



# ***EDUCATION, ARTS AND COMMUNITIES COMMITTEE***

**Members present:**

Mr NG Hutton MP—Chair

Ms W Bourne MP

Miss AS Doolan MP

Mr JM Krause 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**

**Thursday, 13 February 2025**

**Broadbeach**

## THURSDAY, 13 FEBRUARY 2025

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### **The committee met at 1.07 pm.**

**CHAIR:** Good afternoon. Thank you for coming along this afternoon to participate in the public hearing for the Education, Arts and Communities Committee inquiry into elder abuse. I officially declare open this public hearing. I respectfully acknowledge the traditional custodians of the land in the Broadbeach region and pay our respects to elders past, present and emerging.

My name is Nigel Hutton. I am the member for Keppel and chair of this committee. With me today are: Ms Corrine McMillan, deputy chair and member for Mansfield; Ms Wendy Bourne, the member for Ipswich West; Miss Ariana Doolan, the member for Pumicestone; and Mr Jon Krause, the member for Scenic Rim. Mr Nick Dametto, the member for Hinchinbrook, is unfortunately unable to be with us today due to events in the far north. We wish him the best of luck in dealing with the challenges in his community.

The purpose of today's hearing is to assist the committee with its inquiry into elder abuse in Queensland. The Queensland parliament referred the inquiry to this committee on 10 December 2024. The committee is to report back its findings to parliament by 12 December this year. We know that elder abuse takes many forms. It can be a single or repeated act or a lack of action. It can occur within any relationship where there is an expectation of trust that causes harm or distress to an older person. We are here today in Broadbeach to hear your views so please take this opportunity to share your experiences with us. We are looking for experiences from our non-government partner organisations in the community as well as those with personal experiences they would be willing to share.

The committee is a committee of the Queensland parliament and its hearings are subject to the rules of the parliament. These proceedings are being recorded by our wonderful Hansard reporters and will be published on the parliament's website. If you have any concerns around this then please talk to our lovely committee secretary, Lynda. Media are 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 proceedings and images may also appear on the parliament's website or social media pages. Please make sure your phones are switched off or turned to silent mode.

The hearing will start with stakeholders who have preregistered, after which committee members will ask some questions. After that we will open it up to anyone who would like to have a say. I ask that we keep to the times allocated by the committee to ensure that everyone has the opportunity to speak. We do acknowledge that, as it was this morning in our first session, this will bring up triggering, emotional and distressing topics. If you need to have a break then that is fine and we completely understand. There is tea and coffee here. Contact details for support services are available from our committee secretariat.

This public hearing is covered by parliamentary privilege, which means that speakers are protected from legal action in respect of the evidence they give to the committee. If you wish to give evidence today that reflects adversely on an individual or organisation then it should not be taken as proof of the allegations being made. The committee may choose to receive but not publish that evidence. As chair, I may ask you to avoid naming individuals or give you the option of talking to the committee in a private hearing at the end of the session.

In this morning's session we had the benefit of hearing from some fantastic providers. Each of the committee members here really benefitted from hearing about their experiences within the Labrador community and the flow-on effects across the Gold Coast. We do appreciate you making the time to give us this data. This is just the first day of the inquiry in terms of public hearings. The information we will glean and hear from you will help us as we take our inquiries further and seek community feedback along the way. It is always hard to be first, so thank you very much.

### **SAGE, Mrs Debbie, Partner and Accredited Aged Care Professional, Attwood Marshall Lawyers**

**CHAIR:** Good afternoon. Thank you for appearing before the committee today. I invite you to make a brief opening statement after which committee members will have some questions for you.

**Mrs Sage:** Thank you so much for the opportunity to speak with you today. I have been with Attwood Marshall for 20 years this year. Throughout my legal practice I have encountered many forms of elder abuse and I believe there is an urgent need for stronger protections in Queensland. The most common forms of abuse that we encounter in our practice are financial abuse, psychological and emotional abuse, and neglect. We also see forms of sexual abuse, but we most commonly see financial abuse. That usually involves the misuse of an older person's assets such as unauthorised access and usage of their bank accounts, coercion into signing legal documents and the exploitation of an attorney's powers under an enduring power of attorney.

We find that elder abuse typically occurs within the family setting—usually it is the spouse or adult child or children—and also in a home care setting, so carers and cleaners. We also commonly see it through the use of an enduring power of attorney. These are very powerful legal instruments and they are increasingly being misused to financially exploit older people. We are also seeing a rise in abuse through the form of substitute decision-making where the attorney is not acting in the best interests of the elderly person and is going against their wishes and preferences, usually for their own personal benefit. We are also receiving a large number of reports of financial abuse against the Public Trustee where older individuals with impaired capacity or their representatives are reporting issues of financial mismanagement.

