration of the development of a national register of enduring powers of attorney.	
<b>Recommendation 14 .....</b>	<b>119</b>
The committee recommends that in seeking to address financial vulnerabilities, the Queensland Government consider expanding the Seniors Financial Protection Services to enhance access for regional, rural and remotes areas of Queensland.	
<b>Recommendation 15 .....</b>	<b>124</b>
The committee recommends that the Queensland Government progress work to improve safeguarding of adults with care and support needs who are unable to protect themselves from abuse or neglect.	
<b>Recommendation 16 .....</b>	<b>124</b>
The committee recommends the Public Guardian be resourced to lead adult safeguarding in Queensland including the coordination and provision of supportive interventions with maximum autonomy for adults with care and support needs who are unable to protect themselves from abuse or neglect.	

## **1. Overview of the inquiry**

On 10 December 2024 the Legislative Assembly agreed to a motion that the Education, Arts and Communities Committee (the committee) inquire into and report on Elder Abuse in Queensland by 12 December 2025.

### **1.1. Aims of the inquiry**

The objectives of the inquiry are set out in the terms of reference contained in the motion of the Legislative Assembly.

In Queensland there are formal and informal mechanisms to safeguard and support older adults who may be at risk of abuse, including civil and criminal legislative responses and program or service responses. These initiatives are administered by various Queensland government departments.<sup>1</sup> As well, significant services relevant to older Australians are the responsibility of the Australian Government, including aged care, and national legislation and strategic plans.

Noting the multi-faceted nature of elder abuse and its prevalence, and the intersection of system-wide formal and informal responses, the committee determined to consult widely across Queensland, seeking the views of government and non-government service providers and community organisations as well as individuals.

### **1.2. Inquiry process**

#### **1.2.1. Submissions**

The committee announced the inquiry and called for submissions on 16 December 2024 via publication of the committee's inquiry webpage, email to the committee's identified stakeholders, and through the committee's subscriber alerts. Submissions closed on 10 April 2025; however, the committee continued to receive and accept submissions throughout the inquiry process.

In total, the committee accepted 121 submissions to the inquiry, of which 21 were considered confidential and not published. A list of published submissions can be found in Appendix B of this report.

#### **1.2.2. Briefings and Hearings**

The committee resolved to widely engage with stakeholders, recognising that elder abuse permeates all communities across Queensland. The committee conducted one public briefing and 18 hearings for the inquiry: 2 private hearings, 4 public hearings in Brisbane and 12 public hearings in metropolitan and regional locations around Queensland. Where possible, public hearings were held in community venues and accessible centres including sports centres, community halls and service clubs. In total, the committee heard from 14 invited witnesses at the public briefing, and 124 witnesses at the 18 public and private hearings.

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<sup>1</sup> Public briefing transcript, Brisbane, 19 February 2025, p 1.

### Committee comment



The committee is grateful for stakeholders' considered submissions and acknowledges the courageous accounts of lived experience.



### Recommendation 1

The committee recommends that the Legislative Assembly note this report.

## 2. Background

### 2.1. Terminology and definitions (Tor 1a)

In Queensland, and more widely across Australia, there is no universally agreed definition of elder abuse, a term used to refer to the abuse or mistreatment of older people applied to health, housing, social, or legal systems.<sup>2</sup> One commonly adopted definition is that of the World Health Organization (WHO): ‘a single or repeated act, or lack of appropriate action, occurring within any relationship where there is a violation of trust, which causes harm or distress to an older person’.<sup>3</sup>

This definition is used in the inquiry’s terms of reference.

#### 2.1.1. What is elder abuse

Historically, definitions of elder abuse in Australia have been inconsistent, limited to abuse occurring within the community and perpetrated by family, friends, neighbours, and unpaid carers.<sup>4</sup> More recently, the scope has expanded to include the abuse of older people in both paid and non-paid relationships, including short and long-term care facilities.<sup>5</sup>

The Australian Government’s Australian Institute of Family Studies (AIFS) uses the WHO definition for elder abuse, adding an additional layer with the concept of threatened abuse:

*A single or repeated act or failure to act, including threats, that results in harm or distress to an older person. These occur where there is an expectation of trust and/or where there is a power imbalance between the party responsible and the older person.*<sup>6</sup>

The AIFS 2021 *National Elder Abuse Prevalence Study: Final Report* (AIFS National Study) set out an approach to developing a working definition of elder abuse that is more suitable to assessing prevalence of abuse of older persons in Australia. The AIFS definition of elder abuse includes 5 elements and is widely adopted in Australia.<sup>7</sup>

<sup>2</sup> Submissions 49, 90.

<sup>3</sup> World Health Organization (WHO), *Abuse of Older People*, <[www.who.int/news-room/fact-sheets/detail/abuse-of-older-people](http://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people)>, June 2024; see also, Amy Warren and Barbara Blundell, *Elder Abuse in Rural & Remote Communities: Social Policy, Prevention and Responses*, Curtin University and the Older Person’s Advocacy Network, 2018, this publication can be found as an attachment to submission 109.

<sup>4</sup> Barbara Blundell et al., *Review into the Prevalence and Characteristics of Elder Abuse in Queensland*, 2017, Curtin University and Murdoch University, Perth, p 7., <[www.publications.qld.gov.au/dataset/end-domestic-and-family-violence-our-progress/resource/2993b80e-1eea-4a1d-a1ee-96f966b812c8](http://www.publications.qld.gov.au/dataset/end-domestic-and-family-violence-our-progress/resource/2993b80e-1eea-4a1d-a1ee-96f966b812c8)>.

<sup>5</sup> Australian Law Reform Commission (ALRC), *Elder Abuse - A National Legal Response*, ALRC Report 131, 2017, p 21., <[www.alrc.gov.au/wp-content/uploads/2019/08/elder\\_abuse\\_131\\_final\\_report\\_31\\_may\\_2017.pdf](http://www.alrc.gov.au/wp-content/uploads/2019/08/elder_abuse_131_final_report_31_may_2017.pdf)>.

<sup>6</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, 2021, <[https://aifs.gov.au/sites/default/files/publication-documents/2021\\_national\\_elder\\_abuse\\_prevalence\\_study\\_final\\_report\\_0.pdf](https://aifs.gov.au/sites/default/files/publication-documents/2021_national_elder_abuse_prevalence_study_final_report_0.pdf)>, p xiv.

<sup>7</sup> Australian Institute of Family Studies (AIFS), *Elder Abuse National Research – Strengthening the Evidence Base: Research definition background paper*, 2019, pp 3–4., <<https://apo.org.au/sites/default/files/resource-files/2019-10/apo-nid261971.pdf>>.

**Element 1** – the person who experiences the abuse is an older person, without specification of a precise age or vulnerability requirement.

**Element 2** – the act or omission includes physical abuse, emotional/psychological abuse, financial/economic abuse, sexual abuse, social abuse/isolation and neglect. Intention should not be a requirement of this element and frequency and severity are not referred to in the proposed working definition.

**Element 3** – the perpetrator of the act or omission may range from family members and friends through to professionals and carers whose relationship with the older person is such that it gives rise to an expectation of trust.

**Element 4** – concerns the circumstances that arise where there is an expectation of trust between the older person and the perpetrator. Circumstances where there is a power imbalance are also incorporated.

**Element 5** – the consequences are based on a broad and multi-dimensional understanding of the harm or distress to the older person. The proposed working definition leaves open both subjective and objective interpretations.

### 2.1.2. Scope of definition, age threshold

While the term ‘elder abuse’ is commonly used in Australia and internationally, it is also referred to as the ‘abuse of older adults’, for example, in the Australian Government’s *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023*. The Queensland Office of the Health Ombudsman identified that the term ‘abuse or mistreatment of older people’ can also be used to describe elder abuse.<sup>8</sup>

An alternate terminology to ‘elder abuse’ is often used in part to avoid confusion with the term ‘Elder’, which, in Aboriginal and Torres Strait Islander culture, refers to an appointed community representative, of any age, with cultural and other responsibilities.<sup>9</sup>

In addition to the dual meaning of the word ‘elder’, there are differences in the parameters of what constitutes an older person.<sup>10</sup> The ALRC identified that the idea of someone being an ‘older’ person is a relative concept—chronologically, medically and culturally. It does not have a precise definition, and specific ages may be used for particular purposes.<sup>11</sup>

WHO refers to older people aged 60 years or older.<sup>12</sup>

<sup>8</sup> Submission 49.

<sup>9</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the Gaps*, July 2022, p 18, <[www.justice.qld.gov.au/\\_\\_data/assets/pdf\\_file/0011/726599/202207-adult-safeguarding-issues-paper-volume-one-final-.pdf](http://www.justice.qld.gov.au/__data/assets/pdf_file/0011/726599/202207-adult-safeguarding-issues-paper-volume-one-final-.pdf)>.

<sup>10</sup> Submission 85.

<sup>11</sup> ALRC, *Elder Abuse – A National Legal Response*, p 32.

<sup>12</sup> WHO, *Abuse of older people*, <[www.who.int/news-room/fact-sheets/detail/abuse-of-older-people](http://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people)>; WHO, *World report on ageing and health*, 2015, <[www.who.int/publications/i/item/9789241565042](http://www.who.int/publications/i/item/9789241565042)>.



The Australian Bureau of Statistics (ABS) groups people into population age cohorts, and differentiates between '15–64', '65 years and over' and '85 years and over'. People over 65 are generally classified as 'older' for ABS purposes.

For Aboriginal and Torres Strait Islander peoples, in recognition of significant differences in life expectancy, the Australian Institute of Health and Welfare (AIHW) considers the 'older' age threshold for the cohort to be 50 years and over.<sup>13</sup>

There are differences in the age threshold for the provision of services across key services. The Queensland Government Statistician's Office aligns with the ABS age classification system as do some state services, including the Queensland Police Service (QPS).<sup>14</sup> Queensland Health records incidents of assault against older patients who are 65 years and older, or 55 years and older for Aboriginal and Torres Strait Islander patients. Other state government entities identify elder abuse against persons as 60 years and older.<sup>15</sup> The Queensland courts consider cases where elder abuse can be captured within various offences in the *Criminal Code 1899* including fraud, stealing, extortion, serious assault of a person over 60 years.<sup>16</sup> The Caxton Community Legal Centre's SLASS service provides support to people aged over 60 years and 45 years for Aboriginal and Torres Strait Islander peoples.<sup>17</sup>

### Stakeholder views and department response

Stakeholders provided opinion of the use of the term 'elder abuse' by both the committee in their inquiry title and more generally.<sup>18</sup> Some stakeholders submitted that the term is poorly understood and has a stigma attached to it. A key theme in the submissions was the importance of avoiding confusion with the use of the word 'elder' in the context of Elders in Aboriginal and Torres Strait Islander communities.<sup>19</sup>

QDN noted that the definition of elder abuse is confusing and may prevent victims from recognising that they are in fact victims of elder abuse.<sup>20</sup>

Submitters identified inconsistencies with the definition and parameters of elder abuse as contributing to the challenge of consistently reporting on potential elder abuse, preventing an accurate assessment of the extent of elder abuse in the community.<sup>21</sup>

<sup>13</sup> AIHW, *Older Australians*, Web report, 2 July 2024, <[www.aihw.gov.au/reports/older-people/older-australians/contents/population-groups-of-interest/indigenous-australians](http://www.aihw.gov.au/reports/older-people/older-australians/contents/population-groups-of-interest/indigenous-australians)>; see also submission 51.

<sup>14</sup> Queensland Police Service (QPS), correspondence, 29 January 2025, p 8.

<sup>15</sup> Department of Families, Seniors, Disability Services and Child Safety (DFS DSCS), *Who are older Queenslanders*, 2024, <[www.families.qld.gov.au/\\_media/documents/seniors/population-fact-sheet.pdf](http://www.families.qld.gov.au/_media/documents/seniors/population-fact-sheet.pdf)>; Department of Justice (DoJ), correspondence, 29 January 2025.

<sup>16</sup> Queensland Health, correspondence, 28 January 2025; QPS, correspondence, 29 January 2025; DoJ, correspondence, 29 January 2025.

<sup>17</sup> Submission 119; Queensland Health, correspondence, 28 January 2025.

<sup>18</sup> Submissions 31, 49, 51, 64, 85, 90.

<sup>19</sup> See for example submissions 28, 51, 90, 99.

<sup>20</sup> Submission 79.

<sup>21</sup> Submissions 28, 49, 65, 79, 83.

**Committee comment**

The committee notes that variations in definition and classification can adversely affect identification, reporting and response. As well, the committee recognises that the lack of a clear and consistent definition has had the adverse effect of magnifying confusion in the community, creating barriers to accessing services and support.

**Recommendation 2**

The committee recommends the Queensland Government advocate for the development of a nationally consistent, operational definition of elder abuse, including clear delineation of age. The committee recommends terminology be developed through a consultation process with key stakeholders and is consistently applied across all social services.

**2.2. Australian responses to elder abuse**

Among the Australian jurisdictions there are a number of laws that have particular relevance to older Australians. The Australian Government has the power to make laws relating to financial institutions, social security, superannuation and aged care. Laws relating to guardianship and administration, powers of attorney and most criminal laws, lie with the Australian States and Territories.<sup>22</sup>

It has been the responsibility of Australian States and Territories to provide the frameworks in which to coordinate responses to elder abuse. More recently, however, national attention on the issue has driven a number of responses at the Australian Government level.<sup>23</sup>

In 2017 the Australian Law Reform Commission (ALRC) published, *Elder Abuse – A National Legal Response*. A key recommendation of the report was for Australia's states and territories to enact 'adult safeguarding laws' that 'give adult safeguarding agencies the role of safeguarding and supporting "at-risk adults"'. The report defined 'at-risk adults' as adults with 'care and support needs' who 'are unable to protect themselves from abuse or neglect'.<sup>24</sup> The *National Plan to Respond to the Abuse of Older Australians [Elder Abuse] 2019-2023*, endorsed by the Council of Attorneys-General, subsequently required states and territories to '[r]eview state and territory legislation to identify gaps in safeguarding provisions'.<sup>25</sup>

<sup>22</sup> Queensland Law Society (QLS) and Public Advocate, *Elder Abuse Joint Issues Paper*, 2022, p 22, <[www.qls.com.au/content-collections/papers/elder-abuse-joint-issues-paper-272f0cf225deac3aa1c0119bed155679](http://www.qls.com.au/content-collections/papers/elder-abuse-joint-issues-paper-272f0cf225deac3aa1c0119bed155679)>.

<sup>23</sup> QLS and Public Advocate, *Elder Abuse Joint Issues Paper*, p 22.

<sup>24</sup> Submission 31, attachment 3.

<sup>25</sup> Submission 31, attachment 3.

The ALRC's *Elder Abuse – A National Legal Response* also recommended a national elder abuse prevalence study be conducted, recognising that elder abuse is a significant and growing problem in Australia but development of a clear understanding of the issue has been hindered by a lack of available data on its prevalence. The AIFS National Study estimated that 14.8% of people aged 65 and older who lived in the community had experienced elder abuse in the past year.<sup>26</sup>

*Elder Abuse – A National Legal Response* recommended that all governments in Australia work together to develop a national framework to coordinate efforts to combat the abuse of older people.

The Australian Human Rights Commission (AHRC) is currently leading a Financial Elder Abuse Project to address and improve the prevention and response to financial elder abuse. Work on the project has commenced with the formation of a Financial Elder Abuse Action Collective, made up of representatives from the banking and financial services sectors and peak community organisations. The AHRC is expected to complete the project in 2026.<sup>27</sup>

### 2.3. National laws and services

Commonwealth, or Australian, laws contribute to the legal response to elder abuse:

- the new *Aged Care Act 2024*, effective from 1 November 2025, sets out how the aged care system operates
- *Australian Human Rights Commission Act 1986*, allows for the investigation of discrimination, including age-based mistreatment
- *Privacy Act 1988*, impacts information-sharing between agencies involved in elder abuse responses
- *Social Security (Administration) Act 1999*, relevant where financial abuse involves misuse of Centrelink payments.

#### 2.3.1. Aged care services

The funding and regulation of aged care services falls under the jurisdiction of the Commonwealth Government through the *Aged Care Act 2024* (Cth). Elder abuse in aged care settings is managed under this national framework. The Commonwealth Government provides funding to Queensland Health, which is combined with state funding for the provision of aged care and assessment services. A Royal Commission into Aged Care Quality and Safety was commissioned in 2018 with the Final Report published in 2021.<sup>28</sup> Among the recommendations was the establishment of a new Aged Care Act (see below).

<sup>26</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, pp 18-19.

<sup>27</sup> Australian Human Rights Project, *Financial Elder Abuse Project*, <<https://humanrights.gov.au/financial-elder-abuse-project>>.

<sup>28</sup> Royal Commission into Aged Care Quality and Safety, *Final Report: Care dignity and respect*, 2021, <[www.royalcommission.gov.au/aged-care/final-report](http://www.royalcommission.gov.au/aged-care/final-report)>.

On 29 September 2023, the *Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability* (DRC Final Report) was tabled in the Australian Parliament and made 222 recommendations directed at all jurisdictions to prevent violence, abuse, neglect and exploitation of people with disability. The DRC Final Report recommended significant reform to state and territory guardianship systems to support independence and autonomy of people with disability, including that all states and territories enact adult safeguarding laws.<sup>29</sup>

Under the previous *Aged Care Act 1997* and *Quality of Care Principles 2014* (Cth), an approved provider of aged care must report reportable incidents to the Aged Care Quality and Safety Commission (ACQSC) under the Serious Incident Response Scheme (SIRS). It is a legislative requirement that as an approved provider of aged care, the Queensland Department of Health must have an Incident Management System to record, manage, and prevent future incidents involving neglect, unreasonable use of force, unlawful sexual contact or inappropriate sexual conduct, psychological or emotional abuse, unexpected death, stealing or financial coercion by a staff member, unlawful uses of restrictive practices, and unexplained absences. Reportable incidents are not limited to elder abuse and include incidents involving resident-on-resident violence and unlawful contact.<sup>30</sup>

On 25 November 2024, the Parliament of Australia passed the new *Aged Care Act 2024*, which commenced on 1 November 2025.<sup>31</sup> The new Act replaces the *Aged Care Act 1997* (Cth), the *Aged Care (Transitional Provisions) Act 1997* (Cth), and the *Aged Care Quality and Safety Commission Act 2018* (Cth). The new Act focusses on empowering older people and upholding their rights, needs and personal choices.<sup>32</sup>

The role of assessment programs in identifying and responding to elder abuse in aged care is complicated. Unlike in other parts of the aged care sector, Aged Care Assessment Team and Regional Assessment Service assessors do not have compulsory reporting responsibilities, but instead are advised to follow relevant state and territory laws.<sup>33</sup>

Under the new Aged Care Act the ACQSC will continue in its role, with ‘a new regulatory framework which includes a clear, comprehensive set of obligations for providers and a more flexible and streamlined suite of powers for the Commission’.<sup>34</sup>

### 2.3.2. National plans in response to the abuse of older Australians

On 8 July 2019, the *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023* (National Plan) was published, followed by the *Implementation Plan to support the National Plan to Respond to the Abuse of Older Australians 2019-2023*

<sup>29</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report*, 2023, <[disability.royalcommission.gov.au/publications/final-report](https://disability.royalcommission.gov.au/publications/final-report)>.

<sup>30</sup> Queensland Health, correspondence, 28 January 2025.

<sup>31</sup> Commencement date delayed until 1 November 2025; Department of Health, Disability and Ageing (Cth), *New Aged Care Act*, <[www.health.gov.au/our%20work/aged-care-act](https://www.health.gov.au/our%20work/aged-care-act)>.

<sup>32</sup> Aged Care Quality and Safety Commission, *Reform changes for older people*, <[www.agedcarequality.gov.au/older-people/reform-changes-older-people-0](https://www.agedcarequality.gov.au/older-people/reform-changes-older-people-0)>.

<sup>33</sup> Submission 85.

<sup>34</sup> Aged Care Quality and Safety Commission, *Reform changes for older people*.

(Implementation Plan), which includes jurisdiction-specific actions to support the National Plan. The National Plan was drafted in response to *Elder Abuse – A National Legal Response* and committed all state and territory governments to review legislation and identify any gaps in safeguarding provisions.<sup>35</sup>

The draft *National Plan to End the Abuse and Mistreatment of Older People 2024-2034* (draft National Plan) is currently under development. The Department of Justice (DoJ) leads Queensland's participation in development of the draft National Plan, with support from Department of Families, Seniors, Disability Services and Child Safety (DFSDSCS). On 12 December 2024, the Commonwealth released the draft National Plan for public consultation. The Commonwealth consultation process closed on 17 February 2025 with feedback to be considered through the Standing Council of Attorneys-General (SCAG) to inform the final National Plan.

The committee received a written briefing from the Hon Michelle Rowland MP, Attorney-General (Cth) on 10 November 2025. The Attorney-General noted SCAG 'agreed to progress final approval of the new National Plan by all governments at their meeting of 15 August 2025, to enable it to be released as soon as practicable'. The briefing noted the 'new National Plan was developed by a collaborative Drafting Group, with participation from all jurisdictions including Queensland'.<sup>36</sup> Consultation for the draft National Plan was led by Elder Abuse Action Australia (EAAA), and:

EAAA worked with its member organisations to ensure consultations included and reflected Australia's diverse population, including Dementia Australia, OPAN, COTA Australia, Community Legal Centres Australia, LGBTIQ+ Health Australia, the Federation of Ethnic Communities' Councils of Australia (FECCA), People with Disability Australia, and Relationships Australia.<sup>37</sup>

The Attorney-General wrote that the draft National Plan is to be supported by two 5-year Action Plans, the first being the *First Action Plan to End the Abuse and Mistreatment of Older People*, to be finalised following the draft National Plan's launch. This action plan will cover financial years 2025–26 to 2029–30.<sup>38</sup>

On 5 December 2024, the Commonwealth Department of Health and Aged Care released the *National Dementia Action Plan 2024–2034* (NDAP). The NDAP is a joint initiative between the Commonwealth and state and territory governments to improve the wellbeing and quality of life of Australians living with dementia. The NDAP outlines eight actions and corresponding sub-actions across various domains, several of which relate to improving awareness of and responses to elder abuse, particularly for individuals living with dementia. Queensland is a signatory to the NDAP, which was endorsed by the Honourable Tim Nicholls MP, Minister for Health and Ambulance Services.

<sup>35</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the Gaps*, p 12.

<sup>36</sup> Hon Michelle Rowland MP, Attorney-General (Cth), correspondence, 7 November 2025, p 2.

<sup>37</sup> Hon Michelle Rowland MP, Attorney-General (Cth), correspondence, 7 November 2025, p 2.

<sup>38</sup> Hon Michelle Rowland MP, Attorney-General (Cth), correspondence, 7 November 2025, p 2.

## Stakeholder views and department response

Submitters recommended state government alignment and coordination with the draft National Plan,<sup>39</sup> and noted support for the holistic rights-based approach set out in the draft National Plan to focus on prevention and early intervention strategies.<sup>40</sup>

The DFSDSCS noted both the views of these submitters and the development of the draft National Plan led by the Commonwealth Government.<sup>41</sup> The DoJ noted that at its 15 August 2025 meeting, the SCAG agreed:

- to progress approval by all governments of the draft National Plan as a priority, to enable it to be released as soon as practicable
- that the First Action Plan to End the Abuse and Mistreatment of Older People will be finalised following the launch of the draft National Plan, to allow inclusion of emerging jurisdictional priorities.<sup>42</sup>

## 2.4. Responses to elder abuse in Queensland

### 2.4.1. Queensland laws

Queensland has several legislative instruments designed to protect vulnerable persons from abuse, including older persons:

- *Guardianship and Administration Act 2000*, provides for the appointment of guardians and financial administrators to manage the personal and financial affairs of adults with impaired capacity.
- *Powers of Attorney Act 1998*, provides legal means for one or more attorneys to be appointed as attorney for a general power of attorney, enduring power of attorney, and advance health directive.
- *Public Guardian Act 2014*, establishes the role of Public Guardian, to protect the rights and interests of adults with impaired capacity for a matter.
- *Public Trustee Act 1978*, the Public Trustee may be appointed as financial administrator for some or all of a person's financial decision-making.
- *Criminal Code Act 1899* (the Criminal Code), recognises and criminalises conduct that may constitute elder abuse including theft, homicidal violence, personal violence, sexual violence, threats, dishonesty and fraud, failure to provide necessities and coercive control.
- *Domestic and Family Violence Protection Act 2012*, affords civil protections and criminal penalties for violence threatened or committed by someone with whom an individual has a relevant relationship.

<sup>39</sup> Submissions 62, 63, 65, 79, 84, 93, 98, 106, 119.

<sup>40</sup> Submissions 63, 79, 93, 102.

<sup>41</sup> DFSDSCS, correspondence, 12 September 2025, attachment, p 25.

<sup>42</sup> DoJ, correspondence, 13 October 2025, p 68.



- *Disability Services Act 2006*, seeks to protect and promote the rights of all people with disability, and regulates the use of restrictive practices by relevant service providers.
- *Anti-Discrimination Act 1991*, prohibits discrimination on the basis of a person's age in certain contexts, for example, work, and in the provision of goods or services.
- *Residential Tenancies and Rooming Accommodation Act 2008*, includes provisions for dispute resolution and conciliation, protections for renters, and protections for those experiencing domestic violence.
- *Human Rights Act 2019*, promotes and provides protections for human rights in Queensland.<sup>43</sup>

Refer to Chapter 6 for a detailed consideration of Queensland's legislative responses to elder abuse.

#### 2.4.2. State recognition of elder abuse

In Queensland, the occurrence, nature and causes of elder abuse have been identified in a number of state-specific reports:

- *Not now, not ever, Putting an End to Domestic and Family Violence in Queensland*, 2025, Special Taskforce on Domestic and Family Violence in Queensland - includes 3 recommendations in relation to elder abuse in Queensland
- *Hear her voice - Report One* (2021) and *Report Two* (2022) and responses from the Queensland Government – includes recommendations that encompass women and girls with disability, LGBTIQ+ peoples, women from culturally and linguistically diverse backgrounds and older women.
- *Elder Abuse: Joint Issue Paper*, 2022, Queensland Law Society (QLS) and the Public Advocate – information on reform developments to the elder abuse legal landscape
- *Adult Safeguarding in Queensland*, Volumes 1 and 2, 2022, Public Advocate – identifies gaps in adult safeguarding, the problem of elder abuse, and suggests reforms to address gaps and issues.

In 2024, the incoming Crisafulli Government's *First 100 days* commitment document included the establishment of 'a parliamentary inquiry into elder abuse'.<sup>44</sup>

*An Age-friendly Queensland: The Queensland Seniors Strategy 2023-2029* (Seniors Strategy) launched in August 2024, seeks to ensure Queensland is an age-friendly state

<sup>43</sup> DFSDSCS, correspondence, 29 January 2025, p 2; DoJ, correspondence, 29 January 2025, pp. 7-8.

<sup>44</sup> Liberal National Party, *The First 100 Days*, <<https://online.lnp.org.au/first-one-hundred-days>>.



where older people live active, healthy and productive lives where they are connected, cared for, and celebrated.<sup>45</sup>

The *Queensland Seniors Action Plan 2024-2026* (Action Plan) also sets out a range of actions sharing the above goal of ensuring Queensland is an age-friendly state where older people live active, healthy and productive lives, where they are connected, cared for and celebrated.<sup>46</sup>

The Department of Families, Seniors, Disability Services and Child Safety (DFSDSCS) has oversight and governance of the Seniors Strategy and the Action Plan.

### 2.4.3. Provision of state government services

The response to the abuse of older people at the state level occurs across government and non-government organisations.<sup>47</sup> Queensland has a range of agencies that provide responses, and deliver direct and funded services, to seniors who are victims of abuse and neglect.

As lead agency, the DFSDSCS currently funds the following services specifically to assist senior people:

- the Elder Abuse Prevention Unit (EAPU) is a statewide helpline service that provides information, advice and referrals to older Queenslanders who have experienced or are at risk of experiencing elder abuse. Operated by Uniting Care since 1997, the Unit delivers a helpline, free education and awareness, research to better understand elder abuse, and regular publication of statistics and analysis<sup>48</sup>
- the Seniors Legal and Support Service (SLASS) provides free legal and social support to older Queenslanders in South East Queensland (SEQ) and several rural, regional and remote locations. SLASS is delivered by Caxton Community Legal Centre, since 1997. The EAPU can refer individuals to SLASS<sup>49</sup>
- the Seniors Financial Protection Service (SFPS) is available in SEQ and several rural, regional and remote locations. The SFPS offers free and independent financial information (though not financial counselling) for older people who are experiencing, or at risk of experiencing elder abuse. SFPS delivered by local community legal and neighbourhood centres as well as Relationships Australia

<sup>45</sup> Queensland Government, Department of Child Safety, Seniors and Disability Services, *An Age-friendly Queensland: The Queensland Seniors Strategy 2024–2029*, <[https://www.families.qld.gov.au/\\_media/documents/seniors/queensland-seniors-strategy-2024-2029.pdf](https://www.families.qld.gov.au/_media/documents/seniors/queensland-seniors-strategy-2024-2029.pdf)>.

<sup>46</sup> Queensland Government, *Queensland Seniors Action Plan 2024-26*, <[https://www.families.qld.gov.au/\\_media/documents/seniors/queensland-seniors-action-plan-2024-2026.pdf](https://www.families.qld.gov.au/_media/documents/seniors/queensland-seniors-action-plan-2024-2026.pdf)>.

<sup>47</sup> QLS and Public Advocate, *Elder Abuse Joint Issues Paper*, 2022, p 25.

<sup>48</sup> Uniting Care, Elder Abuse Prevention Unit (EAPU), <<https://eapu.com.au/>>.

<sup>49</sup> Caxton Community Legal Centre, Seniors Legal and Support Service, <<https://caxton.org.au/how-we-can-help/seniors-legal-and-support-service/>>.

- the Seniors Enquiry Line, provides free statewide information and referral service delivered by Uniting Care
- the Seniors Social Isolation Services (SSIS) available in 66 locations across Queensland, including a mix of rural, regional, remote and SEQ locations.<sup>50</sup>

The Minister for Families, Seniors and Disability Services and Minister for Child Safety and Prevention of Domestic and Family Violence administers the *Domestic and Family Violence Protection Act 2012* and the *Disability Services Act 2006*.<sup>51</sup>

The DoJ has responsibility for Queensland's guardianship and administration system, Court Services Queensland, Queensland Civil and Administrative Tribunal (QCAT), and collaborates with the Office of the Public Guardian (OPG) and the Public Trustee. The Attorney-General administers Queensland's criminal law as set out in the Criminal Code.<sup>52</sup>

Queensland Health comprises two main components: the Department of Health and the 16 Hospital and Health Services (HHSs). The Department is responsible for the overall management of the public health system in Queensland, including monitoring the performance of HHSs. HHSs are responsible for public health services in specified geographic regions across Queensland. Queensland Health also administers a number of aged care services. HHSs respond primarily to physical abuse of older persons requiring medical care.<sup>53</sup>

The HHSs that provide aged care services as a part of broader public health services, are responsible for delivery of those services and for managing the operational and financial decisions affecting those services. Queensland Health advised that:

... as the approved provider and holder of the accreditation with the Aged Care Quality and Safety Commission (ACQSC), the Department holds ultimate responsibility for the aged care services provided. Under the Aged Care Act (Cth), this includes responsibilities related to the quality of care provided, the user rights for people to whom care is provided, and accountability for the care provided.<sup>54</sup>

QPS, as primary law enforcement agency in Queensland, prevents, disrupts, responds to and investigates crime including instances of Domestic and Family Violence (DFV). Police officers exercise their powers under the *Police Service Administration Act 1990* and the *Domestic and Family Violence Protection Act 2012*. The QPS Disability and Elder Abuse Team (DEAT) is established within the Domestic, Family Violence and Vulnerable Persons Unit (DFV&VPU). The team provides strategic governance, policy advice and project coordination to enhance QPS responses to older people and persons living with a disability. In 2025, every Queensland police district will have a DFV&VPU.<sup>55</sup>

<sup>50</sup> DFSDSCS, correspondence, 12 September 2025, attachment, p 13.

<sup>51</sup> DFSDSCS, correspondence, 29 January 2025.

<sup>52</sup> DoJ, correspondence, 29 January 2025.

<sup>53</sup> Queensland Health, correspondence, 28 January 2025.

<sup>54</sup> Queensland Health, correspondence, 28 January 2025.

<sup>55</sup> QPS, correspondence, 29 January 2025.

The Department of Housing and Public Works delivers and regulates housing in Queensland with roles including capital investment in social and affordable housing, grant funding for community housing, property and asset management of government owned social housing, private housing assistance and the regulation of housing services.<sup>56</sup>

#### 2.4.4. Queensland statutory bodies

The Queensland Civil and Administrative Tribunal (QCAT) has jurisdiction for the appointment of guardians and administrators; can consent to special health care; can approve restrictive practices in certain circumstances (for adults with impaired capacity in national disability insurance scheme (NDIS) funded services or state funded disability services); may make declarations of capacity for an adult, and shares jurisdiction with the Supreme Court for attorneys and EPOAs. QCAT can also order an attorney, former attorney, guardian or administrator compensate an adult for financial losses suffered by the adult due to failure to comply with their duties and obligations. The *Guardianship and Administration Act 2000* (GA Act) provides QCAT with powers to appoint a guardian for a personal (including health) matter, or an administrator for a financial matter, if the adult has impaired capacity for the matter, there is a need for a decision in relation to the matter, and without an appointment the adult's needs or interests will not be adequately met or protected.<sup>57</sup>

The Public Guardian and OPG, established under the *Public Guardian Act 2014*, is an independent statutory office that protects the rights, interests and wellbeing of adults with impaired decision-making capacity, as well as children and young people in the child protection system (foster care, kinship care and residential care). The OPG also protects the rights of people who reside in 'visitable sites', such as youth detention centres, disability services, supported accommodation where residents receive NDIS, and mental health facilities.<sup>58</sup>

The Queensland Public Trustee, under the *Public Trustee Act 1978*, provides financial administration and financial attorney services to people with impaired capacity for financial decision-making. On its website, the Public Trustee states it is committed to raising awareness of elder abuse, and provides links to factsheets on elder abuse and financial elder abuse. Additionally, the Public Trustee acts as a nominated person for financial matters to QCAT under an Enduring Power of Attorney.<sup>59</sup>

The Public Advocate, established under chapter 9 of the GA Act, has a systemic advocacy function for adults with impaired capacity. The Public Advocate identifies and advocates for adults with impaired decision-making capacity in relation to:

<sup>56</sup> Department of Housing and Public Works, correspondence, 29 January 2025.

<sup>57</sup> DoJ, correspondence, 29 January 2025, pp 3-4.

<sup>58</sup> Office of the Public Guardian (OPG), *What we do*, <[www.publicguardian.qld.gov.au/about-us/what-we-do](http://www.publicguardian.qld.gov.au/about-us/what-we-do)>; Submission 42.

<sup>59</sup> Queensland Public Trustee, *Annual Report 2023-24*, September 2024, p 5, <[www.pt.qld.gov.au/\\_\\_data/assets/pdf\\_file/0025/8674/Annual-report-23-24.pdf](http://www.pt.qld.gov.au/__data/assets/pdf_file/0025/8674/Annual-report-23-24.pdf)>.

- promoting and protecting their rights, including protecting them from neglect, exploitation, and abuse;
- encouraging the development of services and programs to help them reach the greatest degree of autonomy; and
- promoting, monitoring, and reviewing the provision of services to them.

Refer to section 5.1 of this report for further consideration of the role of statutory bodies within the guardianship and administration system.

## 2.5. Responses to elder abuse in other Australian states and territories

Victoria, Western Australia, Tasmania and the Northern Territory do not have legislative provisions that specifically address the abuse of older people. However, the laws in each jurisdiction may be applicable to all categories of elder abuse, and in appropriate circumstances, can be pursued in their courts or tribunals.

Tasmania has mandatory registration of enduring powers of attorney (EPOA). To be legally valid and enforceable in Tasmania, an EPOA must be registered at the Lands and Titles Office under the *Powers of Attorney Act 2000* (Tas). An EPOA cannot be used until it is lodged and a fee is paid, even if it has been correctly executed.<sup>60</sup>

All Australian jurisdictions have domestic and family violence legislation that broadly provide protective responses to abuse of people in domestic settings, including older people.

### 2.5.1. Criminalising the abuse of vulnerable persons

Only one jurisdiction in Australia, the Australian Capital Territory (ACT), has enacted a specific criminal offence for elder abuse: failure to protect and neglect of a vulnerable person, including an older person.

#### Australian Capital Territory

The Australian Capital Territory has enacted criminal law to protect vulnerable adults.<sup>61</sup>

Following the introduction of the Bill on 7 May 2020, the *Crimes (Offences Against Vulnerable People Legislation Amendment Act 2020* (ACT) (Amendment Act) was enacted on 20 April 2021. The Amendment Act amended the *Crimes Act 1900* (ACT) (Crimes Act), responding to concerns about the abuse and exploitation of vulnerable people, particularly older Australians and people with disability.<sup>62</sup>

<sup>60</sup> Tasmania Legal Aid, *Enduring powers of attorney*, <[www.legalaid.tas.gov.au/enduring-power-of-attorney/](http://www.legalaid.tas.gov.au/enduring-power-of-attorney/)>.

<sup>61</sup> *Crimes Act 1900* (ACT) ss 36A–36C, as amended by *Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020* (ACT) s 5.

<sup>62</sup> See definition of ‘vulnerable person’ at <[https://classic.austlii.edu.au/au/legis/act/num\\_act/cavplaa202041o2020614/s8.html#vulnerable\\_person](https://classic.austlii.edu.au/au/legis/act/num_act/cavplaa202041o2020614/s8.html#vulnerable_person)>.

The Act introduced 3 new offences into the Crimes Act:

- section 36A – Abuse of a vulnerable person
- section 36B – Failure to protect vulnerable person
- section 36C – Neglect of a vulnerable person.<sup>63</sup>

The maximum penalties for these offences are tiered, with the possibility of imprisonment for up to 5 years. A ‘vulnerable person’ is defined as an adult aged at least 60 years old, where they have a disorder that affects their thought processes, perception of reality, emotions or judgement, or otherwise results in disturbed behaviour; has an intellectual, psychiatric, sensory or physical impairment that results in reduced capacity for communication, learning or mobility; or is socially isolated and unable to participate in their community.<sup>64</sup>

The Amendment Act received mixed responses from stakeholders. The ACT Law Society (ACTLS) opposed the Act arguing that the creation of new offences could make elder abuse more difficult to prosecute as the reforms may interact with (and potentially duplicate)<sup>65</sup> existing criminal laws. Further, the ACTLS noted the potential for the laws to be paternalistic and discriminatory.<sup>66</sup>

A formal statutory review was conducted 12 months after the Act’s implementation to assess the operation of the new offences. A key finding included that no charges have been prosecuted nor laid under the provisions. The review referenced data from the Australian Capital Territory (ACT) Human Rights Commission which suggested a significant number of people are pursuing civil complaints instead of criminal charges. Further, the review noted ACT policing data suggested police prefer to consider other provisions over new sections 36A and 36C. Despite this, the review suggested there was no inherent problems with the provisions.<sup>67</sup>

Additionally from May 2020 the ACT has broadened the power of its Human Rights Commission to receive complaints ‘about the treatment of a vulnerable person’ aged over 60 years who experiences barriers to participation in the community because of a disability or social isolation, or an adult with disability.<sup>68</sup> Under amendments to the *Human Rights*

<sup>63</sup> See new offense provisions at [https://classic.austlii.edu.au/au/legis/act/num\\_act/cavplaa202041o2020614/s5.html](https://classic.austlii.edu.au/au/legis/act/num_act/cavplaa202041o2020614/s5.html).

<sup>64</sup> Submission 90.

<sup>65</sup> Revised explanatory statement, p 2.

