

Inquiry into Elder Abuse in Queensland

Submission No:	92
Submitted by:	Queensland Public Trustee
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

Submission to the *Inquiry into Elder Abuse in Queensland*

10 April 2025

Committee Secretary
Education, Arts and Communities Committee
Parliament House
George Street Brisbane QLD 4000
via email: eacc@parliament.qld.gov.au

Dear Committee Secretary

Thank you for the opportunity to provide input into the Committee's Inquiry into Elder Abuse in Queensland.

Queensland Public Trustee (QPT) is supportive of efforts to eliminate the abuse of older people in Queensland and welcomes the opportunity to contribute to this important discussion.

Having regard to the terms of reference of the Inquiry, this submission provides information about QPT's role within the guardianship sector, our customers and the programs and services we provide that contribute to the prevention of elder abuse and help safeguard older Queenslanders. Where relevant and available, data has been included within this submission to further assist the Committee with its enquiries, as well as opportunities for actions that might be given further consideration.

QPT's role and customers

QPT's purpose is to provide trusted financial decision-making advocacy, education and services, and to empower Queenslanders to plan and prepare for key life events. QPT delivers financial administration, life planning, trusts and deceased estate administration services to more than 38,000 customers each year. QPT's work involves balancing complex legal and ethical considerations, including human rights, fiduciary duties, and, in some cases, the conflicting wishes of individuals and their families.

QPT's powers, role and responsibilities, established in the *Public Trustee Act 1978* (Qld), along with the *Guardianship and Administration Act 2000* (Qld), *Powers of Attorney Act 1998* (Qld) and *Public Guardian Act 2014* (Qld), form Queensland's guardianship and administration system. As a key part of this system, QPT has an important role in supporting people who require decision-making assistance and in helping to identify, respond to and prevent financial abuse, including abuse of older persons.

QPT is appointed as the financial administrator for approximately 1,000 Queenslanders each year. The length of QPT's appointment is established by a court or tribunal. At the end of January 2025, QPT was acting as the financial administrator for approximately 9,905 adults with impaired decision-making capacity (as determined by a court or tribunal), including just over 3,450 persons who were aged 65 or older. Approximately 325 individuals for whom QPT is acting as financial administrator have self-identified as being of Aboriginal and/or Torres Strait Islander heritage and aged 50 or older.

In its role as financial administrator, QPT applies its Structured Decision-Making (SDM) Framework – an industry-leading framework that was developed in collaboration with experts from La Trobe University, based on that organisation's leading supported decision-making framework.¹ The SDM Framework has been embedded across QPT, supporting stronger customer engagement and decision-making that is founded in the views, wishes and preferences of customers, where possible, and in consultation with their support networks, where appropriate (noting some QPT customers do not wish for their support network to be consulted). The SDM Framework supports staff in their everyday work and is underpinned by the following guiding principles:

1. *Commitment* – to the person and their rights, and to the process, such as steps, principles and strategies
2. *Co-ordination* – with the support network, and past and current records.
3. *Reflection and review* – of the policy and procedures, the customer's budget, and own bias and approach.

An overview of QPT's Structured Decision-Making Framework is provided as **Attachment 1** to this submission.

In addition to its financial administrator role, QPT assists Queenslanders to prepare for future life events and is a strong advocate for Queenslanders to have a current Will and set up an Enduring Power of Attorney (EPOA), so they can choose someone they trust to make decisions on their behalf, if needed.

In 2023-24, QPT prepared more than 16,500 Wills at no cost to Queenslanders, and assisted over 1,000 customers with the preparation of EPOA documents. Approximately 40 per cent of the individuals who made an EPOA with QPT during the last financial year were aged 65 or older. As the vast majority (currently estimated to be approximately 95 per cent) of EPOA documents that QPT prepares for customers do not have QPT nominated as the appointed decision-maker, QPT does not hold further data regarding the proportion of EPOAs that have been activated.

While EPOAs can enable Queenslanders, including seniors, to plan for the management of their financial, personal and health affairs should they lose capacity and are no longer able to make those types of decisions for themselves, it is vitally important that any person who is nominated as a decision-maker through an EPOA can be fully trusted to uphold the rights and interests of the person they are assisting and that they have the skills, capability and integrity to fulfill their obligations under that role.

QPT undertakes a range of community education and awareness activities, including in partnership with other organisations, advocating for and educating Queenslanders on planning that will assist them to prepare for key life events (including those associated with ageing), raising awareness about financial abuse risk, and helping to improve understanding of the role of financial attorneys and the appropriate use of EPOA documents.

The range of programs and channels that QPT uses to engage with and educate communities include events such as QPT's Regional Forums Program ('Matters of Trust'), active participation in World Elder Abuse Awareness Day and annual Wills Week, engagement with key stakeholders such as Council of the Ageing Qld (COTA), partnership with other Queensland Government agencies, contributions at local "grass roots" level

¹ Bigby, C., Douglas, J., Vassallo, S. (2019). The La Trobe Support for Decision Making Framework. An online learning resource. Retrieved from: www.supportforddecisionmakingresource.com.au

events throughout Queensland, and the use of webinars, traditional media, online platforms, and fact sheets to provide information, including on QPT's website.

Elder financial abuse

As life expectancy and Queensland's older population increase, QPT expects there will be a higher proportion of people likely to experience impaired decision-making ability. Research and statistics consistently highlight impaired capacity as a risk factor for abuse, and it is unfortunately therefore reasonable to assume the risk of financial abuse of older people is also likely to increase if significant change does not occur.

QPT operates in a complex, disputatious and often emotionally charged environment. It is entrusted with sensitive responsibilities, often when families are facing difficult situations, disputes or allegations of abuse, stepping in at the instigation of courts and tribunals as financial administrator when the courts or tribunals believe there is no one more appropriate (even other family members), or there's no one else willing or able to take on these critical roles. It is not uncommon for QPT to be appointed as the financial administrator for a customer who has been the victim of financial abuse.

Throughout QPT's appointment, procedures and support are in place to assist staff to identify and respond if financial abuse is suspected, such as referring matters to QPT's Official Solicitor who can assist staff with legal advice concerning the rights, options and remedies available. QPT notes there are limitations with its current technology systems that limit how data about suspected financial elder abuse cases can be extracted and reported. Technology improvements are currently underway that should allow this to occur more easily in the future. Regardless, high-level review of internal legal files has identified approximately 130 matters that were referred internally for legal advice since 2020, where financial abuse of an older person was suspected.

There are also instances where matters of suspected financial elder abuse may have been considered and reviewed by frontline staff, however a decision is subsequently made by an officer with appropriate delegation not to pursue the matter further. Each case is different in terms of size, complexity and family dynamics involved, and there are several reasons why a decision may be made not to progress a matter further, such as when a customer does not wish to pursue the matter, or there is insufficient evidence available. Unfortunately, extracting data from QPT's current systems to identify how often this occurs is extremely difficult.

The most frequent relationships QPT sees in matters that are referred internally for legal advice are adult children allegedly perpetrating financial abuse against their parent or step-parent, often when they have been appointed as the Attorney. Cases range from unexplained ATM withdrawals, including some amounting to tens of thousands of dollars, to gifts, loans and transfer of entire properties. QPT staff will review the financial transactions of customers to identify any such anomalies (for example, multiple ATM transactions occurring while a person is in hospital or care).

The legal options for pursuing a remedy where misappropriation has occurred are varied, complex and can be expensive. QPT has the same powers as any financial administrator – to investigate suspected financial abuse and seek remedy. The available remedies can spread across the tribunal and the courts at all levels depending on the course of action, value or remedy sought. In some cases, this may include referring matters to police and providing information to them to support their inquiries.

Proving financial abuse can be difficult in cases of small cash transactions that accumulate over time where there is dispute about how that money has been used. It is also often the case that no action can be taken, either because the costs of seeking a remedy are prohibitive to the customer, the prospects of recovery are

poor due to the respondent having no identifiable resources against which to recover, or the customer does not want to pursue the matter.

