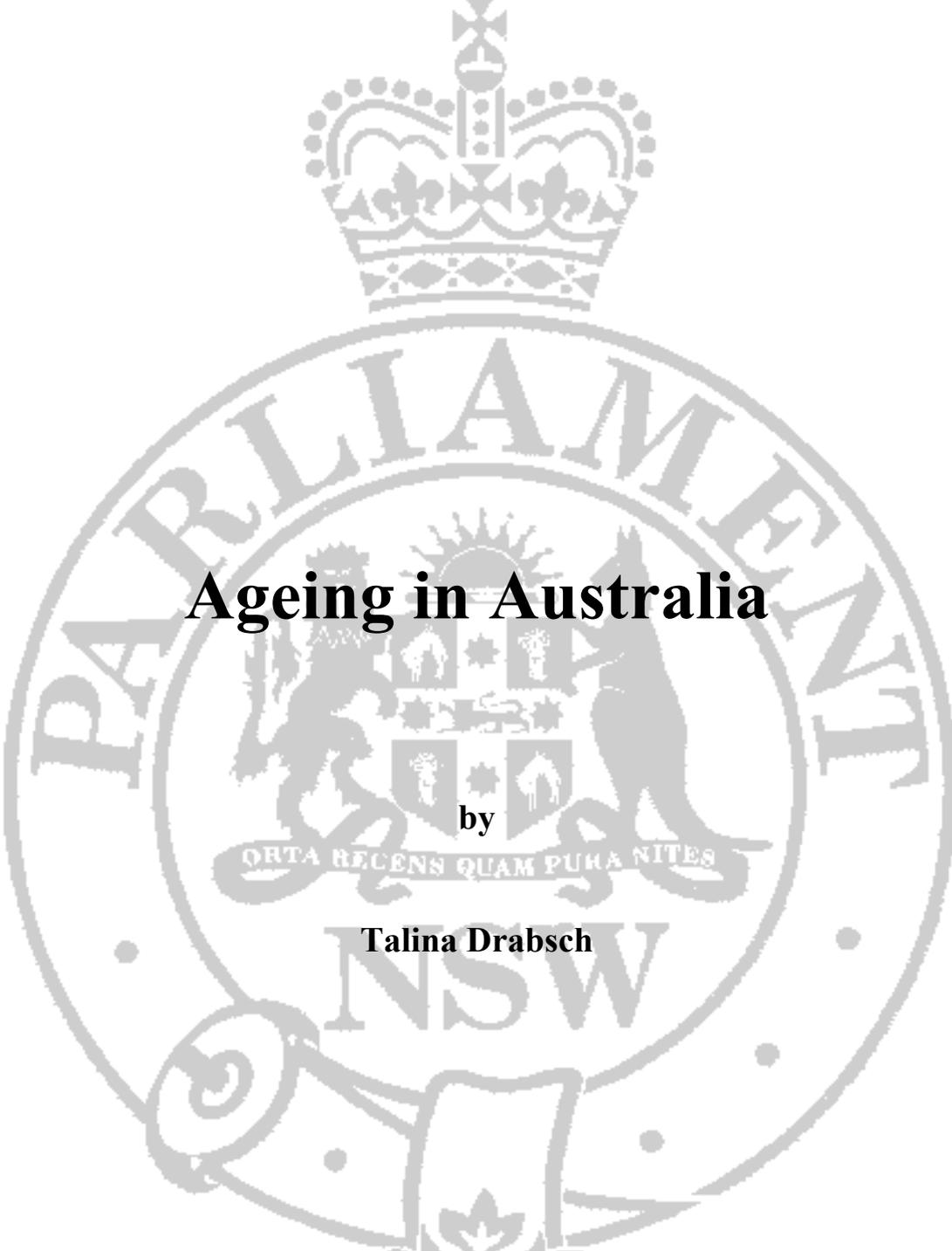


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Ageing in Australia

by

Talina Drabsch

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Ageing in Australia

by

Talina Drabsch

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CONTENTS

EXECUTIVE SUMMARY

<u>1</u>	<u>INTRODUCTION</u>	<u>1</u>
1.1	THE AGEING OF AUSTRALIA'S POPULATION _____	1
1.2	WHERE DO OLDER AUSTRALIANS LIVE? _____	2
1.3	AGEING AS A PREDOMINANTLY FEMALE PHENOMENON _____	5
1.4	AGEING AND ETHNICITY _____	6
1.5	INDIGENOUS AUSTRALIANS AND AGEING _____	7
1.6	THE CHARACTERISTICS AND VALUES OF THE BABY BOOMER GENERATION _____	7
1.7	THE AUSTRALIAN GOVERNMENT'S RESPONSE TO THE AGEING POPULATION _____	8
1.8	THE NEW SOUTH WALES GOVERNMENT'S RESPONSE TO THE AGEING POPULATION _____	11
<u>2</u>	<u>THE ECONOMIC IMPLICATIONS OF AN AGEING POPULATION</u>	<u>13</u>
2.1	HOW WILL GOVERNMENT EXPENDITURE BE AFFECTED? _____	13
2.2	WHAT ARE SOME OF THE POSITIVE REPERCUSSIONS? _____	17
2.3	HOW CAN AUSTRALIA PREPARE? _____	23
<u>3</u>	<u>WORKFORCE PARTICIPATION AND RETIREMENT</u>	<u>25</u>
3.1	WHAT ARE THE CURRENT WORKFORCE PARTICIPATION RATES? _____	25
3.2	IN WHICH OCCUPATIONS AND INDUSTRIES ARE MATURE AGE WORKERS EMPLOYED? _____	28
3.3	UNEMPLOYMENT AND UNDER-EMPLOYMENT _____	31
3.4	WHAT ARE SOME OF THE CHARACTERISTICS OF MATURE AGE WORKERS? _____	33
3.5	HOW CAN WORKFORCE PARTICIPATION RATES IMPROVE? _____	34
3.6	WHAT ARE SOME OF THE FEATURES OF RETIREMENT IN AUSTRALIA? _____	39
<u>4</u>	<u>AGE DISCRIMINATION</u>	<u>44</u>
4.1	WHAT IS AGE DISCRIMINATION? _____	44
4.2	ANTI-DISCRIMINATION ACT 1977 (NSW) _____	44
4.3	AGE DISCRIMINATION ACT 2004 (CTH) _____	47
<u>5</u>	<u>THE LIFESTYLE OF OLDER AUSTRALIANS</u>	<u>51</u>
5.1	HEALTHY AGEING _____	51
5.2	LEISURE _____	53
5.3	LIVING ARRANGEMENTS _____	55
5.4	TRANSPORT _____	58
5.5	HEALTH _____	59

<u>6</u>	<u>CARE ARRANGEMENTS</u>	<u>63</u>
6.1	COMMUNITY CARE	65
6.2	RESIDENTIAL AGED CARE	66
6.3	WHAT IMPROVEMENTS ARE BEING MADE TO THE PROVISION OF AGED CARE?	67
<u>7</u>	<u>CRIME</u>	<u>69</u>
7.1	OLDER PERSONS AS VICTIMS OF CRIME	69
7.2	ABUSE AND NEGLECT	71
7.3	ELDERLY INMATES	73
<u>8</u>	<u>CONCLUSION</u>	<u>75</u>

EXECUTIVE SUMMARY

This paper explores some of the issues associated with ageing, in particular the ageing of the Australian population, at a national level and for New South Wales. Australia's population is ageing as a result of increased life expectancies, declining fertility rates, lower mortality rates and the impact of migration levels. The economic effect of an older Australia is expected to be significant, particularly as greater demands are placed on the health and housing systems. Whilst it is acknowledged that people age at different rates depending on their lifestyle, biology and environment, this paper, unless otherwise stated, classifies older people as persons aged 65 years and over.

Section 2 (pp 13-24) acknowledges some of the economic concerns associated with an ageing population. The impact on government expenditure, particularly in relation to health and pensions, is noted. The economic contribution of older Australians is also identified with the value of unpaid work and their role as consumers discussed. Finally, this section examines some of the ways Australia can prepare for the impact of an ageing population.

The current rate of mature age workforce participation and the changes that have occurred over the last 20 years are measured in section 3 (pp 25-43). It highlights the main occupations and industries in which mature age workers are employed, as well as analysing issues of unemployment and under-employment. Some of the characteristics of mature age workers are identified, as are some of the avenues for improving the rate of mature age workforce participation. Finally, Australia's retirement system and the trend of early retirement are discussed.

Section 4 (pp 44-50) examines the issue of age discrimination. All Australian states and territories introduced laws to prohibit age discrimination in the 1990s and the Commonwealth Parliament passed the *Age Discrimination Act* in 2004. Aspects of the *Anti-Discrimination Act 1977* (NSW) and the *Age Discrimination Act 2004* (Cth) are discussed.

Issues associated with the lifestyle of older Australians are considered in section 5 (pp 51-62). The introduction of strategies by various governments to encourage healthy ageing is noted. This section also examines the leisure activities in which older people engage, both in the home and at various cultural venues. It highlights the extent to which older persons use computer technology, and embark on educational and travel opportunities. The key factors that hinder the involvement of some older people in leisure activities include income, transport and information. The living arrangements, mode of transport, and health issues of older Australians are discussed in this section.

Older people are more likely to provide care for others than to receive care. However, assistance may be required by some, particularly by persons aged 85 and over. Section 6 (pp 63-68) explores some of the options available to people, including community and residential care. This section also identifies some of the attempts to improve aged care in Australia.

Section 7 (pp 69-74) considers the experience of older persons as victims of crime, abuse and neglect. Whilst the risk of crime generally decreases with age, the role of fear of crime amongst the older community is acknowledged. The ageing of the prison population is noted, as are some of the issues associated with elderly inmates.

1 INTRODUCTION

This paper explores some of the issues associated with ageing, in particular the ageing of the Australian population, at a national level and for New South Wales. Whilst it is acknowledged that people age at different rates, depending on their life experience and genetic disposition, this paper, unless otherwise stated, classifies older persons as people aged 65 years and over. There has been much speculation about the implications of the ageing population. The economic impact of an older Australia is expected to be significant, particularly as greater demands are placed on the health and housing systems. However, older people contribute to society in a number of ways. Many older people are volunteers and carers. They are also consumers. Governments have been responding to what is deemed the 'challenge' of an ageing Australia. Plans have been made to increase mature age workforce participation and to reverse the trend of early retirement. The incidence of age discrimination has been recognised with laws prohibiting discrimination on the grounds of age having been introduced in all Australian jurisdictions.

This paper examines the lifestyle of older Australians including the concept of 'healthy ageing', leisure, living arrangements, transport and health issues. There are a number of options available to older persons should care be required, either in the community or in the form of residential care. Finally, the issue of crime and older Australians is discussed. They may be victims of crime, abuse or neglect. Whilst the risk of crime generally decreases with age, the role of fear of crime amongst the older community is acknowledged. The ageing of the prison population is noted, as are some of the issues associated with elderly inmates.

1.1 The ageing of Australia's population

Australia's population is ageing as a result of increased life expectancies, declining fertility rates, and the impact of migration levels. Life expectancy increased in the first half of the twentieth century as infant and maternal mortality rates fell. It continued to increase in the second half of the twentieth century as death rates shrank particularly in relation to heart disease and stroke.¹ By 2002, the life expectancy for males and females was 77.2 and 82.6 years respectively.² In 2000, the average number of births per woman in Australia was 1.75, below the level needed for replacement.³ The fertility rate has been influenced by: the introduction of the pill; changes to abortion laws; people marrying later in life; modified perceptions of a desirable family size; the greater participation of women in employment and education; and divorce and de facto partnerships becoming more common.⁴ It is

¹ Hon Kevin Andrews MP, Minister for Ageing, *National Strategy for an Ageing Australia*, Commonwealth, 2001, p 6.

² Australia, Department of the Treasury, *Intergenerational Report 2002-2003*, 2002-2003 Budget Paper No 5, 14 May 2002, p 4.

³ Ibid.

⁴ Australian Bureau of Statistics, *Census of Population and Housing: Ageing in Australia 2001*, 2048.0, 2003, p 4.

expected that the population will continue to age as low fertility rates are sustained and life expectancy improves into the future.⁵

Australia's population is ageing both numerically and proportionately. The number of older Australians is increasing, as is the proportion of the population that is over 65 years old. Australia is also experiencing the ageing of the aged as the number and proportion of people over 85 grows. 1.4% of Australia's population in 2002 was 85 or older. By 2051, it is projected that the proportion aged 85 years and over will have increased to 6-9% and by 2101 they will constitute between 7 and 11% of the population.⁶

The following table forecasts the population of Australia for every decade between 2002 and 2042. Between 2002 and 2042 the number of people less than 15 years of age will decrease from 3.9 million to 3.7 million. At the same time the number of people aged 65 years and over will have more than doubled from 2.5 million to 6.2 million.

Australian population projections for selected age ranges (millions of people)

Age range	2002	2012	2022	2032	2042
0 to 14	3.9	3.8	3.8	3.8	3.7
15 to 64	13.2	14.6	15.1	15.3	15.4
65 to 84	2.2	2.7	3.8	4.7	5.1
85+	0.3	0.4	0.5	0.8	1.1
Persons	19.6	21.5	23.2	24.5	25.3

Source: Commonwealth Treasury, *Intergenerational Report 2002-2003*, 2002-2003 Budget Paper No 5, 14 May 2002, p 22.

The ageing of the population will become particularly noticeable by the mid-twenty-first century when there will be almost as many people over the age of 50 as there are below.⁷ This contrasts with 2002 when less than one-third of the population was 50 years and over. Australia's population has aged significantly in the last 130 years. In 1870, 42% of the population was less than 15 years old compared to 21% in 1998.⁸ The proportion of the population aged 65 years and over simultaneously increased from 2% in 1870 to 12% in 1998.

1.2 Where do older Australians live?

Some Australian states and territories are ageing at a quicker pace than others, as the geographical distribution of older people is uneven. As the table below indicates, South Australia and Tasmania have proportionately larger older populations. The youngest populations are found in the Northern Territory and the Australian Capital Territory.

⁵ Australian Bureau of Statistics, *Population Projections Australia 2002-2101*, 3222.0, 2003, p 2.

⁶ Ibid, p 40.

⁷ Ibid, p 36.

⁸ Access Economics, *Population Ageing and the Economy*, Commonwealth Department of Health and Aged Care, January 2001, p vii.

State and territory of usual residence (%)

Age group (years)	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
45 and over	36.1	36.0	34.9	38.6	34.1	38.1	23.4	31.6	35.7
65 and over	13.1	13.1	11.7	14.7	11.1	13.9	3.9	8.5	12.6
85 and over	1.4	1.5	1.3	1.7	1.3	1.5	0.3	0.8	1.4
Median age (years)	35.0	35.0	35.0	37.0	34.0	37.0	29.0	33.0	35.0

Source: Australian Bureau of Statistics, *Census of Population and Housing: Ageing in Australia 2001*, 2048.0, 2003, p 8.

The proportion of the population in NSW that is aged 65 years and over is only a little higher than the Australian average. Whilst Tasmania and South Australia have the oldest populations, the greatest number of people aged 65 and over reside in NSW (807,200 people in 1998 – 35% of older Australians).⁹ The number of older people in NSW is expected to triple between 2002 and 2051.¹⁰ The ‘old-old’ (those aged 85 years and over) will also significantly increase, from 98,000 people in 2002 to between 488,000 and 815,700 by 2051 (at which time they will constitute 6 to 9% of the population compared to the current 1%).¹¹

Another means for measuring the ageing of a population is to compare the median age at various points in time. The projected median age of Australians in various jurisdictions between 2002 and 2051 is given in the table below. The median age in Australia is projected to increase from 36 years in 2002 to 47 years in 2051. The median age of New South Wales is similar to that of Australia as a whole. In 2002, South Australia and Tasmania had the oldest populations in Australia, with a median age of 38. This trend will continue to 2051, by which time the median age for these states will have reached 50 and 52 years respectively.

Median age: Observed and projected

	2002	2011	2021	2051
New South Wales	36.1	38.8	41.3	46.7
Victoria	36.0	38.8	41.3	46.9
Queensland	35.3	38.2	40.8	46.8
South Australia	37.9	40.9	44.0	50.0
Western Australia	35.2	38.3	40.9	46.8
Tasmania	37.7	41.2	45.0	52.4
Northern Territory	29.9	31.6	33.2	35.8
Australian Capital Territory	33.5	36.3	38.8	43.5
Australia	35.9	38.7	41.2	46.8

Source: Australian Bureau of Statistics, *Population Projections Australia 2002-2101*, 3222.0, 2003, p 47.

⁹ Australian Bureau of Statistics, *Older People, New South Wales 2000*, 4108.1, 2000, pp 2-3.

¹⁰ Australian Bureau of Statistics, n 5, p 50.

¹¹ Ibid.

Within each jurisdiction, certain regions may age quicker than others. The following table lists the local areas in Australia with the oldest populations, two of which are in NSW – Tweed and Great Lakes. Tweed and Great Lakes have a median age of 45 and 47 respectively, which is substantially higher than the median age of 36 for NSW as a whole.

Statistical Local Areas with the oldest populations

Top 10 Statistical Local Areas	State/territory	Proportion aged 65 and over %	Median age years
Queenscliffe	VIC	31.0	49
Victor Harbour	SA	30.8	50
Bribie Island	QLD	29.6	52
Caloundra – South	QLD	27.0	48
Mornington Peninsula – South	VIC	26.9	46
Chermside	QLD	26.0	40
Tweed – Part A	NSW	25.9	45
Paradise Point	QLD	25.3	49
Great Lakes	NSW	25.1	47
Coolangatta	QLD	24.7	46

Source: Australian Bureau of Statistics, *Census of Population and Housing: Ageing in Australia 2001*, 2048.0, 2003, p 13.

Most older people live in the main urban areas. Approximately, 58% of people over 60 in NSW live in Metropolitan Sydney and 42% live in regional NSW.¹² The overwhelming majority reside in the coastal areas of NSW – 80% of older people in NSW live either in Metropolitan Sydney or along the eastern seaboard.¹³ Nonetheless, when compared to younger persons, older people are more likely to live in the regional parts of Australia.¹⁴ The regional areas with the greatest proportion of people aged 60 and over include the Hunter, Illawarra, Far West, Murray, South Eastern NSW and Mid-North Coast regions.¹⁵ Almost 90% of older people in NSW live in the Hunter, Illawarra, Richmond-Tweed, Mid-North Coast, South Eastern and Sydney Statistical Divisions.¹⁶ The tables below list the Statistical Local Areas with the highest concentration of people 65 and over for NSW and for Sydney.

¹² NSW, Department of Ageing, Disability and Home Care, 'A statistical summary', *Fact Sheets – Older People in NSW*.

¹³ Ibid.

¹⁴ Olsberg D et al, *Ageing-in-Place? Intergenerational and Intra-familial Housing Transfers and Shifts in Later Life*, Australian Housing and Urban Research Institute, June 2004, p 10.

¹⁵ NSW DADHC, n 12.

¹⁶ Australian Bureau of Statistics, n 9, p 7.

Statistical Local Areas in NSW with the highest proportion of older people

Rank	Statistical Local Area	Percentage of people aged 65 and over
1	Great Lakes	24.4%
2	Richmond-Tweed	23.9%
3	Eurobodalla	21.8%
4	Hastings	21.1%
5	Maclean	20.8%
6	Barraba	20.5%
7	Bingara	19.9%

Source: Australian Bureau of Statistics, *Older People, New South Wales 2000*, 4108.1, 2000, p 8.

Areas within Sydney with the highest proportion of older people

Rank	Area	Percentage of people aged 65 and over
1	Wyong	18.0%
2	Hunters Hill	17.3%
3	Gosford	17.1%
4	Rockdale	16.1%
5	Hurstville	16.0%

Source: Australian Bureau of Statistics, *Older People, New South Wales 2000*, 4108.1, 2000, p 8.

The areas within NSW that are experiencing the largest annual growth in the older population are the Mid-North Coast, Illawarra, Richmond-Tweed and South Eastern Statistical Divisions, whilst slowest growth is in the Far West and Central West Statistical Divisions.¹⁷ The areas outside Sydney with the lowest proportion of older people are Muswellbrook, Snowy River, Singleton, Moree Plains, Brewarrina and Cobar. Blacktown, Liverpool, Penrith and Campbelltown are the areas within Sydney with the lowest proportion of older people.

