

## **Inquiry into Elder Abuse in Queensland**

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<b>Submitted by:</b>	Debbie Sage, Partner, Attwood Marshall Lawyers
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Attwood Marshall  
LAWYERS

SUBMISSION TO THE  
**PARLIAMENTARY  
INQUIRY**  
ON ELDER ABUSE IN QUEENSLAND

*Submitted by Debbie Sage, Attwood Marshall Lawyers*

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## Introduction

Elder abuse is a significant and growing concern within our state.

As a solicitor Partner at Attwood Marshall Lawyers, I have practised exclusively in the areas of Wills and Estates and Aged Care for almost 20 years. I have witnessed the devastating impact of elder abuse and believe there is an urgent need for stronger protections in Queensland.

## Nature and Extent of Elder Abuse in Queensland

The most prevalent forms of elder abuse we encounter in our practice are financial abuse, psychological and emotional abuse, and neglect.

Financial abuse manifests in various forms, often involving the unauthorized access and misuse of an older person's assets, coercion into signing legal documents regarding the disposal of their assets, and there has been an alarming increase over the years in relation to the exploitation of powers pursuant to an enduring power of attorney.

Psychological and emotional abuse is equally concerning and is usually also experienced by the victim suffering financial abuse. Victims frequently report manipulation, threats, social isolation and controlling behaviour, which can lead to long-term emotional trauma.

Neglect is also starting to emerge as a critical issue reported in our practice, with caregivers failing to provide essential needs, resulting in severe consequences such as malnutrition and further cognitive impairment.

Unfortunately, the distress caused by the ongoing abuse can also have a devastating impact upon the victim's health, causing self-neglect due to fear, anxiety, loss of appetite and sleep.

## Relationships Where Elder Abuse Occurs

We are finding that elder abuse typically occurs within familial settings, most commonly by the adult child or the victim's partner. We have noticed an increase to reports of abuse in the home care setting, typically involving paid carers, private cleaners and neighbours.

The most common form of abuse we deal with is the misuse of an enduring power of attorney, where the documents are being used to financially exploit the older person and restrict access/visitation. We are also seeing abuse through the form of substitute decision-making where the attorney is not acting in the best interests of the elderly person and are going against their wishes and preferences, usually for the attorney's personal benefit.

We have also received over 300 enquiries in the last 12 months in relation to allegations of financial abuse by a Public Trustee, where older individuals with impaired capacity are reporting issues of financial mismanagement.

## Risk Factors and Barriers to Support

Social isolation remains a profound risk factor that exacerbates an elderly person's vulnerability by limiting access to vital support services. Dependency on perpetrators for housing, care, and companionship further deepens this vulnerability. The fear of retaliation, compounded by a reluctance to jeopardize their relationships also prevents many victims from reporting the abuse.

The most common fear reported to us is their fear of losing access to other family members such as grandchildren due to threats of being “cut off” by the perpetrator.

Cognitive impairments also significantly hinder recognition and reporting of abuse. Reports or allegations of mistreatment are not always taken seriously if the victim is perceived as lacking decision-making capacity. This is further complicated when the alleged perpetrator resides in the same household. Access to services and support can also be very difficult due to the victim’s cognitive impairment, because they may not have the ability to report the abuse themselves and seek the necessary support.

It is also worth noting that our existing “gag laws”<sup>1</sup> are preventing our elderly with impaired capacity from speaking about their experiences with the Public Trustee or Public Guardian in a more public forum.

## Effectiveness and Cohesiveness of Queensland’s Responses to Elder Abuse

### Adult Guardianship, Violence Protection, and Community Services

The Office of Public Guardian and Queensland Civil and Administrative Tribunal provide crucial oversight for older people with impaired decision-making capacity; however our experience has been that they appear to be under-resourced, and are slow to respond to some urgent cases. Their slow response times can exacerbate urgent situations, leaving vulnerable older persons without the immediate support they desperately need.

