

SUBMISSION

Draft of the National Plan to End the Abuse and Mistreatment of Older People 2024-2034

21 February 2025

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Director - Protecting the Rights of Older Australians Section
Attorney General's Department
3/5 National Circuit
BARTON ACT 2600
AUSTRALIA
Via email: nationalplan@ag.gov.au

21 February 2025

Dear Mr Browne

Draft of the National Plan to End the Abuse and Mistreatment of Older People 2024-2034

The Association of Superannuation Funds of Australia (ASFA) is pleased to provide this submission in response to this consultation by the Attorney-General's Department (AGD).¹

About ASFA

ASFA, the voice of super, has been operating since 1962 and is the peak policy, research and advocacy body for Australia's superannuation industry. ASFA represents the APRA regulated superannuation industry with over 100 organisations as members from corporate, industry, retail and public sector funds, and service providers. We develop policy positions through collaboration with our diverse membership base and use our deep technical expertise and research capabilities to assist in advancing outcomes for Australians.

We unite the superannuation community, supporting our members with research, advocacy, education and collaboration to help Australians enjoy a dignified retirement. We promote effective practice and advocate for efficiency, sustainability and trust in our world-class retirement income system.

ASFA's Opening Comments

This submission will first provide our opening comments in relation to the Plan. **Attachment A** then provides detailed responses in relation to superannuation specific scenarios.

ASFA supports the Government's Draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034 ('the Plan').

We agree with the Attorney General, the Hon. Mark Dreyfus KC MP, who said when releasing the Plan:²

*[T]he abuse and mistreatment of older people – whether it be physical, psychological, sexual, financial or another form of mistreatment or neglect – **has devastating consequences for older Australians, their families and communities.***

ASFA expresses profound regret at the fact that, the report found that one in six Australians aged 65 years or older, or 14.8 per cent, experienced elder abuse in a twelve-month period.³

¹ AGD, *Draft of the National Plan to End the Abuse and Mistreatment of Older People 2024-2034* ([12 December 2025](#)).

² The Hon. Mark Dreyfus KC MP (Attorney-General of Australia), *Consultation opens on the National Plan to End the Abuse and Mistreatment of Older People* ([12 December 2024](#)).

³ AGD, *Draft of the National Plan to End the Abuse and Mistreatment of Older People 2024-2034* ([12 December 2025](#)).

Modelling recently compiled by ASFA indicates that older Australians may be especially vulnerable when it comes to superannuation if they are divorced or separated.

For example, the table below shows the differences available in superannuation for divorced men and women as they age. With men likely to have significantly more in superannuation than women at each age range and across all cohorts.⁴

| Table 6: Superannuation balances of divorced persons by age and gender | | | | |
|---|----------------|--------------|----------------|--------------|
| | Women 50 to 59 | Men 50 to 59 | Women 60 to 69 | Men 60 to 69 |
| 10% | 1,100 | 0 | 0 | 0 |
| 20% | 10,000 | 40,000 | 0 | 0 |
| 30% | 37,500 | 89,674 | 2,000 | 4,500 |
| 40% | 80,000 | 150,000 | 53,000 | 55,000 |
| 50% | 120,000 | 150,000 | 97,000 | 103,000 |
| 60% | 160,000 | 166,500 | 140,500 | 140,000 |
| 70% | 205,500 | 225,500 | 235,000 | 230,000 |
| 80% | 280,000 | 350,000 | 380,000 | 343,000 |
| 90% | 402,000 | 580,000 | 570,000 | 700,000 |

The tables below also show that divorced men and women are more significantly more likely to rent between the ages of 50 and 69 than the general population.

Table 2: Housing tenure of divorced women and men aged 50 to 59

| Housing tenure | Women | Men |
|---------------------|-------|-----|
| Own outright | 21% | 18% |
| Own with a mortgage | 33% | 40% |
| Rent | 43% | 37% |
| Live rent free | 2% | 5% |

Table 3: Housing tenure of divorced women and men aged 60 to 69

| Housing tenure | Women | Men |
|---------------------|-------|-----|
| Own outright | 44% | 35% |
| Own with a mortgage | 17% | 19% |
| Rent | 37% | 42% |
| Live rent free | 2% | 54% |

⁴ ASFA modelling.