<sup>66</sup> ABC news, *ACT to criminalise elder abuse, though some lawyers fear it will make prosecutions more difficult*, <[www.abc.net.au/news/2020-05-07/elder-abuse-will-soon-be-a-crime-of-its-own-in-the-act/12220872](http://www.abc.net.au/news/2020-05-07/elder-abuse-will-soon-be-a-crime-of-its-own-in-the-act/12220872)>; ACT Law Society, *Comments on the Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020*, 17 March 2020, <[www.actlawsociety.asn.au/article/comments-on-the-crimes--offences-against-vulnerable-people--legislation-amendment-bill-2020](http://www.actlawsociety.asn.au/article/comments-on-the-crimes--offences-against-vulnerable-people--legislation-amendment-bill-2020)>.

<sup>67</sup> ACT Government, Justice and Community Safety Directorate, *Statutory review into offences against vulnerable people—Final report*, 2023, pp 22–23, <[www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0003/2354754/389508d46d6a1bec61b1d7d40a203487bd0ec000.pdf](http://www.parliament.act.gov.au/_data/assets/pdf_file/0003/2354754/389508d46d6a1bec61b1d7d40a203487bd0ec000.pdf)>.

<sup>68</sup> *Human Rights Commission Act 2005* (ACT), section 41B.

*Commission Act 2005* (ACT), members of the public can complain to the Commission about vulnerable people being subjected to or at risk of abuse, neglect or exploitation.<sup>69</sup>

Discussion around introducing a specific criminal offence into the Queensland justice framework is provided at Chapter 6 of this report.

## **2.5.2. Statutory independent entities, NSW and SA**

### New South Wales

The New South Wales (NSW) Ageing and Disability Commission (ADC) is an independent statutory agency with powers to investigate abuse, neglect, and exploitation of older people and adults with disability in home and community settings. It can act without the individual's consent where serious harm is suspected and operates independently of service providers and government departments.<sup>70</sup>

Established 1 July 2019 by the *Ageing and Disability Commissioner Act 2019* (NSW), the ADC absorbed the former Elder Abuse Helpline and Resource Unit (EAHRU) within its responsibility and renamed its key support service to the NSW Ageing and Disability Abuse Helpline. The ADC also has a Community Support and Investigation Team, which can 'make further enquiries, conduct investigations, work with the adult and other parties involved to address risks and support improved outcomes, and make referrals to other agencies, as required'.<sup>71</sup>

The ADC works closely with other government and non-government organisations to support information sharing and referral pathways to ensure any older person or adult with disability is protected from abuse, neglect and exploitation.<sup>72</sup>

The purpose of the NSW Ageing and Disability Commission is to:

- raise community awareness to reduce and prevent abuse, neglect and exploitation of older people and adults with disability
- receive and respond to reports or allegations of abuse, neglect and exploitation of an older person or adult with disability
- provide support and information to those at need
- run an investigation (if required)
- report and advise the government on related systemic issues.<sup>73</sup>

<sup>69</sup> ACT Human Rights Commission, *Annual Report 2020-21*, 2021 p 7, <[www.hrc.act.gov.au/\\_\\_data/assets/pdf\\_file/0010/2282176/ACT-Human-Rights-Commission-Annual-Report-2020-21.pdf](http://www.hrc.act.gov.au/__data/assets/pdf_file/0010/2282176/ACT-Human-Rights-Commission-Annual-Report-2020-21.pdf)>.

<sup>70</sup> Submission 116.

<sup>71</sup> Submission 31.

<sup>72</sup> Aging and Disability Commission (ADC), *Who we are*, August 2023, <[www.ageingdisabilitycommission.nsw.gov.au/about-us/who-we-are.html](http://www.ageingdisabilitycommission.nsw.gov.au/about-us/who-we-are.html)>.

<sup>73</sup> ADC, *What we do*, <[www.ageingdisabilitycommission.nsw.gov.au/about-us/what-we-do.html](http://www.ageingdisabilitycommission.nsw.gov.au/about-us/what-we-do.html)>.



Under the ADCA the Ageing and Disability Commission is required to report certain matters to NSW Police where it is identified that information in a report may provide evidence of a criminal offence.<sup>74</sup>

An independent review conducted in 2022-23 of the ARC resulted in amendment to the *Ageing and Disability Commissioner Act 2019* (NSW) to improve the operation of the ARC, in relation to targeting referrals to complaint handling agencies, commencing investigations into allegations of abuse, and better information sharing with non-government organisations and private practitioners.<sup>75</sup>

### South Australia

The Adult Safeguarding Unit (ASU) is located within the Office for Ageing Well in the South Australian (SA) Department of Human Services. The ASU was established under the *Ageing and Adult Safeguarding Act 1995* (SA) and its actions are guided by the South Australian Charter of the Rights and Freedoms of Vulnerable Adults.<sup>76</sup> The ASU provides free, confidential information, advice and support to protect the rights of adults at risk of abuse, including older people.<sup>77</sup>

The ASU's *Code of Practice* provides an overview of the functions and operational model of the ASU. Regarding criminal offences the Code of Practice provides that if at any time throughout an investigation information is provided alleging a criminal offence the Unit will refer the matter to SA Police.<sup>78</sup>

The ASU commenced operation in October 2019, with an initial focus on responding to reports of abuse or neglect of adults aged 65 and over, or 50 years and over for Aboriginal and Torres Strait Islander peoples. In response to a recommendation from the Adult Safeguarding Taskforce in its interim report, the South Australian Government extended the scope of the ASU to include reports of abuse or neglect of people with disability of any age from October 2020. In October 2022, this was extended to all adults vulnerable to abuse.<sup>79</sup>

<sup>74</sup> ADC, *Required referrals to other agencies*, September 2025, <[www.ageingdisabilitycommission.nsw.gov.au/about-us/reporting/required-referrals-to-other-agencies.html](http://www.ageingdisabilitycommission.nsw.gov.au/about-us/reporting/required-referrals-to-other-agencies.html)>.

<sup>75</sup> ADC, *Changes to the Ageing and Disability Commissioner Act*, fact sheet, 2024, <[www.ageingdisabilitycommission.nsw.gov.au/documents/Changes\\_to\\_the\\_ADC\\_Act\\_Fact\\_Sheet\\_2024.pdf](http://www.ageingdisabilitycommission.nsw.gov.au/documents/Changes_to_the_ADC_Act_Fact_Sheet_2024.pdf)>.

<sup>76</sup> Department of Human Services (SA), *South Australian Charter of the Rights and Freedoms of Vulnerable Adults*, <[www.dhs.sa.gov.au/\\_\\_data/assets/pdf\\_file/0008/179945/SA-Charter-of-the-Rights-and-Freedoms-of-Vulnerable-Adults.pdf](http://www.dhs.sa.gov.au/__data/assets/pdf_file/0008/179945/SA-Charter-of-the-Rights-and-Freedoms-of-Vulnerable-Adults.pdf)>.

<sup>77</sup> Department of Human Services (SA), *About the Adult Safeguarding Unit*, October 2025, <[www.dhs.sa.gov.au/how-we-help/ageing-well/support-for-adult-safety-and-wellbeing/about-the-adult-safeguarding-unit](http://www.dhs.sa.gov.au/how-we-help/ageing-well/support-for-adult-safety-and-wellbeing/about-the-adult-safeguarding-unit)>.

<sup>78</sup> South Australian Adult Safeguarding Unit, *Code of Practice*, June 2023, p 26., <[www.dhs.sa.gov.au/\\_\\_data/assets/pdf\\_file/0004/179509/Adult-Safeguarding-Unit-Code-of-Practice.pdf](http://www.dhs.sa.gov.au/__data/assets/pdf_file/0004/179509/Adult-Safeguarding-Unit-Code-of-Practice.pdf)>.

<sup>79</sup> *Ageing and Adult Safeguarding Act 1995* (SA); Department for Health and Wellbeing (SA), South Australian Adult Safeguarding Unit, *Ageing and Adult Safeguarding Act 1995 (DHW 2021-22 Annual Report)*, <[www.sahealth.sa.gov.au/wps/wcm/connect/Public+Content/SA+Health+Internet/About+us/Public](http://www.sahealth.sa.gov.au/wps/wcm/connect/Public+Content/SA+Health+Internet/About+us/Public)>.



## Stakeholder views and department response

The Public Advocate and other submitters called for the appointment of a lead agency to protect older people, with some calling for the establishment of an independent statutory authority to protect older people; a role that could be modelled on the NSW Ageing and Disability Commission.<sup>80</sup>

The establishment of an independent statutory authority to provide statutory responsibility for responding to abuse or mistreatment of vulnerable adults is discussed at section 7.4.

### 2.5.3. Recognition of elder abuse in other countries

Countries with legislative responses to elder abuse include Sweden, Costa Rica, Japan, the Dominican Republic, Vietnam, all 50 states in the United States of America (US), Canada, Israel, France, the Republic of Korea, Singapore and the United Kingdom.<sup>81</sup>

The US has federal elder abuse prevention law designed to protect the elderly from abuse and guide the practice of adult protective service agencies and law enforcement.<sup>82</sup> The federal *Elder Justice Act*, enacted in 2010 as part of the *Patient Protection and Affordable Care Act*, addresses elder abuse, neglect, and exploitation through a dedicated framework of prevention, enforcement, and services. Its focused response contrasts with broader domestic violence laws and helps to raise awareness, strengthen accountability, and drive targeted reform.<sup>83</sup> However, the implementation of new grants and activities envisioned by the *Elder Justice Act* have been hampered by a lack of federal discretionary spending for authorised activities.<sup>84</sup>

All jurisdictions in the US have comprehensive laws that generally cover categories of elder abuse, including civil financial exploitation, criminal financial exploitation, civil elder abuse and criminal elder abuse. These laws vary considerably from state to state, with various penalties depending on the severity.<sup>85</sup>

In Japan, the *Act on the Prevention of Elder Abuse and Support for Caregivers of Elderly Persons* came into effect in April 2006 and has created a reporting system for both domestic and institutional elder abuse. The legislation outlines the government's responsibilities at a local and national level for preventing elder abuse.<sup>86</sup> Studies of the impact of the law since introduction indicate an increase in implementation of reporting systems and activities for increasing awareness of elder abuse. Challenges remain in

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cations+and+Resources/Reports/Annual+Reports/DHW/Annual+Report+2021-22+DHW/Reporting+required/Ageing+and+Adult+Safeguarding+Act+1995+DHW+2021-22+Annual+Report>.

<sup>80</sup> Submissions 31, 77, 91, 115, 116.

<sup>81</sup> Debbie Sage, Partner and Accredited Aged Care Professional, Attwood Marshall Lawyers, public hearing transcript, Broadbeach, 13 February 2025, p 2.

<sup>82</sup> Submission 70.

<sup>83</sup> Submission 84.

<sup>84</sup> Kirsten J. Colello, Congressional Research Service, *The Elder Justice Act: Background and Issues for Congress*, 15 June 2020, <[www.congress.gov/crs-product/R43707](http://www.congress.gov/crs-product/R43707)>.

<sup>85</sup> Submission 70; United States Department of Justice, *Elder abuse and elder financial exploitation statutes*, <[www.justice.gov/elderjustice/prosecutors/statutes](http://www.justice.gov/elderjustice/prosecutors/statutes)>.

<sup>86</sup> Submission 70; *Act on the Prevention of Elder Abuse and Support for Caregivers of Elderly Persons and Other Related Matters* (Japan), No.124 of 2025, <<https://www.japaneselawtranslation.go.jp/en/laws/view/3929/en>>.

establishing multi-agency intervention measures and addressing resistance to outside support.<sup>87</sup>

A number of countries, including Canada and the US, have adult protection legislation at the state level.<sup>88</sup> In Canada, there is no broad definition of elder abuse and neglect; however, adult protection is primarily addressed at the provincial and territorial level and the various jurisdictions have taken different approaches to addressing the problem of adult abuse and neglect.<sup>89</sup>

In addition, there are mandatory reporting requirements for suspected elder abuse in France, the United Kingdom, Sweden, Republic of Korea and Japan.<sup>90</sup> In France, failure to report elder abuse is a punishable offence. Article 434-3 of the French *Penal Code* states that any person who is aware of deprivation, mistreatment, sexual assault or abuse of an elderly person (among other vulnerable persons) who fails to inform the judicial or administrative authorities or continues to fail to inform the authorities until the offences have ceased, attracts a punishable offence (3 years imprisonment and 45,000 euros).<sup>91</sup>

The Sentencing Council in the United Kingdom includes in their *General guideline: overarching principles* an increase in an offender's culpability if they target people who are vulnerable. This includes considerations around age and capacity.<sup>92</sup> The guideline recognises the potentially larger impact that such actions have on a vulnerable victim.<sup>93</sup>

New Zealand mirrors the Australian approach to elder abuse and neglect with national and jurisdictional strategies, and education and awareness campaigns. Definitions and discussions of elder abuse and neglect are primarily within the context of the response to domestic and family violence. The current state of elder abuse responses and services were reviewed by the Ministry of Social Development (MSD) in 2019, informing a national strategy for future Elder Abuse Response Services (EARS).<sup>94</sup> In 2020, MSD released their proposed future funding strategy, committing increased investment to providers to deliver best-practice services, delivered as an integrated response to an increasingly diverse ageing population, and recognising elder abuse services as a key family violence

<sup>87</sup> Miharu Nakanishi et al, 'Impact of the elder abuse prevention and caregiver support law on system development among municipal governments in Japan', *Health Policy*, v 90, May 2009, p 254.

<sup>88</sup> Amy Warren and Barbara Blundell, *Elder Abuse in Rural & Remote Communities: Social Policy, Prevention and Responses*, p 44.

<sup>89</sup> Department of Justice Canada, *Legal Definitions of Elder Abuse and Neglect*, May 2009, p 7., <[www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/elder-aines/def/elder\\_abuse-eng.pdf](http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/elder-aines/def/elder_abuse-eng.pdf)>.

<sup>90</sup> Submission 70.

<sup>91</sup> Submission 70; République française, Légifrance, *Code penal*, 6 August 2018, <[www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000037289453](http://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037289453)>.

<sup>92</sup> Sentencing Council (United Kingdom), *General guideline: overarching principles*, Effective from 1 October 2019, <<https://sentencingcouncil.org.uk/guidelines/general-guideline-overarching-principles/>>.

<sup>93</sup> Submission 113; ActionFraud National Fraud & Cyber Crime Reporting Centre, *Tougher sentencing laws for fraudsters targeting vulnerable victims*, 23 May 2014, <[www.actionfraud.police.uk/news/tougher-sentencing-laws-for-fraudsters-targeting-vulnerable-victims](http://www.actionfraud.police.uk/news/tougher-sentencing-laws-for-fraudsters-targeting-vulnerable-victims)>.

<sup>94</sup> Submission 51; Ministry of Social Development (NZ), *Elder Abuse in Aotearoa: The role and current state of MSD's Elder Abuse Response Services*, December 2019, <[www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/initiatives/family-and-sexual-violence/elder-abuse-in-aotearoa.pdf](http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/initiatives/family-and-sexual-violence/elder-abuse-in-aotearoa.pdf)>.

response.<sup>95</sup> The MSD contracts providers across New Zealand to deliver EARS. Through the MSD, the Office for Seniors promotes elder abuse awareness and education, and facilitates ageing research.<sup>96</sup>

### Committee comment



The committee acknowledges the work that has been undertaken on a national level to recognise and respond to elder abuse in the Australian community. The committee notes the Australian jurisdictions that have provided state-based responses including criminal responses to the insidious crime of elder abuse which have informed the committee during the inquiry.



### Recommendation 3

The committee encourages the Queensland Government to continue its work to implement the draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034 to address elder abuse.

<sup>95</sup> Submission 51; Ministry of Social Development (NZ), Elder abuse response services in Aotearoa New Zealand, < <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/initiatives/family-and-sexual-violence/elder-abuse-response-services-in-aotearoa-nz.html>>.

<sup>96</sup> Office for Seniors (NZ), About the Office for Seniors, <[www.officeforseniors.govt.nz/about-us](http://www.officeforseniors.govt.nz/about-us)>.

### 3. The nature and extent of elder abuse (TOR 1a)

This section discusses key themes raised during the committee's inquiry identifying the nature and extent of elder abuse in Queensland, including for vulnerable cohorts.

#### 3.1. Identified forms of elder abuse (TOR 1 a i)

The National Plan sets out the 5 commonly recognised forms of abuse of older people as follows:

- Physical abuse:  
*An act that causes physical pain or injury to an older person. It can include, but is not limited to, actions such as hitting, pushing or kicking. Inappropriate use of drugs or physical restraints is also an example of physical abuse.*
- Psychological or emotional abuse:  
*An act that causes emotional pain or injury to an older person. It can include insulting or threatening a person, acts of humiliation or disrespect, and controlling behaviours including confining or isolating a person.*
- Sexual abuse:  
*Any sexual behaviour without a person's consent. It includes sexual interactions and non-contact acts of a sexual nature.*
- Financial abuse:  
*The misuse or theft of an older person's money or assets. It can include but is not limited to, behaviours such as using finances without permission, using a legal document such as an enduring power of attorney for purposes outside what it was originally signed for, withholding care for financial gain, or selling or transferring property against a person's wishes.*
- Neglect:  
*The failure to meet a person's basic needs such as food, housing and essential medical care.<sup>97</sup>*

<sup>97</sup> Council of Attorneys-General, *National Plan to Respond to the Abuse of Older Australians* (Elder Abuse) 2019–2023, 8 July 2019, p 3.

In Queensland, Uniting Care Queensland's Elder Abuse Prevention Unit (EAPU), funded by the DFSDSCS, publishes data collated from phone call reports to the EAPU Helpline on an annual basis (EAPU statistics).<sup>98</sup> The EAPU classifies types of abuse with the five categories as identified by the National Plan and the AIFS National Study, but with one addition: social abuse, which is:

*The intentional prevention of an older person from having social contact with family or friends or accessing social activities of their choice.*<sup>99</sup>

In the EAPU statistics for 2023-24, the two most frequently reported types of abuse were psychological (75.9%) and financial abuse (65%). Two-thirds of victims (69.5%) were reported to be experiencing more than one type of abuse.<sup>100</sup>

### Stakeholder views and department response

Stakeholders were generally consistent with the National Plan and the EAPU in identifying broad categories of abuse.<sup>101</sup> However, there were some variances. For example, the submission of the Caxton Community Legal Centre (CCLC) identified four distinct types of elder abuse: social, psychological, cultural and financial. According to their submission, recognising social elder abuse allows services to identify patterns of control and disconnection that may not involve overt emotional abuse but still have severe impacts on an older person's wellbeing, autonomy and access to help.<sup>102</sup> CCLC also identified cultural elder abuse: when cultural norms, obligations, or identities are manipulated, exploited or disrespected in ways that cause harm to older people. It can involve coercion, exclusion or control masked as cultural expectation or family duty.<sup>103</sup>

### 3.2. Prevalence and extent of elder abuse in Queensland (TOR 1a)

*The abuse of older Australians, including Queenslanders, is shamefully common.*

Queensland Human Rights Commission, submission 80

This section considers the prevalence of elder abuse in the community and sets out current data capture and inter-agency data sharing arrangements in Queensland.

The AIFS National Study was published in 2021 by the Australian Institute of Family Studies.<sup>104</sup> Based on a survey of 7,000 community dwelling people aged 65 and older, the AIFS National Study estimated 14.8% of Australians living in the community aged 65

<sup>98</sup> Uniting Care, *Elder Abuse Statistics in Queensland: Year in Review 2023–24*, p 4., <<https://eapu.com.au/wp-content/uploads/2024/12/UC-Elder-Abuse-Statistics-in-QLD-Year-in-Review-2024.pdf>>.

<sup>99</sup> Uniting Care, *Elder Abuse Statistics in Queensland: Year in Review 2021–22*, p 58, 75<<https://eapu.com.au/wp-content/uploads/2023/01/Elder-Abuse-Statistics-in-Queensland-Year-in-Review-2021%E2%80%9322.pdf>>.

<sup>100</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, p 22.

<sup>101</sup> Submission 48.

<sup>102</sup> Submission 119.

<sup>103</sup> Submission 119.

<sup>104</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 2.

years and older had experienced elder abuse in the previous year. The most common form of abuse was psychological (11.7%), followed by neglect (2.9%), financial/economic abuse (2.1%), physical abuse (1.8%) and sexual abuse (1.0%). Experiences of multiple types of abuse were reported by 3.5% of those surveyed, with the most common abuse combinations being psychological and neglect.<sup>105</sup>

Of note, the AIFS National Study focused on people who live in the community and did not cover people who live in aged care or could not participate in the survey due to cognitive decline. The Royal Commission into Aged Care Quality and Safety recently estimated that the prevalence of physical abuse, emotional abuse and neglect in aged care settings is 39.2%.<sup>106</sup>

The EAPU statistics supplement those of the AIFS National Study with observations of individual factors (victims and perpetrators), relationship factors, community factors, abuse presentation, impact of the abuse, and barriers to change.<sup>107</sup>

According to the EAPU statistics for 2023-24, there were 4,458 calls to the EAPU Helpline, of which 2,674 were abuse notifications and 1,784 were enquiry calls. Similar to the results of the AIFS National Study, the most common type of abuse reported in the Year in Review was psychological abuse, however the incidence was much higher at 75.9%. Other types of abuse reported were financial abuse (65%), social abuse (31.3%), neglect (24%), physical abuse (12.6%), and sexual abuse (1.1%).<sup>108</sup> Victims experiencing more than one type of abuse were reported in 69.5% of notifications.

The EAPU statistics are a vital indicator of the prevalence and extent of elder abuse in Queensland. However, they are limited as an indicator of elder abuse because the data reflects circumstances in which elder abuse is known or suspected and a person concerned has decided to seek advice on the situation.<sup>109</sup> This limitation was recognised across the board in the AIFS National Study: data can only be gathered from reported cases of abuse and therefore cannot encapsulate cases which go unreported. Difficulty recognising abuse as well as difficulty navigating support and reporting systems in place reduces likelihood of reporting cases of abuse.<sup>110</sup>

The lack of an agreed upon definition of 'elder abuse' places limitations on consistency in capturing prevalence data. This limitation is exacerbated in an Australian context, where the definition and scope of what constitutes 'elders' or seniors varies widely across service and by community.<sup>111</sup> Similarly, a lack of specific legislation and a standalone offence for

<sup>105</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 2.

<sup>106</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 1.

<sup>107</sup> DFSDSCS, correspondence, 29 January 2025, p 1.

<sup>108</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, p 5.

<sup>109</sup> AIFS, *Elder Abuse: Understanding Issues, Frameworks and Responses*, Research Report 35, 2016, p. 5.

<sup>110</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 22.

<sup>111</sup> QPS, correspondence, 29 January 2025, p 9.



elder abuse in Queensland makes distinguishing elder abuse from other offending behaviours difficult, impacting data accuracy.<sup>112</sup>

### **3.2.1. Monitoring, evaluating and reporting processes (TOR 1 b iv)**

Currently, inter-departmental and agency sharing of data is extremely limited, due to a lack of consistent data capture and reporting.

The EAPU statistics are used by different departments and statutory bodies as a basis of prevalence statistics in the state, further enhanced by demographic data captured from rendered services. Statutory bodies and departments also use the data from the AIFS National Study to inform a general understanding of elder abuse in Australia.

When responding to the committee's inquiry, six Queensland Government departments were prompted to provide the data they collate in relation to responding to elder abuse within their scope of services.

The DFSDSCS funds Uniting Care Queensland to operate the EAPU, and to develop the EAPU annual reports.

Queensland Health collects information on hospital admissions for assaults on older people, but there is no whole-of-system response to elder abuse, as responses are primarily managed at a local level through aged care facilities assuming responsibility for provision of care. It is important to note the cases of abuse typically seen by Queensland Health and therefore available for data analysis are of physical abuse and neglect requiring medical care or intervention.<sup>113</sup> Queensland Health advised that it has a range of data collection practices, that when interrogated, may allow the inference to be drawn that elder abuse has occurred. However, it does not collect data specifically related to instances of elder abuse and cannot provide a definitive dataset of instances of elder abuse across the public health system.<sup>114</sup>

In 2022–23, Queensland Health recorded 510 episodes of admitted patient care for older patients with an external cause of assault. In 2023–24 this number was 585. This data reflects incidents where First Nations patients were 55 years and older, and where non-First Nations patients were 65 years and older. In both 2022–23 and 2023–24, the perpetrator of the assault was most commonly identified as a family member or other/unknown/unspecified person. In fewer cases, the perpetrator of assault was identified as an acquaintance or friend, or a carer.<sup>115</sup> The department advised that its Specialist DFV clinicians engage in elder abuse case consults as needed and that from July to December 2024, DFV Specialist Health Workforce clinicians were consulted on 20 cases of suspected elder abuse.<sup>116</sup>

The QPS does not specifically collect data relating to elder abuse but captures age data of reported victims, specifically in response to domestic and family violence (DFV) which

<sup>112</sup> QPS, correspondence, 29 January 2025, p 8.

<sup>113</sup> Department of Health, correspondence, 28 January 2025.

<sup>114</sup> Department of Health, correspondence, 28 January 2025.

<sup>115</sup> Department of Health, correspondence, 28 January 2025.

<sup>116</sup> Department of Health, correspondence, 28 January 2025.



encompasses the prevalence and characteristics of reported elder abuse in Queensland.<sup>117</sup>

The QPS provided the number of reported victims aged over 64 by offence type and sex, from 1 July 2022 to 30 June 2024. Significantly, in 2023-24, there were 3,010 reported offences against the person, of which 2,412 were reported cases of assault, 134 were sexual offences, 118 were robbery and 38 were homicide or attempted homicide offences.<sup>118</sup>

The Office of the Health Ombudsman (OHO) reported that in matters received from the QPS, the age or date of birth of the victim is not always provided or known to the OHO and in some cases is not recorded, therefore the portion of total incidence of elder abuse from QPS data could be potentially higher.<sup>119</sup>

The DoJ does not specifically collect data relating to elder abuse. However, data may be generated in relation to lodgements (that is, the process by which a criminal proceeding is formally commenced) in the Queensland Magistrates Court for the offence of serious assault, where the alleged victim is aged 60 years or older (section 340(g) Criminal Code).<sup>120</sup> See Chapter 6 of this report on criminal justice responses. The DoJ was also able to provide data in relation to DFV application lodgements where the aggrieved party was aged 60 years or older. The department cautioned that both data sets do not strictly identify elder abuse, and further, there is a range of other Criminal Code offences that may be committed in the context of elder abuse. The DoJ advised that the data is therefore of 'limited utility'.<sup>121</sup>

The DoJ advised that in 2023-24, there were 855 Serious Assaults (person 60 years or more) lodgements in a Queensland Magistrates Court. For the same period, 2,546 Domestic and Family Violence Applications were lodged where the aggrieved party was aged sixty or older.<sup>122</sup>

Similarly, the DoJ was also unable to provide statistical data on the percentage of matters that involve elder abuse progressing through the Queensland Civil and Administrative Tribunal (QCAT) and investigations by the OPG, other than statistics grouped by age classification.<sup>123</sup>

The Department of Housing and Public Works does not specifically collect data relating to elder abuse but provided analyses of demographic data of residents using various social housing and homeless services as well as reports of corporate elder abuse via an operator of services to residents.<sup>124</sup>

<sup>117</sup> QPS, correspondence, 29 January 2025, p 8.

<sup>118</sup> QPS, correspondence, 29 January 2025, p 18.

<sup>119</sup> Submission 49.

<sup>120</sup> DoJ, correspondence, 29 January 2025, p 1.

<sup>121</sup> DoJ, correspondence, 29 January 2025, pp 1-2.

<sup>122</sup> DoJ, correspondence, 29 January 2025, pp 15-16.

<sup>123</sup> DoJ, correspondence, 29 January 2025, pp 1-2.

<sup>124</sup> Department of Housing and Public Works, correspondence, 29 January 2025, p 5.

The Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism (DWATSIPM) and the Department of Premier and Cabinet do not specifically collect data relating to elder abuse.<sup>125</sup>

### Stakeholder views and department response

Many submitters voiced the need for improved data collection, and more research on the prevalence, nature and effectiveness of responses to elder abuse.<sup>126</sup> ADA Australia noted that without systematic data collection, policymakers lack a clear understanding of the full extent and nature of elder abuse, making it difficult to allocate appropriate resources and implement evidence-based interventions.<sup>127</sup>

Stakeholders also raised concern about the limited availability of reliable and consistent data on the nature and prevalence of elder abuse, particularly in regional, remote, Aboriginal and Torres Strait Islander peoples, and culturally and linguistically diverse (CALD) communities.<sup>128</sup>

Some submitters proposed a coordinated, systemwide approach to data collection and reporting to improve consistency and transparency across sectors.<sup>129</sup> Relationships Australia Qld encouraged the adoption of a national evidence-based prevention framework with an associated monitoring and evaluation framework. The submission also called for support for community-based best-practice sharing and collaboration.<sup>130</sup>

The OHO proposed stronger reporting requirements to cover all forms of elder abuse in healthcare and community settings, so that by expanding mandatory reporting, 'Queensland could develop a more accurate understanding of elder abuse and create more effective prevention strategies' (see section 6.5 on mandatory reporting).<sup>131</sup>

The Public Trustee submitted that it was already considering internal mechanisms to better capture age-related data, to inform future actions that might help to combat elder financial abuse, and welcomed 'improved research and data about elder abuse more broadly, including consideration of opportunities for sharing data across sectors (such as with healthcare, aged care, social services, law enforcement and financial institutions)'.<sup>132</sup>

The Office of the Victims' Commissioner proposed four strategies to better understand, quantify and respond to elder abuse:

<sup>125</sup> Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism, (DWATSIPM), correspondence, 29 January 2025; Department of the Premier and Cabinet, correspondence, 13 February 2025.

<sup>126</sup> Submissions 1, 49, 56, 58, 62, 74, 75, 79, 81, 83, 84, 85, 90, 92, 93, 95, 103, 113, 116, 119.

<sup>127</sup> Submission 109.

<sup>128</sup> Submissions 64, 84, 119.

<sup>129</sup> Submissions 49, 62, 65, 84.

<sup>130</sup> Submission 93.

<sup>131</sup> Submission 49.

<sup>132</sup> Submission 92.

- improving data collection methods by health, social services, police, prosecutors, courts and Victim Assist Queensland to allow for the distinct identification of the victimisation of older people
- valuing research which aims to better understand abuse of older persons
- undertaking further research on best practice approaches to healing and recovery for older Queenslanders to enable the co-design and delivery of the most appropriate model of support for victims of abuse of older persons
- data collection at national and state levels to inform the overall picture of abuse of older Australians.<sup>133</sup>

In response to stakeholders' views on data collection and sharing, DFSDSCS advised that the department is 'exploring opportunities to strengthen data collection and is considering ways to improve or streamline reporting to provide a dataset that supports evidence-based service planning, programs, policies, and interventions related to elder abuse.' The department further stated that funded service providers are 'generally supportive of providing better, more consistent data but also note that better data reporting may also require an investment in their own capacity and capability uplift'.<sup>134</sup>

Queensland Health reported that, in the process of collating data for the committee's inquiry, several HHSs identified the benefits of collaborating and coordinating with stakeholders to ensure responses to elder abuse are holistic. The department stated:

Health system responses to elder abuse may be improved by implementing a system-wide approach for how data about elder abuse is collected. Currently, records of instances of elder abuse are primarily identified when coupled with reporting on instances of DFV, or when recorded in clinical notes by a health worker.<sup>135</sup>

Commissioner Gollschewski of the QPS advised:

Because there is no single offence of elder abuse as such, there is complexity with providing data out of our systems which does inhibit our ability to look at elder abuse trends et cetera, so we cannot really rely on the data that we have at the moment.<sup>136</sup>

Commissioner Gollschewski spoke to the challenges in responding to instances of elder abuse:

The types of offences we are talking about against those 3,000 victims range from homicide through to assault, sexual offences, robberies and a bunch of other offences which we call 'other offences against the person', which includes things like extortion, stalking and kidnapping. It is a wide range of offences we are talking about. It sometimes gets really problematic for us dealing with elderly people and their ability to sustain complaints. Because they

<sup>133</sup> Submission 90.

<sup>134</sup> DFSDSCS, correspondence, 12 September 2025, p 7.

<sup>135</sup> Department of Health, correspondence, 28 January 2025.

<sup>136</sup> Public briefing transcript, Brisbane, 19 February 2025, p 12.

are complaint-based offences, it is quite a challenging area to work in in terms of investigations.<sup>137</sup>

### Committee comment



The committee recognises and values the current services and their responses to elder abuse in Queensland. However, these services operate in a system that is disjointed, uninformed and reactionary. There is little in the way of broad data collection and data sharing. The very nature of elder abuse exacerbates the challenges of forming an accurate picture of the extent and nature of elder abuse.



### Recommendation 4

The committee recommends that the Department of Families, Seniors, Disability Services and Child Safety undertake work to enhance data collection and reporting across funded services, to improve responses to elder abuse in Queensland. The committee requests consideration be given to:

- bolstering the work of the Elder Abuse Prevention Unit's existing data collection and reporting
- developing a consistent approach to collecting and reporting data across services, to improve understanding of the nature and extent of elder abuse in Queensland; and
- fostering a culture of data sharing between government and funding agencies to better inform service provision and improve outcomes.

### 3.2.2. Relationships where elder abuse occurs including family (TOR 1 a ii)

#### Voices of people with lived experience



Nadine noticed that her friend Maya had some bruises on her arm and scratches on her face and body. Nadine asked Maya about her injuries and Maya told her that her adult daughter had assaulted her. Maya was worried that her daughter would hurt her again but had not reported the incident to the police because she did not want her daughter to get into trouble and she was worried that she would no longer be able to see her grandchildren.<sup>138</sup>

<sup>137</sup> Public briefing transcript, Brisbane, 19 February 2025, p 13.

<sup>138</sup> Submission 31.

The EAPU statistics provide data on the types of abuse of older Queenslanders reported to the helpline and the characteristics of victims and perpetrators.<sup>139</sup>

### Victims

The EAPU statistics for the 2023-24 report identified:

- there were twice as many female victims as male victims, 67.1% female compared to 32.9% male
- two-thirds of victims experienced more than one type of abuse
- more than half of the victims were living with perpetrators.<sup>140</sup>

Just over 60% of victims required support with domestic activities, including their meals. Transport support was the most frequently reported area of required support for family members.

Victim age group was recorded in 76.7% (1,964) of cases but not for 23.3% (596). Similar to 2022–23, the most common age group experiencing elder abuse was 80–84 years (22%). This group accounted for one-fifth of the total victims of known age.<sup>141</sup>

QPS reported that, from their offence data, older men are more likely than women to have offences committed against them. In relation to domestic and family violence, older women are more likely to be perpetrated against. First Nations women over 50 are more likely to be recorded as victim-survivors.<sup>142</sup>

### Perpetrators

Data from the Year in Review reports show that protecting the perpetrator and the relationship with the perpetrator, along with shame and fear of further harm, were the most common barriers to people taking further action.<sup>143</sup>

In the Year in Review 2023-24, of the 2,674 abuse notifications, 2,151 were reported as being in close or intimate relationships, and 55.2% of victims were reported as living with their perpetrators.<sup>144</sup> Perpetrators were most commonly reported to be between 50 and 54 years of age, and 52.1% were female.

<sup>139</sup> Public briefing transcript, Brisbane, 19 February 2025, p 2.

<sup>140</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, pp 5, 14.

<sup>141</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, p 13.

<sup>142</sup> Public briefing transcript, Brisbane, 19 February 2025, p 11.

<sup>143</sup> Public briefing transcript, Brisbane, 19 February 2025, p 2.

<sup>144</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, p 9.

### Voices of people with lived experience



I want people to know that partners are getting abused as well. My mum is being abused by her husband and there is nothing we can do. He is her power of attorney. He has control of everything. He has isolated her completely from her family, her grandkids. I feel like I have tried every avenue and all that is left now is to go to court, which is not an option financially, obviously.<sup>145</sup>

### Families

The AIFS National Study observed adult children were most likely to commit financial, physical, and psychological elder abuse. Sons were almost twice as likely as daughters to commit financial abuse. Adult children were on par with intimate partners as perpetrators of neglect. Intimate partners also featured commonly as perpetrators of physical, psychological, and sexual abuse.<sup>146</sup>

In Queensland, the EAPU statistics for 2023-24 reported family relationships accounting for 95% of cases of abuse in close or intimate relationships. Sons and daughters were reported as perpetrators in almost three-quarters of cases, or 70.2%. Daughters were most frequently reported as perpetrators, followed by sons. Further analysis revealed that 76 cases (3%) involved daughters-in-law and 56 cases (2.2%) involved sons-in-law.

Long-term conflict between victims and perpetrators was identified in 279 (10.9%) cases.

### Stakeholder views and department response

#### Voices of people with lived experience



I am a 77 year old grandmother who lives alone and I needed to go to the DV police over my granddaughter. I took my 15 year old granddaughter into my home after being estranged from her for 5 years after getting her away from a toxic mother. I went to the DV police to see where I stood and was told she could self-place with a responsible adult and that was me.

...

One morning after I had an altercation with her, I just knew I was not safe in my home. She was behaving wildly throwing things around and threatening me. Feeling very shaken, a friend went with me back to the DV police, they took me very seriously and told me that that was considered elder abuse. After spending several hours with them I left, and they spoke to her.

<sup>145</sup> Public hearing transcript, Bribie Island, 28 February 2025.

<sup>146</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 2, see also p 70.

She was gone from my home that evening then began a clean up from a disgustingly filthy room and I was left with fears of would she or the boyfriend do damage to me or my property.<sup>147</sup>

Some submitters discussed lack of targeted programs for individuals perpetrating elder abuse, with referrals typically directed to general support services such as mental health, alcohol and other drugs, youth support, and housing services, rather than to elder abuse specific interventions. These submitters emphasised the need for tailored programs and interventions to address the underlying causes of family-based elder abuse and provide appropriate support for both victims and those using elder abuse.<sup>148</sup>

Queensland Health spoke to the challenges of responding to elder abuse in a clinical setting where family relationships are present:

On the needs in terms of older people presenting in health facilities, one of the common things that we are seeing is that it is those relationships with family that continue to be an issue. Commonly, it is family that is the perpetrator. That is a challenge for some of our health staff in terms of undertaking that sensitive inquiry in that you have to, in some cases, separate an older person from someone who might be a perpetrator and then undertake that sensitive inquiry.<sup>149</sup>

Similarly, the QPS acknowledged that it can be challenging to identify elder abuse because there is no single type of person who is at risk or who may cause harm.<sup>150</sup>

The DFSDSCS advised that it does not currently fund elder abuse specific perpetrator programs.<sup>151</sup>

### Committee comment



During the course of this inquiry the committee was at times both shocked and moved by the accounts of elder abuse against vulnerable members of the Queensland community. The committee received evidence from stakeholders describing elder abuse as part of a wider systemic problem generated by financial and housing stress, social isolation and a lack of appropriate recognition and support.

Elder abuse is complex and poorly understood within the wider Queensland community.

The committee notes the advice that complex departmental processes and policies (across all levels of government) increase the vulnerability of our elders and heighten the risk of elder abuse.

<sup>147</sup> Submission 52, Name withheld.

<sup>148</sup> Submissions 62, 84, 95, 99; DFSDSCS, correspondence, 12 September 2025, p 24.

<sup>149</sup> Public briefing transcript, Brisbane, 19 February 2025, p 20.

<sup>150</sup> QPS, correspondence, 29 January 2025, p 4.

<sup>151</sup> DFSDSCS, correspondence, 29 January 2025, p. 24.





### Recommendation 5

The committee recommends that a whole of government response to accessibility and navigation issues within government systems be undertaken with age friendly processes and policy development prioritised to simplify systems and enhance the customer service experience of seniors.

