



HOUSE OF REPRESENTATIVES

Standing Committee on Legal and Constitutional Affairs

Inquiry: Older people and the law

MEDIA RELEASE

Issued: 20 September 2007

Chairman: Peter Slipper MP

Report on Older people and the law

The House of Representatives Legal and Constitutional Affairs Committee today released its report on older people and the law.

The report makes a total of 48 recommendations with a particular focus on fraud, financial abuse, substitute decision making, and family agreements.

“Australia faces an inescapable demographic destiny with regard to its ageing population,” Committee Chairman Peter Slipper said. “By 2046, it is estimated that over 25% of Australians will be aged 65 years or more. One of the key challenges for government is to ensure that the legal system will meet the needs of these Australians.”

“Older people are in many ways no different to the rest of the community – but they do face particular challenges in their interaction with the law,” said Mr Slipper. “Many are unaware of their legal rights and options for legal remedy. As ageing takes its toll, isolation, poor health and a loss of mental capacity can leave older people vulnerable to exploitation, abuse and neglect.”

“Differing laws in a number of areas emerged as a major focus for the Committee during the inquiry,” Mr Slipper said. “It became clear that legislative changes are needed to provide uniformity across Australia, particularly in the area of powers of attorney.”

“The report also emphasises the need for legal services that are appropriately funded, targeted and delivered,” said Mr Slipper.

Key recommendations of the report include:

- National industry-wide protocols for banks and financial institutions to report alleged financial abuse;
- Uniform legislation on powers of attorney across states and territories;
- A nationally-consistent approach to the assessment of mental capacity;
- A national register of enduring powers of attorney;
- Awareness and education campaigns for powers of attorney, advance health care planning and advance care directives, and family agreements;
- Nationally-consistent legislation on guardianship arrangements;
- A rebate scheme for legal fees for older Australians; and
- A review of retirement village contract arrangements.

For media interview:

Please contact the Committee Chairman, Peter Slipper MP on (02) 6277 4975 (Canberra office) or (07) 5443 3555 (electorate office). Or Mr Slipper’s media adviser, Richard Bruinsma, on 0417 486 673.

For background information, including the terms of reference, a copy of the report, and copies of submissions, please contact the Committee Secretariat on (02) 6277 2358 or visit the inquiry website at: <http://www.aph.gov.au/house/committee/laca/olderpeople/report.htm>.