

## Submission to the Draft National Plan to End the Abuse and Mistreatment of Older People

**Date of submission:** 17 February 2025

### About Financial Counselling Victoria (FCVic)

FCVic is the peak body and professional association for Victoria's 300 practising financial counsellors. Our organisation was established in 1978 by Victorian financial counsellors to provide sector professionalisation, peer support, and undertake systemic advocacy.

FCVic's vision is *'a fairer and more equitable society with improved community wellbeing and better lives for vulnerable people'*. FCVic develops resources, builds sector capability, and advocates on behalf of financial counsellors and community members on systemic issues that cause and exacerbate poverty and financial hardship. We work with government, banks, utilities, debt collection agencies and other industries to improve approaches to financial hardship and vulnerability.

Financial counselling is a free, confidential, and independent service. It provides vital help for people experiencing, or at risk of, financial hardship. Financial counsellors are uniquely qualified professionals, specially trained to deal with complex financial matters. They assist more than 23,000 Victorians each year – including newly arrived migrants and refugees, people impacted by catastrophic natural disasters, family violence victim-survivors, and particularly pertinent to this consultation, older people.

### About this submission

We welcome the opportunity to provide a submission to the Draft National Plan to End the Abuse and Mistreatment of Older People (Draft Plan).

This submission has been informed by the input of elder abuse specialist financial counsellors, through a consultation process with FCVic's Elder Abuse Network. We acknowledge and give special thanks for their input and expertise which has helped to inform this submission.

The commentary and recommendations provided in this submission should be read in conjunction with a wide body of work already produced by FCVic (in conjunction with our advocacy partners) on issues relating elder abuse and financial abuse, including:

- [Submission to the Parliamentary Inquiry into the financial services regulatory framework in relation to financial abuse in Australia](#)
- [Stronger than Before: Rebuilding financial resilience for older bushfire residents](#)
- [Submission to the next stage in Victoria's work to end family violence](#)
- [Submission to the Inquiry into Support for Older Victorians from Migrant and Refugee Backgrounds](#)

- [Response to the draft National Plan to end Violence against Women and Children 2022-2032](#)

As the peak body, we have also developed a comprehensive three hour e-learning module for financial counselling professionals in identifying and addressing elder abuse. This e-learning module is password protected for our members, but we can make this available to the Attorney-General's office upon request, to help inform this National Plan.

Further questions about this submission can be sent to Amanda Chan, Advocacy Manager at FCVic at [achan@fcvic.org.au](mailto:achan@fcvic.org.au).

## Full list of recommendations

- **Recommendation 1:** The Draft Plan should incorporate the findings and recommendations of the *Parliamentary Inquiry into the financial services regulatory framework in relation to financial abuse in Australia*.
- **Recommendation 2:** The Draft Plan should better recognise the important role that financial counsellors can play in identifying and supporting a client through financial elder abuse.
- **Recommendation 3:** The Draft Plan and its underlying Action Plans should better recognise and nominate the roles and responsibilities of Governments in progressing legislative changes, improving government services, and funding community services.
- **Recommendation 4:** Enduring Power of Attorney reform should include:
  - National harmonisation of EPOA laws and forms
  - Training for frontline workers in how to use and understand EPOA forms
  - Ensuring that old EPOA forms are removed from circulation and no longer accepted
  - Establishment of a National Register of Enduring Power of Attorneys
  - Standardised information sheets for all parties, with acknowledgement that information has been received and understood required
- **Recommendation 5:** Reform regulatory regime to incorporate mandatory reporting of elder abuse.
- **Recommendation 6:** Governments should dedicate funding for specialist financial counselling services for people transitioning to aged care.

## Our commentary

Overall, we are supportive of this Draft Plan – the overarching messaging of a plan to **end** the abuse and mistreatment of older people is strong and makes a real commitment by government that goes above and beyond the previous National Plan to **respond** to the abuse of older Australians.

However, given the quite high-level nature of the Draft Plan, we are particularly interested in its underlying Action Plans which we expect will provide more detailed information about

the Priority Actions including how they will be SMART goals – Specific, Measurable, Achievable, Realistic and Timely – with responsibility allocated to relevant Ministers and Departments across federal, state and territory governments.

We do have feedback on specific points of the Draft Plan, to better reflect financial counsellors' frontline experience in identifying elder abuse and working to support their clients out of abuse. These recommendations may be incorporated into the Draft Plan, or its underlying Action Plans when published.

**Recommendation 1:** The Draft Plan should incorporate the findings and recommendations of the *Parliamentary Inquiry into the financial services regulatory framework in relation to financial abuse in Australia*.

A significant amount of community consultation and government inquiry through the *Parliamentary Inquiry into the financial services regulatory framework in relation to financial abuse in Australia* resulted in a report, '[Financial abuse: an insidious form of domestic violence](#)', which represented a significant step forward to meaningfully addressing financial abuse at its core, rather than efforts to tinker on the edges of reform.

