



EDUCATION, ARTS AND COMMUNITIES COMMITTEE

Members present:

Mr NG Hutton MP—Chair
Ms W Bourne MP
Mr NJ Dalton MP
Mr N Dametto MP
Miss AS Doolan MP
Hon. LM Enoch MP

Staff present:

Ms L Pretty—Committee Secretary
Mr P Yagmoor—First Peoples Liaison Officer

PUBLIC HEARING—INQUIRY INTO ELDER ABUSE IN QUEENSLAND

TRANSCRIPT OF PROCEEDINGS

Tuesday, 25 March 2025

Maryborough

TUESDAY, 25 MARCH 2025

The committee met at 2.30 pm.

CHAIR: Good afternoon. I declare open this public hearing for the committee's inquiry into elder abuse in Queensland. I would like to respectfully acknowledge the Batjala people, the traditional custodians of the lands at Maryborough, and pay our respects to elders past, present and emerging. My name is Nigel Hutton. I am the member for Keppel and chair of the committee for this afternoon's proceedings. With me today are: Wendy Bourne, member for Ipswich West; Nick Dametto, member for Hinchinbrook; Ariana Doolan, member for Pumicestone; Nigel Dalton, member for Mackay, who is substituting today for Jon Krause, member for Scenic Rim; and Hon. Leeanne Enoch, member for Algeester, who is substituting for Corrine McMillan, member for Mansfield and deputy chair of this committee. Mayor George Seymour and the member for Maryborough, John Barounis, will join us later.

The purpose of this hearing is to assist the committee with its inquiry into elder abuse in Queensland. We are here today to hear your views and experiences. Please take this opportunity to share your experiences with us. 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 Hansard reporter and will be published on the parliament's website. If you have any concerns about this, please talk to our wonderful committee secretary, Lynda. 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. I ask that you please turn your mobile phones off or to silent mode. I will invite anyone who has indicated they wish to speak to the table to give us a brief opening statement, after which committee members may have questions for you to expand on your statement.

DAVIES, Mr Kevin, Private capacity

CHAIR: Welcome, Mr Davies.

Mr Davies: I am in the situation that where I am living I have had people who have a fair bit of power come in. They want us to comply and they have come in with an attitude and they will not listen. The people I am trying to represent are 91 and the other one is not far behind. They own a property. People have come in and said, 'You will comply,' and it is like the Gestapo. No, that is not on. Where I come from, you ask and it gets done. If you demand, you get your back up and it is an automatic, 'This is not on.' They are still demanding. We are worried about where we are living because the place is going to be closed down. There are 21 elderly people there and the rest are mentally impaired people. If they close the place down, where are we going to live? I am trying to not say the names to protect the people.

CHAIR: For the benefit of the audience, I will give a summary to fill in the gap once Mr Davies has finished. I appreciate that it is a bit hard to hear. Mr Davies has expressed to us that he is speaking with regard to a caravan park scenario where there are 21 residents. They have had a series of demands placed on them. They have not been asked or encouraged and there is no working together, but they were told, 'You will do this.' The concern is with regard to homelessness for residents of the facility as well as whether this is how we treat our community and how we mandate things as opposed to working with the community. Sorry for interrupting.

Mr Davies: No, that is all right. You put it most eloquently so thank you. We are worried that we are going to lose our homes because that is all we have—the caravan and the annexe. We live from pension to pension and we are just thinking, 'Where are we going to live?' We see people sleeping on the footpath. We cannot do that. My wife is in a wheelchair and I have to look after her. The place floods, too, but that is another issue.

CHAIR: Thank you. We will see if the committee has any questions for you. I want to thank you for being willing to share what are personal challenges but also an on-the-ground experience of what it is like trying to deal with these things. Let us break that down.

Ms BOURNE: Mr Davies, thanks for sharing your story. I have two quick questions. Is it a privately owned caravan park?

Mr Davies: Yes, it is.

Ms BOURNE: Do you have a committee there that meets and discusses what is happening within the park?

Mr Davies: No, we are all worried that the other one will dob the other one in. They all worry about this. I am kind of outspoken; I speak my mind.

Ms BOURNE: I am sorry that is the situation and thanks for sharing that with us.

Mr DAMETTO: Mr Davies, thank you for coming along and giving some evidence this afternoon. Can you give us a bit more context about the threats that are being put on the residents at the caravan park? Are they threatening to take legal action if they do not comply? Are they threatening to kick them out? What are they saying?

Mr Davies: At the moment it is just the threat of closure.

Mr DAMETTO: Closure of the whole caravan park?

Mr Davies: Yes, and we are all worried about where we are going to go.

Mr DAMETTO: That is a very good point.

Mr Davies: As I said, the person coming in says, 'You will comply.' That just rocks everybody. We do not mind helping. I will even grab my whipper snipper. I am 75 now and I can do a half hour and stop and sit and then do a bit more. I am more than willing to help out but because we are old they have to give us a bit more time and we can do it in that timeframe.

Mr DAMETTO: There is no compassion whatsoever in making these decisions by the sounds of it.

Mr Davies: He is younger. He does not have any realisation that one day he is going to get old, too.

Mr DAMETTO: That is what I always say: treat people as you would like to be treated yourself.

Mr Davies: That is right.

Miss DOOLAN: Thanks for sharing. Have you or the committee thought to seek community legal service advice?

Mr Davies: No, we have not got that far yet. We are just worried about what is going to happen in the next bit. A particular person is supposed to be back in three to four days. Whether they come back on Friday, we do not know.

