

## 2. Concepts and Context

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### Summary

2.1 This chapter sets out a number of conceptual and contextual issues relevant to the Inquiry. Considering these issues assists to frame and situate deliberations about barriers to mature age participation in paid and other productive work. The first section considers concepts of age and ageing. It also sets out data about population ageing in Australia. The next sections consider the definition of ‘work’ and ‘retirement’, as well as levels of mature age participation in both paid and other productive work. The chapter then details potential effects of removing barriers to mature age participation in paid and other productive work. Finally, the chapter sets out the framing principles for the Inquiry.

## Framing mature age and ageing

### Concepts of age and ageing

2.2 The concepts of ‘old age’ and ‘ageing’ are not self-evident, but rather have different meanings according to their social and historical contexts.<sup>1</sup> For example, Marthe Fredvang and Professor Simon Biggs argue that age-related pensions and retirement policies have played a role in shaping understandings of old age. They note that ‘the institutionalising of age-related retirement led to a consensus on when individuals became “old”, regardless of their actual abilities’.<sup>2</sup> In this way, some have argued that conceptions of ageing are closely linked to workforce participation, such that ‘the life cycle of a worker has been generalized as normal aging’.<sup>3</sup>

2.3 Others have noted the influence of medical knowledge on how ageing is understood. Professor Sol Encel remarked that medical ideas in the late 19th and early 20th centuries categorised old age as a period of ‘senile decay’.<sup>4</sup> Indeed, in 1905, Sir William Onslar, an eminent physician, expressed the view that:

the ‘constructive’ or ‘anabolic’ phase of life was from 25 to 40, a golden period followed by ‘comparative uselessness’, and a further period of total uselessness after the age of 60.<sup>5</sup>

2.4 Public policy responses to demographic change also contribute to framing ageing in particular ways. For example, the language of the ‘crisis’ or ‘peril’ of ageing conceptualises the growing numbers of older persons as a ‘problem’ that needs to be addressed.<sup>6</sup> It also, according to Fredvang and Biggs, ‘rests upon the assumption that older persons are in some way separate from those who are not yet old’.<sup>7</sup>

2.5 The widespread adoption of a ‘productive’ or ‘active’ ageing policy agenda can be seen as one response to the ‘problem’ of ageing. An emphasis on productivity or activity implicitly contests a characterisation of ageing as a process marked by dependency and decline.<sup>8</sup> However, Professors Carroll L Estes, Simon Biggs and Chris Phillipson point out that these competing accounts of ageing themselves contain judgments about what it is to ‘age well’.<sup>9</sup> In the case of productive ageing, the ‘crisis’

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1 M Fredvang and S Biggs, *The Rights of Older Persons: Protection and Gaps Under Human Rights Law* (2012), Brotherhood of St Laurence and University of Melbourne Centre for Public Policy Social Policy Working Paper 16, 6.

2 Ibid.

3 B Brents, ‘Policy Intellectuals, Class Struggle and the Construction of Old Age: The Creation of the Social Security Act of 1935’ (1986) 23 *Social Science and Medicine* 1251, 1252; and see S Encel, ‘Retirement Ages and Pension Ages—A Complex History’ (1996) *Social Security Journal* 3, 7.

4 S Encel, ‘Retirement Ages and Pension Ages—A Complex History’ (1996) *Social Security Journal* 3, 8.

5 Cited in Ibid, 8.

6 See, eg, World Bank, *Averting the Old Age Crisis* (1994); World Economic Forum, Global Agenda Council on Ageing Society, *Global Population Ageing: Peril or Promise?* (2011).

7 M Fredvang and S Biggs, *The Rights of Older Persons: Protection and Gaps Under Human Rights Law* (2012), Brotherhood of St Laurence and University of Melbourne Centre for Public Policy Social Policy Working Paper 16, 6.

8 C Estes, S Biggs and C Phillipson, *Social Theory, Social Policy and Ageing: A Critical Introduction* (2003), 67.

9 Ibid, 67–68.

of ageing is approached through the lens of economic usefulness, ‘where work and work-like activities have been presented as turning the burden of an ageing population into an asset and an opportunity’.<sup>10</sup>

### Population ageing

2.6 Australia’s population is ageing as a result of the combination of increasing life expectancy and lower fertility levels.<sup>11</sup> Population ageing is also a global phenomenon. In 1950, 8% of the world’s population was 60 years or older. In 2011, this rose to 11%, and it is projected to rise to 22% by 2050.<sup>12</sup>

#### *Increasing life expectancy*

2.7 The life expectancy for Australians has increased significantly since the early 20th century. In 2009–2011, life expectancy at birth for males was 79.7 years and females 84.2 years.<sup>13</sup> Residual life expectancy (the average number of additional years that a person at a certain age can expect to live) for males aged 65 years was 19.1 years and females 22 years.<sup>14</sup>

2.8 By comparison, in 1901–10, the life expectancy at birth for males was 55.2 years and for females 58.8 years. Residual life expectancy for males aged 65 years was 11.3 years and females 12.9 years.<sup>15</sup>

2.9 The Australian Institute of Health and Welfare (AIHW) explains the implications of these changes in life expectancy for population ageing:

life expectancies at birth increased steadily in the first half of the century. This was partly due to the continuation of factors which improved health in the 19th Century: eradication of infectious disease, improving public hygiene and rising living standards. This is illustrated by the fact that, during this period, life expectancy at birth saw much greater gains than life expectancy at age 65, suggesting more children were surviving into adulthood, as opposed to people simply living longer ...

After a relative plateau in the 1960s, life expectancy has been steadily increasing since the 1970s. This includes life expectancy at age 65, suggesting that most of these gains are through people living longer (as opposed to childhood survival). Indeed, between 1970 and 2004, reductions in mortality for the over-50s contributed 70% and 73% to the increase in male and female life expectancy respectively ... Thus, increasing life expectancy is presently closely tied to population ageing.<sup>16</sup>

10 Ibid, 71.

11 Australian Bureau of Statistics, *Reflecting a Nation: Stories from the 2011 Census, 2012–2013: Who are Australia’s Older People? Cat No 2071.0* (2012).

12 World Economic Forum, Global Agenda Council on Ageing Society, *Global Population Ageing: Peril or Promise?* (2011), 5.

13 Australian Bureau of Statistics, *Gender Indicators, Australia, Cat No 4125.0* (2013).

14 Ibid.

15 Australian Institute of Health and Welfare, *Australian Trends in Life Expectancy* (2012) <[www.aihw.gov.au/australian-trends-in-life-expectancy](http://www.aihw.gov.au/australian-trends-in-life-expectancy)> at 21 March 2013.

16 Ibid.

2.10 ‘Healthy life expectancy’—that is, the extent to which additional years are lived in good health—is also increasing.<sup>17</sup> According to the AIHW,

in 2009, at age 65, females could expect to live a further 16.1 years without requiring assistance with core activities, and males could expect another 15.2 years without requiring assistance.<sup>18</sup>

2.11 However, average life expectancy figures conceal important variations in life expectancy between different groups in the population. For example, Aboriginal and Torres Strait Islander persons have a significantly lower life expectancy than other Australians:

In 2005–2007, life expectancy at birth for Aboriginal and Torres Strait Islander males was 67.2 years, 11.5 years less than that for non-Indigenous males (78.7 years). For Aboriginal and Torres Strait Islander females, life expectancy at birth was 9.7 years less than for non-Indigenous females (72.9 years and 82.6 years respectively). The lower life expectancy for Aboriginal and Torres Strait Islander Australians can be attributed to a higher infant mortality rate, and a higher incidence of diseases such as diabetes mellitus, respiratory disorders, ear disease, eye disorders and some cancers.<sup>19</sup>

### ***Increasing proportion of older Australians***

2.12 In addition to increasing life expectancy, the proportion of older persons in the Australian population is increasing. In 2011, persons aged 45 years and older made up 39.3% of the total Australian population, up from 38.1% in 2006.<sup>20</sup> The proportion of the population aged 65 years and older has increased markedly since the beginning of the 20th century. In 2011, 14% of the population was aged 65 years and older. This compares with 4% in 1901.<sup>21</sup>

2.13 The number of persons in this age group will grow further in coming years, as the cohort of the population known as ‘Baby Boomers’ ages past 65 years.<sup>22</sup> The Australian Bureau of Statistics (ABS) explains:

The first year of the Baby Boom cohort (people born in 1946) entered the 65–69 age group in 2011. Baby Boomers will entirely constitute the 65–69 group for the 2016 Census and will contribute to a larger aged population in the years to come.<sup>23</sup>

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17 Australian Institute of Health and Welfare, *Australia’s Health 2012* (2012) <[www.aihw.gov.au](http://www.aihw.gov.au)> at 21 March 2013, 82.

18 Ibid.

19 Australian Bureau of Statistics, *Gender Indicators, Australia, Cat No 4125.0* (2013). See also Australian Bureau of Statistics, *Experimental Life Tables for Aboriginal and Torres Strait Islander Australians, Australia, 2005–2007, Cat No 3302.0.55.003* (2009).

20 Australian Bureau of Statistics, *2011 Census QuickStats* <[www.censusdata.abs.gov.au/census\\_services/getproduct/census/2011/quickstat/0?opendocument&navpos=95](http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/0?opendocument&navpos=95)> at 21 March 2013.

21 Australian Bureau of Statistics, *Reflecting a Nation: Stories from the 2011 Census, 2012–2013: Who are Australia’s Older People? Cat No 2071.0* (2012).

