

LGBTI Elder Rights: What's the difference?

'Reaching Out'

Funded by the Department of Health & Ageing

Diana Bernard



So what am I talking about today?



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Historical perspective of LGBTI Diversity issues



- Homosexuality only *declassified* as a disease by the American Psychiatric Association in 1972
- Homosexuality was only *decriminalised* in NSW in 1983
- Transgender seeking medical treatment still *require* a psychiatric diagnosis
- LGBTI became a *special needs* category in the 2012 National LGBTI Ageing & Aged Care Strategy
- A Bill was passed *amending* the Sex Discrimination Act [of 1984] in August 2013

What challenges does this pose for legal services?

- Older LGBTI may be mistrustful of and hesitant to approach services
- Some will hide their sexual orientation/ gender
- Many are uncertain of their rights, the relevance of 'planning ahead' and who can assist them



How does this affect legal issues?

LGBTI people can be more vulnerable to having their wishes disregarded by relatives or carers when they make financial, property and medical decisions!



Project Aims

- Raise awareness
- Link
- Address barriers
- Provide legal information
- Create dialogue
- Empower
- Provide a template



Where did we go?

We ran sessions in:

- Albury
- Bondi
- Byron
- Broken Hill
- Lismore
- Newcastle
- Sydney central(x2)
- Wollongong




Project process

- Smaller key speaker sessions (<20)
- Interactive forums (approx 30)
- Large community forums(100)



How did we promote the project?



LAW & OLDER
LGBTI

Join a number of influential LGBTI advocates for a **FREE** light hearted Q&A about the legal issues that impact on the quality of life of older LGBTI people & their loved ones.

Find out how to plan for a happy, healthy older age.

If you are 50 or over this is vital information, so get a group together & enjoy a **FREE** fun night out!

Facilitator: Julie McCrossin

Panel Members (left to right): Kim Bontuber, Ken Bellby, Lee Watson, Lloyd Orrose, Beebelle Stevens, Dorothy McGee McMahon

Where: Teachers Federation Conference Centre
23-25 Mary Street, Surry Hills

When: Thurs 13 Feb 2014, 6pm-8.30pm

Cost: **FREE** (includes supper)

RSVP: dbernard@tars.com.au



For more information, visit
www.acon.org.au/legal-rights-older



This is a joint venture between TARS and ACON



LGBTI Ageing Legal Rights & Advocacy

The Older Person's Legal Service, part of The Aged-Care Rights Service Inc (TARS), provides legal advice & referral to older LGBTI in NSW.

We will be running a session in Sydney that includes information about consumer rights, human rights, elder abuse, financial exploitation and planning for later life. Residents of retirement villages can also be assisted with disputes.

GUEST SPEAKER - NOELINE BROWN
Well known actor & Australia's first Ambassador for Ageing.

What: LGBTI Ageing Legal Rights & Advocacy
When: Wednesday 4 December, 5pm-7pm
(Refreshments will be served. Please register for catering purposes.)
Where: ACON Café, 414 Elizabeth St, Surry Hills

TARS For more information or to register a place
Contact: Diana Bernard
dbernard@tars.com.au | 02 9281 3600
or visit: www.acon.org.au/tars



How did we evaluate?

- Each small session (<20) had pre and post test knowledge evaluation
- Larger forums had a process evaluation
- The project as a whole also had an independent evaluation



What did we find?

- Fear of discrimination
- Lack of knowledge of rights
- Lack of knowledge of the importance of legal documentation
- Lack of knowledge of who could provide assistance



Discrimination 1

“Can health care practitioners discriminate against me on the basis of sexuality or gender?”



Discrimination 2

“Can staff providing home or residential care discriminate on the basis of sexuality or gender?”



Rights

“I was told that hospitals and residential care can refuse to recognise same-sex partners as family and not allow them to visit. What are my rights?”



Wills

“Can my biological family contest and override my wishes in order to cut my partner out?”



Power of Attorney

“What can I do to ensure that my homophobic family do not make decisions that go against my wishes if I lack capacity?”



Community services

“Do I have to de-gay my home before home care services visit me?”



Brochure

A specialist Community Legal Centre

Contact TARS

The Aged-care Rights Service Inc

TARS provides a range of legal and non-legal services. All TARS services are confidential and free.



TARS receives funding from

- Commonwealth Department of Health and Ageing
- Department of Services, Technology and Administration/Fair Trading NSW
- Legal Aid NSW
- Human Services/Ageing, Disability and Home Care (NSW), Office for Ageing
- Commonwealth Attorney General's Department



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TARS
THE AGED-CARE RIGHTS SERVICE INC
Including Older Persons' Legal Service

TARS Inc. welcomes comments about our services. Please direct any feedback to the CEO either in writing or by phone.

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Advocacy

Aged Care Services

Legal Advice

Older Persons' Legal Service
Retirement Village Legal Advice Service

LGBT inclusive

Serving the Lesbian, Gay, Bisexual and Transgender community



TARS
THE AGED-CARE RIGHTS SERVICE INC
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Booklet



Top Ten Legal issues to consider for older Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People.

Poster

Are you **over 60**
and lesbian, gay,
bisexual, transgender
or intersex?

Do you believe
you have been
**discriminated
against**
when dealing with
aged-care and
other services?

Contact
TARS

Phone: 1800 424 079 Web: www.tars.com.au

TARS
The Australian Retirement Trust

Powerpoint

Law and advocacy for lesbian, gay, bisexual,
transgender and intersex people[LGBTI]



Challenges & Opportunities



Challenges

- Systemic
- Practical
- Personal

Opportunities



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