

Inquiry into Elder Abuse in Queensland

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Submission to the Inquiry into Elder Abuse in Queensland
Education, Arts and Communities Committee
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1. INTRODUCTION

The Family Responsibilities Commission (FRC or the Commission) appreciates the opportunity to contribute to the Education, Arts and Communities Committee's Inquiry into Elder Abuse in Queensland. The FRC respectfully acknowledges that many of our Local Commissioners are Elders themselves, who work tirelessly in other leadership roles in their communities as Traditional Owners and teachers of those lands and waterways.

One of the FRC's primary objectives is to restore local authority in FRC communities. We are keenly aware of the rich knowledge and perspectives, and invaluable contributions that First Nations Elders make in their communities. We welcome the Inquiry's role in protecting, enabling and empowering Elders to maintain their valued place in community.

The FRC is a leading model of shared decision-making and self-determination for First Nations people. The Commission considers we can make a useful contribution to the Inquiry by sharing our experience, and the experience of our older clients, in the remote First Nations communities in which the FRC works.

From the Commission's perspective, instances of elder abuse in remote communities are exacerbated by the extreme levels of vulnerability and disadvantage experienced by community members. There are significant barriers to reporting and help seeking, and education, awareness and support services are limited. It is an important perspective to share with the Committee as part of this Inquiry.

The FRC is an essential part of community infrastructure in the communities of Aurukun, Coen, Doomadgee, Hope Vale and Mossman Gorge. The Commission provides support for older people through several of its statutory functions and in particular, Voluntary Income Management (VIM) has emerged as an excellent tool that can empower older people to protect their income, retain agency over managing their money, and provide access to support.

The Inquiry's Terms of Reference consider, broadly, the:

1. nature and extent of elder abuse
2. effectiveness and cohesiveness of responses to elder abuse; and
3. opportunities to improve responses to elder abuse in Queensland.

The FRC's submission will accordingly respond to and make recommendations against these three issues. The Commission hopes that the experience of FRC communities may provide some insight into the challenges experienced, and possibilities to help older First Nations Queenslanders safeguard against abuse.

The statements and reflections made in this submission are made on the basis of firsthand observations reported by FRC Local Commissioners and staff, internal data collected by the FRC in the course of performing statutory functions under the Family Responsibilities Commission Act 2008 (FRC Act), and consideration of academic research in this area.

Australian policy and service responses to elder abuse have not, so far, focused on the particular

challenges facing rural and remote First Nations communities.¹ At the time of preparing this submission, with the exception of the hearing held in Cherbourg – which is located in regional Queensland - none of the submissions or oral evidence provided to the Inquiry so far have advanced a remote First Nations perspective. The Commission considers that further academic research is required into the drivers and prevalence of elder abuse in remote First Nations communities in Queensland.

The Australian Institute of Health and Welfare characterises older Aboriginal and Torres Strait Islander people as those aged over 50. This characterisation recognises that older Aboriginal and Torres Strait Islander people are more likely to develop serious medical conditions earlier in life and have a lower life expectancy than non-Indigenous Australians. Accordingly, the FRC's submission uses the same characterisation of older First Nations people as those over the age of 50.

In this submission, the terms 'elder' and 'older' person, people or clients are used interchangeably to refer to First Nations people over 50. Where 'Elder' is used specifically in reference to a person who is recognised as a custodian of cultural knowledge and lore, the word has been capitalised.

2. RECOMMENDATIONS

The FRC recommends that the Committee:

- 1. Notes in its final report the learnings of the FRC over 16 years of working in partnership with remote First Nations communities: that while there are significant risk factors for elder abuse and barriers to accessing support, there are also strong protective factors that can be harnessed and grown.**
- 2. Recommends the Queensland State Government funds the development and implementation of evidence based, culturally appropriate elder abuse education, and awareness campaigns:**
 - **tailored for remote First Nations contexts**
 - **delivered in-person in communities**
 - **using existing infrastructure and relationships, including the FRC.**
- 3. Recommends the Queensland State Government directs funds to ensure that culturally appropriate and accessible in-person services to provide financial management tools, but also to help navigate family and community relationships, are available in remote First Nations communities. The Commission supports the establishment of local Adult Safeguarding Networks, as proposed by the Public Advocate.**
- 4. Recognises the unique role of the FRC, as a Queensland public sector entity, and recommends legislative amendments to the Family Responsibilities Commission Act to enable VIM to operate state-wide, administered by the FRC to empower vulnerable older Queenslanders to self-refer and utilise the benefits of voluntary income management.**

¹ Blundell, B & Warren A, 2019, Elder Abuse in Rural and Remote Communities, Short Article, Australian Institute for Health and Welfare, <https://aifs.gov.au/resources/short-articles/elder-abuse-rural-and-remote-communities>, accessed 1 April 2025.

3. ABOUT THE FRC

The FRC is a holistic support mechanism aimed at restoring socially responsible standards of behaviour and local authority, and helping people resume primary responsibility for the wellbeing of themselves and their families.

Through the FRC Act, powers and responsibilities of the Crown have been shared with First Nations people, so they are *not just advisers* to other decision-makers. They hold formal decision-making powers enabling them to respond to the needs of individuals and families in their own communities.

Currently, 36 Elders or respected Aboriginal people are appointed as Local Commissioners to serve in their own communities.



Figure 1: The FRC is a novel bi-cultural institution

Since the appointment of Ms Tammy Williams, a Murri woman and barrister,² as FRC Commissioner and CEO in September 2019, **all FRC decision-makers³ under the FRC Act are First Nations people.** The single exception is the Deputy Commissioner,⁴ whose powers as a decision-maker can only be exercised upon delegation by the FRC Commissioner. One of the objects of the FRC Act is to support the restoration of local authority in FRC communities. The FRC puts local Elders and respected persons at the centre of efforts to support community members to address complex issues and empowers them to make decisions.

3.1. The suite of FRC triggers allows early intervention

The communities of Aurukun, Coen, Doomadgee, Hope Vale and Mossman Gorge 'opted-in' to a higher standard to allow early community-based intervention by the FRC. This enables their own Elders and respected persons to act where community members are not meeting their basic responsibilities to their families and children.

² Admitted in 2002.

³ Division 2 of the FRC Act sets out the requirements for using Local Commissioners to 'constitute the Commission' for conferences to hear and determine matters, including the power to make legally binding decisions pursuant to ss68 and 69 of the FRC Act.

⁴ Rodney Curtin, Deputy Commissioner is also a Barrister, like the FRC Commissioner. He has more than 30 years' experience in working in Cape York, Torres Strait and Gulf regions.

