

EMBARGO TO TIME OF DELIVERY

CHECK AGAINST DELIVERY

**REMARKS BY PRESIDENT McALEESE**  
**AT THE LAUNCH OF THE LAW REFORM COMMISSION CONSULTATION**  
**PAPER ON LAW AND THE ELDERLY**  
**IPC HOUSE, 35-39 SHELBOURNE ROAD,**  
**DUBLIN 4**  
**ON MONDAY, 09 JUNE, 2003**

I am very pleased to have been invited by the President of the Law Reform Commission, the Hon. Mr Justice Declan Budd, to launch the Consultation Paper on Law and the Elderly.

As is to be expected of any publication of the Commission, this paper is an interesting, thought provoking and learned review of the topic, drawing on the experience in other comparable jurisdictions. It is a fine example of scholarship, distilled reflection and discourse at its best and exactly the context for the informed public discussion and feedback on which a final report will be based in due course.

I declare a vested interest in the subject matter at the outset as someone whose age now qualifies me for an increased level of personal concern about the issues you have addressed. Among the benefits of being part of the generation of the 21<sup>st</sup> century is an increased life expectation and an increased quality of life. The proportion of people over the age of 65 is growing rapidly presenting both opportunities and challenges we need to prepare carefully and strategically for.

The writer Anthony Powell once said; "Growing old is like being increasingly penalised for a crime you haven't committed". That is precisely the scenario your report is designed to help us avoid. There are many senior members of our community who would be outraged to describe their lives in such terms for they are as deeply involved in every aspect of life as ever they were and as in control of their own destiny as ever they were. Yet we would have to admit that for some old age brings a deepening vulnerability and infirmity, a heightened fear and an increased isolation, and hard as it is to credit or to admit, among them are some who experience abuse and mistreatment. For them it is essential that this unpalatable truth is faced up to squarely.

Until relatively recently, elder abuse – the abuse, neglect and/or mistreatment of older people - like so many other forms of abuse and more than many others, was not recognised as a problem. In the last 15 years or so this has begun to change, partly because of the recognition of other forms of abuse as social problems. Elder abuse takes many different forms, from physical, psychological and sexual abuse to financial, sociological and societal abuse, as well as neglect. The fact that there are no special legal remedies in place to protect an older person against abuse is deeply unsatisfactory for it means that solutions designed for other problems are stretched and patched unconvincingly to cope with things they were never designed to deal

with. Identifying suitable legal remedies, customised to the specific concerns of the aged is a complicated business for there are of course emotional and long-standing family ties involved. These ties of their nature continue long after third-party intervention and so can cause a righteous fear of consequences which is deeply inhibiting.

In prising open these vexed questions the Commission paper looks at the protections which the law could and should afford to people in this situation. The observations and recommendations on the practical problems which have arisen in the operation of the Powers of Attorney Act of 1996 are particularly welcome for the legislation has not been availed of as widely as it should be. At the same time it is very evident that the Commission has been careful to prioritise the safeguarding of the rights of those who grant the power and to guard against abuse of the power by those to whom it is granted. The ability to establish an enduring and credible power of Attorney offers a small but very reassuring facility to ease the anxieties of those who are facing the ravages of physical and mental deterioration.

As is so often the case with the Commission's work, legislation is not the only or most powerful end purpose of its work. Public education and sensitisation to serious issues long buried, ignored or overlooked is key to the cultural changes which legislation can only underpin and promote.

Our world is changing and quickly. Families that in the past provided a relentlessly demanding twentyfour hour web of care for their disabled, their sick and their elderly now admit that the burden of care was often utterly intolerable. Today's family structure, today's insight into the heroic role of the carer demands that society share the burden so that everyone can have a tolerable quality of life, a life worth living.

Ireland's economic success would not have been possible without the work, the sacrifices and the resilience of our older citizens. We harvest the ground they ploughed and tilled and planted. They deserve our very best efforts to give to them a fair share of that harvest. They deserve the care and concern which is at the heart of this report and the future action it heralds.

I congratulate everyone involved in its preparation and publication; the Professional and Administrative staff of the Law Reform Commission, the Wards of Court Office, the Probate Office and the many professionals who dedicated their time and energy in a constructive exchange of views and advice to achieve such a comprehensive and challenging body of work. This is not a book to adorn a shelf but a provocation and an invitation to become involved in the kind of intense public debate which alone can generate the changes in attitude, behaviour and laws on which the future happiness and security of our elderly relies. My thanks to the Law Reform Commission for such an important document. I wish it well.

Go raibh maith agaibh go léir.