Elder abuse helplines and funded legal services provide valuable assistance, however they are geographically limited, leaving many older Queenslanders in rural areas without access to tailored legal and/or social support.

The current system for reporting and intervening in suspected cases of elder abuse is also fragmented, creating significant challenges for victims attempting to navigate the complex support pathways available to them. There is also a lack of coordination between the various agencies—such as law enforcement, healthcare providers, and social services, which leads to confusion and delays in addressing and investigating abuse, ultimately leaving vulnerable individuals without the protection they need.

### Legal Frameworks

We are receiving an increasing number of reports about attorneys and guardians who are exploiting their role through substitute decision-making. That is, instead of acting in the best interests of the adult with impaired decision-making capacity, they prioritise their own personal interests and/or make decisions that do not reflect the individual’s wishes and preferences, usually to the adult’s financial and/or emotional detriment.

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<sup>1</sup> *Guardianship Act 2000* (QLD), s114a.

Capacity is time and task specific; and our current provisions do not adequately address the advancements in understanding the fluctuating nature of mental capacity, which necessitates a critical reassessment of existing laws to ensure they promote best practices in decision-making.

## Supported Decision-Making

Supported decision-making is a framework that recognises the rights of adults with impaired capacity to make their own decisions to the greatest extent possible, with the appropriate support. It recognises that the capacity to make decisions can vary depending on the type of decision and the support available from the adult's support network. It aims to balance the right of an adult with impaired capacity to have autonomy in decision-making with their right to adequate and appropriate support. In practice, supported decision-making involves providing the necessary support to enable an adult to make and communicate their own decisions.

There has been growing recognition of the importance of supported decision-making. This framework was a recommendation in the [National Decision-Making Principles](#)<sup>2</sup> developed by the Australian Law Reform Commission, and is encouraged by the United Nations [Convention on the Rights of Persons with Disabilities](#) (UNCRPD)<sup>3</sup>. There is also reference to using principles that promote supported decision-making in the [Aged Care Bill 2024 \(Cth\)](#)<sup>4</sup>.

This approach will not only enhance accountability but also fosters dignity and agency, ensuring that decisions are made with the individual's needs and wishes at the forefront. By reviewing and reforming our existing laws, we can better protect vulnerable populations and promote ethical practices in substitute decision making.

Furthermore, inconsistencies in the application and interpretation of our existing laws can lead to confusion and potential harm, undermining the very purpose of substitute decision making. A thorough review will hopefully lead to recommendations that will enhance the effectiveness of these frameworks, ensure accountability of decision-makers, and ultimately support the dignity and agency of the adult with impaired capacity.

## Review of the Powers of Attorney Act

The enduring power of attorney system requires a review to consider enhancing oversight, as misuse often occurs with limited consequences and is commonly not being detected until the elderly person has passed away due to the lack of awareness and oversight.

Greater education and community awareness is required, as well as further training for financial institutions, hospitals and aged care workers. Reviewing execution requirements and obtaining proper legal advice and guidance can prevent misuse and offer better protection and clearer communication regarding their wishes.

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<sup>2</sup> [https://www.alrc.gov.au/wp-content/uploads/2019/08/fr124\\_chapter\\_3\\_national\\_decision-making\\_principles.pdf](https://www.alrc.gov.au/wp-content/uploads/2019/08/fr124_chapter_3_national_decision-making_principles.pdf).

<sup>3</sup> <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

<sup>4</sup> [Aged Care Bill 2024 \(Cth\)](#), s6.

# Opportunities to Improve Responses to Elder Abuse in Queensland

## A Proper Reporting System & Investigative Procedure

To effectively combat elder abuse, it is essential to establish a proper reporting system and procedure for investigating suspected cases of abuse. Establishing such a framework will provide all stakeholders, including law enforcement and frontline workers, with uniform guidelines and protocols, promoting efficient communication, collaboration and due process. This initiative will not only empower victims but will also strengthen the overall response to elder abuse, ensuring those affected receive prompt and appropriate support. A clear investigative framework is essential for assisting law enforcement officers in effectively managing cases of suspected elder abuse, as we frequently receive reports from victim's families that the police officer has told them there is nothing they can do, or that they do not know what more they can do beyond a welfare check.

