

# Yarra LGBTIQ+ Strategy

2021 - 2024



# Table of Contents

- Table of Contents ..... 2
- Acknowledgement of Country..... 3
- Mayor’s Foreword ..... 4
- Our Commitment to Human Rights..... 5
- Our Commitment to our LGBTIQ+ Community ..... 6
- Consultation ..... 7
- Strategy..... 8
- Action Plan..... 11
- Conventions & Legislation ..... 15
- Benchmarking & Best Practice ..... 21

## Acknowledgement of Country

Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra. We acknowledge their creator spirit Bunjil, their ancestors and their Elders. We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have survived European invasion and never ceded sovereignty. We also acknowledge the significant contribution made by the many other Aboriginal and Torres Strait Islander people to life in Yarra.

We acknowledge that Fitzroy and Collingwood are areas of special significance to Aboriginal and Torres Strait Islander people—as the cradle of Aboriginal and Torres Strait Islander affairs in Victoria, the birthplace of important Aboriginal and Torres Strait Islander organisations, the centre of political activism and a meeting place for Aboriginal and Torres Strait Islander people to link in with family, community and services. We acknowledge the role played by past federal and state government policies in the social and cultural dispossession of Aboriginal and Torres Strait Islander people—and the dispossession of land—which has caused the current disadvantages faced by many Wurundjeri Woi Wurrung Aboriginal and Torres Strait Islander people. And we believe that having an awareness of, and taking steps towards, mending this disadvantage is the shared responsibility of all residents in the City of Yarra

Council pays its respects to all in the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community and Elders from all nations here today—and to their Elders past, present and future.

# Mayor's Foreword

To be included

## Our Commitment to Human Rights

The City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri Woi Wurrung, and a place of special significance for the broader Aboriginal community. The City of Yarra is also home to diverse communities, something that Council is proud of and recognises as an asset.

Council has an important (and legally required) role to play in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers so that all residents can participate in community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language skills, religion or disability.

Council also recognises that the community continues to evolve and the strengths and barriers of diverse groups will also continue to change. Council's [Social Justice Charter](#) is a commitment for Council to continue to understand these changes and to respond accordingly.

Council's strong commitment to achieving social justice is articulated by our being signatories to a number of international Human Rights treaties. Further, we are bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic) to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.

## Our Commitment to our LGBTIQ+ Community

According to the Health and Wellbeing of the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Population in Victoria: Findings from the Victorian Population Health Survey 2017 (Victorian Agency for Health Information 2020), 10% of Yarra's population identify as lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ+)\*, almost double the Victorian estimate of 5.7%.<sup>1</sup>

2016 Census data (ABS 2016) on same sex families indicates that over 5% of Yarra's families are same sex couples (male same sex couple – 3.6% and female same sex couple 1.7%). This is a significantly higher proportion than the state figure (1%).<sup>2</sup>

It is important to note that ABS data fails to account for anything outside of same sex live-in relationships, including those living in separate households, married overseas, or people who are not out to their parents.

Evidence about the health and wellbeing of our LGBTIQ+ community is crucial for the development and delivery of appropriate and inclusive policy responses.

The data from the Victorian Population Health Survey 2017 confirms results from previous studies, including Council's own Health and Wellbeing Status Report 2016 which show that LGBTIQ+ people experience significant health inequalities, including being more vulnerable to poorer health and wellbeing outcomes. These health issues are intrinsically linked to people who experience social isolation and discrimination.

Equality and freedom from discrimination are fundamental human rights that belong to all people, irrespective of sexual orientation, gender identity or because they are intersex.

Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.

Yarra's Council Plan 2017 – 2021 commits to a healthy and inclusive Yarra, where community health, safety and wellbeing are a focus in everything we do, and inclusion, diversity and uniqueness are welcomed, respected and celebrated.

Council remains committed to protecting the rights of our more vulnerable residents, and those more likely to be at risk of discrimination, including our LGBTIQ+ community.

\* It should be noted that the terminology used to describe and identify members of the LGBTIQ+ communities can vary. Yarra City Council uses the LGBTIQ+ acronym in alignment with the Victorian Public Sector's [LGBTIQ+ Inclusive Language Guide](#). Throughout this document the acronym changes in some cases if a direct reference from another source.

<sup>1</sup> <https://www.bettersafecare.vic.gov.au/sites/default/files/2020-09/The-health-and-wellbeing-of-the-LGBTIQ-population-in-Victoria.pdf>

<sup>2</sup> <https://www.communityprofile.com.au/yarra/families/same-sex-couple/#bar-chart:i=0;b=AAqB><sup>2</sup><https://lgbtihealth.org.au/wp-content/uploads/2016/03/LGBTI-Data-Online-Version-1.pdf>

# Consultation

Representation was sought from the LGBTIQ+ community, and a number of key advocates, services, organisations, and businesses. A big thanks to everyone who took the time to comment on the draft, with special thanks to BJ from Eagle Leather, Chris and the team from Sircuit, the Fitzroy Resident's Association, and the Victorian Pride Lobby for taking the time to provide such considered feedback.

Thanks to Yarra City Council's Community Partnerships, Arts & Culture, Family & Middle Years, Youth Services, Library Services, Aged & Disability Services, Leisure Services, and Diversity & Inclusion branches, Council's LGBTIQ+ Working Group, QnA, and LGBTIQ+ identifying staff for contributing to the development of this Strategy.