The risk factors and barriers that we commonly see are: social isolation; dependency on the perpetrator for housing, support and personal care; fear of retaliation by being cut off from family members or further isolation and abuse if they report; the victim wanting to protect the perpetrator in circumstances where it is a family member; and the shame and stigma associated with identifying elder abuse. Then there is cognitive impairment that prevents the elderly person from recognising or reporting the abuse. This is where abuse is alleged by a victim but they are not being taken seriously because they are deemed to not have capacity. There is also abuse being alleged by friends, family members and neighbours where the victim has a cognitive impairment and the perpetrator usually lives with them, so it becomes particularly complex because the abuse is hidden. Access to services and support can also be difficult due to their impairment and lack of access to their own funds, usually because it is under a financial management order or power of attorney. Then we have our gag laws that prevent our elderly with impaired capacity from speaking out in a more public forum about their experiences with the Public Trustee.

Queensland does not have any specific offence for elder abuse, meaning cases are often falling under general provisions which do not adequately capture the complexity of elder abuse cases. The enduring power of attorney system also lacks sufficient oversight, in my view. Often the abuse is occurring without much consequence or it is not being identified until they have passed away. I believe we need to strengthen our laws and provide more education, awareness and training in this area not only to the community as a whole but to various sectors such as our first responders, the police and the health, aged-care and banking sectors. I am a strong advocate for introducing legislation which will specifically criminalise elder abuse and abuse against vulnerable persons, with clear definitions and penalties. Elder abuse should be recognised as a distinct category of crime, just like child abuse and domestic violence, and I believe it warrants tailored provisions and penalties.

In April 2021 the ACT set a precedent introducing specific legislation to criminalise abuse against vulnerable persons. There are several countries around the world that have been doing this for many years. There is Sweden, Costa Rica, Japan, the Dominican Republic, Vietnam, all 50 states in the US, Israel, France, Korea, Singapore and the UK. I have it all in my written submission. I also believe there should be mandatory requirements of reporting suspected elder abuse, especially where the elderly person has an impaired capacity, just like other countries such as France, the UK, Sweden, Korea and Japan do. Under their existing legislation, any person who is aware of deprivation, mistreatment, sexual assault or abuse afflicted on an elderly person must report it to the appropriate authority and in France it is a punishable offence.

I also believe that we should amend our existing legislation to introduce a framework for supported decision-making. This has been a growing recognition area of importance and it was a recommendation handed down in the National Decision-Making Principles by the Australian Law Reform Commission and the UN Convention on the Rights of Persons with Disabilities. I also believe that we need to review our power of attorney laws. Again, these are very powerful legal documents that are increasingly being misused. There needs to be more education, community awareness and training, especially for banks and healthcare workers. I also think we need to review the execution requirements and consider whether the requirement for legal advice should be considered to ensure the proper drafting and suitability of the attorneys. I also think that will ensure appropriate terms,

conditions and limitations can be inserted into the document to ensure that oversight we need to provide the adult with better protections and clearer instructions about their wishes and preferences. Thank you.

**CHAIR:** Thank you very much, Mrs Sage, for your very thorough presentation. You spoke very clearly around the need for protections and I want to quickly ask some questions around the enduring power of attorney and oversight provisions.

**Mrs Sage:** Yes.

**CHAIR:** Do you have some examples—without providing details of individuals—of where those powers have been abused, just for the benefit of the committee?

**Mrs Sage:** Yes, absolutely. I have written a heap down just in case. A lot of the time it is misuse of a bank account, so they register the power of attorney with the bank, identify themselves, lodge the incapacity letter and then fleece those bank accounts. I have had numerous instances and discussions with even aged-care facilities where they know that the resident has assets but they have not paid the refundable accommodation deposit. When I have looked into it on behalf of the representatives, the property has not been sold because they do not want to sell it because they are hoping that they will inherit it. There are also instances where they are just using the money and they believe that they are entitled to it. They believe it is compensation for looking after their parent. They do not want their other siblings to inherit it because they think they are doing all of the work. There are so many instances out there where this is happening, and it does not necessarily mean that it is under the power of attorney. Sometimes they are also just getting internet banking access through their parents by registering as them.

**CHAIR:** Have you any suggestions with regard to what protections could be put in place or what changes could be made to support better oversight and protections with the enduring power of attorney?

