

## Inquiry into Elder Abuse in Queensland

**Submission No:** 33  
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### Submitter Comments:

This victim, now deceased was living with his partner of 40 years in 2022. He was frail 89 years old, who was blind, and was subjected ongoing abuse including:. His regular doctor, without testing him, declared him to have no capacity for financial management but said he could make complicated health decisions. Some time later the victim took an appropriate test with a different GP and was found to have capacity. However, his abuser (EPoA) threatened the GP of his choice, with legal action if he treated the victim and she insisted he see the doctor of her choice.. the same doctor had been prescribing the victim Targen for years and at the QCAT hearing stated that he could not remember when he had seen him last. . the same doctor wrongly prescribed benzodiazepine. This was reported to the AMA.. emotional abuse: EPoAs regularly abusing, criticising and threatening his carer/partner personally and via email . financial abuse: EPoAs moved all of the victim's money from his account. The victim's banker traced the funds to his EPoA's solicitors trust fund. His partner/carers financially supported him from that time with some irregular amounts of money placed in her account from time to time. He asked his EPoAs many times for a few dollars without success. . EPoAs making multiple complaints to police about the victim's partner all investigated and found to be vexatious.. EPoAs demanding goods that the victim and his partner had purchased together. . EPoAs threatening the doctor of the victim's choice with legal action if he treated him. EPoAs refusing to allow the victim to return to his home when he visited one EPoA who then dropped him off at an aged care facility without telling him that he was going to be living there. The victim could not sleep or eat, he sent messages to his EPoAs asking why they did this, ultimately saying that he hated them for doing so and wanted to die. He convinced one of them to take him to visit his partner and he then refused to go back to the facility. . EPoAs telling people that the victim had vascular dementia although MRIs in 2020 and 2021 did not indicate this. From the day that the victim disclosed his situation and asked that something be done to help him multiple QCAT applications were made. All of the evidence was provided to QCAT and he, frail and sick as he was, travelled the 100km and sat all day in the courthouse on two occasions. His EPoAs continued with their lies and it appears that the member became frustrated, and at the final hearing, quite angry. There is no investigation into the allegations that are put to QCAT, and even though evidence (letters, emails and a video)was provided it appears that no notice at all was given to it.

The outcome wanted from QCAT was that the EPoA, which was made many years before, in the 80s, be revoked and the Public Trustee and Public Guardian be appointed, as there was so much aggression and abuse by his EPoAs it would have been extremely difficult for whoever was the decision maker to withstand their abuse. There were competent family members who could have done so, but at what cost to their mental health. At the end of the day, it is my submission that although an enormous amount of public money is allocated to address elder abuse there not any real output or outcome, in fact, the very agency that is designated to ensure the rights of individuals, in this case, enabled further abuse. This victim was completely debilitated by the ongoing abuse, harassment, loss of dignity, embarrassment and deprivation he suffered at the whim of his EPoAs. I tried to get help for this victim from:. his lawyer. a gerontologist (his EPoA wrote a letter to him threatening legal action). another GP (His EPoA wrote a letter to him threatening legal action). Elder abuse helpline (no help at all). Community Legal centres Townsville and Cairns . Local MP (who did speak to the Attorney General). Letter to Attorney general (from me). Letter to Health Department (from me). Police (very understanding but no legal avenue for them to stop the abuse)

. and ultimately QCAT. It is my view that the funding applied to these agencies is not providing an effective remedy for the abuse I have seen throughout my career as a clinical social worker, and in particular with this victim. I warned him that his EPoAs would retaliate when a QCAT application was made, but he wanted the application to go ahead, as he felt his dignity was lost and he could not bear begging for money or being able to have a peaceful end to his days. The overriding problem is that there is no Elder Abuse Law. Had there been one the police would have been able to take action. We have Child Abuse Law, Domestic Violence Law but nothing to try to address and reduce Elder Abuse. This enables abuse. Older people deserve to have their health, safety, finances and dignity protected. It is a human right. QCAT made a terrible decision in relation to this victim's situation and it enabled and condoned further abuse to occur, especially the dumping of this poor blind frail man at a nursing home, outside of town without telling him that he was going to be living there. Although he extricated himself, he lost all hope and this contributed significantly to his death. Abusers can be people who are educated, advantaged and seemingly good people, but jealousy, control and ego drives their cruel behaviour. When abuse is inflicted by the people you love (or loved) most in your life, it is unbearable. It will continue to occur, but we need to have some real consequences for it, and if possible, deter it. I found the snap decision by the Member on the final day, that this victim's capacity was impaired, very wrong, as the usual considerations for assessing capacity were ignored. I made a complaint to QCAT about the abrupt and aggressive attitude of the Member on the last hearing day, but had no response whatsoever regarding that. I hope that this hearing will at the very least recommend Elder Abuse legislation to be enacted in Queensland. I also hope that process adopted by QCAT be reviewed, as it has enabled further abuse in this victim's case and no doubt impacted on others as well.