



# Rainbow Rights Toolkit





# Acknowledgements

## **Thank you to the South Australian Government's Office for Ageing Well.**

Thank you also to COTA SA's Rainbow Hub Advisory Group members and others who have provided input to this toolkit. We have drawn on material from many sources, including from the South Australian Department of Human Services and South Australian Rainbow Advocacy Alliance. We also acknowledge the LGBTI+ elders who have paved the way for us to live fuller lives.

This project was carried out on Kaurna Country.

# Introduction

Rainbow rights are human rights, and this toolkit identifies how older LGBTI+ community members can understand and action their rights. It provides information to the people who are part of their choices, supports and care.

COTA SA has partnered with the South Australian Government's Office for Ageing Well to develop this resource and build awareness of state initiatives that safeguard the rights of older people, aligned with the Future Directions to Safeguard the Rights of Older South Australians 2023–2027.

This toolkit aims to empower LGBTI+ communities, in all their diversity, to assert and safeguard their rights over a lifetime. It brings together in one place the relevant rights and the laws and services that protect the rights of LGBTI+ people in South Australia.

You can search for information under key human rights themes including: Overcoming discrimination, Housing, Health and Plan Ahead. Or, you may find it easier to learn about your rights according to your life stage or planning for your next chapter.



# Quick reference

I'm currently...	Recommendation		
Working or seeking employment	Age discrimination	In a same sex relationship	Registering a relationship vs. marriage
	Identity or Sexuality discrimination		Power of Attorney, Advance care directives and wills
	Where to get help		
Considering my housing options including residential aged care	Rental support	Reflecting on my past experiences as an LGBTI+ person	Conversion practices
	Finding the right provider for you		Expungement (discrimination prevention)
	Help at home		History of discrimination
	Residential aged care		The spirit of solidarity and building community
	Retirement villages	Concerned about relationships and abuse and mistreatment of older people	Domestic and family violence
	Homelessness support		Elder Abuse
	Hate Crimes		
Considering my health options	Rights and freedoms		Relationship support
	Appropriate treatment		
	Choice		
	Confidentiality	Wanting to give feedback about aged care, workplace or health services discrimination	Your rights
	Consent		Complaints about aged care services
	Choosing inclusive healthcare provider		Complaints about healthcare
	Gender Affirming Care		Equal opportunities
	Living with HIV/AIDS		
	Dementia		
	Mental Health	Wanting to find out more about LGBTI+ advocacy in South Australia	Rights and advocacy organisations
	Community organising		
Safeguard Your Future Rights – Plan Ahead	Advanced Care Directives		
	Enduring Power of Attorney		
	Wills		
	Organ and Tissue donation	Interested in related resources	Key documents
	Compassionate Communities		<ul style="list-style-type: none"> <li>- Future Directions</li> <li>- Safeguarding the rights and freedoms of older South Australians</li> </ul>
	Palliative Care		
	Voluntary Assisted Dying		
	Funerals and other end of life services		Services and community groups
Grief and bereavement			

Discrimination against LGBTI+ people has a compounding effect. For older LGBTI+ people, the layers of mistreatment can run deep.

While cultural attitudes and rights relating to sexual and gender identity have evolved over time, this doesn't erase the stigma. Nor does it negate the need for LGBTI+ people to judge, on a daily basis, when, where, and to whom it is safe to disclose their identity. LGBTI+ people may also be living with disability, be part of culturally and linguistically diverse communities, or First Nations and / or living regionally: all of these factors can add to the complexity of asserting your rights and accessing culturally safe, responsive and trauma-informed resources and services.

Created as a resource for all who identify as LGBTI+, as well as their allies, the Rainbow Rights Toolkit focuses on supporting older people with information and the confidence to seek and accept help when it is needed as well as to offer support to other community members. It aims to challenge ageism, including the notion of caring as a burden, and instead foster respect and value interdependence across generations.

Bookmark this toolkit. Read all sections as some material is relevant across topics. You are encouraged to explore your rights, stay informed, connect to community through newsletters, social media and events and seek support from allies. Share your tips with peers and across generations.

## The spirit of solidarity and building community

Community activism has always stepped up to oppression. The need to reform over the years has spurred a vibrant history of activism that continues today. LGBTI+ communities have shown it's possible to change laws, behaviours and systems resulting in better targeted services, to make the world a more inclusive place for all.

Advocating for equal rights doesn't just mean protesting. Change starts when individuals, our advocates and communities take a stand. Solidarity across communities, including intergenerational support and with allies, plays an important role.

Staying connected with community is insurance for safeguarding rights. There's a growing network of organisations and initiatives representing and servicing the interests of diverse LGBTI+ South Australians. LGBTI+ people of all ages have resources and support systems to turn to when in need or to connect with others.

## Definitions

Here is a list of definitions for some of the terms we used in this toolkit.

### Family of choice

LGBTI+ people have a long history of creating families of choice (sometimes known as 'logical family'). These are diverse family structures and support networks that include but are not limited to life partners, close friends, and other loved ones not biologically related or legally recognised but who are the source of social and caregiving support. Families of choice may also include some relatives.

### Family of origin

Family of origin (sometimes known as 'biological family') refers to the significant caretakers and siblings that a person grows up with, or the first social group a person belongs to, which is often a person's biological family or an adoptive family.

### LGBTI+

This toolkit uses the term LGBTI+, short for lesbian, gay, bisexual, transgender and intersex plus and encompasses non-binary and gender diverse people, including queer identifying. All language changes over time so we use plus to refer to the huge variety of identities that aren't represented by the letters. We use the chosen acronym of other organisations where referring to them.

### LGBTI+ communities

[LGBTIQ+ Health Australia](#) explains "One way of thinking about 'community' is as a group of people who share some things in common, and within which there is also diversity. Communities also intersect and overlap. We have learned from your stories that there is no single or unified 'LGBTI community'. Each group of people within 'LGBTI' has distinct health needs. When it comes to 'LGBTI communities', it

is also helpful to remember that people within these communities:

- o May or may not be involved publicly with 'LGBTI' organisations
- o May or may not know anyone else who is 'LGBTI'
- o May or may not feel welcome or comfortable attending 'LGBTI' events/services
- o May or may not live as and identify as heterosexual."