The FRC Act sets out the statutory obligations of relevant Queensland Government departments to notify the FRC when a community member is not meeting pre-determined obligations in relation to school attendance, the safety and wellbeing of children, court convictions (for adults and children), domestic and family violence orders, and social housing tenancy agreements.

The FRC applies a locally based and culturally relevant conferencing-style process delivered by a panel of Elders and respected community leaders appointed as Local Commissioners, which is overseen by a legally qualified Commissioner. Throughout 2023-24 the vast majority (88 percent) of Commission decisions were made by three Local Commissioners constituting the panel. The purpose of a conference is to provide a forum for the community member to discuss with the FRC why, and how, the person has come to be the subject of an agency notice. Conferences are held in a manner which facilitates early intervention, encourages community members to take personal responsibility for their actions and implement strategies to address inappropriate behaviour before it escalates.

3.2. The FRC is part of a linked service system to engage and empower individuals and their families to make positive and lasting change

The FRC operates within a robust legal framework to assist clients and their families living in the welfare reform community areas to address complex behaviours. FRC conferences are designed to ensure that FRC Commissioners have all relevant information available to them, to give clients an opportunity to speak directly to local decision-makers. This process is aided by the powers the FRC Commissioner has to request relevant information from government agencies and community services, to ensure Local Commissioners can make informed decisions in the best interests and wellbeing of children and the protection of vulnerable community members.⁵ These aspects of the model mean that decisions are appropriately tailored to the circumstances of the individual or family, and the FRC can utilise its legislative powers to coordinate a multi-disciplinary approach as part of a linked service system.

3.3. FRC decisions are tailored and graduated

Local Commissioners encourage individuals appearing before the Commission to take the necessary steps to make lasting changes to benefit their health, wellbeing, home and community life. This includes by facilitating the rebuilding of intra-community social norms and encouraging behavioural change through attaching reciprocity and communal obligations to welfare and other government payments. The FRC uses a graduated range of agreements and decision-making options, including referrals to support services to build the capabilities required to break the cycle of disadvantage and, in limited circumstances, income management.

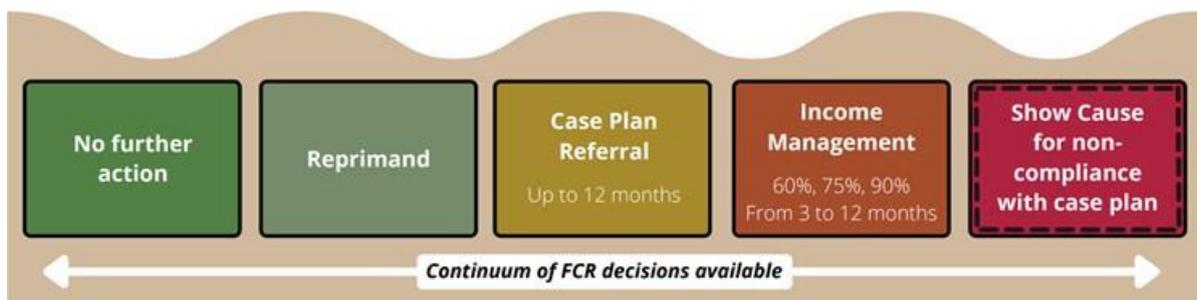


Figure 2: FRC decisions are graduated and tailored appropriately to an individual's circumstances

⁵ Sections 4 and 5 of the FRC Act, Main Objects and Principles for administering the Act.
FAMILY RESPONSIBILITIES COMMISSION
PO BOX 5438, CAIRNS QLD4870
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Through case planning, referral, case management and monitoring, and information sharing, the FRC model enables multiple stakeholders to work holistically through a client-centred approach.

3.4. The FRC model of income management

Enhanced Income Management in place in FRC communities refers to the quarantining of a proportion of eligible welfare payments on to a SmartCard. The card can be used like any other debit card – online or at any EFTPOS terminal - but cannot be used to withdraw cash, purchase alcohol, other prohibited items,⁶ or used for gambling.

The FRC model of income management is unique, and unlike any other income management model in place in Australia. There is no blanket imposition of income management. It is applied flexibly, on a case-by-case basis. Under the FRC Act, income management can be voluntary, where community members can approach the FRC of their own accord, or by way of conditional income management. Conditional income management (CIM) orders are only made by the FRC after an opportunity has been provided to attend a conference with Local Commissioners. At a conference, CIM can be implemented either with agreement, which is always the preferred option, or without agreement, by order of the Commission, as a last resort where it is reasonable, necessary and proportionate in the circumstances.

VIM is becoming an increasingly popular tool for those wishing to get support to manage their money and ensure that household needs and financial obligations are met. The FRC Act sets out a process under which a community member can self-refer to the Commission and request to participate in income management on an entirely voluntary basis.

The community member can choose what portion of their welfare payments (60%, 75% or 90%) and for how long (3, 6, 9 or 12 months) they would like to be income managed. The application process is a user-friendly administrative process which involves the person entering into a VIM agreement with the FRC Commissioner or delegate.⁷ The FRC then notifies the Secretary, Department of Social Services, of the income management arrangement which is then given effect in accordance with the VIM agreement.

