



Australian
Human Rights
Commission

Response to the Public Consultation on the Human Rights of Older Persons

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION TO THE
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

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1 Introduction

1. The Australian Human Rights Commission (the Commission) makes this submission as a National Human Rights Institution (NHRI) to the Office of the United Nations High Commissioner for Human Rights in its public consultation on the human rights of older persons.
2. The Commission strongly supports the development of a convention on the rights of older people. Such a convention would enhance and expand existing protections for older people in Australia, and provide a common approach that articulates the rights of older people.
3. Older Australians are currently protected by a wide range of laws and policies that:
 - support non-discrimination of older people in employment, and access to goods, services and facilities;
 - make it unlawful to discriminate against older people in access to education, accommodation and public premises;
 - provide means-tested social security, including pensions, rental assistance and reduced-cost pharmaceuticals;
 - provide free or subsidised hospital and medical care through a public health system;
 - provide an aged care system that supports care in the home and in residential facilities;
 - provide incentives for employers to retain and hire older workers; and
 - provide some assistance in the transitions from paid work to retirement and aged care.
4. Despite the extensiveness of current protections, Australian laws and policies have developed predominantly in response to particular social problems or policy goals rather than a coherent human rights agenda. This approach means that while certain rights and issues of older people are enlarged and supported, other equally important rights are undervalued and unprotected.
5. Existing safeguards for older Australians could be improved by the introduction of a comprehensive national framework for protecting the human rights of older people. A convention would provide structure and guidance for an overarching national strategy by:
 - increasing the visibility of older people as a vulnerable cohort;
 - drawing attention to categories of human rights by instigating dialogue and debate on the topic of ageing;
 - complementing existing international instruments like that Madrid Plan and UN Principles; and
 - creating pressure and momentum for the Australian Government to adopt a more proactive and holistic approach to human rights protection for older people.
6. At present, Australia has no specific international obligation to report on human rights issues affecting older people. While the Universal Periodic

Review provides an opportunity for Australia to report on the enjoyment of rights by older people, greater attention is placed on those groups whose rights are enunciated in specific conventions. The inclusion of specific reporting requirements in a new convention (such as those contained in the Convention on the Rights of People with Disabilities (CRPD) article 35) would bolster the Government's commitment to, and compliance with implementing the human rights of older people.

7. A convention could assist Australia to become a more effective human rights sponsor and donor in the Asia-Pacific region and internationally. The concluding observations of an age-focussed UN committee at the end of a reporting session could influence NGOs to focus their aid to protecting the rights of older people.
8. In summary, Australia has some effective domestic protections and services for older Australians. However an international convention for older people would bring greater coherence and fullness to Australia's coverage of human rights for older people, both within Australia and in our international activity.

2 Information on the main challenges related to the promotion and protection of the human rights of older persons at the country level

9. Australia's demography is changing. Australians are living 25 years longer than they did a century ago.¹ The Australian Treasury projects that the number of Australians aged 85 years and older will more than quadruple between 2010 and 2050,² rising from 400 000 to 1.8 million.³ This shift will bring about a wealth of economic and social challenges for older people and the country as a whole.

2.1 Health and aged care

10. The increasing life expectancy of older Australians will inevitably result in a greater demand for health and aged care services – including assistance with daily living, assistance with medications, monitoring for illness and intensive assistance such as that provided by a residential care facility.⁴
11. Future challenges for Australia include:
 - a. managing the growing resource demand for health and aged care services, including trained medical and care workers;⁵
 - b. responding to changing patterns of disease, such as chronic illnesses and the prevalence of dementia;⁶
 - c. satisfying the expectations of older Australians for higher quality services and greater control and choice.⁷
12. In response to a national investigation and consultation into the needs of older people,⁸ the Australian Government has committed \$3.7 billion over 5 years

for a 10 year reform program to create a flexible aged care system with more choice, control and ease of access for older Australians.⁹

13. Current services could be enhanced by the application of a human rights approach to enable a strengthened focus on people-centred aged care and meaningful participation by older Australians.¹⁰

