



Australian Human
Rights Commission

Empowering futures:

A national survey on the understanding and
use of financial enduring powers of attorney

September 2024



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Acknowledgement of Country

The Australian Human Rights Commission acknowledges the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders – past, present and future.

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Empowering futures: A national survey on the understanding and use of financial enduring powers of attorney.



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'I have to admit this survey is thought provoking (in a good way) I recently signed a FEPOA for my parents... I still haven't read the paperwork... it needs to be in simple format of what is expected and to [include] steps when one or both of my parents are unable to make decisions. I found the paperwork complicated.'

- Appointed decision-maker



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‘Honestly the more information and the more training that is available to the public / [carers] / families the easier things will work out. Education will make life easier’

- Principal

1 Message from the Commissioner

All Australians, regardless of age or ability, have the right to live with dignity, security, autonomy and control over their lives and wellbeing.

However, at any age, situations can arise that impact on our ability to make decisions about our lives. This may be due to illness, injury or cognitive decline.

Whether temporary or permanent, it does not mean we have to relinquish control over decisions that affect our lives. There are a range of preparatory steps we can take, as well as formal or informal arrangements we can put in place, to help with safeguarding our rights, wishes and preferences for future decision-making.

A 'financial enduring power of attorney' (FEPOA) is one such arrangement and is an important option when it comes to providing control over how our finances and assets will be managed.

This research was undertaken to contribute to building a national picture about the current state of awareness, use and knowledge about FEPOAs in Australia and to provide insights about the FEPOA education needs and preferences of Australians.

The data confirms that while FEPOAs are valued by Australians, there is limited community awareness and significant gaps in knowledge about FEPOAs, including understanding of rights and obligations under these legal instruments. Additionally, while cognisant of potential risks, such as financial abuse arising from misuse of FEPOAs, few are equipped to mitigate these risks.

Survey respondents made clear the criticality of more education on FEPOAs and expressed their wants and needs for this education, including that it be in plain English, endorsed by a trusted source, centralised, accessible and culturally appropriate. Notably, 93% of Australians believed it was either very important or moderately important that information was standardised across the entire country.

It is my hope that the evidence from this research will inform and bring renewed energy to government efforts to reform and achieve national consistency in FEPOA laws across jurisdictions – a necessary precursor to the provision of standardised national education – as well as provide a basis for the future development and tailoring of FEPOA education.

I want to thank our external research partner and the dedicated team at the Commission who worked on this project. A special thanks to Dr John Chesterman, the Public Advocate for Queensland, for contributing his knowledge and expertise as our expert adviser for this research. I would also like to acknowledge and thank our survey respondents who, through their voices and candid sharing of their knowledge and experiences, have brought this report to life.

The way forward is clear. As recommended by the 2017 Australian Law Reform Commission report '*Elder Abuse – A National Legal Response*', and indeed inquiries going back almost twenty years, national consistency in FEPOA legislation is the first step to reducing complexity and enabling a coherent national approach to filling the knowledge and education gaps so clearly identified in this report.

Two decades of inaction is long enough, the time to act is now.



Robert Fitzgerald AM
Age Discrimination Commissioner
Australian Human Rights Commission

2 Executive summary

A financial enduring power of attorney (FEPOA) is a legal document that allows an adult (the principal) to appoint another adult person(s) (the appointed decision-maker(s)) to make certain financial decisions on their behalf.

In February 2024, an online survey of 3,029 Australian adults was conducted to provide evidence about the current state of awareness, use and knowledge of FEPOAs held by principals and appointed decision-makers, as well as existing gaps in education and potential solutions to address those gaps.

The sample of adults surveyed included 537 people who were currently or had previously been principals in an FEPOA and 522 who were currently or had previously been appointed decision-makers in an FEPOA. The sample also included 1,970 Australian adults who had never been a principal or appointed decision-maker. A sub-set of the sample (n = 2,496) was nationally representative of Australian adults.

This report outlines the Australian Human Rights Commission's (the Commission) key findings and makes three recommendations.

2.1 Key findings

The following summary of findings captures key insights from the Commission's research. The detailed findings can be found in Chapters 4 - 7 of the report.

In this report the term 'principal' refers to an adult who appoints another adult person(s) to make decisions on their behalf in an FEPOA. The term 'appointed decision-maker' refers to the person appointed to make decisions on the principal's behalf in an FEPOA.

KEY FINDINGS

1. Most Australians are aware that they can appoint someone to make future financial decisions on their behalf, including in the future if they are unable to make decisions themselves.

- a. Nine in ten Australians (88%) were aware they could appoint someone to make financial decisions on their behalf, including in the future when they are unable to make decisions.
- b. While most Australians are familiar with the terms 'will' and 'power of attorney', only half had heard of the term 'enduring power of attorney'.
- c. Awareness about enduring powers of attorneys builds with age, with only three in ten (31%) adult Australians under 30 having heard of the term 'enduring power of attorney', compared to over seven in ten (75%) Australians aged 70 or over.

2. FEPOAs are valued for providing peace of mind and control over who will make formal decisions.

- a. FEPOAs are generally valued by Australians for providing peace of mind (65%) and allowing a principal to have control over who will make formal decisions on their behalf (61%).
- b. Rarely were FEPOAs seen as just a formality (9%) or having no value at all (5%).

3. Despite this, most Australians have not been involved in an FEPOA and few have set one up for themselves.

- a. Only 32% of Australians have been involved in an FEPOA either as a principal, an appointed decision-maker or in other ways (e.g. as a witness, through work etc). 68% have not been involved at all.
- b. The majority of adult Australians (87%) have not set up an FEPOA for themselves.
- c. Those without an FEPOA most often simply have not thought to do it (38%) or feel they are too fit and healthy (32%) or young (25%) to consider one.

4. There are significant gaps in Australians' knowledge about FEPOAs and the rights and responsibilities of principals and appointed decision-makers.

- a. Very few Australians (6%) felt they knew a lot about FEPOAs and over a third (35%) felt they had no knowledge at all, including some who were involved in an FEPOA.
- b. Only one in four (23%) Australians correctly identified that an FEPOA cannot be made after the principal has lost capacity to make decisions.
- c. When principals and appointed decision-makers were tested on their knowledge:
 - i. one in five (21%) incorrectly thought that an appointed financial decision-maker can decide who can visit the principal
 - ii. one in six (16%) incorrectly thought that an appointed financial decision-maker does not need to keep records about their decisions
 - iii. seven in ten (70%) understood that an appointed financial decision-maker must act in the interests of the principal and must not mix their money or property with the principal's.
- d. Principals were most likely to report knowing a lot about FEPOAs, but they were also the most likely to select incorrect answers when tested on their knowledge.

5. Only about half of principals sought professional advice before creating their FEPOA and only a small portion of those currently acting as appointed decision-makers felt they understood their responsibilities very well when they started their role.

- a. Before creating their FEPOA, only about half of principals (52%) sought professional advice and discussed it with the person they wanted to appoint as their decision-maker. Fewer than half of principals (42%) explained to other family members or friends why they chose their appointed decision-maker.
- b. Fewer than three in ten principals (29%) discussed their choice of prospective appointed-decision maker with a trusted third party or considered whether to set limits or conditions in their FEPOA (27%).
- c. Before taking on the role of appointed decision-maker, only 35% of decision-makers gave the role high consideration and only 25% felt they had a very good understanding of their responsibilities when they started the role.

6. Australians overwhelmingly agreed that more education was needed on FEPOAs.

- a. Six in seven Australians (85%) agreed that more education on FEPOAs was needed.
- b. The six most popular topics for more education were: the potential risks associated with an FEPOA (81%), how to recognise and report misuse of an FEPOA (81%), the rights and responsibilities of the principal (81%), the process of arranging and revoking an FEPOA (81%), how to seek help if you have issues after setting up an FEPOA (81%), and the rights and responsibilities of an appointed decision-maker (71%).
- c. Most principals and appointed decision-makers felt that if additional information was provided, it should be early on in the process before an FEPOA is formalised (84%).
A smaller but notable proportion (26%) were also interested in regular refreshers after the agreement is formalised.
- d. Australians indicated that a website (60%) followed by physical resources (e.g. pamphlets) (36%) and online training courses (36%) were the best way for them to receive information about FEPOAs.
- e. Other than the general public, principals and appointed decision-makers felt that aged care staff (57%), financial professionals (50%), legal professionals (50%) and FEPOA witnesses (49%) would also benefit from more information and education on FEPOAs.

7. When it comes to developing education on FEPOA, Australians identified having information that is standardised across the entire country as a top need.

- a. Australians considered it very important or moderately important when it comes to developing education on FEPOA that information is:
 - i. in simple or plain English (95%)
 - ii. from or endorsed by a trusted source (94%)
 - iii. standardised across Australia (93%).

8. Despite generally positive experiences, principals and appointed decision-makers are also aware that there are risks and negative consequences associated with FEPOAs.

- a. Principals generally had high confidence that their appointed decision-maker would look after their finances in line with their interests and preferences, and two in five felt content (42%) and/or in control (41%) of their FEPOA arrangement with their appointed decision-maker.
- b. However, most principals and appointed decision-makers understood that there are risks involved with having an FEPOA, with the three biggest risks identified being misuse or theft of the principal's money (39%), conflict within the family (35%) and that the appointed decision-maker goes against the principal's wishes (33%).
- c. One in ten principals and appointed decision-makers (9%) had experienced negative consequences from an FEPOA first-hand.
- d. A quarter of principals (24%) have (or have wanted to) change or cancel their FEPOA, most often due to a change in relationship with the appointed decision-maker or concerns about them or their ability to perform their role.

9. Two in five principals had appointed decision-makers who showed risk factors for perpetrating elder abuse.

- a. 37% of principals had appointed decision-makers who displayed characteristics that have been identified as risk factors for perpetrating elder abuse (e.g. substance abuse, financial or emotional dependence, gambling addiction etc).
- b. While principals were somewhat cognisant that these circumstances could pose a risk to them or their appointed decision-maker's ability to perform their role, a quarter (25%) felt the circumstances did not pose a risk at all.
- c. Worryingly, a significant proportion of principals do not have someone they would feel comfortable talking to if they had concerns about their appointed decision-maker (29%).

10. Legal professionals, and others in the community, have a key role to play in improving awareness, use, knowledge and in providing support around FEPOAs.

- a. Most Australians preferred information about FEPOAs to come from legal professionals (63%).
- b. Principals generally first heard about FEPOAs through family or friends (27%) or a legal professional (25%).
- c. The most common reason cited for creating an FEPOA was to plan for the future (41%), but many were encouraged to create one after a professional (26%) or a family member or carer (25%) suggested it.
- d. Principals who reported that they have someone they would feel comfortable talking to if they had concerns about their appointed decision-maker were most likely to feel comfortable talking to legal professionals (60%) and friends/family (58%).

2.2 Summary of recommendations

The following summarises the Commission's recommendations based on the research findings. Analysis and discussion of the findings and additional detail pertaining to the three recommendations can be found at Chapter 8 of this report.

RECOMMENDATIONS

Recommendation 1:

The Commission recommends that the Australian Government, in consultation with State and Territory Governments, develop and deliver a national community awareness strategy, which incorporates ongoing awareness campaigns and campaign materials that are routinely revised and updated, to raise awareness among all adult Australians about FEPOAs and the value of having one in place.

Recommendation 2:

The Commission recommends that the Australian Government, in consultation with State and Territory Governments, and other relevant bodies including the Australian Guardianship and Administration Council, develop and deliver FEPOA education and information materials at the national level.

Recommendation 3:

The Commission recommends, in line with recommendation 5-3 from the Australian Law Reform Commission's 2017 report 'Elder Abuse - A National Legal Response', that the Australian Government and State and Territory Governments achieve national consistency in FEPOA laws as a priority, followed by the establishment of a national register of enduring documents and the development and delivery of national education and a national awareness strategy as recommended above.

3 Introduction

3.1 Background and rationale

The focus of this report is on ‘financial enduring powers of attorney’ (FEPOA).

An FEPOA is a legal instrument that allows an adult (the principal) to appoint an adult person(s) (the appointed decision-maker(s)) to make certain financial and/or asset decisions on their behalf. Unlike a general or non-enduring power of attorney, which ends once the principal has lost capacity to make decisions on their own, an FEPOA can continue even if the principal loses capacity to make decisions in the future.

Over the past nearly two decades, there have been many inquiries and submissions from key stakeholders which have discussed and advocated for national FEPOA reform.¹ Reform proposals have focused on the need for national consistency in FEPOA laws, the development of a national register and the delivery of national education.

Key arguments for reform have centered on the necessity of remedying the confusion and complexity caused by current inconsistencies in FEPOA legislation across jurisdictions. The benefits of achieving national consistency have been identified to include improved awareness and understanding about FEPOAs as instruments for future planning, the ability to deliver education at the national level to Australians about their rights and responsibilities under these documents as well as a reduction in financial elder abuse which may arise from their deliberate or inadvertent misuse.²

While FEPOAs can provide a protective benefit for principals from financial, physical and psychological abuse, studies have shown they can also be misused to perpetrate financial abuse by the very individuals trusted and appointed by the older person to safeguard their future interests.³ The National Elder Abuse Prevalence Study 2021 found almost one in six (15%) older Australians living in community experienced abuse within a 12-month period. While the study did not capture the experiences of older people who had insufficient cognitive capacity to participate in the survey, and who consequently may be at greater risk of experiencing abuse or misuse of FEPOAs, financial abuse was found to be the third most common form of elder abuse after psychological abuse and neglect.⁴

To date, there has been relatively limited research and data on Australians’ knowledge and understanding of FEPOAs, as well as the experiences and demographic profile of principals and appointed decision-makers.⁵ The present complexities in FEPOA legislation across jurisdictions and the absence of a national register, means that FEPOAs are not formally registered in most states and territories and primarily remain largely private legal arrangements.⁶ More data and insight, especially at the national level, about the current state of knowledge and use of FEPOAs in Australia is important to inform ongoing FEPOA reform efforts and support the development of useful education about FEPOAs in the future.

By surveying a nationally representative cohort of Australian adults, this research sought to build on existing evidence and contribute more knowledge about FEPOAs, with a particular focus on four key areas:

- Awareness and use
- Knowledge and understanding
- Education
- Principal and appointed decision-maker considerations and experiences.

3.2 Objectives

The Commission appointed Quantum Market Research (QMR) to conduct a quantitative survey of Australian adults and provide evidence about the current state of FEPOA knowledge held by principals and appointed decision-makers.

The overall objectives of this report were to:

- increase knowledge about FEPOA principals and appointed decision-makers' understanding of their rights and responsibilities under FEPOA arrangements
- identify gaps and opportunities in educating Australians about FEPOA rights and responsibilities
- contribute evidence to inform FEPOA law reform efforts to better protect Australians from financial elder abuse
- assist in contributing a more detailed understanding of FEPOA education needs to inform future research and education on FEPOAs.

3.3 Methodology and sampling approach

The Commission, with the assistance of an expert advisor, undertook extensive preparation to co-develop the survey instrument with QMR.

Five cognitive testing interviews were also undertaken to ensure the survey was clear, easy to understand and performed as required. The cognitive testing was undertaken with a mix of people of different ages, roles (principals and appointed decision-makers), different linguistic backgrounds, and residing in different jurisdictions.

The online survey was conducted in February 2024 with a total sample of 3,029 Australian adults. A sub-set of the sample (n=2,496) was nationally representative of Australian adults. The sample was then boosted to obtain a sufficiently robust and representative sample of FEPOA principals and appointed decision-makers.

Subgroup	Definition	Sample size
Principals	Australian adults who are currently or have previously been a principal in an FEPOA	n=537
Appointed Decision-makers	Australian adults who are currently or have previously been an appointed decision-maker in an FEPOA	n=522
Control	Australian adults who have never been either a principal or appointed decision-maker	n=1,970

This report distinguishes between the national view (using the nationally representative sample) and detailed insights from principals and appointed decision-makers (which includes the additional principal and appointed decision-maker sample).

Respondents were recruited through an ISO accredited online market research panel, where age, gender and location could be monitored to ensure representativeness.

The control group only completed a small sub-set of questions, while principals and appointed decision-makers completed the full survey. The survey took between 5 and 20 minutes to complete, depending on the respondent's answers.

The maximum margin of error (at the 95% confidence interval) for the nationally representative sample is +/- 2.0%. In other words, if the survey returns a result that '50% agree with X', we can be suitably confident that the true proportion within the whole population lies between 48% and 52%. This is a very high degree of reliability.

Where significance testing has been shown or commented on, results are significant at the 95% confidence interval.

The project was carried out in line with the Market Research International Standard, AS ISO 20252.

3.4 Limitations

(a) Representativeness of the principal sample

The Commission understands that people who had an FEPOA that is active because they no longer have decision-making capacity, would have been less likely to complete this survey. As such, within the principal cohort, numbers are likely skewed towards those who are not yet cognitively impaired.

(b) Online surveys

Certain cohorts, including people with poor digital literacy, those who do not speak English or who live with various disabilities are inevitably underrepresented in online surveys. The Commission recognises that this has implications on how the results of this survey can be read and generalised. For example, while the sample includes people who speak a language other than English, it is likely that they will be skewed towards those that have higher English language competency and digital literacy. The Commission notes that further research is required to adequately understand the knowledge and experiences of these audiences.

As people who speak a language other than English at home were a particular sub-group of interest, a breakdown of their demographics is provided in the Appendices.

(c) Demographics

The control group were only asked a limited number of demographic questions, including about their age, gender and postcode. Postcode was then used to create three additional variables – state/territory of residence, residing in metro or regional areas, and the Index of Relative Socio-economic Advantage and Disadvantage (the Index).⁷

The Index created by the Australian Bureau of Statistics provides a measure of relative socio-economic advantages and disadvantages for all postcodes across Australia. It considers several measures of economic and social conditions of people and households in each area. A lower index score (1 or 2) indicates that the respondent lived in an area with relatively greater disadvantage. These respondents are referred to in this report as those living in areas with lower socio-economic status.

Additional demographic questions regarding education, income, language spoken at home, disability status, living situations and more, were only asked of principals and appointed decision-makers. Where there is some commentary on these variables, this is limited to the results pertaining to principals and appointed decision-makers.

(d) Confidence bias and social acceptability

Confidence bias and social acceptability bias may lead people to over-estimate their knowledge or to provide answers they believe are socially acceptable or desirable, rather than reporting their true knowledge or beliefs.⁸ To overcome this:

- A quiz style approach was used to test knowledge via a series of true / false style quiz questions. This approach focused on important FEPOA dimensions.
- The purpose of the research was explained upfront and ‘don’t know’ answers were encouraged. Both were reinforced throughout the survey with reminders.
- Assurances and reminders of anonymity and confidentiality were reinforced throughout the survey.

3.5 Terminology

This report is about enduring powers of attorney that cover financial decisions.

The Commission acknowledges that various terms are used across Australia. For clarity, this report will use:

- **Financial enduring power of attorney or FEPOA** – An enduring power of attorney that covers financial decisions. Also known as Advance Personal Plan in the Northern Territory.
- **Principal** – Person who appoints someone else to make decisions on their behalf. Also known as a donor in some states and territories.
- **Appointed decision-maker** – Person appointed to make decisions on the principal's behalf. Also known as an attorney, donee or decision-maker in some states and territories.



4 Awareness and use

KEY FINDINGS

Most Australians are aware that they can appoint someone to make financial decisions on their behalf, including in the future if they are unable to make decisions themselves.

- Nine in ten (88%) Australians were aware they could appoint someone to make financial decisions on their behalf, including in the future when they are unable to make decisions.
- While most Australians are familiar with the terms ‘will’ and ‘power of attorney’, only half had heard of the term ‘enduring power of attorney’.
- Awareness about enduring powers of attorney builds with age, with only three in ten (31%) Australians aged 18-29 having heard of the term ‘enduring power of attorney’, compared to over seven in ten (75%) Australians aged 70 or over.

FEPOAs are valued for providing peace of mind and control over who will make formal decisions.

- FEPOAs are generally valued by Australians for providing peace of mind (65%) and allowing a principal to have control over who will make formal decisions on their behalf (61%).
- Rarely were FEPOAs seen as just a formality (9%) or having no value at all (5%).

Despite this, most Australians have not been involved in an FEPOA and few have set one up for themselves.

- Only 32% of Australians have been involved in an FEPOA either as a principal, an appointed decision-maker or in other ways. 68% have not been involved at all.
- One in eight Australians (13%) have been an FEPOA principal, either currently or in the past. Almost one in five (18%) have been appointed as a FEPOA decision-maker, either currently or in the past. 18% have been involved in some other way (e.g. as a witness or through their work etc).
- The majority of adult Australians (87%) have not set up an FEPOA for themselves. Those without an FEPOA most often simply have not thought to do it (38%) or feel they are too fit and healthy (32%) or too young (25%) to consider one.

While the key driver for creating an FEPOA was to plan for the future, many were prompted to create one after someone else suggested it to them.

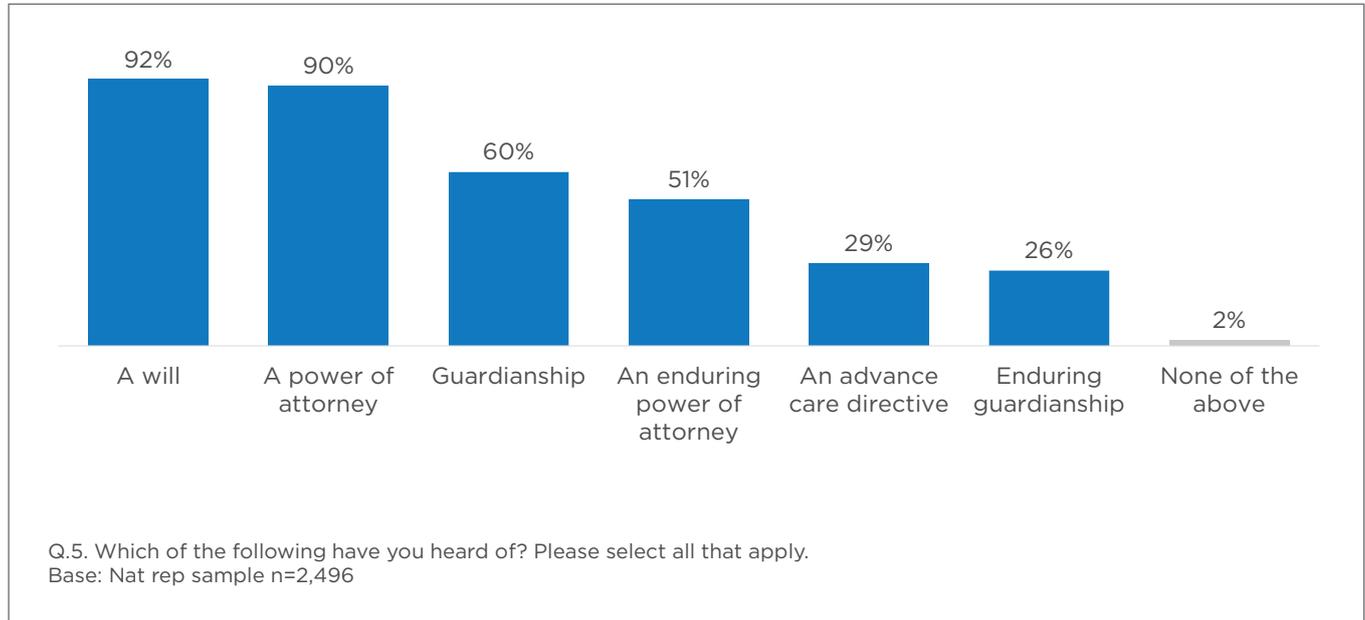
- The most common reason cited for creating an FEPOA was to plan for the future (41%), but many were encouraged to create one after a professional (26%) or a family member or carer (25%) suggested it.

4.1 Awareness of FEPOAs

Nearly nine in ten Australians (88%) were aware they can appoint someone to make financial decisions on their behalf, including in the future when they are unable to make decisions themselves.

Similarly, nine in ten Australians (90%) had heard of the term 'power of attorney', but only half (51%) had heard of an 'enduring power of attorney'.

Figure 1 – Familiarity with key terms



The data revealed that awareness of the term 'enduring power of attorney' builds with age; with only three in ten (31%) Australians aged 18-29 having heard of 'enduring power of attorney', compared to over seven in ten (75%) Australians aged 70 or over.

Those who had lower awareness of the term 'enduring power of attorney' were more likely to live in lower socio-economic and metro areas.

4.2 Value of FEPOAs

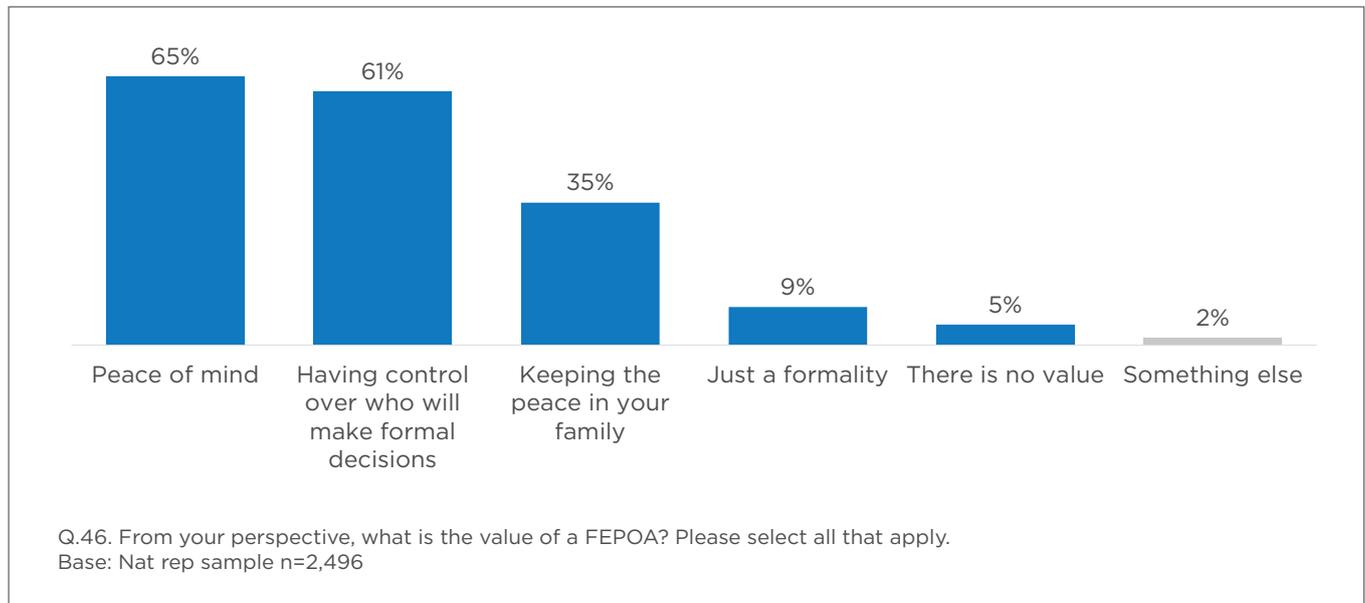
When asked what the value of an FEPOA was, the two most popular responses were peace of mind (65%) and having control over who will make formal decisions (61%).

Rarely were FEPOAs seen as just a formality (9%) or having no value at all (5%).

'It gives me peace of mind that this aspect of my life will be well addressed when the time comes' – Principal, FEPOA not in use

'I needed one after I had a stroke and appointed my wife. It was an easy decision and had no downside. Her ability to know my needs and heartfelt wishes [sic] made her the only person I trust.' – Principal, FEPOA in use

Figure 2 - The value of an FEPOA



Compared to principals (27%), appointed decision-makers (48%) and the control group (34%) were more likely to say the value of an FEPOA is keeping the peace in the family.

The control group (6%) were more likely than principals (2%) or appointed decision-makers (1%) to say there is no value. Principals (16%) were more likely than appointed decision-makers (10%) or the control group (8%) to say that FEPOAs were just a formality.

While the overwhelming story is one of value, 16% of principals saw FEPOAs as 'just a formality'. As indicated by data relating to Chapter 7 of this report, this group of principals were also less likely to make considered decisions around who to appoint and were less likely to discuss their wishes with their prospective appointed decision-maker before completing the FEPOA forms.

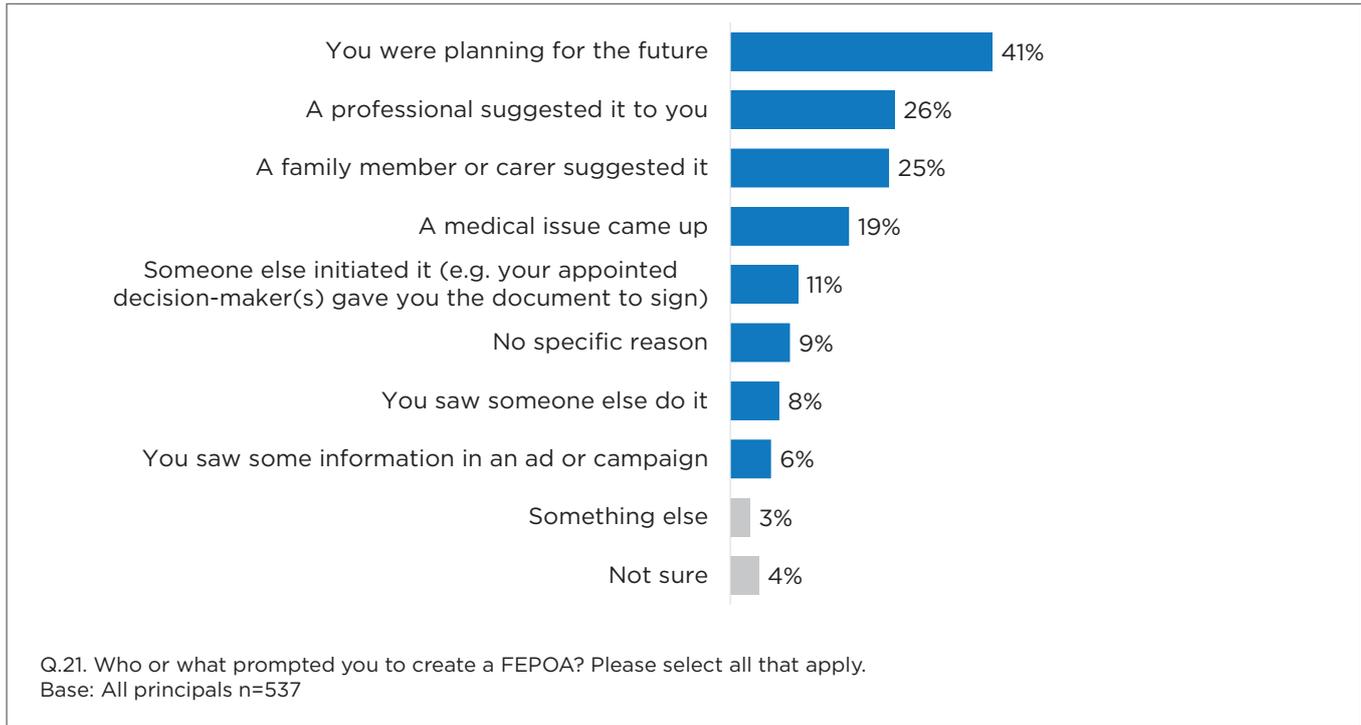
Those younger than 65 years, and those who spoke a language other than English at home, were more likely to see FEPOAs as 'just a formality', and those in lower socio-economic areas were more likely to feel FEPOAs have 'no value'.

