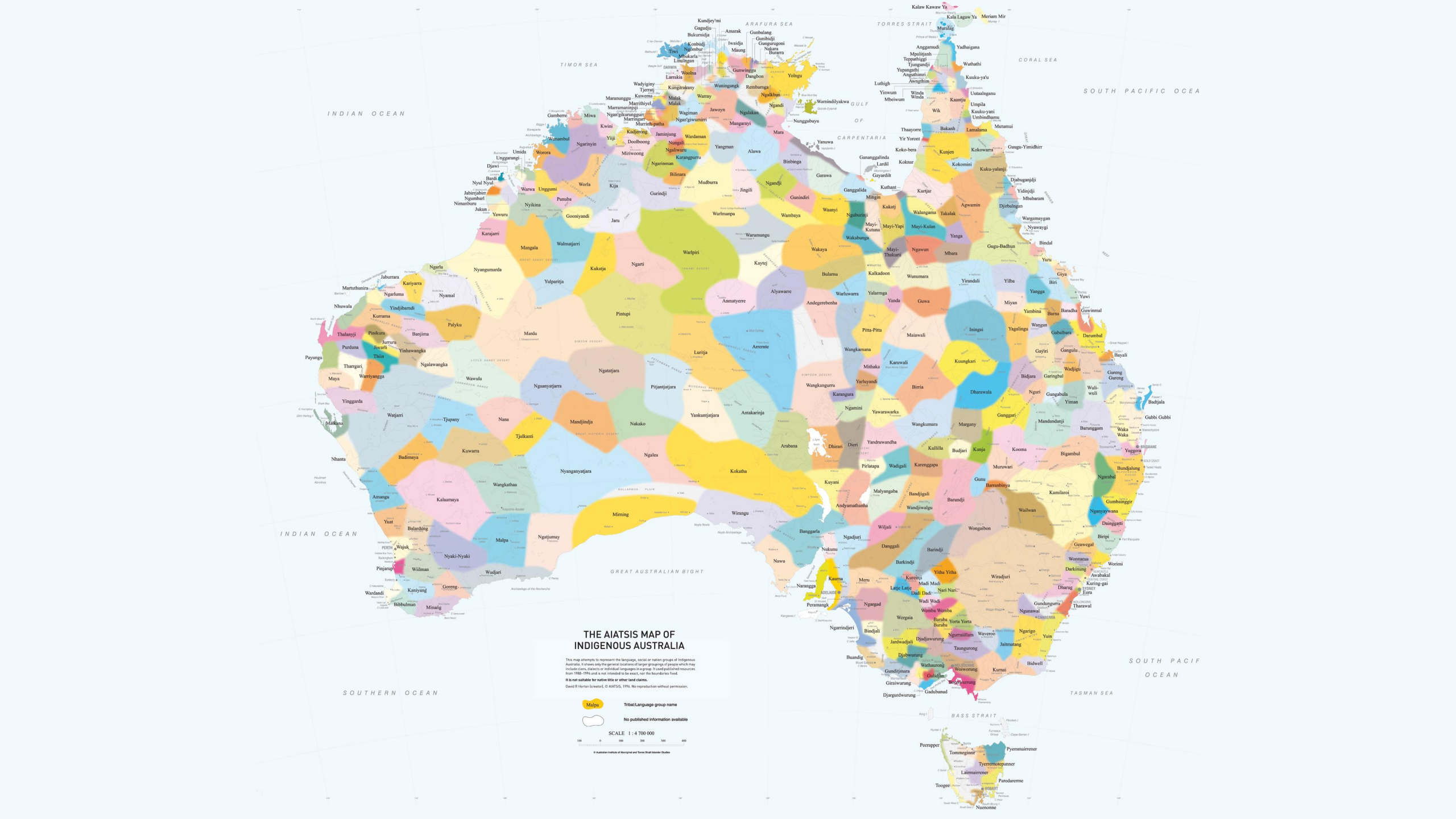
Where are we now?

