



# Ruby Hutchison Memorial Lecture

**The Hon. Susan Ryan AO  
Age Discrimination Commissioner  
Australian Human Rights Commission**

**Age discrimination and the internet - older people in the 21st century**

**14 March 2012**

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First I acknowledge the traditional owners of the land on which we meet tonight and express my respect to their elders past and present.

I am delighted to be speaking at an event named the Ruby Hutchison Memorial lecture.

Rod, it was only after receiving your invitation that I became aware of how much Ruby Hutchison, one of our outstanding pioneering political women, contributed to the better and more admirable aspects of Australian civil society we enjoy today.

Because of the work of Ruby Hutchison along with other early heroes and heroines like her, Australia in 2012 is a society that stands for fairness and justice for all.

While we may not always succeed in this high aim, we continually strive for it. We do that in all sorts of ways, whether our work involves protecting consumers from the effects of unfair competition and damaging commercial practices, as the ACCC does, or in protecting and advocating the basic rights of everyone, everywhere every day, as we do at the Australian Human Rights Commission.

From my understanding of Ruby's life, she would have fully endorsed the missions of both agencies.

In her many years as an ALP member of the Upper House in the Western Australian parliament Ruby Hutchison pursued important causes, including the right of women to serve on juries, child-welfare, education, housing and consumer affairs. She was an advocate for social justice, democratic reform and the ideal that governments should be constituted of an equal proportion of men and women.<sup>[1]</sup>

I was delighted to learn that it was her advocacy and research into consumer protection that was instrumental in the founding of the Australian Consumers' Association, formed in 1959 –

which now trades as CHOICE.<sup>[2]</sup>

I am even more pleased by tonight's opportunity to deliver the address named in her honour because this year, 2012, is the 50<sup>th</sup> anniversary of President Kennedy's speech to the US Congress setting out the four basic consumer rights: the rights to safety, to be informed, to choose and to be heard.

These became the Consumer Bill of Rights, a statement that has inspired the consumer protection movement not only in the US but also here in Australia.

All of those four rights resonate with my theme;

### **Age discrimination and the internet.**

My responsibilities at the Australian Human Rights Commission are to advocate for equal rights to employment, education, finance and goods and services regardless of age, and to pursue changes in those policies, laws and societal attitudes that discriminate unfairly on the basis of age.

It appears to me, given the difficulty older Australians face in utilising the internet, together with the growing importance of this technology in all aspects of our lives, that the current obstacles in this area for older people constitute internet age discrimination.

### **Introductory comments**

When Ross Gittens gave the Ruby Hutchison Memorial lecture in 2011 he concluded his presentation with a prediction which is fitting to begin this one tonight.

Ross Gittens said:

*The internet and e-commerce are in the process of revolutionising the consumer experience.*

*The internet has greatly reduced the cost of information gathering and comparison shopping, and will in the next decade or so break down international price discrimination and parallel import restrictions, making the generally much lower prices charged for goods in America available to consumers in Australia.<sup>[3]</sup>*

There are strong indications that Mr Gittens' prediction is correct – and in a shorter time frame than he estimated.

Over the past 12 months several book retailers have shut down apparently because they can't compete with online competition like Amazon and the Book Depository, whose e- businesses are burgeoning not only through e-commerce but also with the growing use of the Kindle and iPad technology.

The Internet and digital technology have already changed things for most of us - we are shopping online, socialising online, and increasingly accessing services online.

The Internet is indeed proving to be a useful tool that empowers the consumer and breaks down price discrimination – but it is only powerful for consumers who know how to use it.

For those who are not IT savvy, there are social, economic and service consequences, negative

consequences. I am referring to older people excluded from these new and valuable activities. The relative disadvantage of older consumers in this new market is so significant as to constitute age discrimination.

Let me explain that claim.

Computer 'literacy', by which I mean a working knowledge of and facility with IT, is essential these days; essential to a fair go, to exercising equal consumer rights. Without it, a previously literate generation of Australians is left behind. They are put at serious disadvantage as consumers of goods and services, not to mention being denied access to entertainment, information and social relationship.

Most of the older generation, those of us over 60, missed out on formal education about digital technology. We shouldn't forget that the first person-to-person SMS was sent in 1992 – a mere 20 years ago - and the general population didn't really start texting until about 10 years ago. Technology moves rapidly, and the only way to keep pace is to keep buying and trying the new gadgets. But it is not easy to keep up if you don't grasp the basics.