22 Baby Boomers are those persons born between 1946 and 1966: Australian Bureau of Statistics, *Reflecting a Nation: Stories from the 2011 Census, 2012–2013: 100 Years of Australian Lives—Population, Cat No 2071.0* (2012).

23 Australian Bureau of Statistics, *Reflecting a Nation: Stories from the 2011 Census, 2012–2013: Who are Australia’s Older People? Cat No 2071.0* (2012).

### Diversity among mature age persons

2.14 As noted in Chapter 1, the Terms of Reference define ‘older persons’ as anyone over the age of 45 years. There is significant diversity among this age bracket. In addition to age differences, differences of gender, cultural and linguistic diversity and disability—among other things—characterise persons aged 45 years and older. This diversity affects the needs and priorities of older persons, and must be factored into policy considerations.

#### Gender

2.15 Gender significantly affects experiences of ageing, to the extent that some have argued that a gendered approach to ageing is required.<sup>24</sup> While women have a longer life expectancy than men, older women have relatively lower incomes and fewer assets than men.<sup>25</sup> Contributing factors to this include lower average weekly ordinary time earnings for women (a 17.4% ‘gender pay gap’ at February 2012) as well as career breaks to undertake unpaid care work.<sup>26</sup>

2.16 Women tend to have lower superannuation balances and retirement payouts than men. Analysis of data from the ABS Survey of Income and Housing 2009–10 shows that the average superannuation balance for men was \$71,645 for men and \$40,475 for women.<sup>27</sup> The average retirement payout in 2009–10 was \$198,000 for men and \$112,600 for women.<sup>28</sup> Approximately 60% of women aged 65–69 in 2009–10 had no superannuation.<sup>29</sup>

2.17 Women make up a greater proportion of Age Pension recipients. At June 2011, women comprised 56.6% of recipients.<sup>30</sup> Of these, 61.2% received the full rate of Age Pension.<sup>31</sup>

2.18 The cumulative effects of this mean that older women face the prospect of living longer with less financial security, ‘accumulating poverty’ over a lifetime.<sup>32</sup>

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24 Older Women’s Network NSW Inc, *Submission 26*; The Premier’s Council for Women South Australia, *Submission 13*; United Nations Population Fund and HelpAge International, *Ageing in the Twenty-First Century: A Celebration and a Challenge* (2012).

25 Australian Human Rights Commission, *Accumulating Poverty? Women’s Experiences of Inequality Over the Lifecycle* (2009), 7.

26 Equal Opportunity for Women in the Workplace Agency, *Gender Pay Gap Statistics* (2012).

27 R Clare, *Developments in the Level and Distribution of Retirement Savings*, Association of Superannuation Funds of Australia Research Paper (2011), 3.

28 Ibid.

29 Ibid.

30 FaHCSIA, *Income Support Customers: A Statistical Overview 2011* (2012), 6.

31 Ibid.

32 Australian Human Rights Commission, *Accumulating Poverty? Women’s Experiences of Inequality Over the Lifecycle* (2009).

### ***Aboriginal and Torres Strait Islander persons***

2.19 Older Aboriginal and Torres Strait Islander persons occupy an important place in their communities. They play a significant role in maintaining traditions and links to Aboriginal and Torres Strait Islander culture, and act as ‘role models, supporters and educators for the young’.<sup>33</sup>

2.20 However, Aboriginal and Torres Strait Islander persons aged 50 years and older tend to have poorer health and higher levels of socio-economic disadvantage, and lower life expectancy than the broader Australian population.<sup>34</sup>

2.21 The Aboriginal and Torres Strait Islander population is relatively young when compared to the broader Australian population. In 2006, the number of Aboriginal and Torres Strait Islander persons aged 50 years and older represented 12% of the total Aboriginal and Torres Strait Islander population. By contrast, 31% of the non-Aboriginal and Torres Strait Islander population were aged 50 years and older in 2006.<sup>35</sup>

### ***Culturally and linguistically diverse persons***

2.22 In 2006, over 1.1 million persons aged 50 years and older were born in non-English speaking or culturally and linguistically diverse (CALD) countries. This amounted to 19% of the total Australian population in this age group.<sup>36</sup> In contrast to the Aboriginal and Torres Strait Islander population, persons born in CALD countries are relatively older than those born in Australia. In 2006, more than 42% of persons born in CALD countries were aged 50 years and older.<sup>37</sup>

2.23 The growth in number of mature age Australians from non-English speaking countries is faster than the growth of the older population as a whole. This is largely because of the ageing of post-war migrants who arrived as adults.<sup>38</sup> Older persons from CALD countries have a lower rate of participation in paid work when compared with those born in Australia and from English speaking countries.<sup>39</sup>

### ***Disability***

2.24 Older persons with disability include persons with disability acquired at an early age, as well as those who acquire disability with age. Rates of disability increase with age. The AIHW stated in 2011 that:

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33 Australian Institute of Health and Welfare, *Older Aboriginal and Torres Strait Islander People Cat No IHW 44* (2011), 1.

34 *Ibid.*, v.

35 *Ibid.*, 2.

36 National Seniors Australia Productive Ageing Centre, *The Ageing Experience of Australians from Migrant Backgrounds* (2011), 11.

37 *Ibid.*

38 Social Policy Research Centre, *Supporting Older People from Culturally and Linguistically Diverse Backgrounds*, Report Briefing 4 (2010).

39 National Seniors Australia Productive Ageing Centre, *The Ageing Experience of Australians from Migrant Backgrounds* (2011), 22.

After around 50 years of age the prevalence of disability rose considerably, from 20% in the 50–54 years age group to more than 80% among people aged 85 years or over. Rates of severe or profound core activity limitations were even more strongly associated with ageing. This degree of disability was reported for fewer than one in 20 Australians up to the age of 55 years (excluding the peak in boys aged 10–14 years), but almost one-third of people aged 75 years or over.<sup>40</sup>

2.25 The number of older persons with disability as a proportion of the total number of persons with disability is likely to increase with population ageing:

In addition to an increase in disability overall, population ageing changes the composition of the population with disability. In 1981, 10% of all Australians with disability were aged under 15 years and 31% were 65 years or older; in 2009, 7% of the population with disability were aged 0–14 years and 39% were 65 years or over. If this continues, the mix of services and support required by older people with disability will need to increase, relative to those required by younger people.<sup>41</sup>

### **Where do older persons live?**

2.26 Within Australia, Tasmania and South Australia have relatively older populations.<sup>42</sup> At 30 June 2012, Tasmania's median age was 40.9 years.<sup>43</sup> South Australia had the second oldest median age, at 39.7 years.<sup>44</sup> In contrast, the median age of the Australian population was 37.4 years, up 4.7 years from 32.7 years at 30 June 1992.<sup>45</sup>

2.27 In 2011, Tasmania had the highest proportion of people aged 65 years and over (16.1%), followed by South Australia (15.9%). The Northern Territory had the lowest proportion of persons in this age group (5.5%).<sup>46</sup>

2.28 The age profile of populations in capital cities is younger than other areas. In 2010, almost one in three (31%) persons living in capital cities were aged 20–39, compared to one in four (25%) persons living in other areas'.<sup>47</sup> The ageing of regions outside capital cities is projected to continue. According to the ABS:

In the non-capital city areas of New South Wales, Victoria, South Australia and Tasmania, it is projected that by 2056 there will be less than two people of working age for every person aged 65 years and over. In contrast, capital cities such as Sydney, Melbourne, Brisbane and Perth are projected to have considerably younger populations with around three people of working age for every one aged 65 years and over.<sup>48</sup>

40 Australian Institute of Health and Welfare, *Australia's Welfare 2011* (2011), 11.

41 Ibid, 12.

42 The Government of South Australia highlighted South Australia's ageing workforce in its submission: Government of South Australia, *Submission 30*.

43 Australian Bureau of Statistics, *Australian Demographic Statistics, Jun 2012, Cat No 3101.0* (2012).

44 Ibid.

45 Ibid.

46 Australian Bureau of Statistics, *Population by Age and Sex, Regions of Australia, 2011, Cat No 3235.0* (2012).

47 Australian Institute of Health and Welfare, *Australia's Welfare 2011* (2011), 23.

48 Australian Bureau of Statistics, *Australian Social Trends, March 2009, Cat No 4102.0* (2009).

## Framing work and retirement

### Paid work and other productive work

2.29 ‘Work’ is often used to refer solely to the ‘production of economic goods and services’.<sup>49</sup> On this definition of work, persons providing care, as well as those who are retired or not otherwise seeking work, are considered to be not working or ‘outside the labour force’.<sup>50</sup> The ABS uses this definition of work in its Labour Force Survey. It includes among its examples of those who are ‘not working’, persons who are ‘staying home to look after children’.<sup>51</sup>

2.30 On this view, those in the ‘labour force’—the total number of employed plus unemployed persons—are ‘economically active’, while those outside the labour force are ‘economically inactive’.

2.31 However, an alternative definition takes a broader view of what may constitute ‘work’. Professor Barbara Pocock summarises this approach, arguing that:

Any account of Australian work, family and care cannot accurately represent experiences of ‘work’ without reference to a broad definition of labour ... including both the spheres of production and reproduction, voluntary work, paid work and unpaid household work.<sup>52</sup>

2.32 On this broad view, work includes both paid and unpaid work, and unpaid work encompasses caring, household work, and voluntary work.

