

Inquiry into Elder Abuse in Queensland

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Submitter Comments:

I have concerns regarding the power an EPOA has over a vulnerable older person and the lack of oversight of these powers. I would like to use the case example of a close family member to illustrate the failures in the system and to show how ineffective current responses to concerns of elder abuse are. From talking to friends and acquaintances these examples are rife throughout the community and systems and services currently in place are inadequate to ensure an elder person's best interests are actually being served. The older person in my case was diagnosed with dementia in 2017. The older person, aged in her 90s is currently in residential age care due to her degree of dementia and has been unable to live independently due to her dementia since at least 2019. After the death of one of her sons in 2024, her grandson (Person B) has become her EPOA due to a document signed in 2022, well into her dementia diagnosis. Prior to this document, her surviving son (Person A) with whom she retains a loving relationship was designated to be her sequential EPOA. From numerous conversations in 2022 and more recently, we believe the older person had no real understanding of the document she was influenced to sign to affect this change. The newly assigned EPOA (Person B) now exerts EPOA. As EPOA he lives in her house, we understand rent free, probably with utilities paid by the older person. We estimate Person B's benefit from this arrangement to be well over \$45,000 per year! The family has tried through the legal guardian to have this investigated, but there is nothing they can do. The family can't get documentation of her lack of capacity as Person B, as EPOA, has blocked her doctor from talking to closest NOK. The public guardian have advised they cannot ask for a capacity assessment due to privacy concerns raised in past cases where they have tried. Even if we had documentation of the older person's lack of capacity, we would need evidence of financial abuse which we can't access because Person B has full control of all her finances and documents and refuses to discuss/disclose her finances, citing privacy. The older person doesn't even have money for a coffee when family take her out. The legal guardian office has advised the power of EPOA is extensive and not easily challenged. We are putting in a submission to QCAT to requesting the appointment of a guardian and/or administrator due to concerns of financial abuse and other matters, but after the feedback from the legal guardian we are not hopeful. The point of discussing our family's case is to illustrate the lack of oversight of EPOAs. Looking at your terms of reference we feel our family's example shows how easily vulnerable elderly people can be exposed to forms of abuse with no easily accessible oversight. For simplicity I have only summarised the most obvious potential financial abuse out of all our concerns over the EPOA's actions. We believe monitoring, evaluation and reporting processes need review and there needs to be mechanisms where responses to concerns raised could be initiated more easily. Privacy is a real concern, but currently this is being used as a fig leaf to stop scrutiny of people with power over elderly. I note there is reference to improving services as well as review of civil and criminal legal frameworks. Perhaps a register of active EPOAs, possibly with a requirement to submit a financial statement annually, something akin to a tax return would be enough to improve many EPOAs accounting and reduce casual misuse of an elderly person's funds. Perhaps the threat of an audit of EPOAs would further incentivise people to actually act in an elder person's best interests. Perhaps some real consequences for misuse of an older person's funds would improve outcomes. In our example person B has legal training and seemingly is well aware he is unlikely to face real scrutiny and will potentially have several years living (we believe) rent free in his grandmother's home. I am aware such a system would come with costs, but it would seem human nature is not to act in the best interests of elderly vulnerable people, without some oversight and at least some potential consequences.