**Mrs Sage:** As I mentioned, I think we need to consider the review of the execution requirements. In New South Wales a JP and a Commissioner for Declarations—no offence—cannot execute these documents with clients; they have to be done with a legal professional, a licensed conveyancer, a New South Wales registrar of the court or the Public Trustee and guardian. I think that would create more oversight. 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.

There is also protection in that when they come to someone like me I am going to educate 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? Not only are we bombarding our nursing homes but we are not giving them a voice. That is why, I think, by creating the requirement to have proper legal advice we can tailor these documents.

When I see them and they are not drafted by lawyers, they are just blanket. There is nothing in there. They cross out the provisions about oversight in terms of spending over a certain amount of money. They do not care about any of that. They are just giving the entire power. What about conflict transactions between husbands and wives? They do not realise that they cannot enter into conflict transactions. What about mums and dads who both lose capacity but the attorney can only confer benefits on that one person? You have to put specific clauses in those documents to confer benefits on somebody else who may be a dependent on that person who has lacked capacity, so there is a lot there. We do a lot of community awareness sessions. We do a lot of library sessions. We go to Probus clubs. We go to as many places as we can to provide awareness because we think it is really important because we have such a big aging population now.

**CHAIR:** Thank you very much.

**Ms McMILLAN:** Thank you, Debbie, for being with us today. I learned a lot listening to you just then. Could you talk to the committee more about the interface of the ACT legislation with the federal legislation? I am conscious that a lot of the issues around the elderly fall under federal legislation, so I would be interested to hear you speak about the interface of the ACT with the federal legislation.

**Mrs Sage:** Yes, sure. I will just explain the ACT. They introduced three new offences: abuse of a vulnerable person, which criminalises abusive conduct, including financial abuse, by a person who is responsible for the care of a vulnerable person; failure to protect a vulnerable person from a

criminal offence, which criminalises the failure of a person in authority within an institution to protect the vulnerable in their care; and then neglect of a vulnerable person, which criminalises the neglect of the vulnerable person by someone who is responsible for their care. They introduced these provisions within their Criminal Code which I think is fantastic and I think we need to do the same. When you refer to the elderly and it being federal legislation, are you perhaps meaning the Aged Care Act and the Commonwealth?

**Ms McMILLAN:** Yes.

**Mrs Sage:** The Aged Care Act is Commonwealth legislation but it is in relation to aged-care services in terms of the provision of aged-care services.

**Ms McMILLAN:** And there is nothing in there around neglect?

**Mrs Sage:** No. When they were putting the bill through there were going to be criminal provisions.

**Ms McMILLAN:** Yes.

**Mrs Sage:** They have taken that out.

**Ms McMILLAN:** Right.

**Mrs Sage:** I was quite disappointed, but I understand why they have done that. There is enough pressure for compliance and quality standards on the facilities at the moment. I think we need to deal with that separately, and that is why I think criminalising elder abuse in this kind of way, like the ACT and other countries have done, will go a long way to also putting that awareness out to the community. There is a lot of confusion about whether this is illegal. It is such a grey area. I had a client tell me yesterday that they rang the police and the police said, 'I'm sorry, I don't know what I can do. Maybe you should take her to another state,' as in kidnap her, and then they have called the elder abuse unit and the elder abuse unit have said to them, 'The police don't know what they're doing,' and then when they have talked about QCAT interim orders the answer was, 'Look, our experience is nobody ever gets an interim order.' This sort of thing is just really upsetting, because I do not believe there is a sufficient framework. If we are going to have some kind of mandatory reporting, we need a reporting system—so a proper reporting system—and we need a framework for how we deal with elder abuse, so what the process is when we suspect that someone is being abused.

**Ms McMILLAN:** Excellent. Thank you, Debbie.

**Ms BOURNE:** Debbie, a lot of this is very new to me so I would appreciate your advice. You mentioned the Public Trustee and gag laws. Would you mind telling me a little bit more about that?

**Mrs Sage:** Sure. Under existing legislation, anyone who is under guardianship or financial management orders who has impaired capacity is not allowed to speak publicly about their experiences. There are gag laws. There has been a parliamentary petition to get rid of it because there have been issues with the Public Trustee for quite some time—it is not just Queensland; it is every state—but unfortunately sometimes our most vulnerable are being managed by government departments and there are all kinds of issues happening there and they do not have a voice. They come to us, of course, but sometimes they do not know that they can come to someone like us and we can represent them. A lot of the time they want to go to the media, but they are not allowed.

