Submission – Inquiry into the Human Rights and Anti-Discrimination Bill 2012 – Exposure Draft Legislation

Submission by Rainbow Communities Tasmania Inc.

rainbow communities **tasmania**

GLBTI EQUITY & INCLUSION

"As a minority group the incidence of positive discrimination and intimidation against the sexual and gender diverse community is at a substantially higher level and requires the proactive defence of basic human rights protection to ensure total equality before the law as for the mainstream population sectors in Australia."

Inquiry into the Human Rights and Anti-Discrimination Bill 2012 – Exposure Draft Legislation

December 20012

INTRODUCTION

This submission on behalf of the Rainbow Communities Tasmania Inc. (RCT) State Council to the Inquiry into the Human Rights and Anti-Discrimination Bill 2012 – Exposure Draft Legislation follows the previous involvement of RCT in the Human Rights Commission Consultation (Melbourne) and a submission from the Coming Out Proud Program. RCT proposed at the Forum that "as a minority group the incidence of positive discrimination and intimidation against the sexual and gender diverse community is at a substantially higher level and requires the proactive defence of basic human rights legislation to ensure total equality before the law as for mainstream population sectors in Australia."

It was further indicated that these rights would be best protected for the GLBTI Community through the enactment by the Australian Parliament of a Human Rights Act as a national law setting out the human rights of all people in Australia – as 'all born and remaining equal'. RCT would not be confident if any arrangement are made that relies on the good will or otherwise of Parliament via politicians or political parties. We also submit that the Federal legislation should not 'water down' the current protection of the sexual and gender diverse community in the Tasmania Anti-Discrimination Act 1999 (TADA). This is especially true in relation to Section 104 of the TADA Responsibilities of Organisations. It also applies to the arrangements in respect to exemptions under the Act (TADA). The international history of oppression of the sexual and gender diverse community demonstrates to us that social justice can be replaced by fascism as quickly as the 'wind changes'. This is evident in the current media campaign about so called restrictions to 'free speech' in place of offensive language in the draft legislation. This campaign is deliberate and misleading in that 'offensive language' is just that 'offensive and the worst kind of deliberate discrimination.

COPP made a submission to the Tasmanian Law Reform Institute Consultation on the establishment of a Charter of Rights for Tasmania in 2007[1] and regrets that the Tasmanian Government has used the National Consultation on Human Rights to set aside implementation of a Tasmanian Charter. This is regretted because both State & National Charters are required under the Australian Constitution in relation to State as against Commonwealth powers.

It is important at the outset to say that many in the LGBTI Community do not support incremental changes as recently attained through the removal of discrimination from a range of Commonwealth laws re taxation, superannuation, and social security provisions. These changes are piecemeal and while the GLBTI has accepted the responsibility to be on an equal level in these areas with the mainstream community they have not achieved equity in the major area of partnership and marriage equity provisions. In fact to some extent these changes have further disadvantaged the community and destroyed an incentive to enable equity in relation to the Marriage Act by the Australian Government. The changes have been very badly

[1] Tasmanian Law Reform Institute A Charter of Rights for Tasmania Final Report no 10 Oct 2007

implemented at local & regional levels as to achieving educational and cultural awareness strategies.

COPP does advocate the model of radical respect and achievement of equity through constitutional and cultural change as happened in South Africa when universal respect and equity was achieved in the abolition of the apartheid system with constitutional change including community renewal through a reconciliation process. The sexual & gender diverse community in South Africa today is in a much better place as regards human rights and equity than in Australia.