Current and proposed elder abuse reforms

JOHN CHESTERMAN
Queensland Public Advocate

July 2026

The Public Advocate
Influencing change to transform lives

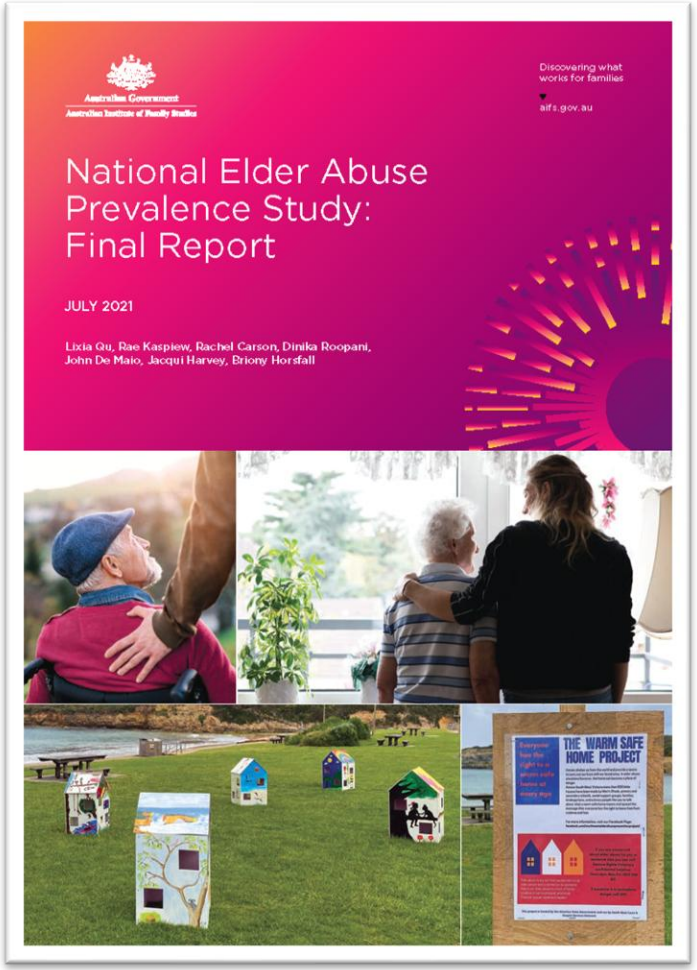

THE AIATSIS MAP OF INDIGENOUS AUSTRALIA
This map attempts to represent the language, social or nation groups of Indigenous Australia. It shows only the general locations of larger groupings of people which may include clans, dialects or individual languages in a group. It used published resources from 1988–1994 and is not intended to be exact, nor the boundaries fixed.
It is not suitable for native title or other land claims.
David R Horton (creator), © AIATSIS, 1996. No reproduction without permission.
Malpa
Tribal/Language group name
No published information available
SCALE 1 : 4 700 000
100 0 100 200 300 400
© Australian Institute of Aboriginal and Torres Strait Islander Studies
INDIAN OCEAN
SOUTHERN OCEAN
TIMOR SEA
ARAFURA SEA
TORRES STRAIT
CORAL SEA
SOUTH PACIFIC OCEA
GULF OF CARPENTARIA
GREAT AUSTRALIAN BIGHT
BASS STRAIT
TASMAN SEA
SOUTH PACIF OCEAN
Kundjey'mi
Gagudju
Bukurnidja
Amarak
Gunbalang
Gunibidji
Gungurugoni
Nakara
Burarra
Iwaidja
Maung
Konbudj
Ngombur
Tiwi
Mbukarla
Limilngan
Woolna
Larrakia
Gunwinggu
Dangbon
Yolngu
Wadyiginy
Tjerrarj
Kuwema
Marrithiyel
Maranunggu
Marramaninjsi
Ngan'gikurunggurr
Martinggarr
Murrinh-patha
Kangirakany
Malak Malak
Warray
Wuningangk
Rembarrnga
Ngalkbun
Ngandi
Jawoyn
Wagiman
Ngan'giwumirri
Ngalakan
Mangarayi
Warnindilyakwa
Nunggubuyu
Gamberre
Miwa
Kwini
Wunambul
Ngarinyin
Worora
Umida
Unggarangi
Djawi
Bardi
Nyul Nyul
Jabirrjabirr
Ngumbarl
Nimanburru
Jukun
Yawuru
Kija
Warwa
Unggumi
Worla
Punuba
Nyikina
Gooniyandi
Jaru
Karajarri
Mangala
Walmatjarri
Gurindji
Mudburra
Jingili
Ngandji
Binbinga
Garawa
Alawa
Yangman
Miriwoong
Ngaliwurra
Karanggurru
Ngarinman
Bilinara
Doolboong
Ngaliwurr
Nungali
Wardaman
Jaminjung
Kadjerong
Yiiji
Yanuwa
Mara
Thaayorre
Yir Yoront
Koko-bera
