



EDUCATION, ARTS AND COMMUNITIES COMMITTEE

Members present:

Mr NG Hutton MP—Chair

Ms W Bourne MP

Mr N Dametto MP

Miss AS Doolan MP

Mrs R Young MP

Ms CP McMillan MP

Staff present:

Ms L Pretty—Committee Secretary

Dr A Lilley—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO ELDER ABUSE IN QUEENSLAND

TRANSCRIPT OF PROCEEDINGS

Wednesday, 2 April 2025

Brisbane

WEDNESDAY, 2 APRIL 2025

The committee met at 9.46 am.

CHAIR: Good morning. I declare open this public hearing for the committee's Inquiry into elder abuse in Queensland. My name is Nigel Hutton; I am the member for Keppel and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. With me today are: Corrine McMillan, deputy chair and member for Mansfield; Wendy Bourne, the member for Ipswich West; Nick Dametto, the member for Hinchinbrook; Ariana Doolan, the member for Pumicestone; and Rebecca Young, the member for Redlands, who is substituting today for Jon Krause, the member for Scenic Rim, who offers his apologies.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphone on before you start speaking and off when you are finished. Please turn your mobile phones off or to silent mode. I now welcome representatives from the Office of the Public Trustee of Queensland.

CROSS, Mr Jay, Director Special Operations, Customer Experience, Office of the Public Trustee of Queensland

ZHOUAND, Mr Samay, Public Trustee of Queensland; Chief Executive Officer, Office of the Public Trustee of Queensland

CHAIR: Good morning. Please state your name and position as you start your opening statement, after which the committee may have some questions for you.

Mr Zhouand: Thank you for the opportunity to speak with you today, Chair and committee members. I am Samay Zhouand, Public Trustee of Queensland and CEO of the Office of the Public Trustee of Queensland. I would like to acknowledge the traditional custodians of the land on which we meet today and pay my respects to their elders past, present and emerging. For the benefit of the committee, I am here today with the Public Trustee's Director of Specialist Operations, Mr Jay Cross. The Public Trustee is pleased to contribute to these important discussions on the abuse of older persons.

It has been my privilege to fill the role of the Public Trustee of Queensland for approximately five years. During that time the organisation has undertaken significant reforms aimed at putting our customers first. Our priority is clear: to support and advance the dignity, agency, rights and interests of our customers, many of whom are older Queenslanders. We fully support this inquiry and the government's efforts on this critical issue. The Public Trustee particularly welcomes the inquiry's focus on key areas such as data, community awareness, partnerships, advocacy and legal frameworks.

The Queensland Public Trustee is acutely aware that the abuse of older persons is a growing societal challenge with significant impacts on individuals and families. As our population ages, the risks increase. Despite the valuable work being done by government and community organisations, the rising number of older people suggests we will likely see more instances of abuse into the future. The issue transcends cultural, socio-economic and geographic boundaries. One of the biggest challenges we face is the stigma surrounding the reporting of abuse of older persons, which often prevents people from seeking help.

The Public Trustee's core responsibilities are to act as financial administrator, to act as executor or administrator of deceased estates and to act as trustee for various trusts. The role of financial administrator involves managing a customer's finances, ensuring their bills are paid, and safeguarding their assets. It is in that role we most frequently encounter situations involving the misappropriation of funds from older persons.

The Public Trustee has no power to appoint itself as a financial administrator. Appointments are made by QCAT. Some of the applications to QCAT for the appointment of the Queensland Public Trustee originate from referrals to QCAT by the Public Guardian. When concerns about financial abuse arise, we conduct inquiries, review financial records and take necessary action to safeguard the customer's interests. Any action we take is guided by our commitment to structured decision-making, ensuring the customer's wishes and preferences are central to every decision. This structured decision-making framework is based on the La Trobe University's best practice supported decision-making model.

The Queensland Public Trustee operates within a complex legislative and stakeholder environment. Sometimes we are a last resort or the only possible appointment, particularly for highly complex and challenging matters and situations where no-one is appropriate or willing to take on these cases or matters. However, we approach that work with integrity, competence and humanity because we know it is vital for our customers.

The complex legislative framework that we operate in includes the Public Trustee Act, the Guardianship and Administration Act, the Powers of Attorney Act, the Trusts Act, the Public Guardian Act and the Human Rights Act. Our staff have the difficult task of balancing various provisions of the legislation requiring the Public Trustee as financial administrator to: take into account the customer's views, wishes and preferences; act as a prudent person in relation to their investments; and exercise our power with reasonable diligence to protect the adult's interests. Such complex decision-making is not well understood in the community and is often viewed as government interference into the private lives of Queenslanders. It is the Queensland Public Trustee's preference that trusted family members or close friends of the elderly are given the support they require to act either as attorney or as financial administrator in a way that complies with the legislation.