Miss DOOLAN: You must have signed a contract to be in that place. Do you know whether there is any stipulation around if it is earmarked for redevelopment and if there is a timeframe on that contract?

Mr Davies: I do not know. I could not tell you anything about that one. The actual park is in the bottom of a dip. When it rains hard, we get a lot of water through the place.

CHAIR: Just to contextualise a bit further for the benefit of committee members and members of the gallery here today, Mr Davies went into his local member's office this morning. It was suggested that he not disclose the details directly, because obviously he has to manage that, but he could share another example of what elder abuse looks like for a member of this community. I do appreciate and thank you for doing that. Are there any further questions?

Ms ENOCH: I do not have questions, but I thank you for sharing that today. Many of us have heard very personal stories like you have shared and it enriches the work of this committee but also drives us to be able to assist your local member with any work that he might be doing with you in the future.

Mr Davies: When he comes down, he can have a look and see what the whole situation is about.

CHAIR: Thank you, Mr Davies.

Mr Davies: Thanks for hearing me.

Unidentified witness, Private capacity

CHAIR: Welcome. We appreciate you taking the time today. We will provide you with the opportunity to give a statement explaining some of your thoughts—looking at both problems as well as solutions—and then if we have time the committee members may have some questions for you. Please feel free to begin.

Witness: Thank you for the opportunity to talk to you today. I want to talk to you about my mother, who was deceased in September 2022. I am the youngest son and I have three siblings. I will provide a quick story. In my loving family, my father dies in 1994 and mum passes away in 2022. The family rallies around Mum, obviously, after our father dies. One sibling causes problems in the family. In around 2010 to 2011, that particular sibling on two occasions tried to get my mother to put a mortgage over her house. The rest of the siblings came in to protect my mother. From that point on, there was a significant break in the family. We believe that what had been occurring had been going on since before 2010. With regard to talking about elder abuse, I am talking about some long-term strategic moves by people that impact significantly on the person being abused but also significantly upon the rest of the family.

I find it quite difficult to talk today and I will try to hold it together. I am concerned for myself with regard to ramifications of speaking today, being that the sibling who has caused the grief and misery in our family has a legal background and knows how to work within the boundaries of the law. After 2010, we rallied around and protected our mother and that particular sibling was ostracised from the family. That particular sibling made it his life to get back into the family to take on the rest of the family and to get back in and—every time I use the word ‘coerce’ it gets you into trouble.

That particular sibling has a background of suing family members. His wife is also troublesome and they had particular problems on her side of the family which caused significant grief also. If I count myself and two other siblings as the good siblings, we came into bat for our mother. We tried to say to her, ‘Mum, you’ve got to realise what’s going on. We’re here to protect you.’ At that point in time, my good brother and I were power of attorney and executors and we would go and check on Mum. I live up here in Maryborough and we would check on Mum with, ‘How are you going?’ She was of sound mind; she could make decisions. Anyway, we were there to protect her. Slowly but surely, she would get invited to go to Christmas with the other sibling, and little bit by little bit. We did not realise at the time what was going on. This form of control came in. My mum is the most loving, beautiful person—

CHAIR: You are doing brilliantly. If you need, take a glass of water.

Witness: No, I want to say it. She brought us up to have backbone and spine and stand up for ourselves. I watched slowly how she folded over to the others. It was little bit by little bit. There was a significant amount of money gifted—I use the word that they would say, ‘gifted’—from my aunty. Then there was a significant amount of money gifted from my mother to keep that particular troublesome sibling out of trouble. I believe my mum did it because she did not want to see that particular person in the family get themselves into such dire straits. She did whatever a mother needed to do and she would not tell the rest of the family what was going on.

In 2019 the move was made by the other sibling to say, ‘Mum, we’ll come in to help you.’ The rest of the siblings did not know that this was happening. Within one month of them moving into my mother’s house, my mother had changed her will. That will stated that that particular sibling and his family were able to stay there, with a right to reside for 15 years after the death of my mother.

My good brother and I were executors. The only reason we found out about this is that we came down—because we found out that they had moved in—and we said to Mum, ‘What in the world is going on?’ Like older people do, Mum would always have a tin: if there is a fire or whatever, grab the tin. That is where the will and any other important documents were. We sat down and we said, ‘Mum, you need to tell us.’

My good brother and I were executors and power of attorney. We would say, ‘Mum, if you’re happy to stay at home we will support you the whole way to stay at home because it’s the family home.’ She could talk to us. If she had to go to a doctor, there would be no problems with regard to saying that she was of sound mind, but somehow she was getting twisted and we just did not know it. I had massive run-ins with the other sibling about what was going on and challenged him. I challenged my mother on a number of occasions to say, ‘Mum, stand up. You’re the one who taught us to stand up. You understand what’s going on.’ This went on for a long time.

When the father dies the siblings come in, and it was my sister—she is the eldest, just the most loving and wonderful sister—and other good friends who came in to be there for my mother and did everything they could. But this other sibling, bit by bit, using a legal background, knew what to do to break the bonds between the rest of the family and friends and slowly but surely ostracise us, so we were getting pushed out of the picture.

When my good brother and I went down, we found out. Mum said, 'Here's the will. You won't like what's in it.' It said they can stay and have a right to reside for 15 years. I said, 'Mum, you've just crucified us.' My good brother and I are the executors: 'We have to abide by what you want us to do.' She said, 'I've been meaning to change that.' We sought legal advice from multiple companies in Brisbane and the legal profession said to us, 'You're better off not being the executors and power of attorney,' so we got out of being that. We had no idea whatsoever what was to come.

