

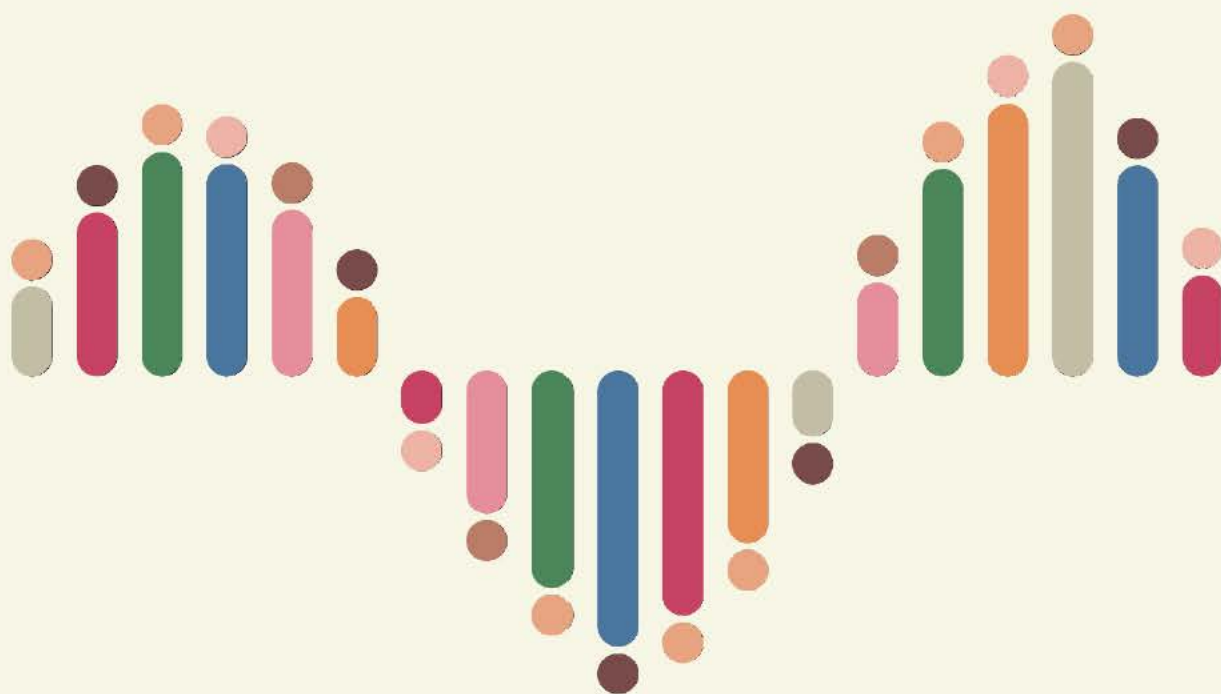
Inquiry into Elder Abuse in Queensland

Submission No:	90
Submitted by:	Beck O'Connor, Victims' Commissioner Queensland
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

Submission to the Education, Arts and Communities Committee

Inquiry into Elder Abuse in Queensland

April 2025



Acknowledgement of Country

We pay our respects to the Aboriginal and Torres Strait Islander ancestors of this land, their spirits and their legacy. The foundations laid by these ancestors- our First Nations peoples- give strength, inspiration and courage to current and future generations towards creating a better Queensland.

Victim Recognition

The Office of the Victims' Commissioner respectfully recognises all victims of crime.

We see you. We believe you. We acknowledge the harm you have suffered.

We respect your choices in whichever path you may take. Your emotions and reactions are valid.

We see your strength, courage, resilience, and vulnerabilities and support your right to self-determination, and to lead lives free from fear.

To loved ones of those who have died, we offer our condolences, and we acknowledge the ongoing hurt and pain you experience.

We recognise the important role of people supporting and advocating for victims of crime, both personally and professionally. We value the experiences you have shared with us as they shape our work.

Note on Language

While we understand and respect the Committee's choice of the phrase 'elder abuse', we will preference the phrase 'abuse of older Queenslanders/people'. We acknowledge the specific and significant meaning that 'Elders' has for First Nations communities.

We use the terms 'victim' and 'victim-survivor' throughout this submission. We acknowledge the diverse preferences of individuals with lived experience of crime. We recognise that language plays a significant role in shaping narratives and individuals may have varying preferences regarding their identities. Some individuals may prefer 'victim' as it emphasises their experience of harm, while 'victim-survivor' acknowledges the ongoing effects and harm caused by crime and highlights the strength and resilience of individuals with lived experience. By incorporating both terms, we hope to honour these perspectives and foster an inclusive dialogue.

We may also use the term 'victim' when referring to legislation as it is a term commonly used in legal frameworks.

Definition of 'Victim'

The Committee has defined the abuse of older people as being 'a single or repeated act, or lack of appropriate action, in the context of a relationship of trust, causing harm or distress'.

Behaviour that meets this definition will not always amount to a criminal offence, based on current legal frameworks in Queensland. This is relevant as section 6 of the *Victims' Commissioner and Sexual Violence Review Board Act 2024* defines a victim as a person who suffers harm, in the context of a criminal offence being committed.

Contents

Acknowledgement of Country	2
Victim Recognition	2
Note on Language	2
Definition of 'Victim'	2
Opening remarks	4
Role of the Victims' Commissioner	7
The Charter of Victims' Rights	8
Prioritising the needs of victims of crime - justice for older Queenslanders	9
Dignity, choice and control	9
Safety and protection	13
Healing and support	15
System design	17
Accountability and learning	17
Existing Resources	20
Concluding remarks	20
Appendix A	21

Opening remarks

The abuse of older Queenslanders is a matter of critical importance and I welcome the Government's recognition of the need to investigate the extent of this type of harm, assess the effectiveness of current systems in place to respond, and explore solutions to improve responses. This Inquiry offers victim-survivors a vital opportunity to share their experiences and inform meaningful reform activity to enable victims to access their rights and enhance their safety.

Violence and abuse of older people is entirely preventable. Yet, it is happening far more frequently than many realise. National statistics indicate, at least 1 in 6 people aged 60 and over have experienced some form of abuse.¹ And yet, fewer than 1 in 24 cases are ever reported.² That is a devastating gap between harm and help.

These numbers reveal more than just a crisis of prevalence—they point to systemic failures in how we understand, value, and protect older people. To truly prevent abuse of older people, we must examine the underlying drivers that allow it to occur and persist.