In 1996, the largest number of Aboriginal and Torres Strait Islander people aged 45 years and over lived in Sydney, the North Western and Northern regions in contrast to the tendency of older people as a whole to live in the coastal regions of NSW.¹⁸ Within Sydney, the most popular areas for older Indigenous Australians were Inner Sydney, Blacktown-Baulkham Hills and Outer Western Sydney.¹⁹

1.3 Ageing as a predominantly female phenomenon

Older Australians are predominantly female, largely as a result of the different life expectancies for men and women. In 1998, 13% of people in NSW were aged 65 years and over, more than half of which were women. The female proportion of the older population

¹⁷ Australian Bureau of Statistics, n 9, p 10.

¹⁸ Australian Bureau of Statistics, n 9, p 10.

¹⁹ Ibid.

increases with age – 70% of persons aged 85 and over in NSW are women.²⁰ Borowski and Hugo have noted that, ‘In strictly demographic terms ageing is predominantly a female phenomenon and many of the problems associated with ‘old age’ are disproportionately those of females’.²¹ However, this may change in the future. The life expectancy of men is predicted to increase at a more rapid rate than for women. The female proportion of the population 85 years and over should have subsequently fallen to 59% by 2052.²²

1.4 Ageing and ethnicity

More than 30% of the population aged 65 years and over was born overseas (about one-third of whom were born in the UK or Ireland) compared to 22% of all Australians.²³ The age profile of people groups in Australia varies as a result of migration patterns. For example, in 1996, almost 40% of Polish-born people in NSW were 65 years old or more.²⁴ Some immigrant groups are clustered in particular areas of Australia. In 2001, 75% of older persons born in Lebanon, 59% of those born in China and 56% of those born in the Philippines lived in NSW.²⁵ 13% of people over 65 in NSW were born in a non-English speaking country (the majority from Italy, Greece, Germany and China).²⁶ This reflects the most common languages other than English spoken by older people – Italian, Chinese, Greek and German.²⁷ 15% of older people who spoke another language at home in 1996 could not speak English.²⁸ This was particularly true of older persons born in Lebanon and China. An inability to speak English may hinder access to various aged services. The NSW Government has recognised the diversity of the aged. The NSW Department of Ageing, Disability and Home Care established a Culturally and Linguistically Diverse Policy Unit in May 2003 to oversee policy and strategic development initiatives for people of different ethnicities.²⁹

²⁰ Ibid, pp 2-3.

²¹ Borowski A and Hugo G, ‘Demographic trends and policy implications’ in Borowski A, Encel S and Ozanne E (eds) *Ageing and Social Policy in Australia*, Cambridge University Press, Cambridge, 1997, p 32.

²² Andrews, n 1, p 6.

²³ Australian Bureau of Statistics, n 4, p 22.

²⁴ Australian Bureau of Statistics, n 9, p 6.

²⁵ Australian Bureau of Statistics, n 4, p 26.

²⁶ NSW DADHC, n 12.

²⁷ Australian Bureau of Statistics, n 9, p 6.

²⁸ Ibid, p 7.

²⁹ NSW, Department of Ageing, Disability and Home Care, *Annual Report 2002-2003*, p 19.

1.5 Indigenous Australians and ageing

The ageing of the population does not apply equally to all sections of the population. Indigenous Australians are a much younger community than Australia as a whole due to differences in fertility rates and a life expectancy that is approximately 20 years lower. Almost two-fifths of the Indigenous population is under the age of 15 compared to one-fifth of all Australians. Less than 3% of Indigenous Australians are 65 or older in contrast to almost 13% of all Australians.³⁰

The Indigenous proportion of the older population in NSW is extremely small. Only 4% of the Indigenous population in NSW is aged 60 years and over, equivalent to 0.4% of all people in that age group.³¹ In 1996, the median age of the Aboriginal and Torres Strait Islander population in NSW was 20 years compared to 34 years for NSW as a whole.³² The NSW Department of Ageing, Disability and Home Care established the Aboriginal Policy Unit in May 2003 to oversee policy and strategic development initiatives for Indigenous peoples in NSW.³³

1.6 The characteristics and values of the baby boomer generation

The first of the baby boomers (those born between 1946 and 1965) are now entering their mid to late fifties. Accordingly, large numbers of Australians are approaching retirement. The experience of older age is likely to be different for the baby boomers. For example, baby boomers in NSW are 50% more likely to be divorced than the generation ten years before them.³⁴ Hugo has speculated that, compared to past generations, the baby boomers:³⁵

- are one of the first generations to have experienced the retrenchment and/or redundancy of workers in their forties and fifties on a large scale;
- will live by themselves more often;
- are more ethnically heterogeneous;
- will experience higher levels of chronic illness and disability as a result of increased life expectancy and the ability of medicine to prevent death. On the other hand, people may be healthier in older age because of improved lifestyles and access to better surgery;
- will live in low density outer suburbs more often than the past;
- will have fewer children – those that they do have will live further away;
- will have superannuation to a greater extent;

³⁰ Australian Bureau of Statistics, n 4, p 19.

³¹ NSW DADHC, n 12.

³² Australian Bureau of Statistics, n 9, p 5.

³³ NSW DADHC, n 29, p 19.

³⁴ Perry J, *Too Young to Go: Mature age unemployment and early retirement in NSW*, NSW Committee on Ageing, December 2001, p 25.

³⁵ Hugo G, 'Australia's ageing population', *Australian Planner*, 40(2), 2003, pp 111-112.

- will travel more;
- may be more selfish;
- may be more polarised as a group;
- may experience gender equality to a greater extent; and
- may be more health conscious.

The National Strategy for an Ageing Australia has highlighted that:

The baby boomer generation will enter older age with different aspirations and expectations. They are likely to demand a greater range and higher quality services and experiment with ways of experiencing older age. The increasing resources, expectations and needs of future generations of older people will have implications for the business sector.³⁶

1.7 The Australian Government's response to the ageing population

The likely impact of an ageing population has been discussed in Australia for a number of years. Since 2002, the Commonwealth Treasury has published a number of papers, dealing with the issues of an ageing Australia, including the *Intergenerational Report* (2002), *Australia's Demographic Challenges* (2004) and *A More Flexible and Adaptable Retirement Income System* (2004).

On 17 February 2002, the Minister for Ageing released the *National Strategy for an Ageing Australia*. The Office for an Ageing Australia produced the Strategy to 'develop a broad ranging framework to identify challenges and possible responses for government, business, the community and individuals to meet the needs of Australians as they age'.³⁷ The Strategy is guided by the following principles:³⁸

- The ageing of the Australian population is a significant common element to be addressed by governments, business and the community.
- All Australians, regardless of age, should have access to appropriate employment, training, learning, housing, transport, cultural and recreational opportunities and care services that are appropriate to their diverse needs, to enable them to optimise their quality of life over their entire lifespan.
- Opportunities should exist for Australians to make a life-long contribution to society and the economy.
- Both public and private contributions are required to meet the needs and aspirations of an older Australia.

³⁶ Andrews, n 1, p ix.

³⁷ Hon Bronwyn Bishop MP, Minister for Aged Care, *The National Strategy for an Ageing Australia: Background Paper*, April 1999, p 1.

³⁸ Andrews, n 1, p 2ff.

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- Public programs should supplement rather than supplant the role of individuals, their families and communities.
 - A strong evidence base should inform the policy responses to population ageing.
 - The delivery of services and pensions for our ageing population is affordable so long as we have a well-managed economy and growth.

The National Strategy has 13 goals:

1. A secure and sustainable retirement income.
2. A retirement income system providing an adequate retirement income for all older Australians, and supporting and encouraging individual contributions to retirement savings throughout working life.
3. The removal of barriers to the continued participation of mature age workers in the workforce.
4. An employment system that recognises the importance of retaining mature age workers in light of the future predicted decline in new entrants to the workforce.
5. Society has a positive image of older Australians, appreciates their diversity and recognises the many roles and contributions they continue to make to the economy and the community.
6. That public, private and community infrastructure is available to support older Australians and their participation in society.
7. All Australians have the opportunity to maximise their physical, social and mental health throughout life.
8. Population health strategies promote and support healthy ageing across the lifespan.
9. Information, research and health care infrastructure is available to support the healthy ageing of the Australian population.
10. A care system that has an appropriate focus on the health and care needs of older Australians and adequate infrastructure to meet these needs.
11. A care system that provides services to older people that are affordable, accessible, appropriate and of high quality.
12. A care system that provides integrated and coordinated access, assistance and information for older Australians with multiple and significant and diverse care needs.

13. A sustainable care system that has a balance between public and private funding and provides choice of care for older people.

It was announced in the 2004-2005 Federal Budget that \$6.4 million would be provided over the next four years to continue support for the Strategy.³⁹

The Australian Government has established a number of bodies and inquiries to investigate the phenomenon of ageing. A National Advisory Committee on Ageing was appointed in 2002 to:

- provide a forum for the Federal Government to consult on ageing issues;
- provide advice to the Minister for Ageing on policies and priorities for an ageing population;
- identify ways of responding to the medium to long term challenges of an ageing Australia; and
- consider the need for further research in relation to population ageing.

On 26 June 2002, the Minister for Ageing asked the House of Representatives Standing Committee on Ageing to inquire into long-term strategies to address the ageing of Australia's population over the next forty years. However, the inquiry lapsed following the dissolution of Parliament on 31 August 2004.

On 24 June 2004, the Productivity Commission received terms of reference for a study on the economic implications of an ageing Australia. The Committee is to report on:⁴⁰

1. The likely impact of an ageing population on Australia's overall productivity and economic growth.
2. The potential economic implications of future demographic trends for labour supply and retirement age, and the implications for unpaid work such as caring and volunteering.
3. The potential fiscal impact of the above factors on Commonwealth, State and Territory and, to the extent practicable, local governments.

³⁹ Commonwealth, Budget Paper No 2, Budget Measures 2004-2005, p 211.

⁴⁰ Productivity Commission, 'Economic implications of an ageing Australia', Terms of reference.

1.8 The New South Wales Government's response to the ageing population

The following timeline highlights some of the ways the NSW Government has responded to the issue of ageing since 1990.

1990	The <i>Anti-Discrimination Act 1977</i> (NSW) was amended by the <i>Anti-Discrimination (Compulsory Retirement) Amendment Act 1990</i> to prohibit compulsory retirement from 1991 for the public sector, 1992 for local government and 1993 for other employees in NSW.
1991	The 'Age Adds Value' community awareness campaign was launched.
1992	In May, the NSW Government released a discussion paper <i>Age Discrimination – Options for NSW</i> .
1993	In April, the NSW Government released a white paper on proposals for reform regarding age discrimination. In May, the Advisory Committee on Abuse of Older People was appointed for three years to advise the Minister on Ageing and to oversee the implementation of the 24 recommendations of the Task Force on Abuse of Older People. Premier Fahey issued a statement on positive ageing on 1 October. The <i>Anti-Discrimination (Age Discrimination) Amendment Act 1993</i> was passed to include age as a prohibited grounds of discrimination in the <i>Anti-Discrimination Act 1977</i> .
1995	The Office on Ageing was incorporated into the new Ageing and Disability Department.
1996	The NSW Government released its <i>Social Justice Directions Statement</i> which included a commitment to develop a comprehensive policy on the health and well-being of older people.
1997	The Department for Women and NSW Committee on Ageing published <i>Gendered Ageism: Job Search Experiences of Older Women</i> . The <i>NSW Government Healthy Ageing Framework Green Paper</i> was released for public comment. The Premier's Forum on Ageing – <i>Healthy Ageing: Making it Happen</i> was held. The NSW Advisory Committee on Abuse of Older People in Their Homes released its final report, <i>Abuse of Older People: The Way Forward</i> , in October.
1998	In March, the Ageing Issues Directorate was established within the Ageing and

	<p>Disability Department.</p> <p>The NSW Committee on Ageing published <i>Over the hill or flying high? An analysis of age discrimination complaints in NSW</i>.</p> <p>The NSW Government announced its <i>Healthy Ageing Framework 1998-2003</i>.</p> <p>The NSW Premier's Department issued <i>Mature Workforce Policy and Guidelines</i>.</p>
1999	UN International Year of Older Persons
2001	<p>The Department of Ageing, Disability and Home Care was created, merging the Ageing and Disability Department, Disability Services of the Department of Community Services and the Home Care Services of NSW.</p> <p>A Mature Age Employment Task Force was established.</p> <p>The NSW Committee on Ageing published <i>Too young to go: Mature age unemployment and early retirement in NSW</i>.</p>
2003	On 1 July 2003 the NSW Committee on Ageing was renamed the NSW Ministerial Advisory Committee on Ageing.
2004	The NSW Government is to host a forum on ageing on 28 September 2004. The forum is to discuss the role of older people in the community and how it may be enhanced. The Government will also be informed of issues relating to the ageing of the population.

2 THE ECONOMIC IMPLICATIONS OF AN AGEING POPULATION

Many of the concerns expressed in relation to the impact of an ageing population are of an economic nature. This section examines how government expenditure will be affected. It also notes some of the positive economic outcomes that may result from an ageing population. Finally, it identifies the ways Australia can prepare for its impact.

2.1 How will government expenditure be affected?

The economic impact of an ageing population will be gradually realised with time. Access Economics has predicted that between:⁴¹

- 2000-2010: Labour supply and income tax revenue will begin to slow.
- 2010-2020: Pension expenditure will increase as the baby boomers retire. In 2012 alone, the number of persons aged 65 years and older will grow by 4%.⁴²
- 2020-2030: Health expenditure will increase as baby boomers reach their seventies.
- 2030-2040: The demand on aged care will escalate.

Some areas of government expenditure particularly increase with age, notably health and pensions. The following table itemises the social expenditure for various age groups. The social expenditure per person over the age of 60 years is substantially greater than for younger persons, and continues to grow with age so that the amount spent per person 75 years and over is more than double the amount spent on 60-64 year olds.

Social expenditure costs (in 1998 dollars) per person per year

Age	Age pension	Other age assistance	Unemployment benefits	Other social benefits	Health	Education	Employment	Total
0-15	0	3	0	883	443	1913	2	2245
16-24	0	2	384	346	443	1829	165	2870
25-39	1	2	300	423	602	303	59	1691
40-49	6	3	211	503	565	141	38	1466
50-59	57	6	215	1088	942	58	25	2390
60-64	1139	12	184	1729	1579	24	13	4681
65-69	2430	31	0	2041	2185	16	0	6703
70-74	3368	60	0	1626	3255	16	0	8325
75+	4168	263	0	1135	6111	12	0	11689

Source: Creedy J, 'Population ageing and the growth of social expenditure', in Productivity Commission, *Policy Implications of the Ageing of Australia's Population*, Conference Proceedings, Melbourne, 18-19 March 1998, p 240.

Per capita health expenditure increases dramatically from the age of 60 onwards. Health expenditure is comprised of four major categories – hospital, medical services (medicare),

⁴¹ Access Economics, n 8, p xvii.

⁴² Ibid, p 22.

pharmaceutical, and other expenditure.⁴³ However, some categories are more affected by age than others, with expenditure on hospitals and pharmaceuticals most sensitive to age.⁴⁴

However, not every area of government spending will increase. Access Economics has noted that whilst government expenditure on pensions, health and residential care will rise as the population ages, the resources used for youth job programs and education will decrease.⁴⁵ Nonetheless, it warns that unless changes are made to government expenditure, by 2031 the annual bill to return finances to their position in 2001 would be \$45.5 billion, of which \$18 billion is the cost of ageing.⁴⁶

The Commonwealth Treasury predicted in 2002 that the ageing population would substantially impact on the federal budget in 15 years time.⁴⁷ The Hon Peter Costello MP stressed in his 2004-2005 Budget Speech that:

We must start preparing for the ageing of the population. Over the next forty years the number of Australians of working age will grow slightly. The number of Australians over 65 will more than double... And to cope with that change we need to take measures which will help our economy to grow to its maximum potential – to help more people into the workforce and make it easier for mothers who are juggling paid work, or part-time work, with the nurture and raising of children.⁴⁸

The Commonwealth Treasury released the *Intergenerational Report* with the Federal Budget in May 2002. It sought to identify the issues associated with an ageing population and to examine the long-term fiscal outlook. The Report found that:⁴⁹

- Commonwealth expenditure would exceed revenue within 15 years. The gap would grow to 5% of GDP by 2041-42.
- The demand on age pensions, health and aged care would also increase, accounting for much of the growth in expenditure in the next four decades.
- The most demographically sensitive area of expenditure is aged care, which is projected to increase from 0.7% of GDP in 2001-2002 to 1.8% of GDP in 2041-2042.

⁴³ Banks G, 'An ageing Australia: small beer or big bucks?', Presentation to the South Australian Centre for Economic Studies, Economic Briefing, Adelaide, 29 April 2004, p 22.

⁴⁴ Ibid, p 24.

⁴⁵ Access Economics, n 8, p 40.

⁴⁶ Ibid, p 48.

⁴⁷ Australia, Department of the Treasury, n 2, p 1.

⁴⁸ Hon P Costello MP, Federal Budget Speech 2004-2005, 11/5/04.

⁴⁹ Australia, Department of the Treasury, n 2, pp 6-10.

- Spending on age and service pensions is projected to increase from 2.9% of GDP in 2001-02 to 4.6% in 2041-42 by which time the proportion of the population over 65 will have doubled.

According to the *Intergenerational Report*, the social expenditure of the Australian Government will be more pressured than that of the state and territory governments as Commonwealth spending is more focused on the aged and Commonwealth health programmes have higher non-demographic growth.⁵⁰ In NSW, the major areas in which costs are likely to rise as the population ages include accommodation, community care, health services and concessions.⁵¹

The *Intergenerational Report* has been criticised by a number of commentators. Hugo believes the report to be ‘flawed as it assumes a continuation of the present situation with respect to: the growth of the working age population; and present patterns of workforce participation’.⁵² Hugo stresses that the future situation can be influenced by policy decisions. Gary Banks, Chairman of the Productivity Commission, has also noted that the Productivity Commission found the impact of pharmaceuticals to be less than the *Intergenerational Report* suggests.⁵³

Access Economics has warned about attributing all of the expected increase in health expenditure to the ageing population: ‘It is not so much ageing as it is the cost of increasing quality in health that threatens to blow a hole in the nation’s public finances’.⁵⁴ This was noted in the *Intergenerational Report* which highlighted that only one-third of recent growth in health spending could be attributed to population growth and ageing.⁵⁵

Whilst the pressure on the federal budget is likely to intensify as the impact of the ageing population is felt, Guest and McDonald have highlighted the relatively good position enjoyed by Australia as opposed to other countries. The following table lists the projected government social outlays for various western countries in 2030. The table reveals that the elderly dependency ratio and total government social outlays, as a proportion of GDP, will be lower for Australia than for such countries as the United Kingdom, United States and Canada. According to Guest and McDonald, the factors that contribute to the relatively small outlay in Australia include the public pension being means tested and not linked to previous earnings from work, and Australia’s low elderly dependency ratio in 2030.⁵⁶ An

⁵⁰ Ibid, p 58.

⁵¹ NSW Government, *NSW Healthy Ageing Framework 1998-2003*, Ageing and Disability Department, NSW Health, Sydney, 1998, p 32.

⁵² Hugo, n 35, p 113.

⁵³ Banks, n 43, p 24.

⁵⁴ Access Economics, n 8, p 40.

⁵⁵ Australia, Department of the Treasury, n 2, p 8.

⁵⁶ Guest R and McDonald I, ‘Population ageing and projections of government social outlays

aged dependency ratio compares the number of people over the age of 65 to the number of people between the ages of 15 and 64 (generally considered to be of working age).

Projected government social outlays for 2030

Country	Pensions (% of GDP)	Health (% of GDP)	Total (% of GDP)	Fertility rate 1990-95	Net immigration rate 1990-95	Elderly dependency ratio 2030
Australia	3.8	7.6	11.6	1.9	0.57	33.0
United Kingdom	5.5	7.0	12.0	1.8	0.09	38.7
United States	6.6	8.2	15.2	2.1	0.25	36.8
Canada	9.0	10.3	19.3	1.9	0.44	39.1
Japan	13.4	6.3	19.3	1.5	0.00	44.5
France	13.5	8.9	21.9	1.8	0.12	39.1
Germany	16.5	7.8	24.8	1.3	0.56	49.2
Italy	20.3	8.1	28.1	1.3	0.10	48.3

Source: Guest R and McDonald I, 'Population ageing and projections of government social outlays in Australia', *Australian Economic Review*, 33(1), March 2000, p 50.