**Ms BOURNE:** Is there an offence if they do that?

**Mrs Sage:** It is, yes, and the media obviously are not allowed to televise it.

**Ms BOURNE:** No. Okay. Thank you so much.

**CHAIR:** For the benefit of witnesses as well as the committee, the committee will be hearing from the Public Trustee at one of our sessions in March—

**Mrs Sage:** Beautiful.

**CHAIR:**—so thank you for giving some feedback there.

**Miss DOOLAN:** Thank you, Debbie. You did mention public awareness and education. What would that look like for you if you could design a campaign, for example, about educating people on elder abuse?

**Mrs Sage:** I think there needs to be community collaboration, so organisations collaborating as well, but I think a lot of media will be important such as TV. We need education in all forums, so I think we need information booklets. I see banks are starting to do that in their banks. They have booklets about financial abuse and when to identify it. I think we need to have as much information out there as possible in all forms of communication about what elder abuse is, what your rights are, how to identify it and how to deal with it.

When it comes to community training and things like that, I think we need more training when it comes to the police and the elder abuse units. However, that is all going to have to stem from what this framework is going to look like and whether or not we are going to specifically criminalise elder abuse. I cannot see any other option, to be brutally honest, because this is only, as other people mentioned earlier today, the tip of the iceberg. We are not hearing about most reports. When they have passed away—deceased estates is a big part of what I do—that is where I identify it as well. The executor has a duty to audit the attorney while they are acting as attorney and that is where we identify a lot of the financial abuse. A lot of the time you cannot recover it because that person does not have assets to go after, so you miss out.

**Ms BOURNE:** Do you have to report that then, Debbie?

**Mrs Sage:** No. It would be up to the executor to do that and a lot of the time they do not want to do that or it is the same person. Commonly, the executor is the attorney previously, so they are not going to say anything to the beneficiaries.

**Mr KRAUSE:** Debbie, thanks for your submission. You spoke about supported decision-making.

**Mrs Sage:** Yes.

**Mr KRAUSE:** I am not sure what you mean by that, so could you elaborate on what you meant in that submission?

**Mrs Sage:** Yes. In our current legislation for powers of attorney and things they talk about substitute decision-making, where the person who is acting as attorney steps in and does the whole best interests decision for that person, but capacity is so complex now. Capacity is time and task specific, so sometimes people will have more or better capacity in the mornings as opposed to in the afternoons or they may recover. Substitute decision-making is a framework, and it is being introduced in the new Aged Care Act coming out in July, but obviously that is only going to be in relation to the provision of aged-care services. Substitute decision-making is about helping the adult with the impaired capacity make that decision for themselves, so giving them the support that they need to help them make that informed decision as well. It lets them be part of the process. It empowers them to help them feel like they are still independent and protects their autonomy. It is a human right. We should all still have the ability to make decisions wherever we can.

**Mr KRAUSE:** You are talking about exercising health powers under an enduring power of attorney or financial powers as well?

**Mrs Sage:** Anything.

**Mr KRAUSE:** There are very broad powers conferred on an attorney under the Powers of Attorney Act, are there not?

**Mrs Sage:** There are broad powers, but then there is also the substitute decision-making power. In effect, at the moment we are pretty much telling them that as soon as they have lost capacity it is okay to not consult them at all and you make that decision, whereas I do not think it is that clear-cut anymore. With a lot of the capacity certificates we see these days, it is not a blanket 'you do not have capacity anymore'; it is 'this person does not have capacity to make complex financial and lifestyle decisions'. That means they can still live in the community, pay their bills, go buy some shopping and, you know, take part in their community, but when it comes to financial investments, buying and selling properties, deciding if they want to sell their house, transitioning to a different care facility or something like that then they need assistance. Again, this is where powers of attorney are really important too. We put in our power of attorney documents that the attorney should and must seek independent legal and financial advice when making any significant decision on behalf of the adult because that then puts the onus on them to make sure that they are doing the right thing.

**Mr KRAUSE:** You are talking mainly about that element of power of attorney decision-making, substituting decision, rather than a more general aspect where someone might do a power of attorney for the completion of a transaction or something like that where they are unable to be there to execute something themselves.

**Mrs Sage:** Yes, that is right.

**Mr KRAUSE:** Which is a different matter altogether.

**Mrs Sage:** Different.

**Mr KRAUSE:** I just want to be clear about that because obviously if you were thinking that that needed to be reformed upon then that is a different matter altogether.

**Mrs Sage:** No. There is what we call a general power of attorney, which is just for a specific transaction or event or you stipulate. Then there is an enduring power of attorney. With an enduring power of attorney, that is the enduring component. That is where you are saying, 'This power of attorney will continue to be effective if I lack capacity in the future.'