So they are there, supposedly looking after my mother—and they may have been, but not the way I would have done. We had a whole group of loving and kind family members who were there. We provided options. We provided options of what would happen if she wanted to go into a nursing home where some of her friends had been. It got to the point where she just did not want to hear about it. Every time I challenged her, she would do what some old people do: put their hands up on their ears and say, 'I don't want to hear it.' So I am cast as the bullyboy.

Anyway, I will cut forward. My mum dies. She is in palliative care. She dies at home and it is a very sad situation. The other sibling and his wife and family then have a right to reside for two years—that was the latest of the wills. This is one of the things I want to bring up. There has to be some recognition of something happening when people change wills so many times, because we are not aware of it.

They had a right to reside for two years. Our family home was the most loving family home. It was open to all relatives and people. As soon as my mother died, my brother started to make wholesale changes to the family home. I turned up one day—I had a gut feeling to turn up. I walked in and I said, 'What the hell do you think you're doing?' He said, 'Go away. It's not your concern. I'm the executor.' It was a case of 'I'll do what I like', pretty much. He then threatened me. I am bigger than him but he threw me across the room and he said, 'Get out.' I said, 'It's not your house.' I said that to him and his wife. I said, 'It's not your house. It's our mother's house. It's the family home.' I was threatened that he would take legal action against me for trespassing. I went and saw the police and they said, 'Mate, he has a right to reside. Don't go there. Do not go on that property again.' So we could not go on to that property again. That two-year period was absolute hell for our family. We had to seek legal advice again. It cost us thousands and thousands of dollars because we were of the belief that he was going to try to take the whole of the estate, with his legal background.

What I am saying is that there are issues with regard to elder abuse happening while the person is living, when the person is dying and afterwards, and we have had to live through the whole damn bloody lot. After the two years we fought and we fought through the legal system. It would have cost us, I think, a minimum of \$25,000 to challenge in the Supreme Court the executor. Our advice from the lawyers was, 'This bloke knows what he's doing. He's living on the edge of the law and if you took that to the court they would slap him on the hands and say, "You're a legal boy. You should know better. Go away."' We would lose our money plus whatever else. So we had to just cop it on the chin. Two years is up. They have had to move on. Never would I have picked it happening in my family. From the time we were kids it was the most loving, beautiful family and my mum the most loving, beautiful mum. With my aunty it was the same thing. She was financially taken advantage of over a long period of time. This has been thought out over a long period of time.

I am just looking at some notes here. I know that there were coercive control laws brought in. It means nothing, because the police could go to my mother and say, 'We hear there are some concerns,' and she would say, 'No concerns here—no concerns whatsoever.' That would put us into even further trouble, particularly if we are trying to protect the estate. My mum and dad always wanted the estate to be split amongst the four children equally so that their children—our story was that every family should try to make it at least as good, if not better, for the next family to give them an opportunity. We had to fight for the rights of ourselves and our children. So coercive control laws would not work.

The other thing I want to say is that we were completely blindsided, and now that rogue brother was the executor, and the executor has sole power. Even now, I have contacted all of the different financial agencies and tried to get the health records. I cannot get anywhere. None of us three good siblings can even make one step, because we are not the executor and privacy laws say you have no right because that was the wishes of the deceased. We do not know where the money went. We will never know. We do not know what happened with the health records. We will never know. I come Maryborough

to this inquiry going, 'I can speak what I can speak.' I do not know if you can make any changes. I do not want anyone—any family—to have to go through what we had to go through. We never knew it was coming. We had no idea what was about to hit us because of one rogue family member. I might just leave it at that.

CHAIR: Thank you very much for sharing your example with us. What we will do with your evidence, with your permission, is redact your name from the record. We will have the story but your name, as well as the names of others, will be redacted.

Witness: Do you understand the reasoning behind that? It is because he has a history of suing.

CHAIR: Yes, that is absolutely fine. We can provide that because, as all committee members would agree, we need these examples—this line of sight into what is going on. To give you some background on some of the things we have heard so far at some of the other hearings around that line of sight, power of attorney by relatives is something that has been raised on multiple occasions. It has been suggested that for someone acting as power of attorney there is a register or something of that nature so that it cannot be done, as you have provided, where siblings and others are unaware.

One of the other items raised with us was around capacity: what are the tests around capacity to ensure the power of attorney is not used while capacity remains just for nefarious advantage? I cannot offer you that we are going to solve all of your problems today, but I want you to know that yours is not the first story we have heard. We have heard from people who are saying there needs to be work in those spaces. I really appreciate you taking the time to appear. Member for Ipswich West, did you have any questions?

Ms BOURNE: I have no questions, but I just want to thank you for sharing that harrowing story. I am sorry that has happened to you. Thanks for coming along today

Miss DOOLAN: Thank you for your story. It was really moving. I also, like you, do not have answers, especially if it is coercive control and she is being treated very nicely by this particular family member—or seems to be. How do you really intervene in that? I will leave it there, but thank you again.

Mr DAMETTO: Thank you very much for telling your story today. Can you give us a little bit more background? Was the controlling factor being used by these people on your mother physical, more psychological or a little bit of both?