COPP DEVELOPING POLICIES TO IMPROVE GLBTI RIGHTS & PROTECTION AT REGIONAL & STATE LEVELS

The intent in establishing the Coming Out Proud Local Forums[2] has been in part to develop management plans in the local areas & regions of Tasmania in partnership with Local Government to provide for strategies that will allow GLBTI people in the Region to 'come out with pride' and live in their community with dignity as fully respected and participating members. One of the major objectives of COPP is to 'support the GLBTI Community create a climate where they are accepted and celebrated as full, contributing and proud members of the general community'. This has in many incidents been achieved by the capacity of members of our community to lodge complaints to the Tasmanian anti –Discrimination Commission and engage the conciliation process attaché to both the Commissioner's Office and the tribunal.[3]

Following the dedicated work of activists and the resulting law reform and development of anti-discrimination and partnership legislation there is maturity and an expressed, but yet unfulfilled, desire of the GLBTI Community to self determine their participation in the State Community. There is also a desire amongst members of the GLBTI community to represent and conduct their own affairs including health and well being issues at state, national and international levels from a franchised and representative local base upwards. It is critical to establish a *'unity of purpose and intent'* on the part of the GLBTI Community to the development of comprehensive and coordinated enactment and practice regarding human rights, security & well being issues for our Community through a process of self-determination.

The four regional COP Community Liaison Committees aim as follows;

- Engage the Government and the GLBTI Community in a conversation that engages all stakeholders as to effective, efficient and appropriate 'inclusion strategies' for developing policy and practice that will ensure the security, and wellbeing of the GLBTI Community.
- Engage the Tasmanian Community in a conversation at local and regional levels as to the benefits of including gay men 'without prejudice' at all levels of community life.

[2] www.comingoutproud.org
[3] COPP v Huon Mayor & Council TADC

The COPP is managed by Community Liaison Committees (CLC's) that are being established at local or regional level with the endorsement of the local government authorities but self-funded and owned by the local GLBTI community. The CLC's act as a coordination, consultation and evaluation base for the GLBTI community to develop a Management Plan to ensure that active strategies on the part of Federal, State/Local Government and GLBTI organisations are being delivered in the region in an efficient, effective and appropriate way. There has been an initial regard for the integration of local educational, legal, welfare, health, and social issues in the management plans being developed. This is regarded as important in the holistic solution to improving human rights, security and well being for the LGBTI Community.

It is proposed that the GLBTI State Consultative Council, which is being developed with representation from the local, COPP Community Liaison Committees as well as funded support organisations e.g Working It Out & TasCAHRD will act in concert with the State GLBTI Reference Group in implementing the State Government's GLBTI Framework in both government and community services. In establishing an agreement of *'unity of purpose and intent'* the State Council is an important meeting point to achieve improved self-determined social justice strategies to ensure the security and well being are achieved through the necessary cultural changes in the Tasmanian Community.

Community Liaison Committees exist and are endorsed and supported by local government as follows;

- Southern Kingborough/Huon
- Greater Hobart including Glenorchy
- West Coast/West Coast (Cradle Coast)
- Greater Launceston

The League of Gentlefellows (LOG) www.logtas.org with a base membership of over 2000 members has invested over $40,000 raised from social functions in the COPP Trust. The COPP Trust is an important funding strategy to encourage the development of human rights, security and well being strategies at local and regional level to achieve cultural change. Moreover LOG is a strong and important consultative base for the consideration and implementation of social justice strategies.

IMPORTANT RIGHTS FOR THE LGBTI COMMUNITY AS FOR EVERYONE

Human rights are only integral when they are universal. Until they are universal for all sections of the community and until they are achieved, acknowledged and celebrated at all sections nationally then in reality we do live with a degree of 'segregation'. If some sections of the community have not equal rights then it is not a 'seamless garment'. This universal acceptance, acknowledgement and enactment are essential to the wellbeing of the whole

community and until achieved it is not a national or international reality. The universal Covenant on Human Rights also carries the responsibility of all correspondents to acknowledge and accept universal rights of all groups.

