

Questions

Framing principles

Question 1. The ALRC has identified as framing principles: participation; independence; self-agency; system stability; system coherence; and fairness. Are there other key principles that should inform the ALRC's deliberations?

Age Pension

Question 2. As there is a five year difference in qualifying age for a Service Pension under the *Veterans' Entitlement Act 1986* (Cth), should it be increased incrementally in the same manner as for the Age Pension?

Question 3. In what ways, if any, should the means test for the Age Pension be changed to remove barriers to mature age participation in the workforce or other productive work?

Question 4. In what ways, if any, should the Pension Bonus Scheme be changed to remove barriers to mature age participation in the workforce?

Question 5. How effective has the Work Bonus been in removing barriers to work for mature age persons? In what ways, if any, could it be improved?

Income tax

Question 6. In what ways, if any, can the complexity of the tax-transfer system be minimised to remove barriers to mature age participation in the workforce?

Question 7. In what ways, if any, do the tax exemptions for social security payments affect mature age participation in the workforce?

Question 8. A number of tax offsets are available to encourage mature age participation in the workforce including the Senior Australians Tax Offset, Pensioner Tax Offset, Low Income Tax Offset and the Mature Age Worker Tax Offset.

- (a) In what ways, if any, might these offsets be improved to encourage participation?
- (b) The Australia's Future Tax System Review recommended that these tax offsets be removed. What disincentives would this create for mature age participation in the workforce?

Question 9. What other changes, if any, should be made to income tax laws to remove barriers to mature age participation in the workforce and other productive work?

Superannuation

Question 10. What changes, if any, should be made to the Superannuation Guarantee scheme, to remove barriers to work for mature age persons?

Question 11. The *Superannuation Industry (Supervision) Regulations 1994* (Cth) prescribe age-based restrictions on voluntary contributions. Members cannot:

- (a) make voluntary contributions from age 65 until age 75 unless they meet a work test; or
- (b) make voluntary contributions from age 75.

What effect do these restrictions have on mature age participation in the workforce? What changes, if any, should be made to these regulations to remove barriers to work for mature age persons?

Question 12. The *Superannuation Industry (Supervision) Regulations 1994* (Cth) prescribe age-based restrictions in relation to members splitting contributions with a spouse and making contributions to a spouse's fund. Members cannot:

- (a) split contributions for a spouse aged 65 and over;
- (b) split contributions for a retired spouse of preservation age and over;
- (c) make spouse contributions for a spouse aged 70 and over; or
- (d) make contributions for a spouse aged 65 but under 70 unless the spouse meets a work test.

What effect do these restrictions have on mature age participation in the workforce? What changes, if any, should be made to these regulations to remove barriers to work for mature age persons?

Question 13. In what ways, if any, does the age restriction on government co-contributions in the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* (Cth) create barriers to work for mature age persons? What changes should be made to the Act to remove such barriers?

Question 14. What effect, if any, does the increased concessional contributions cap for persons aged 50 years and over have on mature age participation in the workforce?

Question 15. What effect, if any, does the 'bring forward rule' (in relation to the non-concessional contributions cap) have on mature age participation in the workforce? What changes should be made to this rule to address barriers to such participation?

Question 16. The age settings for access to superannuation benefits are:

- (a) 55 years increasing to 60 years for 'preservation age'—when persons may access superannuation if retired; and
- (b) 65 years for unrestricted access to superannuation.

The Australia's Future Tax System Review recommended that the preservation age be raised to 67 years. In what ways, if any, do existing age settings provide incentives for retirement for mature age persons, rather than continued workforce participation? What changes should be made to address these incentives?

Question 17. In practice, how do the 'transition to retirement' rules encourage continued mature age participation in the workforce? What changes, if any, should be made to these rules to encourage continued workforce participation?

Question 18. In practice, do persons of preservation age have sufficient access to the 'transition to retirement' rules? If not, what measures could improve such access?

Question 19. What changes, if any, should be made to the taxation of superannuation benefits to remove barriers to work for mature age persons?

Question 20. What other changes, if any, should be made to superannuation laws, including tax laws, to remove barriers to mature age participation in the workforce?

Social security

Question 21. A number of social security payments and entitlements may affect mature age persons' participation in the workforce or other productive work. In practice, how accessible to mature age persons is information about eligibility for such social security payments and entitlements?

Question 22. Several tools and processes are in place to determine a person's capacity to work and to recommend the content of a person's activity test or participation requirements. In what ways, if any, should these tools and processes be changed to assist mature age participation in the workforce?

Question 23. Different activity test and Employment Pathway Plan requirements apply for mature age job seekers. In what ways, if any, should they be changed to assist mature age participation in the workforce?

Question 24. Do the 2012 changes to the Disability Support Pension present a barrier to mature age participation in the workforce or other productive work? In what ways, if any, should the Disability Support Pension be changed to remove barriers to participation in the workforce or other productive work for mature age persons with disability?

Question 25. In practice, does the 25 hour work, volunteering, study and training limitation for Carer Payment present a barrier to mature age participation in the workforce or other productive work? What changes, if any, should be made to remove barriers to mature age participation in the workforce or other productive work?

Question 26. What changes, if any, to Working Credit should be made to remove barriers to mature age participation in the workforce or other productive work?