### 3.2.3. Prevalence in First Nations, culturally and linguistically diverse communities, rural communities and LGBTIQ+ communities

The AIFS observed in 2016 that race, ethnicity, and culture intersect with elder abuse in multiple and complex ways, and that insight into elder abuse in particular contexts is limited, including among First Nations peoples, CALD communities, rural communities, and LGBTIQ+ communities.<sup>152</sup> The ALRC's *Elder Abuse – A National Legal Response* also noted that the nature and dynamics of abuse experienced by older people may be influenced by their being part of one or more particular communities. However, there is sparse available research about the dynamics of elder abuse in particular communities.<sup>153</sup>

The EAPU statistics for 2023–24 reported 94 victims, or 3.7%, identified as Aboriginal and/or Torres Strait Islander peoples. This number is 1.5 times higher than the number that would be expected from Queensland's population statistics, that is, 2.4% of Queenslanders aged over 50 years identify as Aboriginal and/or Torres Strait Islander peoples.<sup>154</sup>

The EAPU statistics for 2023–24 reported 104 victims, or 4.1%, as having a CALD background, which is much lower than the number expected from population data. That is, 13.9% of Queenslanders aged over 50 years have a CALD background.<sup>155</sup>

The committee heard from First Nations peoples in public hearings around Queensland as well as evidence provided in submissions. For more detailed consideration of the risks and protective factors experienced by First Nations peoples, see section 4.4.

### Stakeholder views and department response

ADA Australia submitted that First Nations peoples, LGBTIQ+ individuals, and CALD communities face unique risks due to systemic barriers, discrimination, and lack of access to culturally safe services. The submission stated that 'ensuring targeted legal protection and advocacy is essential for these groups'.<sup>156</sup>

The CCLC submitted that elder abuse is a significant concern in Aboriginal and Torres Strait Islander communities and stated:

<sup>152</sup> AIFS, *Elder abuse: Understanding issues, frameworks and responses*, 2016, p 12, <<https://aifs.gov.au/sites/default/files/rr35-elder-abuse.pdf>>.

<sup>153</sup> ALRC, *Elder Abuse – A National Legal Response*, p 45.

<sup>154</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023–24*, p 14.

<sup>155</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023–24*, p 14.

<sup>156</sup> Submission 109.

Contributing to this is the legacy of colonisation, including the Stolen Generations, and systemic discrimination that has led to cycles of trauma that affect family dynamics and community structures. Higher rates of poverty, unemployment, and housing instability in Indigenous communities can exacerbate stressors that lead to abuse. Traditional practices of resource sharing, when misinterpreted or exploited, can lead to financial abuse ('humbugging').<sup>157</sup>

The CCLC attested to some of the barriers to reporting experienced by LGBTIQ+ communities: that older LGBTIQ+ people often do not report elder abuse due to a combination of historical trauma, systemic discrimination, and a lack of culturally safe services. The submission stated, 'Their experiences are shaped not only by ageing, but by decades of marginalisation, legal exclusion, and mistrust of institutions'.<sup>158</sup>

In respect to CALD communities, the incidence and circumstances of elder abuse is both underreported and varied. For example, in Hervey Bay the committee heard of widows of servicemen whose first language was not English left isolated and vulnerable to abuse. Ms Julie de Waard, of the Fraser Coast Regional Council, attested that different cultures see different behaviours in different ways and do not necessarily acknowledge it as abuse or control. She added:

From our point of view as service providers, we have to be aware of those different cultures and work with the cultural background as well as the individuals in order to make them more aware.<sup>159</sup>

### Voices of people with lived experience



In our family, we discovered about 3.5 years ago that the Adult's youngest daughter had persuaded her elderly mother to appoint her as the Enduring Power of Attorney (EPOA) for both financial and personal matters – effective immediately – even though the mental capacity of the Adult had not been tested at that stage. There had been no consultation with the other family members and they were not notified of the change until much later.

Over the next six months we became aware of the extent of the EPOA's abuse comprising theft, threats, gaslighting, false accusations against other family members, fraud, ill-advised decisions that cost the Adult half of her financial assets, and eventually the blocking of the Adult from seeing her other daughters. During this time we became aware that the Adult's mental health was deteriorating.<sup>160</sup>

<sup>157</sup> Submission 119.

<sup>158</sup> Submission 119.

<sup>159</sup> Public hearing transcript, Pinalba, 25 March 2025, p 15.

<sup>160</sup> Submission 78, Name withheld.

**Committee comment**

The committee is of the view that elder abuse is multi-faceted and complex. Government and community services must provide a broad range of services that accommodate the spectrum of the Queensland community and support placed-based responses.

#### 4. Risk and protective factors and barriers and enablers for people to access support (TOR 1 a iii)

##### 4.1. Risks and barriers

The ALRC's *Elder Abuse – A National Legal Response* stated that while older people should not be considered vulnerable because of their age, some factors commonly associated with age can make older people vulnerable to abuse. The report cited dependence on caregivers, disability, cognitive impairment, low socioeconomic status, and social and structural factors, such as isolation and ageism as significant risk factors.<sup>161</sup>

The AIFS National Study cited a review of international literature identifying 8 victim-related factors associated with greater risk of experiencing elder abuse.<sup>162</sup>

According to a literature review conducted by Jennifer Storey in 2020, 8 victim-related factors are associated with greater risk of elder abuse:

- problems with physical health are associated with greater vulnerability to not only experiencing elder abuse but also more severe experiences
- mental health problems, particularly depression and cognitive decline, are risk factors not only for elder abuse but elder abuse of greater severity
- problems with substance misuse, including alcohol
- dependence is associated with elder abuse experiences but is not a predominant cause of elder abuse
- problems with stress and coping can be both precursors to and consequences of elder abuse; caused by the perpetrator or from other sources and can also inhibit help seeking and lead to more sustained and possibly severe experiences of elder abuse
- attitudes such as self-blame, excusing the abusive behaviour of family members, protecting perpetrators, self-depreciation, stoicism and apathy are risk factors for sustained experiences of elder abuse
- previous experiences of abuse, including abuse in childhood and neglect and intimate partner violence as an adult
- problems with relationships, including with adult children, conflictual relationships with family and friends and social isolation.<sup>163</sup>

A significant evidentiary challenge regarding data collection surrounds impaired capacity. The EAPU statistics for 2023-24 identified impaired capacity in 863 (35.4%) of reported

<sup>161</sup> ALRC, *Elder Abuse – A National Legal Response*, p 18.

<sup>162</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 12.

<sup>163</sup> Jennifer E Storey, 'Risk factors for elder abuse and neglect: A review of the literature', *Aggression & Violent Behavior*, 2020, Vol. 50, 101–339, cited in AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 12.

victims. Cognitive impairment of victims was recorded in 453 (17.7%) cases. Dementia was the most frequently reported form of cognitive impairment, affecting 277 (10.8%) victims.<sup>164</sup>

Those with cognitive impairment, with more complex care and support needs, are more likely to be dependent on perpetrators and more likely to experience neglect and social abuse, and less likely to experience physical abuse, and so is more difficult to substantiate and underreported.<sup>165</sup> This impacts accuracy of prevalence of elder abuse in Queensland as well as depth of understanding of those more likely to be experiencing elder abuse.

QLS and the Public Advocate's report acknowledged a wide range of risk factors for elder abuse, from systemic issues such as ageism and the digital divide, to individual factors such as inheritance impatience and living arrangements.<sup>166</sup> The EAPU statistics consider risk factors that may increase a person's vulnerability to abuse, noting that for example, age, ethnicity and living arrangements are not causal factors, rather 'a complex combination of factors such as gender roles and women's longer lifespan' may contribute to an increased risk of victimisation.<sup>167</sup>

### Stakeholder views and department response

Submitters were consistent with the findings from EAPU statistics and the findings of the ALRC's *Elder Abuse – A National Legal Response* and AIFS National Study in their identification of risk factors for elder abuse.<sup>168</sup> Some submitters provided further insight.

The ACN noted older Australians are staying longer in their own homes and thus become more vulnerable to elder abuse perpetrated by carers, family members or intimate partners.<sup>169</sup> QDN also attested to housing affordability as a risk factor, with adult children moving back in with their parents to save money and bringing with them financial stress and family conflict.<sup>170</sup>

The TASC and CCLC submitted that social isolation and financial disadvantage were significant risk factors, particularly if the older person relies on a family member or caregiver for financial support.<sup>171</sup>

Dementia Australia submitted that *abuser* risk factors in the context of elder abuse include caregiver burden and stress, negative caregiving motivation, and psychiatric or psychological problems.<sup>172</sup> LawRight also spoke of risk factors affecting both victim and perpetrator:

We see that older people are seeking security and stability, both financially and within family relationships. Other family members, who are perhaps younger,

<sup>164</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, p 14.

<sup>165</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 14.

<sup>166</sup> QLS and Public Advocate, *Elder Abuse Joint Issues Paper*, p 38.

<sup>167</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, p 13.

<sup>168</sup> Submissions 34, 38, 48, 79.

<sup>169</sup> Submission 34.

<sup>170</sup> Submission 79.

<sup>171</sup> Submissions 84, 119.

<sup>172</sup> Submission 38.

may be seeking ongoing financial growth and lifestyle changes. In shared living and financial arrangements, these situations are often incompatible over the long term.<sup>173</sup>

## 4.2. Digital literacy and technology

### Voices of people with lived experience



I would like to draw attention to something that causes a lot of distress in elderly people but just does not seem to be recognised very much; that is, the increasing difficulty of living in society with the rapid changes—the changes to electronic communications and so on. Here on Bribie Island we have a relatively privileged community and I know seven people who either cannot or do not use a computer. None of them has dementia. They are all normal people, but they do not use a computer. They are considerably handicapped by it.<sup>174</sup>

The ALRC's *Elder Abuse – A National Legal Response* observed that, particularly in relation to banking and financial management, online and mobile banking may present challenges for some older people on the 'wrong side of the digital divide'. The report noted that some older people may be unfamiliar or uncomfortable with internet and mobile banking and other people may take advantage of this.<sup>175</sup>

DWATSIPM advised that the department delivered information sessions through Migrant Centre Organisation Inc, hosting workshops to assist with digital literacy, refreshers on Australian workplace requirements, eCommerce and gig economy opportunities.<sup>176</sup>

The QPS, through its Financial and Cyber Crime Group, administers and delivers the Fraud Awareness and Prevention Program, involving symposiums and presentations to seniors and support groups (including Probus, Returned Services and Neighbourhood Watch Groups) in relation to online safety, identity crime and financial crime with a focus on seniors' specific issues.<sup>177</sup>

The Queensland Government's Tech Savvy Seniors program, launched in 2015, provides senior people with technology skills. The program was delivered through the State Library of Queensland (SLQ) and Telstra via public libraries. The program was completed in 2021, with resources still available for public libraries to run the program in their communities.<sup>178</sup>

<sup>173</sup> Submission 98.

<sup>174</sup> Public hearing transcript, Bribie Island, 28 February 2025, p 15.

<sup>175</sup> ALRC, *Elder Abuse – A National Legal Response*, p 296.

<sup>176</sup> DWATSIPM, correspondence, 29 January 2025, p 4.

<sup>177</sup> QPS, correspondence, 29 January 2025, p 17.

<sup>178</sup> Hon Leeanne Enoch, Minister for Housing and Public Works and Minister for Science and Innovation and Hon Coralee O'Rourke Minister for Disability Services, Minister for Seniors and Minister Assisting the Premier on North Queensland, *All hands on tech: Queensland seniors get tech savvy*, media statement, <<https://statements.qld.gov.au/statements/76468>>; State Library Queensland, *Tech Savvy Seniors Queensland*, <<https://plconnect.slq.qld.gov.au/programs-and-resources/completed-programs/tech-savvy-seniors-queensland>>.

### Voices of people with lived experience



One of the things that was pretty obvious was the fact that my dad, with his childhood, always struggled with literacy and therefore he was unable to use the internet. He did not own a smartphone. The digital abuse was prevalent. The ex was very well skilled at getting on there, even when he was living with me, constantly cut off the dole, constantly having to go back into the bank to set up his account again and other things like that. It became very obvious that he was being more than just neglected; he was being abused.<sup>179</sup>

### Stakeholder views and department response

The Council on the Ageing Queensland submitted that the impact of digital inequity can be a significant barrier to accessing timely information and supports. Accessibility and delivery of services including service gaps and operational challenges, service navigation and access, aged care assessment delays, disadvantages or inequities experienced by regional, rural and remote areas, and long wait times for services, can all become compounded by digital inequity.<sup>180</sup>

Ms Mandy Hopkins, of the Australian Retirement Trust, advised the committee that there are further opportunities to strengthen protections for older Queenslanders such as:

... enhancing financial literacy programs, particularly for women and those who are separated or widowed; establishing nationally consistent enduring power of attorney laws; expanding community education, especially in regional areas; providing culturally relevant financial education; and closing the superannuation gap for women to improve long-term economic security.<sup>181</sup>



#### Recommendation 6

The committee recommends that the Queensland Government promote digital literacy programs through the delivery of the Tech Savvy Seniors initiative, or similar training programs, to reduce the digital divide and provide enhanced access to resources for regional Queenslanders.

### 4.3. Underreporting

Given the complex and multi-faceted nature of elder abuse, there exist a number of evidentiary challenges, most notably, underreporting. The AIFS National Study stated that 62% of people who had experienced abuse did not 'seek help or advice from third parties'.<sup>182</sup>

<sup>179</sup> Public hearings transcript, Logan, 16 June 2025, p 10.

<sup>180</sup> Submission 118.

<sup>181</sup> Public hearing transcript, Brisbane, 25 August 2025, p 15.

<sup>182</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 83.



The EAPU statistics reveal that just 22% of notifications to EPAU Helpline are from people who are experiencing elder abuse themselves and seeking information, and around one-third are from children of the person who may be experiencing abuse.<sup>183</sup>

Data can only be gathered from reported cases of abuse and therefore cannot encapsulate cases which go unreported. Difficulty recognising abuse as well as difficulty navigating support and reporting systems in place also reduce the likelihood of reporting cases of abuse.<sup>184</sup>

It is important to note also, the barriers to reporting including impaired capability, shame, social isolation and others are the same individual factors that may increase vulnerability to cases of abuse.<sup>185</sup>

The CCLC stated that detecting financial abuse can be difficult; ‘when the abuse is perpetrated physically remote from the older person and without their knowledge’.<sup>186</sup>

#### Voices of people with lived experience



John was in his 70s with Parkinson’s. Neighbours said his children were screaming at him. We saw bruising, but he said it was from a fall. Eventually a social worker came and confirmed he was embarrassed and didn’t want to report their behaviour. I told her we’d prevent them from entering if it happened again.<sup>187</sup>

#### 4.4. First Nations communities

*Elders are the heart of First Nations communities. In addition to the rich knowledge of culture and kinship they hold and pass down, they play critical caregiving roles, settle disputes, provide guidance to family and have a stabilising effect on communities.*

Family Responsibilities Commission, submission 99

According to EAPU statistics Aboriginal and Torres Strait Islander peoples are vulnerable to elder abuse, at 1.5 times more likely than the general Queensland population.<sup>188</sup> For those living in remote communities, First Nations peoples lack access to and choice of trauma-informed and culturally sensitive services. The QMHC attested to ‘very little research available’ in relation to the abuse of older Aboriginal and/or Torres Strait Islander peoples, in turn compounding the problem.

<sup>183</sup> Uniting Care, *Elder Abuse Statistics in Queensland: Year in Review 2023–24*, p 20.

<sup>184</sup> AIFS, *National Elder Abuse Prevalence Study: Final Report*, p 22.

<sup>185</sup> Uniting Care, *Elder Abuse Statistics in Queensland: Year in Review 2023–24*, p 14.

<sup>186</sup> Submission 119.

<sup>187</sup> Submission 89.

<sup>188</sup> Uniting Care, *Elder Abuse Statistics in Queensland: Year in Review 2023–24*, p 14.

The QPS recognised that underreporting and reluctance to engage with police is a significant factor in DFV and elder abuse matters in First Nations communities. The QPS stated:

Family structures, financial management, and living arrangements vary across cultures and many First Nations and culturally diverse communities hesitate to engage with service providers where services are not culturally appropriate, meaning there is a lack of cultural safety. High-risk populations, such as those in remote areas, face additional barriers to, and gaps in services and support, due to limited availability and accessibility. This is especially so for First Nations communities across Queensland, but particularly those in rural and remote communities.<sup>189</sup>

## Stakeholder views and department response

### Voices of people with lived experience



Another thing is the Centrelink process. It is so hard for our elders because it has to be done online. Yes, we do have some Centrelink help in Cherbourg but we do not have a proper Centrelink office here anymore. If they need to get to Kingaroy, there is no transport. They might have three or four adult grandchildren in their household who are not on payments—sometimes there is the gap or they might not have registered the births so they have no ID. Granny's feeding them and looking after them on her wage, which is not very much. The cost of living has made that even more difficult. She cannot transport them to get them to Centrelink.<sup>190</sup>

Systemic barriers, including language and cultural differences, were identified by stakeholders as challenges for First Nations peoples.<sup>191</sup>

The Lamberr Wungarch Justice Group emphasised that 'the answers to address this vulnerability and abuse, is through systems many elderly Indigenous people do not trust and has sought to subjugate them over their lifetime'. According to their submission:

The abuse that Elderly Indigenous people are subject to could be categorised as horizontal violence, perpetrated by some marginalised people on others within the same marginalised group. This type of violence inflicted on elderly persons is probably a factor in a lot of communities but as discussed, amplified in remote Indigenous communities.<sup>192</sup>

Submitters including the Family Responsibilities Commission, emphasised the importance of government collaboration with Aboriginal and Torres Strait Islander organisations and community groups to develop effective, community-led strategies to prevent and respond to elder abuse.<sup>193</sup>

<sup>189</sup> QPS, correspondence, 29 January 2025, p 9.

<sup>190</sup> Public hearing transcript, Cherbourg, 26 March 2025, p 14.

<sup>191</sup> Submissions 50, 62, 64.

<sup>192</sup> Submission 81.

<sup>193</sup> Submissions 65, 70, 79, 85, 95, 98, 99, 106, 109, 118.

The Institute for Urban Indigenous Health identified opportunities to address the abuse of older First Nations peoples including increased funding for public awareness campaigns, expansion of community legal services, and development of Aboriginal and Torres Strait Islander workforce in health, aged care and community services.<sup>194</sup>

The DFSDSCS noted the range of services it funds to combat elder abuse and increase awareness and prevention of the issue ‘are available to all Queenslanders, regardless of background’; but the department did concede that ‘they are not specifically designed for Aboriginal and Torres Strait Islander or CALD communities and may not be available in all areas’.<sup>195</sup>

### Voices of people with lived experience



I know that in some of the communities where I talk to elders they are worried about whether people are using their money the right way like they would like them to or whether they are using that money for other things. This aunty who I stayed with, my partner’s aunt, she was very aware of it. Her story is that she lived here on Thursday Island and then moved back to her home community. She had children on the island. Her partner left her things, so she basically gave this house to her grandson but dad ended up selling it. In selling that house, mum got nothing, so that is also elder abuse and neglecting their rights to a property they owned. These are some of the things that do happen. At the same time, if aunty was supported properly, she would not have had to leave, but it was her choice to go back home, so we supported that.<sup>196</sup>

### Committee comment



The committee recognises that differences in cultural understandings of relationships of trust, obligations to family and community members, and family structures mean that risks associated with the abuse of older adults in some Aboriginal and Torres Strait Islander cultural contexts are higher than in the general Queensland community.

The committee agrees with stakeholders who suggest greater collaboration with Aboriginal and Torres Strait Islander organisations and community groups is required to develop effective, place-based responses to prevent and respond to elder abuse.

The committee recognises the need for flexibility in the development of strategies in response to elder abuse and the allowance of place-based and community-led responses.

<sup>194</sup> Submission 103.

<sup>195</sup> DFSDSCS, correspondence, 12 September 2025, p 13.

<sup>196</sup> Public hearing transcript, Thursday Island, 15 May 2025, p 2.

## 4.5. Ageism

Ageism is commonly accepted as being a key driver in the perpetration of violence against older people. WHO defines ageism as: ‘the stereotypes (how we think), prejudice (how we feel) and discrimination (how we act) towards others or oneself based on age’.

The submission of the Office of the Victims’ Commissioner described ageism as:

... a pervasive and entrenched societal bias that devalues older people, diminishes their autonomy, and normalises their exclusion. Ageist attitudes can present as dismissive treatment, taking away their decision-making power, or the belief that older people are less credible or less deserving of protection.<sup>197</sup>

The Australian Human Rights Commission suggested that ageism is difficult to detect, due to ageist attitudes being entrenched in Australian social norms, and often disguised as entertainment or humour.<sup>198</sup>

According to the Council on the Ageing Queensland, ageism remains pervasive throughout society, in the media, in day-to-day interactions, in care settings, and in retail and customer service environments, and even within a person’s own family. Ageism can impact people of any age.<sup>199</sup>

### Stakeholders views and department response

#### Voices of people with lived experience



Ageism is deeply ingrained. Sometimes it is even internalised ... by older people themselves—many older people, I notice—and that senior moment stuff happens. ... I am always pulling people up on it like saying, ‘Don’t put yourself down like that.’<sup>200</sup>

Stakeholders acknowledged that ageism is a key factor contributing to discrimination and negative attitudes towards older people, that in turn lead to or allow elder abuse.<sup>201</sup> The Australian and New Zealand Society for Geriatric Medicine observed:

On a societal level, ageism and its associated negative attitudes towards the experience of ageing, acts as a type of prejudice that enables abusive behaviour against older people perceived to be frail and weak, and leads to overlooking its consequences, rendering victims of abuse invisible.<sup>202</sup>

The committee heard from a number of individuals who reported instances of accepted ageism and self-discrimination. Joanne Trenton, General Manager, Elder Abuse Prevention Unit, UnitingCare stated:

<sup>197</sup> Submission 90.

<sup>198</sup> Australian Human Rights Commission, *Changing perspectives: testing an ageism intervention*, 13 July 2023, <<https://humanrights.gov.au/changingperspectives>>.

<sup>199</sup> Submission 118.

<sup>200</sup> Public hearing transcript, Townsville, 13 May 2025, p 7.

<sup>201</sup> Submissions 79, 90, 93, 102, 118.

<sup>202</sup> Submission 51.

Jokes may be the start of a continuum, but it is a lack of respect for older people, so we talk about the need for respect. On listening to older people, even when there is impaired capacity, people are still able to articulate their needs and wants and they should be supported to say so. There should be a focus on the fact that older people are valuable members of society; they are able to contribute at all times and at all stages.<sup>203</sup>

Bill Mitchell OAM, Principal Solicitor, Townsville Community Law, spoke to the problem of self-ageism, stating:

An unfortunate aspect of ageism is self-ageism that people impose on themselves as they get older. The reality is that older people fear getting older and they do nothing about dealing with the issues that they might need to have as protections in later life. By the time they get there and they are one of the 15 per cent who experience abuse, it is too late. We need to and government needs to be very clear that building a plan around ageism, including self-ageism, is a critically important public program.<sup>204</sup>

### Committee comment



The committee recognises the need to address ageism in Queensland society and at the same time, that this challenge will require a cultural shift, generated by community awareness and education.



### Recommendation 7

The committee recommends the Queensland Government leverage communication and education investments for ageism and elder abuse awareness to improve understanding in society and foster a cultural shift towards greater respect for older members of the Queensland community.

## 4.6. Social isolation

The Royal Commission into Aged Care Quality and Safety noted that loneliness was a concern for many older adults:

We heard that for many people, the experience of growing old is a lonely one. It can be isolating to be reliant on others for essential physical and social support. Declining cognition and mobility and increasing frailty can make it harder for those receiving care at home to maintain contact with family and friends. Loneliness and social isolation are often exacerbated by mobility issues and difficulties in accessing transport to leave the house.<sup>205</sup>

<sup>203</sup> Public hearing transcript, Bribie Island, 28 February 2025, p 2.

<sup>204</sup> Public hearing transcript, Townsville, 13 May 2025, p 2.

<sup>205</sup> Commonwealth Royal Commission into Aged Care Quality and Safety, *Final Report: Care, Dignity and Respect – Volume 3A: The New System*, 2021 p.93.

The Public Advocate stated ‘social isolation can increase a person’s vulnerability to abuse, neglect or exploitation, and can reduce the likelihood that these behaviours will be discovered by others and appropriately addressed’.<sup>206</sup>

In response to growing concerns about the prevalence of social isolation and loneliness in the community, the Queensland Parliament’s Community Support and Services Committee conducted an ‘Inquiry into social isolation and loneliness in Queensland’ in 2021.<sup>207</sup>

The Queensland Government Seniors Social Isolation Services (SSIS) offers place-based community support delivering a range of activities that improve social connection to meet the needs of older people. By way of example, activities include tai chi, dancing, yoga, cards, craft, book clubs, and/or excursions. From 1 July 2024 to 31 March 2025, SSIS provided 41,562 service hours to 84,966 older people.<sup>208</sup>

The DFSDSCS administers a number of social prescribing programs and trials that connect people to community-based supports. These programs are in operation across Queensland and while none are specifically targeting senior cohorts, they address the challenges of social isolation among vulnerable communities through neighbourhood and community centres.<sup>209</sup>

### Stakeholder views and department response

Many submitters discussed the link between social isolation and increased vulnerability to elder abuse.<sup>210</sup> Attwood Marshall Lawyers described social isolation as ‘a profound risk factor’ for elder abuse, by limiting access to support services.<sup>211</sup>

The Queensland Mental Health Commission attested to social isolation being harmful to both physical and mental health outcomes in older people. The submission suggested that social participation and inclusion are protective factors against social isolation and loneliness and require the removal of barriers and tailored approaches to ensure that everyone has access to opportunities to engage in all aspects of society.<sup>212</sup>

Social support, according to Relationships Australia Qld, with interventions that strengthen connections and reduce isolation are the most promising and feasible avenues for reducing the risk of abuse and exploitation of people who face structural and systemic barriers to their full participation in society.<sup>213</sup>

The DFSDSCS acknowledged the views of stakeholders, stating:

<sup>206</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 2: Reform Recommendations*, 2022, p 51.

<sup>207</sup> Community Support and Services Committee, Report No.14, 57<sup>th</sup> Parliament, *Inquiry into social isolation and loneliness in Queensland*, 2021.

<sup>208</sup> DFSDSCS, correspondence, 12 September 2025, p 10.

<sup>209</sup> DFSDSCS, ‘Social prescribing’, <https://www.families.qld.gov.au/our-work/families/community-cohesion-connection/social-prescribing>

<sup>210</sup> Submissions 11, 64, 79, 84, 90, 93, 95, 96, 97, 110.

<sup>211</sup> Submission 70.

<sup>212</sup> Submission 64.

<sup>213</sup> Submission 93.

Social isolation and loneliness are significant issues for older people. Older people who are isolated may experience adverse impacts on their physical and mental health and wellbeing. Social isolation for older people is often recognised as a contributing factor in increasing the risk of elder abuse for an older person.<sup>214</sup>



#### **Recommendation 8**

The committee recommends that in seeking to address social isolation as a contributor to elder abuse vulnerability, the Queensland Government further resource social prescribing initiatives and extend its work to addressing social isolation experienced by seniors.

### **4.7. Regional, rural and remote communities**

Data from the Australian Law Reform Commission's 2017 report on elder abuse suggests that while elder abuse affects a significant portion of older Australians, the problem may be disproportionately experienced by vulnerable groups, including those living in rural and remote areas.<sup>215</sup>

The DFSDSCS advised that in 2024–25, the SSIS was expanded, bringing the total allocation under this program to \$7.1 million in 2025–26, and funding 66 services across Queensland. Of the 66 services, 35 receive funding to provide information and advice on a range of topics of which elder abuse would be included.<sup>216</sup>

#### **Stakeholder views and department response**

Many submitters discussed gaps in service provision and funding to address elder abuse, particularly in regional and remote areas.<sup>217</sup> People living in rural and remote areas have significantly higher instances of elder abuse compared with urban populations and have limited access to healthcare services.<sup>218</sup> Their communities face barriers including technological exclusion, literacy and language limitations, mobility issues, and social stigma. ADA Australia attested that when an older person resides in a small community, their abuser can be a well-known member of the community, and the ability to speak up, or seek help, is often difficult.<sup>219</sup>

TASC suggested that outreach services should be enhanced, particularly in rural and remote areas where service gaps are often more pronounced. It is also critical that digital and mobile platforms are utilised to improve access for older persons, particularly those in isolated or underserved locations. Similarly, the OHO recommended that existing helplines, online reporting tools and community outreach should be enhanced to increase

<sup>214</sup> DFSDSCS, correspondence, 12 September 2025, p 9.

<sup>215</sup> ALRC, *Elder Abuse – A National Legal Response*, p 46.

<sup>216</sup> DFSDSCS, correspondence, 12 September 2025, p 10.

<sup>217</sup> Submissions 31, 65, 74, 109, 118.

<sup>218</sup> Submission 34.

<sup>219</sup> Submission 109.



the reach and accessibility for older persons, particularly those in rural and remote areas and Aboriginal and Torres Strait Islander communities.<sup>220</sup>

The DoJ advised that, to promote awareness and prevention of elder abuse, Office of Public Guardian staff participate in delivering community education, including to regional, remote and First Nations communities. Investigators also participate in regional abuse response panels to discuss complex elder abuse matters.<sup>221</sup>

#### Committee comment



The committee is of the view that current support services providing services in limited areas of the state should be expanded to encompass all rural and remote areas of Queensland.



#### Recommendation 9

The committee recommends that the Queensland Government consider expanding the Seniors Legal and Support Service and Seniors Social Isolation Services to enhance access for regional, rural and remote areas of Queensland.

### 4.8. Cost of living and housing

The ALRC Report acknowledged that some socio-demographic characteristics correlate to a greater risk of elder abuse overall, including low socio-economic status, owning a home with debt and being in rented accommodation.

EAPU statistics reported that, of the forms of financial abuse identified, the most common were 'non-contribution', for example, living with the victim and not contributing towards expenses such as electricity or groceries, coercing the victim into gifting, and paying perpetrator's bills.<sup>222</sup>

#### Stakeholder views and department response

Stakeholders spoke to economic stressors, including housing affordability and rising costs of living as major contributors to financial and familial elder abuse.<sup>223</sup>

Legacy attested to witnessing various scenarios where the older person cannot afford to rent, and so moves in with the younger person, or vice versa; or the adult child's marriage ends, they cannot afford a property and so move back in with a parent. The submission stated; 'As per the case examples provided, we then see patterns of control between the family member/Attorney and the widow at times socially isolating them and impacting on

<sup>220</sup> Submission 84.

<sup>221</sup> DoJ, correspondence, 13 October 2025, p 55.

<sup>222</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*.

<sup>223</sup> Submission 60, 79, 87, 93, 98, 99, 118, 119.

their right to self-determine'.<sup>224</sup> More generally, QDN submitted that the younger generation in Australia are finding it difficult to buy properties due to housing affordability, rental crisis, and cost of living pressures. Some adults are moving back in with parents to save money.<sup>225</sup>

Older Women's Network (Qld) Inc. submitted that familial and financial stressors from the rising cost of living, generational housing insecurity, and growing inequality, are putting pressure on families and creating environments where elder abuse is more likely to occur.

Living arrangements that result from financial necessity may not always be safe or suitable, especially where boundaries are blurred, or caregiving is placed on adult children who themselves may be experiencing mental health issues or personal instability.<sup>226</sup>

#### **4.9. Protective factors and enablers**

The National Ageing Research Institute identified a number of protective factors that, if implemented appropriately, could reduce the risk of elder abuse.<sup>227</sup> Submitters also cited these measures as protective factors:

- strong social networks and community support services
- educational programs targeted at families and caregivers
- service accessibility, particularly in rural and remote areas where older people have limited access to support.<sup>228</sup>

#### **Stakeholder views and department response**

Some submitters called for wide-ranging reform to change 'social attitudes, understandings and culture'.<sup>229</sup> The Council on the Ageing Queensland called for awareness raising and education for all ages around ageism and age discrimination in different community settings.<sup>230</sup> TASC submitted that, 'when communities are educated on the signs of abuse, older people are more likely to receive help, and abusers are less likely to go undetected'.<sup>231</sup>

See section 7.2 of this report for further consideration of community awareness, education and engagement initiatives.

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<sup>224</sup> Submission 60.

<sup>225</sup> Submission 79.

<sup>226</sup> Submission 87.

<sup>227</sup> Submission 62.

<sup>228</sup> Submissions 84, 93.

<sup>229</sup> Submission 82; see also 31, 43, 65, 66, 79, 93, 105.

<sup>230</sup> Submission 118.

<sup>231</sup> Submission 84.

**Committee comment**

The committee notes the view of the Australian Law Reform Commission that strengthening legal frameworks and increasing public awareness about elder abuse are protective factors.

The committee recognises that protective factors against elder abuse minimise risk and build resilience within the community. Examples of protective practices include building stronger social participation and inclusion, ensuring there are strong community-based legal and social services, and access to counselling services.

## 5. Legislative framework – guardianship, administration, substitute decision-making

### 5.1. Decision-making and substitute decision-makers

When an adult's capacity for decision-making is impaired, a substitute decision-maker might be appointed. This can happen in several ways:

**Enduring power of attorney (EPOA):** a person can, prior to having impaired capacity, appoint one or more attorneys as their substitute decision-maker/s. EPOAs may relate to financial and/or personal matters. EPOAs will be more thoroughly considered in section 5.4.<sup>232</sup>

**Guardianship and administration:** If a person with impaired capacity has not appointed an EPOA, the Queensland Civil and Administrative Tribunal (QCAT) may appoint a guardian if:

- a decision needs to be made
- it determines a person has impaired ability to make the decision, even with support
- the health, welfare or property of the person is at risk without a decision-maker.

Guardians cannot make decisions about financial or property matters, special healthcare matters (such as sterilisation procedures, termination of pregnancy, or tissue donation), special personal matters (including making or revoking a will, consenting to marriage, or relinquishing a child for adoption), or personal matters not listed on the QCAT order.<sup>233</sup>

A QCAT order legally appoints a guardian or administrator to make specific decisions on a person's behalf. QCAT decides who is the most suitable guardian. This could be a family member, friend, unpaid carer, or somebody else with a genuine interest in the person's welfare. If there is not a suitable person willing or able to be a guardian, or if there is serious disagreement among family and friends about who should be the guardian, QCAT may appoint the public guardian.<sup>234</sup>

Similarly to appointing a guardian, QCAT or a court can appoint a financial administrator to make financial decisions for a person with impaired decision-making capacity. In some cases, QCAT may appoint the Queensland Public Trustee as financial administrator.

In making an appointment, the tribunal issues a written order that sets out:

- who has been appointed as administrator for the adult
- the particular decision-making powers given to the administrator
- the term of the appointment

<sup>232</sup> Section 32, *Powers of Attorney Act 1998* (POA).

<sup>233</sup> OPG, *What is a guardian*, 30 September 2025, <[https://www.publicguardian.qld.gov.au/understanding-guardianship/what-is-a-guardian#What\\_is\\_the\\_Queensland\\_Civil\\_and\\_Administrative\\_Tribunals\\_role\\_in\\_guardianship](https://www.publicguardian.qld.gov.au/understanding-guardianship/what-is-a-guardian#What_is_the_Queensland_Civil_and_Administrative_Tribunals_role_in_guardianship)>.

<sup>234</sup> OPG, *What is a guardian*.

- any other directions the tribunal considers appropriate.<sup>235</sup>

Both guardians and administrators appointed under the *Guardianship and Administration Act 2000* are required to:

- act honestly and with reasonable diligence
- act as required by terms of tribunal order
- avoid conflict transaction
- act together with joint guardians or administrators.<sup>236</sup>

When making decisions, both guardians and administrators are required to apply the general principles. These are:

- presumption of capacity—an adult is presumed to have capacity for a matter
- same human rights and fundamental freedoms must be recognised
- empowering adult to exercise human rights and fundamental freedoms—including performing social roles, living in the community, and achieving maximum physical, social, emotional, and intellectual potential, and being self-reliant as possible
- maintenance of adult's existing supportive relationships
- maintenance of adult's cultural and linguistic environment and values
- respect for privacy
- right to liberty and security
- maximising an adult's participation in decision-making
- in performing a function or exercising a power under the act, decision must be made 'in a way that promotes and safeguards the adult's rights, interests and opportunities' and 'in the way that is least restrictive of the adult's rights, interests and opportunities'
- structured decision-making.<sup>237</sup>

### **Advance health directives:**

The *Powers of Attorney Act 1998* includes provisions for advance health directives, which it defines as 'a document containing directions for a principal's future health care and special health care and may authorise an attorney to do particular things for the principal in relation to health care'.<sup>238</sup>

<sup>235</sup> QCAT, *Administrators – Financial decisions*, 24 May 2024, <[www.qcat.qld.gov.au/case-types/decision-making-for-adults-with-impaired-capacity/administrators](http://www.qcat.qld.gov.au/case-types/decision-making-for-adults-with-impaired-capacity/administrators)>.

<sup>236</sup> Sections 34–37, 39, *Guardianship and Administration Act 2000*.

<sup>237</sup> Section 11B, *Guardianship and Administration Act 2000*.

<sup>238</sup> Section 5(4), *Powers of Attorney Act 1998*.

An advance health directive ‘operates only while the principal has impaired capacity for the matter covered by the direction’ and is as effective as if:

- (i) the principal gave the direction when decisions about the matter needed to be made; and
- (ii) the principal then had capacity for the matter.<sup>239</sup>

As well as the general principles, decision-makers of an advance health directive are required to apply the health care principles. Some additional requirements include that ‘all adults be offered appropriate health care, including preventative care, without regard to a particular adult’s capacity’, and ‘any consent to, or refusal of, health care for an adult must take into account the principles of respect for inherent dignity and worth, individual autonomy (including the freedom to make one’s own choices) and independence of persons’. The health care principles also outline requirements relating to human rights, the performance of functions and exercise of powers, and that health care decisions must apply the principle of substituted judgement—that is, if an adult’s views, wishes and preferences cannot be determined, if ‘it is reasonably practicable to work out what the adult’s views, wishes and preferences would be’, the attorney must recognise and take them into account.<sup>240</sup>

## 5.2. Capacity

The concepts of ‘decision-making capacity’ and ‘impaired decision-making capacity’ are integral to the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998*.

QCAT ‘may make a declaration about the capacity of an adult, guardian, administrator or attorney for a matter’. This may be upon application, or on its own initiative.<sup>241</sup>

Schedule 4 of the *Guardianship and Administration Act 2000* defines capacity thusly:

**capacity**, for a person for a matter, means the person is capable of—

- (a) understanding the nature and effect of decisions about the matter; and
- (b) freely and voluntarily making decisions about the matter; and
- (c) communicating the decisions in some way.

*Note—*

Under section 146(3) in deciding whether an individual is capable of communicating decisions in some way the tribunal must investigate the use of all reasonable ways of facilitating communication, which may include symbol boards or signing.

<sup>239</sup> Section 36, *Powers of Attorney Act 1998*.

<sup>240</sup> Sections 10(4) and 6D, *Powers of Attorney Act 1998*.

<sup>241</sup> Section 146, *Guardianship and Administration Act 2000*.

The *Queensland Capacity Assessment Guidelines 2020* provide general information around capacity, assessment, and the legal tests of capacity in Queensland.<sup>242</sup> The guidelines clarify that ‘Capacity is a legal term referring to the ability to exercise the decision-making process.’ An adult who has capacity is able to:

- understand and retain (even for a short while) the information relating to the decision
- understand the main choices available
- understand and weigh up the consequences of the choices
- communicate the decision
- make a decision freely and voluntarily.<sup>243</sup>

The guidelines state that:

while an intellectual or cognitive impairment might impact on an adult’s decision-making ability, it doesn’t necessarily mean they lack capacity. The same can be said for mental illness, brain injury, dementia and age. Whether the adult makes a decision that others might think is wrong, risky or immoral is also irrelevant.<sup>244</sup>

The guidelines also highlight the presumption of capacity; that is, ‘Under the law it is not up to the adult in question to prove they have capacity. It is presumed that every adult has capacity to make all decisions until proven otherwise’. Further, the document says:

- capacity is specific to the type of decision to be made and the time the decision is made
- capacity can change or fluctuate
- an adult’s capacity can improve depending on the support available to them.<sup>245</sup>

### Voices of people with lived experience



We have one case study where the person has actually been preyed upon by an opportunistic friend who has now got power of attorney and is trying to put this person into a home somewhere. We have a lot of trouble getting any traction there because the person has not actually been deemed as not having capacity and you cannot persuade them to go to a doctor. You cannot persuade them.<sup>246</sup>

<sup>242</sup> Queensland Government, *Capacity Assessment Guidelines 2020*, version 2, effective from 7 April 2021, <[www.publications.qld.gov.au/dataset/capacity-assessment-guidelines/resource/23e5bde1-40d7-4115-a15d-c15165422020](http://www.publications.qld.gov.au/dataset/capacity-assessment-guidelines/resource/23e5bde1-40d7-4115-a15d-c15165422020)>.