### Pronouns and gender inclusive language

View [LGBTIQ+ Health Australia's Inclusive Language Guide](#).

### Rainbow Tick and Pride inclusion programs

The [Rainbow Tick](#), managed by Rainbow Health Australia, signals that an organisation has formal accreditation as a safe, inclusive and affirming service provider and employer for the LGBTI+ community. When making housing or health decisions, search for a [provider with the Rainbow Tick](#).

[ACON's Pride Inclusion Programs 02 9206 2139](#) are national membership programs that provide year-round mentoring and support in the provision of LGBTQ-inclusive services. You can view lists of members of their programs. Resources include free benchmarking and a [Getting Better Self-Assessment Tool - Pride in Health + Wellbeing](#).

### Safeguarding

Safeguarding is the action or actions, that a person, organisation or community takes to promote and protect the health, wellbeing and human rights of a person to live free from abuse or mistreatment.



## Key documents

### ALL ABOUT ME

Use the 'All about me' pages from the [Barwon Health's Palliative Care Toolkit](#) to write out important information and to share your story with care providers you trust. This can save you having to repeat the same details over and over.

### CHARTER OF AGED CARE RIGHTS

All older people, including LGBTI+ people, have the right to access aged care services and safe housing. The [Charter of Aged Care Rights](#) outlines 14 specific rights, including having an individual's identity and diversity valued and supported. The Charter makes it easy to understand what quality care looks like and gives clear expectations about the services supplied by aged care providers.

As a consumer you also have responsibilities:

- Treat each other with respect
- Respect the rights of staff to work in a safe environment
- Assist your provider by giving relevant information
- Pay agreed fees on time.

### FUTURE DIRECTIONS

The [Future Directions to Safeguard the Rights of Older South Australians 2023-2027](#) (Future Directions) has identified preparedness and choice, and fostering intergenerational relationships, as supporting conditions to prevent, recognise and respond to abuse and mistreatment of older South Australians.

### HOW TO BE AN ALLY

Becoming an ally for LGBTI+ people starts with behaviour and continues with education. Family members, friends, colleagues and leaders can become advocates by having respectful conversations, listening with an open mind and making an effort to understand and use preferred pronouns and inclusive language. Organisations can also show leadership and respect through culture and policies and ongoing commitment to diversity within their organisations and beyond. Visit the Victorian Government's webpage on [How to be an active ally for LGBTIQA+ people](#).

[Know Your Rights – a Guide to the Rights of Older South Australians](#) is an initiative of the South Australian Government to help raise community awareness of the rights of older people.

[LGBTIQA+ Multilingual Terminology](#) is a resource for translators, interpreters, LGBTIQA+ community members and allies.

[OPAN Self-Advocacy Toolkit](#) is a guide to what you need to know for better aged care and how to advocate for yourself. The toolkit has been developed by the [Older Person's Advocacy Network](#) 1800 700 600 which provides free, independent and confidential support to older people receiving government-funded aged care.

The [Statement on the Rights and Freedoms of Older South Australians](#) outlines the rights and freedoms of older people in South Australia.

## Key Services and Community Groups

Online directories of South Australian LGBTI+ inclusive services and community groups can be found at [South Australian Department of Human Services](#) and [Rainbow Directory SA](#) and include the following:

### UNITING COMMUNITIES - BFRIEND LGBTIQA+ SUPPORT

[Bfriend](#) 1800 615 677 supports anyone who has questions about sexuality, gender identity and intersex variations, and their loved-ones. This free and confidential service includes peer support, community connections, workplace training and volunteering opportunities for the community.

### CATALYST FOUNDATION

The [Catalyst Foundation](#) 08 8168 8776 hosts social groups for LGBTIQA+ people over 50, and provides inclusion training for workplaces, including specialist training about LGBTIQA+ domestic violence as well as information about navigating aged care services.

### COTA SA

[COTA SA](#) 08 8232 0422 or 1800 182 324 (country callers) promotes the rights, needs and interests of older South Australians, facilitates a community visitor program, and can provide information about navigating aged care services.

### LGBTI CONNECT (ECH)

[LGBTI Connect](#) 1300 275 324 is run by older LGBTI people, for older LGBTI people. LGBTI Connectors provide navigation, advocacy and connection to aged care services and a LGBTI volunteer home visitor program for LGBTI people who are 55 or older.

### PEACE MULTICULTURAL SERVICES (RELATIONSHIPS AUSTRALIA SA)

[Peace Multicultural Services](#) 08 8245 8110 supports the Unidos group that offers peer support to LGBTIQA+ individuals with a focus on people from multicultural backgrounds.

### RAINBOW HUB SOUTH AUSTRALIA

[Rainbow Hub SA](#) is a community-led independent organisation providing a voice for older LGBTI+ people in South Australia.

Driven by the values of community connection, engagement and advocacy, it prioritises building community and capacity.



# Rights and Advocacy Organisations

## ADULT SAFEGUARDING UNIT

**Adult Safeguarding Unit 1800 372 310** is a South Australian Government agency that receives reports about any adult over the age of 18 who may be vulnerable to abuse.

## AUSTRALIAN GLBTIQ MULTICULTURAL COUNCIL

Australian GLBTIQ Multicultural Council advocates for the rights of multicultural and multi-faith communities through research, education, and community events.

## AUSTRALIAN HUMAN RIGHTS COMMISSION

**Australian Human Rights Commission 1300 656 419** is an independent statutory organisation that protects and promotes human rights in Australia and internationally. Visit the LGBTIQ+ section of their website.

## BLACK RAINBOW

Black Rainbow is a national Aboriginal and Torres Strait Islander organisation whose aim is to provide information and to pursue positive health and wellbeing for LGBTIQ+SB (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Sistergirl and Brotherboy) people.