The data revealed that FEPOAs were most commonly created to plan for the future (41%), but many people reported they were encouraged by a professional (26%), family member or carer (25%) to create one.

'I appointed my partner as it was recommended by my solicitor [that] I should appoint someone. For me it was a formality' - Principal, FEPOA in use

'I regarded an FEPOA as a logical step in the final stages of my life. It can protect me/ my assets in the event I become incapable of making decisions...' - Principal, FEPOA not in use

Figure 3 - Reasons for creating an FEPOA



4.3 Use of FEPOAs

In total, only 32% of Australians have been involved in an FEPOA in some way. This leaves 68% of Australians who have not been involved at all.

One in eight Australians (Net: 13%) had been a principal, either now (9%) or in the past (5%), and almost one in five (Net: 18%) had been appointed as a decision-maker in an FEPOA, either currently (10%) or in the past (9%). Almost one in five Australians (18%) had been involved in FEPOAs in another way (e.g. as a witness, through work).

As respondents could fall into multiple categories, the numbers here are not additive.

Figure 4 - Have you ever been a principal / appointed decision-maker / involved in other ways?

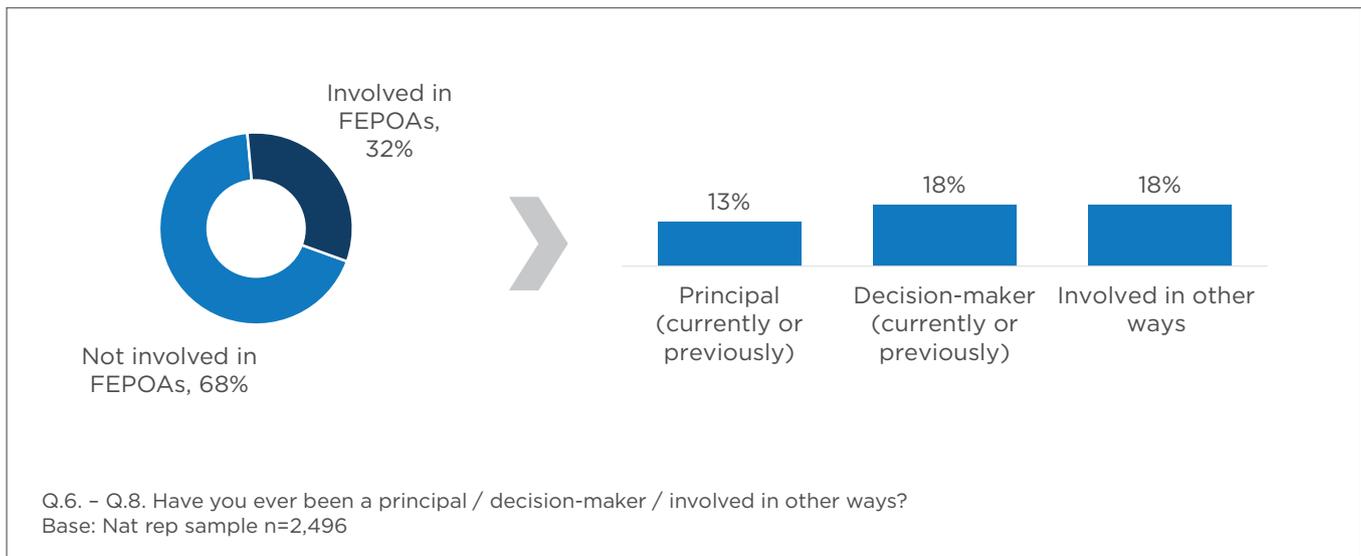


Figure 5 – Have you ever been a principal in an enduring power of attorney that covers financial decisions?

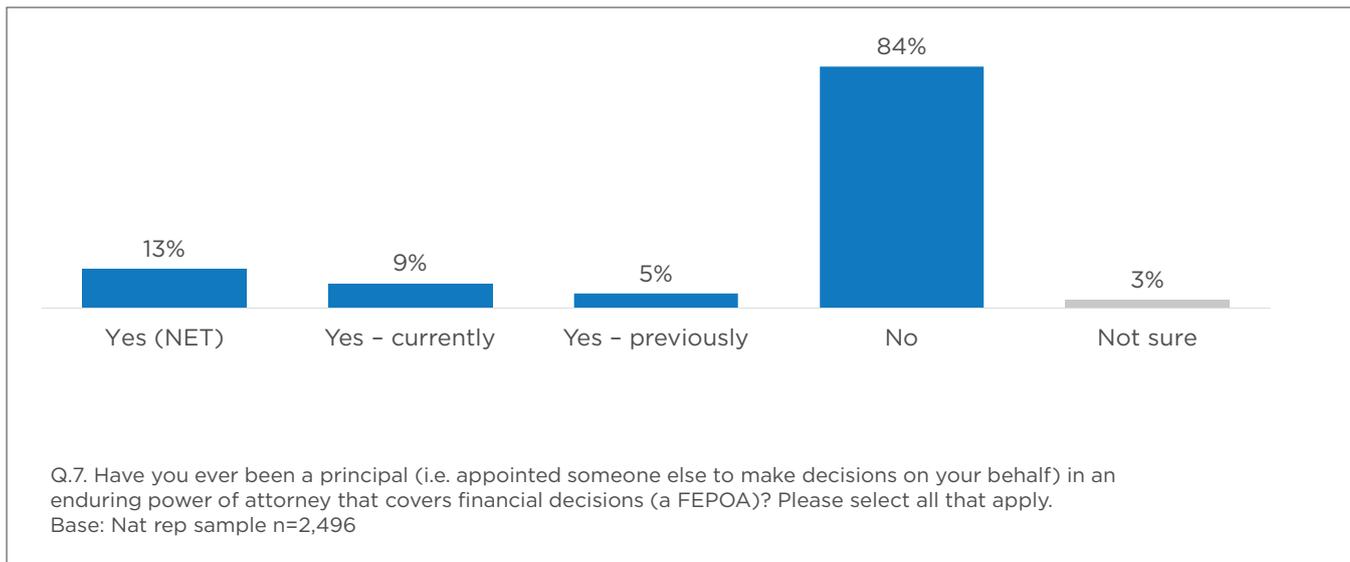


Figure 6 – Have you ever been an appointed decision-maker in an enduring power of attorney that covers financial decisions?

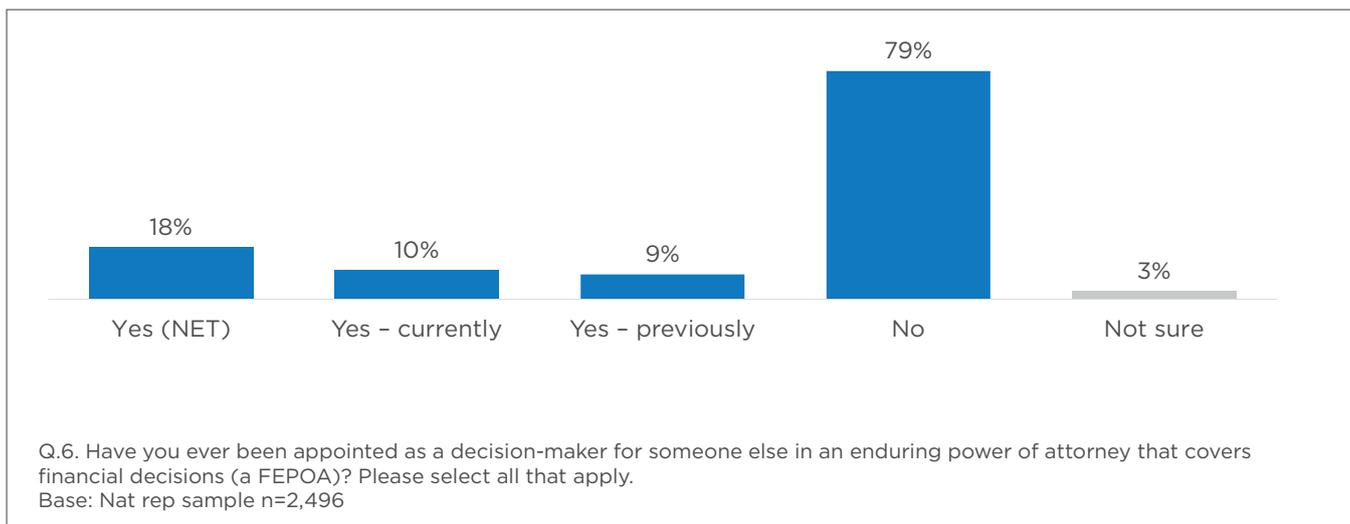
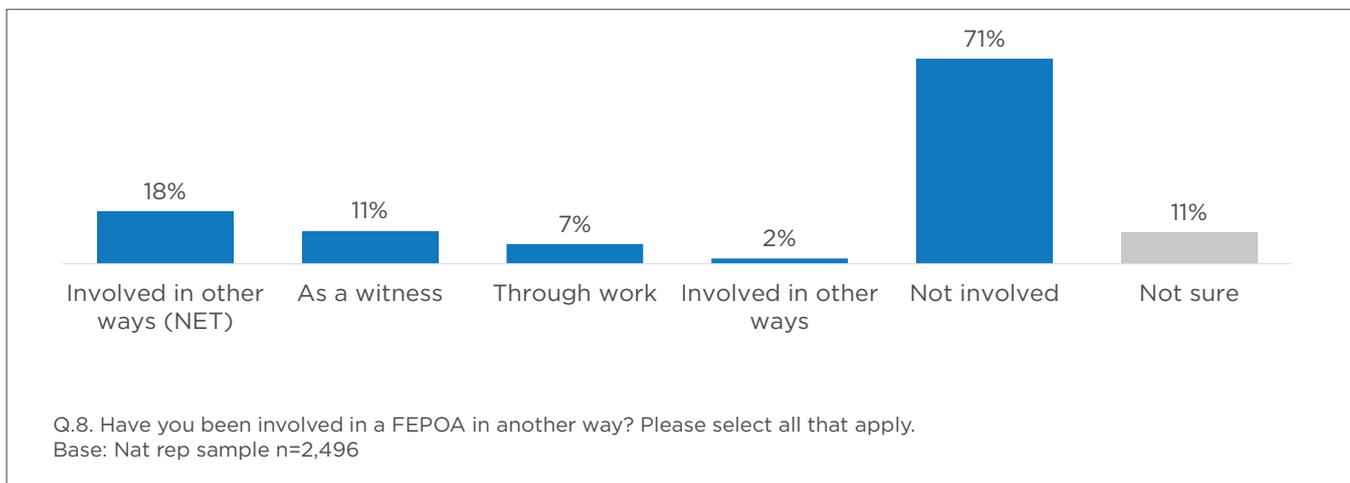


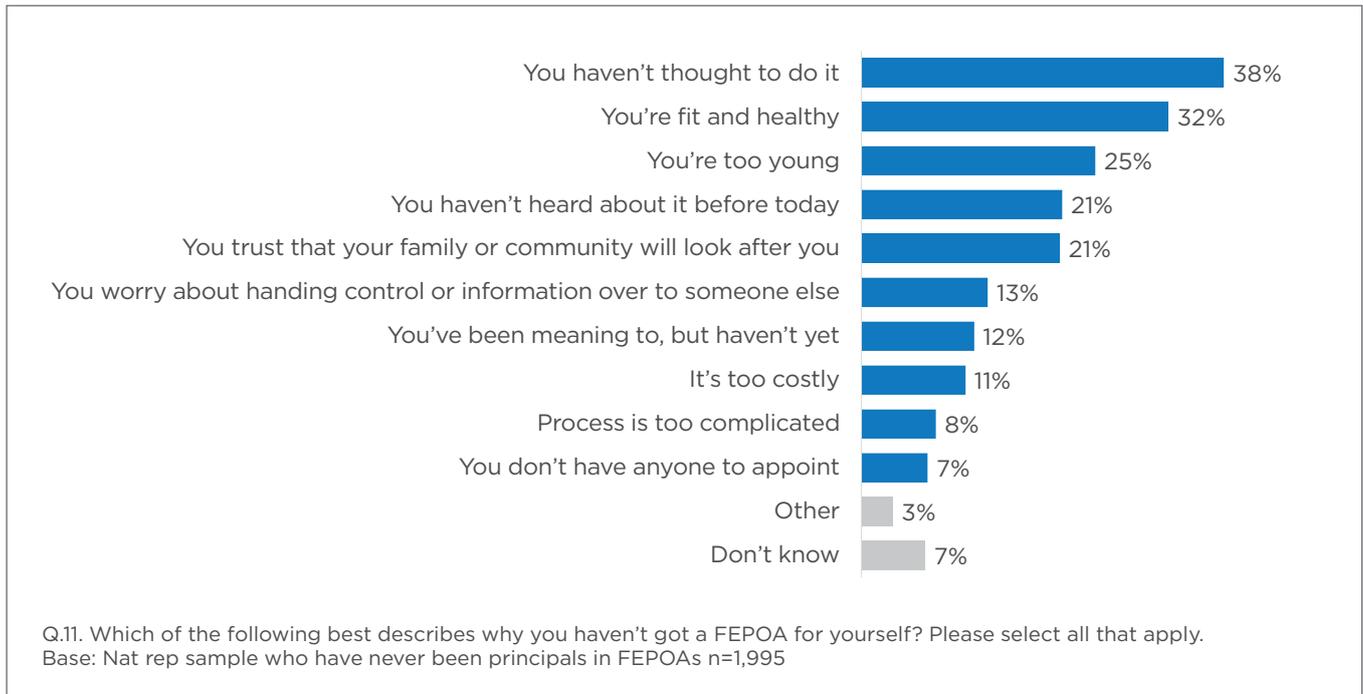
Figure 7 – Have you been involved in an FEPOA in another way?



People who have been principals were significantly more likely than either appointed decision-makers or the control group to have been a witness (27% principals, 21% appointed decision-makers, 8% control group) or have been involved in an FEPOA through work (16% principals, 7% appointed decision-makers, 5% control group).

Despite this, seven in eight (87%) Australians had not set up an FEPOA for themselves. The top 3 reasons given for this were not having thought to do it (38%), being too fit and healthy (32%) or being too young (25%) to consider one.

Figure 8 - Why have you not got an FEPOA for yourself?



Most appointed decision-makers who had not yet set up an FEPOA for themselves were planning to, either in the next 5 years (29%) or at some stage in their future (46%).

'...I will no doubt look into giving my daughter FEPOA in a few years or so. I had it for my mum and it worked well with no dramas (and I have 7 siblings, so it can work if everyone has the best interests of the Principal in mind)' - Appointed Decision-maker

Figure 9 - Are you planning on setting up an FEPOA in the future?

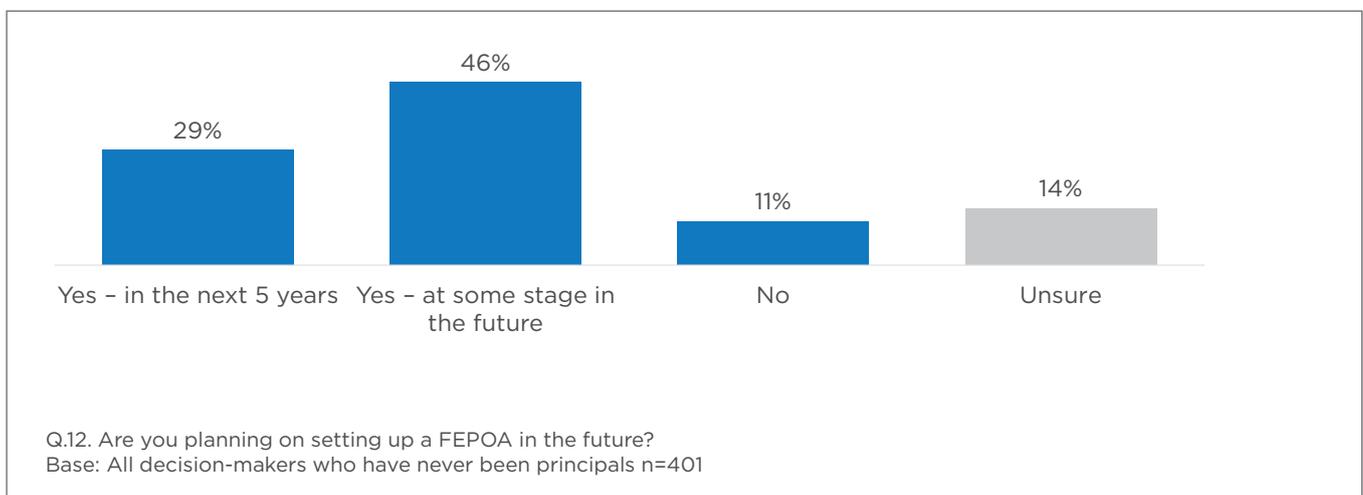
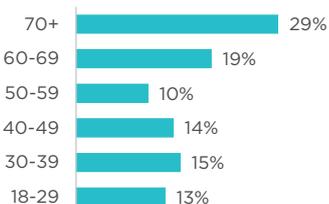


Figure 10 - Principals in Australia (n=323)

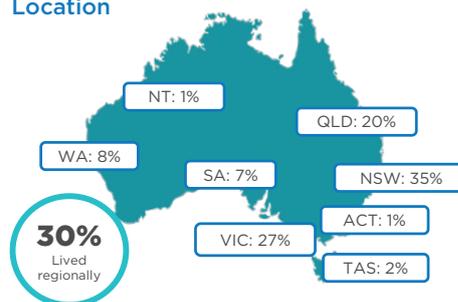
Gender



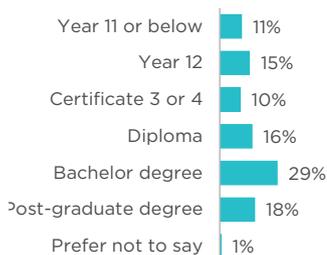
Age (years)



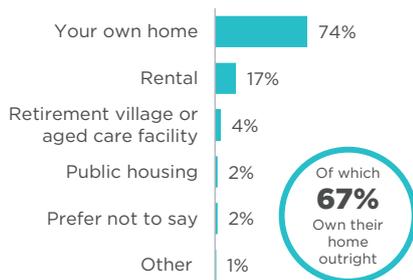
Location



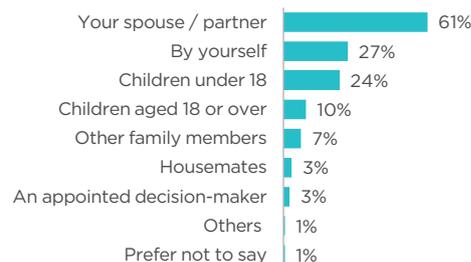
Education level



Living situation



Living companions



Language

11% Spoke a language other than English at home

Most common languages were:

- Mandarin
- Hindi
- Cantonese

Racial or ethnic identity

11% Listed a non-Anglo racial or ethnic background

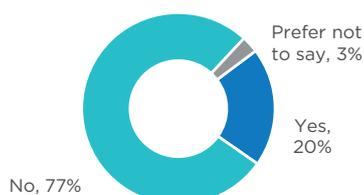
Most common non-Anglo racial or ethnic backgrounds included:

- Indian / Indian Australian
- Chinese
- Asian

Aboriginal and or Torres Strait Islander

2% Identified as Aboriginal, Torres Strait Islander peoples or both

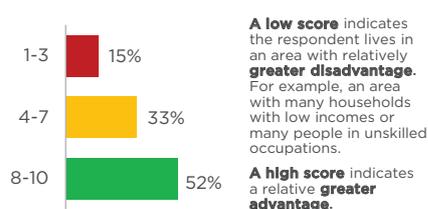
Living with disability



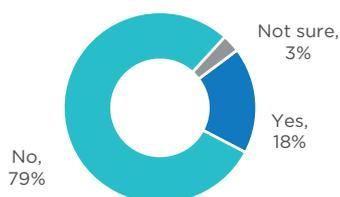
Household income



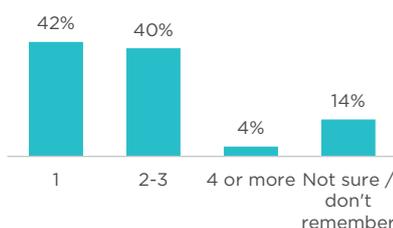
Index of Relative Socio-economic Advantage and Disadvantage*



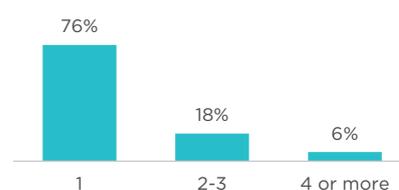
FEPOA is active



Number of appointed decision-makers

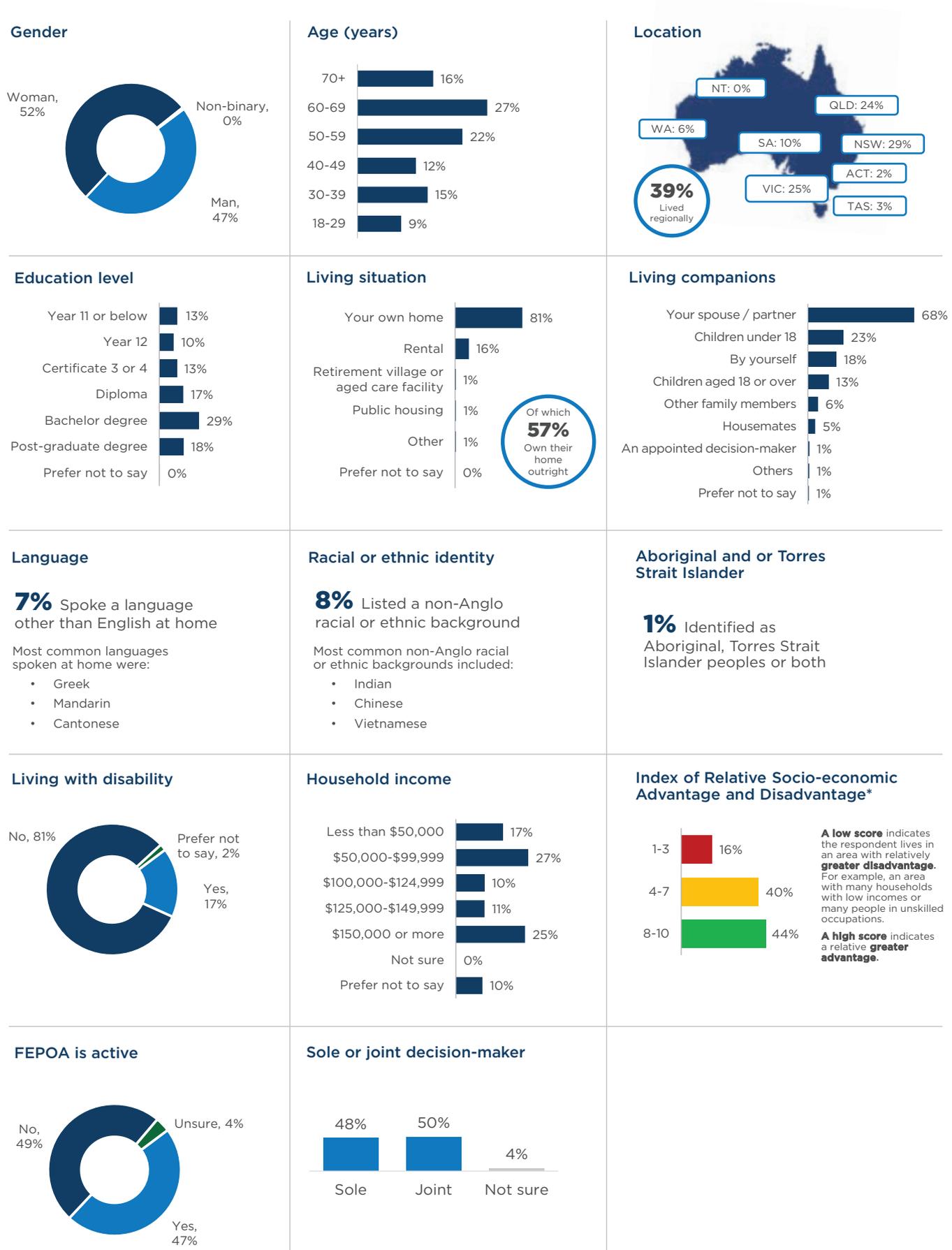


Number of FEPOA agreements



*This index has been created by the Australian Bureau of Statistics. It provides a measure of relative socio-economic advantage and disadvantage for all postcodes across Australia. It considers several measures of economic and social conditions of people and households in each area.

Figure 11 – Appointed decision-makers in Australia (n=203)



*This index has been created by the Australian Bureau of Statistics. It provides a measure of relative socio-economic advantage and disadvantage for all postcodes across Australia. It considers several measures of economic and social conditions of people and households in each area.

5 Knowledge and understanding

KEY FINDINGS

Only 6% of Australia feel they know a lot about FEPOAs, while over a third feel they have no knowledge of them, despite some being involved in FEPOAs themselves.

- Nearly half (46%) of Australians who have not been either a principal or appointed decision-maker said if they were involved in an FEPOA tomorrow, they would not understand the rights and responsibilities of a principal and an appointed decision-maker.

Only one in four (23%) Australians correctly identified that an FEPOA cannot be made after the principal has lost capacity to make decisions. Principals were more likely to incorrectly select this statement as 'True'.

When principals and appointed decision-makers were tested on their knowledge:

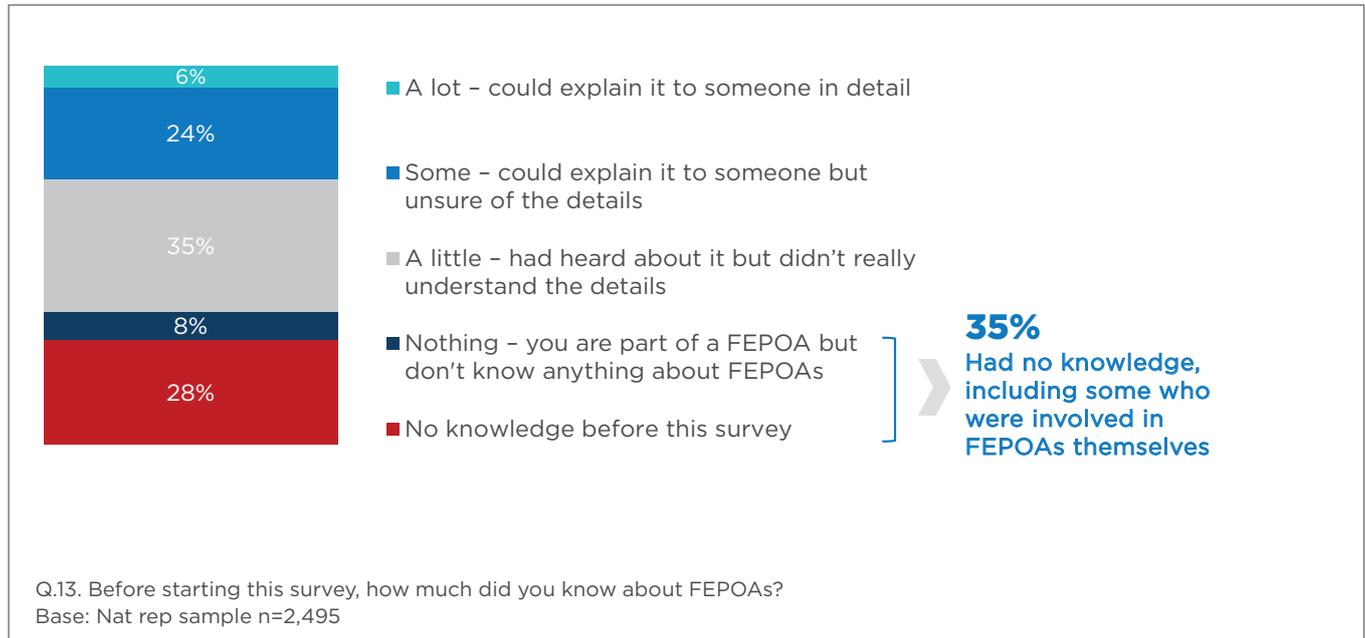
- one in five (21%) incorrectly thought that an appointed decision-maker can decide who can visit the principal
- one in six (16%) incorrectly thought that an appointed decision-maker does not need to keep records about their decisions
- seven in ten (70%) understood that an appointed decision-maker must act in the interests of the principal and must not mix their money or property with the principal's.

While principals were the most likely to say they knew a lot about FEPOAs, they were also the most likely to select incorrect answers when tested on their knowledge.

5.1 General knowledge of FEPOAs

The data revealed that only 6% of Australians felt they knew a lot about FEPOAs while 35% (Net: 7.53% selected 'Nothing - you are part of a FEPOA but don't know anything about FEPOAs, 27.72% selected 'No knowledge before this survey') felt they had no knowledge about them, despite some being involved in FEPOAs themselves.

Figure 12 – How much do you know about FEPOAs?



Of the 35% who reported having no knowledge, this was more common among:

- people aged 18-29 years old
- people with lower levels of education
- people living in lower socio-economic areas
- people with a disability.