Gananggalinda
Lardil
Koknar
Gayardilt
Kuthant
Ganggalida
Mingin
Kurjar
Kunjen
Kokowarra
Kokomini
Kuku-yalanji
Guugu-Yimidhirr
Djabuganjdji
Yidinjdji
Mbabaram
Djirbalngan
Agwamin
Takalak
Walangama
Kukatj
Ngaanyatjarra
Warlmanpa
Wambaya
Waanyi
Ngburaingji
Mayi-Kutuna
Mayi-Yapi
Mayi-Kulan
Wakabunga
Warumungu
Wakaya
Mayi-Thakurti
Ngawun
Mbara
Yanga
Gugu-Badhun
Wargamaygan
Nyawaygi
Bindal
Yuru
Giya
Biri
Yilba
Yirandali
Wunumara
Kalkadoon
Bularnu
Kaytej
Warluwarra
Yalarrnga
Yanda
Guwa
Andegerebenha
Alyawarre
Anmatyerre
Pintupi
Luritja
Arrernte
Pitta-Pitta
Maiawali
Iningai
Miyan
Yambina
Barna
Baradha
Guwinmal
Yangga
Yuwi
Yagalingu
Wangan
Gabalbara
Darumbal
Gayiri
Gangulu
Bayali
Wadjigu
Bidjara
Garingbal
Gureng Gureng
Wuli-wuli
Badtjala
Gubbi Gubbi
Baruggam
Waka Waka
Yuggera
Bundjalung
Ngarabal
Gumbaingirr
Nganyaywana
Daingatti
Biripi
Geawegal
Wonnacua
Worimi
Awabakal
Darkinung
Kuring-gai
Dharug
Eora
Tharawal
Gundungurra
Ngunawal
Ngarigo
Yuin
Bidwell
Kurnai
Boonwurrung
Woiwurung
Gulidjan
Wathaurong
Djabwurung
Djadjawurung
Taungurong
Jaitmatang
Waveroo
Ngarraiillam
Jardwadjali
Wergaia
Baraba Baraba
Yorta Yorta
Wemba Wemba
Wadi Wadi
Dadi Dadi
Nari Nari
Latje Latje
Kureinji
Madi Madi
Yitha Yitha
Wiradjuri
Ngadjuri
Nukunu
Kaurna
Meru
Ngarrindjeri
Bindjali
Peramangk
Ngargad
Naranga
Nawu
Barkindji
Barindji
Danggali
Wiljali
Wongaibon
Barundji
Wailwan
Kamilaroi
Bigambul
Gunu
Barranbinya
Muruwari
Kooma
Budjari
Kunja
Kullilla
Karenggapa
Wadigali
Pirlatapa
Dieri
Dhirari
Yandruwandha
Yarluyandi
Karangura
Wangkangurru
Yawarawarka
Ngamini
Wangkumara
Margany
Dharawala
Birria
Karuwali
Mithaka
Wangkamana
Kuungkari
Nguri
Gungabula
Yiman
Gunggari
Mandandanji
Jiman
Antakarinja
Yankuntjatjara
Pitjantjatjara
Ngatatjara
Tjalkanti
Mandjindja
Nakako
Nana
Tjupany
Ngaanyatjarra
Wawula
Mardu
Pintupi
Palyku
Kukatja
Ngarti
Warlpiri
Kaytej
Bularnu
Kalkadoon
Wunumara
Yirandali
Yilba
Biri
Giya
Yuwi
Yangga
Miyan
Yambina
Barna
Baradha
Guwinmal
Iningai