3.5. Increased levels of voluntary client engagement and personal agency.

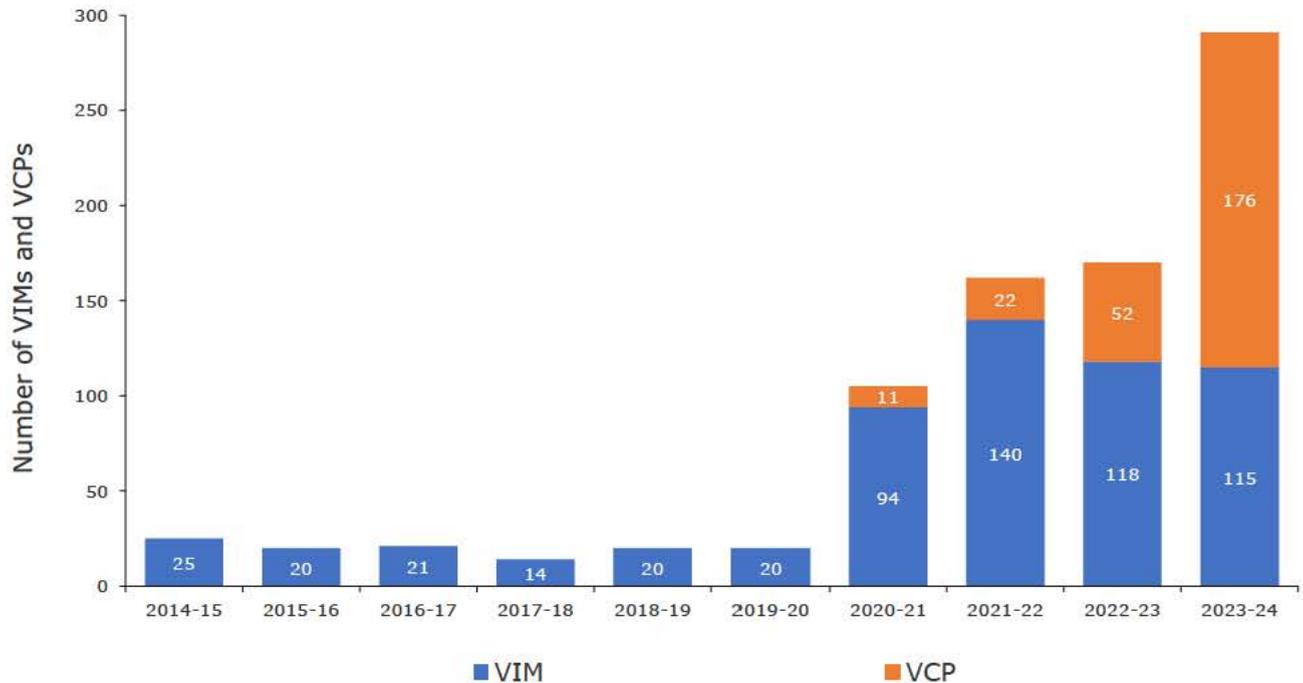
The Commission is seeing a growing cohort of clients who self-refer and engage with the support of the FRC on an entirely voluntary basis for income management (VIM) and/or case plan referrals (VCP). A voluntary case plan refers to where a community member asks to be referred to a community support service for support. Having a VCP in place enables the client to be supported by the FRC to attend the community support service and meet the goals of their case plan.

⁶ The current policy settings for the SmartCard mean that pornography and tobacco products are prohibited.

⁷ Unlike CIM, which requires a formal decision made at conference.

The increasing levels of client engagement and personal agency through VIMs and VCPs are represented in the graph below.

VIMs and VCPs by Financial Year



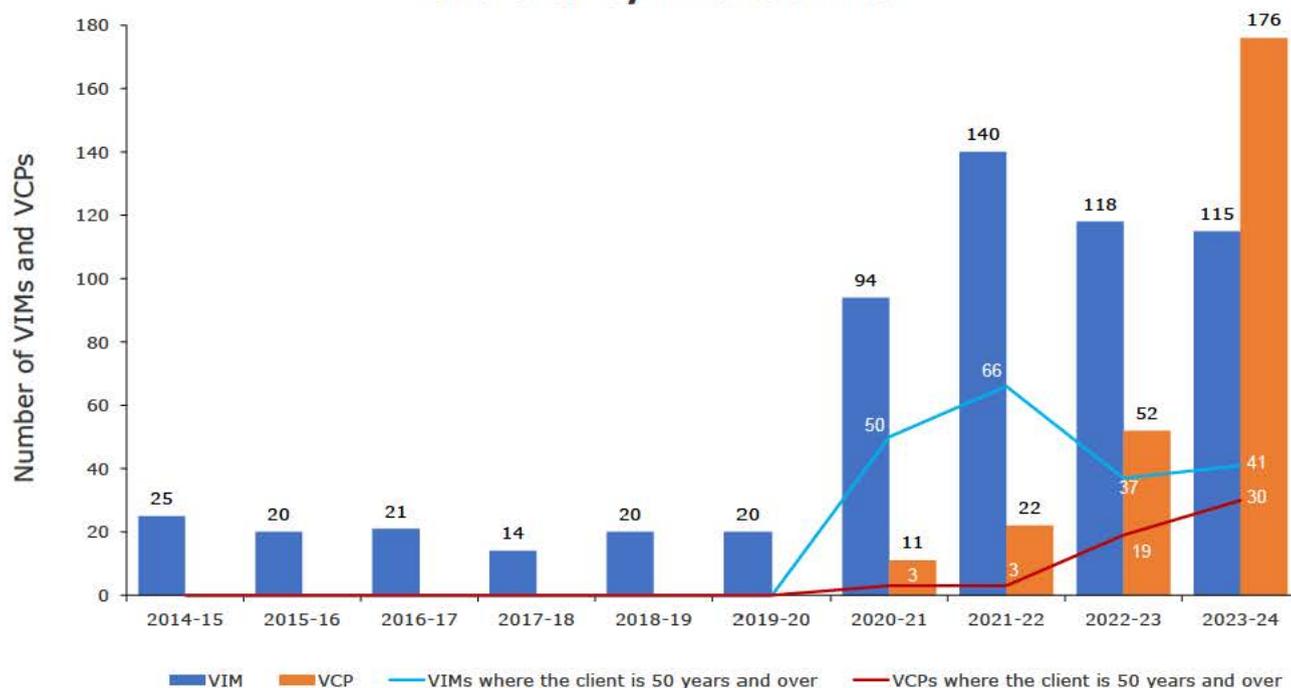
Graph 1: Number of VIMs and VCPs by financial year, 1 July 2014 - 30 June 2024

In the financial year to 30 June 2024, there were a total of 291 voluntary agreements by community members. These engagements are made up of 115 voluntary income management (VIM) agreements and 176 voluntary case plans (VCPs) for referrals to support services. The number of 115 voluntary income management agreements represents more than double the number of conditional income management orders (54) for the same period.

It is notable that only four years ago, that the FRC reported in its annual report that only 20 VIMs and no VCPs were entered into by community members. The increase in voluntary engagements in recent years is consistent with a broader, and well-established trend identified by the Commission of an increased willingness by clients to take steps towards personal accountability.

As indicated in the following graph, a significant number of the VIMs and VCPs are being entered into by the older cohort of clients in FRC communities.

VIMs and VCPs including where a client is 50 years and over by Financial Year



Graph 2: VIMs and VCPs including where a client is 50 years and over by Financial Year.

3.6. Quality assurance and compliance measures to ensure quality decisions.

The FRC has oversight mechanisms in place to ensure appropriateness and consistency of decision making that is proportionate to the needs of the client and in the best interest of children. The FRC Act enshrines natural justice⁸ and avenues for review and appeal,⁹ alongside ensuring that ‘Aboriginal tradition’ is taken into account in administering the Act.¹⁰ There has never been any suggestion the FRC has acted outside its powers.