2.2 Access to information and participation in decision-making

14. A 2008 survey found that older people had much lower levels of adequate health literacy than younger people.
15. The internet has the potential to assist with improving the health literacy of older Australians. However, research shows that older people are less likely to have an internet connection¹¹ and are less likely to be online or to be confident users of computer technology.¹² The federal government is providing a degree of access to the internet by older Australians through its *Broadband for Seniors Initiative*. However, more work is required to improve the effectiveness of the program and ensure that older Australians, particularly those in remote locations, are confident accessing information online.¹³
16. The implementation of consumer directed care models follows a human rights approach of participation and choice. This gives older Australians greater control over the design and delivery of aged care services and will go part way to assisting older people to participate in decisions that affect them. These policies are in their formative stages in Australia and there is significant work ahead to change the systems that will allow this model to be implemented. A human rights framework would provide an excellent instrument to monitor the implementation of this model and its effectiveness.

2.3 Access to housing

17. Affordable and suitable housing is necessary to meet the demands of an ageing population. Housing in Australia was rated 'severely unaffordable' by the 9th Annual Demographia International Housing Affordability Survey: 2013.¹⁴ The availability of suitable housing that conforms to universal design standards is also an issue because the current provision of age-appropriate housing is fragmented and limited in cities by planning and land-use regulations.
18. There is the need for a national, coordinated approach to housing policy with a particular focus on the housing needs and incomes of older Australians. In February 2013 The Minister for Health and Ageing received the additional portfolio responsibilities of Housing and Homelessness which could assist policy settings on these areas to be better integrated.

2.4 Poverty and social insecurity

19. The Australian Bureau of Statistics reports that older Australians are particularly vulnerable to poverty.¹⁵ Over 18 000 people aged 55 or over were homeless on Census night in 2006; 4000 more than on Census night in

2001.¹⁶ Government pensions and allowances are by far the most common source of personal retirement income for both men and women with two-thirds of retirees relying on the Age Pension as their main source of income.¹⁷ While some people are voluntarily retired, many older Australians are unemployed long before they reach pension age. In June 2010, 140 750 Australians aged 50 and over were unemployed.¹⁸

20. Older women also need particular support and assistance. The Home and Community Care Program, for instance, provided assistance to over 744,000 people (2004-05), 75% of whom were aged over 65. Two-thirds of older clients were women; with the single biggest group being women aged 75-84.¹⁹

2.5 Access to employment

21. While workforce participation rates are increasing among older Australians, many people are leaving the workforce before they are ready and before they have sufficient savings for their retirement.
22. The following are examples of barriers to mature age employment.
- a. Age discrimination – 34 per cent of Australians 65 and over think employers consider them too old, and a similar proportion find it hard to obtain work or work more because of their age.²⁰
 - b. Lack of workplace flexibility – older workers reported the need for flexibility in their working hours or part-time arrangements so that they can fit in caring responsibilities or manage sickness or disability.²¹
 - c. Government and industry age limits – most workers' compensation and income protection insurance schemes have age cut-offs at around 65 years. This acts as a disincentive to work participation for older workers close to, or above the age of 65 because they are less protected in the event of accident or misfortune.²²

2.6 Discrimination

23. Age discrimination is a significant barrier to older people realising their full potential. Discrimination is often the result of social stigma and stereotypes. Some of the more corrosive views about older people in Australia include the belief that older people are all the same, unable to learn or change, unwell, lonely and an economic burden on society.²³
24. Unfortunately, these stereotypes can be reflected in negative employer attitudes as well as discriminatory laws and policies. In the period 1 July to 31 December 2012, the areas in which the Commission received the largest proportion of age discrimination complaints were employment (63 per cent) followed by provision of goods, services and facilities (21 per cent). The main age groups of complainants were 55-64 years (26 per cent) and 65-74 years (22 per cent). The challenge for Australia is to promote greater awareness of age discrimination as a serious human rights violation and greater respect for

diversity in the community, and capacity for older people to contribute in positive ways to the economy and community.

25. The appointment of Australia's first Age Discrimination Commissioner in 2011 has been an important step to focus attention on the prevalence of age discrimination in Australia and to advocate remedies to address and prevent discriminatory attitudes and practices.