<sup>243</sup> Queensland Government, *Capacity Assessment Guidelines 2020*, p 5.

<sup>244</sup> Queensland Government, *Capacity Assessment Guidelines 2020*, p 5.

<sup>245</sup> Queensland Government, *Capacity Assessment Guidelines 2020*, pp 5–6.

<sup>246</sup> Public hearing transcript, Hervey Bay, 25 March 2025, p 11.



### 5.3. Towards a supported decision-making framework

In the ALRC's 2014 report *Equality, Capacity and Disability in Commonwealth Laws*, it recommended that laws and legal frameworks for individual decision-making should be guided by principles of equal rights; support; will, preferences and rights; and safeguarding. The principle of support is that:

Persons who require support in decision-making must be provided with access to the support necessary for them to make, communicate and participate in decisions that affect their lives.<sup>247</sup>

In 2016, Jodie Griffiths-Cook, then Public Advocate of Queensland, defined supported decision-making as:

An approach to decision-making that involves providing a person who experiences difficulty with one or more aspects of making a decision with the support they need to make their own decision. Under this process, the person in receipt of support retains their legal capacity to make decisions.<sup>248</sup>

The report considered the suitability of the *Guardianship and Administration Act 2000*, noting that 'Pressures on the guardianship system and the movement away from substituted to supported decision-making provide the impetus to examine how the purpose of the Guardianship and Administration Act might be best achieved'. The then Public Advocate wrote that 'contemporary discourse and community expectations in relation to the way that this Act is given effect have progressed from the time at which it came into force'.<sup>249</sup>

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability made 7 recommendations for a new supported decision-making framework, including reforms to terms and definitions, and the objects of guardianship and administration legislation.<sup>250</sup> This included that states and territories should include a statement of statutory objects that:

- recognises and promotes the rights of people with disability consistent with the Convention on the Rights of Persons with Disabilities (CRPD)
- includes the text of article 12 of the CRPD
- recognises the role of support to enable people who may require support to make, participate in and implement decisions that affect their lives.<sup>251</sup>

<sup>247</sup> ALRC, *Equality, Capacity and Disability in Commonwealth Laws: Final report*, ALRC report 124, August 2014).

<sup>248</sup> Public Advocate, *Decision-making support and Queensland's guardianship system*, report, 2016, p viii.

<sup>249</sup> Public Advocate, *Decision-making support and Queensland's guardianship system*, report, 2016, p xi.

<sup>250</sup> See recommendations 6.4–6.9, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Executive summary, our vision for an inclusive Australia and recommendations*, Final report, 2023, pp 216–221.

<sup>251</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Executive summary, our vision for an inclusive Australia and recommendations*, p 216.

Current Public Advocate, Dr John Chesterman, published *Expanding Horizons: Examples of supported decision making in Queensland*, a booklet in which 9 organisations provide information about how they have put supported decision-making into practice. In the introduction, Dr Chesterman noted recommendations by the ALRC's *Elder Abuse – A National Legal Response* and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability about supported decision-making. He wrote:

It is fair to say that the right to be supported to make your own decisions has become one of the most important human rights of people with cognitive disability.<sup>252</sup>

The Public Advocate noted that in the previous 15 years, 'Australia has implemented a range of legal, policy and practice developments and initiatives to see this happen more often', and that 'The language of supported decision making is now appearing more frequently in Australian legislation'.<sup>253</sup>

### Committee comment



The Committee notes that submissions highlighted the need for revision to capacity judgement frameworks and highlight inconsistencies in the approach taken by various Government agencies. Submissions advised that health advances provide opportunities for supported decision-making to occur earlier and be continued in the advance stages of illness dependent on health circumstances (lucidity) of individuals.



### Recommendation 10

The committee recommends that a panel of experts be appointed to consider reform of capacity judgement frameworks used by government agencies, with a view to providing further supported decision-making to ensure the aspirations and views of the individual are recognised and supported.

For a summary of the emergence of enduring powers of attorney in Australia, refer to Appendix A.

<sup>252</sup> Public Advocate, *Expanding Horizons: Examples of Supported Decision Making in Queensland*, 2024, p 4, <[www.justice.qld.gov.au/\\_\\_data/assets/pdf\\_file/0011/798032/supported-decision-making-booklet-final.pdf](http://www.justice.qld.gov.au/__data/assets/pdf_file/0011/798032/supported-decision-making-booklet-final.pdf)>.

<sup>253</sup> Public Advocate, *Expanding Horizons: Examples of Supported Decision Making in Queensland*, p 4.

## 5.4. Enduring documents, enduring power of attorney

### Voices of people with lived experience



Another case we dealt with recently was a widow who had appointed her 2 sons as joint Attorneys on her EPOA. Unbeknownst to them, their sister had taken the widow to sign a new one, appointing her. There were many unexplained cash withdrawals, withdrawals at RSL clubs, and it emerged that she had a gambling problem. The son then had to regain EPOA, change all the bank accounts etc to ensure the widow was not left destitute.<sup>254</sup>

### Ordinary power of attorney

An ordinary power of attorney (POA) is a legal instrument that provides a person the legal power to handle financial and property matters on behalf of another person (the principal, or donor). Such arrangements have been employed for centuries, ensuring an attorney (aka donee) has power as an agent of the principal. Under common law, however, this arrangement ceases when a principal loses their legal capacity. The relationship between the principal and attorney 'is a personal one and the agent has no authority to do anything the principal could not lawfully do for themselves'.<sup>255</sup> As such, when a principal is no longer capable of making legal decisions, those decisions can no longer be made by the attorney.

### 5.5. Calls for reform to enduring powers of attorney laws

Over the last decade, there have been calls to reform EPOA laws in Australia. In 2016, the ALRC's *Elder abuse: Discussion Paper* noted there are significant differences between the form of EPOAs throughout Australia and the legal tests for determining impaired capacity. The paper also noted that EPOAs are vulnerable to misuse/abuse.<sup>256</sup> This was confirmed by the DoJ, which advised:

Attorneys appointed under an EPOA were the most common type of decision maker to be investigated, accounting for 59% of the investigations commenced in 2023-24. Of those matters finalised in which protective action was taken by the Public Guardian or other parties, 78% of victims were female and the decision maker alleged to have neglected, abused or exploited the adults were primarily sons (30%), daughters (26%) and other relatives (26%).<sup>257</sup>

In considering EPOA legislation in Queensland, and Australia more broadly, several key themes have emerged.

#### 5.5.1. National harmonisation and inter-jurisdictional consistency

Repeated calls have been made for the national harmonisation of EPOA laws.

<sup>254</sup> Submission 60.

<sup>255</sup> ALRC, *Elder Abuse: Discussion Paper*, discussion paper 83, December 2016, p 86, <[www.alrc.gov.au/wp-content/uploads/2019/08/dp83.pdf](http://www.alrc.gov.au/wp-content/uploads/2019/08/dp83.pdf)>.

<sup>256</sup> ALRC, *Elder Abuse: Discussion Paper*, pp 87–88.

<sup>257</sup> DoJ, correspondence, 29 January 2025, p 2.

The ALRC's *Elder Abuse – A National Legal Response* wrote that uniformity between the states and territories 'would reduce the current complexity and overlap in the application of the law in relation to powers of attorney and enduring guardianship'.<sup>258</sup> Recommendation 5-3 of the report included that there should be agreement on nationally consistent laws governing:

- 1) EPOAs (including financial, medical, and personal)
- 2) Enduring guardianship
- 3) Other personally appointed substitute decision-makers

And that the development of a national model enduring document should occur.<sup>259</sup>

On 15 July 2021, the Law Council of Australia (LCA) held a roundtable (LCA roundtable) to address EPOA reform, comprising experts within the legal sector, public advocates, stakeholder groups, the ALRC and Australian Human Rights Commission. The aims of the roundtable were to increase national awareness of financial elder abuse occurring in EPOA arrangements, and to build consensus to more consistent laws. The LCA roundtable agreed that:

- developing more nationally consistent EPOA laws and a national model enduring document should be matters of priority
- greater consistency in laws would increase clarity and awareness for stakeholders, families, communities, businesses, governments, and the media
- greater consistency would support the development of a national model enduring document
- consistency is needed in all EPOA arrangements; however, an 'achievable starting point for reform' might focus on financial matters, given the prevalence of financial elder abuse.<sup>260</sup>

Recommendations from the LCA roundtable were that law relating EPOAs should 'be directed to mitigate elder abuse arising from':

- an attorney acting beyond authority (either intentionally or inadvertently)
- a breach of their fiduciary duties.

And should 'include "core" essential features, framed in the simplest, most accessible language'. These should include:

- standard definitions

<sup>258</sup> ALRC, *Elder Abuse – A National Legal Response*, p 191.

<sup>259</sup> ALRC, *Elder Abuse – A National Legal Response*, p 181.

<sup>260</sup> Law Council of Australia (LCA), *National roundtable enduring power of attorney law reforms* (LCA roundtable), communiqué, 6 August 2021, pp1–2, <<https://lawcouncil.au/media/news/national-roundtable-enduring-power-of-attorney-law-reforms>>.

- standard requirements to execute an EPOA (most notably, providing a duty for the witness to ensure the respective parties understand their rights, duties and obligations under the EPOA, and a drafted model to execute the revocation of an EPOA
- eligibility of the attorney
- duties of attorneys
- a model provision addressing consistent interstate *recognition* of the execution and revocation of an EPOA.<sup>261</sup>

In July 2023, Queensland's Public Advocate published a draft *Model financial enduring powers of attorney law*, proposing 'core provisions that could form the basis of nationally-harmonised state and territory financial enduring power of attorney laws'. The document noted it had been endorsed by the Queensland Public Advocate, QLS, Law Institute of Victoria, Age Discrimination Commissioner, and Victorian Public Advocate. The document noted the benefits of harmonised financial EPOA's would be four-fold:

- 1) Greater knowledge and certainty would exist throughout the country on EPOA creation, usage and safeguards.
- 2) Meaningful national education on EPOAs could occur, including on the responsibilities of attorneys.
- 3) Increased consistency and efficiency would be achieved in the practices and expectations of institutions which deal with EPOAs (such as banks and other financial services providers).
- 4) The forthcoming national register of EPOAs (which is currently being developed) would be optimally effective.<sup>262</sup>

The general principles upon which the model was founded were that, when 'exercising a power, carrying out a function, or performing a duty' for a principal, a person must do so in a way that:

- 1) recognises the presumption of capacity;
- 2) supports the principal to participate as much as possible in the making of decisions that affect them; and
- 3) is least restrictive of the principal's ability to decide and act as is possible in the circumstances.<sup>263</sup>

<sup>261</sup> LCA roundtable, p 2.

<sup>262</sup> Queensland Public Advocate, *Model financial enduring powers of attorney law*, 5 July 2023, p 1, <[www.justice.qld.gov.au/\\_\\_data/assets/pdf\\_file/0007/770794/final-qpa-model-financial-enduring-powers-of-attorney-law.pdf](http://www.justice.qld.gov.au/__data/assets/pdf_file/0007/770794/final-qpa-model-financial-enduring-powers-of-attorney-law.pdf)>.

<sup>263</sup> Public Advocate, *Model financial enduring powers of attorney law*, p 2.

The model included provisions, amongst other things, for creating and activating EPOAs, arrangements for multiple attorneys, attorney eligibility, formal requirements, the duties of an attorney, revocation of an EPOA, and offences.<sup>264</sup>

In September 2023, the Attorney-General's Department (Cth) published the consultation paper *Achieving greater consistency in laws for financial enduring powers of attorney* (Attorney-General's consultation paper). The paper presented proposals for feedback relating to:

- execution of EPOAs
- witnessing arrangements in relation to principals
- acceptance of appointment by an attorney
- revocation of an EPOA
- attorney eligibility and duties
- interstate recognition of EPOAs
- access to justice issues – jurisdiction, compensation and offences.

The consultation paper also sought feedback on:

- information resources or training for witnesses and attorneys
- other initiatives for preventing and responding to financial elder abuse.<sup>265</sup>

One proposal intended to align state and territory legislation was:

A model provision could comprise the following elements:

- An EPOA must be in the approved or prescribed form, or in a substantially similar form
- An EPOA must be signed and dated by the principal, or by another person at the principal's direction, in the presence of an authorised witness
- An EPOA must be signed and dated by the authorised witness in the presence of the principal (and, if applicable, in the presence of the person who signed at the principal's direction).<sup>266</sup>

In September 2024, the Australian Human Rights Commission (AHRC) published *Empowering futures: a national survey on the understanding and use of financial enduring powers of attorney* (Empowering Futures report). It recommended a comprehensive

<sup>264</sup> Public Advocate, *Model financial enduring powers of attorney law*, pp 2–5.

<sup>265</sup> Australian Government, Attorney General's Department, *Achieving greater consistency in laws for financial enduring powers of attorney* (Attorney-General's consultation paper), consultation paper, September 2023, p 6, <[https://consultations.ag.gov.au/families-and-marriage/epoa/user\\_uploads/epoa-consultation-paper.pdf](https://consultations.ag.gov.au/families-and-marriage/epoa/user_uploads/epoa-consultation-paper.pdf)>.

<sup>266</sup> Attorney-General's consultation paper, p 8.



national community awareness strategy, the creation of education and information materials at the national level, and that in line with recommendation 5-3 of the ALRC report *Elder Abuse – A National Legal Response*, ‘that the Australian Government and State and Territory Governments achieve national consistency in FEPOA laws as a priority, followed by the establishment of a national register of enduring documents’ (the full ALRC recommendation, and discussion of a national register, can be found in the next section).<sup>267</sup>

Efforts to harmonise EPOA laws in Australian states and territories are being progressed by the Standing Council of Attorneys-General.

### The Standing Council of Attorneys-General

- The Standing Council Attorneys-General (SCAG) comprises Attorneys-General from the Australian Government, Australian states and territories, as well as the New Zealand Minister for Justice. SCAG is currently investigating possible reforms to better harmonise enduring power of attorney (EPOA) legislation between Australian jurisdictions.
- The collective was formerly named the Council of Attorneys-General (CAG). In 2020 it was renamed the Meeting of Attorneys-General (MAG). On 12 August 2022, it changed to the Standing Council of Attorneys-General. SCAG convenes quarterly, for the purpose of implementing ‘a national and trans-Tasman focus on maintaining and promoting best practice in law reform’.<sup>268</sup>

### Timeline of enduring power of attorney (EPOA) law reform:

- **29 November 2019** – CAG agreed to pursue EPOA reform for financial decisions. CAG agreed to first focus on reforms to establish a national register, then to consider reforms to improve safeguarding and justice arrangements.<sup>269</sup>
- **10 February 2020** – The Attorney-General’s Department released *Enhancing protections relating to the use of enduring power of attorney instruments - Consultation regulation impact statement*, which investigated ways to streamline access to information about EPOAs, to reduce uncertainty as to whether documents could be relied upon in financial transactions. Following the

<sup>267</sup> Australian Human Rights Commission (AHRC), *Empowering futures: a national survey on the understanding and use of financial enduring powers of attorney* (Empowering Futures report), September 2024, pp 58–59, <<https://humanrights.gov.au/our-work/age-discrimination/publications/empowering-futures-report-enduring-powers-attorney-2024>>.

<sup>268</sup> Australian Government, Attorney-General’s Department (Cth), *Standing Council of Attorneys-General*, <[www.ag.gov.au/about-us/who-we-are/committees-and-councils/standing-council-attorneys-general](http://www.ag.gov.au/about-us/who-we-are/committees-and-councils/standing-council-attorneys-general)>; Australian Government, Attorney-General’s Department, Meeting of Attorneys-General, from an archived snapshot on 6 March 2022, <<https://webarchive.nla.gov.au/awa/20220305162110/https://www.ag.gov.au/about-us/who-we-are/committees-and-councils/meeting-attorneys-general>>.

<sup>269</sup> Council of Attorneys-General (CAG), *Communiqué*, 29 November 2019, <[www.ag.gov.au/sites/default/files/2020-03/Council-of-Attorneys-General-communique-November-2019.pdf](http://www.ag.gov.au/sites/default/files/2020-03/Council-of-Attorneys-General-communique-November-2019.pdf)>.



consultation CAG 'would further consider approaches to this issue at the first CAG meeting of 2020'.<sup>270</sup>

- **9 December 2022** – The newly established SCAG noted progress in developing proposals for EPOA law reform and alternative models for a national register of EPOAs.<sup>271</sup>
- **October 2023** – The Attorney-General's Department (Cth) opened for submissions in response to the *Achieving greater consistency in laws for financial enduring powers of attorney* consultation paper. Submissions closed on 29 November 2023.<sup>272</sup>
- **12 December 2024** – SCAG released the draft National Plan. SCAG noted that during the life of the first National Plan Australian jurisdictions invested in reviewing, and in some cases amending, their EPOA frameworks. Queensland, for example, introduced new EPOA forms in 2020 to reflect changes enacted through the *Guardianship and Administration and Other Legislation Amendment Act 2019*, aiming to be simpler and more user friendly. SCAG wrote, 'Achieving greater consistency in EPOA laws continues to be a priority'.<sup>273</sup>
- **15 August 2025** – In a communiqué, SCAG 'noted an update on enduring powers of attorney law reform work and the commencement of work to develop a National Prevention Framework for the Abuse and Mistreatment of Older People'.<sup>274</sup>

In January 2025, the Public Advocate (Qld) and the Age Discrimination Commissioner published an article further advocating for harmonised financial power of attorney laws. The authors argued that the differences between jurisdictions are often minor and do not point to irreconcilable policy differences. They wrote, 'We are yet to meet anyone who has argued against harmonisation; indeed neither of us has ever heard a cogent argument against harmonisation'. In contemplating why action has not occurred, they proposed that the slight nature of the changes may be the issue: harmonisation would require 'each state and territory to make often minor changes to its law, not because of the significance of the

<sup>270</sup> Australian Government, Attorney-General's Department (Cth), *Enhancing protections relating to the use of enduring power of attorney instruments - Consultation regulation impact statement*, 10 February, p 4, <[www.ag.gov.au/sites/default/files/2020-03/enhancing-protections-relating-use-enduring-power-of-attorney-instruments.pdf](https://www.ag.gov.au/sites/default/files/2020-03/enhancing-protections-relating-use-enduring-power-of-attorney-instruments.pdf)>.

<sup>271</sup> SCAG, *Communiqué*, 9 December 2022, p 1, <[www.ag.gov.au/about-us/publications/standing-council-attorneys-general-communicues](https://www.ag.gov.au/about-us/publications/standing-council-attorneys-general-communicues)>.

<sup>272</sup> Attorney-General's Department, *Achieving greater consistency in laws for financial enduring powers of attorney*, <<https://consultations.ag.gov.au/families-and-marriage/epoa/>>.

<sup>273</sup> SCAG, National plan to end the abuse and mistreatment of older people 2024–2034 Public Consultation Draft (draft National Plan 2024–2034) pp 49–50.

<sup>274</sup> SCAG, *communiqué*, 15 August 2025, p 3, <[www.ag.gov.au/about-us/publications/standing-council-attorneys-general-communicues](https://www.ag.gov.au/about-us/publications/standing-council-attorneys-general-communicues)>.

change itself, but in the interests of uniformity'. When faced with the burdensome process of reform, 'the local enthusiasm has simply not been there'.<sup>275</sup>

The authors wrote that 'Harmonisation requires a prototype to be agreed upon. That's yet to occur.' They noted that a framework model law has been produced by the Public Advocate, and this could be adopted for a starting point. They concluded that:

Harmonisation of our financial enduring powers of attorney laws is logical, relatively easy and cheap. As a meaningful and pragmatic elder abuse prevention strategy, it is very hard to beat. Our message, in the words of former Age Discrimination Commissioner, Kay Patterson, is simply: 'let's get moving and get it done'.<sup>276</sup>

### 5.5.2. National register and oversight of EPOAs

The absence of a national register has been identified as a weakness in EPOA governance. In 2016, the NSW Legislative Council General Purpose Standing Committee No. 2 wrote that:

It is perplexing that such powerful documents are not registered anywhere; that there is no formal record of those that have been activated and those revoked. A register would rightly enable solicitors, banks and others to check the authenticity of an instrument or to track one down and would also send the signal that these are documents to be taken seriously.<sup>277</sup>

In 2017, the ALRC proposed an online register for enduring documents and court and tribunal orders.<sup>278</sup> The report *Elder Abuse – A National Legal Response* made the following recommendation:

**Australian Law Reform Commission, *Elder Abuse: a national legal response*, report 131, 2017, pp 12–13.**

#### **Recommendation 5–3**

A national online register of enduring documents, and court and tribunal appointments of guardians and financial administrators, should be established after:

- (a) agreement on nationally consistent laws governing:
  - (i) enduring powers of attorney (including financial, medical and personal);
  - (ii) enduring guardianship; and
  - (iii) other personally appointed substitute decision makers; and
- (b) the development of a national model enduring document.

<sup>275</sup> J Chesterman and R Fitzgerald AM, 'Why Australia needs harmonised financial powers of attorney laws' (harmonised laws article), Australian Ageing Agenda, January 8 2025, <[www.australianageingagenda.com.au/executive/why-australia-needs-harmonised-financial-powers-of-attorney-laws/](http://www.australianageingagenda.com.au/executive/why-australia-needs-harmonised-financial-powers-of-attorney-laws/)>.

<sup>276</sup> J Chesterman and R Fitzgerald AM, harmonised laws article.

<sup>277</sup> NSW Government, Legislative Council, General Purpose Standing Committee No. 2, *Elder abuse in New South Wales*, Report 44, 2016, p 101, <<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2387/Report%2044%20-%20Elder%20abuse%20in%20New%20South%20Wales.pdf>>.

<sup>278</sup> ALRC, *Elder Abuse – A National Legal Response*, p 89.

In March 2018, the Australian Government requested that the Australian Guardianship and Administration Council (AGAC) prepare an options paper regarding EPOA laws and practices in Australia. This was to be considered by the Council of Attorneys-General (CAG).<sup>279</sup>

AGAC's options paper noted that Tasmania is the only Australian jurisdiction that requires mandatory registration of EPOAs. The paper noted broad, but not unanimous support for a national register, with concerns that a mandatory register may not be desirable, and doubts that it could be inexpensive. AGAC noted that any design of a register must 'reflect the intent to prevent abuse and promote and protect the rights of older people'. It also noted a register may have secondary purposes, such as providing certainty of financial transactions, such as property transactions.<sup>280</sup>

Despite support for a register, there is also a strong view that the design of a register should only occur after greater harmonisation of EPOA laws is achieved between jurisdictions. During the LCA roundtable, some participants expressed in-principle support of an EPOA register, 'but also noted that the benefits of a register of EPOAs are unlikely to be fully realised without a national model enduring document or harmonised laws'. There was concern that a failed attempt at a register might push back reform. It was also noted that 'there is a disparity in the quality of the state and territory laws, which would not be addressed by a register', and that a register might 'generate a perception that registration would be a validation of an attorney'.<sup>281</sup>

In a 2023 article published in the University of New South Wales Law Journal Forum, Purser et al. argued that progressing a mandatory online register would be premature, 'especially before an evidence-based approach to reforming enduring documents broadly has been adequately developed and considered'. The article noted that the National Plan determined achieving national consistency in EPOA laws as a medium-term goal, and the development of a national register as a short to medium-term goal: 'developing a national EPA register became the (unexpected) priority'.<sup>282</sup>

Purser et al. noted there is a 'dearth' of evidence that an EPOA register would effectively reduce financial elder abuse. They wrote:

Not only is there a lack of data supporting the role of registration in addressing EFA [elder financial abuse] but there is also a risk that registration will in fact

<sup>279</sup> Australian Guardianship and Administration Council (AGAC) Elder Abuse National Projects, *Enduring powers of attorney (financial): options paper* (AGAC options paper), December 2018, pp 6, 61–2, <[www.agac.org.au/assets/documents/Other-Publications/Elder-Abuse-National-Projects-EPOA-financial.pdf](http://www.agac.org.au/assets/documents/Other-Publications/Elder-Abuse-National-Projects-EPOA-financial.pdf)>.

<sup>280</sup> AGAC options paper pp 6, 61–2.

<sup>281</sup> LCA roundtable, p 4.

<sup>282</sup> Purser, K et al., Strengthening the response to elder financial abuse and the proposed enduring power of attorney register: Suggested first steps (Strengthening the response to elder financial abuse), UNSW Law Journal Forum, No 2, 2023, p 2., <<https://search.informit.org/doi/10.3316/informit.T2024031900010891331945192>>.

reduce accessibility, decrease uptake rates, and unintentionally heighten vulnerability as well as the risk of EFA.<sup>283</sup>

In a communiqué dated 22 December 2023, SCAG reported that it had considered the feasibility of establishing a national register of EPOAs, informed by public consultation, an independent cost-benefit analysis, and consideration of several alternative register models. Based on this consideration, SCAG decided to deprioritise work on a national register. The communiqué said:

It was agreed that the current significant differences in EPOA laws and practices between jurisdictions (including different EPOA forms, requirements for validity and registration and revocation arrangements) are not conducive to establishing an effective register which is suited to users' needs, and that there are inherent limitations associated with a national register's ability to reduce instances of financial elder abuse. It was further agreed that establishing a national register would risk introducing complexity, unnecessary costs and practical barriers to people making and using EPOAs.

Given these limitations, participants agreed that achieving greater consistency in State and Territory EPOA laws, and greater emphasis on education and awareness raising aimed at reducing elder abuse occurring through EPOAs, should be the focus of the Standing Council of Attorneys-General EPOA law reform work.<sup>284</sup>

This reflects the view that greater harmonisation of EPOA laws is required between jurisdictions. It is unclear, however, whether SCAG would revisit a national register after achieving greater jurisdictional consistency.

In 2024, the AHRC's Empowering Futures report recommended, in line with the ALRC's *Elder Abuse – A National Legal Response* recommendation 5-3, that the Australian Government, and the governments of the states and territories, achieve nationally consistent financial EPOA laws. This, the AHRC wrote, should be followed by 'the establishment of a national register of enduring documents and the development and delivery of national education and a national awareness strategy'.<sup>285</sup>

On 22 November 2024, a communiqué reported that SCAG would consider the AHRC's Empowering Futures report in its 'ongoing work to develop the draft National Plan and its Action Plans'. No direct reference was made to a national register.<sup>286</sup>

### 5.5.3. Enhanced witnessing of EPOAs

*Elder Abuse – A National Legal Response* noted that tightening, or enhancing, witnessing requirements has been important for states and territories when reforming EPOA legislation. The report said:

Key features of enhanced witnessing include limiting the professionals who are authorised to witness enduring documents, and requiring witnesses to certify certain matters as to the nature of the principal's understanding of the

<sup>283</sup> Purser, K et al., Strengthening the response to elder financial abuse, p 7.

<sup>284</sup> SCAG, Communiqué, 22 September 2023, p 5.

<sup>285</sup> AHRC, Empower Futures report, p 59.

<sup>286</sup> DoJ, correspondence, 29 January 2025, p 13.

document ('legal capacity') and the fact that the document was signed voluntarily.<sup>287</sup>

Recommendation 5-1 of the ALRC's *Elder Abuse – A National Legal Response* called for greater safeguards, including an enhanced witnessing framework:

**Australian Law Reform Commission, *Elder Abuse: a national legal response*, report 131, 2017, p 12.**

**Recommendation 5–1**

Safeguards against the misuse of an enduring document in state and territory legislation should:

- (a) recognise the ability of the principal to create enduring documents that give full powers, powers that are limited or restricted, and powers that are subject to conditions or circumstances;
- (b) require the appointed decision maker to support and represent the will, preferences and rights of the principal;
- (c) enhance witnessing requirements;
- (d) restrict conflict transactions;
- (e) restrict who may be an attorney;
- (f) set out in simple terms the types of decisions that are outside the power of a person acting under an enduring document; and
- (g) mandate basic requirements for record keeping.

Section 31 of the *Powers of Attorney Act 1998* sets out that an eligible witness for an enduring document (except a document revoking an advance health directive) is a Justice of the Peace (JP), Commissioner for Declarations, notary public, or lawyer. An eligible person cannot be:

- the person signing the document for the principal
- an attorney of the principal
- not a relation of the principal or a relation of an attorney of the principal
- a paid carer or health provider of the principal (if the document gives power for a personal matter)
- for an advance health directive, a beneficiary under the principal's will.<sup>288</sup>

Enhanced witnessing, the ALRC's *Elder Abuse – A National Legal Response* stated, could:

<sup>287</sup> ALRC, *Elder Abuse – A National Legal Response*, p 166.

<sup>288</sup> Section 31(1)(a)–(f), *Powers of Attorney Act 1998*.

- ensure that enduring documents are made and operative only in circumstances genuinely authorised by an older person
- respond to situations in which older people are being pressured into signing EPOAs
- educate the principal to ensure they understand the nature and extent of the document.<sup>289</sup>

*Elder Abuse – A National Legal Response* further noted that witnessing requirements should not be ‘so onerous that people are dissuaded from putting in place enduring documents’. The ALRC’s approach ‘seeks to provide appropriate protection against abuse, while ensuring that Australians can access enduring documents as an important planning tool’.<sup>290</sup>

During the LCA roundtable a starting point for nationally consistent execution provisions for EPOAs were agreed to (see Appendix A). The model included provisions, amongst other things, to ensure that:

- signatures are in the proper form
- witnesses are suitably authorised
- at the time of signing, the witness formed the view that the principal understood the nature and effect of giving the power of attorney
- the witness explained the obligations of the attorney to the attorney before the attorney accepted appointment
- attorneys formally accept their appointment
- attorneys sign an undertaking with respect to their role, responsibilities and obligations, which should be clearly stated.<sup>291</sup>

Notably, the Attorney-General’s consultation paper proposed provisions for nationally consistent enhanced witnessing standards.

#### Committee comment



The committee notes that consultation for the Attorney-General’s Department’s *Achieving greater consistency in laws for financial enduring powers of attorney* consultation closed on 29 November 2023. This committee is of the view that reforms to enduring power of attorney documents should be considered a priority by the Queensland Government, and the Queensland Government should use the experiences provided in this report to give voice in advocating for immediate action.

<sup>289</sup> ALRC, *Elder Abuse – A National Legal Response*, p 166.

<sup>290</sup> ALRC, *Elder Abuse – A National Legal Response*, p 167.

<sup>291</sup> LCA roundtable, Attachment: *Model provisions*, attachment, pp 1–3.





### Recommendation 11

The committee recommends the Queensland Government use the experiences provided in this report to give voice in advocating for the Standing Council of Attorneys-General to prioritise the harmonisation of enduring power of attorney legislation.

#### 5.5.4. The role of attorney: duties, responsibilities, best practice, eligibility

The ALRC's 2016 *Elder abuse: Discussion Paper* noted that 'Excluding inappropriate persons from acting as enduring attorneys is an important protection against abuse' and proposed a person should be ineligible if the person:

- is an undischarged bankrupt
- is prohibited from acting as a director under the *Corporations Act 2001* (Cth)
- has been convicted of an offence involving fraud or dishonesty
- is, or has been, a care worker, a health provider or an accommodation provider for the principal.<sup>292</sup>

The discussion paper also proposed legislation might specifically prohibit certain transactions, including:

- making or revoking the principal's will
- making or revoking an enduring document on behalf of the principal
- voting in elections on behalf of the principal
- consenting to adoption of a child by the principal
- consenting to marriage or divorce of the principal
- consenting to the principal entering into a sexual relationship.<sup>293</sup>

In 2017, the ALRC's *Elder Abuse – A National Legal Response* noted these proposals were broadly supported. As seen in the previous section, the ALRC formulated Recommendation 5-1. As well as encouraging enhanced witnessing reforms, the recommendation proposed more robust rules regarding attorneys. Specifically, that there should be safeguards to:

- recognise that principals may assign full, limited, or restricted power
- recognise powers are subject to conditions and circumstances

<sup>292</sup> ALRC, *Elder Abuse: Discussion Paper*, p 105.

<sup>293</sup> ALRC, *Elder Abuse: Discussion Paper*, p 105.



- restrict transactions where there is, or there is perceived to be, a conflict between a principal and the attorney
- restrict who may be an attorney
- articulate in simple language the types of decision outside of an enduring document
- mandate basic record keeping requirements.<sup>294</sup>

The draft model provisions developed at the LCA roundtable proposed to require all attorneys to:

- formally accept their appointment
- sign an undertaking with respect to their role, responsibilities and obligations, which should be clearly stated
- require the attorney's acceptance of appointment and undertaking with respect to their responsibilities and obligations to be signed before a suitable authorised witness. This witness does not need to be the same person who witnessed the signing of the enduring power of attorney by the principal; and
- require the witness to certify that the attorney's responsibilities and obligations were explained to the attorney and the witness formed the view that the attorney understood their obligations under the power of attorney.<sup>295</sup>

In 2023, the Attorney-General's consultation paper proposed a model to reduce the risk of abuse occurring when attorneys do not properly understand their role, or in cases of deliberate abuse, by making it more difficult for exploitative attorneys to claim ignorance of their duties and obligations.<sup>296</sup> The paper provided the following proposal for feedback:

A model provision could comprise the following elements:

- All attorneys must sign and date a statement of acceptance
- The statement of acceptance must be to the fact that they:
  - are eligible to act as an attorney
  - understand, and undertake to act in accordance with, the responsibilities, duties and obligations of an attorney
  - undertake to act in accordance with the provisions of the relevant State or Territory Act relating to EPOAs, and any limitations set out in the terms of the instrument

<sup>294</sup> ALRC *Elder Abuse – A National Legal Response*, pp 12, 172.

<sup>295</sup> LCA roundtable, Attachment: *Model provisions*, attachment, pp 1–2.

<sup>296</sup> Attorney-General's consultation paper, p 13.

- The attorney's acceptance must be signed and dated in the presence of an authorised witness (this does not need to be the same authorised witness who witnessed the principal signing)
- An authorised witness for this purpose has the same meaning as outlined above, in relation to principals.

*Obligations on an authorised witness*

- The authorised witness is required to certify that they:
  - drew the attention of the attorney to the prescribed information about the operation and importance of EPOAs, and
  - the attorney appeared to understand their responsibilities, duties and obligations under the instrument.
- Where the authorised witness is an Australian legal practitioner or a member of a class of witnesses prescribed by jurisdictions for this purpose, the witness is also to certify (in addition to the matters above) that they *explained* the nature and effect of the EPOA to the attorney.
- The prescribed information would be a plain language document addressing attorney duties, including the need for attorneys to consider the specific instructions of the principal, set out in the instrument.

### 5.5.5. The powers of tribunals

Recommendation 5-2 of the ALRC's *Elder Abuse – A National Legal Response* responds to the misuse of powers by an attorney/guardian and proposes a framework by which older persons might seek redress.<sup>297</sup>

**Australian Law Reform Commission, *Elder Abuse: a national legal response*, report 131, 2017, p 12.**

**Recommendation 5–2 State and territory civil and administrative tribunals should have:**

- (a) jurisdiction in relation to any cause of action, or claim for equitable relief, that is available against a substitute decision maker in the Supreme Court for abuse, or misuse of power, or failure to perform their duties; and
- (b) the power to order any remedy available to the Supreme Court.

The ALRC noted that an abused person may be reticent to involve the police, preferring to maintain relationships and avoid prosecution; nonetheless, they may still want money

<sup>297</sup> ALRC, *Elder Abuse – A National Legal Response*, p 178.

or assets returned to them. Commencing a civil action in the Supreme Court may not be feasible either. In such cases, ‘there are limited options for an older person to seek redress, and few consequences for the representative who has misused their power’.<sup>298</sup>

State and territory tribunals typically supervise enduring arrangements, ‘with the power to revoke or amend those arrangements on the application of an interested party’. Recommendation 5-2 proposes to extend that power. If adopted, it would empower tribunals to order an attorney/guardian to pay compensation if they breach their obligations under an enduring document, and this has caused a loss.

Notably, Queensland’s framework already substantially satisfies recommendation 5-2. The ALRC noted that ‘the Queensland Civil and Administrative Tribunal (QCAT) has the power to order compensation where a guardian or administrator causes loss to the person due to failure to comply with the Act’.<sup>299</sup> Chapter 5, Part 6 of the POA Act deals with compensation powers, which may be ordered by ‘The courts or tribunal’. Section 109A of the POA Act provides that QCAT ‘is given the same jurisdiction and powers for enduring documents as the Supreme Court’.<sup>300</sup>

### Stakeholder views and department response

#### Voices of people with lived experience



Sometimes I see the cases. Within three years one parent lost \$400,000 unfortunately because their son misused their enduring power of attorney. He used most of his parents’ savings, they believe. The parents could not get back any money.<sup>301</sup>

Many submitters advocated for EPOA reform. The harmonisation of EPOA legislation across Australian jurisdictions was a prevalent theme.<sup>302</sup>

The Public Advocate’s (Qld) submission noted that misuse of financial EPOAs, either intentionally or unintentionally, can amount to, or lead to, elder abuse. The submission noted the Australian Human Rights Commission’s recommendation that greater education about EPOAs in the general community is needed. The Public Advocate wrote that ‘national education on enduring powers of attorney is hampered by the variation that exists in enduring powers of attorney legislation across states and territories’. The Public Advocate recommended that ‘The Queensland Government should work with other state

<sup>298</sup> ALRC, *Elder Abuse – A National Legal Response*, p 178.

<sup>299</sup> ALRC, *Elder Abuse – A National Legal Response*, pp 178–9.

<sup>300</sup> These ‘powers for enduring documents’ are set out in the POA Act, and include compensation, revoking EPOAs, removing attorneys, and making decisions on the validity of documents. Notably, recommendation 5-2 called for even broader powers. By recommending tribunals have ‘jurisdiction in relation to any cause of action, or claim for equitable relief, that is available against a substitute decision maker in the Supreme Court’, the ALRC is envisaging tribunals should also have powers to order remedies that are not provided by the POA Act.

<sup>301</sup> Public hearing transcript, Labrador, 13 February 2025.

<sup>302</sup> Submissions 31, 38, 42, 65, 73, 76, 91, 92, 95, 98, 102, 109, 113, 119.

and territory governments to harmonise financial enduring powers of attorney legislation'.<sup>303</sup>

Elder Abuse Action Australia's (EAAA) submitted that 'Harmonisation of legislation is a vital initiative to reducing pathways to abuse, particularly financial abuse, but it can also assist attorneys by simplifying their obligations and responsibilities'.<sup>304</sup>

Dementia Australia's submission said the variation between EPOA laws across jurisdictions 'complicates the ability of people to trust that their legal wishes will be honoured, especially when they move or travel interstate'. The submission recommended 'Queensland Government harmonise EPOA legislation with other states and territories to ensure consistency and clarity across Australia'.<sup>305</sup>

National Seniors Australia recommended nationally consistent EPOA laws, and an ongoing public campaign be developed. The submission said:

... despite apparent consensus on the issues and solutions, reforms have been glacial in this area of law. As such, the recommendations in this submission reiterate those NSA made to the Australian Law Reform Commission (ALRC) issues paper on Elder Abuse and Commonwealth Laws in 2016.<sup>306</sup>

The submission went on, 'The problems are known, the recommendations are clear, yet the abuse continues; now is the time for the Commonwealth, the States, and the Territories to come together to reform this area of law'.<sup>307</sup>

The OPG's submission recommended that EPOA laws 'should be harmonised at a national level and supported by accessible and easily understood resources and training to ensure attorneys understand their role and obligations'.<sup>308</sup>

QLS wrote that it:

strongly recommends developing nationally consistent laws governing EPOAs and a national model enduring document. In our view, these reforms should be urgently progressed as a priority for federal, state and territory Attorneys-General.<sup>309</sup>

QLS expressed the view that greater consistency in EPOA laws would 'would increase clarity and awareness for all national stakeholders'. QLS supported the development of a 'model enduring document'. The submission noted that efforts to progress national consistency 'must consider the jurisdictions, such as Queensland, in which a single EPOA document can be used to appoint an attorney for both financial and personal/health

<sup>303</sup> Submission 31.

