

CATHOLIC WOMEN'S LEAGUE AUSTRALIA INC

Member Organisation of the World Union of Catholic Women's Organisations
'NGO in Consultative (Roster) status with the
Economic and Social Council of the United Nations'

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MS

Ms Cheryl Scarlett
Secretary
Legal and Constitutional Affairs Committee
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

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House of Representatives Inquiry into Older People and the Law

Thank you for the opportunity to contribute to this inquiry.

Forwarded herewith is a submission prepared by Mrs Betty Roberts OAM,

on behalf of Catholic Women's League Incorporated.

Yours sincerely,

Mary Schultz
National President
CWLA Inc.

CATHOLIC WOMEN'S LEAGUE AUSTRALIA INC.

SUBMISSION TO:

**HOUSE OF REPRESENTATIVES
LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE**

OLDER AUSTRALIANS AND THE LAW

December 2006

Contact person

(Mrs.) Betty Roberts OAM

OLDER AUSTRALIANS AND THE LAW

INTRODUCTION

The attitude of the average Australian to their elders is sorely in need of attention. A lot of problems would simply disappear if a way could be found to instil respect. It is a problem that seems permanently filed in the too hard basket and legislation cannot correct it.

Most of us are taken by surprise when we are first treated shabbily because of our age. The problem is wide spread and ranges from shop assistants to medical services and government bureaucrats. Seniors should be valued for their contribution to society yet the worst examples are evident in Nursing Homes where capable and intelligent people who have contributed much to society are often addressed as if they are backward children.

Despite 40 years of effort by the Council on the Aging their vision statement "**An inclusive community which values supports and recognises the contribution of older people**" remains but a 'vision'.

DISCRIMINATION in EMPLOYMENT

The Human Rights and Equal Opportunity Commission Act 1986 has not brought about equal opportunity in employment.

The Australian Government Directory of Services for Older People (that very few older people are aware of) has a section on "Getting help to find work". The Dept. of Health and Ageing preface this section of the Directory:

"All Australians, regardless of their age, have the right to expect to access appropriate employment training and learning services so that they can get the support and assistance they need. Employment can contribute to mental and emotional wellbeing in later life and provide additional retirement savings. Older people should be able to exercise choice about whether to continue in paid employment past traditional retirement age".

This aim does indeed create employment for the many people who are employed as Personal Advisers, in Job Search and Career Information Services - but the number of actual jobs obtained for older people is negligible. People who join the work force or lose a job in mid-life are grossly disadvantaged and have very little chance of finding paid work though already possessing talent, skills and experience learnt in the workforce. Centrelink now expects the jobless to volunteer their time for

20hrs. a fortnight without reimbursement for the cost to the worker who must travel to and from the job. Voluntary work costs the worker.

I have a multi talented friend who has persistently sought work for over eleven years with only sporadic results. She is attractive, lively intelligent and endowed with many gifts that enable her to work with troubled kids or prisoners yet she is seldom given a chance to invest her talents in this vocational work. The following is her story in her own words.

Job Search

I am now 64 years old and have been looking for work for many years – too many to recall. I have a small shack in Tasmania where I can live rent-free but there is no work in Tasmania. The search for work has taken me to Townsville, Brisbane, Melbourne, Hobart and the Northern Territory.

Sometimes I obtain a few weeks or just one week of work in the school on Cape Barren Island in Bass Strait where I am paid as a teacher's aide, despite having many years experience as a teacher at every level of education and accreditation in Canada and England.

To be paid adequately as a registered teacher I would need to return to the university, start again and obtain a Master of Education since I did not complete the Dip Ed. After completing my degree I went out teaching in a Tasmanian High School instead, having been urged by my parents to believe that I would never need a job – I would just be a mother.

I have studied in the Townsville TAFE to be a volunteer English Literacy tutor and I have paid \$1600 for a TESOL certificate that I am presently completing. I also gained the Certificate 4 Workplace Assessment and Training in order to be better equipped for job seeking. I have a BA and Tasmanian Teachers' Certificate.

Over the years I have applied for so many jobs and researched so many others on the net that I have lost count. This year I spent a few weeks preparing an application for a job in Alice Springs for which I was certainly qualified and was short-listed and interviewed but was not even notified about the result until many weeks later when I enquired. As the Charles Darwin University stated it was possible to have feedback on my unsuccessful application I sent a written request but I have had no reply. If I was unsuccessful due to my age I suppose I would not be told this.

I feel irate and frustrated when I hear politicians giving lip service to the notion that Australia needs to use the talents and experience of its older citizens and that we have a skills shortage. I am extremely energetic, healthy and fit and would love to contribute to our society but I would like to be paid. It is difficult to live on the old age pension of \$250 a week when running a vehicle, paying rates, power bills, firewood, telephone and food. In order to be able to apply for work one needs a computer, a telephone and the financial ability to move interstate.

