

Inquiry into Elder Abuse in Queensland

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Date: 26/03/2025

The Committee

Education, Arts and Communities

Parliament House Qld 4000

Dear Committee,

RE: Inquiry into elder abuse in Queensland

I wish to advise that this is my first ever submission to the Government. I am sharing this information with the Committee based on my personal experience of what I believe to be a deeply troubling case of elder abuse. This submission is also based on my sincere desire to prevent what has happened to our family from happening to others.

My mother was born in October 1937 and passed away in July, 2024 aged 86. She was a proud and intelligent woman who was backbone of our family and of the family business which began in 1957. She had two sons one of which was unable to work through illness and two grandchildren. I as the eldest son, entered the business in 1980 whilst studying Commerce at UQ part time.

In 2010, my son was given the position of part time caretaker by his grandmother over her 5.6 hectare residential property in return for a 'rent free' caretaker's dwelling along with the position as trades assistant in our family business. His grandfather had died in December of 2004 and the property required maintenance duties which were performed on most Fridays since 2010 by my son along with another paid worker. My son's trades assistant tasks did require some hard work as our business model at the time was the export of used heavy earthmoving equipment.

Things began to change in 2012 when my son informed his grandmother that he was suffering from a rare heavy metal blood poisoning from a substance called Iridium. It was a terminal illness, he had only two years to live plus he was unable to have children. From just an ounce of research, one could easily ascertain that contracting iridium poisoning through the skin as an apprentice plumber (his previous job) was preposterous.

But to my mother this news was absolutely devastating. He was her only grandson and at the time my brother was in poor health and subsequently died in January 2017.

Upon hearing the news of the fatal illness, my daughter (who lived with my son at the time) became distraught. My son comforted her by honestly admitting that he was not dying but merely invented the illness to get out of work. My daughter immediately advised her grandmother who would not listen to a word of it from either my daughter or later myself. Over the next 12 years my son was able to engineer and fraudulently steal over \$1.0 million in cash from his grandmother, instil delusions of his grandeur by the use of deception and manipulation to in effect poison my mother's mind, he fraudulently engineered the destruction of my repute within my mother's eyes, he ensured the unwarranted estrangement of my daughter (for telling the truth) from her grandmother and isolated my mother's brother and her favourite niece who she had great affection for as she was burdened with a down syndrome child.

On May 5th 2023, my mother signed her last and ninth will which left my grandson 94% of the estate, my daughter received only 1%. Seven previous wills treated each family member most equitably. On August 2, 2023, belatedly I and my uncle (my mother's only brother) were removed as Enduring Power of Attorneys and replaced by my son. At the same time a note was handed to the family solicitor purportedly to explain my mother's reasons for the drastic change in her will. The reasons given were incorrect, grossly unfair and were altered. My mother died in July 2024 under what I believe were suspicious circumstances, certainly I and another close associate thought suspicious enough to ask for the police to reopen an investigation into at least the likely movement of her body. This was no further investigation, I presume it was due to lack of evidence. I wonder if it was just a case of a closed file, she was 86 and had a history of falling.

In the final 6 years of my mother's life I noticed a significant transformation, certainly in physical health but more distressingly in her judgement, her social relationships and most tragically in her loss of trust of those she previously trusted. All except for one and only grandson. In the last two years of her life, I particularly remember some of her and related comments. Comments to me like, 'are you happy', 'I am sick of this life', to her granddaughter 'I don't think it would be a good idea to bring your children to see me for Christmas - I have changed my will', and to [REDACTED] 'you will let me know when I am becoming a burden'. [REDACTED] last comment to me in the new year of 2024 was particularly disturbing, 'I don't know how much longer I can look after Gram (meaning grandmother), she is becoming a burden', this one still haunts me.

My mother had been isolated and became totally dependent on the very person who was financially benefiting most from his engineered position of carer and with her total trust.

An outsider may claim that my mother should not have placed her total trust in [REDACTED] rather she should have listened to others who still held some degree of her trust. I would argue that my mother believed she was in control of her faculties and believed that her grandson showed what she considered to be true love and care, who lived close by (300 metres away) and was the best person to look after her when she needed real help. If she did not place her full trust in her Grandson then she may not have been able to enjoy her beloved property surrounded by her many native birds some of which she fed by hand. My mother was adamant that she would never live anywhere else but in her own home. She got her way!

But I am wondering if she would still be alive today if our laws did not presume that the family will do the right thing by those elders that want to live out their final days in their own home environment.

Where were the checks and balances here? Where were the red flags when the will was changed so dramatically? What questions were asked? Did the lawyer ask her 'this is a very different from your last will, are you sure this is what you want?' Did my mother seek any independent advice before changing her Enduring Power of Attorney? Did anyone ask my mother why she decided to change her EPOA? What tests were done by the Geriatrician to determine capacity? What questions were asked? Incredibly in my mother's report was the clanger 'there was no evidence of undue influence from any parties'. How did the good Doctor come to that conclusion? I am sure the report would have been a lot different if the Geriatrician had asked my mother 'why are you here?'. Did anyone influence you in any way to remake your will? If so, I recommend that you also obtain a psychologist's report.

In short there were very few safeguards in place for my mother and I suspect there are many more elders placed in such a similar situation. Had my mother been encouraged or required to seek independent legal advice or even professional guidance before the signing of her last will or replacing her EPOA, I believe that she might have done things differently. Given the financial difficulties facing our younger generations, I am certain that what happened to my mother is not extraordinary.

I offer the Committee the experience of my family conflicts in the hope that meaningful reform might prevent a similar occurrence.

I respectfully suggest:

That all Enduring Powers of Attorney are required to include mandatory disclosure obligations and proper record keeping. Further, that grantees of an EPOA must establish a GIFT register available for access by appropriately qualified persons.

That any benefits or transactions an Attorney obtained during the course of an EPOA entered into or not particularly after a false declaration and if those benefits or transactions resulted in personal gain then they be presumed void or subject to an order for equitable compensation in which the Attorney must carry the burden of proof of validity.

That Lawyers, Geriatricians and Psychologists and others develop detailed sets of standard procedures in cases where there may be a suspicion of undue influence, fraud, deceit or unusual circumstances in the preparation of a Will and Enduring Power of Attorney.

That Queensland considers introducing a central register of attorney transactions above a threshold amount.

That Queensland considers introducing a register of formal and informal carers and any transactions that may occur.

That family members be given access to a simple and affordable dispute resolution process before conflict becomes litigation.

And most importantly that carers and attorneys who are found to have used deceit, fraud, (in all of their many variants), emotional dependence or misinformation to enrich themselves be held personally accountable, not just by reversing the transactions but through real consequences.

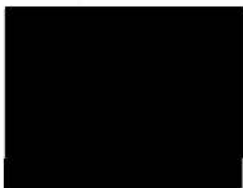
I never thought I would be in a position where I would need to question my own son's honesty. Nor did I ever expect to find myself litigating over the estate of my mother. But what happened to us, I believe does happen to others in often quieter or unreported ways.

Elder abuse, is not always bruises or neglect. Sometimes it is a slow erosion of trust, truth or untruths made possible by silence, secrecy and systems that assume the best and do not cater effectively for the not so best.

Please try not to let happen what happened in our family, happen to other families.

I and a retired lawyer friend have spent over 1,500 hours documenting my matter and gladly will provide your committee with access to all our material.

Respectfully,

A black rectangular redaction box covering the signature area.