## Related documents

Yarra's whole of Council approach to LGBTIQ+ inclusion is reflected in, and intersects with the following policies and strategies:

- Gender Equity Action Plan for 2019-2021
- People Strategy 2017-2020
- Strategic Advocacy Framework 2018-2021
- Family Violence Organisational Statement
- 0-25 Years Plan 2018-2022
- Library Strategic Plan 2017-2020
- Access and Inclusion Plan 2018-2024
- Active and Healthy Ageing Strategy 2018 – 2024
- Council Plan 2017-2021.

# Strategy

## Themes

The following key priorities were developed in consultation with the LGBTIQ+ community.

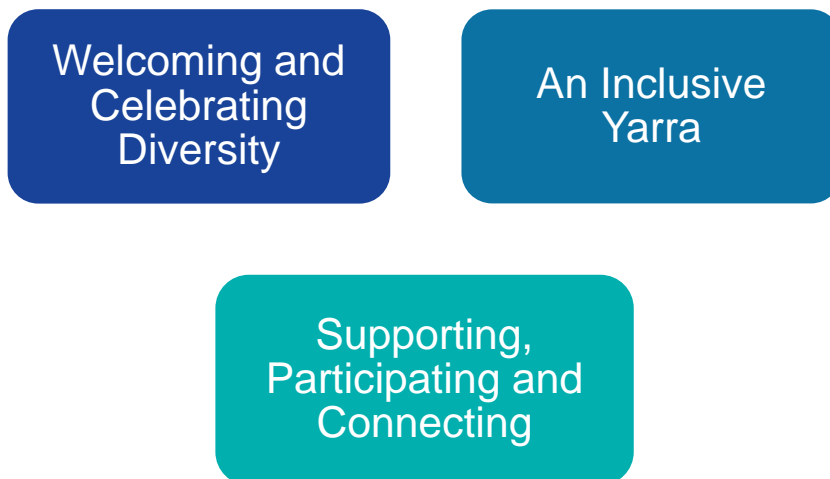
The aim of the Yarra LGBTIQ+ Strategy is to set out clear priorities and actions which if implemented properly will contribute to the LGBTIQ+ community being welcomed, engaged and included equally.

The LGBTIQ+ community deserve to have fulfilled human rights, be empowered, have equitable access to services and programs, and be included and able to participate freely in day to day life.

These priorities are the rights of any member of the Yarra community.

## Priority Areas

The key priority areas for this strategy are:



## Priorities & Strategic Goals

### *Key priority 1*      *Welcoming and Celebrating Diversity*

- Strategic goal 1.1      Recognising and celebrating Yarra's LGBTIQ+ community
- Strategic goal 1.2      Raising awareness around the issues affecting LGBTIQ+ people

### *Key priority 2:*      *An Inclusive Yarra*

- Strategic goal 2.1      An inclusive organisational culture that is reflective of Yarra's diverse communities
- Strategic goal 2.2      An inclusive, appropriate, and responsive Council

### *Key priority 3:*      *Supporting, Participating and Connecting*

- Strategic goal 3.1      Providing opportunities for people to join and connect with each other
- Strategic goal 3.2      Supporting and nurturing Yarra's LGBTIQ+ spaces



## Review & Reporting

Actions responding to the three key priority areas outlined in this Strategy will be revisited regularly. This will enable Council to be responsive to the changing needs of the community and to changes in the social, economic and political environment.

At the beginning of each year, a report will be presented to Council, outlining activities which have been undertaken in the previous calendar year, as well as those planned for the coming year. Elements of the Strategy will be updated when it is apparent that this is required. These updates will be presented to Council for endorsement. At the point of major changes to Council's policy positions and/or the broader policy environment a new Strategy should be developed.

## YEAR 1 ACTION PLAN\*

### Key Priority 1: Welcoming & Celebrating Diversity

\* All actions will be delivered within existing budgets

Strategic Goal	Action	Implementation	Who
1.1 Recognise and celebrate Yarra's LGBTIQ+ community	1.1.1 Continue to recognise and promote key days and events such as IDAHOBIT, Intersex Awareness Day, Trans Day of Awareness, Trans Day of Visibility and Midsumma	<p>Fly rainbow and trans flags to celebrate and acknowledge key days and events including Midsumma, IDAHOBIT, Intersex Awareness Day, Bi Visibility Day, Trans Day of Awareness and Trans Day of Visibility</p> <p>Continue to participate in key Midsumma events such as Carnival and the Pride March</p> <p>Continue to hold events in recognition of key days and events including Midsumma, IDAHOBIT, Intersex Awareness Day, Trans Day of Awareness and Trans Day of Visibility</p> <p>Promote key days and events through corporate social media and other Council communique</p>	Diversity & Inclusion, Communications, Arts & Culture, Libraries, Aged & Disability, Family Youth & Children's, Leisure
	1.1.2 Ensure Council communications reflect our diverse community	<p>Build a library of images of intersectional and intergenerational LGBTIQ+ people for use in Council communications</p> <p>Ensure all Council communications use LGBTIQ+ inclusive language</p> <p>Promote LGBTIQ+ services and businesses where appropriate</p>	Diversity & Inclusion, Communications
1.2 Raise awareness around the issues affecting LGBTIQ+ people	1.2.1 Continue to identify issues and advocate on behalf of Yarra's LGBTIQ+ community	<p>Identify emerging issues via media monitoring and discussion with key stakeholder groups</p> <p>Ensure Council responds to State and Federal reviews relating to LGBTIQ+ inclusion</p> <p>Work with local networks and organisations to</p>	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure

