**Question:**

**The ALRC is interested in identifying evidence about elder abuse in Australia. What further research is needed and where are the gaps in the evidence?**

**Profile:**

My name is Chelsea Fruhwirth. I am a second year Law student at Murdoch University and I hold a degree in Journalism and a diploma of Mass Communication. I clerk one day a week for a Criminal Barrister at a prominent Perth law chambers and I am extremely interested in criminal, international and international humanitarian law. I also have an avid interest in world politics and current affairs and have worked with community news outlets on a number of local issues/stories facing members of the community.

I’m also part of the LGBTI community and thus have chosen to focus particularly on the rights and laws governing the abuse of elderly people who too are a part of the LGBTI community.

I believe with my background and personal connection with the matter, you should consider my submission for legal reform for elderly people of the LGBTI community.

**The issue:**

It is clear to see the overwhelming shift in views and attitudes toward the LGBTI community in modern Australian society. With this shift has come a significant change in the number of people openly identifying as lesbian, gay, bi-sexual, transgender or intersex.[[1]](#footnote-1) This has and will result in a much larger number of elderly people identifying as part of this minority group.

A NSW study found that over 85% of the LGBTI community in NSW had experienced homophobic abuse, harassment or violence during their life.[[2]](#footnote-2)

It is estimated that in Western Australia, the total victims of elder abuse over the age of 65 years will increase by approximately 90% over the next 20 years.[[3]](#footnote-3)

A Victorian Inquiry[[4]](#footnote-4) into the matter illustrated the evidence of elderly people being more susceptible to discrimination in terms of

* Abuse
* Not having the same rights as hetero-sexual couples
* Shying away from getting any treatment due to fear of discrimination
* Transgender people won’t seek medical care because of fear of discrimination
* Couples conceal their relationships and identities for the same reason
* Particularly for transgender people, complicated health problems may arise and for fear of discrimination no health care is sought. This can lead to detrimental health issues in the future and may ultimately lead to death.

There is clearly a lack of research and evidence into the issue of elder abuse as is but there is a worrying amount of disaggregated data[[5]](#footnote-5); all three recommended reports going into no detail of LGBTI elder abuse. Combining the vulnerability of the elderly and the susceptibility to discrimination as LGBTI, this is a serious concern. The government must thoroughly investigate, research and collaborate with LGBTI organisations.

**Recommendations**:

It’s a very difficult issue to investigate further as elderly people are more likely to conceal their sexual identity for fear of abuse and discrimination. I submit the following recommendations:

1. I recommend a large scale study into LGBTI elderly people who experience abuse and discrimination by carers. The government must put a strategy in place to make it easier for LGBTI people to both “come out” and report abuse without fear of discrimination and/or backlash. The government must ensure protection and safety.
2. I propose a new initiative that accommodates elders of LGBTI into facilities that are safe, friendly and accommodating to the minority group. Similar to safe schools, the Australian government should help fund safe aged care facilities. It’s crucial to assist in safe guarding elders who are afraid of making complaints about abuse.
3. Along with safe aged care facilities, it should be law that an independent psychological evaluation is required of workers. It is crucial to train and educate aged care workers on what identifying as LGBTI means and incorporates. Aged care workers are often from different racial and ethnic backgrounds in which being gay, lesbian, bi-sexual and transgender is not necessarily accepted or understood. There is an array of personal opinions and beliefs that may make people homophobic or more likely to discriminate against LGBTI. These workers are caring for some of the most vulnerable people in Australian society and the government should ensure they are fit for this role. I believe it should be implemented into Australian law that all aged care workers must sit through psychological evaluations that help identify homophobic tendencies.

By putting these types of measures in place and attempting to reduce the risk of discrimination and abuse within aged care facilities, research and evidence will be significantly more attainable. In turn, it will result in less abuse and discrimination and the government will further be able to strategise on ways to deal with discrimination and abuse toward elderly LGBTI people.

1. Australian Human Rights Commission, ‘Violence, Harassment and Bullying and the LGBTI Communities’ (Research Paper). [↑](#footnote-ref-1)
2. New South Wales Attorney General's Department Crime Prevention Division, ‘You shouldn't have to hide to be safe’ (Crime Prevention Research Paper, 2003) 22. [↑](#footnote-ref-2)
3. Mike Clare, Barbara Black Blundell and Joseph Clare, ‘Examination of the extent of elder abuse in Western Australia’ (Research Paper, Crime Research Centre at The University of Western Australia, 2011) 3. [↑](#footnote-ref-3)
4. Commonwealth, National Inquiry into discrimination against people in same-sex relationships regarding access to financial and work-related entitlements and benefits, *Same-Sex: Same Entitlements* (2007). [↑](#footnote-ref-4)
5. Australian Human Rights Commission, ‘Violence, Harassment and Bullying and the LGBTI Communities’ (Research Paper) 4. [↑](#footnote-ref-5)