

5 September 2011

National Human Rights Action Plan Secretariat
Human Rights Policy Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Email: nhrap@ag.gov.au

Dear Sir/Madam

National Human Rights Action Plan Baseline Study – Consultation Draft

Thank you for the opportunity to provide feedback on the draft baseline study for the National Human Rights Action Plan and suggestions for potential actions to be included in the Action Plan.

About National Seniors Australia

National Seniors Australia is the largest organisation representing Australians aged 50 and over, with approximately 250,000 members nationwide. We provide a well-informed and independent voice on issues of concern to our members and older Australians more generally. In this submission, therefore, we focus on those areas of baseline study and action plan that are of most relevant to our constituency.

General Feedback

Overall, the draft baseline study appears to provide a reasonable overview of human rights protections in Australia and identifies a number of broad strategies for strengthening human rights in practice. However, it fails to nominate concrete actions, with clear accountabilities and timeframes for delivery, in the areas identified as being of concern. The Action Plan will need to include this level of detail if tangible improvements in human rights are to be achieved through this mechanism.

Chapter 3: The human rights experience of specific groups in Australia

At Section 3.3.2, the draft consultation paper notes that the Australian Human Rights Commission is concerned that the new Paid Parental Leave scheme does not include superannuation. National Seniors shares this concern, as superannuation is a key mechanism for ensuring that older people have an adequate level of income in their retirement. As the draft baseline study notes, the gender pay gap, broken work patterns and the prevalence of part-time work due to child care responsibilities result in women typically having less financial security than men. This heightens

the risk of women living in poverty in old age. The Action Plan should therefore include the following:

- the inclusion of Superannuation Guarantee (SG) payments within the Paid Parental Leave scheme; and
- amendment of the Superannuation Guarantee (Administration) Act 1992 to remove the \$450 monthly minimum salary/wages requirement for an employee to attract Superannuation Guarantee contributions.

We note that in Section 3.4 'older people' are typically defined as aged 65 years or older. When it comes to age discrimination in the workforce, however, it is important to recognise that discrimination strikes much earlier than 65 (by which time most people have retired).

With regard to section 3.4.1 (a) on aged care, National Seniors considers that there should be a reference to the rights of older people to maintain their independence and control in residential aged care, consistent with their capacity to exercise these rights. The National Action Plan should include an amendment to the Aged Care Act 1997 to include these rights within the Principles contained in the Act.

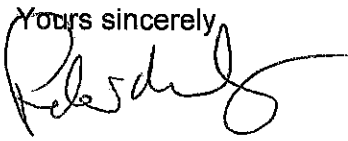
Our comments in relation to Section 3.2 are also relevant to section 3.4.1 (d) on financial security. In addition, older workers are discriminated against under the Superannuation Guarantee (Administration) Act 1992, with employers not required to pay SG contributions for an employee over 70. While the Government has signalled its intention to raise the age limit to 75, National Seniors considers that all older workers should be entitled to receive SG contributions. The Action Plan should therefore include the removal of the age limit for eligibility for SG contributions. We note that the removal of the \$450 monthly income threshold for compulsory SG contributions, recommended above, would also benefit older workers.

With regard to section 3.4.2, besides employer attitudes, older workers face institutional barriers that push them towards retirement. In addition to the discrimination embedded in the superannuation system noted above, these include age limits on benefits and protections such as a diluted federal workers' compensation scheme for those over 63 and mandatory retirement ages in certain professions. The Action Plan should include specific measures to redress these barriers.

With regard to section 3.8, National Seniors considers that carers should have a right to appropriate support in their caring role and access to adequate respite. The Carer Recognition Act 2010 lists 10 principles reflecting how carers should be treated and considered, including recognition of their need for support. However, there is no specific reference to the need for carers to access adequate respite to enable them to maintain their health and wellbeing, participate in family, social and community life, and have opportunities to participate in employment and education. Likewise, while the National Carer Strategy recognises the need for carers to have a break and to be able to access flexible, reliable and responsive respite and support services, the specific actions that the Australian Government intends to take do not include a substantial increase in the availability of respite services, which will be required if carers' needs are to be adequately met. A specific measure to increase the quantum of respite services should therefore be included in the Action Plan.

If you have any questions about our submission, please contact Peter Matwijiw, General Manager Policy and Research on 02 6230 4588.

Yours sincerely



For

Michael O'Neill
Chief Executive