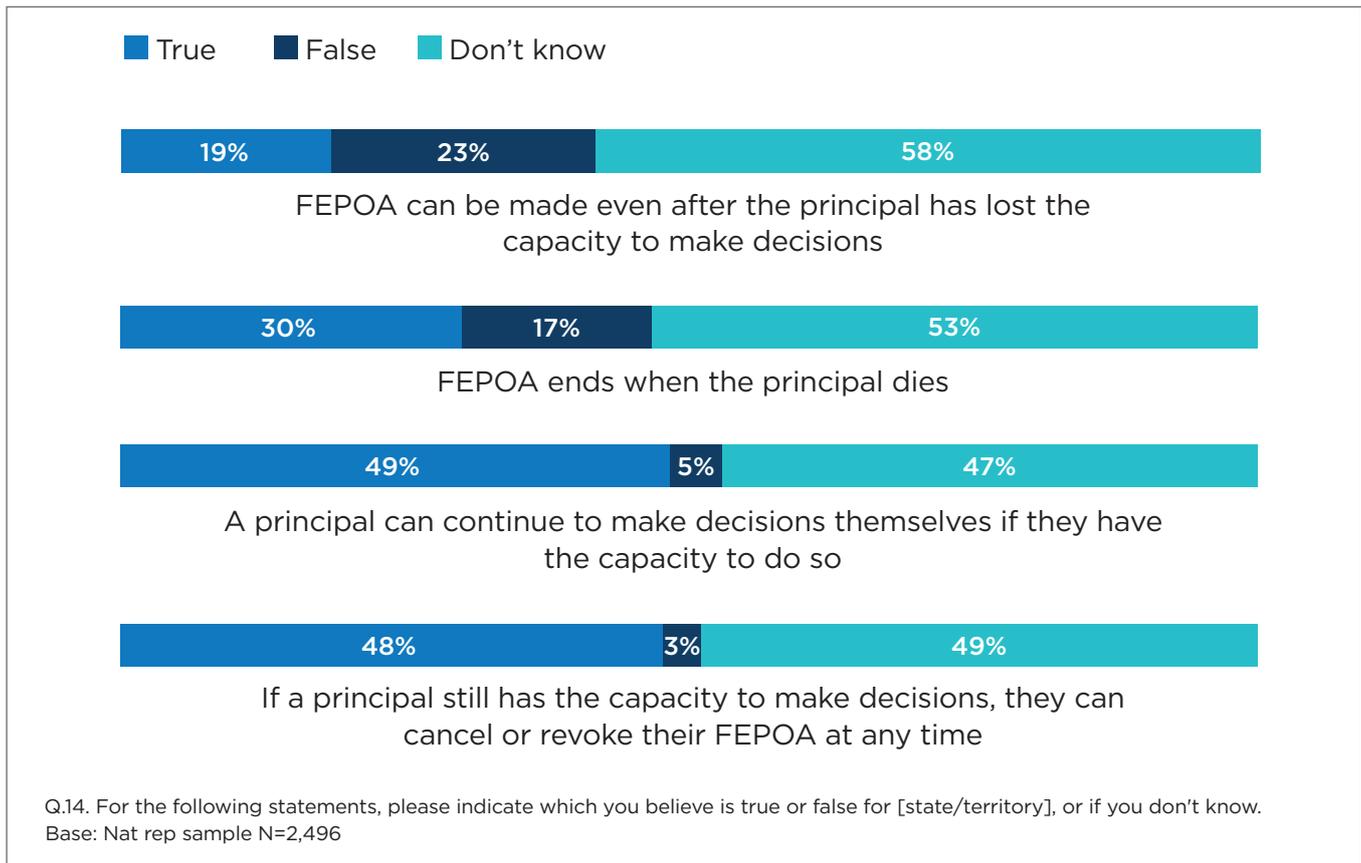
Principals and appointed decision-makers were more likely than the control group to say they had a lot of knowledge (20% principals, 16% appointed decision-makers, 2% control group).

Of those who have not previously been either a principal or appointed decision-maker, 46% said if they were involved in an FEPOA tomorrow, they would not understand the rights and responsibilities of a principal and an appointed decision-maker.

When tested on their knowledge, concerningly, only one in four (23%) Australians correctly identified that an FEPOA cannot be made after the principal has lost capacity to make decisions. Principals were more likely to incorrectly select this statement as 'True' (33% of principals compared to 26% of appointed decision-makers).

Three in ten (30%) understood that an FEPOA ends when the principal dies and around half understood that a principal can continue to make decisions themselves (49%) and revoke their FEPOA (48%) if they have the capacity to do so.

Figure 13 - Knowledge of when an FEPOA starts and finishes



While the control group were more likely to select 'Don't know', there were not any significant differences in the proportion of principals and appointed decision-makers who selected 'True' or 'False' for each of the above statements. The exception is in relation to the first statement where, as noted above, principals were more likely to select the incorrect answer compared to appointed decision-makers.

5.2 Knowledge of principal and appointed decision-maker rights and responsibilities

Figure 14 - Knowledge of rights and responsibilities

When tested on their knowledge, Australians were:

More likely to know	Less likely to know
An FEPOA is a legal document	An FEPOA must be made while the principal still has decision-making capacity
Principals and appointed decision-makers must be over 18 years of age	The appointed decision-maker does not determine their own duties under an FEPOA
An FEPOA can cover decisions about property and assets	A principal can set conditions or limitations on the appointed decision-maker's powers
A principal can choose who to appoint as a decision-maker	An appointed decision-maker cannot assign a secondary decision-maker

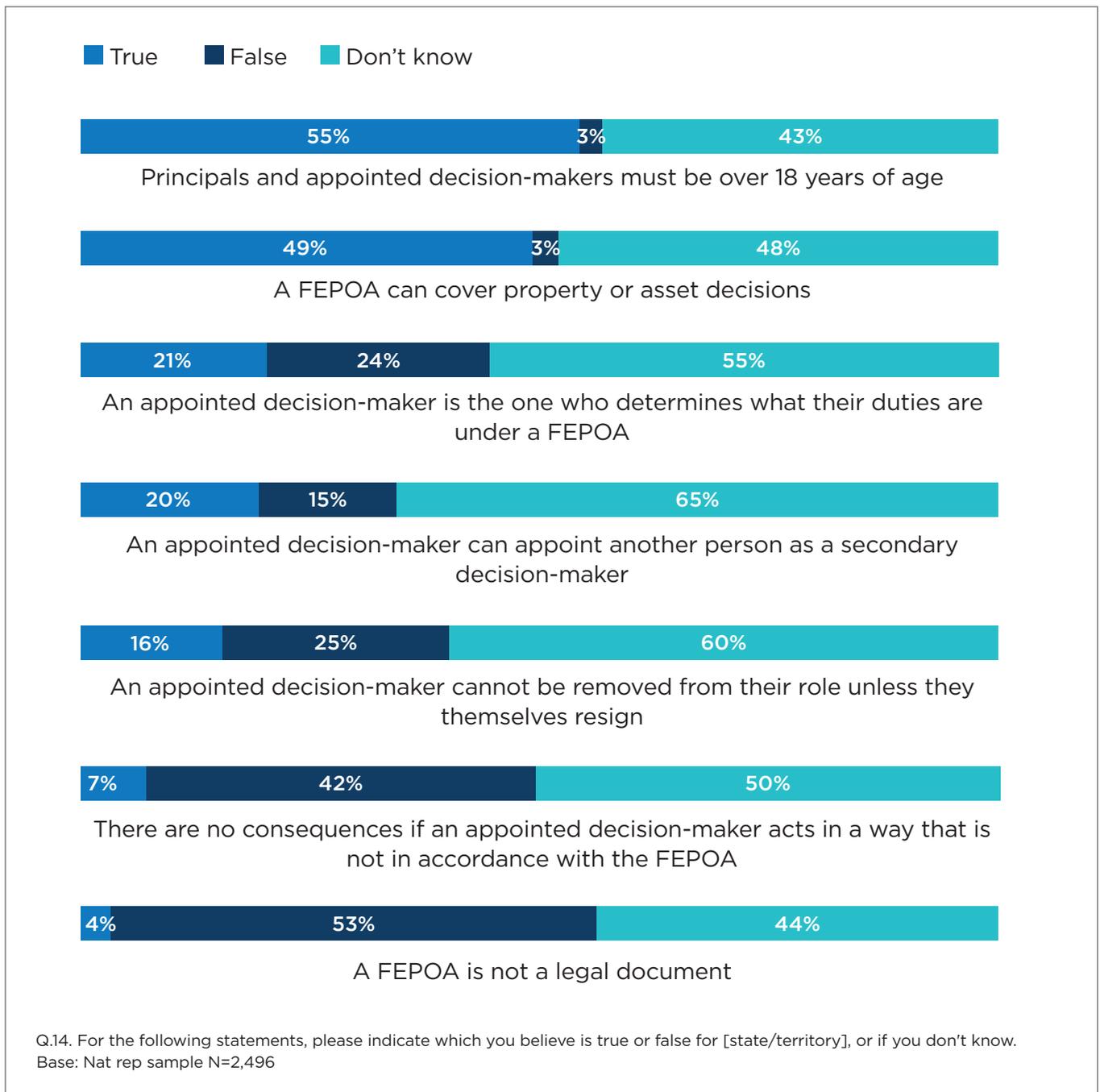
Only one in six Australians (15%) correctly identified that an appointed decision-maker cannot appoint someone else as a secondary decision-maker. One in five (21%) incorrectly believed that an appointed

decision-maker determines their own duties under an FEPOA. Better rates of understanding were associated with knowing that principals and appointed decision-makers must be over 18 years of age (55%) and that an FEPOA can cover property or asset decisions (49%).

Across all statements in Figure 15, the control group were significantly more likely to select 'Don't know'. Otherwise, principals were more likely than appointed decision-makers to incorrectly believe that:

- principals and appointed decision-makers did not have to be over 18 years of age
- an appointed decision-maker is not the one who determines what their duties are under an FEPOA
- an appointed decision-maker can appoint another person as a secondary decision-maker
- an appointed decision-maker cannot be removed from their role unless they resign
- there are no consequences if an appointed decision-maker acts in a way that is not in accordance with the FEPOA.

Figure 15 - Knowledge of appointed decision-makers' responsibilities

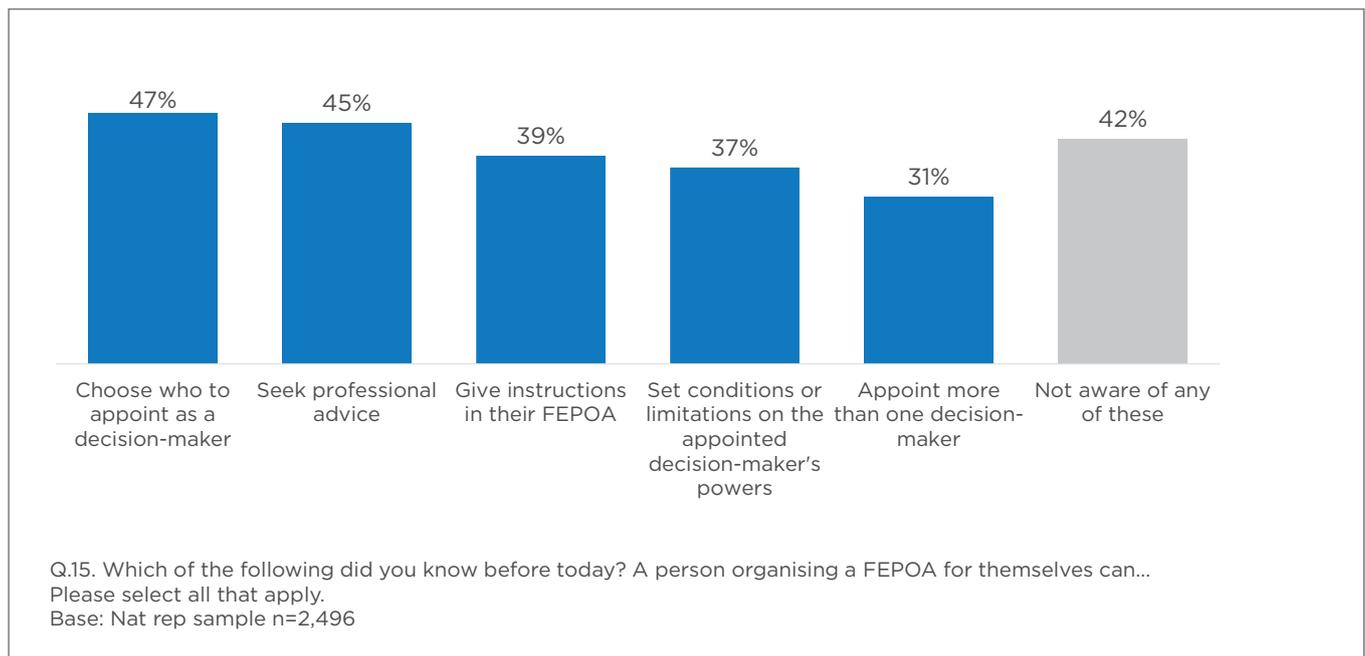


'...massive education is needed - we were thrown into this in an emergency. We had some understanding of what was required, but the enormity of what we have taken on is still hitting home...' - Appointed decision-maker

'When I became involved it came as a shock and great learning experience...' - Appointed decision-maker

Around half of Australians (47%) were aware that a person who was setting up an FEPOA for themselves could choose who to appoint as a decision-maker. Only two in five were aware that a principal can give instructions in their FEPOA or set conditions on the appointed decision-maker's powers (39% and 37% respectively).

Figure 16 - Knowledge of principals' rights



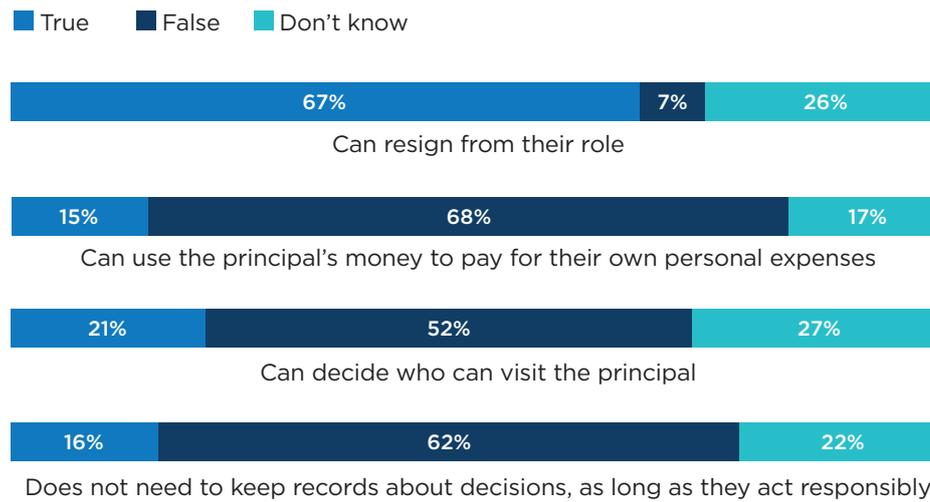
Overall, the control group were significantly more likely to select 'Don't know' or 'Not aware' when tested on their knowledge across all statements at Figure 16. Otherwise there were no significant differences between principals and appointed decision-makers.

These results highlight significant gaps in knowledge and understanding across the Australian population about FEPOAs generally, the processes involved, as well as the rights and responsibilities of both principals and appointed decision-makers. The data revealed that the gap is even wider for those who are younger, from lower socio-economic areas, from metro areas and for those with lower education levels.

Detailed insights: What principals and appointed decision-makers knew

Among principals and appointed decision-makers, seven in ten (67%) understood that an appointed decision-maker can resign from their role. A similar proportion (68%) understood that an appointed decision-maker cannot use the principal's money to pay for the appointed decision-maker's expenses. Concerningly, one in five (21%) incorrectly thought that an appointed financial decision-maker can decide who can visit the principal and one in six (16%) incorrectly thought that an appointed decision-maker does not need to keep records about their decisions.

Figure 17 – Further insights from principals and appointed decision-makers



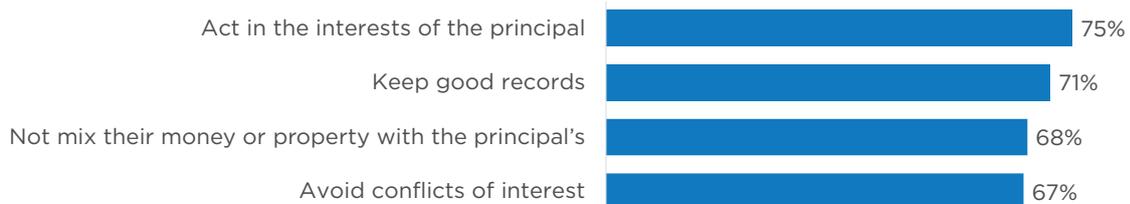
Q.16. For the following statements, please indicate which you believe is true or false for [state/territory], or if you don't know. Base: All principals and decision-makers N=1,059

Principals were more likely than appointed financial decision-makers to incorrectly believe that appointed decision-makers:

- can decide who can visit the principal
- do not need to keep records about decisions, as long as they act responsibly
- can use the principal's money to pay for their own personal expenses
- cannot resign from their role.

Among principals and appointed decision-makers, seven in ten understood that an appointed decision-maker must act in the interests of the principal and must not mix their money or property with the principal's.

Figure 18 – Further insights about appointed decision-maker responsibilities



Q.19. Which of the following did you know before today? An appointed decision-maker(s) must... Please select all that apply. Base: All principals and decision-makers n=1,059

6 Education

KEY FINDINGS

The majority of adult Australians (85%) agreed that more education and information on FEPOAs was needed.

A significant portion of principals and decision-makers had never received information or education relating to FEPOAs.

- A quarter of principals and appointed decision-makers had never received information about the process of arranging an FEPOA, the rights and responsibilities of an appointed decision-maker or information about the rights of the principal.
- Appointed decision-makers were more likely than principals to have never received information about most aspects of an FEPOA.
- When information was received, it was most likely received before the FEPOA agreement was finalised and from a legal professional.

When it comes to developing FEPOA education, Australians considered it very important or moderately important that information is:

- in simple or plain English (75% considered it very important; 20% moderately important)
- from or endorsed by a trusted source (69% very important; 25% moderately important)
- standardised across Australia (62% very important; 31% moderately important).

Australians generally preferred:

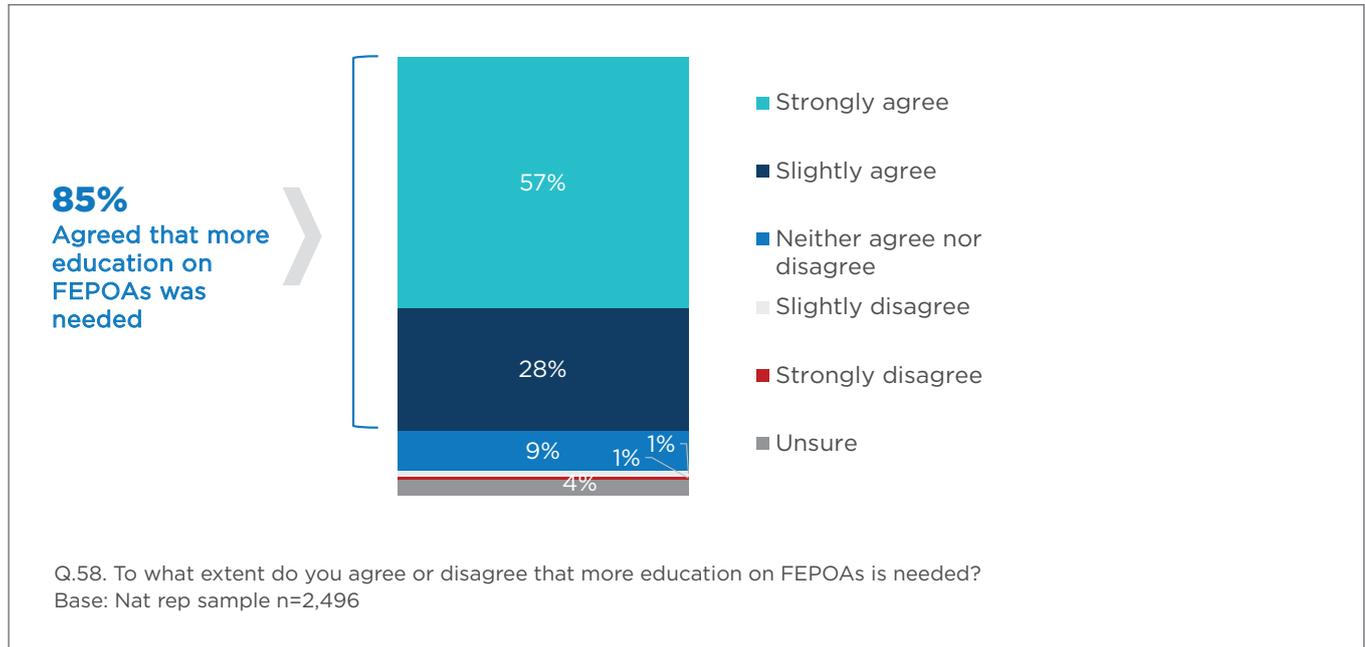
- information and education about FEPOAs to come from legal professionals (63%), a trusted organisation in the FEPOA space (47%) or government (44%)
- to receive information about FEPOAs via a range of formats including a website (60%), physical resources (e.g. pamphlets) (36%), online training courses (36%) and other formats
- additional information to be provided before the FEPOA arrangement was entered into (84%), though a significant portion were also interested in regular refreshers (26%).

Other than the general public, principals and appointed decision-makers felt that many others would also benefit from more FEPOA education, including aged care staff (57%), financial professionals (50%), legal professionals (50%) and FEPOA witnesses (49%).

6.1 FEPOA education needs

More than six in seven Australians either strongly or slightly agreed that more education was needed on FEPOAs (85%).

Figure 19 - To what extent do you agree more education is needed?



Australians who agreed that more FEPOA education was needed were enthusiastic about education on a range of topics. The most popular topics being:

- the potential risks of an FEPOA (81%)
- how to recognise and report misuse of an FEPOA (81%)
- the rights and responsibilities of the principal (81%)
- the process of arranging and revoking an FEPOA (81%)
- how to seek help if you have issues after setting up an FEPOA (81%)
- the rights and responsibilities of an appointed decision-maker (81%).

The data also revealed there was high demand for more education on financial safety (79%), financial abuse (78%) and other forms of abuse (75%).

Other topics of interest include information about what appointed decision-makers should consider before accepting the role and what supports are available to them after they have been appointed (80%).

'While compiling the information needed and providing it in appropriate formats for a wide cross section of the population is really important - it is even more important to effectively create awareness about the necessity of FEPOAs and the negative situations that can arise if they are ignored. Getting the information out is crucial and potentially difficult.' - Appointed decision-maker

Detailed insights: What information did principals and appointed decision-makers receive?

(a) Information received by principals and appointed decision-makers

Principals and appointed decision-makers were most likely to have received information at some point about the process of arranging an FEPOA (77%), the rights and responsibilities of an appointed decision-maker (76%) or information on the rights of the principal (75%). However, this means that a quarter of principals and appointed decision-makers never received this information.

The data showed that principals and appointed decision-makers were the least likely to have received information on how to seek help if they had issues after setting up an FEPOA (36% never received this information), how to cancel or revoke an FEPOA (37%) or how to resolve conflict arising from an FEPOA (42%).

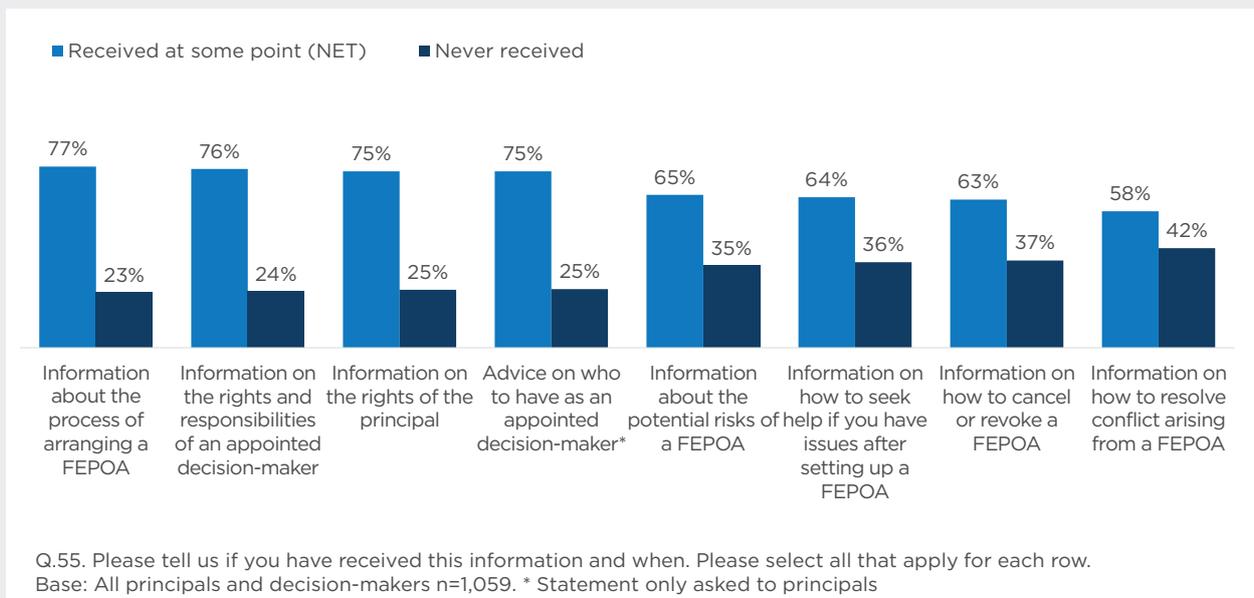
Appointed decision-makers were more likely than principals to have never received information about most aspects of the FEPOA, including information on:

- the process of arranging an FEPOA (31% of appointed decision-makers)
- the rights and responsibilities of an appointed decision-maker (28%)
- the rights of the principal (30%)
- the potential risks of an FEPOA (44%)
- how to cancel or revoke an FEPOA (44%)
- how to resolve conflict arising from an FEPOA (48%).

Generally speaking, those who had never received information were more likely to be:

- people aged over 65 years or older
- people with lower income
- people with lower education levels.

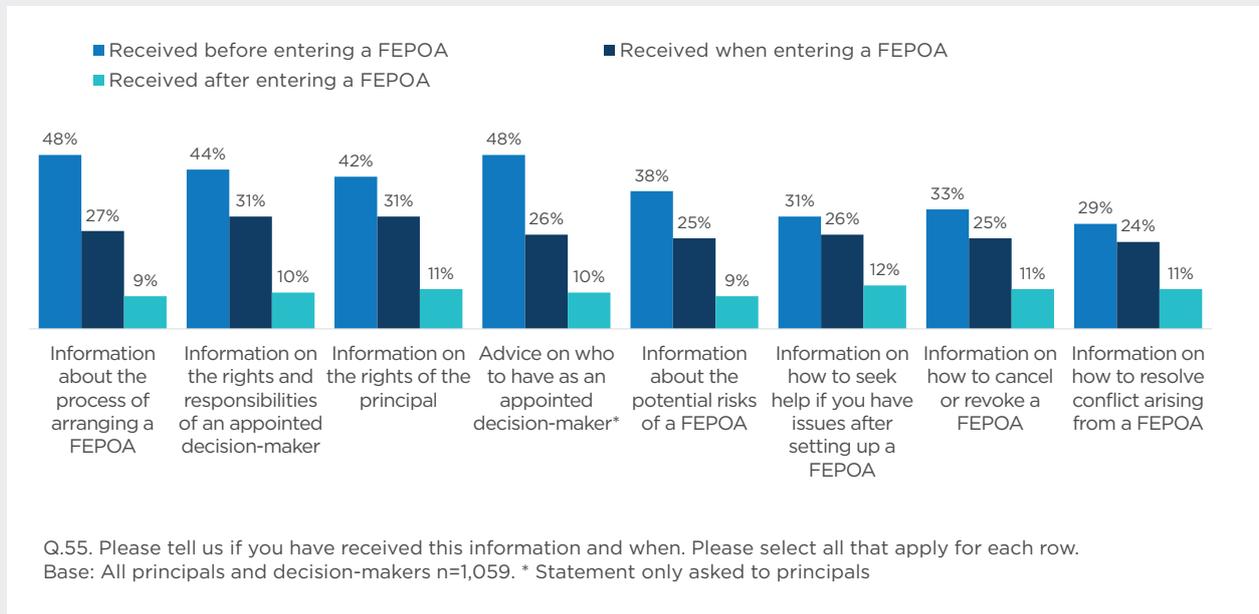
Figure 20 - Information received by principals and appointed decision-makers



(b) When this information was received

The data revealed that information was more likely to be received before the FEPOA agreement was entered into, compared to at the point of signing or after the agreement was made.

Figure 21 - When this information was received



(c) Who provided the information

Of the principals and appointed decision-makers who had received information, most (59%) had received it from a legal professional.

Principals were more likely than appointed decision-makers to receive information from the person who witnessed the FEPOA.

Figure 22 - Who provided the information



6.2 Considerations when developing FEPOA education and information

When it comes to developing education on FEPOAs, Australians considered it very important that information was:

- in simple or plain English (75% considered this very important)
- from or endorsed by a trusted source (69%)
- standardised across the entire country (62%).

'Must be standardised throughout Australia. Too difficult at the moment. Too many ifs and buts' – Appointed decision-maker

'The education should emphasize the seriousness of the responsibilities when taking on the role of appointed decision maker. That there is assistance available should the decision maker have queries about the role and how to find that assistance. That the decision maker and the principal are entering into a legal agreement.' – Appointed decision-maker

Australians also considered it very important that there was easy access to an expert for further information (61%) and that all the information needed was in a single location (61%).

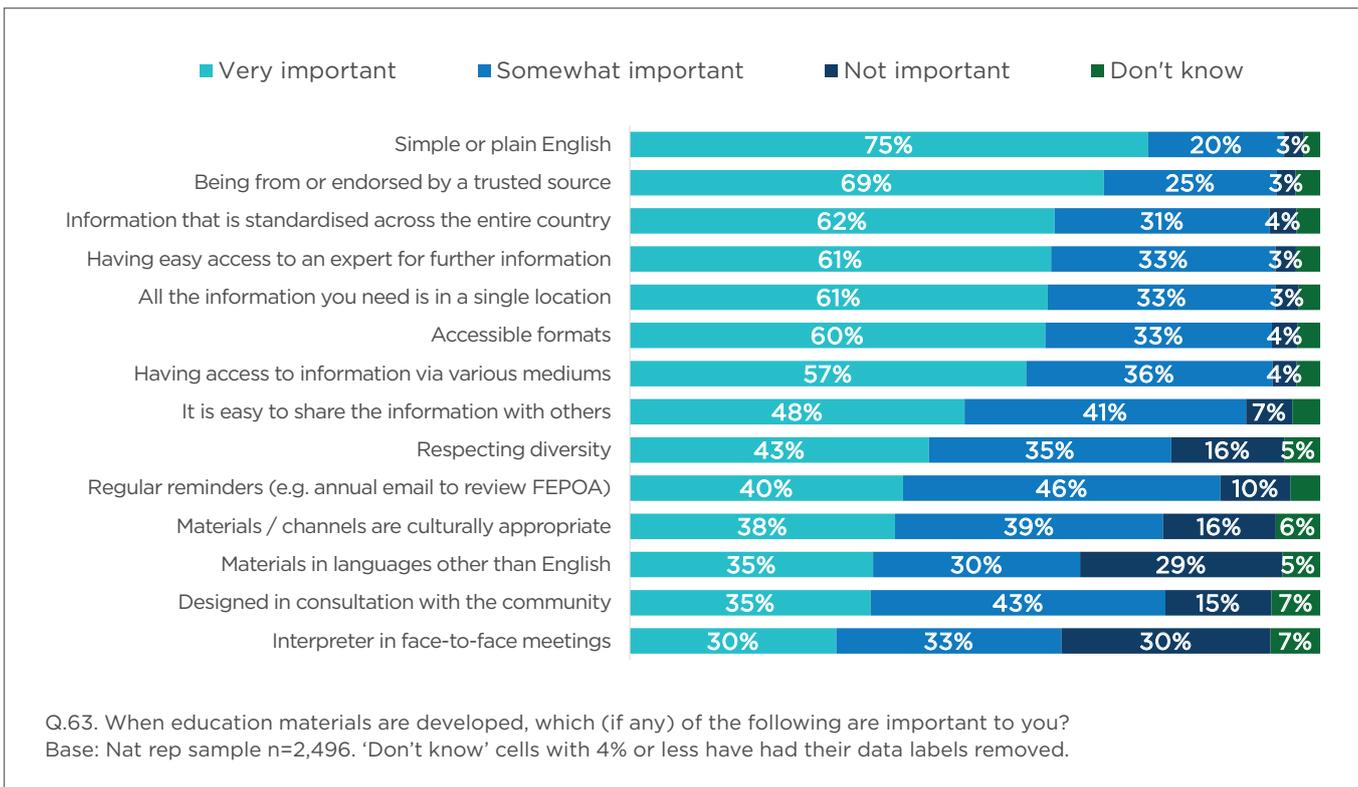
People who speak a language other than English at home were more likely to consider it important that the following are incorporated in the development of FEPOA education:

- respect for diversity
- materials/channels are culturally appropriate
- materials in language(s) other than English
- regular reminders
- interpreter in face-to-face meetings.