Universal enactment of equity is very important for GLBTI people in Australia because our community still experiences strong discrimination and intimidation (see attachment A). We are all entitled to the enjoyment of human rights without discrimination of any kind, including discrimination on the basis of sexuality, sex identity or gender identity. Human rights and freedoms not universally enacted and particularly relevant to GLBTI people include the right to:

- Equality of LGBTI people before the law
- Equality of relationship recognition e.g. Marriage Act
- Equal access to work and equal treatment in workplaces for sexual & gender diverse people.
- The highest attainable standard of physical and mental health and social security for our community
- Freedom of expression and cultural diversity
- Privacy applying universally to the GLBTI Community
- Right of association and political expression
- Right to recognition of Family life.
- Right to protection of sexual & gender diverse people to their culture and self-expression within institutional care or institutions.

THE GLBTI COMMUNITY STILL EXPERIENCES DISCRIMINATION & INTIMIDATION:

COPP is developing management plans at local & regional level to eradicate discrimination and achieve cultural change. COPP has used the process of conciliation described and implemented in the Tasmanian Anti Discrimination Act 1998 to achieve cultural change, so necessary in turning around the incidence of self harm and suicide in the GLBTI Community in Tasmania[4].

- Young, adult and older GLBTI people still experience harassment, bullying and discrimination within the general community
- GLBTI young people 'in care' or institutions e.g prisons are very vulnerable to physical and psychological abuse.
- There is discrimination in the workplace, including harassment, constructive dismissal and diminished career opportunities

[4] According to a study of health compromising and suicidal behaviours among young gay and bisexual men in Tasmania conducted at the Division of Community and Rural health and issued in October 1999,
The young Tasmanian gay and bisexual men surveyed were two and a half times more likely to seriously consider suicide than their heterosexual peers,

- There is discrimination in accessing aged care facilities, with aged care policies not adequately addressing the needs or respect of GLBTI people in Australia
- Federal law does not allow formal recognition of the relationship between same-sex couples (for example through marriage)
- There are significant and unacceptable levels of homophobia and 'hate crime' in the community which escalates in rural and remote areas in Australia
- People who are sex and gender diverse face difficulties in obtaining official documents that record the sex or gender in which they live.

HOW COULD WE IMPROVE HUMAN RIGHTS PROTECTIONS FOR GLBTI PEOPLE?

A Human Rights Act could help prevent the human rights problems faced by GLBTI people and provide remedies for those human rights breaches that were not prevented. A Human Rights Act could make a difference in protecting and promoting the rights of GBLTI people by requiring our federal government to carefully consider how decisions impact on human rights. If Australia had a Human Rights Act, it could:

- Make the Federal Parliament consider how laws impact on human rights – for example, ensuring equal application of all laws to people in the GLBTI community
- Make the federal government respect human rights when developing policy – for example, when developing aged care policies, the government would need to specifically consider whether the policies meet the needs of older GLBTI people
- Make public servants respect human rights when making decisions and delivering services – for example, service delivery agencies such as Centrelink would need to make sure they respected the rights of GLBTI people
- Ensure that codes of conduct apply in private institutions regarding respect and enactment of GLBTI cultural awareness.
- Provide a range of enforceable remedies for breaches of human rights – for example, if an employer discriminated against a person on the basis of their sexuality.
- Provide a basis for LGBTI Cultural awareness training in all organisations to eradicate discrimination by acknowledging, respecting and celebrating diversity[5]

HUMAN RIGHTS AND GAY, LESBIAN, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

There are limited human rights protections for GLBTI people at the moment.

While most states and territories provide some protection from discrimination on the grounds of sexuality, and sex identity or gender identity, there is no federal law specifically prohibiting discrimination on these grounds (as there is for race discrimination, sex discrimination, disability discrimination or age discrimination).

[5] Tasmanian Public Services Commissioners Direction & Guidelines No 3 Workplace Diversity

Outsourcing of services by Government to the private and community-based sector leave the sexual & gender diverse community more vulnerable to abuse and discrimination without recall to conciliation or complaint systems.

