

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

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Education, Arts and Communities Committee  
Parliament House  
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Dear Committee Secretary

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

Thank you for the opportunity to provide feedback to the Inquiry into Elder Abuse in Queensland. The Queensland Law Society (QLS) appreciates being consulted on this important inquiry into the abuse of older people (**elder abuse**) in Queensland.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals, and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

#### **Executive Summary/Key Points:**

- Preventing and responding to elder abuse requires a whole-of-government approach that involves federal, state and territory, and local governments.
- At the state level, coordination across departments and agencies is crucial.
- As Enduring Powers of Attorney (EPOA) can be used to facilitate elder abuse, we recommend several reforms including nationally consistent EPOA laws, a national model enduring document, a national EPOA register, and education for principals, witnesses, attorneys, solicitors and service providers about the nature, effect and responsibilities of an EPOA.
- Easy and supported access to independent advocacy (both legal and non-legal) and social support services for older people is essential to respond to elder abuse.
- Other recommendations include improving housing security for older people, limiting restrictive practices, continuing domestic and family violence initiatives, reviewing the adequacy of the criminal law, supporting alternative dispute resolution pathways, establishing an ombudsman/safeguarding commissioner, and combatting ageism.

## Inquiry into Elder Abuse in Queensland

This response has been compiled jointly by the QLS Elder Law Committee, Domestic and Family Violence Law Committee, Health and Disability Law Committee and Criminal Law Committee, whose members have substantial expertise in this area.

### General Comments

QLS commends the government's commitment to investigating the impacts of elder abuse in Queensland, including how elder abuse can be prevented and reduced. QLS also commends the Committee on its undertaking to hear from people with lived experience of elder abuse across Queensland. QLS has taken a special interest in the prevention of elder abuse for several years and is committed to advocating for rigorous, evidence-based services and policies to assist the victims of elder abuse and prevent further elder abuse within the community.

In February 2022, QLS and the Queensland Public Advocate released an Elder Abuse Joint Issues Paper<sup>1</sup> (**Joint Issues Paper**). This Joint Issues Paper provided an overview of responses to elder abuse and outlined the relevant legal frameworks and civil and criminal remedies available at the time of publication. The Joint Issues Paper also made a number of recommendations for law and policy reform. We encourage the Committee to consider the Joint Issues Paper in addition to this submission.

Elder abuse is an Australia-wide problem that involves harm or distress within different types of relationships and across a range of contexts. As its prevalence is so widespread, preventing and responding to elder abuse requires a whole-of-government approach that involves federal, state and territory, and local governments.

At the federal level, QLS supports the principles and focus areas outlined in the recent draft National Plan to End the Abuse and Mistreatment of Older People 2024 – 2034.<sup>2</sup>

At the state level, coordination across departments and agencies is essential. In this respect, we were pleased to see a range of state departments and agencies represented at the public briefing for this inquiry, and we look forward to seeing these departments and agencies work together on this important issue.

We would also like to note this inquiry will be of limited effectiveness if it simply identifies problems without also recommending specific solutions based on rigorous evidence. When making recommendations to Parliament following the outcome of this inquiry, we suggest the Committee details actionable items and timeframes for completion, particularly when recommending government-led action.

Moreover, the time spent engaging with people with lived experience of elder abuse, including adults living in aged care and adults with cognitive impairments, will be of limited use unless there is a genuine effort to understand their experience and concerns and take their evidence into account when developing effective policies and programs, including adopting a model of co-design where possible and appropriate.

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<sup>1</sup> The Public Advocate and Queensland Law Society, *Elder Abuse Joint Issues Paper* (2022) <[https://www.qls.com.au/Content-Collections/Papers/Elder-Abuse-Joint-issues-paper-\(1\)>](https://www.qls.com.au/Content-Collections/Papers/Elder-Abuse-Joint-issues-paper-(1)>).

<sup>2</sup> *National Plan to End the Abuse and Mistreatment of Older People 2024 – 2034 Public Consultation Draft* (2024) <[National Plan to End the Abuse and Mistreatment of Older People 2024 – 2034 Public Consultation Draft](#)>.



### **Enduring Power of Attorney laws**

EPOAs can be used to facilitate elder abuse.<sup>3</sup> In our opinion, there are several opportunities for policy reform to reduce the abuse or misuse of EPOAs.