<sup>304</sup> Submission 65.

<sup>305</sup> Submission 38.

<sup>306</sup> Submission 113.

<sup>307</sup> Submission 113.

<sup>308</sup> Submission 42.

<sup>309</sup> Submission 102.

matters'.<sup>310</sup> QLS wrote that it had 'endorsed the draft model financial enduring power of attorney law published by the Queensland Public Advocate'.<sup>311</sup>

In its response, the DoJ noted that 'on 22 September 2023, SCAG agreed the focus should be on achieving greater consistency in state and territory EPOA laws, and on education and awareness raising'. DoJ noted that consultation had taken place in 2023, and that SCAG is working to develop the draft National Plan. On 15 August 2025, SCAG agreed to progress approval of the draft National Plan as a priority, and 'noted an update on enduring powers of attorney law reform work'. 'This work', DoJ wrote, 'is continuing and given the complexity of legislation across jurisdictions, remains subject to further consideration by SCAG'.<sup>312</sup>

With regard to recognition of EPOAs between states, DoJ said all states and territories have provisions in their guardianship and administration legislation to permit interstate EPOA use. This is limited in that an EPOA being brought into another jurisdiction is only recognised 'to the extent that it could be validly made in that state or territory':

That is, if an EPOA made in Queensland grants an attorney a power that could not be given under an EPOA in New South Wales (NSW), the attorney could not exercise that power in NSW.<sup>313</sup>

Submissions were also broadly supportive of a national register.<sup>314</sup> EAAA wrote that a national register 'would be a significant pathway to safeguarding people who may be vulnerable to financial abuse'.<sup>315</sup> The Seniors Legal and Support Service (SLASS, managed by Hervey Bay Neighbourhood Centre Inc) noted it has encountered cases where individuals continue using an EPOA after it has been revoked. SLASS suggested a register could be useful to keep a record of whether a person actually has an enduring document.<sup>316</sup>

National Seniors Australia told the committee:

We have been extremely disappointed with the lack of progress on reform of these laws, particularly the lack of progress in creating nationally consistent power of attorney legislation and a national register for power of attorney documents. Governments have known about these reforms for many years but progress has been glacial.<sup>317</sup>

Relationships Australia Queensland (RAQ) said:

Overwhelmingly, we support greater consistency and robustness of EPOA reforms ... We support a Commonwealth-regulated and centrally registered

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<sup>310</sup> Submission 102.

<sup>311</sup> Submission 102; see also attachment 5 of submission 31 for the Public Advocate's draft model.

<sup>312</sup> DoJ, correspondence, 13 October 2025, attachment, pp 6–7.

<sup>313</sup> DoJ, correspondence, 13 October 2025, attachment, p 7.

<sup>314</sup> Submissions 9, 15, 42, 45, 46, 51, 57, 60, 61, 65, 73, 79, 91, 92, 93, 98, 102, 105, 109, 113, 116, 118, 119.

<sup>315</sup> Submission 65.

<sup>316</sup> Submission 61.

<sup>317</sup> Public hearing transcript, 11 June 2025, p 10.

standardised financial Enduring Power of Attorney form and system to reduce the opportunity for abuse and mistreatment of older persons.<sup>318</sup>

Despite this support, many submissions stressed that a national register should not occur prior to harmonisation of EPOA laws between Australian states and territories. The Age Discrimination Commissioner (for the Australian Human Rights Commission), Robert Fitzgerald AM, submitted that:

It is clear from the research that national consistency in EPOA laws followed by the establishment of a national register as recommended by the 2017 Australian Law Reform Commission report *Elder Abuse - A National Legal Response*, is urgently needed to reduce complexity and confusion in the Australian community and enable national standardised education to mitigate the risks of financial abuse.<sup>319</sup>

QLS recommended 'nationally consistent EPOA laws, a national model enduring document, a national EPOA register, and education for principals, witnesses, attorneys, solicitors and service providers about the nature, effect and responsibilities of an EPOA'. QLS cautioned that the priority should be achieving consensus on a nationally consistent law and enduring document. The submission cautioned that:

Without harmonising the law relating to EPOAs, introducing a national register may significantly increase the cost and complexity of, and add confusion to, the process of making an EPOA and to the concept of advance care planning more generally.<sup>320</sup>

QLS added that, while potentially beneficial, there are issues that need to be considered prior to developing a register, including:

- reviewing the effectiveness of a national register in reducing elder abuse
- addressing privacy concerns regarding accessing personal information in an EPOA
- determining incapacity of a principal and determining the validity (and valid revocation) of an EPOA.

Based on these issues, the QLS advised that 'detailed evidence-based consultation with experts and stakeholders on the benefits and risks of a national register will be essential'.<sup>321</sup>

During a public hearing the QLS clarified its position, stating:

Having been part of discussions over many years around all these reform issues, when they started to look at a register without harmonisation, it did not make any sense because we did not know what were apples and what were pears because there was so much disparity. There is a need for sufficient

<sup>318</sup> Submission 93.

<sup>319</sup> Submission 91.

<sup>320</sup> Submission 102.

<sup>321</sup> Submission 102.

uniformity to understand what each other is talking about. How it may address elder abuse is through clarification.<sup>322</sup>

National Seniors Australia said getting legislation harmonised is the first step. The organisation told the committee, ‘We support the register as well because we think that will make things easier for those who have to manage EPOAs and for people working in the banks and other institutions’, but that ‘having nationally consistent legislation is probably the first step that you need’.<sup>323</sup> National Seniors Australia noted that recommendations for a national register date back to the House of Representatives Standing Committee on Legal and Constitutional Affairs’ 2007 report *Older people and the law*.<sup>324</sup> National Seniors Australia submitted that ‘While it is likely a national register would need to follow consistent laws, both are worthy aims and given the likely implementation timeframes development should be made on both simultaneously’.<sup>325</sup>

Rather than a national register, several submitters raised the possibility of a Queensland based register. Aged and Disability Advocacy Australia (ADA Australia) suggested the government focus on a centralised register for enduring documents in Queensland, stating that ‘This would help prevent misuse by providing greater transparency and accountability, in line with the ALRC Report’s 131 recommendations’.<sup>326</sup> During a public hearing, ADA Australia told the committee:

In time gone by, because of that interface between Commonwealth and state, there has been a bit of a hesitance—to sit back and wait to see what the Commonwealth is doing. I think there is an opportunity for Queensland, as it does in many areas, to be a leader in the response to elder abuse.<sup>327</sup>

EAAA’s submission, as noted, supported national harmonisation and a national register, but clarified that:

EAAA will not allow the perfect to be the enemy of the good. If the remaining states and territories are unwilling to proceed with this much needed register, this does not prevent Queensland from implementing its own, protecting vulnerable Queenslanders.<sup>328</sup>

In its response, DoJ noted that the ALRC recommended that a national online register of enduring documents should be established *after* nationally consistent laws are introduced. DoJ noted that SCAG had agreed to focus on achieving greater consistency in EPOA laws rather than a register because ‘differences in EPOA laws and practices between jurisdictions are not conducive to establishing an effective register’.

In response to calls for a Queensland register of EPOAs, DoJ noted it is not currently required that EPOAs be registered in the state unless an attorney intends to deal with land

<sup>322</sup> Public briefing transcript, Brisbane, 25 August 2025, p 14.

<sup>323</sup> Public briefing transcript, Brisbane, 11 June 2025, p 10.

<sup>324</sup> See Recommendation 20 in House of Representatives Standing Committee on Legal and Constitutional Affairs, *Older people and the law*, report, 2007, p 99. The report recommended that SCAG develop and implement a national register.

<sup>325</sup> Submission 113.

<sup>326</sup> Submission 109.

<sup>327</sup> Public briefing transcript, Brisbane, 25 August 2025.

<sup>328</sup> Submission 65.



on the principal's behalf. In these cases, the EPOA must be registered with the Queensland Treasury. DoJ wrote that the Queensland Law Reform Commission, in a 2010 report into guardianship laws, did not recommend a mandatory EPOA register, on the basis that 'the burdens of mandatory registration would likely outweigh its benefits'. DoJ wrote that 'The establishment of a register in Queensland is a matter for Government. National cooperation and collaboration would be required for a national register'.<sup>329</sup>

Many submitters raised concerns about the requirements for witnesses when executing an EPOA.

During a public hearing, Debbie Sage, Partner and Accredited Aged Care Professional, Attwood Marshall Lawyers, told the committee that in Queensland a JP or Commissioner for Declarations can execute an EPOA. In NSW the process requires 'legal professional, a licensed conveyancer, a New South Wales registrar of the court or the Public Trustee and guardian'. In her view, this would create more oversight. Mrs Sage told the committee:

I am a solicitor who works in New South Wales and Queensland and I find that I am dealing with more elder abuse cases and issues with powers of attorney in Queensland and very limited in New South Wales.<sup>330</sup>

Mrs Sage highlighted that legal practitioners offer protections. 'When they come to someone like me', she said:

I am going to educatef them. There are conditions and limitations you can put in these documents. I can put in there that they want to stay at home for as long as possible and that they are empowered and allowed to use their resources to keep them at home, but unfortunately with powers of attorney the attorneys are just putting them in homes. They do not want to be there. Some of them have the financial resources for 24-hour private care at home, so why should we be forcing them into nursing homes?<sup>331</sup>

QLS, on the other hand, expressed the view that JPs and commissioners of declarations play a key role in identifying and responding to elder abuse. During a public hearing QLS said JPs 'are a great cohort that are wanting to learn and are wanting to do the right thing in the community. They are a key touchpoint in identification and response to elder abuse'. QLS said that there is a need for training and capacity building for both JPs and legal practitioners. QLS noted that JPs are often in hospitals and have access to older people at particularly vulnerable times; therefore, 'the more skilled they are, the better safeguards will be available'.<sup>332</sup>

QLS recommended it be mandatory that an attorney accept their appointment by signing the EPOA document, and that their acceptance be witnessed when the EPOA is made. QLS also recommended 'the witness be required to certify they explained the nature and effect of the document to the attorney before the attorney accepted their appointment'.<sup>333</sup>

<sup>329</sup> DoJ, correspondence, 13 October 2025, attachment, p 6.

<sup>330</sup> Public hearing transcript, Broadbeach, 13 February 2025, p 3.

<sup>331</sup> Public hearing transcript, Broadbeach, 13 February 2025, p 3.

<sup>332</sup> Public hearing transcript, Brisbane, 25 August 2025, p 13.

<sup>333</sup> Submission 102.

HopgoodGanim Lawyers submitted that when signing EPOAs, a witness must declare they are satisfied the principal appears to have capacity to make an EPOA. The submission noted that ‘significant focus is placed on the question of capacity from the perspective of whether the principal understands the nature and effect of the document’, but that ‘our practical experience, specifically advising clients on disputes around the validity of EPOAs, shows a growing number of cases are focused on whether the document has been signed freely and voluntarily’. Particularly when there is evidence of cognitive decline, but at a stage where the person would not be considered to have lost capacity. HopgoodGanim recommended enhanced witnessing obligations, to increase the onus on EPOA witnesses by requiring:

- the witness declaration be expanded so that it provides that the witness signed the document in the presence of the principal alone and without any other persons present
- the witness certificate be amended to take the form of a statutory declaration requiring the witness to declare on oath their satisfaction of the witnessing requirements
- that any new investigatory body be appropriately authorised to investigate the execution of an EPOA where there is sufficient evidence to do so, and that this body have powers to make referrals to relevant regulatory bodies
- that the Committee consult with the relevant regulatory bodies to identify risks associated with confidentiality of client material should a witness be asked to provide a statement and/or file notes associated with the execution of an EPOA.<sup>334</sup>

The CCLC noted that SLASS trialled an education approach with DoJ’s Justices of the Peace Branch. CCLC wrote that ‘The series was very well attended and was focused upon how to set up an interview to support an older person’s human rights, identification of elder abuse but also witnessing requirements’.<sup>335</sup>

The Public Advocate, during a public hearing noted there is a question as to whether the list of authorised witnesses should be restricted to lawyers. He advised that this ‘is something that I am certainly open to being convinced about, as one of the safeguards we could put in place’.<sup>336</sup>

The Public Trustee told the committee that the office often encounters documents that have not been properly witnessed, which causes ‘disputes and litigation down the track’. The Public Trustee did not have specific data to quantify the incidence of incorrectly witnessed documents but said ‘it is not uncommon for us to see, out of a sample of those documents that have not been witnessed correctly, that they have been witnessed by a

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<sup>334</sup> Submission 86.

<sup>335</sup> Submission 119.

<sup>336</sup> Public hearing transcript, Brisbane, 21 February 2025, p 8.

JP or Commissioner for Declarations'.<sup>337</sup> The Public Trustee spoke of community education relating to witnesses:

For us, those are challenges more generally in terms of awareness about how to witness a document correctly, be it a will or an enduring power of attorney.

I think the community education efforts have been at two levels: one is making people aware about things such as elder abuse and financial abuse and those forms of abuse; and the other area of community education has been about developing and creating advance life planning tools. It is actually that next level of how to do those advance life planning tools properly and in a professional way. For us, that is where we see the opportunity for organisations such as ourselves to contribute to broader efforts about community education and really focus on helping the community and the sector to develop some skill set in those areas.<sup>338</sup>

In its response, DoJ clarified some of the current requirements relating to witnessing EPOAs, including that:

An EPOA must be signed by the principal (or a person / 'eligible signer' for the principal), in the presence of a witness. The witness must certify that the principal:

- signed the EPOA in the witness's presence; and
- at the time, appeared to the witness to have the capacity necessary to make the EPOA.

DoJ confirmed there is no requirement that a witness declare they signed the document in the presence of the principal alone, without any other person present. DoJ noted, however, that a 'witness must be satisfied that the principal appeared at the time to have capacity to make the EPOA', meaning:

- they are capable of making the EPOA 'freely and voluntarily'
- they understand the nature and effect of the EPOA.

With regard the meaning of the term 'freely and voluntarily', DoJ wrote; 'the witness is satisfied that no one is pressuring the principal to make the EPOA, and that the principal has come to their own decision and they are making it of their own free will'.

DoJ referenced s 41(2) of the *Powers of Attorney Act 1998*, which states 'If there is a reasonable likelihood of doubt, it is advisable for the witness to make a written record of the evidence as a result of which the witness considered that the principal understood these matters'.

DoJ wrote that 'Any changes to the witnessing requirements for EPOAs is a matter for Government'.<sup>339</sup>

<sup>337</sup> Public hearing transcript, Brisbane, 2 April 2025, p 3.

<sup>338</sup> Public hearing transcript, Brisbane, 2 April 2025, p 3.

<sup>339</sup> DoJ, correspondence, 13 October 2025, attachment, pp 8–10.

There were also many submissions that raised concerns about the misuse of EPOAs by attorneys.<sup>340</sup> Submissions made recommendations about safeguarding against misuse, defining the obligations of attorneys, ensuring attorneys are eligible for the role, and ensuring attorneys are suitably educated about their responsibilities.

The OPG wrote that:

some people do not clearly understand their obligations as an attorney under an enduring document, especially for financial decisions, and this can lead to risks of mismanagement of funds and difficulties accounting for the principal's money. In turn this can raise suspicions and allegations of financial abuse.<sup>341</sup>

SLASS pointed out that 'Misuse is not always intentional: some Attorneys do not understand or appreciate the responsibilities of an Attorney'. Likewise, 'A Principal may not always appreciate the significant authority they give to their attorney'.<sup>342</sup> To strengthen the EPOA framework, SLASS recommended:

- the language in the form of EPOA is simplified
- the form provides a series of questions to be answered by the principal
- the Attorney be required to complete a declaration as to their appropriateness and competence for the role, including that they have not been a respondent to a domestic violence order
- the explanatory form for the EPOA is simplified in language and content
- training be required to be undertaken by an attorney
- medical reports as to capacity must be made by the principal's treating doctor or GP, not by an allied health professional or friend
- the Public Trustee have a means tested community service obligation to act as the attorney for financial matters of a person with capacity who has no competent friend or family to act as attorney where an EPOA is required.

The OPG noted that lengthy information is provided to attorneys when they accept their appointment, but the instrument may not be activated for many years later, 'Therefore,' the submission continued, 'provision of practical and easily accessible information when the attorney commences acting would be extremely beneficial. However, there is no easy way to do this at present'.<sup>343</sup>

One submitter raised 'concerns regarding the power an EPOA has over a vulnerable older person and the lack of oversight of these powers'. The submitter proposed that 'perhaps the threat of an audit of EPOAs would further incentivise people to actually act in an elder

<sup>340</sup> Submissions 32, 45, 57, 61, 70, 78, 86, 87, 95, 98, 102, 105, 109, 116, 118, 119.

<sup>341</sup> Submission 42.

<sup>342</sup> Submission 61.

<sup>343</sup> Submission 42.

person's best interests. Perhaps some real consequences for misuse of an older person's funds would improve outcomes'.<sup>344</sup>

Ron Joachim, former Deputy President of the former Queensland Guardianship and Administration Tribunal (GAAT), and an inaugural member of the Queensland Civil and Administration Tribunal (QCAT), submitted that he has over 20 years' experience hearing applications for the financial administration relating to older people with impaired decision-making capacity. Mr Joachim noted that, unlike QCAT guardianship appointments, 'Powers of Attorney are not subject to review of the Tribunal unless the Tribunal, on hearing of an application regarding EP[O]As, orders a review of the actions of the appointed attorney(s)'. The submission noted that 'In my experience the occasional financial elder abuse by administrators pales into insignificance compared to the abuse by attorneys exercising an EPA'.<sup>345</sup> Mr Joachim made several recommendations for consideration, including:

- a comprehensive and regular education program be provided to legal practitioners and JPs to reinforce knowledge of provisions in EPOAs
- registration of EPOAs when a person is about to commence acting as attorney
- funding for the Public Trustee to engage in community education about EPOAs, targeted towards attorneys and their responsibilities
- greater 'deterrents for potential abusers who more often than not are not prosecuted', such as a specific criminal offence with its own penalties for financial elder abuse by an administrator or attorney.<sup>346</sup>

Debbie Sage submitted that the EPOA system requires enhanced oversight, since there are often only limited consequences for misuse, and it is often only detected after an older person has passed away. The submission also suggested 'Greater education and community awareness is required, as well as further training for financial institutions, hospitals and aged care workers'.<sup>347</sup>

The submission of the Uniting Church in Australia, Queensland Synod (Uniting Church) referenced data from EAPU statistics:

- In 2023–24, 1,663 cases of financial abuse were reported to the EAPU Helpline.
- The most common methods of perpetrating financial abuse were undue influence, misuse of an enduring power of attorney, and misuse of debit and credit cards.
- In 2023–24, 802 cases of social abuse were reported to the EAPU Helpline. In 85 (10.6%) cases of social abuse, EPOA misuse was recorded as the method used to perpetrate the abuse.<sup>348</sup>

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<sup>344</sup> Submission 45.

<sup>345</sup> Submission 46.

<sup>346</sup> Submission 46.

<sup>347</sup> Submission 70.

<sup>348</sup> Submission 73.

The Uniting Church recommended:

- education and training for attorneys
- harmonisation of national EPOA laws
- a national register of EPOAs
- requiring decision-making representatives and attorneys to support people to make their own decisions wherever possible, and to use a substituted judgement approach when making decisions.<sup>349</sup>

The Uniting Church also noted potential for confusion about EPOAs in First Nations communities, writing that, ‘It was suggested by the research that the greatest need for education for First Nations peoples and communities was on the topics of EPOAs, and advanced health directives’.<sup>350</sup>

One submission suggested that all EPOAs be required to include mandatory disclosure and record-keeping obligations, and a mandatory gift register. Regarding intentional misuse, the submitter wrote:

carers and attorneys who are found to have used deceit, fraud, (in all of their many variants), emotional dependence or misinformation to enrich themselves be held personally accountable, not just by reversing the transactions but through real consequences.<sup>351</sup>

The Archdiocese of Brisbane submitted that:

Oversight of Enduring Powers of Attorney (EPOAs) remains inadequate. While EPOAs are intended to safeguard older individuals by enabling trusted decision-makers to act on their behalf, a lack of mandatory registration, routine auditing, and real-time oversight creates opportunities for serious misuse. Financial abuse perpetrated by attorneys – often family members – is one of the most frequently reported forms of elder abuse.<sup>352</sup>

The organisation wrote, ‘Strengthening accountability through mechanisms such as mandatory registration, transaction monitoring, and periodic review is urgently needed to reduce exploitation and support earlier intervention’.<sup>353</sup>

LawRight highlighted that while attorneys under an EPOA are duty-bound to uphold the best interests of the principal, there have been very few circumstances where this has been reported to the OPG for investigation, ‘and even fewer where the OPG has taken action’.<sup>354</sup>

DoJ’s written response acknowledged many submitters raised concerns about the misuse of EPOAs by attorneys. DoJ provided a summary of who can be an attorney, formal requirements for accepting an appointment, the approved form for an EPOA, duties and

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<sup>349</sup> Submission 73.

<sup>350</sup> Submission 73.

<sup>351</sup> Submission 57.

<sup>352</sup> Submission 116.

<sup>353</sup> Submission 116.

<sup>354</sup> Submission 98.

obligations for attorneys, and current protection and oversight functions. DoJ noted that ‘Any changes to the framework for oversight and safeguarding in relation to EPOAs is a matter for Government’.<sup>355</sup>

### Committee comment



The committee notes stakeholder feedback that greater training and education is required to ensure attorneys are suitably informed about their role, responsibilities, and obligations when appointed enduring power of attorney. We are also cognisant of the fact that, as the Public Advocate of Queensland put it, ‘national education on enduring powers of attorney is hampered by the variation that exists in enduring powers of attorney legislation across states and territories’.



### Recommendation 12

The committee recommends that the Queensland Government develop educational resources about the purpose and responsibilities of an Enduring Power of Attorney.

With regard to QCAT, Legacy Brisbane noted ‘QCAT staff are trained in trauma informed practice and put vulnerable individuals’ wellbeing at the centre of all processes’.<sup>356</sup>

Dementia Australia recommended ‘QCAT employee education should include dementia awareness training to improve their capacity when investigating potential incidents of abuse towards a person living with dementia.’ This education should ‘address the signs of abuse in people with a cognitive impairment, the challenges of reporting information and how to engage with people with dementia, such as using supported decision-making techniques’.<sup>357</sup>

EAAA submitted that current frameworks in the state do not offer sufficient mechanisms to safeguard people who are not covered by guardianship laws or domestic violence laws. EAAA wrote:

Many vulnerable Queenslanders who experience abuse do not meet the criteria for state intervention through the Queensland Civil and Administrative Tribunal (QCAT) or Adult Guardian pathways, which do not have the capacity or mandate to investigate in the manner that may be necessary.<sup>358</sup>

EAAA recommended the introduction of a dedicated adult safeguarding unit as ‘the best approach to bridge this gap’ (see section 7.4 on adult safeguarding).<sup>359</sup>

<sup>355</sup> DoJ, correspondence, 13 October 2025, attachment, pp 11–15.

<sup>356</sup> Submission 60.

<sup>357</sup> Submission 38.

<sup>358</sup> Submission 65.

<sup>359</sup> Submission 65.



Several submissions were heavily critical of QCAT, its powers, and decisions.<sup>360</sup>

The Uniting Church noted challenges faced by First Nations peoples with regard to QCAT. The submission said that:

There was misunderstanding and confusion in First Nations communities around the roles of QCAT, the Public Trustee and the Public Guardian. Information sessions that explain legal concepts, agency functions and available support and reporting functions, delivered by First Nations staff or community-controlled organisations, to community members and staff working with First Nations peoples and communities may be a more effective communication tool than print resources.<sup>361</sup>

Clayton Utz Pro Bono Practice (Clayton Utz) recommended expanded powers for QCAT, to 'be given jurisdiction to resolve disputes arising from family agreements, as an additional avenue for pursuing remedies through the civil legal system'.<sup>362</sup> Clayton Utz wrote that, while litigation should be a last resort, 'we consider that various reforms to the civil legal framework could be implemented to improve older people's experience in the litigation process'. The submission noted that 'the causes of action and remedies available to our clients are often based in both law and equity', and as such, must be pursued through the District Court and the Supreme Court. Clayton Utz wrote that this can be impractical because:

- clients may experience difficulty in producing and/or giving reliable evidence due to challenges with impaired and/or declining cognitive processes
- the process is lengthy.<sup>363</sup>

Clayton Utz wrote:

Accordingly, we recommend that QCAT be given jurisdiction to resolve disputes arising from family agreements, as an additional avenue for pursuing remedies through the civil legal system.

Specifically, we consider that QCAT should be empowered to hear family agreement disputes concerning any legal and/or equitable interests an older person may have in their current or former place of residence and to award appropriate remedies, including non-monetary, monetary and real property. Broadening QCAT's jurisdiction to encompass family agreements may also facilitate parties' access to conciliation, compulsory conferences and mediation.<sup>364</sup>

This recommendation, Clayton Utz submitted, aligns with ALRC's recommendations, and is consistent with the approach adopted by Victoria.<sup>365</sup>

LawRight wrote that QCAT's jurisdictional threshold of \$25,000 means claims for higher amounts would need to proceed to the courts. LawRight stated, 'If QCAT had an extended

<sup>360</sup> Submissions 27, 71.

<sup>361</sup> Submission 73.

<sup>362</sup> Submission 77.

<sup>363</sup> Submission 77.

<sup>364</sup> Submission 77.

<sup>365</sup> Submission 77.

monetary jurisdiction to hear elder abuse financial claims beyond \$25,000, this could potentially assist with elder abuse victims obtain access to justice'.<sup>366</sup>

### Committee comment



The committee notes that there is a lack of structured oversight of enduring powers of attorney (EPOA) in Queensland, and more broadly, a lack of sufficient stewardship. An EPOA might not be activated until many years after it was signed. An attorney may not have a clear understanding of their duties and obligations.

The committee is of the view that there needs to be greater oversight and governance of EPOAs—this could include:

- guiding new attorneys with educational materials, support services, and formal guidance where necessary
- greater oversight and supervision, including audits to ensure adequate record-keeping and financial management
- mandatory registration of EPOAs, so that those with a legitimate purpose, such as those working in the financial, health, and legal sectors, can check the validity and currency of an enduring document.

The committee is mindful that statutory requirements should not overburden attorneys. It is our view, however, that the current system has enabled the financial exploitation of older people, and that stronger safeguards, standards, and oversight are necessary to mitigate this injustice.



### Recommendation 13

The committee recommends that the Queensland Government advocate for further consideration of the development of a national register of enduring powers of attorney.

<sup>366</sup> Submission 98.; note, the \$25,000 threshold would not apply to claims about enduring documents, as per s109A of the POA Act—Queensland Civil and Administrative Tribunal also has jurisdiction and powers about enduring documents.

## 6. Queensland's criminal and civil legal frameworks (TOR 1 b ii)

With the exception of the ACT (refer to section 2.5.1 in this report), Australian state and territory laws have not enacted specific criminal offences for the abuse of older persons. However, a range of types of conduct, which might be described as 'elder abuse', are covered in all jurisdictions under offence provisions relating to personal violence and property offences. These include assault, sexual offences, kidnap and detain offences, and fraud and theft offences. Some jurisdictions have offences for neglect, although these are rarely utilised in respect of older people. There are also comprehensive family violence frameworks in all jurisdictions that provide for quasi-criminal protective responses, which may be relevant for older people experiencing elder abuse in domestic settings.<sup>367</sup>

The current Queensland legislative framework and prescribed services are designed to address abuse, mistreatment, and the protection of older persons across multiple contexts including physical, financial, emotional, and psychological abuse.<sup>368</sup> There is no Queensland legislation that specifically addresses the abuse of older persons, rather, the current laws support prevention, safeguarding, identification and responses to behaviour or circumstances that constitute elder abuse.

### 6.1. Criminal liability

Elder abuse can be captured within various offences in the *Criminal Code 1899* (Criminal Code) including fraud, stealing, extortion, serious assault of a person over 60 years, failure to provide necessities, abuse of person with impairment of the mind, murder, manslaughter, attempted murder, and the new coercive control offence which came into effect on 26 May 2025.<sup>369</sup>

The DoJ advised that whether the new coercive control offence applies in cases of elder abuse will depend on the circumstances of each case. The coercive control offence may apply where all elements of the offence, including the 'domestic relationship' requirement, are satisfied. The DoJ further advised that the commencement of the coercive control offence was accompanied by a community awareness campaign and development of the Coercive Control Communication Framework, which specifically contemplates the messaging needs of older people aged over 65 years and outlines various research and stakeholder insights concerning older audiences.<sup>370</sup>

Special witness provisions in the *Evidence Act 1977* potentially allow a court to declare an older person a 'special witness' because of the person's age, frailty or relationship to the accused. The DoJ advised that 'It is unknown whether courts have ever declared an older person as a special witness under these provisions'.<sup>371</sup>

<sup>367</sup> ALRC, *Offences: Specific offence of 'elder abuse'*, 8 June 2017, <[www.alrc.gov.au/publication/elder-abuse-a-national-legal-response-alrc-report-131/13-criminal-justice-responses/offences-2/](http://www.alrc.gov.au/publication/elder-abuse-a-national-legal-response-alrc-report-131/13-criminal-justice-responses/offences-2/)>.

<sup>368</sup> Submission 118.

<sup>369</sup> QPS, correspondence, 29 January 2025.

<sup>370</sup> DoJ, correspondence, 13 October 2025.

<sup>371</sup> DoJ, correspondence, 29 January 2025.

## Stakeholder views and department response

Many submitters advocated for specific offences to criminalise elder abuse or for elder abuse to be explicitly recognised as an aggravating factor in criminal sentences. As the Office of the Victims' Commissioner and other submitters observed, agencies are often required to navigate multiple pieces of legislation when responding to incidents or disclosures of abuse.<sup>372</sup>

The Office of the Victims' Commissioner was optimistic about the recognition of the abuse of older people, with the introduction of coercive control laws, when the abuse is perpetrated within a domestic relationship.<sup>373</sup>

Submitters including the Domestic Violence Prevention Centre Gold Coast Inc. and Relationships Australia Qld highlighted the need to address unique patterns of coercive control in elder abuse contexts, including behaviours such as falsely convincing older individuals of cognitive decline, withholding medications, making threats of neglect or institutionalisation, isolating older individuals, fostering feelings of being a burden, and dishonest financial management of a person's savings and accounts.<sup>374</sup>

QLS welcomed a review of the adequacy of the current Queensland criminal justice framework in responding to elder abuse. The QLS accounted 'compelling arguments' both for and against introducing a discrete criminal offence for elder abuse in Queensland.

Arguments for a new criminal offence were cited as:

- recognition of the additional vulnerabilities of older people
- a specific pathway for victims to seek justice
- a deterrent and a foundation for increased education and awareness about the significant impacts of elder abuse.<sup>375</sup>

The QLS set out the arguments against a new criminal offence as:

- existing offences appropriately capture the conduct associated with the various circumstances of elder abuse
- successfully drafting a new offence would be extremely difficult
- broadly drafted criminal offences may lack clarity and result in uncertainty within the community, particularly for older people, their family, carers, services providers, the police and the courts.<sup>376</sup>

The QLS noted that reconciling these divergent arguments may be difficult.<sup>377</sup>

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<sup>372</sup> Submissions 31, 90.

<sup>373</sup> Submission 90.

<sup>374</sup> Submissions 64, 84; DFSDSCS, correspondence, 12 September 2025, attachment.

<sup>375</sup> Submission 102.

<sup>376</sup> Submission 102.

<sup>377</sup> Submission 101.

On quantifying the extent of elder abuse in Queensland, the QPS advised that the lack of a standalone elder abuse offence, ‘makes it difficult to distinguish elder abuse from other types of offending behaviour when quantifying the number of reports and prevalence of offending’.<sup>378</sup> At the public briefing Police Commissioner Gollschewski voiced concern over the applicability of a new criminal offence:

I would caution that we are all up for anything that will keep our elderly people safe and hold perpetrators to account, but we have to be able to enforce that.<sup>379</sup>

The DoJ stated that much of what is considered ‘elder abuse’ is already criminal in Queensland. In relation to the possibility of establishing a new and specific offence, the department advised:

Whilst it is notionally possible to establish a new criminal offence targeted at the abuse of older Queenslanders, such an approach would need to be carefully considered, as this could create significant overlap with existing criminal offences and could lead to greater complexity in Queensland’s overall scheme of criminal offences.

To avoid unintended and unjust outcomes, such an offence would need to be developed following identification of the particular legislative gap that needs to be filled, and determination about who is to be protected by the offence, who may be held criminally liable and the particular conduct that is to be criminalised.<sup>380</sup>

#### Committee comment



The committee notes the views of stakeholders who argued for a new offence or a strengthening of current offences to address elder abuse, as well as those who accepted the current criminal justice system sufficiency covers the range of crimes that are considered elder abuse. The committee is of the view that there is sufficient evidence that the current criminal justice system adequately achieves Queensland criminal justice responses to elder abuse.

## 6.2. Aggravating factors and sentencing

Within the Criminal Code, some criminal offences provide higher maximum penalties in certain circumstances which may include elder abuse.

In relation to the Criminal Code’s criminalisation of serious assault (s 340), the unlawful assault of a person would normally attract a maximum penalty of three years imprisonment (under s 335 (Common assault)), however the offence of serious assault of a person over 60 years carries a maximum penalty of seven years imprisonment.<sup>381</sup>

Existing dishonesty offences explicitly recognise circumstances that may constitute elder abuse. Specifically, the offence of stealing provides a higher maximum penalty in

<sup>378</sup> QPS, correspondence, 29 January 2025, p 8.

<sup>379</sup> QPS, public briefing transcript, Brisbane, 19 February 2025, p 1.

<sup>380</sup> DoJ, correspondence, 13 October 2025, p 49.

<sup>381</sup> Submission 90.

circumstances where a thing is stolen by an agent, including in circumstances where there is a power of attorney in place. The offence of fraud carries a higher maximum penalty where the property subject to the offence was subject to a trust, direction or condition that it be applied to a particular purpose.

More generally, the *Penalties and Sentences Act 1992* (PS Act) sets out the sentencing framework in Queensland. While the PS Act does not specifically refer to the advanced age of a victim as a consideration that a court must have regard to, section 9(2)(c) of the Act requires a sentencing court to have regard to the nature of the offence and how serious the offence was, including any physical, mental or emotional harm done to a victim. Further, sections 9(2)(g) and (h) of the PS Act require the court to take into account any aggravating or mitigating factor concerning the offender or any other relevant circumstance, respectively. The DoJ advised that it is not uncommon for a breach of trust, or the advanced age of the victim to be taken into account as a relevant and aggravating factor on sentence.<sup>382</sup>

In 2020, the Queensland Sentencing Advisory Council (QSAC) reviewed penalties for assaults on public officers. QSAC made a recommendation to the Queensland Government that section 340(1)(g) (serious assault – 60 years and over) and section 340(1)(h) (serious assault – person with a disability) be relocated from section 340 to a standalone provision relating to assaults of vulnerable persons, separate to serious assaults of public officers, including first responders.<sup>383</sup>

### Stakeholder views and department response

The Office of the Victims' Commissioner suggested consideration of QSAC's recommendation to separate out serious assault of people 60 years and over and people with disability, to account for the specific vulnerability of these cohorts.<sup>384</sup>

The submission of the Archdiocese of Brisbane called for explicit recognition of elder abuse as an aggravating factor in criminal sentencing. According to the submission, 'Doing so would ensure judicial outcomes better reflect the seriousness of the harm caused, provide stronger deterrence, and affirm the rights of older people to equal protection under the law.'<sup>385</sup>

The DoJ advised that the criminal law already acknowledges the need for penalties to reflect the particular vulnerability of older victims.<sup>386</sup>

<sup>382</sup> See for example *R v Clemments* [2010] QCA 38 and *R v MJD* [2023] QDCSR 114.

<sup>383</sup> Queensland Sentencing Advisory Council, *Penalties for assaults on public officers: Final Report*, August 2020, <[www.sentencingcouncil.qld.gov.au/\\_\\_data/assets/pdf\\_file/0004/657742/final-report-assault-public-officers.pdf](http://www.sentencingcouncil.qld.gov.au/__data/assets/pdf_file/0004/657742/final-report-assault-public-officers.pdf)>.

<sup>384</sup> Submission 90.

<sup>385</sup> Submission 116.

<sup>386</sup> DoJ, public briefing transcript, 19 February 2025, pp 15–17.

**Committee comment**

The committee notes the stakeholders who called for elder abuse to be an aggravating factor in criminal sentencing in recognition of the seriousness of the offence.

The committee is of the view that there are difficulties landing on appropriate terminology and scope to clearly encompass the spectrum of elder abuse offences solely through criminal sentencing.

### 6.3. Domestic and family violence and sexual violence

As reported by the EAPU Statistics, in Queensland in 2023-24, family relationships accounted for 95% of elder abuse cases in close or intimate relationships, with approximately three quarters reporting sons and daughters as the perpetrator.<sup>387</sup>

The *Domestic and Family Violence Protection Act 2012* (DFVP Act) recognises older people as particularly vulnerable to domestic and family violence,<sup>388</sup> and captures elder abuse where a ‘relevant relationship’ exists. Section 13 of the DFVP Act provides that a ‘relevant relationship’ includes:

- an intimate personal relationship
- a family relationship
- an informal care relationship.<sup>389</sup>

Queensland Health advised that because the DFVP Act includes a family relationship as a relevant relationship, elder abuse often falls within the definition of DFV. Similarly, QPS advised that where an older person is the victim of suspected elder abuse and a police officer identifies behaviour which may constitute DFV within the context of a relevant relationship, the officer is to investigate whether DFV has occurred and take appropriate action to immediately protect the older person from further harm in accordance with the DFVP Act.<sup>390</sup>

The DFSDSCS recognises that people across all ages and demographics can experience DFV and sexual violence, but that social and cultural factors can increase a person’s risk of experiencing these crimes. The department advised that women especially are more likely to be victims of all forms of gender-based violence.<sup>391</sup>

### Stakeholder views and department response

Stakeholders acknowledged that in many instances elder abuse is captured by DFV offending behaviours within Queensland’s criminal justice system.<sup>392</sup> The Office of the

<sup>387</sup> Uniting Care, *Elder Abuse Statistics in Queensland, Year in Review 2023-24*, p 18.

<sup>388</sup> DFVP Act, s 4(2)(d); DFSDSCS, public briefing transcript, 19 February 2025, p 2.

<sup>389</sup> QPS, correspondence, 29 January 2025, p 9.

<sup>390</sup> QPS, correspondence, 29 January 2025, p 9.

<sup>391</sup> DFSDSCS, correspondence, 12 September 2025, p 3.

<sup>392</sup> Submissions 79, 93, 102, 109.



