

Submission No. 47
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The Committee Secretary
House of Representatives Legal and Constitutional Affairs Committee
PO Box 6021
Parliament House
Canberra ACT 2600

Please accept the following as a submission I wish to make to the inquiry into older people and the law.

There are many obstacles preventing older people from accessing and navigating the various legal processes in our community.

I have detailed below what I believe are the most important barriers affecting older Australians.

Regards

MARGARET JONES
D.O.B. 14. 4. 1927

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1. Lack of knowledge of available services

- 1.1 Community Legal Centres (CLCs) provide valuable advice and services without charge to those who could not otherwise afford legal assistance..
- 1.2 Because the independent CLCs are vastly under funded, their face to face case work schedules can often be limited, and advice services by outside pro bono solicitors are offered beyond normal office hours.
- 1.3 For many older people this means travelling alone at night on public transport and possibly walking some distances in the dark. Personal safety concerns would be enough to deter older people from attempting to access such services.
- 1.4 Lack of general knowledge about what services are available to the community is also a problem. Limited funds mean CLCs are not in a position to use paid advertising and often rely on local networks and word of mouth.
- 1.5 Eligibility for Government funded Legal Aid Commission assistance is restricted. It can only be used for advice and court representation in criminal and custodial matters and is income tested.
- 1.6 The closure of the Redfern Court House in 2005 denied access to advice from the Chamber Magistrate in a area surrounded by public housing occupied by vast number of aged tenants who now have no local source of readily available legal assistance.

2. Access to services

2.1 With advances in modern technology, many services have become reliant on computers. This disadvantages many older people as this generation is not generally computer literate.. For example, there is a vast amount of valuable information on the internet, but unless one is technologically skilled there is no opportunity of being able to access this information without the funds to purchase the equipment and pay tuition fees.

2.2 Older people generally prefer face to face consultations rather than discussions by telephone. Many rely on CLCs to assist in day-to-day matters of domestic, neighbourhood, small debt and tenancy disputes. With only small amounts of funding, CLCs have to provide a service to as many as possible and unfortunately this can mean a reduction in face to face case work and an increase in telephone consultations.

2.3 Financial constraints are a significant impediment in accessing the law, especially for age pensioners and others with little money to instruct private solicitors.

2.4 Material produced by government bureaucracies can often be intimidating for older people. Understanding what is available can be exceptionally difficult for those from a culturally and linguistically diverse background (particularly indigenous people) and those with an intellectual disability.

2.5 For rural and remote communities these problems are compounded due to distances they need to travel to access any type of service.

3. Lack of knowledge about rights

3.1 Because of restricted access to legal information, many older people are not aware of their rights under the law.

3.2 Older people are more vulnerable to being victims of fraud. Unfortunate errors in judgement can result in the loss of life savings or the family home by unwittingly entering into a binding contract based on misrepresentation or false claims. There needs to be more resources available to let older people know what their rights are and who to contact in such a situation.

3.3 Financial abuse directed by family /carers of the old does occur by denying them access to legal advice and coercing them into agreements allowing access to bank accounts and transfer of the family home and possessions to their name. Misuse of Power of Attorney under these circumstances may also be possible

4. Discrimination and invisibility

4.1 Older people are often stereotyped and categorised as silly and time wasters, their problems are trivialised and dismissed.

4.2 Ageism is reinforced by a lack of understanding of the many issues facing older people, especially health issues like dementia and age-related memory loss and the reality of poverty.

4.3 This discrimination reinforces negative feelings older people may have about themselves or those from whom they seek advice and assistance .