At the core is **ageism**—a pervasive and entrenched societal bias that devalues older people, diminishes their autonomy, and normalises their exclusion. Ageist attitudes can present as dismissive treatment, taking away their decision-making power, or the belief that older people are less credible or less deserving of protection. This creates a culture where abuse is more easily ignored, excused, or overlooked.

Power imbalances are also central. Many older people rely on others for care, financial support, or assistance with daily tasks. This dependence can be manipulated—especially in contexts where oversight is limited, or informal caregiving arrangements are unregulated. Abuse often occurs behind closed doors, where perpetrators hold control and victims are isolated.

Social disconnection significantly increases the risk of abuse. When older people are cut off from family, community, or services—whether due to health, mobility, language barriers, or systemic neglect—they become less visible and less able to seek help. Isolation creates the conditions in which abuse can persist undetected and unchallenged.

We also see contributing factors such as **intergenerational conflict**, **carer stress**, **financial pressure**, and **institutional failures** in care environments. While these factors never justify abuse, they help us understand the environments in which harm occurs—and where prevention must begin.

A **lack of awareness** is another key driver. Many victims—and those around them—may not recognise certain behaviours as abusive, particularly emotional, psychological, or financial abuse. This can lead to underreporting and missed opportunities for early intervention.

Importantly, we must also view abuse through a gendered and cultural lens:

- Older Aboriginal and/or Torres Strait Islander individuals aged 50 and older, are over-represented (3.7%; notably higher than their population of 2.4%).³
- Older women are more than twice as likely to be victims of abuse (67.1%).⁴
- In Australia, 40-50 sexual assaults are reported in residential aged care every week – most of whom are older women.⁵

¹ 'Family, domestic and sexual violence: Older people', *Australian Institute of Health and Welfare* (Web page 28 February 2025) <[https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/older-people#:~:text=around%20in%206%20\(598%2C000,neglect%20in%20the%20past%20year](https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/older-people#:~:text=around%20in%206%20(598%2C000,neglect%20in%20the%20past%20year)>.

² 'World Elder Abuse Awareness Day' *United Nations* (Web page) <<https://www.un.org/en/observances/elder-abuse-awareness-day/background#:~:text=This%20is%20likely%20to%20be%20an%20underestimation%2C,to%20family%2C%20friends%2C%20or%20to%20the%20authorities.&text=If%20the%20proportion%20of%20elder%20abuse%20victims,growing%20to%20320%20million%20victims%20by%202050.>>>.

³ Anna Gillbard, 'Elder abuse statistics in Queensland: Year in review 2023-24', *Queensland Elder Abuse Prevention Unit* (PDF, 2024) 5 <<https://eapu.com.au/wp-content/uploads/2024/12/UC-Elder-Abuse-Statistics-in-QLD-Year-in-Review-2024.pdf>>.

⁴ Ibid.

⁵ Royal Commission into Aged Care Quality and Safety (Final Report, 1 March 2021).

- In 2023, 28 women aged over 55 years were killed in a domestic and family violence (DFV) context (representing roughly a third of all alleged DFV homicides for 2023).⁶
- Last year (2024), nine women aged 60+ were reported to have been killed by their sons, and 10 women killed by others (neighbours, clients, members of the community).⁷

Without a gender-informed approach, the specific needs and experiences of older women risk being overlooked. Our responses must ensure that services are safe, accessible, and attuned to the intersecting impacts of age and gender.

The percentage of Queensland's older population is increasing. Approximately 1 in 6 Queenslanders (17%) are aged 65 years or older, however by 2038, this is projected to increase to 1 in 5 (20%).⁸ Older Queenslanders are also living for longer with the number of Queenslanders aged 85 years and over expected to increase 130% by 2053.⁹ It is reasonable to foresee intensified pressures on families, the economy and in healthcare settings (including aged care), as the impacts of failing to effectively prevent, safeguard, identify and respond to the abuse of older persons will only increase with our aging population.

In addition to more well understood tactics of violence, older victims face unique barriers to reporting and recovery. Some of these are:

- generational and cultural attitudes toward family and privacy
- dependency on their abuser for care or housing
- fear of institutionalisation
- health conditions, such as cognitive impairment, fatigue or physical frailty, which may limit their ability to advocate for themselves
- professionals—across health, social services, policing, and community care—often lack the training or confidence to recognise abuse of older people
- and, critically, a lack of confidence in systems that are not targeted to their needs or are geared toward younger people, particularly domestic, family and sexual violence responses. This includes suitable emergency refuge and accommodation options and appropriate safety planning.

We must also confront the digital divide, which limits access to online reporting and support services, leaving many older people even more isolated.

Engagement with victims of crime

Too often, older victims are viewed solely through the lens of vulnerability, rather than recognised as people with agency, rights, and voices that matter. Their experiences are frequently medicalised, their concerns sidelined, and their rights overlooked. This stigmatisation leads to silence.

This must change.

In my role, I am fortunate to engage directly with victim-survivors, their families, frontline workers, and community allies across Queensland to discuss how a justice and support system can anticipate and respond better to their needs. The message is consistent and clear: victims are not being adequately informed of their rights, and this limits their ability to seek support or justice.

Those who can and do report face systems that are fragmented, difficult to navigate, and at times

⁶ Australian Bureau of Statistics, *Recorded Crime – Victims, 2023* (Released 27/06/2024) < https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/latest-release?utm_source=chatgpt.com#victims-of-family-and-domestic-violence-related-offences>.

⁷ Celebrate Aging, *The [Un]Silencing of Older Women* (Report, 2024).

⁸ Queensland Government Statistician's Office, Queensland Treasury, 'Who are older Queenslanders? fact sheet', *Department of Families, Seniors, Disability Services and Child Safety* (docx, 2024) <<https://www.families.qld.gov.au/media/documents/seniors/population-fact-sheet.docx>>.

⁹ Ibid.

retraumatising. Victims have told me they want to feel safe, respected, and heard. They want clear access to specialist advocacy support, and for services to work together—not in isolation—to provide that care.

They also call for accountability—not only for those causing them harm, but for institutions and systems. Importantly, many victim-survivors want to contribute to the solutions.

One of my key messages to this Committee is that older victims must be heard in their own right. Their voices—diverse, direct, and deeply informed—must shape the changes they need.

This principle—of truly listening to victims—will underpin my upcoming systemic review of the Charter of Victims' Rights. A key focus will be on whether the rights and experiences of older people are meaningfully recognised and upheld by the agencies responsible for their care, safety, and access to justice.

I once again thank the Committee for its careful attention to this important issue. I stand ready to work alongside you to ensure that older Queenslanders are not only protected from harm, but are genuinely seen, heard, and helped in every system that responds to, and seeks to prevent, this abuse.