The 61 recommendations of the report call for comprehensive reforms across multiple sectors to address financial abuse – both preventing and mitigating the impact of financial abuse. While all recommendations are relevant, we draw your attention in particular to the following recommendations from the report which specifically reference elder abuse:

- **Recommendation 7:** That the Australian Government undertake appropriate action, including legislation, to clarify that circumstances of family violence, elder abuse and homelessness constitute a serious threat to the life, health and safety of an individual. This may include amendments to the Privacy Act 1988
- **Recommendation 14:** That the Australian Government implement measures to achieve greater consistency in state and territory EPOA laws applying best practice to prevent financial abuse; and to promote education and awareness programs aimed at reducing elder abuse occurring through misuse of EPOAs.
- **Recommendation 22:** That financial institutions, government and relevant stakeholders all increase financial literacy education and in-person support to assist older Australians to use electronic banking services and reduce the risk of financial elder abuse.
- **Recommendation 36:** That the Australian Government consider the implementation of minimum operating standards, with a view to moving to best practice standards through continuous improvement over time, to mitigate the risk of elder abuse in relation to superannuation.

We suggest that integration of these recommendations into the Draft Plan and/or Action Plans can be done in the section titled 'Exploring enhancements to the role of institutions in preventing financial abuse'. There is no need to 'explore', as the work has already been done through the Parliamentary Inquiry.

**Recommendation 2:** The Draft Plan should better recognise the important role that financial counsellors can play in identifying and supporting a client through financial elder abuse.

Over the last six years, FCVic has trained financial counsellors in Victoria about financial elder abuse. We have worked with aged care and allied health professionals to discuss financial elder abuse and supports that can be provided by financial counsellors.

We have coordinated and supported financial counsellors who have undertaken community outreach and elder abuse awareness sessions with older people in local libraries in bushfire affected areas. The outreach activities have also included training aged care workers and assessors, who work with older people in their homes, as well as discussions with bi-lingual workers, community leaders and Aboriginal Elders about the barriers for older people in seeking help.

It has been an incredibly rich journey involving older people and workers in community agencies in elder abuse conversations – and in so doing, emphasising the important roles played by financial counsellors in addressing elder abuse.

The first of these roles is in providing a trusted source of information for community members and intermediaries about what constitutes financial elder abuse, the signs to look out for, and what supports are available.

Secondly, in providing individual assistance to older people ranging from supporting them to establish more robust financial arrangements and thus protect themselves from possible abuse, through to addressing instances of financial elder abuse and seeking remedies.

Thirdly, financial counsellors work through established networks to identify and address systemic issues, for example, inadequate safeguards on welfare or banking systems. In line with the findings of the national prevalence study, financial counsellors can also support older people in improving their financial literacy in the context of the barriers faced by older people, such as digital access and mobility.

Financial counsellors are also uniquely placed to work with current or potential perpetrators of financial elder abuse on their own financial problems, providing them with alternative options. It is important to note that financial counsellors always keep conflicts of interest top of mind, so financial counselling casework with victims and perpetrators would be carried out in separate financial counselling agencies.

Given this rich experience of engaging individuals, professionals and communities in conversations, training and service delivery relevant to elder abuse, we suggest that the role of financial counsellors be included in the Draft Plan where the role of relevant professionals has been identified. This may include under Focus Area 1 *‘Increase whole-of-community awareness, education and engagement’* and Focus Area 3 *‘Strengthen the capacity and capability of services, including through targeted education and training for professionals’*.

**Recommendation 3:** The Draft Plan and its underlying Action Plans should better recognise and nominate the roles and responsibilities of Governments in progressing legislative changes, improving government services, and funding community services.

**Recommendation 4:** Enduring Power of Attorney reform should include:

- National harmonisation of EPOA laws and forms
- Training for frontline workers in how to use and understand EPOA forms
- Ensuring that old EPOA forms are removed from circulation and no longer accepted
- Establishment of a National Register of Enduring Power of Attorneys
- Standardised information sheets for all parties, with acknowledgement that information has been received and understood required

We agree that achieving greater consistency in enduring power of attorney laws (EPOA reform) across all states and territories should be a priority under the Plan – and while this has been recognised in the Draft Plan, it lacks detail about *how* this will be done and by *whom*. Without the accountability that this detail will provide, we believe that the EPOA reform ambitions expressed through the Plan will go the same way as previous inquiries, plans and strategies – nowhere.

Financial counsellors have raised numerous issues with power of attorney laws and its implementation and regulation.

They report that staff in banks and other service providers who might encounter power of attorney forms get confused because of the variety of forms across different states and territories. This confusion is more likely to lead to instances of elder abuse because of a lack of full understanding of the implications of the use of these forms. A nationally harmonised approach to EPOA, with consistent training for frontline workers on how to use and understand the EPOA forms being presented, coupled with ensuring that old EPOA forms are removed from circulation and no longer accepted by service providers, will help to address this risk.