Victims' Commissioner noted that the seriousness of offences, outside of serious assault under the Criminal Code and which are committed in a domestic violence setting, can be recognised at sentencing through the *Penalties and Sentences Act 1992*.<sup>393</sup>

For some stakeholders however, this grouping overlooks specific features of elder abuse, such as the perpetrator commonly being someone the older person knows and trusts, such as adult children, their children's partners, grandchildren or friends.<sup>394</sup> Relationships Australia Qld noted that unlike DFV, proportions of male and female perpetrators are more evenly distributed for abuse against older people.<sup>395</sup>

Carers Queensland submitted that older carers are an unseen and often forgotten cohort who are particularly vulnerable to experiencing abuse, particularly from the people they care for.<sup>396</sup>

Townsville Community Law and the Archdiocese of Brisbane noted that senior people's access to protection orders under the DFVP Act can be impacted by barriers to accessing law enforcement, legal and justice related processes, and they are underrepresented as aggrieved on applications under the Act.<sup>397</sup> Townsville Community Law also noted the 'stark absence' of informal care applications under the DFVP Act, which accounted for only 62 (0.3%) of 17,757 applications in 2024-2025 YTD (to 28 Feb 25). Carers Queensland observed that; 'While data is collected on domestic and family violence, it is not disaggregated to identify cases where the victim is also the caregiver to the person causing harm.'<sup>398</sup> Similarly, TCL submitted that under the current statutory criteria, abuse at the hands of adult informal carers, 'cannot be estimated with any real precision'.<sup>399</sup>

TCL also described the language of 'elderly people', under s 4 of the DFVP Act, as 'antiquated' and may 'reinforce negative social constructions'.<sup>400</sup>

Submitters reported that older people often do not recognise that the behaviour they are experiencing is in fact DFV.<sup>401</sup> According to the Gold Coast Centre Against Sexual Violence, many believe DFV and sexual violence 'are for younger people'.<sup>402</sup> Additionally, it was reported that older people feel unable to seek help due to financial dependence, housing insecurity, or a lack of trusted support.<sup>403</sup> According to the Archdiocese of Brisbane, despite being legally eligible, many older people do not seek Domestic Violence Protection Orders (DVPOs) against family members due to emotional ties, stigma, or misconceptions. The submission called for DVPOs to be actively promoted 'as suitable

<sup>393</sup> Submission 90.

<sup>394</sup> Submissions 35, 66, 84, 86, 87, 95.

<sup>395</sup> Submission 93.

<sup>396</sup> Submission 58.

<sup>397</sup> Submissions 115, 116; Queensland Treasury, Queensland Government Statistician's Office, *Insights into the abuse of older Queenslanders*, 2023, <[www.qgso.qld.gov.au/issues/12786/insights-abuse-older-qlders.pdf](http://www.qgso.qld.gov.au/issues/12786/insights-abuse-older-qlders.pdf)>.

<sup>398</sup> Submission 58.

<sup>399</sup> Submission 115.

<sup>400</sup> Submission 115.

<sup>401</sup> Submissions 83, 95.

<sup>402</sup> Submission 83.

<sup>403</sup> Submission 48.

tools for protecting older victims, with increased awareness among both professionals and the public.<sup>404</sup>

The CCLC observed that the Queensland Government's funding for DFV significantly surpasses its investment in elder abuse prevention and response. The submission recommended the Queensland Government should significantly increase funding for elder abuse prevention and response, with priority given to expanding the current specialist multi-disciplinary legal social support elder abuse service model across Queensland.<sup>405</sup>

The CCLC also recommended that elder abuse should be explicitly incorporated into the DFV Common Risk and Safety Framework, mandatory public sector DFV training, and professional sector standards for health, policing, legal, housing, community and Queensland Health-operated aged care services.<sup>406</sup>

QLS recommended additional support and protections be provided for older people attempting to escape domestic and family violence. The QLS submission stated: 'QLS committee members are aware that emergency accommodation is often not available in proximity to where it is required. This results in victim-survivors being sent to refuges far away from their usual home, support network, and service providers (e.g., medical and allied health), which can be very distressing for an older person'.<sup>407</sup>

The QPS recognises the importance of the police response to DFV, as officers are often the first contact a DFV victim survivor has with the justice system. The QPS advised that the service 'promotes a victim-centric, trauma informed response, where victim survivor needs are prioritised to reduce ongoing trauma and officers understand and are responsive to the impact of trauma'.<sup>408</sup>

Soroptimist International Brisbane Inc noted that sexual violence against older people, especially women in particular, was highly underreported.<sup>409</sup> The Queensland Sexual Assault Network submitted that 'age as a protector against sexual violence' was a myth. Older people are at risk from family members, and in social networks. Sexual violence against older people in many cases is complicated by the person depending on the abuser for care, housing, income and other support. They may be living with dementia, where issues of consent are difficult to obtain, and there are complexities as interactions with other family members and guardians are required.<sup>410</sup> Underreporting is compounded by community disgust and disbelief of the behaviour, as the The Queensland Sexual Assault Network submitted: "*who would do that: no one would do that?*".<sup>411</sup>

DFSDSCS acknowledged that while some elder abuse falls within a DFV context, this does not apply to all forms of elder abuse; and stated that; 'Applying a DFV response to

<sup>404</sup> Submission 116.

<sup>405</sup> Submission 119.

<sup>406</sup> Submission 119.

<sup>407</sup> Submission 102.

<sup>408</sup> QPS, correspondence, 29 Jan 2025, p 5.

<sup>409</sup> Submission 49.

<sup>410</sup> Submission 50.

<sup>411</sup> Submission 50.

all forms of elder abuse may not address the unique characteristics and dynamics of elder abuse and the support required.<sup>412</sup> The department further advised:

DFSDSCS is developing a Domestic and Family Violence Reform Strategy (the Strategy) to guide further DFV reform in Queensland. The Strategy will guide policy and practice to deliver more effective, informed and integrated responses to people affected by DFV, including older people and people with disability.<sup>413</sup>

#### 6.4. Neglect

Neglect is both one form of identified elder abuse and a specific criminal offence. Neglect includes the failure of a responsible person to provide the necessities of life such as adequate food, shelter, clothing, hygiene, medical or dental care.<sup>414</sup>

Australian jurisdictions have prescribed 'neglect' offences that may apply to older people. These are generally framed as failure to 'provide necessities or necessities of life', including adequate food, clothing, shelter and medical care. Existing offences have a number of elements that must be established, including the existence of a legal duty of care, and a threshold requirement for the likelihood of 'serious harm'.<sup>415</sup>

In Queensland, neglect offences are set out in the Criminal Code at ss 285 and 324. An offence of 'neglect' is not contained within any of the definitions within Division 2 of the DFVPA.

As well, the Queensland Public Guardian has some statutory functions relevant to safeguarding and investigation of abuse, neglect and exploitation, however these are limited to adults with impaired capacity.

In cases of extreme abuse requiring emergency treatment, interim orders may be made by QCAT if the court is satisfied on reasonable grounds that:

- the adult has, or may have, impaired capacity for a matter; and
- there is an immediate risk of harm to the health, welfare or property of the adult, including because of the risk of abuse, exploitation or neglect of, or self-neglect by, the adult.<sup>416</sup>

The new Aged Care Act is expected to continue the framework for aged care settings such that instances of neglect are managed expediently and appropriately. A key component of the Act remains the SIRS, which requires providers to report all incidents of abuse and neglect to the Aged Care Quality and Safety Commission.<sup>417</sup> See section 2.3.1 for more details on the response to elder abuse in aged care settings.

<sup>412</sup> DFSDSCS, correspondence, 12 September 2025, p 11.

<sup>413</sup> DFSDSCS, correspondence, 12 September 2025, p 11.

<sup>414</sup> Submissions 34, 49, 51.

<sup>415</sup> ALRC, *Elder Abuse – A National Legal Response*, p 367.

<sup>416</sup> DoJ, correspondence, 13 October 2025, p 32.

<sup>417</sup> Aged Care Quality and Safeguards Commission, *Serious incidents*, <[www.agedcarequality.gov.au/older-australians/safety-care/serious-incidents](http://www.agedcarequality.gov.au/older-australians/safety-care/serious-incidents)>.

The Australian Bureau of Statistics reported in 2022 that 12.6% of the population in Queensland were carers.<sup>418</sup> The Public Advocate submitted that caring for or supporting a person with disability, a health condition, mental health issues, or who is elderly can be challenging, and can affect many aspects of a person's life including their employment, education, finances, social networks and health and wellbeing.<sup>419</sup>

## Stakeholder views and department response

### Voices of people with lived experience



The husband was a selfish, uncaring man and resented his wife now she had dementia. She collapsed and in hospital it was discovered that she was malnourished. He would eat half her Meals on Wheel lunch. It was reported and a service provider assisted with social support but he was reported by neighbours that he yelled at his wife. He was not capable of being a carer. He would not spend money on her but did on himself. Carers Qld reported to their son who was going to take steps of care for his mother.<sup>420</sup>

Submitters to the inquiry recounted instances of neglect in many settings and for a variety of reasons, both intentional and unintentional.<sup>421</sup> Attwood Marshall Lawyers observed that neglect is also starting to emerge as a critical issue reported in their practice, with caregivers failing to provide essential needs, resulting in severe consequences such as malnutrition and further cognitive impairment.<sup>422</sup>

Self-neglect was also reported by stakeholders, in cases where people do not wish to receive assistance in their daily care or refuse additional support.<sup>423</sup>

Townsville Community Law (TCL) noted that the changes to Queensland's laws to recognise coercive control have potential application to the circumstances of violence, abuse and neglect of older people. This includes protective applications and criminal offences. However, the TCL cautioned that the limitations of relevant relationships may also impact on the utility of these laws for older people.<sup>424</sup>

National Seniors Australia submitted that in Queensland the duty of a person to provide the necessities of life has primarily been used against parents of children. The submission noted that there have been no convictions of a person for failing to provide necessities of life to an older person.<sup>425</sup>

<sup>418</sup> 4.9% identified as primary carer, Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia, 2022*, Table 34 All persons, living in households, carer status, by geographic location, age and sex at birth: population.

<sup>419</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, p 66.

<sup>420</sup> Submission 104.

<sup>421</sup> Submissions 49, 51, 98, 116, 118.

<sup>422</sup> Submission 70.

<sup>423</sup> Submission 64.

<sup>424</sup> Submission 115.

<sup>425</sup> Submission 113.

Some submitters argued that criminal prosecution was not the most appropriate response in certain circumstances. The ALRC's *Elder Abuse – A National Legal Response* observed that many people voluntarily assume carer roles, and most make an invaluable contribution to those they care for, and to society more broadly. In some cases, however, the person in need of care may have their needs neglected. This may be because the carer may not have the 'necessary skills, capacity or knowledge to address the needs of the person being cared for, or the resources to access education, support and training in support of their caring role'. It would be preferable to support carers in these circumstances. Criminal prosecution for neglect should be limited to the most grievous instances.<sup>426</sup>

Carers Queensland advised the committee that:

Caring is a role rarely chosen by most, nor does it discriminate. Children and young people, people of working age and older people, people with disability, people who identify as culturally and linguistically diverse, First Nations Australians, people with diverse bodies, genders, relationships, and sexualities and those living in rural and remote Queensland provide care to family members or friends daily. For some caring is a short-term commitment while for others, it is a role that literally lasts a lifetime.<sup>427</sup>

Ms Joanne Trentin, General Manager, Elder Abuse Prevention Unit, Uniting Care advised the committee that there is very limited support available for carers who are caring for their elderly parents or relatives. She stated:

We find that the less support carers have the greater the risk of elder abuse. People become frustrated. They become lonely and isolated as well and will then lash out at their parent or elderly relative. We have worked strongly, in the men's space, in domestic and family violence to develop perpetrator programs. We would really like to see something similar in the elder space to support carers—not monitored in that sort of way but supported through various channels.<sup>428</sup>

Queensland Health commented at the public briefing that, at times, a perpetrator of elder abuse is often simply the carer who just is not capable of caring, and while that comes across as neglect, 'nobody is really responsible'. Families can often see that this is going on but find it very difficult to intervene because the victim does not want the circumstances changed and intervening usually means separating them. Dr Catherine Yelland, Senior Medical Officer, Metro North Hospital and Health Service, Queensland Health, stated:

We need to be careful that we have enough expertise in the area to deal with those complex situations where you have to negotiate an outcome. While we might see the legalities of it, the answer is usually not a legal one.<sup>429</sup>

In response to submitters' views on the adequacy of the current criminal offences available for elder abuse such as neglect, the DoJ advised:

<sup>426</sup> ALRC, *Elder Abuse – A National Legal Response*, p 366.

<sup>427</sup> Submission 58.

<sup>428</sup> Public hearings transcript, 28 February 2025, p 9.

<sup>429</sup> Public briefing transcript, Brisbane, 22 February 2025, p 23.

DoJ notes that any underutilisation of the criminal justice system in response to allegations of elder abuse cannot necessarily be attributed to inadequate offence provisions. In the absence of further information and evidence, it is not possible to identify the cause of any underutilisation, noting there may be many reasons for this.<sup>430</sup>

### Committee comment



The committee acknowledges the invaluable contribution and work of carers in the Queensland community. Neglect is a heinous crime, especially against vulnerable, older people. However, the committee agrees with the views of stakeholders that the response to neglect should include wrap-around support of the older person and their carer.

## 6.5. Mandatory reporting

Under Queensland's justice system, any third party who is aware of, or suspects abuse, will be criminalised by virtue of omission, that is, failure to report the relevant information to police or relevant agency, but this only applies in some circumstances. Queensland's criminal law only specifically includes offences that criminalise adults who fail to report, reduce or remove the risk of, a child sexual offence.<sup>431</sup> There is no mandatory reporting of elder abuse.

*Elder Abuse – A National Legal Response* noted that all Australian jurisdictions have adopted a human rights approach to elder abuse, as opposed to 'a protective and mandatory reporting approach'. The ALRC stated that 'the need to respect people's autonomy is, for some, the key reason underpinning their objection to mandatory reporting'. The ALRC further stated:

Older people must not be treated like children, and the ALRC considers that professionals should not be required to report all types of elder abuse. Elder abuse is a broad category, and older people should generally be free to decide whether to report abuse they have suffered to the police or a safeguarding agency or to not report the abuse at all.<sup>432</sup>

There are mandatory reporting provisions under the *Aged Care Act 1997*, administered by the Serious Incident Response Scheme (SIRS). Providers of aged care are subject to mandatory reporting, including criminal incidents. Police may receive calls to attend residential care facilities for priority 1 reportable incidents including assaults and sexual assaults.<sup>433</sup> Under the new *Aged Care Act 2024* the SIRS continues, administered by the Aged Care Quality and Safety Commission.

<sup>430</sup> DoJ, correspondence, 13 October 2025, pp 48–49.

<sup>431</sup> DoJ, correspondence, 13 October 2025, p 51.

<sup>432</sup> ALRC, *Elder Abuse – A National Legal Response*, pp 308 and 415.

<sup>433</sup> Public briefing transcript, Brisbane, 19 February 2025, p 11.



## Stakeholder views and department response

While the QLS supported the stance of the ALRC,<sup>434</sup> some stakeholders voiced concern over the current scope of mandatory reporting of elder abuse and that pathways for reporting and escalating concerns were often unclear.<sup>435</sup> The ACN, QNMU, Archdiocese of Brisbane and the OHO called for legislated mandatory reporting similar to mandatory reporting of child abuse or an extension of the mandatory system under the Aged Care Act.<sup>436</sup>

The submissions of National Seniors, the Office of the Victims' Commissioner and Hall & Wilcox suggested a limited extension to mandatory reporting, for certain situations.<sup>437</sup> The Office of the Victims' Commissioner noted that, while federal mandatory reporting provisions apply in aged care settings, there are environments and circumstances where mandatory reporting frameworks 'may improve responses to victim-survivors and ensure their rights are upheld'.<sup>438</sup>

National Seniors observed non-compliance with mandatory reporting requirements can occur when staff do not receive adequate or regular education and training. The submission called for staff within aged care services to be adequately trained to be able to identify and fulfil mandatory reporting requirements.<sup>439</sup>

The DoJ advised that any future reform in relation to mandatory reporting of elder abuse, while a matter for Government, must be carefully considered to preserve the autonomy of older people, and to avoid unintended consequences including their disempowerment.<sup>440</sup>

### Committee comment



The committee notes the views of stakeholders who called for legislated mandatory reporting of elder abuse, similar to mandatory reporting of child abuse, or an extension of the mandatory system under the new *Aged Care Act 2024* and the feedback received that raised concerns around disenfranchising the autonomy of older people.

## 6.6. Reportable deaths

The *Coroners Act 2003* (Coroners Act) provides a framework for reporting and investigating particular deaths of vulnerable people. While the death of an older person (whether or not they were living in a residential aged care facility) is not automatically

<sup>434</sup> Submission 102.

<sup>435</sup> Public Advocate, Adult Safeguarding report, p 20.

<sup>436</sup> Submissions 34, 49, 63, 116.

<sup>437</sup> Submissions 90, 111, 113.

<sup>438</sup> Submission 113.

<sup>439</sup> Submission 113.

<sup>440</sup> DoJ, correspondence, 13 October 2025, p 52.



reportable under the Coroners Act, there may be circumstances where the death is a reportable death.<sup>441</sup>

To be a reportable death, the death must meet one or more of the following criteria:

- the person's identity is not known
- the death is violent or unnatural or occurred in suspicious circumstances
- the death is health care related
- the probable cause of death is not known and a cause of death certificate cannot be issued
- the death occurred in care; or
- the death occurred in custody or in the course of a police operation.<sup>442</sup>

The State Coroner's Guidelines note that the death of an aged care resident *per se* is not reportable as a death in care (disability). The deaths of aged care residents become reportable for other reasons, most commonly, because they have died from fall-related trauma or its complications.

Deaths of residents in supported accommodation services and residential services operated by DFSDSCS and Department of Health/Queensland Health are reportable. The deaths of NDIS participants who are not living in a private dwelling or a residential aged care facility are also reportable, if they are entitled to or are receiving high level supports funded under their NDIS plan, and these supports are being provided by a registered NDIS provider.<sup>443</sup>

The Domestic and Family Violence Death Review and Advisory Board (DFVDRAB) is responsible for the systemic review of domestic and family violence deaths in Queensland. Under the Coroners Act, DFVDRAB can:

- analyse data and apply research to identify patterns, trends and risk factors relating to domestic and family violence deaths in Queensland
- conduct research to prevent these types of deaths
- write reports to identify key lessons and elements of good practice in preventing domestic and family violence deaths in Queensland
- make recommendations to the Minister about improving legislation, policies, practices, services, training, resources and communication to prevent or reduce the likelihood of domestic and family violence deaths in Queensland.<sup>444</sup>

<sup>441</sup> DoJ, correspondence, 13 October 2025, p 41.

<sup>442</sup> DoJ, correspondence, 13 October 2025, p 41.

<sup>443</sup> Coroners Court of Queensland, *State Coroner's Guidelines 2013* Chapter 3, Version 4, amended December 2022, <[www.coronerscourt.qld.gov.au/\\_\\_data/assets/pdf\\_file/0010/794593/2013-guidelines-chapter-03-deaths-under-the-voluntary-assisted-dying-act-2021-published-19-12-22.pdf](http://www.coronerscourt.qld.gov.au/__data/assets/pdf_file/0010/794593/2013-guidelines-chapter-03-deaths-under-the-voluntary-assisted-dying-act-2021-published-19-12-22.pdf)>.

<sup>444</sup> Coroners Court of Queensland, Domestic and Family Violence Death Review, <[www.coronerscourt.qld.gov.au/dfvdrab](http://www.coronerscourt.qld.gov.au/dfvdrab)>.

The DFVDRAB reports on demographic characteristics of domestic and family violence homicide offenders by type of homicide in Queensland in its annual report. In 2024-2025 there were no homicide offenders over 60 years of age, while there were six homicide victims aged over 60 years.<sup>445</sup>

The Public Guardian will not investigate a matter where the adult has passed away and will cease the investigation upon the death of the individual, except in circumstances where there is an overriding public interest to commence or continue the investigation (e.g. risk to another living adult with impaired capacity, or where the investigation may obtain information to establish whether a referral should be made to the QPS or the Office of the State Coroner).<sup>446</sup>

### Stakeholder views and department response

The CCLC and TCL submitted that the current coronial and death review mechanisms are inadequate for detecting and addressing instances of institutional elder abuse in part due to narrow definitions of reportable deaths.<sup>447</sup> The submission recommended, given the prevalence of abuse in aged care, that deaths occurring in residential aged care services should be explicitly categorized as reportable under the Coroners Act. This would ensure that such deaths are systematically investigated, thereby uncovering potential cases of abuse or neglect.<sup>448</sup> The CCLC stated:

Elder-abuse related deaths need to be registered as a shocking phenomenon, in the same way that intimate partner DFV-related deaths are, by the community and by government, with commensurate steps taken to prevent this from occurring.<sup>449</sup>

The TCL and the Archdiocese of Brisbane submitted that consideration be given to expanding the DFVDRAB responsibilities to ensure that older people's deaths are captured.<sup>450</sup> TCL noted an important trigger for a Family Violence Death Review exists for an 'informal care relationship'. The definition of informal care relationship excludes parent/child and commercial care arrangements; however, a death review can be triggered in a home-based informal care setting. The submission recommended the government consider whether an expanded or additional criterion can be used to trigger a death review.<sup>451</sup>

The CCLC was more specific in its recommendation, that the DFVDRAB be tasked with reviewing and reporting elder abuse-related deaths.

The DoJ advised in response that it is currently undertaking a review of the Coroners Act, including the scope of reportable deaths. The department further advised that, depending

<sup>445</sup> Domestic and Family Violence Death Review and Advisory Board, *Annual Report 2024-25*, <[www.coronerscourt.qld.gov.au/dfvdrab/annual-reports-and-government-responses](http://www.coronerscourt.qld.gov.au/dfvdrab/annual-reports-and-government-responses)>. p 68.

<sup>446</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, p 69.

<sup>447</sup> Submissions 119, 115.

<sup>448</sup> Submission 119.

<sup>449</sup> Submission 119.

<sup>450</sup> Submissions 115, 116.

<sup>451</sup> Submission 115.

on the circumstances, an older person's death may fall within the jurisdiction of the DFVDRAB. However, any reform to the current reportable deaths framework was 'a matter for Government'.<sup>452</sup>

### 6.7. Restrictive practices

Part 6 of the *Disability Services Act 2006* (DS Act) aims to protect the rights of adults with an intellectual or cognitive disability. It does this by, among other things, regulating the use of restrictive practices by relevant service providers. Section 142 of the DS Act outlines the principles for providing disability services/NDIS supports or services, including that the use of restrictive practices should only be employed when necessary, in the least restrictive way, and not punitively. Section 143 outlines the conditions that must be met to authorise the use of restrictive practices, including that there be a positive behaviour support plan in place.

Additionally, QCAT can make certain orders relating to restrictive practices.<sup>453</sup>

Restrictive practices by providers under the NDIS who implement regulated restrictive practices, have additional requirements including mandatory reporting to the NDIS Quality and Safeguards Commission.<sup>454</sup>

### Stakeholder views and department response

Several submitters, including the Public Advocate and QLS, expressed concern about the widespread use of restrictive practices on older people within residential and aged care settings, noting that such practices limit personal freedoms and require appropriate oversight, scrutiny, and review mechanisms.<sup>455</sup>

In response, the DoJ noted Queensland does not currently have a specific legislative framework for the authorisation of restrictive practices in residential aged care; and that under the new *Aged Care Act 2024* (Cth), all states and territories are effectively expected to have a restrictive practices substitute decision-maker authorised under state law to consent to restrictive practices in residential aged care by 1 December 2026.<sup>456</sup> The department stated 'it is a matter for Government to consider whether to develop a specific regulatory framework for the authorisation of restrictive practices in residential aged care'.<sup>457</sup>

The DFSDSCS stated 'The aged care sector and safety within aged care facilities is a matter for the Commonwealth Government'.<sup>458</sup>

<sup>452</sup> DoJ, correspondence, 13 October 2025, pp 42-43.

<sup>453</sup> QCAT, *Restrictive practices*, <[www.qcat.qld.gov.au/case-types/decision-making-for-adults-with-impaired-capacity/restrictive-practices](http://www.qcat.qld.gov.au/case-types/decision-making-for-adults-with-impaired-capacity/restrictive-practices)>.

<sup>454</sup> NDIS Quality and Safeguards Commission, Behaviour support and restrictive practices, July 2020, <[www.ndiscommission.gov.au/sites/default/files/2024-10/fact-sheet-behaviour-support-under-ndis-commission-july-2020.pdf](http://www.ndiscommission.gov.au/sites/default/files/2024-10/fact-sheet-behaviour-support-under-ndis-commission-july-2020.pdf)>.

<sup>455</sup> Submissions 31, 80, 102, 115.

<sup>456</sup> DoJ, correspondence, 13 October 2025, p 67.

<sup>457</sup> DoJ, correspondence, 13 October 2025, p 68.

<sup>458</sup> DFSDSCS, correspondence, 12 September 2025, p 22.

## 6.8. Anti-discrimination legislation

Provisions of the *Anti-Discrimination Act 1991* in relation to elder abuse currently include:

... prohibition of discrimination on the basis of age in particular ‘areas’, for example, work, education, the provision of goods or services, accommodation, club memberships and affairs, superannuation or insurance, and the administration of State laws and programs.<sup>459</sup>

In addition, the Act permits a person to complain to the Queensland Human Rights Commission if they believe they have been discriminated against, and have the complaint resolved through conciliation, where possible; or permits unresolved complaints to proceed to a tribunal for determination.<sup>460</sup>

## 6.9. Human rights protections (TOR 1 b v)

In accordance with the United Nations’ Convention on the Rights of Persons with Disabilities, all adults have the right to make legally recognised decisions about their lives, such as healthcare choices, support services they may need, where they live and how they manage their finances. These decisions must be respected when made by an adult with capacity and reflect the important human right of equality before the law and the principles of dignity, autonomy and self-determination.<sup>461</sup>

Government strategies and action plans to address elder abuse incorporate human rights considerations. The draft National Plan includes a key principle of ‘taking a human rights approach’, while Queensland’s Seniors Strategy refers under its ‘principles for action’ to embedding a human rights perspective, compatible with the HRA.<sup>462</sup> The *National Dementia Action Plan 2024-2034* includes actions to promote equity and human rights.<sup>463</sup>

### 6.9.1. Protections under Queensland’s Human Rights Act 2019

The *Human Rights Act 2019* (HRA) promotes and provides protections for human rights in Queensland, requiring public entities to act and make decisions compatibly with human rights, the courts and tribunals to interpret legislation (to the extent possible consistent with their purpose) in a way that is compatible with human rights, and Parliament to consider the compatibility of Bills with human rights. The HRA affirms that human rights apply to all people including people with disabilities, older people and people with impaired capacity.<sup>464</sup> The Queensland Human Rights Commission observed that conduct encompassed by the term elder abuse could potentially limit a broad range of human rights.<sup>465</sup>

<sup>459</sup> *Anti-Discrimination Act 1991*, s7(f), Part 4, ss 25, 32, 106A.

<sup>460</sup> *Anti-Discrimination Act 1991*, ss 134, 158, 164A.

<sup>461</sup> United Nations Convention on the Rights of Persons with Disabilities, 13 December 2006, Article 3 (General principles), Article 12 (Equal recognition before the law), <[www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities](http://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities)>.

<sup>462</sup> Submission 80.

<sup>463</sup> Department of Health, correspondence, 28 January 2025.

<sup>464</sup> DoJ, correspondence, 29 January 2025, p 8.

<sup>465</sup> Submission 80; HRA, ss 15, 17, 19, 21, 25, 26, 27–28, 29, 30, 37.

A person cannot elect to have a human rights complaint determined by a court or tribunal, nor can they proceed to a tribunal if their complaint is unresolved. However, a person can ‘piggy-back’ their human rights complaint onto an existing court or tribunal proceeding.<sup>466</sup>

The HRA places an obligation on courts and tribunals including QCAT:

- to interpret statutory provisions to the extent possible that is consistent with their purpose, in a way compatible with human rights
- when making decisions in QCAT’s guardianship jurisdiction (i.e. acting in an administrative capacity) to make decisions in a way that is compatible with human rights and to give proper consideration to human rights.<sup>467</sup>

Public entities under the HRA include ‘core’ public entities and ‘functional’ public entities, which are entities performing functions of a public nature for the state. The HRA also provides for entities to be prescribed by regulation to be a public entity.<sup>468</sup>

### Stakeholder views and department response

#### Voices of people with lived experience



I think the biggest thing is that we need to take a human rights approach. No matter what age you are, you have a right to make silly choices. When those choices are going to provide harm to yourself or to someone else if you are not removed from that violence, I think that is when we have a responsibility to step in.<sup>469</sup>

There was widespread support for the adoption of a human rights-based response to address elder abuse.<sup>470</sup>

Soroptimist International Brisbane Inc and TASC identified gaps in current elder abuse responses to an older person’s human rights protections, especially the human rights of older women and their right to autonomy and dignity.<sup>471</sup>

The QHRC noted that, depending on how they are funded, residential aged care facilities in Queensland may be core or functional public entities. However, most aged care facilities are Commonwealth funded private institutions that are not public entities under the HRA, and not legally required to consider older people’s rights under the HRA when making decisions about them and their care.<sup>472</sup> The QHRC recommended the HRA be amended to specify that Commonwealth funded residential aged care facilities are considered public entities under section 9(h) of the HRA, ‘to ensure all residential aged care providers in

<sup>466</sup> Submission 80; HRA, s 59(4).

<sup>467</sup> HRA, ss 4, 5.

<sup>468</sup> HRA, s 9.

<sup>469</sup> Public hearing transcript, Broadbeach, 13 February 2025, p 11.

<sup>470</sup> Submissions 48, 64, 79, 80, 85, 118.

<sup>471</sup> Submissions 48, 84.

<sup>472</sup> Submission 80.

Queensland are required to act and make decisions compatibly with older Queenslanders' human rights'.<sup>473</sup>

Queensland Nurses and Midwives' Union (QNMU) also called for the expansion of the definition of public entity to include private organisations which are provided public funds to deliver health services, such as private hospitals and residential aged care facilities.<sup>474</sup>

The DoJ noted the protected human rights cited by submitters including rights of equality and non-discrimination (section 15 of the HR Act), the right to life (section 16 of the HR Act), and freedom of movement (section 19 of the HR Act).<sup>475</sup>

In response to calls to expand or amend the definition of public entities under the HRA, the DoJ stated:

The HR Act provides relevant factors to consider when determining whether a function is of a public nature (section 10 of the HR Act) which includes whether the entity is publicly funded to perform the function. However, funding is only one factor to consider, and is not necessarily determinative as to whether an organisation is a 'public entity' for the purposes of the HR Act.<sup>476</sup>

The DFSDSCS advised that the state's age-friendly measures 'support a human rights approach by being inclusive and accessible, and by affirming that every older person is entitled to equal and effective protection against discrimination'.<sup>477</sup>

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<sup>473</sup> Submission 80.

<sup>474</sup> Submission 63.

<sup>475</sup> DoJ, 13 October 2025, p 63.

<sup>476</sup> DoJ, 13 October 2025, p 65.

<sup>477</sup> DFSDSCS, correspondence, 12 September 2025, p 9.

## 7. Opportunities to improve responses to elder abuse in Queensland

### 7.1. Cohesive responses to elder abuse [TOR 1 c]

A key theme that emerged from stakeholders to the inquiry was that there were opportunities for greater cohesiveness in response to elder abuse by first-responders, government, industry, and the community.

In *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps* (Adult Safeguarding: Volume 1), the Public Advocate noted, for example, that difficulties in responding to financial elder abuse are ‘compounded by often inconsistent responses to this type of abuse across cases’. The report said ‘It was reported that the interface between systems to allow for wraparound services for clients is either non-operational or non-existent’.<sup>478</sup> The Public Advocate wrote:

In situations where at-risk adults are experiencing a crisis, emergency responses are not always appropriate to meet their needs and can, in some circumstances, serve to escalate rather than de-escalate situations. There is a lack of alternative services for people to contact for assistance in non-emergency situations.<sup>479</sup>

The Public Advocate reported hearing that service providers have ‘limited communication and collaboration across services’. He wrote:

They reported that service providers can take a very narrow view of their responsibilities, which can create challenges when problems arise, and it is not clear which service provider should take responsibility for particular issues. Roundtable participants also described situations where each service provider assumed that the other would address the situation, and, due to a lack of clear communication, the problem was not resolved and the person receiving care suffered as a result.<sup>480</sup>

Informed by public consultation and roundtables, the Public Advocate raised the following concerns:

- information sharing and privacy laws, which can be interpreted differently by agencies, can limit critical information sharing
- NDIS service provision can be impacted by thin markets, workforce shortages, and limited oversight of unregistered providers
- tenancy and other support services provided under the NDIS can lead to conflicts of interest for providers
- there are challenges navigating complex systems and system interfaces. Government agencies tend to operate as ‘silos’ with limited cross agency communication or initiatives. They may also use different terminology and language, making navigation time consuming and difficult

<sup>478</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, pp 8 and 50.

<sup>479</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, p 8.

<sup>480</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, p 45.



- service providers can also tend to operate in 'silos', resulting in limited communication and collaboration across services
- transitioning to the community from settings such as hospitals and prisons can be disrupted by poor interfacing between systems, timely supports, and suitable housing
- informal safeguards (building skills, developing and maintaining personal relationships, forging connections in the community, supporting informal carers, ensuring inclusive communities), are critical to empowering at-risk adults
- issues may remain unaddressed because of insufficient investigatory powers. There may also be an unwillingness to investigate abuse
- it is not always clear which agency should investigate potential elder abuse
- services and advocates tend to be involved after a problem has already occurred.<sup>481</sup>

These points echo issues identified in the Royal Commission into Aged Care Quality and Safety, and the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability.

The Royal Commission into Aged Care Quality and Safety described the 'fragmentation and passing of responsibilities between the aged care and health care systems'.<sup>482</sup> The report said:

There is a lack of clarity about the respective roles and responsibilities of aged care and health care providers among staff at aged care services, people receiving aged care and their families and carers, and health care providers.<sup>483</sup>

Although not specific to elder abuse, the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability highlighted that the systems supporting vulnerable people are often complex and difficult to navigate. For example:

Complaint handling, regulatory and investigative bodies each have their own responsibilities and powers, making their processes difficult for people with disability or their supporters to navigate. Frustrating and exhausting complaint processes and inadequate access to advocacy support are further disincentives to pursuing complaints.<sup>484</sup>

<sup>481</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, pp 8, 9, 23, 50.

<sup>482</sup> Royal Commission into Aged Care Quality and Safety, *Final report: care dignity and respect, volume 1, summary and recommendations* (Final report vol. 1), 2001, p 119.

<sup>483</sup> Royal Commission into Aged Care Quality and Safety, (Final report vol. 1).

<sup>484</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission), *Executive Summary, Our vision for an inclusive Australia and Recommendations* (Executive summary), September 2023, p 173.

### 7.1.1. Draft National plan: roles within communities

Notably, the draft National Plan 2024–2034, highlights that ‘Ending the abuse and mistreatment of older people is everybody’s business’,<sup>485</sup> emphasising a need for greater cohesiveness, clearer communication, and deeper understanding between the groups and institutions within community. The draft is predicated on 6 principles:

**Principle 1:** Taking a human rights approach

**Principle 2:** Combatting ageism

**Principle 3:** Listening to and learning from the experiences of older people and diverse communities

**Principle 4:** A strong focus on prevention and early intervention

**Principle 5:** Supporting individual decision-making, autonomy and dignity

**Principle 6:** A person-centred and trauma-informed response.<sup>486</sup>

The Australian Government proposes 4 focus areas to deliver its 10-year draft National Plan.

**Focus 1:** Increase whole-of-community awareness, education and engagement

**Focus 2:** Enhance legal frameworks and adult safeguarding responses

**Focus 3:** Strengthen the capacity and capability of services, including through targeted education and training for professionals

**Focus 4:** Address gaps in the evidence base and increase collaboration.<sup>487</sup>

The different roles and responsibilities of governments, communities, and the public and private sectors—as described in the draft National Plan—are outlined below.

### The role of the Australian Government

The Australian Government leads the way in combatting ageism and ending the abuse and mistreatment of older people. The strategy proposes ‘a whole-of-government approach that engages policy areas including health and aged care, law and justice, social services, housing and homelessness, and disability and carers’. In the draft National Plan 2024–2034, the Australian Government is responsible for:

- upholding the rights of older people and combatting ageism, and encouraging community engagement in preventing and responding to the abuse and mistreatment of older people
- Commonwealth anti-discrimination policy and legislation
- funding and regulating aged care services, including quality assurance measures

<sup>485</sup> Draft National Plan 2024–2034, p 32.

<sup>486</sup> Draft National Plan 2024–2034, pp 34, 37, 38, 40, 42, 44.

<sup>487</sup> Draft National Plan 2024–2034, pp 46, 49, 54, 57.

- regulation of sectors including a range of registered health professionals, banking and financial service providers
- national disability policy and programs, including the National Disability Insurance Scheme (NDIS)
- contributing to funding legal assistance
- hospital and other health funding, including primary care and general practitioners
- sharing responsibilities for housing and homelessness policy initiatives, alongside state, territory and local governments
- social security frameworks, such as for the age pension and certain crisis payments
- national taxation and superannuation policy
- partnering with Aboriginal and Torres Strait Islander community-controlled primary healthcare organisations
- international obligations and engagement.<sup>488</sup>

### **The role of the State and Territory Governments**

Jurisdictions administer their own laws institutions, and frameworks to respond to ageism and the abuse and mistreatment of older people. This includes:

- criminal law, including offences against the person (assault and serious assault), sexual offences, property offences such as fraud and theft, and criminal negligence or neglect
- civil law including protection order regimes and laws relevant to enduring powers of attorney
- guardianship and administration systems, including public trustee and public guardians
- domestic and family violence protection frameworks, including frontline service provision
- anti-discrimination laws and frameworks
- civil and administrative tribunals, state and local courts
- policing and adult safeguarding responses, including providing clear pathways for reporting and responding to abuse and mistreatment
- ambulance services and hospitals
- specialist support services, such as older people's legal or advocacy services, community health services and crisis accommodation

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<sup>488</sup> Draft National Plan 2024–2034, p 32.

- awareness raising, education and community engagement, including to promote age friendly communities and to dismantle ageism
- regulation of key sectors, such as the legal profession
- implementing the National Code of Conduct for Health Care Workers.<sup>489</sup>

### **The role of local governments**

This level of government is ‘responsible for community roles that can positively impact older people’. Local governments can promote more age-inclusive communities, upholding the rights of older people and addressing social isolation. They ‘provide important services and touch points for preventing and addressing the abuse and mistreatment of older people’. This includes:

- local planning and zoning
- libraries and recreational facilities
- funding for community-led cultural events
- spaces for community activities and events
- local public information resources
- skill development opportunities for local workers, volunteers and community members
- providing services and information within remote and regional communities.<sup>490</sup>

### **The role of non-for-profit sector: community services and community leaders**

The draft National Plan emphasises these organisations are strongly positioned to ‘identify abuse and mistreatment risks and indicators, and to raise awareness of available supports’. They ‘play in important role in combatting ageism and upholding older peoples’ rights’. This can occur in settings such as:

- housing and homelessness services
- community health services
- family and domestic violence services
- aged care and disability services
- settlement and multicultural services
- culturally safe support for First Nations peoples and culturally and linguistically diverse (CALD) groups
- LGBTQIA+ inclusive services.<sup>491</sup>

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<sup>489</sup> Draft National Plan 2024–2034, p 32.

<sup>490</sup> Draft National Plan 2024–2034, p 33.

<sup>491</sup> Draft National Plan 2024–2034, p 33.

## The role of the private sector

Private businesses often interact with older people, meaning they can play an important role in identifying and preventing abuse and mistreatment. This includes:

- the banking and financial services sector
- the legal sector
- media and news outlets
- retail and personal care services, such as hairdressers
- pharmacists and other medical professionals
- for profit aged care and disability service providers
- social workers and other support professionals.<sup>492</sup>

## The role of the Australian community

The community can play an important role in providing safe and inclusive environments. In the draft National Plan, including to:

- understand the abuse and mistreatment of older people, and the strategies that can help to prevent and end it
- know how to appropriately respond if an older person is experiencing, or at risk of, abuse and mistreatment
- uphold the rights of older people
- dismantle ageist attitudes and behaviours.<sup>493</sup>

### 7.1.2. Current Queensland Government funded initiatives

As part of this inquiry, the committee sought information from various Queensland Government departments to determine what government funded services and interventions are currently available to combat and respond to elder abuse. This included information about the services being provided, training programs, community awareness initiatives, and collaborations.