'Accessible and Understandable Content: Make sure the content is written in clear and plain language that is easy for the general population to understand. Avoid using legal jargon whenever possible and provide explanations for any complex terms that are necessary.' – Principal

'[Education] Needs to cover people with physical disabilities (e.g. blind, deaf) and people who are not technologically literate.' – Principal

Figure 23 – Important considerations when developing education materials



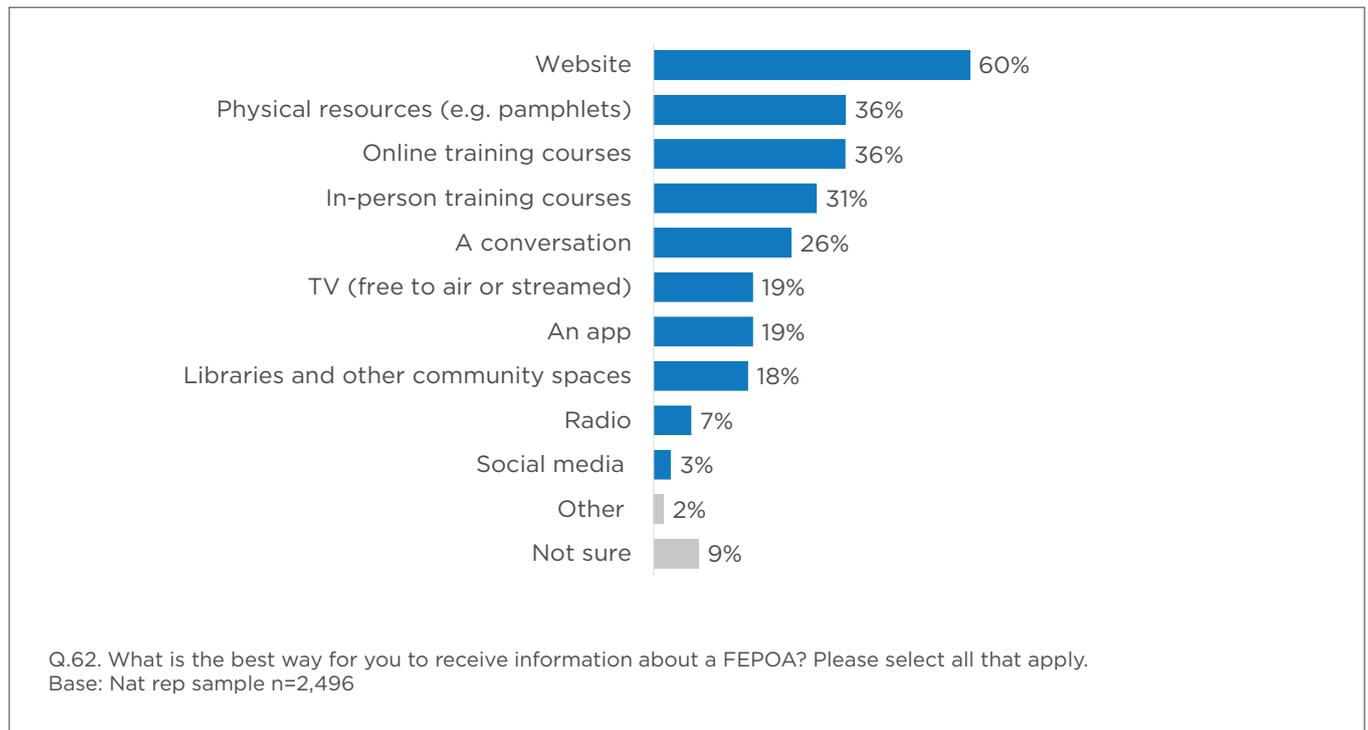
Australians generally preferred information about FEPOAs to come from legal professionals (63%), a trusted organisation in the FEPOA space (47%) or government (44%).

Figure 24 – Preferred providers of information about FEPOAs



In terms of how Australians preferred to receive information about FEPOAs, the most popular responses were via a website (60%), physical resources (e.g. pamphlets; 36%) or online training sessions (36%).

Figure 25 – Preferred way to receive information about FEPOAs



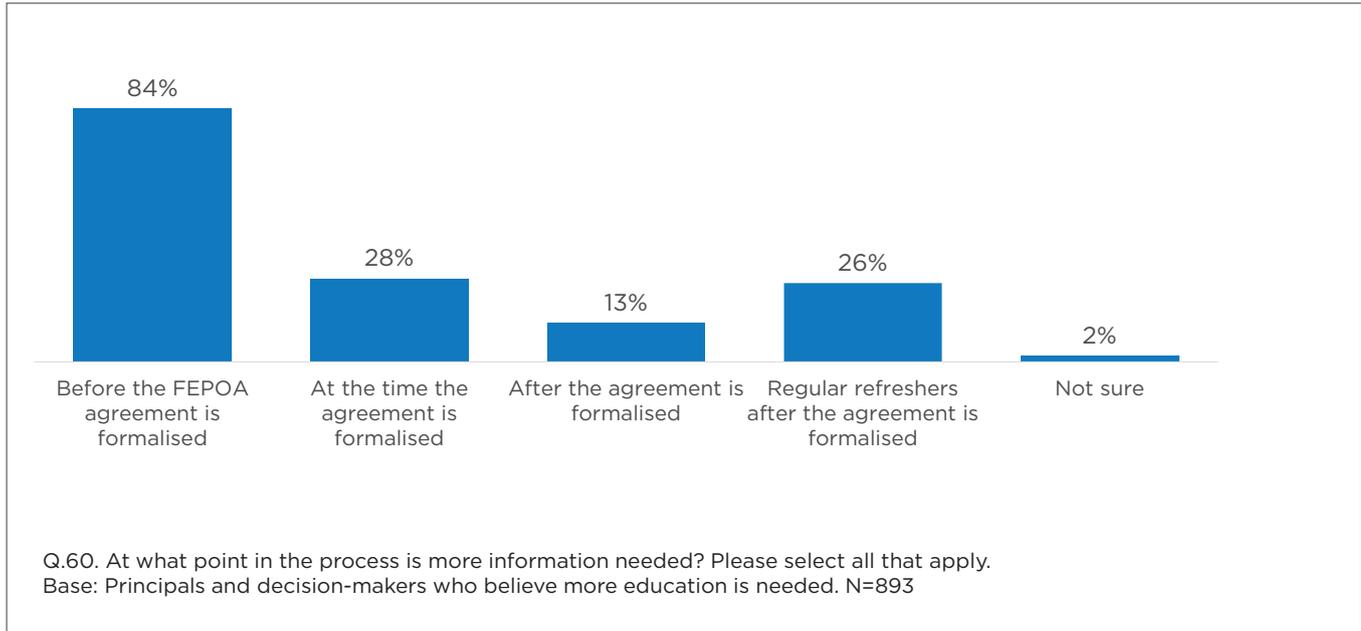
Among principals and appointed decision-makers, most felt that if additional information was provided, it should be before the FEPOA arrangement was formalised (84%). Additionally, a sizeable minority (26%) were interested in regular refreshers after the agreement is formalised.

‘...that the information [is] given BEFORE, and not at point of legal entry is ideal/important’ – Appointed decision-maker

‘[Education] Should be compulsory prior to taking on the role’ – Appointed decision-maker

‘Just more information and regular refresh updates to keep everyone informed about the process’ – Appointed decision-maker

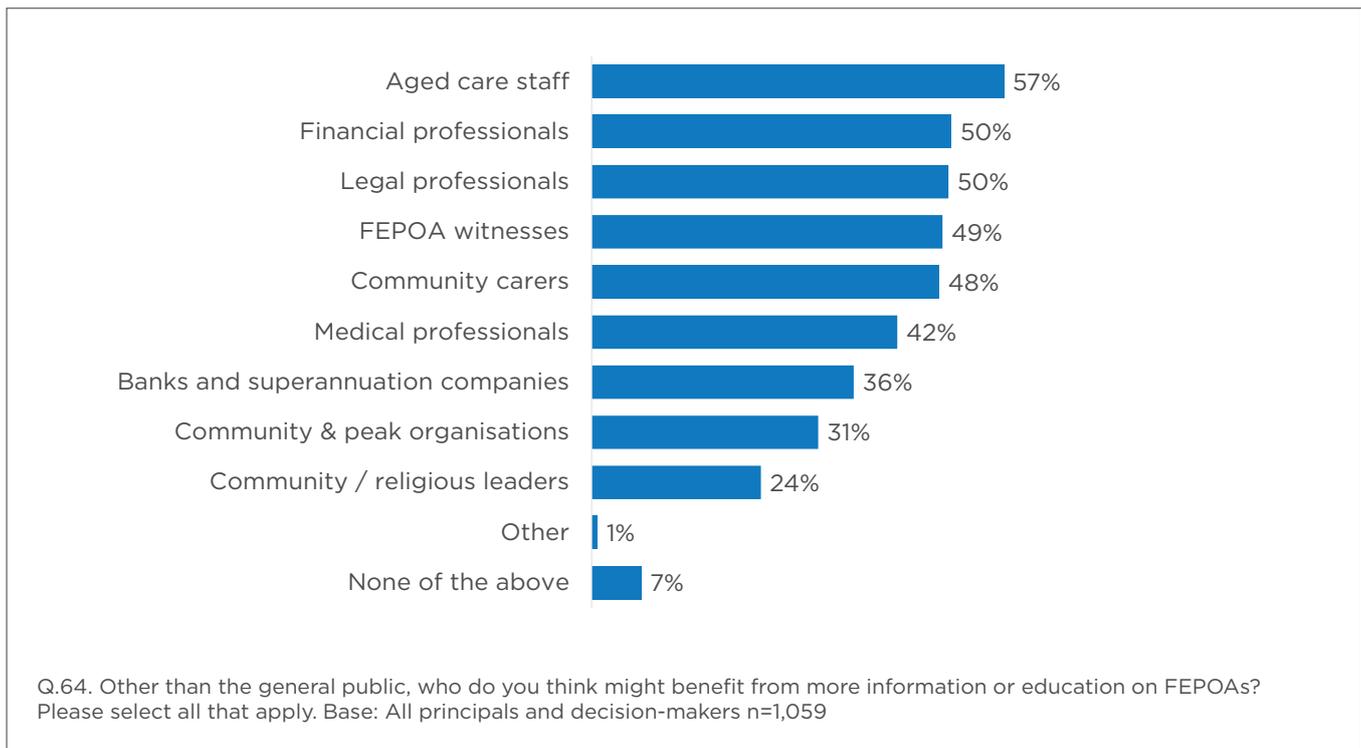
Figure 26 - When more information is needed



Other than the general public, principals and appointed decision-makers were most likely to believe that aged care staff (57%), financial professionals (50%) and legal professionals (50%) would benefit from more FEPOA education.

‘Honestly the more information and the more training that is available to the public / [carers] / families the easier things will work out. Education will make life easier’ - Principal

Figure 27 - Who would benefit from more FEPOA education



7 Principal and appointed decision-maker considerations and experiences

KEY FINDINGS

Principals generally first heard about FEPOAs through family and friends or a legal professional.

Only about half of principals sought professional advice before creating their FEPOA and discussed it with the person they wanted to appoint.

- Before creating their FEPOA, only about half (52%) discussed it with the person they wanted to appoint as their decision-maker and fewer than half of principals (42%) explained to other family members or friends why they chose their appointed decision-maker.
- Fewer than three in ten principals (29%) discussed their choice of prospective appointed-decision maker with a trusted third party or considered whether to set limits or conditions in their FEPOA (27%).
- Only about half of principals (56%) discussed their wishes with their prospective appointed decision-maker or spent time working out what was important for their future (50%).

Only a small portion of those currently acting as appointed decision-makers felt they understood their responsibilities very well when they started their role.

- Before taking on the role of appointed decision-maker, only 35% of appointed decision-makers gave the role high consideration and only 25% felt they had a very good understanding of their responsibilities.

Despite generally positive experiences, principals and appointed decision-makers are also aware that there are risks and negative consequences associated with FEPOAs.

- Principals generally had high confidence that their appointed decision-maker would look after their finances in line with their interests and preferences, and two in five felt content (42%) and/or in control (41%) of their FEPOA arrangement with their appointed decision-maker.
- Four in five principals and appointed decision-makers (79%) had heard of negative consequences resulting from having an FEPOA, including: family conflict, misuse of money, or the principal being taken advantage of.
- One in ten principals and appointed decision-makers (9%) had experienced negative consequences first-hand.
- The three biggest risks identified as being associated with FEPOAs were misuse or theft of the principal's money (39%), conflict within the family (35%) and that the appointed decision-maker goes against the principal's wishes (33%).
- A quarter of principals (24%) have (or have wanted to) change or cancel their FEPOA, most often due to a change in relationship with the appointed decision-maker or concerns about them, or their ability to perform their role.

Two in five principals had appointed decision-makers who showed risk factors for perpetrating elder abuse

- Compared to appointed decision-makers, principals were more likely to believe there is no risk involved in having an FEPOA (16% of principals compared to 5% of appointed decision-makers).
- 37% of principals had appointed decision-makers who displayed characteristics that have been identified as risk factors for perpetrating elder abuse (e.g. substance abuse, financial or emotional dependence, gambling addiction etc).
- While principals were somewhat cognisant that these circumstances could pose a risk to them or their appointed decision-maker's ability to perform their role, a quarter (25%) felt the circumstances did not pose a risk at all.
- Worryingly, a significant proportion of principals do not have someone they would feel comfortable talking to if they had concerns about their appointed decision-maker (29%).

7.1 Principal considerations

Principals generally first heard about the idea of an FEPOA through their family or friends (27%), or a legal professional (25%).

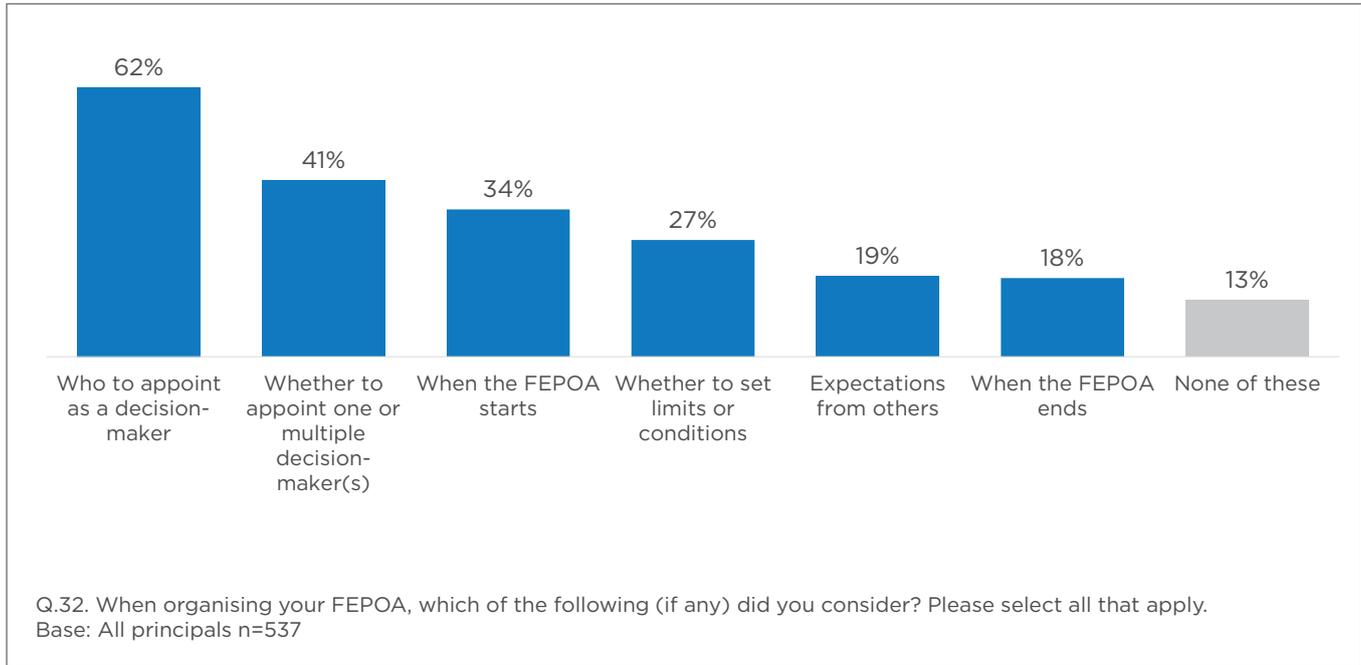
Figure 28 - How principals first heard about FEPOAs



Before creating an FEPOA, half (52%) of principals sought professional advice and a similar portion (52%) discussed it with the person they wanted to appoint.

Two-thirds of principals (62%) considered who they would appoint as a decision-maker when organising their FEPOA. Only around a third (27%) thought about whether to set limits or conditions in their FEPOA, or when the FEPOA would start (34%) and end (18%).

Figure 29 – Principals’ considerations before organising an FEPOA



Just over half of principals (56%) discussed their wishes with their prospective appointed decision-maker(s) and half (50%) spent time working out what was important for their future. Three in ten (29%) discussed their choice of prospective appointed decision-maker(s) with a trusted third party.

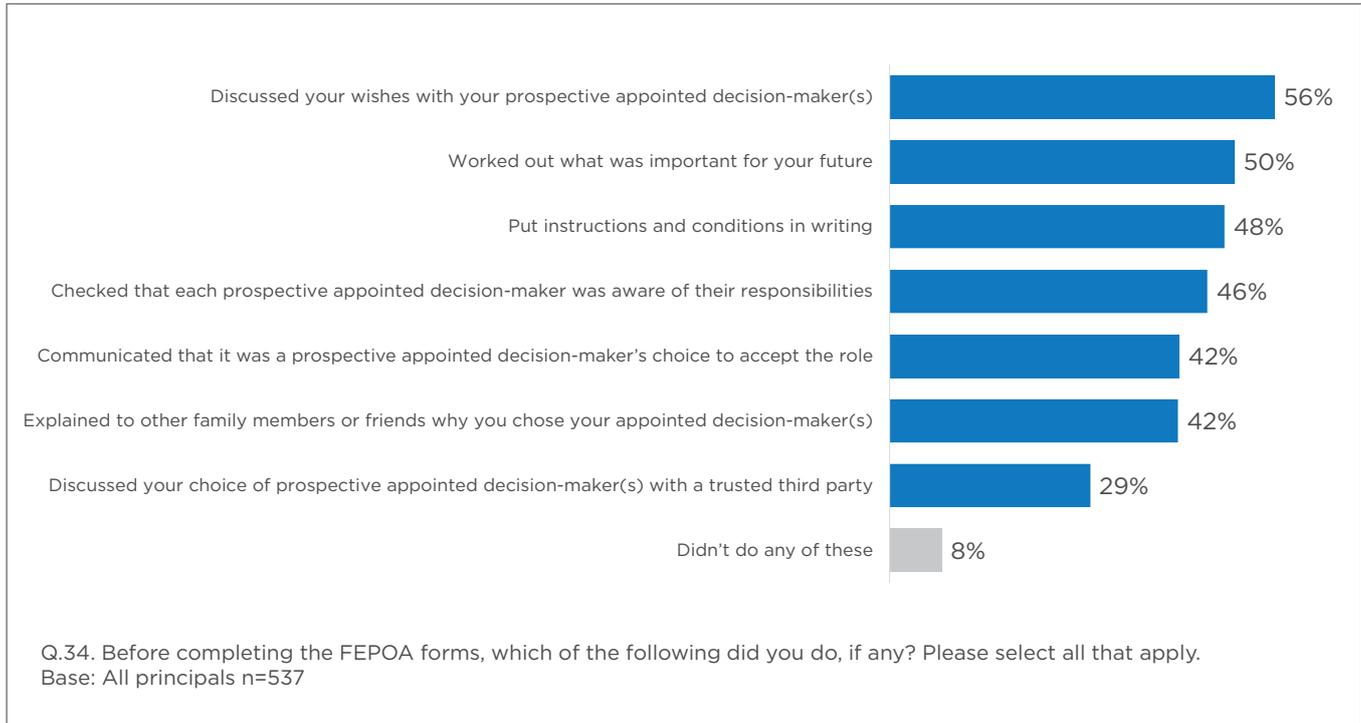
Two in five principals (42%) communicated to their prospective appointed decision-maker that they had a choice whether to accept the role. A similar portion (42%) explained to other family members or a friend why they chose their appointed decision-maker(s).

As shown in the ‘Principal and appointed decision-maker experiences’ section below, family conflict is perceived by principals and appointed decision-makers to be the second biggest risk associated with having an FEPOA. However, the data reveals only around half of principals are attempting to mitigate the risk by discussing the FEPOA with the person they want to appoint as their decision-maker, giving the prospective appointed decision-maker a choice in whether to accept the role, or explaining their choice of appointed decision-maker with other family members.

Similarly, while concerns that the appointed decision-maker would misuse the principal’s money or go against the principal’s wishes were also identified in the section below as top risks associated with an FEPOA, very few considered setting limits or conditions in their FEPOA or spent time thinking through and communicating their wishes to the prospective appointed decision-maker.

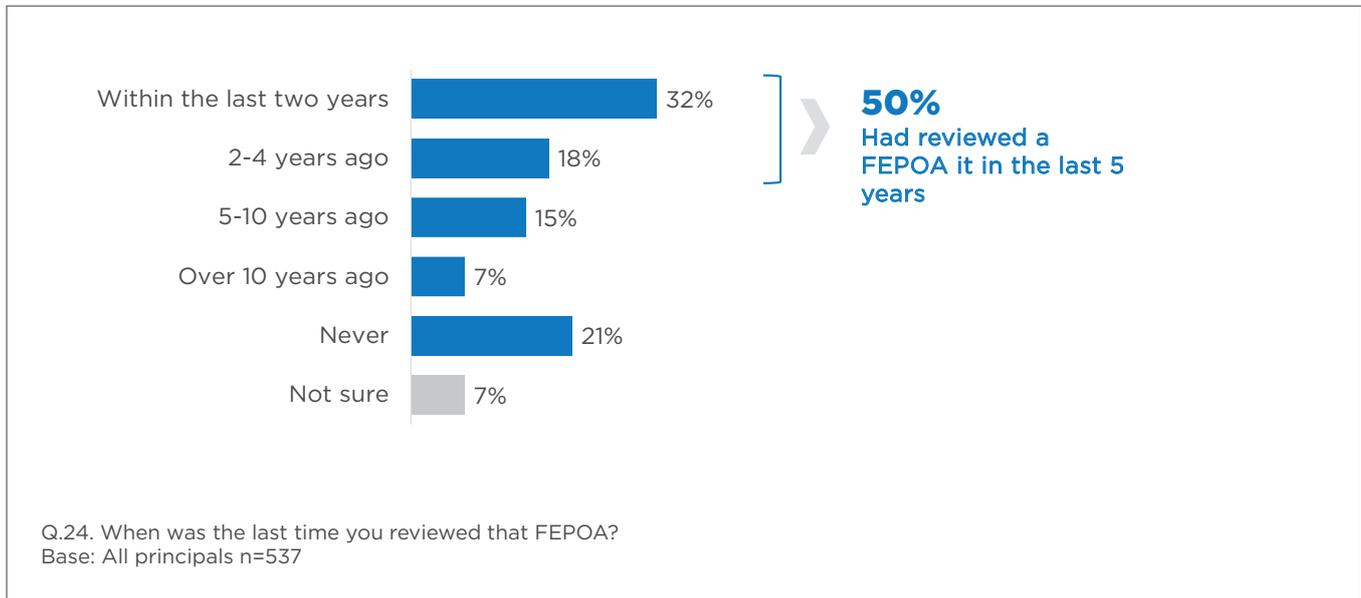
‘Discussions were held with [the] appointed person[.] Expectations [were] aired and discussed[.] [The] Solicitor [was] involved positively... [and we had a] Family meeting’ – Principal, FEPOA not in use

Figure 30 – Principals’ actions before completing the FEPOA forms



The data revealed one in two principals had created an FEPOA within the last five years (51%) and the same portion had reviewed their FEPOA in the last five years (50%). However, one in five (21%) had never reviewed their FEPOA after setting it up.

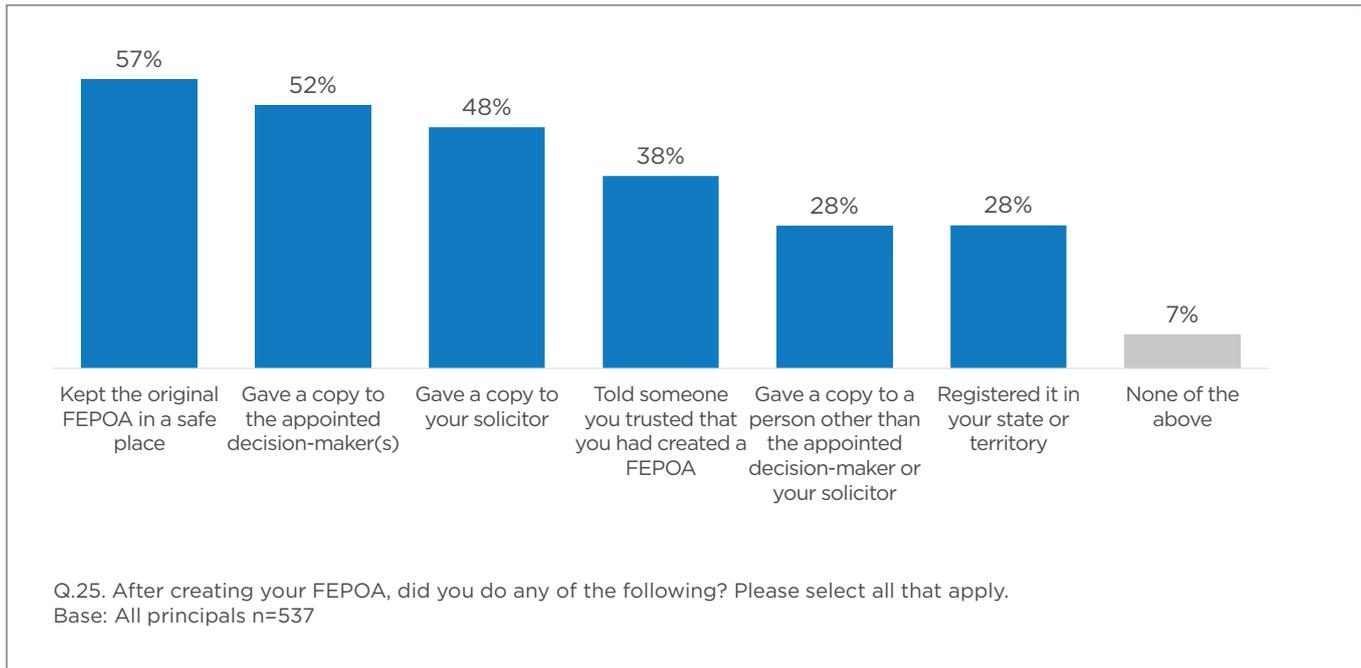
Figure 31 – Last time principals reviewed their FEPOA



After creating their FEPOA, one in two principals (52%) gave a copy to their appointed decision-maker(s), one in two (48%) gave a copy to their solicitor, and one in three (38%) told someone they trusted that they had created an FEPOA.

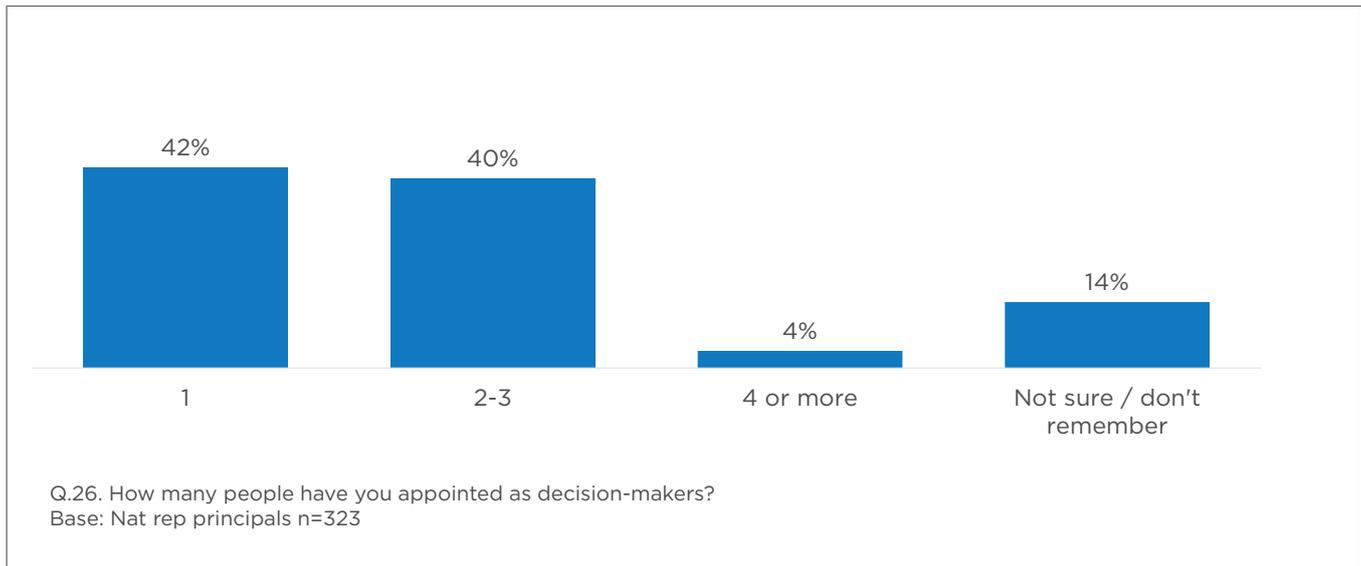
Just over a quarter (28%) registered their FEPOA with their state or territory, noting that this is not a requirement in all states and territories across Australia.

