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AUSTRALIAN LIFE AGENCY

MANAGEMENT ASSOCIATION

OCTOBER LUNEHCON, SYDNEY

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The Hon Justice M D Kirby CMG
Chairman of the Australian Law Reform Commission

ACTION ON TWO REPORTS

The Australian Law Reform Commission has delivered two major reports on reform of insurance law in Australia. These reports are titled 'Insurance Agents & Brokers' and 'Insurance Contracts'. They propose major reforms of Australian law governing the insurance industry, including life insurance. Both reports were prepared with the close involvement of the insurance industry and also consumer organisations.

The reports propose introduction of Federal legislation to regulate the legal relationships of the insured, the insurer and insurance intermediaries. The final recommendations have been assailed by the major consumer organisations as involving an unacceptable retreat from the original reform proposals put forward in the Commission's distributed discussion paper. More recently, the ICA Bulletin has published a comment on the Insurance Contracts report headed 'ALRC Fuelling Dishonesty?' The fact that the reports have been criticised as going too far and not going far enough suggest that they might just have struck the right balance.

However that may be, the new Federal Government has indicated in the last few weeks its intention to introduce legislation based on both reports. Discussions have already been held in Canberra to this end. It is therefore important that the reports should be carefully considered within the insurance industry of Australia. They offer a blueprint for a more modern law of insurance in this country. Adapting comments made by Lord Devlin in another context, it is not much point telling insurance personnel to obey the law if it takes a day's research to find out what the law is.

The burden of common law decisions, hundreds of years old, and of Imperial, Federal and State legislation hangs upon the Australian insurance industry. The time has come for a major effort of modernisation and reform of insurance law. The reports of the Law Reform Commission provide the opportunity to achieve this.

FUELLING DISHONESTY?

The whole procedure of the Australian Law Reform Commission is designed to invite consultation, criticism and comments. No other public body in our country consults so widely, deeply and intensively. In the insurance inquiry, the Law Reform Commission left no stone unturned in an effort to obtain all relevant information and all relevant views. Only after the fullest consideration of the information and views presented to the Commission did it reach its conclusions.

No reports of public bodies, in a free society, are immune from critical comment. Accordingly, it is not unusual for adverse comments to be made after the Law Reform Commission's reports are published and before Government has acted on them. In the past, the Commission has rarely had cause to complain about such comments. Regrettably, in the case of the recent edition of the ICA Bulletin, whilst the beliefs expressed were no doubt sincerely held, the comments made on the basis of those beliefs were seriously misleading. They represent a half-baked, prejudicial and superficial examination of the proposals of the Law Reform Commission. They are unworthy of the insurance industry of Australia. And they must be corrected.

GETTING IT RIGHT

First, the heading in the ICA Bulletin was 'ALRC Fuelling Dishonesty?' This can only be described as inflammatory, particularly as the article proceeded to link the Australian Law Reform Commission's recommendations on insurance with a likely increase in arson. The headline itself, though expressed with a question mark, implies a deliberate contribution by the Australian Law Reform Commission to fraud in Australia. This is a serious and unworthy suggestion. The article went on to discuss the Commission's proposals concerning non-disclosure, misrepresentation and fraud. I will leave aside minor inaccuracies in that article and the use of examples which, in total, give a quite misleading impression. I will content myself, instead, with the major misrepresentations.

Let me quote the main offending paragraphs:

* The ALRC ... proposes changes to insurance contracts which would be in a policy owner's favour to the extent that the validity of the policy would be upheld whether or not there be obvious cases of misrepresentation or non-disclosure.

* What the ALRC is saying in effect is that it doesn't matter if insurance customers provide untruths or withhold essential information when applying for an insurance policy. The attitude seems to be that while fraud is not on, being a 'little bit' fraudulent is.

