The Honourable David Thomas, Reviewer
Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26
GPO Box 149
Brisbane QLD 4001
qcatactreview@justice.qld.gov.au

Submission to the Queensland Civil and Administrative Tribunal Act 2009 (QCAT Act) Statutory Review (2025–26) – Merits review. Issues Paper 2

28 January 2026

Dear Mr Thomas,

Council on the Ageing Queensland (COTA Queensland) welcomes the statutory review of the *Queensland Civil and Administrative Tribunal Act* 2009 (The Act). The Queensland Civil and Administrative Tribunal (QCAT) was established as an accessible and efficient way of resolving civil or administrative disputes by providing a timely, cost-effective alternative to traditional court proceedings.

Since the completion of the last statutory review of The Act in 2018, it has become clear that QCAT is being increasingly impacted by significant operating pressures. This is immediately evident from the current timeframes for resolution from application as published on the QCAT website.[1] However, for older Queenslanders engaging with QCAT, these pressures can also create additional barriers as the specific needs of older people become homogenised either by necessity or operational expediency.

Many older Queenslanders engage with QCAT at times of vulnerability or crisis, including when they experience, or are at risk of, elder abuse. Through its jurisdiction in guardianship, administration, retirement villages and tenancy matters, QCAT further plays a crucial role in protecting older people from financial exploitation, neglect and abuse and upholding the supported decision-making principles adopted in Queensland in 2020.

There are currently no comprehensive state or national safeguarding frameworks,[2] leading to siloed systems and reactive service responses. Older people often face inaction, unclear help-seeking pathways, and long wait times for service assessments or queries. To address these systemic issues, COTA Queensland advocates for strengthening information, navigation, and legal protections within a unified framework for preventing the abuse and mistreatment of older people.

We present four specific considerations to ensure that reforms to The Act strengthen QCAT's capacity to be accessible, responsive, cost-effective, and fair.

[1] https://www.qcat.qld.gov.au/applications/timeframes
[2] COTA Queensland has also noted this in the context of upholding the older person's rights in the context of Charter of Victims' Rights, and the context of the Parliamentary Inquiry into Elder Abuse in Queensland.

1. Accessibility and inclusion

In 2024, 52.3% of people aged 65 and over were living with a disability, compared to 15% of those aged under 65.[3] Despite these statistics, stereotypes often perpetuate misconceptions regarding the capacity of older adults to seek help or make decisions. While cognitive impairment and dementia are increasing in the population,[4] even those without cognitive limitations find the complexity of tribunal matters overwhelming due to physical disabilities.

COTA Queensland emphasises that embedding human-rights frameworks and protective measures is essential to mitigate ageism and unfair treatment.[5] Justice systems must prioritise equity for diverse groups, including Aboriginal and Torres Strait Islander older people and Elders, culturally and linguistically diverse communities, LGBTIQA+ communities, and older people experiencing changing capacities.

Systemic barriers are compounded by digital inequity, pre-existing health conditions, and trauma, which limit the ability of older people to navigate complex legal requirements. When tribunal systems assume high levels of health literacy or digital access, older people, particularly in regional or rural areas, may struggle to meet procedural requirements or identify help-seeking pathways. These barriers are further intensified when individuals must navigate fragmented state and federal systems (e.g., health, aged care and social services) simultaneously.[6] To address these accessibility challenges, COTA Queensland recommends:

- Applying an age-inclusive lens to all QCAT processes, including flexible participation modes and routine audits to identify age-related barriers.
- Investing in navigator roles and mobile community connectors to assist those in rural or remote areas.
- Ensuring all forms, notices, and decisions meet the Plain Language Standard (ISO 24495-1:2023)[7] and are available in accessible formats.
- Mandating appropriate training for all QCAT members and staff to increase understanding of disability, ageism and elder abuse.
- Co-designing mediation and hearing spaces with older people to enhance flexibility and accessibility.
- Appropriately resourcing advocacy services to help older Queenslanders understand complex tribunal matters.