Figure 32 - Principals' actions after creating an FEPOA



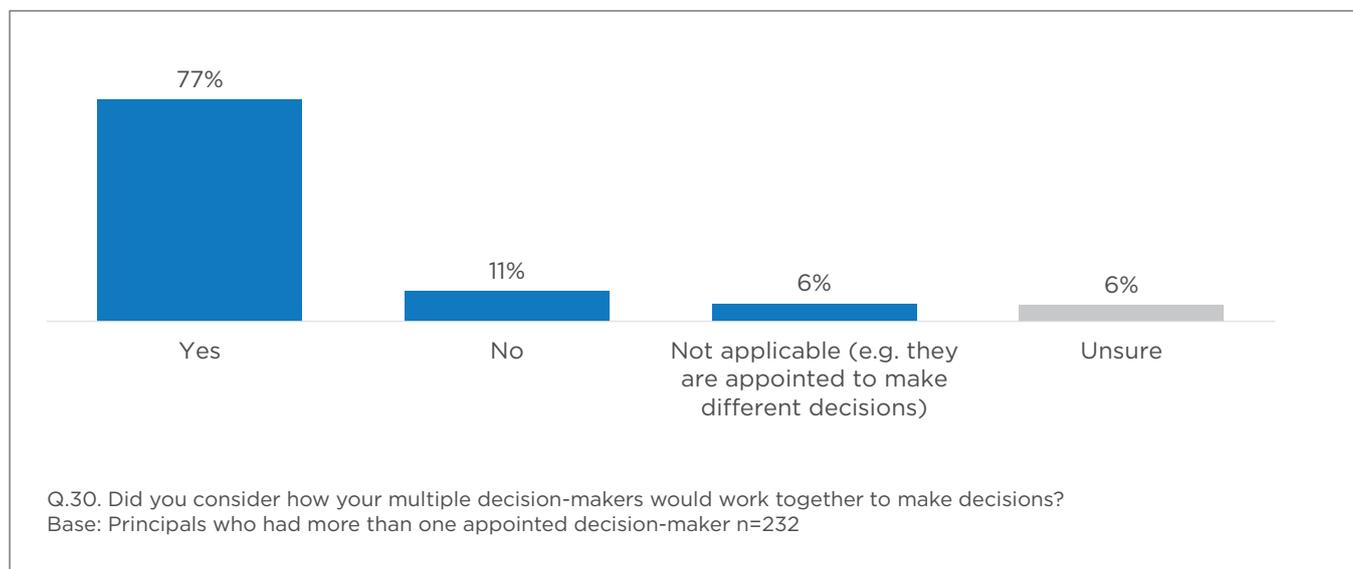
Almost half of principals (44%) had more than one appointed decision-maker, less than half had just one (42%) and one in seven (14%) were not sure or did not remember how many people they had appointed as decision-makers.

Figure 33 - Number of appointed decision-makers



Of those who had more than one appointed decision-maker, the majority (77%) considered how those appointed decision-makers would work together to make decisions. However, this may not be applicable to all who reported having appointed more than one appointed decision-maker as the appointments may have been made under separate documents, for past FEPOAs, for different decisions or for other reasons.

Figure 34 – Principals who considered how multiple appointed decision-makers would work together

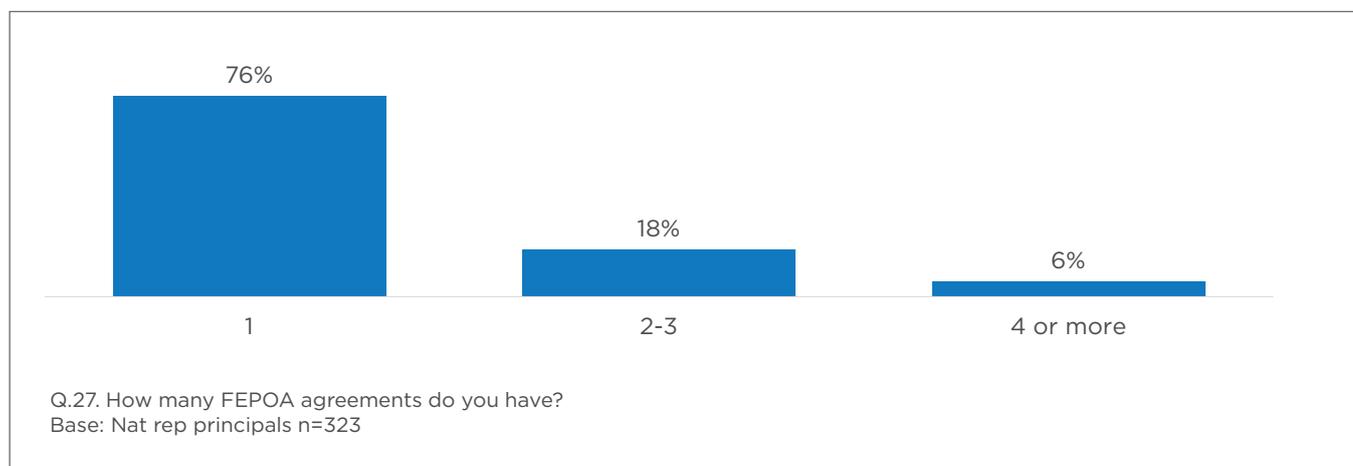


The majority of principals (76%) reported having just one FEPOA and a quarter (24%) had more than one FEPOA.

Those with more than one FEPOA were more likely to be:

- younger than 65 years old (80%)
- principals who had appointed more than one decision-maker (54%).

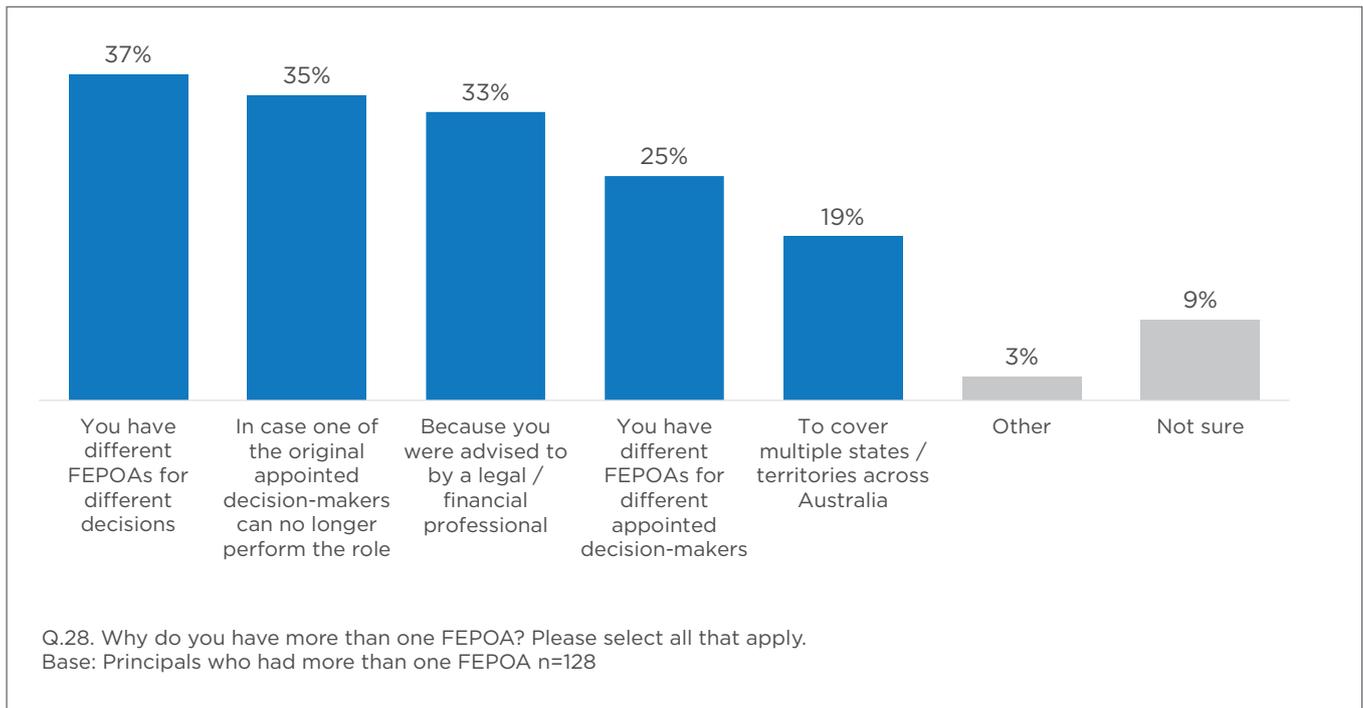
Figure 35 – Number of FEPOA agreements



Common reasons for having more than one FEPOA included having different FEPOAs for different decisions (37%), for the circumstance where the original appointed decision-maker could no longer perform the role (35%), or because they were advised to by a legal or financial professional (33%).

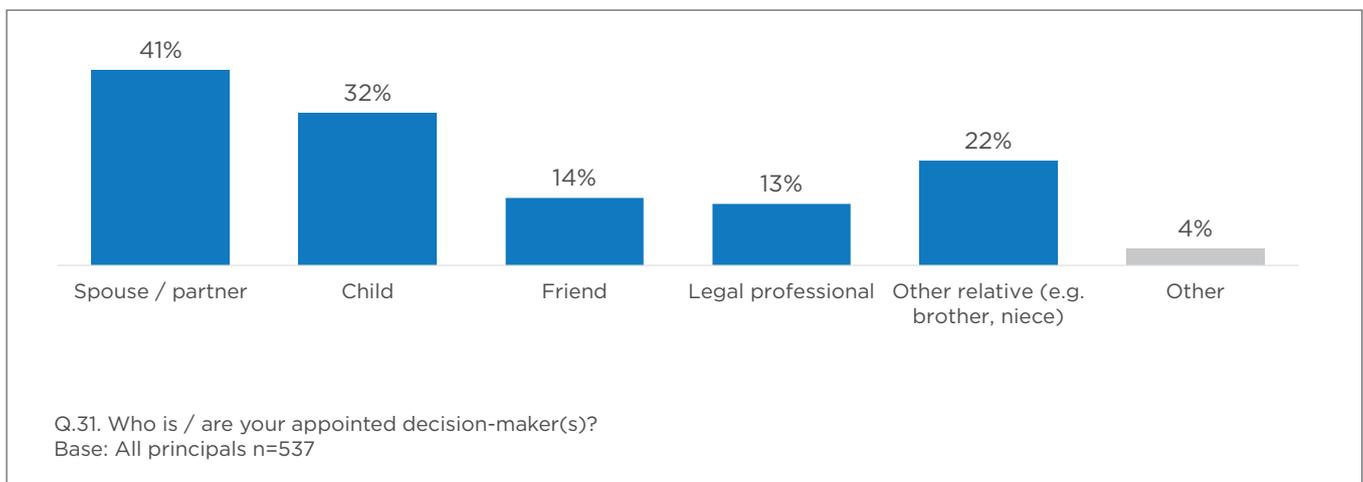
Two in five (19%) had multiple FEPOAs to cover multiple states and/or territories. This may suggest a level of confusion about FEPOA mutual recognition across jurisdictions in Australia. However, the precise motivation for principals having multiple FEPOAs is unclear and the actual reasons for this may warrant further investigation. Despite prior testing of the survey, the Commission also does not rule out the possibility of potential confusion or misinterpretation of the relevant survey question by respondents, in which case, this finding should be treated with caution.

Figure 36 – Principals’ reasons for having more than one FEPOA



Spouses and children are most likely to be appointed as decision-makers with two in five principals appointing their spouse/partner (41%) and one in three appointing their child/ren (32%).

Figure 37 – Who are appointed decision-maker(s)?



The data revealed that principals were influenced by many factors when deciding who to appoint as their decision-maker(s). Nine in ten principals (90%) reported considering whether the person was trustworthy. A similar portion thought about whether the person would listen to, respect and act on their wishes (89%) or was willing to take on the role with all its responsibilities (89%).

Two in three (65%) also took into account whether the person would inherit something from them when they passed.

Past research has found that an appointed decision-maker who is experiencing personal difficulties such as issues with alcohol, drugs, gambling, mental health or physical health; or financial, work, family or personal problems, is more likely to perpetrate elder abuse.⁹ However, the data revealed that only three in ten principals (31%) considered whether their prospective decision-maker was experiencing personal difficulties before appointing them.

'Sometimes it has led to heated family arguments, but when things go well, I enjoy myself knowing that everything is fine, safe and under control' - Principal, FEPOA not in use

'I had [an] argument with the appointed decision maker a few times, so I am always apprehensive.' - Principal, FEPOA is active

'Caused alot [sic] of tension in my family because the ones who were not appointed felt I didn't love them' - Principal, FEPOA not in use

'I was afraid that my appointed decision maker would gamble all the money' - Principal, FEPOA not in use

'All parties were helpful and prepared to act in my best interests. I feel confident in my decisions on appointees and [their] abilities.' - Principal, FEPOA not in use

Figure 38 - Principals and appointed decision-makers who considered these factors

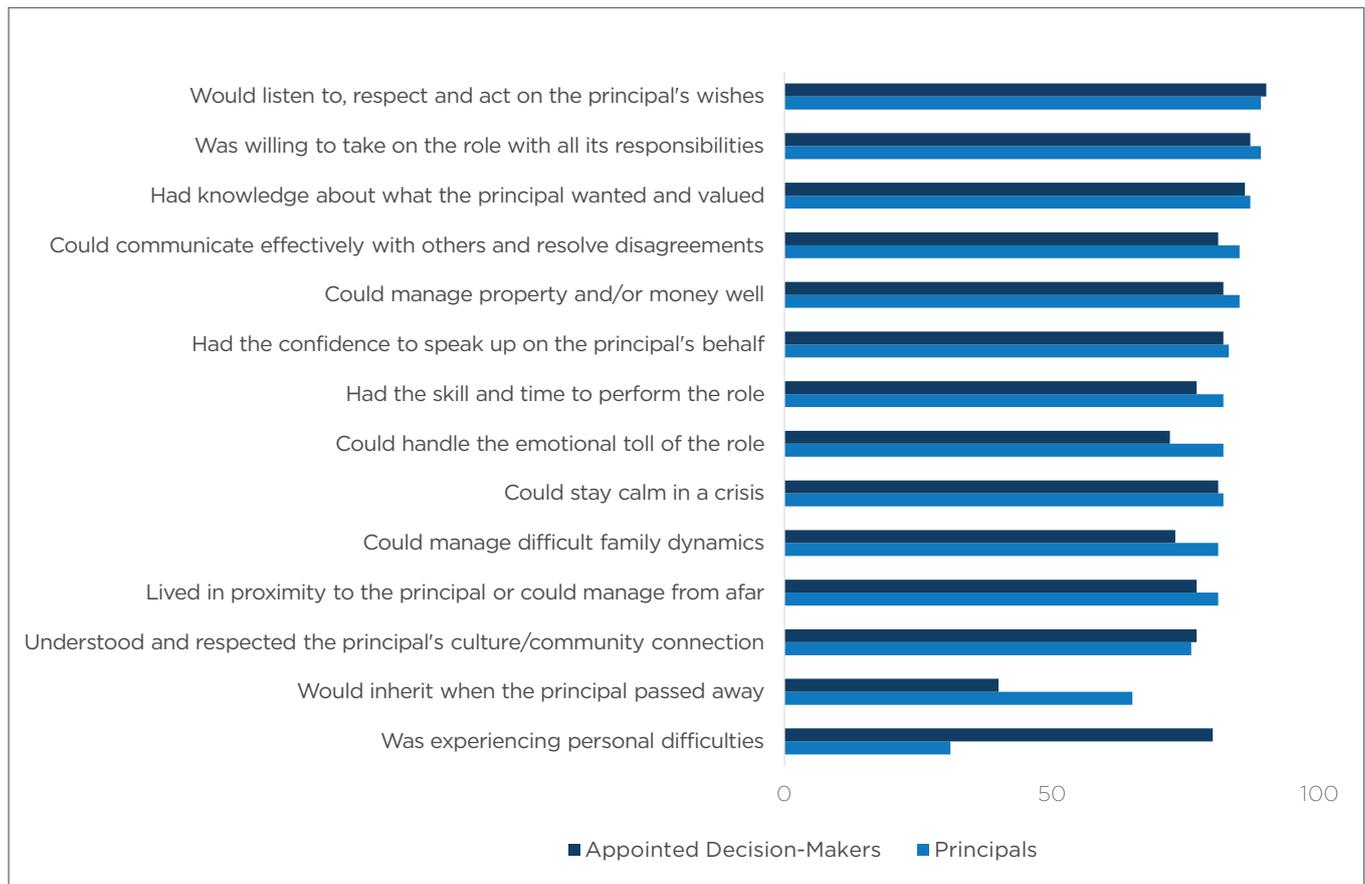
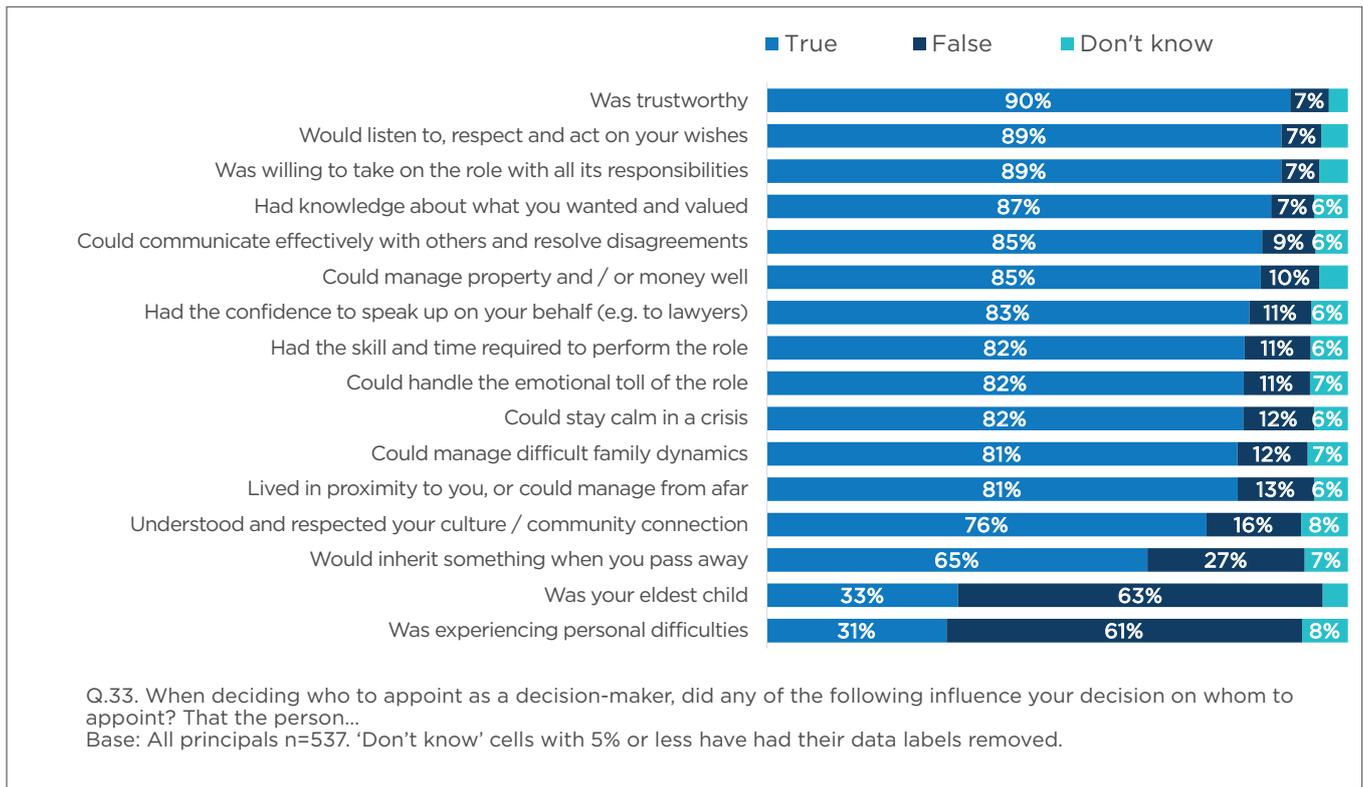


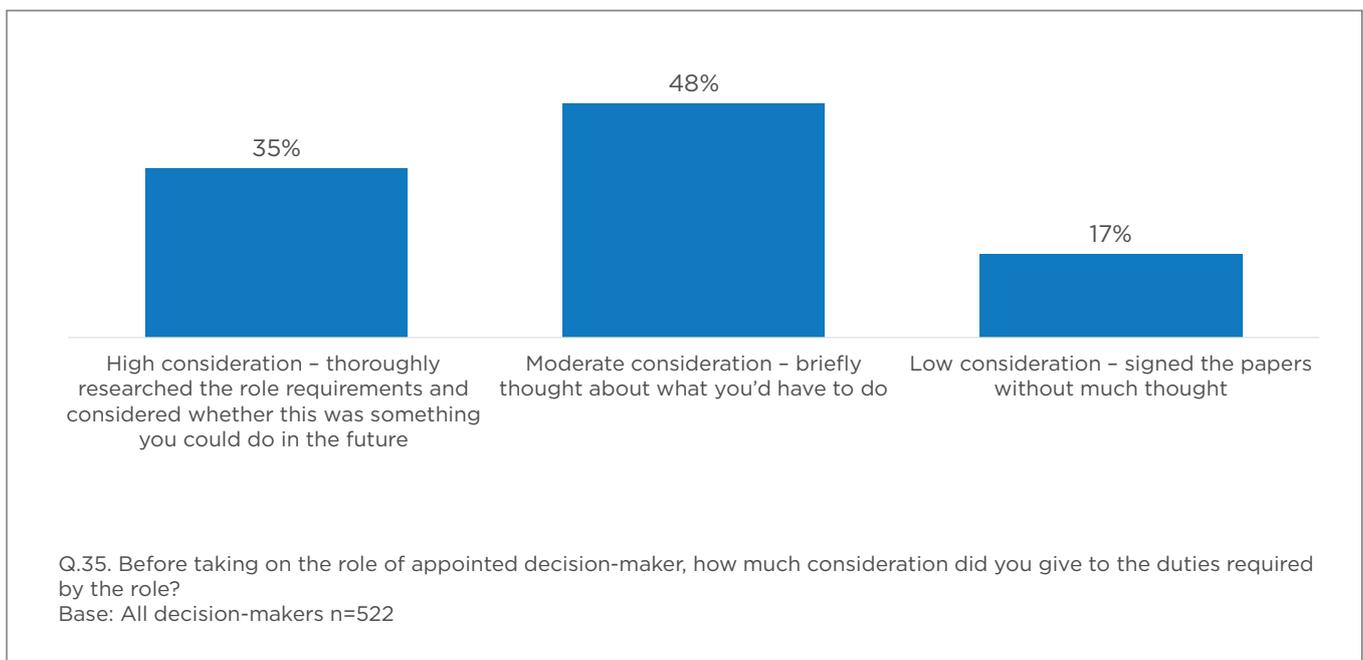
Figure 39 – Factors influencing who principals chose to appoint as decision-maker/s



7.2 Appointed decision-maker considerations

Before taking on the appointed decision-maker role, only one in three (35%) appointed decision-makers gave the role high consideration, while one in five (17%) gave it low consideration.

Figure 40 – Level of consideration appointed decision-makers gave before taking on the role

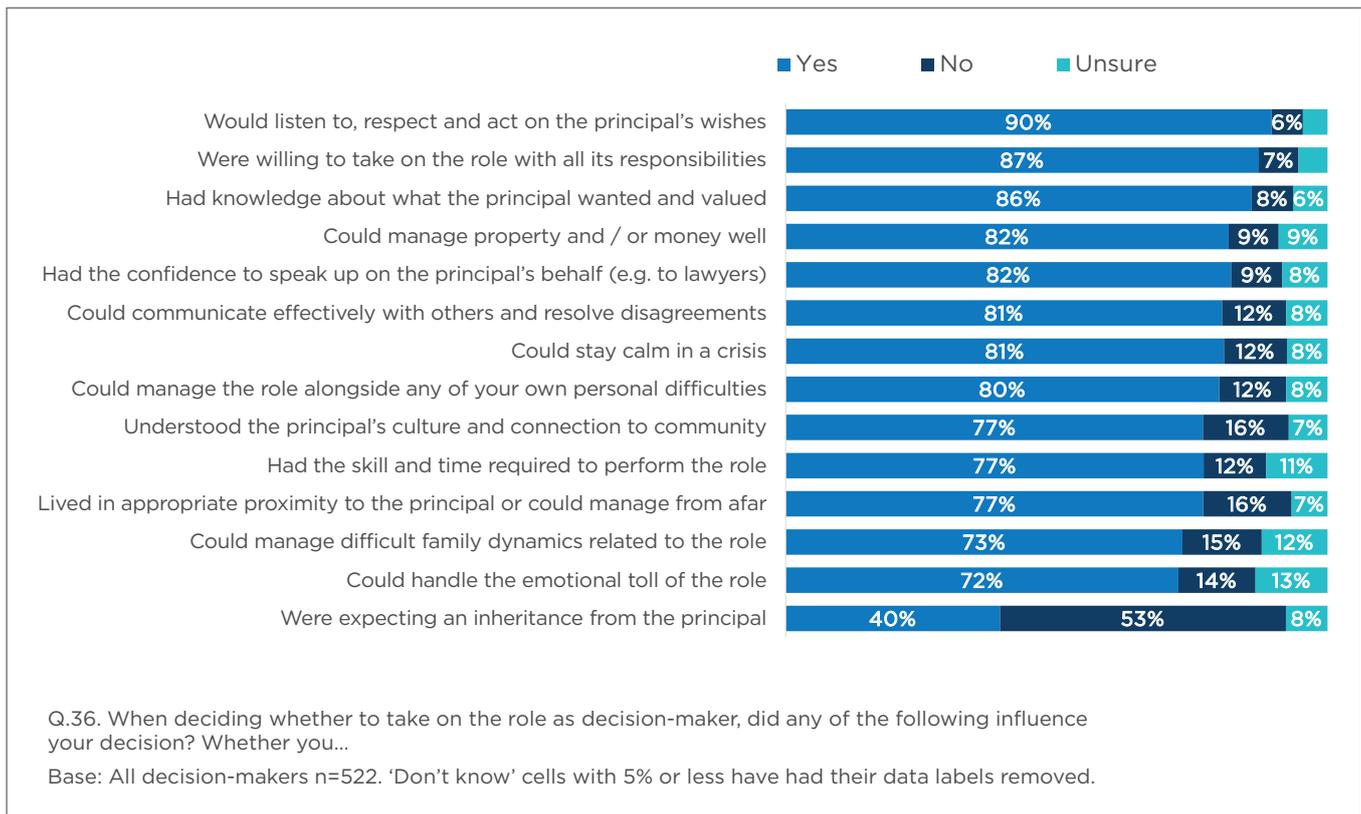


When deciding whether to take on the role, appointed decision-makers were far more cognisant of their personal difficulties than principals. The top factors that influenced appointed decision-makers' decision to take on the role were whether they would listen to, respect and act on the principal's wishes (90%), were willing to take on the role with all its responsibilities (87%) and had knowledge about what the principal wanted and valued (86%).

Four in five (80%) considered whether they could manage the role alongside any of their own personal difficulties and three in four (72%) considered whether they could handle the emotional toll of the role.

Two in five (40%) considered whether they were expecting an inheritance from the principal.

Figure 41 - Factors influencing decision to take on role of appointed decision-maker

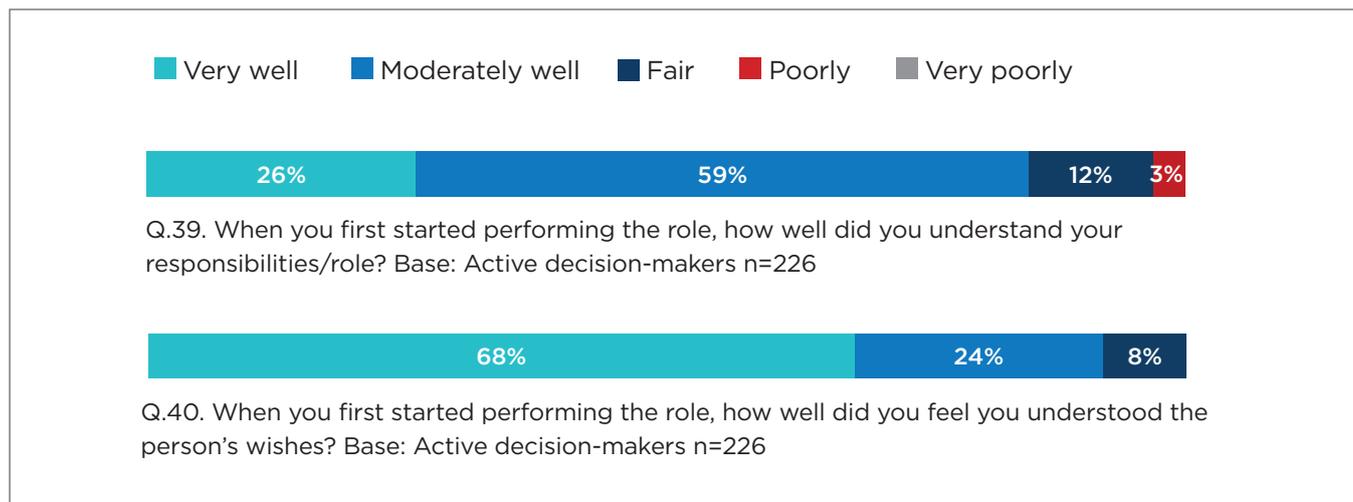


7.3 Appointed decision-makers' understanding of their role and the principal's wishes

Only a quarter (26%) of active appointed decision-makers felt that when they started performing their role, they understood their responsibilities very well.

The data also revealed that two-thirds (68%) of active appointed decision-makers felt that when they started performing the role, they understood the principal's wishes very well.

