Council on the Ageing
Queensland

Submission to the Review of the Charter of Victims' Rights (Stage 1)

October 2025

Council on the Ageing
Queensland

Council on the Ageing Queensland is a for-purpose statewide charitable organisation.

We are the state's Seniors Peak and Seniors Social Isolation Prevention Peak and work with and for older adults, advancing the rights, needs, interests, and futures of people as we age. For more than 60 years, we have worked to influence positive social outcomes for older Queenslanders.

We connect directly with older Queenslanders, their families, carers, and organisations, service providers, consumer advocates, special interest groups, and our federal, state and local governments. We engage with all of these groups to understand needs, aspirations, and priorities for older people in Queensland, and partner to achieve the best outcomes for people as we age.

Our work includes policy analysis, community education, representation, evaluation and research, community engagement, and cross sector collaborations to achieve systemic change. We deliver funded programs directly to older people in need and provide sector support to those organisations who offer aged care and other services to older people.

We seek to eliminate ageism and support healthy ageing and growth of age-friendly communities. There are many areas of policy development needed to achieve this – elder abuse, energy, social isolation and loneliness prevention, climate resilience and disaster preparedness, digital inclusion, health, housing, and transport are just a few.

Our vision is that ageing is a time of possibility, opportunity, and influence.

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Acknowledgement
Council on the Ageing Queensland acknowledges Australia's First Nations Peoples as the original custodians of this land.

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Executive Summary

Council on the Ageing Queensland welcomes the Stage 1 Review of the Charter of Victims' Rights and strongly supports a Charter that is simple, practical, and enforceable.

As the independent peak body for older Queenslanders, we hear from people who experience abuse, mistreatment, neglect, ageism, and digital exclusion, and who (along with their support networks) often struggle to find help across fragmented systems. Many do not identify as "victims" or realise they have enforceable rights.

Older people's experiences highlight the need for a Charter that moves beyond aspiration and clearly outlines who is responsible, how rights are upheld, and how agencies are held to account.

Our submission calls for a Charter that:

- Embeds human rights principles of dignity, safety, equality, and free from harm.
- Recognises ageism as a major barrier to justice.
- Provides clear, consistent service standards for key agencies.
- Ensures plain-language information and assisted access for all victims, especially those at risk or facing disadvantage.
- Extends coverage to publicly funded and non-violent offence contexts such as scams and financial abuse.
- Strengthens oversight and reporting through the Victims' Commissioner.

Our six key recommendations

1. Reframe the Charter as a practical enforceable human-rights framework.
2. Expand the scope of rights to include protection from ageism and unfair treatment, and supports/guarantees for access, recovery, and restitution.
3. As part of implementation of the Charter, set minimum service standards for key agencies with public reporting, independent oversight, and transparent complaints (feedback and complaint pathways, supports, and how this data is sensitively handled and shared to inform future reform).
4. Prioritise equity and inclusion with specific considerations (tailored rights) for older people, First Nations older people and Elders, culturally and linguistically diverse, LGBTIQA+, and people living with disability or experiencing changing capacities.
5. Improve awareness and accessibility of information through clear explanations, use of plain language, interpreters or translators, and service navigators with provision of information in multiple formats.
6. Strengthen accountability with annual oversight and reporting by the Victims' Commissioner.

These changes would ensure Queensland leads the nation in protecting victims' rights, making justice systems safer, fairer, and more responsive for everyone, especially older people.

Older Queenslanders and the Charter of Victims' Rights

Council on the Ageing Queensland (COTA QLD) strongly supports the review of the *Charter of Victims' Rights*. COTA QLD is an independent, non-partisan peak body for older Queenslanders. Through systemic advocacy, research and policy work, in addition to our community engagement, aged care navigation service, sector development, and seniors' social isolation prevention peak work, we have deep insight into the barriers and challenges older Queenslanders face when seeking safety, justice, and recovery after significant life events. We work to advance the rights, needs, interests and futures of people aged 50 years and over.

We have a long-standing interest in preventing and responding to the abuse and mistreatment of older adults, including within complex family dynamics, service provision, and everyday environments. We regularly hear from older people about their experiences with ageism (both internalised and structural), digital exclusion, fragmented care pathways, and fear of reprisal where perpetrators of abuse are within their family, support or care networks, or community.

