

Dear Senators

I am writing to express my support for the Human Rights and Anti-Discrimination Bill 2012 that is being reviewed by the Senate Standing Committee on Legal and Constitutional Affairs.

I am an Associate Professor in Social Welfare and Social Work at Southern Cross University. I have conducted four research projects on lesbian, gay, bisexual, transgender and intersex ageing and I have published about 17 peer-reviewed articles on this topic. I am very aware of the concerns expressed by LGBTI seniors about their treatment by a range of services, but most especially aged care providers, both community-based and in residential aged care. I have heard many stories of concern about discrimination of LGBTI people in aged care settings, and have directly witnessed homophobic attitudes from aged care staff. However, not only is direct discrimination a concern, what is also alarming is the fear of discrimination expressed by LGBTI seniors and the effects of this on their willingness to access health and aged care services in a timely manner. Fear of discrimination can thus impact on timely and appropriate preventative health care.

As a result of these experiences, I strongly support the HRAD Bill and ask the Committee that it be passed during this parliamentary term. I support the use of the terms 'relationship status' and 'sexual orientation' as defined in the Bill. I also support the 2012 Tasmanian definition of 'gender identity' which includes gender expression, and the inclusion of 'intersex' as a protected attribute.

Most importantly I support the prohibition on discrimination for religious aged care services, and further request that all government funded services are restricted from discriminating against LGBTI people. Decisions about entering residential aged care are made under difficult circumstances (e.g. while a person is in hospital) and often in the context of a lack of residential aged care places. In my view it is unacceptable that publicly funded aged care providers should discriminate against some senior Australians simply on the basis of their gender or sexual identity. I also recommend the Australian Human Rights Commissioner appoint a Commissioner responsible for sexual orientation and gender identity discrimination.

The recent release of the LGBTI Aged Care Strategy is an historic milestone in the development of fair and inclusive aged care services. Protecting LGBTI people from discrimination in aged care and in other government funded services is an essential next step. I strongly support the proposed HRAD Bill and recommend the Committee consider the additional adjustments recommended above.

Thank you for the opportunity to make this submission. I am happy for it to be made public.

Dr Mark Hughes