## ELDER ABUSE ACTION AUSTRALIA (EAAA)

**Elder Abuse Action Australia (EAAA) 1800 960 026** is the national voice for action to eliminate the abuse of older people through advocacy, research, education and capacity building. Their Compass website covers a range of topics from ageism to grandparent alienation, along with other forms of elder abuse, including useful LGBTIQ+ resources.

## EQUALITY AUSTRALIA

Equality Australia is a national LGBTIQQA+ organisation that advocates for the rights of LGBTIQQA+ people across a range of issues.

## INTERSEX HUMAN RIGHTS AUSTRALIA

Intersex Human Rights Australia promotes human rights, health and bodily autonomy.

## JUST EQUAL

Just Equal is a national lobby and advocacy group representing the interests and priorities of the LGBTIQQA+ community.

## LGBTIQ+ HEALTH AUSTRALIA

**LGBTIQ+ Health Australia 02 7209 6301** is the national peak health organisation for organisations and individuals that provide health-related programs, services and research focused on LGBTIQ+ people and communities.

## RIGHTS RESOURCE NETWORK SA

Rights Resource Network SA is a network of community organisations, legal professionals, academics and volunteers committed to improving human rights outcomes in South Australia, including LGBTIQ+ rights.

## SOUTH AUSTRALIAN RAINBOW ADVOCACY ALLIANCE (SARAA)

SARAA is a community led LGBTIQQA+ organisation that advocates for an inclusive, healthy and safe South Australia. They provide informative resources on understanding and recognising your rights.

# Community Organising

You can use these resources if you or your community group wants to get inspired or organise around an issue.

## AUSTRALIAN HUMAN RIGHTS COMMISSION ACTIVIST TOOLKIT

This toolkit includes guides on organising community listening events and engaging with politicians as well as information about human rights issues faced by LGBTIQ+ people in Australia.

## AMNESTY INTERNATIONAL AUSTRALIA'S SUSTAINABLE ACTIVISM AND SELF CARE GUIDE

Read this guide for tips on how you can take better care of yourself as an activist.

## SA LGBTIQ+ HISTORY

It's important we honour, preserve and celebrate our community's incredible achievements. Watch SARAA's annual Ian Purcell Oration recordings of inspiring SA LGBTIQ+ changemakers.

## Your Rights

[The Statement on the Rights and Freedoms of Older South Australians](#), is informed by human rights principles, serves as a foundation of [Future Directions](#), and underpins actions that will be implemented by the South Australian Government. The Statement includes the following rights that may be particularly relevant to LGBTI+ people:

---

**OLDER PEOPLE HAVE THE RIGHT TO EXERCISE THEIR RIGHTS FREE FROM ALL FORMS OF DISCRIMINATION, ON THE BASIS OF AGE, DISABILITY, SEX, GENDER IDENTITY, COLOUR, SEXUAL ORIENTATION, LOCATION, RELIGION, POLITICAL OPINION, EDUCATIONAL QUALIFICATION, NATIONAL ORIGIN, CULTURE OR ETHNICITY.**

---

**OLDER PEOPLE HAVE THE RIGHT TO BE TREATED EQUALLY BEFORE THE LAW.**

---

**OLDER PEOPLE HAVE THE RIGHT TO LIBERTY AND SECURITY WHILE STAYING FREE FROM EXPLOITATION AND PHYSICAL, SOCIAL, PSYCHOLOGICAL, FINANCIAL, CHEMICAL, AND SEXUAL ABUSE. NO PERSON SHALL BE DEPRIVED OF THEIR LIBERTY EXCEPT WHEN NOT IN ACCORDANCE WITH THE LAW.**

## What's in place to protect your rights?

The [Statement on the Rights and Freedoms of Older South Australians](#) is a declaration of human rights principles that are rights-based rather than needs-based, as needs change over time but human rights remain constant.

The right to access pets and companion animals, the right to choose family and have them recognised, particularly for older people who identify as LGBTI+ were included after consultation by Office for Ageing Well.

## AGE DISCRIMINATION

Ageism is reflected in how we think, feel and act and it can also lead to elder abuse. The [Commonwealth Age Discrimination Act 2004](#) prohibits biases on the basis of age at work, at education facilities, and within programs.

## IDENTITY OR SEXUALITY DISCRIMINATION

Sexual or gender identity should not inhibit an individual's ability to live life as they choose and it is against the law to treat a person or same sex couple differently on the basis of sexual orientation, gender identity and intersex status. The [Commonwealth Sex Discrimination Act 1984](#) is an important piece of legislation designed to protect the liberties, lives and love of LGBTI+ people and others.

The [SA Equal Opportunity Act 1984](#) covers forms of discrimination important to LGBTI+ people. This includes gender identity, intersex status, sex, sexual orientation, and a spouse or partner's identity. The Act applies to trans individuals, regardless of whether or not they have undergone gender confirming medical treatments.

Regardless of your age, you have the right to change your gender as it is registered on your birth certificate. To change your registered gender, you can apply to [SA Births, Deaths and Marriages](#) 131 882. You will be required to enclose a statement from a medical professional declaring you have received "appropriate clinical treatment" in relation to your sex or gender identity. This may impact how your body will be treated during hospitalisation or after you die.

You can read more information on changing your name or gender on South Australian Rainbow Advocacy Alliance's [website](#).

OVERCOMING DISCRIMINATION



## SAME SEX RELATIONSHIPS

Couples in same sex relationships now have many of the same rights as heterosexual couples when it comes to marriage, adoption, and registered relationships. These rights are applicable regardless of age. The [Commonwealth Marriage Act 1961](#) now allows for all people, regardless of sexual orientation, to marry. Same sex marriages from foreign countries are also legally recognised in Australia. It is also possible for a same sex couple to apply to be in a “registered relationship”, which is different from marriage.

Registering your relationship with [Consumer and Business Services](#) 131 882 means that your relationship is legally recognised, but it is not the same as getting married. The two main differences between registering your relationship and getting married are that marriages are recognised both interstate and internationally, but registered relationships are not reliably recognised overseas/interstate unless there is corresponding law in that country or state. Registering your relationship can make it easier to access entitlements and assert your rights, including in medical situations.