Elder abuse reform landscape in Australia

I'll look thematically at recent legislative reform, inquiry recommendations and associated developments:

1. *What we know*
2. *Adult safeguarding*
3. *Adult guardianship*
4. *Powers of attorney*
5. *Other potential reforms*

1 What we know



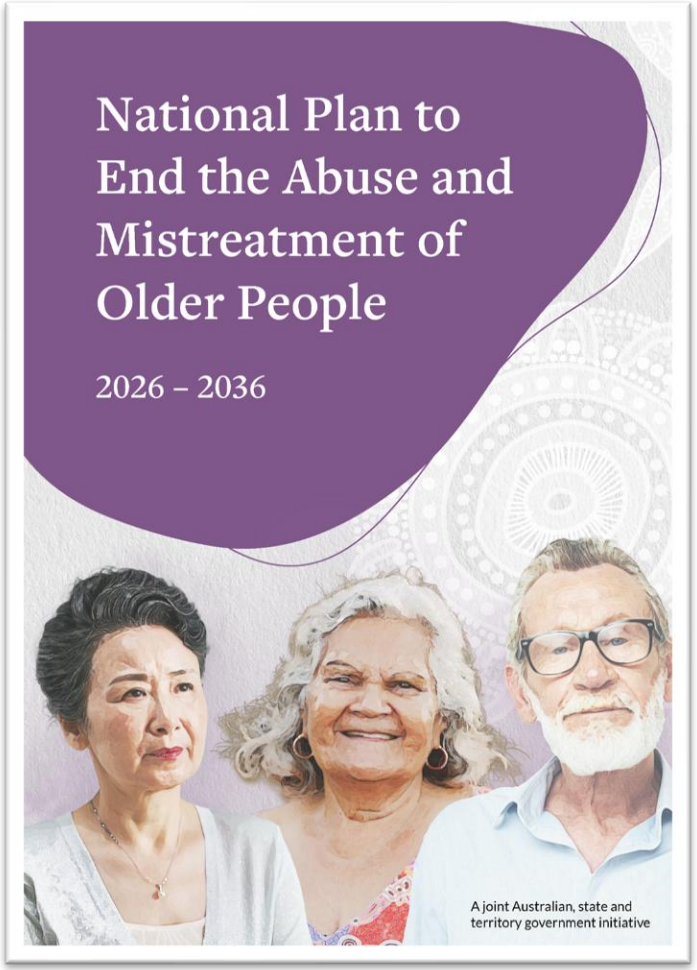
<u>AIFS prevalence study</u>:

'In the 12 months prior to being surveyed, 14.8% of the sample reported experiencing at least one form of elder abuse' (p. 32). Only one in three reported their concerns (p. 83).

Further prevalence work:

- First Nations communities (May 2026)
- Abuse and mistreatment of older LGBTIQA+ people (May 2026)
- Elder abuse and cognitive impairment
- Regional, rural and remote settings

1 What we know



Includes range of commitments, including (Priority Actions 2.1, 2.5) to:

- ‘Continue efforts to achieve greater national consistency in Enduring Power of Attorney (EPOA) laws’
- ‘Strengthen safeguarding frameworks and clarify pathways for abuse and mistreatment to be reported and addressed’.

Question: *To what extent will this drive reform?*

2 Adult safeguarding

The ALRC, having identified an 'investigation gap' (2016) concerning elder abuse, recommended that:

- Rec. 14–1 'Adult safeguarding laws should be enacted in each state and territory. These laws should give adult safeguarding agencies the role of safeguarding and supporting "at-risk adults"'.
- Par. 1.48 'Existing public advocates and public guardians … may be appropriate for this broader safeguarding function … However, some states or territories may prefer to give this role to another existing body or to create a new statutory body.'
- Rec. 14–6 'Adult safeguarding laws should provide adult safeguarding agencies with necessary coercive information-gathering powers …'
- Rec. 14–3 'At-risk adults' should mean people aged 18+ 'who:
    a. have care and support needs;
    b. are being abused or neglected, or are at risk of [this]; and
    c. are unable to protect themselves … because of their care and support needs.'