**Mr KRAUSE:** Wouldn't some of the abuses of that power that you have in mind be criminal offences?

**Mrs Sage:** Yes.

**Mr KRAUSE:** You mentioned before that sometimes the attorney is also an executor of an estate and it becomes evident that things have gone wrong when the estate has been administered, but say things were already criminal actions; they were abuses of those attorneys. How else would you restrict their application if what is occurring is already a criminal offence?

**Mrs Sage:** It is not that clear-cut. When we are looking at elder abuse itself and when you think about what they are doing, it is very hard to prove within our current criminal provisions. It is very confusing. Even when we go to the police and we report it to the police, no charges. They just do not find that there is enough evidence.

I have one at the moment where it is just so clear that this lady is being abused. There are neighbours, there are friends, there is the daughter, and they are getting no assistance whatsoever. Welfare checks are occurring and when the welfare check occurs then the other person, the perpetrator who lives in the home, just says, 'Yep, nah, everything's fine.' At face value it is fine whereas this poor woman is being drugged when that person goes to the pub. There is all kinds of stuff happening behind those doors. There is also restriction on seeing family members. She is not able to even see her mother because she is being told, 'No, she's not well enough to see you.'

**Mr KRAUSE:** I am touching more on the financial element of things, I know. I think I asked one of our previous witnesses at Labrador about the option to record transactions that are conducted under a power of attorney—financial transactions. What do you think of that suggestion and also the concept of maybe there being some sort of legislative intervention to put in place rights for people if money goes into property or housing construction or an asset like that under a power of attorney?

**Mrs Sage:** Just going back to the recording, do you mean like an audit or is that recording—

**Mr KRAUSE:** Yes, recording transactions.

**Mrs Sage:** An attorney has a duty to account. That is part of what is in the legislation and it is a requirement. However, usually it does not happen unless someone applies to QCAT to ask for a review of the power of attorney and then you have to have sufficient grounds for them to commence an audit or order that that audit happens. A lot of the time it gets dismissed.

Again, I have an instance at the moment where I thought there was sufficient grounds for them to look into this because there was no power of attorney at all and it was dismissed. We were not given any reason as to why. We are still waiting for a transcript. This poor person has lost capacity, there is no power of attorney and all of a sudden has no money.

In terms of reporting and recording transactions, yes, I think that should already be happening, but it just does not so in that sense I think there needs to be, again, an oversight framework in how that looks. Obviously we would be burdening the tribunal if we made everyone do that on a regular basis. There is a question in the power of attorney at the moment that says any transactions over a certain amount, and you can do that. In a lot of, I think 99.9 per cent, of the documents I see that is crossed out so they do not even put that as an option. That was a new introduction that came in in the last two years. It is not even being used. I think the answer is more the education piece and the reviewing of the execution requirements, personally.

**CHAIR:** Thank you so much for all of your responses to our questions today. I do have just one more. Recognising that the Criminal Code does have a number of offences that could apply for the benefit of criminalising elder abuse itself, in your view how would we define it? How would it link to the vulnerability of the victim in a case? What are your thoughts in that space?

**Mrs Sage:** I think we need to provide a clear definition as to what elder abuse is. I think we need to look at how the ACT has done it and perhaps look at ways to improve it. They have had it in place for almost four years now so it would be good to see any feedback from them as to how it is going.

One of the laws that I have been looking into at the moment is from Japan. I love Japan's laws. They have an act on the prevention of elder abuse and support for caregivers of elderly persons. It has been out since 2005. I will have this in my written submissions—a link to the legislation. There

are various articles in here. The first part is just recognition of the fact that elder abuse is a serious issue and that it is extremely important to prevent elder abuse to ensure the dignity of elderly persons and their right to contribute to the protection of their rights. They actually put a duty on the government and institutions in the community to understand what it is and to work together to improve it and reduce it. I think this is fantastic legislation and I will give you a link, as I say, in my written submissions.

I think we could look at how the world is doing it currently and work out a way to do it just as well. As I say, there have been countries that have been doing this since the nineties and a lot of countries started doing it in the early 2000s. Fifty states across the US do it. I think we need to keep up.

**CHAIR:** Thank you very much. I do offer the sincere thanks of the committee for not only your time here today but also your willingness to put in a submission. I know that that will help inform us and help give access to research beyond the realms of what we may have discovered in our own research so far. Thank you so much for your time today.

**Mrs Sage:** You are welcome. Thank you so much for your time.



**O’ROURKE, Mr Benjamin, Senior Relationship Support Service Coordinator and Elder Abuse Case Manager, Relationships Australia Queensland**

**CHAIR:** Good afternoon, Ben. Thank you for appearing before the committee. I invite you to make a brief statement after which the committee members may have some questions for you.