4. RESPONSE TO INQUIRY

4.1 Nature and extent of elder abuse in FRC communities

Forms of abuse and the opportunistic environment in which it occurs

The most common form of elder abuse that is observed by the FRC is financial abuse. This occurs in several ways. Firstly, ‘humbugging’ of Elders is, sadly, common and is a form of predatory behaviour, usually by members of their own family, clan or kinship group, with the intention of manipulating and/or exploiting the Elder’s broader cultural role and responsibilities. The perpetrator’s judgement has often been impacted by addiction, or desperation, caused by their own vulnerable circumstances. As in other First Nations communities around Australia, ‘humbugging’ in FRC communities refers to a demand for money with no intention of repayment.¹¹ The demands are sometimes associated with threats of, or actual violence, or psychological abuse such as threats of suicide or withdrawing family support if the older person does not meet the demands.

⁸ s56(1)(a) of the FRC Act.

⁹ Parts 9 and 11 of the FRC Act.

¹⁰ s5(2)(c) of the FRC Act.

¹¹ No More Humbug!!! Reducing Aboriginal Financial Elder Abuse in the Kimberley. Kimberly Birds, 2020.

Another method of financial abuse being perpetrated at high rates is the theft of Elders' personal debit or 'key card', or the unauthorised use of that card, to withdraw funds from their bank account. The FRC is aware of many older clients, some with impaired capacity, whose keycards are regularly taken, leaving them with no access to their money. In particular, the FRC observes younger relatives, either adult children or grandchildren demanding money or taking key cards from older relatives. Often, money or key cards are taken on payday, and older people may have no access to money for the next fortnight. The FRC SmartCard doesn't have a withdraw cash component.

In addition to regular fortnightly pension payments, larger sums of money from royalty payments, art sales, disaster recovery payments or other lump sums Elders may be eligible to receive as part of government reparations and redress schemes (i.e., for Stolen Wages and National Redress Scheme for Institutional Child Sexual Abuse) can make older people the subject of abuse from a number of people within the community.

Other forms of financial abuse that are less overt, but are also unfortunately common, include where family members of an older person are registered as carers, but are not providing the required care for that person. In addition, grandparents are often the primary carers for grandchildren, but parents receive benefits for the children and do not share it with grandparents. In these circumstances, older people are consequently meeting the living expenses for several family members from their own income.

FRC Local Registry Coordinators, who facilitate the Commission's operations in community, report that *most* Elders in FRC communities are, or are at risk of, experiencing some form of financial abuse. The Commission believes that most instances of elder abuse are opportunistic. Many of Queensland's remote First Nations communities are identified by the Australian Bureau of Statistics as among the most socio-economically disadvantaged communities in the country.¹² In the absence of real employment and training opportunities, community members are more likely to be in receipt of income support payments, disability support or carer pensions and allowances. The socio-economic pressures on these households, including 'cost of living' expenses, are further inflated by freight costs, which is elevated more so in times of seasonal, yet, extreme weather events and natural disasters. This has a direct impact on food and water security, and regular access to electricity (through the purchase of Power Cards) or generators.

The uptake of VIM by Elders (as illustrated in Graph 2 above), and their preference to access their pension payments through the Australian Government's SmartCard technology, has proven to be an effective tool to reduce the opportunity for 'humbug' and protect individual's payments.

Client Story

During a visit to an aged care centre, an 87-year-old woman approached an FRC Local Commissioner and Local Registry Coordinator to ask if the FRC could help to find her money.

In discussions with the elder and the staff of the aged care centre, who also had concerns that the Elder did not have her key card, the FRC were able to ascertain that her key card (bank access/debit card) had been taken, and several different people were using her funds. The Elder had been attending the aged care centre respite facilities 5 days a week, in part, to ensure she had food. The Elder had not previously been a client of the FRC and after the option of being on a VIM with a SmartCard was explained, she signed up for a VIM at 90% for 12 months. Staff at the aged care centre are now assisting the Elder with shopping. The police were also made notified of this matter.

¹² See Socio-Economic Index for Areas (SEIFA) at www.abs.gov.au/websitedbs/censushome.nsf/home/seifa

Older Aboriginal people in FRC communities are more vulnerable to abuse

Risk factors for older First Nations people for experiencing elder abuse are well documented.¹³ Systemic issues such as:

- discrimination and cultural dislocation
- socio-economic factors leading to financial stress
- family dynamics complicated by historical trauma, and
- geographical isolation reducing access to support services

all increase the vulnerability of older First Nations people to elder abuse.¹⁴ In addition, higher rates of physical and mental ill health, disability and chronic disease can increase dependency on others and susceptibility to abuse. These risk factors are certainly present in the communities in which the FRC works.

In addition to increased vulnerability, older FRC clients' circumstances of extreme and entrenched disadvantage makes the impact of this abuse more significant. Most older people in FRC communities are living week to week on pensions or income support payments. When their pension or other payments are taken, most people have no savings or reserves and are dependent on friends, relatives, aged care 'respite' facilities, or other service providers for food. The reliance on family and friends can then in turn add to their vulnerability and increase the risk of being taken advantage of through a power imbalance in the relationship. This cycle of vulnerability can result in Elders being less likely to report instances of abuse.

There are greater barriers to accessing support

The FRC is in the privileged position of having worked in and alongside the communities of Aurukun, Coen, Hopevale and Mossman Gorge for the last 16 years, and Doomadgee for the last 10. In that time, through the generously shared perspectives of the Local Commissioners and clients, the FRC has gained an understanding of both the barriers and enablers for older people to access support that are present in FRC communities.

The Department of Justice's briefing to the Inquiry outlines the key roles of the statutory bodies of QCAT, the Public Guardian, the Public Trustee and the Public Advocate in Queensland's guardianship and administration system. These entities clearly play an integral role in preventing and responding to elder abuse. However, it must be acknowledged that the footprint of these organisations in remote First Nations communities is minimal. The FRC has no visibility of the services provided by these entities in the community.

Historical mistrust of government entities plays a significant role in older community members' reluctance to report or seek help. It is within the living memory of many of the FRC's Local Commissioners and clients that the State government pursuant to the successive Aboriginal Protection Acts in operation throughout Queensland since 1897, assumed control over most aspects of Aboriginal people's lives, including their property and money. Unfortunately, the age group of the

¹³ See for example, Australian Institute of Health and Welfare 2019. Insights into vulnerabilities of Aboriginal and Torres Strait Islander people aged 50 and over 2019. Cat. no. IHW 218. Canberra: AIHW.

¹⁴ Office for the Ageing, SA Health, Elder Abuse and People from an Aboriginal Background, <https://www.sahealth.sa.gov.au/wps/wcm/connect/99a36f004a1d6bf1b48bf490d529bdaa/Elder+abuse+-+People+from+an+Aboriginal+background.pdf?MOD=AJPERES>, accessed 27 February 2025

cohort of clients most at risk of abuse and are most reluctant to seek help from contemporary government entities, are those who are still traumatized by their personal experiences of living under the previous state governments' controls.

