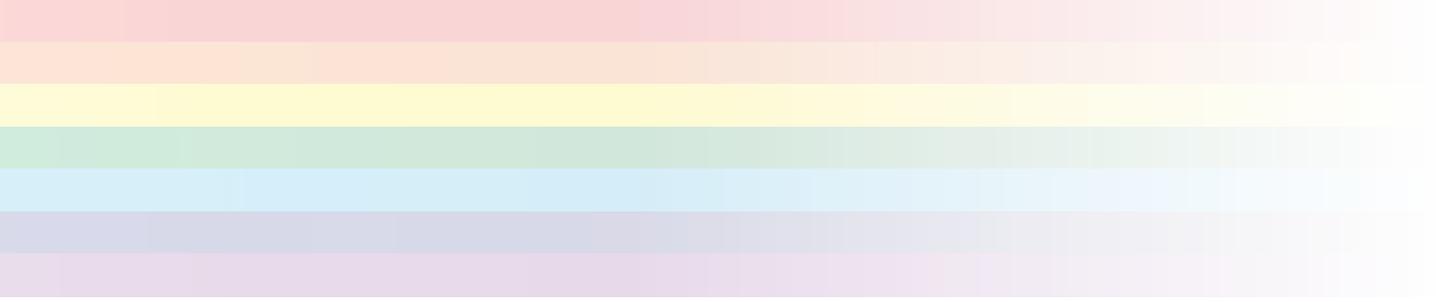




LGBTIQ
Ministerial
Advisory Council
2018 REPORT





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Thoughts from attendees at our 2018 Inclusive Canberra Think Tank are featured throughout this document. Thank you to all those who participated.



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WHO ARE THE ACT LGBTIQ MINISTERIAL ADVISORY COUNCIL?

The ACT Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Ministerial Advisory Council (the Council) provides practical, strategic advice to the Chief Minister on policy issues affecting LGBTIQ people and communities living in the Canberra Region. The Council's key function is to provide this advice by working with the Office for LGBTIQ Affairs (the Office) which sits within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD), as well as other Government and non-Government stakeholders.

Members of the Council in 2018 were:

- > Anne-Marie Delahunt (Chair)
- > Wayne Herbert (Deputy Chair)
- > Ali Khan (until July)
- > Suzanne Eastwood
- > Stephanie Lum
- > Scott Clouder
- > Isabel Mudford
- > Lynne O'Brien
- > Tushara Wickramariyaratne
- > Christine Healy
- > Tate McAllister (from August)
- > Kristine Tay (from August)
- > Ross Fowler (from August)
- > Victoria Firth-Smith (from August)
- > Travis Wu (from August)

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KEY 2018 ADVICE

RELIGIOUS FREEDOMS REVIEW

The Council made a submission to the Australian Government's Religious Freedoms Review in February 2018. This submission focused on the rights of LGBTIQ people to access all publicly available services without fear of discrimination and the role of the ACT's Human Rights Act and Discrimination Act in protecting Canberrans on the basis of their sexuality, gender identity, or intersex status. The submission contained a number of depersonalised case studies from members of the Canberra community, and the Council thanks these contributors for being willing to share their story. The Council also represented LGBTIQ Canberrans by providing in-person representations to the review panel.

DISCRIMINATION REFORM

In December 2018, the Council was pleased to support the ACT Government to make reforms to the ACT Discrimination Act to protect all students and staff in ACT schools from discrimination on the basis of any protected attributes, including sexuality, gender identity, and intersex status. The ACT Discrimination Act now limits discrimination in religious schools to religious affiliation only. This is currently the highest level of discrimination protection afforded to school students and staff in Australia.

AHRC CONSULTATION

In November 2018, the Council made a submission to the Australian Human Rights Commission consultation on protecting the human rights of people born with variations in sex characteristics in the context of medical interventions. This submission focused on the rights of people born with variations in sex characteristics (commonly known as intersex people) to bodily integrity and dignity. The Council looks forward to the forthcoming report from the AHRC and taking further actions within the ACT to uphold and protect the rights of intersex people.

