

SUBMISSION TO THE

Parliamentary Inquiry into the Potential for a Human Rights Act in South Australia

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Submission authorised by:

Miranda Starke
Chief Executive

Submission prepared by:

Jodi Slater
Policy Manger

Kaurna Country
Level 1, 85 Hutt Street
Adelaide SA 5000
E cotasa@cotasa.org.au
P 08 8232 0422 1800 182 324 (Country callers)
www.cotasa.org.au

COTA SA welcomes the opportunity to provide a submission to the *Inquiry into the Potential for a Human Rights Act in South Australia*. COTA SA unequivocally supports a Human Rights Act in South Australia and we hope this inquiry marks the beginning of enshrining human rights in South Australian law.

COTA SA is an older people's movement run by, for and with older people. We represent the rights, interests and futures of 700,000 older South Australians. We engage widely and frequently with older people across the state. The lived experiences of the diverse community of older South Australians aged 50+ shape our policy and advocacy work.

A Human Rights Act would provide a legal framework for people, including older people, and their families, to challenge abuses and discrimination, receive high quality and equitable care and services and to always be treated with dignity and respect in all settings.

We acknowledge that specific pieces of legislation address human rights and many members of parliament, policymakers and service designers think about and take into consideration the rights of South Australians in their decision-making. However, the legislation is not holistic, easy to access, nor is it as clear as an underpinning Human Rights Act.

A Human Rights Act would protect South Australians' rights by:

- Embedding human rights in laws from the outset,
- Providing an overarching framework to ensure human rights are upheld in the development of policies and services,
- Providing a legal basis and clear pathway for a complaint to be made if human rights are violated, and
- Providing an avenue for remedial action.

In South Australia, the rights of older people are recognised in the South Australian Charter of the Rights and Freedoms of Older People¹ (the Charter). We advocate for a Human Rights Act that protects and promote human rights of all people without discrimination, whilst continuing to recognise the rights set out in the Charter.

Why a Human Rights Act is important to older South Australians.

People aged 50 years and over comprise approximately 39% of South Australia's population.² This is predicted to increase to 47% by 2041. There is enormous diversity amongst older people, of culture, experience, identity, relationships, gender, sexuality, interests and beliefs.

Despite the significant investment we have made to achieve longer and healthier lives, older South Australians continue to face very real and significant challenges, driven by systemic ageism and age discrimination.

COTA SA regards ageism as the most significant barrier to older South Australians ageing well.

Ageism can create barriers to equitable access to health care and housing options. Ageism often results in older people being overlooked for opportunities in employment. Ageism can lead to social isolation, loneliness, and feeling invisible. These challenges are compounded by factors such as gender, identity, cultural background, socio-economic status and ability.

Ageism is experienced in everyday interactions in the community, with businesses and services, and it is entrenched in broader settings such as employment, the media, healthcare, and aged care. Seemingly little, mostly unconscious, ageist actions and attitudes are significant and deeply harmful. They erode participation in communities, uphold attitudes that older people are a burden on resources and on society, and cause older people to have negative opinions of themselves and their abilities.

Ageism:

- is a prerequisite and enabler of elder abuse,
- threatens equitable access to health services,
- prematurely ends careers,
- overlooks older people for promotion and development opportunities,
- is a direct contributor to isolation and loneliness, and
- diminishes peoples' rights as older citizens.

¹ [South Australian Charter of the Rights and Freedoms of Older People \(sahealth.sa.gov.au\)](http://sahealth.sa.gov.au)

² https://plan.sa.gov.au/state_snapshot/population

There is wide recognition that ageist beliefs and attitudes pervade our everyday lives. Notably the prevalence and impact of ageism is clearly documented in *South Australia's Plan for Ageing Well 2020-2025*³. The report of the Royal Commission into Aged Care Quality and Safety⁴ demonstrates the extent that ageism and age discrimination undermines the rights of older people, significantly impacts quality of life and can lead to premature death.

The intersectionality of age and identity, cultural background, ability, income and remoteness compound the experiences of discrimination and disadvantage. For example, LGBTI+ people aged 50+ experience additional disadvantage because of continuing experience or fear of prejudice from their non-LGBTI+ peers, communities and professional services. COTA SA's conversations with older LGBTI+ people indicate that some avoid or delay accessing services as they grow older in fear of being discriminated against, with some sharing experiences of violence, bullying and criminalisation. Others tell us they "go back into the closet", withholding information about their relationship status or identity, particularly when accessing health and care services, including aged care. This undermines wellbeing and sense of belonging. We know that these are the experiences of LGBTI+ people of all ages.

The submissions of advocacy bodies such as the South Australian Council of Social Service and Shelter SA, provide further context of why human rights are so important and should be at the core in the development of laws, policies and in the design of services. We recommend that the experience and lessons learnt from the human rights laws in Victoria, ACT and Queensland are carefully considered, and that the best of these laws are used to introduce a Human Rights Act in South Australia.

For further information

COTA SA looks forward to hearing the outcome of the Inquiry. For further information, please contact Chief Executive, Miranda Starke in the first instance.

Acknowledgement of Country

COTA SA acknowledges and respects Aboriginal people as the traditional custodians of the land of South Australia. We honour Aboriginal peoples' continuing connection to Country and recognise that their sovereignty was never ceded. We pay our respects to First Nations Elders past, present and emerging and extend that respect to all Aboriginal people.

³ [South Australia's Plan for Ageing Well 2020-2025 | SA Health](#)

⁴ [Aged Care Quality and Safety | Royal Commissions](#)