



University of South Australia

Dr Jo Harrison
Fellow of the Aust. Assoc. Gerontology
School of Health Sciences
University of South Australia

Inquiry into Caring for Older Australians
Productivity Commission
GPO Box 1428
Canberra City
ACT 2601
agedcare@pc.gov.au

I am grateful for the opportunity to send this submission to the Inquiry as an interested party. This submission relates most closely to the Inquiry's second Term of Reference requesting the following:

The Commission is specifically requested to examine how well the mainstream service system is meeting the needs of specific needs groups.

I commend the Commission for making reference to gay and lesbian older people in the context of the matter of provision of flexible care for people with special needs in the Inquiry Issues Paper.

The matters raised in this submission are not canvassed further in the Inquiry Issues Paper, although gay, lesbian, bisexual, transgender and intersex (GLBTI) concerns are inextricably linked to broader matters of quality of care, protection of consumers and effectiveness and efficiency of service provision across aged care.

This submission strongly recommends:

- That the Federal government formally recognise GLBTI older people as a special needs group for the purposes of aged care in Australia. This recognition needs to be at an equivalent level to that currently afforded to Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse populations.
- In the context of such formal recognition as a special needs group, the Federal government also needs to develop a National GLBTI Aged Care Plan, which would provide targeted resources to address GLBTI needs across the aged care sector, including research, education, advocacy, direct care programs and policy development. Such a national plan could be administered by the Department of Health and Ageing.

Many of the matters raised in this submission are canvassed in greater detail in the following discussion paper, which is attached for the information of the Inquiry as an extension of this submission:

Harrison, J and Irlam, CB, 2010. The removal of same-sex discrimination: Implications for lesbian, gay, bisexual, transgender & intersex (LGBTI) aged care. Discussion Paper. Australian Coalition for Equality and Diversity Futures, Adelaide.

The paper is also available online at: <http://www.coalitionforequality.org.au/LGBTI-AgedCareDiscussionPaper.pdf>

The paper has provided a basis for discussions with the office of the Minister for Ageing, Hon. Justine Elliot and the Department of Health and Ageing, including the Office for an Ageing Australia, in relation to GLBTI aged care issues. These issues are particularly pertinent given the impending Federal control of aged care matters and the need to ensure protection from discrimination to all consumers of aged care services.

Doctoral research which I conducted investigated the lack of recognition of gay, lesbian, bisexual, transgender and intersex (GLBTI) issues in all areas of gerontology, including government policy and programs in Australia and the USA. The research revealed a serious lack of attention to concerns related to sexuality and gender identity in the Australian context. In the US context, a history of recognition of GLBTI concerns at all levels of aged care was apparent. The thesis is available online at <http://arrow.unisa.edu.au:8081/1959.8/24955>

The deficit in Australian gerontology is reflected in an almost complete lack of mention of GLBTI elderly people in aged care policy, education and training, research priorities, program guidelines and consumer related initiatives, including advocacy. This absence of mention of or attention to the special needs of GLBTI elders and their carers and advocates reinforces invisibility and avoids the need to address whether standards of care are culturally appropriate to GLBTI needs

As a gerontologist with thirty years experience in direct care, policy development, research, training and advocacy, I am acutely aware of the strong history of recognition of special needs groups which has underpinned Australian aged care policy. As founder of a remote area aged care advocacy service, I am cognisant of the Commonwealth Department's commendable role in the recognition of residents' rights, particularly those of Indigenous residents of residential aged care facilities. The development of the Aboriginal and Torres Strait Islander Aged Care Strategy was evidence of this commitment to ensuring that Indigenous people receive special consideration and culturally appropriate intervention, care, and service provision.

The continuing almost complete lack of mention of GLBTI aged care in government documents and procedures at Federal level stands in stark contrast to the commitment to Indigenous aged care, and requires urgent attention and redress. GLBTI consumers remain almost completely invisible within aged care services and across the aged care sector. This invisibility, due to lifetimes of fear of persecution and discrimination, is itself reflected in the absence of GLBTI issues in Federal aged care policy and ongoing programs.