## Strengthening Legal Protections

The lack of a specific criminal offence for elder abuse presents a significant gap in our legal system. Cases typically fall under the general criminal provisions, which do not adequately capture the complexity of elder abuse cases.

## The Specific Criminalisation of Elder Abuse

To enhance our legal safeguards and raise awareness, it is crucial to introduce legislation specifically criminalising elder abuse and abuse against vulnerable persons. By recognising elder abuse as a distinct category of crime akin to child abuse and domestic violence, we can mandate tailored provisions and penalties. Other jurisdictions, such as the Australian Capital Territory, Japan, Singapore, Sweden, and many other countries around the world have created comprehensive laws to protect our elderly that we should consider and emulate.

## Other countries that have enacted elder abuse laws

### Japan

Their [Act on the Prevention of Elder Abuse and Support for Caregivers of Elderly Persons](#)<sup>5</sup> came into effect in April 2006 and has created a reporting system for both domestic and institutional elder abuse and outlines the government's responsibilities at a local and national level for preventing elder abuse. The most notable sections to consider are as follows:-

- **Article 1 – Purpose:** Emphasises the importance of preventing elder abuse to ensure dignity for elderly persons. It sets a strong foundation for the need for protective measures and the responsibilities of the State, indicating an urgent commitment to safeguarding elder rights.

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<sup>5</sup> [https://www.japaneselawtranslation.go.jp/en/laws/view/3929/en#je\\_ch2at2](https://www.japaneselawtranslation.go.jp/en/laws/view/3929/en#je_ch2at2).

- **Article 7 – Reporting Elder Abuse:** Establishes a requirement for individuals to report suspected elder abuse, with protection against disclosure of the reporter's identity, which promotes accountability and encourages reporting without fear of retaliation.
- **Article 9 – Handling Reports of Elder Abuse:** Requires municipalities to confirm the safety of the elderly person, identify the relevant facts as to the abuse, and must consult with partnered agencies in the area to ensure there is immediate and appropriate action to protect victims.
- **Article 11 – On-Site Inspections:** allows a municipality mayor to instruct officials to enter an elderly person's residence if there is a substantial threat to their life or health from suspected abuse.
- **Article 16 – Collaboration with Local Organisations:** Requires municipalities to establish local partnerships with relevant agencies and organisations to effectively implement measures for preventing elder abuse and supporting caregivers in all areas.
- **Article 26 – Research and Studies:** Mandates the State to analyse elder abuse cases and conduct research on effective prevention strategies, promoting an evidence-based approach to policymaking.
- **Articles 29 and 30 – Penalties for Violations:** These sections establish penalties, including for failing to report elder abuse, obstructing investigations, and giving false information. These provisions provide a legal framework for enforcement, ensuring that violations are met with consequences.

This Act creates a robust framework that not only criminalises elder abuse but also emphasises prevention, reporting and accountability. It reflects a comprehensive approach to safeguarding elderly individuals and supporting caregivers.

## Singapore

In 2019, their Penal Code was amended to include a provision for harsher penalties for offences against vulnerable persons, including the elderly (up to twice the maximum punishment)<sup>6</sup>. In *Public Prosecutor v Raffi bin Jelani* [2004] SGHC 120 the Court held that the law recognises the need to protect certain groups such as the elderly, and an offender who commits an offence against such groups ought to be dealt with more severity by the Court<sup>7</sup>.

Singapore have also enacted the *Vulnerable Adults Act*<sup>8</sup> which is designed to protect vulnerable adults, including the elderly from abuse, and contains various powers and procedures for intervention and support. Some of the key sections of the Act worth considering are as follows:-

- **Section 2 – Comprehensive Definitions of Abuse:**
  - **Diverse Types of Abuse:** This section defines “abuse” to include physical, emotional, psychological abuse, and coercive control, which provides a nuanced understanding that helps clearly articulate the types of abuse targeted in the legislation.