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EVENTS

INCLUSIVE CANBERRA THINK TANK

The Council considers data collection integral to our commitment to ensure that Canberra is Australia's most LGBTIQ friendly and inclusive city. For the second consecutive year, the Council's Promotions and Communications and data subgroups undertook a mixed methods research project into the experiences and needs of LGBTIQ Canberrans. We hosted a community forum called the Inclusive Canberra Think Tank on the 25th of November where we hosted roundtables on a number of key issues that had been identified by the Council. The event focused on the impact of the marriage equality postal survey, what is good about Canberra for LGBTIQ people and how Canberra can become more inclusive of LGBTIQ people. This Think Tank was a "sell out" and attendees contributed with great enthusiasm and critical thinking displaying Canberrans' appetite for sustained commitment to inclusion.

2018 CBR FAIR DAY

The Council again had a hugely successful CBR Fair Day sharing a stall with the Office. It was a great way for us to engage with individuals, groups, and families on the work of the Council and for members of the Council to become more widely known within our community. An important feature of our stall was our second Inclusive Canberra survey which, alongside the Think Tank, helped us to produce the Inclusive Canberra report (a summary of which can be found on page 5).



SUB-COMMITTEE REPORTS

The Ministerial Advisory Council is divided into a number of subcommittees focused on particular areas of need and expertise of Council members. In 2018 these subcommittees included: health, aged care, legal and data, and access to services. A Council planning day in October 2018 helped to focus some of the priority areas of Council moving into 2019

HEALTH

In 2018, the health subgroup focused on the healthcare of trans and gender diverse people, supporting the upskilling of health professionals, and promoting the human rights of intersex people.

Key pieces of work undertaken included:

- > Working with Capital Health Network to design and provide content for the LGBTI Health Pathways resource for GPs and Primary Health care professionals across the ACT and Southern NSW. This provides clinically and locally appropriate information for GPs and resources for support for their patients;
- > Contributing to two professional development events in relation to the Capital Health Network LGBTI Health Pathways resource, attended by GPs and GP practice staff “Creating an LGBTI inclusive practice” (May 2018) and “Transgender Health Education Day” (September 2018);
- > Working with local GPs towards establishing a local clinicians’ network to increase the capacity of clinicians to better service the needs of trans and gender diverse people in the ACT;

- > Seeking input from Chief Minister Barr and key stakeholder groups on PBS items for cost of trans hormones and general cost of trans surgery;
- > Responding to a number of inquiries and provided policy input in relation to:
 - the ACT Drug Strategy Action Plan 2018-2021 (27 July 2018);
 - Health Care Consumers Association Strategic Plan (24 May 2018); and
 - the Australian Human Rights Commission’s inquiry into medical interventions undertaken on people born with variations in sex characteristics;
- > Maintaining membership on the ACT Territory-wide Health Services Advisory Group on behalf of Council; and
- > Attendance at conferences and training opportunities, including the Health in Difference conference in Sydney, 11-13 April 2018.



LEGAL AND DATA

In October 2018, the Law reform subcommittee merged into a legal and data subcommittee, focusing on law reform and the need for greater and more accurate data collection of the various LGBTIQ communities.

Key pieces of work undertaken over this period include:

- > Submissions on various inquiries including:
 - MLA Caroline Le Couteur's review of consent in the Crimes Act;
 - The Australian Law Reform Commission's review of the Family Law System;
 - The Australian Bureau of Statistics review of sex and gender questions for the 2021 census;
 - Attorney-General Department's revision of Guidelines on Sex and Gender; and
 - Federal Senate inquiry on legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff; and
- > Support for Chief Minister Barr's bill to remove exemptions in ACT's anti-discrimination laws.

ACCESS TO SERVICES

Key pieces of work undertaken over this period include:

- > Met with the ACT HRC:
 - To discuss our support for the continued strengthening of the Commission's powers
 - Support Legal Aid commission
- > Met with:
 - AFP to discuss the role of gay and lesbian liaison offices and how they deal with LGBTIQ victims of crime
 - ACT Government to consult on the Family Safety Hub, and discussed LGBTIQ communities as victims, survivors and perpetrators of domestic violence. We advised on the development of services and responses.
 - Relationships Australia to support their work in our communities
- > Attended consultations on the Charter of Aged Care Rights
- > Promoted the LGBTIQ communities needs in aged care and the need for safe and secure housing for our communities.
- > Provided advice to the ACT Government regarding how our community is an underserved population in palliative care. The Council supports the idea of more information about advanced care planning being made available to our community.