Conscious that issues of the mistreatment and abuse of older people can most acutely affect those who are already more vulnerable than the average population, ASFA supports taking strong action to combat this clear issue in the Australian community.

Therefore, ASFA supports the six key principles of the Plan which are outlined below:

1. A human rights-based approach.⁵
2. Combatting ageism.⁶
3. Listening to and learning from the experience of older people and diverse communities.⁷
4. A strong focus on prevention and early intervention.⁸
5. Supporting individual decision-making, autonomy and dignity.⁹
6. A person-centred and trauma-informed response.¹⁰

On the four 'Focus Areas' outlined before, ASFA has the following comments for each, as outlined below:

1. Increase whole-of-community awareness, education and engagement.¹¹
 - The Government should consider establishing an Elder Support Network (ESN) agency with case management support.
2. Enhance legal frameworks and adult safeguarding responses.¹²
 - The Government should establish integrated reporting for financial services organisations to raise suspicious matters relating to managing accounts for older people.
3. Strengthen the capacity and capability of services, including through targeted education and training for professionals.¹³
 - The Government should facilitate faster intervention and case management for individual organisations managing complex relationships and misuse of guardianship powers.
4. Address gaps in the evidence base and increase collaboration.¹⁴
 - The Government should establish a linked network or database for reporting suspicious activity and evidence that may be linked to the abuse or mistreatment of older people.

The actions the Government is taking in this space accord with ASFA's own strong recent action in relation to all forms of financial crime, including elder abuse, which is outlined in detail below. This includes:

1. ASFA's Better Practice Guidance on Minimum Fraud Controls for Superannuation Funds ([here](#))
2. ASFA's Financial Crime Protection Initiative ([FPCI](#)), which seeks to help industry and consumers work together to fight financial crime through:
 - Enhancing collaboration and knowledge sharing between funds and critical service providers including custodians, administrators and technology providers
 - Developing industry-wide frameworks to combat financial and cybercrime
 - Connecting the superannuation sector, government agencies and related financial services bodies
 - Helping make Australians aware of the actions they can take to protect their super and data from scammers.

⁵ AGD, *Draft of the National Plan to End the Abuse and Mistreatment of Older People 2024-2034* ([12 December 2025](#)), 34.

⁶ Ibid, 37.

⁷ Ibid, 38.

⁸ Ibid, 40.

⁹ Ibid, 42.

¹⁰ Ibid, 44.

¹¹ Ibid, 46-8.

¹² Ibid, 49-53.

¹³ Ibid, 54-56.

¹⁴ Ibid, 57-8.

ASFA's FCPI was launched in September 2024, bringing together the relevant experts from across our broad membership. ASFA is now convening two working groups as part of this initiative, focused on developing standards in relation to scams and cyber security.

3. ASFA's [recent submission](#) on reforming Australia's Anti-Money Laundering and Counter-Terrorism Financing (AML/CTF) regime.
4. ASFA's [11 October 2024](#) submission on the reforms to Australia's privacy laws, where we agreed with the Attorney-General, the Hon Mark Dreyfus KC MP, that:¹⁵

Strong privacy laws and protections are critical to building public trust and confidence in the digital economy, and driving the investments needed to keep people's data safe. The right to privacy is a fundamental human right.

5. ASFA's [25 October 2024](#) submission to the Parliamentary Joint Committee on Intelligence and Security in relation the Government's Cyber Security Legislative Package and our subsequent submission on [14 February 2024](#) regarding the relevant regulations.
6. ASFA's [9 January 2024](#) submission to the Senate Economics Legislation Committee on the Scams Prevention Framework Bill 2024.