QPT notes that QCAT may also impose a penalty in cases where it has been proved that an administrator has not complied with their obligations and exercised their powers for an adult honestly and with reasonable diligence to protect the adult's interests. Increasing awareness of possible financial penalties that might be imposed could help to encourage financial administrators to act diligently and appropriately in their role, or act as a deterrent for those who might otherwise be inclined to not perform their duties appropriately. However, QPT recognises that care should be taken to avoid discouraging someone who is capable and trustworthy from agreeing to be an appointed decision-maker under an EPOA. Educating individuals about their obligations as an Attorney is highly important.

As mentioned above, just as victims of elder abuse may not report the abuse, QPT has found that they often do not wish to progress matters where there is suspected financial abuse or misappropriation, because it has been perpetrated by someone who is close to and trusted by them. They may fear isolation, loss of relationships, loss of support, insecurity about where they will live, or negative consequences for the perpetrator.

Where matters have been pursued, QPT has been able to achieve some positive outcomes for customers who have been subjected to elder financial abuse. Outcomes achieved include perpetrators acknowledging and repaying debts, and the return transfer of property or registration of interests in a property to secure the older person's financial interests.

Way forward

The issues around elder abuse are complex, and warrant a multi-faceted and cohesive approach that considers data, community education, capability, advocacy, partnerships, legislation, policy and funding.

Potential opportunities and suggestions for preventing, identifying and responding to elder abuse are discussed below, and listed in **Attachment 2** to this submission.

Data

Data collection and reporting of elder abuse is challenging due to complexity of cases, reluctance of some victims to report abuse or pursue action, the range of agencies or support services that may be involved, incompatible systems and other accessibility issues.

QPT is already considering internal mechanisms to better capture age-related data, to inform future actions that might help to combat elder financial abuse, such as using data to target communications to customers and communities across Queensland that may be more vulnerable, so they can better protect themselves from financial abuse, recognise the signs of when it might be occurring, and seek assistance if needed.

QPT would welcome improved research and data about elder abuse more broadly, including consideration of opportunities for sharing data across sectors (such as with healthcare, aged care, social services, law enforcement and financial institutions), where appropriate, to:

- identify trends and common risk factors
- help identify elder abuse that is occurring as early as possible (for example, early reporting by aged care providers when a person who is acting as an Attorney suddenly stops paying fees)
- create more integrated, proactive and effective approaches to preventing and addressing abuse of older Queenslanders as a cohort as well as individual customers.

A summary of data held by QPT, relevant to older persons, financial administration, Wills and EPOAs is provided as **Attachment 3** to this submission.

Also included, as **Attachment 4** to this submission, is an extract of information from research commissioned by QPT in 2025 that provides insight into the attitudes and behaviours of Queenslanders, including those aged 65 or older, regarding Wills and EPOAs.

Community education

QPT is continuing to extend its suite of engagement tools and expand its audience reach for important educational messages. Wherever possible, QPT's planned community education approach aims to better leverage traditional media channels – television, print and radio (including Indigenous radio) – to extend usual audiences through proactive media stories.

QPT is also seeking to have better understanding of preferred customer channels, such as Indigenous radio and social media, so they can be leveraged to ensure key messages reach diverse audiences, including hard to reach audiences, in ways they wish to be engaged with.

QPT is also expanding its collaboration with partners to offer more targeted education sessions in communities, and more accessible online resources such as webinars and videos.

Capability

QPT is supportive of whole of government initiatives that seek to empower and educate customer-facing staff who regularly engage with older people, regarding policies and strategies for recognising and responding to signs of elder abuse. Some jurisdictions have introduced elder abuse networks that support inter-agency collaboration and aim to raise awareness of elder abuse and facilitate elder abuse policy development. The state trustees in those jurisdictions are members of the elder abuse networks and QPT would be a willing and active participant if an equivalent network was established in Queensland.

One area where QPT considers there could be greater investment is in community training and education related to the drafting, establishment and appropriate use of EPOAs. While some information resources are already available online that provide information about EPOAs, these resources have in the past tended to focus on the steps for creating an EPOA, with some limited general information about how to appropriately structure an EPOA and the use of limits, conditions, multiple attorneys and nominated persons.

Current available resources are also largely focussed towards providing general information about the duties and obligations of a financial attorney, rather than detailed training on how to perform the role effectively and compliantly. The intent of these existing information resources is largely to raise community awareness, rather than build deeper community knowledge and skills to allow community members to take quality action to help reduce the risk of financial elder abuse.

QPT is currently identifying options for the development and delivery of more in-depth, skills-based education to supplement existing available resources for financial EPOAs. Government funding could assist with progressing this initiative, which would see guides and targeted education and learning modules (including recurrent/refresher training), delivered online and through in-person training seminars, through a 'one-stop-shop' to assist:

- Individuals who make an EPOA (Principals) to:
 - recognise risk factors for elder financial abuse when considering who should be appointed as a decision maker in an EPOA

- understand conditions and limitations and how these can be defined and effectively applied through an EPOA, including what these mean in practice
- understand the benefits of appointing more than one attorney and a nominated person and how this can provide safeguards against financial abuse (while noting this may result in additional fees/costs being incurred)
- understand the responsibilities and obligations of appointed decision makers
- understand pathways to report abuse and engage with support services.
- Future decision-makers (Attorneys) appointed under an EPOA to:
 - recognise and understand the importance of being a financial power of attorney, including the responsibilities of the role, obligations and accountabilities
 - understand how limits and conditions, included in the EPOA need to be actioned and adhered to in practice
 - understand how to work with multiple attorneys and a nominated person in practice
 - understand how to keep accurate records and adhere to reporting requirements
 - understand the consequences of abuse and non-compliance
 - successfully and compliantly complete their financial attorney duties, including budgeting, financial management planning, record keeping and reporting through use of templated resources and tools.
- Witnesses (Justices of the Peace / Commissioner for Declarations) to:
 - Have resources and information available to provide to community members, that explain how limits and conditions, wishes and preferences, nominated persons and multiple attorneys documented within an EPOA apply and what this means for the person who will perform the role of financial attorney, in practice.

The concept of a community education program relating to EPOAs is explored in more detail in **Attachment 5** to this submission.

Partnerships and funding

QPT's Customer Advocate is a nation-leading initiative that supports customers who may need additional assistance with a QPT decision or process. The Customer Advocate receives referrals from internal and external sources, providing an alternate avenue for customers and their support networks to have their voices heard in their interactions with QPT, and regularly seeks out opportunities to collaborate with stakeholder organisations, other agencies, and industry and field leaders to understand contemporary practices that may inform QPT's actions.

QPT also engages with other agencies and organisations through its Government Reference Group and Customer Representative Reference Group, but would welcome further formal collaboration with other government agencies, financial institutions and community organisations, especially where these partnerships improve the financial independence and literacy of older Queenslanders and persons with a disability, so they can be better protected against elder financial abuse. Partnerships that lead to sharing experiences with organisations that work with customers from diverse backgrounds will also help ensure services and support available reflect best practice, are trauma-informed, and culturally appropriate.

While there is rightfully significant focus on identifying and preventing elder abuse to reduce its prevalence in our society in the future, QPT suggests further consideration could be given to explore how a remedy can be pursued when the customer does not have sufficient funds to do so (a situation which may be a direct result

of the financial abuse that has occurred). Victims of elder financial abuse who have limited means may be further disadvantaged if they cannot pursue a remedy when they want to. One approach that might be explored further is a similar arrangement to Queensland's Civil Law Legal Aid Scheme, to help fund pursuit of a matter. QPT suggests further consultation and investigation would need to occur to determine whether this is feasible, the appetite of lawyers to participate in this type of arrangement, and how such a scheme would be funded. Further, there would need to be discussion regarding which agency or organisation would be best placed to provide administrative support or management, who would be able to access the scheme, and any thresholds that might need to be applied.