The following table illustrates the expected movement in dependency ratios for the same countries throughout the next half-century. The elderly dependency ratio for Australia is relatively low. Despite the prediction that the elderly dependency ratio for Australia will double between 2000 and 2050 to reach 38%, it will still be much lower than the ratios for Italy and Japan at 66% and 58% respectively.

Elderly dependency ratios, selected countries, 2000-2050 (persons 65+ years as proportion of working age population – per cent)

	2000	2010	2020	2030	2040	2050
Australia	18.0	19.8	25.9	32.2	36.1	37.5
UK	24.6	25.9	31.2	38.3	42.3	42.2
USA	19.0	19.5	25.6	33.6	35.1	35.5
Canada	18.7	20.7	28.0	37.3	39.8	40.1
Japan	25.0	33.8	43.8	46.0	54.3	58.4
France	24.4	25.3	32.2	38.7	43.4	44.2
Germany	24.0	29.6	33.0	43.3	49.6	48.7
Italy	26.9	31.4	37.4	49.1	64.4	65.7

Source: Kelly S and Harding A, 'Funding the retirement of the baby boomers', *Agenda*, 11(2), 2004, p 99.

The aged dependency ratio for individual states and territories of Australia can differ dramatically. The table below compares the aged dependency ratio of each Australian jurisdiction in 2002-03 with the projected ratio in 2050/51.

Aged dependency ratios 2002-03 to 2050-51

	Aged dependency ratio		Very old dependency ratio	
	2002/03	2050/2051	2002/03	2050/51
Australian Capital Territory	0.140	0.413	0.017	0.101
Northern Territory	0.057	0.179	0.004	0.021
Tasmania	0.218	0.639	0.025	0.156
Western Australia	0.167	0.455	0.018	0.102
South Australia	0.225	0.556	0.027	0.138
Queensland	0.176	0.455	0.020	0.097
Victoria	0.196	0.463	0.023	0.105
New South Wales	0.199	0.456	0.023	0.099
Australia	0.190	0.460	0.022	0.102

Source: Banks G, 'An ageing Australia: small beer or big bucks?', Presentation to the South Australian Centre for Economic Studies, Economic Briefing, Adelaide, 29 April 2004, p 3.

According to the table, Tasmania and South Australia will have higher dependency ratios than other jurisdictions. In other words, there will be fewer people of working age compared to persons 65 and over. The ratio for the Northern Territory will be substantially lower. The Australian Government projects that by the middle of the century, there will be 2.5 people of working age for every person aged 65 years and over, compared to the current five.⁵⁷ The situation will be similar in NSW.

However, it should be noted that not all people 65 and over are dependent, just as not all people of working age are in the workforce. The utility of dependency ratios can be limited as they often fail to account for unpaid work and care. Total dependency ratios, which include children, the disabled and unemployed as well as the aged, may be of greater use.⁵⁸

2.2 What are some of the positive repercussions?

De Vaus et al are critical of the negative way in which the impact of the ageing population is often discussed. They argue that:

This portrayal of older people as a cost, and as takers, represents an unbalanced view of the contributions of older people. While the direct cost to government of providing services to older people can be calculated, this approach neglects the contributions of older people earlier in the life course and the ongoing contributions of older people in later life.⁵⁹

Whilst there has been much comment regarding the burden on future generations in providing for the elderly, comparatively little has been said about the transfer of wealth

⁵⁷ Hon Bronwyn Bishop MP, Minister for Aged Care, *The National Strategy for an Ageing Australia: Employment for Mature Age Workers Issues Paper*, November 1999, p 8.

⁵⁸ 'Introduction' in Borowski A, Encel S and Ozanne E (eds) *Ageing and Social Policy in Australia*, Cambridge University Press, Cambridge, 1997, p 10.

⁵⁹ De Vaus D, Gray M and Stanton D, *Measuring the value of unpaid household, caring and voluntary work of older Australians*, Australian Institute of Family Studies, Research Paper No 34, October 2003, p 4.

from older to younger generations through inheritance and other means.⁶⁰ The ageing population can have a positive impact on the economy, through unpaid work, as consumers, and by financially assisting younger generations through gifts, loans and inheritances. Olsberg et al have calculated that by 2030 the total household wealth potentially available for transfer by bequest will be more than \$70 billion (compared to \$8.8 billion in 2000).⁶¹ However, as longevity increases, the pattern of inheritance may alter as people decide to leave their wealth to their grandchildren, who are in their thirties and just starting out, rather than their children. A shift towards self-funded retirement may also alter the transfer of wealth by reducing the available pool of assets. Reverse mortgages, which allow homeowners to access the equity in their homes, are becoming more common. The typical borrower is asset rich but income poor, the situation of many retirees.⁶² Nonetheless, a reduction in the total potential inheritance may be compensated by people having fewer children on average.⁶³

Unpaid work

Many older Australians contribute much in the form of unpaid work. This can include volunteer work, and different caring responsibilities such as minding grandchildren. De Vaus et al have calculated the amount of unpaid work contributed by men and women aged 55 years and over to be \$74.5 billion per annum, with \$39 billion of this amount attributable to those over 65.⁶⁴ The unpaid work of older Australians is an important consideration, as 'were it not for the unpaid work of older people at least some of the costs of providing care and the functions undertaken by volunteers would have to be borne in one way or another by government'.⁶⁵ The plan to increase the participation of mature age persons in the paid workforce (as discussed in section 3) may alter the amount and nature of the unpaid work of older Australians.

The following table itemises the value of unpaid work according to gender and age.

⁶⁰ Olsberg D et al, n 14, p xvii.

⁶¹ Ibid, p vi.

⁶² Ibid, p 38.

⁶³ Ibid, p 1.

⁶⁴ De Vaus et al, n 59, p 19.

⁶⁵ Ibid.

Value of unpaid work by age and gender, Australia 1997 (1997 dollars)

Age	Per capita (\$ per annum)		Population (\$ million per annum)	
	Female	Male	Female	Male
15-24	13,975	6,102	17,476	8,009
25-44	45,617	19,674	129,140	54,705
45-54	27,760	16,168	32,373	18,836
55-64	26,791	16,678	21,594	14,194
65-74	24,165	18,349	16,092	10,302
75 plus	19,932	17,636	7,531	4,800
Total	31,590	15,966	224,206	110,846

Source: De Vaus D, Gray M and Stanton D, *Measuring the value of unpaid household, caring and voluntary work of older Australians*, Australian Institute of Family Studies, Research Paper No 34, October 2003, p 11.

The table demonstrates that the value of unpaid work performed by a woman in Australia gradually decreases with age after peaking between the ages of 25 and 44 years. Nevertheless, on average, a woman between the ages of 65 and 74 completes work valued at \$24,165 per annum decreasing slightly to \$19,932 for a woman aged 75 years or older. In contrast, the value of unpaid work performed by a man in Australia fluctuates before reaching \$18,349 per annum for a male between the ages of 65 and 74 years (this is only slightly less than the peak period of unpaid work by a male which occurs between the ages of 25 and 44). A male aged 75 years and over contributes an average of \$17,636 each year.

The contribution of older people is apparent when the value of unpaid work outside the household for each age group is measured. The table below compares the value of unpaid work both inside and outside the household by age and gender.

**Per capita value of unpaid work outside and inside of own household by gender and age
Australia 1997 (1997 dollars)**

Age	Outside household		Inside household		Percentage of unpaid work provided for people outside own household	
	Female	Male	Female	Male	Female	Male
15-24	1,332	921	12,643	5,181	9.5	15.1
25-44	2,058	1,544	43,559	18,130	4.5	7.8
45-54	2,586	1,092	25,175	15,076	9.3	6.8
55-64	3,327	1,884	23,463	14,794	12.4	11.3
65-74	2,200	2,384	21,965	15,965	9.1	13.0
75+	1,642	814	18,290	16,822	8.2	4.6
Total	2,152	1,431	29,438	14,534	6.8	9.0

Source: De Vaus D, Gray M and Stanton D, *Measuring the value of unpaid household, caring and voluntary work of older Australians*, Australian Institute of Family Studies, Research Paper No 34, October 2003, p 12.

The following table reveals that the greatest amount of unpaid work by a woman outside her household, irrespective of whether it is for family or not, occurs in the 55 to 64 year age group. The largest amount of unpaid work outside the home is also completed by older men, peaking between the ages of 55 and 64 for work completed for family outside the household. However, the peak amount of unpaid work completed by a male for non-family outside the household occurs in the 65-74 year age bracket.

Unpaid work outside of own household by gender and age, Australia, 1997 (1997 dollars)

Age	Family outside household		Non-family outside own household	
	Female	Male	Female	Male
Household work				
15-24	159	76	694	522
25-44	277	272	610	557
45-54	452	118	710	386
55-64	901	573	788	366
65-74	389	435	680	629
75+	489	122	348	204
Total	378	253	654	490
Childcare				
15-24	43	-	159	34
25-44	167	76	528	141
45-54	368	88	192	53
55-64	726	269	86	36
65-74	506	211	1	7
75+	146	37	-	-
Total	272	97	280	77
Adult care				
15-24	7	-	7	-
25-44	11	1	9	17
45-54	66	4	6	0
55-64	32	1	13	-
65-74	-	13	18	-
75+	24	-	45	49
Total	21	2	11	9
Volunteer work				
15-24	61	32	200	257
25-44	139	178	317	301
45-54	203	102	589	340
55-64	161	139	621	500
65-74	65	184	541	905
75+	80	117	510	285
Total	128	131	407	372
Total unpaid work				
15-24	271	108	1,061	813
25-44	594	527	1,464	1,016
45-54	1,089	313	1,497	780
55-64	1,820	982	1,508	902
65-74	960	843	1,240	1,541
75+	739	276	903	538
Total	800	484	1,352	948

Source: De Vaus D, Gray M and Stanton D, *Measuring the value of unpaid household, caring and voluntary work of older Australians*, Australian Institute of Family Studies, Research Paper No 34, October 2003, p 15.

The table demonstrates that older men and women perform the greatest value of unpaid work in the majority of categories. De Vaus et al have speculated as to why it is that the greatest value of household work and childcare for family outside the household is that of persons between the ages of 55 and 64. They suggest that this is the ‘sandwich generation’, with persons in this age group often having both elderly parents and grandchildren to care for.⁶⁶

A large number of older people volunteer in some capacity. In 2000, almost one-third of persons between the ages of 65 and 74 and almost one-fifth of persons 75 years and over were volunteers.⁶⁷ The following table examines the types of organisations for which persons over the age of 65 volunteered and their reasons for doing so:

Volunteers aged 65 years and over: types of organisations and reasons for volunteering, 2000

	% of volunteers
Organisation:	Males
Community/welfare	53.3
Religious	23.9
Sport/recreation	22.8
Education/training/youth development	10.2
Health	6.7
Total	100.0
	Females
Community/welfare	74.2
Religious	25.6
Health	15.8
Sport/recreation	8.5
Education/training/youth development	3.6
Total	100.0
Reasons for being a volunteer	Persons
Help others/community	54.2
Personal satisfaction	50.9
To do something worthwhile	35.1
Social contact	27.5
To be active	19.1
Religious beliefs	17.2
Personal/family involvement	13.7
Use skills/experience	9.8
To learn new skills	2.5
Other	8.8
Total	100.0

Source: Australian Institute of Health and Welfare, *Australia's Health 2004*, p 362.

Of the older people who were volunteers in 2000, more than half of the men and almost three-quarters of the women volunteered for a community/welfare organisation. Their

⁶⁶ Ibid, p 16.

⁶⁷ Australian Institute of Health and Welfare, *Australia's Health 2004*.

reasons for volunteering varied but the major reasons included helping others and the community, for personal satisfaction, to do something worthwhile, and for social contact.

Many older persons have caring responsibilities. Around 8,000 co-resident principal carers of people with a severe and profound disability are parents aged 65 and over, and 97,000 persons aged 65 and over are informal primary carers for another person, particularly spouses, partners or parents.⁶⁸ Some figures compiled by De Vaus et al include:⁶⁹

- 21% of the principal carers of people with disabilities are over the age of 65.
- 21% of children under the age of 11 receive some childcare by grandparents.
- 41% of children who receive some form of childcare obtain some of this care from grandparents.

What are the spending habits of mature consumers?

As the proportion of the population that is 55 years and over grows, so will the consumer power of older Australians. It has been estimated that persons over 55 will account for more than 43% of the growth in retail expenditure in the next ten years, and more than half of the growth in spending within specific categories.⁷⁰ As older Australians will constitute a larger proportion of consumers, Hancock and Kosturjak believe that product development will reflect this through such things as easy to open packaging.⁷¹

Some of the spending habits of mature consumers include:⁷²

- As mature consumers often have more time and money than in any other stage of life, they spend an above average share of their income on holidays, books and magazines, the telephone, gambling, groceries and homewares. However, a below average share is spent on fast food and restaurants.
- Mature consumers are not as directly involved with children and accordingly spend relatively little on childcare, education, children's wear, toys, CDs and videos.
- Due to greater health concerns, mature consumers spend more on pharmaceutical products and health insurance.

⁶⁸ Ibid, p 363.

⁶⁹ De Vaus et al, n 59, p 4.

⁷⁰ Access Economics, n 8, p 50.

⁷¹ Hancock J and Kosturjak A, 'Ageing populations: projections and trends' in *Economic Briefing Report*, November 2000, p 11. A copy of the report is available from www.adelaide.edu.au/saces/publications/briefingarticles.html

⁷² The following points are, unless otherwise stated, sourced from: Access Economics, n 8, p 57.

- Mature consumers are happy to outsource. For example, they are more willing to employ a household cleaner.
- Mature consumers spend less on home improvements, renovations, furniture and home electricals.
- Older people tend to travel more. Studies have found that in the previous year 75% of people over 60 had travelled domestically.⁷³
- Older people attend concerts, the theatre, art galleries and libraries more frequently than younger people.⁷⁴

The ageing population of a particular area can have a positive effect on the local economy. It can create demand for locally delivered and labour intensive care and administrative services. There may be an influx of capital through age pensions and superannuation funds which are subsequently spent in the local area.⁷⁵

The Commonwealth Government has warned that:

The baby boomers will retire with savings and superannuation providing disposable income far greater than previous generations of retirees. There will be plenty of demand for goods and services from a fast growing retired population. The projected workforce will not meet this demand unless efforts are made to encourage higher workforce participation by the population aged 55-70.⁷⁶

2.3 How can Australia prepare?

The *Intergenerational Report* identified the following as some of the structures that are in place that may counter the impact of an ageing population:⁷⁷

- the superannuation system;
- the targeting of Australia's age pension system;
- the relative efficiency of the health system;
- social welfare payments are well targeted; and
- low government debt.

⁷³ Bishop, n 37, p 26.

⁷⁴ Healy J, *The benefits of an ageing population*, Discussion Paper No 63, Australia Institute, March 2004.

⁷⁵ Hugo, n 35, p 114.

⁷⁶ Bishop, n 57, p 10.

⁷⁷ Australia, Department of the Treasury, n 2, p 1.

The Commonwealth Treasury released *Australia's Demographic Challenges* in 2004. The paper identified four possible responses to the challenges of an ageing population:⁷⁸

1. Do nothing – taxes can be raised to cover budget deficits as they occur.
2. Cut future government expenditure by approximately 5% of Gross Domestic Product.
3. Run deficits and increase debt.
4. Increase the size of the economy so incomes increase and Australia is therefore better able to meet the costs of an ageing population.

The Commonwealth Government has indicated that its preferred response is the fourth option, as it enables living standards to improve, costs to be met, does not require taxes to increase, and debts will not grow.⁷⁹ One of the ways in which the economy can expand is by improving the workforce participation rates of those aged 55 years and over. There are currently almost 30% of 55-59 year old males who are not in the labour force, and only 55% are employed full-time.⁸⁰ 54% of women the same age are not in the labour force, with less than a quarter employed full-time. The Federal Government believes that the benefits of workforce participation are multiple:

Participating in the workforce makes people wealthier during their lives, and also means that they have higher incomes in retirement. There is also evidence that those who participate are, in general, healthier than those who do not.⁸¹

As well as improving mature age workforce participation, the Commonwealth Treasury has recognised that the residential aged care system needs to be developed to accommodate growth of the population over 85, which is projected to double in 40 years (see section 6 for further information on care arrangements). People also need to be encouraged to save for their retirement so that demand for the age pension is lowered (discussed in section 3 – workforce participation and retirement).⁸²

⁷⁸ Australia, Department of the Treasury, *Australia's Demographic Challenges*, Canberra, 2004, pp 25-7.

⁷⁹ Commonwealth, Budget Paper No 1, Budget Strategy and Outlook, 2004-05, p 1-7.

⁸⁰ Kelly S and Harding A, 'Funding the retirement of the baby boomers', *Agenda*, 11(2), 2004, p 102.

⁸¹ Australia, Department of the Treasury, n 78, p 1.

⁸² Australia, Department of the Treasury, n 2, p 2.

3 WORKFORCE PARTICIPATION AND RETIREMENT

Article 11 of the Political Declaration of the Second World Assembly on Ageing (Madrid, 2002) states:

The expectations of older persons and the economic needs of society demand that older persons be able to participate in the economic, political, social and cultural life of their societies. Older persons should have the opportunity to work for as long as they wish and are able to, in satisfying and productive work, continuing to have access to education and training programs. The empowerment of older persons and the promotion of their full participation, are essential elements for active ageing. For older persons, appropriate sustainable social support should be provided.

This section examines the current rate of mature age workforce participation and how it has changed in the last 20 years. It highlights the main occupations and industries in which mature age workers are employed, as well as analysing issues of unemployment and under-employment. Some of the characteristics of mature age workers in general are identified, as are potential avenues for improving the rate of mature age workforce participation. Finally, Australia's retirement system and the trend to early retirement are discussed.

3.1 What are the current workforce participation rates?

The following are some of the trends of labour force participation that emerged by the end of the twentieth century:⁸³

- The participation rate for men has generally decreased.
- The participation rate for women has generally increased.
- There has been a move from full-time to part-time employment.
- Women are having their first child later in life.
- More women are returning to the workforce after raising children.
- Youth are spending longer periods in education.
- Men and women are retiring earlier from career employment.

The table below lists the labour force status of persons 15 years and over. There is a sharp decrease in the percentage of people employed between the age groups of 55-59 and 60-64, when the total employed falls from 58% to 35%.

⁸³ Bishop, n 57, p 5ff.

Labour force status, persons aged 15 years and over

Age group (years)	Employed full-time %	Employed part-time %	Total employed %	Unemployed %	Total in labour force %	Not in labour force %	Total '000
15-44	44.3	22.8	69.2	6.5	75.7	24.3	8157.8
45-49	53.8	22.0	77.8	4.1	81.9	18.1	1319.8
50-54	49.8	20.8	72.3	3.7	76.0	24.0	1248.5
55-59	37.7	18.7	57.8	3.6	61.4	38.6	970.7
60-64	20.3	13.5	35.0	2.1	37.1	62.9	789.0
65-69	6.7	7.2	14.6	0.3	15.0	85.0	660.6
70-74	2.7	3.7	7.1	0.2	7.3	92.7	619.6
75-79	1.4	1.9	3.9	0.1	4.0	96.0	504.7
80-84	1.0	1.2	2.8	0.1	2.9	97.1	323.4
85 and over	1.2	1.0	2.7	0.2	2.9	97.1	262.7
Total	37.7	18.9	58.3	4.6	63.0	37.0	14856.8

Source: Australian Bureau of Statistics, *Census of Population and Housing: Ageing in Australia 2001*, 2048.0, 2003, p 51.

However, the workforce participation rate of mature age men and women differs greatly. Kelly, Farbotko and Harding compiled the following table, which compares the labour force status of men and women between the age of 50 and 69 years. The table demonstrates that almost one-third of women between the ages of 50 and 54 are not in the labour force compared to 16% of men. The propensity to early retirement is revealed when the figures for people between the ages of 55 and 59 are considered. Almost 30% of the men and more than half of the women in this group are not part of the labour force.

