



**Submission to the Senate Inquiry into
Sex and Age Discrimination Legislation
Amendment Bill 2010[Provisions]**

**Prepared by
National Policy Office**

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INTRODUCTION

COTA Australia is the national consumer peak body in the ageing sector, with over 1,000 COTA member organisations representing more than 500,000 older Australians. COTAs also have a direct membership of over 40,000 seniors.

COTA Australia is the national policy arm of the COTA Federation comprising eight State and Territory Councils on the Ageing (COTA) in NSW, Queensland, Tasmania, South Australia, Victoria, Western Australia, ACT and the Northern Territory.

COTA Australia has a focus on national policy issues from the perspective of older people as citizens and consumers and seeks to promote, improve and protect the circumstances and wellbeing of older people in Australia.

COTA's work is guided by five key policy principles, one of which is to promote positive views of ageing, reject ageism and challenge negative stereotypes. COTA believes that the impact of ageism, based on negative age stereotypes restricts the participation and inclusion of older people in all aspects of life and that this has adverse effects on older people and the broader community.

This Submission only addresses the proposed amendments to the Age Discrimination Act 2004.

ISSUES

There is a growing body of evidence that suggests ageism, particularly in relation to older people, is alive and well in Australia. The COTA National Policy Forum in June 2010 looked specifically at the issues of ageism and age discrimination. At that Forum presenters reported on research which showed that ageism and age discrimination occur across many aspects of older people's lives including health service provision, employment and participation in the broader society.

COTA recently did some work around mature age employment and produced a position paper on the issue¹. What became obvious quite early was that age itself was the barrier to employment for many people. This finding is supported by the results of the consultations that Elizabeth Broderick undertook in 2008-9 in her role as Commissioner with responsibility for age discrimination. These are detailed in the recently released paper *Age discrimination-exposing the hidden barrier for mature age workers*.²

The Australian Human Rights Commission currently has powers to address some aspects of age discrimination under the *Age Discrimination Act 2004*. However as the Attorney-General made clear in his second reading speech on the proposed amendments "Australia's ageing population has highlighted the need for a dedicated commissioner to engage with stakeholders, including industry and community representatives, to address discrimination in the workplace and in the community, to promote respect and fairness, and to tackle the attitudes and stereotypes that can contribute to age discrimination."³

¹ COTA Australia 2009: Position Paper on Mature Aged Employment.

² Australian Human Rights Commission, 2010: *Age discrimination-exposing the hidden barrier for mature age workers*.

³ R McClelland: Sex and Age Discrimination Legislation Amendment Bill 2001, Second Reading Speech, 30 September 2001, House of Representatives Hansard.

It is clear that the task is too big and too urgent to be seen as a part-time addition to the work of the other Commissioners, who are already handling complex issues in their main areas of responsibility. We would acknowledge the effort and time Elizabeth Broderick has put in to this issue whilst also undertaking the duties of the Sex discrimination Commissioner.

The COTA National Policy Forum participants all highlighted the need for a more focused approach with a Commissioner who had the time to engage with stakeholders and provide the leadership for a broad community campaign about ageism and age discrimination. The string view from participants was that the existence of identified Commissioners for sex, disability and race provided a clear signal to the community that these forms of discrimination are not acceptable in Australia and that the existence of these roles had contributed to the reduction in these forms of discrimination.

COTA and other groups have been calling for some time for the establishment of a dedicated Age Discrimination Commissioner and we included it in our 2010 Federal Election Platform. We were pleased to see this legislation introduced so early in the new Parliament with a proposed commencement date of July 2011 as we think this is a critical issue and no time should be lost in taking some positive action to address it.

The proposed amendments establishing the position of Age Discrimination Commissioner (the Commissioner) and an Office of the Age Discrimination Commissioner are in line with the provisions for the other Commissioners in the Australian Human Rights Commission and so are supported by COTA Australia. The proposed terms and conditions for the appointment and remuneration of the Commissioner should ensure that the person appointed will bring a significant amount of expertise to the position and be able to influence stakeholders in order to effect real change in attitudes and behaviours.

The additional expenditure of around \$1million is a necessary part of ensuring the function is appropriately resourced. However there may need to be more specific funding if there are to be some broad public education campaigns to influence the broader community's attitude to older people.

COTA has also welcomed the review of all the anti-discrimination legislation with a view to harmonising provisions. We believe that this should lead to a strengthening of the Age Discrimination Act which combined with the creation of the Commissioner position will provide greater protection to older people's human rights.

CONCLUSION

Ageism and age discrimination against any age group should not be acceptable in Australia in the 21st century. The creation of a dedicated Commissioner to protect the rights of older people is an essential part of combating these negative attitude and ensuring older people have full rights as citizens in terms of access to employment and health and other services as well as being treated with respect and dignity.