2. Transparency and access to information

Older people and their carers often struggle to obtain the information necessary to progress matters at QCAT, particularly evidential requirements like medical records. When a lack of documentation

[3] https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release
[4] In 2025, an estimated 85,200 people in Queensland were living with diverse forms of dementia. It is projected that 168,300 older Queenslanders will be impacted by cognitive impairment by 2054.
[5] Council on the Ageing Queensland. (2025). *Submission to the Review of the Charter of Victims' Rights (Stage 1)* [Submission, October 2025]. In response to the Office of the Victims' Commissioner – Charter of Victims' Rights review: https://www.victimscommissioner.qld.gov.au/our-work/review-of-the-charter-of-victims-rights
[6] Council on the Ageing Queensland. (2025). *Pushing through the layers. The complexities of combatting abuse of older Queenslanders through advocacy and policy* [Conference presentation, 13 November 2025]. Australian Association of Gerontology (AAG) 2025 national conference, Alice Springs.
And: Council on the Ageing Queensland. (2025). *Submission to the Inquiry into Elder Abuse in Queensland*. [Inquiry submission, April 2025]. https://cotaqld.org.au/wp-content/uploads/2025/06/20250424_EA_Inquiry_COTAQ_FINAL.pdf
[7] As per International Organisation for Standardisation (ISO) - ISO 24495-1:2023: https://www.iso.org/standard/78907.html

prevents a matter from being brought forward, finding and navigating formal complaint mechanisms becomes difficult. Furthermore, we have noted that there is a lack of follow-up with complainants, which diminishes trust in the system.[8]

Digital change poses a significant threat to transparency for 'at-risk' older adults. Those with low literacy, sensory impairments, or limited access to technology face heightened anxiety regarding digital requirements. Because digital capability underpins autonomy and the ability to manage matters like Enduring Powers of Attorney or tenancy disputes, lack of digital inclusion increases exposure to scams and discrimination. Assistive technologies must be integrated into system design to ensure that online services do not lead to the disengagement of older adults from justice pathways.[9] To improve transparency and information access, COTA Queensland recommends:

- Establishing minimum service standards for key agencies including public reporting and independent oversight.
- Ensuring The Act provides for multiple participation pathways, including in-person, telephone, paper-based, and online options.
- Improving complaint mechanisms by ensuring appropriate administration, follow-up, and feedback for the complainant.
- Establishing a formal referral process between QCAT and the Office of the Public Advocate to help older adults navigate systemic barriers.
- Standardising de-identified data collection and reporting to support evidence-based policy and system accountability.[10]

3. Access to representation

Self-representation is often a major hurdle for older people in QCAT. While an applicant can request leave to be represented, this adds a complex step to an already distressing process. This is particularly acute when the opposing party is a family member, carer, or someone in a position of power, such as a landlord. The perceived power imbalance can lead to significant anxiety. To alleviate the burden of self-representation, COTA Queensland recommends:

- Granting As-of-Right Representation to adults over 65 under section 43(2) of The Act under specific circumstances.
- Defining these circumstances within The Act to include disputes with close family members or landlords, where the vulnerability of the older person is most pronounced.

4. Trauma-informed practices and safety

Elder abuse and mistreatment are recognised forms of trauma, especially when perpetrators are family members upon whom the older person may depend for housing or care. Coercion, dependency, and reduced decision-making capacity often force individuals to remain in abusive

[8] This is a key finding of COTA Queensland's research and was a recommendation within our submission to the Qld Parliamentary Inquiry into Elder Abuse: https://cotaqld.org.au/wp-content/uploads/2025/06/20250424_EA_Inquiry_COTAQ_FINAL.pdf

[9] Some of the digital literacy considerations raised in this response are informed by our work undertaken in the submission: Council on the Ageing Queensland. (2024). *Digital inclusion for Queenslanders – Response. Prepared for Department of Communities, Housing and Digital Economy*. [Submission, 12 January 2024].