Beck O'Connor
Victims' Commissioner

Phone: 1800 714 100

Email: contact@victimscommissioner.qld.gov.au

Role of the Victims' Commissioner

My role is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (the Act) to promote and protect victims' rights.

Under section 6 of the Act, a victim includes a person who suffers harm because a criminal offence (including domestic violence) is committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependents of a person who has a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.¹⁰

The Act defines harm as including physical, psychological, or emotional harm, damage to or loss of property, and financial or economic loss.¹¹ This definition recognises the range of impacts that a crime can have on an individual.

In my role I must act independently and in the public interest. I must also have particular regard to victims who may be vulnerable to harm due to certain characteristics, including older Queenslanders.¹²

My functions include:

- to identify and review systemic issues relating to victims; and
- to conduct research into matters affecting victims, including particular cohorts of victims; and
- to consult in relation to matters relating to victims, including a person's experience as a victim and their experience in the criminal justice system; and
- to deal with complaints about alleged contraventions of the victims charter; and
- to publish information in relation to the criminal justice system; and
- to promote the victims charter and rights of victims and to advocate on behalf of victims by making recommendations and providing advice, training, information or other help to government and non-government entities; and
- to provide advice to the Minister on issues affecting victims and the promotion of victims' rights, including making recommendations about improvements to government policy, practices, procedures and systems to support the rights of victims; and
- to monitor the implementation of recommendations made by the commissioner under this Act; and
- to perform any other function given to the commissioner under this Act or another Act.

Through these functions, the purpose of my office is to ensure justice and victim support systems uphold the dignity and rights of victims of crime, within a culture of safety, transparency and accessibility.

It is our vision that victims be respected, seen and heard in a justice system that anticipates their needs.

¹⁰ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.

¹¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6 (7).

¹² *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 11.

The Charter of Victims' Rights

The Charter of Victims' Rights (the Charter) is set out in schedule 1 of the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (VCSVRBA).

The Charter describes the way in which a victim of violent crime, including domestic and family violence, should be treated, as far as practicable and appropriate, by government and non-government entities. It sets out general rights, rights relating to the criminal justice system, rights if an offender is sentenced to imprisonment and the right to make a complaint. Under the Charter, victims of violent crime must be 'treated with courtesy, compassion, respect and dignity, taking into account the victim's needs' and 'informed at the earliest practicable opportunity about services and remedies available to the victim'.

Review of the Charter of Victims' Rights

In accordance with my systemic review function under the VCSVRBA, I have commenced a review of the Charter to assess how well it meets the diverse needs of victims of crime.

This review will examine:

- the purpose of the Charter and whether it aligns with community expectations
- public awareness and understanding of the Charter
- accessibility of the Charter and its complaints processes
- how the Charter is operating in practice
- accountability of agencies in upholding victims' rights under the Charter
- the Charter's impact on victims' experiences.

In undertaking the review, I will have regard to the diversity of victims, including the experiences of older Queenslanders who are victims of crime. I am cognisant that victims are not equal in their ability to claim their Charter rights, including complaints processes, when their rights are not upheld.

The review will be informed by engagement with victims of crime, their advocates, family members and professionals who work with victims of crime.

I will provide a report to the Minister for Youth Justice and Victim Support and Minister for Corrective Services by December 2026.

Charter of Victims' Rights complaints

My functions include to deal with Charter of Victims' Rights complaints. My office began receiving complaints from victims who believe their rights have not been upheld on 2 September 2024.¹³ Previously, the Victim Services Coordinator, Victim Assist Queensland had responsibility for receiving Charter of Victims' Rights complaints, however the powers and functions in relation to those complaints are significantly enhanced under the VCSVRBA.

As of 31 March 2025, over 340 Queenslanders have had contact with my office. Of those, 193 individuals have made a total of 320 complaints. This represents a significant increase in engagement with the Charter, especially noting that Victim Assist Queensland received less than 40 Charter complaints during 2021-2023.¹⁴

¹³ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) Schedule 1.

¹⁴ Parliamentary Inquiry into support provided to victims of crime, *Departmental Briefing Paper- Department of Justice and Attorney General* (30 March 2023) 8.

While my office does not require individuals making a complaint or enquiry or providing feedback to our office to provide their date of birth, of the 38% of individuals who have shared their date of birth, 4% of individuals were aged 60 or over and 2% were aged 65 or over.¹⁵

Accessing the Office of the Victims' Commissioner website

As at 31 March 2025, our office's website has had a total of 45,078 views and 13,967 users since 2 September 2024.

64.1% of users are women and 35.9% are men.

Approximately 20% of our website users are aged 55 and over, and 7.6% of our website users are aged over 65. More men (580) than women (435) over the age of 65 have used the website.

The most popular resource for people aged over 55 and people aged over 65 is information about the Charter of Victims' Rights.

People aged between 55 and 64 are predominantly using desktop (84.5%), but also mobile (15.5%). People aged over 65 are predominantly using desktop (87.4%), but also mobile (10.5%) and tablet (2%).

Prioritising the needs of victims of crime - justice for older Queenslanders

Prioritising the needs of victims of crime in the justice system provides a lens to think about the experiences of victim-survivors, and the solutions that will ensure they are seen, heard and helped.

While each individual victim has their unique understanding of what 'justice' means to them, access to justice and equity in justice are common threads in the experiences shared by victim-survivors with my office. Access to justice relates to victims' having access to support following the harm they have experienced, as well as an ability to participate in the systems which they have been propelled into. Equity means that regardless of a victim's background or identity, their unique experiences and needs will be responded to, and their rights will be upheld.

We can consider accessible and equitable justice for older Queenslanders, across five domains:

1. Dignity, choice and control
2. Safety and protection
3. Healing and support
4. System design
5. Accountability and learning

Dignity, choice and control

Prioritising the fundamental principles of dignity, choice and control means recognising and respecting the autonomy of older people, and supporting their right to make informed decisions about their lives, particularly their safety and wellbeing.

For example, while some older people may experience cognitive challenges, this does not automatically diminish their capacity to participate in decisions. With the right support — including accessible information, clear communication and genuine cultural understanding — older people can and should be empowered to express

¹⁵ As at 1 April 2025.

their preferences and remain central to decisions that affect them.

Autonomy is often compromised when carers or professionals speak for older people or exclude them from decision-making. Upholding a presumption of capacity and ensuring active inclusion at every stage reinforces older people's right to choose what happens next, preserving their dignity and reinforcing their control. This is critically important in the context of abuse and harm, where an older person's sense of control, trust, and independence may have been eroded by those they rely on, making it essential that any response restores their voice, respects their choices, and actively involves them in decisions about their safety, justice, and recovery.