Strategic Goal	Action	Implementation	Who
		<p>advocate on issues related to LGBTIQ+ inclusion</p> <p>Work across Council to ensure a consistent organisational response to key issues</p>	

## Key Priority 2: An Inclusive Yarra

Strategic Goal	Action	Implementation	Who
2.1 An inclusive organisational culture that is reflective of Yarra's diverse communities	2.1.1 Continue to provide strategic leadership in relation to LGBTIQ+ issues	<p>Investigate Rainbow Tick accreditation</p> <p>Promote the LGBTIQ+ Strategy and related actions</p> <p>Continue to coordinate bi-monthly meetings of QnA</p> <p>Develop a strategy to increase visibility of QnA and its activities across Council</p> <p>Ensure continued leadership by an Executive sponsor in the LGBTIQ+ space</p> <p>Provide safe spaces and support for LGBTIQ+ staff</p>	Diversity & Inclusion, People & Culture
	2.1.2 Use data to monitor Council's culture	<p>Make improvements, and use internal surveys, to examine shifts in inclusive culture and adjust internal initiatives accordingly</p>	Diversity & Inclusion, People & Culture
	2.1.3 Include the voices of LGBTIQ+ staff in the development of policies, strategies and programs that affect them	<p>Ensure community engagement processes involve QnA</p> <p>Ensure representatives from QnA are invited to attend relevant meetings and networks</p>	Diversity & Inclusion, Communications
	2.1.4 Continue to educate staff on issues affecting the LGBTIQ+ community	<p>Hold twice yearly lunchbox learning sessions to raise awareness around issues affecting LGBTIQ+ people</p> <p>Distribute merchandise to staff to support inclusion</p>	Diversity & Inclusion

Strategic Goal	Action	Implementation	Who
		initiatives, such as ally and pronoun badges	
2.2 An inclusive, appropriate and responsive Council	2.2.1 Ensure Council has data required to respond appropriately to Yarra's LGBTIQ+ community	Scope an appropriate method of collecting data to build an understanding of Yarra's LGBTIQ+ community	Diversity & Inclusion, Social Policy & Research
	2.2.2 Continue to provide training to staff around LGBTIQ+ inclusion	<p>Continue to provide training to staff to working directly with LGBTIQ+ people through Council's service arms</p> <p>Continue to review and include LGBTIQ+ content in Council's corporate induction</p> <p>Develop content re LGBTIQ+ inclusion for Council's online induction</p> <p>Develop a series of short policy statements that staff can refer to when responding to queries and complaints</p> <p>Provide updates to staff on changes to inclusive language as needed</p>	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure, Access Yarra
	2.2.3 Include the voice of LGBTIQ+ people in the development of policies, strategies and programs that affect them	<p>Ensure community engagement processes involve the LGBTIQ+ community</p> <p>Ensure representatives from the LGBTIQ+ community are invited to attend relevant meetings and networks</p>	Diversity & Inclusion, Communications
	2.2.4 Facilitate networking and collaboration between Council, service providers and groups	Explore links and LGBTIQ+ representation with Council Advisory Groups, including the Yarra Multicultural Advisory Group, Disability Advisory Committee, Active Ageing Advisory Committee, and Yana Ngargna Advisory Group, to look at further understanding and responding to intersectionality within Yarra	Diversity & Inclusion

Strategic Goal	Action	Implementation	Who
		<p>Identify and participate in relevant local government networks including the Northern Councils Rainbow Alliance, LG Pro Rainbow SIG, Yarra LGBTIQ+ Network</p> <p>Investigate ways in which to connect with LGBTIQ+ people living on the Richmond, Collingwood and Fitzroy Housing Estates</p>	
	2.2.5 Investigate establishing of an LGBTIQ+ Reference Group comprising external stakeholders including businesses, organisations and community members	Investigate models for appropriate LGBTIQ+ representation	Diversity & Inclusion

### Key Priority 3: Supporting, Participating & Connecting

Strategic Goal	Action	Implementation	Who
3.1 Provide opportunities for people to join and connect with each other	3.1.1 Support and promote events, groups and programs from service delivery teams such as Leisure, Libraries, Arts & Culture, Aged & Disability and Family Youth & Children's Services to foster increased community engagement	<p>Develop a dedicated webpage for the LGBTIQ+ community, providing information on local events and opportunities to connect</p> <p>Promote events through key networks, social media and other Council communicate</p>	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure, Arts & Culture
3.2 Supporting and nurturing Yarra's LGBTIQ+ spaces	3.2.1 Continue to support LGBTIQ+ related projects and events through Council's community grants program	Provide LGBTIQ+ groups with information on Council's community grants program	Diversity & Inclusion, Arts & Culture, Community Grants
	3.2.2 Promote safe and inclusive services, groups and venues within Yarra	Investigate models for a suitable inclusion audit for Council facilities and services	Diversity & Inclusion

## Further Actions

The following actions will be included in the Year 2 Yarra LGBTIQ+ Strategy action plan:

- Convene Council's LGBTIQ+ Reference Group
- Develop and promote an online resource listing LGBTIQ+ friendly services, businesses and networks
- Develop a series of resources for Council facilities that promote inclusion and celebrate diversity
- Explore ways of creating opportunities for intersectional, intergenerational and inclusive activities for the LGBTIQ+ community
- Promote safe and inclusive services, businesses, groups and venues within Yarra, including promoting LGBTIQ+ venues as potential event spaces

# Conventions & Legislation

International conventions and legislation inform Council's work in the LGBTIQ+ space.