### **Older Australians and the NBN**

Now, in 2012, there are many reasons why *all* Australians need to be connected, and those reasons grow in number and importance each year.

As commerce and government become more aware of the cost savings and efficiency gains to be had by transferring business and services to the internet, they make these transfers more extensively.

In many businesses, we find that service centres, offices and shops staffed by human beings have been completely replaced by online access, with no people to provide assistance, and the requirement that you do it all yourself.

These changes can work for customers, but they require specialised skills and knowledge. They could bring benefits for older people, but only if older people can get the training necessary to start to exercise their rights to internet use equally with the rest of the population.

With online medical services increasingly possible, with the many choices already available for online grocery shops, with online payment of bills facilities and social networking options, older Australians who are able to access the net could live autonomously in their homes for longer, for their entire lives in fact. Not only could they live all their lives at home, they could live well.

I want to emphasise that the internet in this way presents a significant opportunity for increasing the wellbeing of all of us as we age.

We are currently engaged in a major national debate about how to improve the quality, quantity and availability of aged care. After a year of consultation, the Australian government will soon respond to the Productivity Commission's landmark report recommending wide ranging changes and improvements in how we provide care for older people.

The report highlights two facts that have been the case for a long time but not widely recognised: first, most people these days live in their own homes all of their lives; secondly, that option is the one strongly preferred by most of us.

Residential aged care is seen as necessary or desirable only for a small minority of very frail old people.

But many older people, who don't really want to be in care and may not need it, find themselves there.

Let us consider the factors that cause reasonably well older people to move from their own homes into residential care.

The first factor is health care needs. Old people typically suffer from conditions that require medications and close monitoring and management.

Such care can be provided in a nursing home, but not only in such a facility.

It could be provided at home, through the internet. We hear that one of the government's eight 'Digital Economy Goals' is to provide 'improved health and aged care'.<sup>[4]</sup> The NBN has been designed to provide a platform that allows homes, doctors' surgeries, pharmacies, clinics, aged-care facilities and allied health professionals to connect to affordable, reliable, high-speed and high-capacity broadband.<sup>[5]</sup>

Another factor forcing people into residential care is social isolation. Yet familiarity with email breaks down this isolation. Contact with family and friends becomes easy and satisfying. All parties escape the cost, inconvenience and sometimes the hazards of travelling to meet up.

Skype offers real time, interactive connections with family and friends.

Online shopping and delivery assists those who are not mobile. Older people can cut down further on the time, cost and the difficulty of travel with access to online banking, movies, newspapers, and the millions of articles and ideas that the Internet provides.

Consumer rights and benefits should increase with the rollout of the NBN.

Older Australians as I have noted are a target group for the planned NBN services. But will they actually get to exercise these new rights and take advantage of the promised opportunities?

Worryingly, at this stage the answer is more often no than yes.

### **Internet connection rates and online confidence of older users**

This is where we get to the ageist version of the digital divide, or what I have labelled internet age discrimination.

Right now, the majority of older Australians are not online. Of those who are, many claim that they are not confident Internet users and thus not in reality able to access the promised benefits.

Data from the 2006 census tells us that only 47 per cent of men and 39 per cent of women aged 65 to 74 had the Internet at home.<sup>[6]</sup> Once people reach the age 75 and above, they are even less likely to be connected. Only 28 per cent of men and 22 per cent of women over 75 are online at home. In stark contrast, Australians of all other age groups have home Internet rates between 74 and 81 per cent.<sup>[7]</sup>

We know that if and when older people do engage with online technology, it is likely with lesser skill and confidence.

The Australian Communications and Media Authority (ACMA) reported that age is a significant

factor in shaping peoples' confidence in their level of Internet skill. An ACMA study showed that between 45 per cent and 50 per cent of those aged 65 years and over, reported an Internet skill level of 'somewhat below average' or 'very much below average'.<sup>[8]</sup>

Older Australians are nervous Internet users for good reason.