Ageism

Ageism is commonly accepted as being a key driver in the perpetration of violence against older people. The World Health Organisation defines ageism as 'the stereotypes (how we think), prejudice (how we feel) and discrimination (how we act) towards others or oneself based on age'.¹⁶ The Australian Human Rights Commission suggests that ageism is difficult to detect, due to ageist attitudes being entrenched in Australian social norms, and often disguised as entertainment or humour.¹⁷

Ageism adversely impacts upon older people's health and wellbeing, and reduces their life expectancy. Ageist attitudes can manifest as dismissive treatment, the denial of decision-making power, or the belief that older people are less credible or less deserving of protection. This creates a culture where abuse is more easily ignored, excused, or overlooked. Ageism is also deeply entangled in sexism and misogyny.

Gendered drivers and ageism

The effects of discrimination and violence experienced by women across their lifespan is further compounded by the intersection between sexism, misogyny and ageism.¹⁸

In Australia, 40-50 sexual assaults are reported in residential aged care every week – most of whom are older women.¹⁹ In 2023, 28 women aged 55 and over were murdered in domestic and family violence homicides, and 365,000 older women reported experiencing abuse in Australia.²⁰

Without a gender-informed approach, the specific needs and experiences of older women risk being overlooked. Our responses must ensure that services are safe, accessible, and attuned to the intersecting impacts of age and gender.

Strategies for Committee consideration

- Recognising and responding to the role that ageism, misogyny and sexism has in the abuse of older people.
- Understanding which aspects of ageism are more likely to drive violence to inform the development of responsive and effective awareness initiatives, prevention and early intervention frameworks, emergency responses and healing and recovery approaches.
- Support families, carers and professionals to adopt a presumption of capacity and to use communication methods that uphold dignity.

¹⁶ 'Ageing: Ageism', World Health Organization (web page, 18 March 2021) <<https://www.who.int/news-room/questions-and-answers/item/ageing-ageism>>.

¹⁷ 'Changing perspectives: testing an ageism intervention', Australian Human Rights Commission (Web Page, 13 July 2023) <<https://humanrights.gov.au/changingperspectives>>.

¹⁸ Autumn Pierce, 'Why we need to keep the gender focus on elder abuse', *Women's Health East* (Blog Post, 4 November 2019) <<https://whe.org.au/why-we-need-to-keep-the-gender-focus-on-elder-abuse>>.

¹⁹ 'Sector Performance Report', *Aged Care Quality and Safety Commission* (Web Page) <<https://www.agedcarequality.gov.au/news-publications/reports/sector-performance>>.

²⁰ Barrett, C; Lee, Y; Gillbard, A; Smith, R; Nicholl, D; Rowe, G; Westgate, R; Doughan, H; Darling, G and Young, R, *The [un]Silencing of Older Women. A Life Stages Approach for the National Plan to End Violence Against Women and their Children* (2024) 6.

- Develop easy-read materials, visual aids, and translation services tailored for older people.

The importance of connection

At the heart of improving responses to the abuse of older Queenslanders is the importance of connection. This includes the connections older adults have to their community, culture, country, friends, professionals, and family. These connections are fundamental to the well-being and dignity of older people. When these connections are strong, they offer a vital support system that can help prevent and enable the identification of harm. Conversely, the absence of connection can make older people invisible, and less able to seek help. Isolation creates the conditions in which abuse can persist undetected and unchallenged.

As we move to build better systems, recognition must be given to the notion that everyone has a role to play in the solution, and we must work together to rebuild the “village” that older adults need to thrive.

Strategies for Committee consideration

- Identify and increase opportunities for connection between older people and their communities. Tailor system responses and services to respect kinship systems, cultural obligations, and gender protocols.
- Promote active bystander and adult safeguarding approaches so that those around older people are equipped to act when they see signs of harm.
- Include older people in co-design processes for system reforms, policies, and services.

Reporting frameworks and mechanisms

Only 1 in 3 older Australians who have experienced abuse seek help from a third party.²¹ The *Elder Abuse Statistics in Queensland: Year in Review 2023-24* report found two common barriers to change for an older victim were concerns of shame and stigma, and individual vulnerabilities, such as lack of capacity, fear or having support needs.²² Ageism contributes to underreporting due to the devaluing of older people’s disclosures or character traits,²³ whereby evidence of abusive behaviours can be dismissed and attributed to the victims’ age. There are also indications that sexual violence and neglect are particularly under-reported, with older victims of this abuse being least likely to seek help.²⁴

Reporting personal violence or harm can be extremely difficult for many victims, regardless of their age or background, with this identified globally as a barrier to victim participation in justice systems. Older victims can have additional distinct barriers to reporting harm,²⁵ particularly where the older person has some reduced cognitive ability, is dependent on their abuser for basic needs (including accommodation, food and healthcare), is fearful of the consequences to their loved ones or believes they are to blame for the behaviour of the person who harmed them.

Generational and cultural attitudes towards family and privacy, a fear of institutionalisation and a lack of confidence in systems that are not targeted to their needs or are geared toward younger people, particularly domestic, family and sexual violence responses, can also contribute to an older person’s decision not to report. The digital divide, which limits access to online reporting and support services, also leaves many older people

²¹ ‘Older people’, Australian Institute of Health and Welfare (Web Page, 28 February 2025) <<https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/older-people>>.

²² Anna Gillbard, ‘Elder abuse statistics in Queensland: Year in review 2023-24’, *Queensland Elder Abuse Prevention Unit* (PDF, 2024) 30 <<https://eapu.com.au/wp-content/uploads/2024/12/UC-Elder-Abuse-Statistics-in-QLD-Year-in-Review-2024.pdf>>.

²³ ‘Ageism and Discrimination’, COTA (Web Page) <<https://cota.org.au/policy/ageism-and-discrimination/>>.

²⁴ Qu, L; Kaspiew, R; Carson, R; Roopani, D; De Maio, J; Harvey, J and Horsfall, B, *National Elder Abuse Prevalence Study: Final Report* (July 2021) 83.

²⁵ Adam Dean, *Elder abuse: Key issues and emerging evidence* (CFCA Paper No. 51, 2019) 19.

with reduced options for accessing support.