Over the longer term, a Human Rights Act would also be a powerful tool for fostering a stronger human rights culture in Australia by promoting greater understanding and respect among all people in Australia. In addition to a Human Rights Act, there is a range of other ways in which the human rights of GLBTI people could be better promoted and protected in Australia. For example:

- Enhanced protection of human rights in the Australian Constitution by
- The introduction of federal legislation making it unlawful to discriminate against, or vilify, a person on the basis of their sexual preference, sex identity or gender identity, possibly through an Equality Act
- Improved procedures for recording a change of sex or gender on official documents such as passports
- A National Human Rights Action Plan, including a focus on the rights of GLBTI people at local & regional level
- A national public education program including cultural awareness training about human rights that includes discussion of GLBTI rights and addresses homophobia and abuse or harassment against people who are sex or gender diverse at local & regional level.
- Conciliation, mediation and complaints processes for sexual& gender diverse people especially in institutions or service provision facilities.

These and other measures could make a positive difference to human rights protection for GLBTI people.

WHAT ARE THE LIMITATIONS OF EXISTING HUMAN RIGHTS PROTECTIONS FOR GLBTI PEOPLE?

COPP Supports

Given the vulnerability of the sexual and gender diverse community to discrimination, persecution and intimidation in many parts of Australia especially in rural and remote areas from religious fundamentalists or fascist sectors of the community the following comprehensive program of legal and educational change strategies are endorsed.

- Enhanced protection of human rights in the Australian Constitution including the sexual and gender diverse community
- Creating new parliamentary processes to make sure that new laws comply with human rights at local & regional level and including all minority groups
- Requiring government departments to consider and respect human rights when they develop policy and make decisions with respect for all minority groups

- Developing a National Human Rights Action Plan backed up by sufficient resources and a commitment to improve human rights protections
- Enacting specific laws, for example, a law setting out how people in immigration detention should be treated or a law requiring paid maternity or parental leave
- Developing specific national programs or charters of human rights to prevent or address specific issues; for example about violence or abuse against LGBTI people
- Implementing a national public education program including cultural awareness training of minority groups about human rights at local & regional levels
- Incorporating human rights into a national competency based curriculum that includes LGBTI Cultural awareness training
- Implementing specific ideas to protect and promote the rights of Indigenous peoples; for example, making sure that Australian laws do not discriminate on the basis of race, gender or sexuality
- Strengthening the role of the Australian Human Rights Commission; for example, expanding the types of complaints the Commission can receive, enhancing the capacity of the Commission to undertake consultations, research and educational activities, or requiring the Australian Government to table a report in Parliament explaining how it intends to respond to the Commission's recommendations.

COPP proposes that currently the best way to protect human rights is through the enactment by the Australian Parliament of a Human Rights Act – a national law setting out the human rights of all people in Australia with particular reference to minority groups. Rights of minority groups are always the first to be denied in a society that does not value human rights. The sexual and gender diverse community have always been used by conservative governments as a 'political pawn to develop division and hatred' as a strategy to spread power and assume power. The power of religious or racial fundamentalists intrudes into political agendas with respect to the LGBTI community and requires special provision of basic human rights as against religious or racial respect.

COPP proposes that the options set out above would make a positive difference – but we believe that they should either be a part of or in addition to, rather than instead of, a comprehensive Human Rights Act for Australia.

A Human Rights Act would provide the most comprehensive framework for protecting human rights in Australia. It could provide a firm foundation, and the inspiration, for the development of many other initiatives to protect human rights. Over the longer term, a Human Rights Act would also be a powerful tool for fostering a stronger human rights culture in Australia by promoting greater understanding and respect among all people in Australia.