This lack of attention runs counter to the rapidly increasing recognition of GLBTI aged care concerns across Australian gerontology and the gay and lesbian community, including representative organisations. Research, policy development, advocacy and other initiatives are occurring across Australia in relation to GLBTI ageing, and this is reflected in gerontology and in GLBTI organisations' platforms, strategic plans, managerial structures, investigative projects, publications, internal discussions, research processes and information dissemination.

Submissions to the reviews of the Complaints Investigation Scheme and Aged Care Accreditation Processes, the latter of which has yet to release its report, highlight matters connected to GLBTI aged care and the process of compliance and quality improvement. In particular, submissions from the LGBT Health Alliance, ACON, The GLBTI Retirement Association, Dr Mark Hughes, Matrix Guild Victoria and the Victorian Gay and Lesbian Rights Lobby, Lesbian and Gay Solidarity Melbourne and myself highlight these concerns. Professor Walton highlighted privacy and sensitivity matters related to GLBTI concerns in her final report regarding the Complaints Investigation Scheme. I would urge the Inquiry to access the submissions in the context of its brief to build on previously conducted reviews; given that they raise serious matters connected to a special needs group which has received almost no attention in past deliberations around aged care service quality and consumer rights.

I would also urge the Inquiry to refer to the recently released Senate Community Affairs References Committee report *The Hidden Toll: Suicide in Australia*, which makes particular mention of the matter of depression, anxiety and suicide as they impact on older GLBTI Australians. There is an urgent need for initiatives such as the Beyond Maturity Blues program run by Councils on the Ageing and Beyond Blue to be made relevant to GLBTI older people in conjunction with GLBTI organisations across Australia.

http://www.aph.gov.au/senate/committee/clac_ctte/suicide/report/index.htm

Indeed, there is evidence that GLBTI people postpone seeking help and approaching service providers due to fear of discrimination and persecution, both in the area of mental health and in relation to health

and aged care matters generally. Such postponement of identification and access to appropriate services also raises cost implications, in that health or support needs that may have been easily addressed in a cost efficient manner are more likely to become serious and have greater cost implications should they remain unaddressed. This also raises the matter of premature admission to hospital or residential facilities due to a lack of appropriate preventative intervention earlier in the life of a GLBTI older person, to short circuit such a 'crisis' event, which will have serious cost implications for the government and health provider. Addressing and reducing discrimination enhances quality, affordability and the financial sustainability of services across the aged care sector as a whole.

There is a growing body of evidence regarding the extent to which GLBTI elders are experiencing discrimination, or fear of discrimination, within an industry which remains unaware and uneducated as to their special needs and unique concerns. The attachments to this submission include two reports from a four stage Foundation funded GLBTI aged care project conducted by the Matrix Guild Victoria, investigating discrimination and abuse on the basis of sexuality or gender identity. The reports are also available online at <http://www.matrixguildvic.org.au/project.html>

Additional relevant reports and publications are available at the following sites:

http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_glbt_i_consultation

[NSW Anti-Discrimination Board report]

<http://www.rainbowvisions.org.au/resourcesAgeing.html>

[Links to full text documents on GLBTI ageing in Australia]

<http://www.acon.org.au/about-acon/Strategies/ageing>

[Ageing Strategy; ACON (AIDS Council of NSW)]

<http://www.acon.org.au/womens-health/ageing/lesbians>

[ACON Lesbians and ageing information]

<http://www.acon.org.au/about-acon/Strategies/ACON-Strategic-Plan-09>

[ACON organisational plan with ageing as a priority area]

<http://www.qahc.org.au/seniors>

[Queensland LGBT Ageing Action Group]

<http://glhv.org.au/node/557#attachments>

[Alzheimer's Australia publication on dementia and gay men and lesbians]

<http://glhv.org.au/taxonomy/term/40>

[Gay and Lesbian Health Vic. Resources on ageing]

<http://www.grai.org.au>

[GLBTI Retirement Association Inc – including recent research into residential provider attitudes and the development of practice guidelines]

<http://www.lgbthealth.org.au>

[National LGBT Health Alliance – ageing as a priority]

In addition, the attached article by Associate Professor Mark Hughes provides an indication of the rapidly expanding body of research and action in the area of GLBTI ageing. Commonwealth and Departmental policies and procedures are lagging behind this rapid development.