Drawing on insights from our submission to the Queensland Parliamentary Inquiry into Elder Abuse, as well as broader COTA QLD work, we emphasise that the Charter of Victims' Rights (the Charter) must remain clear, usable and effective, signalling consistent and timely processes that are understood and accessible to those people it serves. We recommend moving beyond aspiration to real-world implementation of the Charter through plain-language access and ensuring equity for vulnerable cohorts. Further, we recommend provision of clear agency responsibilities for compliance and oversight, embedding enforceable human rights, transparent reporting, and ensuring consistent application across service systems.

We outline in more detail five areas for consideration in the review of the Charter in relation to older victims and their support networks, which is followed by six recommendations.

1. Purpose of the Charter

The Charter's purpose should encompass the establishment of a rights framework, making explicit that victims' rights are human rights grounded in dignity, equality, and protection from harm. The Charter should also provide a practical safeguard, ensuring access to timely supports, clear pathways, and remedies when rights are breached. Accountability should also be embedded, holding agencies responsible for compliance, with clear oversight and consequences for failure outlined.

Many older people experiencing abuse feel invisible within the justice and service systems. Victims often do not identify as having 'rights' that could be claimed, particularly where there is a complex situation underpinned by ageism, complex family dynamics or power imbalances, and a fear of retaliation.

The Charter should explicitly affirm older people's right to safety, autonomy, and freedom from coercion. Having awareness of ageism embedded within its purpose (which would benefit all aged cohorts), and frame victims' rights as enforceable.

2. Scope of rights

While the current Charter lists recognition, information, support, safety, recovery, and complaints, we suggest the following could be expanded upon in more detail for clarity, enforceability, and equity purposes:

Recognition and respect
Having explicit protections against discrimination (ageism, racism, sexism, ableism, homophobia, transphobia).

Support and advocacy
Guaranteeing availability of interpreters, translators, accessible formats, digital and in-person support, and funded system navigators (in key agencies that are first point of contact for older victims).

Information and updates
Information rights to timely, proactive, and accessible updates with clear accountability for which agency delivers them.

Recovery
Older victims can face exclusion from decision-making, communication barriers (cognitive impairments, digital exclusion), and lack of restitution when perpetrators are family member. Right to pursue financial restitution, and access to supports such as counselling, housing security, and assistance with maintaining independence.

Complaints and enforceability
Remedies, oversight, and mandatory agency reporting to ensure accountability.

The Charter must be inclusive, culturally safe, and tailored to vulnerable groups including older people, particularly those who identify as First Nations (older people and Elders), culturally and linguistically diverse (including recently arrived migrants), and LGBTIQA+ communities, and people living with disability.

3. Implementation of the Charter and rights-based frameworks

We have identified several considerations in the implementation of the Charter where there is potential for inconsistencies which includes systemic barriers, specifically fragmentation where victims are forced to navigate disconnected systems (e.g., justice, legal, health, housing, and aged care). Victims and frontline staff potentially are unaware of rights-based frameworks such as the Charter. In addition, application of the Charter might be inconsistent or applied unevenly across agencies and regions, and this may come from e.g., limited knowledge regarding the Charter, lack of clarity regarding how the Charter might or might not intersect with other rights-based frameworks or legislation and statutory instruments (state and national), or confusion regarding which set of rights/rights-based frameworks are applicable to a specific situation.

From a systemic perspective, there are multiple instruments or frameworks provided in legislation, protective mechanisms, and (in a broad sense) safeguarding when people are addressing rights related to concerns, harm, abuse or mistreatment including neglect of older persons. Whether in community or home settings, or clinical or care settings, or justice and legal settings, for example, there are different interpretations of the frameworks which can add to the overwhelm of navigating which rights are applicable (indirectly or directly) to certain situations and settings.

For example, in addressing matters related to older persons in a formal care setting who are living with disability, in addition to the Charter (and acknowledging the mechanisms and frameworks acknowledged in the Charter issues paper), the following might be relevant:

Queensland legislation and statutory instruments

Right to Information Act 2009 (Qld)
Human Rights Act 2019 (Qld)
Anti-Discrimination Act 1991 (Qld)
Disability Services Act 2006 (Qld)
Mental Health Act 2016 (Qld)
Information Privacy Act 2009 (Qld)

National legislation

Aged Care Act 2024 (Cth) — Statement of Rights (Part 3, Division 1).
Competition and Consumer Act 2010 (Cth), Schedule 2 — Australian Consumer Law
Disability Discrimination Act 1992 (Cth)
Privacy Act 1988 (Cth)