A Human Rights Act should be a national law setting out the fundamental human rights that are universally accepted around the world as deserving of protection. A Human Rights Act would improve the protection and promotion of human rights in Australia because it would:

- Recognise and protect the human rights of all people in Australia with special reference to minority groups

- Ensure that human rights are respected by our government
- Improve government policy and decision making – the government would need to consider human rights when drafting laws, developing policy and delivering services – that is at all times
- Protect economically and socially vulnerable people who are more likely than others in Australia to have their human rights breached
- Be an important practical tool for advocates of those facing discrimination, disadvantage or exclusion
- Be an important tool in all organisations and institutions to ensure respect and protection for LGBTI people in their care.
- Ensure that human rights complaints can be considered in Australia before they go to United Nations Human Rights Committees
- Bring Australia into line with other countries – Australia will no longer be the only Western democracy without a national law protecting human rights
- Help Australia meet its obligations under the United Nations treaties we have promised to uphold
- Help all Australians become more aware of their rights and the rights of others, and help build a culture of respect and responsibility for human rights in Australia.

THE COST OF DISCRIMINATION OF THE GLBTI COMMUNITY TO ALL AUSTRALIANS

- Where sexual & gender diverse relationships and families are subject to increased tensions, disputes and incidents of abuse, poor health and self-esteem will result. This is evident in increased mental health problems, self-harm, mutilation, drug taking and attempted suicide in sections of the GLBTI Community in direct proportion to the incidence of localised homophobia.
- Sexual & gender diverse people have a right to equal access to all human rights, health and well being policies and programs in an environment that understands and considers their culture and special needs as a minority group that is often under intense pressure. When this is not respected it is a severe cost to the community in mediation and protection costs.
- The sexual and gender diverse community is often not consulted about their particular human rights, security, health and well being needs or about building these into ***appropriate, efficient and effective***[6] program and policy development. The cost of achieving this outside of constitutional covenants is expensive to the whole community.
- The alternative to a constitution respecting rights is the special LGBTI health and wellbeing services required to right the wrong at local or regional levels.

[6] Auditor-General's Special Report No 6 "Best Practice Guide" to be used for the administration of all grants 2005.

- Educational programs associated with a constitutional engagement should ensure that professional health and well being professionals/staff programs and service delivery (public & private sectors) need to be well trained in the cultural and special issues relating to the GLBTI Community. Anecdotal evidence indicates this is not the case despite the Governments instructions by the Public Service Commissioner[7].
- Education and Para welfare/health programs based on constitutional change using/building on a sense of community are usually very effective as for all minority groups.
- Defamation, black mail and violence and are often used against gay men to keep them hidden. Health and well being professionals need to anticipate and address this 'denial factor'. This is a severe cost to the community in rectifying the wrong.
- Single discipline departments and organisations need to work together in a multidisciplinary way to achieve better health and well being issues for the Gay Men's Community eg police, health organisations/departments and education working together. This requires care-full facilitation at the local, regional and state level. It is important eg that the Governments ensure careful coordination at the State level and local government works at local level through programs such as Stronger Communities[8] to avoid the failure of compartmentalisation.

Comment on Terms of Reference

While the submission speaks to these Terms of Reference RCT would especially comment as follows

Introduction of a single, simplified, test for discrimination applying to all protected attributes

Discrimination is universal and should apply to all attribute groups as defined under the Act as sexual and gender diverse people, this technical terminology is important in recognising disadvantage and discrimination for what it is. Recognition of LGBTI as an attribute group also defines how discrimination occurs through exclusion and exemption.

Coverage of additional protected attributes including sexual orientation and gender identity;

Lack of definition and recognition in the Act of sexual orientation and gender identity can lead to lack of universal recognition of equality and human rights for all people. This is happening nationally and state by state in many instances e.g. application of the Marriage ACT, exclusion by faith based organisations of gay teachers or students, discrimination within aged care facilities of LGBTI clients or staff

Coverage of discrimination and sexual harassment in any area of public life

[7] Tasmanian State Service Commissioner's Direction No 3 Implementing a Workplace Diversity Program.
[8] Stronger Communities NSW, Victorian and Tasmanian State Government initiatives implemented through local Councils.

It goes without saying that no area of public life should be exempted from sexual harassment. The current inquiries into paedophilia within faith based organisations and sexual harassment within the Australian armed forces are classic examples of privileged areas traditionally exempted from best practice and inquiry.