We take our role in this system very seriously. We actively collaborate with government and stakeholders to deliver essential services, including supporting community education efforts. Our customer-first reforms, which have driven the Public Trustee office over the last four years, highlight our dedication to supporting vulnerable customers, especially older persons. The reforms include, as I said before, our structured decision-making framework. They also include reduced fees and a sector-first customer advocate function and financial independence pathway. We are also exploring opportunities to commence a trial education program in the form of a centre of excellence to help those who may want to become, or who are becoming, attorneys as well as principals making attorney documents. These initiatives aim to not only move beyond raising awareness about elder abuse and advanced life planning tools but also go to the next level of detailed quality skills and awareness that can be developed in relation to those topics.

When abuse does occur, we are prepared to respond effectively as financial administrators with the same powers as any other financial administrator. We conduct inquiries, review financial records, conduct property searches, obtain and review medical records and in some instances obtain information from relevant witnesses. When abuse is alleged to have occurred, it is necessary to gather sufficient evidence to prove that there has been a breach of civil legislation and/or that a referral to the Queensland Police Service is warranted. Often we are left to pick up the pieces after the financial abuse has occurred. By this time there are usually limited options available to a financial administrator from a financial decision-making and legal perspective.

I welcome the opportunity to assist the inquiry with your questions. Please note that the legislation prevents me from speaking about individual cases that could identify our customers; however, I can speak in general terms to assist the inquiry.

CHAIR: On behalf of the committee, I appreciate the opportunity to not only ask you questions but also hear from you with regard to the service you provide to Queenslanders. My first question relates to your role as a frontline delivery organisation. Does the Public Trustee have a data and reporting capacity or evidence that it could share with the committee with regard to elder abuse? We have found that many agencies have some form of data they can share, and I wonder if your organisation has any data you would be able to provide.

Mr Zhouand: Similarly to most other agencies, our data is very limited. We are able to provide a synopsis or general outline of data at a general level based on individual case file reviews. We do have some data we can share as part of our submission for the committee. At the moment, the

Queensland Public Trustee is transitioning from our main database for our financial administration customers to a new database. As part of that process we will be in a much stronger position going into the future to capture data as well as report and share data.

Ms McMILLAN: Thank you for coming in this morning. My question relates to your views about the training of JPs when they sign off on power of attorney documents. Do you believe that the training provided to JPs is adequate to make an informed decision, and could that lack of training contribute to the exploitation of older people?

Mr Zhouand: In our experience, quite often we come across documents which have not been witnessed properly, and that does cause disputes and litigation down the track. We do not have specific data, but 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 JP or commissioner of declarations. 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.

With regard to what I was alluding to in terms of that education program I was talking to you about before, we are still in the exploration stage but we are targeting, as part of that exploration stage, certain groups. One is, obviously, people who may want to appoint someone as an enduring power of attorney. The second one is someone who is becoming or is a power of attorney. We are also looking to expand some of that sophisticated education to other service providers and persons involved in the system. That includes general service providers but does include JPs and so on. However, I should highlight that that is at very preliminary stages. We have developed our preliminary plan, but we have to still engage with the government and those types of things to ensure we have stakeholder involvement and buy-in as part of that.

Ms McMILLAN: Do you keep any data on where seniors have been confused post their power of attorney being signed? Do you keep any data around any issues associated with what they thought was the case which is no longer what they were expecting?

Mr Zhouand: That is a really good question. We do not. To get that data, we would have to look at our individual cases and review our cases. It would be on the files, so for us things like that, obviously post this review and as we develop our new database, would be things that we would start to consider and try to capture more regularly, yes.

Miss DOOLAN: Good morning. Could you provide some detail about your current staffing ratios, the frequency of community visits and your current backlog levels?

Mr Zhouand: At the Queensland Public Trustee, at any point in time we have approximately 637 staff. Our staff work in different areas and teams, so we have a segment of our staff working in deceased estates, some in financial administration and some as part of our will service. I might just defer to my colleague Mr Jay Cross in terms of financial administration, which I think the member may be talking about, in terms of particular staff numbers at the most recent time in relation to that service function.

Mr Cross: Financial administration staff are spread around our 15 regional offices, all the way from Cairns down to Southport. The number of staff within financial administration is approximately 250, give or take 10 or 20. It is definitely the largest part of the Public Trustee's cohort with regard to customers and, like I said, they are spread all around the state.

Mr Zhouand: As part of our transition to that new database system, we are also changing our operating model. Traditionally it has been a case management model, where one trust officer is allocated a certain number of files. We are shifting towards a teams-based approach because, based on our research looking across other jurisdictions, that provides a much more consistent and coherent form of service across that function.

Ms BOURNE: Thanks so much for coming in today, Mr Zhouand. You talked about data and moving to a new database and you talked about community awareness. As you know, we have the elder abuse prevention hotline, we have a number of agencies that report, and the police and nurses do training. Why do you think the stigma is there about reporting this type of thing? Do you think we are getting better at reporting or do you think we still have a long way to go on that?