**Mr O’Rourke:** Thank you, members of the Queensland government inquiry into elder abuse. Thank you for the opportunity to speak today. I am here to provide an overview of the critical services of and insights from Relationships Australia Queensland, a unique perspective as a frontline provider of elder abuse services specifically working with those who are impacted by elder abuse, creating hope for individuals and families to live free of abuse, violence and neglect. We are committed to working together to find a way to end elder abuse. I was an elder abuse case manager for four years on the Sunshine Coast and for the last three I have been the service coordinator for our senior services. I am presenting this summary of the key points that I asked our case managers to collate and RAQ will also be submitting a submission.

Relationships Australia offers a comprehensive range of services aimed at fostering positive and respectful relationships across a lifespan, particularly for those who are the most vulnerable members of our communities. Our services include counselling, dispute resolution, children’s services, support for victims, perpetrators and families and professional education. Specifically, our Senior Relationship Services provide free support to connect older people, ensuring they and their loved ones can maintain safe, respectful relationships for their families and communities. Our services are funded by the state but also by the federal government. Our Elder Abuse Prevention and Support Service, which is also known as part of the SLASS service—the Seniors Legal and Support Service—is pivotal in assisting seniors who have been experiencing elder abuse. We are located on the Gold Coast, Gladstone, Rockhampton, Mackay, Bundaberg and on the Sunshine Coast. These services offer individualised case management support, counselling, family interventions, information and resources. We support the older person, but give third-party advice as well. We collaborate with community legal services. We have brokerage agreements with local community legal services who tailor to our complex legal needs. I will say with that, though, it is limited. We are funded for legal advice and most of the time it is to go and get professional legal advice regarding that case. Our case managers also run local elder abuse networks. I think these networks are key to making sure we enhance the awareness of elder abuse across Queensland.

Additionally, we are funded for senior financial protection services as we know financial abuse is one of the biggest ones. This is around educating the community around some of those financial abuses that can occur for seniors. We have a federally funded Senior Relationship Mediation Service as well, which really is there to work with families to help through that mediation process. That model looks at not only the case management; it really works with the family to be able to bring them to the table and get a resolution before it gets, I guess, to QCAT—hopefully. Our model provides, as I said, information, advice, case management, counselling, family mediation and legal advice. We also need perpetrator interventions. That is one of the big things I think that needs to be highlighted. You will hopefully hear a few times that a lot of the times with our clients it is their only son or their only daughter. They want to maintain their relationships and they want to see their grandchildren, so we must have interventions that help them to be able to do that.

I will say that what currently is being funded—and if you look at funding across the states, I applaud Queensland for being one of the first to fund elder abuse services—barely scratches the surface. We do have the Elder Abuse Prevention Unit. I have seen that team. That is the first anonymous phone line. From there, there are case management services that can act but only when the older person wants that support.

I am going to give a case study. It could be anyone. I want you to consider Mary, a 73-year-old woman who has endured abuse from her son for four years. The abuse included financial exploitation, psychological harm, social isolation and neglect. Her son, who was under significant stress and financial hardship at the time, was made enduring power of attorney whilst Mary was in hospital. Her house had been signed over to her son and Mary was living in a shed on the property, isolated and without control of her finances. Mary had a fall and only then could services act to help Mary. This case highlights the urgent need for a review of Queensland’s enduring power of attorney. How can someone be signed an enduring power of attorney whilst they are in hospital? I am sure you have been there and I am sure you have seen a justice of the peace down in the lobby. I know they do a good job and it is there, but at the same time it is not the time or place to sign over one of your most important documents.

Services could have and should have acted sooner. A co-response model to support our vulnerable older people needs to be looked at, rather than waiting for an older person to have a fall. Too often this is happening to our older vulnerable Queenslanders, and sadly the number of domestic homicides are increasing. I wonder how many more are taking their own lives and that is not being counted.

Mary's situation was improved through a coordinated response of various stakeholders but we had to wait for that crisis and for her to go to hospital. When DV services, Relationships Australia, the Queensland Police Service, the Public Guardian and Queensland Health work together we can all play a coordinated response to support older people. Mary is now in a safe environment and has regained control over her finances—she is under the Office of the Public Guardian—and she is transitioning to a residential aged care.