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2019 FORECAST

In 2019, the Council will work with the Office to develop and implement the ACT Government's first LGBTIQ Strategic Plan. This will include the development of a whole of government action plan that will encompass many of the priorities that Council members have been working on over the last few years. The Council will also develop a strategic response to Equality Australia's LGBTIQ+ legal audit. The Council also anticipates the release of the Australian Human Rights Commission's report on protecting the human rights of people born with variations in sex characteristics in the context of medical interventions and looks forward to working across government in responding to this important piece of work.

Other priorities for the Council in 2019:

- > Providing advice and supporting the Legal Audit of ACT's LGBTIQ+ related laws and policies;
- > Continuing to advocate for the development of a draft bill prohibiting non-consensual and non-medically necessary interventions on infants with variations in sex characteristics;
- > Advocating for improved data collection on intersex diagnosis, interventions and practices in the ACT;
- > Advocating for improved data collection on LGBTIQ communities;
- > Advocating for reform to the Births, Deaths, Marriages Registration Act 1997 to change the name of the third sex category and follow up on reforms to under 18s to be able to change their name and/or sex on their birth certificate documentation; and
- > Continuing to prepare timely submissions for ACT government and other legislative and reform bodies on issues referred to the Council by the Office or the Chief Minister's Office;
- > Continuing to consult with Capital Health Network on creation, maintenance and expansion of LGBTIQ Health Pathways, including developing an intersex pathway;
- > Establishing a local clinicians' network with a focus on supporting the health needs of trans and gender diverse people in the ACT;
- > Obtaining a comprehensive picture of ACT Health's current policies and procedures in relation to intersex people and across lifespan; and
- > Improving the level of education for clinicians around caring for intersex people, for example medical students, midwives, social workers.

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SUMMARY OF THE INCLUSIVE CANBERRA SURVEY AND THINK TANK OF 2018

METHODOLOGY

These community consultations were designed to assess what issues and concerns existed for the community, and what potential legislative or policy changes could be undertaken at a territory level to improve the experiences of LGBTIQ Canberrans.

Participants self-selected to participate in each piece of information collection. Both the Inclusive Canberra Survey and Think Tank event were promoted through the Council's Facebook page, email list and other social media channels. In both 2017, and 2018, the Think Tank was held on a weeknight evening at the Legislative Assembly in Civic so as to be both accessible to those who work full-time and to those who rely on public transport.

Self-selection during SpringOUT means that the data is very likely to overrepresent LGBTIQ Canberrans who are well-connected to community, engaged with processes of social change, and literate. The data collected in the surveys shows a strong representation of people living in the Inner North of Canberra (39%), followed by Belconnen (17%) and Inner South (11%). This could indicate many different social circumstances of the respondents, but is likely to mean that the respondents are relatively wealthy, employed and highly educated, when compared to their counterparts in Tuggeranong and bordering towns such as Queanbeyan (see: SEIFA 2016). However, it is worth noting that Belconnen is one of the most disadvantaged town centres in Canberra and was the second most represented area in the survey data.

As the survey was only provided in English and the Think Tanks were conducted exclusively in English, people who do not speak English or who are deaf are not going to be included in this data. These gaps provide opportunity for the Council to reflect on the intersectionality of our data collection, and how we might reach different populations in upcoming years.

This report is a qualitative analysis that identifies common concerns for LGBTIQ Canberrans expressed through open answer questions in the surveys, and at the Think Tank events. While the LGBTIQ Inclusive Canberra 2017-18 Final Report¹ provides quantitative data that assessed how friendly Canberra is for LGBTIQ people, the information compiled here analyses the written responses provided to open-ended questions about the inclusivity of Canberra.

These responses were first grouped into three main focus areas before being coded for themes, which were used to identify the overall trends in each of the three focus areas. Firstly, 'What is good about Canberra?' considers the positive experiences of the LGBTIQ community. The second area, 'Where does Canberra's LGBTIQ community want to go?' is intended to explore the overall attitude of the community and its aspirations. Lastly, 'What should Canberra do?' provides ideas for potential action. This last section was further broken down to focus on specific areas that mapped, albeit roughly, onto the directorates that form the ACT Government.

WHAT IS GOOD ABOUT CANBERRA?