Older Aboriginal people often have lower levels of financial and digital literacy. With most banking and financial services, and access to government services now occurring online, older people are at a disadvantage and unable to exercise personal agency and self-determination for their own affairs. Even if greater financial and digital literacy were the norm, telecommunication services in remote parts of Queensland are not always reliable. The digital divide contributes to reduced awareness of, and access to support services and avenues to report abuse.

The Elder Abuse Statistics in Queensland: Year in Review 2023-24¹⁵ reports that of the 2196 victims reported to the Elder Abuse Hotline, 32 were located in 'Queensland Outback', which geographic area would encompass four of the five FRC communities. Based on the FRC's knowledge of the prevalence of elder abuse in FRC communities, this number would indicate that few, if any FRC clients, would be reporting abuse via phone to the hotline. Many older FRC clients would feel uncomfortable making, or would be unable to make, a phone call to a hotline and report their issues to a stranger.

Resource-sharing is a strong part of Aboriginal culture in FRC communities. FRC clients and Local Commissioners place a high value on caring for family and the broader community. However, the line between caring for family and community and being taken advantage of can be difficult to negotiate. Cultural and familial obligations and expectations can create complexities.

The pressures applied to older people to give money have largely become the norm. This normalisation of humbugging can be a barrier to reporting as it is sometimes not recognised as abuse, or viewed simply as something that must be borne, as Elders see few options to stop it.

There may be fear of reporting family members perpetrating abuse, either because older people do not want to get family members into trouble, or where they are dependent on the family members for accommodation or other support and are concerned about retaliation.

It is clear, from the Commission's perspective, based on our own cultural capability and expertise, that humbugging, accompanied by pressure, threats or abuse, is not acceptable and does not meet any known socially responsible standards in the communities we work in. It is for communities, families, clans and individuals themselves, to decide what is sharing and observing cultural practices, and with the assistance of professionals, to distinguish legitimate cultural responsibilities from abuse. However, this can only be achieved through building the capacity of communities with the knowledge and tools necessary to empower community members to set expectations about reasonable standards of behaviour, and to be supported when reporting abuse without fear of retaliation.

There are also more practical factors attributable to the remoteness and entrenched disadvantage in FRC communities that impact on rates of abuse. An element that has increased the vulnerability to, and incidence of elder financial abuse in FRC communities has been the impact of the banking sector withdrawing from rural and remote communities and reducing services and products. As an example, when Bendigo Bank exited Aurukun approximately 60% of all Aurukun Accounts held with them were passbook accounts. This forced many Elders to take up key cards (debit or EFTPOS cards), which

¹⁵ Gillbard, A. (2024). Elder Abuse Statistics in Queensland: Year in Review 2023-24. Elder Abuse Prevention Unit

are more easily lost or stolen. Whilst passbooks did not eliminate family pressuring Elders to withdraw cash, it required an in-person visit to the bank and did not allow access to accounts without the person's knowledge.

Without having access to local branches, FRC staff and Local Commissioners assisting older people in community, have reported that it is often very difficult for community members, especially Elders, to obtain replacement bank cards from mainstream banking institutions. Interactions with banks are usually through call centres, which can make it very difficult to meet identification requirements over the phone where an older person has limited English, or hearing difficulties. The FRC further understands, that for privacy reasons, banks will not readily accept support workers speaking on the client's behalf.

Even if an older person can phone the bank and identify themselves, a replacement card usually takes 2-4 weeks to arrive in remote communities, delaying an Elder's access to money. This issue is compounded in communities where all mail goes to the post office and not delivered to household letter boxes, as is the usual practice in larger towns and cities. Depending on the ability of an older person to get to the post office, mail is often collected by family members, and there is no guarantee a replacement card will reach the elderly person it is meant for.

The experience of the FRC is that older people in remote communities prefer face-to-face support, and are more likely to seek support from, and report abuse to, trusted service providers or family members in person. The next section discusses the availability of services for older people in FRC communities in more detail, however, in-person support specifically directed towards supporting older people who may be experiencing abuse in FRC communities is limited.

Protective factors exist and can be harnessed

Elders are the heart of First Nations communities. In addition to the rich knowledge of culture and kinship they hold and pass down, they play critical caregiving roles, settle disputes, provide guidance to family and have a stabilising effect on communities. When Elders' place of respect and authority in community is disturbed by abuse, the fabric of the community is further eroded. Equally, when Elders are protected, enabled and empowered to maintain their place in families and communities, the whole community benefits.

As noted, the impact of centrally based statutory entities such as the Adult Guardian and the Public Trustee is difficult to assess in remote First Nations communities. Whereas the FRC, a public sector entity of the Queensland Government, operates as a place-based model with First Nations people empowered to lead the organisation and hold decision-making roles within the Commission. The FRC's unique ability to bridge the gap between western legal institutions and First Nations culture and historical experience provides a trusted source of support.

The FRC's legislative remit is quite broad. It includes 'to help people in welfare reform communities restore socially responsible standards of behaviour, local authority, and help people resume primary responsibility for their wellbeing, and the wellbeing of their families and communities'.¹⁶ Earlier in the FRC's journey, these objects were interpreted narrowly, and individuals and families would mainly interact with the Commission after it was notified of a lapse in social obligations through a 'trigger' notice, and they would attend a conference with the Local Commissioners. As the trust of community

¹⁶ s4 of the FRC Act, Main Objects.

members, and their needs have evolved, so too has the Commission’s operational response.

As FRC clients’ levels of personal agency have increased, the FRC is now supporting people to identify issues and approach the FRC for support. Even through the more formal channel of conferences, the majority of interactions with the Commission occur with some form of agreement. As demonstrated in the graph below, as a total of all final decisions made by the Commission during 2023-24, the majority of decisions (61%) were made with some form of agreement with the client.¹⁷



Graph 3: Proportionate decisions 2023-24

The FRC’s evolution of operations, in line with clients’ levels of personal agency, has included a focus on interactions with clients outside the conference setting. The Commission’s Client Engagement (CE) approach, led by our Local Commissioners and Local Registry Coordinators based in each community, has become a core service area and focuses on increasing autonomy and building clients’ capacity. For the period 1 January 2024 to 30 June 2024, there have been 951 client engagement activities recorded, relating to 386 clients. The Commission considers that the increasing rates of voluntary engagement, (shown in Graphs 1 and 2), are, in large part, due to this focus on building autonomy and capacity through CE.