2.7 Vulnerable groups

26. Some segments of Australia's older demographic require particular assistance due to their inherent vulnerability or disadvantage.
27. One in five older Australians comes from a **Culturally and Linguistically Diverse (CALD) background**, and the size of this group is growing faster than other segments of the older population.²⁴ Older CALD Australians can face barriers in accessing appropriate health and aged care services,²⁵ such as accessing information and services that reflect their requirements, circumstances and language. For example, older CALD Australians frequently revert back to their first language as a result of the ageing process, so the availability of language appropriate services is very important.²⁶
28. Many older **Aboriginal and Torres Strait Islander people** suffer extreme social and economic disadvantage. Some have also lived through the trauma of colonisation and forced removal from their family of origin. Accessible and culturally appropriate health and aged care services are required for Aboriginal and Torres Strait Islander people to ensure that they are not further disadvantaged by remoteness. In 2004-05, 97 per cent of Indigenous people aged 55 years and over reported having at least one long-term health condition.²⁷ Dementia is also especially prevalent among older indigenous people, and the onset is earlier than for other Australians.²⁸ The life expectancy of Indigenous Australians is also 17 years lower than for the total population so age limits for health and other services must be set accordingly.
29. Many older **lesbian, gay, bisexual, transgender and intersex (LGBTI)** people have experienced lifelong discrimination and stigma, with damaging impacts on their physical health, mental and social wellbeing.²⁹ The national challenge is to conduct more comprehensive research on older LGBTI people in Australian communities and to ensure that they are provided with appropriate health, aged care and other services.
30. Approximately 29 per cent of Australia's population are **rural and remote residents**.³⁰ The distance and remoteness, the extremes of weather and the uncertainties of the rural economy are all factors that can influence and erode the quality of life.³¹ Income in rural and remote areas is generally lower than in metropolitan areas.³² Access to health and mental health services, such as community nurses, general practitioners and specialists is also low. For example only 9 per cent of mental health practitioners have their main practice in a rural area.³³
31. **Women** in Australia have longer life expectancy than men.³⁴ The survival of women to more advanced ages means they have higher levels of severe

disability and are less likely to have a spouse carer.³⁵ Women also undertake the largest share of unpaid care to support relatives and friends who are aged, ill or living with disability.³⁶ This has a significant impact on the retirement income and saving of older women, whose superannuation payouts are reported to be just over half (57 per cent) those of men³⁷ and 26.5 per cent of women have no superannuation upon retirement.³⁸ Despite this, they are not always recognised as a vulnerable group in Australian laws and policies targeted to older people. For example, women are not currently listed under 'people with special needs' in the *Aged Care Act 1997* (Cth). A convention on the human rights of older people would help to raise the public profile of older women in Australia, drawing attention to their general and specific needs.

32. An estimated 394 516 Australians received some form of assistance from the Department of **Veterans'** Affairs (DVA) at 30 June 2007 of which 78 per cent were aged 65 years and over.³⁹ Of this number, approximately 143 000 DVA clients had some experience of mental health concerns. The most common conditions are generalised anxiety disorder, depression, alcohol dependence and post-traumatic disorder.⁴⁰
33. A convention on the rights of older people would increase the visibility of older Australians and highlight the need for a comprehensive national framework capable of recognising and protecting the human rights of older Australians.

3 Information on constitutions or legislation explicitly forbidding discrimination on the basis of old age, and on the existence of specific bodies which protect against age discrimination or are mandated to protect and promote the rights of older persons

3.1 Domestic legislation

34. Australia has ratified a number of international human rights instruments that have relevance for older people. These include, the Constitution of the World Health Organisation, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities. Australia has supported the Declaration on the Rights of Indigenous Peoples and is taking steps for its implementation. Australia has also endorsed a wide range of non-binding international instruments, including the Madrid International Plan of Action on Ageing. However, for international human rights principles to have binding legal effect in Australia, they must be incorporated into domestic legislation.
35. The *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) establishes the Joint Parliamentary Committee on Human Rights to examine bills for compatibility with the seven core human rights treaties Australia has ratified.⁴¹ Since there is currently no convention for older people, the human rights of older Australians are not given specific consideration aside from what is

contained in existing conventions. A convention would require this Committee to assess the rights of older people as a protected group.