2.33 When adopting this broader characterisation, a gendered picture of work emerges, in which women are under-represented in paid work, and over-represented in unpaid work.<sup>53</sup>

### Unpaid work

#### *Unpaid care work*

2.34 Unpaid care work includes ‘parental’ care for a dependent child or children. This care may be provided by a parent (adoptive, biological or step-parent), foster parent, guardian or grandparent.<sup>54</sup> Grandparents may also provide child care for grandchildren while the children’s parents work. Unpaid care work also includes care

49 Australian Bureau of Statistics, *Labour Force* (2003) <[www.abs.gov.au/AUSSTATS/abs@.nsf/DSSbyCollectionid/](http://www.abs.gov.au/AUSSTATS/abs@.nsf/DSSbyCollectionid/)> at 21 March 2013.

50 Australian Bureau of Statistics, *Persons Not in the Labour Force, Australia, Sep 2011, Cat No 6220.0* (2012). At September 2011, there were almost 6 million persons outside the labour force—approximately one-third of the population. Of these, 60% were women.

51 Australian Bureau of Statistics, *Labour Force, Australia, Jan 2013, Cat No 6202.0* (2013).

52 B Pocock, ‘Work/Care Regimes: Institutions, Culture and Behaviour and the Australian Case’ (2005) 12 *Gender, Work & Organization* 32, 33. See also Organisation for Economic Co-operation and Development, ‘Cooking and Caring, Building and Repairing: Unpaid Work Around the World’ in *Society at a Glance 2011: OECD Social Indicators* (2011), which defines unpaid work as ‘the production of goods and services by family members that are not sold on the market’: 10.

53 B Pocock, ‘Work/Care Regimes: Institutions, Culture and Behaviour and the Australian Case’ (2005) 12 *Gender, Work & Organization* 32, 33.

54 Australian Human Rights Commission, *Investing in Care: Recognising and Valuing Those Who Care*, Research Report Volume 1 (2013), 21.



for ‘a family member or friend with disability, chronic illness or frailty due to older age, either co-resident or in a kinship or friendship network’.<sup>55</sup> This form of care is often referred to as ‘informal care’.<sup>56</sup>

2.35 Unpaid care work is mainly provided by women, a point highlighted by a number of submissions to this Inquiry.<sup>57</sup> A more detailed discussion of mature age carers is provided below.

2.36 While the value of unpaid care is excluded from conventional economic measures of productivity, such care does have economic value.<sup>58</sup> Dr Rania Antonopolous points out that unpaid care work acts as an invisible support to the paid workforce, arguing that ‘unpaid care work entails a systemic transfer of hidden subsidies to the rest of the economy that go unrecognized’.<sup>59</sup> In 2010, the annual ‘replacement value’ of informal care by family members—the cost of replacing unpaid carers with paid carers—was estimated at over \$40 billion.<sup>60</sup>

2.37 Care also has value outside of an economic frame of reference. The Australian Human Rights Commission (AHRC) points out that:

Caring is valuable, necessary work ... It occurs within a system of relationships in our society and is crucial to the social and economic fabric. Care will affect all of us in our lives, either as carers and/or being cared for ... The recognition of care provision, both paid and unpaid, reflects the value placed on our shared humanity and the periods in our lives in which we all experience a need for support.<sup>61</sup>

### **Voluntary work**

2.38 The ABS defines voluntary work as ‘the provision of unpaid help willingly undertaken in the form of time, service or skills, to an organisation or group, excluding work done overseas’.<sup>62</sup> Voluntary work, like unpaid care work, provides both economic and social benefits. In 2006–07, volunteering was estimated to amount to

55 Ibid.

56 The ABS refers to informal caring as informal assistance with core activities which is ongoing or likely to be ongoing for at least 6 months and is provided by friends or family members to people with a disability, long-term health condition or the elderly: Australian Bureau of Statistics, *Disability, Ageing and Carers: Summary of Findings, Cat No 4430.0* (2003), 10.

57 Australian Bureau of Statistics, *Census of Population and Housing: Basic Community Profile, 2011 Second Release Cat No 2001.0* (2012), Table B22; Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings Cat No 4430.0* (2009), 10. Brotherhood of St Laurence, *Submission 54*; Older Women’s Network NSW Inc, *Submission 26*; The Premier’s Council for Women South Australia, *Submission 13*.

58 The ABS summarises this as follows: ‘the economically active population is defined as all people who, during a specified time, contribute to or are available to contribute to the production of economic goods and services as defined by the United Nations System of National Accounts’: Australian Bureau of Statistics, *Labour Statistics: Concepts, Sources and Methods, Apr 2007 Cat No 6102.0.55.001* (2007).

59 R Antonopolous, *The Unpaid Care Work–Paid Work Connection* (2008), The Levy Economics Institute Working Paper No 541, 6.

60 Access Economics, *The Economic Value of Informal Care in 2010—Report for Carers Australia* (2010), i.

61 Australian Human Rights Commission, *Investing in Care: Recognising and Valuing Those Who Care*, Research Report Volume 1 (2013), 18.

62 Australian Bureau of Statistics, *Voluntary Work, Australia, 2010 Cat No 4441.0* (2011), 63.

\$14.6 billion worth of unpaid labour.<sup>63</sup> Professor Jeni Warburton sums up the social benefits of voluntary work:

high levels of volunteering within a society contribute to quality of life, security, safety, lower levels of crime, and better educational outcomes. These are all significant advantages, and are over and above, the direct contributions made by volunteers to the economically disadvantaged, the lonely and socially isolated, or those with poor health.<sup>64</sup>

2.39 In its submission, the Returned & Services League of Australia Ltd (RSL) highlighted the economic and social contribution made by RSL volunteers:

The annual economic and social benefit to Australian society of the work of the tens of thousands of RSL volunteers is enormous. These citizens, some in their 90s, give back to the Australian community far more than they receive—and they do it selflessly and without fanfare ... It is not unreasonable to postulate that if Australia's volunteers ceased to give so generously of their time, expertise and effort, the nation would be very much the poorer not least because of the increase this would pose on the public purse.<sup>65</sup>

## The relationship between paid and unpaid work

### *Unpaid care work and paid work*

2.40 While unpaid caring is a form of productive work, it also acts as a barrier to participation in the paid workforce. Providing care can have a significant impact on a person's ability to enter and maintain employment. There is evidence that this impact disproportionately affects women.<sup>66</sup> Professor Bettina Cass, Dr Trish Hill and Cathy Thomson sum up the impact of care upon mature age women's participation in employment:

Overall, 58 per cent of mature aged women primary carers were not in employment. Of this group 42 per cent had worked prior to taking on the caring role. Among the non-employed primary carers, around one quarter indicated that they would like to be in paid employment while caring for their main recipient.<sup>67</sup>

2.41 As a barrier to employment, unpaid care also restricts the accumulation of retirement income savings. The feminised nature of unpaid care contributes to the 'gender gap' in superannuation, whereby women have lower superannuation balances than men.<sup>68</sup>

63 Volunteering Australia, *State of Volunteering in Australia 2012* (2012), 10.

64 J Warburton, *Volunteering by Older People: The Benefits and Challenges for Seniors and for Organisations: Latest Research Evidence* (2012), 3.

65 The Returned & Services League of Australia Ltd, *Submission 24*.

66 M Bittman, T Hill and C Thomson, 'The Impact of Caring on Informal Carers' Employment, Income and Earnings: a Longitudinal Approach' (2007) 42(2) *The Australian Journal of Social Issues* 255; C Lee and H Gramotnev, 'Transitions Into and Out of Caregiving: Health and Social Characteristics of Mid-age Australian Women' (2007) 22 *Psychology and Health* 193.

67 B Cass, T Hill, C Thomson, *Care to Work? Expanding Choice and Access to Workforce Participation for Mature Aged Women Carers* (2012), HC Coombs Policy Forum, 22.

68 See Australian Human Rights Commission, *Accumulating Poverty? Women's Experiences of Inequality Over the Lifecycle* (2009).

2.42 While providing unpaid care may be a barrier to work for older persons, it may at the same time enable the workforce participation of other family members. For example, some grandparents provide child care for their grandchildren so that the children's parents can work.

***Increasing paid work and the impact on unpaid work***

2.43 The interaction of paid work and unpaid care work is in flux. This is particularly the case because women, who have historically undertaken the bulk of unpaid care work, have increased their participation in the paid workforce. Pocock summarises the changes for women's participation in these spheres over the latter half of the 20th century and early 2000s:

In 1966, 36 per cent of women were in the labour market, leaving 64 per cent outside it, participating in various forms of care and home life. By mid-2002, the situation was reversed, with over half of women—55 per cent—in the labour market and 45 per cent outside of it.<sup>69</sup>

2.44 This increased participation in the paid workforce has implications for the provision of care, which must be met by the 'intensification of unpaid care work, or a contraction in the amount of unpaid care work that is done, or its redistribution to others'.<sup>70</sup>

2.45 Policy making in this area must navigate the complexity of the interaction between paid workforce participation and unpaid work.<sup>71</sup> This is particularly important in the context of an ageing population, as demands for care are likely to increase as the population ages.<sup>72</sup>

2.46 A focus on promoting paid workforce participation must also consider how and by whom care work is to be performed. Pocock argues that decisions about who will undertake care work should not be seen as purely individual choices. Instead they occur within a 'work/care regime': a set of interrelated social, cultural and institutional factors that shape the individual choices made about who will care.<sup>73</sup>

2.47 Policy decisions will affect the contours of this work/care regime. Responses that seek to value the contributions of both paid work and unpaid care work, and which enhance the capacity of persons to make choices about their engagement in various forms of productive work, will be multifaceted.