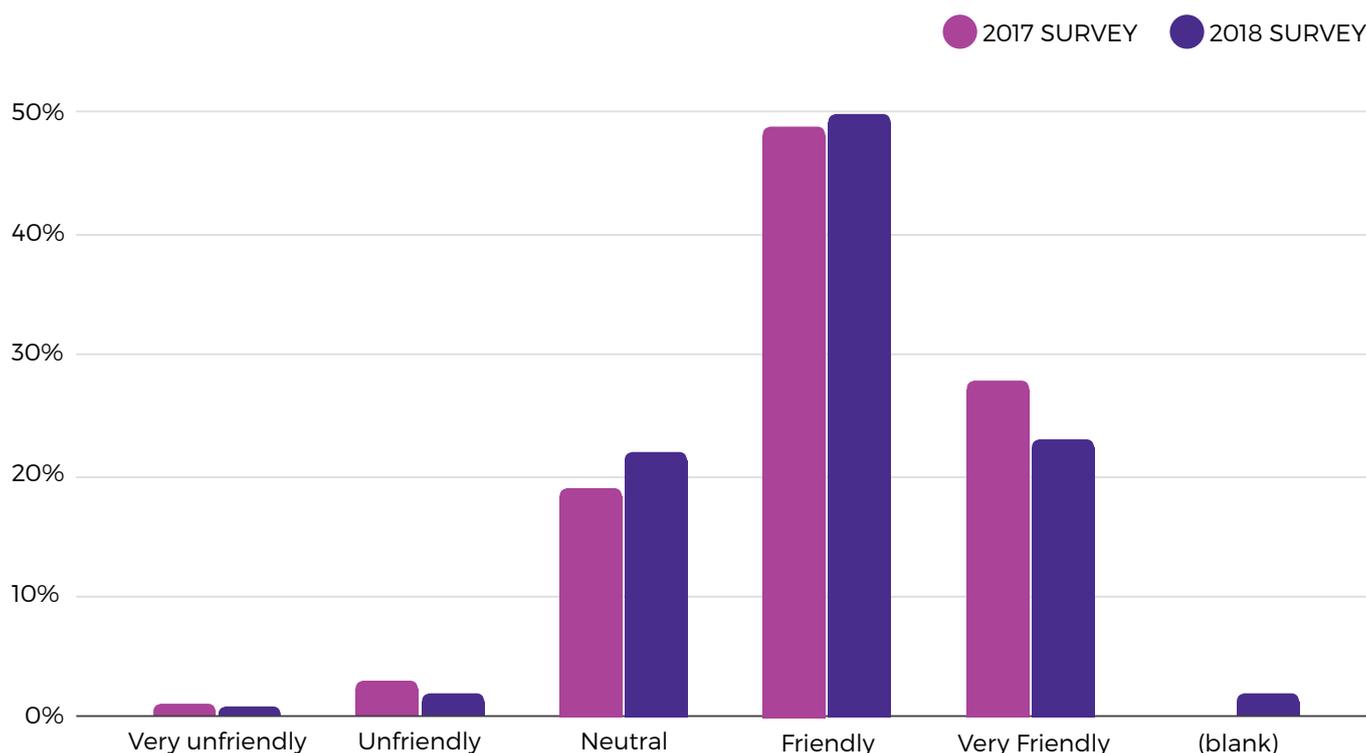
Respondents noted that one of the best things about being LGBTIQ in Canberra was the obvious visibility of their acceptance. The rainbow roundabout, rainbow bus, the ‘We are CBR’ pride branding, an openly gay Chief Minister and ACT Government supported LGBTIQ events were all repeatedly mentioned as signs of their acceptance and as having the effect of ensuring that LGBTIQ people could be themselves without fear, knowing that intolerance was not accepted in Canberra.

“Having a government that doesn’t perpetually attempt to erase LGBTI culture, suffering and basic rights.”

“Public language from our ACT Assembly that welcomes us and honours us; general community support (highest plebeshite [sic] vote); queer friendly venues.”

Further, many respondents also noted that the ACT’s strong anti-discrimination and human rights laws and policies clearly demonstrated that the ACT Government was committed not only to signalling its acceptance but that it delivered on this. The Consortium and its member organisations (Aids Action Council, A Gender Agenda, Northside Community service, SHFPACT) were all named as important institutions within Canberra. That these were at least partially funded through specifically LGBTIQ funding channels rather than competing with other general community services was also noted as a sign of the Government’s commitment to LGBTIQ Canberrans. Canberra’s LGBTIQ scene, including ANU’s Queer Department, Qwire, Pink Tennis, and SpringOut events, were all mentioned as parts of a vibrant community culture.