Approval requires certain criteria to be met. You need to consider factors such as the cost and convenience of registering a relationship as opposed to getting married. Registering a relationship or getting married can also have an impact on wills and other documents, so it is a good idea to seek legal advice beforehand.

Ensure any property and other arrangements between both people do not cause unintended consequences if the relationship ends. For example, your entitlement to receiving benefits may change with a change in relationship status. You may need to confirm or update your relationship status with [Services Australia](#) 1342168.

## Things to consider

Older LGBTI+ people are impacted by the compounding effects of dealing with discrimination throughout our lives across areas such as housing, employment, healthcare, recognition of sex status, and recognition of families of choice.

As a result, older LGBTI+ people may avoid or delay accessing services in fear of being discriminated against, with many having had experiences of mistreatment and abuse. Some “go back into the closet”, withholding information about relationship status or identity, and this can result in not getting the care that best supports their needs.

As LGBTI+ people grow older, they are less likely than the general population to access intergenerational and family support, which is the source of much traditional advocacy when accessing health and care services. This is due to LGBTI+ people being more likely to be single, childless and no longer in contact with biological family. ‘Chosen family’, connections with friends and peers, are of great importance to LGBTI+ people without family of origin support in asserting and safeguarding their rights and empowering one another.

# Getting Help

## AUSTRALIAN HUMAN RIGHTS COMMISSION

You can make complaints to the [Australian Human Rights Commission](#) 1300 656 419 about unlawful sex, race, disability and/or age discrimination. Visit the LGBTIQ+ section of their website.

## EQUAL OPPORTUNITY SA

[Equal Opportunity SA](#) 08 8207 1977 or 1800 188 163 (country callers) is a state government agency that aims to prevent discrimination, highlights businesses committed to equality, and provides training resources for workplaces. LGBTI+ people can make complaints and find information on where and how to seek legal advice.

## OMBUDSMAN SA

Anyone – including individuals, groups and organisations - may make a complaint to Ombudsman SA 08 8226 8699 about a South Australian state or local government agency’s acts (including misconduct and maladministration).

## FAIR WORK COMMISSION

The [Commonwealth Fair Work Act 2009](#) governs Australian workplaces. The Act focusses

on preventing discrimination relating to sexual orientation, gender identity, trans or intersex status, marital status, family or carer’s responsibilities, physical or mental disability, and age. The [Fair Work Commission](#) 1300 799 675 is Australia’s workplace relations tribunal and helps resolve issues at work.

## SA UNIONS

The largest trade union council representing South Australians spanning a range of industries, [SA Unions](#) 08 8279 2248 gives voice to employees and advocates for protections.

## WORKING WOMEN’S CENTRE

SA community organisation, [Working Women’s Centre](#) 08 8410 6499, provides detailed information, advice, support and advocacy for women (including trans women) to improve income and workplace conditions.

## ABUSE AND MISTREATMENT OF OLDER PEOPLE

Older LGBTI+ people, who are isolated, can be particularly vulnerable to elder abuse. Abuse comes in many forms and can be physical, psychological, emotional,

financial, social, spiritual, cultural, or sexual in nature and can include neglect, coercive control or multiple forms of abuse that can be present at the same time.

Cultural abuse is the assault, challenge or denial of a person’s cultural identity, of who they are and what they need. It is a distinct issue for Aboriginal older people and members of the Culturally and Linguistically Diverse and LGBTI+ communities.

Visit other toolkit pages on Domestic and Family Violence

## ADULT SAFEGUARDING UNIT

Know the signs and try to stop it. There’s no excuse for abuse – it’s not your fault. You can report abuse and mistreatment, whether witnessed or personally experienced to the South Australian Government’s [Adult Safeguarding Unit](#) 1800 372 310. Their Code of Practice outlines how to make a report, explores consent, the investigative process, and how any information provided is shared.



### AGED RIGHTS ADVOCACY SERVICE (ARAS)

The [Aged Rights Advocacy Service](#) 1800 700 600 supports people over 65 uphold their aged care and human rights, including those at risk of, or experiencing abuse from family or friends.

### SOUTH AUSTRALIAN RAINBOW ADVOCACY ALLIANCE (SARAA)

[SARAA](#) is a community led LGBTIQ+ organisation that advocates for an inclusive, healthy and safe South Australia. They provide informative resources on understanding and recognising your rights.

### CONVERSION PRACTICES

While South Australia has sometimes led LGBTIQ+-friendly law reform, some archaic policies still exist, including conversion practices (the harmful practice of trying to change a person's gender identity or sexual orientation). This is an evolving conversation with policymakers. See [SARAA's](#) website for more information.

### HATE CRIMES

Given the targeted, unprovoked nature of hate crimes, it's important to seek safety immediately. Prejudice-motivated hate crimes are now punishable by law. You can report an incident to [SA Police](#) 131 444. Applicable online safety laws are available at the website of the Australian Government's [eSafety Commissioner](#).

### DISCRIMINATION PREVENTION (EXPUNGEMENT)

With same sex marriage legalised and changing cultural norms around sexuality and gender, LGBTIQ+ people see themselves reflected more in the mainstream – however, this hasn't always been the case.