[10] Council on the Ageing Queensland. (2025). *Submission to the Review of the Charters of Victims' Rights (Stage 1)*. [Review response, October 2025].

situations, leading to increased psychological harm.[11] COTA Queensland highlights that when rights are not upheld, older people experience silencing, fear, and re-traumatisation.[12]

Health factors also complicate safety. For example, cognitive impairments or depression can lead to the misinterpretation of abuse cues as psychiatric issues. Health professionals focussed on specific treatments may under-detect signs of harm.[13] Furthermore, older people may feel shame or stigma, or fear retaliation such as the loss of essential services if they disclose abuse.

A person-centred, trauma-informed approach that promotes autonomy and holds perpetrators accountable is required.[14] Justice responses must mirror this by adopting flexible approaches that address systemic ageism and prioritise the dignity of older Queenslanders. To ensure safety and trauma-informed practice, COTA Queensland recommends:

- Implementing targeted trauma-informed responses across all care settings and systems.[15]
- Significantly uplifting the skills of frontline staff, including police and judicial officers, in trauma-informed communication and the nature of elder abuse.
- Creating dedicated advocacy roles to support older people through complex administration and complaint processes across various settings.
- Strengthening QCAT's internal capacity to support a flexible, trauma-informed approach specifically tailored for older adults.
- Mandating the registration and independent oversight of Enduring Power of Attorney laws, including the recognition of coercive control.

Council on the Ageing Queensland believes that by embedding these four considerations around accessibility, transparency, representation, and trauma-informed approaches into the reform of the Act, the tribunal can better serve as a safeguard for the rights and dignity of older Queenslanders. We look forward to the outcomes of this review and the opportunity to ensure that our justice system remains fair and accessible for all.

Sincerely,

Stephanie Power

Senior Policy and Research Officer

Council on the Ageing Queensland | policy@cotaqld.org.au

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[11] Queensland Mental Health Commission. (2024). *The Queensland Trauma Strategy 2024–2029*. https://6232990.fs1.hubspotusercontent-na1.net/hubfs/6232990/QMHC_Qld_Trauma%20_Strategy_Report_Accessible.pdf
And: Mitchell, L. (2024). *Trauma in an older adult context* [Policy brief]. Queensland Mental Health Commission. https://6232990.fs1.hubspotusercontent-na1.net/hubfs/6232990/TraumaOlderAdults_finaldraft.pdf

[12] Council on the Ageing Queensland. (2025). *Submission to the Review of the Charter of Victims' Rights (Stage 1)* [Submission, October 2025].

[13] Assessment overrides or influences psychosocial or psychological needs or assessment of these needs, or there is a lack of or limited understand of trauma-informed approaches to assessment and care, as discussed in: Queensland Health. (2025). *The health of Queenslanders. Report of the Chief Health Officer Queensland. Ageing and future health care demand. Assessing the effects of population ageing on the health of Queenslanders and demand for health care services to 2032*. [Research report] https://www.choreport.health.qld.gov.au/from-the-cho/ageing-and-future-healthcare-demand

[14] The draft National Plan to End the Abuse and Mistreatment of Older People 2024 - 2034 highlights this point: Attorney-General's Department, Commonwealth Government. (2024). *Draft National Plan to End the Abuse and Mistreatment of Older People 2024–2034 (Public consultation draft)*. https://consultations.ag.gov.au/families-and-marriage/eamop/user_uploads/draft-national-plan-to-end-the-abuse-and-mistreatment-of-older-people-2024-2034.pdf

[15] As called for by the Queensland Mental Health Commission. Queensland Mental Health Commission. (2024). *The Queensland Trauma Strategy 2024–2029*. https://6232990.fs1.hubspotusercontent-na1.net/hubfs/6232990/QMHC_Qld_Trauma%20_Strategy_Report_Accessible.pdf
And: Mitchell, L. (2024). *Trauma in an older adult context* [Policy brief]. Queensland Mental Health Commission. https://6232990.fs1.hubspotusercontent-na1.net/hubfs/6232990/TraumaOlderAdults_finaldraft.pdf