As baby boomers who are out (open regarding sexuality and gender identity) begin to access aged services, including residential facilities, the aged care sector will be increasingly forced to take GLBTI concerns into account. Ideally, the process of incorporating GLBTI needs into service procedures and Federal policies will have commenced prior to this future scenario. The government's stated intention to make sexuality and gender identity-based discrimination illegal at Federal level is a positive indicator in relation to urgently needed change that will impact on the processes of aged care provision and quality improvement.

<http://sxnews.e-p.net.au/opinion/road-to-equality-corey-irlam-5794.html>

As Senthoran Raj (2010) points out, Federal anti-discrimination legislation in relation to sexuality and gender identity is urgently needed so that consumers of aged care services are protected from discrimination and persecution in a sector which will be coming under Federal control.

<http://www.theage.com.au/opinion/politics/samesex-couples-deserve-a-fair-go-too-20100726-10s06.html>

The Department of Health and Ageing and associated aged care agencies such as the Aged Care Standards and Accreditation Agency need to adopt an approach which prepares well in advance for a future in which GLBTI baby boomers will be consumers of aged care services. Such preparation would include in accreditation audits a consideration of those current GLBTI residents of aged care facilities who are unable to be out due to generational histories of persecution and discrimination. Such residents do not have to 'come out' in order to be provided with appropriate, non-discriminatory services which can be audited. This can be achieved by ensuring that assessors are trained experts in the special concerns of GLBTI consumers and able to identify non-discriminatory practices and attitudes at the provider-consumer level. Such an approach would also include expert gay community-based assessors with knowledge about GLBTI aged care on audit teams.

Recent Australian legal reform has amended over 80 pieces of legislation to recognise same sex couples in a range of areas of Federal

jurisdiction, including aged care. The Same Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) Act 2008 amended the Aged Care Act 1997 so that same sex couples would be given equity of treatment when assessment for residential care fees and charges takes place. The previously mentioned Discussion Paper authored by myself and Corey Irlam was developed in response to the far-reaching implications of the amendment of the Aged Care Act.

In correspondence responding to my privacy related concern that, in practice, legal reforms that impact on elderly couples and the processes of aged care may force couples to out themselves, the Attorney General Robert McLelland wrote:

‘Specifically in relation to education in relation to the aged care sector, the Department of Health and Ageing has advised me that it will develop information which will be provided to all residential aged care homes, peak industry groups and approved providers. Further the Department has also advised me that it will undertake communication activities in order to inform consumers of the reforms. Further, as you know, the Department of Health and Ageing funds an Aged Care Advocacy Service in each state and territory, which provides support to people with accommodation issues, and information will also be provided to these service providers’.
[Letter to Dr J Harrison 24th November 2009]

Such a broad communicative strategy is urgently needed at an ongoing level, in relation to residential and community aged care, at the level of approved providers, assessors, direct care staff, relevant agencies such as Aged Care Assessment Teams, consumers and their representatives.

The recent Federal decision to provide a one-off grant to a pilot project to provide education around GLBTI issues to residential aged care staff in specific sites in NSW is a welcome development.

<http://www.smh.com.au/national/back-into-the-closet-gays-find-few-friends-in-aged-care-20100416-skqc.html>

<http://www.smh.com.au/national/federal-grant-to-protect-gays-against-stigma-in-aged-care-20100627-zc2c.html>

A deliberative approach to such a process at a National level could best be operationalised as a component of a Federal GLBTI Aged Care Plan, which would serve to affirm the government’s commitment to the elimination of discrimination and the protection of GLBTI elders from harm. In similar fashion to the ATSI Aged Care Strategy, which served to redress a lack of attention to

serious issues impacting on Indigenous elders, a GLBTI Aged Care Plan could incorporate policies, program guidelines, targeted funding, research initiatives, education and training, advocacy and consumer rights measures that enhance safety, self-esteem and culturally appropriate care.