It wasn't until 1984 that homosexual acts were decriminalised across Australia (1975 in SA, 1997 in Tasmania, 1990 in Qld, 1989 in WA, 1984 in NSW). Prior to this LGBTIQ+ people were forced to hide their sexuality and were at risk of being blackmailed and other forms of exclusion which may still affect them today. If you have a historic conviction related to homosexual acts or

indecenty, it can be removed from your record (be expunged). Otherwise, a conviction may create issues in relation to applying for employment or volunteering. Find out more from [Attorney-General's Department SA](#). Legal help is available from:

- [South Australian Community Legal Centres](#) 1300 366 424
- [Law Society of South Australia](#) 08 8229 0200



# HOUSING

## Your Rights

[The Statement on the Rights and Freedoms of Older South Australians](#), is informed by human rights principles, serves as a foundation of [Future Directions](#), and underpins actions that will be implemented by the South Australian Government. The Statement includes the following rights that may be particularly relevant to LGBTI+ people:

**OLDER PEOPLE HAVE THE RIGHT TO FOOD AND WATER TO NURTURE THEM NUTRITIONALLY AND EMOTIONALLY, ADEQUATE CLOTHING AND SHELTER, WITH THE MEANS AND RESOURCES TO ENJOY THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL AND MENTAL HEALTH AND WELLBEING, AS WELL AS THE RIGHT TO A DIGNIFIED DEATH.**

**OLDER PEOPLE HAVE THE RIGHT TO HAVE THEIR FAMILY OF CHOICE RESPECTED AND BE FREE FROM ARBITRARY OR UNLAWFUL INTERFERENCE WITH THEIR PRIVACY, FAMILY, HOME OR COMMUNICATIONS.**

**OLDER PEOPLE HAVE THE RIGHT TO FREEDOM OF MOVEMENT AND TO CHOOSE HOW AND WHERE THEY LIVE.**

**OLDER PEOPLE HAVE THE RIGHT TO A FAMILY LIFE AND TO HAVE VALUED RELATIONSHIPS WITHIN THEIR FAMILY UNIT, INCLUDING CONNECTIONS WITH PETS AND COMPANION ANIMALS, WHILE RESPECTED BY ALL OTHERS, INCLUDING GOVERNMENT AGENCIES AND OFFICIALS.**

## What's in place to protect your rights?

The [Statement on the Rights and Freedoms of Older South Australians](#) is a declaration of human rights principles that are rights-based rather than needs-based, as needs change over time but human rights remain constant.

Every individual has the right to live in secure and safe housing. Nobody should be limited in their housing and care options, based on their sexual orientation, gender identity or domestic status.

Under various state and federal laws, older LGBTI+ people have the right to secure high standards of living, with their rights respected. The [Charter of Aged Care Rights](#) is designed to protect the identity and diversity of all people receiving Australian Government funded residential care, home care or other aged care services in the community.

## Things to consider

LGBTI+ people have historically been more vulnerable to insecure housing, and this is especially the case for transgender people and people living with HIV, due factors such as stigma, and discrimination in employment. Where you live will impact on your access to friends, community, services, support and mobility as you age. When moving to a retirement village or aged care home, you should revisit their rights, review a provider's diversity and inclusion plan, and check for [Rainbow Tick](#) or other LGBTI+ inclusion indicators. There may be a lack of alternatives for service provision in some areas and particularly regionally. For example, some faith-based organisations may not be fully inclusive or welcoming of LGBTI+ customers; other organisations may lack experience in servicing LGBTI+ peoples' specific needs.

**10 Questions to Ask** provides a series of leaflets about residential aged care, including for LGBTI people. Written by nurses, doctors and experts with experience in aged care, they are available in 15 languages.

See also LGBTIQ+ Health Australia's checklist [Choosing an ageing and aged care service that is inclusive](#) which asks:

- Does the service have a policy that recognises your family of choice and how it will handle problems between you, your family of choice and your family of origin?
- Does the service have clear policies on maintaining your relationship with your partner?
- What is the service capability to provide private rooms/space for intimacy or time alone with partners?
- Does the service have a policy on sexual expression? If it is a residential facility does this policy enable you to have private time with your partner?

Decisions you make about your future accommodation may impact on your pension entitlement, tax liability, aged care fees and future finances.

It is recommended that you seek independent legal and financial advice if you are planning to change where you live.

# Getting Help

## RENTING

For information and advice about tenancy issues and your rights contact:

- [Consumer and Business Services](#) 131 882
- [RentRight SA \(SYC\)](#) 1800 060 462 a free, independent service, helping people maintain their tenancies in private rental, community housing or public housing
- [Query Connect](#) is a free service provided by the [Real Estate Institute of South Australia](#) 1800 804 365 to members of the public looking for guidance on all things regarding real estate.

## Retirement Living

### RETIREMENT VILLAGES

Many South Australian retirement villages are independently owned, with varying levels of services and support.

Retirement village residents have rights that are protected under specific legislation for retirement villages. [Office for Ageing Well](#) 08 8204 2420 is responsible for administering retirement village legislation and is able to provide general information and assistance on retirement village matters, clarify areas of concern and provide a conciliation service to help resolve disputes between residents and operators.

### SOUTH AUSTRALIAN RETIREMENT VILLAGES RESIDENTS ASSOCIATION (SARVRA)

SARVRA's members are residents of retirement villages. SARVRA's goals are to provide information and advice to, and advance the interests of, retirement village residents. [SARVRA](#) 08 8232 0422 also offers information to people considering moving to a retirement village.

## Aged Care

### CARE FINDERS

Older people living in metropolitan Adelaide can contact [COTA SA](#) 08 8232 0422 or 1800 182 324 (country callers) and talk to an Aged Care Navigator who will be able to assist with information and support options. This is a free service developed to support vulnerable people – who have no one else who can support them – to interact with My Aged Care, access aged care services and access other relevant supports in the community.

Find out more about the [care finder service](#), including services for people who are: Aboriginal and/or Torres Strait Islander; from culturally and linguistically diverse backgrounds; and/or are homeless/at risk of homelessness.

For those who don't require additional support, or who have people to help them, contact [My Aged Care](#) 1800 200 422 established by the Australian Government to help you navigate the aged care system. You can read about [My Aged Care support for LGBTI+ people](#) here for home care as well as residential.

### HELP AT HOME

Help at home looks different for different people. It may mean getting help with shopping and cooking. Or it could be receiving personal care to bath, dress, and get in and out of bed. It may even mean getting modifications to improve your safety and movement around the house. The My Aged Care website includes a [Finding LGBTI Inclusive Home Care Packages](#) on the Service Finder factsheet.

