

**To:** Department of Social Services (DSS) / Attorney-General's Department

**Mail:** DSS Feedback, GPO Box 9820, Canberra ACT 2601

**Regarding:** The National Plan to End the Abuse and Mistreatment of Older People 2026-2036

**Topic:** Response to report

## **Introduction: Elder Abuse is Everybody's Business**

Sapience Financial, an authorised representative of an AFSL, has served as a secure foundation for Australians, working exclusively in the risk protection space since 2000. Led by award-winning adviser, author, and speaker Drew Browne, our practice protects clients through specialised life insurance services and estate planning documentation to manage complex life risks. We offer this submission in response to the National Plan to End the Abuse and Mistreatment of Older People 2026-2036, advocating for practical solutions that safeguard the dignity of our elders.

### **1. Executive Summary: The Manual Override**

Current state-based Enduring Power of Attorney (EPOA) frameworks are no longer fit for purpose to survive the looming intergenerational wealth transfer. They fail because they are designed to respond to forensic theft, not to behavioural grooming.

The existing jurisdictional lottery creates a playground for 'Inheritance Impatience', where a lack of a central registry renders older Australians systemically invisible. Furthermore, the lack of a modern community vocabulary leaves people unable to name and recognise at-risk behaviours. Sapience Financial calls for a manual override of the National Plan's timeline: shifting the focus to primary prevention by accelerating the National Online Register of Enduring Documents to a 2026 deployment mandate. We must intervene before elder abuse reaches the point of total financial system collapse.

### **2. The Power of 'Pre': The Skin Cancer Analogy**

In Australia, we do not wait for a stage-four melanoma to become visible before we begin educating the public on sun-smart behaviours. We look for the 'pre' identifiers: the constantly irritated mole, the unusual spot, the early warning signs. We pre-screen because the 'pre' is curable, while the metastasis is a tragedy.

Financial elder abuse follows the same biological path. It begins as 'Financial Sunburn': small, unreturned loans and awkward boundary testing. If left unchecked, these behaviours metastasise into inheritance impatience. The system currently lacks the clinical screening tools and matching social vocabulary to identify these early cellular changes within the family unit.

### **3. The Invisible Siphon: The Grooming Protocol**

The National Plan focuses heavily on overt acts of mistreatment, yet the most devastating damage occurs in plain sight during the grooming phase.

- **Financial Grooming:** The systematic isolation of the older person, the normalisation of inheritance impatience, and the 'Testing of the Fence' via small, unauthorised digital transactions.
- **Structural Decay:** Grooming creates a state of systemic invisibility. By the time a 'simple' EPOA is activated, the scavenger has already established narrative control over the victim's finances.

**Recommendation:** Legislative reform must recognise financial grooming as a criminal precursor, allowing professionals to trigger interventions based on behavioural markers rather than waiting for a forensic deficit.

#### 4. Taxonomy of Risk: The Spectrum of Predators

We identify two distinct predatory profiles currently invisible to standard professional screening:

- **The Predator on the Couch (The Intimate Scavenger):** Uses emotional leverage and physical proximity. They frame their control as 'taking the stress out of the bills' while subtly re-routing the digital paper trail.
- **The Predator in the Client List (The Professional Scavenger):** Younger family members who act as the primary point of contact for their parents. They weaponise parental trust, pushing for 'simplicity' and 'handshake' agreements to avoid the friction of a professional audit.

**The Bank of Mum and Dad:** The physics of failure is most evident here. Without a documented acknowledgement of family loan, the law invokes the 'Presumption of Advancement', assuming a transfer to a child is a gift. Documenting the debt is the only forensic shield against this structural theft.

#### 5. The Problem: The Scavenger's Playground

The physics of failure in the current system stems from three structural defects:

1. **Jurisdictional Friction:** Scavengers exploit the lack of communication between state and territory registries to move assets across borders, bypassing local safeguards.
2. **The Validation Gap:** Third parties, such as banks and medical professionals, operate in a diagnostic fog, unable to verify the validity of a document in real-time.
3. **The Simple Template Trap:** Generic, low-tensile EPOA templates lack the specific 'Anti-Siphon' wording required to prevent coercive control.

#### 6. Proposed Reform: The 2026 Mandate

We propose four immediate interventions to harden the system:

- **National Online Register (2026 Delivery):** A blockchain-secured, real-time database of all Enduring Documents (modelled off PEXA Electronic Conveyancing) to eliminate the jurisdictional lottery.
- **Accredited Witnesses:** Inclusion of AFSL Authorised Advisers as accredited witnesses to Power of Attorney and Enduring Guardianship documents, bringing professional

supervision to the documentary process.

- **Mandatory Forensic Screening Frameworks:** Adopting the national child protection blueprint for mandatory reporting. Professionals (Advisers, Lawyers, and Bankers) must be legislated as mandatory interveners required to ask 'Prescribed Awkward Questions' in private consultations (strictly excluding children). This introduces 'Friction by Design' to detect grooming behaviours.
- **Prescribed Selectable Phraseology:** Moving away from simple EPOA templates in favour of high-tensile documents that legally separate parent and child assets via documented loan agreements.

## 7. The Role of the Private Sector (Sapience Case Study)

Sapience Financial is already implementing a 'Shadow Registry' standard as a private-sector response to the National Plan. We currently utilise:

- **Documented Family Loans:** To neutralise the Presumption of Advancement.
- **RFID Shielding:** To create a digital perimeter for the older person's autonomous funds.
- **Specialist Protective Clauses:** To ensure the 'Exit Shield' is active before a crisis occurs.
- **Normalised Vocabulary:** Building distance terminology into our education and online presence (e.g., linking terms like 'pre-elder abuse' and 'financial grooming' to public Wikidata schemas to interlink common vocabulary to the broader community).

## 8. Conclusion: From Response to Prevention

The 10-year Plan is a response; the National Register is the prevention. We must stop treating elder abuse as a domestic dispute or an unquestioned community cultural practice, and start treating it as a structural engineering failure. We invite the Attorney-General's Department to collaborate with Sapience Financial to audit the architecture of this proposed National Register.

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