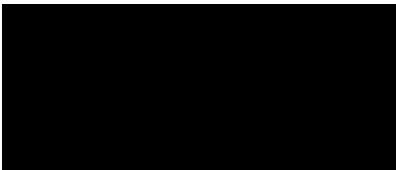
Policy and legislation

QPT is generally supportive of efforts underway nationally through the Standing Council of Attorneys-General to work towards the harmonisation of state and territory EPOA laws, which could lead to a reduction in elder financial abuse. There are currently some barriers to implementing a national EPOA register (such as technically incompatible systems, restrictions on sharing of personal information, complexity of cases and incompatibility of legislation). Past discussions relating to similar proposals have also raised issues relating to definitions, responsibilities, implementation, maintenance and, importantly, costs. QPT is open to discussing this further with relevant agencies within Queensland and with public trustees in other jurisdictions.

QPT would welcome further discussion regarding the issues discussed in this submission, including how QPT can continue to contribute to efforts to raise awareness about elder financial abuse and its prevention.

Should the Committee wish to discuss any of the information included in this submission further, please do not hesitate to contact my office on 1300 360 044 or via email to [REDACTED].

Yours faithfully



Samay Zhouand

Public Trustee of Queensland

Encl.

Attachment 1 – Overview of QPT's Structured Decision-Making Framework

Attachment 2 – Summary of opportunities/suggestions for preventing, identifying and responding to elder abuse

Attachment 3 – Summary of QPT data relevant to the Inquiry

Attachment 4 – QPT 2025 research into Wills and EPOAs (extract)

Attachment 5 – EPOA community education program

Attachment 1

Overview of QPT's structured decision-making framework



Queensland Public Trustee's (QPT) structured decision-making (SDM) framework incorporates aspects of supported decision-making, requiring that the views, wishes and preferences of a customer be considered, even if the power to make decisions on a customer's behalf is exercised by another entity, such as the Queensland Civil and Administrative Tribunal (QCAT).

The SDM framework was developed in consultation with La Trobe University and is based on the *La Trobe Support for Decision Making Practice Framework*,¹ a leading document when working with people with disabilities.

The framework was introduced in QPT in 2020 and has been embedded into everyday practice to support stronger customer engagement through decision-making that is founded in the views, wishes and preferences of customers, in consultation with their support networks. It follows three guiding principles:

¹ Bigby, C., Douglas, J., Vassallo, S. (2019). The La Trobe Support for Decision Making Framework. An online learning resource. Retrieved from: www.supportforddecisionmakingresource.com.au

1. Commitment:

- to the person and their rights, and
- to the process (steps, principles and strategies).

2. Coordination:

- with the support network, past records and current records.

3. Reflection and review:

- of the Public Trustee of Queensland's policy and procedures
- the customer's budget, and
- overcoming individual bias and approach.

There are seven distinct steps that QPT staff must follow when applying the SDM framework

STEP 1 – Knowing the person

Knowing the person links directly to QPT's Customers First values. It recognises the importance of building relationships to help QPT to understand the customer and their views, wishes and preferences, as well as who their support people are. This includes getting to know:

- who the customer is
- their communication style
- their skills and abilities
- their decision-making capacity
- their support networks (preferred person to support them with decision-making)
- any social barriers they may encounter.

STEP 2 – Identifying the need for a decision and describing the need

In this step, the QPT staff member must decide if a decision needs to be made and what that decision is. Once they have identified what the decision is, they must begin to think of all the associated considerations that come from that decision, including:

- scope and timeframe
- who's involved in the decision
- if there is anything influencing the request (e.g., resources, restrictions, another person, etc.)
- consequences of the decision
- any associated considerations that need to be considered.

STEP 3 - Obtaining the customer's views, wishes and preferences

Obtaining the views, wishes and preferences of the customer is essential, under the *Human Rights Act 2019*.

General Principle 8 of the *Guardianship and Administration Act 2000* details how staff can maximise the adult's participation in decision making, enabling them, to the greatest extent practicable, to seek an adult's views, wishes and preferences. QPT staff will use a range of mechanisms to do this, including:

- using active listening and devoting time to the customer
- remaining positive

- recognising and addressing personal bias
- assessing risks and exploring the options
- gathering feedback and reviewing information available

STEP 4 – Identifying the priorities and constraints; Engaging with the support network

During this step, the QPT staff member will consider what the priorities and constraints are of the decision, so that the staff member, the customer and the support network know what is achievable. This allows realistic options to be generated.

In some cases, decisions may need to be made, or limits put in place to ensure the staff member can help the customer meet their needs. The QPT staff member will talk with the customer about what these are and work to find solutions that meet the customer's needs.

STEP 5 – Undertaking a structured process

Following Steps 1 to 4 of the SDM Framework supports staff to undertake a structured process and adhere to the *Human Rights Act 2019* and the *Guardianship and Administration Act 2000*, by

- preserving the customer's rights to make their own decision
- supporting the customer to make a decision
- determining the customer's views, wishes and preferences

STEP 6 – Reaching the decision and associated decisions

During this step, the QPT staff member will review all the information they have gathered to reach the decision, which is communicated/discussed with the customer, using their preferred communication style.

This also includes identifying and making any associated decisions, and discussing these with the customer.

STEP 7 – Actioning and evidencing the decision

Once a decision has been reached, the QPT staff member will take action and makes sure the decision has been documented in QPT's records, so that it is clear what the decision was, why it was made, and the process that was followed.

Attachment 2

Summary of opportunities/suggestions for preventing, identifying and responding to elder abuse

QPT's submission to the Education, Arts and Communities Committee's Inquiry into Elder Abuse in Queensland identifies several opportunities / suggestions that might be considered, to help prevent elder abuse in Queensland, as summarised below.

Note, these suggestions are high-level concepts only and further investigation would be necessary to confirm they are appropriate and can be delivered. *(Information in brackets refers to the corresponding pages and subheadings in QPT's submission).*

- *(Page 4: Data)* Improve research and data about elder abuse, including consideration of opportunities for sharing data across sectors (such as with healthcare, aged care, social services, law enforcement and financial institutions), where appropriate, to:
 - help identify trends and common risk factors, and
 - create more integrated, proactive and effective approaches to preventing and addressing abuse of older Queenslanders as a cohort as well as individual customers.
- *(Page 5: Community education)* Better leverage traditional media channels – television, print and radio (including Indigenous radio) – to extend usual audiences through proactive media stories.
- *(Page 5: Community education)* Improve understanding of preferred customer channels, such as Indigenous radio and social media, so they can be leveraged to ensure key messages reach diverse audiences, including hard to reach audiences, in ways they wish to be engaged with.
- *(Page 5: Community education)* Offer more targeted education sessions in communities, and more accessible online resources such as webinars and videos.
- *(Page 5: Capability)* Empower and educate customer-facing staff who regularly engage with older people, regarding policies and strategies for recognising and responding to signs of elder abuse.
- *(Page 5: Capability)* Introduce a Queensland elder abuse network that supports inter-agency collaboration, raises awareness of elder abuse and facilitates elder abuse policy development.
- *(Page 5: Capability)* Provide in-depth, skills-based education to supplement existing available resources relating to financial EPOAs, including guides, online and in-person training seminars, and education and learning modules (including recurrent/refresher training), for principles, financial decision-makers and witnesses. With government support and funding (subject to government priorities), this interactive, 'one-stop-shop' approach would be designed and targeted specifically towards each community cohort, offering templated tools and resources, and aiming to increase the effective use of limits, conditions and nominated persons, as well as Attorney's competency and compliance.

- *(Page 6: Partnerships and funding)* Identify opportunities for collaboration between key customer representative stakeholder organisations, government agencies, financial institutions and community organisations, including opportunities for improving financial independence and literacy of older Queenslanders, and sharing of experiences that will better inform support and services available to older Queenslanders.
- *(Page 7: Partnerships and funding)* Explore development of a scheme (similar to the Civil Law Legal Aid Scheme) that would assist victims of financial abuse who have limited means to fund action through a court, if they wish to do so, to recover stolen assets or money. (Subject to consultation and further investigation with government and the legal fraternity, to consider how such a scheme could be funded, administered and any constraints.)
- *(Page 7: Policy and legislation)* Continue discussions to consider if harmonisation of state and territory EPOA laws is plausible.