### RESIDENTIAL CARE

All government-funded aged care homes in Australia now have a Star Rating. Ratings may make it easier for you to compare the quality of aged care homes and make more informed choices about your care. You can search for facilities in your area, and compare the overall star rating system of each facility on the [My Aged Care Find a Provider](#) webpage.

## COMPLAINTS

If you or someone you know has concerns about aged care services subsidised by the Australian Government, you have the right to complain. There are two ways you can make a complaint:

- let your service provider know about your concerns
- make a complaint to the [Aged Care Quality and Safety Commission](#) 1800 951 822.

If you do not feel comfortable to do this, the [Aged Rights Advocacy Service](#) 1800 700 600 can provide confidential support and advice, and can assist you to raise concerns about your care, or can speak on your behalf.

## Homelessness Support

### HOMELESS CONNECT SA

Uniting Communities - [Homeless Connect SA](#) 1800 003 308 is a central point for anyone in South Australia experiencing or at risk of homelessness to find information and a direct referral to homelessness services.

## Domestic and family violence

Various organisations exist to reduce domestic and family violence in South Australia. The Catalyst Foundation's

[Toward a Safe Place](#) report is an important source of local research and resources. Some service providers include:

- [Centacare](#) 08 8215 6700
- [Women's Safety Services SA](#) 08 8152 9200. You can read more about [Intimate Partner Violence in LGBTIQ+ Communities - Womens Safety Services](#) here.

## Relationships

All relationships are complex, including same-sex partnerships where higher levels of shame, unconscious bias, or unresolved trauma may exist.

### RELATIONSHIPS AUSTRALIA

[Relationships Australia](#) 1300 364 277 or 1800 182 325 (country callers) is a not for profit, secular organisation committed to improving the quality of family and community relationships. Services include counselling, dispute resolution and mental health aid for LGBTI+ people.

### SAY IT OUT LOUD

[Say It Out Loud](#) is a national online resource hosted by ACON providing information about healthy relationships and support to address abuse in LGBTI+ relationships. It encourages LGBTI+ communities to have healthy relationships, get help for

unhealthy relationships and support their friends.

## Mediation and Legal Advice

### UNITING COMMUNITIES MEDIATION SERVICE

The [Uniting Communities Mediation Service](#) 08 8342 1800 can help you work out community and neighbourhood disputes at an early stage, including in relation to housing disputes, unfair treatment, and loan access. The aim of mediation is to find an agreement or resolution that everyone is satisfied with. This can avoid drawn-out legal proceedings and court visits, which are expensive, stressful and take time.

### LEGAL SERVICES COMMISSION

Every individual has the right to legal support, regardless of age, sexual orientation, gender identity or financial status. [Legal Services Commission](#) 1300 366 424 is an independent government body that offers access to South Australians through a free helpline, education resources, and legal aid to eligible people.



# HEALTH



## Your Rights

The [Statement on the Rights and Freedoms of Older South Australians](#), is informed by human rights principles, serves as a foundation of [Future Directions](#), and underpins actions that will be implemented by the South Australian Government. The Statement includes the following rights that may be particularly relevant to LGBTI+ people:

---

**OLDER PEOPLE HAVE THE RIGHT TO LIVE AUTONOMOUS AND SELF-DETERMINED LIVES, TO TAKE RISKS AND BE SUPPORTED TO MAKE THEIR OWN DECISIONS AND CHOICES.**

---

**OLDER PEOPLE HAVE THE RIGHT TO FREELY ASSOCIATE WITH OTHERS AND TO FULLY PARTICIPATE IN THE SOCIAL, ECONOMIC, AND CULTURAL LIFE OF THEIR COMMUNITY.**

---

**OLDER PEOPLE HAVE THE RIGHT TO EXERCISE FREEDOM OF THOUGHT, CONSCIENCE, CULTURE, SPIRITUALITY AND RELIGION.**

---

**OLDER PEOPLE HAVE THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND TO SEEK, RECEIVE AND SHARE INFORMATION AND IDEAS, AND TO LIFELONG LEARNING.**

## What's in place to protect your rights?

The [Statement on the Rights and Freedoms of Older South Australians](#) is a declaration of human rights principles that are rights-based rather than needs-based, as needs change over time but human rights remain constant.

Every individual is entitled to the highest attainable standard of physical, mental, and emotional health – regardless of sexual or gender identity. Older LGBTI+ people with

unique needs have the right to adequate healthcare, by law.

All South Australians are protected by the [Charter of Health and Community Services Rights](#). Older LGBTI+ people have the right to make their own choices, feel safe accessing care, and expect to be cared for and treated equally. Health providers are legally required to provide choice, confidentiality and seek consent from you, but often need to be prompted to do this.

All older people, including LGBTI+ people, have the right to access aged care services and safe housing. The [Charter of Aged Care Rights](#) outlines 14 specific rights, including having an individual's identity and diversity valued and supported.

## Appropriate Treatment

The right to be treated with reasonable care and skill by a health care provider is recognised under South Australian law. In addition, the law acknowledges your right to have your privacy and dignity respected, and to be involved in decisions affecting your health and care

## Choice

- You have the right to choose your general practitioner, dentist, and health service provider. You have the right to contact any locum service after hours.
- You may change doctors or dentists. If you do so, your records should be transferred to your new doctor or dentist.
- You may seek a second opinion on the advice you have been given.
- If you return to your former doctor or dentist, you should not be refused treatment or treated unprofessionally.

## Confidentiality

Health professionals and services have a strict ethical and legal duty to keep patient information confidential. Your medical details must be kept confidential, even from your spouse and family, unless you agree to share information. There are some exceptions to confidentiality in situations where there may be a risk of harm to either you or to others. Read the SA Government's Information Sharing Guidelines. Ph: 08 8226 3606  
Ph: 1800 952 511 (country callers).