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69 B Pocock, 'Work/Care Regimes: Institutions, Culture and Behaviour and the Australian Case' (2005) 12 *Gender, Work & Organization* 32, 34.

70 Ibid. The Federation of Ethnic Communities' Councils of Australia identified the intensification of unpaid care work as a particular issue for CALD communities: Federation of Ethnic Communities' Council of Australia (FECCA), *Submission 80*.

71 See, eg N Skinner, C Hutchinson and B Pocock, *Australian Work and Life Index 2012 The Big Squeeze: Work, Home and Care in 2012* (2012), 14.

72 The Law Council of Australia highlighted the need also to consider aged care policy in this context: Law Council of Australia, *Submission 46*.

73 B Pocock, 'Work/Care Regimes: Institutions, Culture and Behaviour and the Australian Case' (2005) 12 *Gender, Work & Organization* 32, 38.

2.48 These will involve measures to improve the recognition and reward for unpaid care work, as well as enhancement of support services for carers.<sup>74</sup> Women in Social and Economic Research submitted that improvements to institutional support for carers are required for all carers, whether or not they are engaged in additional paid work. These support services ‘are likely to include the provision of affordable high quality residential, day and respite care for frail aged and adults and children with disabilities’.<sup>75</sup>

2.49 Another key area for policy focus is improving the ability to combine unpaid care work and paid work. This Inquiry contributes to this latter project by making recommendations aimed at addressing legal barriers inhibiting or preventing the combination of paid work and unpaid care work.

2.50 The notion of a work/care regime suggests that, while policy responses can have some impact on its form, they will also interact with cultural factors. These factors include workplace cultures, as well as norms of gendered behaviour—including understandings about the ‘normal’ or ‘appropriate’ division of labour between women and men.<sup>76</sup>

2.51 Similar tensions arise when considering the effect of increasing paid work participation on voluntary work. Bessy Andriotis notes that extended paid workforce participation at older ages is likely to have an impact on availability for voluntary work.<sup>77</sup>

### Changing nature of paid work

2.52 The characteristics of paid work have undergone significant change since the early 1990s. These changes have continued a longer term trend of the ‘shift of employment away from blue-collar work to professional and paraprofessional jobs’.<sup>78</sup> The 2012 Fair Work Act Review Panel summed up some of these changes:

the proportion of employed people working in service industries has increased from 67 per cent to 72 per cent. The mining and construction workforces have increased, while the manufacturing and agriculture workforces have declined ...

Over coming decades the manufacturing workforce will likely continue its long decline. As the current boom in new projects levels out, the rate of growth of the construction workforce will slow. The mining workforce will continue to expand but,

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74 The Australian Government has developed a National Carers Recognition Framework. This framework has two pillars: the *Carer Recognition Act 2010* (Cth) and the National Carer Strategy: Australian Government, *National Carer Strategy* (2011). The Australian Human Rights Commission make a number of suggestions for further reform to better recognise unpaid care in: Australian Human Rights Commission, *Investing in Care: Recognising and Valuing Those Who Care*, Research Report, Volume 1 (2013).

75 Women in Social & Economic Research (WiSER), *Submission 72*.

76 B Pocock, ‘Work/Care Regimes: Institutions, Culture and Behaviour and the Australian Case’ (2005) 12 *Gender, Work & Organization* 32, 38.

77 B Andriotis, *Hand in Glove—Participation in Paid and Voluntary Work by Older Australians* (2012), prepared for Volunteering Tasmania’s State of Volunteering Report 2012, 173.

78 P McDonald, ‘Employment at Older Ages in Australia: Determinants and Trends’ in T Griffin and F Beddie (eds), *Older Workers: Research Readings* (2011) 25, 39.

even after doubling its relative size over the last decade, it remains (at 2 per cent) a small share of total employment.<sup>79</sup>

2.53 Forms of employment have also undergone major changes. One third of employment is now part-time, compared with less than one quarter in the early 1990s. Additionally, just under 25% of workers are employed casually. In 1992, casual employees constituted just over 20% of employment.<sup>80</sup>

2.54 Some argue that these more flexible employment arrangements promote productivity. The Fair Work Act Review Panel stated that:

More flexible labour market arrangements played a significant part in supporting continued strong growth ... as well as limiting the impact of the global financial crisis (GFC) on unemployment by allowing for adjustments in hours worked rather than layoffs.<sup>81</sup>

2.55 Others argue that the growth of casual work erodes the rights and entitlements of workers. The Australian Council of Trade Unions (ACTU) submitted that:

Not only is casual and ad hoc employment a source of financial and social insecurity, it is also synonymous with weaker rights and entitlements, poorer career development opportunities and lower job satisfaction ... In many cases, casual and insecure employment can lead to social exclusion, rather than social inclusion, by denying workers the chance to participate in the workforce in a meaningful way.<sup>82</sup>

## Retirement

2.56 Australia has no compulsory retirement age, and the distinction between 'working life' and 'retirement' can be difficult to draw.<sup>83</sup>

2.57 Australia's retirement income system facilitates the redistribution of income over a person's lifetime, providing financial support after the cessation of paid work.<sup>84</sup> Australia's retirement income system has three pillars: the Australian Government funded, means tested Age Pension; compulsory saving through employer superannuation contributions (the superannuation guarantee); and voluntary superannuation savings.<sup>85</sup>

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79 Fair Work Act Review Panel, *Towards More Productive and Equitable Workplaces: An Evaluation of the Fair Work Legislation* (2012), 56.

80 Ibid.

81 Ibid, 64.

82 ACTU, *Submission 38*.

83 For an overview of the history of compulsory retirement in Australia, see R Patterson, 'The Eradication of Compulsory Retirement and Age Discrimination in the Australian Workplace: A Cause for Celebration and Concern' (2004) 3 *Elder Law Review* 1.

84 FaHCSIA, *Pension Review Report* (2009), 5.

85 The Treasury, *Australia's Future Tax System: The Retirement Income System—Report on Strategic Issues* (2009), 8. The Age Pension is considered in more detail in Chapter 7. Superannuation is considered in Chapter 8.

2.58 Access ages for these sources of retirement income do not provide a definitive marker of the division between work and retirement.<sup>86</sup> Many retired persons do report that reaching the age of eligibility for the Age Pension or access to superannuation was their main reason for retirement.<sup>87</sup> However, a person with sufficient private means may choose to retire before this time. Moreover, it is possible in certain circumstances to combine the receipt of the Age Pension with employment income, and to access superannuation while remaining in paid work. These circumstances are detailed in Chapters 6 and 7.

2.59 The conventional view of a cessation of paid work as ‘retirement’ may accord more with a normative male experience of working life than that of females. Eva Cox submitted that the language of working life and retirement is

built mainly on a male post industrial revolution view of the worker who leaves home to go to waged work, has leisure out of the job hours and eventually ‘retires’ to presumably pursue full time leisure.<sup>88</sup>

2.60 Where the notion of work is broadened to include both paid and unpaid work, it becomes clear that, for many, ‘retirement’ involves continued work in the form of unpaid caring. Additionally, many older persons perform voluntary work after ceasing paid work.

2.61 Even when working with a traditional understanding of retirement as a final cessation of paid work, the decision to stop working may not be voluntary. For example, among retired persons whose last job was fewer than 20 years ago, 26% of men and 21% of women reported that the main reason for retirement was ‘sickness, injury or disability’.<sup>89</sup>

2.62 In addition, the line between a retired person and a ‘discouraged job seeker’ may be difficult to draw. Older persons make up a large proportion of the pool of ‘discouraged job seekers’: persons who are willing and able to work, but are not looking for a job because they believe that they would not find one.<sup>90</sup> ABS statistics

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86 Persons may access superannuation benefits at ‘preservation age’ if retired, or under the ‘Transition to Retirement Rules’; or at age 65 with no restrictions: *Superannuation Industry (Supervision) Regulations 1994* (Cth) reg 6.01; sch 1 item 101; sch 1 item 110; sch 1 item 106. The current preservation age is 55 years, increasing gradually to 60 years between 2015–2025: *Superannuation Industry (Supervision) Regulations 1994* (Cth) reg 6.01. The qualifying age for the Age Pension is 65 years for men and 64.5 years for women: *Social Security Act 1991* (Cth) ss 23(5A), (5C). From 1 July 2013 the qualifying age for women will be 65 years: *Social Security Act 1991* (Cth) s 23(5D). Age Pension age for both men and women will rise incrementally from 65 to 67 between 1 July 2017 and 1 July 2023: *Social Security Act 1991* (Cth) s 23(5A), (5D).

87 The ABS reports that ‘among both retired men and women whose last job was fewer than 20 years ago, the most commonly reported main reason for ceasing their last job was “reached retirement age/eligible for superannuation/pension” (44% of men and 27% of women)’: Australian Bureau of Statistics, *Retirement and Retirement Intentions, Australia, July 2010 to June 2011, Cat No 6238.0* (2011), 5.

88 Women’s Equity Think Tank, *Submission 63*.

89 Australian Bureau of Statistics, *Retirement and Retirement Intentions, Australia, July 2010 to June 2011, Cat No 6238.0* (2011), 5. Additionally, a 2012 study by the National Seniors Productive Ageing Centre found that 45.4% of surveyed retirees had ceased work due to health reasons: National Seniors Productive Ageing Centre, *Ageing Baby Boomers in Australia: Informing Actions for Better Retirement* (2012), 4.