Figure 42 – How well appointed decision-makers understood their responsibilities and the principal’s wishes before they started performing the role

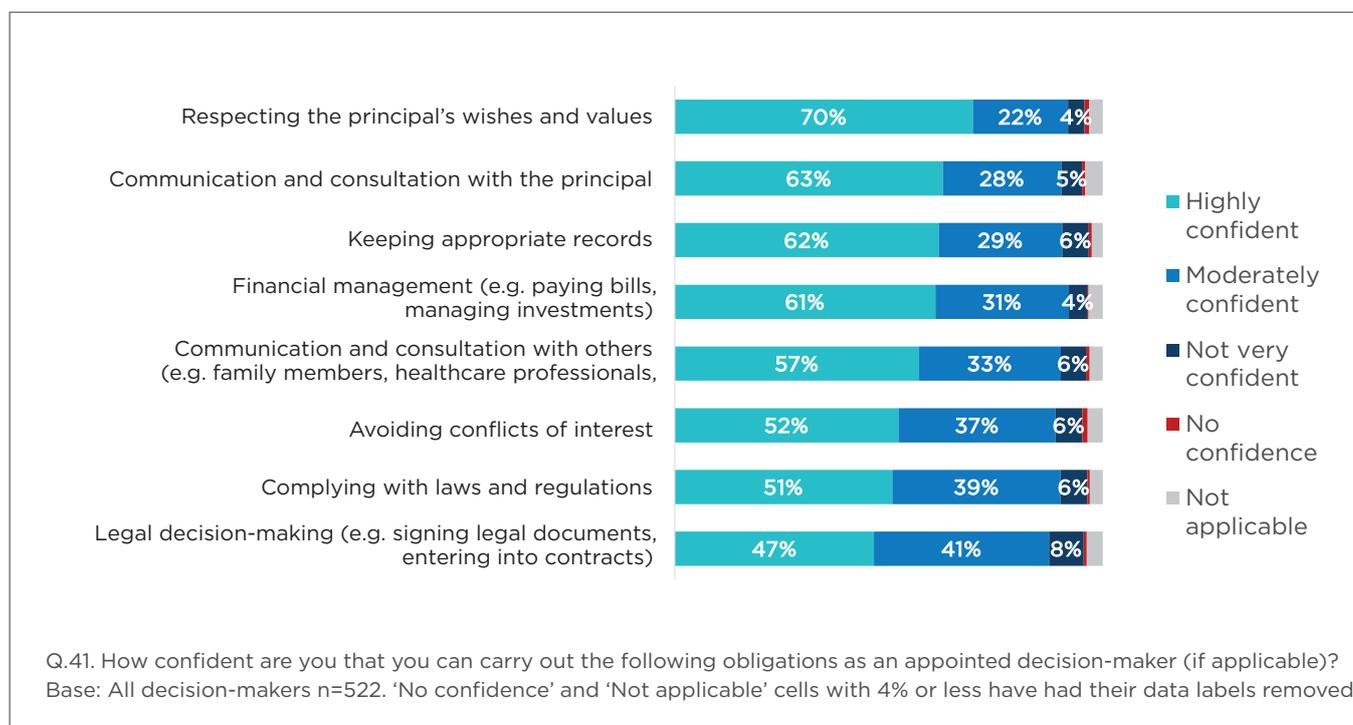


Seven in ten appointed decision-makers (70%) had high confidence in their ability to respect the principal’s wishes and values. Two thirds had high confidence in their ability to communicate and consult with the principal (63%) or keep appropriate records (62%).

However, appointed decision-makers had less confidence in their ability to carry out legal decision-making (47% highly confident), comply with laws (51%) or avoid conflicts of interest (52%).

Generally speaking, appointed decision-makers who were younger than 65 years old were less confident in carrying out their obligations, and those who were 65 or older were more confident.

Figure 43 – Confidence of appointed decision-makers to carry out their obligations



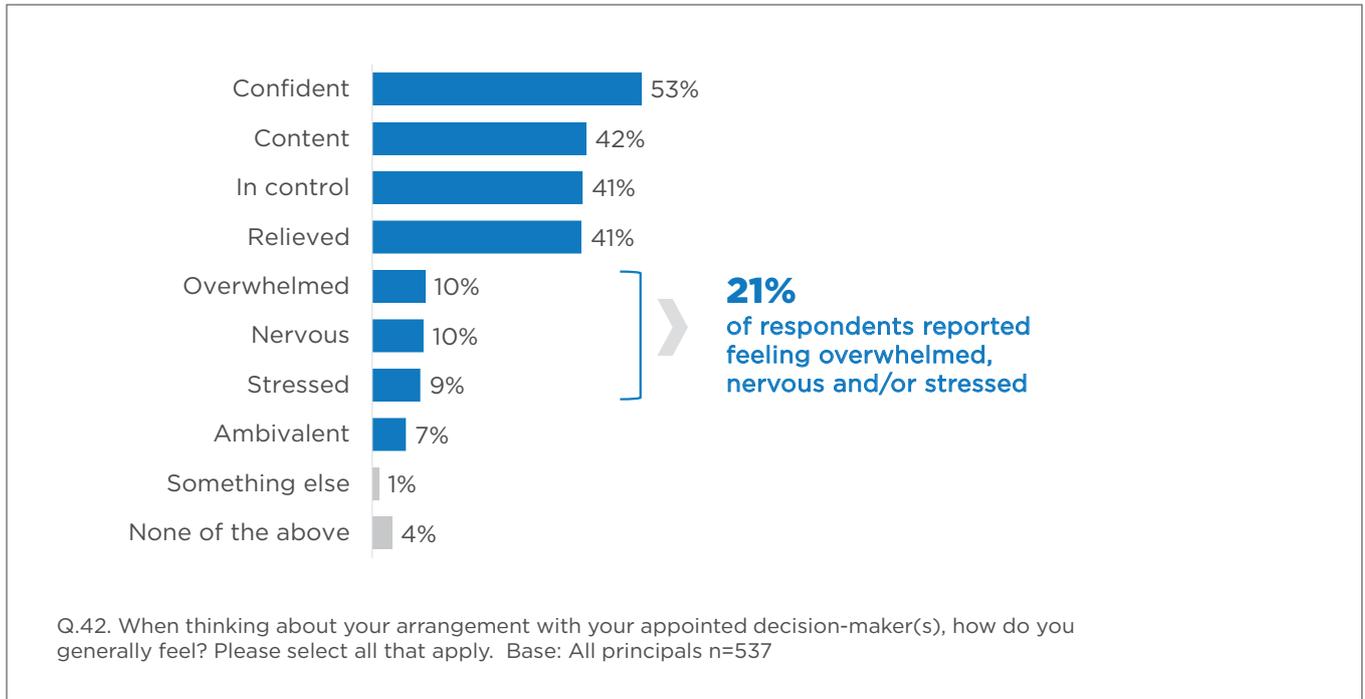
7.4 Principal and appointed decision-maker experiences

Over half of principals felt confident (53%) about their arrangement with their appointed decision-maker(s) and two in five felt content (42%) or in control (41%).

However, two in five (21%) said they felt either overwhelmed, nervous or stressed about the arrangement with their appointed decision-maker(s).

As respondents could fall into multiple categories, the numbers here are not additive.

Figure 44 - How principals feel about their arrangement with their appointed decision-maker(s)



Nearly two-thirds of principals (63%) were highly confident that their appointed decision-maker(s) would look after their finances in line with their preferences and best interests. 33% were moderately confident and a small percentage not very confident (3%) or not confident at all (2%).

Generally speaking, appointed decision-makers who were younger than 65 years old were less confident in carrying out their obligations, and those who were 65 or older were more confident.

When asked to give stories about their FEPOA experiences, many principals described positive or neutral experiences, feelings of trust or having peace of mind. However, it should be noted that these reflections are primarily from people whose FEPOAs are not currently in use.

'I completely trust my appointed decision-maker to act lawfully, in good conscience, to the best of her ability, and to be honest and fair. I have no doubts about this person.' - Principal, FEPOA not in use

'I felt confident appointing [my] decision makers. I trust the people I have appointed and have no concerns about them acting in my best interests' - Principal, FEPOA is not in use

'Mine was easy. My son is a medical professional capable of making difficult decisions' – Principal, FEPOA not in use

'My FEPOA was set up to cater for possible future needs and has not yet been activated. So I see it as a provision in the background and am comfortable that it protects my future interests.' – Principal, FEPOA not in use

'My experience has so far been very positive. My cognitive function is normal but my physical health is very poor and I have impaired mobility as well as limited ability to manage complex affairs (financial, legal etc.) I have two family members whom I trust to act on my behalf if necessary, and so far it's worked out very well for all of us. It may seem to some that a financial enduring power of attorney involves giving up some autonomy, but for me the opposite is true. It's empowered me to proactively manage my finances regardless of my health.' – Principal, FEPOA is active

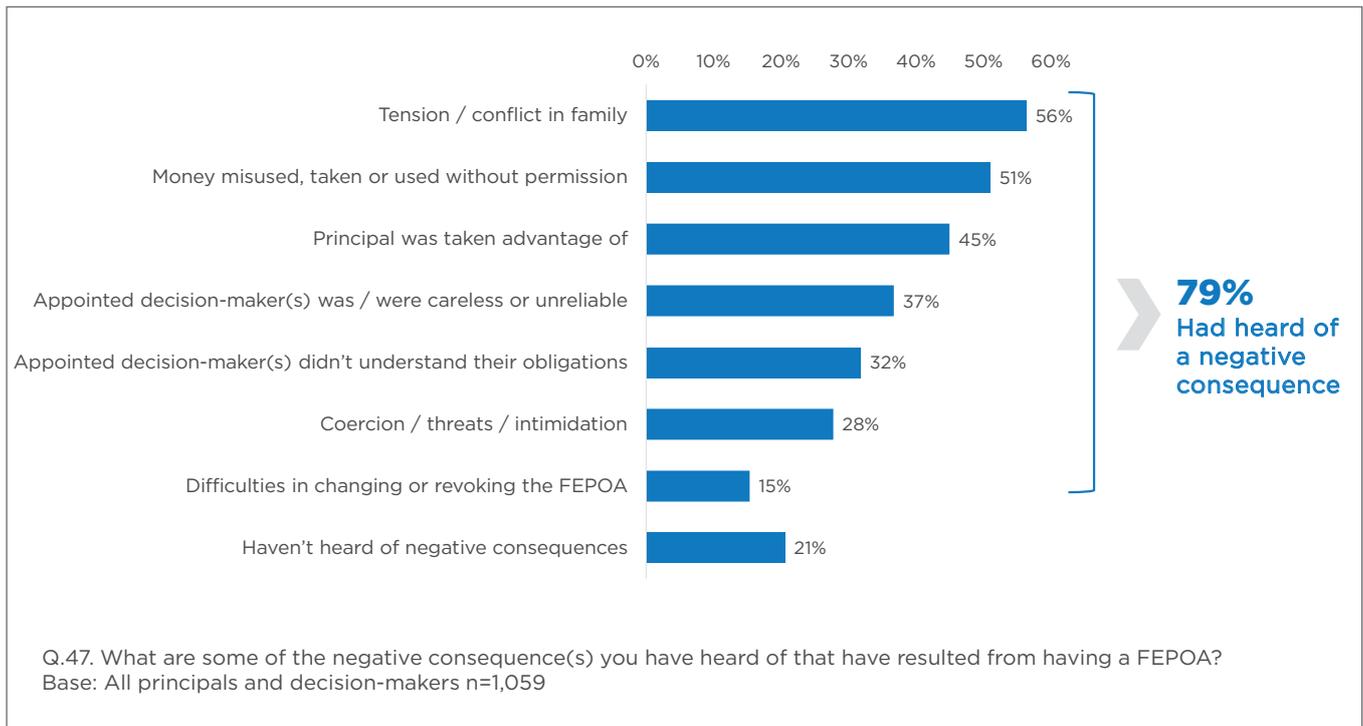
Figure 45 – Principals' experiences with their FEPOA and appointed decision-maker(s)



Despite generally positive experiences with FEPOAs, four in five principals and appointed decision-makers (79%) had heard of a negative consequence resulting from having an FEPOA.

Tension or conflict in family (56%), money misused, taken or used without permission (51%) and the principal being taken advantage of (45%) were the most common negative experiences principals and appointed decision-makers were aware of.

Figure 46 – Negative consequences principals and appointed decision-makers have heard of

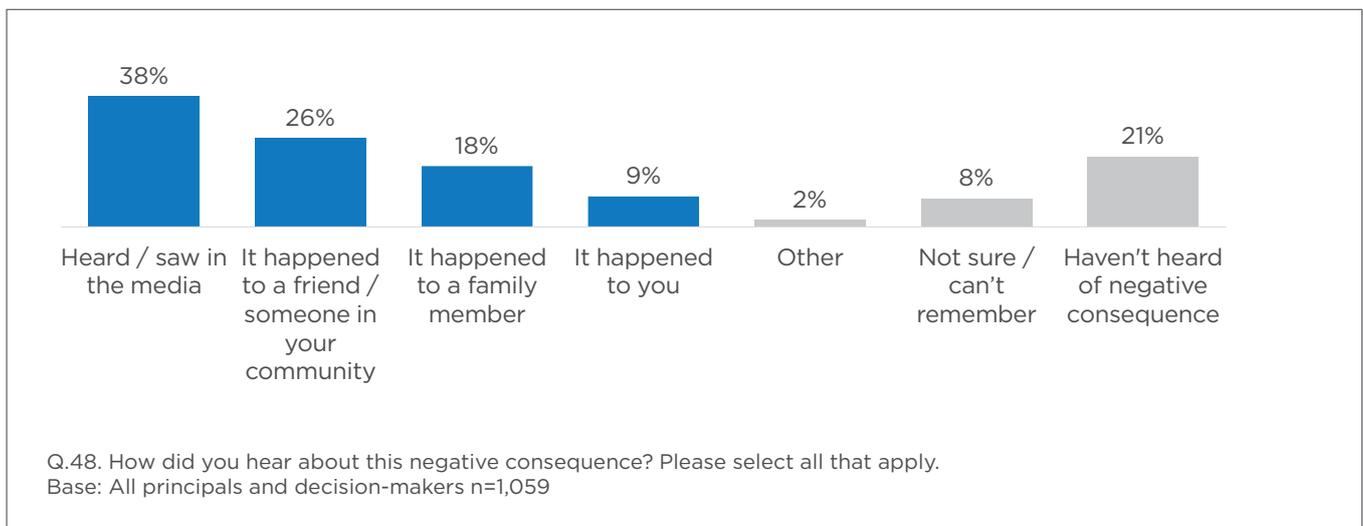


The data revealed that appointed decision-makers were significantly more likely to have heard of all the negative experiences listed, while principals were more likely to have selected 'Haven't heard of negative consequences' (24% principals; 15% appointed decision-makers).

One in ten principals and appointed decision-makers (9%) had experienced negative consequences themselves.

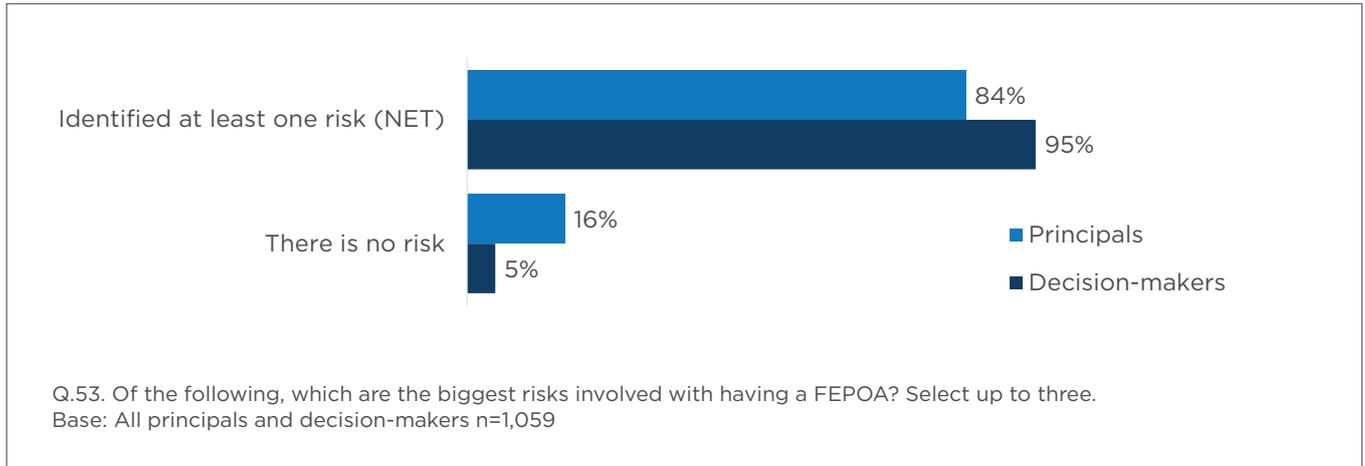
'The [appointed decision-maker] sometimes has emotional issue[s] and will make impulsive decisions...so I need to talk to the person and have a discussion more regularly' – Principal, FEPOA is active

Figure 47 – How principals and appointed decision-makers heard about negative consequences



Appointed decision-makers were significantly more likely than principals to associate FEPOAs with a level of risk. While almost all appointed decision-makers (95%) identified at least one risk associated with having an FEPOA, one in six principals (16%) believed ‘there was no risk’ involved with having an FEPOA.

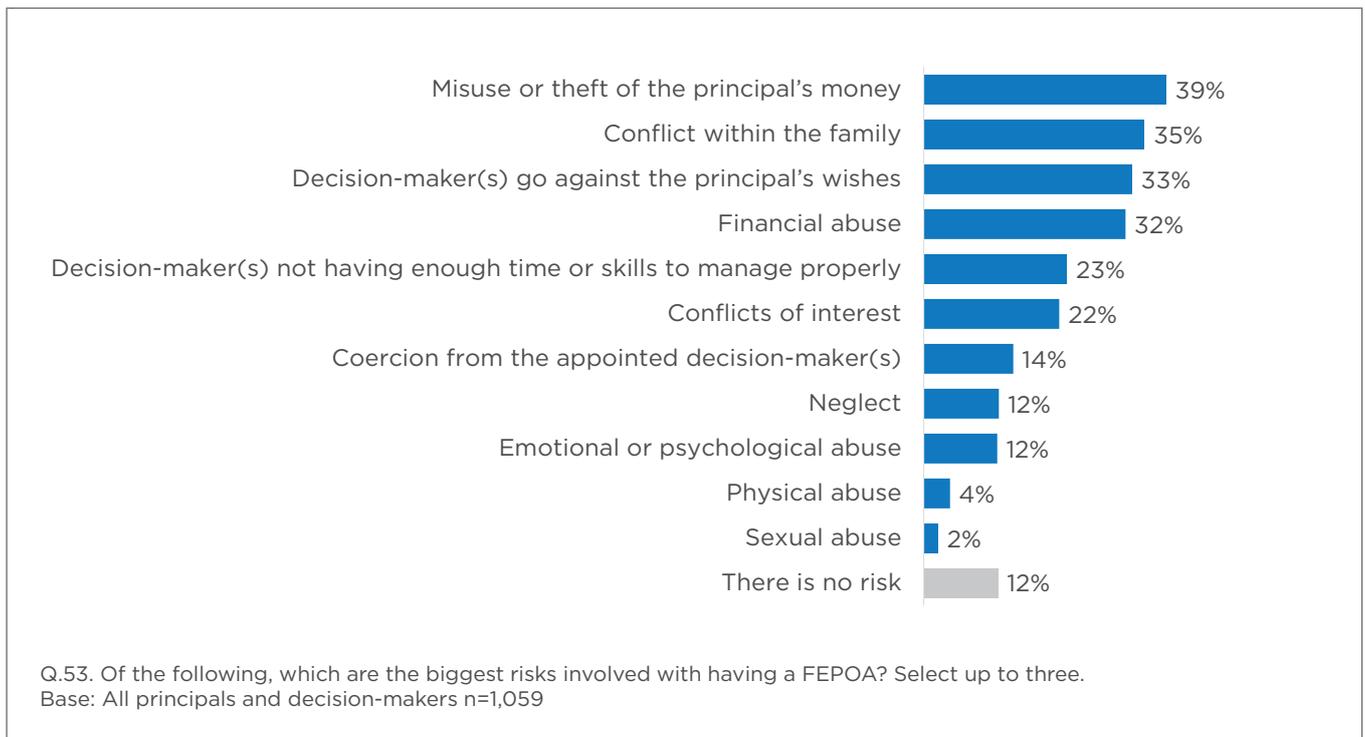
Figure 48 - Principals and appointed decision-makers who identified a level of risk with FEPOAs



For principals and appointed decision-makers alike, the most common risks associated with having an FEPOA were:

- misuse or theft of the principal’s money (39%)
- conflict within the family (35%)
- the appointed decision-maker(s) going against the principal’s wishes (33%)
- financial abuse (32%).

Figure 49 - Biggest risks identified with having an FEPOA

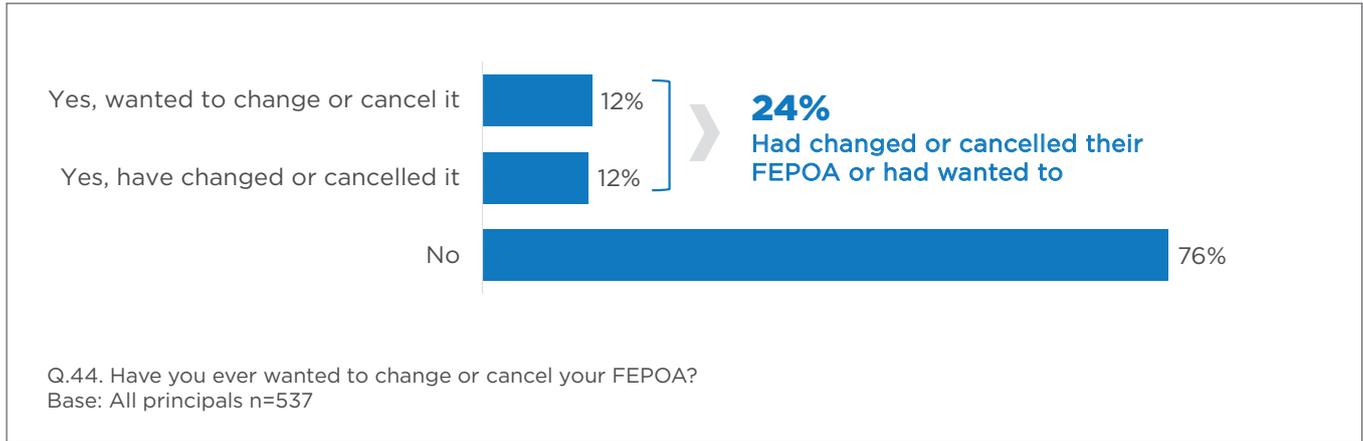


Appointed decision-makers were more likely to select:

- misuse or theft of the principal's money (49% appointed decision-makers, 32% principals)
- financial abuse (41% appointed decision-makers, 27% principals)
- conflict within the family (39% appointed decision-makers, 33% principals)
- the appointed decision-maker(s) go against the principal's wishes (38% appointed decision-makers, 30% principals).

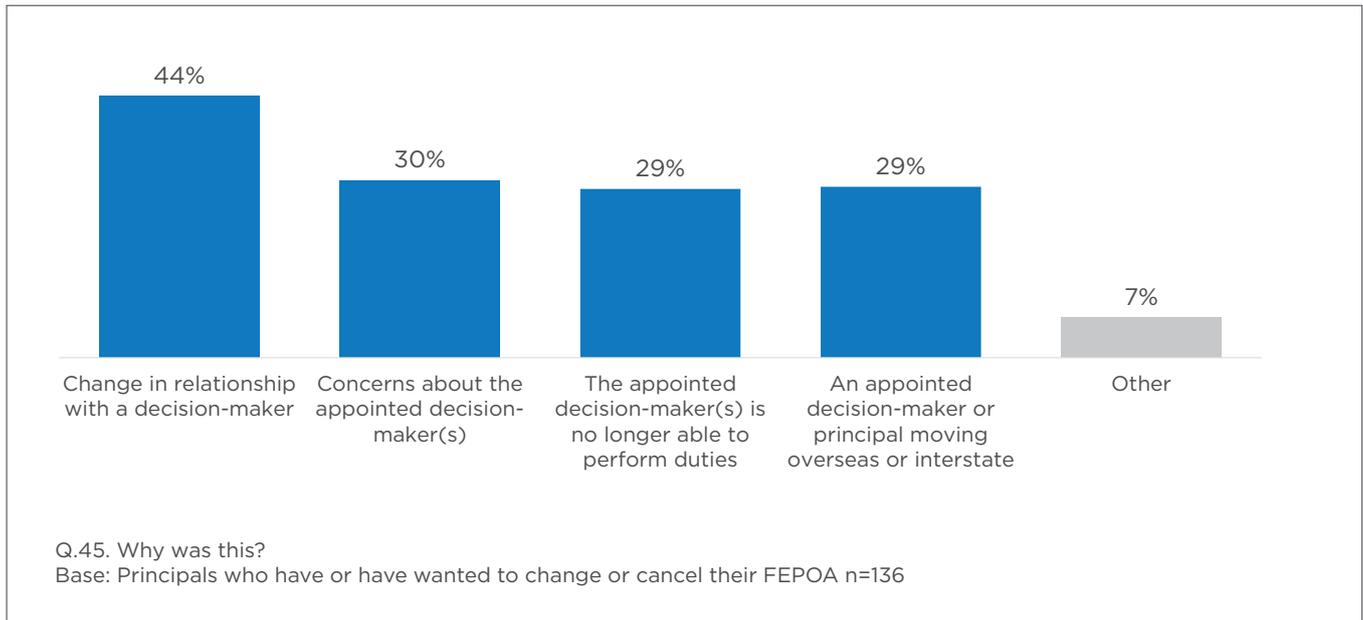
A quarter (24%) of principals have, or have wanted to, change or cancel their FEPOA.

Figure 50 - Principals who have wanted to change or cancel their FEPOA



Of those who have, or have wanted to, change or cancel their FEPOA, the most common reason was a change in relationship with an appointed decision-maker (44%). The second most common reason was that they had concerns about the appointed decision-maker (30%).

Figure 51 - Reasons principals have wanted to change or cancel their FEPOA



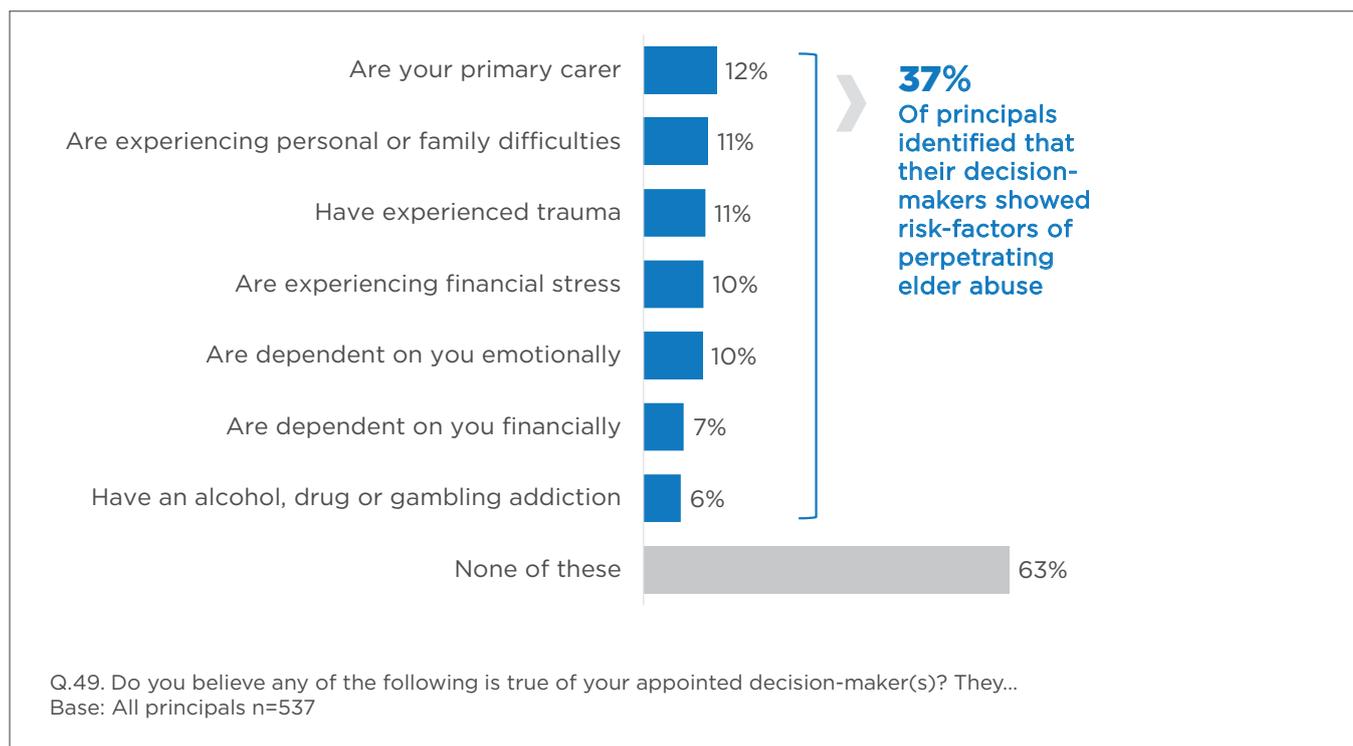
Principals were asked whether their appointed decision-maker had specific characteristics which were known from past research to be risk-factors of elder abuse.¹⁰ In total, two in five (37%) principals had appointed decision-makers who showed risk-factors for perpetrating elder abuse.

The most common risk-factors reported were appointed decision-makers:

- being a principal’s primary carer (12%)
- experiencing personal or family difficulties (11%)
- having experienced trauma (11%).

Those younger than 65 years were more likely to select all options, and those who spoke a language other than English at home were also more likely to select several options.

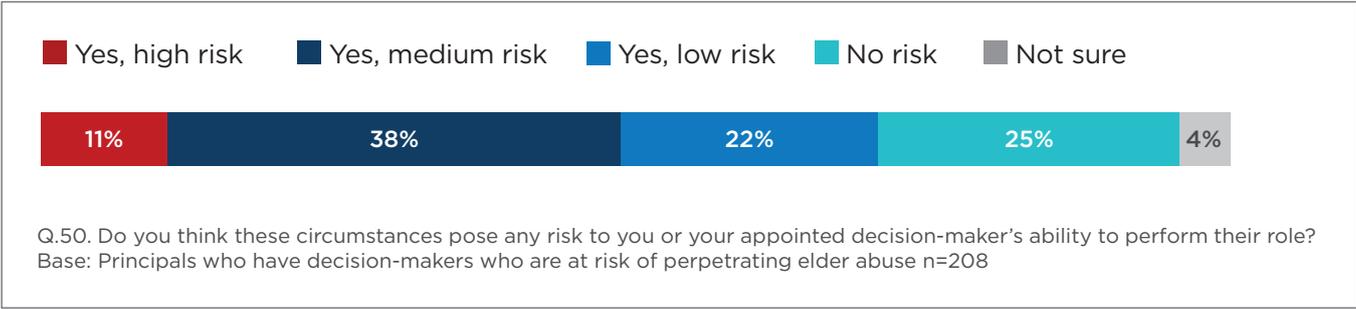
Figure 52 - Principals who believe the following is true about their appointed decision-maker(s)



Principals were somewhat cognisant that these circumstances could pose a risk to them or their appointed decision-maker’s ability to perform their role. One in ten (11%) felt the circumstances posed a high risk and two in five (38%) felt they posed a medium risk. A quarter (25%) felt the circumstances did not pose a risk at all. It should be noted that this does not necessarily mean these principals were not aware of the risk. For example, after careful consideration and assessment of the specific circumstances, they may have arrived at the conclusion that there is no risk. However, it is also a concerning possibility that some principals were simply not aware of the potential risk presented by these circumstances.