Labour force status of 50-69 year olds, 2002-03 (%)

Labour force status	Age of the person			
	50-54	55-59	60-64	65-69
Males				
Employed full-time	74.8	55.4	27.1	11.1
Employed part-time	7.2	10.8	15.5	7.7
Unemployed	2.3	4.1	1.8	
Not in the labour force	15.6	29.7	55.6	81.2
Females				
Employed full-time	36.4	23.5	9.2	2.4
Employed part-time	28.7	21.5	14.4	7.2
Unemployed	2.8	1.5	0.5	0.5
Not in the labour force	32.1	53.5	75.9	89.8

Source: Kelly S and Harding A, 'Funding the retirement of the baby boomers', *Agenda*, 11(2), 2004, p 102.

The following table highlights the changes in male workforce participation between 1970 and 2000. It illustrates the dramatic reduction in workforce participation for 55 to 64 year olds, particularly in full-time employment.

Australia, Employment to population ratio for men aged 55 to 64

	Total employment		Full-time employment		Part-time employment	
	55-59	60-64	55-59	60-64	55-59	60-64
1970	90%	77%	88%	73%	3%	4%
2000	68%	43%	60%	34%	7%	8%

Source: Perry J, *Too Young to Go: Mature age unemployment and early retirement in NSW*, NSW Committee on Ageing, December 2001, p 27.

The table below compares the labour force participation rate of mature age men and women in NSW between 1981 and 2000. It indicates that full-time employment for mature age men has fallen in every age group for persons aged 45 and older, whilst the part-time participation rate has increased. In contrast, the full-time employment of mature age women improved in every age group between 1981 and 2000 except for those aged 65 and over. The proportion of mature age women engaged in part-time work rose in every age group.

Full-time and part-time employment (%) – mature age men and women – NSW – 1981 to 2000

Age	Status	1981		1985		1990		1995		2000	
		Men	Women								
45-54	Full-time	85.2	26.6	81.0	28.5	83.8	35.0	80.2	39.1	77.7	42.8
	Part-time	2.7	19.9	3.4	18.7	3.2	22.2	3.4	24.2	5.3	24.5
55-59	Full-time	76.4	15.9	65.3	17.8	68.6	15.9	61.9	21.4	61.2	23.3
	Part-time	4.0	13.5	3.0	10.2	5.3	15.1	5.8	18.1	8.8	22.0
60-64	Full-time	46.8	5.9	32.3	5.9	37.5	7.3	32.4	7.0	32.7	8.0
	Part-time	3.0	6.5	5.4	5.9	6.6	6.9	9.5	9.0	8.3	10.5
65+	Full-time	7.3	1.1	5.8	0.8	5.9	0.6	4.0	0.9	5.3	0.6
	Part-time	-	1.3	-	1.4	-	1.4	-	1.8	-	2.1

* Figures were not available for the part-time employment of men 65+.

Source: Perry J, *Too Young to Go: Mature age unemployment and early retirement in NSW*, NSW Committee on Ageing, December 2001, pp 28 and 31.

In 2002, Australia was ranked 12th out of the OECD (Organisation for Economic Co-operation and Development) countries in terms of total workforce participation rates, behind such countries as the United Kingdom, United States, and New Zealand.⁸⁴ The relatively low workforce participation rate of Australians 55 years and over compared to other countries is often noted. Gary Banks has highlighted how the labour force participation rate for the 55-64 year age group is low compared to both other age groups and OECD standards – the participation rate for Australian men and women is lower than the 80th percentile for comparable OECD countries for all groups older than 25.⁸⁵ However, Banks notes that:

adopting a long historical perspective... reveals a more positive story. For one thing, it becomes apparent that labour force participation today is at its highest rate since just before World War I. Secondly, if we look at the proportion of the total population in employment, this is the highest it has 'ever' been. Even with the

⁸⁴ Australia, Department of the Treasury, n 78, p 2.

⁸⁵ Banks, n 43, p 27.

projected decline in participation, the ratio of employees to population will still be higher in 2050 than at almost any time in the period since the Great Depression.⁸⁶

The Australian workforce is ageing as the proportion of the labour force constituted by mature age workers has increased. In 1983, almost one-quarter of labour force participants were between the ages of 45 and 64 but by 2003 it had risen to about one-third.⁸⁷ The total participation rate of people between the ages of 45 and 64 has also increased from 56% in 1983 to 68% in 2003, largely the result of the increased involvement of women in the paid workforce.⁸⁸ Employment of mature age people has grown by almost 90% over the last 20 years (compared to less than 32% for persons under 45).⁸⁹ However, much of this growth is a result of jobs moving with people as they age. Whilst 63% of employment growth for mature age people was in full-time work, the part-time growth rates for mature age men and women were much greater at 184% and 197% respectively.⁹⁰

3.2 In which occupations and industries are mature age workers employed?

The majority of men who are still working between the ages of 65 and 69 are either managers/administrators or professionals. The NSW Committee on Ageing has found that, associate professionals and clerical, sales and service workers who are men generally leave work in their mid-fifties. Tradespersons, production and transport workers and labourers leave the workforce at a younger age.⁹¹ Similar to mature age men, women who are still working between the ages of 65 and 69 are likely to be either managers/administrators or professionals. This could reflect the length of time taken to reach managerial level. The following table details the occupations in which mature age men and women work and how the distribution between the occupations alters with age.

Occupational age profiles – men and women – Australia 2000 (% in each occupation)

	45-49		50-54		55-59		60-64		65-69		Total	
	M	W	M	W	M	W	M	W	M	W	M	W
Manager/Administrator	11.9	8.3	19.0	6.9	16.2	6.6	16.4	13.9	24.0	34.9	16.3	9.3
Professional	26.1	27.1	19.6	25.9	23.3	27.0	22.3	19.4	30.2	13.8	23.4	25.3
Associate Professional	14.5	9.6	15.9	9.8	11.8	10.6	6.3	12.2	7.3	6.3	12.7	10.0
Tradesperson & Related Worker	16.2	4.1	14.5	5.0	16.1	3.7	19.0	4.2	9.1	8.5	15.6	4.5
Advanced Clerical and Service Worker	0.0	5.3	1.0	5.9	1.7	11.1	0.8	12.3	4.0	5.8	1.0	7.5
Intermediate Clerical,	5.8	23.5	9.9	21.9	6.6	21.9	4.4	16.4	11.6	9.0	7.3	21.3

⁸⁶ Ibid, p 14.

⁸⁷ Australian Bureau of Statistics, *Australian Social Trends*, 4102.0, 2004, p 114.

⁸⁸ Ibid, p 115.

⁸⁹ Encel S, *Age can work: The case for older Australians staying in the workforce*, A report to the Australian Council of Trade Unions and the Business Council of Australia, April 2003, p 15. A copy of the report is available from www.bca.com.au

⁹⁰ Ibid, p 15.

⁹¹ Perry, n 34, p 53.

Sales and Services												
Intermediate Production & Transport	9.7	1.6	9.6	1.3	10.2	2.0	9.6	0.9	3.6	2.6	9.4	1.6
Elementary Clerical, Sales & Services	3.3	11.4	2.5	12.0	5.9	8.2	4.1	9.2	2.5	10.1	3.7	10.6
Labourer & Related Worker	12.5	9.1	8.2	11.2	8.1	9.0	17.1	11.5	7.6	9.0	10.7	10.0
Total	100. 0											

Source: Perry J, *Too Young to Go: Mature age unemployment and early retirement in NSW*, NSW Committee on Ageing, December 2001, pp 53-4.

Consideration of the industries in which mature age workers are employed reveals that half of male workers aged 55 and over are employed in manufacturing; property and business services; agriculture, forestry and fishing; retail trade; and construction.⁹² In contrast, half of the mature age female workers are employed in health and community services; retail trade; education; and property and business services.⁹³ The following table compares the proportion of employees 45 years and over by industry type in 1985 and 2002.

**Mature-age employment by industry
(% of employees aged 45+)**

Industry	1985	2002
Retail trade	11.0	10.5
Health and community services	8.4	12.1
Education	7.1	9.9
Property and business services	6.4	11.8
Manufacturing	17.7	12.7
Agriculture, forestry and mining	9.5	6.1

Source: Encel S, *Age can work: The case for older Australians staying in the workforce*, A report to the Australian Council of Trade Unions and the Business Council of Australia, April 2003, p 16. A copy of the report is available from www.bca.com.au

The table shows that whilst manufacturing industry remains the largest employer of mature age workers, its dominance has shrunk as the prevalence of other industries (notably health and community services, and property and business services) has increased.

The following table examines specifically for NSW the industries in which men and women are employed. The majority of the labour force are workers aged 45 and over. The dominance of mature age workers in education in NSW is apparent as men and women aged 45 and over represent 75% and 72% of the workforce for that industry respectively. Mature age men also comprise more than 70% of the workforce in the following industries: agriculture, forestry and fishing; mining; and electricity, gas and supply. The industry with the smallest proportion of mature age workers in NSW is retail trade. Nonetheless, over 40% of its labour force is aged 45 and over.

⁹² Ibid, p 55.

⁹³ Ibid, p 56.

Employed men and women by age and industry – NSW 1996 (%)

	15-19	20-24	25-34	45-54	55+	Total
Agriculture, Forestry and Fishing						
▪ Men	3.7	7.3	19.0	43.5	26.5	100.0
▪ Women	2.2	4.6	14.5	49.6	29.2	100.0
Mining						
▪ Men	1.4	5.2	22.0	63.7	7.8	100.0
▪ Women	2.7	12.7	33.5	44.8	6.3	100.0
Manufacturing						
▪ Men	4.6	10.9	27.0	46.7	10.8	100.0
▪ Women	3.5	10.6	26.4	52.2	7.4	100.0
Electricity, Gas & Water Supply						
▪ Men	1.5	6.4	19.9	62.4	9.9	100.0
▪ Women	1.9	13.6	36.6	43.9	3.9	100.0
Construction						
▪ Men	5.5	12.7	27.6	44.8	9.4	100.0
▪ Women	2.4	7.3	27.2	54.6	8.5	100.0
Wholesale Trade						
▪ Men	3.4	10.4	27.9	47.2	11.2	100.0
▪ Women	3.4	12.5	28.6	48.2	7.3	100.0
Retail Trade						
▪ Men	17.8	16.0	22.5	34.5	9.1	100.0
▪ Women	23.2	15.2	19.0	36.4	6.2	100.0
Accommodation, Cafes and Restaurants						
▪ Men	9.8	18.9	25.3	35.9	10.1	100.0
▪ Women	11.1	18.6	23.2	40.9	6.2	100.0
Transport and Storage						
▪ Men	1.6	6.8	24.7	54.4	12.4	100.0
▪ Women	3.2	14.5	33.4	42.2	6.6	100.0
Communication Services						
▪ Men	1.2	8.1	28.6	53.8	8.3	100.0
▪ Women	2.0	12.9	31.1	47.6	6.5	100.0
Finance and Insurance						
▪ Men	1.9	11.8	32.8	45.2	8.3	100.0
▪ Women	3.1	17.5	38.1	37.4	3.9	100.0
Property and Business Services						
▪ Men	2.6	9.5	26.2	49.0	12.6	100.0
▪ Women	4.1	14.2	29.4	44.7	7.6	100.0
Government Administration and Defence						
▪ Men	2.3	9.0	26.3	52.2	10.2	100.0
▪ Women	1.8	10.3	31.7	49.7	6.4	100.0
Education						
▪ Men	1.7	5.6	17.7	61.8	13.2	100.0
▪ Women	1.1	6.7	20.3	63.3	8.6	100.0
Health and Community Services						
▪ Men	1.6	6.6	23.6	52.8	15.4	100.0
▪ Women	2.2	9.9	23.8	55.3	8.8	100.0
Cultural and Recreational Services						
▪ Men	6.4	13.1	28.1	42.6	9.8	100.0
▪ Women	7.8	15.6	29.6	40.3	6.6	100.0
Personal and Other Services						
▪ Men	3.0	8.0	28.2	49.5	11.2	100.0
▪ Women	9.3	17.3	28.5	38.7	6.1	100.0

Total						
▪ Men	5.4	10.7	25.4	46.8	11.7	100.0
▪ Women	6.9	12.5	25.4	47.2	7.9	100.0

Source: Perry J, *Too Young to Go: Mature age unemployment and early retirement in NSW*, NSW Committee on Ageing, December 2001, pp 55-6.

The propensity for older people to keep working may increase as the move away from the more physically demanding industries continues. The Commonwealth Government has noted that:

Improvements in population health, less reliance on manual labour which is increasingly supported by modern and efficient tools and enlightened working methods have contributed to a larger mature age workforce which has an enhanced capacity for work beyond previously considered normal retirement age. The nature of work has also changed with a shift from industries such as mining and manufacturing to the service sector such as retail, hospitality and personal services.⁹⁴

3.3 Unemployment and under-employment

The proportion of mature age workers that are unemployed is generally lower than for other age groups. The following table compiles the changes in unemployment and non-participation for mature age men and women in NSW between 1981 and 2000. The table highlights the increased participation in the labour force by mature age women. For example, the percentage of women between the ages of 45 and 54 who were not in the labour force has decreased from 53% in 1981 to 30% in 2000. In contrast, the proportion of mature age men who are not in the labour force has generally risen in the same period. The percentage of mature age men and women who were unemployed fluctuated between 1981 and 2000.

**Unemployment and non-participation as a percentage of population – mature age men and women
NSW – 1981 to 2000**

Age	Status	1981		1985		1990		1995		2000	
		M	W	M	W	M	W	M	W	M	W
45-54	Unemployed	2.4	0.8	4.9	2.8	2.6	2.1	3.7	2.9	3.3	2.3
	Not in labour force	4.4	52.7	5.3	50.0	6.7	40.7	6.6	33.7	8.3	30.4
55-59	Unemployed	2.0	0.4	7.1	0.9	2.9	1.1	5.0	1.0	1.8	1.6
	Not in labour force	17.5	70.1	24.6	71.1	23.2	67.8	27.2	59.5	28.2	53.1
60-64	Unemployed	0.9	0.3	3.6	0.0	3.4	0.4	3.5	0.7	1.5	0.0
	Not in labour force	49.3	87.3	58.7	88.3	52.6	85.5	54.6	83.3	57.6	81.5
65+	Unemployed	0.3	0.0	0.3	0.1	0.2	0.0	0.0	0.0	0.3	0.0
	Not in labour force	88.1	97.6	90.7	97.7	90.3	97.9	92.8	97.3	90.4	97.3

Source: Perry J, *Too Young to Go: Mature age unemployment and early retirement in NSW*, NSW Committee on Ageing, December 2001, pp 29 and 32.

There are various reasons for which men and women leave a job in mature age. The table below indicates the different rationales for each age group between 45 and 70. More than

⁹⁴ Bishop, n 57, p 17.

half of men and almost one-third of women aged 50 to 54 who left a job between 1995 and 2000 were retrenched, made redundant or lost their job. The table also highlights the greater proportion of women in all age groups between 45 and 70 who leave positions of employment for family/caring reasons compared to men.

Men and women who left a job less than 5 years ago – reason by age (%) – Australia 2000

	45-59	50-54	55-59	60-64	65-69	Total
Men						
Retrenched/redundant	23.7	28.3	25.9	26.9	6.5	23.4
Job loser – other	24.7	28.9	16.5	17.9	17.4	21.3
Left to change jobs	26.3	21.7	12.7	3.0	1.1	14.9
Ill-health/disability	10.5	10.5	19.6	27.6	17.4	16.4
Family/caring reasons	2.1	2.6	1.3	6.0	3.3	2.9
To retire	0.0	0.0	15.8	23.1	53.3	14.5
Other job leavers	20.5	27.6	17.7	11.2	16.3	19.4
Number	190	152	158	134	92	726
Women						
Retrenched/redundant	8.5	11.0	12.8	9.2	9.8	10.1
Job loser – other	21.8	21.2	21.1	20.7	19.6	20.8
Left to change jobs	33.0	27.4	10.1	4.6	2.0	20.3
Ill health/disability	9.0	16.4	24.8	18.4	15.7	16.0
Family/caring reasons	10.1	13.0	11.0	18.4	11.8	12.4
To retire	2.7	2.1	9.2	33.3	49.0	12.5
Other job leavers	33.5	25.3	20.2	14.9	19.6	24.9
Number	188	146	109	87	51	582

Source: Perry J, *Too Young to Go: Mature age unemployment and early retirement in NSW*, NSW Committee on Ageing, December 2001, pp 37-38.

A particular issue confronting mature age workers is that of long-term unemployment. The unemployment rate of mature age persons is generally lower than for other ages. However, it is often more difficult for an older person to regain employment if they lose their job. A third of men aged 55 to 64 who had been retrenched or made redundant in the three years before 1997 had found employment by July 1997, 30% were unemployed and more than a third had left the workforce altogether.⁹⁵ By July 1997, less than one-third of women between the ages of 55 and 64 who had been retrenched or made redundant in the previous three years were employed, 6% were unemployed and almost two-thirds were no longer in the workforce.⁹⁶ A large proportion of the long-term unemployed are mature-aged (35% of unemployed mature age persons are long-term compared to 19% of those under 45).⁹⁷ The average length of time of unemployment for a person 45 years and over is more than double the time for a person under the age of 45 – 85 weeks compared to 40 weeks.⁹⁸ In addition, Encel has noted that the rate of long-term unemployment amongst older persons

⁹⁵ Perry, n 34, p 39.

⁹⁶ Ibid.

⁹⁷ Encel, n 89, p 16.

⁹⁸ Ibid, p 16.

has risen much faster than the overall increase in long-term unemployment.⁹⁹ Constraints may operate on mature aged persons to prevent them from moving to areas with more job opportunities. These factors can include such things as finances, home ownership, physical incapacity and family obligations.¹⁰⁰

The experience of unemployment can differ for men and women. Encel has found that:

For men, employment difficulties are liable to lead to the break-up of marriage; for women, dropping out of the paid work force in order to care for children or to nurse sick relatives (mostly aged parents) is the more common pattern. When, as mature would-be workers, they try to return to the work force, their age becomes a barrier (as does a lack of up-to-date qualifications). This is not, of course, the only difference in the experiences of men and women. Women appear to suffer from age discrimination at an earlier age than men, but find less difficulty in returning to the workforce. As several respondents observed, women are more prepared to accept jobs at lower pay and lower status than those they have left, and also to take part-time work when full-time employment is unavailable.¹⁰¹

A number of mature age workers are under-employed. In NSW, approximately 131,000 men and 131,000 women aged 45 and over (75% of whom were not in the labour force) wanted more work in August 2000 than was available to them.¹⁰² Studies have found that the most effective job search methods for mature age persons include personal networks, word of mouth, the Internet, answering advertisements and direct canvassing.¹⁰³

3.4 What are some of the characteristics of mature age workers?

Some members of the community have a stereotyped image of mature age workers. Some of these stereotypes, as identified by the Business Council of Australia, include:¹⁰⁴

- Older workers lack motivation and enthusiasm;
- They are closed-minded;
- They are more susceptible to injury and illness;
- The skills of older workers are out-dated;
- They are less capable;
- Older workers are unwilling to embrace challenges or training opportunities;

⁹⁹ Ibid, p 7.

¹⁰⁰ Bishop, n 57, p 18.

¹⁰¹ Encel S, 'Work in later life', in Borowski A, Encel S and Ozanne E (eds) *Ageing and Social Policy in Australia*, Cambridge University Press, Cambridge, 1997, p 142.

¹⁰² Perry, n 34, p 33.

¹⁰³ Ibid, p 45.

¹⁰⁴ Business Council of Australia, *50+ Age can work: A business guide for supporting older workers*, August 2003, p 12.

- They are risk averse; and
- There is less potential for development in older workers.

Some employers believe that older workers will shortly retire and therefore do not present them with the same training opportunities. 28% of persons aged 20-24 and 13% of 25-34 year olds have participated in work related education compared to only 5% of persons aged 45 to 54 and 2% of persons aged between 55 and 64.¹⁰⁵ The NSW Committee on Ageing warns that, ‘the assumption that mature age workers will soon retire could be self fulfilling. Training would lengthen a person’s ability to continue in productive employment and therefore retire later’.¹⁰⁶

There are a number of benefits believed to be associated with mature age workers:¹⁰⁷

- Their familiarity with the organisation’s products, customer base and systems.
- Their loyalty to the organisation.
- Their strong work ethic.
- Productivity declines little with age – older workers are generally highly productive.
- The corporate memory of mature age workers is a valuable commodity.
- The turnover of older workers is lower – only 5 to 7% of workers between the ages of 55 and 69 leave their jobs for another compared to 25% of younger workers.¹⁰⁸
- Absenteeism does not vary with age.
- Older workers can be extremely reliable.