Australian Law Reform Commission, *Elder Abuse Discussion Paper*, 2016, p. 61; *Elder abuse – A national legal response.* Final Report, 2017.

2

Adult safeguarding

STATE AND TERRITORY RESPONSES

New South Wales (NSW)

- Ageing and Disability Commissioner's office, with broad investigative powers (2019)

South Australia (SA)

- Adult Safeguarding Unit, with broad investigative powers (2019)

Australian Capital Territory (ACT)

- Empowered its Human Rights Commission to receive complaints about the abuse, neglect or exploitation of 'vulnerable' Canberrans.
- It also criminalised elder abuse: making it a crime to abuse, fail to protect, or to neglect a 'vulnerable person' (defined to include people with a disability or 60+ and isolated): ss 36A, 36B, and 36C *Crimes Act 1900*.

2

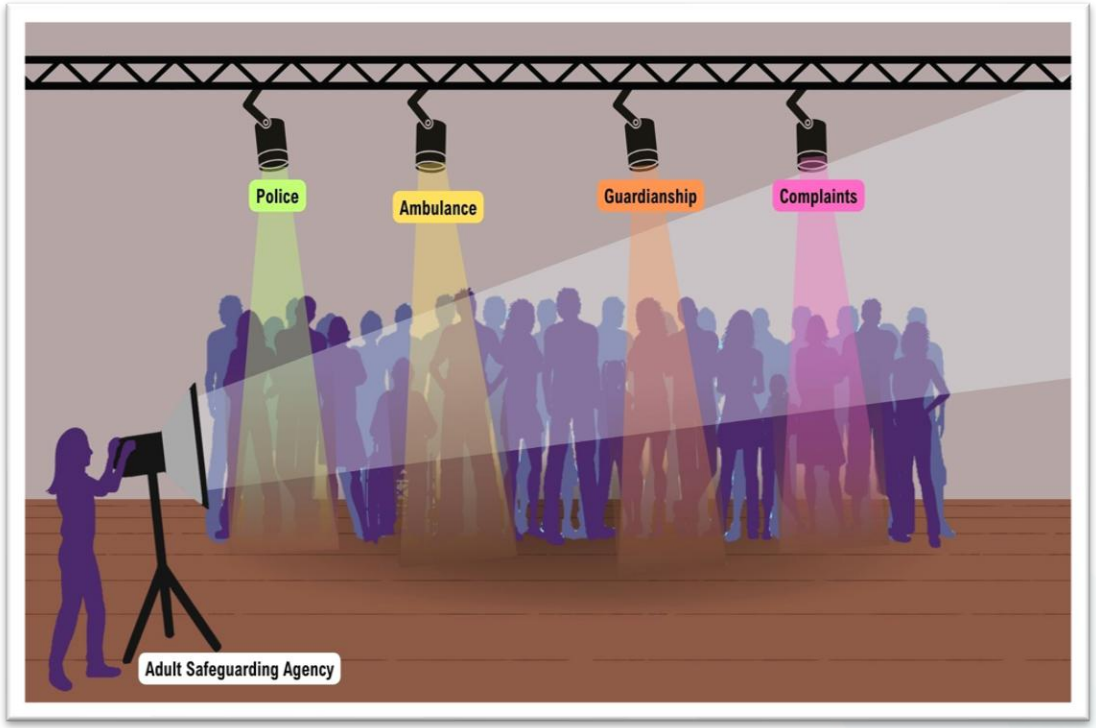
Adult safeguarding

STATE AND TERRITORY RESPONSES

Queensland (QLD)

- In 2022, I recommended the creation of an **Adult Safeguarding Commissioner** (preferred option) or empowerment of the **Public Guardian** (my other 'viable' option):

Adult Safeguarding in Queensland (two vols).