Now let me explain what the Law Reform Commission actually said and what, presumably, the Federal legislation will do. First, the report distinguished clearly between innocence and fraudulence, nondisclosure and misrepresentation. Only in respect of innocent non-disclosure and misrepresentation did it suggest that the validity of the policy should be upheld. The article totally ignores this fundamental point. But that is not the only defect in the ICA Bulletin comment. Even in cases of innocent non-disclosure and misrepresentation, the Commission recognised that an insurer should be entitled to reject a claim to the full extent of any prejudice it had suffered as a result of the non-disclosure or misrepresentation. The Commission felt that it would be quite inequitable in the case of innocent conduct by the insured to deprive him of a bona fide claim and, instead, to give an undeserved windfall to an utterly unreasonable insurer. Again the article in the ICA Bulletin simply ignores the point of the Commission's remarks. It is true that the Commission also recommended a change in the test of 'materiality'. The Commission proposed that the test should no longer impose an obligation on an insured to disclose to his insurer any fact which a 'prudent insurer' would regard as relevant to the assessment of the risk. This test ignores the fact that, in the circumstances of modern insurance, a person insured may have no business knowledge and not the slightest idea of what a prudent insurer would think to be relevant. The Law Reform Commission proposed that the rule should be replaced by a test which has regard to what the insured knew or what a 'reasonable person in the insured's circumstances' would have known was relevant to assessing the risk. I believe that there are many in the community, including a great number of responsible people in the insurance industry, who would concur wholeheartedly in the need to abandon the present law on materiality and to express the test in terms of the Law Reform Commission's recommendations.

ABOUT FRAUD

Let me turn to the second aspect of this matter : fraudulent conduct by the insured. The article in the ICA Bulletin said that, under our recommendations, the validity of the policy would be upheld. What is the truth of the matter? The truth of the matter is that we said quite the contrary. We said that the policy would be void. For reasons set out in the report, we suggested that, in some cases, a court might adjust the rights of the parties, despite the avoidance of the contract, where it would be unjust and inequitable not to do so. The court would be specifically required to take into account the need to deter fraudulent conduct. Looking at things practically, very few applications for relief would ever be made. Fewer still would ever be successful. Yet what the ICA Bulletin alleges is that the ALRC said that 'it doesn't matter if insurance customers provide untruths or withhold essential information'. This is just a plain mis-statement of what the Law Reform Commission has said. There may be some insurers who believe that the smallest dishonesty warrants in every case punishment by catastrophic losses that can follow the deprivation of insurance. Yet I believe that such an approach involves the use of a heavy-handed weapon where the law's reaction should be somewhat more sensitive, though always discouraging fraud. Under the Law Reform Commission's proposals:

* the policy is void;
* the insured must apply to the court;
* the court is specifically reminded of the public policy of deterring fraudulent conduct;
* the onus is on the insured;
* but the court is directed to address the justice and equity of the circumstances.

I know enough about many of the honourable insurers of Australia to know that this is already an approach frequently taken by insurers themselves. But it is not universal. And the issue is whether the law should reflect realities and equities or persist with a heavy-handed approach in every case, no matter what the circumstances, because of the spectre of fraud.

AN INNOCENT MISREPRESENTATION?

I hope, for everybody's sake, that others who comment on the Law Reform Commission's reports will be more careful in their reading of the reports and more circumspect in their comments. Only then can governments be expected to give fair consideration to competing views and to make an informed decision on the basis of the

public good. By all means, let us as a community condemn fraud and dishonesty. Let us study its incidence and design laws to respond to it. But it is unacceptable to assert, without any basis, that the Law Reform Commission is soft on fraud. The public consultation process of the Commission invites comment and criticism. But let that comment and criticism be based on what the Commission actually said and recommended. Slipshod commentary such as appeared in the last issue of the ICA Bulletin does nothing for the good name of the insurance industry or for the promotion of rational debate about improvement of our society and its laws.

LAW REFORM IN AN AGEING SOCIETY

I now want to say a few words about the law, the aged and superannuation. In the Commission's enquiry on insurance contracts, it was pointed out that the relationship between superannuation and insurance was a complex one. Superannuation schemes are commonly established by the execution of a trust deed under which trustees are empowered to receive and invest contributions and to make payments for members covered by the scheme in accordance with the terms of the deed. The deed may provide for benefits to be payable only on the death or retirement of a member. It may also provide for benefits to be payable in respect of a disability of tha member. When the members covered by a scheme are sufficient, payments on death are in some cases funded solely from contributions and investments. In other cases, the trustees are required to obtain insurance cover from a life office in respect of members of the scheme. Budget decisions taken in August 1980, providing for a $1,200 concessional allowance on income tax for self-employed persons and for employees making unsubsidised contributions to a superannuation scheme, have resulted in a significant switch from ordinary life insurance business to a form of superannuation business in which the life office usually appoints a subsidiary company as trustee for the relevant scheme. The Law Reform Commission was informed that as much as one-third of new individual life business is now in the form of superannuation. Accordingly, the report offered by the Law Reform Commission extended to insurance arranged in connection with superannuation. In some cases, however, modification of the Commission's recommendations with respect to life insurance was required to ensure the effectiveness of those recommendations applying to insurance arranged in connection with superannuation. In other cases, the special nature of insurance arranged for superannuation was such as to make it inappropriate or impossible to apply the Commission's recommendations to that form of insurance. Throughout the insurance contracts report there is discussions of the implications of the reform of insurance law for insurance contracts taken out in association with superannuation.