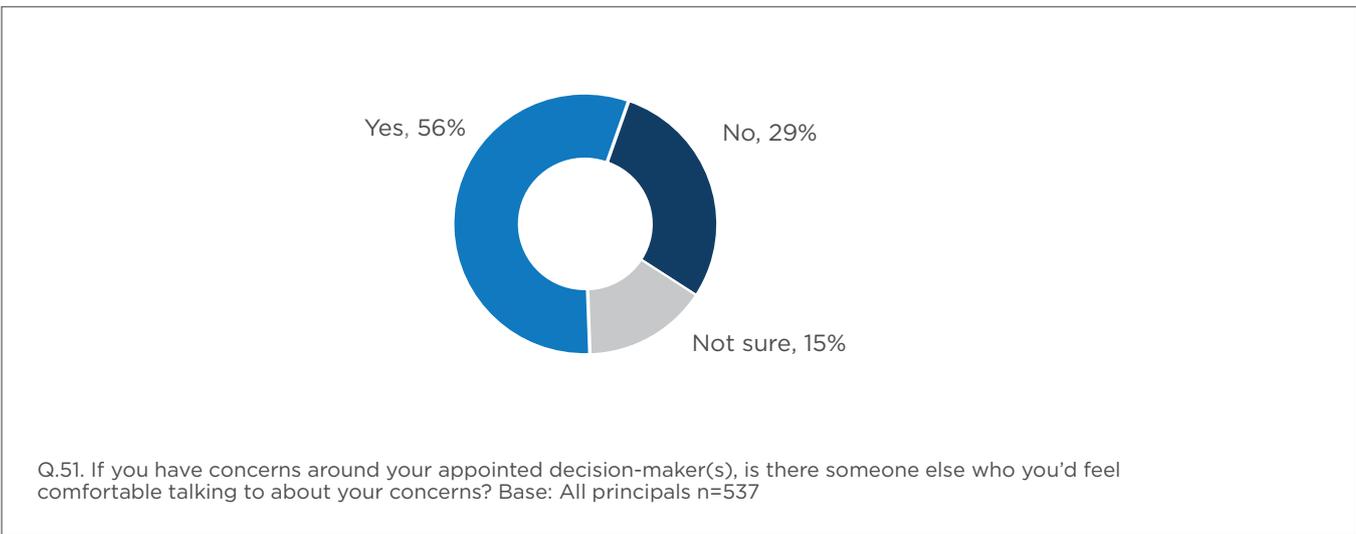
Principals perceived that appointed decision-makers with an alcohol, drug or gambling addiction were the highest risk to principals or to the appointed decision-maker’s ability to perform their role (24%). Those experiencing personal or family difficulties were also seen as higher risk (19%).

Figure 53 - Principals who think these circumstances pose a risk



Concerningly, three in ten (29%) principals do not have someone they would feel comfortable talking to about their appointed decision-maker if they had concerns about them. Just over half (56%) reported they did have someone they would feel comfortable talking to and one in seven (15%) were not sure.

Figure 54 - Do you have someone else you'd feel comfortable talking to about your concerns



Of those who had someone they would feel comfortable talking to, they were most likely to feel comfortable talking to a legal professional (60%) or friends or family members (58%). Principals also reported feeling comfortable talking to a financial professional (29%), a healthcare professional (24%) or the person who acted as their Witness (17%). This demonstrates the important role family, friends and others in the community play in providing support to principals.

8 Conclusion

8.1 Summary of findings and recommendations

(a) Raising awareness of FEPOAs and the value of having one in place

The Commission found that nationally there is low community awareness about FEPOAs and other future planning tools.

While FEPOAs are perceived as a valuable legal tool, very few Australian adults have set one up for themselves. Compared to older Australians, younger adults were less likely to be aware of FEPOAs and to have one in place, with many younger adults citing being 'too fit and healthy' and 'too young' as reasons for not having considered an FEPOA. This data may point to a broader community perception that FEPOAs are relevant only in older age, rather than applicable for all adults in preparing for future decision-making and the possibility of capacity loss at any age.

Increasing awareness among Australians about the value of proactively setting up an FEPOA is critical to addressing these misconceptions. The data shows that this would be particularly useful among young adults and those living in lower socio-economic areas, who similar to younger adults, were also less likely to be aware of FEPOAs and consider it to be just a formality.

Recommendation 1:

The Commission recommends that the Australian Government, in consultation with State and Territory Governments, develop and deliver a national community awareness strategy, which incorporates ongoing awareness campaigns and campaign materials that are routinely revised and updated, to raise awareness among all adult Australians about FEPOAs and the value of having one in place.

The national awareness strategy and its campaigns should:

- raise awareness about FEPOAs and other legal tools for future planning, including advance care directives, guardianships and enduring guardianships
- target all adult Australians, with a particular focus on younger adults and those from lower socio-economic areas
- highlight the value of FEPOAs as a legal instrument for future planning and for providing peace of mind and control over who, and how, decisions will be made
- emphasise the importance for adults of all ages to consider and set up an FEPOA while they have decision-making capacity.

(b) Filling the FEPOA education gap and reducing the risk of financial abuse

The data showed significant knowledge gaps among Australians about FEPOAs generally, FEPOA processes and the rights and responsibilities of principals and appointed decision-makers. This gap is particularly pronounced among younger Australians, those living in lower socio-economic areas and those with lower levels of education.

While the research found that principals were more likely to be confident about their knowledge, they were also most likely to select incorrect answers when tested on this knowledge. It is unclear from the Commission's

research whether this erroneous understanding is due to misinformation or misinterpretation of information by principals, and as such may warrant further investigation. Irrespective of the reasoning, it becomes evident that there are fundamental knowledge gaps that need to be rectified, when even those who feel confident about their knowledge are displaying key inaccuracies in their understanding. As highlighted by survey participants, standardised national education from a single source, will be integral to reducing this knowledge gap and supporting common understanding about all of aspects of FEPOAs.

The Commission's research also showed that Australians generally perceive FEPOAs as a useful and valuable legal tool but not one without risks. However, despite the recognition of risks and potential negative consequences (e.g. financial abuse and family conflict), many principals are ill-prepared to identify risk factors and take steps to mitigate potential abuse and other negative consequences. For example, despite principals recognising the potential risk of family conflict, the data shows that there is a lack of communication with prospective appointed decision-makers and other family members about FEPOA arrangements. Additionally, despite identifying the misuse of money and financial abuse as risks, few principals are taking proactive measures such as consulting an expert or professional, placing limits or conditions in the FEPOA or talking to a trusted third party to mitigate these risks. Further, despite having concerns about appointed decision-makers not respecting the principal's wishes, many principals are not taking the time to think through their wishes and preferences or communicating these to their appointed decision-maker(s).

This research confirmed that there is an overwhelming need and appetite for more education and information on FEPOAs in Australia. Australians are clear on how they want this information to be delivered, in both digital and non-digital formats; who they want delivering this education, legal professionals, trusted organisations in the FEPOA space and government. Australians want to receive this information before they have arranged an FEPOA and after it is formalised. They also want regular refreshers after an FEPOA is made (see Chapter 6 for further details about Australians' preferences for education).

Recommendation 2:

The Commission recommends that the Australian Government, in consultation with State and Territory Governments, and other relevant bodies including the Australian Guardianship and Administration Council (AGAC), develop and deliver FEPOA education and information materials at the national level.

The education and information should:

- target all adult Australians of all backgrounds, with a focus on reaching younger adults, those with lower education levels and those from lower socio-economic areas
- additionally target individuals and groups required to act on FEPOAs, including FEPOA witnesses, aged care staff, financial service providers, legal professionals and others.
- aim to increase knowledge and understanding about:
 - FEPOAs generally, including the concept of capacity and the importance of arranging an FEPOA before capacity is lost
 - principal and appointed decision-maker rights and responsibilities
 - risk factors for elder abuse and the supports that are available.
- be user-friendly, accessible, available via a range of communication methods and formats including both digital and non-digital options, endorsed by a trusted source, centralised and standardised across the country
- be provided prior to an FEPOA being made, as well as after it is formalised, including for example, periodic reminders to review and update an FEPOA and knowledge refreshers at points of use
- support Australians, especially principals, to navigate and mitigate against potential risks, such as financial abuse, by providing good practice guidance and tips about:

- considerations to be had prior to arranging an FEPOA and ongoing considerations once an FEPOA is formalised
- the importance of thinking through their wishes and preferences while they have capacity and communicating these wishes and preferences to their appointed decision-maker(s) and other trusted people while they have capacity
- how appointed decision-maker(s) can respect the principal's wishes when carrying out their duties
- other protective actions e.g. seeking expert advice, setting limits and/or conditions in their FEPOA, speaking to a trusted third party etc.

The Commission recommends updating and adapting AGAC's publication 'You Decide Who Decides' into the suite of national education materials.¹¹

The involvement of elder abuse and relevant sector peak bodies, such as the Law Council of Australia and the Australian Banking Association, in developing education as well as ongoing monitoring and evaluation involving feedback from end-users, will be important in ensuring the FEPOA information and education is effective and appropriately targeted.

(c) National consistency in FEPOA laws

The Commission's research found that while FEPOAs are generally seen as instruments of value, there are critical knowledge and education gaps among Australians.

The longer these gaps remain, the longer those currently involved in an FEPOA, and many others who will enter one, will remain vulnerable to potential abuse. While currently over 16% of Australians are aged 65 and over, this is expected to increase to between 21% and 23% by 2066. As Australia's population continues to age, it is likely these risks will be exacerbated.¹²

The survey, including responses to open questions, captured key themes that reflect a general sentiment among Australians that more FEPOA education is needed. Australians want this education to be user-friendly, accessible, endorsed by a trusted source and, importantly, centralised and standardised across the country.

As noted in past inquiries and reports, the current fragmented and complex FEPOA landscape, characterised by inconsistencies in FEPOA laws across jurisdictions, presents a barrier to developing and delivering effective standardised education at the national level. The achievement of national consistency in FEPOA laws is a necessary precursor to the development of standardised national education and a national awareness strategy as recommended in Recommendations 1 and 2.

Recommendation 3:

The Commission recommends, in line with recommendation 5-3 from the Australian Law Reform Commission's 2017 report 'Elder Abuse - A National Legal Response', that the Australian Government and State and Territory Governments achieve national consistency in FEPOA laws as a priority, followed by the establishment of a national register of enduring documents and the development and delivery of national education and a national awareness strategy as recommended above.

Notwithstanding the Commission's clear view that Recommendation 3 must be implemented urgently as a top priority, the Commission is concerned about the cohort of Australians who are currently impacted by the identified awareness and education gap and who will remain vulnerable during the time it may take to implement the much-needed reform. To this end the Commission urges the Australian Government to not delay in taking steps towards progressing Recommendations 1 and 2 in the interim by focusing on building knowledge and awareness around common core elements, principles or messaging on the importance of planning ahead and FEPOAs.

8.2 Ensuring a robust system of FEPOA and elder abuse supports and services

The Commission's research found that in addition to the need and appetite for education about FEPOA processes and rights and responsibilities, there is also strong desire among Australians for more information about where they can get support, where to seek help and where abuse can be reported.

Concerningly, there was a large portion of principals who said they did not have someone they would feel comfortable talking to about their appointed decision-maker if they had concerns about them.

The research also found that legal professionals, friends, family, and many others in the community, have a critical role to play in almost all stages of the FEPOA process. From being the mouthpiece through which many first hear about an FEPOA, to prompting many to consider arranging an FEPOA, these key people are also a trusted source of information and support.

From these findings it is clear that the engagement of key professionals and community stakeholders in raising awareness, education, training and the design and implementation of supports and services, is integral to ensuring there are multiple avenues for people to access and learn about relevant supports and services. A combination of solutions and interventions, both formal and informal, through a range of identified contact points is needed to mitigate the risks that may arise from an FEPOA, including the risk of financial abuse.

Both principals and appointed decision-makers identified that aged care staff, financial professionals, legal professionals and others in the community would benefit from more FEPOA education. This confirms the integral role they have in providing support to those navigating the FEPOA process, and therefore the necessity that they are appropriately educated to do so.

Any future awareness and education on FEPOAs must be grounded in a robust system of supports and services that are sufficiently resourced and funded to effectively assist all Australians in the proper use and application of FEPOAs as well as in preventing and responding to potential financial abuse that may arise from FEPOA misuse. This should encompass in particular:

- increased and sustained funding to elder abuse specialist services, including mediation and legal services, as well as services to assist people with navigating FEPOA processes and mitigating potential problems which may arise from FEPOAs, including financial abuse
- engagement and collaboration with key professionals and community peak bodies to deliver regular and standardised national FEPOA education and training to those required to act on FEPOAs, including aged care staff, legal professionals, FEPOA witnesses and financial service providers
- equity of access to supports and services for all adult Australians, regardless of background, socio-economic status and location by ensuring the availability of free and accessible community legal advice and services, guidance materials and a range of contact points through which individuals can learn of and access these supports.

8.3 Areas for further research

The Commission set out to contribute a national view about FEPOA awareness, use, knowledge and education to inform FEPOA law reform and the way forward. The complexities of the current FEPOA landscape presented many challenges in this research, particularly in the development of the survey, which required careful navigation of the differences between jurisdictions.

While this research does not comprehensively cover all aspects relating to FEPOAs, the Commission hopes this research will provide a solid foundation upon which further research may be based. Some suggestions for further research are outlined below:

- **Supported and substituted decision-making models:** While beyond the scope of this research, further investigation about the understanding, application and impacts of the various supported decision-making and substituted decision-making models that are applied in different jurisdictions is warranted to enable a more detailed view of FEPOAs and its application.
- **Alternative methodologies:** While this research was limited by its online survey method, further research may apply alternative methodologies to better support representation of principals with cognitive impairment, people from culturally and linguistically diverse backgrounds and those with limited or no digital literacy.
- **Role of legal professionals:** The research data highlighted legal professionals as a key player in most stages of the FEPOA process. There may be opportunity for further research to examine their role, the impact of their interventions at various stages of the FEPOA process, as well as their level of knowledge about FEPOAs and the information they are imparting to principals and appointed decision-makers.
- **Multiple FEPOAs:** The Commission's research indicated that many Australians have multiple FEPOAs. The reasons for this are unclear and would benefit from further investigation.

9 Appendices

9.1 Weighting

Nat rep sample n=2,496

Demographic	Unweighted (%)	Weighted (%)
Gender		
Woman	50%	51%
Man	49%	49%
Non-binary	<1%	<1%
A different term	<1%	<1%
Age		
18-29	21%	20%
30-39	19%	19%
40-49	16%	16%
50-59	16%	16%
60-69	13%	14%
70+	15%	16%
State or territory		
NSW	32%	32%
VIC	25%	26%
QLD	20%	20%
WA	10%	10%
SA	7%	7%
TAS	2%	2%
ACT	2%	2%
NT	1%	1%

9.2 People who spoke a language other than English at home: Demographic breakdown

The below table gives a breakdown of the sample who spoke a language other than English at home. As these questions were only asked of the **n=1,059** principals and appointed decision-makers. Green boxes indicate where this sample was significantly higher than those who only spoke English at home, and red boxes show where they were significantly lower.

Demographic	People who spoke a language other than English at home (n=105)	People who spoke only English at home (n=954)
Language spoken at home		
English	51% ↓	100%
Mandarin	21% ↑	-
Cantonese	17% ↑	-
Italian	11% ↑	-
Greek	11% ↑	-
Hindi	9% ↑	-
Vietnamese	6% ↑	-
Arabic	5% ↑	-
Spanish	2% ↑	-
Punjabi	2% ↑	-
Other	18% ↑	-
Prefer not to say	9% ↑	-
Racial or ethnic identity (open-ended and coded)		
Australian / Anglo identity	24%	31%
Indian	12% ↑	<1%
Chinese	12% ↑	<1%
Asian	4% ↑	<1%
Vietnamese	3% ↑	<1%
Filipino	2% ↑	<1%
Maltese	1%	<1%
Pakistani	1% ↑	-
African	-	<1%
Aboriginal / Indigenous Australian	-	<1%
Māori	-	<1%
South African	-	<1%
Other	13% ↑	1%
Prefer not to say	28% ↓	66%
Aboriginal and or Torres Strait Islander		
Yes	6% ↑	2%
No	89% ↓	97%
Prefer not to say	5% ↑	1%
Gender		
Woman	37% ↓	52%
Man	63% ↑	48%
Non-binary	-	<1%
A different term	-	<1%

Age		
18-29	19%	16%
30-39	27% ↑	16%
40-49	20%	16%
50-59	12%	16%
60-69	14%	16%
70+	9% ↓	20%
State or territory		
NSW	38%	32%
VIC	29%	26%
QLD	12% ↓	21%
WA	8%	9%
SA	7%	7%
TAS	3%	2%
ACT	1%	2%
NT	1%	1%
Region		
Metro	90% ↑	68%
Regional	10% ↓	32%
Education		
Year 11 or below (incl. Cert 1 or 2)	7%	13%
Year 12 / Secondary Certificate	8% ↓	15%
Certificate 3 or 4	4% ↓	13%
Diploma or Advanced Diploma	6% ↓	18%
Bachelor degree	42% ↑	25%
Post-graduate	29% ↑	16%
Prefer not to say	5% ↑	<1%
Has a long-term injury, health condition or disability		
Yes	13%	21%
No	81%	77%
Prefer not to say	7% ↑	2%
Annual household income		
Less than \$50,000	12% ↓	24%
\$50,000-\$99,999	16% ↓	27%
\$100,000-\$124,999	18%	11%
\$125,000-\$149,999	13%	10%
\$150,000 or more	28% ↑	19%
Not sure	2% ↑	<1%
Prefer not to say	11%	8%
Index of Relative Socio-economic Advantage and Disadvantage		
1-2	12%	13%
3-4	7% ↓	15%
5-6	10% ↓	18%
7-8	28%	20%
9-10	44% ↑	32%

9.3 Survey instrument

INTRODUCTION - ONLINE

Thank you for taking part in this survey.

This survey is about your knowledge of certain processes and legal agreements. Depending on your answers, this survey could take around 20 minutes to complete.

Please be reassured that this survey is anonymous, and we will never use your individual responses on their own. Quantum is an independent market research company and complies with the Australian Privacy Act 1988 and The Research Society's Code of Professional Behaviour. Our privacy policy can be found [here](#).

SCREENER - NAT REP

The first few questions are to check if this survey is relevant to you.

ASK ALL

What gender do you identify as?

SINGLE RESPONSE

- Man.....1
- Woman.....2
- Non-binary3
- I use a different term (please specify): 4

ASK ALL

How old are you?

SINGLE RESPONSE

- Under 18.....1
- 18-242
- 25-29.....3
- 30-394
- 40-49.....5
- 50-596
- 60-69.....7
- 70-798
- 80+9

Terminate

ASK ALL

What is your postcode?

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SCREENER – UPFRONT DISCLAIMER

This survey is anonymous and confidential. We want to understand how much Australians know on certain topics and what additional information and education would benefit the community.

Honest feedback is essential for us to get this right so we can tailor our work to what people need. With this purpose in mind, it is ok not to know the right answer; this is what we are trying to measure.

SCREENER – AWARENESS AND USE OF FEPOAS

Next, we have some questions relating to future decision-making.

ASK ALL

Are you aware that you can appoint someone to make financial decisions on your behalf (including financial decisions in the future that you may be unable to make yourself)?

SINGLE RESPONSE

- Yes1
- No2
- Unsure3

ASK ALL

Which of the following **have you heard of**? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- A power of attorney1
- An enduring power of attorney2
- A will3
- Guardianship..... 4
- Enduring guardianship5
- An advance care directive.....6
- None of the above.....7

Exclusive

An enduring power of attorney is a document that allows a person to appoint someone else to make certain decisions on their behalf. Unlike general or non-enduring powers of attorney, it ‘endures’ or continues after the person loses the capacity to make decisions themselves.

This survey is about **enduring powers of attorney** that cover **financial decisions**.

Various terms are used across Australia. We will use:

- **Financial enduring power of attorney or FEPOA** – An enduring power of attorney that covers financial decisions. Also known as Advance Personal Plan in the NT.
- **Principal** – Person who appoints someone else to make decisions on their behalf. Also known as a donor in some states and territories.
- **Appointed decision-maker** – Person appointed to make decisions on the principal’s behalf. Also known as an attorney, donee or decision-maker in some states and territories.

Please think specifically about financial enduring powers of attorney (FEPOAs) when responding to the rest of the questions in this survey.

A reminder of what these terms mean has been provided in the footer.

ASK ALL

Have you ever **been appointed as a decision-maker** for someone else **in an enduring power of attorney that covers financial decisions (a FEPOA)?** Please select all that apply.

MULTIPLE RESPONSE

- | | | |
|-----------------------|---|------------------|
| Yes – currently..... | 1 | |
| Yes – previously..... | 2 | |
| No | 3 | Exclusive |
| Not sure..... | 4 | Exclusive |

ASK ALL

Have you ever **been a principal** (i.e. appointed someone else to make decisions on your behalf) **in an enduring power of attorney that covers financial decisions (a FEPOA)?** Please select all that apply.

MULTIPLE RESPONSE

- | | | |
|-----------------------|---|------------------|
| Yes – currently..... | 1 | |
| Yes – previously..... | 2 | |
| No | 3 | Exclusive |
| Not sure..... | 4 | Exclusive |

ASK ALL

Have you been involved in a FEPOA **in another way**? Please select all that apply.

MULTIPLE RESPONSE

- As a witness.....1
- Through work.....2
- Involved in other ways (please specify)3
- Not involved..... 4 **Exclusive**
- Not sure5 **Exclusive**

ASSIGN TO SURVEY STREAM

Principal	Decision-maker	Control
If 0=1 or 2	If 0=1 or 2 If they have been both a Decision-maker and a Principal, only assign these people to the Decision-maker stream. Monitor completes during fieldwork. May need to switch to assigning these people to the Principal stream to even out completes.	If neither a Principal nor Decision-maker

ASK ‘PRINCIPALS’ AND ‘DECISION-MAKERS’

In which state or territory is / **was the FEPOA made**? If you have been involved in multiple, please select all that apply.

MULTIPLE RESPONSE

- New South Wales.....1
- Victoria.....2
- Queensland3
- South Australia 4
- Western Australia5
- Tasmania.....6
- Northern Territory 7
- Australian Capital Territory8
- Don't know9

ASK ‘PRINCIPALS’ AND ‘DECISION-MAKERS’ WHO SELECTED MORE THAN ONE STATE/TERRITORY AT 0

You have been involved in FEPOAs in more than one state or territory. **Which state or territory’s FEPOA rules or processes do you feel most familiar with?**

SINGLE RESPONSE, RANDOMISE, SHOW LIST OF CODES SELECTED AT 0

ASK IF 0 ≠ 1 OR 2, BUT SKIP IF 0 ≠ 1 OR 2 AND AUTOCODE THESE PEOPLE AS CODE 1 HERE

Which of the following best describes **why you haven't** got a FEPOA for yourself? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- You haven't heard about it before today1
 - You worry about handing control or information over to someone else.2
 - You haven't thought to do it3
 - Process is too complicated..... 4
 - You've been meaning to, but haven't yet.....5
 - You're fit and healthy6
 - You don't have anyone to appoint.....7
 - It's too costly8
 - You trust that your family or community will look after you.....9
 - You're too young10
 - Other (please specify)..... 11
 - Don't know 12
- Exclusive**

ASK IF DECISION-MAKER AND 0 ≠ 1 OR 2

Are you planning on setting up a FEPOA in the future?

SINGLE RESPONSE

- Yes - in the next 5 years1
- Yes - at some stage in the future.....2
- No3
- Unsure 4

KNOWLEDGE AND UNDERSTANDING OF EPOAS – GENERAL KNOWLEDGE

The following questions aim to understand your level of knowledge about FEPOAs. Please remember, we want to understand your genuine level of understanding, even if that is low. The more accurate these results are, the better the research outcomes will be.

If they have been both a principal and a decision-maker show: For the rest of this survey, **please answer the questions in relation to your role as [insert based on which survey stream we have assigned them to: 'a principal' / 'an appointed decision-maker']**.

ASK ALL

Before starting this survey, **how much did you know** about FEPOAs?

SINGLE RESPONSE

- A lot - could explain it to someone in detail1
 Some - could explain it to someone but unsure of the details2
 A little - had heard about it but didn't really understand the details.....3
 Nothing - you are part of a FEPOA but don't know anything about FEPOAs 4
 No knowledge before this survey5

ASK THOSE WHO ANSWERED 0 =1-3

For the following statements, please indicate whether you believe the statement is **true or false for [if principal or decision-maker, insert state or territory selected at 0 (if only one selected) or at 0 (if more than one selected); if Control, insert state or territory of their postcode], or if you don't know the correct answer**. We would like to understand your actual knowledge not your best guess.

Randomise rows		True	False	Don't know	Correct answer
1	A FEPOA ends after a principal no longer has the capacity to make decisions	1	2	3	F
2	A FEPOA can cover property or asset decisions	1	2	3	T
3	A principal can decide when a FEPOA becomes active	1	2	3	F - NT T - all others
4	A FEPOA can be made even after the principal has lost the capacity to make decisions	1	2	3	F
5	Principals and appointed decision-makers must be over 18 years of age	1	2	3	T
6	An appointed decision-maker is the one who determines what their duties are under a FEPOA	1	2	3	F
7	There are no consequences if an appointed decision-maker acts in a way that is not in accordance with the FEPOA	1	2	3	F
8	An appointed decision-maker cannot be removed from their role unless they themselves resign	1	2	3	F
9	If a principal still has the capacity to make decisions, they can cancel or revoke their FEPOA at any time	1	2	3	T
10	A FEPOA ends when the principal dies	1	2	3	T
11	An appointed decision-maker can appoint another person as a secondary decision-maker	1	2	3	F
12	A FEPOA is not a legal document	1	2	3	F
13	A principal can continue to make decisions themselves if they have the capacity to do so	1	2	3	T

KNOWLEDGE AND UNDERSTANDING OF EPOAS – PRINCIPAL RIGHTS

ASK THOSE WHO ANSWERED 0=1-3

The following statements are all true. **Which of the following did you know before today?** A person organising a **FEPOA for themselves can...** Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- Give instructions in their FEPOA.....1
- Set conditions or limitations on the appointed decision-maker's powers2
- Seek professional advice3
- Choose who to appoint as a decision-maker 4
- Appoint more than one decision-maker5
- Not aware of any of these.....6 **Exclusive**

KNOWLEDGE AND UNDERSTANDING OF EPOAS – DECISION-MAKERS DUTIES

ASK 'PRINCIPALS' AND 'DECISION-MAKERS' WHO ANSWERED 0=1-3

For the following statements, please indicate which you believe is **true or false for [if principal or decision-maker, insert state or territory selected at 0 (if only one selected) or at 0 (if more than one selected); if Control, insert state or territory of their postcode]**, or if you don't know the correct answer. Remember, we want your actual knowledge and not your best guess.

With a FEPOA **the appointed decision-maker(s)...**

Randomise rows		True	False	Don't know	Correct answer
1	Can sell the principal's house, unless stated otherwise in the FEPOA	1	2	3	T
2	Can decide who can visit the principal	1	2	3	F
3	Can use the principal's money to pay for their own personal expenses	1	2	3	F
4	Does not need to keep records about decisions, as long as they act responsibly	1	2	3	F
5	Can resign from their role	1	2	3	T
6	Can put some of the principal's money into their own bank account or investment portfolio	1	2	3	F

ASK THOSE WHO ANSWERED 0=1-3

Which of the following behaviours **do you believe are acceptable** for appointed financial decision-maker(s) to do?

MULTIPLE RESPONSE, RANDOMISE

Decide who can visit the principal.....	1	
Transfer the principal's money into their own account to use, if it is in the principal's best interests	2	
Borrow money from the principal, if it is put back.....	3	
Close the principal's bank account.....	4	
Recommend financial advice to the principal.....	5	
Appoint a substitute decision-maker	6	
Invest money on behalf of the principal.....	7	
Leave the role at any time.....	8	
Gift the principal's money or assets to themselves as an early inheritance.....	9	
Seek advice on how to exercise their duties	10	
None of the above.....	11	Exclusive
Not sure.....	12	Exclusive

ASK 'DECISION-MAKERS' WHO SELECTED CODES 1-10 AT 0

Which of the following behaviours **have you done** as an appointed decision-maker?

MULTIPLE RESPONSE, SHOW OPTIONS SELECTED AT 0 , SHOW IN SAME ORDER AS WAS SEEN IN 0

ASK 'PRINCIPALS' AND 'DECISION-MAKERS' WHO ANSWERED 0=1-3

The following statements are all true. **Which of the following did you know before today?** An **appointed decision-maker(s) must...** Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

Act in the interests of the principal.....	1	
Keep good records	2	
Avoid conflicts of interest	3	
Not mix their money or property with the principal's	4	
Keep any other appointed decision-makers informed	5	
Have permission in the FEPOA to do certain things (e.g. live in the principal's house free of charge)	6	
Not aware of any of these.....	7	Exclusive

FEPOA CIRCUMSTANCES AND SITUATION

The following questions ask about your own FEPOA experiences.

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

How did you first hear about the idea of a FEPOA?

SINGLE RESPONSE, RANDOMISE

Family or friends	1
Legal professional	2
Financial professional	3
Estate planning workshop or seminar	4
Healthcare professional.....	5
Government website or publication.....	6
Community organisation	7
Media (e.g. TV show, radio, article, podcast, etc.)	8
Social media	9
Other (please specify).....	10
Not sure.....	11

ASK 'PRINCIPALS'

Who or what prompted you to create a FEPOA? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

No specific reason.....	1
You were planning for the future	2
You saw someone else do it.....	3
You saw some information in an ad or campaign	4
Someone else initiated it (e.g. your appointed decision-maker(s) gave you the document to sign)	5
A medical issue came up.....	6
A family member or carer suggested it.....	7
A professional suggested it to you.....	8
Something else (please specify)	9
Not sure.....	10

ASK 'PRINCIPALS'

Before creating a FEPOA, did you do any of the following? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- Searched for more information.....1
- Talked to someone you knew2
- Sought expert advice.....3
- Discussed with the person you wanted to appoint 4
- None of the above.....5 **Exclusive**

ASK 'PRINCIPALS'

When did you create your FEPOA? If you have multiple, tell us when you created the most recent one.