Mr Zhouand: I think we are getting better. If you look at the Elder Abuse Prevention Unit hotline, the numbers of reports have increased over several years. On the one hand that is a concern, but on the other hand it is a good sign that more people are reporting it. I think the issue when it comes to stigma relates to several things. First of all, I think there is in some respects a level of embarrassment or shame that a person's closest family members are doing the harm to the individual. I think that often prevents people from speaking up about it. I think there is a related concern more about the fact that if it is raised that person will become potentially marginalised in their own support or family network. We do think those are a couple of overriding themes in terms of our engagement with our customers where, after initial investigations, that seems to be the reason for not communicating it.

Mr DAMETTO: Thank you, gentlemen, for coming along this morning and presenting to our committee and briefing us. Obviously, we are running an inquiry into elder abuse and you have a lot of vulnerable people who are engaging with your services. What policies do you have in place that specifically target making sure those vulnerable people are protected while engaging with your services?

Mr Zhouand: We have a range of both training and training manuals for our staff which go into great detail. They are very comprehensive and detailed manuals and procedures regarding conducting their work. They range from things such as engaging with service providers such as NDIS to being aware of signs of elder abuse and financial abuse—that is, what to look out for, how to escalate it, how to approach customers. Our training is really detailed and involved in respect of those areas. More generally, we are always looking to improve that, so we have a regular monthly 'hour of power' with our frontline staff where anything new emerging we share with our staff in terms of things to do as well as things to be aware of.

Mr DAMETTO: I do not know whether or not it is appropriate to ask, but obviously we are running an inquiry trying to find ways to improve the outcomes of elders across Queensland and trying to find ways to protect them from such abuse. Do you have any suggestions to the state, through the committee, for ways, either regulatory or legislatively, that we could change things in Queensland to put better protection measures in place or deterrents?

Mr Zhouand: This is an issue that we have given some deep thought to. We are financial administrators, so that is our role. We do see the complexities. In terms of the suggestions made to the committee so far in terms of, for example, when it comes to greater levels of criminalisation provisions or having potentially the legal fraternity be the body that approves EPOAs, we are not opposed to those suggestions but we are really cautious in terms of an automatic legislative solution. Because it is such a complex area, if you pull one lever it can have unintended consequences.

Our view is that there is a really great opportunity to empower the community. We think the Department of Justice did something very smart a couple of years ago—that is, on the enduring power of attorney form they included a section for nominated persons. The role of those nominated persons is to provide an oversight over whoever is the attorney so that the attorney, if asked by the principal, has to report to the nominated person on an annual or semiannual basis. We think that smart move by the department is an avenue for a great opportunity, rather than necessarily the state intervening in the process, to empower and educate and skill up the community and stakeholders and make the legal profession more aware that it is really about putting in some considered conditions, limitations and oversights themselves of people they trust.

As I said in my opening statement, our preference is that we prefer people appoint their loved ones and trusted friends, so that way they can do that. They can have an alternative nominated person or they could have multiple attorneys to provide those checks and balances themselves, and we think that is where some prevention focus would reap strong benefits broadly in the community.

Mr DAMETTO: Much appreciated. Thank you.

CHAIR: You spoke previously around data and said that you would include that in the submission you provide to the committee. We would be very keen to explore the dataset that you have, recognising that every agency has a limited dataset but all helps to inform the picture. You also spoke in your opening statement around the education work for future enduring power of attorney recipients as well as the client. If you could elaborate on that in your submission, I believe it would be to the great benefit of the committee as it is something that we had not heard in many other submissions, so I would really like to advance that.

I want to go into an issue—and it may be a small rabbit hole, but I am sure it is one that you are well and truly qualified to follow up with. We have had a lot of conversation around supported decision-making, and I know that is something that your function has had to consider. In speaking

with the Public Guardian and in speaking with the Public Advocate, supported decision-making to them connects back to having a criteria or a frame that informs how their organisation works with the client, so obviously the owner. What is the frame or the criteria that you use to support Queenslanders who are experiencing diminished but not removed capacity?

Mr Zhouand: That is a really good question. When I first joined the organisation, one of the things we did was partner with La Trobe University and in particular Professor Christine Bigby, who had done significant work in the area of supported decision-making and had developed a key framework which was recognised as best practice in this sector in relation to supported decision-making. Around that same time, there were some amendments to the Guardianship and Administration Act which brought in the structured decision-making framework, so we used that opportunity to engage with Professor Bigby and La Trobe University and we essentially adopted that framework to bring to Queensland.

It really involves a stepped process for us. Step 1 is knowing the customer. Step 2 is identifying the decisions or the customers' wishes and preferences, followed by asking whether there are challenges to executing that decision without unintended consequences. Then as part of that process we engage with the support network, we look at their budget situation and all of their circumstances and then we undertake the decision, which complies with the legislation. Fundamentally, we are guided—our staff are guided and all of our organisational policies and documents are guided—towards as much as possible maximising the customers' or clients' input into the decision-making framework. That varies depending on the capacity of the clients we deal with. Even if they cannot communicate it, we try to make a decision that would have aligned with what we deem to be their wishes and preferences, based on knowing their background and history. After that process, we put in the steps to implement the decision and then record it as well, because we have obligations about record keeping and the like. That is the general process.