A streamlined approach to exceptions, including a new general exception for justifiable conduct

While we understand the campaign to grant a new general exception for justifiable conduct has been very strongly mounted as protecting "free speech' we oppose the exception and believe it will provide an unfortunate loophole to excuse right wing ideologues maintaining discrimination against minority groups. Speech is never free from implications if it is derogatory, hurtful and demeaning. It has implications especially for minority groups that diminish the Australian way as sensitive and responsible in treating every one with respect.

RCT strongly support clause 19 re causing offense. Use of language to offend does not exclude responsibility about the language anyone uses. The potential to vexatious claims is no reason to exclude responsibility. Vexatious complaints are identifiable through skilled mediation and are already covered under the proposed legislation.

Additional measures to assist and promote voluntary compliance;

RCT believes that the encouragement of processes to improving educational opportunities to explain the ethical and human relations implications and importance of Anti-discrimination legislation for our community should be resourced. The importance of Human Rights week legislation should not be reliant solely on legal penalties but part of community development and education.

Improvements to the complaints process to improve access to justice;

The Complaints process should be simple and accessible to all. The use of lawyers within the complaint process should not be available to either respondents or complainants

Conciliation should be resourced and available at every step in complaint processes as non- threatening but part of restorative justice...

RCT is happy to make public comment on this submission and would welcome the opportunity to do so in Tasmania. On behalf of the sexual and gender diverse communities we place great importance on the draft legislation and would not see it diminished or restricted in intent. The human cost of discrimination, harassment and bullying is enormous in our nation. The connection between suicide and self - harm for the LGBTI Community is well detailed in Beyond Blues 'In my shoes'. We commend the draft legislation and look forward to it's implementation.

ATTACHMENT A: POSITIVE EXCLUSION AND DISCRIMINATION OF GLBTI COMMUNITY LEADING TO SELF HARM & SUICIDE – A WELL BEING PROFILE

In 2005, here in Australia, a major study found that:

- 80 per cent of respondent gay, lesbian, bisexual, transgender and intersex (GLBTI) people had experienced public insult
- 70 per cent had experienced verbal abuse
- 20 per cent had experienced explicit threats
- 13 per cent had experienced physical assault

(McNair, R., Thomacos, N., *Not Yet Equal: Report of the VGLRL Same Sex Relationships Survey*. 2005. Victorian Gay and Lesbian Rights Lobby.)

Research in Australia also shows the results of this harassment:

- 55 per cent of gay men and lesbians had contemplated self-harm as a direct result of bullying
- 40 per cent had attempted self-harm or suicide on at least one occasion
- 30 per cent had done so more than once.

(Rivers, I., The Bullying of Sexual Minorities At School: Its Nature and Long Term Correlates. Educational and Child Psychology. 2001 Vol 18. p39)

- 64 per cent of non-operative transgender people had contemplated suicide on at least one occasion in their lives
- 37 per cent had made at least one attempt

(Singer et al 1997, Xavier 2000, Kenagy & Bostwick 2001, Nemoto et al 2001, Clements-Nolle et al 2001, Risser & Shelton 2002. Cited from www.nctequality.org

- Same sex attracted young people (SSAYP) are three times more likely to attempt suicide than heterosexual youth

(Howard, J. et al, *Same Sex Attracted Youth in Mental Health Promotion and Young People: Concepts and Practice*. 2002. Eds Rowling, L, Martin, G., Walker, L. McGraw Hill, Australia)

- Rural SSAYP are six times more likely to attempt suicide than the population as a whole

(Quinn, K., *Rural Youth and Same Sex Attracted Youth: Issues, Interventions and Implications for Rural Counsellors*. Rural and Remote Health. 2003 Vol 3.)

- 30 per cent of all homeless young people identify as gay or lesbian

(*As long as I have my doona: A report on lesbian and gay youth homelessness* [1995]. 2010 Gay and Lesbian Youth Service and the Australian Centre for Lesbian and Gay Research.)