However, in reality, for older victims, the scope of legislative and protective mechanisms is very broad and diverse.[1]

[1] For an understanding of the complexity and in places, decentralised legislative context of protection of rights and supportive mechanisms for older Queenslanders, here is an example list of legislation:
Legislation (commonly cited): Domestic and Family Violence Protection Act 2012 (Qld); Powers of Attorney Act 1998 (Qld); Guardianship and Administration Act 2000 (Qld); Public Guardian Act 2014 (Qld)
Legislation (specific contexts): Aged Care Act 2024 (Cth); Hospital and Health Boards Act 2011 (Qld); Health Ombudsman Act 2013 (Qld); Mental Health Act 2016 (Qld)
Financial and consumer protection: Australian Consumer Law (ACL) (Competition and Consumer Act 2010 (Cth)); Financial Sector Reform (Hayne Royal Commission Response) Act 2020 (Cth); Social Security Act 1991 (Cth); Superannuation Industry (Supervision) Act 1993 (Cth)
Housing and tenancy: Residential Tenancies and Rooming Accommodation Act 2008 (Qld); Retirement Villages Act 1999 (Qld); Manufactured Homes (Residential Parks) Act 2003 (Qld)
Anti-Discrimination and Human Rights: Anti-Discrimination Act 1991 (Qld); Human Rights Act 2019 (Qld); Age Discrimination Act 2004 (Cth)
End-of-Life and Decision-Making: Voluntary Assisted Dying Act 2021 (Qld); Advance Health Directives (under the Powers of Attorney Act 1998 (Qld)); Coroners Act 2003 (Qld)
Workplace and Carer Rights: Carers (Recognition) Act 2008 (Qld); Fair Work Act 2009 (Cth)
Legal Protections Against Abuse and Exploitation: Public Trustee Act 1978 (Qld)

Further considerations may include delays from long wait times for information/referrals/supports/services which can potentially retraumatise victims and prevent safety planning, and digital and geographic inequities where regional and remote victims potentially face limited services and digital exclusion.

The rights need to be embedded in the implementation of the Charter, and this would be ensured by agencies enacting e.g., performance measures and standardised reporting/reporting requirements. This might also consider annual reporting and oversight by the Victims' Commissioner.

Moreover, victims should be informed of their rights in plain language at first point of contact. This needs to be presented alongside other rights frameworks or legislative and protective mechanisms also in plain language, according to their unique needs and context. There needs to be allowances made for soft copy and hard copy resources and provision of these at community 'hubs' where older persons frequent in everyday life or when engaging with essential services or community services and supports.

4. Victims' experiences

When rights are not upheld, older victims can experience silencing, fear, and retraumatisation. This is particularly complex for at risk or vulnerable older adults who can be dependent on perpetrators for e.g., housing, assistance in the home, or informal care, which prevents the older person from making disclosure.

Further, older people may be deterred from disclosure if they feel shame or stigma regarding an unsafe or harmful situation, or they may feel disempowered after attempting to navigate system interfaces (e.g., crisis supports, housing, legal aid, social services, aged care, community supports, health care) without receiving the assistance or supports that they require.

Through a systemic advocacy lens, where older victims are believed and supported, there is a greater chance of trust and rapport being established and more disclosure over time which may strengthen hope and resilience for the older victim.

The Charter, as part of ensuring practical, accessible enforcement of rights, could embed a prescribed service standard that incorporates considerations around appropriate language and discussion prompts in relation to reducing shame or stigma, reflective listening, trauma informed communication including elicitation of information in a respectful sensitive manner.

5. Primary issues for older Queenslanders and why change is required

Recognition and definitions

Current definitions of 'victim', 'family', and 'dependent' exclude later-life supports such as carers, grandchildren, and chosen family. It is important to recognise in an older person's life these roles might be different, and thus also important to classify who is e.g., a dependent. This will ensure appropriate supporters are recognised and involved from first contact.

Amend definitions to explicitly recognise elder abuse as victimisation and include definitions or terminology which recognises and is inclusive of non-traditional carers.