More generally, on a day-to-day basis, wherever possible we let the customer guide the decision-making process. We do have difficult situations, however, where, for example, the customer might want to spend \$30,000 on a European holiday but they have a limited budget and if we approve or support that it does mean that when they come back they will not have funds for the basic necessities of life going forward and so on. We put a strong focus and emphasis on negotiation with our customers and their support network where we try to negotiate as much as possible in terms of, 'Rather than, for example, a world holiday, which are the specific countries you may want to go to? Which airline are you going with?' and things like that. Even if we cannot fully support something going forth, we do that process. Our customers vary, like I said, in terms of capacity, so we are very mindful of that, but we try as much as possible to have good record keeping so we know what their wishes and preferences are at the outset, in our initial meetings with them, but also have regular catch-ups. Otherwise, we engage with their support network to get a good understanding of the customer in terms of what their wishes and preferences would have been in the circumstances.

CHAIR: In your earlier statement you spoke about moving from a caseload management formula to using more of a team management formula. What strategies have you put in place to ensure knowledge of the customer, which you have identified really strongly is so important to engagement in managing supported decision-making, is retained when you move from a caseload management to a team management scenario?

Mr Zhouand: Again, that is a really good question. Our current database is quite complex. At the moment, if anything, that can make it difficult because, in terms of engaging with our customers, a staff member has to go through several fields—we are talking more than 10, sometimes 20 or more fields—in terms of trying to get the background regarding our customer—their needs, wishes, preferences and individual circumstances. We are moving towards a model where all of that is captured on one page, two at the most. Those types of things make it much more accessible for our staff to know little things like their favourite sporting team, what they like to watch and who is their favourite star. Those types of things help us to know them when they call in for us to engage with them directly.

CHAIR: Where we have recognised there is reduced capacity but not limited capacity, what engagement does the Public Trustee have in terms of the medical workforce, medical supports, to help ensure that, where possible, the individual's rights to make their decision are not in some way inhibited? We were talking about some people who experience dementia who may have the twilight hours in the evening, when they have a greatly reduced capacity, versus the clarity they have at 9 am. What engagement does the Public Trustee have with the medical workforce world to help inform that supported decision-making for people who are seeing a reduction in capacity but who have not lost capacity to make decisions in the right circumstances?

Mr Zhouand: In terms of our appointment as financial administrator, we are only appointed in circumstances where QCAT determines that an individual does not have capacity. That is when we are appointed. We have always been, as part of our customer-first reforms, very conscious that capacity is dynamic, and that is why we felt it was really important to adopt La Trobe University's decision-making model as a default for us. That is our automatic option in terms of trying to get the customer's wishes and preferences. At the same time, we have done a couple of things, as part of our customer-first reforms, which really recognise that not only is capacity dynamic but also many individuals' capacity improves over time, once things are settled for them—like our involvement or the Public Guardian's involvement. Their life is settled, they are able to regroup and those types of things.

One of the things we have done as part of our customer-first reforms is establish a financial independence pathway. Our customer's trust officer may say, 'Look, you seem to be more capable and making these decisions quite easily and frequently. Do you want to go on this financial independence pathway where we will empower you to make more and more decisions and be more and more in control of your own funds?' They can use that as part of a collection of evidence so that they can go, with advocacy support that we organise for them, before QCAT and regain full independence into the community. I might throw to Mr Cross.

Mr Cross: To the question around sundowners, or people having better capacity in the morning, and what medical evidence we can have and how we work with that, when we are appointed as an administrator we receive a medical file from QCAT which lists all of the information around capacity—what decisions they can make, whether it is complex or simple, in all aspects of their life. While we are appointed for financial, we do see personal health and those types of things on that report. Our appointment and the appointment of any administrator gives us the authority to stand in the shoes of the person and ask for any further information that we might need. Then when it comes to decision-making—and I think Mr Zhouand spoke about how we communicate with support networks and those sorts of things for people in old-age homes or with community support—part of identifying priorities and constraints and knowing the customer and getting them to participate in the decision would be around talking to support networks, wherever they are around, to help guide us on when is the best time to do that for someone.

CHAIR: Thank you. On behalf of the committee I would like to thank you for your time today.

Ms McMILLAN: I have a further question.

CHAIR: Prior to your further question, Deputy Chair, can I ask that you incorporate, if possible, the La Trobe decision-making model in your submission? It is something that the committee is interested in but has not had reference to previously, so we would be keen to see that in action

Ms McMILLAN: Thank you. Are there any legislative, policy or funding barriers that could greater prevent elder abuse here in Queensland?

Mr Zhouand: That is, again, a really good question. We think there is a real opportunity, as I said before, to really focus on some advanced education on the quality of how to fulfil those various roles or how to establish those advance-like documents by various players in the group. We think that is an area where there would be most impact.