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<sup>6</sup> <https://sso.agc.gov.sg/Act/PC1871>.

<sup>7</sup> *Public Prosecutor v Raffi bin Jelani* [2004] SGHC 120 at [20].

<sup>8</sup> <https://sso.agc.gov.sg/Act/VAA2018>.



- **Illustrative Scenarios:** This section also contains specific illustrative examples to clarify how emotional and psychological abuse can manifest, assisting in understanding the breadth and complexity of elder abuse.
- **Section 3 – Administration of Act:**
  - **Appointment of Officers:** This section allows for the appointment of various qualified professionals (protectors, welfare officers, enforcement officers) to take action against abuse. This multi-faceted approach to enforcement could serve as a model for establishing clear roles and responsibilities in the prevention and prosecution of elder abuse.
- **Section 4 – Protection Principles:**
  - **Rights and Dignity of Vulnerable Persons:** This section also acknowledges that individuals, even when lacking mental capacity, have rights and the ability to make decisions over their own lives.
  - **Least Restrictive Intervention:** This section emphasises that any intervention should prioritise the vulnerable adult’s welfare, rights and autonomy, and ensures that protection measures are not overly restrictive.
- **Sections 5 and 6 – Assured Monitoring and Assessment:**
  - **Provisions for Assessment:** Authorised officers are empowered to assess vulnerable adults for abuse or neglect, coupled with the ability to remove individuals for their own protection if necessary.
  - **Legal Oversight:** This section provides clarity around when assessments can occur, including the role of the Courts, which establishes a respected legal framework for intervention that supports the protection of vulnerable individuals.
- **Section 23 – Mandatory Reporting:**
  - **Duty to Report:** This section establishes a legal duty for individuals who suspect abuse to notify authorities to encourage societal vigilance and prompt action.
- **Sections 26 to 28 – Enforcement Powers:**
  - **Powers of Entry and Arrest:** This section grants enforcement officers with broad powers to enter premises and arrest without a warrant when there are reasonable grounds to suspect violation of protective orders.
  - **Prevention of Obstruction:** This section includes penalties for obstructing enforcement officers and reinforces the seriousness of complying with protective measures.

## The Republic of Korea

The [Welfare of Senior Citizens Act](#)<sup>9</sup> specifically criminalises elder abuse and deals with abuse against older persons in great detail. This Act serves as a valuable reference as it contains a

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<sup>9</sup> [https://elaw.klri.re.kr/eng\\_mobile/viewer.do?hseq=49845&type=part&key=38#:~:text=](https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=49845&type=part&key=38#:~:text=)

detailed framework for the welfare and protection of older adults. Some of the key sections and provisions of the Act worth considering are as follows:

- **Article 1 – Purpose and Principles:** Emphasises the Act's purpose to promote the health and welfare of senior citizens and serves as a foundational principle for legislation on elder abuse.
- **Article 1-2 (Definitions):** Provides key definitions, particularly defining "elder abuse" as involving physical, mental, emotional, and sexual violence, as well as economic exploitation and neglect. A clear definition aids in formulating new laws.
- **Article 39-5 – Establishment of the Elder Protection Agency:** The agency's purpose and roles include protecting elder rights and managing regional elder protection agencies, which could provide a better framework for creating a similar structure in Queensland. Their Agency is empowered to conduct on-site investigations into suspected cases of elder abuse (see Article 39-5(2).2), as well as education for prevention to the general public, and prevention of reoccurrence for perpetrators.
- **Article 39-6 – Obligations and Procedures for Reporting Elder Abuse:** Contains provisions for obligations and procedures for reporting and dealing with elder abuse, which is a vital mechanism for ensuring accountability and rapid response to elder abuse cases.
- **Article 39-9 – Prohibited Acts:** This section details specific acts as elder abuse, including violence, sexual, financial and emotional abuse and neglect, which can be directly incorporated into legal definitions and penalties in new laws.
- **Article 39-20 – Post Management of Elder Abuse:** This section outlines the importance of follow-up measures post-abuse and support for victims and their families.
- **Articles 55-2 and 55-3 – Penalty Provisions:** Establishes numerous penalties for various acts of elder abuse, as well as abuse against staff members of an elder protection agency.