36. The *Age Discrimination Act 2004* (Cth) (ADA) is Australia's primary Act for implementing the international commitment to eliminate age discrimination embodied in various binding and non-binding human rights instruments.⁴² The ADA prohibits direct and indirect discrimination in many areas of public life including employment, provision of goods, services and facilities, education, and accommodation. The aim of the legislation is to act as a catalyst for attitudinal change and to provide individuals with an avenue to make complaints of discrimination.⁴³ The Australian Government is currently consulting with stakeholders regarding the consolidation of the ADA and other federal anti-discrimination legislation into a single unified Act for improved consistency and usability. It should be noted that the ADA contains broad exemptions, such as in areas of taxation and superannuation, so it does not provide comprehensive human rights protection for older people.
37. The *Aged Care Act 1997* (Cth) governs residential care and Commonwealth community care packages. The main areas of regulatory control include: funding services; allocating aged care places to approved providers; assessing client eligibility; determining quality care and accommodation standards; ensuring compliance; and handling complaints.⁴⁴
38. The *Home and Community Care Act 1985* (Cth) governs the provision of basic maintenance and support services to older people who live at home.⁴⁵
39. The *Fair Work Act 2009* (Cth) prohibits employers from taking adverse action against employees because of their age. Exceptions apply where discriminatory conduct is permitted under other anti-discrimination laws or related to the inherent requirements of the job. Where an employer is a religious institution, discrimination may be justified on the basis of religious adherence.
40. Each state and territory also has anti-discrimination laws which make discrimination on the basis of age unlawful.⁴⁶
41. Across the Commonwealth, states and territories there are a range of legislative protections for older people. However, lack of coordination across these laws means that the system is complex and this undermines the overall impact of these laws.

3.2 Specific bodies

42. Australia is a constitutional democracy with a federal system of government. Under the federal system, funding for age-related bodies may come from a combination of three sources: direct Commonwealth funding, Commonwealth-State Agreements or direct State/Territory funding.⁴⁷ Some organisations operate on a national level while others are state or territory-based.
43. The *Australian Human Rights Commission* is an independent statutory body established by the federal government to regulate and promote human rights compliance. The *Age Discrimination Commissioner* was appointed to the

Commission in 2011. The Commissioner is responsible for raising awareness of age discrimination, educating the community about the impact of age discrimination, and monitoring and advocating for the elimination of age discrimination across all areas of public life.

44. The Australian Government *Department of Health and Ageing* oversees a wide range of age-related matters. These include managing and regulating services for older people, promoting active ageing policies, and conducting health and age-related research.⁴⁸
45. The *Aged Care Commissioner* is a statutory appointment made under the *Aged Care Act 1997* (Cth).⁴⁹ The Aged Care Commissioner is responsible for the examination of complaints for Commonwealth-subsidised aged care services under the Act.⁵⁰ The Aged Care Commissioner may only make recommendations regarding the findings of these examinations.
46. In addition to government and statutory bodies, there are also a number of national consumer organisations that advocate on behalf of the older population. The *Council on the Ageing* is a non-for-profit organisation with a membership of 28 690 that represents the rights, needs and interests of older Australians as citizens and consumers.⁵¹ With a membership of over 200 000, *National Seniors* operates to help the over 50s community by providing economic and social benefits, making donations to charitable institutions and participating in the development and assessment of policies and laws affecting older people.⁵² Other organisations include the *Association of Independent Retirees*, *Australian Seniors Computer Club Association* and *Australian Pensioners' and Superannuants' Federation*.
47. Community organisations also exist to provide targeted assistance for older people. For example, the *Older Women's Network* focuses on promoting the rights, dignity and wellbeing of older women.⁵³ The *Elder Abuse Prevention Unit* promotes the right of older people to live free from abuse.⁵⁴ Other organisations include *Willing Older Workers*, *National Welfare Rights Network*, and community legal centres such as the *Aged Care Rights Service*, *Queensland Aged and Disability Advocacy*, *A.C.T. Disability*, *Aged and Carer Advocacy Service*.
48. In light of the general lack of reliable data on older people in Australia, some bodies are specifically concerned with expanding knowledge and research in the area. Such bodies include *Elder Law*, which promotes awareness of the legal interests of older people through research, and community and legal education.⁵⁵ A number of university research institutions also focus on age-related research and data collection, such as the *Centre of Excellence in Population Ageing Research* and the *National Ageing Research Institute*.