### **Nationally Consistent EPOA Laws**

QLS strongly recommends developing nationally consistent laws governing EPOAs and a national model enduring document. In our view, these reforms should be urgently progressed as a priority for federal, state and territory Attorneys-General.

Achieving greater consistency in EPOA laws would increase clarity and awareness for all national stakeholders, including Australian families, communities, business, governments and the media. The current variation of laws relating to EPOAs across Australian states and territories makes it difficult for stakeholders (including financial institutions, health professionals, aged and disability service providers etc.) to engage with the legislation when trying to detect whether an attorney is acting beyond the scope of their powers.

### **Model Financial EPOA Law**

EPOAs for financial matters represent an appropriate starting point for discussions about nationally consistent laws and a model enduring document. Abusive acts or omissions by an attorney under an EPOA for financial matters may include, for example, failing to pay the principal's financial obligations or misappropriating the principal's money or assets for the attorney's personal use.

QLS welcomes the progress made toward achieving greater national consistency in relation to financial EPOA laws. However, such discussions must consider the jurisdictions, such as Queensland, in which a single EPOA document can be used to appoint an attorney for both financial and personal/health matters.

The Law Council of Australia has undertaken significant work on EPOA law reforms, including convening a national roundtable of experts and stakeholders and developing model provisions for nationally consistent EPOA laws.<sup>4</sup> QLS has also endorsed the draft model financial enduring power of attorney law published by the Queensland Public Advocate.<sup>5</sup> Although these draft models propose core provisions that could form the basis of a harmonised law, we acknowledge they are not comprehensive models and do not detail any specific clauses. Our members have expressed interest in providing more specific feedback when a detailed draft is available. In this respect, QLS urges the Attorney-General to continue to engage with the Standing Council of Attorneys-General to progress these essential reforms and develop a detailed draft law.

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<sup>3</sup> Australian Law Reform Commission, *Elder Abuse — A National Legal Response Final Report* (2017), 159-60, <[elder\\_abuse\\_131\\_final\\_report\\_31\\_may\\_2017.pdf](#)>.

<sup>4</sup> Law Council of Australia, *National Roundtable — Enduring Power of Attorney Law Reforms — Communiqué* (2021) <[2021\\_08\\_06\\_Communique\\_National\\_Roundtable\\_Enduring\\_Power\\_of\\_Attorney\\_Law\\_Reforms.pdf](#)>.

<sup>5</sup> The Public Advocate, *Model financial enduring powers of attorney law* (2023) <[https://www.justice.qld.gov.au/data/assets/pdf\\_file/0007/770794/final-gpa-model-financial-enduring-powers-of-attorney-law.pdf](https://www.justice.qld.gov.au/data/assets/pdf_file/0007/770794/final-gpa-model-financial-enduring-powers-of-attorney-law.pdf)>.



### ***National register of EPOAs***

The next step, after implementing nationally consistent laws and a model document, would be to explore developing a national register of enduring power of attorney documents. However, in our view, the priority at this stage should be reaching consensus on a nationally consistent law and enduring document before pursuing a national register. Without harmonising the law relating to EPOAs, introducing a national register may significantly increase the cost and complexity of, and add confusion to, the process of making an EPOA and to the concept of advance care planning more generally.

While QLS acknowledges that a national register of EPOAs could achieve several benefits, we note there are many issues that need to be considered in more detail before developing a national register. Importantly, the effectiveness of a national register in reducing elder abuse will need to be reviewed. Further, privacy concerns need to be addressed regarding access to the personal information contained in EPOAs and on any potential register, particularly when considering the register within a human rights-based framework. There are also significant issues around, for example, determining incapacity of a principal and determining the validity (and valid revocation) of an EPOA. Therefore, detailed evidence-based consultation with experts and stakeholders on the benefits and risks of a national register will be essential.

### ***Attorney Education***

An essential part of EPOA reform is educating attorneys about the nature, effect and responsibilities of an EPOA.

Our members are concerned many attorneys do not understand the significance of their appointment and their obligations to the principal, which can result in breaches of their duties. Importantly, many attorneys do not adequately understand the concept of capacity; for example a principal may have lost capacity for some decisions but still have capacity for other decisions. Further, many attorneys are not aware of supported decision-making principles and their obligation to maximise the principal's participation in decision-making.<sup>6</sup> Our members report that once it has been determined that a principal has impaired capacity, the attorney often takes over making all decisions for the principal, including decisions the principal could be supported to make themselves. This binary approach to capacity does not reflect the legislation nor the intent of the obligations to the United Nations *Convention on the Rights of Persons with Disabilities*.