In making a speech, such as I am called upon to do, in unconscionable number, a choice must be made by the speaker. I could, in the remaining time, regale you at length about insurance reform and its implications for superannuation. Or I could discuss proposals for a national superannuation scheme and the lessons to be drawn from New Zealand experience. Alternatively, I could take up the pernickety but very practical issue of the design of superannuation funds: the possibility that legislation in relation to superannuation will be amended, either by increased personal taxation or reduction or elimination of tax concessions. Those who plan superannuation funds nowadays must be fleet of foot. My eyes fell recently upon the report of the research project by Dr hal Kendig, who for two years has been looking at the most comprehensive survey of the aged in Australia for the Australian National University's Ageing and the Family project. (See the Australian, 8 June 1983, 17). His conclusion was that not only are there more older people. But thanks to superannuation, small families, careful investment and prolonged general prosperity, many of the aged are getting healthier and wealthier. The next day, there appeared in the Melbourne Herald the somewhat startling news that there are 32,000 people in the United States who are 100 or older. Three quarters of these people are women. The middle aged and elderly are the fastest growing segments of the population in the United States, as in Australia. Since zero population growth came upon us in the 1960's, the number of teenagers is dwindling. The fastest growing group are those between 35 and 44. I just make it into this group: the World War II baby boom. Of the 32,000 people aged 100 and over, 24,000 are women. 25,000 of them are white and 7,000 are black. Save for the last statistic, I would have no doubt that in Australia we could boast similar figures, proprotionate to our population.

These facts all call attention to the major revolution that is occurring in our community and that has been little discussed. It is a revolution that is relevant to the future of taxation and social security laws. Equally it is one that is vital for the development of life insurance and superannuation. The advent of an ageing population is both the opportunity and challenge before life agencies and their personnel.

WHO ARE WE TALKING ABOUT?

In the reform of the law, it is necessary first to understand fully the way in which present institutions, laws and procedures work in society. It is necessary to understand precisely the target groups at whom efforts to change things for the better are aimed. I realise that there are real differences of opinion about the definition of the 'old' or 'ageing'.

It is clear that whatever age we fix on as an arbitrary point, there is a significant shift in the aged or ageing. Australia was an atypical Western country for the greater part of the last 30 years. The influx of migrants made us a country with a higher proportion of young people than most others of the OECD or Western world. Now, with smaller families, zero population growth and declining immigration, we are joining the pattern of other Western communities and more of our people are and are becoming old. About 8 1/2 percent of Australia's population is now over 65. Before the age of 65, 52% of men have retired and this proportion increases rapidly with increasing age. 80% of all men and 95% of all women over the age of 65 are retired. At 65 on average men can expect to live another 15 years. Women can expect to live 20 years. There has been little change in adault mortality for the over-65 old in Australia during the past 50 years. But in times gone by, compulsory retirement at a fixed point was not as common as it is today. Often, people who had work stayed at work until they died or until they fell ill. Today people can look forward to between 15 and 20 years of retirement. This is on average a fifth of their lifetime. We are now seeing in Australia a great move to increase and not reduce the proportion of 'retired' people. For example the New South Wales Police Association conference called, amongst other things, for earlier retirement for police. It is true that there are special features of police work which call for young, active, vigorous people. But at the same time as some employment groups are calling for earlier retirement, others are having it pressed upon them.

In Britain new research by the Department of Employment emphasises the growth, since the mid-1979s of age redundancy. According to New Society (12 October 1978, p. 83) twice as many 55 to 64 year olds suffer redundancy than 20 to 24 year olds. In a 10% sample of redundant workers for 1975—1976, just over 42% were over the age of 50 years. According to the same report the vast majority of the 320,000 jobless who had no work for more than a year fell into the over-50 age bracket. The report contined:

> We have neglected the pride of the older redundant workers for far too long. ... Early retirement on today's inadequate benefits is an insufficient answer.

