

Tim Wilson
Commissioner, Australian Human Rights Commission
Level 3, 175 Pitt St
Sydney NSW 2000

11 November 2014

Meeting 14 October 2014, hosted by Living Proud, West Perth

Dear Tim

Thank you for making the cross-Nullabor journey and meeting with LGBTI NGOs at Lotteries House, on 14 October.

On behalf of GRAI, Conrad Liveris ably presented the case for older LGBTI people: a cohort frequently overlooked, even by LGBTI organisations.

DATA ON OLDER LGBTI PEOPLE

At the meeting, clarity was sought regarding the source of Conrad's quoted figure of 24,000 older LGBTI people in Western Australia. This figure is the one commonly used by GRAI as it was included in our research¹ and subsequent submissions. It is achieved by taking demographic statistics and using a conservative measure of 8% of the population being LGBTI. More recent LGBTI estimates are higher, and put this figure at closer to 10-12%. Thus:

Of a WA total population of 2.35m, 13% are over 65 years, and 8% (at least) of this cohort will identify as LGBTI. These figures are drawn from 2011 ABS statistics and will increase significantly as baby boomers 'come of age'.

We note there is a dearth of hard data on LGBTI older people, due to historical reluctance to ask questions about sexuality and gender identity and a lack of understanding about its relevance and importance. We would like to encourage the ABS, health surveys and aged care providers to routinely include sexuality and gender identity in questionnaires, surveys, intake forms etc. Even with these measures in place, however, we anticipate significant under-reporting, due to historical fears and patterns of non-disclosure by older LGBTI people.

LAW REFORM

¹ GRAI and Curtin Health Innovation Research Institute, Curtin University, 2010: *'We don't have any of those people here: Retirement accommodation and aged care issues for non-heterosexual populations'*, Perth WA.

Despite the welcome recent law reform protecting the rights of older LGBTI people², we have some 'unfinished business' that we hope will be supported by the AHRC. In particular, the faith-based exemptions which were repealed for LGBTI clients in an aged care setting, still stand for LGBTI staff of these organisations. It is impossible to have confidence that a service can provide inclusive care to LGBTI clients whilst maintaining a discriminatory approach to LGBTI staff. We would welcome any advice from your office regarding opportunities to progress this issue.

COMMONWEALTH GUIDELINES

As Conrad mentioned in his presentation, more concrete measures must be in place to guide Aged Care providers' policy-making and LGBTI inclusive practice. In particular, there is urgent need to address the following:

- Funding for LGBTI Packages are being awarded to organisations with no criteria to indicate LGBTI cultural safety within that organisation;
- Aged Care Assessment Team (ACAT) Assessors have no guidelines to check for LGBTI inclusivity; and
- LGBTI elders have been given 'Special Needs' status under the Aged Care Act, but no measures of LGBTI inclusivity in policy or practice have been established.

We would welcome any support and/or advice from your office regarding avenues to progress these shortfalls.

Thank you once again for meeting with us. I look forward to future engagement with the AHRC on LGBTI Human Rights issues.

Yours sincerely



June Lowe, Chair, GRAI

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Below, for your information, background on GRAI

² Aged Care Act (2013), Special Needs Status for Older LGBTI people; Sex Discrimination Amendment (Sexual Orientation Gender Identity and Intersex Status) Act (2013), removed faith-based exemptions for LGBTI discrimination.

ABOUT GRAI

GRAI is a not-for-profit, community organisation based in Western Australia. GRAI was established in 2005, to explore the development of and to advocate for, aged care and community services catering for the needs of older people of diverse sexualities and gender identities. We also aim to promote the rights and well-being of older LGBTI³ people within the broader community. Our mission is 'to create a responsive and inclusive mature age environment that promotes and supports a quality life for older people of diverse sexualities and gender identities'.

AIMS

To address issues affecting the older LGTBI community, our activities aim to achieve the following:

- **Safe Services** - To address discrimination, insensitivity and inequity in aged care services ('the sector')
- **Training** - To create an LGBTI positive environment within the sector (for both clients and LGBTI staff)
- **Social Inclusion** - To address social isolation, discrimination and/or insensitivity affecting GLTBI elders and their carers
- **Education** - To address lack of information within the LGTBI community about ageing issues
- **Access** - To improve access to appropriate (GLTBI friendly) age-related services
- **Law Reform** - To lobby for changes in legislation to eliminate discrimination in aged care policies and practices; and
- **Research** - To strengthen GRAI's case through continued cutting edge social research on LGTBI ageing issues.

ACTIVITIES

GRAI's activities to date have included:

EDUCATION AND NETWORKING

- Engagement in numerous community forums and seminars in WA and nationally, to raise LGBTI elders' issues
- Ongoing networking with local and national LGBTI groups and organisations concerned with ageing
- Organising social and information events for GRAI members and the wider LGBTI community; and
- Publication of a quarterly newsletter to keep the community abreast of local and international news relevant to LGBTI ageing and aged care.

TRAINING IN THE AGED CARE SECTOR

- GRAI is a partner in the National LGBTI Ageing and Aged Care Training Project, funded by the Australian Government (DSS) throughout the National LGBTI Health Alliance. Badged in WA as 'Right To Belong', we are delivering training sessions to HACC and residential care providers, which are being keenly received.
- This year we have been auditing the Val's Cafe (La Trobe University) LGBTI inclusivity Training Aged Care How2) with a view to offering a similar model in WA next year.

³ The acronym LGBTI (and GLBTI) is used in this document. It encompasses lesbian, gay, bisexual, trans and intersex people. However, it is important to note that diversity exists within the LGBTI population as in any population.

RESEARCH

- GRAI Needs Assessment 2007, '*Older Gay and Lesbian People: Establishing the needs*'. This survey found a disturbing perception among LGBTI community that their needs will not be met by aged care service providers, with 78% of respondents concerned about homophobic discrimination.
- GRAI and Curtin Health Innovation Research Institute, 2010, '*We don't have any of those people here: Retirement accommodation and aged care issues for non-heterosexual populations*'; and
- GRAI and Curtin Health Innovation Research Institute, 2010, '*Best Practice Guidelines, "Accommodating older gay, lesbian, bisexual, trans and intersex people"*'.

ADVOCACY

- GRAI has engaged in law reform advocacy over many years, including the Productivity Commission's Inquiry 'Caring for Older Australians' (submissions 2010 and 2011); and submissions on the Aged Care Amendment Bill (2013) and the Living Longer Living Better Bill (2013). This advocacy, in concert with other LGBTI organisations nationally, has achieved significant advances in the recognition of the rights and special needs of LGBTI older people – including the Federal Government's National LGBTI Ageing and Aged Care Strategy (2012).
- GRAI representatives contributed to the National LGBTI Ageing and Aged Care Working Group at DoHA; and
- Contributed submissions on aged-related health issues eg depression, dementia and palliative care.