

NATIONAL ASSOCIATION OF COMMUNITY LEGAL CENTRES, AUSTRALIA

INTERVENTION #4

I acknowledge the traditional owners of this land we meet on and pay my respects to their elders past and present.

I can give 2 examples of where a Convention might address the specific needs of older people.

Elder abuse and financial exploitation clearly needs special attention to ensure that all member states are provided with a shining example of how older people must be protected from those who seek to manipulate them and their circumstances. Currently Australia has no specific laws of this kind in any of its three major jurisdictions: no specific and adapted criminal laws to prosecute the perpetrators, no specific and adapted civil and property laws to provide remedy and redress, no specific and adapted family laws to deal with kinship and custody cases.

The situation of grandparents who have caring responsibilities for their grandchildren is another area where older people are expected to function in a legal vacuum. This includes arrangements for child custody, child maintenance, and government benefits available to parents. Some arrangements are in place but they are piecemeal at best.

Access to insurance, superannuation, and other actuarial products also raises concerns. Some products such as funeral plans aggressively target older people through guilt-laden advertising. Imagine successfully selling a product by making an older person feel guilty about their own pending death.

I have no doubt that other member states are in the same situation. Of course we could talk about how a Convention would help deliver basic services in many countries where such things are a daily struggle. In our own country many aboriginal communities lack access to basic services.

We understand that the Australian Government is currently in caretaker mode given that a federal election has been called for September 7, 2013. While this constrains the Government's actions in a constitutional sense, we are taken to understand that Australia may be open to the idea of a Convention. I wonder if the delegates from Australia might comment on this in a general sense. We would of course welcome any comments from other member states in the region.