There are many Marys out there but also Johns. I would say that when there is a case for an older lady we do have access to DV services. We can get them a new mobile phone, but those services are stretched. However, for an older man—and elder abuse does not discriminate—it is quite hard. We have no brokerage service to get a new phone or to get taxi vouchers for seniors. We need adult safe guardian services, not just for those without capacity. We need to ensure that we act quickly and respond with a restorative justice approach. Often clients like Mary want to return home and we want to be able to support that. However, there also must be accountability for the abuser, which might look to include providing more regular monitoring to ensure they are safe.

One of the key points I want to bring up—and which the case managers have noted—is the review of the enduring power of attorney. We need better checks and balances for the enduring power of attorney form. I do not know if you have looked at that form but you do not have to sign every page and it is not barcoded. People can type up another page, print that out and give that to the aged care. It is fraud. There is no register. We need a national register, with state and federal reform. We need to invest in a co-response model for elder abuse. We have seen in other forms that a co-response model is the best way to do that intervention, in DV and mental health. We need one for our older vulnerable Queenslanders.

In the draft national plan—and I applaud that there is a national plan going forward—family violence experienced by older people is no different to that experienced by younger people. However, as a service provider, you must have to give consideration to the added complexities, the risks and related age vulnerabilities—cognitive impairment, reliance on others for social supports and adult children living at home. There are a lot more complexities with aging and these need to be in the consideration for planning. We need to invest in family orientated support services. Elder mediation is very early on, even if you look at the Canada models. That needs to be pushed before people go to QCAT, or maybe implement that when families put an application in—that is, they say, 'Hey, you need to go through a mediation process. Let's talk this out before it actually goes to a panel.'

We need to raise community awareness of elder abuse, including that this is a form of domestic and family violence. In terms of legal representation and support services, there are a lot of people out there who cannot afford it. There is a bad image with the Public Trustee as well. Even though you can say you can go there and get your enduring power of attorney done, a lot of people do not want to do that. They would rather get one done by a JP which, as noted before, is often blank. It has no details in it and you can tell that it has been rushed, or we have seen that they have been done two or three times. For example, the husband passes away, the son moves in and then slowly a new form is presented. Then another one is signed by another lawyer removing another sister, and then another one is signed removing another sister.

Local elder abuse networks are also key. We need to keep things local. We need to build the awareness but we also need those local response and co-response models to protect people. Further and consistent funding should be aimed at repairing harm. I really like that there is a restorative justice model. When you look at America, they do have an adult protective service system, where charges are laid, but at the same time they have a model called RISE. It is around repair and looking at that restorative justice because we know that a lot of the times the family member, the older person, will remain with the alleged abuser.

In conclusion, addressing elder abuse does require a multifaceted approach of community awareness. We need legal reforms. We need access to comprehensive supports for seniors. It is a twofold process focused on prevention as well as intervention and a coordinated response model. RAQ is hopeful that we can end elder abuse in one generation. I think this needs to be a goal. The national plan has not said that. It said that it is aimed to end elder abuse but we need to put a date to it. We can create a future where older people can live safe and fulfilling lives.

**CHAIR:** Thank you. I appreciate your brief statement. I would like to acknowledge the presence of the Hon. John-Paul Langbroek, the Minister for Education and the Arts and the member for Surfers Paradise; thank you for joining us this afternoon. Ben, you referenced the elder abuse networks. It is not something we have heard of so far in conversations with the committee. Can you elaborate on what they are and what they look like?

**Mr O'Rourke:** In 2018 when we got the funding and were successful for the funding, one of the important aspects was setting up reference groups in the local area. We did this. I will note that in a lot of the areas we have one FT, so one person. The role of that is to be able to have a network—whether it is police, DV, health services—to come together to be able to talk around the issues the local communities are facing. We do this in partnership with community legal services. Mackay is called MEAN, Bundaberg is called BEAN, and we have Central Queensland, the Sunshine Coast and a Gold Coast one which meets three times a year.

**CHAIR:** In your statement, you spoke about exposure points. We identified self-identification—so someone choosing to ring the 1300 hotline—or service identification, which quite often is at the point of injury or damage. Are there any other exposure points that you have identified that currently have barriers stopping them from being able to provide that evidence to allow for a further investigation of this issue?

**Mr O'Rourke:** A lot of the times it is third parties, so it is family members who do ring up. You will find that with the elder abuse line. Even for us, it is not always the older person. We do get most of our referrals from Redbourne, so through police. The exposure point is actually at the crisis when police are there and they make a report through to us. I will say on those referrals—and I do not know if the police are presenting—that over my six years the intensity of the violence is increasing and I think that is very concerning. There are a lot of factors for that—cost of living and the mental health crisis. People move in when they get out of jail. Where do they go? They go back to mum. When they separate from a DV relationship and they no longer have their kids, where do they go? They go back to mum. I think there are exposure points there that we could identify earlier and have those systems in place to be able to flag that this older person might be at risk.

