

## Submission to the Inspector General of Aged Care on Royal Commission recommendation implementation

### About LGBTIQ+ Health Australia

LGBTIQ+ Health Australia (LHA) is the national peak organisation promoting the health and wellbeing of LGBTIQ+ people and communities. With a diverse membership spanning LGBTIQ+ community-controlled health organisations, community groups, state and territory peak bodies, service providers, researchers, and individuals, LHA is uniquely positioned to deliver national leadership in policy, advocacy, research, and capacity building.

### A national focus on LGBTIQ+ health

LGBTIQ+ people are recognised as a priority population in key national strategies such as the Primary Health Care 10-Year Plan, National Preventive Health Strategy, National Men's and Women's Health Strategies, and the National Mental Health and Suicide Prevention Plan<sup>1-5</sup>. The release of the National Action Plan for the Health and Wellbeing of LGBTIQ+ People 2025–2035<sup>6</sup> marks a historic step forward, delivering a comprehensive framework to address systemic health inequities and achieve better physical and mental health outcomes for LGBTIQ+ people across Australia.

### Understanding experiences of LGBTIQ+ people

Despite these national strategies, LGBTIQ+ people continue to experience poorer health outcomes due to stigma, discrimination, prejudice, and abuse. LHA acknowledges the compounding barriers faced by LGBTIQ+ people with intersecting experiences, including Aboriginal and Torres Strait Islander status, cultural and racial diversity, age, disability, socioeconomic disadvantage, and geographic isolation. Appendix A details further LGBTI older people's histories and experiences.

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1. <https://www.health.gov.au/resources/publications/australias-primary-health-care-10-year-plan-2022-2032>

2. <https://www.health.gov.au/resources/publications/national-preventive-health-strategy-2021-2030>

3. <https://www.health.gov.au/resources/publications/national-mens-health-strategy-2020-2030>

4. <https://www.health.gov.au/resources/publications/national-womens-health-strategy-2020-2030>

5. <https://www.health.gov.au/resources/publications/the-australian-governments-national-mental-health-and-suicide-prevention-plan>

6. <https://www.health.gov.au/resources/publications/national-action-plan-for-the-health-and-wellbeing-of-lgbtiqa-people-2025-2035>

## Introduction

LGBTIQ+ Health Australia (LHA) welcomes the opportunity to provide input to the 2025 Progress Report on Implementation of Aged Care Royal Commission Recommendations. LHA is the national peak organisation promoting the health and wellbeing of LGBTIQ+ people and communities. We are uniquely placed with membership across states and territories and strategically positioned to provide a national focus to improving the health and wellbeing of LGBTIQ+ people.

We note that the Royal Commission made no recommendations particularly in relation to LGBTI older people. Nevertheless, several reforms instituted in the wake of the Royal Commission have the potential to positively impact LGBTI older people's wellbeing.

### *Reforms following the Royal Commission*

As noted in our 2024 submission on progress following the Royal Commission recommendations, the introduction of Specialisation Verification framework has been a measure that holds particular promise for older LGBTI people to receive welcoming and sensitive aged care services. LHA believes that a culturally-competent approach is necessary to provide confidence to older LGBTI people seeking aged care services, who may otherwise be reluctant, due to experiences of cultural and institutional discrimination of many years.<sup>1</sup>

This being said, the Specialisation Verification framework raises some concerns. First, as a voluntary scheme, there is limited uptake, with few aged care service providers outside of Victoria having secured LGBTI specialisation. Progress in improving uptake has been unfortunately slow.

Given its voluntary nature, it is crucial to encourage greater service provider engagement with it across the country to maximise its promise, thereby offering more LGBTI older people choice, and thus reassurance, that a local LGBTI-sensitive service exists.

To ensure that LGBTI Specialisation Verification framework meets its policy objective of providing LGBTI older people with welcoming and sensitive care, there needs to be robust evaluation of the experiences of LGBTI older people in services that have achieved LGBTI specialist accreditation.

The other concern is in regard to what can be reasonably expected – and understood within community – by older LGBTI people from services that are not LGBTI-specialised. For example, if someone resides in area in which there are no LGBTI specialised services, what

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<sup>1</sup> There is further detail at the end of this submission of the range of discrimination and other traumatic experiences that older LGBTI may have experienced that inform their approach to seeking aged care services.

assurance do they have that any local services will provide welcoming and LGBTI-sensitive care?

Compliance with Aged Care Quality Standards (the Standards) is mandatory, with Standard 1 – Consumer Dignity and Choice and, Standard 3 – Personal and Clinical Care, and Standard 5 – Service Environment providing a potential mechanism to hold service providers to account for the provision of welcoming and sensitive care. However, it is unknown to what extent the Standards actually provide this for LGBTI older people. From what LHA hears, there continue to be LGBTI older people who experience unsafe and unwelcoming aged care services; whether this from service provider or in the case of residential aged care, other residents.

We would encourage the OIGAC's monitoring of the entities charged with ensuring providers' compliance with the Aged Care Quality Standards and Specialisation Verification Framework – i.e. Aged Care Quality and Safety Commission and Department of Health for example – thereby providing reassurance that aged care service providers are delivering dignified and sensitive, person-centred care for LGBTI older people.

We note that with the passage of the new *Aged Care Act 2024*, there is no longer reference to the Aged Care Diversity Framework. The omission of this, along with the related Aged Care Diversity Framework Action Plans, means that an important practical mechanism is now missing for progressing LGBTI older people's rights.

## Appendix A

### Background: unique experiences of older LGBTI people

*“Do visibility safely – so that gay consumers/staff aren’t the only people who become advocates for inclusion.”*

*“Remove the pervasive idea that our communities are controversial.”<sup>2</sup>*

LGBTI older people have experienced prejudice and discrimination (which may include bullying, harassment, verbal, physical, psychological and/or sexual abuse) over the life course, from government, agencies, faith-based organisations, health providers, businesses, LGBTI communities, families, friends, and individuals. This includes a fear of prejudice and discrimination, which may or may not be warranted in specific circumstances.

These experiences cause LGBTI older people to remain in or return to the closet; be reluctant to reveal their sexual orientation and/or sex and/or gender identity to government agencies and service providers; and be reluctant to make complaints when they experience prejudice or discrimination. As a result, these older people often do not disclose their identities or histories to aged care services and therefore remain isolated or invisible in the sector and the broader community.

Combined with general societal ignorance around LGBTI issues, this results in a lack of awareness of the unique needs of LGBTI older people, including targeted services to support them. In addition, the fear of being mistreated from aged care providers can lead to LGBTI older people delaying seeking care until their health deteriorates or a crisis occurs. LGBTI older people may suffer many forms of discrimination within the aged care environment. These include:

- threats of eviction and refusal of admission to aged care facilities
- denying of visitors or personal care services
- refusal to allow LGBTI older people to display public affection, to display cultural tokens, artefacts, pictures or memorabilia or couples to share rooms
- preventing partners from participating in medical decision making
- withholding medications
- physical or psychological abuse, neglect and/or abandonment
- being involuntarily ‘outed’ or threatening to out somebody’s gender or sexuality
- being prevented from dressing or presenting according to ones identified gender.

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<sup>2</sup> These are from LHA’s comments to Aged Care Royal Commission, from consultations with older LGBTI people.