## INTERNATIONAL CONVENTIONS

### - United Nations

*“The case for extending the same rights to lesbian, gay, bisexual and transgender (LGBT) persons as those enjoyed by everyone else is neither radical nor complicated. It rests on two fundamental principles that underpin international human rights law: equality and non-discrimination. The opening words of the Universal Declaration of Human Rights are unequivocal: All human beings are born free and equal in dignity and rights.”*

Navi Pillay United Nations High Commissioner for Human Rights 2012<sup>3</sup>

In June 2011, the UN Council adopted resolution 17/19 – the first United Nations resolution on human rights, sexual orientation and gender identity. The resolution was approved, and significantly, received support from Council members from all regions. Its adoption paved the way for the first official United Nations report on the same subject, prepared by the Office of the High Commissioner for Human Rights (“Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity”).

The High Commissioner's report presented evidence of a pattern of systematic violence and discrimination directed at people in all regions because of their sexual orientation and gender identity – from discrimination in employment, health care and education, to criminalization and targeted physical attacks, even killings. The report included a set of recommendations addressed to States designed to strengthen protection of the human rights of lesbian, gay, bisexual and transgender (LGBT) persons.

In 2015, the Council requested the High Commissioner update the above-mentioned report with a view to sharing good practices and ways to overcome violence and discrimination, in application of existing international human rights law and standards. The updated report reiterated that that all States have well-established obligations to **respect, protect and fulfil the human rights** of all persons within their jurisdiction, including LGBT and intersex persons.<sup>4</sup> These obligations extend to refraining from interference in the enjoyment of rights, preventing abuses by third parties and proactively tackling barriers to the enjoyment of human rights, including, in the present context, discriminatory attitudes and practices.

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<sup>3</sup> <https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

<sup>4</sup> <https://www.refworld.org/docid/5571577c4.html>

The report concludes that whilst there is as yet no dedicated human rights mechanism at the international level that has a systematic and comprehensive approach to the human rights situation of LGBT and intersex persons, there are a number of actions that can be taken to address obligations. Actions recommended to address violence against LGBTIQ community were:

- a) Enacting hate crime laws that establish homophobia and transphobia as aggravating factors for purposes of sentencing;
- b) Conducting prompt, thorough investigations of incidents of hate motivated violence against and torture of LGBT persons, holding perpetrators to account, and providing redress to victims;
- c) Collecting and publishing data on the number and types of incidents, while providing for the security of those reporting;
- d) Prohibiting incitement of hatred and violence on the grounds of sexual orientation and gender identity, and holding to account those responsible for related hate speech;
- e) Training law enforcement personnel and judges in gender-sensitive approaches to addressing violations related to sexual orientation and gender identity;
- f) Ensuring that police and prison officers are trained to protect the safety of LGBT detainees, and holding to account State officials involved or complicit in incidents of violence;
- g) Banning “conversion” therapy, involuntary treatment, forced sterilization and forced genital and anal examinations;
- h) Prohibiting medically unnecessary procedures on intersex children; and,
- i) Ensuring that no one fleeing persecution on grounds of sexual orientation or gender identity is returned to a territory where his or her life or freedom would be threatened, that asylum laws and policies recognize that persecution on account of sexual orientation or gender identity may be a valid basis for an asylum claim; and eliminating intrusive, inappropriate questioning on asylum applicants’ sexual histories, and sensitizing refugee and asylum personnel.

The report identifies that States should address discrimination by:

- a) Revising criminal laws to remove offences relating to consensual same sex conduct and other offences used to arrest and punish persons on the basis of their sexual orientation and gender identity or expression; ordering an immediate moratorium on related prosecution; and expunging the criminal records of individuals convicted of such offences;
- b) Repealing so-called “anti-propaganda” and other laws that impose discriminatory restrictions on freedom of expression, association and assembly;
- c) Ensuring that anti-discrimination legislation includes sexual orientation and gender identity among prohibited grounds, and also protects intersex persons from discrimination;
- d) Integrating analysis of violations based on sexual orientation and gender identity in national plans of action, thereby ensuring coordination and adequate resourcing of related activities, accountability for perpetrators, and redress for victims;
- e) Sensitising health-care workers to the health needs of LGBT and intersex persons, including in the areas of sexual and reproductive health and rights, suicide prevention, HIV/AIDS and trauma counselling;



- f) Establishing national standards on non-discrimination in education; developing anti-bullying programmes and establishing helplines and other services to support LGBT and gender-non-conforming youth; and providing comprehensive, age-appropriate sexuality education;
- g) Ensuring that housing policies do not discriminate against tenants based on sexual orientation and gender identity; and establishing shelters for homeless LGBT persons, with specific attention to youth, older persons and those in emergency situations;
- h) Providing legal recognition to same-sex couples and their children, ensuring that benefits traditionally accorded married partners – including those related to benefits, pensions, and taxation and inheritance – are accorded on a non-discriminatory basis;
- i) Issuing legal identity documents, upon request, that reflect preferred gender, eliminating abusive preconditions, such as sterilization, forced treatment and divorce;
- j) Supporting public education campaigns to counter homophobic and transphobic attitudes, and addressing negative, stereotypical portrayals of LGBT persons in the media;
- k) Ensuring that LGBT and intersex persons and organizations are consulted with regard to legislation and policies that have an impact on their rights.