There is an opportunity to bridge the gap in attorneys' knowledge at the point when an EPOA is made. Currently in Queensland, an attorney does not need to sign the EPOA document to confirm they accept the appointment, until they wish to commence the powers. Further, the attorney does not need to confirm they understand their role and responsibilities when they are appointed. However, we suggest making it mandatory for the attorney to accept their appointment by signing the EPOA document and for their acceptance to be witnessed when the EPOA is made. Additionally, we suggest the witness be required to certify they explained the nature and effect of the document to the attorney before the attorney accepted their appointment.

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<sup>6</sup> *Powers of Attorney Act 1998* (Qld) s 6C, general principle 8.



Requiring an explanation to be given to an attorney before they accept the appointment also gives the principal and attorney time to discuss any issues and gives the principal the opportunity to consider and implement other options while they still have capacity if the attorney declines the role after receiving advice.

This additional step will require the witness to be qualified to provide advice to the attorney (e.g., a legal practitioner, Justice of the Peace, Commissioner of Declarations or Notary Public who has undertaken adequate training). We acknowledge this may create additional costs and barriers, such as the cost of requiring a witness to explain the nature and effect of the EPOA, or barriers to accessing qualified witnesses in remote and regional areas of Queensland. However, given the significant nature of an EPOA and the potential for abuse, it is important to ensure attorneys understand their obligations.

To counter these barriers and facilitate greater access to authorised witnesses, it may be appropriate to consider allowing medical practitioners as witnesses, subject to the provision of adequate training. However, a medical practitioner should not be able to witness a document if they have a relationship to the attorney.

As a second step, we recommend providing better information, resources and training to attorneys after an EPOA has been signed. As there may be a gap of many years between an attorney accepting their appointment and the EPOA becoming activated, it may assist attorneys if they are given information or advice reminding them of their obligations at the time the EPOA is activated. This information should be additional to the explanation the attorney is given when they accept the appointment. Otherwise, if information or advice is only given at the time of activation, there is a risk an attorney may decline their appointment at the time of activation, which may leave the principal in the vulnerable position of having lost capacity and be without an attorney.

### ***Witness Training***

Our members have previously expressed concern as to whether Justices of the Peace and Commissioners for Declarations were given adequate training, including continuing education, in relation to EPOAs. Although new Justices of the Peace and Commissioners for Declarations are required complete a training course, we recommend a review to consider whether training should be provided to the cohort of potential witnesses who were registered before training was made mandatory.

### ***Service Provider Education***

Our members have also reported service providers, including financial institutions, health providers and legal advisors, often have a limited understanding of EPOAs. This can lead to misuse or abuse of an EPOA going unchallenged or inadvertently facilitated by a service provider who isn't aware of the attorney's obligations or limits on their powers.

For example, one significant concern is the loss of an older person's rights resulting from the misapplication of an attorney's powers, which may be supported by a service provider. Often, a service provider, such as an aged care facility, will act on the direction of the attorney to overrule the wishes of the principal, for example by limiting who can visit the principal. When the principal tries to access advocacy, the attorney intervenes and terminates the referral, and the aged care facility will block the resident's access to advocacy, as directed by the attorney. Additionally, the attorney may be assisted by solicitors to serve cease and desist letters on advocacy services.



However, it is often the attorney who the older person wishes to complain about, but they are left powerless and denied their human rights due to the misapplication of the attorney's powers.

Therefore, we suggest the Committee explore providing targeted community education for service providers, their staff and contractors. This targeted education should be aimed at helping service providers and advisors understand impaired capacity, the nature and effect of EPOAs including limits on the attorney's powers, and the difference between supported decision making and substitute decision making. It is particularly important to make it clear to service providers that a lack of capacity cannot remove an older person's right to independent legal and non-legal advocacy, even if their attorney purports to prohibit it.

Providing this type of targeted education to service providers will assist them to recognise when an attorney is acting beyond the scope of their powers and empower them to take action if they suspect abuse or misuse of an EPOA.

### **Capacity and Capacity Assessments**

Our members have reported a general lack of understanding about capacity and its assessment among the public, stakeholders (such as banks) and service providers. In particular, the presumption of capacity in Queensland<sup>7</sup> seems to be poorly understood, as are concepts of impaired capacity (where a person does not have capacity for a matter) and supported decision-making (where a person may be able to make a decision with appropriate support).