The FRC contends that there is an important role for government in supporting older people in remote First Nations communities, but any responses must be community led and locally based. As demonstrated above in Figure 1, the FRC is a novel bi-cultural institution, it is an organisation that walks two worlds. The Local Commissioners appointed in their communities are embodying local

¹⁷ This includes Voluntary Income Management, Voluntary Case Plan, and decision by agreement for a Conditional Case Plan.

cultural authority and are empowered to have honest conversations and offer support through the backing of the FRC Act and supported by the Registry. The information sharing provisions contained in the FRC Act are also important to ensure the safe flow of personal information but enable the delivery of an integrated response. The high levels of client engagement have been built up through the trust developed from the continuity of the FRC's place-based model, over the past 16 years of operations, where locally respected Elders hold genuine leadership and decision-making roles within the Commission.

Recommendation 1

The Committee notes in its final report the learnings of the FRC over 16 years of working in partnership with remote First Nations communities: that while there are significant risk factors for elder abuse and barriers to accessing support, there are also strong protective factors that can be harnessed and grown.

4.2 Effectiveness and cohesiveness of responses

Awareness, education and engagement

Education has been identified as an important and effective strategy for responding to elder abuse.¹⁸ The FRC considers that education and awareness, that is tailored to the remote First Nations context could leverage the protective factors that already exist in FRC communities.

There are services and networks providing education and awareness about what constitutes financial abuse and providing information about reporting and options for support. As an example, the Chivaree Centre Aged Care in Aurukun, operated by the Aurukun Shire Council, has held workshops where local police and visiting detectives have attended and explained how to report elder abuse. The 'Keeping Seniors Safe' project of the Elders Abuse Prevention Unit has visited Hope Vale in both 2024 and 2025. Abuse is being recognised, and older people are supported by existing services through trusted relationships, as demonstrated in the client stories.

However, as far as the FRC is aware the Keeping Seniors Safe project run by the Elders Abuse Prevention Unit is the only face-to-face education and awareness campaign offered to remote First Nations communities in Cape York or the Gulf, at least where the FRC operates. The two annual visits to Hope Vale are the only visits the Commission is aware of to the FRC communities.

A structured and tailored education campaign should be co-designed with communities to address their particular needs. As noted, the cultural lens over what is sharing and what is abuse will be different in each community and indeed for each individual. However, consistent information and awareness of what supports are available can empower people to decide what is right for them.

Online learning modules or training for older people is simply not appropriate for the remote First Nations context. In-person education, with appropriate translation services and consistent tailored content is required. Staff of existing service providers, health clinics or police officers could be trained to deliver workshops and education sessions alongside locally respected community members. As

¹⁸ Warren, A., & Blundell, B. (2018). Elder Abuse in Rural & Remote Communities: Social Policy, Prevention and Responses. Perth, WA: Curtin University and the Older Person's Advocacy Network. p.3.

noted, vulnerable older people in remote communities are more likely to engage with trusted service providers.

An excellent example of the kind of tailored education that is required exists in the 'No More Humbug' suite of resources, developed by Kimberly Community Legal Services, as a result of a significant research study.

With the exception of the 'Keeping Elders Safe' project, which has limited reach, the FRC is not aware of any specific elder abuse prevention education or awareness programs tailored to remote First Nations contexts, and delivered face-to-face by locally trusted people, in Queensland. Given the prevalence and impacts of elder abuse in these communities, the FRC submits such a program should be developed and implemented as a priority. The FRC also brings to the Committee's attention there is current scope in the FRC Act for the Commission, to assist the Queensland government with the dissemination of information to vulnerable community members, such as Elders and their care givers, about the ability of support services and to participate in awareness campaigns about stopping elder abuse in our communities.¹⁹

Recommendation 2

The Committee recommends the Queensland State Government funds the development and implementation of evidence based, culturally appropriate elder abuse education and awareness campaigns:

- **tailored for remote First Nations contexts**
- **delivered in-person in communities,**
- **using existing infrastructure and relationships, including the FRC, a public sector entity.**

Financial and social services for older people in a cohesive service ecosystem is critical

Many of the drivers of elder abuse in FRC communities stem from the vulnerabilities and disadvantage experienced by those perpetrating abuse. Poverty, addiction, including gambling and trauma, characterises the experience of those who are pressuring Elders and older vulnerable people who may be seen as an easy target. The prevalence of alcohol and substance abuse in FRC communities also has an impact on financial elder abuse. Money is taken by those driven by addiction to buy grog or drugs including cigarettes, and gambling.

Accordingly, the lack of support for those around the older people perpetrating abuse must also be addressed. Whilst it is imperative that the rights of older people themselves are protected, complementary strategies must also be in place to support the behavioural change of those causing the harm.

Despite the increased vulnerability and severe consequences for older people suffering financial abuse, there are limited resources available specifically to address elder financial abuse in FRC

¹⁹ Sections 4 and 38, FRC Act

communities. The Commission suspects this would be similar in other remote communities throughout Queensland.

A 2018 literature review on Elder Abuse in Rural and Remote Communities²⁰ found that services specifically directed to elder abuse were often a mixture of satellite regional offices, sporadic outreach visits and online and telephone services. The review found that few services and resources were based locally. This assessment remains true of FRC communities in 2025. In the submission to the Inquiry made by Dr John Chesterman, the Public Advocate, the fragmentation of existing responses to elder abuse is highlighted, and the disproportionate effect this has in First Nations communities.

Throughout Australia, typically around capital and larger cities, advocacy agencies, legal services, and carers groups negotiate gaps in their jurisdiction's adult safeguarding system and advocate for improvements to the circumstances of at-risk adults. That option is limited in rural and remote parts of Australia, which particularly affects remote First Nations communities.²¹

Whilst specific elder abuse responses are limited, there are a range of other services within First Nations communities which support older people experiencing financial abuse.

Aged Care

Each of the FRC communities of Aurukun, Coen, Doomadgee and Hope Vale have an aged care facility. Mossman Gorge community members have access to a nearby aged care facility within the Mossman town area. These facilities offer a range of services including day respite, and short and long-term residential accommodation.

In the main, these facilities provide excellent service, where Elders can access meals, showers and opportunities to wash clothes.²² These facilities are generally well used and provide respite from the often overcrowded and challenging living situations of many Elders. Where there are strong links with other service providers, these aged care facilities are able to provide a central place where Elders can be supported, and information can be shared in a safe environment.

Financial literacy and support

The O-Hubs (Opportunity Hubs) in each of the Cape York FRC communities²³ have been an integral part of the progression of welfare reforms. Among other services, the O-Hubs offer the MPower program, which aims to empower the individuals and families of Cape York to improve their financial literacy and money management. O-Hubs can provide general banking support and are also able to provide temporary SmartCards for those clients on VIMs or CIMs when their cards are lost. Whilst the O-Hubs support many older people within FRC communities, they are not a specialist elder financial abuse service.