3.5 How can workforce participation rates improve?

The Australian Government has indicated that its preferred response to the challenge of an ageing population is to grow the economy. One of the ways the economy can expand is by improving the rate at which mature age people participate in the workforce. The Australian Government acknowledges that there is little scope for increasing the participation of people 70 years and over. However, it believes there is potential for the participation of people between the ages of 60 and 70 to improve.¹⁰⁹ Encel has identified the following as areas requiring further action:¹¹⁰

- Address the attitudes of the community, business and individuals towards mature age workers.

¹⁰⁵ Perry, n 34, p 49.

¹⁰⁶ Ibid.

¹⁰⁷ Andrews, n 1, p 18.

¹⁰⁸ Perry, n 34, p 35.

¹⁰⁹ Bishop, n 57, p 15.

¹¹⁰ Encel, n 89, p 4.

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- Keep the skills and competencies of mature age workers relevant as this will better equip them for workforce transitions.
 - Develop strategies to retain and support older employees in conjunction with employers and organisations.
 - Increase community awareness of the importance of financially planning for retirement.
 - Consolidate and actively promote the programs and services available to older persons.
 - Provide up-to-date information about the changing nature of employment for mature age people.
 - Create additional incentives to assist mature age persons who are on income support or who have been made redundant.
 - Improve the services and support available to mature age people based on their different needs.

It is predicted that the working age population will stop growing in size. The supply of new workers is likely to decrease from the current 170,000 persons each year to 125,000 persons in the 2020s.¹¹¹ Employers may subsequently need to make changes to avoid a labour shortage. Access Economics acknowledges that the influence of governments on workforce participation rates is limited. However, it suggests that governments can indirectly influence the workforce participation of older Australians by:¹¹²

- Promoting a better appreciation in the business community of the value of older Australians to their employers.
- Making employers aware of the potential for more flexible employment arrangements.
- Removing financial incentives to retire early.
- Retraining and assisting with career transition.

Burgess et al have cautioned that the government's response to the ageing population assumes that jobs are available to mature age people.¹¹³ They argue that this assumption can be challenged and stress that:

Proposed policy is supply-side-based, with the potential role of labour demand constraints to older worker labour force participation generally considered to be

¹¹¹ Andrews, n 1, p 16.

¹¹² Access Economics, n 8, p 35.

¹¹³ Burgess J, Lee J and O'Brien M, 'The Australian Labour Market in 2003', *The Journal of Industrial Relations*, 46(2), June 2004, p 148.

minor. For example, policy initiatives include restrictions to social security pensions traditionally used by the older population before the age of 65 years, such as the Disability Support Pension (DSP) and Mature Age Allowance (MAA), and increased access to training for the older unemployed, rather than any job creation or subsidies.¹¹⁴

There are barriers, as identified earlier in section three, that prevent some mature age persons from being part of the workforce despite their wishes to the contrary. Some people may retire early after experiencing long-term unemployment and subsequently becoming a discouraged job seeker. Early retirement can also mask the impact of retrenchment and corporate downsizing.

3.5.1 *National initiatives*

The Commonwealth Treasury has identified the following as three areas of policy that could be used to improve workforce participation rates:¹¹⁵

1. Improve the capacity for work, by way of better health and education.
2. Increase the incentives for work.
3. Improve workplace flexibility.

The Australian Government is spending \$12.1 million over four years to improve mature age workforce participation. The initiatives by which it is to be achieved include seminars for mature age job seekers and employment service providers, projects that target industries with the greatest capacity to employ mature age workers, and the development of strategies that assist employers with retaining mature age staff.¹¹⁶ Plans to introduce a tax offset from 2004/05 for workers over the age of 55 were announced by the Prime Minister on 9 September 2004.¹¹⁷

The Australian Government has developed ‘Australians Working Together’¹¹⁸ – a social support package that has been gradually implemented since 2002. ‘Australians Working Together’ aims to increase the choices and opportunities available to persons on income support who are of working age, so that reliance on social security is reduced. One of the measures to be introduced is ICT Skills for older Australians, under which the Federal Government has committed \$23 million for 2002-2006 to provide funding for 46,000 training positions regarding information technology for persons aged 45 years and over.¹¹⁹ A New Apprenticeships program was also introduced in 2001, which removed the age

¹¹⁴ Ibid, p 149.

¹¹⁵ Australia, Department of the Treasury, n 78, p 2.

¹¹⁶ Commonwealth, Budget Paper No 2, Budget Measures 2004-2005, p 149.

¹¹⁷ ‘Howard announces tax offset for mature workers’, *AAP*, 9/9/04.

¹¹⁸ See www.together.gov.au

¹¹⁹ Encel, n 89, p 24.

restriction on apprenticeships. By December 2001, almost 12% of new apprentices were 45 years or older.¹²⁰

3.5.2 *New South Wales*

The NSW Premier's Department has identified some of the flexible work practices that exist in the NSW public sector. They include part-time work, job sharing, part-time leave without pay, career-break schemes, part-year employment, variable-year employment, working from home, varying hours of work, and short-term absences for family and other responsibilities.¹²¹ These practices may assist mature age workers to gradually reduce hours of work before retirement, perform caring responsibilities, and allow time for voluntary work.

Mature Workers Program

The mature workers program was introduced in NSW in 1989, making the NSW government the first state government to introduce a labour market program directed at the mature age unemployed.¹²² 67 projects were run by the non-profit community sector across NSW.¹²³ The projects sought to assist unemployed people over 40 by upgrading skills and facilitating access to services tailored to their particular needs. In 1999-2000, 48% of people between the ages of 45 and 54 were placed in employment and 16% in training. The success rate for people between the ages of 55 and 64 was a little lower with 37% being placed in employment and 12% in training.¹²⁴ More than 12,000 people received assistance through the program in 2003.¹²⁵

On 29 June 2004, Ms Sylvia Hale MLC successfully moved a motion condemning the decision of the NSW Government to cut the Mature Workers Program.¹²⁶ The Government claimed that the decision resulted from a loss of funding through the Commonwealth Grants Commission process.¹²⁷ The decision to cut the Mature Workers Program is contrary to the recommendation of the NSW Committee on Ageing in 2001 that, 'NSW should seek innovative ways for the Mature Workers Program to be expanded to deliver employment initiatives on behalf of the Commonwealth to mature age workers, including

¹²⁰ Ibid, p 24.

¹²¹ NSW, Premier's Department, *Mature Workforce: Policy and Guidelines*, August 1998, p 9.

¹²² Encel, n 89, p 25.

¹²³ Ms Sylvia Hale MLC, *NSWPD*, 29/6/04, p 7.

¹²⁴ Encel, n 89, p 25.

¹²⁵ Ms Sylvia Hale MLC, *NSWPD*, 29/6/04, p 7.

¹²⁶ Ibid.

¹²⁷ Hon Carmel Tebbutt MLC, *NSWPD*, 29/6/04, p 10345.

those with disabilities, carers, former carers and other mature age groups with specific needs'.¹²⁸

Mature Workforce: Policy and Guidelines

The NSW Premier's Department released the policy document, *Mature Workforce: Policy and Guidelines*, in August 1998. The policy aimed, 'to assist agencies to eliminate unlawful age discrimination and to ensure that agencies develop strategies to optimise employment and career development opportunities for mature-aged people in the New South Wales public sector'.¹²⁹ The policy required agencies to ensure that their employment practices were non-discriminatory in relation to age. Agencies were also required to introduce policies that would continue to develop and recognise the skills and experience of mature age workers (workers aged 40 years and over). Mature workforce programs were to be based on the following two principles:¹³⁰

1. Employment practices should uphold the principle of treating all employees, regardless of age, on the basis of merit; and
2. Mature-aged employees should have fair and equitable access to all employment opportunities and the chance to contribute to, and participate in, all aspects of the work of the agency.

NSW Ministerial Advisory Committee on Ageing

The role of the Ministerial Advisory Committee on Ageing is to advise and make recommendations to the Government on matters that affect the needs, interests and well-being of older members of the NSW community. The Committee also conducts consultations and seminars, and monitors and evaluates policies. The Committee subscribes to the following principles, under which older people have the right to:¹³¹

- participate in all aspects of community life;
- have their views recognised and valued in Government decision making;
- be respected for the diversity of their experience, views, living circumstances and cultural background;
- equitable access to services, facilities and programs; and
- dignity, independence and choice.

The NSW Committee on Ageing (as the NSW Ministerial Advisory Committee on Ageing was known until 1 July 2003) published a report on mature age unemployment and early

¹²⁸ Perry, n 34, p 149.

¹²⁹ NSW, Premier's Department, *Mature Workforce: Policy and Guidelines*, August 1998, p 1.

¹³⁰ *Ibid*, p 2.

¹³¹ NSW Ministerial Advisory Committee on Ageing, 'About the Committee', www.maca.nsw.gov.au Accessed 26/8/04.

retirement in NSW in 2001.¹³² The Committee recommended that NSW introduce an Employment Office for the purpose of improving the employment of the mature age unemployed (Recommendation 3). It was suggested that the Employment Office:

monitor labour force trends and emerging supply and demand mismatches across NSW; monitor and co-ordinate State policies affecting the supply of and demand for labour; analyse Commonwealth policies and programs as they affect NSW; and take primary responsibility for liaison and partnerships on employment issues with the Commonwealth, other State Governments, local government and employers.

3.6 What are some of the features of retirement in Australia?

Retirement in Australia is based on three pillars:

1. The publicly funded age pension scheme.
2. Compulsory employer sponsored superannuation.
3. Voluntary superannuation.

The average retirement age for Australian men and women is 58 and 41 respectively.¹³³ The trend of early retirement has raised some concerns. Some of these include: the loss of taxation revenue; the cost to the social security system; and the use of superannuation to fund early retirement when it is intended for income once the age pension age is reached.¹³⁴ Studies have found that 75% of 50 to 64 year olds do not have sufficient resources to enjoy a comfortable retirement.¹³⁵

However, early retirement can mask unemployment. The NSW Committee on Ageing has identified the following as factors that contribute to involuntary early retirement:¹³⁶

- A greater reluctance to employ mature age workers during periods of reduced labour market demand.
- Structural and technological change combined with a reluctance to re-train among mature age workers.
- A sense among some that mature age people should make way for younger job seekers.
- A belief among some mature age people that they are ‘too old to learn new tricks’.

¹³² Perry, n 34.

¹³³ Kelly and Harding, n 80, p 104.

¹³⁴ Bishop, n 37, p 13.

¹³⁵ Kelly and Harding, n 80, p 104.

¹³⁶ Perry, n 34, p 27.

- Some mature age people are unable to work because of disability or poor health.

Despite recognising the existence of a ‘widespread “culture” of early retirement in Australia’, Encel warns that:

reference to early retirement can be misleading and can distort our understanding of the important issues underpinning labour force participation and retirement decisions among mature-age Australians.¹³⁷

About one-third of workers over the age of 55 are employed on a casual basis. The Federal Government has highlighted the need to determine whether casual employment is part of a planned phased retirement or if it is involuntary.¹³⁸ The results of a survey recorded in the *Australian Financial Review* indicated that about 70% of older employees would like to work either part-time or on a casual basis to ease their way into retirement.¹³⁹

The concept of a phased retirement, where workers make a gradual transition from full-time employment to retirement, has emerged. This concept has been encouraged by the Treasurer, the Hon Peter Costello MP, who has argued, ‘We need to move away from the concept of early retirement or full-time retirement. We need concepts such as part-time retirement and part-time work’.¹⁴⁰ The Federal Government has highlighted how the community’s perception of retirement may change:

The transition process from paid work to retirement will include in future: possibilities for a longer working life past the traditional retirement age, and phased withdrawal from the workforce. Retirement will also hold scope for the continuation of both paid and voluntary work, activities and interests over a longer time frame not previously available to earlier generations.¹⁴¹

The Business Council of Australia has also indicated their support for phased retirement. The Council notes that:

it seems fair to say that we must challenge the entrenched life-cycle mindset that sees a one-way path from full-time education to full-time work to full-time retirement. Life-long learning, phased retirement and the capacity for individuals to

¹³⁷ Encel, n 89, p 3.

¹³⁸ Bishop, n 57, p 18.

¹³⁹ ‘Doors close on ageing workers too soon: survey’, *Australian Financial Review*, 11/2/04, p 4.

¹⁴⁰ Australian Broadcasting Corporation, ‘Ageing workforce takes center stage’, television program, *Lateline*, 25/2/04.

¹⁴¹ Bishop, n 57, p 2.

engage and re-engage in the work force at different levels of intensity are likely to be characteristics for business, economic and social success in the future.¹⁴²

3.6.1 *The Age Pension*

Men are not eligible for the age pension until the age of 65. The minimum age for women has been increasing from 60 since July 1995 so that by 2013 it will also be 65. As at January 2004, the age pension paid \$226.40 a week to a single person and \$189 to each member of a couple, equating to \$12,000 per annum for an individual and \$20,000 for a couple.¹⁴³ Studies have shown that, assuming a retiree owns his or her home, a single person would need \$16,930 each year for a modest but adequate lifestyle, with a more comfortable lifestyle requiring \$32,800 each year.¹⁴⁴

54% of people of age pension age receive the pension at the full rate, 28% receive a part-rate pension, and 18% do not receive a pension.¹⁴⁵ It is estimated that by 2050, when all employees will retire after accumulating superannuation throughout their entire working life, the proportion of people receiving the pension at the full-rate will fall to one-third, 40% for those receiving the part-rate, and one-quarter will not receive the pension at all.¹⁴⁶

The Australian Government has sought to encourage longer workforce participation through such things as the Pension Bonus Scheme. The Pension Bonus Scheme was introduced in 1998. Those who remain in employment past the age of 65, meet the flexible work test, and are registered for the scheme are eligible for an additional payment of 9% for each accruing bonus period.¹⁴⁷ However, Burgess et al have highlighted that:

The relative lack of financial incentives within Australia's social security system compared to those overseas indicates that pensions have not been used as a tool to entice workers aged 55-64 years from the labour market through their financial attractiveness. Rather, social security pensions, through their eligibility rules, have played a role of accommodation and have allowed an avenue out of the labour force for those otherwise suffering unemployment and facing poor labour market prospects... It is clear that the current reform policy, addressing an ageing society, is aimed at getting the pool of hidden unemployed back into labour force participation, primarily to address future budget concerns. However, the policy ignores the aggregate labour demand cause of declining older male labour force

¹⁴² Business Council of Australia, n 104, p 6.

¹⁴³ Kelly and Harding, n 80, p 105.

¹⁴⁴ Ibid, p 106.

¹⁴⁵ Australia, Department of the Treasury, *A more flexible and adaptable retirement income system*, Canberra, 2004, p 2.

¹⁴⁶ Ibid, p 2.

¹⁴⁷ Information on the Pension Bonus Scheme is available from Centrelink's website: www.centrelink.gov.au

participation rates, and that social security use had accommodated such trends rather than caused it.¹⁴⁸

3.6.2 *Superannuation*

One of the ways the Australian Government has sought to reduce future economic pressure arising from an ageing population is by encouraging the public to save for retirement. The Superannuation Guarantee (SG) was introduced in 1992 following passage of the *Superannuation Guarantee (Administration) Act 1992* (Cth). 91% of employees currently have some form of superannuation.¹⁴⁹ However, ‘for many of the boomers the SG is too little and too late in their working lives to make a significant difference’.¹⁵⁰ The amount of an individual’s superannuation is influenced by his or her employment history. Therefore, people who have spent the majority, if not all, of their working life in part time, casual or contract employment may have significantly less superannuation. Women are likely to be particularly disadvantaged in this regard. Female members of the baby boomer generation have, on average, less than half of the superannuation accumulated by male baby boomers.¹⁵¹

The superannuation system may need to be altered to encourage people to take advantage of it. Some of the changes made by the Australian Government to superannuation include:¹⁵²

- The superannuation contribution age limit was increased to 75 years from 1 July 2002 provided that a person works at least 10 hours a week.
- The superannuation preservation age was lifted to 60.
- A superannuation co-contributions scheme was introduced so that from 1 July 2003 the Government will match the personal superannuation contributions of certain persons.
- The superannuation contributions surcharge rate is being reduced over three years to 10% from 15%, which was the rate before 1 July 2003.
- The work test on superannuation contributions was removed from 1 July 2004 for anyone under the age of 65.

¹⁴⁸ Burgess et al, n 113, p 151.

¹⁴⁹ Australia, Department of the Treasury, n 78, p 10.

¹⁵⁰ Kelly and Harding, n 80, p 100.

¹⁵¹ Ibid, p 101.

¹⁵² Much of the information in this paragraph is sourced from: Australian Taxation Office, ‘Superannuation’, www.ato.gov.au Accessed 1/9/04 and Hon P Costello MP, ‘A more flexible and adaptable retirement income system’, *Media Release*, 25/2/04.

- The work test for persons between the ages of 65 and 74 has been simplified from a weekly to an annual test as, ‘An annual test is consistent with flexible working arrangements, such as irregular part-time or short-term contract work, which older Australians may prefer’.¹⁵³
- From 1 July 2005, people can access their superannuation as a non-commutable income stream once they reach preservation age. As noted by the Hon P Costello MP, ‘This will allow people who wish to remain in the workforce, but reduce their hours of work as they get older, to supplement their income with superannuation’.¹⁵⁴
- Taxation arrangements have also been altered so that it is easier for a retiree who has accessed their superannuation to re-enter the workforce as the proceeds can be rolled back to the accumulation phase in the same fund.¹⁵⁵

Olsberg et al have warned that a move towards a user-pays system in Australia may produce strain because of the considerable diversity in the financial circumstances of older Australians.¹⁵⁶ They note that for many, self-funded retirement will only be possible with the financial support of family, or through accessing the equity in the family home. However, the availability of financial support from family can vary due to social and family changes. Olsberg et al also note that for many older people the idea of receiving financial support is not attractive as ‘there is a strong generalised culture of independence among older Australians, an unwillingness to have to depend upon their children for financial support, and great value placed by older people upon being in control of their lives’.¹⁵⁷

¹⁵³ Hon P Costello MP, ‘A more flexible and adaptable retirement income system’, *Media Release*, 25/2/04.

¹⁵⁴ Ibid.

¹⁵⁵ Encel, n 89, p 31.

¹⁵⁶ Olsberg D et al, n 14, p i.

¹⁵⁷ Ibid, p ii.

4 AGE DISCRIMINATION

4.1 What is age discrimination?

Age discrimination can be both direct and indirect. Direct age discrimination occurs when a person treats another less favourably because of his or her age, or the age of a relative or associate of that person. On the other hand, indirect age discrimination occurs when a person is required to comply with a condition that is not reasonable and with which people of a particular age group are generally unable to meet because of their shared attributes. Therefore direct discrimination is an act directed towards a specific person because of their age whereas in cases of indirect discrimination the same requirement applies to everyone but has an unfair impact on persons of a particular age. Persons, whether old or young, can be discriminated against on the basis of their age. However, this paper is concerned with age discrimination as experienced by older persons.

The first legislation in English-speaking countries that dealt specifically with age discrimination was the *Age Discrimination in Employment Act 1967* (US).¹⁵⁸ In Australia, all states and territories introduced laws to prohibit age discrimination in the 1990s.¹⁵⁹ The Commonwealth Parliament passed the *Age Discrimination Act* in 2004.¹⁶⁰ Encel refers to the experience of countries with well-established legislation prohibiting compulsory retirement and age discrimination and notes that legislation has little impact on retirement patterns, as workers still retire early and employers find other ways of terminating the employment of older workers.¹⁶¹ Bennington and Wein have completed a study that found age discrimination legislation to be of little impact in terms of influencing employers in the process of selection and recruitment.¹⁶² Therefore, legislation is just one approach needed to combat age discrimination.