A health professional's capacity report may be required in many circumstances, such as to assist the Queensland Civil and Administrative Tribunal to determine, for example, whether a person has capacity to make a decision or whether to appoint or change an administrator or guardian. Timely completion of these reports would be supported by adequate training and resources in relation to capacity assessments. Additionally, as these capacity reports are not covered by a Medicare rebate, the cost to obtain an assessment and report can be a significant barrier to justice for people experiencing elder abuse.

QLS recommends targeted funding for comprehensive capacity reports and supported decision-making and funding for health professionals carrying out capacity assessments. QLS also calls for funding to increase genuine understanding of capacity, human rights, and supported and substitute decision-making across all stakeholders, service providers and the community.

### **Access to Advocacy and Support Services**

Easy and supported access to independent advocacy (both legal and non-legal) is essential to respond to elder abuse. In this respect, QLS highlights the need for ongoing and additional legal assistance funding for older people, such as funding to support the Seniors Legal and Social Support Services program (**SLASSS**). The SLASSS program is critically important as a community service, as older people exposed to abuse are often not able to access funds and therefore cannot instruct a private solicitor.

Members of our Elder Law Committee note the key benefit of SLASSS is the ability to provide needed help to older persons in a respectful manner. The support offered through SLASSS to older persons in our community who do not know how to deal with abusive children, relatives, friends or spouses is invaluable and difficult to access elsewhere.

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<sup>7</sup> *Powers of Attorney Act 1998* (Qld) s 6C, general principle 1.



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Our committee members have reported an increasing number of older people in the community who require assistance facilitated by SLASSS, particularly in relation to financial and emotional abuse, but also in relation to neglect and physical abuse.

Our committee members note the value of collaborating with a social worker and the education and case management provided to older persons through the SLASSS program. As many older persons are overwhelmed by trying to find help online, gaining the assistance of a lawyer and/or social worker in person or by phone is extremely helpful, as is ongoing interaction with this professional support where the person's needs are more complex due to long term abuse.

However, our committee members have noted the many challenges in assisting older people who have been, or may have been, the subject of elder abuse given the nature of their vulnerabilities and, at times, the speed with which their circumstances can change. For example, where an older person suddenly loses their home because of financial abuse or is evicted by a family member. On top of their legal concerns, the older person has the far more immediate problem of trying to find accommodation in circumstances where they often have limited funds. Compounding these difficulties is the inability of the court/tribunal system, including for reasons of procedural fairness, to act with the necessary agility to provide immediate relief and the lack of willingness of the police to act in many circumstances of elder abuse. Wraparound and coordinated support services, such as social work, mental health support and housing services, are therefore essential and need to be adequately funded.

Further, the best outcomes are allowed to occur in circumstances where lawyers and social workers engaged through SLASSS are able to dedicate sufficient time to older clients. This allows the client to develop sufficient trust in the practitioners, thereby allowing conversation to flow and important details to emerge. For this to occur, practitioners need sufficient time and resources to visit clients in their homes, hospitals or aged care settings on as many occasions as necessary.

Additionally, greater funding is required for more complex elder abuse matters. In these cases, the work needs time, sometimes months. In the current model, there is some expectation to pass the file to pro bono solicitors through organisations such as LawRight. While these services are excellent, transfer of the file can intimidate and distress older clients where they have developed a relationship with their SLASSS lawyer. Where matters need ongoing representation, the SLASSS program should be able to see the matter through to conclusion, including briefing a barrister where necessary. Often matters are terminated early because of a lack of funding, leaving the client to flail.

SLASSS also provides an opportunity, through outreach and presentations, to educate older people in aged care homes, other service providers and the public. This educational service is essential to spread the message that legal and social support is available to older people, and results in referrals directed to organisations that deliver SLASSS.

### **Housing Security**

Our committee members report that housing security can often be a factor when elder abuse is present.

The relationships older people have with their families and the potential for elder abuse by family members in relation to housing needs to be addressed. For example, the loneliness experienced by some older people is relevant and may be taken advantage of by family members when it



comes to housing arrangements. Addressing loneliness and a lack of social supports among older people may go some way to preventing these situations.