Witness: It was more along the lines of: 'We love you more than they will ever love you. We will take you out to places.' For example, she was born in country Queensland. My good brother, my sister and I could say, 'We will take you out there,' but that was not good enough. Eventually they took her there. It was: 'We love you more. We will take you to the doctor. We will sit in at the doctor with you.' Bit by bit by bit, there was more control. I do not believe there was any physical abuse at all. It was also part of a game, I believe, to get back at the rest of the family because of his perceived failure in life compared to the other three, who have all been successful and whose children have all been successful. He had many financial problems dating back to probably the late 1990s and onwards. We were all brought up the same.

Mr DAMETTO: Thank you very much for sharing that with me.

Mr DALTON: That is a powerful story and I do congratulate you on coming to tell us that story. It is not easy. One thing I will ask you to remember is that, if there is coercive control between you and this rogue sibling, as you have said, domestic and family violence also relates to brother relationships. If there is anything which needs to be dealt with in that situation, you could be protected under domestic and family violence legislation. You have not mentioned that you have, but I am just telling you to not be blind to that possibility, which may give you some protection in the future.

Ms ENOCH: Thank you very much for being here and for the profound contribution you have made to this hearing. I know that it took a lot of courage to be here and I appreciate you for all of that. If you have the energy, there is one question I want to ask about the number of wills that were created and whether you think that, if there was some legal mechanism in place that prevented multiple changes to the wills or something, that might have been able to—

Witness: Some way of reporting it?

Ms ENOCH: Yes. Do you think that might have made some difference?

Witness: We do not know. You do not know. We are talking about a loving family where it was always known: 'Stuff is in the tin. It is to be equally divided between the four children.' When we got to read it, part of the will was that his debts are expunged. I went, 'Okay, Mum, I can probably understand that. That is a mother to a son. I can understand that's why you want to do it. We're all

doing okay. He's not doing so okay. I can understand that.' But it got changed and it got changed. We still do not even know, from that time in 2019 through to the time that she died, how many other times it got changed. I reckon it got changed, in the time that we knew it, from 2010 onwards through to her death in 2022, probably six times but more so changed once they came into the household.

Ms ENOCH: Thank you.

CHAIR: Thank you very much for your time today and thank you for sharing with our committee. We really value it.

Witness: Thank you.

McNIELL, Ms Margot, Relationships Australia

PENNEY, Mr Andrew, Relationships Australia

CHAIR: Margot and Andrew, we really appreciate you taking the time to share a little bit around the profile of the Maryborough community and some of the services as well as some data around the clientele in this community. We appreciate you sharing that with the committee. I invite you to make an opening statement, after which committee members may have some questions.

Ms McNiell: I am the team leader of the Bundaberg and Maryborough venues for Relationships Australia. Unfortunately, our elder abuse program does not cover the Maryborough area and I am not sure if there is an organisation that does at present. It is something that is needed in every area these days. I just want to refer back to what the last gentleman was talking about. We are absolutely finding an increase in those types of issues with regard to coercive control within family units and also within family units and carers. It is just a whole financially sort of motivated area that is growing amongst our clients.

Also, the homelessness clients are having to move in with unsuitable carers, such as possible family members who have their own mental health or drug issues, and there can be quite a lot of domestic violence there plus coercive control, which is once again often financially motivated. Homelessness is becoming more and more prevalent within the aged cohort, along with the cost of living of course. In terms of trying to find places to rent, that is almost impossible in Bundaberg—you cannot find anywhere—and it is probably the same here in Maryborough, especially at an affordable price. I struggle myself to have to pay rent. Andrew is one of our workers, so I will hand over to Andrew and he can give you a bit more detail around that, but it is a hugely growing problem that is going to affect all of us at one stage.

Mr Penney: I am employed only one day a week. I have more than enough demand to fill that one day a week. The story that we have just heard is very common in the sense that it is complicated, it is family, it involves enduring powers of attorney and it also involves people not understanding what an enduring power of attorney is. I will often have older people or senior people come to me and say, 'Look, I've got a problem, Andrew, but I don't want them to get into trouble, so I don't want you to report it to the police. I just want you to make it stop or go away.' That is quite common and then that ties your hands a little when you get to the point where you say, 'Well, we've only really got one option, which is to go to the police,' or we can sometimes just get legal advice through one of the community centres if the person is not able to afford that. That in itself acts as a bit of a watchdog role, because sometimes if you just include everyone in that sort of conversation they go, 'Okay, we'd better play nice.'

The other person I would put in there would be the GP, and I did hear the last chap talking about that situation. One of the best bits of advice I give to my clients when they are talking about a sibling is, 'Report your concerns to your GP, even if it's just an email to say, "This is my concern",' and that is to help things once it does become legal at a later stage. You can at least hopefully get your GP acting in the right manner, and if it does go to court at least it is there for everyone to see. One of the things about elder abuse is that it is done by people that people trust. That is why it becomes tricky, because you have neighbours, friends and acquaintances.

What Margot was talking about is the number of situations where we get either a family friend or a family member to go into that carer role until it does not seem to work for them. Then the care drops off, and that is when the elder abuse can start to take place. Then of course they have something to protect financially, so it is a bit of a stand-off in terms of, 'Well, I'm the carer. I'm doing the best I can.' We can then ask My Aged Care and ACAT to try to increase services, but in Bundaberg at least—I do not know if this is strictly the case here—if you miss your first appointment you are off the list. That is, if they ring and you do not hear the phone, you just go off the list; you get demoted. That is a federal issue but it is a Brisbane-based office that then rings you again, and if you do not answer that next call you are completely wiped. We have situations where, say, a son in his 40s, 50s or 60s is actually bathing his mother and his other family member is saying, 'That's elder abuse. That can't happen.' He has no choice. He has put his hand up to be the carer. He does not want to bathe mum, but she has a level 1 package. Mum has deteriorated over time. She is probably due for a level 3 or 4 package, but they miss the phone call.