Attachment 3

Summary of QPT data relevant to the Inquiry

Approximate number of QPT customers (annual, all service areas)	38,000
Number of QPT financial administration customers (as at 31 January 2025)	10,568
Number of QPT financial administration customers aged 65+ (as at 31 January 2025)	3,613
Number of QPT financial administration customers who have identified they are Aboriginal or Torres Strait Islander (as at 31 January 2025)	883
Number of QPT financial administration customers who have identified they are Aboriginal or Torres Strait Islander, who are aged 50+ (as at 31 January 2025)	327
Number of QPT financial administration customers who were being supported to achieve greater financial independence through the Financial Independence Pathway (as at 30 June 2024)	91
Total number of QPT financial administration customers who have completed the Financial Independence Pathway and achieved financial independence (since October 2020)	33
Number of QPT financial administration customers who wished to seek a review of QPT's appointment who were referred for independent support and advice through QPT's referral pathway with Queensland Advocacy for Inclusion (QAI), during 2023-24	38
Total number of financial administration customers who have been referred to QAI for assistance since September 2022	126
Number of persons who attended support network webinars hosted by QPT during 2023-24	77
Number of EPOAs prepared by QPT during 2023-24	1,063
Number of customers aged 65+ who made EPOAs with QPT during 2023-24	438
Number of Wills prepared by QPT during 2023-24	16,504
Number of attendees at "That Won't Happen to Me" workshops, delivered in partnership with COTA Qld during 2023-24 (events covered ageing-related issues and life events, EPOAs, advance care planning, statement of choices and Wills)	240
Number of participants at "Matters of Trust" regional forums in 2023-24 (events aimed at improving education on Wills, EPOAs, executors, financial administration and deceased estates)	166

ATTACHMENT 4

Wills and EPA Research 2025

Queensland Public Trustee

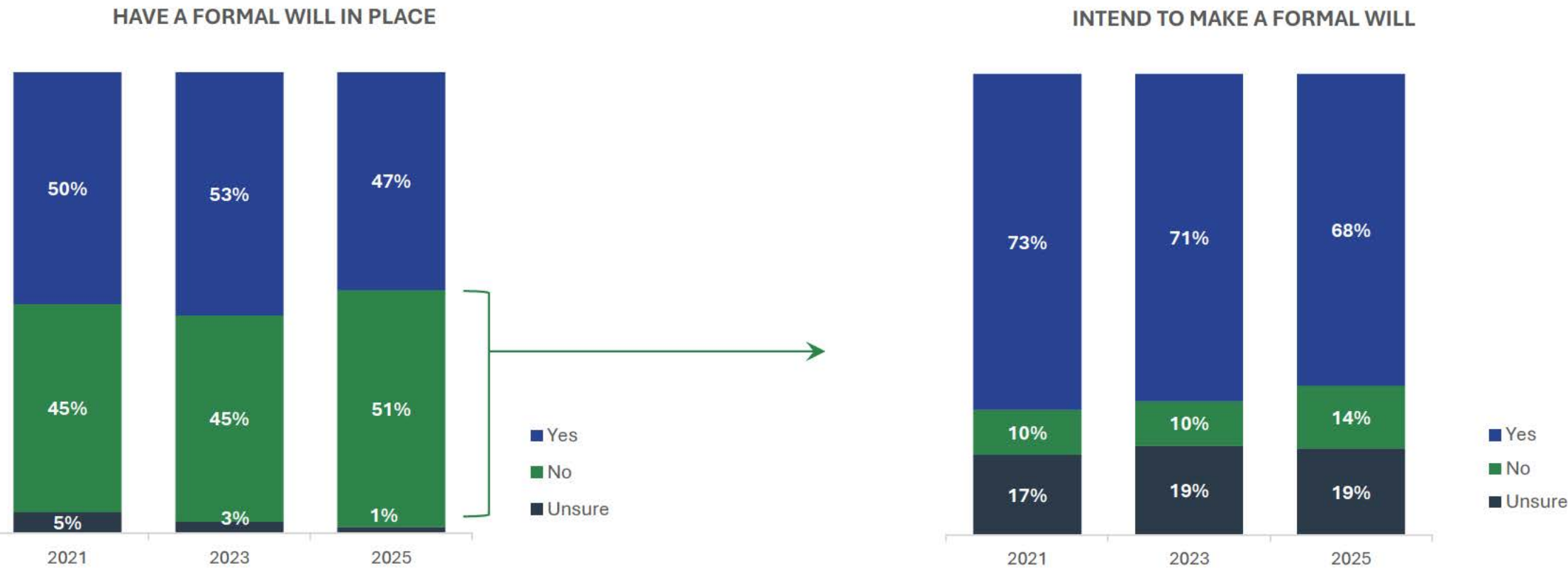
Prepared for: Queensland Public Trustee

Prepared by: Cathy Day, Verian Group

(Extract)

Formal Will

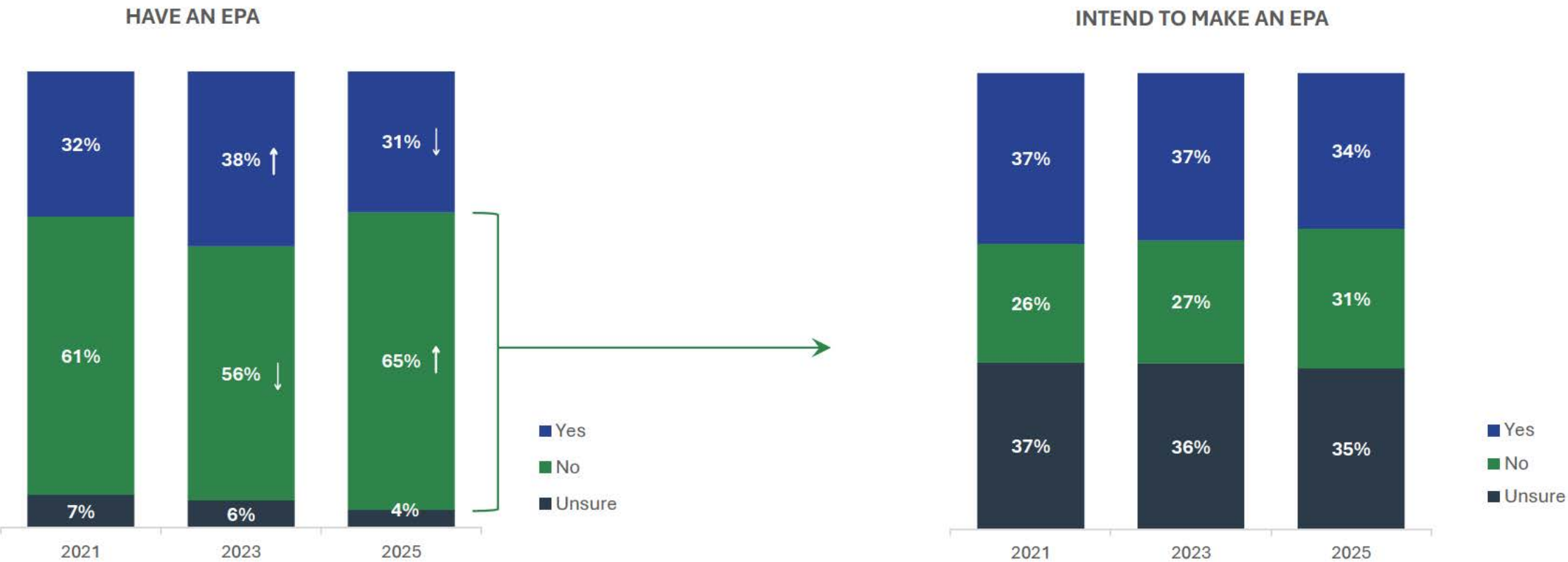
Among those who do not currently have a Will, two in three (68 per cent) say they intend to make one. Intentions have remained steady over time.