This legislation provides a comprehensive approach to not only criminalising elder abuse but also creating a supportive framework around prevention, reporting and victim assistance.

## Costa Rica

[Law 7935](#) was passed in November 1999 which penalised physical, sexual, psychological and patrimonial violence against the elderly<sup>10</sup>. [Law 10455](#) was then passed in 2024 to update and extend the provisions of the existing laws to strengthen the legal protections for the elderly<sup>11</sup>.

## Vietnam

The “[Elderly Law](#)” enacted in 2009 addresses various aspects of elder care and protection<sup>12</sup>. Some key sections of this legislation to consider are as follows:-

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<sup>10</sup> <https://extranet.who.int/mindbank/item/5096>.

<sup>11</sup> <https://costaricalaw.com/costa-rica-legal-topics/civil-law/strengthening-protections-for-the-elderly-in-costa-rica-new-legal-reforms/>.

<sup>12</sup> [https://www.partners-popdev.org/ageing/docs/Vietnam\\_Law\\_on\\_the\\_elderly.pdf](https://www.partners-popdev.org/ageing/docs/Vietnam_Law_on_the_elderly.pdf).

- **Article 9 – Prohibited Acts:** This section explicitly lists certain actions as illegal, which include:
  - Insulting, ill-treating, hurting, persecuting or discriminating the elderly;
  - Infringing upon or preventing the elderly from exercising their rights;
  - Failing to perform care obligations;
  - Exploiting the elderly for personal benefit;
  - Forcing the elderly to labour or things contrary to law;
  - Forcing, arousing, inciting or abetting others to commit illegal acts against the elderly; and
  - Retaliating against those who help the elderly or report abuse.
- **Article 10 – Responsibilities of agencies, organisations, families and individuals:** This section emphasises the shared responsibility in protecting the elderly, assigning specific duties to:-
  - Agencies and organisations to protect the elderly's rights;
  - The Vietnam Fatherland Front and other organisations to raise awareness and supervise policy implementation;
  - Families to take primary responsibility for care; and
  - Individuals to respect and help the elderly.

## Dominican Republic

The Dominican Republic have several laws covering negligence, exploitation and violence against older persons, and they have a new Penal Code which sanctions the abandonment of an older person in need of protection<sup>13</sup>. They also recently created the National Council of the Ageing Person (CONAPE), a government agency which implements public policies relating to the elderly<sup>14</sup>.

## United States of America

All 50 states have [elder abuse](#) prevention laws<sup>15</sup> designed to protect the elderly from abuse and guide the practice of adult protective service agencies and law enforcement<sup>16</sup>. Each of the 50 states have comprehensive laws that address 4 distinct categories of elder abuse, namely civil financial exploitation, criminal financial exploitation, civil elder abuse and criminal elder abuse, with various penalties depending on the severity.

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<sup>13</sup> <https://social.un.org/ageing-working-group/documents/eighth/Inputs%20Member%20States/DominicanRepublic.pdf>.

<sup>14</sup> <https://www.ohchr.org/en/press-releases/2023/03/dominican-republic-include-older-persons-most-vulnerable-situations-public>.

<sup>15</sup> <https://www.justice.gov/elderjustice/elder-justice-statutes-0>.

<sup>16</sup> <https://www.justice.gov/elderjustice/prosecutors/statutes>.