Ms McNiell: There are also other issues around some of the elders who are being cared for by families. If they are bedridden, forget about trying to access medical help, and that is really quite serious. They are not getting any medical help. GPs are not going to travel out to see them. You cannot get transport. The carer themselves might be fairly aged and so they cannot lift the person to

get them into transport. That is just another issue that we have come across which I think is more common than we would think. I think the carers need more assistance as to what the role of caring is. Carers need more legal assistance provided to them as well. We have a lot of clients who come in and who may be early dementia, so they need somebody around them who is going to be caring for them for the right reasons and not be coerced into what is not really what they want. They are just examples.

Mr Penney: Our funding is about education and not case management, yet I could do much better work if I could do more case management. We have to basically refer people on, because we do not have the resources to follow that up. Admittedly, education is important, I have no doubt, but I just think it should be a more balanced situation, because often when people do come to us you look at the situation and it is not an immediate situation of elder abuse, but you can see concerns and you can interact with that. We often will have what they call a family meeting, where we try to get everyone to the table. As I said, that works in that watchdog sort of sense and everybody goes away and everything is okay, but we do not know what is happening six months down the track or 12 months down the track, especially as cognition starts to fail. I know it is a very difficult thing to decide upon, and that is why your GP is so important once you have that letter.

With regard to that last case, I am sure that in that situation there were times when mum was cherry ripe and was perfectly able to make decisions, but it is not always the case. There is a reason they call it sundowner's syndrome. My own background is health, and you would have people who were fine in the morning and by the afternoon they had no idea what you were talking about. When it comes to changing wills, EPOAs and allied health directives, it almost needs to be formally done at a certain age.

Ms McNiell: A watchdog situation or something.

Mr Penney: I think GPs and maybe legal people, so maybe a referral from a GP to a legal person, or the other way, if you are going to change a will or what have you at a certain age. It is a bit like your licence in that you have to get that GP certificate to say that, yes, you are still okay to drive. I know that not everyone would agree with that because it is taking away your ability to make your own decisions, but I just think we are going to see more families in dispute, especially in the remote and regional areas.

CHAIR: Thank you very much for your presentation. One of the great drivers for the committee's inquiry into elder abuse is not only the scourge that it provides in our community, but as the demographics grow into that segment of the age bracket we have more people now and into the future who are going to have more assets, both physical and financial, than ever before who are going to be retiring, so the risk associated with this without checks and balances put in place and protections is only going to enhance over time. This is a proactive step on behalf of the Queensland parliament not to get on the front foot—obviously, as we have heard, this is something that is already occurring—but to really try to bed down opportunities early on.

I would like to ask you the first question and then I will pass over to my colleagues. We have heard from many agencies across the state around the profile of a victim of domestic violence or a profile of an elder abuse victim in their community—that is, what they look like. The police will tell us it is a very senior gentleman, a health service will tell us it is a very senior female and the justice system will tell us it is a slightly younger female but in the seniors bracket, because they are all getting a dataset from a different point of time based on the occurrences and how it connects back to them. Are you able to provide—and anecdotal is fine—a profile for elder abuse victims in the Maryborough area? What do they look like? Who are they, in your experience?

Mr Penney: Perhaps more from the Bundaberg region because—

CHAIR: Yes, Bundaberg.

Mr Penney:—we will take Maryborough clients, but we sort of have to sell it to the boss, and that is the point. Often it is about referral, so at least if you get them the appointment with the legal centre you know that you have a start, or it could be a chat to My Aged Care or ACAT. You have got them a start. To be fair, for me it is both male and female. Once people are in their more senior years—say, 80-plus—it is absolutely around cognition.

Ms McNiell: It is also that a lot of people who are—how do I say this politically correctly?—of a lower socio-economic cohort nominate themselves to be carer for the extra money. I am sure you are all quite aware of that. That is something that we see and that is more, I think, the cohort that there is domestic violence in.

CHAIR: I appreciate that it is a very challenging question, so I apologise that it was not an easy one to start off with.

Mr Penney: No, that is all right.

CHAIR: It is just interesting that, as we speak to each region and each community, it does look slightly different, so I think it is worth asking what it looks like here.

Ms BOURNE: Thanks so much, Margot and Andrew, for the topics you talked about. You talked about carers needing more assistance or there being a watchdog. Do you have any ideas or any thoughts on how we can improve maybe the education across the community? Do we do enough of that?

Ms McNiell: I do not think we do enough of that specifically. We go and talk about elder abuse in terms of what it is, where you can get help and things like that, but we do not actually have anyone who can go out and help around any of that sort of watchdog type of situation. I think it is really relevant that something like that is brought to the fore. We see so many situations such as that spoken about by the last gentleman. It just stems from financial greed, I believe, within the family unit. Some are better at arguing the point than others and it is really unfortunate, but usually by that time the elder person is not of capacity or has been worn down, so I think there needs to be information around each person's role, strict guidelines on those roles and even stricter laws around how those roles are used.

Ms BOURNE: It is not really about community education; it is more on the ground—people understanding their roles and responsibilities.

Ms McNiell: I think in that instance, for the watchdog, yes. I guess, as a community provider, we could provide that type of service. We are not funded for it.