## Consent

You have the right to make decisions and choices that affect your life, health and welfare, and to decide what risks you are willing to take in receiving or refusing medical or dental treatment for as long as possible, unless there is evidence to demonstrate that you do not have decision-making capacity. Before you can properly exercise the right either to consent to or refuse particular treatment, you need to understand what that treatment involves and the implications of having or not having it and any reasonable alternative treatments. To make your own health care decisions you must be able to:

- understand information about the decision
- understand and appreciate the risks and benefits of the choices
- remember the information for a short time
- tell someone what the decision is, and why you made it.

## Things to consider

Health is important at all ages and stages, especially for LGBTI+ people who have higher rates of poor physical and mental health. Accessing fair, inclusive care means having a network of respectful providers right across an individual's health needs. Look for providers with a [Rainbow Tick](#), or indication that they serve the LGBTI+ community.

There may be health consequences of not being 'out' in aged care to access particular treatments that may be required, for example for people living with HIV. Not disclosing certain information such as your HIV status or gender identity can mean you might receive poorer treatment than you might expect. Non-disclosure can also result in causing gaps in the data which is used to better inform decision-making about specific needs. However, LGBTI+ people primarily need to feel safe to disclose their gender identity, HIV status and sexual orientation.

[DocDir](#) is an Australia-wide directory of LGBTQ+ inclusive clinicians and services to help access safe healthcare, no matter where you live. You can nominate a clinician or they can self-nominate.

The [Genders, Bodies and Relationships Passport](#) has been developed by LGBTIQ+ Health Australia to help support clear communication about sensitive information between intersex, trans and gender diverse people in health and social care settings. The 'passport' includes language preferences, information to disclose, medical history, intimate care preferences and medications.

# Getting Help

## Gender affirming care

LGBTI+ people have the right to access sex-positive, gender-affirming care. This includes acknowledgement of pronouns and receiving appropriate hormone treatments. You can read more about [Trans health care across the life span](#).

### TRANS HEALTH SA

[Trans Health SA](#) is a volunteer group operated for and by trans and gender diverse South Australians to provide health information and support. This includes a directory of health practitioners and other specialists that are helpful and respectful to all members of the LGBTI+ community.

## Living with HIV

In Australia today many people with HIV are able to live long lives with access to tailored healthcare, including appropriate medications. [LGBTIQ+ Health Australia](#) list a number of services and supports for people living with HIV, including [SAMESH](#) and [Relationships Australia](#), who have HIV Peer Navigators.

## Dementia

The need for companionship, relationships, intimacy and human touch does not change because someone has dementia. An LGBTI+ person with dementia needs an environment that supports diversity and inclusion more than ever. It's important to maintain contact with community members living with dementia.

### DEMENTIA SUPPORT AUSTRALIA

[Dementia Support Australia](#) 1800 699 799 provides a carer support helpline 24 hours a day, 7 days a week. They have factsheets on topics in relation to LGBTI+ people: sexual/intimacy needs; social isolation; supporting coming out; and understanding the impact of trauma and stress.

### DEMENTIA AUSTRALIA

[Dementia Australia](#) 1800 100 500 (24/7) can assist individuals and those close to them to make important decisions and mitigate unsafe situations. Their [LGBTI+ specific resources](#) include a link to a free online course to assist staff in the health and aged care sectors to become culturally competent in caring for LGBTI+ people with dementia.

## Mental health

Older LGBTI+ people are likely to have experienced a history of stigma, isolation and criminalisation of homosexuality during most of their lifetime, and this can have consequences for their mental health.

### SAMESH (SOUTH AUSTRALIAN MOBILISATION AND EMPOWERMENT FOR SEXUAL HEALTH)

[SAMESH](#) 08 7099 5300 provides support, education and training about Sexual Health and HIV for men who have sex with men and people living with HIV, as well as services for the broader LGBTIQ community, including peer support and health promotion.

### SHINE SA - SEXUAL HEALTH INFORMATION NETWORKING AND EDUCATION SA

[SHINE SA](#) 08 8300 5300 delivers sexual health and relationship wellbeing services for everyone. As a Rainbow Tick accredited health service they provide LGBTIQ+ inclusive care in all of their services.

**THORNE HARBOUR HEALTH**

Thorne Harbour Health 08 7078 4128 provides a LGBTIQ+ Specialist Mental Health Service in Adelaide for community members aged 16 and above experiencing mental illness and psychological distress.

**National counselling and support phone lines include:****QLIFE**

Qlife 1800 184 527 provides anonymous and free LGBTIQ+ peer support and referral for people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships. They also offer an Online chat service.

**BEYONDBLUE**

Beyondblue 1300 224 636 promotes good mental health and supports individuals, families and communities affected by anxiety, depression and suicide.

**LIFELINE**

Lifeline 13 11 14 provides 24/7 crisis support and suicide prevention services, including for people from culturally and linguistically diverse communities. They also offer an online chat service.

**13YARN**

13YARN 13 92 76 (24 hours/7 days) provide Aboriginal or Torres Strait Islander Crisis Supporters to talk with.

**UNITING COMMUNITIES  
LGBTIQ+ SUPPORT**

Uniting Communities 08 8202 5190 provide peer support, counselling and community connections for people who are same-gender attracted, gender diverse, or questioning their sexuality or gender identity.

**Digital safety and mental health**

Being threatened online is never OK and being threatened because of your sexuality, gender identity or cultural background can be particularly hurtful. Although aimed at young people, these resources may be useful to protect yourself and your mental health online:

- Catalyst digital skills resource including Proudly Safe SA to enhance e safety and community connection for LGBTIQ+ young people
- Minus 18's Safe and Strong: An LGBTQ+ guide to Facebook & Instagram

**HEALTH AND COMMUNITY SERVICES COMPLAINTS COMMISSIONER (HCSCC)**

The Health and Community Services Complaints Commissioner 08 8226 8666 or 1800 232 007 (Country callers) helps consumers with complaints about health or community services.