In 2016, the UNHRC passed a resolution to appoint an **Independent Expert** to find the causes of violence and discrimination against people due to their gender identity and sexual orientation, and discuss with governments about how to protect those people. In the discharge of the mandate, the Independent Expert<sup>5</sup>:

- a) transmits urgent appeals and letters of allegation to States with regard to cases of violence and discrimination against persons on the basis of their sexual orientation or gender identity.
- b) undertakes fact-finding [country visits](#).
- c) submits annual reports to the [Human Rights Council](#), and [General Assembly](#), on the activities, trends and methods of work.

### - The Yogyakarta Principles

In 2006 a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and identity.

These were called the Yogyakarta Principles and have been frequently referred to as an authoritative statement of the principles of international human rights relating to these fields. In November 2017 the principles were updated. The Yogyakarta Principles +10 (10-year anniversary of document) has been referred to in national and international courts, as guidance on how to apply international human rights standards to LGBTI persons.

The YP+10 document supplements the original 29 Yogyakarta Principles with nine Additional Principles and 111 Additional State Obligations. The expanded document covers a range of rights that have emerged from developments in international human rights law interacting with the new understandings of violations suffered by persons on grounds of sexual orientation and gender identity and the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.<sup>6</sup>

<sup>5</sup> In 2017 the UNHRC appointed Mr. Madrigal-Borloz as UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity for a three years period starting on 1 January 2018.

<sup>6</sup> <http://yogyakartaprinciples.org/principles-en/>

The principles address a LGBTIQ persons rights to: recognition; non-discrimination in life circumstances – e.g. housing, employment and cultural expression; freedom from violence, torture and intimidation; safety; have a family; participate in public affairs; and be free from any form of criminalisation or sanction.

#### - World Health Organisation

The World Health Organization (WHO) have recently addressed an outstanding LGBTIQ issue by removing the stigma around transgender people in its latest changes to the global manual of diagnoses (ICD -11). In the prior version, ICD-10, being transgender was considered a gender identity disorder under a chapter entitled mental and behavioural disorders. The newly-approved version instead places issues of gender under a chapter on sexual health.

While ICD-11 is being celebrated by many as a step in the right direction, activists are keen to highlight that there is still work to be done. GATE, an organization advocating on issues of gender identity, gender expression and bodily diversity, will be focusing their efforts on contributing to the WHO's forthcoming reviewing and updating process and encouraging people to put pressure on their own governments to adopt ICD-11 in the coming years.<sup>7</sup>

#### NATIONAL LEGISLATION

In Australia, it is unlawful to discriminate on the basis of a number of protected attributes including age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment. Australia's federal anti-discrimination laws are contained in the following legislation:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984.

The **protection** of the human rights of some LGLBTI people in Australia really took a step forward when discrimination against same-sex couples was removed from most Commonwealth laws. States and territories began granting domestic partnership benefits and relationship recognition to same-sex couples from 2003 onwards, with federal law recognising same-sex couples since 2009 as de facto relationships. This included laws about taxation, superannuation, pharmaceutical benefits, aged care, veterans' entitlements, workers' compensation and employment entitlements. Further, Australia legalised same-sex marriage on 9 December 2017.

<sup>7</sup> <http://time.com/5596845/world-health-organization-transgender-identity/>

Discrimination on the basis of sexual orientation and gender identity or expression was officially prohibited in every state and territory, with concurrent federal protections for sexual orientation, gender identity and intersex on 1 August 2013. The Sex Discrimination Act makes it unlawful to treat a person less favourably than another person in a similar situation because of their sexual orientation. The Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill Act 2013 (Cth) amended the Sex Discrimination Act 1984 (Cth) to introduce these changes.

These legal protections were complemented by the Australian Government Guidelines on the Recognition of Sex and Gender, which commenced in July 2013. The guidelines recognise that individuals may identify as a gender other than the sex they were assigned at birth, or may not identify as exclusively male or female, and that this should be reflected in records held by the government. The guidelines also standardise the evidence required for a person to change their sex/gender in personal records held by Australian Government departments and agencies.

The guidelines apply to all Australian Government departments and agencies that maintain personal records (including employee records), and/or collect sex and/or gender information. The guidelines commenced on 1 July 2013, and Australian Government departments and agencies were expected to have progressively aligned their existing and future business practices with the guidelines by 1 July 2016.<sup>8</sup>

## STATE & LOCAL GOVERNMENT LEGISLATION

The Charter of Human Rights and Responsibilities Act 2006 is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights in the Charter. All LGAs must ensure that:

- all Council decisions give proper consideration to human rights;
- all actions, policies and services are compatible with human rights;
- local laws are interpreted and applied consistently with human rights; and,
- people who work on behalf of councils do so in a way that respects human rights.