At present I am working as a volunteer for two hours a week in the Migrant Resource Centre in Hobart tutoring in English. I would love to interact with human beings for many more hours a week. Last year I worked in a Primary School in the After School Programme in Fairfield, Melbourne teaching woodwork for two hours one day a week. In the past I have worked as a cook, a florist, a cleaner, a research assistant at the university, a community projects officer and an artist in schools.

This year I applied to Australian Volunteers International. They accepted my application but warned me that I would be unable to pay my property rates in Australia on the small stipend provided to their volunteers. What has happened in Australia as the standard of living and property values have increased is that some hard working people have been marginalised – those without superannuation, dividends, etc. Rents are utterly exorbitant and require an adequate income.

Last week I investigated a body called ARPA which helps older people to get work. There were so many fees associated with this service that it was laughable.

I recently applied to the Board for Independent Aboriginal Schools in WA. They were advertising for teachers who would work in the Great Stony Desert and who were interested particularly in language. I have worked in many aboriginal communities in NT, QLD and TAS. One school needed a relief teacher for two months – straight away. However when the school urged me to apply for temporary registration I was told by the WA accreditation board that I MUST be four year trained, despite all my successful experience in three different countries. The work force is over regulated, seemingly inflexible and missing out on many people with talent and enthusiasm.

In Tasmania I am a mentor to local children and conduct small classes in my shed after school. This is a service to a community that I believe in and enjoy but it has long been frustrating and demoralising seeking more sustained, paid work.

Talents are being lost because they are not being handed on. Seniors could share a host of talents in house-sized academies in the suburbs. What is required is a building and a salaried well motivated coordinator (such as my friend) to roster talented older citizens as instructors. A society that values older people could benefit from this arrangement. Rostered *instructors* would enhance their “mental and emotional wellbeing” and that of others in the community.

Compiling a Directory and setting up “employment training and learning services” has done little to solve the under employment of older people. The Age Discrimination Act 2004 has had little practical effect and neither will the public enquiry into Older People and the Law unless some practical job opportunities are created and hands on services such as the Council for the Aging receive more funding “to identify the needs and wants of older people and to respond to these through advocacy, advice and/or appropriate action”

FINANCIAL ABUSE & FAMILY AGREEMENTS

I submit two examples of financial abuse involving family members.

A father made an arrangement with his daughter, who was being abused by her partner, to sell his house to her for the \$7,000 first home allowance so as to provide her with a safe haven while he continued to live there. By the time the property was transferred to her name she had returned to her abusive partner who thought to profit from the "gift" by selling the property. Fortunately the father sought help from a knowledgeable lady who encouraged him to find his daughter alone and attempt to rectify the wrong. The house was transferred back to his name. A portion of the \$7,000 was used to pay the transfer fee. While this problem was active we discovered that there is no obligation for the recipient of a first home loan to live in the house they purchased.

An elderly lady who had lost her sight was persuaded by her grandson to sign a loan to purchase and install a radio in the cabin of his truck "to keep him awake". Afterwards she discovered that she had signed a document transferring her property to him.

Surely documents for things like property transfer must be signed and witnessed before a Justice of the Peace to legitimise them.

Australia must address the wide spread use and abuse of mind altering chemical substances known as drugs. Drugs that act upon the central nervous system change the way the mind functions, distort information received, alter time and visual perception and impair cognitive capacity. They alter behaviour and skilled performance that impacts on the wider community, particularly on families.

Australia's drug use has grown to be amongst the highest in the world with 40% of the adult population suffering health, financial or legal problems associated with the use of alcohol, pharmaceuticals, and illicit drugs. This misuse of drugs cuts right across the social fabric and may lead to a loss of control resulting in emotional, verbal, physical and or sexual/violence. Spouse and parents, particularly lone parents are frequently stood over and abused both emotionally and physically by the user who may have no memory of the incident.

FRAUD

Disbarment seems an inadequate penalty for legal firms and others who rob people of their life savings. When I see older people suffering the humiliation of losing

their home, life savings and/or superannuation because of some greedy predator I feel no punishment is too great for the perpetrators.

It is unacceptable to have huge Superannuation Funds lost through investment in shoddy schemes. Until severe penalties are imposed these shysters will continue to wreak havoc on workers particularly those reaching retirement.

HEALTH

Public Hospitals functioned best when run by a Board that includes the Medical Superintendent. Public Hospitals are the best at dealing with the growing health problems of an aging population. We are not blind to the expense of keeping 'oldies' alive and we are very much aware of the growing push towards Advance Medical Directives or Living Wills in the hope that older people will elect not to be resuscitated.