Although these are figures for Britain, I would be surprised if figures for Australia were very different. We are seeing a growth in early retirement: sometimes voluntary, often less than voluntary. A recent magazine article quoted one management consultant firm as explaining this:

> Firsts believe it is better to get rid of the older men and give the young blood a chance. There is a definite prejudice against older people.

Another management consultant pointed to the incentives for employers to do this:

> For 2 1/2 percent of the base annual salary of the executive who is being made redundant, the employer can save quite a lot of money.

When the Royal Commission on Poverty reported, it made it clear that poverty in Australia was overwhelmingly a problem of the aged and especially single aged people who made up the largest group of the 'very poor'. More than half of the total disability groups described as 'very poor' and below the poverty line were aged, single people or couples. Indeed, nearly half of the total number of Australians below the poverty line were aged females living alone. (Interim Report, 1974, p. 10). The situation of aged couples was slightly better but about 1/3 of them were also described as 'rather poor'.

I do not have an up-to-date table of the position as it now stands in the middle 1980's. But I do have Professor henderson's speech to the Annual General Meeting of the Victorian Council on the Ageing in March 1980 and this is what he had to say:

> The first and most important thing that has to be said is this, that unless there is a major change in policy, the great majority of those who are retired in this country will be very poor indeed. The single pension is well below the poverty line, and the great majority of those who are retired are on the pension which as you know has a means test for those under 70. I hope that one of the continuing activities of the Council will be to join with other groups in society in protesting that it is quite scandalous that in this rich country — and we are a very rich country, and we are going to become a good deal richer through the 1980s — the majority of our retired population should live in <u>deep poverty</u>.

Professor Henderson expressed his views in language which is obviously strongly felt. He said that the policy to increase the pension over time in line with cost of living index changes will not maintain the purchasing power of the pension. i am not competent to assess these matters but I draw Professor Henderson's views to your notice.

The Law Reform Commission looks at a fast-changing society. One of our references required us to examine the other end of the age spectrum: the problems of child welfare, child offenders, children in need of care, children being abused and children's day care centres and employment. We reported on that topic in 1981. Legislation is now being proposed. We have no task which is specific to older people, superannuation as such or problems of ageing.

We do, however, have a number of projects before us which affect all citizens and which require us to keep a close eye on the forces for change in Australian society and on the changing structure of that society.

I have said enough to indicate that in my view our society is changing rapidly and in a direction that will plainly be relevant to its laws and its institutions. We are no longer an overwhelmingly young country. We will increasingly become an older country. Increasing numbers of our citizens are being retired voluntarily or involuntarily at earlier ages. Early retirement imposes psychological and other stresses on people who are retired and economic obligations on those in the workforce who are contributing to the goods and services available for distribution in society. To all of these pressures are added the problems of lack of employment for those retired persons who seek employment activity. I believe that increasing attention will be needed, including attention by the law, to the issues raised by early retirement.

RETIREMENT AND THE LAW

The N.S.W. Concil of the Ageing conducted a survey into employment of the ageing and it concluded that despite the present employment situation, age should not automatically bar senior citizens from employment. It made a number of practical suggestions:

* People should retire gradually i.e., on part-time work or as advisers or on lighter duties rather than a sudden cut-off
* Companies should encourage employees approaching retirement to attend retirement seminars and to take up other interests
* More part-time work should be developed for seniors

The survey concluded that compulsory retirement based on age alone was discriminatory and that some aged persons are at their best in their 60s and 70s and should be allowed to work if they wished to do so. Compulsory retirement, it declared, often affected health and morale.

Recent studies in Australia suggest that retirment is a major trauma for many people. Statistics show a significant increase in sickness and death among retired people, which cannot be attributed simply to advanced age. Ann Daniels, a sociologist at the University of New South Wales, has expressed the view that prejudice against old people is very real in Australia:

> It is not a popular area for social or medical research. This is definitely the century of the child. ... It's mainly men who retire, because it's mainly men in this age group who go out to work. It must suddenly seem to them that they are no longer watned or needed. They no longer have a regular work routine, they don't even have to get up in the morning. Their social life, which has often been largely centred around their friends at work, tends to drop away. There's a big jump in mortality and morbidity around 63 for men. That's the average age of retirement.