The Equal Opportunity Act 2010 (Vic) makes it against the law to discriminate against a person on the basis of their sex, sexual orientation and gender identity. It is also against the law to discriminate against someone because of their lawful sexual activity and physical features.

Victoria is considered progressive in respect of introducing and/or amending legislation to ensure the rights of LGBTIQ communities are protected.

In 2015 Victoria established Australia's first Equality portfolio. It has a Minister for Equality and a Commissioner for Gender and Sexuality.

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<sup>8</sup><https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Australian-Government-Guidelines-on-the-Recognition-of-Sex-and-Gender.aspx>

The Commissioner has a broad role aimed at integrating the advocacy of LGBTI rights within the Government. Types of roles initially under scrutiny of the Commissioner included the streamlining of federal and state laws to ensure passports and birth certificates align with a person's affirmed gender, as well as strengthening anti-discrimination protections in the workplace for transgender workers.

Since September 2015, a person or representative of a deceased person can apply to remove old convictions for homosexual sexual activity that is no longer a criminal offence. This is known as expungement.

In September 2016, changes to the Adoption Amendment (Adoption by Same-Sex Couples) Act 2015 in Victoria now allow couples to adopt regardless of their sex or gender identity.

The State Government has also announced (February 2019) its intention to bring in laws to denounce and prohibit LGBTI conversion practices.

In May 2020, the Births, Deaths and Marriages Registration Act 1996 was amended to enable transgender, gender diverse and intersex adults and children to alter the record of sex in their Victorian birth registration without having to undergo sex affirmation surgery.

# Benchmarking & Best Practice

Outlined below are examples of strategic approaches to ensuring the rights of LGBTIQ+ people are being addressed at a local, national and international level. When reviewing the different approaches, it is interesting to note that whilst the manner of delivery might vary, many of the same themes and measures are being considered.

## INTERNATIONAL APPROACHES

### - ILGA-Europe<sup>9</sup>

ILGA-Europe are an independent, international non-governmental umbrella organisation bringing together nearly 600 organisations from 54 countries in Europe and Central Asia. They are part of the wider international ILGA organisation. The two main pillars of ILGA-Europe work are:

1. Advocating for human rights and equality for LGBTI people at European level, before organisations such as the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) in particular in relation to asylum, hate crime and hate speech, education, employment, family, freedom of assembly, association and expression, health , legal gender recognition and bodily integrity; and,
2. Strengthening the LGBTI movement in Europe and Central Asia by providing training and support to its member organisations and other LGBTI groups on advocacy, fundraising, organisational development and strategic communications.

ILGA-Europe's annual benchmarking tool is the Rainbow Europe Map. Rainbow Europe brings together an index of LGBTI equality based on an overview of the social climate for LGBTI people in each European country. The rankings are based on how the laws and policies of each country impact on the lives of LGBTI people.

Rainbow Europe ranks all 49 European countries on a scale between 0% (gross violations of human rights, discrimination) and 100% (respect of human rights, full equality). They rank the countries on the basis of laws and policies that have a direct impact on the LGBTI people's human rights under **6 categories: equality and non-discrimination; family; hate crime and hate speech; legal gender recognition and bodily integrity; civil society space; and asylum.**<sup>10</sup>

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<sup>9</sup> <https://www.ilga-europe.org/>

<sup>10</sup> <https://rainbow-europe.org/country-ranking>

The index results have Malta (90%), Belgium (73%) and Luxembourg (70%) as the 3 top countries in terms of respecting LGBTIQ human rights. Those at the bottom of the scale (gross violations) were Turkey (6%), Armenia (5%) and Azerbaijan (3% - see Top 10 in table below).

Top 10 Rankings	Bottom 10 Rankings
Malta	Poland
Belgium	Latvia
Luxembourg	Moldova
Finland	Liechtenstein
Denmark	Belarus
Norway	San Marino
Portugal	Monaco
France	Russia
United Kingdom	Armenia
Sweden	Turkey

Given Malta’s No 1 status it is interesting to note some of the work being done by the key agencies in that country. The Malta LGBTIQ Rights Movement (MGRM), despite its limited resources, has contributed to putting LGBTIQ equality high on the political agenda leading to significant legal advances in Malta. It forms part of the LGBTIQ Consultative Council set up by the Government in 2013 and is also a founding member of the Platform for Human Rights Organisations in Malta. The goals in their most recent strategic plan (2015 – 2019) are:

- To achieve legal equality for LGBTIQ individuals.
- To have policies that refer to and are inclusive of sexual orientation, gender identity, gender expression and sex characteristics.
- To bring about positive societal attitudes towards and the social inclusion of LGBTIQ people.
- To empower the LGBTIQ community to engage in social and political issues that are of direct concern.
- Provide support, assistance and information on LGBTIQ issues to LGBTIQ persons and their families.