In terms of legislative and funding opportunities more generally, as a financial administrator we are cautious, at least when it comes to the Queensland Public Trustee, to necessarily ask for more powers, because we are essentially in the same position as any other financial administrator and, to the extent that we have extra powers or significantly extra resources, that impacts people's decision-making as to who they appoint as their attorney or financial administrator. We have been cautious about some of those things. More generally, we welcome the conversations about things such as the harmonisation of EPOA laws, about potentially things like a central EPOA register and those types of things. There are good arguments for those, but, ultimately, they are government decisions and we are happy to work in whatever way government wants us to contribute to that.

With regard to things such as the criminalisation provisions regarding abuse of older persons, again, we are not opposed to those things. They are matters for government, and we are happy to work with government and provide input in terms of our sector. We do, from our experience, note that those types of things are complex in terms of stigma. Many of our clients are really hesitant to have their son, daughter or partner be criminally convicted and the consequent impacts on them and their family and their support network. For us, those are some of the complications in relation to that. Again, we are not opposed to it, but I think any of those criminality amendments and provisions should be approached cautiously.

Ms McMILLAN: Is there any consideration of how the Public Trustee might navigate that with the two parties in terms of a negotiation, a dialogue? I understand completely, and it is what we hear as we move around the state, that seniors are not wanting to prosecute loved ones, but is there any avenue, whether it be through the Public Trustee or others, to help navigate and negotiate that relationship or that conflict?

Mr Zhouand: That is a really good question, Deputy Chair. How I can answer that is to talk about how we deal with it to the extent that we are involved. For us, where misappropriation—which is most often the type of matter that we deal with—comes into play, we have similar powers to any other financial administrator and our approach is to be guided by the wants, wishes and preferences of our customer and their resource limitations. Based on those factors, we take, essentially, one of four courses of action. The first is to refer it to the Queensland Police Service. Secondly, we may bring legal proceedings to recover the misappropriated funds. Thirdly, we may enter into a settlement with the relevant person or family member, knowing that it might not be in our client's interests to spend the funds to recover through a court process. The fourth one, because sometimes either the evidence is insufficient or our client is strongly against anything, is to put safeguards in place, and checks and balances, to ensure that any future risk is minimised as much as possible. Those are the four courses of action in general. Each case depends on its circumstances, but they are the four general steps that we take.

If I understand the deputy chair's question more generally in terms of whether we provide that service broadly, we do not. We only provide it in relation to our clients. If it is asked that we provide that more broadly, I think that may, at first blush, create some complications because then you will have one financial administrator on this side and then you have a public financial administrator potentially having different views and approaches to it. That creates conflict in terms of the appointment role and whose roles and responsibilities are paramount in those circumstances. That is just an initial view about how we apply that service more broadly.

CHAIR: On behalf of the committee I would like to thank you for your time here today.

KAY, Ms Sarah, Executive Director, Office of the Victims' Commissioner

O'CONNOR, Ms Beck, Victims' Commissioner, Office of the Victims' Commissioner

THOMS, Ms Dimity, Director, Policy and Systemic Review, Office of the Victims' Commissioner

CHAIR: Welcome. Ms O'Connor, I invite you to make an opening statement, after which the committee will have some questions.

Ms O'Connor: Thank you very much. I would like to begin by acknowledging the traditional custodians of the lands on which we gather today, the Turrbal and the Yagara people. I pay my respects to elders past and present and extend that respect to Aboriginal and Torres Strait Islander peoples who are joining us or who are watching. I also pay my respects to all Queenslanders who are victims of crime. I listen carefully to their experiences and advice because it is vital that they are central to our system responses. I acknowledge the steadfast friends, family, agencies and communities who support victim-survivors, and I acknowledge those who have not survived and the enduring impact this has on their loved ones. I thank the committee for the priority you have given to hearing them through this process.

Chair and members of the committee, thank you for the opportunity to speak with you today. My name is Beck O'Connor. I am Queensland's first Victims' Commissioner, with legislation establishing my role and the office commencing in July 2024. As Victims' Commissioner, my statutory role is to protect and promote the rights of all victims and survivors of crime; to resolve complaints related to the Charter of Victims' Rights; to identify and review systemic issues affecting victims of crime; to consult with them on their experiences; and to provide government with advice and recommendations on how policy, practices, systems and responses can be improved.

I would like to begin by saying that violence and abuse of older people is entirely preventable, yet it is happening far more frequently than many realise. National statistics indicate that at least one in six people aged 60 and over have experienced some form of abuse, yet fewer than one in 24 cases are ever reported. This is a devastating gap between harm and help. These numbers reveal more than just a crisis of prevalence; they point to systemic failures in how we understand, value and protect old people.

To truly prevent abuse of older people, we must first examine the underlying drivers that allow it to occur and to persist. At the core is ageism: 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. This creates a culture where abuse is more easily ignored, excused or overlooked. Power imbalances are also central. Many older people rely on others for care, financial support and assistance with daily tasks, but this dependence can be manipulated, especially in a context where oversight is limited or informal caregiving arrangements are unregulated. Abuse often occurs behind closed doors, where perpetrators hold control and victims are isolated.