Older Australians are vulnerable to online scamming and nervous about being scammed. Almost 64 per cent of respondents to a 2011 National Seniors Australia survey reported that security was an issue 'preventing' them from using the Internet or 'improving' their computer skills.<sup>[9]</sup>

According to the Australian Institute of Criminology, the Internet is the most common tool for scam activity. The Australian Communications and Media Authority reports that there is a direct correlation between one's level of Internet usage and one's knowledge of security options to prevent scamming.<sup>[10]</sup>

That is, the less you use the net, the more likely you are to be entrapped.

Scamming can take many forms. Some scams lure the unsuspecting person into paying advance fees in order to receive non-existent lottery winnings, a bogus inheritance or some other promised prize. Advance fee schemes include those in which the offender pretends to sell something that does not exist while taking money in advance, or provides a product of a lower standard than that which was offered for sale.

Other forms of Internet fraud include the use of malware to search for passwords and personal banking information. Identity theft is carried out by harvesting information from social networking sites.

Various studies have shown that there are few demographic factors that reliably distinguish fraud victims from non-victims except age.<sup>[11]</sup>

A 2007-2008 Australian Institute of Criminology (AIC) research project conducted in collaboration with the Victoria Police and the University of Melbourne found that people in different age groups are affected by different types of fraud.<sup>[12]</sup> People aged 65 years or older were more likely to be a victim of advance fee scams, while people aged 45 to 54 years were more likely to be involved in dating scams and people aged 18 to 24 years were vulnerable to online transaction scams. Survey respondents in the 35 to 44 age cohort reported the lowest scam activity.

You will probably be aware that our host this evening, the Australian Competition and Consumer Commission (ACCC) aggregates data on scams reported to its SCAM watch information centre. The picture thus created reinforces my concerns about inexperienced older users.

In some areas of scam activity, the cash losses are disproportionately endured by older Australians. For example, in the lottery and sweepstakes scams reported to the ACCC, over 55 per cent of the total losses were borne by over 55 year olds amounting to \$2,193,814 in 2011. Forty six per cent of losses to scams regarding unexpected prizes affected over 55 year olds, totalling \$905,030 in 2011. Nearly 16 per cent of all cash losses to the advance fee scams affected over 55 year olds totalling \$4,368,269 in 2011. Over 16 per cent of the investment seminars and real estate scam losses were borne by over 55 year olds at a total of \$1,645,314 in 2011.

These losses are brought into stark focus when we consider that 55 year olds constitute 25 per cent of the population<sup>[13]</sup> and are less likely to be online than other Australians.

What is being done to support people who are vulnerable to scam activity?

In Australia, the ACCC's Scam WATCH is at the forefront of monitoring, reporting and educating about scams. Some materials available on Scam WATCH include *the little black book of scams* which highlights scams that target Australian consumers. It offers consumers tips on how to protect themselves from scams, what they can do to minimize damage if they do get scammed and how they can report a scam.<sup>[14]</sup>

The Australasian Consumer Fraud Taskforce operates across Australia and New Zealand. It comprises 22 government regulatory agencies and departments with responsibility for consumer protection regarding frauds and scams.

The Australian Securities and Investment Commission (ASIC) website contains advice about ways in which to stay one step ahead of scammers.<sup>[15]</sup>

The Australian Institute of Criminology recommends cyber safety initiatives that include 'providing users ... with a simple 'self-assessment' for potential risks.'

**Of course, all of this assistance is available online, and therefore of use only to those who know how to go online.**

It is clear that those older people who lack the confidence to go online need other forms of assistance to get this confidence.

What do they need?

To overcome what is effectively age discrimination in this sphere, older Australians need accessible and appropriate information and education about computers and the online environment.

The Australian Government has implemented some initiatives to encourage older Australians to become computer literate. In 2008, \$15 million was committed to the *Broadband for Seniors Initiative*. This provides funding for 2,000 free Internet kiosks in community centres, retirement villages and seniors clubs across Australia. An additional \$10.4 million over 4 years was committed in 2011.<sup>[16]</sup>

The purpose of the kiosks is to assist people over 50 to use the Internet and send emails. Tutors and trainers are available.

While this has been an admirable initiative, it is not yet reaching its target.

A National Seniors Australia survey into the Internet usage found that only 17 per cent of respondents were aware of Internet kiosks.

Telstra has the 'Connected Seniors' initiative. This offers training videos and free interactive workshops -more than 30 workshops each year show seniors 'how', with coaching delivered in smaller groups, often working with local High Schools to deliver hands-on help. Eligible clubs or community groups can apply for grant funding to run their own training courses around technology.<sup>[17]</sup>The program is being expanded.