Another important factor to be addressed is housing affordability. As home ownership is becoming less affordable, it is becoming more common for older adults to guarantee their adult children's mortgages with their own homes as security. However, this leaves the older person vulnerable if the adult child defaults on their mortgage and the older person cannot pay the mortgage arrears. In this situation, the older person may face repossession of their own home, which may be their only asset, to satisfy their child's debt.

Another example is granny flat arrangements between older people and their adult children, which are becoming more attractive to families facing rising housing costs. While there are many economic and social benefits of granny flat arrangements, an inadequately documented arrangement can leave an older person vulnerable. If the relationship between an older person and their adult child breaks down, the older person may be forced to move out and could potentially lose their investment in the property. Therefore, any policy that encourages granny flat arrangements should incentivise the parties to enter into a formal written agreement that clearly sets out each party's rights and obligations.

Moreover, the appropriate, and often inappropriate, use of powers of attorney by family members can impact an older person's housing security. For example, as property values increase, an older person's attorney may choose to sell the older person's house and relocate them to alternative accommodation, such as a retirement village or aged care facility. If the older person's home has significant value, the financial gain from selling the house combined with a lack of oversight of the attorney's actions may tempt the attorney to misappropriate part of the sale proceeds for their own use. Similarly, an older person's housing security may be in the hands of an attorney who neglects to adequately maintain their house or fails to pay their financial obligations on time, such as rent or aged care fees.

In addition to addressing these issues, it is essential to provide adequately funded and easily accessible housing and homelessness support services for older people.

### **Reform of Restrictive Practices**

We have significant concerns about the misuse of restrictive practices on older people. QLS considers the use of a restrictive practice presents a serious restriction on a person's liberties, which demands an equally serious oversight, scrutiny and review mechanism. We are also concerned that restrictive practices for older people are subjected to less rigour and scrutiny than for younger people with disabilities. State legislative reform is required to bridge the divide between Commonwealth *Aged Care Act* restrictive practice reforms, and the current state guardianship and EPOA provisions.

QLS supports enhanced regulation of restrictive practices. In particular, QLS strongly supports coordination of state and national regulation of restrictive practices with a view to minimising their use across all health, aged care and disability settings.

Further work is needed to ensure service providers adequately understand and apply the legislative framework for restrictive practices. A wide-reaching education initiative is essential to ensure all service providers, stakeholders and attorneys understand what restrictive practices are and their impact. In particular, education and training should promote:



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- alternatives to restrictive practices, and emphasise the importance of reducing and eliminating their use; and
- alignment with human rights principles and supported decision-making principles.

### **Domestic and Family Violence and Coercive Control**

In our committee members' experience, elder abuse can often involve domestic and family violence, including coercive control.

QLS advocates for measures to reduce the prevalence of domestic and family violence in all its forms, better protect victims, and shift cultural attitudes and behaviours that lead to domestic and family violence.

We look forward to continued progress on initiatives to prevent domestic and family violence, hold perpetrators to account, and support victim-survivors, including ongoing implementation of the recommendations of the Women's Safety and Justice Taskforce. QLS appreciates being consulted on these initiatives and stands ready to offer feedback based on the expertise of our committee volunteers, including those on the QLS Domestic and Family Violence Committee.

Additionally, QLS recommends further exploring ways to combat coercive control as an essential step toward reducing elder abuse. In particular, the prevalence of coercive control by adult children, grandchildren, carers, and systems workers (e.g., allied health workers) needs to be addressed.

We also recommend additional support and protections be provided for older people attempting to escape domestic and family violence. For example, QLS committee members are aware that emergency accommodation is often not available in proximity to where it is required. This results in victim-survivors being sent to refuges far away from their usual home, support network, and service providers (e.g., medical and allied health), which can be very distressing for an older person.

### **Adequacy of Criminal Law**

QLS would welcome a review of whether the current criminal justice framework in Queensland adequately responds to elder abuse.

The *Criminal Code Act 1899* (Qld) contains several offences that criminalise many circumstances of elder abuse, such as assault, stealing, fraud and coercive control. The law also recognises the older age of the victim as an aggravating factor for some offences. However, there are no discrete criminal offences for elder abuse in Queensland.

There are compelling arguments both for and against introducing a discrete criminal offence for elder abuse in Queensland.