BASE: All respondents (2025 n=1,022; 2023 n=1,046; 2021 n=1,045) A1a. Do you have/have you made a formal Will?
BASE: Respondents who do not have a formal Will (2025 n=507; 2023 n=454; 2021 n=511) A1b. Do you intend to make a formal Will?

Enduring Power of Attorney

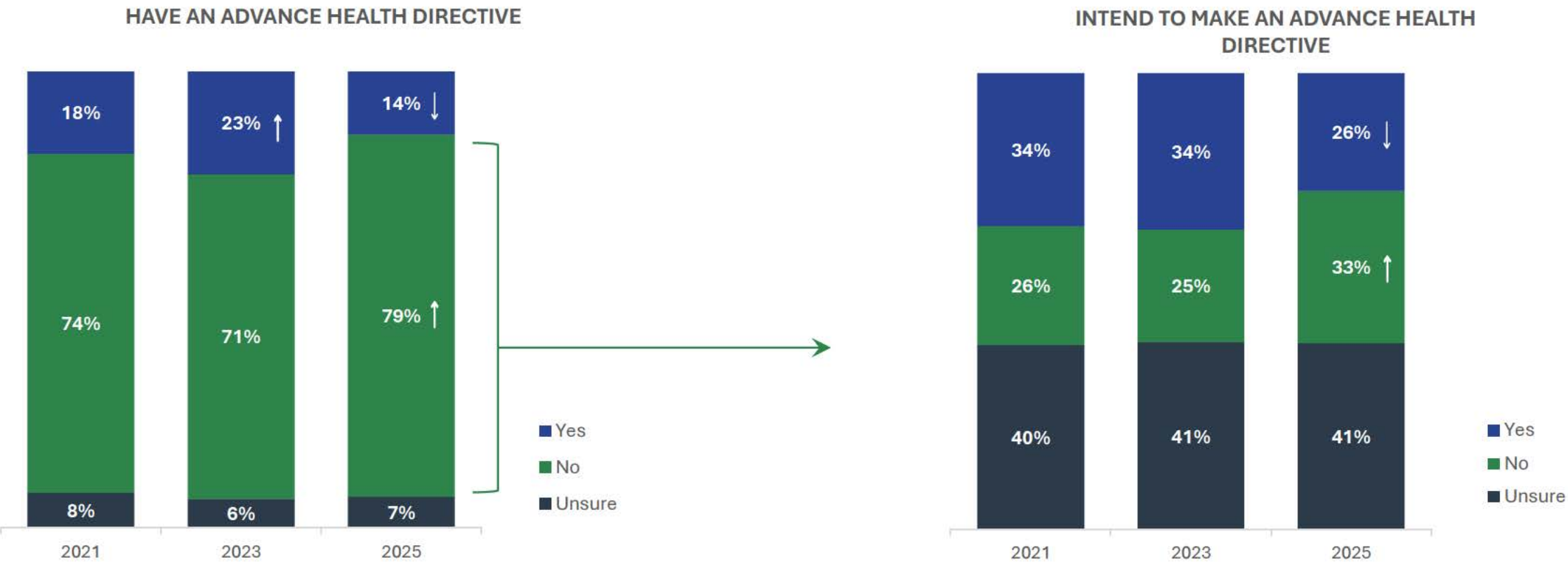
Nearly one in three Queenslanders (31 per cent) have an EPA, a significant decrease from 38 per cent in 2023 (though reverting back to levels seen in 2021). Among those who do not already have one, there continues to be a degree of uncertainty as to whether they intend to make one, with around one in three (35 per cent) unsure of their intent, and a similar proportion (34 per cent) believing they will.



BASE: All respondents (2025 n=1,022; 2023 n=1,046; 2021 n=1,045) A2a. Do you have an EPA?
BASE: Respondents who do not have an EPA (2025 n=689; 2023 n=627; 2021 n=711) A2b. Do you intend to make an EPA (i.e., formally appoint an attorney)?

Advance Health Directive

Fewer than one in five (14 per cent) have an Advance Health Directive in place, a significant decrease from 23 per cent in 2023. Similarly to EPAs, this reverted to a similar proportion seen in 2021. Those who do not already have one are also generally unsure (41 per cent) that they will make one in future, with the proportion who feel they will make one having decreased significantly since 2023.



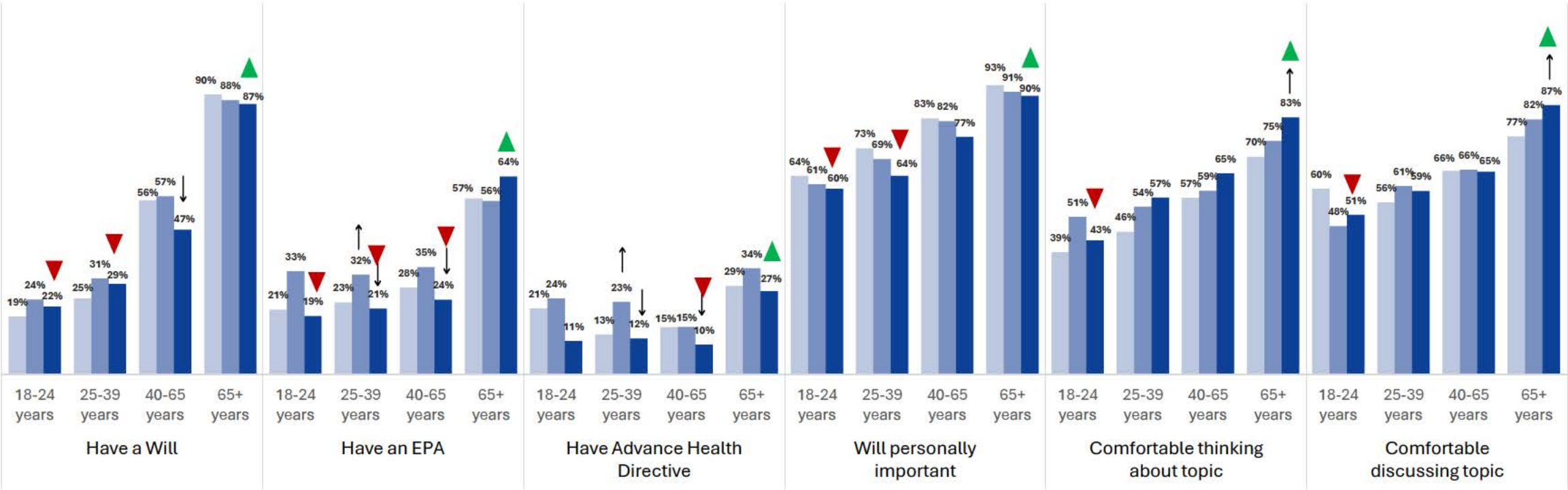
BASE: All respondents (2025 n=1,022; 2023 n=1,046; 2021 n=1,045) A2c. Do you have an Advance Health Directive?
BASE: Respondents who do not have an advance health directive (2025 n=868; 2023 n=804; 2021 n=853) A2d. Do you intend to make an Advance Health Directive?

Life stage as a predictor of attitudes and behaviours

As in previous years, age is the most significant predictor of behaviour and attitudes. Those aged 65 and over are significantly more likely to have a Will (87 per cent), EPA (64 per cent) and Advance Health Directive (27 per cent) in place. They are also more likely to place personal importance on having a Will (90 per cent) and feel comfortable thinking about (83 per cent) and discussing (87 per cent) the topic. Comfort levels among this age group have also increased significantly since 2023. Overall there continues to be a clear pattern of stronger behaviours and attitudes as age increases.

