

Committee Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

To whom it may concern,

**Submission to the Senate Legal and Constitutional Affairs Legislation Committee's Inquiry into the Sex and Age Discrimination Legislation Amendment Bill 2010**

National Seniors Australia (NSA) welcomes the opportunity to provide comments relating to the *Sex and Age Discrimination Legislation Amendment Bill 2010* which proposes amendment of the *Age Discrimination Act 2004* to formally establish the position of a dedicated Age Discrimination Commissioner. NSA strongly supports this proposal as it believes that the establishment of such a position acknowledges the disturbing prevalence of age discrimination and ageism and the urgent need to holistically and strategically address associated issues, and also demonstrates the government's commitment to do so.

By way of background, NSA is the country's largest organisation representing people aged 50 and over, with over 280,000 members nation-wide. This broad-based support enables NSA to provide a well-informed and representative voice on issues of concern for people aged 50 and over.

In the context of the Federal Election 2010 campaign, NSA in its Election Priorities Document (EPD) reiterated its call for the appointment of a dedicated Age Discrimination Commissioner. NSA believes that it is of vital importance to have a dedicated person who is specifically tasked with actively contributing to achieving the objectives of the *Age Discrimination Act 2004* by ensuring that barriers to older people participating in society and the workplace are being removed and age equality is promoted.

The prevalence of age discrimination issues and incidents unfortunately has been growing in recent years, providing strong evidence that there is need for a dedicated Age Discrimination Commissioner as well as institutional/ legislative mechanisms to protect people from ageism and aged-based discrimination. NSA believes that the proposed position will significantly contribute to raising the visibility of age discrimination as a concerning issue in our society. Sex Discrimination Commissioner Elizabeth Broderick has stated that it is disturbing that age discrimination and ageism, unlike other forms of discrimination don't yet seem to be at the point of being stigmatised. Quite the opposite and worse, they appear to be accepted within our society.

It can only be speculated whether this could potentially be attributed to aged-based discrimination not being given the same prominence as discrimination based on disability, race, and sex in the past. NSA believes evidence now shows strongly that age-based discrimination can no longer be dealt with in different ways than other forms of discrimination are being dealt with.

To create the position of an Age Discrimination Commissioner to be on a par with the Disability and Race Discrimination Commissioner and the Sex Discrimination Commissioner

is a welcomed step in the right direction. NSA further believes that, as any form of discrimination causes similar harms and traumas for the person being discriminated, it is imperative that similar protection mechanisms are in place for all causes of discrimination and that they are all being resourced in similar terms within the Australian Human Rights Commission.

NSA continues to seek national leadership surrounding issues which affect older Australians in daily life and potentially have negative impacts on their quality of life, such as aged-based discrimination. Additionally, NSA calls for affirmative action which recognises the contribution and value older Australians bring to society. Such actions need to include reducing the prevalence of ageism in society and workplaces by changing negative stereotypes and cherishing the contributions older Australians have made to shape present-day society.

Subsequently, NSA strongly welcomes the amendments made to the *Age Discrimination Act 2004*, and the consequential amendments made to the *Australian Human Rights Commission Act 1986* and the *Fair Work Act 2009*. NSA believes they have been long overdue, and is pleased to see that the Gillard Government honours its election commitment of establishing a dedicated Age Discrimination Commissioner position within the Australian Human Rights Commission. Projected demographic changes and their implications are expected to further fortify the importance of this position in the future as an important source of bringing about attitudinal change about how older Australians are being perceived and treated in a society which is ageing as a whole.

To expand on any of the issues addressed in this letter, please do not hesitate to contact Peter Matwijiw, General Manager Research and Policy, on (02) 6230 4588 or [p.matwijiw@nationalseniors.com.au](mailto:p.matwijiw@nationalseniors.com.au).

Yours sincerely,

A handwritten signature in black ink that reads "Michael O'Neill". The signature is written in a cursive, flowing style.

Michael O'Neill  
Chief Executive

26 October 2010