Mr Penney: For me, a lot of the resolution comes when legal centres get involved, and often it is just a letter saying, 'This is so-and-so from the legal centre.' It depends on the case, but it might just be a letter to say, 'We are aware of this situation and we have been asked to do this. We would like to invite your input.' That is all it takes. Then suddenly people go, 'Oh, hang on, I need to be a little bit more careful. Someone is watching.' That is it.

Ms McNiell: We can refer them to our community legal advisers.

Mr Penney: But it is a four-week wait, if you are lucky, if it is an extreme case.

Ms McNiell: They are only there to give the advice as to how to move about this in a legal situation, and a lot of these people do not have the finances to go ahead any further.

Miss DOOLAN: Margot and Andrew, I want to thank you for the service you provide for our communities. My question is around your clients and whether they are aware that it is elder abuse—or are you the one that identifies it for them?

Ms McNiell: Mostly, others are identifying it for them, for various different reasons.

Mr Penney: That is fair to say. We do get a lot of cases which are clearly not elder abuse; it is more of an individual being rude to another individual, rather than a clear case of elder abuse. That is okay, because you can still support the person in that situation and maybe redirect them to where they should be going. It could still be to the police; it is just not elder abuse as such.

Miss DOOLAN: You have come up with your own criteria of identifying elder abuse, if it is financial, mental or neglect?

Ms McNiell: We can identify all those by the stories they are telling us, yes. It depends on what is identified as to what we can provide.

Mr Penney: One of the trickier ones at the minute is coercive control because it is so brand new. It is often a situation where someone with the power is treating someone without the power and getting the better of them in a sense.

Ms McNiell: You have to remember that a lot of elderly people have lived with domestic and family violence all their lives without acknowledging or it being acknowledged that that is what they have been living with. To a lot of the older people, that is a whole new thing they have not even thought of that is going on with themselves. There probably needs to be more education for the elderly around that. I have noticed since COVID, when we were isolated, and their other services—we are seeing a lot more older people coming in and identifying that they are in a DV relationship. That is something else that you need to be aware of. They do not identify domestic and family violence.

Mr DAMETTO: Margot and Andrew, thank you for giving your evidence today and telling your story. One particular scenario that I have seen play out in my own electorate—and it is a federal government issue—is when it comes to elderly people being assessed going into an aged-care home.

Their property is obviously assessed. One way around that is to make sure there is a change of ownership of that property five years before that person goes into an aged-care home. That basically hands over a lot of the power to whoever then owns that house. Are you seeing any scenarios like that play out in your areas?

Mr Penney: Not in this role, but I used to work as a social worker in a hospital situation and there I would see it. People would be asking me, 'Will that work? Will that stop the nursing home taking over the property?' So, yes, but not in this role so far.

Mr DAMETTO: That is a new one to keep an ear out for—not a new one, but—

Mr Penney: Yes. It just has not been the case so far.

Mr DAMETTO: We found that was one of the subjects I was dealing with.

Mr DALTON: Thank you for what you do in the area of elder abuse. I presume it is more Bundaberg than Maryborough. The evidence that you need to gain to get something across the line to say it is elder abuse is really hard to obtain. Do you have any really good examples of where you managed to get that evidence?

Mr Penney: We certainly have the evidence, but often the elder person does not want us to take it further.

Mr DALTON: So that is the barrier: they do not want to report because it is their family?

Mr Penney: Absolutely, or even friends or neighbours.

Ms McNiell: Church.

Mr Penney: Church groups, absolutely. It is that person of trust whom often the elder does not want to see suffer. They can actually often see what the financial temptation is, if you like.

Mr DALTON: How are you recording that as a statistic? We know that statistics are very important to change policy, to change maybe even law. How do you record that you have the evidence that the matter is not going to be proceeded with any further?

Mr Penney: You case-note everything, but also you work very closely with the legal team from the community legal centres and, to a lesser extent, the police. You will still talk to them about it, but you will not give them the full names. You ask the question at the very start: 'Do you give me permission to disclose this to others?' If they say no, you are caught between a rock and a hard place, especially when it is very obvious, but that is when your community legal centre will often give you the direction you need, I suppose. Even just the thought of asking everyone to come in for a Zoom meeting with the legal centre is enough to get everyone playing nicely. I know it sounds bizarre, but it really does make a difference.

Ms ENOCH: Thank you both for sharing today. I want to go to the service delivery space, because you talked a little bit about case management and the importance of that work. What do you think would be some of the most positive steps we could take around joining up services to be able to support an individual that you might identify as being in an elder abuse situation?

Mr Penney: I suppose, working in Bundaberg, you are a little limited to which services you can refer. You quickly identify who is capable of providing assistance. It generally comes back to their training. If they are degree qualified that is a bonus, but it is not always the case. We do have a situation in Bundaberg where we get a lot of referrals from a particular source and they are highly dubious, at best, but we still follow them up. It is just that we then find out that—as Margot was talking about a church situation, maybe that is just an outlier in Bundaberg. Having said that, any help you get from the legal community is usually very good. I often use my GPs. Again, not all GPs will interact with you. They will say, 'We cannot talk about that,' but they will still accept your email describing a situation and have the conversation with the elder when they come in to see them. Again, that is often all you need for the message to get out, if you like, to the whole family: 'Oh my God, the doctor is involved. The doctor is aware.'

Ms ENOCH: To be more direct, is the case management piece the missing piece in this?

Mr Penney: I think it is, but—

Ms McNiell: I think case management is a large missing piece. We are pretty much a referral service currently. I think there needs to be more specific case management. I think there needs to be more knowledge and training around the requirements of the legal processes, such as executors of the will and what we were talking about before.