Now, of course, this is not universally true. Thanks to increased superannuation these days many people tend to be more financially secure and in better health than in days gone by. Doctors seek to get their patients thinking about retirement years before they actually retire and to develop alternative interests and pursuits. But this is not always easy as the habit of life of involvement in work is hard to shake off. Many people brought up in the 'work ethic' tradition simply do not want to shake it off. For them, the transition is most difficult and enforced retirement, especially at a fixed and apparently arbitrary and irrelevant age, is seen as irrelevant and irrational.

A former Chief Justice of New South Wales, Sir Leslie Herron, used to describe the compulsory retirement age of the judiciary (70 years) as the 'age of statutory senility'. Until recently, federal judges in Australia (as a result of a decision of federal judges themselves) held office for life. The introduction of arbitrary retirement age is usually justified by stereotyped disparagement of older people, terming them 'slow', 'prone to sickness', 'difficult' and so on. It is said to be necessary to have a mandatory retirement rule to guard against employees becoming incompetent and to prevent the disputes which will arise in particular cases. It is said to be necessary for administrative convenience. It is said to be essential to encourage younger people who face their own employment problems today.

Nobody suggests that older people should be forced to continue at work. But a real question arises for our society and for its laws as to whether those that want to remain at work should face, as increasingly they do in Australia, the reduction of the age at which they may be compulsorily retired on a mandatory basis, irrespective of inclination and ability.

The interesting thing to observe, so far as the law is concerned, is that whilst we in Australia move to reduce the age of retirement and whilst bodies such as the Police Association call for earlier ages of retirement, in the United States the whole pressure is in the other direction. Since the 1960s, but increasingly in recent years, the United States Congress has moved to forbid what it has declared to be discriminatory rules governing mandatory retirement.

The thrust of United States legislation is to permit people to retire at an arbitrary age but not to force them to do so. Legislation has been enacted in the United States prohibiting discrimination in employment because of age and requiring that employees be retired on their merits and not on the arbitrary application of a birthday and the historical fact of the passage of years.

UNITED STATES LEGISLATION

Because we in Australia frequently follow United States legislative patterns (usually about 15 or 20 years later) it may be instructive for us to have a brief look at just what they are doing in the United States about age discrimination so that we can consider whether similar legal moves should be introduced in our country. Some rules against discrimination in the United States arise out of specific provisions of the United States Constitution which are not relevant to Australia, with its very different Constitution, which has no Bill of Rights. I will therefore deal only with the legislation that has been passed by Congress. When Congress was drafting the civil rights legislation of 1964 it considered whether to include age discrimination within the scope of that general Act. Ultimately it concluded the subject of age discrimination was best left to further investigation and study. A study was set up and the result was the federal Age Discrimination in Employment Act of 1967 (ADEA). Under that Act discrimination against employees on the basis of age was outlawed in the federal service and in bodies relying on federal funds. Many States of the United States introduced similar legislation to provide redress to older people who claimed they were the victims of discriminatory practices in employment. The Act was fostered by a concern for the plight of jobless older Americans. The purposes behind the Act was expressed in it in the following terms:

* to promote employment of older persons based on their ability rather than age;
* to prohibit arbitrary age discrimination in employment;
* to help employers and workers find ways of meeting problems arising from the impact of age on employment.

The legislation set up administrative machinery to promote conciliation and mediation in preference to court action, and permitted access to the Equal Employment Opportunity Commission to investigate and to conciliate disputes.

In 1978 the United States Act was amended once again to strengthen the machinery for dealing with what were described as the 'unsatisfactory old age classifications's. The 1978 amendments included a Congressional finding that age-based distinctions such as mandatory retirement were unrelated to actual capabilities and caused financial and psychological hardship:

> Increasingly it is being recognised that mandatory retirement based solely upon age is arbitrary and that chronological age alone is a poor indicator of ability to perform a job. Mandatory retirement does not take into consideration actual differing abilities and capacities. Such forced retirement can cause hardships for older persons through loss of roles and loss of income. Those persons who wish to be re-employed have a much more difficult time finding a new job than younger persons. H. of Rep. No. 95—527, Part 1, 95th COngress, Firest Session (1977)

In the testimony offered to the Congressional hearings, once medical witness put it thus:

> In the past ageing was thought to be invariably accompanied by diminution in mental and other capacities. A person's abilities were thought to deteriorate in direct proportion to their age. Almost every investigation tha has been undertaken on the topic has shown definitively that chronological age and functional ability are not related to the concept of biological age, but biological age and chronological age are no co-relative. ... The concept that a person at age 65 or for that matter 70 or 75 inexorably has suffered a loss of ability and functional capacity is completely at variance with known facts. ... There is no rational basis for taking age 65 as a milestone as either physical or mental capacity. (Hearings before the Sub-committee on Labour of the Senator Committee on Human Resources, 95th Congress, First Session (1977) (Statement of A.E. Gunn, J.D., M.D.)).