Question 27. Do the rules concerning the retention of concession cards act as a barrier to mature age participation in the workforce or other productive work? In what ways, if any, could these rules be improved?

Question 28. In practice, how effective is the operation of the ‘employment income nil rate period’ in removing barriers to mature age participation in the workforce or other productive work? In what ways, if any, could this be improved?

Question 29. In what ways, if any, should the eligibility requirements for Austudy, ABSTUDY and Pensioner Education Supplement be changed to address barriers to mature age participation in the workforce or other productive work?

Question 30. What other changes, if any, should be made to social security laws and the *Guide to Social Security Law* to remove barriers to mature age participation in the workforce and other productive work?

Family assistance

Question 31. What changes, if any, should be made to family assistance laws and the *Family Assistance Guide* to remove barriers to mature age participation in the workforce and other productive work?

Question 32. When grandparents and mature age carers raise children:

- (a) does Child Care Benefit meet its objective to provide recipients with incentives to participate in the workforce; and
- (b) does the Child Care Rebate meet its objectives to provide recipients with incentives for community participation, insofar as this includes work or voluntary work?

What changes, if any, should be made?

Child support

Question 33. What changes, if any, should be made to child support laws and *The Guide—CSA’s Online Guide to the Administration of the New Child Support Scheme* to remove barriers to mature age participation in the workforce and other productive work?

Employment

Question 34. In what ways, if any, can the practices of private recruitment agencies be regulated to remove barriers to mature age employees entering or re-entering the workforce?

Question 35. Should s 65 of the *Fair Work Act 2009* (Cth) be amended to include age as a basis upon which an employee may request flexible working arrangements?

Question 36. In practice, do mature age employees negotiate individual flexibility arrangements made under s 202 of the *Fair Work Act 2009* (Cth)? Are such arrangements a useful and appropriate flexibility mechanism for mature age employees?

Question 37. In practice, how effective are the general protections provisions under the *Fair Work Act 2009* (Cth) where a mature age employee, or prospective employee, has been discriminated against on the basis of age?

Question 38. How does the operation of the modern award system affect mature age employees and in what ways, if any, can modern awards be utilised or amended to account for the needs of mature age employees?

Question 39. A number of compulsory retirement ages and licensing or re-qualification requirements exist in particular industries and professions. In what ways, if any, do these create barriers to mature age participation in the workforce or other productive work? If they do create barriers, should they be changed or are they appropriate?

Question 40. In what ways, if any, can strategic plans developed under the Australian Work Health and Safety Strategy 2012–2022 take account of occupational health and safety issues of particular relevance to mature age workers?

Question 41. Where is it best to include information about occupational health and safety issues relevant to mature age workers?

Question 42. In what ways, if any, do occupational health and safety duties and responsibilities act as a barrier to volunteering for mature age persons?

Question 43. What measures involving regulation and monitoring, if any, should be introduced to ensure:

- (a) employers are responsive to the needs of mature age employees; and
- (b) mature age employees are actively involved in developing and implementing such measures?

Question 44. What are some examples of employment management best practice aimed at attracting or retaining mature age employees?

Question 45. What are the most effective ways of raising awareness and providing education and training to remove barriers to mature age participation in the workforce and other productive work?

Question 46. What other changes, if any, should be made to the employment law framework to remove barriers to mature age participation in the workforce or other productive work?

Workers' compensation and insurance

Question 47. Should volunteers be eligible for workers' compensation at a Commonwealth level or is current state and territory coverage sufficient?

Question 48. In what ways, if any, should retirement provisions in Commonwealth workers' compensation legislation be amended? For example, are any of the following approaches appropriate:

- (a) removing all age based restrictions;
- (b) removing all age based restrictions, but imposing benefit period or amount restrictions; or
- (c) increasing the age at which compensation is no longer payable to age 67, except in certain circumstances?

Question 49. What other changes, if any, should be made to the Commonwealth workers' compensation scheme to remove barriers to mature age participation in the workforce or other productive work?

Question 50. In what ways, if any, do age-based limitations and higher premiums for insurance policies for mature age persons act as a barrier to participation in the workforce or other productive work?

Question 51. In what ways, if any, should the insurance industry be regulated to address barriers to mature age participation in the workforce or other productive work? For example:

- (a) Should insurance industry Codes of Practice be amended to encourage or mandate the removal or extension of age-based limitations on insurance policies?
- (b) Should a regulatory framework be introduced to ensure that age-based limitations on insurance policies are appropriate?

Question 52. What other changes, if any, should be made to insurance laws to remove barriers to mature age participation in the workforce or other productive work?

Migration

Question 53. A skilled migration visa under the *Migration Regulations 1994* (Cth) may only be obtained if the applicant is under 50 years of age. Should the age limit be increased?

Question 54. In order to obtain a range of visas under the General Skilled Migration category, applicants must obtain a pass mark in a 'points test' where points are allocated according to age, with no points for those aged 45 and over. Should this be amended, and if so, how?

Question 55. An applicant over 50 years of age may not apply for a permanent employer-sponsored visa under the *Migration Regulations 1994* (Cth) from 1 July 2012 unless they are an ‘exempt person’.

- (a) Should the age limit be increased?
- (b) What considerations should be taken into account in determining whether a person should be eligible for an age exemption?

