Elder Law in Australia and China: From Protection to Empowerment
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ELDER LAW IN AUSTRALIA AND CHINA: FROM PROTECTION TO EMPOWERMENT

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The latest Australian Census (2011-2016) has revealed that, for the first time, the number of Australians of Chinese and Indian birth combined is greater than that of English birth. This article seeks to demonstrate how law and culture are inter-related and how an understanding of both provides a better protection of people’s rights. Given the recent statistics and changes in elder law in Australia and China, this article specifically focuses on the rights of older persons in residential care and family accommodation in both countries. This article aims to present opportunities to promote elder justice as a matter of everyday justice. It demonstrates the need for a new paradigm shift: from protection to empowerment.

1Australian Bureau of Statistics, 'Census of Population and Housing: Australia Revealed, 2016' (27 June 2017) Catalogue 2024.0
PEOPLE’S RIGHTS AND THE NOTIONS OF CULTURE, VALUES AND SELF
TERRITORY AND CULTURE
COMMON PURPOSE

Image source: http://www.babylonlibrary.org/event/elder-abuse/

Image source: http://www.almarfamd.com/services/senior-elderly-care;
http://www.calgaryeldercore.com/home-core/home-care-calgary/
THE CARER AND THE LAW

➢ Care and Real Life
➢ The Law
Everyday justice refers to the first level of justice.²  
It is about people’s narratives and their relationship with the justice system.³

² Christine Parker, Just Lawyers: Regulation and Access to Justice (Oxford University Press, 1999)  
⁴ Adapted from the Australian Government, Attorney-General’s Department, Access to Justice: Levels of Justice and Proportions of Disputes Resolved  
https://www.ag.gov.au/LegalSystem/Pages/Accesstojustice.aspx, See also Christine Parker, Just Lawyers: Regulation and Access to Justice (Oxford University Press, 1999)
Everyone has the right to education. United Nations, Universal Declaration of Human Rights 1948, Article 26

Human rights should be protected by the rule of law. United Nations, Universal Declaration of Human Rights 1948, Preamble
PARADIGM SHIFT: FROM PROTECTION TO EMPOWERMENT

To be charitable is a virtue; To be empowered is a human right.⁷
- Mitch Teberg

CONCLUSIONS

Elder Justice

Legal Education

Everyday Justice Matters


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THANK YOU!
REFERENCES


• Christine Parker, Just Lawyers: Regulation and Access to Justice (Oxford University Press, 1999)