The tools to deliver their goals are advocacy, communication, lobbying, capacity development and service delivery.<sup>11</sup>

<sup>11</sup> <http://maltagayrights.org/about-us/>

## - United Kingdom

In July 2017, the UK government launched a survey to gather more information about the experiences of LGBT people. The survey response was unprecedented. Over 108,000 people participated, making it the largest national survey of LGBT people in the world to date. Key findings from the survey included:

- LGBT respondents are less satisfied with their life than the general UK population (rating satisfaction 6.5 on average out of 10 compared with 7.7). Trans respondents had particularly low scores (around 5.4 out of 10).
- More than two thirds of LGBT respondents said they avoid holding hands with a same-sex partner for fear of a negative reaction from others.
- At least two in five respondents had experienced an incident because they were LGBT, such as verbal harassment or physical violence, in the 12 months preceding the survey. However, more than nine in ten of the most serious incidents went unreported, often because respondents thought 'it happens all the time'.
- 2% of respondents had undergone conversion or reparative therapy in an attempt to 'cure' them of being LGBT, and a further 5% had been offered it.
- 24% of respondents had accessed mental health services in the 12 months.

A comprehensive LGBT Action Plan ("Improving the Lives of Lesbian, Gay, Bisexual and Transgender People") that sets out what steps the government will take in response to the survey findings was published in July 2018. Concurrently, they established an 'LGBT Implementation Fund' to deliver the Action Plan. The Government Equalities Office allocated £4.5 million of funding, for the period to March 2020, and will seek additional funding in future years. The Plan outlines key strategies and actions addressing the following areas:

- Health
- Education
- Safety
- Workplace
- Rights and the law
- Data and monitoring
- Representation
- International Rights<sup>12</sup>

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<sup>12</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721367/GEO-LGBT-Action-Plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721367/GEO-LGBT-Action-Plan.pdf)

### - Vancouver, Canada

Vancouver is home to the largest lesbian, gay, bisexual, trans, gender diverse, queer, and Two-Spirit (LGBTQ2+) community in Western Canada. The key driver of their local government policy is the LGBTQ2+ Advisory Committee. The mandate of the LGBTQ2+ Committee is to advise Council and staff on enhancing access and inclusion for lesbian, gay, bisexual, transgender, two-spirit and queer communities to fully participate in City services and civic life. Terms of reference outline the role of the Committee and a Work Plan is developed each year with strategic actions outlined.<sup>13</sup>

Vancouver City Council approved the signing of a proclamation to declare 2018 “The Year of the Queer” in Vancouver, in recognition of decades of queer contributions to the artistic, cultural, and social landscape of Vancouver.

## NATIONAL & STATE APPROACHES

### - National

The **National LGBTI Health Alliance** is the national peak health organisation in Australia for organisations and individuals that provide health-related programs, services and research focused on lesbian, gay, bisexual, transgender, and intersex people and other sexuality, gender, and bodily diverse people and communities. The Alliance provides a national voice on policy related to the health and wellbeing of people with same-gender attractions and/or relationships, people of trans experience, and people with intersex variations. They work with a wide variety of stakeholders to produce evidence-based policy.

In 2017 the National LGBTI Health Alliance released the National LGBTI Mental Health and Suicide Prevention Strategy, a national plan for coordinated action and strategic response to prevent mental ill-health and suicide, and promote mental health and wellbeing for LGBTI populations.<sup>14</sup>

The purpose of the strategy is to respond to LGBTI people in current need, to provide interventions to those who are at risk, and to interrupt the structural factors that contribute to overrepresentation of LGBTI people in mental health and suicide statistics. The Strategy principles are:

- **Intersectionality** – the diversity of LGBTI people and communities is identified, acknowledged and respected with individual experiences being recognised as fundamental to appropriate care.
- **Evidence** – Evidence must be informed from both practice and research, and form the foundation of quality care to meet the support needs of LGBTI populations.
- **Access** – LGBTI people and communities must receive welcoming, equitable and inclusive care without encountering barriers to accessing support on the basis of their sexuality, gender, body, relationships, identities or history.
- **Lived Experience** – LGBTI people and communities are acknowledged as the experts in their own lives which have been shaped by personal and cultural history of both stigma and resilience.
- **Social Inclusion** – LGBTI people and communities must be included in the fabric of Australian society through reducing discrimination, eliminating violence and removing legal barriers that affect the ability of LGBTI people to experience connection.

<sup>13</sup> <https://vancouver.ca/your-government/lgbtq-advisory-committee.aspx>

<sup>14</sup> <https://lgbtihealth.org.au/resources/national-lgbti-mental-health-suicide-prevention-strategy/>



The Strategic Goals and actions are:

- **Inclusive and Accessible Care** – LGBTI people will experience equitable access to mental health and suicide prevention services and receive support that is appropriate to their experience and responsive to their needs.
- **Evidence, Data Collection and Research** – Establish evidence base about LGBTI populations that adequately represents their histories, lives, experiences, identities, relationships and accurate recording of deaths by suicide.
- **Diversity of LGBTI Population** – The diversity within and between LGBTI populations will be recognised and responded to with strategies and approaches that take into account their individual and unique needs.
- **Intersectionality and Social Inclusion** – LGBTI people from across all populations, backgrounds and circumstances will experience an increase in social inclusion and a reduction in stigma and discrimination.
- **Skilled and Knowledgeable Workforce** – The mental health and suicide prevention sector workforce will be knowledgeable regarding LGBTI people, and skilled, confident, and competent in responding to their support needs.
- **Promotion and Prevention** – Mental health promotion and suicide prevention programs, activities and campaigns will address the underlying factors that compound the mental health outcomes for LGBTI populations.