**CHAIR:** Thank you.

**Ms McMILLAN:** Thank you for being here. I am just thinking about the preventive factors. Is there any research that you are aware of that helps with the general older population or elderly in the prevention of and promotion of resilience around this issue?

**Mr O'Rourke:** There is research around when people do talk and actually plan around what they want for the future. Unfortunately, we do have a generation where that legal document was put in a drawer and you did not actually talk about what was happening. I think this is where we need to move to—that is, to actually have mum say, 'This is what I want. This is where I want to go. This is what I don't want in my life.' Education is key really—awareness and knowledge. The biggest thing is that people do not know what their role is as enduring power of attorney. There is what I call unintentional elder abuse and it happens a lot. People are not aware that what they are doing is wrong. They just thought, 'Mum's old. It's going to be my money anyway. I can spend it how I want.' You can work with that person because there are still good intentions for the older person. However, there is the other side where there are not good intentions. They know exactly what they are doing and they are callous and they have gone out to get everything they can and to make sure every other family member gets nothing.

**Ms BOURNE:** Mr O'Rourke, thanks for all the work you do and thanks for that comprehensive explanation. You talked about perpetrator intervention. What do you see that looks like?

**Mr O'Rourke:** It is a difficult one because, again, you have to get the perpetrator to engage in those services. They do need to be there. The first thing is to be able to provide that space to have those conversations around what is happening in that family. I would like to see, if it does go to court and the magistrate has seen it, that we have what we call family meetings or a family therapy type thing rather than mediations. You need that open dialogue which they do in youth justice. I would say wraparound services as well. Housing is a big issue. There is no easy answer; you cannot all of a sudden have all these houses for people to be able to go into. We need to look at supporting that perpetrator as well. As soon as they are out, where are they going to go? They are going to go back to mum.

**Miss DOOLAN:** Thank you, Ben, for all the work you do in the community. What do you think are the biggest challenges for those facing elder abuse?

**Mr O'Rourke:** I think we are sitting where it is still around the shame and stigma of coming forward: 'I can't believe that my family has done this to me.' We know it happens. We also know that 62 per cent of people do not report elder abuse at all. I think that is one of the biggest challenges to actually change those perspectives and get people to come forward and say, 'This is not okay.'

**Miss DOOLAN:** How do you think people can overcome the secrecy and shame? Is there any way to do that?

**Mr O'Rourke:** I think we need to have conversations about it. It needs to be shown. We need to have a state plan that says it is not okay to commit elder abuse. We need to have that within our frameworks.

**Mr KRAUSE:** One of the things you mentioned in your submission was words to the effect that you are only able to provide help when the older person wants help. That was in the context of a whole range of comments you made about abuse of powers of attorney and other things. Could you give some commentary about weighing up the considerations between giving someone agency in their own life against when, from the outside, things look as if they are being carried out against their wishes and not in their best interests? Obviously, we do not want to go down the path of taking away agency and rights of elder people, but you touched on that issue. Could you expand a bit, please?

**Mr O'Rourke:** 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. I guess there is that level between saying, 'Yes, it's human rights. We want to sit in that framework,' and having something like adult protective services where you say, 'No, I'm going to charge your son whether you want it or not because he broke the law.' At the moment it very much sits in no-one is getting charged because the laws are not there and also the older person does not want that to happen. We have to sit somewhere in the middle. I do not know where that is. We still need to respect that older person's right to choose.

**CHAIR:** Thank you very much, Mr O'Rourke. We will take a short 10-minute break for a cup of tea. It will be a wonderful chance to have an informal chat, after which we will open the floor for anyone who would like to provide some further feedback. This is your opportunity to have information provided on the record that will help inform the committee's actions moving forward, so I would encourage everyone to consider their capacity to do that in terms of both personal shared experiences and also the experiences of their community. This is our chance to do the information gathering that will inform changes proposed ultimately by the Queensland parliament to the Crisafulli government for action over the next four years. Thank you. We will take a 10-minute recess.

**Proceedings suspended from 1.54 pm to 2.14 pm.**

**CHAIR:** Good afternoon once again, ladies and gentlemen. We will reopen the session. Are there any further speakers? In the absence of any further speakers, we will now close the proceedings for this public hearing. Thank you to our Hansard reporters, as well as our committee team. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public hearing closed. Thank you.

**The committee adjourned at 2.14 pm.**