Ageism as barrier to dignity and respect for older victim and responsiveness of systems

Older people report being dismissed or disbelieved which can delay access to services and supports and compound trauma. This further creates a feeling of invisibility[2] and these attitudes from service systems, staff within service systems, families, and older persons with themselves, is underpinned by societal ageism, malevolent ageism, benevolent ageism, and internalised ageism. The more ageism is addressed (across all aged cohorts of victims) the more secondary harm is reduced, which improves trust throughout the disclosure and resolution trajectory, and means better outcomes for victims and their families.

Strengthen the Charter by embedding explicit anti-discrimination language, and through provision of information, education and training to mitigate or avoid ageism. A rights-based anti-ageist approach ensures older people are listened to and feel validated.

Support, advice, and advocacy (assisted access) including information and updates

In transposing rights into practice and access to services and supports, individuals' unique situations and circumstances should be recognised, and this requires a tailored approach. The wording in relation to victims of crime have the right to be told about services and remedies they can receive "at the earliest practicable opportunity" is vague.

There are no clear timing or responsibilities outlined for sharing and provision of information and updates. Victims can be told of decisions after the fact. In addition, we hear from older people in complex situations of administration 'fatigue' in reporting and provision of evidence (which may also be experienced within complaints pathways and general disclosure).

Older victims and their support networks may require examples of help seeking/support trajectories (a resource) to provide reassurance. In addition, ensuring that they are informed along the way/throughout the process helps to mitigate expectations (rather than potentially generating more anxiety regarding timelines for information provision).

In addition, many older people face digital exclusion, especially in rural and regional communities, and/or those people living with cognitive impairments or experiencing changing capacities. When they are being informed about services such as counselling, financial assistance, legal aid, help to apply for a domestic violence order, court support, or help for

[2] Age Discrimination Commissioner, Robert Fitzgerald, has raised that the concept of 'invisibility' as part of age-discrimination and ageism; more recently, he has raised this in the context of ageism in service systems particularly health and aged care. Some references which may assist in deepening understandings of age discrimination and visibility and representation of older persons:

Fitzgerald, R. (2024). *Address to the National Press Club: Why Australia needs Ageism Awareness Day* [Speech, 25 September]. Australian Human Rights Commission. https://humanrights.gov.au/about/news/speeches/age-discrimination-commissioner-robert-fitzgeralds-press-club-address

Australian Human Rights Commission. (2024). *Shaping perceptions: How Australian media reports on ageing* [Report, 1 October]. https://humanrights.gov.au/our-work/age-discrimination/publications/shaping-perceptions-how-australian-media-reports-ageing

abuse, mistreatment or neglect, this needs to be done with (trauma informed and cultural) sensitivity, in plain language, in their first language, in an accessible format and in hardcopy where required.

There already exists models for assisted access such as navigation of information and services and supports for older people and their families e.g., Care Finders (aged care navigation). These types of models could be drawn upon to shape how dissemination of information from the Charter, the Charter itself, and relevant services and supports are shared with older people.

Finally, acknowledging the formal information and updates in relation to direct statutory authorities such was Director of Public Prosecutions (DPP) and Queensland Police Service (QPS), for all other agencies, possibly having a prescribed service standard for how information and updates are communicated and recommendations for e.g., doing this throughout the help seeking trajectory, would further assist in providing reassurance and mitigating expectations.

Create a right to assisted access (interpreters, supported decision-making, accessible formats, warm referrals) with funded navigators. This needs to be trauma informed and with trained and non-judgemental support persons or navigators.

There needs to be examples of help seeking trajectories or pathways to mitigate expectations of which stage or how the victims and their support networks receive information and updates. Further, the Charter should mandate explanations (along with clear definitions) of rights at first contact with the victim and their support persons. A prescribed service standard would also assist relevant agencies and organisations in managing expectations particularly in relation to information and updates.

Safety and privacy

The Charter lacks explicit detail around safety and privacy. For victims, safety depends on privacy, and this should reduce risk and build the victim's confidence throughout pathways and proceedings. In addition, considerations around informed consent to share information could be embedded in a service standard (preventing poor outcomes where information is not shared due to privacy concerns).

The Charter should list types of data that must be protected, adopting a 'non-intrusion unless necessary' approach, and standardise opt-in safety notifications (in relation to e.g., custody/bail/release). In addition, an explanation regarding informed consent and what this means when sharing information between e.g., the agency and the victim, or when information is shared between agencies.