All the efforts outlined above show that ASFA and our members are determined to combat all forms of financial crime. In our minds, this includes the abuse and mistreatment of older people – especially when it is perpetrated through exploiting their superannuation. We wish to continue to work constructively with the Government to take strong steps to combat the scourge of elder abuse.

Attachment A then provides detailed responses in relation to superannuation specific scenarios.

Thank you for the opportunity to contribute to his consultation. If you have any questions, please contact ASFA Senior Policy Adviser, Sebastian Reinehr, at sreinehr@superannuation.asn.au or on 0474 704 992.

Yours sincerely

James Koval

Head of Policy and Advocacy

¹⁵ *Commonwealth Parliamentary Debates*, House of Representatives, [12 September 2024](#), 21 (The Hon. Mark Dreyfus KC MP)(Privacy and Other Legislation Amendment Bill 2024 – Second Reading Speech)

Attachment A - ASFA's Comments Regarding Superannuation Specific Contexts

To assist this consultation, ASFA asked our members a series of questions in relation to mistreatment and abuse of older people in the superannuation specific context. Feedback received is outlined below:

1. What are some common scenarios in superannuation that can lead to the abuse and mistreatment of older people?

- Older persons and family members can experience conflict over use of guardianship and Enduring Power of Attorney ('EPOA') to access financial information and control superannuation benefits for personal gain of the EPOA.
- Large lump sums are required on entry to aged care – usually funded from sale of older person's home, or withdrawal from super account.
- The gradual loss of decision-making capacity by older person, leading to family members stepping in to assist the person with their financial affairs, can cause complexities.
- Older parents can end up sharing accommodation with adult children, with the parent is funding living expenses and accommodation costs for both.
- Older people can struggle with use of technology (e.g. online access to super account, MyGov, ATO, Medicare and Centrelink).
- Older people can be more susceptible to scams than younger people.

2. How does your organisation deal with each of the scenarios outlined above?

- When interactions with older person and their representatives give rise to concerns that the older person is not acting of their own accord, staff will raise a Suspicious Matter Report (SMR). This team investigates the member's account and interactions with the fund to determine if there are signs of unauthorized access to the older person's account.
- Prevent withdrawal blocks are placed on the account if signs of unauthorised access or lack of decision-making capacity, until the fund is provided with evidence of a valid authority to act on member's behalf.
- Online account access is disabled where there are suspicions that family member is accessing older person's account.
- Additional security checks are in place for large withdrawals (verbal confirmation of bank details).
- Withdrawals can only be made to bank account owned by the member (except where affairs of the member are administered by the State Trustee and Guardian).
- Use of One Time Pin to member's mobile phone for security checks on inbound calls, and to approve transactions on member's online account.
- No online access to member's account for EPOA or other Third Party (accountant, solicitor etc).
- If loss of capacity is suspected, funds require evidence of member capacity from a medical practitioner.
- If loss of capacity is confirmed, the fund requires nomination of a valid authorised person (EPOA or Financial Management Order from State Trustees) to maintain and transact on the member's behalf.
- Beneficiary nomination cannot be added, amended or renewed by authorised persons (only by the member).
- Referral for welfare checks by emergency services if there are immediate concerns for member's safety.
- Referral to vulnerable members team to offer urgent support and referral to other external services.

3. What does your organisation do to help combat the abuse and mistreatment of older people?

- Referral to our internal vulnerable member team for individual case management for members showing signs of being unable to maintain and transact on their accounts.
- Detailed and specific security protocols to ensure only member and authorised third party (such as EPOA or State Trustee) can access member's accounts.
- Building relationships with State Trustee & Guardian to ensure a clear escalation pathway where elder abuse is suspected.
- Specific training of service centre staff on how to recognise and respond to vulnerable members.
- Specific training by external legal advisors of insurance case managers, complaints case managers and priority assist case managers on dealing with members where there is suspicion that an attorney (EPOA) is taking advantage of their position, and how to deal with situations where we suspect that member's legal capacity is in question but not yet proven.
- Prompting members to declare if any transaction or change to their account is not for their benefit or initiated by them.