And yet;

- 67 per cent of Australian doctors surveyed knew of instances where GLBTI patients had either been refused care or received substandard care as a result of their sexual orientation or gender identity

(Thomacos, N., *Enhancing and Promoting the Health and Wellbeing of all Gay Men and Lesbians in Victoria*. Lecture: University of Melbourne, Sept 2006)

This exclusion and positive discrimination is also reflected in Tasmanian Statistics as follows

PERCENTAGE OF GLBTI PEOPLE WHO HAVE EXPERIENCED ASSAULT BASED ON SEXUAL ORIENTATION

TASMANIAN RESEARCH

Research Period Five Years or Over

a) **46%** amongst 16-26 year old Tasmanian gay and bisexual men (Menzies Centre for Population and Rural Health, 1998, sample=120)
b) **46%** amongst 14-18 year old same sex attracted people in three Tasmania High Schools (La Trobe University Centre for Sex, Health and Society Research, 1998, sample=300)
c) **32%** amongst 15-25 year old southern Tasmanian lesbians (Department of Community and Health Services and Hobart Women's Health Centre, 1998, sample=30)

Research Period Previous Twelve Months

d) **12.5%** amongst gay men ("Tasmanian Council on AIDS and Related Diseases, CARD's Men who have sex with men survey", 1998, sample=88)
e) **15%** amongst Tasmanian gay men (Project MaleCall, Macquarie University Centre for HIV social research, 1996, sample =140)

NATIONAL OR INTERSTATE RESEARCH

Research Period Five Years or Over

f) **33%** of lesbians (NSW gay and lesbian community study, "Off our Backs", 1992, sample=40)

g) **20%** amongst gay men and **11%** amongst lesbians (NSW Anti-violence Project, “Street Watch Report”, 1997, sample=unsure)
h) **20%** amongst gay men and **11%** amongst lesbians (Victorian gay and lesbian community survey, 1994, sample=1000)

Research Period Previous Twelve Months

i) **14%** amongst gay men and **12%** amongst lesbians (NSW Police gay and lesbian community survey, “Out of the Blue”, 1995, sample=297)
j) **11%** amongst Australian gay men (Project MaleCall, Macquarie University Centre for HIV social research, 1996, sample =3039)

PERCENTAGE OF GLBTI PEOPLE WHO HAVE EXPERIENCED ASSAULT AND VERBAL ABUSE BASED ON SEXUAL ORIENTATION

TASMANIAN RESEARCH

Research Period Five Years or Over

k) **94%** amongst 16-26 year old Tasmanian gay and bisexual men (Menzies Centre for Population and Rural Health, 1998, sample=120)
l) **91%** amongst 15-25 year old southern Tasmanian lesbians (Department of Community and Health Services and Hobart Women’s Health Centre, 1998, sample=30)

Research Period Previous Twelve Months

m) **47%** amongst Tasmanian gay men (Project Male Call, Macquarie University Centre for HIV social research, 1996, sample =140)
n) **42%** amongst gay men ("Tasmanian Council on AIDS and Related Diseases, CARD's Men who have sex with men survey", 1998, sample=88)

NATIONAL OR INTERSTATE RESEARCH

Research Period Five Years or Over

o) **70%** of gay men and lesbians (Victorian gay and lesbian community survey, 1994, sample=1000)
p) **79%** of gay men and lesbians (Victorian gay and lesbian community survey, 1999, sample=1000)
q) **83%** of gay men and lesbians (NSW Police gay and lesbian community survey, “Out of the Blue”, 1995, sample=260)
r) **91%** of lesbians (NSW gay and lesbian community study, “Off our Backs”, 1992, sample=40)

Research Period Previous Twelve Months

s) **40%** amongst Australian gay men (Project MaleCall, Macquarie University Centre for HIV social research, 1996, sample =3039)