BEHAVIOURS AND ATTITUDES BY AGE GROUP OVER TIME

2021 2023 2025



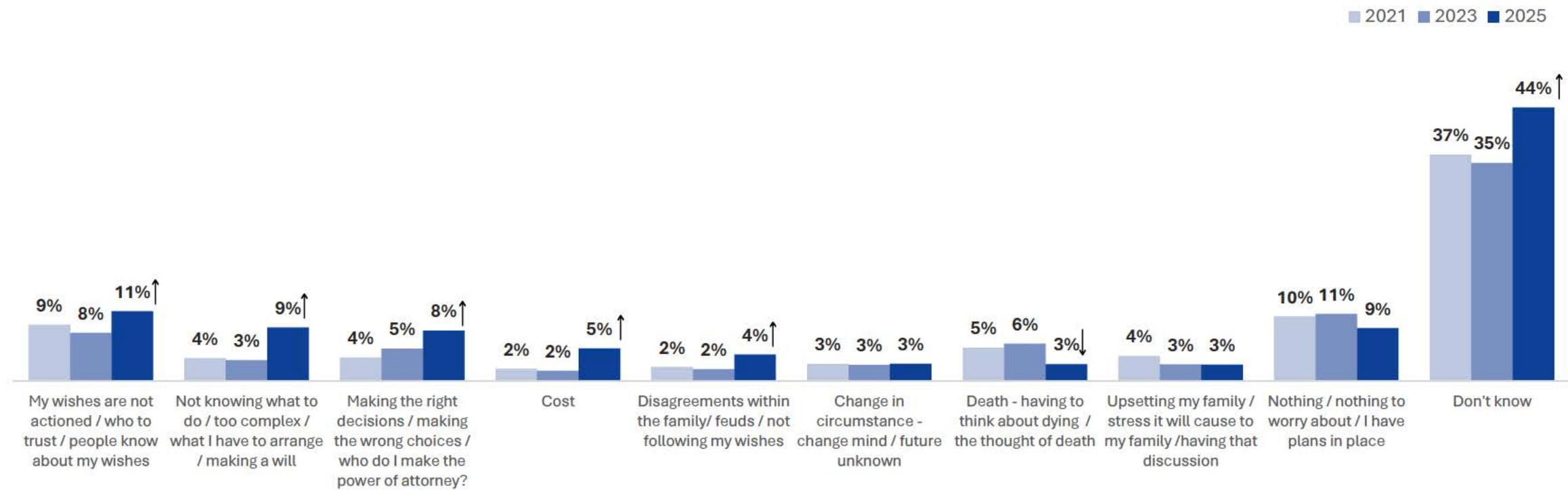
BASE: All respondents (2025 n=1,022; 2023 n=1,046; 2021 n=1,045) A1 a. Do you have/have you made a formal Will? A2a. Do you have an EPA? A2c. Do you have an Advance Health Directive? A4 Overall, how important is it to you personally to have a Will? A2E. Thinking now about making a Will or an EPA in general – how comfortable would you say you are in thinking about the topic? A2F. And how comfortable would you say you are in discussing Wills or EPAs with people you know well and trust such as close family or friends?

↑ Significantly higher or lower than total at 95% CI
↓ Significantly higher or lower than previous wave

Concerns

Wishes not being actioned properly remains the key concern that Queenslanders hold about making Wills and EPAs. Complexity and not knowing what to do, making the right decision, cost, and disagreements within the family have increased as concerns since 2023, while difficulty thinking about death has decreased. Concerns around making the right decisions and disagreements are the top concerns among younger Queenslanders. The main concerns for those who do not already have plans in place are not knowing what to do and making the right decisions. The proportion who say they ‘don’t know’ has increased this year, indicating a degree of indifference.

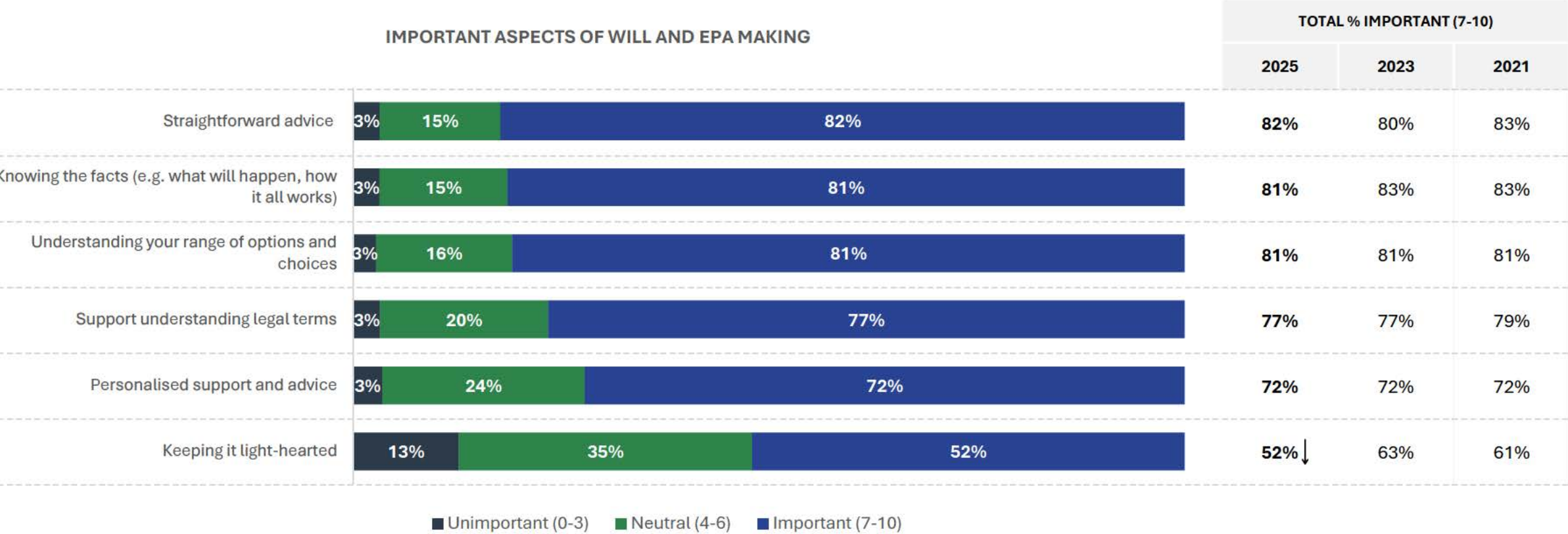
CONCERNS ABOUT WILLS AND EPAS



BASE: All respondents (2025 n=1,022; 2023 n=1,046; 2021 n=1,045)
A2G. And what would be the main thing that worries you about making a Will or EPA? [OPEN RESPONSE | CODED]
For readability purposes, codes below 3% are not displayed.