4 Information on specific national legislation, national policies, strategies and plans of action adopted to ensure the equal enjoyment of rights by older persons in various areas

49. A number of laws and policies operate at the national level to advance or protect the rights of older Australians. While not all policies and programs

proceed from a human rights-based agenda, many have the effect of reinforcing human rights principles or contributing to their fulfilment. The Commission welcomes current government strategies but believes that they could be augmented through the adoption of a specific national human rights strategy for older people.

4.1 National Human Rights Framework

50. On 21 April 2010, the Government launched Australia's Human Rights Framework which outlines the key measures to guide the Government's human rights work. Under [Australia's Human Rights Framework](#), the National Action Plan on Human Rights was developed.⁵⁶ This led to the appointment of an Age Discrimination Commissioner and the introduction of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth). The Australian Government also established the Advisory Panel on Positive Ageing to produce independent reports examining how Australia can best harness the life experiences and intellectual capital of older members of the community. As part of the National Action Plan on Human Rights, the Australian Law Reform Commission was directed to conduct an inquiry on Commonwealth barriers to employment participation for mature age people.

4.2 Violence and abuse

51. There is no national government strategy for protecting older people from violence and abuse. However the non-government sector has initiated the [Sexual Assault in Disability and Aged Care Strategy](#) which provides a framework for action in which organisations work together to protect vulnerable people in care settings.⁵⁷
52. Government helplines like the [National Sexual Assault, Domestic and Family Violence Counselling Service](#) provide support and assistance to victims.⁵⁸ The NSW Government is also developing a helpline and resource centre to reduce the financial and psychological abuse experienced by older people living in their own homes.⁵⁹
53. Older victims of physical and sexual violence, along with other Australians, have the option of taking out an Apprehended Violence Order (AVO) at court to restrict the behaviour of the person who committed the violence.
54. To protect older Australians from financial abuse, the Government offers a free [Financial Information Service](#) that covers a range of areas, including moving into residential care, budgeting, investing, using credit and retirement income options.⁶⁰ The Government also funds a network of local community organisations, legal centres and government agencies that provide with free financial counselling services. Non-government services include the [National Information Centre on Retirement Investments](#) that provides free telephone information on investment services.⁶¹
55. Illness, disability, frailty and other circumstances can sometimes prevent an older person from making decisions independently. At such times, an older person may need to rely on a trusted individual or network of individuals to

assist them in making decisions. Consistent with the notion of supported decision-making, as expressed in CRPD article 12, the [Community Visitors Scheme](#) has the potential to help socially isolated older people to form friendships and trusted networks to support them in decision-making processes.⁶²

4.3 Social protection and financial security

56. Approximately 80 per cent of all Australians aged 65 and older are reliant to some degree on the Age Pension. Almost all of the remaining 20 per cent rely on their own retirement savings. Australia's three pillar retirement income system aims to ensure people have an adequate standard of living in their retirement. It comprises of a government provided Age Pension, compulsory superannuation savings; and voluntary savings (both through superannuation and other sources).
57. Participation in superannuation is compulsory for almost all Australian workers. Employers are obliged to pay a minimum of 9 per cent of a worker's salary into a superannuation fund. This will gradually increase to 12 per cent. Significant tax concessions are provided to encourage people to voluntarily contribute to their superannuation throughout their working life. People can access their superannuation after the age of 65 or when they have reached a certain age and have retired from the workforce. This age is increasing over time, to reflect older people's increased ability to participate in the workforce.
58. The [Age Pension](#) is available to eligible Australians aged 65 years or over, although this will gradually increase to 67 years from 2023.⁶³ It provides a fortnightly payment to support older people in retirement. Eligibility is determined by a means test and assets test. Even if a person's income and assets are too high to receive the full Age Pension, they may still be eligible for a part pension.
59. The [Seniors Supplement](#) is a means tested quarterly payment. It is designed to help with bills and household expenses and recipients do not need to be receiving the Age Pension.⁶⁴
60. Eligible Australians aged 60 years and over who do not work more than a certain number of hours a week can apply for a [Seniors Card](#), which offers concessions on a variety of goods and services including government services, transport, and shopping.⁶⁵
61. Older people who care for a partner or child may be eligible for financial assistance. The [Carer Payment](#) provides financial support to people unable to work and the Carer allowance is a supplementary payment which can be paid on top of the Age Pension or income from work.⁶⁶
62. Older Australians may also be entitled to [tax offsets](#).⁶⁷