PERCENTAGE OF GLBT PEOPLE WHO HAVE EXPERIENCED DISCRIMINATION BASED ON SEXUAL ORIENTATION

Research Period Five Years or Over For All Studies

TASMANIA

t) **95.5%** amongst 15-25 year old southern Tasmanian lesbians (Department of Community and Health Services and Hobart Women's Health Centre, 1998, sample=30)

NATIONAL OR INTERSTATE

u) **87%** of gay men and lesbians (Victorian gay and lesbian community survey, 1994, sample=1000)
v) **84%** of gay men and lesbians (Victorian gay and lesbian community survey, 1999, sample=1000)

DISCRIMINATION IN EMPLOYMENT (ALL INTERSTATE)

w) **59%** of gay men and lesbians in employment (Sydney University gay and lesbian community study in NSW, Vic and ACT, 2000, sample=1000)
x) **45%** of gay men and lesbians in employment (Victorian gay and lesbian community survey, 1994, sample=1000)
y) **40%** of gay men and lesbians in employment (Victorian gay and lesbian community survey, 1999, sample=1000)

OTHER RELEVANT STATISTICS

DISCRIMINATION AND HARASSMENT IN SCHOOLS

According to a study of attitudes to homosexuality amongst 300 students at Hobart's Elizabeth College released in September 1999,

- **8%** of students admitted to being homosexual or bisexual
- **32%** of males and **20%** of females admitted feeling uncomfortable around a homosexual person
- **16%** of students admitted to physically or verbally abusing someone on the basis of their sexuality.

THE EFFECTS ON YOUNG GAY AND BISEXUAL PEOPLE

According to a study of health compromising and suicidal behaviours among young gay and bisexual men in Tasmania conducted at the Division of Community and Rural health and issued in October 1999,

- The young Tasmanian gay and bisexual men surveyed were two and a half times more likely to seriously consider suicide than their heterosexual peers,
- **62%** of the young Tasmanian gay and bisexual men surveyed had experienced physical assault, and **94%** had suffered verbal abuse because of their sexual orientation,
- The young Tasmanian gay and bisexual men were more likely to experience conflict with parents and peers, lose friends because of coming out, abuse alcohol and have unsafe sex.

AN ENVIRONMENT OF ABUSE CAUSES INCREASED COMMUNITY DISHARMONY

The 'fear factor' of being disclosed as being gay or lesbian, complicates health and well being objectives as it applies to the GLBTI Community. The denigration and homophobia existing in many communities seriously affects the wellbeing and therefore the general health of the whole GLBTI Community. This is especially true in most Tasmanian communities that have sections of 'religious fundamentalist', 'neo Nazi' and homophobic groups encouraging hatred, violence and victimisation of all associated with the GLBTI Community. This factor makes disclosure to authorities of hate and discrimination very difficult for most GLBTI people in the community and can only be resolved by a 'courageous' stand. Most people are not able to take this stand and would be unwise to do so without very good self-protection skills. Only a concerted and planned community approach in relation to community inclusion with highly developed strategies will work. It is also the only ethical way to involve gay men in program design, evaluation and practice.

Self - determination in turn achieves the wellbeing that comes from being in control of the process of change, rather than being controlled. In turn a strong community educational approach needs to be developed in all regions and localities, which has the approval and bi-partisan support of community leaders and all relevant organisations in relation to self-harm and suicide prevention.

Local Government services and programs have a strong lead role to play in this respect as well as the more centralised State Community and Government/ and specialised gay men's programs/services. The process of telling people what they want and what they are going to get not only disempowers people but also is dangerous in that it does not anticipate or take into consideration local conditions/environment. Above all it does not count the cost to local gay men of change outside their control.

COPP can only praise the courage and support provided in a growing way by much Tasmanian Council through their support of the COPP Community Liaison Committees. As well the Local Government Association Tasmania has accepted a presentation from COPP that has provided a pathway to ongoing endorsement and collaboration at the local and regional levels.

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