2

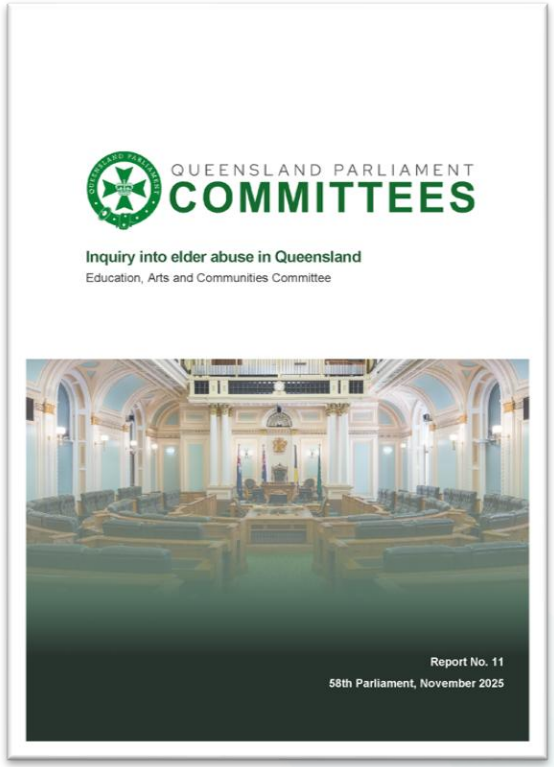
Adult safeguarding

STATE AND TERRITORY RESPONSES

Queensland (QLD)

The parliamentary committee Inquiry into Elder Abuse final report was tabled in December 2025, making 16 recommendations re:

- Data collection
- Navigation assistance
- Digital literacy
- Ageism
- Social isolation
- Supported decision making
- Harmonisation of EPAs
- Safeguarding



2

Adult safeguarding

STATE AND TERRITORY RESPONSES

Queensland (QLD)

- **Rec. 15** 'The committee recommends that the Queensland Government progress work to improve safeguarding of **adults with care and support needs who are unable to protect themselves from abuse or neglect**.'
- **Rec. 16** 'The committee recommends the **Public Guardian** be resourced to lead adult safeguarding in Queensland including the coordination and provision of supportive interventions with maximum autonomy for **adults with care and support needs who are unable to protect themselves from abuse or neglect**.'

Note: the Queensland Government (12 March 2026) said it would further consider these recommendations.

2

Adult safeguarding

STATE AND TERRITORY RESPONSES

Western Australia (WA)

Guardianship review

- Referred to adult safeguarding legislation in South Australia and noted that:
  - ‘We did not consult on such an Act and it is not strictly within the Terms of Reference for the LRCWA review. However, in our view, **the Government should consider enacting similar legislation** and consult further on the terms of such an Act.’

Law Reform Commission of WA, Final Report, Project 114, Guardianship and Administration Act 1990 (WA), 2025, par. 22.141, p. 491.

3

Adult guardianship

The **Disability Royal Commission** recommended (2023, rec. 6.8) that states and territories follow Victoria's lead in enabling individuals and the guardianship tribunal to appoint '**supporters**' (as an alternative to guardians and/or administrators).

It also recommended (rec. 6.10) that substitute decision making be made on a '**will and preferences**' basis, and that contrary substitute decisions should only be made where a 'will and preferences' approach would result in 'serious harm'.

3

Adult guardianship

Tasmania

Guardianship and Administration Act 1995 (s. 8) now requires observance of principles which include:

‘a person who requires **support** in decision making is to be provided with access to the **support** necessary to enable the person, as far as is practicable in the circumstances … to make and participate in decisions affecting the person’

‘the **views, wishes and preferences** of a person with impaired decision-making ability in respect of decisions are to be respected and used to inform those decisions’

3 Adult guardianship

Western Australia (WA)

Guardianship review:

- Preference for **supported decision making** but no proposed personal or tribunal appointment of supporters.
- '**Wishes and preferences**' approach to substitute decision making unless 'demonstrable risk of significant harm'.