Speaking of isolation, social disconnection significantly increases the risk of abuse. When older people are cut off from family, communities or services, whether due to health, mobility, language barriers or systemic neglect, they become less visible and less able to seek help. Isolation creates the conditions in which abuse can persist undetected and unchallenged. We also see contributing factors such as intergenerational conflict, carer stress, financial pressure and institutional failures in care environments. Whilst these factors never justify abuse, they help us understand the environments in which harm occurs and, importantly, where prevention must begin. A lack of awareness is another key driver. Many victims and those around them may not recognise certain behaviours as abusive, particularly emotional, psychological or financial abuse. This can lead to under-reporting and missed opportunities for early intervention.

Importantly, we must also view abuse through a gendered and cultural lens. Older Aboriginal and Torres Strait Islander individuals aged 50 years and over are over-represented, as are older women, who are more than twice as likely to be victims of abuse. In Australia, 40 to 50 sexual assaults are reported in residential aged care every week. Most of them are of older women. In 2023, 28 women aged over 55 years were killed in a domestic and family violence context. This represents roughly a third of all alleged domestic and family violence homicides for 2023. Last year, nine women aged 60-plus were reported to have been killed by their sons and 10 women were killed by others—their neighbours, clients or members of the community. Without a gender informed approach, the

specific needs and experiences of older women risk being overlooked. Our responses must ensure services are safe, accessible and attuned to the intersecting impacts of age and gender. The percentage of Queensland's older population is increasing. By 2036, it is projected that 20 per cent of Queenslanders will be aged 65 years and over. The impacts of failing to effectively prevent, safeguard, identify and respond to the abuse of older people will only increase with our aging population.

In addition to the more well understood tactics of violence, older victims face unique barriers to reporting and recovery. Some of these are: generational and cultural attitudes towards family and privacy; dependency on their abuser for care or housing; fear of institutionalisation; and health conditions such as cognitive impairment, fatigue or physical frailty which may limit their ability to advocate for themselves. Critically, there is a lack of confidence in systems that are not targeted to their needs or are geared towards younger people, particularly domestic, family and sexual violence responses. This includes suitable emergency refuge and accommodation options and appropriate safety planning. Professionals across health, social services, policing and community care often lack training or confidence to recognise the abuse of older people. We must also confront the digital divide which limits access to online reporting and support services, leaving many older people even more isolated.

Too often, older victims are viewed solely through the lens of vulnerability rather than recognised as people with agency, rights and voices that matter. Their experiences are frequently medicalised, their concerns are sidelined and their rights are overlooked. This must change. I have heard from older victim-survivors, their families, frontline workers and community allies across Queensland, whether through my own direct engagement during the seven months I have been in the role or feedback to my office, but the message is consistent: victims are not adequately informed of their rights and this limits their ability to seek support and justice. Those who can and do report face systems that are fragmented, difficult to navigate and, at times, retraumatising. Victims have told me that they want to feel safe, respected and heard. They want clear access to specialist advocacy support and to services that work together—not in isolation—to provide that care. They also call for accountability not only for those causing harm but also for institutions and systems. Importantly, they want to contribute to the solutions.

One of the key messages to this committee is that older victims must be heard in their own right. Their voices—diverse, direct and deeply informed—must shape the changes they need. This principle of truly listening to victims will underpin my upcoming systemic review of the Charter of Victims' Rights. A key focus will be on whether the rights and experiences of older people are meaningfully recognised and upheld by the agencies responsible for their care, safety and access to justice.

What does this look like in practice, especially for older Queenslanders who are experiencing abuse? It is about seeing them. Seeing the abuse of older Queenslanders means recognising and responding to the role that ageism plays in enabling abuse; denouncing abuse as behaviour that is unacceptable and intolerable in our community; improving data collection and research to better expose harm and inform responses—this requires a consistent definition of what the abuse of an older person is; and building awareness across settings to identify when abuse is happening. It is about hearing older people's experiences, starting from a position of belief and taking disclosures seriously; making information or reporting options more accessible for older people and those who support them; and ensuring health, policing, legal and support responses are safe, collaborative and provide them choice and control. It is about promoting active bystander and adult safeguarding approaches so that those around older people are equipped to act when they see signs of harm. Lastly, it is about helping them. It is about co-designing victim support models, including advocacy services, that respond to their specific needs and investing in specialist services that can meet a growing demand, particularly as our population continues to age.

I once again thank the committee for its careful attention to this important issue. I stand ready to work alongside you to ensure older Queenslanders are not only protected from harm but are genuinely seen, heard and helped in every system that responds to and seeks to prevent this abuse.

CHAIR: Thank you very much, Ms O'Connor, for your very thorough and eye-opening statement. I appreciate what you bring to the table in your role as the Victims' Commissioner. While we have heard from many parties who have offered insight as to how they connect with victims, being an advocate for victims is such an important role.

You spoke in your opening statement about the barriers or challenges to reporting, with a reference to cultural differences as one of the criteria. It is something the committee is very interested in but has not had a lot of chances to get data or anecdotal evidence around. Do you have the capacity to share, from your experiences in your role, some of the cultural differences that affect the reporting that we see coming from CALD communities across Queensland?