90 Australian Bureau of Statistics, *Persons Not in the Labour Force, Australia, Sep 2011, Cat No 6220.0* (2012).

showed in 2011 that over half of discouraged job seekers (56%) were aged over 55 years.<sup>91</sup>

2.63 The changing nature of the paid labour force also means that a model of continuous participation in paid work, followed by retirement, may no longer be the norm. Instead, working life may be marked by a cycling in and out of paid work.

2.64 This may be particularly the case in certain industries or sectors. For example, the industry superannuation fund, Construction and Building Industry Super (Cbus), noted that in the construction industry, employment is often 'defined by a discrete project'. This may affect older workers' opportunities for continued employment:

Employees need to be hired and re-hired many times throughout the economic cycle. In a market where physical ability is a significant factor in recruitment, it is probable that younger workers will be preferred over older workers. In normal labour market conditions where there is some excess supply, older workers will be amongst the last to obtain work.<sup>92</sup>

2.65 A similar experience of work was identified by the Media, Entertainment and Arts Alliance in relation to the workforce it represents:

In the case of performers there is no real notion of retirement. This is due to the nature of the profession including the long periods of unemployment, the inherent value of personal expression that lies at the heart of the profession and the creative requirements for older (and younger) actors in productions. With no obligation to contribute superannuation upon employers these workers are encumbered with additional administrative burdens and costs in organising their own superannuation.<sup>93</sup>

2.66 Summing up the implications of these changes to the later stages of paid working life, National Seniors suggested that a 'work-retirement continuum' has emerged:

Increasingly, people no longer work full-time, and then leave the workforce completely, becoming fully retired. For up to 20 years, a person's level of engagement in the workforce may cycle between periods of no paid work, full-time work and various levels of part-time paid work.<sup>94</sup>

## Levels of mature age participation

### Paid work

2.67 The rate of mature age labour force participation has changed over time. In recent years, the labour force participation rate has generally been trending upwards for both mature age men and women, particularly at older ages.<sup>95</sup> However, the change in participation rates for men and women has followed different trajectories over time.

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91 Ibid. Of these, 32% were aged 65 years and over and 24% were aged 55–64 years.

92 Cbus, *Submission 41*.

93 Media Entertainment & Arts Alliance, *Submission 33*.

94 National Seniors Australia, *Submission 27*.

95 At May 2012, the labour force participation rate of persons aged 45–64 was 73.9%: DEEWR, FaHCSIA, DHS, DIISRTE, *Submission to the Senate Inquiry on the Adequacy of the Allowance Payment System for Job Seekers and Others* (2012), 44.

2.68 Older men's labour force participation rate was high in 1966, declined through the 1980s and 1990s, and has increased in the 2000s (with the exception of men aged 45–54, whose participation rate remained relatively steady).<sup>96</sup> The labour force participation rate for men aged 45–54 was 96% in 1966. This has since declined, fluctuating between 87% and 90% from the mid-1980s to 2011. At 2011, the participation rate stood at 88%.<sup>97</sup> For men aged 55–64, the participation rate was also high in 1966, at 86%. It declined to a low of 60% in 1997. Since then, the labour force participation rate of men in this age range has increased to 72% in 2011.<sup>98</sup> In 1966, the labour force participation rate for men aged 65 years and older was 23%. This fell to a low of 8% in 1993, before increasing to 16% in 2011.<sup>99</sup>

2.69 In contrast, the labour force participation of mature age women was at its highest point in 2011, having increased from relatively low levels in 1966. In 1966, women aged 45–54 had a labour force participation rate of 37%. This has generally increased since then, reaching 54% in 1986 and 78% in 2011. Women aged 55–64 had a labour force participation rate of 21% in 1966. This increased to 25% in 1972, before declining to 20–21% in the mid-1980s. Since then, their participation rate has increased significantly to 55% in 2011. The participation rate of women aged 65 years and older remains low, standing at 4% in 1966 and 7% in 2011.<sup>100</sup>

2.70 Persons are less likely to be employed full-time and more likely to engage in part-time work at older ages. The ABS notes that, in the year to June 2010:

two-thirds of men aged 55–59 years were employed full time, declining to 44% of those aged 60–64 years, and 18% for those aged 65–69 years. By contrast, the rate of part-time work among older men actually increases with age, from 10% of men aged 55–59 years, to 13% of those between the ages of 60 and 69 years.

The proportion of women employed full time also declines with age, though from a smaller base than for men. In the year to June 2010, 35% of women aged 55–59 years worked full time compared with 18% of women aged 60–64 and 6% of those aged 65–69 years. As with men, in progressively older age groups women who work part time make up a greater share of the shrinking number of labour force participants.<sup>101</sup>

2.71 Participation for both men and women aged 55–64 in Australia is higher than the OECD average. However, it is lower than a number of OECD countries, including New Zealand, United States and United Kingdom.<sup>102</sup>

96 Organisation for Economic Co-operation and Development, *Online OECD Employment Database* <[www.oecd.org/employment/emp/onlineoecdemploymentdatabase.htm](http://www.oecd.org/employment/emp/onlineoecdemploymentdatabase.htm)> at 21 March 2013.

97 Ibid.

98 Ibid; R Chomik and J Piggott, *Mature-Age Labour Force Participation: Trends, Barriers, Incentives, and Future Potential* (2012), Centre of Excellence in Population Ageing Research Briefing Paper 2012/01, 3–4.

99 Organisation for Economic Co-operation and Development, *Online OECD Employment Database* <[www.oecd.org/employment/emp/onlineoecdemploymentdatabase.htm](http://www.oecd.org/employment/emp/onlineoecdemploymentdatabase.htm)> at 21 March 2013.

100 Ibid.

101 Australian Bureau of Statistics, *Australian Social Trends Sep 2010 Cat No 4102.0* (2010).

102 R Chomik and J Piggott, 'Pensions, Ageing and Retirement in Australia: Long-Term Projections and Policies' (2012) 45 *Australian Economic Review* 350, 354.



### **Unemployment**

2.72 Persons aged 45 years and older have a longer duration of unemployment than younger unemployed persons. At May 2012, the average duration of unemployment for persons aged 45 years and older was 62 weeks.<sup>103</sup> This compares with 34 weeks for persons aged 25–44 years, and 24 weeks for those aged 15–24 years.<sup>104</sup>

### **Older persons not in the labour force**

2.73 At September 2009, 3.3 million persons aged 55 years and over were not in the labour force. Of these, 1.6 million were aged 55 to 69 years.<sup>105</sup>

2.74 For persons aged 55–69, 40% of those not in the labour force were retired or voluntarily inactive. Another 26% (mostly women) listed their main occupation as ‘home duties’. A further 15% of persons not in the labour force reported long-term health or disability. The ABS notes that 13% of persons aged 55–69 who were not in the labour force reported that they would like to work.<sup>106</sup>

### **Determinants and trends in mature age participation in the paid workforce**

2.75 The labour force participation rate of mature age men in the 1980s and 1990s was particularly affected by economic and industry restructuring.<sup>107</sup> Mature age male workers were often targeted for retrenchment in sectors, such as manufacturing, affected by restructuring.<sup>108</sup>

2.76 By contrast, the increase in women’s labour force participation is attributed to the ‘cohort effect’ of women who joined and remained attached to the labour force at younger ages and who have now entered mature age.<sup>109</sup>

2.77 Commentators have suggested that a range of additional factors have contributed to more recent increases in mature age labour force participation. These factors are related to both labour force supply and demand, as well as social and demographic changes, and include:

- increased demand for labour since the mid-1990s;<sup>110</sup>
- persons affected by retrenchments in the 1980s and 1990s ageing out of the main working ages;<sup>111</sup>

103 DEEWR, FaHCSIA, DHS, DIISRTE, *Submission to the Senate Inquiry on the Adequacy of the Allowance Payment System for Job Seekers and Others* (2012), 47.

104 Ibid.

105 Australian Bureau of Statistics, *Australian Social Trends Sep 2010 Cat No 4102.0* (2010).

106 Ibid.

107 H Kimberley and D Bowman, ‘Understanding Mature-age Workforce Participation in Australia’ in T Griffin and F Beddie (eds), *Older Workers: Research Readings* (2011) 84, 90.

108 R Chomik and J Piggott, *Mature-Age Labour Force Participation: Trends, Barriers, Incentives, and Future Potential* (2012), Centre of Excellence in Population Ageing Research Briefing Paper 2012/01, 3–4.

109 Ibid, 3.

110 Ibid, 5.

111 P McDonald, ‘Employment at Older Ages in Australia: Determinants and Trends’ in T Griffin and F Beddie (eds), *Older Workers: Research Readings* (2011) 25, 27–28.