In relation to fostering a cohesive response to elder abuse in the community, the DFSDSCS advised of the following initiatives:

- the Queensland Government's community awareness initiative 'Some things never grow old (Respect, dignity and feeling safe never grow old)', coinciding with World Elder Abuse Awareness Day on 15 June.
- the seniors peak body the Council on the Ageing Queensland (COTA) that
  - provides information on seniors programs and services

<sup>492</sup> Draft National Plan 2024–2034, p 33.

<sup>493</sup> Draft National Plan 2024–2034, p 33.

- works with other non-government organisations to improve the quality of services for older people
- provides advice to government on seniors' issues and elder abuse.
- intersecting initiatives funded by DFSDSCS 'that enhance protective factors against harm, while not being specifically targeted toward the abuse of older persons'. These include:
  - domestic and family violence supports, such as counselling (including children's counselling services), court based support, perpetrator intervention programs, local service system support, Aboriginal and Torres Strait Islander targeted services, shelters including mobile and centre-based supports, telephone supports, case management and community supports
  - sexual violence services, including counselling, women's health and wellbeing services, and community and system supports to strengthen sector capability, and prevention and awareness
  - specialist homelessness services across Queensland
  - the Queensland Disability Advocacy Program, which funds organisations that deliver advocacy services to Queenslanders with disability, as well as their family members and carers.<sup>494</sup>

Several other departments advised of initiatives that either directly or indirectly support organisations to identify and respond to elder abuse. Queensland Health's noted its DFV Specialist Health Workforce Program, introduced in 2020, designed to build the capability of the frontline health workforce to respond to DFV through the delivery of training by Specialist DFV clinicians located in each Hospital and Health Service (HHS).<sup>495</sup>

Queensland Health advised its social work services are integral to HHS responses to elder abuse. Social workers 'can provide psychosocial assessments and social interventions where elder abuse is suspected or identified, including by providing referrals to specialist services and safety planning support where appropriate.'<sup>496</sup>

Queensland Health noted some HHSs 'provide staff with access to education and training to support responses to suspected, witnessed, or disclosed abuse of older people'. All HHSs mandate the *Recognise, Respond, Refer* training, while some offer:

additional internal and external training options on topics including identifying, responding to, and preventing the abuse of an older person, barriers to older people seeking support for elder abuse, and the drivers of elder abuse such as ageism.<sup>497</sup>

<sup>494</sup> DFSDSCS, correspondence, 13 February 2025, pp 2–3.

<sup>495</sup> Queensland Health, correspondence, 28 January 2025.

<sup>496</sup> Queensland Health, correspondence, 28 January 2025.

<sup>497</sup> Queensland Health, correspondence, 28 January 2025.

QPS advised of training materials for first responders, including:

- internal elder abuse training, ranging from online learning products (OLP) to specialist training courses, available at all levels of employment
- the *Elder Abuse 5MILE* training video, a non-compulsory training material since 2015
- Vulnerable Persons OLP, a mandatory training course for all new police recruits, includes a component relating to elder abuse
- *Unpacking Coercive Control* training, launched 31 January 2022
- a three-day training course, *DFV: The Holistic Approach*, which provides face-to-face training for all QPS members up to and including the rank of superintendent, launched September 2022
- a five day face-to-face *Domestic and Family Violence and Vulnerable Persons Specialist Course*, focussed on ‘victim-centric, trauma-informed responses that are sensitive to the cultural and specific needs of vulnerable persons’
- a *DFV Specialist Leadership Course* that commences in 2023.<sup>498</sup>

### Stakeholder views and department advice

#### Voices of people with lived experience



When we get older, we are getting to a point where, unfortunately, the media portrays us through a lens of ageism, of being of no use, of being of no utility. We have use and we have purpose if we respect at all times the inherent worth of each individual person. When we move across our regions and look at all the different organisations we have, you have people who are committed to their communities. They have structures and plans in place.<sup>499</sup>

Stakeholders broadly agreed that while there are effective programs operating in Queensland, there is a lack of cohesiveness between government agencies, services, and the community.

The submission from the Archdiocese of Brisbane said that:

Elder abuse is a multifaceted issue requiring multi-agency collaboration. Yet Queensland’s response remains fragmented. Health, legal, housing, aged care, and social services frequently operate in silos, leaving victims to navigate a complex and disconnected system.<sup>500</sup>

The submission went on to say there is a lack of clear referral pathways and that ‘Many frontline workers report uncertainty about where to escalate concerns, resulting in

<sup>498</sup> QPS, correspondence, 29 January 2025, pp 11–12.

<sup>499</sup> Public hearing transcript, Townsville, 13 May 2025, p 17.

<sup>500</sup> Submission 116.



inconsistent responses, delays, or no intervention at all'. The Archdiocese of Brisbane wrote that 'healthcare workers, police, and social workers have not received specific education' to identify elder abuse, and that 'Without this training, subtle signs of abuse, such as withdrawn behaviour, inconsistent financial decisions, or sudden changes in care needs, may be missed entirely'.<sup>501</sup>

ADA Australia advised the committee that elder abuse prevention requires clearer accountability and collaborative approaches. This means fostering collaboration between government agencies, community organisations, and legal services to 'to streamline reporting pathways and legal responses to elder abuse cases'. ADA noted that local initiatives like the Gold Coast Elder Abuse Panel are crucial, but that they 'rely on long established relationships and are often constrained by limited funding and capacity'.<sup>502</sup>

QCROSS submitted that the 'Queensland Government must improve coordination between government agencies such as police and health and legal services to ensure there is a holistic approach to elder abuse that includes legal, medical, and social support services'. QCROSS further noted that community organisations are essential in providing frontline services to victims, and that:

Strengthening partnerships between government agencies and community organisations will enhance service delivery by providing older people with access to vital resources such as shelter, counselling, legal advocacy, and financial support.<sup>503</sup>

QPS advised of several partnerships that help raise awareness of elder abuse, including:

- regular scheduled meetings between the QPS Disability and Elder Abuse Team (DEAT) and the Office of the Public Advocate, to facilitate 'collaboration and advice, and a regular forum to discuss emerging trends and issues in the sector'
- Elder Abuse Prevention Networks in Moreton, Mackay, the Gold Coast and Central Queensland, facilitated by Relationships Australia—these include representatives from support services and practitioners including Queensland Health, the OPG, Public Trustee, DFSDSCS, COTA and SLASS
- a collaboration between DEAT, Dementia Australia, and the Gold Coast City Council to establish the first ever certified Dementia Friendly Police Station in Australia at Runaway Bay Police Station.<sup>504</sup>

## **7.2. Community awareness, education and engagement initiatives**

Stakeholders' submissions to the inquiry were consistent in their call for improved community awareness, education, and engagement initiatives.<sup>505</sup> It became clear that with suitable training and awareness, there are myriad opportunities for communities to better

<sup>501</sup> Submission 116.

<sup>502</sup> Submission 109.

<sup>503</sup> Submission 74.

<sup>504</sup> QPS, correspondence, 29 January 2025, p 16.

<sup>505</sup> Submissions 6, 34, 49, 50, 58, 61, 62, 70, 74, 75, 76, 79, 82, 83, 84, 85, 86, 87, 89, 90, 92, 93, 95, 99, 102, 103, 105, 109, 113, 115, 116, 118, 119.

identify and respond to elder abuse. This encompasses not only the current support services, helplines, and community groups that directly address elder abuse, but extends to the wider community, including banks, businesses, corporate entities, and non-government organisations.

### 7.2.1. World Elder Abuse Awareness Day

In 2006 the International Network for the Prevention of Elder Abuse (INPEA) designated 15 June as World Elder Abuse Awareness Day (WEAAD). WEAAD was recognised as a United Nations Day by the General Assembly in 2011.<sup>506</sup>

There is a dedicated webpage that has links to events, information about past years and resources to help generate ideas for events. It also links to the 2025 WEAAD *Beyond Age* campaign. The website says:

The campaign will focus on challenging ageist attitudes and promoting respect for older people. By shifting societal attitudes and emphasising the value of age, we can work towards a safer and more inclusive society for older people and combat ageism as one of the significant drivers of elder abuse.<sup>507</sup>

### Stakeholder views and department advice

#### Voices of people with lived experience



Elder abuse is not a private family matter. It is not a silent crisis to be brushed aside. It is a public health issue and it is a human rights issue. The way we address it reflects the values of our entire society.<sup>508</sup>

The need for greater training, education, and public awareness was broadly supported by submitters.<sup>509</sup>

RAQ wrote that it ‘wholeheartedly supports a whole of community public approach to raising awareness, and improved education and engagement initiatives in a commitment to prevent and respond to abuse and mistreatment of older people’.<sup>510</sup>

COTA’s submission noted that service providers and community organisations had provided ideas for preventative measures, ‘education and awareness raising initiatives for younger generations (as part of earliest intervention possible in school aged children to combat negative behaviours or attitudes in adult years)’.<sup>511</sup>

<sup>506</sup> United Nations, *World elder abuse awareness day: background*, <[www.un.org/en/observances/elder-abuse-awareness-day/background](http://www.un.org/en/observances/elder-abuse-awareness-day/background)>.

<sup>507</sup> Seniors Rights Victoria & COTA Victoria, *WEAAD 2025: Beyond Age*, 2025, <<https://elderabuseawarenessday.org.au/weaad-2025-beyond-age/>>.

<sup>508</sup> Public hearing transcript, Townsville, 13 May 2025, p 7.

<sup>509</sup> Submissions 6, 34, 49, 50, 58, 61, 62, 70, 74, 75, 76, 79, 82, 83, 84, 85, 86, 87, 89, 90, 92, 93, 95, 99, 102, 103, 105, 109, 113, 115, 116, 118, 119.

<sup>510</sup> Submission 93.

<sup>511</sup> Submission 118.

The Uniting Church advocated for ‘Increased education and awareness-raising delivered to staff in key community touchpoints’, such as churches, RSL clubs, GP surgeries, hospitals, retailers, housing and accommodation services, and neighbourhood centres. The Uniting Church also recommended ‘Education and awareness-raising information sessions, co-designed, and provided in [a] range of First Nations languages’ to be distributed to community stakeholders and community-controlled organisations’. For those with a CALD background, the Uniting Church advocated for education and awareness-raising for multicultural organisations and community groups.<sup>512</sup>

Dementia Queensland recommended ‘dementia-specific training for frontline staff’ as a key step towards ‘reducing elder abuse and ensuring that individuals with dementia [are] receiving appropriate care and protection’.<sup>513</sup>

Queensland Health advised of its *Meaningful Connections* campaign to highlight the importance of social connections to maintain good health. This campaign included information on ‘how big life changes specific to older people such as retirement, or moving into residential aged care, can lead to an increase in chronic health problems, social isolation and loneliness’. The department reported that as of 19 October 2024 the campaign reached 53,200 people, had 875 engagements, 197 interactions, 151 reactions, 27 comments, and 19 shares.<sup>514</sup>

QPS spoke of the ‘state elder abuse coordinator role’, which is ‘our conduit, from a strategic point of view, into the community’. The coordinator is responsible to ‘form relationships and maintain those relationships across Queensland to ensure we are liaising with the correct people’.<sup>515</sup>

Regarding education and awareness, QPS advised it is a member of the World Elder Abuse Awareness Day Committee, alongside DFSDSCS, Brisbane City Council, the CCLC and ADA Law. The committee was established in 2023, and ‘is a key forum for elder abuse response and prevention stakeholders to collaborate and coordinate efforts including, but not limited to, WEAAD events’.<sup>516</sup> Beyond this, QPS regularly attends and presents at community events, raising awareness, educating about reporting processes, and sharing information, and promoting personal and community safety. This includes:

- Seniors Expos across Queensland
- Queensland Seniors’ Forums
- Statewide Public Health Networks
- Aged and Community Care Providers Association Queensland Conference.

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<sup>512</sup> Submission 73.

<sup>513</sup> Submission 38.

<sup>514</sup> Queensland Health, correspondence, 11 March 2025, p 3.

<sup>515</sup> Public briefing transcript, 19 February 2025, p 12.

<sup>516</sup> QPS, correspondence, 29 January 2025, p 17.

QPS has developed 2 brochures aimed at increasing awareness of the signs of elder abuse, reporting mechanisms, and guidance on preventing elder abuse:

- *Elder Abuse: Keeping Older People Safe*
- *QPS Seniors Safety Information Sheet*.<sup>517</sup>

On education and awareness raising, the DFSDSCS advised that it funds a range of services to combat elder abuse and increase awareness and prevention of the issue; including the EAPU helpline service, SLASS legal and social support, the SFPS financial information services, the Seniors Enquiry Line and the Seniors Social Isolation prevention programs.<sup>518</sup>

### 7.3. Corporate, business and community initiatives

In a joint issues paper, *Elder Abuse: How well does the law in Queensland cope?* (2010 Joint Issues Paper) QLS and the Public Advocate wrote non-government staff, such as bank officers and lawyers, ‘are well placed to recognise and report possible abuse’. The issues paper highlighted that it is not mandatory to report suspicions of financial abuse in Australia, and that:

In the absence of compulsory reporting and supervision of attorneys, personal representatives and guardians, the banking system is open to the financial exploitation of older persons.<sup>519</sup>

The 2010 Joint Issues Paper acknowledged there is considerable debate as to the utility of mandatory reporting, and that further consultation would be required to determine its likely efficacy. It did highlight, however, that there is a lack of uniformity in responses, protocols, and institutional investment to detect abuse (refer to section 6.5 on mandatory reporting).<sup>520</sup>

In the 2022 report *Adult Safeguarding: Volume 1*, the Public Advocate reported that roundtable participants said ‘advocates were involved too late in the process after a problem had occurred’ and that ‘Earlier engagement with advocates was considered important for improving outcomes for at-risk adults and helping to prevent further escalation of issues’.<sup>521</sup>

#### 7.3.1. Superannuation funds and banks

Given the prevalence of financial elder abuse, a financial sector that is alert to these risks is well positioned to identify, report, and prevent older people from being exploited. On the

<sup>517</sup> QPS, correspondence, 29 January 2025, p 17; these documents can be found at <[www.police.qld.gov.au/sites/default/files/2019-08/QPS%20Elder%20Abuse%20brochure.pdf](http://www.police.qld.gov.au/sites/default/files/2019-08/QPS%20Elder%20Abuse%20brochure.pdf)> and <[www.police.qld.gov.au/sites/default/files/2024-05/Seniors-Safety-2024.pdf](http://www.police.qld.gov.au/sites/default/files/2024-05/Seniors-Safety-2024.pdf)>.

<sup>518</sup> DFSDSCS, correspondence, 12 September 2025, p 13.

<sup>519</sup> Public Advocate and QLS, *Elder Abuse: How well does the law in Queensland cope?* joint issues paper, 2010, p 14, <[www.justice.qld.gov.au/\\_\\_data/assets/pdf\\_file/0007/54691/elder-abuse\\_issues-paper.pdf](http://www.justice.qld.gov.au/__data/assets/pdf_file/0007/54691/elder-abuse_issues-paper.pdf)>.

<sup>520</sup> Public Advocate and QLS, *Elder Abuse: How well does the law in Queensland cope?*, p 14.

<sup>521</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, p 50.

other hand, a poorly skilled sector may foster conditions that are conducive to financial abuse.

The ALRC's *Elder Abuse – A National Legal Response* highlighted that a significant proportion of the wealth of older Australians is held in superannuation. Financial elder abuse may 'include the use of deception, threats or violence to coerce the person to contribute, withdraw or transfer superannuation funds for the benefit of the abuser'. This would raise even greater risks if the abuser had an enduring power of attorney (see section 5.4 on enduring documents).<sup>522</sup>

Some organisations have considered how the banking sector might better protect older people from financial abuse.

In *Adult Safeguarding: Volume 1*, the Public Advocate noted that bank staff may be in a position to identify signs of potential financial elder abuse, yet each bank has its own policy, and responses can vary greatly between institutions. Roundtable participants suggested 'improved consistency in financial institution policies relating to the detection and reporting of suspected financial abuse could provide improved safeguards for at-risk adults'.<sup>523</sup>

On 2 April 2024, the Australian Parliamentary Joint Committee on Corporations and Financial Services commenced an inquiry into financial services regulatory framework in relation to financial abuse. It tabled its report *Financial abuse: an insidious form of domestic violence*, in December 2024. Among the reports 61 recommendations were the following:

No.	Recommendation
14	That the Australian Government implement measures to achieve greater consistency in state and territory EPOA laws applying best practice to prevent financial abuse; and to promote education and awareness programs aimed at reducing elder abuse occurring through misuse of EPOAs.
22	That financial institutions, government and relevant stakeholders all increase financial literacy education and in-person support to assist older Australians to use electronic banking services and reduce the risk of financial elder abuse.
37	That accounting bodies, financial advice and planning peak bodies, and victim-survivor advocate organisations co-design education resources for service providers to enable increased identification of financial abuse and timely reporting of suspected abuse to financial institutions and law enforcement bodies.

<sup>522</sup> ALRC, *Elder Abuse – A National Legal Response*, p 231.

<sup>523</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 1: Identifying the gaps*, p 27.

No.	Recommendation
44	That financial institutions ensure that, in addition to general training about family and domestic violence, all employees have training in financial abuse that is appropriate to their level and role.
45	<p>That financial institutions, government and relevant stakeholders all provide appropriate support to culturally and linguistically diverse consumers through:</p> <ul style="list-style-type: none"> <li>• culturally appropriate financial literacy programs and plain language product descriptions or ways of talking about financial abuse to promote financial awareness and help-seeking; and</li> <li>• where a language barrier is identified, the provision of interpreters and employees trained in providing interpreting services in the family violence context.</li> </ul>
46	That the Australian Government support Aboriginal Community Controlled Organisations to develop training and education programs for financial providers to increase understanding of financial and economic abuse of Aboriginal and Torres Strait Islander Australians.
60	That all relevant government agencies provide training to frontline staff on the identification of domestic and family violence, including financial abuse, and require mandatory reporting of suspected financial abuse.
61	That all relevant government entities providing frontline services establish dedicated teams with specialised training in domestic and family violence, including financial abuse. <sup>524</sup>

Justice Connect, a submitter to the Australian Parliament's inquiry into financial services regulatory framework, welcomed the recommendations in the report, but suggested going further with regard to financial literacy education. Justice Connect wrote:

Given the number of clients we have seen in our health justice partnerships that could have greatly benefited from some support in learning how to use online banking, we strongly support education programs being rolled out in an appropriate and engaging way.<sup>525</sup>

<sup>524</sup> Parliament of Australia, *Financial abuse: an insidious form of domestic violence*, December 2024, see list of recommendations at [www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Corporations\\_and\\_Financial\\_Services/FinancialAbuse/Report/List\\_of\\_recommendations](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/FinancialAbuse/Report/List_of_recommendations).

<sup>525</sup> Justice Connect, *How the banking system can better protect older people from financial abuse*, 28 April 2025 [justiceconnect.org.au/fairmatters/how-the-banking-system-can-better-protect-older-people-from-financial-abuse/](http://justiceconnect.org.au/fairmatters/how-the-banking-system-can-better-protect-older-people-from-financial-abuse/); a link to Justice Connect's submission can be found on the webpage.

The organisation recommended:

- regular, compulsory training and updated resources on financial elder abuse for bank employees
- more consistent, industry-wide adherence to strict checks and requirements for financial products that could put an older person's principal place of residence at risk (such as reverse mortgages & guarantor loans)
- further research into best-practice safeguarding options.<sup>526</sup>

The Australian Banking Association's (ABA) has acknowledged the risks of elder financial abuse in banking. Its website notes that:

6 in 10 Australians are worried that someone they know will be the victim of this insidious abuse. Research shows 87% of Australians want governments to do more to stop it.

And that:

Increased house prices and reasonable superannuation balances can mean that some older people are in a good financial position, which can lead to family members feeling a sense of entitlement (also known as 'inheritance impatience').

The website notes that exact financial elder abuse figures are difficult to come by, but that 'By 2055 Australia's population is expected to grow to 40 million, 25% of whom will be over 65'.<sup>527</sup>

To combat this, the ABA published *Safe & Savvy: a guide to help people avoid scams, fraud and elder financial abuse*. The publication provides an overview of scams and fraud, introduces the concept of elder financial abuse, outlines warning signs, and offers advice.<sup>528</sup>

As noted in section 5.5.1, the AHRC's Empowering Futures report considered the financial abuse of older people in the context of enduring documents. The report made 3 recommendations, with 2 advocating for greater awareness and education in the community.

<sup>526</sup> Justice Connect, *How the banking system can better protect older people from financial abuse*, 28 April 2025.

<sup>527</sup> Australian Banking Association (ABA), *Financial elder abuse is a serious and far-reaching problem*, no date <[www.ausbanking.org.au/priorities/financial-elder-abuse/](http://www.ausbanking.org.au/priorities/financial-elder-abuse/)>.

<sup>528</sup> ABA, *Safe & Savvy: a guide to help people avoid scams, fraud and elder financial abuse*, publication, version dated 2023, p ii, <[www.ausbanking.org.au/wp-content/uploads/2021/06/Safe-and-Savvy-Guide-2024-June.pdf](http://www.ausbanking.org.au/wp-content/uploads/2021/06/Safe-and-Savvy-Guide-2024-June.pdf)>.



No.	Recommendation
1	The Commission recommends that the Australian Government, in consultation with State and Territory Governments, develop and deliver a national community awareness strategy, which incorporates ongoing awareness campaigns and campaign materials that are routinely revised and updated, to raise awareness among all adult Australians about FEPOAs and the value of having one in place. <sup>529</sup>
2	The Commission recommends that the Australian Government, in consultation with State and Territory Governments, and other relevant bodies including the Australian Guardianship and Administration Council (AGAC), develop and deliver FEPOA education and information materials at the national level. <sup>530</sup>

The report further recommended updating and adapting AGAC's *You decide who decides* document into the suite of national education materials.<sup>531</sup>

Of the need for greater educational materials relating to financial EPOAs, the AHRC wrote:

The involvement of elder abuse and relevant sector peak bodies, such as the Law Council of Australia and the Australian Banking Association, in developing education as well as ongoing monitoring and evaluation involving feedback from end-users, will be important in ensuring the FEPOA information and education is effective and appropriately targeted.<sup>532</sup>

### **7.3.2. Binding death benefit nominations and Self-managed superannuation funds**

*Elder Abuse – A National Legal Response* noted that greater concern had been raised regarding financial abuse through banks compared to superannuation funds—possibly because superannuation funds are considered to have substantial controls to deter abuse. The ALRC pointed out, nonetheless, that there are two specific areas of concern. These are:

- Binding death benefit nominations (BDBNs): The ALRC stated ‘these documents should be seen to be “will-like” in nature, and, from a policy perspective, treated similarly to wills’. This pose several risks. Firstly, a person may pressure an older person to alter a death benefit nomination in their favour. Secondly, somebody may attempt to alter the death benefit nomination themselves, ‘under the supposed authority of a power of attorney’. The ALRC wrote that ‘There is much uncertainty

<sup>529</sup> Australian Human Rights Commission, *Empowering Futures* report, p 57.

<sup>530</sup> Australian Human Rights Commission, *Empowering Futures* report, p 58.

<sup>531</sup> AGAC, *You decide who decides*, October 2019 <[www.agac.org.au/assets/documents/Other-Publications/You-Decide-Who-Decides.pdf](http://www.agac.org.au/assets/documents/Other-Publications/You-Decide-Who-Decides.pdf)>.

<sup>532</sup> Australian Human Rights Commission, *Empowering Futures* report, p 58.

and ambiguity concerning BDBNs of superannuation funds, particularly whether an enduring attorney may sign a BDBN on behalf of a member'.<sup>533</sup>

- Self-managed superannuation funds (SMSFs): These funds have less regulatory oversight. This framework, designed on the premise of self-protection, may cause problems because 'SMSFs come under the control of older people who may require increasing decision-making support'.<sup>534</sup>

The ALRC recommended the Australian Government undertake a review of provisions relating to death benefit nominations in ss 58 and 59 of the *Superannuation Industry (Supervision) Act 1993* (Cth) (SIS Act) and reg 6.17A of the *Superannuation Industry (Supervision) Regulations 1994* (Cth) (SIS Regs). Specifically, that it review witnessing requirements, the authority of a person holding an enduring power of attorney, whether a procedure for the approval of a nomination on behalf of a member should be introduced, and the extent to which other aspects of wills law may be relevant.<sup>535</sup>

On 12 January 2024, the Law Council of Australia wrote to the Hon Dr Jim Chalmers MP, Treasurer, and the Hon Stephen Jones MP, Assistant Treasurer and Minister for Financial Services, to propose reforms to the SIS Act and SIS Regs, or that:

At the very least, the Law Council recommends that the Commonwealth Government give effect to the recommendation made by the Australian Law Reform Commission (ALRC) in its 2017 Report, *Elder Abuse—A National Legal Response*, that the structure and drafting of the provisions relating to death benefit nominations in the SIS Act and SIS Regs be reviewed.<sup>536</sup>

### Stakeholder views and department response

Some stakeholders stressed the importance of financial literacy for older people.<sup>537</sup> SLASS wrote that:

... it is a priority to educate elder persons in digital literacy and in the meantime for banks and Government services, such as Services Australia and My Aged Care to expand their operations so that elder persons can communicate on a face to face basis and lodge hard copy documents.<sup>538</sup>

As noted in Chapter 5, many stakeholders noted the need for education relating to enduring documents. This included provision of education programs for government agencies, banks, the legal profession, and older people.

QPS' Financial and Cyber Crime Group (FCCG) 'represents the QPS on and contributes to a number of national bodies and industry associations that explore best practice and

<sup>533</sup> ALRC, *Elder Abuse – A National Legal Response*, p 232.

<sup>534</sup> ALRC, *Elder Abuse – A National Legal Response*, p 232.

<sup>535</sup> ALRC, *Elder Abuse – A National Legal Response*, p 239.

<sup>536</sup> Law Council of Australia, *Proposed reform to superannuation death benefits*, submission to the Treasurer, 12 January 2024 <<https://lawcouncil.au/publicassets/3de90659-83fb-ee11-9498-005056be13b5/4477%20-%20S%20-%20Proposed%20reform%20to%20superannuation%20death%20benefits-1.pdf>>.

<sup>537</sup> Submissions 61, 73, 92.

<sup>538</sup> Submission 61.

means of earlier intervention opportunities for types of crime specific to elder abuse'. These include:

- ANZPAA Crime Forum's e-Crime Working Group
- Fraud in Banking Forum
- National Cyber Crime Working Group
- National Online Security Council
- National Heads of Fraud
- AUSTRAC partnerships.<sup>539</sup>

The FCCG delivers the Fraud Awareness and Prevention Program. This involves symposiums and presentations to seniors and relevant support groups (including Probus, Returned Services and Neighbourhood Watch Groups). These aim to inform people about 'online safety, identity crime and financial crime with a focus on seniors' specific issues'.<sup>540</sup>

As noted in section 2.4.2, the Queensland Government funded Seniors Financial Protection Service (SFPS) is a free and independent financial information service for older people. SFPS currently operates in community legal centres in Brisbane, Cairns, Hervey Bay, Toowoomba and Townsville through the CCLC and other services; and with Relationships Australia providing services in Rockhampton, Mackay, Gladstone, Maroochydore, Gold Coast and Bundaberg through its Elder Abuse Prevention and Support Service (EAPSS).<sup>541</sup>

The CCLC observed in delivering SFPS:

Increased funding for this type of service could act as a key gatekeeper for preventing financial elder abuse. 40% of Caxton's elder law clients experience financial elder abuse and 90% experience financial disadvantage. It is our highest demand area for response services. We predict that demand for financial elder abuse response services will increase over the next decade given the largest generational wealth transfer in Australia's history has already begun as trillions of dollars moves to the rising generation of family members. Given financial elder abuse is carried out mostly by adult children, it makes sense to invest more in financial elder abuse prevention services that have a track record of success.<sup>542</sup>



#### **Recommendation 14**

The committee recommends that in seeking to address financial vulnerabilities, the Queensland Government consider expanding the Seniors Financial Protection Services to enhance access for regional, rural and remotes areas of Queensland.

<sup>539</sup> QPS, correspondence, 29 January 2025, p 17.

<sup>540</sup> QPS, correspondence, 29 January 2025, p 17.

<sup>541</sup> Queensland Government, *Seniors Financial Protection Services*, <[www.qld.gov.au/seniors/legal-finance-concessions/financial-advice-support/seniors-financial-protection-services](http://www.qld.gov.au/seniors/legal-finance-concessions/financial-advice-support/seniors-financial-protection-services)>.

<sup>542</sup> Submission 119.

## 7.4. A proposal for an Adult Safeguarding Commission

In *Adult safeguarding in Queensland, Volume 2: Reform recommendations* (Adult Safeguarding: Volume 2), the Public Advocate considered the cohesiveness of current systems through the lens of adult safeguarding. Borrowing from the NDIS Quality and Safeguarding Framework, he defines safeguarding as ‘actions designed to protect the rights of people to be safe from the risk of harm, abuse and neglect, while maximising the choice and control they have over their lives’.<sup>543</sup>

The Public Advocate wrote that:

Currently, in Queensland, there is no clear framework for the safeguarding of at-risk adults. Rather, the safeguarding system includes a number of agencies and services that work to ensure that people who may be ‘at-risk’ are protected from harm and able to access support services.

Due to gaps in the current safeguarding system, supportive interventions to assist people to access the services and support they require and help protect them from further harm, while recognising their human rights, are often not available. In many situations it is also unclear where situations of concern should be reported, and which agency or services should investigate the concern.

As a result, current safeguards do not always meet the needs of at-risk adults, which can result in situations of abuse, neglect and exploitation going unaddressed and being able to continue. This can have negative consequences and lead to tragic outcomes for the at-risk adult.<sup>544</sup>

The report outlined 4 possible options for the Queensland Government:

**Option A:** The establishment of an Adult Safeguarding Commissioner

**Option B:** Expanded Public Guardian role

**Option C:** The establishment of a Departmental unit

**Option D:** No new safeguarding agency

The Public Advocate’s preference was for Option A—the establishment of an Adult Safeguarding Commissioner.<sup>545</sup> This is in line with a series of recommendations in the ALRC’s *Elder Abuse – A National Legal Response* relating to adult safeguarding, including recommendation 14-1, that ‘Adult safeguarding laws should be enacted in each state and territory. These laws should give adult safeguarding agencies the role of safeguarding and supporting “at-risk adults”’.<sup>546</sup>

Currently, 2 states have established adult safeguarding agencies (as previously noted in section 2.5.2). South Australia’s Adult Safeguarding Unit was established in 2019 following

<sup>543</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 2: Reform Recommendations*, p 8; see also Department of Social Services, *NDIS Quality and Safeguarding Framework*, 2016, p 102.

<sup>544</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 2: Reform Recommendations*, p 8.

<sup>545</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 2: Reform Recommendations*, pp 11 and 29.

<sup>546</sup> ALRC, *Elder Abuse – A National Legal Response*, p 15.

amendments to the *Ageing and Adult Safeguarding Act 1995* (SA). NSW introduced the independent Ageing and Disability Commission with the passing of the *Ageing and Disability Commissioner Act 2019* (NSW).

Adult Safeguarding: Volume 2 made 17 recommendations in the following 3 key areas:

1. Establishing an adult safeguarding agency: to address gaps in current adult safeguarding systems in Queensland, the report recommends the establishment of an adult safeguarding agency based on a human rights framework. This would emphasise prevention and supportive interventions rather than ‘a solely reactive approach, and would promote ‘the at-risk adult’s right to live a life of maximum autonomy’. This could be done through the establishment of an Adult Safeguarding Commissioner.
2. Promoting supportive and inclusive communities: as well as formal safeguarding responses, this model would facilitate developing informal safeguards to ensure ‘the safety, rights, and wellbeing of at-risk adults’.
3. Enhancing the responses of other agencies and services: ‘The new safeguarding agency would not duplicate existing services, but rather seek to address “gaps” in the current safeguarding system and provide referrals to other agencies as appropriate’.<sup>547</sup>

During a public hearing, the Public Advocate advised the committee that key among the recommendations were the creation of an Adult Safeguarding Commissioner and adult safeguarding networks in Queensland. He noted that the proposal for a commissioner aligns with the ALRC’s *Elder Abuse – A National Legal Response* recommendations on adult safeguarding, which were later supported by the final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The Public Advocate said:

Not to put too fine a point on it, the creation of the Office of Queensland Adult Safeguarding Commissioner would be a signature and meaningful elder abuse reform that would chart a new path and provide the leadership to enable our state to tackle this rife and complex problem.<sup>548</sup>

Regarding adult safeguarding networks, Dr Chesterman, Public Advocate, said the idea is:

... to energise community members to take greater interest in what is happening around them. These networks would enable the skilling up of local services and at the same time allow experts to meet to discuss particularly complex situations in their local areas. The networks could be geographically based as well, in some instances as grouped around characteristics of marginalised groups.<sup>549</sup>

<sup>547</sup> Public Advocate, *Adult Safeguarding in Queensland, Volume 2: Reform Recommendations*, pp 8–9, 11.

<sup>548</sup> Public hearing transcript, Brisbane, 21 February 2025, p 7.

<sup>549</sup> Public hearing transcript, Brisbane, 21 February 2025, p 7.

The proposed reforms would create 'new legislation to replace our guardianship legislation' and amend legislation 'including the Public Guardian Act, the QCAT Act and the Powers of Attorney Act'. This would aim to limit 'adult guardianship to situations of absolute necessity' and empower an agency to investigate situations related to at-risk adults. The commission 'would then have a role in helping to link the person to services, whether they are state or federally funded ones'.<sup>550</sup> The Public Advocate elaborated on the proposed reforms:

The idea would be for us to have less use of adult guardianship. There would be a range of ways in which you can do that. The commissioner's role and the role of the office would be to work with those agencies not only at the state level—for instance, Health would be a key relationship—but also at the federal level—obviously Aged Care would be important too—and work with the relevant complaints commissioners and so on.<sup>551</sup>

The Public Advocate also noted that, in the current systems, 'it is not clear who has the lead role'. The Adult Safeguarding Commissioner 'would have the lead role. It would fall on them. They would need to work collaboratively with other agencies but they would have the responsibility'.<sup>552</sup>

### **Stakeholder views and department advice**

Many submitters supported the ALRC and Public Advocate's calls for enhanced adult safeguarding.<sup>553</sup>

The National Ageing Research Institute wrote it supported the Public Advocate's recommendation 'to establish in Queensland an independent adult safeguarding agency to receive and investigate reports of suspected abuse and respond with supportive interventions that promote the at-risk adult's right to maximum autonomy'.<sup>554</sup>

Of the proposed Adult Safeguarding Commissioner, TASC legal and Social Justice Services wrote:

Such an office would align with best practices internationally, where similar roles have proven effective in improving outcomes for vulnerable populations. It would bring Queensland's approach to elder abuse in line with global standards of care and protection, ensuring that older persons receive the respect, rights, and safeguards they deserve.<sup>555</sup>

HopgoodGanim Lawyers recommended that:

... the Committee consider South Australia's *Ageing and Adult Safeguarding Act 1995* and consider the introduction of an Adult Safeguarding Unit (or a similarly named body) with statutory responsibility and accountability for

<sup>550</sup> Public hearing transcript, Brisbane, 21 February 2025, p 7.

<sup>551</sup> Public hearing transcript, Brisbane, 21 February 2025, p 9.

<sup>552</sup> Public hearing transcript, Brisbane, 21 February 2025, p 9.

<sup>553</sup> Submissions 47, 61, 62, 64, 65, 78, 84, 86, 91, 93, 98, 99, 102, 109, 115, 116, 118, 119.

<sup>554</sup> Submission 62.

<sup>555</sup> Submission 84.



receiving and responding to reports of abuse or mistreatment of vulnerable adults in Queensland.<sup>556</sup>

QHRC submitted that it supports the Public Advocate's work on adult safeguarding and recommended 'The Queensland Government should introduce adult safeguarding laws and establish an independent statutory body to administer adult safeguarding functions'.<sup>557</sup>

The CCLC said that it had carefully considered the Public Advocate's Adult Safeguarding: Volume 2. The CCLC 'strongly do not favour option B (expand Public Guardian role) because an adult safeguarding function should be clearly separate from a guardianship role'. The submission said that 'Older people, their families and supporters will, in our experience, be much less willing to report abuse to an authority that also exercises control over their decisions'.<sup>558</sup>

The Health Ombudsman, Dr Lynn Coulson Barr OAM, told the committee that, following allegations of elder abuse, there is a 'real gap' with regard to investigative processes and services 'and also, I have to say, with our office in terms of how to ensure we are giving the maximum opportunity for the person who has been impacted to provide their account'. Dr Coulson Barr said she had suggested it could be helpful if there were 'something like a specialist advice service about the types of ways you can provide communication support so someone can be supported to give their account', and that such a service 'would fit really well within a broader adult safeguarding commission, because it would provide that specialist support that is needed by offices like ours'.<sup>559</sup>

The CCLC said it favoured some of the features of option A (a model based on the NSW Adult Safeguarding Commission), but that it had some reservations:

- Queensland's demographic and service landscape differs from NSW. When these reforms were adopted in NSW, the state 'did not have the significant depth and breadth of specialist elder abuse services that exists in Queensland', such as the Caxton Community Legal Service's SLASS service.
- Queensland has a larger rural and regional population.
- Older Queenslanders already have access to decentralised, specialist, place-based, elder abuse services, such as those provided by SLASS. The CCLC submitted that 'It is difficult to imagine how most of the activities of specialist elder abuse services like SLASS (given the sophistication of the model and the experienced personnel) as well as existing service partnerships could be hauled over to a single statutory figure'.
- Referrals may not be made in a timely fashion.

<sup>556</sup> Submission 86.

<sup>557</sup> Submission 91.

<sup>558</sup> Submission 119.

<sup>559</sup> Public hearing transcript, Brisbane, 21 February 2025, p 15.



- NSW data from 2023–2024 suggests that, despite the prevalence of abuse, few referrals are being made to legal services. In that financial year, only 74 were made.

The CCLC concluded that, 'Without further explanation about how option A would practically interact with the existing service footprint, it is difficult to support it'.<sup>560</sup>

The DoJ noted that the Public Guardian collaborates with the Public Advocate and the Public Trustee to provide information and education to the community about the guardianship and administration systems. The Public Guardian also provides advice and education about its specific functions, including its investigation function.<sup>561</sup>

### Committee comment



The committee notes the broad support for reform to ensure at-risk adults and their supporters have access to help to ensure accessibility and support in navigating government systems. The capacity and breadth necessary to achieve this lead role requires both community and intergovernmental recognition. The Public Guardian has the capacity to be resourced to play this role with a focus on achieving best practice and embedding this into community, and government sector interactions.

The committee is of the view that the decision to appoint the Public Guardian as alternate attorney should continue to be a choice of last resort, with best practice principles applied.



### Recommendation 15

The committee recommends that the Queensland Government progress work to improve safeguarding of adults with care and support needs who are unable to protect themselves from abuse or neglect.



### Recommendation 16

The committee recommends the Public Guardian be resourced to lead adult safeguarding in Queensland including the coordination and provision of supportive interventions with maximum autonomy for adults with care and support needs who are unable to protect themselves from abuse or neglect.

<sup>560</sup> Submission 119.

<sup>561</sup> DoJ, correspondence, 13 October 2025, p 55.