SINGLE RESPONSE

- Within the last two years.....1
- 2-4 years ago2
- 5-10 years ago.....3
- Over 10 years ago..... 4
- Not sure5

ASK 'PRINCIPALS'

When was the **last time you reviewed** that FEPOA?

SINGLE RESPONSE

- Within the last two years.....1
- 2-4 years ago2
- 5-10 years ago.....3
- Over 10 years ago..... 4
- Never5
- Not sure6

ASK 'PRINCIPALS'

After creating your FEPOA, did you do any of the following? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- Registered it in your state or territory1
 - Kept the original FEPOA in a safe place2
 - Gave a copy to the appointed decision-maker(s)3
 - Gave a copy to your solicitor 4
 - Gave a copy to a person other than the appointed decision-maker or your solicitor5
 - Told someone you trusted that you had created a FEPOA6
 - None of the above.....7
- Exclusive**

CONSIDERATIONS WHEN MAKING EPOA ARRANGEMENTS

ASK 'PRINCIPALS'

How many people have you appointed as decision-makers?

OPEN COMMENT, NUMERICAL, ALLOW 1-200

- Not sure / don't remember.....1

ASK 'PRINCIPALS'

How many FEPOA agreements do you have?

Note: Here we are interested in the number of separate agreements you have, not how many appointed decision-makers you have.

OPEN COMMENT, NUMERICAL, ALLOW 1-200

ASK IF 0 > 1

Why do you have **more than one** FEPOA? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- You have different FEPOAs for different appointed decision-makers1
- You have different FEPOAs for different decisions.....2
- In case one of the original appointed decision-makers can no longer perform the role3
- Because you were advised to by a legal / financial professional..... 4
- To cover multiple states / territories across Australia5
- Other (please specify).....6
- Not sure.....7 **Exclusive**

ASK 'PRINCIPALS'

Are any of your FEPOA agreements **in use** (i.e. someone else is currently making decisions on your behalf)?

SINGLE RESPONSE

- Yes1
- No2
- Not sure.....3

ASK IF 0 > 1

Did you consider how your multiple decision-makers would **work together to make decisions?**

SINGLE RESPONSE

- Yes1
- No2
- Not applicable (e.g. they are appointed to make different decisions).....3
- Unsure..... 4

ASK 'PRINCIPALS'

Who is / are your appointed decision-maker(s)?

MULTIPLE RESPONSE, RANDOMISE BUT LOCK 'OTHER RELATIVE' AT THE BOTTOM

- Spouse / partner.....1
- Child.....2
- Friend3
- Legal professional 4
- Other relative (e.g. brother, niece).....5
- Other (please specify).....6

ASK 'PRINCIPALS'

When organising your FEPOA, which of the following (if any) **did you consider**? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

Who to appoint as a decision-maker.....	1	
Whether to appoint one or multiple decision-maker(s)	2	
Whether to set limits or conditions.....	3	
When the FEPOA starts.....	4	
When the FEPOA ends.....	5	
Expectations from others.....	6	
None of these.....	7	Exclusive

ASK 'PRINCIPALS'

When deciding who to appoint as a decision-maker, did any of the following influence your decision on whom to appoint? That the person...

SINGLE RESPONSE PER ROW

Randomise rows		Yes	No	Unsure
1	Was trustworthy	1	2	3
2	Had knowledge about what you wanted and valued	1	2	3
3	Would listen to, respect and act on your wishes	1	2	3
4	Had the skill and time required to perform the role	1	2	3
5	Could manage property and / or money well	1	2	3
6	Could stay calm in a crisis	1	2	3
7	Had the confidence to speak up on your behalf (e.g. to lawyers and government agencies)	1	2	3
8	Could communicate effectively with others and resolve potential disagreements	1	2	3
9	Lived in proximity to you, or could manage from afar	1	2	3
10	Understood and respected your culture and connections to your community	1	2	3
11	Was willing to take on the role with all its responsibilities	1	2	3
12	Was experiencing personal difficulties	1	2	3
13	Was your eldest child	1	2	3
14	Would inherit something when you pass away	1	2	3
15	Could handle the emotional toll of the role	1	2	3
16	Could manage difficult family dynamics related to the role	1	2	3

ASK 'PRINCIPALS'

Before completing the FEPOA forms, **which of the following did you do**, if any?
Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- | | | |
|--|---|------------------|
| Worked out what was important for your future..... | 1 | |
| Put instructions and conditions in writing..... | 2 | |
| Discussed your wishes with your prospective
appointed decision-maker(s)..... | 3 | |
| Checked that each prospective appointed decision-maker
was aware of their responsibilities..... | 4 | |
| Communicated that it was a prospective appointed
decision-maker's choice to accept the role | 5 | |
| Explained to other family members or friends why you
chose your appointed decision-maker(s)..... | 6 | |
| Discussed your choice of prospective appointed
decision-maker(s) with a trusted third party | 7 | |
| Didn't do any of these | 8 | Exclusive |

ASK 'DECISION-MAKERS'

Before taking on the role of appointed decision-maker, **how much consideration did you give to the duties required by the role?** Please remember to answer honestly, there are no right or wrong answers.

SINGLE RESPONSE

- | | |
|---|---|
| High consideration -
thoroughly researched the role requirements and considered
whether this was something you could do in the future | 1 |
| Moderate consideration -
briefly thought about what you'd have to do | 2 |
| Low consideration - signed the papers without much thought..... | 3 |

ASK 'DECISION-MAKERS'

When deciding whether to take on the role as decision-maker, **did any of the following influence your decision?** Whether you...

SINGLE RESPONSE PER ROW

Randomise rows		Yes	No	Unsure
1	Had knowledge about what the principal wanted and valued	1	2	3
2	Would listen to, respect and act on the principal's wishes	1	2	3
3	Had the skill and time required to perform the role	1	2	3
4	Could manage property and / or money well	1	2	3
5	Could stay calm in a crisis	1	2	3
6	Had the confidence to speak up on the principal's behalf (e.g. to lawyers and government agencies)	1	2	3
7	Could communicate effectively with others and resolve potential disagreements	1	2	3
8	Lived in appropriate proximity to the principal or could manage from afar	1	2	3
9	Understood the principal's culture and connection to community	1	2	3
10	Were willing to take on the role with all its responsibilities	1	2	3
11	Could manage the role alongside any of your own personal difficulties	1	2	3
12	Were expecting an inheritance from the principal	1	2	3
13	Could handle the emotional toll of the role	1	2	3
14	Could manage difficult family dynamics related to the role	1	2	3

ASK 'DECISION-MAKERS'

Were you appointed as a **sole or joint** decision-maker? Please select all that apply.

MULTIPLE RESPONSE

Sole.....1
 Joint.....2
 Not sure.....3 **Exclusive**

ASK 'DECISION-MAKERS'

Have you begun performing the role as decision-maker (i.e. you have started making decisions on behalf of the principal)?

SINGLE RESPONSE

Yes1
 No2
 Unsure.....3

CODE THOSE WHO ANSWERED 1 AS 'ACTIVE DECISION-MAKERS'

ASK 'ACTIVE DECISION-MAKERS'

When you first started performing the role, **how well did you understand your responsibilities/role?**

SINGLE RESPONSE

- Very well.....1
- Moderately well2
- Fair.....3
- Poorly 4
- Very poorly.....5

ASK 'ACTIVE DECISION-MAKERS'

When you first started performing the role, **how well did you feel you understood the person's wishes?**

SINGLE RESPONSE

- Very well.....1
- Moderately well2
- Fair.....3
- Poorly 4
- Very poorly.....5

ASK 'DECISION-MAKERS'

How confident are you that you can carry out the following obligations as an appointed decision-maker (if applicable)?

Randomise		Highly confident	Moderately confident	Not very confident	No confidence	Not applicable
1	Respecting the principal's wishes and values	1	2	3	4	5
2	Financial management (e.g. paying bills, managing investments)	1	2	3	4	5
3	Legal decision-making (e.g. signing legal documents, entering into contracts)	1	2	3	4	5
4	Communication and consultation with the principal	1	2	3	4	5
5	Communication and consultation with others (e.g. family members, healthcare professionals, etc.)	1	2	3	4	5
6	Keeping appropriate records	1	2	3	4	5
7	Avoiding conflicts of interest	1	2	3	4	5
8	Complying with laws and regulations	1	2	3	4	5

EXPERIENCES OF EPOA

(INCLUDING RISKS, ELDER ABUSE AND POSITIVE EXPERIENCES OF EPOA)

The following questions are again about your experiences with FEPOAs and whether they were positive or negative.

ASK 'PRINCIPALS'

When thinking about your arrangement with your appointed decision-maker(s), how do you **generally** feel? **Please select all that apply.**

MULTIPLE RESPONSE, RANDOMISE

Overwhelmed.....	1	
Stressed.....	2	
Confident.....	3	
In control.....	4	
Content.....	5	
Nervous.....	6	
Relieved.....	7	
Ambivalent.....	8	
Something else (please specify).....	9	
None of the above.....	10	Exclusive

ASK 'PRINCIPALS'

How confident are you that your appointed decision-maker(s) will **look after your account in line with your preferences and best interests?**

SINGLE RESPONSE

Highly confident.....	1
Moderately confident.....	2
Not very confident.....	3
Not at all confident.....	4

ASK 'PRINCIPALS'

Have you ever **wanted to change or cancel your FEPOA?**

SINGLE RESPONSE

Yes, wanted to change or cancel it.....	1
Yes, have changed or cancelled it.....	2
No.....	3

ASK THOSE WHO ANSWERED 0=1 OR 2

Why was this?

MULTIPLE RESPONSE, RANDOMISE

- Concerns about the appointed decision-maker(s)1
- Change in relationship with a decision-maker2
- The appointed decision-maker(s) is no longer able to perform duties3
- An appointed decision-maker or principal moving overseas or interstate4
- Other (please specify).....5

ASK ALL

From your perspective, **what is the value** of a FEPOA? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- Having control over who will make formal decisions.....1
- Just a formality.....2
- Peace of mind3
- Keeping the peace in your family..... 4
- Something else (please specify)5
- There is no value6 **Exclusive**

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

When making a FEPOA, we expect it to work well. However, sometimes things can go wrong. **What are some of the negative consequence(s) you have heard of** that have resulted from having a FEPOA?

MULTIPLE RESPONSE, RANDOMISE

- Money misused, taken or used without permission.....1
- Tension / conflict in family2
- Appointed decision-maker(s) was / were careless or unreliable3
- Principal was taken advantage of 4
- Appointed decision-maker(s) didn't understand their obligations5
- Coercion / threats / intimidation6
- Difficulties in changing or revoking the FEPOA..... 7
- Other (please specify).....8
- Haven't heard of negative consequences.....9 **Exclusive**

ASK IF 0 = 1-8 (I.E. HAVE HEARD OF NEGATIVE CONSEQUENCES)

How did you hear about this negative consequence? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- It happened to you.....1
 - It happened to a family member.....2
 - It happened to a friend / someone in your community.....3
 - Heard / saw in the media 4
 - Other (please specify).....5
 - Not sure / can't remember6
- Exclusive**

ASK 'PRINCIPALS'

Do you believe any of the following is true **of your appointed decision-maker(s)**? They...

MULTIPLE RESPONSE, RANDOMISE

- Are experiencing financial stress.....1
 - Are your primary carer2
 - Have an alcohol, drug or gambling addiction.....3
 - Are dependent on you financially 4
 - Are dependent on you emotionally.....5
 - Have experienced trauma6
 - Are experiencing personal or family difficulties.....7
 - None of these.....8
- Exclusive**

ASK THOSE WHO SELECTED ANY OPTION AT 0 OTHER THAN 'NONE'

Do you think these circumstances pose any risk to you or your appointed decision-maker's ability to perform their role?

SINGLE RESPONSE

- Yes - high risk.....1
- Yes - medium risk.....2
- Yes - low risk3
- No risk 4
- Not sure.....5

ASK 'PRINCIPALS'

If you have concerns around your appointed decision-maker(s), is there someone else who you'd feel comfortable talking to about your concerns?

SINGLE RESPONSE

- Yes1
- No2
- Not sure.....3

ASK IF 0=1

Who would you feel comfortable talking to? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- A legal professional1
- A financial professional2
- A healthcare professional.....3
- Friends or family members..... 4
- The person who acted as your Witness5
- Someone else (please specify)6
- Not sure.....7

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

Of the following, which are the **biggest risks** involved with having a FEPOA? Select up to three.

SELECT UP TO 3, RANDOMISE

- The appointed decision-maker(s) not having enough time or skills to properly manage the affairs.....1
- Conflict within the family2
- Misuse or theft of the principal's money3
- Coercion from the appointed decision-maker(s)..... 4
- Conflicts of interest.....5
- Financial abuse.....6
- Emotional or psychological abuse.....7
- Physical abuse.....8
- Sexual abuse.....9
- Neglect10
- The appointed decision-maker(s) go against the principal's wishes..... 11
- Something else (please specify) 12
- There is no risk..... 13

ASK 'PRINCIPALS'

Experiences with FEPOAs can be positive and / or negative. **Please tell us about your experiences with your FEPOA and appointed decision-maker(s), including if you have considered, or actually cancelled or revoked one.**

Please describe your experiences in as much detail as you can, including descriptions of the good and the bad, how you felt and acted.

OPEN ENDED

EDUCATION

Thanks for your responses so far. The following questions relate to information and education around FEPOAs.

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

We would like to understand what information and education you received prior to, at the point of, and after entering into a FEPOA.

Below is a list of information you may (or may not) have received, please **tell us if you have received this information and when.** Please select all that apply for each row.

MULTIPLE RESPONSE PER ROW

Randomise rows		Received before entering a FEPOA	Received at point of entering a FEPOA	Received after entering a FEPOA	Never received this information
1	Information on the rights of the principal	1	2	3	4
2	Information on the rights and responsibilities of an appointed decision-maker	1	2	3	4
3	Advice on who to have as an appointed decision-maker [Ask principal only]	1	2	3	4
4	Information about the potential risks of a FEPOA	1	2	3	4
5	Information about the process of arranging a FEPOA	1	2	3	4
6	Information on how to seek help if you have issues after setting up a FEPOA	1	2	3	4
7	Information on how to cancel or revoke a FEPOA	1	2	3	4
8	Information on how to resolve conflict arising from a FEPOA	1	2	3	4
9	Information on how to report abuse or misuse of an FEPOA	1	2	3	4

ASK IS 0 = 1 - 3 AT ANY LINE

From whom did you receive this information? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

- The internet.....1
- A legal professional2
- A financial professional3
- A healthcare professional..... 4
- Friends or family members.....5
- The appointed decision-maker(s) (prospective or actual)6
- From the person who acted as your Witness7
- In a training course8
- Other (please specify).....9
- Not sure.....10 **Exclusive**

ASK 'CONTROL'

If you were to be involved in a FEPOA tomorrow, would you understand the rights and responsibilities of both a principal and an appointed decision-maker?

SINGLE RESPONSE

- Yes1
- No2
- Unsure3

ASK ALL

To what extent do you agree or disagree that **more education on FEPOAs** is needed?

SINGLE RESPONSE

- Strongly agree1
- Slightly agree2
- Neither agree nor disagree.....3
- Slightly disagree..... 4
- Strongly disagree5
- Unsure6

ASK IF 0=1-2

What topics do you feel more information or education is required on?

Randomise rows		More education required	No more education required
1	The rights and responsibilities of the principal	1	2
2	The rights and responsibilities of an appointed decision-maker	1	2
3	Who to appoint as a decision-maker	1	2
4	The potential risks of a FEPOA	1	2
5	The process of arranging and revoking a FEPOA	1	2
6	How to seek help if you have issues after setting up a FEPOA	1	2
7	Financial abuse	1	2
8	Other forms of abuse	1	2
9	Financial safety	1	2
10	Considerations before accepting the role of appointed decision-maker	1	2
11	Support available after being appointed as a decision-maker	1	2
12	How to frame FEPOA terms and conditions	1	2
13	The risks of not having a FEPOA	1	2
14	How to recognise and report misuse of a FEPOA	1	2
15	Other topics (please specify)	1	2

ASK 'PRINCIPALS' AND 'DECISION-MAKERS' IF 0=1-2

At what point in the process is more information needed? **Please select all that apply.**

MULTIPLE RESPONSE

- Before the FEPOA agreement is formalised.....1
- At the time the agreement is formalised2
- After the agreement is formalised.....3
- Regular refreshers after the agreement is formalised 4
- Not sure.....5

Exclusive

ASK ALL

Who would you prefer information about FEPOAs to come from? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE BUT ANCHOR CODE 2 ABOVE CODE 3

Government	1	
Older person's community groups / organisations	2	
Other community groups / organisations (e.g. local or religious group)	3	
Financial adviser	4	
Bank or superannuation company	5	
Legal professional	6	
Medical professional	7	
Professional carer	8	
Family / friends	9	
The person who witnesses the FEPOA	10	
A trusted organisation in the FEPOA space	11	
Other (please specify)	12	
Not sure	13	Exclusive

ASK ALL

What is **the best way for you to receive information** about a FEPOA? Please select all that apply.

MULTIPLE RESPONSE, RANDOMISE

Website	1	
Radio	2	
TV (free to air or streamed)	3	
Physical resources (e.g. pamphlets)	4	
Online training courses	5	
In-person training courses	6	
Libraries and other community spaces	7	
Social media (please specify preferred platforms)	8	
An app	9	
A conversation	10	
Other (please specify)	11	
Not sure	12	Exclusive

ASK ALL

When education materials are developed, which (if any) of the following are **important to you**?

SINGLE RESPONSE

Randomise rows		Very important	Somewhat important	Not important	Don't know
1	Materials / channels are culturally appropriate	1	2	3	4
2	Simple or plain English	1	2	3	4
3	Materials in languages other than English	1	2	3	4
4	Interpreter in face-to-face meetings	1	2	3	4
5	Having access to information via various mediums (phone, computer etc.)	1	2	3	4
6	Having easy access to an expert for further information	1	2	3	4
7	It is easy to share the information with others	1	2	3	4
8	Being from or endorsed by a trusted source	1	2	3	4
9	Accessible formats	1	2	3	4
10	Respecting diversity	1	2	3	4
11	Designed in consultation with the community	1	2	3	4
12	Information that is standardised across the entire country	1	2	3	4
13	All the information you need is in a single location	1	2	3	4
14	Regular reminders (e.g. annual email to review FEPOA, refresh knowledge)	1	2	3	4

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

Other than the general public, who do you think **might benefit from more information** or education on FEPOAs? **Please select all that apply.**

MULTIPLE RESPONSE, RANDOMISE

- Aged care staff1
- Community carers2
- Community & peak organisations3
- Legal professionals 4
- Banks and superannuation companies5
- FEPOA witnesses.....6
- Medical professionals.....7
- Community / religious leaders8
- Financial professionals (e.g. financial advisors, accountants)9
- Other (please specify).....10
- None of the above..... 11

Exclusive

ASK ‘PRINCIPALS’ AND ‘DECISION-MAKERS’

Do you have any other suggestions or comments regarding the education on FEPOAs that should be considered by those who are designing the education? For example, preferences about format, content, channels, resources or anything else.

Open comment box

No further comments.....1

VALIDATION QUESTION

To check you have been completing the survey thoughtfully, please indicate whether each of the following **is correct for you**. (sample)

PLEASE SELECT ONE RESPONSE PER ROW

	Yes, it's correct	No, it's incorrect
Age: 25	<input type="radio"/>	<input type="radio"/>
Gender: Female	<input type="radio"/>	<input type="radio"/>
Postcode: 3682	<input type="radio"/>	<input type="radio"/>

DEMOGRAPHICS

And finally, some more questions about you, so that we can understand how different people have answered these questions. As this is market research, it is carried out in compliance with the Privacy Act 1988 and the information you provided will be used only for research purposes.

ASK ‘PRINCIPALS’ AND ‘DECISION-MAKERS’

What is the **highest level of education** you have completed?

SINGLE RESPONSE

- Year 11 or below (including Certificate 1 or 2)1
- Year 12 / Secondary School Certificate.....2
- Certificate 3 or 43
- Diploma or Advanced Diploma 4
- Bachelor degree (i.e. University Undergraduate degree)5
- Post-graduate degree
(i.e. Graduate Certificate or Diploma, Masters, PhD).....6
- Prefer not to say7

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

Which of the following best describes **where you live**?

SINGLE RESPONSE, RANDOMISE

Public housing	1
Rental	2
Your own home	3
Retirement village	4
Aged care facility.....	5
Other (please specify).....	6
Prefer not to say	7

ASK 'PRINCIPALS' AND 'DECISION-MAKERS' IF 0 = 3

Do you **own your home outright**?

SINGLE RESPONSE

Yes - own it outright by myself.....	1
Yes - own it outright with a spouse or partner	2
No - have a mortgage	3
No - co-own with someone else.....	4
No - other circumstances.....	5
Prefer not to say	6

ASK 'PRINCIPALS' AND 'DECISION-MAKERS' IF 0 ≠ 4 OR 5

Who do you **live with**? Please select all that apply.

MULTIPLE RESPONSE

By yourself.....	1
Your spouse / partner.....	2
An appointed decision-maker	3
Children aged 18 or over.....	4
Children under 18.....	5
Other family members.....	6
Housemates	7
Others (please specify).....	8
Prefer not to say	9

Exclusive

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

What is your annual **household** income?

SINGLE RESPONSE

Less than \$25,000	1
\$25,000-\$49,999	2
\$50,000-\$74,999.....	3
\$75,000-\$99,999.....	4
\$100,000-\$124,999.....	5
\$125,000-\$149,999	6
\$150,000-\$174,999.....	7
\$175,000-\$199,999.....	8
\$200,000 or more	9
Not sure.....	10
Prefer not to say	11

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

Do you have **an injury, health condition or disability** that restricts your everyday activities and has lasted for at least six months? This could be physical, mental, sensory, intellectual.

SINGLE RESPONSE

Yes	1
No	2
Prefer not to say	3

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

Do you identify as **Aboriginal and or Torres Strait Islander**?

SINGLE RESPONSE

Yes - Aboriginal.....	1
Yes - Torres Strait Islander.....	2
Yes - both.....	3
No	4
Prefer not to say	5

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

What **language** do you speak at home? Please select all that apply.

MULTIPLE RESPONSE

English.....	1	
Mandarin	2	
Arabic.....	3	
Cantonese.....	4	
Vietnamese	5	
Italian.....	6	
Greek	7	
Hindi.....	8	
Spanish	9	
Punjabi	10	
Other (please specify).....	11	
Prefer not to say	12	Exclusive

ASK 'PRINCIPALS' AND 'DECISION-MAKERS'

How do you identify your racial or ethnic background? Please write as many as are relevant for you, e.g. Indian, Japanese.

OPEN COMMENT BOX, OPTIONAL

Prefer not to say	1
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ONLINE THANKS (ALL)

Thank you for assisting us today. Your response to this questionnaire will be kept strictly confidential and will be used only for research purposes. If you have any queries or concerns, please contact us on surveys@qmr.com.au

All data and information collected from the survey will be stored appropriately and in accordance with the Australian Privacy Act 1988 and the New Zealand Privacy Act 2020. Our Privacy policy can be found [here](#).

For more information on Enduring Powers of Attorney relevant to your state or territory, please visit: <https://www.compass.info/featured-topics/powers-of-attorney/>

1800 ELDERHelp (1800 353 374) is a free call phone number that automatically redirects callers seeking information and advice on elder abuse with the phone service in their state or territory.

1800RESPECT is the national domestic, family and sexual violence counselling, information and support service. If you or someone you know is experiencing, or at risk of experiencing, domestic, family or sexual violence, call 1800RESPECT on **1800 737 732** (available 24/7) or visit 1800respect.org.au.

Lifeline is a crisis support service for people who are feeling overwhelmed or having difficulty coping. You can call Lifeline on **13 11 14** (available 24/7).

National Disability Abuse and Neglect Hotline (1800 880 052) is a free, independent and confidential service for reporting abuse and neglect of people with disability.

If anyone is in immediate danger call **TripleZero (000)**.

Callers who are deaf or have a hearing or speech impairment can contact the **National Relay Service** by calling **133 677**.

Callers who do not speak English can use the **Translating and Interpreting Service** by calling **13 14 50**.

Endnotes

- 1 House of Representatives Standing Committee on Legal and Constitutional Affairs, Parliament of the Commonwealth of Australia, *Older People and the Law* (2007) rec 16 and [3.44] <https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=laca/olderpeople/report.htm>; Law Reform Committee, Parliament of Victoria, *Inquiry into Powers of Attorney* (Final Report, Parliamentary Paper No 352, August 2010) xliv and 35-37 <https://www.parliament.vic.gov.au/4a093d/contentassets/fb73e25b64d7452f8a9649a34b16ee58/report_24-08-2010.pdf>; Legislative Council General Purpose Standing Committee No 2, Parliament of New South Wales, *Elder Abuse in New South Wales* (Report No 44, June 2016) [6.83-6.89], [6.104] and [6.106] <<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2387/Report%2044%20-%20Elder%20abuse%20in%20New%20South%20Wales.pdf>>; Australian Law Reform Commission, *Elder Abuse - A National Legal Response* (Final Report 131, May 2017) rec 5-3 <<https://www.alrc.gov.au/publication/elder-abuse-a-national-legal-response-alrc-report-131/>>; South Australian Law Reform Institute, *Valuable Instrument or the Single Most Abused Legal Document of our Judicial System? A Review of the Role and Operation of Enduring Powers of Attorney in South Australia* (Report 15, December 2020) 17 <<https://law.adelaide.edu.au/ua/media/1572/POA%20Report%20FINAL%20-%202012%20Jan%202021.pdf>> and Attorney-General's Department (Cth), *National Register of Enduring Powers of Attorney* (Public Consultation Paper, April 2021) 3 <<https://www.ag.gov.au/rights-and-protections/publications/national-register-epoa-public-consultation-paper-and-submission-template>>.
- 2 Attorney-General's Department, *Achieving Greater Consistency in Laws for Financial Enduring Powers of Attorney* (Consultation Paper, September 2023) 3-4 <https://consultations.ag.gov.au/families-and-marriage/epoa/user_uploads/epoa-consultation-paper.pdf>.
- 3 Lixia Qu et al, 'National Elder Abuse Prevalence Study: Final Report' (Research Report, Australian Institute of Family Studies, 2021) 4 and 108-109 <https://aifs.gov.au/sites/default/files/publication-documents/2021_national_elder_abuse_prevalence_study_final_report_0.pdf>; Australian Law Reform Commission, *Elder Abuse - A National Legal Response* (Final Report 131, May 2017) 159-160 <<https://www.alrc.gov.au/publication/elder-abuse-a-national-legal-response-alrc-report-131/>>.
- 4 Lixia Qu et al, 'National Elder Abuse Prevalence Study: Final Report' (Research Report, Australian Institute of Family Studies, 2021) 2 and 100 <https://aifs.gov.au/sites/default/files/publication-documents/2021_national_elder_abuse_prevalence_study_final_report_0.pdf>. Data from the study showed adult children were most likely to commit financial abuse, with the most common form of financial abuse being the pressuring of an older person into giving or loaning money, possessions or property. This was followed by behaviour amounting to theft (taking money or possessions without permission) and failing to provide financial contributions or assistance to an older person (rent, food, aged care or home service fees) as previously agreed (see 36).
- 5 Law Reform Committee, Parliament of Victoria, *Inquiry into Powers of Attorney* (Final Report, Parliamentary Paper No 352, August 2010) 20 <https://www.parliament.vic.gov.au/4a093d/contentassets/fb73e25b64d7452f8a9649a34b16ee58/report_24-08-2010.pdf> and Attorney General's Department, Australian Government, *Enhancing protections relating to the use of Enduring Power of Attorney Instruments (Consultation Regulation Impact Statement, February 2020)* 9, 10 and 31 <https://oia.pmc.gov.au/sites/default/files/posts/2020/06/consultation_ris_-_enhancing-protections-relating-use-enduring-power-of-attorney-instruments_-_pdf.pdf>.
- 6 House of Representatives Standing Committee on Legal and Constitutional Affairs, Parliament of the Commonwealth of Australia, *Older People and the Law* (2007) [3.12] <https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=laca/olderpeople/report.htm>; South Australian Law Reform Institute, *Valuable Instrument or the Single Most Abused Legal Document of our Judicial System? A Review of the Role and Operation of Enduring Powers of Attorney in South Australia* (Report 15, December 2020) [2.2.33] <<https://law.adelaide.edu.au/ua/media/1572/POA%20Report%20FINAL%20-%202012%20Jan%202021.pdf>>.
- 7 Australian Bureau of Statistics, 'Index of Relative Socio-economic Advantage and Disadvantage (IRSAD)', *Socio-Economic Indexes for Areas (SEIFA), Australia* (Web Page, 27 April 2023) <<https://www.abs.gov.au/statistics/people/people-and-communities/socio-economic-indexes-areas-seifa-australia/latest-release#index-of-relative-socio-economic-advantage-and-disadvantage-irsad->>.
- 8 Pamela Grimm, 'Social desirability bias' in Jagdish Sheth and Naresh Malhotra (eds), *Wiley International Encyclopedia of Marketing* (John Wiley & Sons, 2010) wiem02057.
- 9 Lixia Qu et al, 'National Elder Abuse Prevalence Study: Final Report' (Research Report, Australian Institute of Family Studies, 2021) 73-74 <https://aifs.gov.au/sites/default/files/publication-documents/2021_national_elder_abuse_prevalence_study_final_report_0.pdf>.
- 10 Lixia Qu et al, 'National Elder Abuse Prevalence Study: Final Report' (Research Report, Australian Institute of Family Studies, 2021) 73-74 <https://aifs.gov.au/sites/default/files/publication-documents/2021_national_elder_abuse_prevalence_study_final_report_0.pdf> and Jennifer E Storey, 'Risk factors for elder abuse and neglect: A review of the literature' (2020) 50 *Aggression and Violent Behaviour* <<https://doi.org/10.1016/j.avb.2019.101339>>.
- 11 Australian Guardianship and Administration Council, *You Decide Who Decides* (October 2019) <<https://www.agac.org.au/assets/documents/Other-Publications/You-Decide-Who-Decides.pdf>>.
- 12 Australian Institute of Health and Welfare, 'Older Australians Demographic profile' (Web Page, 2 July 2024) <<https://www.aihw.gov.au/reports/older-people/older-australians/contents/demographic-profile>>.



**Australian Human
Rights Commission**

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