4.4 Food and housing

63. Government income assistance programs are intended to provide families with adequate income to purchase food and essential amenities. NGOs like the Salvation Army also provide welfare and food services. The Australian Government funded the [National Aboriginal and Torres Strait Islander Nutrition Strategy and Action Plan](#) as part of the Eat Well Australia 2000-2010 campaign.⁶⁸ The aim of the strategy was to facilitate a coordinated national approach to Indigenous public health nutrition.
64. Nearly 85 per cent of older Australians (over 65) live in their own homes while 13 per cent live in rented accommodation.⁶⁹ The [Assistance with Care and Housing for the Aged Program](#) helps frail, low income older people who are renting, in insecure housing or who are homeless.⁷⁰ The [Commonwealth Home and Community Care Program](#) provides services that support older people to stay at home and be more independent in the community.⁷¹ [Rent Assistance](#) is also available to recipients of the Age Pension who pay rent in private accommodation.⁷² The number of older Australians living in government subsidised public housing is also projected to increase by 75 per cent from 209 210 in 2001 to 365 914 in 2016. Demand in the 85+ age group is expected to increase by 118 per cent.⁷³

4.5 Employment and education

65. [Experience+](#) is a Government initiative designed to support mature-age people aged 45 years and above to participate in the workforce.⁷⁴ Payments are available to employers who employ an eligible mature-age job seeker. The Corporate Champions program provides tailored industry support to employers who recruit and retain mature-age staff.
66. Older Australians also have access to a range of vocational education and training courses through government and private providers and university courses. Some offer programs targeted for older learners to reskill or engage in personal development.

4.6 Legal capacity

67. Most Australian states and territories have legislation which allows for the appointment of a Guardian or Power of Attorney by or on behalf of someone who is either unable to make decisions on their own behalf or who wishes to give someone they trust the power to make decisions on their behalf. If no one suitable is available, the Public Advocate or Trustee in the state or territory can be appointed. See the [Aged Care Australia website](#) for more information.⁷⁵

4.7 Access to justice

68. In addition to non-for-profit community legal centres, each state and territory has government funded [Legal Aid](#) services that provide free legal advice and representation to eligible clients.⁷⁶ The Australian Government also funds the

[National Aged Care Advocacy Program](#), which helps recipients of aged care services to understand and exercise their rights.⁷⁷

4.8 Health support

69. [Medicare](#) entitles all Australian and New Zealand citizens and permanent residents to free or subsidised health care.⁷⁸ This includes treatment by doctors, specialists, optometrists, dentists and in some circumstances, other allied health practitioners as well as free accommodation in public hospitals. Subsidies are also available for private health insurance.
70. The [Pharmaceutical Benefits Scheme](#) is available to holders of a Medicare card and serves to subsidise the cost of prescription medicines.⁷⁹ Eligible Australians can also apply for the [Commonwealth Seniors Health Card](#), which allows people of pension age to receive refunds for medical expenses and greater discounts on prescription medicines.⁸⁰ The [Pensioner Concession Card](#) is for recipients of the Age Pension and provides similar concessions to the Commonwealth Seniors Healthcare Card.⁸¹
71. The Australian Government also provides preventative health measures such as free immunisations and health screenings. Flu immunisations and pneumonia immunisations are available free for all Australians over 65.⁸² The National Bowel Cancer Screening Program is available free to Australians turning 50, 55 or 65 years old and Breast Cancer Screening is free for all women between the ages 50-69.⁸³
72. The Government has also released the [National Public Toilet Map](#) to improve the independence and quality of life of Australians affected by incontinence.⁸⁴

4.9 Long term and palliative care

73. The Australian Government's [Transition Care Program](#) helps older people regain their independence after a hospital stay.⁸⁵
74. The [National Palliative Care Service Directory](#) provides a central database for locating palliative care services.⁸⁶ NGOs also provide telephone counselling, mentoring and ongoing support to people facing a terminal illness and their families.
75. The Government also provides some support for carers. For example, the [National Carer Counselling Program](#) provides short-term counselling and emotional and psychological support services for carers to help reduce stress, improve coping skills and, if possible, facilitate continuation of the caring role.⁸⁷