In relation to the rights of GLBTI consumers, the government's interpretation of the applicability of the user rights principles to GLBTI elderly people was conveyed in correspondence from the Department on behalf of the Minister, the Hon Justine Elliot MP:

'The Australian Government acknowledges the diversity of the cultural and life experiences of individuals who rely on the services provided by the aged care sector. For aged care providers and policy makers alike, this diversity presents substantial challenges to ensure that the appropriate levels of care and service, sensitive to individual needs and preferences are provided. The report My People presents a valuable insight into some of the issues faced by GLBTI senior Australians as they enter aged care services. The case studies highlight a number of negative experiences of aged care. The User Rights Principles for both residential and community care services funded under the Aged Care Act 1997 are very clear that each client's rights to privacy, dignity and confidentiality should be recognised and respected. Furthermore, it is expected that each client's individual interests, customs and beliefs are valued and fostered. Each client has the rights to exercise choice and control over his or her lifestyle whilst not infringing on the rights of other people'.
Fiona Nicholls Assistant Secretary Quality Policy and Programs Branch
Office of Aged Care Quality and Compliance
[Correspondence to Dr Jo Harrison 20th November 2008]

This commitment from the Minister and the Department to the user rights principles as they apply to GLBTI elderly people is evidence of an awareness of the special concerns that our elders face after lifetimes of discrimination, persecution, being labelled as criminal and mentally ill, hiding in fear and enduring such medical interventions as shock treatment and lobotomies. A social determinants of health perspective recognises that GLBTI elders have faced particular social and economic as well as political hardship throughout their lives, and require specific, explicit mention in service standards as well as formal recognition as a special needs group for the purposes of aged care in Australia.

It is strongly recommended that the Inquiry procedures and report include specific consultative measures and detailed reference to matters

related to GLBTI aged care, and raise the implications of these for a future aged care system which ensures equity and eradicates discrimination.

Moreover, the need for a consolidated strategic approach to addressing the broader policy matters that impact on GLBTI aged care needs to be reflected in the Inquiry outcomes. This would indicate a serious approach to the urgent matter of sexuality and gender identity in aged care, in relation to the broader aged care sector, where consumers remain silent and afraid.

References and Resources in Support of this Submission

Age Concern UK (2009) Later Life as an Older Lesbian Gay and Bisexual Person.
<http://www.ageconcern.org.uk/AgeConcern/late-life-for-lesbian-gay-bisexual-over-60.asp>

http://www.ageconcern.org.uk/AgeConcern/Documents/Later_life_as_OLGB_ACIG18.pdf

Barrett, C Harrison J and Kent J (2009) Permission to Speak: Determining strategies towards the development of gay, lesbian, bisexual, transgender and intersex friendly aged care services in Victoria. Matrix Guild Victoria Inc. Melbourne.
<http://www.matrixguildvic.org.au/project.html>

Harrison, J (2006) Outword Online, November
An Insider's Perspective on LGBT Aging Issues in Australia
http://www.asaging.org/networks/LGAIN/outword_online/2006/nov.cfm

Harrison, J (2006) Coming Out Ready or Not! Gay, lesbian, bisexual, transgender and intersex ageing and aged care in Australia: Reflections, contemporary developments and the road ahead in Gay and Lesbian Issues and Psychology Review Vol 2 No 2 pp. 44-53
http://www.psychology.org.au/units/interest_groups/gay_lesbian/8.7.22_10.asp#currentissue

Harrison, J (2005) Pink Lavender and Grey: Gay, lesbian, bisexual, transgender and intersex ageing in Australian gerontology in Gay and Lesbian Issues and Psychology Review Vol 1 No 1 pp.11-16
http://www.psychology.org.au/units/interest_groups/gay_lesbian/8.7.22_10.asp#vol1no1

Harrison, J (2004) Towards the Recognition of Gay Lesbian Bisexual Transgender and Intersex Ageing in Australian Gerontology. PhD Thesis. Faculty of Health Sciences. School of Health Sciences. University of South Australia.
<http://www.library.unisa.edu.au/adt-root/public/adt-SUSA-01042005-134827/>