Briefly, proponents for introducing discrete offences argue these specific offences would recognise the additional vulnerabilities of older people and provide a specific pathway for victims of elder abuse to seek justice. Further, discrete elder abuse offences may act as a deterrent and provide a foundation for increased education and awareness about the significant impacts of elder abuse. A key barrier to relying on the current offences is the very limited understanding police officers have of elder abuse and identifying and addressing it.



However, opponents of introducing a new criminal offence specific to elder abuse do not support this approach on the basis that existing offences appropriately capture the conduct associated with the various circumstances of elder abuse. In addition, successfully drafting a new offence would be extremely difficult. Broadly drafted criminal offences may lack clarity and result in uncertainty within the community, particularly for older people, their family, carers, services providers, the police and the courts.

Reconciling these divergent arguments may be difficult. Indeed, there is a divergence of views on this issue among members of our Elder Law Committee and Criminal Law Committee. If required, we would be happy to provide the Committee with a more detailed analysis of these different perspectives based on the expertise of our Elder Law Committee and Criminal Law Committee.

We also suggest the Committee consider any evidence available from the Australian Capital Territory on the effectiveness of its criminal offences relating to 'vulnerable persons',<sup>8</sup> which were introduced in 2021.

### **Dispute Resolution**

In our committee members' experience, the adversarial nature of the criminal justice and general legal system may not always be the most suitable approach to dealing with issues of elder abuse. Often, the perpetrator of elder abuse is the older person's family member or carer, and the older person may be reliant on them for housing, care or other support. An older person may therefore be reluctant to take civil action against the perpetrator or report the perpetrator's criminal behaviour to authorities.

Another barrier to an older person accessing legal remedies is the cost of litigation. Civil proceedings are generally expensive and time consuming. If financial abuse has occurred, the legal cost of recovering the money may render legal action unfeasible. Further, if financial abuse has occurred or if the older person has become incapacitated, the older person may not have access to their own funds to pay for legal proceedings.

The length of time it takes to reach a resolution in civil proceedings can also be a barrier for older people. If the older person's health and well-being are declining, they may lack the strength to pursue a lengthy claim.

Alternative dispute resolution pathways, such as elder mediation services, can play a valuable role in preventing and responding to elder abuse. A qualified mediator can empower an older person to express their views and wishes in a neutral environment. Compared to court or tribunal proceedings, mediation is often less adversarial, can achieve a resolution faster or at an earlier stage, and can be provided at a low or no cost to the parties.

QLS therefore recommends the government provide ongoing and additional funding for elder mediation services in Queensland.

### **Establishment of Reporting/Safeguarding Body**

Another issue our members have raised is the lack of a body funded and authorised to investigate instances of elder abuse or suspected elder abuse, particularly in relation to older people who still have capacity.

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<sup>8</sup> *Crimes Act 1900* (ACT) ss 36A – 36C.

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QLS suggests the government considers establishing an independent statutory officer such as an 'Adult Safeguarding Commissioner' or 'Adult Ombudsman' (**Ombudsman**) with power to properly investigate allegations of elder abuse or suspected elder abuse (and which could be extended to investigating harm or suspected harm to other adults under a legal disability).

The Ombudsman would have powers of referral to appropriate courts or tribunals, the police and other relevant regulatory authorities, depending on the nature of the particular case.

This agency could provide attorneys an opportunity to seek preliminary information, through a 13Decide line, before undertaking decisions which may lead to elder abuse.

The Ombudsman should also be the peak educative body, which could publish decisions and establish education programs about elder abuse.

### **Link between Ageism and Elder Abuse**

Any plan to combat elder abuse must also address the pervasive issue of ageism, which is the stereotyping of and discrimination against individuals or groups based on their age.

The negative attitudes towards older people which are prevalent in society makes it easier for the general community to regard the welfare and the dignity of older adults as less important than the dignity of younger adults. This ageism within society can be a contributing factor in the neglect and abuse older adults.<sup>9</sup>

Therefore, a cornerstone of any State-led response to elder abuse must include a strong education component on the benefits of older people to the community. Growing older should not be considered a disability.

We would be happy to expand on any of the matters raised in this letter or the Joint Issues Paper if requested by the Committee.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on (07) [REDACTED]

Yours faithfully

[REDACTED]  
Genevieve Dee  
President

<sup>9</sup> Todd Nelson, 'Ageism: Prejudice Against Our Feared Future Self' (2005) 61 *Journal of Social Issues*, 213 <<https://doi.org/10.1111/j.1540-4560.2005.00402.x>>.