4.2 Anti-Discrimination Act 1977 (NSW)

Compulsory retirement and age discrimination are generally unlawful in NSW. The *Anti-Discrimination Act 1977* (NSW) was amended in 1990 by the *Anti-Discrimination (Compulsory Retirement) Amendment Act 1990* to progressively abolish compulsory retirement from 1991 for the public sector, 1992 for local government and 1993 for other employees in NSW.¹⁶³ Age discrimination is also prohibited in New South Wales by the

¹⁵⁸ NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92, November 1999, p 272.

¹⁵⁹ Encel, n 90, p 18.

¹⁶⁰ However, this was not the first time age discrimination was prohibited in particular areas. For example, section 170CK of the *Workplace Relations Act 1996* (Cth) prohibits the termination of employment on grounds of age, unless it is an inherent requirement of the position.

¹⁶¹ Encel, n 89, p 8.

¹⁶² *Ibid*, p 19.

¹⁶³ Section 49ZV *Anti-Discrimination Act 1977* (NSW). However, there are some exceptions:

Anti-Discrimination Act 1977 (NSW). Section 49ZYA of the *Anti-Discrimination Act 1977* (NSW) defines age discrimination as follows:

A person (the perpetrator) discriminates against another person (the aggrieved person) on the ground of age if, on the ground of the aggrieved person's age or the age of a relative or associate of the aggrieved person, the perpetrator:

- (a) treats the aggrieved person less favourably than in the same circumstances, or in circumstances which are not materially different, the perpetrator treats or would treat a person who is not of that age or age group or who does not have such a relative or associate who is that age or age group, or
- (b) requires the aggrieved person to comply with a requirement or condition with which a substantially higher proportion of persons who are not of that age or age group, or who do not have such a relative or associate who is that age or age group, comply or able to comply, being a requirement which is not reasonable having regard to the circumstances of the case and with which the aggrieved person does not or is not able to comply.

The *Anti-Discrimination Act* has not always provided for age discrimination. Whilst the original Anti-Discrimination Bill included age as a ground of discrimination, it was removed by an amendment in the Upper House.¹⁶⁴ It was not until the *Anti-Discrimination (Age Discrimination) Amendment Act 1993* (NSW) was passed, following extensive public consultation, that Part 4G was inserted into the *Anti-Discrimination Act*. The Second Reading speech noted that the bill sought to 'remedy the problem by creating a ground of complaint to the Anti-Discrimination Board in respect of age discrimination' and to 'utilise the extensive educative and conciliation roles of the board in bringing about attitudinal change by encouraging the community to recognise the contributions that older people and the young make to our society'.¹⁶⁵

The *Anti-Discrimination Act* generally prohibits age discrimination in the fields of work, education, the provision of goods and services, accommodation and registered clubs.¹⁶⁶ However, some exceptions apply in relation to: situations where age is a genuine occupational qualification; voluntary retirement; the legal capacity and welfare of children; special needs programs and activities; superannuation, insurance, and credit applications where the terms are based on reasonable actuarial or statistical data; safety procedures such as the provision of driver's licences; and sport.¹⁶⁷

see section 49ZX.

¹⁶⁴ Encel S and Studencki H, *Over the hill or flying high? An analysis of age discrimination complaints in NSW*, NSW Committee on Ageing, 1998, p 6.

¹⁶⁵ Hon J Longley MP, *NSWPD*, 18/11/93, p 5709.

¹⁶⁶ See sections 49ZYB-49ZYP *Anti-Discrimination Act 1977* (NSW).

¹⁶⁷ See sections: 49ZYJ – K; 49ZYQ-49ZYY.

Sol Encel and Helen Studencki studied complaints of age discrimination received by the NSW Anti-Discrimination Board and found that age discrimination in the context of employment was the most common cause for complaint every year between 1994 and 1998, except for 1995-96 when there were more complaints regarding the provision of goods and services.¹⁶⁸ Statistics collated by the NSW Anti-Discrimination Board indicate that since 1999 more than half of the complaints received by the Board each year continue to be in the area of employment.

Complaints of age discrimination received by NSW Anti-Discrimination Board by year and area

Year	Employment	Goods and services	Accommodation	Education	Clubs	Qualifying bodies	Other	Total
1999/00	72	27	10	1	1	0	1	112
2000/01	91	35	7	4	2	0	0	139
2001/02	59	17	8	1	0	1	2	88
2002/03	58	18	14	1	1	3	3	98

Source: NSW Anti-Discrimination Board, 'Anti-Discrimination Board Statistics', www.lawlink.nsw.gov.au/adb.nsf

In 2002-2003, the NSW Anti-Discrimination Board received 700 inquiries regarding age discrimination, equivalent to 5% of all inquiries received.¹⁶⁹ The Anti-Discrimination Board has a policy of empowering and assisting callers to solve the problem, if appropriate, before a formal complaint is made. 98 actual complaints were lodged, 58 of which concerned age discrimination in employment. Almost one-fifth of complaints were in relation to the provision of goods and services.

If the Anti-Discrimination Board is unable to finalise a complaint, the President of the Board may refer it to the Anti-Discrimination Tribunal.¹⁷⁰ The Equal Opportunity Division of the Anti-Discrimination Tribunal deals with complaints of discrimination, harassment, vilification or victimisation in connection with employment, education, accommodation, registered clubs and the provision of goods and services. Matters that are not resolved by mediation subsequently go to hearing. Some of the orders that can be made by the Tribunal include:

- an award of compensation of up to \$40,000 for the harm suffered;
- the person responsible for the discrimination, harassment or vilification can be ordered not to continue or repeat the action;
- the company or person responsible can be ordered to reinstate the victim where employment has been terminated;
- discriminatory terms in a contract or agreement can be altered or made void;
- the person or company responsible for vilification can be ordered to publish an apology or to implement a program to stop future discrimination.

¹⁶⁸ Encel and Studencki, n 164, p 2.

¹⁶⁹ NSW Anti-Discrimination Board, *Annual Report 2002-2003*

¹⁷⁰ NSW Administrative Decisions Tribunal: Equal Opportunity Division, www.lawlink.nsw.gov.au

4.3 Age Discrimination Act 2004 (Cth)

The Human Rights and Equal Opportunity Commission (HREOC) published its report *Age Matters: a report on age discrimination* in May 2000. HREOC highlighted that whilst age discrimination in the areas of employment, education and training, accommodation, goods and services, and clubs, is unlawful in all states and territories, the level of protection varies.¹⁷¹ The report also noted that the Department of Employment, Workplace Relations and Small Business had recognised that persons who lose their job in mature age generally experience difficulty in obtaining another job because: their skills and the needs of the labour market do not always match; they are less willing to change industry or geographical location; and they experience discrimination because of their age.¹⁷²

HREOC accordingly recommended that the Commonwealth ‘enact a more rigorous and effective legal regime to prevent and remedy acts of discrimination based on age’.¹⁷³ The Commission identified three options by which this recommendation could be implemented:

1. Comprehensive national anti-discrimination legislation including the ground of age.
2. An Age Discrimination Act
3. Provision of enforceable remedies for age discrimination in employment under the *Human Rights and Equal Opportunity Commission Act 1986* (Cth).

An Age Discrimination Bill was subsequently introduced into Commonwealth Parliament in 2003. The explanatory memorandum for the Age Discrimination Bill 2003 noted that the Bill broadly implemented the key recommendation of HREOC in its report *Age Matters*.¹⁷⁴ The *Age Discrimination Act 2004* (Cth) passed through both Houses and received royal assent on 22 June 2004, commencing the following day.

The Act is to be ‘an integral part of a wide range of key Government policy priorities to respond to the ageing workforce and population, and the important social and economic contribution that older and younger Australians make to the community’.¹⁷⁵ The objects of the Act are listed in section 3:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of age in the areas of work, education, access to premises, the provision of goods, services and facilities, accommodation, the disposal of land, the administration of Commonwealth laws and programs and requests for information; and

¹⁷¹ Human Rights and Equal Opportunity Commission, *Age Matters: a report on age discrimination*, HREOC, May 2000, p 13.

¹⁷² *Ibid*, p 20.

¹⁷³ Recommendation 14.

¹⁷⁴ Age Discrimination Bill 2003, *Revised Explanatory Memorandum*, p 6.

¹⁷⁵ *Ibid*, p 2.

- (b) to ensure, as far as practicable, that everyone has the same rights to equality before the law, regardless of age, as the rest of the community; and
- (c) to allow appropriate benefits and other assistance to be given to people of a certain age, particularly younger and older persons, in recognition of their particular circumstances; and
- (d) to promote recognition and acceptance within the community of the principle that people of all ages have the same fundamental rights; and
- (e) to respond to demographic change by:
 - (i) removing barriers to older people participating in society, particularly in the workforce; and
 - (ii) changing negative stereotypes about older people;

bearing in mind the international commitment to eliminate age discrimination reflected in the Political Declaration adopted in Madrid, Spain on 12 April 2002 by the Second World Assembly on Ageing.

The Act recognises that discrimination can be both direct and indirect. Direct discrimination occurs when:¹⁷⁶

- (a) the discriminator treats or proposes to treat the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of a different age; and
- (b) the discriminator does so because of:
 - (i) the age of the aggrieved person; or
 - (ii) a characteristic that appertains generally to persons of the age of the aggrieved person; or
 - (iii) a characteristic that is generally imputed to persons of the age of the aggrieved person.

On the other hand, indirect discrimination occurs when:¹⁷⁷

- (a) the discriminator imposes, or proposes to impose, a condition, requirement or practice; and
- (b) the condition, requirement or practice is not reasonable in the circumstances; and
- (c) the condition, requirement or practice has, or is likely to have, the effect of disadvantaging persons of the same age as the aggrieved person.

¹⁷⁶ Section 14.

¹⁷⁷ Section 15.

One of the more controversial aspects of the Act is the inclusion of a dominant reason test in section 16, which states:

If an act is done for 2 or more reasons, then, for the purposes of this Act, the act is taken to be done for the reason of the age of a person only if:

- (a) one of the reasons is the age of the person; and
- (b) that reason is the dominant reason for doing the act.

HREOC, in its submission to the Senate Legal and Constitutional Legislation Committee on the Age Discrimination Bill 2003, had expressed concern over the inclusion of a dominant reason test.¹⁷⁸ It stressed that the dominant reason test had originally been included in the *Racial Discrimination Act* but was removed in 1990 because of issues arising from its practical application. HREOC also highlighted that other federal legislation and the anti-discrimination laws of the states and territories do not include a dominant reason test. It noted that a dominant reason test was not included in the proposed legislation during the period of consultation and appeared for the first time in the Bill. HREOC concluded that:

the Commission opposes the introduction of a dominant reason test into the new legislation. The Commission particularly notes that the test was removed from the RDA some years ago, it will be the only piece of anti-discrimination legislation in Australia that contains such a test, and it will undermine the important objectives of the legislation. In the Commission's view, the legislation should reflect the same test as contained in current federal anti-discrimination legislation.¹⁷⁹

Nonetheless, following the passage of the Age Discrimination Bill through both Houses of Parliament, HREOC issued a press release noting that even though it had 'raised a number of concerns about the draft legislation during the consultation process, many of which have not been addressed... the legislation is a welcome tool for the enforcement of human rights for those who may suffer discrimination on the basis of their age'.¹⁸⁰

Under the *Age Discrimination Act 2004* it is unlawful to discriminate on the basis of age in relation to work; education; access to premises; goods, services and facilities; accommodation; land; administration of Commonwealth laws and programs; and requests for information. Divisions four and five of Part 4 specify the circumstances in which an exemption may apply. According to section 33, positive discrimination is permissible if it: provides a bona fide benefit to persons of a particular age; meets a need that arises out of

¹⁷⁸ Human Rights and Equal Opportunity Commission, *Submission to the Senate Legal and Constitutional Legislation Committee on the Age Discrimination Bill 2003*, 3 September 2003.

¹⁷⁹ *Ibid*, para 2.12.

¹⁸⁰ Human Rights and Equal Opportunity Commission, 'Human Rights Commission welcomes age discrimination laws', *Media Release*, 17/6/04.

the age of persons of a particular age; or reduces a disadvantage experienced by people of a particular age. Other exemptions apply in certain circumstances in relation to charities, religious and voluntary bodies, superannuation and insurance, taxation, pensions and allowances, health, migration and citizenship.¹⁸¹ HREOC may also grant exemptions.

A person who believes they have experienced age discrimination can lodge a complaint with HREOC. HREOC will investigate the complaint if it believes the *Age Discrimination Act* applies. If conciliation of the matter is not successful, the complainant can choose to take the complaint to the Federal Court or the Federal Magistrates Court.¹⁸² These powers are broader than those previously possessed by HREOC who have been able to receive and conciliate complaints of age discrimination since 1990. However, complaints of age discrimination were limited to the context of employment and occupation and there was no enforceable legal right or remedy as the most HREOC could do was to prepare a report with recommendations, which the Attorney General would table in federal parliament.¹⁸³

¹⁸¹ See sections 25, 33-47.

¹⁸² Human Rights and Equal Opportunity Commission, 'Information sheet: complaints under the Age Discrimination Act', www.hreoc.gov.au Accessed 17/8/04.

¹⁸³ HREOC, n 178.

5 THE LIFESTYLE OF OLDER AUSTRALIANS

5.1 Healthy ageing

The concept of healthy ageing is concerned with quality of life, independence, and lengthening the time of health, not just the years of life, enjoyed by an individual. A number of strategies have been developed in Australia to facilitate healthy ageing.

5.1.1 *Healthy Ageing Framework 1998-2003*

The NSW Government's *Healthy Ageing Framework 1998-2003*¹⁸⁴ aspires to 'a society in which all older people lead satisfying and productive lives with maximum independence and well-being'. The framework defines older people as persons 60 years and older and is based on the following principles:

- The independence of older people as full and contributing members of society will be recognised.
- Older people will be treated fairly and equitably, free from unlawful discrimination.
- The diverse needs of older people including differences in gender, culture, language, geographical location and socio-economic circumstances will be taken into account in programs, policies and services.
- The unique needs of older Aboriginal and Torres Strait Islanders will be recognised in programs, policies and services.
- Policies, programs and services will be culturally and linguistically appropriate for older people from a non-English speaking background.

The framework focuses on six key areas for government action. These are:

1. *Attitudes to ageing and older people* – improved attitudes to ageing and older people and decreased unlawful age discrimination.
2. *Participation in community life* – increased participation of older people in the workforce, education, leisure and volunteering.
3. *Making your own decisions* – provision of information about services and rights so that older people can make informed decisions in these areas.
4. *Supportive neighbourhoods and communities* – provision of accessible and supportive living environments which make it possible for older people to live as independently as possible.

¹⁸⁴

NSW Government, n 51.

5. *Health, accommodation, care and support* – the promotion of independence, well-being and health for older people through provision of health, accommodation, care and support services.
6. *Making the best use of resources* – a planned approach to policy and service provision in NSW for older people, based on high quality data and research, and supported by equitable and sustainable resourcing.

A new framework is currently being drafted and should be released in 2005.¹⁸⁵

5.1.2 Commonwealth, State and Territory Strategy on Healthy Ageing

The Healthy Ageing Task Force released the *Commonwealth, State and Territory Strategy on Healthy Ageing* in 2000.¹⁸⁶ It provides a planning framework for individual jurisdictions within Australia and aims to maximise healthy ageing outcomes. The strategy ‘signals the commitment of all governments to work together with the Australian community to develop a planned response to the challenges of an ageing society and people living longer’. Six universal principles underpin the strategy:

1. Support independence.
2. Encourage a good quality of life for Australians as they age.
3. Promote fairness and equity.
4. Recognise interdependence.
5. Recognise and respond to Australia’s growing diversity.
6. Encourage personal responsibility while providing support for those most in need.

The Strategy recognises that the following policy challenges will need to be met if the vision of ‘a fair society where all older people can lead satisfying and productive lives which maximise their independence and wellbeing’ is to be achieved:

- Positive perceptions of ageing need to be encouraged.
- The access of older people to education, employment and other opportunities needs to be improved.
- The particular disadvantage experienced by indigenous Australians must be systematically and effectively addressed.
- Community expectations about levels of support to older Australians need to be addressed with individual and community responsibilities examined.

¹⁸⁵ Gabrielle Leahy, Department of Ageing, Disability and Home Care, *personal communication*, 2/9/04.

¹⁸⁶ Healthy Ageing Task Force, *Commonwealth, State and Territory Strategy on Healthy Ageing*, Commonwealth Department of Health and Aged Care, March 2000.

- The opportunities for various levels of government to cooperate on policy initiatives can be extended.
- The opportunities for Australians to prepare for their own ageing should be promoted.
- Communities should be encouraged to be accessible and responsive to all people.
- Our understanding of ageing needs to improve.
- Strategies to assist particularly vulnerable older people, including homeless older people, should be developed.

5.2 Leisure

Older people spend an average of 41% of the time they are awake on leisure and recreation, compared to 29% for the general population.¹⁸⁷ This section examines the leisure activities in which older people participate in the home and at various cultural venues. It also highlights the extent to which older persons engage with technology, education and travel. The key factors that can prevent older people being involved in various leisure activities include income, transport and information.¹⁸⁸

The most popular activities at home for an older person include reading, watching television, gardening, listening to music, arts and crafts, and interacting with pets.¹⁸⁹ The following table compares the average time spent each day on recreation and leisure activities by people of different ages.

Average daily time spent on recreation and leisure activities (hours and minutes) by age group – 1997

Activity	15-64 year olds	65 and over	Total
Sport and outdoor activities	1:47	1:43	1:47
Games/hobbies/arts/crafts	1:40	1:56	1:43
Reading	1:13	1:41	1:18
Reading book	1:12	1:26	1:15
Audio/visual media	4:20	5:22	4:28
Watching TV/video	3:00	4:00	3:08
Other	2:24	2:29	2:24
Resting/relaxing	1:12	1:34	1:17
Drinking alcohol/social drinking	1:28	0:54	1:22
Interacting with/walking pets	0:44	0:59	0:46
Talking (including on the phone)	2:50	2:03	2:44
Other recreation and leisure	1:19	1:18	1:19

¹⁸⁷ Australian Bureau of Statistics, n 9, p 41.

¹⁸⁸ NSW, Department of Ageing, Disability and Home Care, 'Leisure and Lifestyle', *Fact Sheets – Older People in NSW*, 1999.

¹⁸⁹ *Ibid.*

Total	8:10	9:41	8:22
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Source: Australian Bureau of Statistics, *Older People, New South Wales 2000*, 4108.1, 2000, p 44.

51% of males and 41% of females 65 and over participate in a form of physical activity.¹⁹⁰ This might be walking, lawn bowls, golf, aerobics and other activities in exercise rooms. Older people can benefit from exercise in more ways than improved health. Physical activity can promote independence and confidence when dealing with issues of safety and security, and may also facilitate social interaction among older people.¹⁹¹ An Active Ageing Week is being held in NSW from 27 September to 3 October 2004.¹⁹² NSW Seniors can try different activities throughout the week that are sponsored by sporting, health and fitness organisations.

Many older people also attend different cultural venues. The table below notes the rate at which different age groups attend various cultural venues in NSW. Popular activities for older persons include the cinema, and visits to the library and botanic gardens.

Attendance rate for cultural venues – 1998-99 (%)

Venue/activity	15-64	65-74	75 and over	Total 65 and over	Total
Art gallery	22.5	18.8	11.4	15.8	21.4
Museums	22.3	14.0	9.8	12.3	20.7
Zoo or animal park	35.4	20.2	8.8	15.5	32.2
Botanic gardens	33.9	27.7	20.6	24.8	32.4
National, State or Local library	36.9	32.4	32.6	32.5	36.2
Other music concerts	28.5	8.2	4.7	6.8	25.0
Classical music concerts	9.4	10.7	8.7	9.9	9.5
Theatre performance	18.7	13.0	8.7	11.3	17.5
Dance performance	10.2	6.1	3.4	5.0	9.3
Opera or musical concerts	18.3	16.2	11.3	14.2	17.6
Variety show, circus or revue	21.2	15.1	10.5	13.2	19.9
Cinema	70.7	42.3	28.3	36.5	65.2
Total attendance	4,244,800	479,300	335,600	814,900	5,059,700

Source: Australian Bureau of Statistics, *Older People, New South Wales 2000*, 4108.1, 2000, p 46.