4.10 Aged care

76. Different kinds of aged care services are funded by the Australian Government and available through local care providers. Short term care services are available to older people who require temporary care. Respite care services are available in-home, in a community setting or in an aged care home through the National Respite for Carers program. The Home and Community

Care (HACC) program provides services to help older people live in their own homes for as long as possible. Senior Australians can choose from four different home care packages covering basic low-level aged care, more intensive low-level care, dementia care and consumer directed care. The Government also funds a number of approved residential care facilities for older people who are unable to live at home. Some may provide special programs for particular conditions. Eligibility to enter residential aged care is based on the person's care needs as assessed by an Aged Care Assessment Team. See the [Department of Health and Ageing website](#) for more information on the HACC program.⁸⁸

77. On 20 April 2012, the Australian Government launched the [Living Longer Living Better](#) aged care reform package.⁸⁹ This package provides \$3.7 Billion over five years to implement a 10 year reform program aimed at creating a flexible aged care system that provides older Australians with more choice, control and easier access to a full range of services. Initiatives include the Living Longer Living Better package include the National Ageing and Aged Care Strategy for People from Culturally and Linguistically Diverse Backgrounds; National Lesbian, Gay, Bisexual, Transgender and Intersex Ageing and Aged Care Strategy; National Aboriginal and Torres Strait Islander Flexible Aged Care Program and the Better HealthCare Connections: Aged Care Multidisciplinary Care Coordination and Advisory Service Program.

4.11 Vulnerable groups

78. A number of vulnerable groups are defined in the *Aged Care Act 1997* (Cth) and the *Allocation Principles 1997* (Cth). These include: people from Aboriginal and Torres Strait Islander communities, people from non-English speaking backgrounds, people who live in rural or remote areas, people who are financially or socially disadvantaged, veterans, people who are homeless or at risk of becoming homeless, and care-leavers.
79. The Living Longer Living Better aged care package includes a total of \$192 million to better support people with special needs. There are also a number of measures independent from the Living Longer Living Better package that are designed to meet the needs of these vulnerable groups.
80. Apart from the Living Longer Living Better package, Australia administers the [National Aboriginal and Torres Strait Islander Flexible Aged Care Program](#), which aims to provide quality, flexible, culturally appropriate aged care to older Aboriginal and Torres Strait Islander people close to their home and community.⁹⁰ HACC also has an advisory body, the National Aboriginal and Torres Strait Islander HACC Forum, which provides input to policy and planning on Indigenous matters.⁹¹
81. The [Remote Area Allowance](#) is a payment that provides eligible people living in remote areas with financial help. It provides an income support payment similar to the age pension or disability support pension.⁹²
82. The Australian Government also has a number of programs and concessions to assist older veterans and their families. [Veterans and Veterans' Families](#)

[Counselling Service](#) provides counselling and group programs to Australian veterans, peacekeepers and their families.⁹³ The [Crisis Assistance Time Out Program](#) is designed to assist Vietnam veterans who are experiencing a crisis by providing counselling and short-term emergency accommodation for up to five days.⁹⁴ There is also [Veterans' Home Care](#), which provides a range of home support services to help eligible veterans and war widows/widowers remain in their homes.⁹⁵

5 Conclusion

83. The Commission strongly supports the development of a convention for older people and is taking steps to meet with relevant stakeholder groups and government ministers to encourage support for a new convention. While Australia is in a relatively privileged position, having a wide range of domestic protections for older people, a convention would provide significant enhancements to the coverage of rights and bring older Australians under the scope of Australia's human rights scrutiny provisions.
84. Reporting on her recent presentation at the UN's Open Ended Working Group on Older People, Australia's Age Discrimination Commissioner recommended that the Australian Government affirm formal support for the drafting process of a convention on the rights of older people, as follows:
- a convention would provide coherence and strength to a national approach on the human rights of older Australians;
 - Australia is emerging as a world leader in the protection of older people and has a role to assist countries where protections of older people are less well developed; and
 - Australia should take account of the growing support for a convention among member states including support from Indonesia and Malaysia as important regional neighbours.
85. Australia's Age Discrimination Commissioner has been invited to the upcoming inter-sessional public consultation and will attend in Geneva on 15 April 2013.

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