

**Submission
No 43**

**INQUIRY INTO INQUIRY INTO ELDER ABUSE IN NEW
SOUTH WALES**

Organisation: The Gender Centre Inc

Date received: 13/11/2015



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**Patron: Her Excellency Professor The Honourable Dame Marie Bashir AD
CVO.**

The Director

General Purpose Standing Committee No. 2

Parliament House

Macquarie St

Sydney NSW 2000

Fax: (02) 9230 2981

12/11/15

<p>RE: ENQUIRY INTO ELDER ABUSE IN NSW THE GENERAL PURPOSE STANDING COMMITTEE NO. 2</p>
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Submission attached.

While elder abuse can take many different forms, our comments are confined to elder abuse which might be experienced *because* an older person is transgender. Many of these comments are also applicable to Intersex people, although they are not the same (*transgender* being a personal and social identity, and *intersex* being a biological condition)

We do not have information related to some of the Terms of Reference and they have been left blank.

This submission is authorized by Phinn Borg, Executive Director of The Gender Centre.

Kind regards,

Laurel Walter

Over 55 Support



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**SUBMISSION TO ENQUIRY INTO ELDER ABUSE IN NSW
THE GENERAL PURPOSE STANDING COMMITTEE NO. 2
NOVEMBER 2015**

1. The prevalence of abuse (including but not limited to financial abuse, physical abuse, sexual abuse, psychological abuse and neglect) experienced by persons aged 50 years or older in New South Wales.

We do not know what the prevalence of abuse experienced by older transgender people is. We have anecdotal evidence that abuse occurs, but we also know that people are fearful of speaking openly, or of making formal complaints, recognizing that the repercussions would incur further abuse or loss.

2. The most common forms of abuse experienced by older persons and the most common relationships or settings in which abuse occurs.

- Institutional abuse is the most commonly stated form of abuse experienced by older transgender people. Many older transgender people have multiple experiences of institutional abuse by medical, hospital and other professional and welfare services. Consequently they often avoid or delay seeking care and assistance, thus jeopardizing their health and safety.

Many older transgenders have experienced abuse within educational institutions and workplaces. The consequences include unfulfilled potential, loss of employment, poverty.

These experiences contribute to increased social marginalization, increased anxiety and depression and diminished resilience.

- When an individual undergoes gender transition (partially or completely)

they are often rejected partially or outright by their family and social circle/s. Older transgender people have frequently lost all family ties and connections. ('Family' may include family of origin, spouse, partners, ex-spouses and ex-partners, children, stepchildren). This loss of social connection makes them particularly vulnerable to abuse.

- At a time of ageing, some transgender people have tenuous connections with family which may be dependent on certain behaviours. For example, Latham JR & Barrett C (2015)* have cited a specific example of a transwoman admitted to an RACF. Her son had not accepted her transitioning and told her she would not see her grandchildren if she did not dress as male.
- We have heard reports of older transgender people being told that they would be buried in their birth gender and with their birth name.

3. The types of government and/or community support services sought by, or on behalf of, victims of elder abuse and the nature of service received from those agencies and organisations.

The available services are

- Our organization, The Gender Centre, which currently employs an Over 55 Support Worker.
- The Aged Rights Service;
- Elder Abuse Helpline.

The Gender Centre offers negotiation and advocacy, and liaison with legal services, but has not recently received any requests related to elder abuse.

4. The adequacy of the powers of the NSW Police Force to respond to allegations of elder abuse.

GLLO (Gay and Lesbian Liaison Officers) in NSW Police receive training about transgender people and elder abuse. Other police officers do not receive this training; they receive a brief session (20 minutes approximately) on transgender. It is unclear, to date, how effective this training is.

Historically, older transgender people have experienced violence and abuse from Police Officers. While we know that Police attitudes and practices are changing, older transgender people have not easily lost their distrust and



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suspicion of the Police. The Gender Centre works to foster positive relationships with GLLOfficers. GLLOfficers have been supportive in attending some of our client support groups.

5. Identifying any constraints to elder abuse being reported and best practice strategies to address such constraints.

We believe that reports are constrained by fears such as withdrawal of care and/or support, withdrawal of contact.

We believe it is incumbent on aged care service providers in particular, and other services, to have an understanding of some of the factors that could constitute transgender-specific elder abuse. This would include education about transgender identity and history.

6. Identifying any strength based initiatives which empower older persons to better protect themselves from risks of abuse as they age.

- The Commonwealth launched the National Lesbian Gay Bisexual Transgender and Intersex Ageing and Aged Care Strategy in 2012. This strategy provided for an Over 55 Support Worker project for transgender people in NSW, for a duration of 3 years. This project provides support, advocacy and liaison for older transgender people. It facilitates a support group which provides a safe place and information-sharing for older transgender people to gain confidence and empowerment. There is no plan by the Commonwealth to extend this position beyond June 2016. NSW could extend this project so that older transgender people continue to have this support and advocacy.

- We believe that the universal and routine promotion of Advance Care Planning encourages people to think about, and make their own decisions affecting their future. We believe that Advance Care Planning should be promoted as a normal activity for all adults.

7. The effectiveness of NSW laws, policies, services and strategies, including the 2014 Interagency Policy Preventing and Responding to Abuse of Older People, in safeguarding older persons from abuse.

This Policy makes 2 references to gender (4.2 and Appendix 2). We believe this is inadequate to include those who are transgender or do not identify within binary definitions of gender. At the very least, we believe it should add “and gender identity,” as gender is often mistakenly taken to mean “biological sex.” While the Commonwealth has published the *National Lesbian Gay Bisexual Transgender and Intersex Ageing and Aged Care Strategy* and *Australian Government Guidelines on the Recognition of Sex and Gender* (2013), we are not aware that NSW has similar strategies or guidelines. Such strategies and guidelines for NSW, if they existed and were widely disseminated, could serve to educate and inform the community of NSW.

8. The possible development of long-term systems and proactive measures to respond to the increasing numbers of older persons, including consideration of cultural diversity among older persons, so as to prevent abuse.

Training in cultural competency should go beyond national, racial and religious culture. It should include the unique transgender culture and history. Individual transgender identity exists within a wider transgender culture. Notwithstanding the uniqueness of individuals, we believe that transgender culture should be part of any training/education in cultural competency.

Training should be widespread, to include as many institutions and organisations as possible.

We believe that the long-term development of the support worker role for older transgender people can assist them to safely negotiate services, at a time when they are particularly vulnerable.



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9. The consideration of new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse, and

10. Any other related matter.

* Latham, JR & Barrett, C (2015) *Trans Ageing and Aged Care – an Evidence Based Guide to Inclusive Services*. Australian Research Centre in Sex, Health and Society, La Trobe University. Melbourne, Australia.