## Appendix A – Emergence of enduring powers of attorney in Australia

### The emergence of enduring powers of attorney in Australia (EPOAs)

In the late 1980s there were calls for an enduring power of attorney (EPOA) model in Australia. As the Australian Law Reform Commission (ALRC) wrote in 1988:

The problem with a power of attorney is that it lapses once the person who granted it becomes legally incapacitated. There is a need for an enduring power of attorney which continues to operate after incapacity. This need has been brought to the Commission's attention by many people in the community who work with those who are incapacitated.<sup>562</sup>

In cases where an individual knew they would become incapacitated and wished to appoint an attorney, 'The power lapses precisely when it is most needed', despite public opinion that it would continue.<sup>563</sup>

In an article for the University of Western Australia Law Review, Robin Creyke AO noted that enduring documents emerged as early as the 1950s in the United States. She identified 4 driving factors that motivated EPOA reform:

1. It is more convenient. If an attorney has been managing an older person's affairs they are presumably trusted. They should be familiar with the principal's situation and well suited to continuing after the person no longer has capacity.
2. Often the alternatives are expensive, cumbersome, and complicated. For example, if a court or guardianship and management tribunal appoints a property manager, this may be time-consuming, costly, and public. An EPOA provides an instrument that is private, simpler, and cheaper.
3. Determining at what point a person becomes incapable can be difficult. With Alzheimer's, for example, a person may fluctuate between lucidity and confusion, and this may go on for years. Permitting an attorney to operate the power whether or not the principal is competent avoids the need to determine when the principal became legally incapable.
4. An EPOA 'provides a means to legitimise community practice'. The common belief of lay attorneys was that they are permitted to continue operating an ordinary power despite the incapacity of the principal.<sup>564</sup>

In 1973, the Law Reform Commission of the Australian Capital Territory recommended provisions akin to those found in the Ontario Powers of Attorney Bill be made, 'to enable

<sup>562</sup> ALRC, *Community law reform for the Australian Capital Territory: third report* (ALRC, Report No. 47), 1988, p 1, viewed 8 October 2025, <[www.austlii.edu.au/cgi-bin/viewdoc/au/other/lawreform/ALRC/1988/47.html](http://www.austlii.edu.au/cgi-bin/viewdoc/au/other/lawreform/ALRC/1988/47.html)>.

<sup>563</sup> ALRC, Report No. 47, p 5.

<sup>564</sup> R Creyke, 1991, 'Enduring powers of attorney: Cinderella story of the 80s' (EPOA article), *UWA Law Review*, vol. 21, no. 1, 1991, pp. 123–124, viewed 11 September 2025, <[www.austlii.edu.au/cgi-bin/viewdoc/au/journals/UWALawRw/1991/5.html](http://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/UWALawRw/1991/5.html)>.

a person to execute a power of attorney which is expressed to continue to be effective despite his incapacity'.<sup>565</sup>

Victoria was the first Australian state or territory to introduce EPOA legislation. Then Attorney-General, the Honourable Haddon Storey MP, introduced the Instruments (Enduring Powers of Attorney) Bill on 27 October 1981, proposing amendments to the *Instruments Act 1958* (Vic). During the Bill's second reading, the Attorney-General said:

The provisions of this Bill will not only resolve a very vexed question but will also remove a source of concern and, in some instances, anguish and frustration from the families of a person who has given a power of attorney only to find that it is revoked upon that person becoming a protected person within the meaning of the Public Trustee Act 1958.<sup>566</sup>

The Attorney-General informed the Legislative Council that a working party was established to consider the issue. The majority view was that 'a person should be free to assign the management of his affairs to his chosen attorney on the contingency of a subsequent loss of capacity', and that 'Just as a citizen is free to determine who will handle his affairs on death, so should a citizen be free to determine who will handle his affairs in the event that he suffers a loss of mental capacity'.<sup>567</sup> The *Instruments (Enduring Powers of Attorney) Act 1981* was assented to on 5 January 1982. Notably, this legislation providing for enduring financial decision-making—it did not afford attorneys medical or health related decision-making powers.

Australian jurisdictions' law reform commissions reported on reforms to allow EPOAs.<sup>568</sup> Progressively, other jurisdictions EPOA legislation.<sup>569</sup>

In 1988 the (Federal) Law Reform Commission published the report *Community law reform for the Australian Capital Territory: third report—Enduring Powers of Attorney*. The report noted:

When a person has the foresight to make arrangements for his or her impending incapacity, it is most unsatisfactory if the law frustrates that planning. There is a need for a cheap, simple, self-help procedure, subject to appropriate safeguards, whereby a person can prepare in advance for his or her possible incapacity.<sup>570</sup>

<sup>565</sup> Law Reform Commission of the Australian Capital Territory, *Management of property and affairs of mentally infirm persons*, p 14, Parliamentary paper No. 70, 1973 <<http://nla.gov.au/nla.obj-1746208874>>.

<sup>566</sup> Victorian Parliament, Hansard (Legislative Council), 27–28 October 1981, pp 2,018, 2,172.

<sup>567</sup> Victorian Parliament, Hansard (Legislative Council), 28 October 1981, p 2,173.

<sup>568</sup> R Creyke, EPOA article, p 123.

<sup>569</sup> *Powers of Attorney Act 1980* (NT); *Conveyancing Act 1919* (NSW) (as amended in 1983); *Powers of Attorney and Agency Act 1984* (SA); *Powers of Attorney Act 1934* (Tas) (as amended in 1987); *Powers of Attorney Act 1956* (ACT) (as amended in 1989); *Property Law Act 1974* (Qld) (as amended in 1990), *Guardianship and Administration Act 1990* (WA) (Assented in 1992), see R Creyke, EPOA article, p 124.

<sup>570</sup> Law Reform Commission, *Community law reform for the Australian Capital Territory: third report—Enduring Powers of Attorney* (1988 report), report number 47, 1988, p 7, <[www.austlii.edu.au/cgi-bin/viewdoc/au/other/lawreform/ALRC/1988/47.html](http://www.austlii.edu.au/cgi-bin/viewdoc/au/other/lawreform/ALRC/1988/47.html)>.

The report identified the following advantages of EPOAs:

- it allows the principal to plan for the future
- it allows the principal to choose who is to manage his or her affairs
- it avoids the stigma of the principal having to be declared incapable
- it reduces the burden on State instrumentalities.<sup>571</sup>

The Law Reform Commission noted the potential for abuse of EPOAs, ranging from forgery, improper pressure, and negligence. It concluded there should be safeguards to protect against carelessness and lack of understanding.<sup>572</sup> One possible safeguard the report considered was that EPOAs must be registered. The report noted recommendations that a register would safeguard against fraud or abuse because the 'Any person who tried to cheat or defraud the donor of the enduring power of attorney would have to worry about the fact that the Public Trustee was, as it were, watching over his or her shoulder'. The Law Reform Commission did not adopt this suggestion. It reasoned that such a bureaucratic process would act as a deterrent to EPOA use, and that the Public Trustee would not be suitably resourced to provide oversight.<sup>573</sup>

The Law Reform Commission also recommended that an EPOA should provide the attorney with the power to make guardianship decisions for the principal, including consent to medical treatment. The report said, 'being able to use an enduring power of attorney for this purpose enhances the donor's dignity and autonomy. It is he or she who decides, not some external body'.<sup>574</sup>

### **The emergence of enduring powers of attorney in Queensland**

Similarly to other Australian jurisdictions, a push for enduring powers of attorney gained momentum in Queensland in the 1980s. In 1987 the Queensland Law Reform Commission (QLRC) released its report *A bill to amend the property law act 1974 – 1986*, which included draft legislation for the government to consider implementing. The stated purpose of the proposed amendments was that 'an enduring power of attorney will not be revoked by the donor's subsequent legal incapacity'.<sup>575</sup>

Amendments to the *Property Law Act 1974* commenced on 6 September 1990, which added the new 'Division 2—Enduring Powers of Attorney'<sup>576</sup>. Under the amendments, a power of attorney would be enduring if:

- the document be in the prescribed form (Form 16A of the Second Schedule)

<sup>571</sup> Law Reform Commission, 1988 report, p 7.

<sup>572</sup> Law Reform Commission, 1988 report, p 11.

<sup>573</sup> Law Reform Commission, 1988 report, p 11.

<sup>574</sup> Law Reform Commission, 1988 report, p 24.

<sup>575</sup> Queensland Law Reform Commission (QLRC), *A Bill to amend the Property Law Act 1974 – 1986* (1987 EPOA report), Report 37, 1987 <[www.qlrc.qld.gov.au/publications/reports](http://www qlrc.qld.gov.au/publications/reports)>.

<sup>576</sup> Via the *Property Law Act Amendment Act 1990*.

- the document be witnessed by a Justice of the Peace or a suitably qualified legal practitioner
- the document be signed by the donee acknowledging the creation of the power
- the donee had attained the age of 18 years.

If these requirements were satisfied, the Act provided that:

An enduring power of attorney is not revoked by the subsequent legal incapacity of the donor of the power other than by virtue of the death of the donor unless the Court in the exercise of any power expressly revokes it.<sup>577</sup>

The provisions in the amended Act included that:

- an EPOA may be revoked under certain circumstances
- the donee shall keep and preserve accurate records and accounts of all dealings and transactions made under the power
- the donee must not, unless the power of attorney expressly authorises it, enter into a transaction if the donee's interests and duty in relation to the transaction could conflict with the donor's interests
- the donee must keep their own property and money separate from the donor's.<sup>578</sup>

### **The Powers of Attorney Act 1998**

On 8 October 1997, the Powers of Attorney Bill 1997 was introduced to the Queensland Parliament. The Bill proposed major reforms to EPOAs in the state. The objectives of the Bill were to:

- reform those areas of law which enable a person to appoint a person(s) and to give instructions in relation to future personal, health care and financial matters
- to enable a person to give directions in relation to their future health care if they are unable to do so for themselves
- give statutory authority for a spouse, member of a person's family and certain other people to give consent for medical treatment if that person is unable to do so for themselves
- enhance and create effective mechanisms for the protection of the rights and interests of people who because of a decision-making disability are vulnerable to exploitation.<sup>579</sup>

The explanatory notes highlighted that there were limitations to the EPOA framework in the *Property Law Act 1974*. These EPOAs only related to financial matters. They did not allow a principal to confer personal decision-making to an attorney. Day-to-day decisions,

<sup>577</sup> Sections 175A and 175B, *Property Law Act 1974*, as at 6 December 1990.

<sup>578</sup> Sections 175C–175E.

<sup>579</sup> Powers of Attorney Bill 1997, explanatory notes, p 1.

where the principal would live, and health care decisions could not be made by an attorney should the principal no longer have capacity to do so.<sup>580</sup> Other reasons for reform included:

- a lack of flexibility whereby different attorneys could not be appointed for different purposes, nor could arrangements for successive attorneys be specified
- a need for supervisory and investigatory powers to combat suspected cases of abuse and exploitation, specifically related to older vulnerable people
- the lack of statutory principles to give guidance on how an attorney should make decisions for a principal who is unable to give instructions
- growing concern that there is no legislative authority to make decisions about the nature and extent of future health care a person may or may not want
- uncertainty who has authority to consent to health care or treatment for a family members such as a spouse, or an adult child with a disability.

The Bill followed the QLRC's 1996 report *Assisted and substituted decisions: Decision-making by and for people with a decision-making disability* (QLRC's 1996 report), which recommended 'a new system, based on several years of research into models in other jurisdictions' and 'extensive consultation with individuals, groups and organisations affected by the existing scheme'. The QLRC wrote that the 'main thrust' of its recommendations was 'that outside intervention should be used only when it is necessary to promote and protect the rights and welfare of a person who lacks the capacity to make his or her own decisions.'<sup>581</sup>

Among the QLRC's recommendations were that the legislation provide that:

- a person who makes an EPOA may use it to authorise a chosen decision-maker to make personal decisions, health care decisions, financial decisions, and decisions about legal matters
- a person who makes an EPOA should be able to limit the power given to a chosen decision-maker, and to state instructions for the decision-maker to apply when making decisions
- when making an EPOA the principal must understand that:
  - they may limit the power to be given
  - when the power will begin
  - when commenced, the decision-maker will have full control over decisions of the specified type, unless limitations or instructions are included
  - the power will continue when they have impaired decision-making capacity

<sup>580</sup> Powers of Attorney Bill 1997, explanatory notes, pp 1–2.

<sup>581</sup> QLRC, *Assisted and substituted decisions: Decision-making by and for people with a decision-making disability* (QLRC, 1996 report), volume 1a, p viii, <[www.qlrc.qld.gov.au/publications/reports](http://www.qlrc.qld.gov.au/publications/reports)>.

- the EPOA may be revoked any time while the principal is capable of making another EPOA
- any time the principal is not capable of revoking the EPOA, they will not be able to oversee the use of the power)
- a person who makes an EPOA may nominate different chosen decision-makers for different purposes, alternative chosen decision-makers in stated circumstances, and successive chosen decision-makers so that power may be transferred only when power given to another chosen decision-maker ends.<sup>582</sup>

The *Powers of Attorney Act 1998* (POA Act) commenced, by proclamation, on the 14 May 1998. Chapter 3 related to Enduring Documents. Among other things, it set out the following:

- meaning of ‘eligible attorney’ (s 29)
- meaning of ‘eligible witness’ for a document (s 31)
- EPOA can be exercised for financial or personal matters (s 32)
- when an attorney’s power is exercisable (s 33)
- recognition of EPOAs made in other states (s 34)
- advance health directive provisions (ss 35–36)
- provisions for making an enduring document, including capacity to authorise document, and formal requirements (ss 41–44)
- provisions to revoke an enduring document (ss 46–59)
- it is an offence to dishonestly induce the making or revocations of enduring document (s 61)
- that an attorney must exercise power honestly and with reasonable diligence to protect the principal’s interests (s 66)
- general principles for adults with impaired capacity (s 76)
- provisions for multiple attorneys (ss 78–82).

Section 127 of the POA Act also established the role of an Adult Guardian ‘to protect the rights and interests of adults who have impaired capacity’. The functions of the Adult Guardian were:

- protecting adults who have impaired capacity from neglect, exploitation or abuse
- investigating complaints and allegations about actions by an attorney or person acting or purporting to be an attorney

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<sup>582</sup> QLRC, 1996 report, volume 3, pp ix, x, xii.



- mediating and conciliating between attorneys or between attorneys and others, for example, health providers, if the adult guardian considers this appropriate to resolve a dispute
- acting as attorney—
  - (i) for a personal matter under an enduring power of attorney; or
  - (ii) under an advance health directive; or
  - (iii) for a health matter under chapter 4; or
  - (iv) if appointed by the court
- seeking assistance for, making representations for, or acting for, an adult with impaired capacity for a matter (e.g., government departments or other institutions, welfare organisations, a provider of a service or facility)
- educating and advising people about, and conducting research into, the operation of the act.

The Adult Guardian was given various powers. These included:

- investigating complaints and allegations of exploitation, neglect, or abuse of adults with impaired capacity
- investigating if inappropriate or inadequate decision-making arrangements were in place
- request documents for auditing
- a right to information
- the power to summon
- Protective powers, including to recover possession of property, damages for conversion of or injury to the property, or payment of the money by application to the court by originating summons.<sup>583</sup>

As well as the POA Act, the *Guardianship and Administration Act 2000* responded to recommendations in the QLRC's 1996 report. The explanatory notes stated the proposed Act would 'establish a comprehensive regime for the appointment of guardians and administrators to manage the personal and financial affairs of adults with impaired capacity in Queensland'.<sup>584</sup> The Act legislated the procedure for making a guardianship appointment order, the functions and powers of guardians and administrators, and established the Guardianship and Administration Tribunal.<sup>585</sup> The Act established the role of Adult Guardian and the Public Advocate. The former's role was 'to protect the rights and interests of adults who have impaired capacity for a matter'. The Public Advocate's role

<sup>583</sup> Sections 134–137, s 143, *Powers of Attorney Act 1998*, as at 14 May 1998.

<sup>584</sup> Guardianship and Administration Bill 1999, explanatory notes, p 1.

<sup>585</sup> Sections 12–21, ss 33–55, ss 81–98, *Guardianship and Administration Act 2000*, as at 20 April 2000.

was established to promote systemic advocacy for those with impaired capacity.<sup>586</sup> In 2014, the role of Adult Guardian was superseded by the Public Guardian.<sup>587</sup>

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<sup>586</sup> See ss 174(1) and 208, *Guardianship and Administration Act 2000*, as at 20 April 2000.

<sup>587</sup> See *Public Guardian Act 2014*.

## Appendix B – Submitters

<i>Sub No.</i>	<i>Name / Organisation</i>
1	Tristan Rogers
2	Dinesh Palipana
3	Ben Boland
4	Confidential
5	Elizabeth Robinson
6	Name Withheld
7	Suzanne Mills
8	Pasifika Women's Alliance
9	Penny Hackett
10	Confidential
11	Sherwood Neighbourhood Centre
12	Confidential
13	Sandra Smith
14	Confidential
15	Name Withheld
16	Confidential
17	Confidential
18	Name Withheld
19	Name Withheld
20	Name Withheld
21	Name Withheld
22	Name Withheld
23	Confidential
24	Edith Anne Millen
25	Ross Plowman and supplementary
26	Seniors Dental Care Australia
27	Confidential
28	Sandy Bolton MP, Member for Noosa
29	Name Withheld

<b>Sub No.</b>	<b>Name / Organisation</b>
<b>30</b>	Confidential
<b>31</b>	Dr John Chesterman, Public Advocate
<b>32</b>	Carolyn Packer
<b>33</b>	Name Withheld
<b>34</b>	Australian College of Nursing
<b>35</b>	Robert Heron
<b>36</b>	Lauchlan Rahn
<b>37</b>	Confidential
<b>38</b>	Dementia Australia
<b>39</b>	Kim Shields
<b>40</b>	Name Withheld
<b>41</b>	Name Withheld
<b>42</b>	Office of the Public Guardian
<b>43</b>	Lachlan Green
<b>44</b>	Confidential
<b>45</b>	Name Withheld
<b>46</b>	Ron Joachim
<b>47</b>	Australian College of Nurse Practitioners
<b>48</b>	Soroptimist International Brisbane Inc
<b>49</b>	Office of the Health Ombudsman
<b>50</b>	Queensland Sexual Assault Network
<b>51</b>	Australian & New Zealand Society for Geriatric Medicine
<b>52</b>	Name Withheld
<b>53</b>	Confidential and supplementary
<b>54</b>	Australian Lawyers Alliance
<b>55</b>	The Australian Christian Lobby
<b>56</b>	Professor Jake Najman
<b>57</b>	Name Withheld
<b>58</b>	Carers Queensland
<b>59</b>	Name Withheld

<b>Sub No.</b>	<b>Name / Organisation</b>
60	Legacy Brisbane
61	The Hervey Bay Neighbourhood Centre
62	The National Ageing Research Institute
63	Queensland Nurses & Midwives' Union
64	Queensland Mental Health Commission
65	Elder Abuse Action Australia
66	Mental Health Lived Experience Peak Queensland
67	Confidential
68	Name Withheld
69	Name Withheld
70	Debbie Sage, Partner, Attwood Marshall Lawyers
71	Chris Jenkinson
72	Confidential
73	Uniting Church in Australia – Queensland Synod
74	Queensland Council of Social Service
75	Mayor Tom Tate, Gold Coast City Council
76	Australian Retirement Trust
77	Clayton Utz Pro Bono Practice
78	Name Withheld
79	Queenslanders with Disability Network
80	Queensland Human Rights Commission
81	Lamberr Wungarch Justice Group
82	Volunteering Queensland
83	Gold Coast Centre against sexual violence inc.
84	TASC – Legal and Social Justice Services
85	Australian Centre for Health Law Research
86	HopgoodGanim Lawyers
87	Older Women's Network (Qld) Inc.
88	Graham Duff
89	Caravan Parks Association of Queensland

<b>Sub No.</b>	<b>Name / Organisation</b>
<b>90</b>	Beck O'Connor, Victims' Commissioner Queensland
<b>91</b>	Australian Human Rights Commission
<b>92</b>	Queensland Public Trustee
<b>93</b>	Relationships Australia Qld
<b>94</b>	Confidential
<b>95</b>	University of the Sunshine Coast in partnership with Relationships Australia Qld
<b>96</b>	Corrine McMillan MP, State Member for Mansfield and Shadow Minister for Child Safety, Communities and the Prevention of Domestic and Family Violence
<b>97</b>	Domestic Violence Prevention Centre Gold Coast Inc.
<b>98</b>	LawRight
<b>99</b>	Family Responsibilities Commission
<b>100</b>	Name Withheld
<b>101</b>	Confidential
<b>102</b>	Queensland Law Society
<b>103</b>	Institute for Urban Indigenous Health
<b>104</b>	Carers Outlook
<b>105</b>	Name Withheld
<b>106</b>	Our Watch
<b>107</b>	Confidential
<b>108</b>	Confidential
<b>109</b>	Aged & Disability Advocacy Australia (ADA Australia) and supplementary
<b>110</b>	ADA Australia and Celebrate Ageing Ltd
<b>111</b>	Hall & Wilcox
<b>112</b>	Queensland Indigenous Family Violence Legal Service
<b>113</b>	National Seniors Australia
<b>114</b>	Confidential
<b>115</b>	Townsville Community Law Inc
<b>116</b>	Archdiocese of Brisbane
<b>117</b>	Sheena Cunningham

<b><i>Sub No.</i></b>	<b><i>Name / Organisation</i></b>
<b>118</b>	Council on the Ageing Queensland
<b>119</b>	Caxton Community Legal Centre
<b>120</b>	Confidential
<b>121</b>	Confidential (audio submission)



## Appendix C – Public Briefing, Brisbane, 19 February 2025

### Department of Families, Seniors, Disability Services and Child Safety

Ms Helen Missen	Acting Senior Executive Director, Strategic Policy and Legislation – Child and Family
Mr Brad McCoy	Executive Director, Community Services

### Queensland Police Service

Mr Stephan Gollschewski	Commissioner
Ms Katherine Innes	Assistant Commissioner, Domestic, Family Violence and Vulnerable Persons Command
Mr James Hinchliffe	Director, Research and Analytics

### Department of Justice

Mrs Leanne Robertson	Assistant Director-General, Strategic Policy and Legislation
Ms Kim Chandler	Director, Strategic Policy and Legislation
Ms Ellen Corrigan	Principal Legal Officer, Strategic Policy and Legislation
Ms Emma Hislop	Principal Legal Officer, Strategic Policy and Legislation
Ms Bridie McQueenie	Principal Legal Officer, Strategic Policy and Legislation

### Queensland Health

Ms Peta Bryant	Deputy Director-General, Strategy, Policy and Reform Division
Mr Dylan Hampson	Acting Executive Director, System Policy Branch
Ms Belinda Lewis	Director, System Policy Branch
Dr Catherine Yelland	Senior Medical Officer, Geriatrician, Metro North Hospital and Health Service

## Appendix D – Witnesses at Public Hearings

### **Public Hearing, Labrador, 13 February 2025**

#### Individual

Ms Karen Wright

#### Organisations

##### **Stop Sexual Violence**

Ms Di Macleod Director

##### **Relationships Australia (Queensland)**

Ms Tommo Sakai Case Manager

##### **Labrador Senior Citizens Centre**

Ms Melissa Angus Coordinator

##### **Gold Coast Community Legal Centre**

Ms Leigh Street

### **Public Hearing, Broadbeach, 13 February 2025**

#### Organisations

##### **Attwood Marshall Lawyers**

Mrs Debbie Sage Partner and Accredited Aged Care Professional

##### **Relationships Australia (Queensland)**

Mr Benjamin O'Rourke Senior Relationship Support Service Coordinator and Elder Abuse Case Manager

### **Public Hearing, Brisbane, 21 February 2025**

#### Organisations

##### **Office of the Public Guardian**

Ms Shayna Smith Public Guardian

##### **Office of the Public Advocate**

Dr John Chesterman Public Advocate

Ms Tracey Martell Manager

Ms Jacinta Colley Principal Policy and Research Officer

##### **Office of the Health Ombudsman**

Dr Lynne Coulson Barr OAM Health Ombudsman

Ms Prue Beasley Director





## **Public Hearing, Brisbane, 2 April 2025**

### **Organisations**

#### **Office of the Public Trustee of Queensland**

Mr Samay Zhouand	Public Trustee of Queensland; Chief Executive Officer
Mr Jay Cross	Director Special Operations, Customer Experience

#### **Office of the Victims' Commissioner**

Ms Beck O'Connor	Victims' Commissioner
Ms Sarah Kay	Executive Director
Ms Dimity Thoms	Director, Policy and Systemic Review

## **Public Hearing, Townsville, 13 May 2025**

### **Individuals**

Ms Catherine Beacham  
 Ms Julie Quealy  
 Mrs Megan Ross

### **Organisations**

#### **Townsville Community Law**

Mr Bill Mitchell OAM	Principal Solicitor
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#### **Townsville Region Community on the Ageing Inc.**

Ms Vicki Trevanion	President
Mrs Lisa Paull	Secretary

#### **Suburban Bowling Club**

Mr Peter Dalmau	President
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#### **Queensland Indigenous Family Violence Legal Service**

Ms Thelma Schwartz	Principal Legal Officer
Mr Kulumba Kiyngi	Senior Policy Officer

#### **Elders for Change**

Ms Fay Gee-Hoy

#### **Townsville First Nations Community Council**

Ms Enid Surha	Chair
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## **Public Hearing, Cairns, 14 May 2025**

### **Individuals**

Ms Bonney Bauer

Mr Michael Healy MP, Member for Cairns, Parliament of Queensland

Ms Bree James MP, Member for Barron River, Parliament of Queensland

Mrs Michelle Lam

Mr Lance Laverty

### **Organisations**

#### **Family Responsibilities Commission**

Ms Doris Poonkamelya                      Local Commissioner (Aurukun)

Ms Camille Banks                              Manager Compliance and Legal Policy

Ms Cara Marks                                 Local Registry Coordinator (Aurukun)

#### **Lamberr Wungarch Justice Group**

Mr Andrew Dawes                              Community Justice Coordinator

#### **Apunipima Cape York Health Council**

Mr Ian Ludwick

#### **Cairns Community Legal Centre**

Ms Melanie Wilson                              Principal Solicitor

## **Public Hearing, Thursday Island, 15 May 2025**

### **Individuals**

Mrs Beverley Bruce

Mrs Rachel Bruce

Ms Nancy Pearson

Mr Silas Savage

Mrs Betty Tekahika (Mabo)

Ms Lena Warra

**Public Hearing, Brisbane 11 June 2025****Organisations****UnitingCare**

Mr Juan du Buisson

State Manager, Community Mental Health

Ms Anna Gillbard

Research Officer

**Aged & Disability Advocacy Australia**

Ms Karen Williams

Principal Solicitor, ADA Law

Ms Nicky Adjei

Lead Practitioner, Abuse of Vulnerable Adults and  
Older Persons**Queenslanders with Disability Network Ltd**

Ms Michelle Moss

Chief Executive Officer

**National Seniors Australia**

Dr Brendon Radford

Director, Policy and Research

Mr Luke Smith

Policy and Engagement Officer

**Carers Queensland**

Mr Jim Toohey

Managing Director

**Legacy Brisbane**

Ms Claire Lyon

Community Services Manager

Ms Katrina Harrison

Caseworker

Ms Mel Thompson

Caseworker

**Dementia Australia**

Ms Kylie Miskovski

General Manager, Policy and Advocacy

**Queensland Council of Social Service**

Ms Aimee McVeigh

Chief Executive Officer

Ms Sinead Canning

Senior Policy Officer, Community Services





## **Public Hearing, Brisbane, 25 August 2025**

### **Organisations**

#### **Queensland Human Rights Commission**

Mr Scott McDougall	Commissioner
Ms Florence Guyomar	Acting Manager, Public Policy

#### **Caxton Community Legal Centre**

Ms Cybele Koning	Chief Executive Officer
Ms Colette Bots	Legal Practice Director, Family, Domestic Violence and Elder Law

#### **Celebrate Ageing Ltd**

Dr Catherine Barrett	Chief Executive Officer
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#### **ADA Australia**

Mr Geoff Rowe	Chief Executive Officer
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#### **Queensland Law Society**

Ms Sonia Smith	Special Counsel, Legal Policy
Ms Karen Williams	Chair, Health and Disability Committee
Ms Nicky Mitchell	Member, Elder Law Committee

#### **Australian Retirement Trust**

Mr Rodney Greenhalgh	Executive General Manager, Product and Services
Ms Mandy Hopkins	Member Guardian and Resolutions Lead

#### **Australian and New Zealand Society for Geriatric Medicine**

Dr Rob O'Sullivan	Immediate Past President
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## **Statement of Reservation**



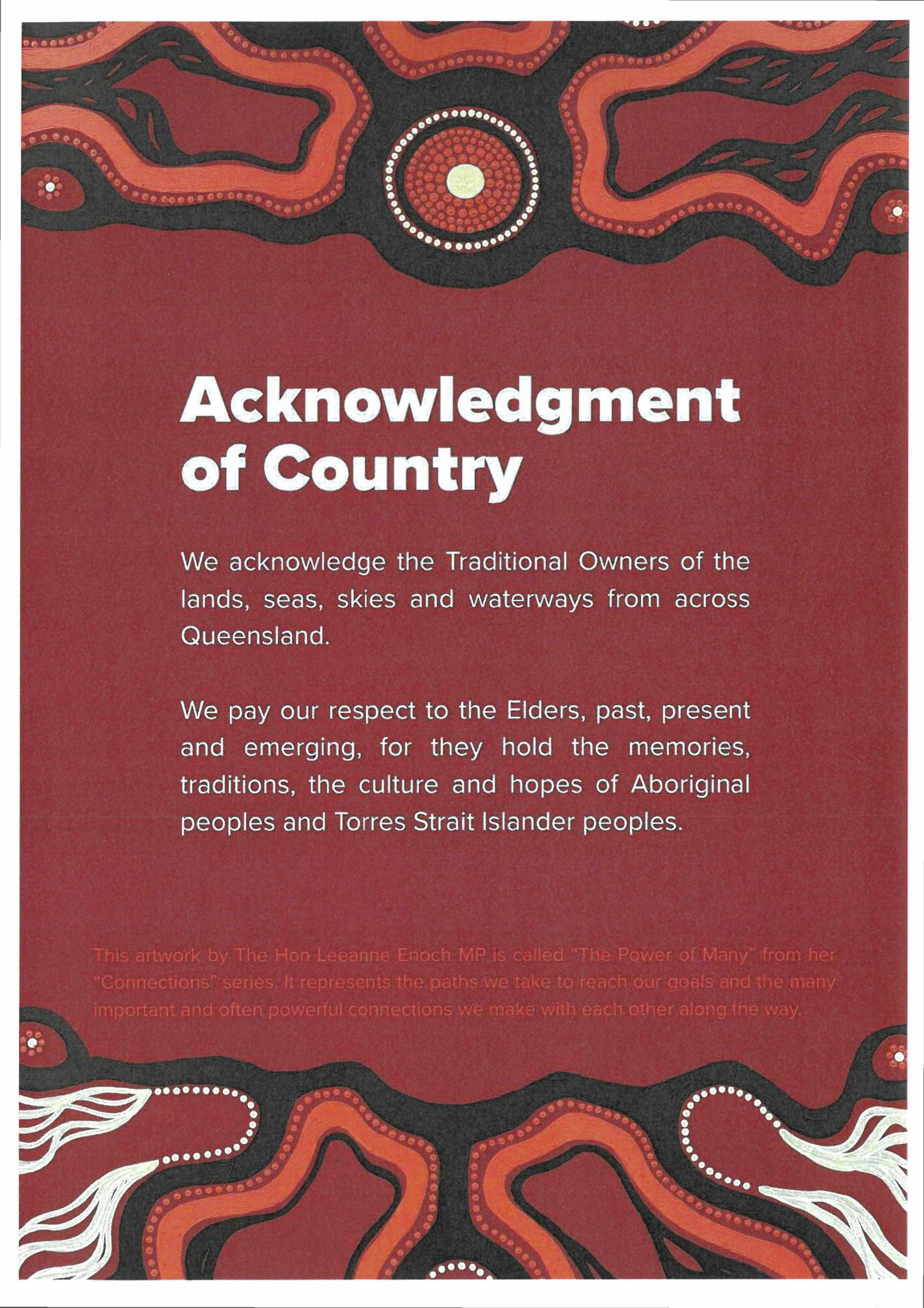
# Statement of Reservation

Education, Arts and  
Communities Committee

Inquiry into Elder Abuse in Queensland





The artwork is a vertical composition. The top and bottom sections feature intricate Aboriginal-style patterns. The top section has a dark background with wavy, organic shapes in shades of red and orange, some outlined with white dots. A central circular motif contains a yellow center surrounded by concentric rings of red and white dots. The bottom section has a similar dark background with wavy shapes in red and orange, also outlined with white dots. On the left and right sides of the bottom section, there are white, stylized, flame-like or leaf-like shapes. The middle section of the image is a solid dark red background, providing a space for the text.

# Acknowledgment of Country

We acknowledge the Traditional Owners of the lands, seas, skies and waterways from across Queensland.

We pay our respect to the Elders, past, present and emerging, for they hold the memories, traditions, the culture and hopes of Aboriginal peoples and Torres Strait Islander peoples.

This artwork by The Hon. Leeanne Enoch MP is called "The Power of Many" from her "Connections" series. It represents the paths we take to reach our goals and the many important and often powerful connections we make with each other along the way.



# Queensland Labor Opposition

Every Queenslander deserves the right to feel safe and be safe, and our seniors are no exception.

The Queensland Labor Opposition will always advocate for measures that protect and support elderly people, so they can live happy and fulfilled lives.

Queensland Labor has a strong record of supporting Queensland seniors with \$10 billion committed to our *Seniors Strategy 2024-2029*. Over the course of successive Queensland Labor Governments we invested billions of dollars in concessions and rebates for seniors to assist with cost-of-living struggles that left many elderly Queenslanders feeling isolated.

In 2021, the former Community Support and Services Committee conducted an inquiry into Social Isolation and Loneliness in Queensland. The findings from that inquiry were used to assist in the formulation of the former Queensland Labor Government's *Seniors Strategy 2024-2029*.

The former committee's final report highlighted the unique challenges faced by older Queenslanders, who are at an increased risk of social isolation and loneliness. Evidence was also provided to the committee outlining that there are considerable links between social isolation and loneliness in older people and elder abuse.

The inquiry's findings highlighted the important impact of Neighbourhood Community Centres and called for further investigation into their role in supporting strong social outcomes for socially isolated individuals. Queensland Labor's *Seniors Strategy 2024-2029* prioritised funding for community centres to ensure older Queenslanders felt connected and cared for. This in turn assisted with combatting elder abuse in the state.

The *Seniors Strategy 2024-2029* also committed \$34 million over four years for awareness and prevention services to assist in combatting elder abuse in our state. The former Labor Government was able to fund vital services such as the Elder Abuse Prevention Unit which provides the Helpline Service for older Queenslanders. It also funded the Scams and Fraud Awareness Helpline, a vital tool for Queensland seniors.

The former Labor Government invested \$22.3 million to extend the *Help Seniors Secure Their Homes* trial, and \$4.3 million in 2024-25 to fund 42 social isolation services across the state. These services helped 67,501 older persons.

Elder abuse is a serious matter that affects far too many senior Queenslanders across our state.

## **INQUIRY PROCESS**

The current inquiry has highlighted the need to better support and prevent instances of elder abuse and has allowed many brave Queenslanders to share their stories, providing valuable insight into the experiences of victims, their families, and industry stakeholders.

The Queensland Labor Opposition holds reservations that whilst the inquiry has been able to shed light on the varying forms of elder abuse that occur throughout Queensland, that it has wasted important time that could have been used implementing trials or providing further funding alongside the inquiry.

It has been 12 months since the inquiry was announced by the Minister for Families, Seniors and Disability Services and since then, in the view of the Queensland Labor Opposition we have seen no meaningful change that seeks to support the very people that have braved this committee to share their stories.

It appears that this inquiry has become an opportunity for the Crisafulli LNP Government to grandstand about helping Queensland seniors, rather than actually creating tangible change that will support some of the most vulnerable in our community.

# Queensland Labor Opposition

Further to this, the Queensland Labor Opposition holds concerns that this inquiry does not adequately consider the unique circumstances of Aboriginal and Torres Strait Islander elders living in Queensland.

While the committee had the opportunity to visit the remote communities of Cherbourg and Thursday Island for a brief amount of time, the Queensland Labor Opposition does not believe this could provide adequate insight into the challenges faced by Aboriginal and Torres Strait Islander elders.

The Crisafulli LNP Government has already highlighted a lack of commitment to First Nations peoples living outside of discreet communities, which has been evident since the Crisafulli LNP Government's decision to cancel the Truth Telling and Healing Inquiry without consultation or consideration for community needs.

Since then, we have seen no meaningful funding commitments or policy outside of water supply improvements and the Queensland Labor Opposition views this inquiry as a missed opportunity to amplify the voices of some of our state's most vulnerable.

Queensland Labor's record on this matter is clear, we committed billions of dollars to support seniors in this state, through a wide variety of avenues and strategies and whilst we recognise there is more work to do, it is concerning that the Crisafulli LNP Government has undertaken no meaningful developments.

## **LNP RECORD**

Not a single new cent was committed solely to protecting Queensland seniors in the Crisafulli LNP Government's first budget and no money was set aside to implement any of the potential recommendations made by this committee addressing elder abuse.

Unfortunately, this was not surprising given that the last time the LNP were in power was under Campbell Newman and during his term there was no Minister for Seniors and the seniors' budget was slashed by 63%.

Many submissions made to the inquiry highlighted how some of the issues contributing to systemic elder abuse in Queensland relate to cost-of-living pressures. Cost-of-living concerns may lead to the isolation of elderly Queenslanders, which can in turn provide opportunity and exacerbate the effects of abusers.

Despite this, the Crisafulli LNP Government have cut the former Labor Government's \$1000 energy rebates and have not contributed any new funding to senior concessions.

This type of cost-of-living support has the ability to create significant change and provide support for our state's most vulnerable. Queensland seniors deserve better.

The Queensland Labor Opposition notes significant concerns over the decision of the Crisafulli LNP Government to indefinitely pause the *Respect at Work Act*, which sought to amend the *Anti-Discrimination Act 1991*. These amendments contained a positive duty requiring duty holders to take reasonable and proportionate measures to eliminate discrimination.

Stakeholders raised concerns over this decision as it actively works against addressing ageism, which may be considered a key enabler of the abuse of older people in Queensland.

If the Government is committed to addressing elder abuse in Queensland, it is imperative that they do not shy away from this vital piece of legislation that seeks to protect our state's most vulnerable.



# Queensland Labor Opposition

## CONCLUSION

The Queensland Labor Opposition are so grateful for all the submitters that shared their stories, bringing their own unique insight to assist with creating positive change for others.

Elder abuse is a serious matter.

It's an issue that still affects far too many Queenslanders.

The Queensland Labor Opposition will continue to stand with all Queenslanders to advocate for more funding and better support because we understand the importance of addressing this issue head on.

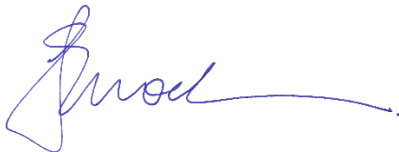
The Queensland Labor Opposition members on the Committee wish to state that not all committee comments, statements or elements of the committee report align to the views of the Queensland Labor Opposition and the Queensland Labor Opposition reserves the right to articulate further views through the debate of the committee report when it comes on for debate in the Legislative Assembly of the Queensland Parliament.



**CORRINE MCMILLAN MP**  
**MEMBER FOR MANSFIELD**  
**DEPUTY CHAIRPERSON OF THE COMMITTEE**  
**SHADOW MINISTER FOR CHILD SAFETY, COMMUNITIES**  
**AND THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE**



**WENDY BOURNE MP**  
**MEMBER FOR IPSWICH WEST**  
**SHADOW ASSISTANT MINISTER FOR STATE AND REGIONAL DEVELOPMENT AND JOBS**



**THE HON LEEANNE ENOCH MP**  
**MEMBER FOR ALGESTER**  
**SHADOW MINISTER FOR CLOSING THE GAP AND RECONCILIATION**  
**SHADOW MINISTER FOR SENIORS AND DISABILITY SERVICES**  
**SHADOW MINISTER FOR INTEGRITY**  
**SHADOW MINISTER FOR THE ARTS**

*Substitute Member of the Committee*