Where there is a group of people who have an attribute that may make them more vulnerable to experiencing largely undetected harm, mandatory reporting laws can provide clear messaging to the community about what is expected of them should they suspect harm is occurring, as well as setting guidelines for professionals.²⁶

In Queensland, federal mandatory reporting provisions apply in aged care settings. The Office of the Public Guardian receives voluntary reports of abuse from family, friends, support workers, neighbours and institutions. The Office of the Public Guardian can investigate allegations of neglect, exploitation and abuse (including financial abuse), and inadequate or inappropriate decision-making arrangements related to adults with impaired capacity.

I note that voluntary reported mechanisms have been recommended by the Australian Law Reform Commission. In my view, there are environments and circumstances where mandatory reporting frameworks may improve responses to victim-survivors and ensure their rights are upheld. They cannot be a standalone solution, and without strong safeguards, supportive services, and a focus on empowerment rather than surveillance, they risk doing more harm than good. Without a broader, integrated safeguarding framework that includes education, community awareness and specialist supports, the systems response to such reports may result in a reduction in disclosures by victims due to fear their disclosure will be reported to police against their wishes.²⁷

A considered approach must be taken to the exploration of a mandatory reporting framework, with the voice of people with lived experience central to reform. Reporting mechanisms that incorporate the principles of trauma-informed practice – safety, trust, choice, collaboration and empowerment – can take into account the needs of victim-survivors, minimise the risk of re-traumatisation and promote healing.

Strategies for Committee consideration

- Comprehensive consultation with older Queenslanders, that is sensitive to their experiences, in order to understand their views on mandatory and voluntary reporting frameworks, the options available, and how dignity, choice and control can be embedded into reporting options.
- Assessment of the operation and effectiveness of existing mandatory reporting schemes in aged care settings and in the context of children, as well as voluntary reporting schemes.
- Consider other mandatory reporting models to identify what works well and what doesn't.
- Improved access to existing reporting mechanisms for older Queenslanders experiencing abuse and those who support them through:
 - improved access to information about reporting options and available support to inform decision-making
 - investing in face to face and in-home reporting options
 - a variety of contact points, including a physical and safe space to attend in local communities; telephone, email and internet-based options and an in-home option
 - having the option to report anonymously or without identifying the perpetrator
 - having culturally appropriate pathways to reporting.

²⁶ 'Mandatory reporting of child abuse and neglect', *Australian Institute of Family Studies* (Web Page, August 2023) <<https://aifs.gov.au/resources/resource-sheets/mandatory-reporting-child-abuse-and-neglect>>.

²⁷ Carrie Lippy et al, 'The Impact of Mandatory Reporting Laws on Survivors of Intimate Partner Violence: Intersectionality, Help-Seeking and the Need for Change' (2019) *Journal of Family Violence* 6.

Safety and protection

To be safe is to be protected from harm, risk or threat. More broadly, safety encompasses both protection from immediate dangers and precaution to prevent possible future risks. All Queenslanders have the right to be safe and to have their lives, and families, protected by the government.²⁸

Community awareness

Older people most commonly seek advice from family members and friends.²⁹ This speaks to the importance of community awareness and understanding of what actions (or inactions) constitute abuse. Empowering communities to recognise this harm, and take victim-informed actions, is essential to ensuring that abuse of older Queenslanders is recognised and responded to.

Since 2020, the Australian Human Rights Commission have held three campaigns designed to bring awareness to the abuse of older Australians.³⁰ In 2020, the 'Know the Signs' campaign focused on encouraging community members to identify the signs of abuse. The 2021 'What can you do to help?' campaign was targeted toward groups of people that regularly interact with older persons and making them aware of where support was available. The third campaign, 'Shift your perspective' was launched in 2022 and concentrated on perpetrators of abuse. These, and other, campaigns have seen the development of various resources to build community awareness and capability to respond to abuse of older Australians.

Strategies for Committee consideration

- Delivery of a state-wide community education campaign, informed by people with lived experience and reflective of Queensland's cultural diversity, which aims to improve community understanding and awareness of abuse, and the supports available to older Queenslanders.

This campaign must:

- be informed by people with lived experience
- be accessible for disability
- be culturally appropriate
- reflect Queensland's cultural diversity
- ensure an awareness of intersectionality, including domestic and family violence, homelessness and poverty
- reflect the range of abuse and settings in which abuse of older Queenslanders can occur.

This campaign could:

- adopt a Recognise, Respond, Refer or bystander model
- be informed by the existing Queensland resources available.

Bystander intervention

We all have a role to play in keeping older Queenslanders safe. Professionals that routinely work with older

²⁸ Queensland Human Rights Commission, 'A plain language guide to your human rights', *Queensland Government* (PDF, 1 May 2020) <<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/9ff883e6-afa9-4934-a153-7c9d42d4926d/hr-plain-lang-guide-english.pdf?ETag=73135147a50e8cfa491def577efec11>>.

²⁹ Qu, L; Kaspiew, R; Carson, R; Roopani, D; De Maio, J; Harvey, J and Horsfall, B, *National Elder Abuse Prevalence Study: Final Report* (July 2021) 84.

³⁰ 'Elder abuse', *Australian Human Rights Commission* (Web Page, 1 November 2021) <<https://humanrights.gov.au/elderabuse>>.

people often have access to various training opportunities aimed at enhancing their capability in providing appropriate care. There are a range of other community members that regularly have direct contact with older persons and can play a crucial part in seeing, hearing and helping older people at risk of harm. These bystanders could include pharmacists, staff at banking institutions, lawyers, Justices of the Peace, telecommunication and energy providers, neighbours and peer/hobby groups.

When a person becomes aware of, or suspects, an older person being harmed, they are known as a 'bystander'. The nature of their response to recognising that abuse is, or may be, occurring determines what type of bystander they become. A bystander's decision to act, or to not act, has been shown to have the ability to influence the outcome for the person being harmed.

Bystander intervention programs seek to equip people with the tools to intervene safely when they see, or suspect, another person being harmed. Various bystander approaches and intervention programs have been developed and utilised by both government and non-government organisations in Queensland, including the 'Recognise, Respond, Refer' (RRR) eLearning program developed by the Queensland government³¹ and the MATE Bystander program (Motivation Action Through Empowerment) developed by Griffith University.³² While these programs are aimed at responding to domestic and family violence, other approaches have sought to address sexual harassment³³, violence in workplace and educational settings³⁴, cyberbullying³⁵ and race discrimination.³⁶

Ultimately, bystander intervention programs provide a simple but effective and structured approach focused on equipping people who commonly interact with older people to identify signs of potential abuse, provide an immediate, trauma-informed response and then connect the person experiencing harm with specialised services for support.