- work is less physically demanding, with the shift from blue-collar work to professional and paraprofessional jobs;<sup>112</sup>
- increasing education levels;<sup>113</sup>
- successive cohorts have commenced work at a later age and therefore will continue working longer;<sup>114</sup>
- the effect of the Global Financial Crisis on retirement savings, leading some mature age persons seeking to remain participants in the labour force;<sup>115</sup> and
- better health at older ages.<sup>116</sup>

2.78 A number of these factors can be seen to be related to broad policy developments, such as the promotion of better health and education outcomes. However, none of these are specifically related to policies targeted towards mature age participation.<sup>117</sup> Rafal Chomik and Professor John Piggott suggest that ‘even if government does not act, improvements in health, work conditions and education will continue to affect the participation of older workers’.<sup>118</sup>

2.79 It is important to note that, while the broad trend is toward increased labour force participation at older ages, particular groups are affected differently. For example, employment levels are lower for those whose competency in English is low.<sup>119</sup> For workers who are employed in blue-collar jobs, poor health and an inability to continue to meet the physical demands of a job may contribute to workforce exit.<sup>120</sup> In addition, those without a post-school qualification are less likely to be in the workforce at older ages than those with such a qualification.<sup>121</sup>

## Other productive work

### *Mature age carers*

2.80 According to ABS statistics, mature age persons provide the majority of informal care for persons with disability or persons aged 60 years and older. In 2009, 62% of total carers were mature age. Mature age persons also comprised 70% of

112 Ibid, 39.

113 Ibid.

114 Ibid.

115 R Chomik and J Piggott, *Mature-Age Labour Force Participation: Trends, Barriers, Incentives, and Future Potential* (2012), Centre of Excellence in Population Ageing Research Briefing Paper 2012/01, 5.

116 Ibid, 5–6.

117 B Headey, J Freebairn and D Warren, *Dynamics of Mature Age Workforce Participation: Policy Effects and Continuing Trends, Final Report* (2010), Melbourne Institute of Applied Economic and Social Research, 129–130.

118 R Chomik and J Piggott, ‘Pensions, Ageing and Retirement in Australia: Long-Term Projections and Policies’ (2012) 45 *Australian Economic Review* 350, 354.

119 P McDonald, ‘Employment at Older Ages in Australia: Determinants and Trends’ in T Griffin and F Beddie (eds), *Older Workers: Research Readings* (2011) 25, 30.

120 Cbus, *Submission 41*.

121 P McDonald, ‘Employment at Older Ages in Australia: Determinants and Trends’ in T Griffin and F Beddie (eds), *Older Workers: Research Readings* (2011) 25, 29–30.

primary carers (the person who provides the most ongoing assistance to a care recipient) for persons with disability or aged 60 years or over.<sup>122</sup>

2.81 Mature age women undertake proportionally more care than mature age men. In 2009, women made up 54% of total carers in the mature age bracket, and 64% of mature age primary carers.<sup>123</sup>

2.82 Grandparents also provide a significant proportion of child care for grandchildren. ABS data suggests that ‘around a quarter of all children (26%) were usually cared for by their grandparents’.<sup>124</sup> Research in 2011 suggested that grandmothers were more likely than grandfathers to perform child care daily or several times a week, while grandfathers were more likely than grandmothers to be doing care a few times a year or less often.<sup>125</sup>

2.83 Some mature age persons also provide ‘parental’ care for dependent children. However, with the exception of grandparents providing such care, the ALRC has not considered this aspect of care work in this Inquiry.<sup>126</sup>

### **Mature age volunteers**

2.84 ABS data suggests that 36.2% of persons aged 18 years and over participate in voluntary work in Australia.<sup>127</sup> Mature age persons provide a significant amount of voluntary work, with approximately 43% of those aged 45–64 doing volunteer work.<sup>128</sup> Additionally, approximately 37% of persons aged 65–74 and 28% of persons aged 75–84 are volunteers.<sup>129</sup>

## **Effects of removing barriers to mature age participation**

2.85 Removing legal barriers to mature age participation in paid and other productive work may have a range of effects, including upon the economy, social inclusion and in relation to compliance with international obligations.

### **Economic effects**

2.86 Various estimates have been made of the economic effect of increased labour force participation by mature age persons.

2.87 The *Intergenerational Report 2010* projects that an ageing population will bring with it a slowing of economic growth. The Report notes that, ‘as the proportion of the

122 Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings Cat No 4430.0* (2009), 10.

123 Ibid.

124 Australian Bureau of Statistics, *Childhood Education and Care, Australia: Summary, Cat No 4402.0* (2011).

125 B Horsfall and D Dempsey, ‘Grandmothers and Grandfathers Looking After Grandchildren: Recent Australian Research’ (2011) 18 *Family Relationships Quarterly* 10, 10.

126 With respect to grandparents providing ‘parental’ care, the ABS notes that, in 2009–10, there were 16,000 Australian families in which grandparents were raising children aged 17 years and younger: Australian Bureau of Statistics, *Family Characteristics, Australia, Cat No 4442.0* (2009–10).

127 Australian Bureau of Statistics, *Voluntary Work, Australia, 2010 Cat No 4441.0* (2011), 9.

128 Ibid.

129 Ibid.

population of traditional working age falls, the rate of labour force participation across the whole population is projected to fall'.<sup>130</sup>

2.88 In addition, there will be increased government spending associated with age-related payments and services. Spending on health is also projected to increase in the future, a result of the combination of technological advances in health care and demand for higher quality health services.<sup>131</sup> The projected effect of ageing and health pressures is that spending is expected to exceed revenue (creating a 'fiscal gap') by 2.75% of Gross Domestic Product (GDP) in 2050.<sup>132</sup>

2.89 Increased labour force participation by mature age persons will potentially narrow or close this projected fiscal gap. For example, increasing the participation rate of persons aged 50–69 by 10% by 2050 would increase real GDP and real GDP per capita by 2.4%.<sup>133</sup>

2.90 However, as noted above, increased participation in paid work by mature age persons will have an impact on ability to undertake unpaid care work and voluntary work.

### Social inclusion

2.91 Reducing impediments to mature age participation in paid and other productive work may also promote social inclusion. The Australian Government defines a socially inclusive society as one where persons have the resources, opportunities and capability to:

**Learn** by participating in education and training;

**Work** by participating in employment, in voluntary work and in family and caring;

**Engage** by connecting with people and using their local community's resources; and

**Have a voice** so they can influence decisions that affect them.<sup>134</sup>

2.92 Participation in paid work can be seen as an indicator of social inclusion, promoting financial security as well as social connectedness.

2.93 Participation in other productive work is also an element of a socially inclusive society. Caring may be considered as a form of participation, and an indicator of social inclusion. For example, the OECD has argued that the provision of care for grandchildren by grandparents is 'vital in buttressing intergenerational solidarity'.<sup>135</sup>

130 The Treasury, *Intergenerational Report 2010—Australia to 2050: Future Challenges* (2010), ix.

131 Ibid, x.

132 Ibid. This projected fiscal gap was revised downwards from 3.25% in the 2007 *Intergenerational Report*.

133 Ibid, 29–30, 121–22; R Chomik and J Piggott, *Mature-Age Labour Force Participation: Trends, Barriers, Incentives, and Future Potential* (2012), Centre of Excellence in Population Ageing Research Briefing Paper 2012/01, 1.

134 Australian Government, *The Social Inclusion Agenda*, <[www.socialinclusion.gov.au/](http://www.socialinclusion.gov.au/)> at 21 March 2013.

135 OECD Meeting on Social Policy, *Paying for the Past, Providing for the Future: Intergenerational Solidarity* (2011). It is part of a 'two-way flow' in which older family members care for younger family members and vice versa.

2.94 However, responsibilities to provide care may also limit choices and the ability to take up opportunities in other spheres of participation, such as paid work.<sup>136</sup> Carers Tasmania has argued that:

Carers contribute greatly to the wellbeing and social inclusion of the people they care for, but this contribution often disadvantages the carer as the time and the cost of providing care becomes a barrier which prevents social participation.<sup>137</sup>

2.95 Additionally, persons providing unpaid care face significant financial disadvantage, considered an indicator of social exclusion.<sup>138</sup> Hill, Thomson and Cass argue that ‘questions of choice and agency in the taking on of caring roles’ must be a key part of considering the social inclusion of carers.<sup>139</sup>

2.96 Removing legal barriers that limit the ability of mature age persons to combine paid work and care, or to move between work and care, will promote social inclusion by enabling a more ‘genuine’ choice between forms of participation and support continued workforce attachment.

2.97 Removing barriers to mature age participation in voluntary work may also promote social inclusion. Warburton notes that:

research shows that some of the indirect benefits contributed by older people also include helping to build positive inter-generational relationships, helping other older people to remain living in the community, and maintaining and promoting cultural diversity. In all of these ways, volunteers can be said to add social value to society and to their communities.<sup>140</sup>

### International obligations

2.98 When conducting an Inquiry, the ALRC is directed to have regard to ‘all of Australia’s international obligations that are relevant to the matter’.<sup>141</sup>

2.99 Such international instruments do not become part of Australian law until incorporated into domestic law by statute. However, as the High Court in *Minister for Immigration and Ethnic Affairs v Teoh* has stated, a convention can assist with the interpretation of domestic law:

The provisions of an international convention to which Australia is a party, especially one which declares universal fundamental rights, may be used by the courts as a legitimate guide in developing the common law.<sup>142</sup>

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136 T Hill, C Thomson and B Cass, ‘Social Inclusion and the Intersection of Care and Employment’ (Paper presented at Brotherhood of St Laurence Care, Social Inclusion and Citizenship Symposium, Melbourne, 25 October 2010).

137 Carers Tasmania, *Social Inclusion and Carers in Tasmania: A Carers Tasmania Position Paper* (2009).

138 Australian Human Rights Commission, *Investing in Care: Recognising and Valuing Those Who Care*, Research Report Volume 1 (2013), 30.