Ms O'Connor: Our complaints system, which has been operating for about six months now, does collect some information. Older Queenslanders have contacted us when they have experienced not being able to access or claim their rights as a victim of crime. Our system is being matured as the Office of the Victims' Commissioner is being matured, but we are hearing about what some of those barriers are. I think it is particularly important to put this in the context of who we are working with at the moment—having lived through the 1960s, 1970s and 1980s and what some of the ways of the world were then, what access to justice was and what the social norms were at that time. Our understanding of what abuse is nowadays is very different from what people have grown up with. I think it is about how we break down some of those barriers to understand what healthy care and healthy aging looks like—not just what abuse is. It is very powerful to highlight what strength-based healthy aging is. There are also concerns within a cultural context about issues of family in terms of migration and residency status and not wanting to impact that, particularly when they are so reliant on care and support. They would be some of the pieces of feedback.

CHAIR: What I take from your answer is that the language we are using and a strength-based approach are really important. One of the things our committee has heard a few times in the different hearings is that as our population ages the language we use changes, and that creates a barrier in its own way. With young students in high schools we talk about healthy relationships. We then get to middle age and talk about domestic violence. Even though these things may look the same, we are using different language. Then once someone gets to a certain demographic we say, 'This is now a form of elder abuse.' When victims are speaking to you—and we would be keen to get some data from your first six months—what is the language your victims are using? Is there a commonality around it that we could potentially draw on as a committee to say, 'We need a common language to help us provide that better understanding as a community'? I am particularly interested in language and how it helps us to educate and make it accessible for people to see this, know it and then get help when they need help.

Ms O'Connor: One of the immediate barriers that comes to mind is the term 'victim', which is not something that, particularly in a cultural context, is actually used often. It is even understanding what that means. I think it is also really important in the fact that we medicalise, as I had mentioned, a lot of the terms that we might use. When somebody is accessing a very complex criminal justice system or support system, often we defer to very convoluted terms, very industry related terms, so it is about making things simple and accessible. I think it is also about providing agency to people about how they want to be identified within this.

There are also some barriers in terms of people's sense of shame or stigma where they feel that they might have contributed in some ways to their experiences of abuse, particularly when children and grandchildren are the ones who are perpetrating that abuse. It is very much about how we think critically—and I commend you for your question—about the language that we use because that can create a barrier in and of itself for someone to think, 'Is that a service that is going to see, hear and help me when I don't actually even identify as a victim?'

Ms McMILLAN: Commissioner, thank you for your expertise and advice to our committee. As adults, we have a responsibility to look after the most vulnerable in our community. We see that through mechanisms such as mandatory reporting around children. Do you think we could do more? Is there an avenue for the general public to have access to that mandatory reporting or to some mechanism that demonstrates our commitment as a society not only to our children as vulnerable people but also to older people? We know that there are many instances where older people demonstrate characteristics that are very similar to a child. Is there any appetite, avenue or opportunity for us to do more around that reporting mechanism?

Ms O'Connor: Yes, although I would be very cautious about any kind of blanket reporting scheme. Learning from the way we have done that within the child-safe circumstances is a good point that you raise. Mandatory reporting can play a role in protecting older people but it is not a standalone solution. The caution for me is that it can actually reinforce ageist attitudes and it can diminish someone's right to choose and their autonomy. We have to be careful when we consider when and by whom that is undertaken, particularly because aging is in stages and there are lots of intersecting needs that people might have.

Any reform and strengthening in this space also needs to be part of a broader integrated safeguarding framework that includes education, community awareness, specialist supports and mechanisms that respect both safety and autonomy at the same time. That can be strengthened by activating community as a bystander and looking at ways we can strengthen the community's responsibility because, as we know, help seeking in this way is not the majority response from older people. They will most commonly go to avenues of informal support or family and friends. I think there is a need for proactive mechanisms, and I am really curious about the application of the recognised respond, refer and, in some cases, report framework for how we do that within community.

Miss DOOLAN: Ms O'Connor, are you aware of any jurisdictions that address abuse of seniors particularly well, either nationally or even on the international scene?

Ms O'Connor: It is really important to draw to a number of strategies that are already in place. One of them in particular is within the National Plan to End Violence Against Women and Children in a generation, although acknowledging that that title does not cover the fact that it is broader than just impact to women and children. There is a significant blueprint in place there with recommendations about how to go about that on a national level, which has also been supported by states and territories. Give me just one moment: there are a couple of others that I would not mind referencing. Rather than take up valuable time at the moment, I will make sure they are included in my submission. There are a number of other strategies within Australia that I think would be incredibly important to consider within the context of this inquiry.

Ms BOURNE: Commissioner, I was particularly interested to listen to the very confronting overview that you gave in which you talked about the underlying drivers, one of them being ageism. I am very proud to be on this committee. I probably come from an aspect where I am a domestic violence victim but also I confronted—I might come back.

CHAIR: Yes, we will come back to you. Mr Dametto, would you like to ask a question?

