

Dr J Harrison

To: legcon.sen@aph.gov.au

Re: Inquiry into Same-Sex Relationships (Equal Treatment in Commonwealth Laws General Law Reform) Bill 2008

Additional Information supplementary to submission from Dr Jo Harrison regarding aged care issues, as agreed with Committee

I have listed below the organisations funded through the Commonwealth's Aged Care Advocacy Program, in each State and Territory. In addition I have given details of two additional organisations, in Central Australia, which receive funds from the Program to provide advocacy services as an element of their array of other services to specific groups.

I would stress to the Committee that as I outlined in my evidence, the impact on same-sex couples who are over 65 years of age of the Centrelink arrangements following the passage of the Bill into law could be serious and devastating.

I urge the Committee to recommend that these devastating consequences be avoided by the implementation of special measures which acknowledge a lifetime of fear, anxiety and hiding on the part of same-sex elderly couples. A mechanism such as a sunset clause, grandfathering arrangements for same-sex couples over 65 in relation to pension matters, or, at the very least, a transition arrangement so that elderly couples have a significant amount of time to prepare for the changes, such as 5 years, is essential.

Further, I would also urge the Committee to prevent overpayments being raised against same-sex elderly couples should they not disclose until applying for residential care and be facing a retrospective overpayment from Centrelink if they do disclose in order to retain the family home. Again, the presence of a sunset clause or grandfathering arrangement must be guaranteed, so that more harm is not done to people who have already lived lives of trauma.

The government has a mandate to protect elderly people from harm – new aged care arrangements to enable complaints and investigations attest to this in the residential sector. Similarly, the amendments proposed this Bill must not cause harm to those upon whom it seeks to bestow rights. The prospect of elderly same-sex couples having to engage in lengthy appeals processes in relation to Centrelink is untenable. The prospect of them facing prosecution and investigation via third parties of their status as a couple, when they may never have disclosed to anyone other than each other is abhorrent in the extreme.

I thank the Committee for giving these issues the serious attention they deserve. I am confident that measures to protect elderly same-sex couples from harm can be put in place and appreciate the Committee's positive response to my submission and evidence.

Dr Jo Harrison

(Lists of relevant Aged Care Advocacy organisations and Gay and Lesbian organisations appear on the following pages)

The National Aged Care Advocacy Program

The National Aged Care Advocacy Program (NACAP) is a free and confidential service promoting the rights of people receiving aged care services and is funded by the Commonwealth Department of Health and Ageing.

The aim of the program is:

- to provide information and advice about rights and responsibilities
 - provide support and be involved in decisions affecting the older person's life
 - assist to resolve problems or complaints in relation to aged care facilities
 - promote the rights of older people to the wider community.
- In addition to the services listed below, which constitute the National Advocacy network, the NACAP also provides funding to two organisations to provide aged advocacy in conjunction with other services. This establishes a precedent by which gay and lesbian community organisations could be funded to provide aged advocacy services for same-sex couples, should that model be considered appropriate in particular states. These organisations are:

1. Centacare in Alice Springs, to provide aged care advocacy in conjunction with its other service types, as detailed at

<http://www.centacare-nt.org.au/ourservices.php?ID=2>

and

2. NPY Women's Council which operates in the cross-border region of Central Australia, to provide advocacy as a component of their old people's services. Details at:

<http://www.npywc.org.au/html/programs.html>

NATIONAL ADVOCACY NETWORK

There are organisations in each state and both territories of Australia. Collectively they are known as the National Advocacy Network.

NSW - TARS - The Aged-care Rights Service

Level 4
418A Elizabeth St
Surry Hills NSW 2010

ph: (02) 9281 3600
fax: (02) 9281 3672
Country callers: 1800 424 079

<http://www.tars.com.au>

South Australia

Aged Rights Advocacy Service (ARAS)

Address: 1st Floor, 45 Flinders Street, Adelaide SA 5000

Telephone: (08) 8232 5377 Freecall: 1800 700 600 Fax: (08) 8232 5388

E-mail: aras@agedrights.asn.au

Web: www.sa.agedrights.asn.au

(service for: older people or their representatives who are receiving community based services or living in Commonwealth subsidised aged care facilities)

Victoria

Elder Rights Advocacy

Postal Address: Level 4, 140 Queen Street, Melbourne VIC 3000

Telephone: (03) 9602 3066 Freecall: 1800 700 600 Fax: (03) 9602 3102

E-mail: era@era.asn.au

A.C.T

A.C.T. Disability, Aged and Carer Advocacy Service (ADACAS)

Residential Address: 2 Atherton Street, Downer ACT 2602

Postal address: PO Box 144, Dickson ACT 2602

Telephone: (02) 6242 5060 TTY: (02) 6242 5065 Fax: (02) 6242 5063

Email: adacas@adacas.org.au

Web: www.adacas.org.au

(service for: people with disabilities, older people and their carers)

Northern Territory

Aged and Disability Rights Team (ADRT)

Darwin Community Legal Service

Residential Address: 8 Manton Street, Darwin NT 0800

Postal Address: PO Box 3180 Darwin NT 0801

Telephone: 08 8982 1111 Freecall: 1800 812 953 Fax: 08 8982 1112

Email: info@dcls.org.au

Web: www.dcls.org.au

(service for: people with disabilities, older people and their carers)

Western Australia

Advocare

Address: Level 3 Kings Complex, 517 Hay Street, Perth WA 6000

Telephone: 08 9479 7566 Freecall: 1800 655 566 Fax: 08 9479 7599

Email: advocare@inet.net.au

Web: www.advocare.org.au

(service for: older people or their representatives who are receiving community based services or living in Commonwealth subsidised aged care facilities)

Tasmania

Advocacy Tasmania Inc.