139 T Hill, C Thomson and B Cass, ‘Social Inclusion and the Intersection of Care and Employment’ (Paper presented at Brotherhood of St Laurence Care, Social Inclusion and Citizenship Symposium, Melbourne, 25 October 2010), 8.

140 J Warburton, *Volunteering by Older People: The Benefits and Challenges for Seniors and for Organisations: Latest Research Evidence* (2012), 3.

141 *Australian Law Reform Commission Act 1996* (Cth) s 24(2).

142 *Minister for Immigration and Ethnic Affairs v Teoh* (1995) 183 CLR 273, 288.

2.100 No specific human rights convention safeguards the rights of older persons. However, older persons are protected equally with other persons by the core international human rights treaties.<sup>143</sup>

2.101 Relevantly for this Inquiry, these include the right to work and to the enjoyment of just and favourable conditions of work in the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>144</sup> The ICESCR also prescribes rights to social security, to an adequate standard of living and to enjoyment of the highest attainable standard of physical and mental health.<sup>145</sup>

2.102 Human rights treaties also provide protection from discrimination. The International Covenant on Civil and Political Rights (ICCPR) affirms that ‘all persons are equal before the law and are entitled without any discrimination to the equal protection of the law’.<sup>146</sup> The ICESCR commits States Parties to the Covenant to guarantee that the rights contained within it be exercised without discrimination of any kind.<sup>147</sup>

2.103 While not having the same legal status as a convention, a number of other international instruments set out rights and protections for older persons. Of particular importance are the United Nations Principles for Older Persons, adopted by the United Nations General Assembly in 1991.<sup>148</sup> Included among these are the principles that older persons should:

- have the opportunity to work or to have access to other income-generating opportunities;<sup>149</sup>

143 The core treaties are: the *International Covenant on Civil and Political Rights*, 16 December 1966, ATS 23 (entered into force on 23 March 1976); the *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, ATS 5 (entered into force on 3 January 1976); the *International Convention on the Elimination of All Forms of Racial Discrimination*, 7 March 1966, ATS 40 (entered into force on 4 January 1969); the *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, ATS 9 (entered into force on 3 September 1981); the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, ATS 21 (entered into force on 26 June 1987); the *Convention on the Rights of Persons with Disabilities*, 13 December 2006, ATS 12 (entered into force on 3 May 2008); and the *Convention on the Rights of the Child*, 20 November 1989, ATS 4 (entered into force on 2 September 1990).

144 *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, ATS 5 (entered into force on 3 January 1976) arts 6, 7.

145 *Ibid.*, arts 9, 11, 12.

146 *International Covenant on Civil and Political Rights*, 16 December 1966, ATS 23 (entered into force on 23 March 1976) art 26.

147 *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, ATS 5 (entered into force on 3 January 1976) art 2(2). Neither the ICCPR nor the ICESCR list age as a specifically proscribed ground of discrimination alongside enumerated grounds including race, sex, language or religion. However, both Covenants prohibit discrimination on the basis of ‘other status’. The Committee on Economic, Social and Cultural Rights has suggested that the prohibition of discrimination on the grounds of ‘other status’ could be interpreted as applying to age. It comments that the range of matters in relation to which such age discrimination can be accepted is very limited: Committee on Economic, Social and Cultural Rights, *General Comment No 6: The Economic, Social and Cultural Rights of Older Persons* (8 December 1995), 13th sess, UN Doc E/1996/22, [27].

148 United Nations, *United Nations Principles for Older Persons—adopted by General Assembly resolution 46/91 of 16 December 1991*.

149 *Ibid.*, principle 2.

- be able to participate in determining when and at what pace withdrawal from the labour force takes place;<sup>150</sup>
- remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations;<sup>151</sup>
- be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities;<sup>152</sup>
- be able to pursue opportunities for the full development of their potential;<sup>153</sup> and
- be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.<sup>154</sup>

2.104 Removing legal barriers to participation in paid and other productive work may promote compliance with Australia's international obligations in relation to the rights of older persons.

### **Framing principles**

2.105 The ALRC has developed recommendations for reform in this Inquiry in the light of six interlinking principles: participation; independence; self-agency; system stability; system coherence; and fairness.

2.106 Stakeholders strongly supported this approach. For example, the Australian Industry Group commented that 'these are valid considerations relating to the contribution of mature aged workers to the workforce and the Australian economy more broadly'.<sup>155</sup> Similarly, the National Welfare Rights Network stated that the principles provide

a sound platform for the consideration of Commonwealth legislation that may enhance or limit mature age Australians' participation in the workforce or other productive work (paid or unpaid).<sup>156</sup>

### **Participation**

2.107 'Participation' reflects the Australian Government's 'Social Inclusion Agenda':

The Australian Government's vision of a socially inclusive society is one in which all Australians feel valued and have the opportunity to participate fully in the life of our society.<sup>157</sup>

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150 Ibid, principle 3.

151 Ibid, principle 7.

152 Ibid, principle 8.

153 Ibid, principle 15.

154 Ibid, principle 18.

155 Australian Industry Group, *Submission 37*.

156 National Welfare Rights Network, *Submission 50*.

157 Australian Government, *The Social Inclusion Agenda*, <[www.socialinclusion.gov.au/](http://www.socialinclusion.gov.au/)> at 21 March 2013.

2.108 The value of workforce participation to disadvantaged older persons was emphasised by the Brotherhood of St Laurence:

work provides income, the capacity to build retirement savings, a sense of purpose and a connection with the community. Participation in paid work can increase both financial and social wellbeing, and so reduce the significant risk that people over 65 have of being socially excluded.<sup>158</sup>

2.109 The Association of Independent Retirees noted that a person's workforce participation may vary significantly in the wide age range covered by this Inquiry:

Work to gain income to support an individual and/or family is an imperative between the ages of 45 and retirement; Government support can be an exception. After retirement, participation in paid work becomes one of the options for an individual to participate in the life of society to achieve a fulfilling retirement. The incentive to work is one of a number of competing retirement priorities and is often not the sole imperative driving financial wellbeing. The priority given to work depends on the need to supplement savings, eligibility to access Age Pension support, individual and family interests, and to some extent habit.<sup>159</sup>

2.110 Suncorp submitted that the appropriate retirement age will vary for each individual. Hence, 'it is important to remove age barriers wherever appropriate and allow greater flexibility in the transition to retirement'.<sup>160</sup>

### **Independence**

2.111 The principle of 'independence' is related to the above principle of participation: 'supporting people to take independent decisions and to negotiate priorities through participation' is critical to 'capacity building'.<sup>161</sup>

2.112 Independence involves the ability of older persons to make choices about the form of participation. This includes the capacity to determine when and at what pace withdrawal from work takes place.<sup>162</sup> It also involves the ability to make genuine choices between participation in paid work, unpaid work, or some combination of both.

2.113 These elements of independence were affirmed by submissions from stakeholders. National Seniors Australia said that:

Multiple factors will come into play for each person as they make decisions about work and retirement, eg health, income, caring responsibilities, but artificial barriers based on age should not be amongst them. Irrespective of age, each person should feel they can make the choice about whether or not they work.<sup>163</sup>

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158 Brotherhood of St Laurence, *Submission 54*.

159 Association of Independent Retirees, *Submission 17*.

160 Suncorp Group, *Submission 66*.

161 Australian Government, *The Social Inclusion Agenda*, <[www.socialinclusion.gov.au/](http://www.socialinclusion.gov.au/)> at 21 March 2013, 1.

162 United Nations, *United Nations Principles for Older Persons—adopted by General Assembly resolution 46/91 of 16 December 1991*.

163 National Seniors Australia, *Submission 27*.



2.114 The Government of South Australia also highlighted that continued workforce participation may not be an option for some older person. Other choices need to be available:

Mature workers should have choices about how and when they relinquish employment, based on whether they have capacity to extend paid employment or involve themselves in ‘service to the community’ through volunteering.<sup>164</sup>

2.115 For those ‘in physically demanding occupations’, having choices was seen as important. These older persons

may experience physical discomfort or health concerns, which do not qualify them for a disability pension ... Suggested changes to the existing support systems (such as raising the Superannuation preservation age) could have the inadvertent consequence of severely limiting individuals’ choices about how they spend their later years. On this basis, the South Australian Government contends that deliberations should also be informed by how suggested changes will impact upon individuals’ choices.<sup>165</sup>

2.116 The ACTU urged that ‘mature workers have already contributed significantly to the workforce throughout their lives, and should have the right to choose when to retire’.<sup>166</sup> The ACTU also stressed that ‘making it more difficult for workers to retire will not necessarily lead to those workers finding or retaining meaningful paid employment. Moreover, choices for older persons needed to be ‘real choices’—about ‘when, where and how they work’.<sup>167</sup>

### Self-agency

2.117 The principle of ‘self-agency’ was a key principle identified in the ALRC’s Inquiry into family violence and Commonwealth laws. An individual’s right to make decisions about matters affecting him or her should be respected.<sup>168</sup> The principle of self-agency is one that underpins the idea of ‘independence’ and of ‘participation’, as considered above. Like the principle of independence, self-agency also encompasses choice. The ACTU again emphasised ‘meaningful choice’ for older workers in this context. These choices include the timing of retirement, ‘as well as the work that they are asked to perform prior to retirement’. It noted that workers in insecure employment are often denied such meaningful choice.<sup>169</sup>

2.118 Self-agency also embodies the importance of being treated with dignity and respect, as reflected in the National Statement on Social Inclusion.<sup>170</sup> In its submission,

164 Government of South Australia, *Submission 95*.

165 Government of South Australia, *Submission 30*. Similarly, the Brotherhood of St Laurence emphasised that ‘the opportunity to be employed should not be conflated with the requirement to be employed’: Brotherhood of St Laurence, *Submission 54*.