Members of Congress noted that learning ability and intelligence do not necessarily decrease with age but may remain steady or even increase dependig on one's profession, interests and health. The brain can substantially deteriorate before the ability to learn is affected. The age associated with loss due to brain deterioration varies widely from age 65 to over 90. Many Members of Congress observed that defenders of mandatory retirement ages offered no evidence in support of their contention but instead resorted to stereotypes. They asserted that the same kinds of stereotypes had for years been offered as justification for restraints on blacks and women in the United States.

With this background the Congress voted to amend the Age Discrimination in Employment Act, raising the earliest allowable mandatory retirement age to 70 for all people covered by federal legislation who were not federal employees and prohibiting mandatory retirement of most federal employees on the basis of age. The prohibition of mandatory retirement of most federal employees was intended as an example for the rest of the employers in the United States.

> One legal commentator has suggested that the congressional action in the United States reflects: A growing realisation that the impact of many mandatory retirement laws is arbitrary and devastating both personally and socially. The conclusion to be drawn from the available evidence on ageing is thus clear: a significant segment of society is being victimised by rules that perpetuate the very stereotypes used to justify the rules in the first place. ... Just as it is wrong to assume a man is more qualified than a woman to administer an estate, it is wrong to assume that those who have reached a certain age have decreased mental and other professional capacity.

In the United States we have now begun to see litigation based on these principles. In one important case a judge has commenced proceedings claiming that State legislation requiring him to retire at the age of 70 was invalid. The proceedings are still current but one commentator pointed out that the Justices of the Supreme Court, who would ultimately have to hear the case, and who in the United States still hold office for life:

> need not look far to discover that age is not a reliable criterion of mental decline. 127 Uni. of Pennsylvania L. Rev. 798, 816 (1979)

Although various bodies throughout Australia have in recent years called for attention to the problems of early enforced retirement and the special problems of mandatory fixed retirement ages based on arbitrary birth dates, we see nothing in Australia equivalent to the ferment of this topic in the United States. This is curious, because as some commentators point out, the ageing are fairly well represented in our legislatures. Furthermore, they are an increasing number of our population. They will become in the decades ahead an increasingly powerful voice as they grow more numerous (their numbers are swelled by early enforced retirement) and as they come to include the more assertive people of today's middle years.

I predict that we will see in Australia increasing resistance to what has been termed 'ageism'. Just as we addressed in 1979 the International Year of the Child and in 1981 celebrated the International Year for Handicapped Persons, the time cannot be far off when Australian society and its laws must face specifically the problems of the ageing.

If we look to the United States, with its legal system which shares many common features with our own, we can see dimly the pattern of laws ahead. There will be an increasing realisation that those who wish to retire early should be entitled to do so. There will be an increasing recognition of the need to provide such people with index-linked and consumption-related pensions. There will also be recognition of the need to provide employment activity for those who want to remain in employment. New attention will be given to finding suitable work for older workers, especially those made redundant by technology. There may even be legislation which requires personal assessment of the capacities of employees and forbids mandatory retirement at a fixed age, though growing unemployment may delay this reform.

I realise that life offices those concerned with life insurance and superannuation have other pressing tasks. Professor Henderson, in his address to the Victorian Council, urged that the primary obligation of today was to provide more money to older people, reliant on pensions. He said that it was necessary to provide more and better services. The Royal Commission on Human Relationships supports this view, particularly in the need to provide more varied accommodation facilities and arrangements.

But the increasing number of young people who are brought into retirement from age 55 on poses new problems for our society and its laws. I believe that in the decade ahead we will see the law come to grips with these problems and I would not be surprised if legislatures in Australia, as in the United States, moved to discourage or even forbid the mandatory retirement of people on the basis only of their chronological age. I hope that those involved in superannuation in Australia will be watching these developments closely for their relevance to your work. This is an exciting time to be in your profession in this country. You need all your wits about you. You need to be quick on your feet. I wish you luck.

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