Current terminology	Proposed terminology
Guardian	Personal Representative
Administrator	Financial Representative
Guardianship/ Administration Order	Personal/Financial Representation Order
Enduring Guardian/Attorney	Enduring Personal/Financial Representative

Law Reform Commission of WA, Final Report, Project 114, Guardianship and Administration Act 1990 (WA), 2025, recommendations 3 (& table 4.2, pp. 52-3), 20, 22.

4 Powers of attorney

‘A national online register of enduring documents, and court and tribunal appointments of guardians and financial administrators, should be established after:

(a) agreement on nationally consistent laws governing:

i. enduring powers of attorney (including financial, medical and personal);

ii. enduring guardianship; and

iii. other personally appointed substitute decision makers; and

(b) the development of a national model enduring document.’

Australian Law Reform Commission, *Elder abuse – A national legal response.* Final Report, 2017, Recommendation 5-3.

4

Powers of attorney

HARMONISATION OF FINANCIAL EPAs

Model financial enduring powers of attorney law

This document contains proposed core provisions that could form the basis of nationally-harmonised state and territory financial enduring powers of attorney laws.

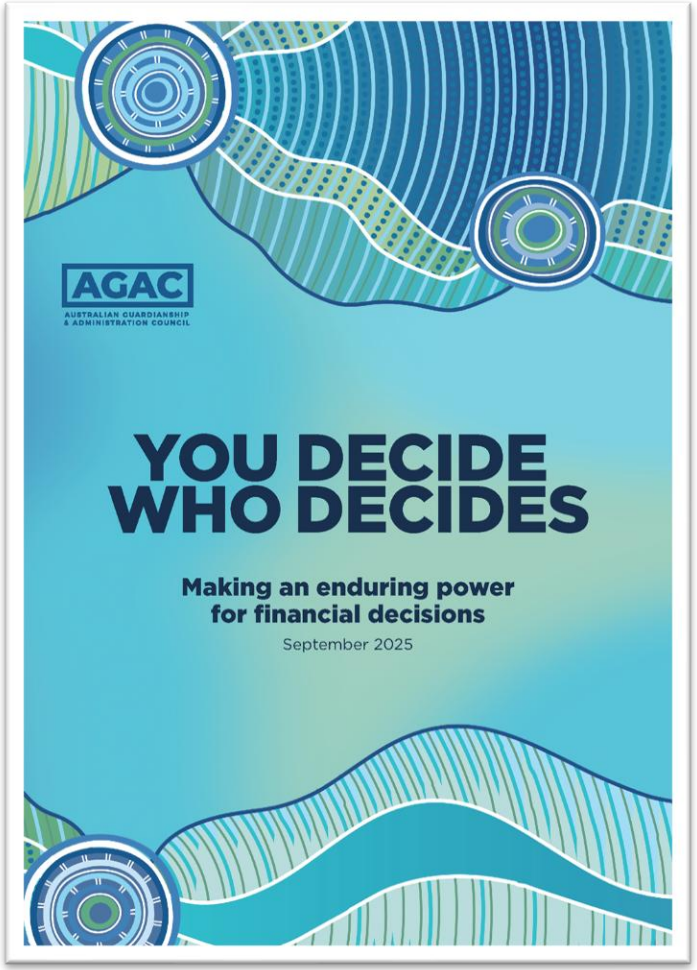
This document has so far been endorsed by the following individuals and agencies:

- Queensland Public Advocate, John Chesterman
- Queensland Law Society
- Law Institute of Victoria
- Age Discrimination Commissioner, Kay Patterson
- Victorian Public Advocate, Colleen Pearce

https://www.justice.qld.gov.au/__data/assets/pdf_file/0007/770794/final-qpa-model-financial-enduring-powers-of-attorney-law.pdf

4

Powers of attorney



Available on the Compass website

5 Other potential reforms

- Combatting social isolation and loneliness
  - Nudge policies to promote interactions (urban design, technologies …)
- Education of attorneys (under EPAs)
- Restrictive practices regulation (Aged Care Rules requirements likely to sunset in December)

In Conclusion

We are moving slowly but surely along the reform pathway.

Questions and
comments?

Thank you!