HOW LGBTIQ FRIENDLY IS CANBERRA?



WHERE DOES CANBERRA'S LGBTIQ COMMUNITY WANT TO GO?

Consistent with results from a national study,² many Canberrans wrote of their concerns in the wake of the success of Marriage Equality in 2017. In particular fears were expressed that this success would hamper ongoing efforts to improve many of the other issues facing the community.

“People that don’t take our issues seriously and think our rights started and ended with marriage equality for cis gender gay people.”

A particular area of focus in this regard was on improving experiences for transgender and intersex community members.³ From the removal of gendered language in legislation and policy and more unisex/gender neutral toilets, to affirming the Darlington Statement⁴ and laws that prevent coercive surgeries performed on intersex people, it is clear that respondents broadly considered that transgender and intersex people were a part of the community that were getting left behind and needed changes and support to improve their experiences.

“Intersex awareness and campaigns to end unnecessary non-consensual surgeries”

In this regard, many respondents commented on the need for more education within the community about these more marginalised sections of the community.

“Lateral understanding within LGBTIQ communities - we still have trans exclusion and bi-erasure and lack of inclusion of intersex people”

“Education within the community and education about the community”

A number of respondents also raised concern over the dropping of the ‘A’ for asexual from the commonly used form of the acronym.

This focused on the desire for awareness of asexuality, though no survey respondents who raised this noted specific policy concerns beyond recognition.

This focus on marginalised or ‘forgotten’ parts of the community displays a clear desire to promote inclusion and intersectionality in the community. Many respondents identified particular intersections of the community that they felt faced ‘double discrimination’ or deserved attention. These included LGBTIQ people of faith, queer women, people with disabilities, asylum seekers and people from culturally and linguistically diverse backgrounds.

“Our community is intersection - let’s see and support that!”

This call for intersectionality was also reflected in the overall attitude of community respondents who identified issues specific to the LGBTIQ community but also those which impacted the broader Canberra community like the availability of low-income housing and public transport. These are likely to be a reflection of the view of Canberra as a leader not just on LGBTIQ rights but on human rights as a whole. Such comments show a recognition of the need to consider how various forms of marginalisation work in combination, including both personal characteristics and broader societal factors such as homelessness or poverty. In this regard respondents demonstrated an understanding of the ACT Government’s role in ensuring that Canberra reflected its status as a human rights jurisdiction, and in promoting legislative and policy change at a Federal level.

WHAT SHOULD CANBERRA DO?

COMMUNITY SERVICES

Participants were strongly supportive of the development of LGBTIQ-specific community services, while also encouraging of mainstream services to become LGBTIQ competent. The need for diverse community services for more at-risk or vulnerable groups within LGBTIQ communities was acknowledged by a number of groups at the 2017 and 2018 Think Tank events who were concerned about the effects of isolating those who experience multiple forms of disadvantage from support services.

The specific areas of need identified were:

- > The need for translation and cultural competency in LGBTIQ services in order for them to work effectively with migrants, refugees and people who do not speak English
- > Support for aged care providers to become LGBTIQ competent and for community services to target older, isolated LGBTIQ people for social inclusion work
- > The need for homelessness services to be LGBTIQ competent and to recognise sexuality and/or gender diversity as a risk factor for becoming homeless

Specific support services as well as education for other service providers in LGBTIQ groups:

- > Encourage existing mainstream services to become LGBTIQ competent
- > Grants and smaller opportunities for community development
- > Concern for minorities in minorities - i.e. people who don't speak English, older people, people at risk of poverty

EDUCATION

The inclusion of education on sexual orientation and gender identity in schools was raised numerous times by survey respondents, indicating a general dissatisfaction with how LGBTIQ issues are currently incorporated into the curriculum. Many respondents also raised concerns about cultural values and attitudes and how these might impact on individual cases of harassment. While these two issues were typically reported separately within the data, they are linked. Research has consistently shown that inclusive curriculum is correlated with a safer and more supportive school climate, improving outcomes for LGBTIQ students and teachers, and students from Rainbow Families.¹

Also worthy of note were the numerous mentions of how Christian, especially Catholic, educational institutions were allowed to discriminate against LGBTIQ students and teachers. Since November 2018 when this data was compiled, the ACT government has taken steps to eliminate this discrimination.