There are many opportunities for members of our community to help older persons experiencing harm. The active bystander model recognises this and encourages people to intervene when they see or suspect harm occurring. Through safely intervening, active bystanders can disrupt abuse and reduce harm.

Strategies for Committee consideration

- Develop an active bystander intervention program for those who have regular interactions with older persons.
- Improve existing bystander programs to incorporate abuse of older Queenslanders in domestic and family violence settings.

Information for victims

The *Elder Abuse Statistics in Queensland: Year in Review 2023-24* report³⁷ identified a growing number of calls and notifications regarding the abuse of older Queenslanders, with many victims reporting multiple forms of violence including sexual, financial, physical, emotional, psychological and social abuse. Of the abuse reported

³¹ 'Recognise, Respond, Refer eLearning program', Department of Justice (Web Page, 9 May 2022) <<https://www.justice.qld.gov.au/initiatives/end-domestic-family-violence/our-progress/shifting-community-attitudes-behaviours/recognise-respond-refer-e-learning-program>>.

³² Working Together to Prevent Domestic and Family Violence', Griffith University (Web Page 12 May 2023) <<https://news.griffith.edu.au/2023/05/12/working-together-to-prevent-domestic-and-family-violence/>>.

³³ Part 4: Bystander interventions in violence prevention', Australian Human Rights Commission (Web Page) <<https://humanrights.gov.au/our-work/part-4-bystander-interventions-violence-prevention#Heading771>>.

³⁴ 'Our Training Series', Be There Group (Web Page) <<https://www.betheregroup.com.au/services-9>>.

³⁵ 'Cyberbullying, Human rights and bystanders', Australian Human Rights Commission (Web Page) <<https://humanrights.gov.au/our-work/commission-general/cyberbullying-human-rights-and-bystanders-1#:~:text=Active%20bystanders%20can%20play%20an,are%20present%20but%20do%20nothing>>.

³⁶ Russel Z, Pennay D, Webster K and Paradies Y, *Choosing to act: Bystander action to prevent race-based discrimination and support cultural diversity in the Victorian community* (2013).

³⁷ Anna Gillbard, 'Elder abuse statistics in Queensland: Year in review 2023-24', *Queensland Elder Abuse Prevention Unit* (PDF, 2024) 5 <<https://eapu.com.au/wp-content/uploads/2024/12/UC-Elder-Abuse-Statistics-in-QLD-Year-in-Review-2024.pdf>>.

to the Elder Abuse Prevention Hotline, the most common age of victims was 80-84 years old, with women more than twice as likely to be victims and the majority of victims residing with the perpetrator of their abuse. The report also demonstrated that older Aboriginal people and Torres Strait Islander people were overrepresented in victim data.

In 2023-24, the most common prompt for someone to contact the Elder Abuse Prevent Unit Helpline was finding out the helpline exists.³⁸ The Helpline identified in 32% of calls that the lack of available resources was a barrier to change and that there was a need for broad promotion of the helpline and other services.

Opportunities exist for proactive information provision where older people have contact with federal and state government services, such as vehicle registration and drivers licence renewal, routine reminders for health checks and hospital appointments, and the issuing of Seniors, healthcare, pension and Medicare cards.

Information (such as contact details for services) may not resonate until it becomes relevant to the individual, with single or isolated points of information provision often insufficient to effectively raising awareness. To be effective, information needs to be delivered regularly and in formats that are easily accessible. Some potential modes of communication may include flyers in government-issued mail for older persons, fridge magnets, or repeated newspaper, radio and television ads.

Following the identification of someone to disclose to, many older victims are concerned about what will happen post-disclosure. Their concerns may range from how they will be perceived, whether they will be believed, what will happen to themselves in terms of accommodation and care provision and what will happen to the perpetrator. To feel safe to disclose the harm they are experiencing, many older victims' will also need information about the protections available to them and reassurance the matter will not be taken out of their hands.

My office has recently published 'Victim's pathway' resources, which provides information for victims of sexual violence, victims of violent property crime and victims of non-violent property crime. These pathways help adult victim-survivors to understand what support services are available, what their rights are, and what happens in the criminal justice process. I am considering further ways of promoting and publishing this information to meet the diverse needs of victim-survivors, including older persons.

Strategies for Committee consideration

- Improve access to information for older Queenslanders about support services, legal services and reporting options to inform decision-making.

Healing and support

Healing from trauma is a deeply personal journey, with each victim of crime having unique needs shaped by their individual experiences and the nature of the harm they've survived. To help them find a new sense of normal—and, where possible, to recover—it is essential to consider support needs across the immediate, short-, medium-, and long-term. Specialist advocacy and support services play a vital role in ensuring that care is not only tailored and responsive, but also accessible, empowering, and grounded in an understanding of victims' rights. This is especially important for older Queenslanders, who may face distinct barriers in seeking support and whose voices must be actively included in the design and delivery of services.

Enhancing trauma-informed capability

Older Queenslanders experiencing abuse often interact with a range of Government agencies. My office recently finalised the 'Better for us, better for you' framework – a guide to help public servants be trauma-informed in their interactions with victims. This framework has been created specifically for Queensland Government employees

³⁸ Anna Gillbard, 'Elder abuse statistics in Queensland: Year in review 2023-24', *Queensland Elder Abuse Prevention Unit* (PDF, 2024) 10 <<https://eapu.com.au/wp-content/uploads/2024/12/UC-Elder-Abuse-Statistics-in-QLD-Year-in-Review-2024.pdf>>.

and includes tools to help practitioners understand the impacts of trauma, identify their own training needs and improve the way we all work to support victims.

The work of the Queensland Mental Health Commission and the development of their Trauma Strategy must also be recognised. This strategy specifically identifies the unique challenges that older adults can experience. It identifies the need for targeted approaches for early intervention among vulnerable older people, including initiatives that reduce financial insecurity, ensure safe housing and accessible transportation, foster robust social support networks and promote healthy lifestyle choices. A key action out of the plan is to 'build and strengthen trauma responses tailored to older people across multiple settings and contexts, including strengthening recognition and response to elder abuse'. This may require specialist training across healthcare, criminal justice agencies and victim support services, to ensure older victims of abuse have access to an appropriate, culturally safe and trauma informed response.

Strategies for Committee consideration

- Consider how existing strategies and frameworks can assist Queensland government employees and service providers to provide trauma-informed responses to older Queenslanders who are victims.
- Development of specialist training for healthcare, criminal justice agencies and support service settings to improve responses tailored to older people who have had traumatic experiences. Training should be:
 - informed by people with lived experience
 - utilising case studies and hand on active learning
 - localised needs assessment to contribute to tailored training
 - cross-discipline training and curriculum development.