Mr Penney: The tricky bit with case management is that it is time-consuming—

Ms McNiell: It is very time-consuming.

Mr Penney:—and it is costly, yet you only have to touch base maybe once every two months and it makes a difference. I think the literature says that. The biggest deterrent to elder abuse is case management, but it is very costly.

CHAIR: I thank you very much, Margot and Andrew, for sharing with us. I know that for agencies such as yours that have such a heavy workload, finding the time to invest even a short period is hard, but that investment hopefully has returns for our community through the work that this committee will do, the exposure we have now had to this community, and then the findings we will be able to make as part of our committee process. Thank you both for your time today.

BAROUNIS, Mr John, Member for Maryborough, Parliament of Queensland

CHAIR: John, we would love to hear from you with regard to the community of Maryborough. When we have spoken to some of the MPs from other areas, they have shared a little bit of a profile of their community. We heard this morning from David Lee that over 32 per cent of the community of Hervey Bay is aged over 65 and he gave some examples of the elder abuse stories that have come to his office. Would you like to share any today?

Mr Barounis: Thank you. The first thing I would like to say is: thank you for coming to our town. In Maryborough, 19 per cent of our population is aged over 65. It is an issue that we are all facing and dealing with. It is unacceptable to have something like this happen in our lives today. We should be respectful and look after people of an older age for what they have done—their contribution to the community and what they have done for us and also for the next generations coming along. It is something we have to work on. I am very happy that our government has started the ball rolling. I again thank the committee for coming here and for going around Queensland and trying to improve the services we are offering to these people.

CHAIR: Thank you very much, Mr Barounis. Thank you for having us in your community. It is a beautiful part of the world.

Mr Barounis: Anytime. Thank you.

PLOWMAN, Mr Ross, Private capacity

Mr Plowman: Thank you for having me here again. I will try to keep you interested for the rest of the day. This is my wife over here. She is under administration, so please do not ask her any questions; she is gagged. You do not mind me saying that, do you?

CHAIR: No, not at all, Mr Plowman. Just remembering as discussed—

Mr Plowman: We have to have a bit of frivolity here, you know.

CHAIR: That is right, on a day of some great challenges. Please remember as discussed previously in terms of the naming of individuals or organisations. Please be very cautious around that. I appreciate your efforts today to share with us some of the problems but also some of the potential solutions that you have been finding as you have been going along.

Mr Plowman: The following represents an extract of a proposed critical review report about Queensland guardianship of which I am co-author, along with a solicitor. We have about 90 pages that we are going to give you one day, before the 14th anyway. Hopefully from that we can get some answers, solutions and so on. I will just launch into it and get it out of the road pretty quickly because I do not want to miss out today.

Major structural defects of Queensland Guardianship: there are at least six major areas of structural defect within the Queensland guardianship system. They are briefly listed in the following paragraphs 3.1 to 3.6 and are discussed in more detail in chapters 4 and 9 of my proposed critical overview report.

3.1: QCAT makes unfair, unjust, oppressive, prejudicial, biased and inhumane guardianship decisions contrary to the interests of the vulnerable men and women and members of their support group. These QCAT decisions are made even though there is substantiated evidence before QCAT that it should not make the said decision. In essence, the conclusion is that QCAT's operations in terms of inquiring into guardianship matters or making guardianship decisions are structurally flawed and defective, hence the nature of its abovementioned decisions. QCAT should not have any jurisdiction to hear and decide guardianship matters. Such jurisdiction must be solely with the Supreme Court of Queensland or a federal court of Australia.

3.2: Parties with an interest in guardianship matters—that is, the vulnerable impaired and those who truly and genuinely support them in the matter contemplated under the common law—do not have the right to be legally represented at QCAT guardianship proceedings without QCAT granting them leave to be legally represented. QCAT often refuses to grant leave for interested parties to be represented. When refusing to grant leave to be represented, QCAT often fails to provide a proper, reasonable, judicial basis for refusal. All parties with an interest in guardianship matters, including the vulnerable men and women, should or must have the right to be legally represented without having first to obtain leave from a magistrate or judge hearing the matter.

3.3: Queensland Guardianship uses fabricated conflict amongst family members of men and women with impaired decision-making capacity in order to justify the appointment of PTQ and OPG instead of appointing the members of the genuine support network of such vulnerable men and women as their guardians or administrators. Queensland Guardianship far too often disregards the evidence that shows the existence of a genuine and capable support group for the vulnerable with sufficient ability and integrity to, unlike OPG and PTQ, adequately support the vulnerable and impaired. By way of example, which in fact commonly occurs, this is essentially how Queensland Guardianship works and operates within the context of alleged family conflict:

3.3.1: There is a vulnerable parent with a genuine and capable support group for the vulnerable parent—for example, a spouse, family members and professionals—with sufficient ability and integrity to continue to adequately support the vulnerable parent, who is happy with the situation and wants it to continue.

3.3.2: This support group stands in the way of OPG and PTQ being appointed for the vulnerable parent—that is, the support group is the reason OPG and PTQ should not be appointed.