Importance

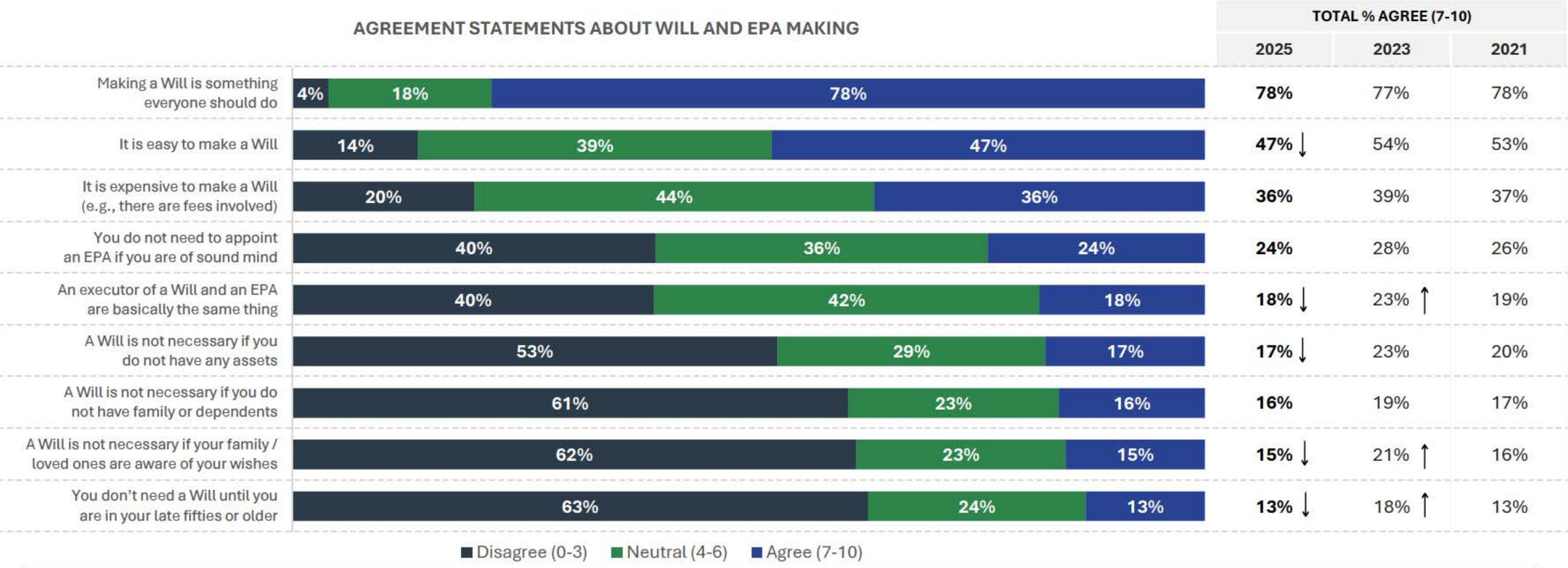
Four in five Queenslanders feel it is important to receive straightforward advice (82 per cent), know the facts (81 per cent) and understand options (81 per cent) when it comes to making Wills and EPAs. These attitudes have not changed significantly since 2021 and remain highly important. Keeping it light-hearted is the only value to have decreased in importance since 2023. The most common value for younger Queenslanders (aged 18-25 years) is understanding the range of options and choices (80 per cent), and they are less likely to be interested in straightforward advice and facts (71 per cent).



BASE: All respondents (2025 n=1,022; 2023 n=1,046; 2021 n=1,045)
A2H. How important are each of the following to you when making a Will or EPA?

Perceptions

Nearly four in five (78 per cent) continue to agree that making a Will is something ‘everyone should do’. Some of the misconceptions that increased in prevalence in 2023 have decreased in 2025, including that ‘an executor of a Will and an EPA are basically the same thing’ (18 per cent agree), ‘a Will is not necessary if your family / loved ones are aware of your wishes’ (15 per cent agree) and that ‘you don’t need a Will until you are in your late fifties or older’ (13 per cent agree). Agreement that ‘a Will is not necessary if you have no assets’ has also decreased (17 per cent agree). Again, older Queenslanders (aged 65 and over) and those who are more comfortable are more likely to feel that making a Will is something everyone should do and is easy. Around one in three (36 per cent) think it is expensive to make a Will.

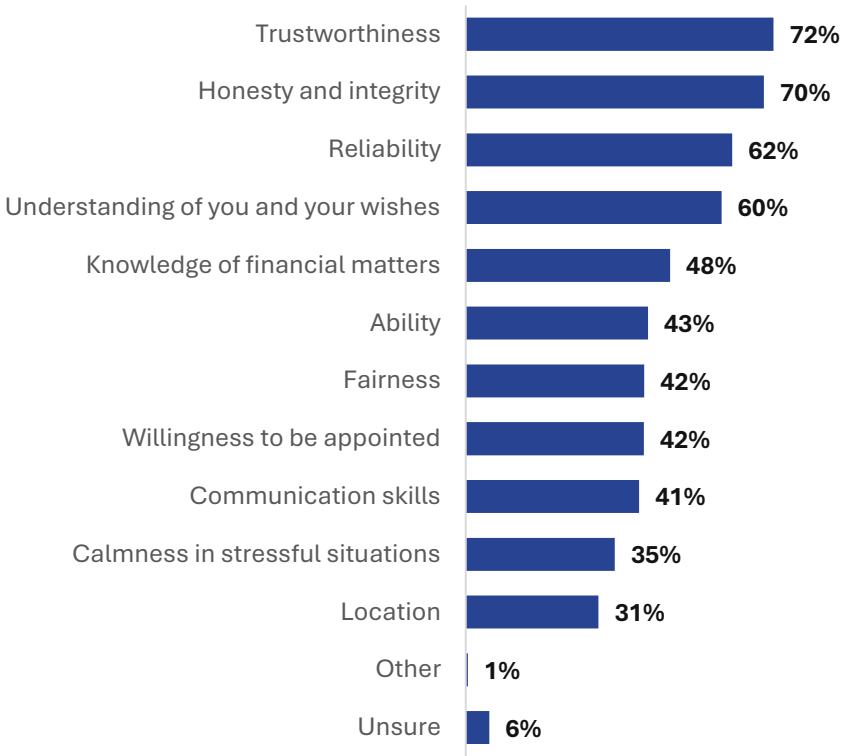


BASE: All respondents (2025 n=1,022; 2023 n=1,046; 2021 n=1,045)
A3. Below is a list of statements relating to making a Will or an EPA. Please indicate to what extent you agree or disagree with each statement?

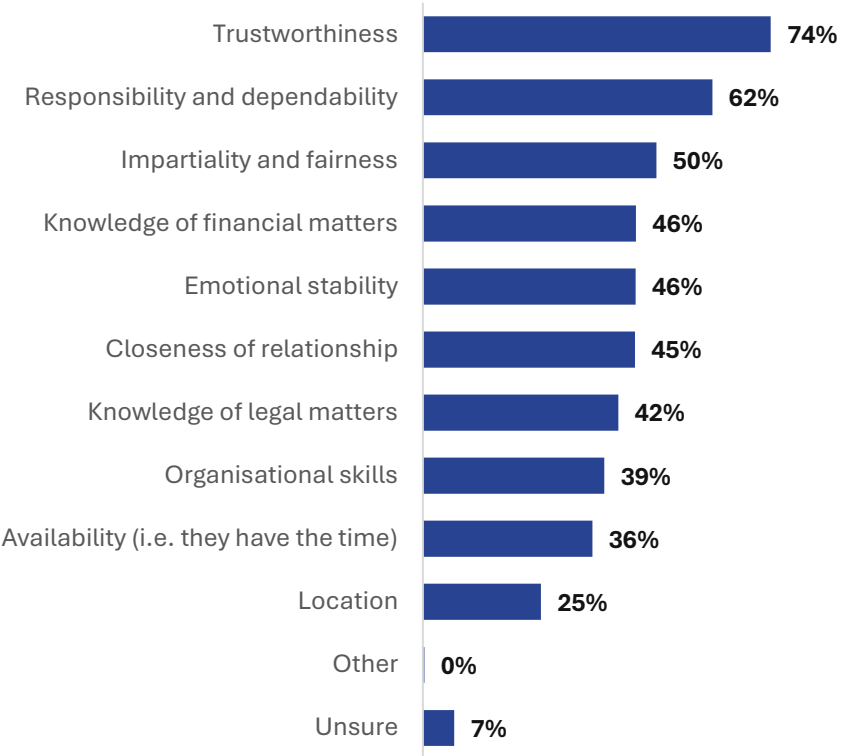
Considerations for selecting an attorney and executor

Soft skills like trustworthiness, honesty and responsibility are among the most common traits people look for in an attorney or executor. Practicalities like location are considered less important. Those who have an EPA are more likely to say willingness to be appointed is a consideration for selecting an attorney (51 per cent).