**PLANNING**

## Your Rights

[The Statement on the Rights and Freedoms of Older South Australians](#), is informed by human rights principles, serves as a foundation of [Future Directions](#), and underpins actions that will be implemented by the South Australian Government. The Statement includes the following rights that may be particularly relevant to LGBTI+ people:

**OLDER PEOPLE HAVE THE RIGHT TO MAKE THEIR OWN DECISIONS ABOUT THEIR LIFESTYLE, HEALTH CARE AND END OF LIFE, INCLUDING IN ADVANCE, AND FOR THIS TO BE RESPECTED.**

## What's in place to protect your rights?

[The Statement on the Rights and Freedoms of Older South Australians](#) is a declaration of human rights principles that are rights-based rather than needs-based, as needs change over time but human rights remain constant.

It's never too early to plan ahead, including living well with illness and ageing as well as for end of life. There are specific legal steps and many resources for you to secure your rights and have peace of mind. These can be of particular importance for LGBTI+ people, given high levels of estrangement from family of origin.

## Things to consider

The earlier you plan, the more options you are likely to have throughout life. This includes where you live and access to a support network. This can be challenging but there is help available. Think about buddying up with a friend or partner and start planning.

Who would speak for you if you couldn't speak for yourself? What would they say? It's vital to think about your financial, health, legal and personal wishes and how you can make sure they're known and respected.

Accidents, illness or death can happen at any time so it's important to talk to your loved ones about your wishes and document them.

Thinking about your future and making your wishes known in advance can help reduce stress and conflict between those close to you during times of crisis.

- Complete the legal tools available (mentioned below and from [SA Health's Plan Ahead website](#)) so your loved ones will know your choices, and act upon them if you cannot express yourself at some time in the future.
- Speak for yourself. Make your wishes clear and to protect against abuse.
- Remember to give certified copies of your documents to your loved ones, your GP, your legal team and your local hospital.

# Getting Help

## Advance Care Directives

An Advance Care Directive is a legal form that allows people over the age of 18 years to:

- Write down their wishes, preferences and instructions for future health care, living arrangements, personal matters and end of life.
- Appoint one or more [substitute decision-makers](#) to make these decisions on their behalf when they're unable to do so themselves.

Visit the [Advance Care Directives website](#) to download or print an Advance Care Directive form or Do-It-Yourself Kit, or order professionally printed hard copies.

Helpful fact sheets are available from the [Office of the Public Advocate's Information Service](#) 8342 8200.

## Enduring Power of Attorney

Making an Enduring Power of Attorney means your financial affairs can be looked after by someone you know and trust, and continues to operate even after you become legally incapacitated and decisions need to be made on your behalf.

You cannot make a power of attorney after you have become legally incapacitated. You can cancel your enduring power of attorney at any time, as long as you still have legal capacity.

[Legal Services Commission](#) of South Australia 1300 366 424 has Enduring Power of Attorney Kits available to purchase. The Kit includes the forms you'll need and explains how to complete and use them.

The [Public Trustee](#) 08 8226 9200 provides Will making and Enduring Power of Attorney services to eligible concession holders or those subject to administration or guardianship orders.

## Will

Make a Will and nominate who you want your property and possessions (your 'estate') to go to after your death.

There is no legal requirement that a solicitor must prepare a Will, but using a legal professional reduces the possibility of your Will being contested or challenged. This can be costly though.

If you don't have a legal Will, South Australian laws determine how your property or 'estate' will be divided.

Make sure you update your Will when your circumstances change, such as relationships starting or ending, having children/grandchildren, you separate, or re-marry, or if there is a death in the family.

[Legal Services Commission of South Australia](#) 1300 366 424 provides free information and legal advice on Wills. Or you could engage a private lawyer.

## Organ and tissue donation

You can record your wishes regarding organ and tissue donation by registering at [DonateLife](#) 08 8207 7117 or on your SA drivers license. All you need is your Medicare card. Registering is voluntary. It is important talk with those close to you about your decision.



# Getting Help

## Compassionate Communities

Compassionate communities provide mutual care for people at all phases of end of life working alongside providers. The claim that it takes on average 16 people to care well for anyone who is dying highlights the need for trusted and coordinated support. The role of end of life douglas who work between medical staff and volunteer client support are an option to help address this. As with funeral directors and other self-regulating services, you need to check service levels and costs.

LGBTI+ focused resources include [COTA SA's Rainbow Horizons project](#) and its report which explored fostering intergenerational compassionate communities to support LGBTI people's end of life. The website links to other resources, such as [Barwon Health's Palliative Care Toolkit](#), and [ACON's Taking Control LGBTI+ Toolkit for Palliative Care & End of Life Decisions](#).

---

## CARERS SA

[Carers SA](#) 08 8291 5600 delivers the federally funded Carer Gateway in South Australia. Carer Gateway is an Australian Government initiative which provides services and support to unpaid Carers across Australia. Services include Carer support planning, peer support, counselling, tailored support packages, coaching and emergency respite. They list [LGBTI+ carer rights](#). Carerhelp has [LGBTI+ resources](#).

## Funeral and other end of life services

Despite the many insurance schemes and payment plans available, you are under no obligation to pre-pay for your funeral. The law specifies that funeral costs will be taken from your estate before the distribution of any assets occurs. There are many things to be mindful of when considering funeral insurance or payment plans, including whether you will be able to keep up the payments at a later date. For information about financing funeral costs visit the [ASIC Moneysmart website](#).

## Grief and bereavement

[ACON's Taking Control LGBTI+ Toolkit for Palliative Care & End of Life Decisions](#) provides a range of useful resources.

---

## PALLIATIVE CARE CONNECT

SA Health's [Palliative Care Connect](#) provides information and links to palliative care and bereavement supports in South Australia.

To talk to a Palliative Care Navigator call 1800 725 548 (PALLI8).

## Voluntary Assisted Dying (VAD)

Voluntary assisted dying enables eligible people to voluntarily access and self-administer, or in some circumstances have a doctor administer, a medication that will cause their death, in accordance with the process set out in the [SA Voluntary Assisted Dying Act 2021](#). Resources are available [online](#) and via the [South Australian Voluntary Assisted Dying Care Navigator Service](#) 0403 087 390.