## Israel

Israel have passed numerous laws designed to assist in the care and protection of the elderly<sup>17</sup>, most notably the Law for the Defence of Protected Persons (Chok Hagana al Chosim) which enables welfare officers to intervene in cases of abuse, including the authority to remove the elderly from abusive environments and ensure they receive the appropriate care.

## France

The French Parliament recently passed [Bill No. 643](#)<sup>18</sup> which aims to make it easier to identify and deal with elder abuse. Various laws have also been established in their Penal Code with regard to mandatory reporting of abuse against the elderly<sup>19</sup>.

## Sweden

Their [Social Services Act](#)<sup>20</sup> contains numerous sections in relation to the protection of the elderly and the duties of their Social Welfare Committee<sup>21</sup>.

- **Chapter 3, Section 2** states that the Social Welfare Committee shall take the initiative and monitor that measures are taken to create a good social environment and conditions for minors and the elderly who have been subjected to violence or other abuse by a close relative<sup>22</sup>.
- **Chapter 5, Section 4** of the Social Services Act states that the Social Welfare Committee shall work to ensure older people are given the opportunity to live and reside independently under safe conditions and have an active and meaningful life in community with others.

## Mandatory reporting

Mandatory reporting requirements for suspected elder abuse, especially in cases where the elderly person suffers a cognitive impairment, are essential. Countries that enforce such requirements demonstrate a committed approach to safeguarding vulnerable populations.

### Other countries that have mandatory reporting requirements

#### France

Article [434-3](#) of the Penal Code<sup>23</sup> states that any person who is aware of deprivation, mistreatment, sexual assault or abuse of an elderly person (among others) who fails to inform the

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<sup>17</sup> <https://www.reutheshel.org.il/en/israeli-laws-concerning-care-for-the-elderly/>.

<sup>18</sup> [https://www.assemblee-nationale.fr/dyn/16/textes/l16b0643\\_proposition-loi?utm\\_source=POLITICO.EU](https://www.assemblee-nationale.fr/dyn/16/textes/l16b0643_proposition-loi?utm_source=POLITICO.EU).

<sup>19</sup> Penal Code, Articles [223-6](#) & [434-3](#).

<sup>20</sup> [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453\\_sfs-2001-453/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453_sfs-2001-453/).

<sup>21</sup> <https://onlinelibrary.wiley.com/doi/10.1111/ijsw.12588>.

<sup>22</sup> [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453\\_sfs-2001-453/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453_sfs-2001-453/).

<sup>23</sup> [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000037289453?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037289453?lang=en).

judicial or administrative authorities or continues to fail to inform the authorities until the offences have ceased is a punishable offence (3 years imprisonment and 45,000 euros).

## Sweden

The [Social Services Act](#)<sup>24</sup> includes sections that mandate the Social Welfare Committee to take initiative and monitor measures for those subjected to violence or abuse, ensuring proper reporting mechanisms are in place.

## Republic of Korea

The [Welfare of Seniors Citizens Act](#)<sup>25</sup> contains obligations and procedures for reporting elder abuse, ensuring accountability and rapid responses to elder abuse cases.

## Singapore

[Section 23](#) of the Vulnerable Adults Act<sup>26</sup> establishes a legal duty on individuals who suspect abuse of vulnerable adults to notify the authorities.

## Japan

Article 7 of the [Act on the Prevention of Elder Abuse and Support for Caregivers of Elderly Persons](#)<sup>27</sup> contains a requirement for individuals to report suspected elder abuse. This legislation encourages accountability while protecting the identity of the reporter.

## United States of America

The following states across the United States of America illustrate examples of how each of the states have crafted laws that not only protect the elderly from abuse, but also impose a legal obligation on professionals, and in some states, the general public to report suspected cases of elder abuse:

### California

[Elder Abuse and Dependent Adult Civil Protection Act \(Welfare and Institutions Code, Sections 15600 and 15630\)](#)<sup>28</sup> mandates that certain professionals, including doctors, nurses and social workers report suspected elder abuse or neglect to the appropriate authorities.