Harrison, J (2004) 'Discrimination and older gays: surviving aged care' in Equal Time Anti-Discrimination Board of New South Wales, No 61, August pp. 1-3
[http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/vwFiles/ET%20Aug%2004%20.pdf/\\$file/ET%20Aug%2004%20.pdf](http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/vwFiles/ET%20Aug%2004%20.pdf/$file/ET%20Aug%2004%20.pdf)

Harrison, J (2004) Lesbian Health and Ageing Keynote presentation to the Annual Conference of the Australian Lesbian Medical Association. Leura, New South Wales. September 25th.

Harrison, J (2004) Keynote presentation on PhD research findings on GLBTI ageing to faculty and students at California State University, Dominguez Hills, Faculty of Health and Human Sciences April 20th.

Harrison, J (2002) (with McNair, R) Life Stage Issues in What's the Difference? Health Issues of Major Concern to GLBTI Victorians. Ministerial Advisory Committee on Gay and Lesbian Health. Melbourne. Department of Human Services Victoria pp. 37-44
Online at: <http://www.dhs.vic.gov.au/phd/macqlh/difference.htm>

Harrison, J (2002) 'What are you really afraid of? Gay, lesbian, bisexual, transgender and intersex ageing, ageism, and activism' in Word is Out No 2, March pp. 1-11
http://www.rainbowvisions.org.au/resources/wordIsOut_by_JoHarrison.pdf

Harrison, J (2002) LGBT Elders Gaining Ground in Australia in OUTWord Vol 9 No 1 pp. 3-7 San Francisco. American Society on Aging Lesbian and Gay Aging Issues Network
<http://www.asaging.org/lgain>

Harrison, J (2001) 'It's none of my business': Gay and lesbian invisibility in aged care in Australian Occupational Therapy Journal Vol 48 No3 Sept pp. 142-145
<http://www.blackwell-synergy.com/doi/full/10.1046/j.0045-0766.2001.00262.x>

Harrison, J (1999) Gay and Lesbian Aging in Australia: A Struggle for Recognition in OUTWord; Publication of the American Society on Aging Lesbian and Gay Aging Issues Network Fall Issue. pp. 1-2
Online at: <http://www.asaging.org/lgain.html>

Harrison, J (1999) A Lavender Pink Grey Power: Gay and Lesbian Gerontology in Australia in Australasian Journal on Ageing Vol. 18 No 1 pp. 32-37
<http://www.rainbowvisions.org.au/resources/AJA1999Article.pdf>

Harrison, J (1997) Social Policy and Aged Aboriginal People in Borowski, A Encel, S and Ozanne, E (eds) Ageing and Social Policy in Australia. Cambridge University Press. (Chapter 6) pp.119-136

Harrison, J (1996) Education Kit on Advocacy and Aboriginal Residents' Rights. Central Australian Advocacy Service. Alice Springs (with White, R)

Harrison, J and Irlam, CB, (2010) The removal of same-sex discrimination: Implications for lesbian, gay, bisexual, transgender & intersex (LGBTI) aged care. Discussion Paper. Australian Coalition for Equality and Diversity Futures, Adelaide.
<http://www.coalitionforequality.org.au/LGBTI-AgedCareDiscussionPaper.pdf>

Irlam, C (2009) Road to Equality in SX News. July 15th.
<http://sxnews.e-p.net.au/opinion/road-to-equality-corey-irlam-5794.html>

NSW Anti Discrimination Board (2005) New South Wales Anti Discrimination Board Working Paper on Gay, Lesbian, Bisexual, Transgender and Intersex (GLBTI) Ageing and Discrimination (includes keynote presentation delivered on February 15th)
http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_glbti_consultation

Rainbow Visions Ageing Resources Online
<http://www.rainbowvisions.org.au/resourcesAgeing.html>

The National Gay and Lesbian Task Force – Aging Issues (2009)
<http://www.thetaskforce.org/issues/aging>

<http://www.thetaskforce.org/downloads/reports/reports/OutingAge.pdf>