Mr DAMETTO: Commissioner, by virtue of the Victims' Commission that you work through, a lot of the focus would clearly be on victims. What do you know about perpetrators? I would imagine, after speaking to victims, you would have heard multiple stories. Can we have an understanding of some of the profiles of perpetrators we are seeing in the space of elder abuse?

Ms O'Connor: As Victims' Commissioner, that absolutely is my focus; however, there are some pretty universal traits, not necessarily one particular profile. There are issues around power and control in terms of indifference and greed, which are often motivating factors for people who behave in this way.

Mrs YOUNG: Commissioner, your opening statement was so powerful and I really thank you for it. The member for Pumicestone mentioned other strategies that could be adopted, either Australian or international, and you said absolutely; why reinvent the wheel as there might be something out there. As a part of those strategies that could be modelled, could you speak to the type of agencies that come into play? Obviously, when we talk about DV we talk about a QPS response or a health response. From my learnings in the domestic violence space, the new embedded worker situation within a police station is getting some good results in not exacerbating. What other resources could we take on board to better facilitate reporting?

Ms O'Connor: I think there is an opportunity to tighten safeguarding and increase surveillance, in a way, particularly where they might be either some reluctance or inability to report the experiences they are having. I think there could be a really powerful role for pharmacists, particularly in terms of mandatory check-ups. Often they have more contact with the carer or the older person themselves and are able to do some kind of checking in those ways. They can monitor issues relating to scripts and medication, particularly the filling of them and people actually getting the medication regime that they need. I think there is a real opportunity for pharmacists to take a more active role in that.

There are other ways within Queensland Health in terms of schemes around having your flu shots. Could there be some additional checklist or review process that happens? We have programs where we contact parents about children and their vaccinations and schedules. Maybe we could look at something. Again, these are not direct and overt so, again, consider safety; consider that it is about that curious inquiry rather than it being like a confronting disclosure. It is an opportunity to pick up more subtle indicators of abuse and harm.

Our colleagues previously talked about JPs when they are certifying documents and having some targeted training there. I think there is an opportunity around some of the national agencies. Services Australia, for instance, when they are sending out healthcare cards and pension cards and other things, might be able to send out some documentation that goes with that into homes where we know there are older people residing.

Banking institutions and other corporate entities also have a role to play in this. They can implement oversight mechanisms to detect financial abuse. I know that some are already leaders in this space. We might be able to mandate some of that, particularly where they have mechanisms that they use at the moment to detect fraudulent activity or, more importantly, the seriousness with which they take detecting and managing domestic and family violence that is facilitated through banking institutions.

I also particularly like this one: community policing. We have an initiative similar to a Adopt-a-Cop, which goes into schools. Maybe we could do that within aged-care facilities or within neighbourhood centres and things like that so that there is building of rapport with police. That is a learning both ways for the local police districts and officers in terms of connecting with their community but also doing that in a really proactive way. They were just some off the top of my head that I thought we could be utilising.

Ms BOURNE: Commissioner, in terms of my own experience, in the lead-up to the election I had a fair bit of ageism against me at that time. You talked about how older victims must be heard. How can we get better education in place to make sure that cohort is listened to in society?

Ms O'Connor: I thank you for your question and I acknowledge what you have shared today. It is really important to think about these things in a non-deficit way as well. It is about how we look at a campaign that completely confronts ageism and the value and contribution of people as they age. I think about the value and the position and the respect that is afforded to elders within First Nations communities. I wonder how we harness that approach in terms of the wisdom and the strength and the contribution. We also need to be thinking about the way we use everyday language in terms of how we use aging as a negative thing.

I would like to think about some really targeted campaigns about increasing social inclusion and increasing the visibility of the contribution of older Australians. We are going to need to do that really quickly because, before long, 20 per cent of us are going to be in that age group and still active members within the workforce and all of those things. I think it is about how we confront some of those cultural and societal biases around aging inherently being a deficit because it is not inherently a protective factor when it comes to abuse. Yes, I think it is important to talk about where there is harm and where there are concerns, but it is also about how we are dispelling some of that really entrenched and pervasive view. I am sorry that was your experience.

Ms BOURNE: We have gone to a number of Indigenous communities. When I think of 'elder' I think of an elder in an Indigenous community and the respect we have for them and the respect the community has for them. I wonder about the language of elder abuse. Do you think that should be changed to 'seniors abuse' perhaps or something else?

Ms O'Connor: You may have noticed that I have not used that term throughout my opening address today. I think it is incredibly problematic where we are conflating or associating two very different things, particularly where the term 'elder' is used in such a revered way.

CHAIR: On behalf of the committee, I thank you for your time today and thank you for the information you have provided. We really implore you to provide whatever data you can in your submission, recognising that the committee is much better informed by the data we collect from each of the agencies and recognising that they offer a unique perspective along the way. I am very proud to be part of a committee that brings forward such various life experiences, both in our communities and across our state. On behalf of the committee, I thank you for your time.

That concludes the hearing. Thank you to everyone who has participated today. Thank you to our Hansard reporters and our committee secretariat. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public hearing closed.

The committee adjourned at 11.02 am.