These initiatives by government and Telstra are moving things in the right direction. Clearly much more extensive efforts are required if fair access is to become a reality for all.

This fair access challenge is not unique to Australia.

It is a global challenge. Several countries are starting to meet it, in the spirit of their human rights obligations. The ability to access, receive and impart information is a human right. Article 19 of *The Universal Declaration of Human Rights 1948* states that everyone has the right to 'seek, receive and impart information and ideas through any media regardless of frontiers'.<sup>[18]</sup>

In the UK, a broadband provider, *BT*, has developed a scheme called *Internet Rangers* to encourage younger people to support older relatives and friends to use the Internet.

The UK's *Silver Surfers' Day* since 2002, has promoted the use of digital technologies by older people. Each year, an independent organisation - *Digital Unite* - supports people and organisations all over the UK to open their doors and give local older people an opportunity to sample digital products. *Age UK* provides Internet training courses in 6,000 centres across the UK.

*Age Action* in Ireland, a volunteer organisation provides the *Getting Started* program that delivers training about computers, the Internet and mobile phones to people over the age of 55.<sup>[19]</sup>

In 2010 and 2011, a number of European countries codified Internet rights into law. In 2010, Finland became the first country in the world to make broadband a legal right for every citizen. Finnish citizens have the right to access one megabyte per second of broadband connection.<sup>[20]</sup> In 2011, Spanish citizens were given the legal right to buy broadband Internet of at least one megabyte per second at a regulated price regardless of where they live.<sup>[21]</sup>

Greece, France and Estonia have all taken action to improve citizen access.

In addition to Internet access rights, the United Nations also recommends that States take action to build confidence and security in the use of the Internet. At the 2003 *World Summit on the Information Society* the United Nations recommended that States take action in 'strengthening the trust framework, including information security and network security, authentication, privacy and consumer protection, [as] a prerequisite for the development of the 'Information Society' and for building confidence among users of ICTs.'<sup>[22]</sup>

The United Nations recommends that specific attention be given to vulnerable groups including the aged.

### **Where are we now in Australia?**

As I have noted, the Australian Government is providing a degree of Internet access and some cyber safety advice and information to older Australians through the *Broadband for Seniors Initiative*. Given the low awareness of this scheme by older people however it is time for government to assess the usage and the locations of sites where free Internet and training is available to older Australians. We need to know who is missing out, why, and where they are. There is scope to expand the programs that we provide in Australia to integrate some of the successful ideas from the UK and Ireland, particularly the use of young people, relatives or students, to teach the old people in a hands on, one on one exercise. Evidence shows that this

kind of teaching works best.

Government has a particular responsibility in relation to the transmission of its own information.

Most essential government information is now provided online, sometimes exclusively. In order to ensure that public information is accessible to all Australians, government departments should audit online materials to ensure they are user-friendly for new Internet users and that alternative forms of media are provided for people who do not have Internet access.

We need effective public education campaigns that utilize all media, print, radio and TV to tell older people about the benefits of the Internet and to explain when and where older Australians can get assistance and training.

Because those older Australians who are potentially most at risk of online fraud are new users who may not be aware of relevant and reputable cyber safety websites, cyber safety information should also be delivered through the full range of media platforms.

We don't need to scare older people about the potential risks online. We do need to give them confidence to use the medium safely.

The Internet provides many efficiencies and potential benefits for all Australians. We must ensure that older Australians don't miss out on these benefits.

Going back to President Kennedy's four consumer rights- to safety, to information, to choice and to be heard, I hope you agree that they align very well with what I have put forward about the rights of older people to internet competence.

At the Australian Human Rights Commission, as Age Discrimination Commissioner, I have taken on the advocacy of older people's internet rights as a major activity, because I am convinced of their relevance, not only to the 4 consumer rights, but to the basic human rights from which consumer rights have developed.

Our civil, political, economic and cultural rights are set out in the core document, the Universal Declaration of Human Rights 1948. These rights should be applied to all important aspects of life in the 21st century.

For all of us to exercise those rights, government, business, media, the community and individuals need to cooperate to take the necessary steps to end age discrimination in access to the internet.

I am sure Ruby Hutchison would endorse that plan, and I hope you do too.

Thank you.

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