Residential Address: Suite 6, Mayfair in the Bay, 236 Sandy Bay Road Sandy Bay, Tasmania, 7005

Postal Address: P.O. Box 426, Sandy Bay, Tasmania 7006

Telephone: (03) 6224 2240 Freecall: 1800 005 131 Fax: (03) 6224 2411

Email: advocacy@advocacytasmania.com.au

Web: www.advocacytasmania.com.au

(service for: people with disabilities, older people and their carers)

Queensland

Queensland Aged and Disability Advocacy Inc (QADA)

Residential Address: 121 Copperfield Street, Geebung Q'ld 4034

Telephone: (07)3637 6000 or 1800 818 338 Fax: (07) 3637 6001

Email: info@qada.org.au

(service for: older people or their representatives who are receiving community based services or living in Commonwealth subsidised aged care facilities)

FOR MORE DETAILS ABOUT THESE ORGANISATIONS LOG ONTO THE NATIONAL ADVOCACY WEBSITE: www.sa.agedrights.asn.au/rights/home.html

Queensland

Queensland Aged and Disability Advocacy Inc (QADA)

Residential Address: Suite 5, 175 Sturt Street, Townsville QLD 4810

Postal Address: PO Box 1625, Townsville QLD 4810

Telephone: (07)4771 3011 Fax: (07) 4771 6511

During business hours, please phone to tell them you want to fax

GLBTI Organisations with an Interest in Ageing Issues

This list provides evidence that there are GLBTI organisations across Australia which could partner with or be consulted by, or provide themselves, advocacy services to elderly same-sex couples who are impacted by the legislative amendments.

National - GLBT Health Alliance

Lobbying, media statements, systemic advocacy, policy recommendations in relation to GLBT ageing issues

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

NSW

ACON – the AIDS Council of New South Wales

Has conducted community consultations, held public forums, been involved in lobbying around policy reform, established a working group, conference presentations, supports Mature Age Gays, developed links with key stakeholder groups including TARS, published a GLBT ageing strategy 2006-2009 available at

http://www.acon.org.au/community/index.cfm?doc_id=1737&cat_id=112

Rainbow Visions – community organisation in Hunter Region – community forums, guest speakers, ageing resources list on web site, e-list with 64 members across Australia, developing research proposals, has conducted preliminary research.

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

NSW Anti-Discrimination Board

Forum, consultations, working paper published, articles in Newsletter

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

Ten Forty Matrix NSW – developed a funded web site for older lesbians, information, social events, and articles. Have commissioned research on lesbians and aged accommodation

<http://www.olderdykes.org>

Lemonades and Gatorades – group in the Blue Mountains provides home based support to older GLBTI people.

Mature Age Gays

<http://www.magnsw.org>

Several hundred members on mailing list for older gay men

Regular gatherings at ACON and social events in other locations, support, information, home and hospital visits, newsletter. Participate in Mardi Gras Parade.

SA

AIDS Council of SA; Gay and Lesbian Community Services; Ministerial Advisory Committee on gay and lesbian Health

<http://www.acsa.org.au/home.html>

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

Dissemination of information about ageing

Exploratory research on GLBT health including ageing issues

Online newsletter with updates on ageing issues from AIDS Council

Maintain community library with ageing issues prominent

Radio Adelaide – Award winning radio series 5 tables for 5 on queer ageing by Logan Bold available in CD kit.

Feast festival – events, forums, theatre, community education around ageing issues and intergenerational communication in the GLBT community

QLD

Queensland Association for Healthy Communities

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

Ageing Action Group established

Survey conducted and secondary analysis of data underway

Publications reporting survey results and the implications

Public information regarding services and advertisement

Development of range of approaches to GLBTI seniors work

WA

Group GLBT Retirement Inc formed, membership and newsletter

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

Online survey conducted

Public forums conducted

Presentations at conferences

Application for research funds in partnership with Curtin University

VIC

Matrix Guild and Vintage Men

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

Established four stage research project funded by Reichstein Foundation.

Released report My People reporting on experiences of GLBTI seniors in aged care.

<http://www.matrixguildvic.org.au/MyPeopleReport2008.pdf>

Holds public events and provides support for older lesbians

ALSO Foundation – established Seniors Advisory Committee, seniors activities, involvement in Seniors week, research on gay and lesbian ageing (RMIT)

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

Gay and Lesbian Health Victoria

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

- education and training of Carers Victoria service providers, development of public education resources, ageing materials on clearinghouse online, support to Matrix project research.

Victorian Ministerial Advisory Committee on Gay and Lesbian Health

Research reports and Action Plan including ageing issues

<http://www.health.vic.gov.au/macglh/>

Other groups exist around Australia and are semi-formal or informal in their activities.

Other organisations such as the Australian Lesbian Medical Association have taken action around ageing issues. Research and publication in journals of material related to GLBTI ageing is taking place.

Australian Lesbian Medical Assoc.

<http://www.almas.net.au/>

Gay and Lesbian Issues and Psychology Review issue on ageing

http://www.rainbowvisions.org.au/GLIP_Review_Vol2_No2.pdf