### Texas

[Elder Abuse Statute \(Texas Human Resources Code, Section 48.051\)](#)<sup>29</sup> requires any individual who suspects elder abuse or neglect to report it to the Texas Department of Family and Protective Services, including mandated reporters such as healthcare professionals.

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<sup>24</sup> [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453\\_sfs-2001-453/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453_sfs-2001-453/).

<sup>25</sup>

[https://elaw.klri.re.kr/eng\\_mobile/viewer.do?hseq=49845&type=part&key=38#:~:text=The%20purpose%20of%20this%20Act,specific%20conditions%2C%20and%20devising%20appropriate.](https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=49845&type=part&key=38#:~:text=The%20purpose%20of%20this%20Act,specific%20conditions%2C%20and%20devising%20appropriate.)

<sup>26</sup> <https://sso.agc.gov.sg/Act/VAA2018?ProvIds=P14-#pr23->.

<sup>27</sup> [https://www.japaneselawtranslation.go.jp/en/laws/view/3929/en#je\\_ch2at2](https://www.japaneselawtranslation.go.jp/en/laws/view/3929/en#je_ch2at2).

<sup>28</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=15600.&lawCode=WIC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=15600.&lawCode=WIC).

<sup>29</sup> <https://statutes.capitol.texas.gov/Docs/HR/htm/HR.48.htm>.

### New York

[Section 473](#) of the New York Social Services Law<sup>30</sup> mandates that healthcare providers and other professionals report suspected elder abuse to the local Adult Protective Services.

### Florida

[Chapter 415.1034](#) of the Adult Protective Services Act<sup>31</sup> requires mandatory reporting of suspected abuse, neglect or exploitation of vulnerable adults by any person, with specific protections for mandated reporters.

### Michigan

[The Adult Protective Services Act \(MCL 400.11 et seq\)](#)<sup>32</sup> requires certain professionals to report suspected elder abuse or neglect of vulnerable adults to the Department of Health and Human Services.

## Conclusion

The evidence and insights provided clearly illustrate an urgent need for systemic reforms to protect our elderly population in Queensland from the increasing prevalence of elder abuse. To strengthen the safeguards for vulnerable adults, we recommend the following key actions:

1. **Establish a Comprehensive Reporting System and Investigative Procedure:** It is crucial to develop a robust framework that enables consistent reporting of elder abuse and provides frontline workers with clear guidelines. This will enhance communication among stakeholders and ensure that victims receive timely and appropriate support.
2. **Implement Stronger Legal Protections:** Introduce legislation that specifically criminalises elder abuse, similar to frameworks in other jurisdictions. By recognising elder abuse as a distinct category of crime, we can establish appropriate penalties and accountability measures that reflect the serious nature of these offenses.
3. **Enhance Oversight of Powers of Attorney:** A thorough review of the existing Powers of Attorney Act is needed to strengthen oversight mechanisms to prevent misuse and protect the financial interests of vulnerable adults. Education and training for stakeholders involved in elder care are also vital.
4. **Adopt a Supported Decision-Making Framework:** Embrace and educate our community on supported decision-making approaches that will empower older adults with impaired capacity while providing the necessary support.

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<sup>30</sup> <https://www.nysenate.gov/legislation/laws/SOS/473>.

<sup>31</sup> <https://www.flsenate.gov/Laws/Statutes/2020/0415.1034>.

<sup>32</sup> <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-400-11>.

5. **Training and Increase Resource Allocation:** Further education and training, as well as additional resources for organisations responsible for the support and intervention of elder abuse cases is required, especially in rural and remote areas.

These recommendations aim to not only improve the immediate response to elder abuse but also to cultivate a cultural shift towards greater awareness, accountability, and compassion for our elderly community. By taking decisive action, we can ensure the dignity and safety of our seniors and promote an environment where they can thrive without fear of abuse. It is time for Queensland to lead the way in protecting our most vulnerable citizens and to create a safer future for all older Australians.

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