Recovery in relation to property/evidence and financial redress

Rights are also critical in instances of property or evidence (including digital data) being held too long, lost or mishandled or when information is unclear in relation to financial redress. Rights regarding recovery in relation to property or evidence and financial redress support stability and independence of the older victim.

The Charter, as part of an embedded prescribed service standard, could provide guidance for key agencies around handling hardcopy and softcopy data and information, and include confidentiality and privacy considerations in the preservation of digital data. The Charter also needs to embed rights to clear information on reimbursement, compensation, and assistance.

Complaints and accountability

Victims may be unaware of complaints pathways, and the complexity in navigating these pathways can deter older people from disclosure and/or seeking assistance. There is also a need for capture of more of the victims' perspectives.[3] However, in handling sensitive data, there are complexities in managing confidentiality, privacy and ethics versus the growing need for agencies to share de-identified case studies and stories to address intersecting issues, for example, abuse and mistreatment of older people. It is important therefore to ensure appropriate mechanisms (and service contexts) for safe disclosure.

There needs to be established a single-front-door pathway with anti-reprisal safeguards, maximum resolution timelines, and public reporting, which will contribute to making rights enforceable and highlight systemic inequities.

Coverage gaps (who must uphold the Charter)

Some publicly funded services used by older people sit outside obligations (are not obligated to uphold the Charter), yet older victims, particularly those with limited existing supports or who are part way through help seeking pathways, must not lose their rights at system interfaces or service boundaries.

Extend obligations – those who must uphold the Charter - to all publicly funded services that interact with or (where evidence shows) have the potential to interact with victims.

Scope of victims (non-violent offences)

The Charter excludes victims of non-violent crime, despite prevalence of fraud including increasingly sophisticated scams and financial abuse. The impact to older victims' lives from fraudulent behaviours can have insidious and substantial impacts to mental and physical health and wellbeing. Recognition of the impacts of this type of criminal behaviours would also provide greater recognition of and reflect older people's risk profile and address increasing patterns of financial abuse (which often co-occurs[4] with other forms of abuse and mistreatment such as neglect, social abuse or psychological abuse).

[3] For example, through a criminology lens, it is centred on the perpetrator and their actions and trajectories within the criminal justice system.

[4] View original research on co-occurring abuse types: Gillbard, A. (2022). *Commonly co-occurring abuse types - elder abuse guide*. [Guide]. Uniting Care. http://dx.doi.org/10.13140/RG.2.2.34235.69923

There is increasingly strong anecdotal evidence which would suggest extending the rights within the Charter to victims of non-violent offences such as financial abuse or create an assessment or matrix which acts as a prompt for 'aggravated' vulnerability.

Mental Health Court

The older victim would not before the Mental Health Court, but the person charged, it would therefore be timely to raise more awareness of the older victims' vulnerability which would prevent undermining their participation and ensure greater safety.

The Charter would benefit from insertion of rights to information, inclusion, progress updates, and specialised supports, particularly for older victims.

Recommendations

In consideration of the above, Council on the Ageing Queensland provides six overarching recommendations:

1. Reframe the Charter as a practical enforceable human-rights framework.
2. Expand the scope of rights to include protection from ageism and unfair treatment, and supports/guarantees for access, recovery, and restitution.
3. As part of implementation of the Charter, set minimum service standards for key agencies with public reporting, independent oversight, and transparent complaints (feedback and complaint pathways, supports, and how this data is sensitively handled and shared to inform future reform).
4. Prioritise equity and inclusion with specific considerations (tailored rights) for older people, First Nations older people and Elders, culturally and linguistically diverse, LGBTIQA+, and people living with disability or experiencing changing capacities.
5. Improve awareness and accessibility of information through clear explanations, use of plain language, interpreters or translators, and service navigators with provision of information in multiple formats.
6. Strengthen accountability with annual oversight and reporting by the Victims' Commissioner.

It is hoped that collective recommendations from the review will inform a practical, rights-based framework for a Charter of Victims' Rights that is enforceable, inclusive, and accountable.

Evidence we gathered to inform the Queensland Parliamentary Inquiry into Elder Abuse demonstrates the urgent need for reform to ensure that older victims - who are too often silenced or overlooked - are afforded safety, dignity, and justice. Council on the Ageing Queensland therefore urges that the review deliver a strengthened Charter that upholds these rights for all victims. Queensland can lead nationally in ensuring that all Queenslanders, particularly older people, are heard, protected, and supported throughout their recovery.