The NSW Government introduced the Seniors Card¹⁹³ in 1992 to encourage older people to live an active and healthy life. The Seniors Card provides members with access to NSW Government concessions and business discounts. To qualify for a Seniors card, an individual must be a permanent resident of NSW, be at least 60 years old, and work no

¹⁹⁰ Australian Institute of Health and Welfare, n 67, p 364.

¹⁹¹ James M, Graycar A and Mayhew P, *A Safe and Secure Environment for Older Australians*, Research and Public Policy Series No 51, Australian Institute of Criminology, Canberra, 2003, p 61.

¹⁹² See www.seniorcard.nsw.gov.au/activeageing

¹⁹³ For information on the Seniors Card see www.seniorcard.nsw.gov.au

more than 20 hours a week in paid employment. In 2002-03, 880,000 older persons in NSW held a Seniors Card.¹⁹⁴

Many older people travel, for general pleasure and to visit family and friends. Older people generally travel for a longer period of time than younger people as a whole. Approximately three million members of the senior community spend \$895 million on domestic travel each year.¹⁹⁵

Many older members of the community pursue educational opportunities. 29,000 people aged 50 years and over were enrolled in a TAFE course in 1997, and almost 48,000 people in the same age group undertook an Adult and Community Education course.¹⁹⁶

Older people are being encouraged to engage with information technology. The Internet may reduce the isolation of some older people and may also assist with independent living. For example, people who find it difficult to get to the local shops can order their groceries online. In the 12 months before November 1998, 7% of adults aged 55 and over had accessed the Internet (compared to 29% of people between the ages of 40 and 54, and 40% of people aged 25 to 39). 8.5% of people aged 55 and over regularly used a computer at home in 1998.¹⁹⁷ In 2001, the NSW Government announced a Seniors Online Strategy, to which it allocated \$1.7 million over three years, to promote the benefits of older members of the community using computers and the Internet.¹⁹⁸ The Seniors and Information Technology Grants Program forms part of this Strategy and funds organisations that train older people in information technology. Priority is given to organisations that assist regional and rural areas, and older people who are: on low incomes; isolated; from culturally and linguistically diverse backgrounds; or Indigenous.

5.3 Living arrangements

The living arrangements of older Australians are an important issue and need to be taken into account when preparing for the ageing of the population. The Australian Housing and Urban Research Institute has highlighted how discussion of housing issues and the transfer of housing assets was limited in the *National Strategy for an Ageing Australia* and the *Intergenerational Report*.¹⁹⁹ The Institute identified some of the challenges that need to be met in relation to the provision of housing for an ageing population:²⁰⁰

¹⁹⁴ NSW DADHC, n 29, p 5.

¹⁹⁵ NSW DADHC, n 188.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Information on the Seniors Online Strategy is sourced from Hon C Tebbutt MLC, *NSWPD*, 22/6/04, p 9727.

¹⁹⁹ Australian Housing and Urban Research Institute, 'Housing futures in an ageing Australia', AHURI Research and Policy Bulletin, Issue 43, May 2004.

²⁰⁰ Ibid.

- Younger retirees will want houses that suit their lifestyles. Whilst some will move near the sea, the majority will age-in-place.
- There will be more frail, elderly people who will require housing with some form of support.
- There will be a number of people who rent into their old age.
- Intergenerational inequity will increase as housing assets are transferred.

The financial position of older Australians is diverse. The richest 20% own 60% of the wealth (in terms of housing assets) and the poorest 40% own less than 10%.²⁰¹ The majority of older Australians own their home – 80% of people aged 65 years and over in 2001.²⁰² Over 75% own their home outright. Olsberg et al have observed how home ownership has traditionally been the primary means of saving for retirement and that it is a significant contribution to the living standard enjoyed in retirement.²⁰³ However, in NSW, almost 9% of older people either live in public housing or rent from a private landlord.²⁰⁴

The number of people who purchase a home may continue to decline as a result of:²⁰⁵

- increases in housing prices;
- smaller periods in the labour force as a result of late entry and early exit;
- the diversity of incomes and job security; and
- resources being needed elsewhere, for example, HECS, superannuation and child rearing.

There are a number of housing options available to older Australians. They may: age where they are (age-in-place); move into a smaller house; or move into shared accommodation – with family or friends, in a retirement village, or in residential care.²⁰⁶ Olsberg et al have identified an unprecedented move by Australian retirees into retirement villages.²⁰⁷ The table below summarises the living arrangements of persons aged 45 years and over. The overwhelming majority of older persons live in a private dwelling – 93% of people aged 65 and over. The proportion does decrease with age but remains high at 70% of people aged 85 and over. However, the living arrangements of older persons differ dramatically for males and females. 80% of men 85 and older live in private dwellings compared to 66% of women the same age.

²⁰¹ Ibid.

²⁰² Olsberg D et al, n 14, p i.

²⁰³ Ibid, p ii.

²⁰⁴ NSW Health, 'New South Wales Older People's Health Survey 1999', *NSW Public Health Bulletin Supplement*, 11(S-2) December 2000, p 12.

²⁰⁵ Olsberg D et al, n 14, p 7.

²⁰⁶ Ibid, p iii.

²⁰⁷ Ibid, p iv.

Living arrangements, persons 45 and over

Age group (years)	In private dwelling				In non-private dwelling			Total all dwellings '000
	With partner %	With other relatives %	Total with relatives %	Lone person %	Total in private dwellings %	Resident of care accommodation %	Total in non-private dwelling %	
Males								
45 and over	74.0	5.6	79.6	13.3	97.9	1.4	2.1	3024.6
65 and over	69.5	4.6	74.1	17.2	95.6	3.7	4.4	976.3
85 and over	42.9	8.9	51.8	25.2	80.2	18.2	19.8	77.2
Females								
45 and over	59.9	12.2	72.2	20.3	96.5	3.1	3.5	3322.3
65 and over	40.7	12.3	53.1	34.9	91.5	7.8	8.5	1252.5
85 and over	9.0	15.8	24.8	39.0	66.0	32.3	34.0	171.7
Persons								
45 and over	66.7	9.1	75.7	17.0	97.2	2.3	2.8	6346.9
65 and over	53.3	9.0	62.3	27.1	93.3	6.0	6.7	2228.8
85 and over	19.5	13.7	33.2	34.7	70.4	27.9	29.6	248.8

Source: Australian Bureau of Statistics, *Census of Population and Housing: Ageing in Australia 2001, 2048.0, 2003*, p 33.

The following table examines more specifically the type of dwelling in which people 45 and over reside. 71% of older people live in a separate house. However, the proportion falls to less than half of persons between the ages of 85 and 94, when 26% either live in a nursing home or some form of care accommodation.

Dwelling type and structure, persons aged 45 years and over

	45-54 %	55-64 %	65-74 %	75-84 %	85-94 %	95 & over %	Total %	Total 65 years & over %
Private dwellings								
Accommodation for the retired (self-care)	-	0.2	1.5	5.0	6.8	3.2	1.2	3.3
Separate house	85.1	83.4	78.5	67.4	48.0	33.6	79.7	71.1
Semidetached, row/terrace house, townhouse	5.9	6.3	7.6	8.9	7.1	4.2	6.7	8.0
Flat, unit, apartment	6.7	7.2	8.7	10.4	9.4	6.3	7.7	9.3
Total	99.3	99.1	98.3	93.1	72.2	48.1	97.2	93.3
Non-private dwellings								
Nursing home	-	0.1	0.7	3.3	13.3	28.0	1.2	3.1
Accommodation for retired/aged (cared)	-	0.1	0.5	2.9	12.8	20.1	1.0	2.8
Hospital	-	0.1	0.1	0.3	0.7	1.3	0.1	0.2
Other cared accommodation	0.2	0.1	0.1	0.1	0.4	0.7	0.1	0.1
Total	0.7	0.9	1.7	6.9	27.8	51.9	2.8	6.7

Total all dwellings	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
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Source: Australian Bureau of Statistics, *Census of Population and Housing: Ageing in Australia 2001*, 2048.0, 2003, p 42.

Many people live in houses that were chosen many years before when their circumstances were different. Nevertheless, people are tending to move more often than in the past. People in their 50s and 60s may move to downsize their housing and for lifestyle reasons.²⁰⁸ Moving house may also increase income as a smaller proportion of wealth is tied to the family home. For example, between 1996 and 2001, 17,600 older persons moved out of NSW, of which 10,500 moved to Queensland.²⁰⁹ In the same period, 10,700 older persons moved to NSW. Therefore, NSW is losing more older persons than it is gaining.

The average age at which a person moves to living arrangements where some assistance is provided is 83, and the average stay is two years.²¹⁰ There are a number of factors that generally initiate the move into accommodation with care services or an aged care institution. The most common ones include:²¹¹

- the loss of a spouse;
- security concerns;
- home maintenance difficulties;
- changes to the neighbourhood; and
- care needs.

The *NSW Healthy Ageing Framework 1998-2003* recognised the importance of neighbourhood design in enabling older persons to remain active members of the community. It acknowledged the importance of security and ease of access to prevent older people becoming isolated in their homes and to also deter premature moves into supported or aged accommodation.²¹²

5.4 Transport

The majority of people aged 65 and over in NSW either use a car or walk as their mode of transport, with only 7% using a bus, train or ferry.²¹³ The following table lists the various reasons of people aged 65 and over in NSW for not using public transport. For two-thirds of older people, the main factor that discourages their use of public transport is getting in and out of the vehicle. The difficulty of getting to stops or stations is another major hindrance.

²⁰⁸ Andrews, n 1, p 27.

²⁰⁹ Australian Bureau of Statistics, n 4, p 18.

²¹⁰ 'Ageing, ready or not', *About the House*, November-December 2002, p 18.

²¹¹ Olsberg D et al, n 14, p iv.

²¹² NSW Government, n 51, p 24.

²¹³ Australian Bureau of Statistics, n 9, p 80.

**NSW, Reasons for non-use of public transport
Persons aged 65 years and over – 1998**

Reason	'000	%
Getting into/out of vehicles	123.1	67.8
Getting to stops or stations	55.1	30.4
Pain or discomfort	22.0	12.1
Lack of seating/difficulty standing	22.0	12.1
Fear/anxiety	18.0	9.9
Sight problems	14.9	8.2
Cognitive difficulties	5.8	3.2
Crowds/lack of space	5.7	3.1
Other	46.9	25.8
Total	181.8	100.0

Source: Australian Bureau of Statistics, *Older People, New South Wales 2000*, 4108.1, 2000, p 82.

5.5 Health

The 2001 National Health Survey conducted by the Australian Bureau of Statistics found that older Australians generally report that they are in good, very good or excellent health.²¹⁴ However, health usually deteriorates with age. The following are some of the health issues faced by older Australians as a whole:

- People 65 and over use hospitals more frequently and for longer periods.²¹⁵
- People 65 and over visit the doctor more often.²¹⁶
- People 65 and over consume more medication.²¹⁷
- People 65 and over make more visits to allied or other health professionals.²¹⁸
- 61% of all deaths of people aged 65 and over in NSW in 1998 were the result of ischaemic heart disease, cancer and stroke. Cancer was the leading cause of death for older men in NSW and ischaemic heart disease was the leading cause of death for older women in NSW.²¹⁹

²¹⁴ Australian Institute of Health and Welfare, n 67, p 354.

²¹⁵ Andrews, n 1, p 46.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Australian Bureau of Statistics, n 9, p 31.

- 54% of people aged 65 and over in NSW in 1998 had a disability.²²⁰
- Dementia caused the highest levels of severe or profound disability for persons 65 and over in 1998, followed by other mental and behavioural disorders, eyesight diseases and stroke.²²¹
- The main conditions associated with a disability for persons 65 and over were hearing loss, arthritis, stroke and other cardiovascular diseases, and other musculoskeletal problems.²²²
- The 1998 ABS Survey of Disability, Ageing and Carers estimated that more than 1.2 million people aged 65 years or more (54% of that age group) had a disability which had lasted or was likely to last for at least six months and which restricted everyday activities.²²³
- The overall rate of disability has consistently increased for almost 20 years. According to the Australian Institute of Health and Welfare, the ageing of the population over the age of 65 has had a substantial impact on the prevalence of disability among older Australians.²²⁴
- In 2001-02, there were 2.1 million separations from Australian hospitals for people 65 and over. The most common principal diagnoses were: neoplasms and chemotherapy for neoplasms; care involving dialysis; stroke and other cardiovascular diseases; and diseases of the digestive system.²²⁵
- The major causes of death and poor health in older people are cardiovascular disease, cancer and respiratory illness.²²⁶
- Falls are responsible for the greatest cost to the health system, in terms of single injury. The highest fall-related costs are contributed by persons 75 and over. It is estimated that the cost of falls to the NSW health system will rise to \$645 million in 2050.²²⁷

220 Ibid, p 32.

221 Australian Institute of Health and Welfare, n 67, p 366.

222 Ibid.

223 Ibid, p 367.

224 Ibid, p 368.

225 Ibid, p 374.

226 Andrews, n 1, p 47.

227 NSW Health, 'New South Wales Older People's Health Survey 1999', *NSW Public Health Bulletin Supplement*, 11(S-2) December 2000, p 32.

- The NSW Older People's Health Survey 1999 found that 3% of older people feel depressed most of the time and 30% feel depressed some or most of the time.²²⁸
- Australian men 80 years and over have the third highest age specific suicide rate (behind men in their twenties and thirties).²²⁹

Although persons aged 65 and over only represented 12.5% of the population in 2000-01, they accounted for almost 40% of allocatable health expenditure.²³⁰ However, only about one-third of the recent growth in health expenditure is due to the ageing of the population and increases in the number of Australians.²³¹ The Commonwealth Treasury has recognised that non-demographic growth has been a key driver of spending in health. For example, new medications have been listed as part of the Pharmaceutical Benefits Scheme, and diagnostic procedures have been used to a greater extent.²³² However, the ageing of the population has increased the demand for mental health services because of the greater incidence of dementia and other mental illness associated with age.²³³

The cost of Australia's Pharmaceutical Benefit Scheme²³⁴ (PBS) has been increasing dramatically in recent years, sparking discussions about whether the scheme in its current form can be maintained. Since the beginning of the 1990s, the amount spent on PBS has grown by more than 10% per annum, more than the increase in GDP and the total budget for health. The cost of PBS is currently about \$5.1 billion each year.²³⁵ About 16% of the amount spent by the Australian Government on PBS is directed to people aged 75 years and over. The ageing of the population, together with the rise in drug prices and the entry of new biotechnological drugs, are some of the factors contributing to the increasing cost of PBS.

Some diseases and injury can be prevented. The major preventable risk factors regarding the onset of disease and injury in older Australians include: being overweight or obese;

²²⁸ Ibid, p 34.

²²⁹ Andrews, n 1, p 52.

²³⁰ Australian Institute of Health and Welfare, n 67, p 385.

²³¹ Australia, Department of the Treasury, n 78, p 24.

²³² Australia, Department of the Treasury, n 2, p 35.

²³³ NSW Budget 2004-2005, p 2-4.

²³⁴ Information on PBS, unless otherwise stated is sourced from: Brown L et al, 'The Australian Pharmaceutical Benefit Scheme and older Australians: Changes in government outlays and consumer costs from the 2002-03 Federal Budget Measures', Paper presented at the International Microsimulation Conference on Population Ageing and Health, Canberra, 7-12 December 2003, pp 1-2. www.natsem.canberra.edu.au

²³⁵ Australian Government, Department of Health and Ageing, 'About the PBS', www.health.gov.au/pbs Accessed 24/8/04.

insufficient exercise; smoking; consuming alcohol at a level considered risky for one's health; poor diet and nutrition; and falls.²³⁶ The repercussions of improving the health of older Australians may be extensive. For example, better health could reverse the trend of early retirement as 30% of people who retire between the ages of 50 and 65 do so because of illness or disability.²³⁷

²³⁶ Australian Institute of Health and Welfare, n 67, p 371.

²³⁷ Australia, Department of the Treasury, n 78, p 6.

6 CARE ARRANGEMENTS

Dr Satya Brink has identified three phases through which developed countries pass as the population ages:²³⁸

1. *When the proportion of the population aged 65 years and over is between 7 and 10% and life expectancy is increasing:* aged care facilities are constructed; specialists, such as geriatricians, are trained; and voluntary organisations that meet the needs of older people appear.
2. *When the proportion of the population aged 65 years and over is between 11 and 14%:* the demand for nursing home care dramatically increases; barrier-free housing with care and services attached is built; older persons with similar needs but living in different settings receive different services and pay different costs.
3. *When the proportion of the population aged 65 years and over is 15% and over:* existing housing is adapted so people can age-in-place; care services are provided irrespective of the type of residence; home and community care services are readily available; the cost of housing and housekeeping remain with the individual and are often from the private rather than public sector; and quality national community care is provided by the government so that entry to high level care is delayed.

Australia is currently in the second phase. According to Dr Brink, Australia should focus on the development of private, public and non-profit home care, and the adaptation or building of housing to facilitate ageing-in-place. The construction of nursing homes is less urgent as demand will not start to peak until 2035 when many people begin to turn 85.²³⁹ It is estimated that the proportion of older people in aged care homes is likely to remain steady at 8% until 2021.²⁴⁰

Many older Australians are able to care for themselves and are actually more likely to provide care for others than to receive care.²⁴¹ Some older persons may receive some form of informal or formal care, or a mixture of both. Care arrangements are often worked out informally despite the potential for large economic repercussions.²⁴²

Societal changes may impact on the caring arrangements for older Australians who require some assistance. The combination of greater rates of divorce, fewer children and increased

²³⁸ 'Ageing, ready or not', *About the House*, November-December 2002, p 17.

²³⁹ Ibid, p 18.

²⁴⁰ Andrews, n 1, p 50.

²⁴¹ De Vaus et al, n 59, p 4.

²⁴² Australian Broadcasting Corporation, Radio National, 'The Law Report – Elderly People and the Law', 6/1/04. This program examined the implications of caring for an elderly parent and reviewed, and the role of written family agreements.

female workforce participation may reduce the pool of informal carers.²⁴³ There is speculation as to whether the generational contract (the younger generation caring for the elderly) will end as limited resources contribute to increased competition.²⁴⁴ The provision of public support for older people can strengthen the bonds between generations as ‘were it not for the support older people receive from the public sector they would be in a weaker position to give something back’.²⁴⁵ The various ways older people contribute to society were highlighted earlier in this paper.

The following figures provide a snapshot of carers in NSW:²⁴⁶

- Of the 800,000 carers in NSW, approximately 150,000 are aged 65 and over.
- 20% of older people in NSW are carers and 25% of older carers are primary carers.
- 90% of primary carers aged 65 and over reside with the person they care for – 75% of these carers care for a spouse.
- 76% of older primary carers are female.
- 45% of primary carers care for an older person.
- 40% of primary carers have been caring for at least 10 years and 69% for at least five years.
- 50% of carers are employed. 36% of primary carers have paid work.

The National Respite Care for Carers Program received \$99 million in Commonwealth funding in 2003-04. It provides information, counselling and support for carers, as well as assistance to enable breaks from caring responsibilities.²⁴⁷

Gender and ethnicity are relevant considerations in the provision of aged care. Caring for the aged is largely an issue of caring for the female aged. Men are generally cared for by their wives in times of illness and disability, and are therefore unlikely to require institutional assistance.²⁴⁸ The accessibility of care services may be affected by ethnicity as the ‘attitudes, expectations and experiences’ of various cultural groups can differ.²⁴⁹ Rowland has highlighted how ethnic families may be reluctant to access mainstream

²⁴³ Andrews, n 1, p 49.

²⁴⁴ De Vaus et al, n 59, p 2.

²⁴⁵ Ibid, p 20.

²⁴⁶ NSW, Department of Ageing, Disability and Home Care, ‘Older Carers’, *Fact Sheets – Older People in NSW*, 1999.

²⁴⁷ Hon J Bishop MP, *Investing in Australia’s Aged Care: More Places, Better Care*, May 2004, p 10.

²⁴⁸ Heycox K, ‘Older women: issues of gender’ in Borowski A, Encel S and Ozanne E (eds) *Ageing and Social Policy in Australia*, Cambridge University Press, Cambridge, 1997, p 105.