GENERAL AND ENDURING POWER OF ATTORNEY PROVISIONS

Recent legislation makes it possible for you to appoint a person or persons to make lifestyle decisions for you if you lose the capacity to make those decisions yourself. By appointing your own enduring guardian before losing mental capacity, you decide who will be your guardian and how you want decisions made for you.

Lifestyle Directions and Health Care Directives can be lodged with the Public Guardian before we slip into dementia. Advance Directives are a good way of indicating our wishes should we for any reason be unable to communicate them. **These directives ought not become legally binding so that medical staff and loved ones have some leeway for treatment decisions while exercising due regard for our advance directives.**

CONCLUSION

Researching this subject I found an extraordinary number of publication from many different sources:

Australian Government Department of Health and Aging
The Police

A guide to Government Services i.e. Dept. of Education, Dept. Health and Human Services, Dept. of Justice, Dept of Premier and Cabinet.

Guardianship and Administration Board

The National Information Centre on Retirement Investments Inc.

Dept of Health, Housing and Community Services.

Human Rights and Equal Opportunity

The Age Discrimination Amendment Bill 2006

Centrelink
Legal Information and Referral
Advocacy for Older People

Compiling directories and passing laws to solve the problems of an aging population won't change public perception or improve conditions. The problems are practical and require practical solutions.

We recommend less spending on printed material and more funding for practical solutions that keep older people stimulated, independent and well. The criteria for further funding could be the schemes proven benefit to older people. The following is a plan from the lady whose story appears earlier:

The Roving Shed

Project description: To provide a highly skilled artist/teacher in a vehicle equipped for multi purpose creative projects able to move flexibly and engage in many situations within the community.

Highly innovative, but simple and with potential to foster the arts and create opportunities for those who may be disengaged from the mainstream

Purpose:

To engage with exceptional/disengaged youth

To provide opportunities for immediate engagement in the arts

To be flexible enough to move quickly into a situation upon request and have facilities immediately available

To be able to work within institutions with minimum disruption.

OR to be free-lance in any situation in a city or rural setting.

Already available:

A double cabin ute with wooden tray and canopy fitted with the following:

Shelves, tools, workmate, vises and traveling bench

An annex which fits onto the back of the canopy for shelter

A camping cooker.

Philosophy:

Bringing together the skills I have developed in many situations I have the experience and breadth of cultural interaction now to work at many levels with students who may alienate class room teachers hard pressed to cope with individuals who demand attention and/or have disruptive habits.

I can see very healthy outcomes when working through art in a low- key way with people of all ages, e.g. in schools, prisons, hospitals, community centres and other institutions.

Creativity is subtle, effective, non-threatening and enjoyable. It can be private and non competitive which is also healthy.

Methods used are flexible, adapted to the situation and usually multi-discipline,

encompassing literary skills, maths, use of spoken language, history, new languages, music and cooking for practical purposes and satisfaction.

Students who refuse to read or write in class will willingly engage in planning, implementing and recording projects which they have enjoyed.

The items created may be exhibited and therefore disengaged students can gain kudos and admiration usually denied them. This avenue of satisfaction is very important.

Skills developed in woodwork, carving, painting can be passed on to other students which increases the confidence of the tutoring students. This is also satisfying and rich.

Communication through practical activities such as furniture making and design with recycled materials, creation of functional objects or painting comes naturally.

One to one tuition, if necessary, means there is no need for bravado and the resultant artifacts are a source of satisfaction and pride.

Needs:

Production of a brochure which explains and publicises the project.

Grant needed for brochure and wage for artist, fuel and vehicle costs.

Comment:

Over the past 20 years I have worked from my own shed and in many schools and other institutions. As can be seen in my CV I have wide experience in many different situations and cultures. I have worked at every level of education in three countries and through Victoria, Tasmania and Queensland.

Since 1996 have worked in aboriginal communities, including Palm Island and Cape Barren Island (7 projects)

I have been engaged as an artist in the Melbourne Assessment Prison and in Forensic Acute Mental Health Unit, Townsville Hospital.

I have worked with migrants in a voluntary capacity and also with local children in rural Tasmania where I have a workshop.

My furniture and art is represented in Parliament House Canberra, Aust. National Gallery and the National War Memorial, NGV etc.

I am keen to use my experience in the most useful and innovative way for the sake of a healthy future for young Australians. With a ute set-up as a roving shed I would have potential to realize my commitment to mental health through art.

If the government is intent on exploring employment opportunities for older people they need the help of older people with ideas.

It seems 'the powers that be' feel once it's been set down in Bill form it's "problem solved" whereas nothing has changed other than a law has been passed. Let us see whether the Age Discrimination Amendment Bill 2006 protects everyday Australians against arbitrary, irrational and bigoted treatment.