3.3.3: Then there are the usual misguided, deluded, lying, elder-abusing and simply evil predatory family members—wrongdoers—who engineer and fabricate family conflict to satisfy their lust for power, control and financial gain over their targeted vulnerable parent. Queensland Guardianship does not reveal to QCAT the lies and deceits of wrongdoers and QCAT does not hold them responsible for their wrongdoing or take action against them. Queensland Guardianship, in fact, accepts a position that there is family conflict that needs to be managed by OPG and PTQ and that

the interests of the wrongdoers are protected. Examples of such wrongdoer interests are: the ability to visit their vulnerable parents as they wish, opportunities to dictate to OPG and PTQ the lifestyle that their vulnerable parents should have and having input as to how the parents' money should be spent.

3.3.5: Accordingly, Queensland Guardianship effectively uses the above-explained fabricated family conflict to justify its replacement of the genuine and capable support groups with OPG and PTQ, to the detriment of the vulnerable parents.

3.4: Tribunal members, separate representatives appointed by QCAT, medical practitioners, abusive family members and others engage in elder abuse of men and women with impaired decision-making capability by subjecting them to abusive practices and procedures used during interrogation sessions, for example. Those who use such abusive practices and procedures are usually in support of the appointment of OPG and PTQ against the appointment of members of the genuine support group of the vulnerable and impaired. Put simply, Queensland Guardianship allows abusive interrogation sessions to demean and belittle the vulnerable men and women, and to demonstrate that they have a high level of impairment and that a declaration of impaired decision-making capacity must be made for them covering all areas of their personal decision-making. Put differently, abusive interrogation sessions are used in order to maximise the removal of the personal decision-making autonomy of the vulnerable men and women.

3.5: The OPG deliberately inflicts institutionalised wrongdoing, elder abuse and human rights abuse upon men and women who are under its guardianship. The OPG also deliberately fails to protect men and women under its guardianship against financial exploitation, elder abuse and human rights abuse inflicted by others on those vulnerable men and women. Such OPG engineered elder abuse and human rights abuse causes financial loss and serious harm to the victims by way of emotional stress, anxiety, mental trauma and emotional torture.

3.6: The PTQ and its official solicitor deliberately inflict institutionalised wrongdoing upon vulnerable men and women as a result of the financial maladministration of their financial affairs. The maladministration causes the vulnerable men and women significant financial loss as well as emotional stress, anxiety, mental trauma and emotional torture. Thank you very much.

CHAIR: Mr Plowman, I want to acknowledge the effort you have gone to today to list the failings that you are seeing and that you would like to see addressed. I recognise that your 90-page submission will come to the committee later on. Members of the gallery would be unaware that Mr Plowman travelled all the way to our session in Noosa because he wanted to make sure that he had the opportunity to be not only an advocate but also an agent for change and he has arrived here today to again make sure that the things he needed to have said were said and are a part of the record. I want to thank you.

Mr Plowman: I felt very strongly that I needed to come and say something.

CHAIR: I will ask if any committee members have any questions. Member for Ipswich West?

Ms BOURNE: No, but I look forward to reading your submission, Mr Plowman.

Mr Plowman: It is pretty big but it will really open your eyes.

Ms BOURNE: It was good to meet you at Noosa. Thanks for coming all the way here. We really do appreciate it.

Mr Plowman: The solicitor has written it. As you can see, it is inside there. I have had input. I have said what happened and he has written it.

CHAIR: Member for Pumicestone?

Miss DOOLAN: I do not have any questions either. It is good to see you again.

CHAIR: Member for Hinchinbrook?

Mr DAMETTO: Thank you very much, Mr Plowman. This is the first time that I have had the chance to hear you. I did not come to Noosa as my electorate of Hinchinbrook was flooding at the time. Thank you very much. I look forward to reading the next part of your submission.

Mr Plowman: Thank you. Like I said, I am happy to sit down with you guys anytime and provide you with anything that you want.

CHAIR: Member for Mackay? Member for Algeester?

Ms ENOCH: I have no further questions, but I want to thank you. Obviously, you have a fully lived experience in this realm. I thank you for the fact that you have put so much energy into a submission that is going to be easily digested by the committee.

Mr Plowman: There are plenty of other people experiencing the same thing. As I mentioned before, it is the lowest socio-economic group and they have no idea what to do. They are just defenceless. It is because we have the money that we can do something about it.

CHAIR: We will open up to the floor. Would anyone else like the opportunity to speak today on the topic of elder abuse and provide feedback to the committee? If not, to close our session today, I take the opportunity to acknowledge some of the pieces of information that we have heard today. We have heard about the range of referral agencies in Hervey Bay and Maryborough and the hard work that is being done each and every day by not-for-profit and non-government organisations—some that are funded by either or both the state and federal government but quite often that do not have enough to complete all of the duties that could be available to our communities. We have heard of the challenges of the tyranny of distance. Specifically this morning we have heard about the tyranny of the digital divide—that is, as members of our community age they are no longer able to access all of the information available, with regional communities particularly finding it harder to access information with newspapers and things being removed from them. We have also heard about the challenges of enduring powers of attorney in the implementation and also in the reflection of that line of sight for that service, acknowledging that for most people, if you are ever asked to serve in that, it is a one-off role that you have never had the experience or the guidance to support you in but you also want to do the right thing and make sure there is some support to make sure that works.

On behalf of the entire committee, I thank you for your attendance here today. If there is anything that is upsetting, we do have helplines and website information available that we can provide to members of the community today. Our wonderful committee secretary, Lynda, has those available. I acknowledge and thank our Hansard reporter as well as our committee secretariat for being here. I thank all of the committee members. Most importantly, I thank the community of Maryborough for joining us. That concludes the public hearing. I declare the public hearing closed.

The committee adjourned at 3.40 pm.