²⁰ Warren, A., & Blundell, B. (2018). *Elder Abuse in Rural & Remote Communities: Social Policy, Prevention and Responses*. Perth, WA: Curtin University and the Older Person's Advocacy Network.

²¹ Chesterman, J. (2024). *Supporting and Safeguarding At-Risk Adults*, Brisbane, Centre for Policy Futures, The University of Queensland. <https://policy-futures.centre.uq.edu.au/files/20543/Policy-Futures-John-Chesterman.pdf>, accessed 9 April 2025.

²² The FRC understands there is a funding application underway for an Orange Sky Laundry in Coen, to enable free clothes washing. The cost of shipping whitegoods to remote communities is prohibitive for many people, including elders.

²³ There is no O-Hub in Doomadgee.

The FRC notes that even where financial literacy support is available, engaging meaningfully with these services may not be possible. Many Aboriginal Elders had limited access to formal education, and in particular, they are not a generation familiar with online interactions.

In Doomadgee, for some years there has been a visiting financial counsellor who visits once a month from Mt Isa. There is a full-time financial counsellor position available at one of the key social and emotional wellbeing service providers, 54 Reasons, but this position has remained vacant for some time.

The FRC is aware that services such as iCAN (Indigenous Consumer Assistance Network), and the Cairns Community Legal Centre provide face-to-face outreach services for financial counselling and advocacy in some First Nations communities, but generally those that are close to Cairns and Townsville, and only via phone to Cape York.

Social and Health services

Primary Health clinics, visiting specialists and allied health professionals, along with social and emotional wellbeing services are all present in FRC communities, and each of whom provide support to Elders. However, this is often not coordinated, and staff may have differing levels of training and expertise in recognising and dealing with elder abuse. High staff turnover, including FIFO arrangements, can impact levels of trust and capacity to form appropriate relationships between client and practitioner.

Mobility and lack of transport are also issues that can prevent older people from accessing services. Many older people are dependent on family for transport, and furthermore, there are no public transport options available within the remote communities that the FRC services. When these avenues are not available, Elders are simply unable to access these social supports. Elders who have issues with mobility and frailty are unable to move around community on foot to access support. To fill this void, the Commission has modified its operational approach to assist clients, who are case managed by the FRC, with transport to attend local support services.²⁴

Whilst there are a range of resources available to Elders in FRC communities, and many individuals that are supporting older people, there are no cohesive programs designed specifically to combat elder abuse. A central, well-known avenue in each community to provide support for those experiencing elder abuse should be available. FRC is endeavoring to build a bridge of trust between our clients and service providers, and other government agencies to support their needs, and could play an increased role in a broader whole-of-government and community response.

The Commission considers the two-pronged approach recommended by the Public Advocate has merit. That is, establishing a central Adult Safeguarding Commissioner who would have a legislative role to support and safeguard at-risk adults. The FRC agrees that establishing a clear point of contact for safeguarding concerns, and enabling the Commissioner to have investigation, and 'supportive intervention' powers would go a long way to address the fragmentation and confusion around reporting and responding to abuse. As noted, trusted local networks are more likely to have successful engagement with Elders experiencing or at risk of abuse. The Commission considers that establishing local Adult Safeguarding Networks, including funding for a local project officer, with relevant skills and

²⁴ A client must be referred to a community support services as part of a Family Responsibility Commission Agreement, Order, or Voluntary Case Plan.

qualifications in social work to coordinate the network, could be a successful place-based approach. However, it is critical that the Commissioner, him/herself and their staff must have high levels of cultural capability, given the high proportion of First Nations elder vulnerability. The local networks must make use of existing trusted relationships and service providers, including the FRC.

This submission has outlined some of the significant gaps in service and support for both older people and their families who are perpetrating abuse. As a result of its unique position in communities, the FRC has been stepping in to fill some of these gaps. In addition, the FRCs existing infrastructure can offer one solution that could benefit not only FRC community members, but any vulnerable elders in the wider Queensland community.

Recommendation 3

The Committee recommends the Queensland State Government directs funds to ensure that culturally appropriate and accessible in-person services to provide financial management tools, but also to help navigate family and community relationships, are available in remote First Nations communities. The Commission supports the establishment of local Adult Safeguarding Networks, as proposed by the Public Advocate.

4.3 Opportunities to improve responses to elder abuse in Queensland

Voluntary Income Management can empower older people to protect their income

As reflected in the recommendations in this submission, the FRC contends that both preventative strategies and practical responses are required to combat financial elder abuse in remote First Nations communities. VIM is an effective tool that allows older people to protect their money, whilst it empowers and helps Elders to retain agency over their own financial decisions.

While appropriate education and awareness tools are developed, and investment is made in appropriately intensive and cohesive support services, making VIM available across the State is an effective protective mechanism that could be made available quickly to vulnerable Elders.

VIM is being taken up by older community members as an effective way to protect their money

The FRC considers that a key factor in the increased uptake of VIM is that Elders are coming to the FRC Local Commissioners because they are Elders themselves and are respected in their own communities. Of the FRC's Local Commissioners, almost 90%²⁵ fall within the cohort of Older Aboriginal and Torres Strait Islander Australians, with many aged in their seventies. One Local Commissioner is in her eighties. FRC Local Commissioners are modelling empowerment and embodying the peer-to-peer engagement that is so important for older people in First Nation's communities. However, in contrast to community support services, this peer-to-peer engagement is backed by a legislative framework and the resources of the FRC registry to support clients. The FRC is also proud that it provides a regular source of income to our Local Commissioners and demonstrates to other entities the real value and contribution older people make to the workforce.

²⁵ 32 out of 36 Local Commissioners are over the age of 50.

Since the introduction of the Cashless Debit Card from 17 March 2021, and later the SmartCard, in FRC communities, the Commission has been keeping more detailed statistics on the reasons people enter into, and end or amend VIM agreements. For the purpose of this submission, the FRC conducted analysis to gain a better picture of the usage of VIM agreements by older community members. Unless stated otherwise, the following statistics relate to the period 17 March 2021 to 8 February 2025.

The FRC's statistics suggest that VIM is being taken up by older community members as a means of protecting their payments and supporting themselves.

Between 17 March 2021 and 8 February 2025, a total of 493 VIM agreements were entered into. Of the 493 agreements, **41%** (201) specifically relate to an agreement where the client is considered an older Australian.