Specialised support services

The Elder Abuse Helpline remains the only specialised support service for older Queenslanders; however, it is not equipped to provide assistance when abuse intersects with the criminal justice system. In the context of Queensland's ageing population, government investment in dedicated, specialist support services is vital to meet the growing and increasingly complex needs of older victims of abuse.

Further research into the circumstances in which abuse is perpetrated and experienced is essential. This evidence base can guide the development of effective and appropriate support models, including how a dedicated victim advocacy service might best meet the needs of older people.

Older Queenslanders with reduced cognitive capacity are particularly vulnerable, due to their dependence on others for care and support, increased social isolation, and limited ability to assert their rights. These individuals face significant barriers to sharing their lived experiences and perspectives—barriers that must be acknowledged and addressed.

Tailored services must be developed through a lens that recognises and responds to the distinct and diverse needs of older people. In particular, support services must be designed with accessibility and inclusivity in mind.

Strategies for Committee consideration

- Investing in specialist support services to meet a growing demand, especially in light of Queensland's ageing population. These services must:
 - be inclusive for older women, recognising the gendered nature of some abuse
 - be responsive to cultural needs
 - have a holistic focus on the victim's needs
 - consider how they are able to integrate or network with other services, including housing, disability, legal and health

- engage with specialists to develop specific mechanisms tailored to the needs of older persons with dementia and those providing them with care.

System design

I regularly hear from victims of crime about the difficulty they experience in navigating unfamiliar and complex systems, particularly with respect to their dealings with police, prosecutors, courts and Victim Assist Queensland. Simplifying these systems, improving accessibility and removing the onus on victims of crime to navigate it themselves is critical to creating a more effective response to the abuse of older people. The complex and varied ways that older people experience abuse supports the need for tailored service delivery responses that account for these differences.

Because older people often face multiple, overlapping challenges, it's important they have access to well-coordinated support across both state and federal systems.

Strategies for Committee consideration

- Providing information to agencies such as police, prosecutors, courts and Victim Assist Queensland about working with older people living with dementia.
- Providing access to tailored training on domestic, family and sexual violence to aged care service providers.
- Considering how a victim advocacy service can meet the needs of older Queenslanders who experience abuse.
- Building partnerships between government agencies, community organisations and victims, to facilitate a unified and coordinated response.
- Improved collaboration between family violence/sexual assault and aged care service providers, to ensure victims receive support at the time they need it.

Accountability and learning

Victims are telling me that they want to see the people who harm them held accountable for the harm they have done, as well as for government and non-government agencies to be accountable for their responses to victims. Victims rightfully expect genuine, meaningful effort to be made to increase protections and reduce the risk of harm to others.

Accountability for people who harm older people

The Australian Law Reform Commission found that existing criminal law frameworks largely provide appropriate frameworks to responding to abuse of older Australians.³⁹

Abuse of older adults with a vulnerability is not criminalised in a consistent way in Queensland.

One example of this type of abuse constituting a criminal offence is in section 340(1)(g) of the *Criminal Code 1899*, which identifies the unlawful assault of any person aged 60 years or more as a 'serious assault', providing

³⁹ Australian Law Reform Commission, *Elder Abuse- A National Legal response* (Report No 131, May 2017) 364.

a maximum penalty of 7 years imprisonment. The seriousness of other offences which are committed in a domestic violence setting can be recognised at sentencing through the *Penalties and Sentences Act 1992* (Qld).

In 2020, the Queensland Sentencing Advisory Council (QSAC) reviewed penalties for assaults on public officers. QSAC made a recommendation to the Queensland Government that section 340(1)(g) (serious assault – 60 years and over) and section 340(1)(h) (serious assault – person with a disability) be relocated from section 340 to a standalone provision relating to assaults of vulnerable persons. This approach was considered by QSAC to appropriately recognise and protect older victims of crime and persons with disability.⁴⁰

Some older victims of abuse in familial and informal care relationships can be protected through domestic violence orders under the *Domestic and Family Violence Protection Act 1989* (Qld).⁴¹ Additionally, coercive control laws, due to commence in Queensland on 26 May 2025, will also improve the recognition of the abuse of older Queenslanders when it is perpetrated in a domestic relationship.⁴²

Other jurisdictions have taken different approaches to denouncing elder abuse, including the Australian Capital Territory which in 2021 introduced new offences relating to the abuse, neglect or failure to protect a vulnerable person from a criminal offence.⁴³ The maximum penalties for these offences are tiered, with the possibility of imprisonment for up to 5 years.⁴⁴ A 'vulnerable person' is defined as an adult aged at least 60 years old, where they have a disorder that affects their thought processes, perception of reality, emotions or judgement, or otherwise results in disturbed behaviour; has an intellectual, psychiatric, sensory or physical impairment that results in reduced capacity for communication, learning or mobility; or is socially isolated and unable to participate in their community.⁴⁵

Strategies for Committee consideration

- Undertaking research on existing offences such as 'serious assault of a person 60 years and over', to understand how current offences and sentencing practices which take into account specific vulnerability of older persons are working, and consider Recommendation 6 of the Queensland Sentencing Advisory Council's Report on *Penalties for assaults on public officers* in relation to creating a standalone provision relating to assaults against older Queenslanders.
- Ensuring that training for police, including about coercive control, includes information about the broad range of abuse of older persons and the criminal charges that are appropriate in those circumstances.
- Identify alternative justice and diversionary options which may be appropriate for perpetrators of abuse of older persons to provide greater pathways for a victim-survivor who wishes to report abuse to police.

Agency accountability

There is currently no single, consistent, or fit-for-purpose definition of 'elder abuse' applied across health, housing, social, or legal systems. Agencies are often required to navigate multiple pieces of legislation when responding to incidents or disclosures of abuse. While some legislative provisions may overlap, there remains a clear gap in delivering a coordinated and comprehensive understanding of how best to respond to the abuse of older Queenslanders.

⁴⁰ Queensland Sentencing Advisory Council, *Penalties for assaults on public officers- Final report* (August 2020) 180.

⁴¹ *Domestic and Family Violence Protection Act 2012* (Qld) s 19-20.

⁴² *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024*.

⁴³ Explanatory Statement, Crime (Offences Against Vulnerable People) Legislation Amendment Bill 2020 (ACT).

⁴⁴ Ibid.

⁴⁵ *The Crimes (Offences Against Vulnerable People) Legislation Amendment Act 2020* (ACT) s33(5).