Further, it has been suggested that an additional protective factor in the use of EPOA could be the establishment of a National Register of Enduring Power of Attorneys. Drawing a parallel to financial counselling – when clients give their financial counsellor authority to act on their behalf, the client completes a Financial Counselling Authorisation Form which the financial counsellor can use when speaking to service providers.

Service providers are then able to verify the financial counsellor’s professional authority using their registration number on a central register managed by the national peak body, Financial Counselling Australia. This register of professional authority acts as an additional protective factor against exploitation – and we suggest that the establishment of a National Register for Enduring Power of Attorneys would act the same way.

Additional protective factors could be improved information for the person being appointed via an EPOA, for the older person, and for other related parties (e.g. other family members who have an interest in the health, wellbeing and safety of the older person). Standardised information sheets that are required to be provided to all parties, with acknowledgement that the information provided has been understood, should be required before entering into an EPOA. These information sheets should be in plain English, and if needed, made available in different languages or formats.

Further to the important role of government in progressing EPOA reform, the Draft Plan should also recognise the role that governments can play in:

- Progressing reform of government services including Services Australia and the Australian Tax Office (see the recommendations of the Parliamentary Inquiry)
- Committing to appropriate funding levels for community services in addressing elder abuse – across both federal and state funding streams

We note that the Draft Plan noted the important role of the non-for-profit sector, community services and community leaders in identifying abuse and mistreatment risks and indicators, raising awareness of available supports, combatting ageism and upholding older peoples' rights. This important role must be supported with funding levels that are commensurate to the level of community need, through long-term commitments from all levels of government.

**Recommendation 5:** Reform regulatory regime to incorporate mandatory reporting of elder abuse.

Financial counsellors have raised concerns about the lack of reporting options, enforcement of seniors rights, and structured interventions to ensure welfare. When they have previously tried to raise concerns based on suspicions of elder abuse, they have been informed that no action could be taken without them witnessing an incident of elder abuse with their own eyes (see case study provided below).

**Case study presented from a financial counsellor in regional Victoria**

An elderly couple lives with an adult child who 'helps' them run the family farm.

The financial counsellor had concerns with client's hygiene, suspected economic abuse with the farm income, and exploitation of the parents with them doing all the physical work while the child manages the decision-making and all the income.

Several service providers became involved:

- The local health provider, as the father had recent life-threatening health concerns.
- RSPCA were involved, due to concerns about the animal welfare of cattle.

The financial counsellor called Seniors Rights Victoria and spoke in detail of her concerns. She was told by the team that to make a report, an incident must be witnessed – suspicions alone are insufficient.

The financial counsellor will continue to work with the family, but the lack of reporting options is problematic.

When you compare this to the robust regulatory and reporting regime for child abuse, where Child Protection will investigate based on suspicions raised rather than actual incidents witnessed, the difference is stark.

Like child abuse, elder abuse happens behind closed doors. When you consider the complex family relationships that usually underpin elder abuse, it makes it very unlikely that victim-survivors will speak up about their experiences. It is paramount that professionals and service providers have the ability to raise concerns and suspicions and have them taken seriously.

Existing tools may be adapted to the elder abuse context to minimise duplication – for instance Victoria’s Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework could be used for training, screening, information gathering, risk management and safety planning purposes, and the 1800 ELDERHelp phone line upgraded to perform a similar function to child protection hotlines across the country.

**Recommendation 6:** Governments should dedicate funding for specialist financial counselling services for people transitioning to aged care.

The transition to home care and aged care is identified by financial counsellors as a huge situational risk factor for financial elder abuse as the process is complex and difficult to navigate.

Financial counsellors are generally not involved in the transition of older people into residential care, with residential care providers typically directing people to access financial advisors or planners. For those on limited incomes or assets, the cost of accessing financial advice can be prohibitive. Residential care providers should be required to direct people to free and reliable information and support through financial counselling services or Services Australia’s Financial Information Service Officers.

To support this, governments should dedicate funding for specialist financial counselling services for people transitioning to aged care – through Aged Care Assessment Services. This role could support elders with the transition to home care packages and residential aged care, assisting with debt relief and hardship applications, Centrelink negotiations, budgeting and aged care costs. This role would be designed to safeguard the person’s financial interests to protect against the risk of financial exploitation, while ensuring they receive the care required in a financially sustainable way.

We note that Royal Melbourne Hospital’s Aged Care Assessment Service was the first agency to trial a co-assessment model with financial counselling as part of the Integrated Model of Care. This tried-and-true prevention strategy, identifying financial abuse and financial coercive control early in the assessment process of the transition to aged care, requires large-scale national funding.

**Thank you for the opportunity to provide this submission to the consultation on the Draft National Plan to end the Abuse and Mistreatment of Older People, on behalf of Victorian financial counsellors who each year, assist over 23,000 vulnerable people experiencing financial hardship.**