HEALTH

All the comments related to health focussed on the need to improve service access for LGBTIQ Canberrans, in particular for trans and gender diverse people. This seems to reflect experiences with service providers in the ACT who respondents did not consider adequately understand the issues that LGBTIQ people might face in a medical context. Survey respondents largely commented on the need to increase training for service providers and to improve 'signage' that service providers are LGBTIQ competent and friendly. Given that LGBTIQ, in particular T and I, people often have negative experiences with medical professionals, many will assume the worst unless professionals obviously display their commitment to the community.

Mental health services were also continually singled out as being inadequate; from the lack of mental health professionals, to affordability, to the knowledge of practitioners, it is clear that this is an area of concern.

ECONOMIC DEVELOPMENT

One of the most common comments was about events, largely in the form of simple calls for 'more events'. Given the lack of specificity in such comments, it is unclear what this might mean. It might indicate that survey respondents were unaware of existing events like SpringOut, however given that much of this data collection occurred at SpringOut this is unlikely. What could be concluded is either the desire for more visible inclusion in general Canberra events, or the wish for more LGBTIQ events throughout the year. However, it is also unclear if these comments refer to private events at bars and clubs or public, government funded events.

JUSTICE AND COMMUNITY SAFETY

Many answers related to legislation and policy simply commented on the need to eradicate discrimination and improve on human rights, though no specific examples or issues were mentioned. To this end, note that the ACT Government is currently undertaking an audit to ensure no legislation allows for discrimination against LGBTIQ people.

However, more specific concerns were raised about discriminatory practices in ACT Government funded services. While these did not name specific organisations, they are likely to be alluding to ACT Government funding being allocated to religious organisations, including schools, Calvary Hospital, and aged care facilities, among other types of community services. As discussed above, there is now legislation that prevents discrimination against students in religious schools, and no organisations funded to provide services can discriminate in their service provision. However, given the numerous mentions of Catholic schools, and religion as a whole, there clearly remains in the community an anxiety about employment practices at some of these religiously run organisations, as well as anxiety about poor understandings of LGBTIQ people in service provision. These kinds of concerns are reflected also in comments regarding the true inclusivity of Canberra. A small group of respondents noted that rainbows and public declarations of Canberra's status as Australia's most LGBTIQ friendly city were meaningless given that the funding actions of the Government were being perceived as undermining these declarations.

Interestingly, no respondents commented on any experiences with the justice system or with police. While this could be taken as an indication that both these areas are very LGBTIQ friendly, it is far more likely that no survey respondents have had much interaction with police or the justice system. As noted above, survey respondents skewed towards the more affluent areas of Canberra. One area for improvement for future consultation could be ensuring the collection of information from more marginalised parts of the LGBTIQ community, some of whom are more likely to have interactions with the justice system, in order to gain a better understanding of how these areas are handling LGBTIQ people.

CONCLUSION

Both the Inclusive Canberra Survey and Think Tank provide platforms for community to highlight LGBTIQ strengths and gaps in government and community services and a way for government and community based organisations to hear the concerns of community and provide targeted responses. The analysis from the data collected shows a picture of a generally friendly and inclusive LGBTIQ community but with areas of identified improvement across all sectors.



ENDNOTES

- 1 Greytak, E. A., Kosciw, J. G., & Boesen, M. J. (2013). Putting the “T” in “resource”: The benefits of LGBT-related school resources for transgender youth. *Journal of LGBT Youth*, 10, 45–63. Kosciw, J. G., Palmer, N. A., Kull, R. M., & Greytak, E. A. (2013). The effect of negative school climate on academic outcomes for LGBT youth and the role of in-school supports. *Journal of School Violence*, 12, 45–63. Snapp, S. D., McGuire, J. K., Sinclair, K. O., Gabrion, K., & Russell, S. T. (2015). LGBTQ-inclusive curricula: why supportive curricula matter. *Sex Education*, 15, 580–596. Toomey, R. B., McGuire, J. K., & Russell, S. T. (2012). Heteronormativity, school climates, and perceived safety for gender nonconforming peers. *Journal of Adolescence*, 35, 187–196.
- 2 LGBTIQ Ministerial Advisory Council, LGBTIQ Inclusive Canberra 2017-18 Report (December 2017) available at: <https://www.cmtedd.act.gov.au/policystrategic/the-office-for-lgbtiq-affairs/reports-and-outcomes>.

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