²⁴⁹ Rowland D, ‘Ethnicity and Ageing’, in Borowski A, Encel S, and Ozanne E (eds) *Ageing and Social Policy in Australia*, Cambridge University Press, Cambridge, 1997, p 77.

services as they are seen as undermining the role of the family in caring for the elderly.²⁵⁰ Suitable accommodation has often been provided by charitable or religious organisations as they may select, as a priority, staff and volunteers who can speak other languages.²⁵¹ However, the differences should not be overemphasised. Rowland notes that:

It is often overlooked that the ethnic aged have many similarities with the rest of the aged population: most prefer to remain in their own homes with outside help if they become dependent; their reliance on spouses for support, followed by children and other family, parallels the general pattern of family support for the aged; and when faced with long-term disabilities most want dignity and autonomy without undue dependence on their offspring. Some of the distinctive characteristics of the ethnic aged derive from life chances rather than culture and lifestyle preferences.²⁵²

6.1 Community care

The Australian Government provides assistance to older persons in their homes and communities through Community Aged Care Packages, Extended Aged Care at Home Packages and Home and Community Care services.²⁵³

- Community Aged Care²⁵⁴

The equivalent of low-level residential aged care is provided in the home through Community Aged Care Packages. Following assessment by an Aged Care Assessment Team, people who require personal care or domestic assistance may receive help with bathing, transport, laundry, the preparation of meals and gardening. The actual services may be provided through an organisation in the local area of the recipient. As at December 2003, 28,000 people were receiving this type of care.²⁵⁵

- Extended Aged Care at Home²⁵⁶

Extended Aged Care at Home Packages were introduced in 1998 to provide high-level care to people in their homes. In NSW, care is available through four

²⁵⁰ Ibid, p 89.

²⁵¹ Ibid, p 87.

²⁵² Ibid, p 90.

²⁵³ Bishop, n 247, p 7.

²⁵⁴ Australian Government, Department of Health and Ageing, 'Community Aged Care Packages', www.ageing.health.gov.au

²⁵⁵ Bishop, n 247, p 8.

²⁵⁶ Australian Government, Department of Health and Ageing, 'Extended Aged Care at Home', www.ageing.health.gov.au

approved service providers in the areas of Wollongong, Fairfield, Bankstown, North Campbelltown, Marsfield, Wauchope and Coffs Harbour. More than 900 people in Australia receive care through these packages.²⁵⁷

- Home and Community Care (HACC)²⁵⁸

The Federal Government, in conjunction with the states and territories, funds the Home and Community Care program (60% of funding is provided by the Australian Government – \$732.4 million in 2003-04).²⁵⁹ Home and Community Care is provided to older Australians, younger people with disabilities and their carers. Various organisations are funded through HACC including state and local government services, church organisations, charities and community organisations. The Home Care Service of NSW assists with housework, personal care, respite care, modification of homes, community nurses, meals on wheels, and community transport, amongst other things.²⁶⁰

In 2002-03, older Australians received more than 11 million meals and over 29 million hours of services, including 6.6 million hours of domestic assistance, 2.9 million hours of social support and 1.5 million hours of respite care.²⁶¹ 660,000 people received support through the Home and Community Care Program, of which 460,000 people were aged 70 and over.²⁶²

6.2 Residential Aged Care

There are two levels of residential care – low (hostels) and high (nursing homes). The *Aged Care Act 1997* (Cth) introduced an integrated quality assurance framework, and unified the nursing home and hostel sectors. The unification of the sectors enables residents to age in place as both high and low care can be offered in the one place.²⁶³ 8% of the 21% of people 70 and over who use government funded aged care services are in residential aged care.²⁶⁴ In 2002-03, there were more than 184,000 recipients of permanent residential aged care and 34,000 people received residential respite care.²⁶⁵ All 943 aged care homes in NSW are

²⁵⁷ Bishop, n 247, p 8.

²⁵⁸ Australian Government, Department of Health and Ageing, 'Home and Community Care', www.hacc.health.gov.au

²⁵⁹ Bishop, n 247, p 8.

²⁶⁰ NSW, Department of Ageing, Disability and Home Care, 'Home care service of NSW', www.dadhc.nsw.gov.au

²⁶¹ Bishop, n 247, p 9.

²⁶² Ibid, p 6.

²⁶³ Ibid, p 3.

²⁶⁴ Andrews, n 1, p 48.

²⁶⁵ Bishop, n 247, p 6.

accredited. 904 of these homes were recently found to be fully compliant in all 44 outcomes in the Accreditation Standards, with the majority of the other 39 homes only non-compliant in one or two expected outcomes.²⁶⁶

6.3 What improvements are being made to the provision of aged care?

The demand for aged care services is often greater than availability. The Aged and Community Services Association of NSW and ACT surveyed the waiting lists of 208 residential care services and 72 community care services in NSW and the ACT in December 2003. The survey found that:²⁶⁷

- Approximately 8,800 people have their names on nursing home waiting lists and 11,800 people have their names on waiting lists for hostels.
- 1,700 people have their names on waiting lists for Community Aged Care Packages.
- The average waiting time for a nursing home is 24 weeks. For a hostel it is 36 weeks and for a Community Aged Care Package it is 18 weeks. The waiting time has increased by at least four weeks for all categories since 2001.
- The areas with particularly long waiting lists compared to the number of available places include the ACT, Central Coast, Hunter, Western Sydney and Far North Coast.

The Aged-care Rights Service (TARS)²⁶⁸ provides legal advice for residents of nursing homes, hostels and retirement villages and for people receiving Community Aged Care Packages. Its objective is:

To advocate for the recognition and enforcement of rights of predominantly older people living in supported forms of accommodation such as nursing homes, hostels and retirement village residents, to achieve greater autonomy and a better quality of life for these people; and to assist impoverished, distressed or helpless individuals and/or groups who are disadvantaged and lack sufficient financial or other resources or access to such resources, to adequately protect, advance or represent their interest.

It seeks to achieve this objective through casework, the provision of information, and the operation of an education unit.

²⁶⁶ Mark Brandon, The Aged Care Standards and Accreditation Agency Ltd, *personal communication*, 22/9/04.

²⁶⁷ Aged and Community Services Association of NSW and ACT, *2003 Waiting List Survey*, May 2004, p 1. www.agedservices.asn.au

²⁶⁸ The Aged-care Rights Service, www.tars.com.au Accessed 30/8/04.

The Australian Government has allocated \$30 billion to the provision of aged care over the next four years.²⁶⁹ The Government has announced that it 'will implement a range of measures to increase the number of aged care places, improve the quality of care, and help providers to build new facilities and upgrade existing ones, as a direct response to the longer term issues of the ageing of our population'.²⁷⁰ It is attempting to boost the size of the aged care workforce. Some of the initiatives include:²⁷¹

- over 400 aged care homes provided training and education for more than 4400 care staff through 38 training and education programs;
- over 900 aged care nursing scholarships were awarded to encourage people from rural and regional areas to enter aged care nursing;
- recipients of aged care nursing scholarships received additional support to maintain the connection with the aged care sector through the provision of mentors, quality clinical placements and access to aged care specific networks.

Almost 28,000 new aged care places are to be allocated over the next three years, of which 13,030 are to be assigned in 2004.²⁷² An additional \$101.4 million is to be spent over the next four years on:²⁷³

- 400 additional undergraduate higher education places in nursing;
- assisting 15,750 aged care workers (to Enrolled Nurse level) to obtain formal qualifications so the quality of care may be improved;
- training up to 5,250 enrolled nurses in medication management; and
- assisting 8,000 aged care workers with language and literacy difficulties. They are to be prepared for vocational education through the Workplace English Language and Literacy program.

The Multi-Purpose Services program is a joint Australian and state/territory government initiative. It provides health and aged care services in small rural and remote communities. There were 90 Multi-Purposes Services in June 2003 which provided 1643 residential care places and 167 packages.²⁷⁴

²⁶⁹ Bishop, n 247, p v.

²⁷⁰ Federal Budget Statement 2004-2005 Overview, p 12.

²⁷¹ Bishop, n 247, p 5.

²⁷² Ibid, p 17.

²⁷³ Ibid, p 20.

²⁷⁴ Australian Institute of Health and Welfare, *Residential Aged Care in Australia 2002-03*, Australian Institute of Health and Welfare, Canberra, 2004, p 1.

7 CRIME

This section looks at the experience of older persons as victims of crime, abuse and neglect. It also considers some of the issues associated with older members of the prison population in Australia.

7.1 Older persons as victims of crime

The following points highlight some of the characteristics of crime experienced by older persons:

- The risk of being a victim of assault, sexual assault and robbery generally decreases with age. Women over 65 have a slightly higher risk of being a victim of robbery than men of the same age (34 per 100,000 compared to 27 per 100,000). However, their risk is still lower than for women of other ages.²⁷⁵
- The risk of homicide for an older person is also low, at 1.5 per 100,000, with men and women at equal risk. 313 older persons were victims of homicide between 1989 and 2002, representing 7% of all victims. People aged 65 and over are more likely to be killed in the home, but are equally likely to be killed by a stranger as they are by someone known to them. 28% of homicides involving an older person occurred in the course of another crime, compared to 13% of all homicides.²⁷⁶
- Whilst older persons are three times less likely to be a victim of consumer fraud, it features significantly in terms of their experience of crime.²⁷⁷ Studies have found its occurrence to be twice that of assault or theft, and 13 times the rate of robbery.²⁷⁸ James et al consider the situations in which older persons are particularly vulnerable to consumer fraud to include door-to-door selling, items sold over the telephone, and receiving questionable mail order purchases.²⁷⁹ Smith has warned of the dangers of stereotyping older people, and highlights that in general, 'the extent to which older persons are defrauded is directly proportional to the vulnerabilities that arise out of the circumstances in which they live'.²⁸⁰

The fear of crime amongst older Australians may be disproportionate to their risk of being a victim of crime. However, James et al have highlighted that 'fear of crime is not just

²⁷⁵ James et al, n 191, pp 31 and 33.

²⁷⁶ Ibid, pp 29-30.

²⁷⁷ Carcach C, Graycar A and Muscat G, 'The victimisation of older Australians', *Trends and Issues in Crime and Criminal Justice*, No 212, June 2001, p 3.

²⁷⁸ James et al, n 191, p 36.

²⁷⁹ Ibid.

²⁸⁰ Smith R, 'Fraud and financial abuse of older persons', *Trends and Issues in Crime and Criminal Justice*, No 132, October 1999, p 1.

about the chances of being victimised, it is also about the perceived and actual consequences. Thus, the most fearful groups are those who would be more socially and physically vulnerable to the consequences of crime if it occurred'.²⁸¹

Older persons may be vulnerable physically, financially and/or socially.²⁸²

- Physical vulnerability

Carcach et al have highlighted how physical vulnerability contributes to fear of crime amongst older people. Reduced strength can limit their ability to respond to an attack. It may also encourage the perception of them as a suitable target.

- Financial vulnerability

The largest group of people living in poverty in Australia is the elderly (persons over 65, or over 60 if an unmarried woman).²⁸³ 24% of older people who do not reside in an institution live below the poverty line and 22% live just above the poverty line.²⁸⁴ Some older people may be unable to properly secure their home due to financial constraints. Any losses may also be harder to deal with as the result of already difficult financial circumstances. However, the limited finances of some older persons may decrease the risk of their being targeted as it may reduce their attractiveness to potential offenders.

- Social vulnerability

With the exception of assault, the victimisation rate of older persons who are separated or divorced has been found to be twice that of other older persons. The highest risk of personal victimisation belongs to older persons who regularly leave their home for recreation during the evening.

James et al have identified a relationship between fear of crime, community involvement and self-confidence.²⁸⁵ Those who are most active and involved in their community are least likely to be anxious about crime. The Australian Government has acknowledged the importance of urban planning and crime prevention strategies in enhancing the actual and perceived safety of older persons.²⁸⁶

²⁸¹ James et al, n 191, p 41.

²⁸² Carcach et al, n 277, pp 2 and 4.

²⁸³ James M, 'The elderly as victims of crime, abuse and neglect', *Trends and Issues in Crime and Criminal Justice*, no 37, June 1992, p 1.

²⁸⁴ Ibid.

²⁸⁵ James et al, n 191, p 69.

²⁸⁶ Bishop, n 37, p 27.

According to James et al, there are three types of programs that need to be implemented to increase the safety and security of older persons.²⁸⁷

1. Personal safety and home security.
2. Social interaction and community participation.
3. Financial advice and fraud prevention.

They argue that state governments are better equipped than other levels of government for coordinating crime prevention programs for older people. The housing, transport, health, police and attorney-general's departments are relevant for this purpose. They suggest that local governments are in the best position to implement crime prevention and fear reduction programs for older members of the community because of their ability to respond to local needs.

7.2 Abuse and neglect

Unfortunately some older persons are victims of abuse (an act of commission) and/or neglect (an act of omission).²⁸⁸ James and Graycar define 'elder abuse' as 'any behaviour or pattern of behaviour by a person or persons which results in harm to an older person'.²⁸⁹ The NSW Advisory Committee on Abuse of Older People in their Homes identified various forms of abuse including financial, psychological, physical, sexual, and neglect.²⁹⁰ Some examples of the different types of abuse and neglect an older person may be subjected to include:²⁹¹

- Psychological abuse

Verbal intimidation and humiliation, being threatened with punishment or placement in an aged care institution, scolding, being treated as a child, affection being withheld.

²⁸⁷ James et al, n 191, p 70.

²⁸⁸ James, n 283, p 4.

²⁸⁹ James M and Graycar A, *Preventing Crime Against Older Australians*, Research and Public Policy Series No 32, Australian Institute of Criminology, Canberra, 2000, p 56.

²⁹⁰ NSW Advisory Committee on Abuse of Older People in Their Homes, *Abuse of Older People: The Way Forward*, Ageing and Disability Department, Sydney, 1997, p 10.

²⁹¹ James, n 283, p 4.

- Economic abuse

Money and/or other valuables may be misused, changes to a will may be forced, older persons may be denied access to their personal finances.

- Physical abuse

Assault, sexual abuse, restriction of movement.

- Neglect

Deprivation of basic needs – food, liquid, medication or services.

Kinnear and Graycar have estimated that 5% of older persons have experienced some form of abuse.²⁹² However, it is likely that the abuse of older persons is underreported. An incident may not be reported because of: the close relationship between the older person and the offender; fear of retaliation; the older person may be unaware of the crime; or the only alternative for some would be to live in an institution as they have no one else to care for them.²⁹³ Kinnear and Graycar note that, ‘The stressful nature of the caring role, complex family dynamics and a loose and largely unregulated system of support provide an environment in which abusive situations can arise’.²⁹⁴ They have also found dependency and a previous history of family violence to be influential factors in abusive situations. In some cases, the roles may have reversed, with the past victim becoming the abuser. However, the older person may not always be the victim – in some cases it is the elderly person who is abusive towards their carer.²⁹⁵

There has been discussion in the past about whether it should be mandatory to report elder abuse. The NSW Advisory Committee, following the recommendation of the NSW Task Force on Abuse of Older People, opposed the introduction of mandatory reporting of abuse.²⁹⁶ The Committee noted the conclusion of Professor Mason (commissioned to review the literature on mandatory reporting) that ‘there is no support for mandatory systems being any more effective than voluntary systems of reporting abuse of older people; and within the literature reviewed there is very little support for, and mostly criticism of, mandatory reporting laws as implemented’.²⁹⁷ However, the NSW Task Force

²⁹² Kinnear P and Graycar A, ‘Abuse of older people: Crime or family dynamics?’, *Trends and Issues in Crime and Criminal Justice*, no 113, May 1999, p 1.

²⁹³ Smith, n 280, p 2; Kinnear and Graycar, n 292, p 5.

²⁹⁴ Kinnear and Graycar, n 292, p 2.

²⁹⁵ Ibid, pp 3-4.

²⁹⁶ NSW Advisory Committee, n 290, p 34.

²⁹⁷ Ibid.

on Abuse of Older People established a set of principles that provide a framework for intervention. These principles are:²⁹⁸

- Self determination is to be encouraged, with individuals assisted to make their own decisions, provided with information about relevant options, and given the option to refuse services if able to do so.
- The interests of the victim take precedence over those of the victim's family or other members of the community.
- Intervention must be victim focussed with a view to ensuring safety and ongoing protection from violence and abuse.
- Victims of violence, abuse, threats, intimidation and harassment should be offered protection through legal remedies.
- Assault and some other forms of abuse (eg theft and fraud) are criminal offences.
- Confidentiality of information is to be respected in accordance with professional ethics, agency policy and legal obligations.
- The desire of an older person for an independent advocate of their own choice should be respected.

7.3 Elderly inmates

According to Healy, older people are generally more law abiding.²⁹⁹ She therefore suggests that the rate of crime may decrease as the population ages, resulting in savings to the areas of police and prisons. However, one of the issues associated with an ageing Australia is the ageing of the prison population. In the decade between 1987 and 1997, the average age of an inmate rose by two years from 30 to 32.³⁰⁰ The following table compares the age of Australian inmates between 1987 and 1997. It shows the general decrease in the proportion of prisoners aged less than 30 whilst the percentage of prisoners aged 35 and over has increased.

²⁹⁸ Quoted in NSW Advisory Committee, n 290, p 14.

²⁹⁹ Healy, n 74.

³⁰⁰ Grant A, 'Elderly inmates: Issues for Australia', *Trends and Issues in Crime and Criminal Justice*, No 115, May 1999, p 2.

Age distribution of Australian inmates – percentage of total prison population

	Under 18	18	19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and over
1987	1.1	3.2	4.8	26.6	23.2	16.4	10.0	6.7	3.9	2.0	1.1	0.6	0.4
1997	0.4	1.8	3.6	22.6	21.6	16.4	12.4	8.3	5.6	3.6	2.0	0.9	0.8

Source: Grant A, 'Elderly inmates: Issues for Australia', *Trends and Issues in Crime and Criminal Justice*, No 115, May 1999, p 2.

Grant defines elderly inmates as inmates aged 50 years and over (biologically inmates are often much older because of years of drug and alcohol abuse, poor eating habits, stress, and/or economic disadvantage).³⁰¹ The proportion of prisoners aged 50 and over increased from 4% in 1987 to 7% in 1997. Elderly inmates may have been imprisoned for the first time at an older age. They may be repeat offenders who return to prison when older, or they may have grown old in prison due to the length of their sentence.³⁰² Elderly inmates are more likely to be held in minimum-security prisons.³⁰³

The most common offences committed by elderly inmates are violent/sexual offences (63% of offences for which elderly inmates were imprisoned in 1997).³⁰⁴ A higher proportion of inmates over 50 are imprisoned as a result of a drug offence compared to inmates aged under 50 years.

There is a need to prepare for the ageing of the prison population. Grant warns that:

Correctional administrators in Australia must be aware of the trend towards an increase in elderly inmate populations, so that they can anticipate the numbers of elderly inmates that they may have to manage in the future. Probable increases in expenditure have been noted in all areas of correctional management – from the design of correctional centres, diet, health and medical services to service provision and staffing issues. Failure to anticipate such population and cost increases may place further constraints on correctional budgets in the near future.³⁰⁵

³⁰¹ Ibid, p 1.

³⁰² Ibid, pp 2-3.

³⁰³ Ibid, p 2.

³⁰⁴ Ibid, p 3.

³⁰⁵ Ibid, p 6.

8 CONCLUSION

Ageing is an inevitable part of life. For individuals, it invokes considerations of retirement, housing, health and lifestyle. The circumstances in which people age can vary greatly in terms of financial security and quality of health. Some older Australians may require care and assistance with daily living, many others provide care for spouses, parents, children and grandchildren. Governments have introduced initiatives to encourage healthy ageing, so the number of years of good health and independence enjoyed by an individual lengthens, not just years of life.

The ageing of Australia's population is an issue that is increasingly attracting attention, particularly at a governmental level, as the appropriate preparations for its impact are determined. This paper has attempted to highlight some of the likely economic and social impacts of the ageing of Australia's population. Ageing is not always viewed positively. Some view the ageing of Australia's population as placing a heavy burden on younger taxpayers. However, there are many ways in which older people contribute to society including as mature members of the workforce, in the form of unpaid work, and as consumers. Some older persons experience discrimination on the basis of their age. Attempts are being made to remedy the perception some members of the community have of older people.

As Healy concluded:

The ageing of the population should be seen as a transition not a crisis, with opportunities as well as challenges in society's response to the ageing question. The main challenge is to promote healthy and productive ageing and to adjust societal practices and structures to include older people as contributors to society.³⁰⁶

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