FACTORS TO CONSIDER WHEN SELECTING AN ATTORNEY



FACTORS TO CONSIDER WHEN SELECTING AN EXECUTOR

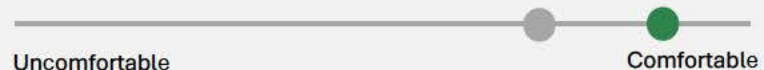


BASE: All respondents (2025 n=1,022)
A2i. What factors would you consider when selecting an Attorney? A2j. What factors would you consider when selecting an Executor?

Seniors are the most likely among Queenslanders to have their affairs in order, simply by way of their age. They are more comfortable and confident about their finances and have fewer concerns around making Wills and EPAs. However, there are indications that it takes Queenslanders a bit of time to get to this point. Almost two in five only made their Will after retiring, and many have neglected to update their Wills in the years since it was first made. Of the relative few in this age group without a Will, there does not appear to be much motivation, with the most common reason for not having a Will being that they simply haven't got around to it – they have already gone through the typical life events that would prompt Will-making, so when will they get around to doing it?



Comfort thinking about and discussing Wills and EPAs



▲ Personal importance of having a Will



▲ **Likelihood to make Will in next 12 months***



Key attitudes, concerns and barriers

▲ 75%	Are confident in their ability to manage their finances	(Vs. 58%)
▲ 91%	Agree making a Will is something everyone should do	(Vs. 78%)
▲ 22%	Feel they have no concerns about Will- and EPA-making	(Vs. 9%)
▲ 62%	Would look for information about Wills and EPAs from a solicitor/lawyer	(Vs. 38%)
▲ 17%	Of those with a Will were prompted to make their Will after retiring^	(vs. 9%)
39%	Of those without a Will say they haven't got around to it*	(vs. 34%)
▼ 16%	Feel it is a parent's duty to leave as much as possible for their children	(Vs. 25%)

Key channels for those interested in learning more about Wills and EPAs

48%	Will kit / information pack	(Vs. 41%)
42%	Articles online	(Vs. 39%)
34%	Factsheets	(Vs. 33%)

^BASE: Those with a Will (2025 n=221)

Significantly higher or lower than total at 95% CI

Thank you



Attachment 5

Enduring Powers of Attorney community education program

Context

The Elder Abuse Prevention Unit (EAPU), funded by the Queensland Government and operated by Uniting Care Queensland, reports that financial abuse is amongst the top two most frequently reported types of elder abuse.¹ In 2023-24, 65 per cent of the abuse notifications received by the EAPU related to financial elder abuse, and the most common mechanisms used to commit the abuse were undue influence, misuse of an Enduring Power of Attorney (EPOA) or misuse of debit/credit cards.

While an EPOA is a critical mechanism for allowing a trusted individual to be appointed to make personal or financial decisions during someone's lifetime and can help to enact their wishes and preferences if they lose capacity, research commissioned by Queensland Public Trustee (QPT) in 2025² indicates many Queenslanders know very little about them. Only one in three Queenslanders has an EPOA in place and, amongst those who don't, there is a degree of uncertainty as to whether they need or intend to make one.

In 2024, the Australian Human Rights Commission (AHRC) also undertook a national survey of more than 3000 Australian adults to understand their current levels of awareness, use and knowledge of financial EPOAs.³ Survey participants included principals and appointed financial decision-makers, as well as people who had never been a principal or an appointed decision-maker. As with QPT's research, the AHRC also found that there are significant gaps in Australians' knowledge about EPOAs and the rights and responsibilities of principals and appointed decision-makers. Of specific concern, only a third of appointed decision-makers had given the role high consideration before they took on the role, and only 25% felt they had a very good understanding of their responsibilities when they started the role. Alarming, only 27% considered whether to set limits or conditions in their financial enduring power of attorney, despite this being a critical safeguarding element and 37% had granted an enduring power of attorney to someone showed characteristics identified as risk factors for perpetrating elder abuse.

Limited understanding of the appropriate use of EPOAs, and of individuals' rights and responsibilities pertaining to them, leaves people vulnerable to financial abuse and exploitation through misuse of these documents – either via ill-intent or ignorance.

Overall, the research from both AHRC and QPT has highlighted that, while many individuals were aware that things could go wrong, few members of the community are equipped to take the necessary steps

¹ Gillbard, A. (2024). *Elder abuse statistics in Queensland: Year in review 2023–24*. Elder Abuse Prevention Unit, UnitingCare.

² Queensland Public Trustee (2025). *QPT Wills and EPA Research 2025*. Unpublished.

³ Australian Human Rights Commission (2024). *Empowering futures: A national survey on the understanding and use of financial enduring powers of attorney*. Sydney: Australian Human Rights Commission.

to protect themselves, demonstrating a critical need for deep knowledge and skills-based community education, beyond raising awareness.

EPOA education and training needs

Information resources relating to EPOAs are currently available online from various government and non-government organisations. QPT delivers online and in person community education, including through partnership and collaboration with other organisations. The EAPU also provides offline education sessions and forums for community-based workers (aged care, support and Health workers) about how to recognise and report elder abuse..

Respondents to surveys from both QPT and AHRC identified websites as their preferred channel for obtaining information about financial EPOAs. In 2023-24, information about EPOAs was accessed over 15,000 times on the QPT public website. Other sources of information about EPOAs that have been identified as being important include physical resources (e.g, pamphlets), legal practitioners, family and friends.

More than three quarters of people surveyed by QPT about EPOAs highlighted the importance of being able to receive straightforward advice, know the facts (including what will happen and how EPOAs work), understand options available to them and be supported to understand legal terms. Participants in AHRC's survey also called out the need for education to be provided to individuals early, before an enduring power of attorney is made and a person appoints someone as their decision-maker.

While a range of information about EPOAs is already available to the public, the availability of supporting tools, learning materials and more in-depth, skills-based education to assist community members to fully understand the roles and responsibilities in relation to EPOAs, and to take quality action in performing a financial attorney function effectively and compliantly, is limited.

Additionally, existing resources have tended to be focussed towards increasing awareness of why EPOAs are important, and the steps required to create one. Generally, they do not provide in-depth education about how to effectively use EPOAs to reduce the risk of financial abuse, by clearly documenting wishes and preferences, appointing more than one attorney, option to appoint a nominated person (noting this would likely incur a cost), capturing specific limits and conditions that might apply, or what these safeguards will mean in practice for the appointed financial decision-maker.

AHRC's research has also identified that others who may have involvement with EPOAs, such as document witnesses⁴ (in Queensland, a Justice of the Peace or Commissioner for Declarations) would benefit from greater education about financial EPOAs.

Community education program

QPT has seen positive engagement with communities about EPOAs through its current community education program. However, there is currently no single, integrated, highly accessible education

⁴ Australian Human Rights Commission (2023). *Achieving Greater Consistency in Laws for Financial Enduring Powers of Attorney*. Sydney: Australian Human Rights Commission.

solution that provides a one-stop-shop for all community cohorts involved in the EPOA lifecycle to foster and build deep knowledge and skills (in addition to continuing to raise awareness).

Expansion of QPT's current community education efforts, or investment in a broader community education program to offer greater capability uplift in relation to EPOAs, requires further consideration (in terms of scope, available resources, success measures, etc.), but could provide:

- interactive online learning, designed specifically for each community cohort (those making an EPOA, those accepting a decision-making role, those performing the role when activated and witnesses)
- regular or recurring refresher training, to ensure skills remain current
- highly accessible knowledge articles and learning guides to cater for a range of learning styles
- templated tools and resources that financial attorneys could use when undertaking the role – to ensure they remain compliant and provide effective financial management
- resources for Justices of the Peace and Commissioner for Declarations to use when witnessing EPOAs, which can be provided to community members to explain the use of limits, conditions and a nominated person in an EPOA and building understanding of what these things mean in practice
- in-person community education seminars, for those making an EPOA, those accepting and then performing the role of financial attorney – to ensure accessibility for regional communities and people with low levels of digital literacy.

Government funding may be necessary in the future to progress this community education program in a way that will enhance skills and knowledge across all community cohorts involved in EPOAs, however, it is noted that this would be subject to government priorities.