A total of 113 VIM agreements have been entered into where the client indicated one of the reason's they were entering into a voluntary income management agreement, was to protect their payments.²⁶ This represents a total of 23% of all VIM agreements over the same time period where the client wished to protect their payments. Out of the 113 VIM agreements where a client indicated the need to protect their payments **64%** (72) specifically relate to an agreement where the client was an older person.

Clients may not always wish to declare that the purpose of their VIM agreement is to protect their payments. As noted, Elders may be fearful of retribution or feel shame about being the subject of abuse. The FRC's data collection provides for a range of other reasons including to buy food, to pay bills, or to save for something they need, which may be recorded in the alternative.

A total of 350 VIM agreements have been entered into over the relevant time period where the client indicated one of the circumstance's they were entering into a voluntary income management agreement, was "I need to support myself". This represents a total of 71% of all VIM agreements over the time period where the client needed support for themselves. Out of the 350 VIM agreements where a client indicated they needed support for themselves 44% (155) specifically relate to an agreement where the client is considered an older Australian. This indicates a high proportion of older clients are entering into VIM agreements to ensure their payments are being used to support themselves.

VIMs and VCPs provide access to coordinated support

Many clients opting to enter into a VIM agreement are also taking up Voluntary Case Plans, for referral to support services to assist with money management and/or social and emotional wellbeing. These clients are offered ongoing assistance and case management support as part of the Commission's Client Engagement (**CE**) approach.

The FRC's CE approach is an innovative way of working with clients outside of the formal processes of conference to encourage autonomy and decision-making for themselves and their families, and if needed, receive ongoing case management support to achieve their case plan goals. The aim of this approach is to build the confidence and capacity of community members. Where the FRC continues

²⁶ When a client is entering into a voluntary agreement, they may choose one or more option to reflect their individual circumstances and reasons for participating in voluntary income management.

to have capacity to undertake this approach, it can bridge a significant gap in service provision for Elders experiencing abuse.

Even where no formal case plan is in place, where clients enter into a VIM agreement, it allows FRC staff and Local Commissioners to regularly check in on clients, for example, to ensure their card has arrived and is working, and to check in towards the end of the agreement to see if clients wish to renew their VIM before it expires.

VIMs empower people to retain agency over their financial decisions

As noted earlier, FRC community members can seek to have different proportions of their eligible welfare payments managed. Where Elders are particularly vulnerable to abuse, up to 90% of their payments can be protected. In other circumstances, where people find it a helpful tool to assist with budgeting, a smaller proportion of their income can be quarantined onto the SmartCard.

Client Story

Recently, an older male client signed up for his 5th VIM agreement with the FRC. The client requested VIM at the rate of 60% for 6 months. The client also signed a voluntary case plan to Cape York Partnerships for support with money management and budgeting while on VIM.

The client informed FRC when signing the VIM agreement that he had just been at the Men's Shed telling the group how much VIM has helped him to budget and save money. This is an example of 'local elder authority', wherein this client is making an informed decision about using VIM as a money management tool and undertaking his own peer-to-peer advocacy to support and inform others.

Along with the flexibility offered by the different income proportions able to be managed, the FRC Act also contains an inbuilt mechanism for review. A VIM agreement can be ended or amended whenever a client chooses, unless the FRC Commissioner is satisfied that ending or amending the VIM agreement would be detrimental to the rights, interests and wellbeing of children or other vulnerable persons living in the community.

The mechanism set out in the FRC Act to apply to amend or end VIM is efficient, accessible and fair. In the 2023-24 financial year, the average length of time it took the Commission to decide applications to amend or end VIMs was 3.74 days.

Recommendation 4

The Committee recognises the unique role of the FRC, as a Queensland public sector entity, and recommends legislative amendments to the Family Responsibilities Commission Act to enable VIM to operate state-wide, administered by the FRC to empower vulnerable older Queenslanders to self-refer and utilise the benefits of voluntary income management.

The FRC is a trusted part of community infrastructure and could be utilised across the State

The growth in the uptake of VIMs can, in part, be attributed to the fact that FRC has established itself as a trusted and integral part of community infrastructure over the past 16 years. However, the FRC has witnessed firsthand the increasing autonomy and personal agency of clients who are now espousing the benefits of VIM, and the support of the FRC to their family, friends and community.

This progression has enabled the FRC to identify that VIM could be made available to other First Nations communities, and indeed across Queensland, wherever it may be useful.²⁷

The Commission considers that VIM could be applied on request in any location, where a person believes the tool will assist them manage their welfare income so that bills can be paid, and money is available for food and other essentials despite challenging factors such as relationships with others.

For the FRC to administer VIM across Queensland, no conferencing process involving Local Commissioners is required. The FRC Act provides that entering into a VIM agreement is an arrangement between the community member and the FRC Commissioner, facilitated by the Registry. The application process is a simple application form completed by the individual and provided to the Registry.

To make the FRC's model of VIM accessible to more older people throughout Queensland would only require sufficient scaling of the existing administrative systems and back-end support of the Registry to manage the increase in requests. It is an extremely cost-effective intervention that can have a significant impact in a short amount of time.

The expansion of VIM to other areas would also allow the FRC Registry to support individuals across the State, by implementing a series of check-ins, as already occurs in FRC communities. The FRC could assist people to navigate and become familiar with the SmartCard.

Unlike more formal avenues such as involving the Adult Guardian or Public Trustee, which can involve a loss of control and agency, the option of a VIM allows people to retain agency over their affairs.

5. CONCLUSION

The FRC's experience supporting clients in the communities of Aurukun, Coen, Doomadgee, Hope Vale and Mossman Gorge suggests that elder abuse, in particular, financial elder abuse is common. The circumstances of remoteness and entrenched disadvantage also make the impacts of this abuse severe. The perpetrators of this abuse are usually family members.

There is a distinct lack of education and awareness campaigns or other initiatives that are specifically tailored to the needs and perspectives of older people in remote First Nations communities. However, there are strong protective factors that already exist in FRC communities, and these can be utilised to develop and implement a tailored education and awareness campaign.

There are significant service gaps specifically responding to elder abuse in remote communities. Older people who are the subject of financial elder abuse in FRC communities require intensive and

²⁷ Recommendation published in 'The FRC: A Model of Self-Determination. An Operational Analysis of the Family Responsibilities Commission from 2008 to 2022' p.138.

cohesive support. Resources need to be directed to enabling a central support mechanism, such as an Adult Safeguarding Network, in communities that leverages existing infrastructure, including the FRC.

Whilst preventative measures and systemic and programmatic social support for elder abuse are imperative, making Voluntary Income Management available to a broad range of people is a fast and effective way of empowering older people to protect their payments.

Tammy Williams, FRC Commissioner

AI Declaration: The FRC acknowledges the use of QChat to generate structure suggestions and summarise research articles.