166 ACTU, *Submission 88*.

167 *Ibid.*

168 Australian Law Reform Commission, *Family Violence and Commonwealth Laws—Improving Legal Frameworks*, ALRC Report 117 (2011), Ch 2.

169 ACTU, *Submission 38*. The ACTU also submitted that ‘job security and quality of employment’ be included as an additional framing principle.

170 Australian Government and Social Inclusion Unit, *A Stronger, Fairer Australia—National Statement on Social Inclusion*.

the National Welfare Rights Network emphasised the importance of the values of ‘the inherent dignity and respect due to each person’.<sup>171</sup>

### **System stability**

2.119 The principle of ‘system stability’ is particularly relevant in areas such as superannuation. The Super System Review Panel stated that

Superannuation is a large and complex system with an increasingly important social and macroeconomic dimension. It must be regulated and administered coherently and rule changes, including to taxation rules, should be made sparingly and in a way that engenders member confidence.<sup>172</sup>

2.120 Concerns about the pace of change in the area of superannuation were also noted in the Tax Review.<sup>173</sup> Stakeholders in this Inquiry repeated these concerns and noted the consequences of a lack of stability. National Seniors Australia, for example, submitted that, if the Australian Government wishes to encourage effective planning for later life, this is

only possible in a predictable and stable environment. Policy volatility can lead to consumer disenchantment and disengagement.<sup>174</sup>

2.121 National Seniors Australia gave the example of repeated changes to superannuation. It argued that such changes ‘erode community confidence in the superannuation system and encourage more Australians to minimise, rather than maximise, their superannuation savings’.<sup>175</sup>

2.122 While system stability has particular relevance in the retirement income context, it is also an important principle more generally. As noted by the Australian Chamber of Commerce and Industry (ACCI):

Many Commonwealth programs impinge on planning decisions, particularly where there are marginal differences between the financial benefits of working and not working. This in turn affects continuity of employment and flexibility options. Both employers and employees require reasonable stability for productive employment arrangements to endure.<sup>176</sup>

2.123 Other related principles are ‘coherence’ and ‘fairness’, which may be seen as aspects of a stable system, but also go further. They concern how the system operates in terms of impact on those affected and more broadly within the Australian community.

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171 National Welfare Rights Network, *Submission 50*.

172 Super System Review Panel, *Super System Review* (2010), pt 1, 4, principle 8.

173 The Treasury, *Australia’s Future Tax System: Final Report* (2010), pt 1, xxi.

174 National Seniors Australia, *Submission 27*. See also Australian Chamber of Commerce and Industry, *Submission 44*.

175 National Seniors Australia, *Submission 27*.

176 Australian Chamber of Commerce and Industry, *Submission 44*.

### System coherence

2.124 The Tax Review identified ‘system coherence’ as a priority in its review of the retirement income system, by which was meant system consistency, simplicity and transparency for individuals.<sup>177</sup> A number of stakeholders expressed concerns about the lack of consistency, simplicity or transparency. For example, one considered the following should be a framing principle in the Inquiry: ‘easy to understand—and less of—paperwork!’<sup>178</sup>

2.125 Complexity, in particular, was identified as a cause of disengagement in paid work. ACCI, for example, stated that the complexity of laws that may affect an older person’s workforce participation ‘can often tip the balance against a decision to continue working’.<sup>179</sup>

2.126 The Australian Institute of Superannuation Trustees (AIST) also made the connection between complexity and disengagement. It submitted that laws and regulations about superannuation have become ‘convoluted’, with the effect that

It is possible that participants are not so much disengaged as utterly confused. The numerous age-based limits within superannuation cause considerable confusion and are difficult to navigate, before consideration of the penalties for breaching them.<sup>180</sup>

2.127 Accessible information is another aspect of system coherence. Its lack was identified as an element of complexity, leading to poor understanding of various rules and entitlements. For example, one stakeholder raised concerns about the difficulty of navigating various aspects of the social security system, stating that the ‘system should be more transparent’ and less complicated.<sup>181</sup>

2.128 COTA Australia argued that ‘more effort needs to be put into providing easy to understand, clear and concise information’ for older persons.<sup>182</sup> Where there is a lack of understanding, ‘myths’ may arise, leading people to decide not to undertake paid work for fear of losing certain benefits. AIST provided as an example misunderstanding about the interaction of the Age Pension and the income and assets tests. It suggested that:

Perhaps better communication of how the Age Pension interacts with these tests could help encourage people back to work as they may realise that they can earn a certain amount of income before their Age Pension is affected.<sup>183</sup>

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177 The Treasury, *Australia’s Future Tax System: The Retirement Income System—Report on Strategic Issues* (2009), 15–16.

178 W Trinder, *Submission 01*.

179 Australian Chamber of Commerce and Industry, *Submission 44*.

180 Australian Institute of Superannuation Trustees, *Submission 47*. The submission includes an example of member splitting and spouse contributions not being commonly used because of confusion and complexity.

181 R Spencer, *Submission 08*.

182 COTA, *Submission 51*. The comment was made specifically in relation to tax, but reflects observations made throughout the submission. See also National Welfare Rights Network, *Submission 50* in relation to ‘working credit’.

183 Australian Institute of Superannuation Trustees, *Submission 47*.

## Fairness

2.129 ‘Fairness’ can be a consequence of coherence, consistency and the stability of the relevant systems involved.

2.130 Fairness can reflect a commitment to a fair distribution of national resources and a balancing of responsibility between individuals and government. In the context of retirement, the Tax Review panel contended that responsibility for providing retirement income should be shared between government and individuals:

Governments should provide for minimum and essential needs and facilitate self-provision. Each of these goals should be pursued in an equitable and targeted way.

Individuals should save or insure during their working lives to provide resources in their retirement. Inevitably under this approach, retirement outcomes will differ for different people, depending on the extent to which they can and do make self-provision.<sup>184</sup>

2.131 A further aspect is fairness between generations—that is, ‘intergenerational equity’. Issues important to intergenerational equity include the management of public debt and the funding of pension schemes.<sup>185</sup> Stability may be considered an important component of intergenerational equity, in which persons of working age support the retirement incomes of others because they anticipate similar support when they become older. AIST submitted that ‘any significant changes to age based limits must be weighed against the cost to society in terms of intergenerational equity, loss of confidence in a system that appears to be changing frequently and affordability’.<sup>186</sup>

2.132 Fairness also encompasses ensuring basic rights and freedoms are enjoyed by older persons, and that there exists equality of opportunity in participation in paid and other productive work.

2.133 In this regard, the ALRC has noted the ‘gendered difference in ageing’ and the effects of discrimination. The Older Women’s Network New South Wales Inc (OWN) stated that ‘good policy and legal protection’ require an understanding that ‘ageing is experienced differently according to gender’.<sup>187</sup>

The differences between older men and older women are stark. To paraphrase the Australian Human Rights Commission (Cerise et al, 2009) unlike most men, most women accumulate poverty over their lifetime.<sup>188</sup>

184 The Treasury, *Australia’s Future Tax System: The Retirement Income System—Report on Strategic Issues* (2009), 1.

185 A Gosseries, *Theories of Intergenerational Justice: A Synopsis* <<http://sapiens.revues.org/165>> at 721 March 2013. The intergenerational exchange is, however, broader and flows both ways: ‘Forwards, towards younger generations, are investments in infrastructure, innovation and environmental protection. Backwards, to older generations, are pensions and public and family care for older people’: OECD Meeting on Social Policy, *Paying for the Past, Providing for the Future: Intergenerational Solidarity* (2011).

186 Australian Institute of Superannuation Trustees, *Submission 47*.

187 Older Women’s Network NSW Inc, *Submission 26*.

188 *Ibid.* Citing: Australian Human Rights Commission, *Accumulating Poverty? Women’s Experiences of Inequality Over the Lifecycle* (2009). See also J Willis, *Submission 42*.

2.134 Two stakeholders raised issues of age and sex discrimination—and its intersection.<sup>189</sup> The Government of South Australia commented that ‘older women face double discrimination based on both their gender and age’. It argued that ‘stereotypes and assumptions prevent older women from being selected for jobs or from being considered for training and promotional opportunities’.<sup>190</sup>

2.135 A further aspect of fairness was advocated by employer groups, namely the potential cost impacts on employers of any recommendations.<sup>191</sup>

2.136 The six framing principles—participation, independence, self-agency, system stability, system coherence, and fairness—have assisted in balancing a range of competing priorities in evaluating directions for reform, and underpin the recommendations in this Report.

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189 Diversity Council of Australia, *Submission 40*; Government of South Australia, *Submission 30*. COTA also considered that discrimination should be included as a framing principle: COTA, *Submission 51*.

190 Government of South Australia, *Submission 30*. Referring to: Australian Human Rights Commission, *Accumulating Poverty? Women’s Experiences of Inequality Over the Lifecycle* (2009). See also The Premier’s Council for Women South Australia, *Submission 13*. OWN suggested that another principle should be added: ‘capacity’—including capacity to continue in employment and to protect oneself from discrimination and adverse treatment: Older Women’s Network NSW Inc, *Submission 26*.

191 Australian Industry Group, *Submission 97*.