Strategies for Committee consideration

- Support the development of a definition of abuse of older persons which:
 - includes the provision of a minimum age, consistently applied across health, housing, social and legal frameworks.
 - recognises the broad range of behaviour that can be abuse and the various forms in which it occurs (including sexual, physical, psychological, financial, neglect etc)
 - recognises not all abusive behaviours will meet current definitions/requirements of a criminal offence
 - has regard to current intersects with criminal and civil law frameworks.

Learning

In 2021, Australia's overall prevalence rate of the abuse of older people was estimated at 14.8%.⁴⁶ According to the Queensland Sentencing Advisory Council, between 2005 and 2024, 2,687 adults were sentenced for a serious assault of a person 60 years or over as the most serious offence (MSO).⁴⁷ Overall, the number of adults being sentenced for this offence (MSO) annually is increasing. Otherwise, the Queensland criminal justice system does not collect data regarding the abuse of older Queenslanders,⁴⁸ making it difficult to ascertain the true nature and extent of such abuse.

Reviews into the abuse of older people have consistently reflected on the lack of quality research to advance knowledge of the specific and distinguishing characteristics of this type of abuse. Investment is needed to support the undertaking of research to better identify the extent of abuse against older victims, the widespread impacts of such abuse and effective methods for preventing this violence occurring. Queensland-focused research will support the provision of relevant and practical recommendations regarding legislative reform, statewide funding models and service delivery demands and the recognition of the abuse of older Queenslanders in healthcare, criminal justice and community settings. An agreed or consistent definition for the abuse of older persons can also aid in quality research. The sources listed in **Appendix A** highlight other areas for further research.

Strategies for Committee consideration

- Improving data collection methods by health, social services, police, prosecutors, courts and Victim Assist Queensland to allow for the distinct identification of the victimisation of older people.
- Valuing research which aims to better understand abuse of older persons.
- Undertaking further research on best practice approaches to healing and recovery for older Queenslanders to enable the co-design and delivery of the most appropriate model of support for victims of abuse of older persons.
- Data collection at national and state levels to inform the overall picture of abuse of older Australians.

⁴⁶ Qu, L; Kaspiew, R; Carson, R; Roopani, D; De Maio, J; Harvey, J and Horsfall, B, *National Elder Abuse Prevalence Study: Final Report* (July 2021) 30-32.

⁴⁷ 'Sentencing DataHub: Serious assault of a person 60 years and over' *Queensland Sentencing Advisory Council* (Webpage) <<https://www.sentencingcouncil.qld.gov.au/statistics/QSAC-DataHub/by-type-of-offence?act=CODEQ§ion=340-1--g>>.

⁴⁸ Parliamentary Inquiry into elder abuse in Queensland, *Departmental Briefing Paper- Department of Justice* (29 January 2025) 1.

Existing Resources

I acknowledge the valuable experiences, insights, expertise and resources already shared with the Committee during the public hearings held and submissions made. The following reports also provide valuable reflections on the experiences of older Queenslanders and victimisation:

- Queensland Government Statistician's Office Insights into the abuse of older Queenslanders
- Women's Safety and Justice Taskforce Hear her voice – Report One – Addressing coercive control and domestic and family violence in Queensland and Hear her voice- Report Two – Women and girls' experiences across the criminal justice system
- Legal Affairs and Safety Committee Inquiry into support provided to victims of crime
- Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence.

Relevant research and reviews have also occurred interstate and at a national level, including:

- the Australian Institute of Family Studies National Elder Abuse Prevalence Study
- the Inquiry into support for older Victorians from migrant and refugee backgrounds
- the UnSilencing of Older Women, a report recently produced in collaboration with Elder Rights Australia, the Australian Government Department of Health and Aged Care, Older Women's Network and ADA Australia.

A full list of relevant resources is included in **Appendix A**.

Concluding remarks

Improving safety and protection outcomes for older people requires coordinated action across five key domains: dignity, choice and control; safety and protection; healing and support; system design; and accountability and learning.

1. We must **confront violence and ageism** against older people through education, legislation, and broader cultural change.
2. We must **strengthen data collection** on abuse of older Queenslanders, hold those who use violence to account, and ensure that information and support are readily available and accessible for victims.
3. Training, professional development, and practice guidance must ensure that all agencies and services involved in prevention, intervention and recovery are **inclusive, respectful, and appropriate to the needs of older people**.
4. Services and supports must be **well-promoted and designed to reduce barriers**—so older people feel safe, informed, and confident to report harm and seek help.
5. Efforts must focus on **activating bystanders and improving community awareness and understanding** of the abuse experienced by older people—so that individuals are empowered to recognise and respond to harm.

Given the complexities involved in preventing, identifying, and responding to abuse, centralising the voices and expertise of older Queenslanders with lived experience is critical to driving meaningful and effective change. A justice response which prioritises the needs of older people will ensure that older people are seen, heard, and helped when they experience abuse.

Appendix A

Anna Gillbard, 'Elder abuse statistics in Queensland: Year in review 2023-24', *Queensland Elder Abuse Prevention Unit* (PDF, 2024) <<https://eapu.com.au/wp-content/uploads/2024/12/UC-Elder-Abuse-Statistics-in-QLD-Year-in-Review-2024.pdf>>.

Barrett, C; Lee, Y; Gillbard, A; Smith, R; Nicholl, D; Rowe, G; Westgate, R; Doughan, H, Darling, G and Young, R, *The [un]Silencing of Older Women. A Life Stages Approach for the National Plan to End Violence Against Women and their Children* (2024).

Blundell, B., Clare, J., Moir, E., Clare, M. & Webb, E, *Review into the Prevalence and Characteristics of Elder Abuse in Queensland* (2017).

Commission of Inquiry into Queensland Police Service responses to domestic and family violence (Report, 2022).

Legal Affairs and Safety Committee, Parliament of Queensland, *Inquiry into support provided to victims of crime* (Committee Report, 19 May 2023).

Queensland Law Society and The Public Advocate, 'Elder Abuse Joint Issues Paper' (February 2022)

Queensland Government Statistician's Office, Queensland Treasury, 'Insights into the abuse of older Queenslanders' (Crime research report, 2023)

Qu, L; Kaspiew, R; Carson, R; Roopani, D; De Maio, J; Harvey, J and Horsfall, B, *National Elder Abuse Prevalence Study: Final Report* (July 2021) 83.

Women's Safety and Justice Taskforce 'Hear her voice' (Report One, 2 December 2021)

Women's Safety and Justice Taskforce 'Hear her voice' (Report Two, 1 July 2022)