## VICTORIA

### - LGBTI Taskforce

The LGBTI taskforce provides high level, strategic advice to the Minister for Equality and government departments on current and emerging LGBTIQ issues and on government policy, programs and services to address those issues. The taskforce works closely with Victoria's Commissioner for Gender and Sexuality to ensure that the government's equality initiatives are underpinned by genuine community consultation.

### - Rural and Regional Victoria

In November 2016, Victoria Government's first Gender and Sexuality Commissioner, undertook an "LGBTI Equality Roadshow" across rural and regional Victoria. The LGBTI Equality Roadshow visited over 29 towns. The Roadshow empowered an overwhelming number of LGBTI community members to connect with their communities and supporters. The Roadshow has led to the following outcomes:

- 90% of towns had local government Councillors commit to supporting LGBTI Inclusion during their terms
- 5 local councils committed to incorporating LGBTI into their Diversity Plans, with other councils reviewing their diversity plans, protocols and promotional materials;
- 13 LGBTI working groups formed in communities with other communities in discussion. Members included representatives from council, mainstream health providers, Victoria Police, community organisations and LGBTI community members;
- 3 Pride Sporting games were held in Roadshow towns following the Roadshow. The model was shared to empower other communities to implement;

- 23 Inclusion plans created with the local community of initiatives that could be initiated within 6 months of the Roadshow visit;
- Switchboard Victoria, a volunteer run support service for LGBTI people and their allies, being enabled to establish regional ambassadors;
- All-gender toilet signs being implemented on the Hume Highway through VicRoads, at Horsham Secondary College, East Gippsland Water and Barwon Water;
- an LGBTI position being created in a mainstream organisation (Headspace Horsham); and
- The launch of a Gender Service at Gateway Health in Wodonga providing support, information and referral for trans and gender diverse young people, with the model shared across Victoria.

#### - Department of Premier and cabinet (DPC)

DPC's Lesbian, Gay, Bisexual, Trans and Gender Diverse, Intersex, and Queer and/or Questioning (LGBTIQ) Inclusion Plan (the Plan) 2019-2021 sets out clear and measurable strategies on how DPC will work towards achieving and sustaining an equitable and LGBTIQ inclusive workplace.

It builds on previous initiatives and actions which focused on LGBTIQ inclusive employment practices, culture and leading LGBTIQ inclusion within DPC and across the Victorian Public Sector (VPS) and the community. The Plan sits under the Diversity and Inclusion Strategy 2019-2021. The priority areas of the Plan include:

- Employment practices: equitable employment opportunities and outcomes for LGBTIQ employees.
- Inclusive culture: work environment is welcoming, safe and inclusive of LGBTIQ employees.
- Leadership, visibility, measurement and accountability: LGBTIQ inclusion is championed by senior leaders.<sup>15</sup>

## LOCAL GOVERNMENT APPROACHES

#### - Banyule City Council

The Banyule Council Lesbian, Gay, Bisexual Transgender and Intersex (LGBTI) Plan 2017 – 2021 was developed to tackle discrimination, celebrate the diverse community, and to ensure that Banyule is a safe and welcoming place for LGBTI community members. The Plan uses Banyule's Inclusion, Access and Equity Framework (IAEF) which identifies five goals for their diverse communities. The five goals are:

1. Ensure Council facilities, activities and services are accessible, inclusive and equitable.
2. Work in partnership with local services to increase inclusion and address service gaps.
3. Work in partnership to build the capacity of disadvantaged groups to be involved in community life.
4. Education, celebration and awareness raising contributing to building inclusive and equitable communities.
5. Advocate on behalf of and with our community to reduce discrimination and disadvantage.

Targeted actions related to the LGBTIQ+ community have been developed to address each of the above goals.

<sup>15</sup> <https://www.vic.gov.au/dpcs-lgbti-inclusion-plan>

### - Moonee Valley City Council

Adopted in June 2015, Moonee Valley's first LGBTIQ Action Plan aims to support the lesbian, gay, bisexual, transgender, intersex and queer community members and their families.

The Action Plan is one of three plans which sit under the Diversity, Access and Equity Policy which supports an inclusive city that respects the human rights of all citizens, celebrates diversity and promotes participation in community life. The other two action plans are the Disability Action Plan (2014-23) and Multicultural Action Plan.

The LGBTIQ Action Plan aims to: improve access and equity; acknowledge and celebrate sexual and gender diverse community members; and promote participation for all regardless of sexuality or gender identity. The 4 themes of the Action Plan are:

1. Fostering respect and celebrating diversity;
2. Promoting participation;
3. Creating accessible places and spaces; and,
4. Leadership and representation.

### - Port Phillip City Council

This council has a Statement of Commitment (no date) to its Lesbian, Gay, Bi-Sexual, Transgender, Intersex and Queer (LGBTIQ) Community.

The Statement of Commitment pledges:

- The Council's policies and strategies are designed to promote inclusiveness of the LGBTIQ community.
- Council will, at all times, ensure access for LGBTIQ to the City's services and administration.
- Council supports the community and cultural development of LGBTIQ.
- The Council supports and recognises the contribution of the LGBTIQ community to the social, economic and cultural life and ongoing development of the City of Port Phillip.

### - Moreland City Council

In the Moreland Human Rights Policy 2016-2026, Council commits to ensuring that Moreland is a safe and welcoming city for Lesbian, Gay, Bisexual, Trans, Gender Diverse and Intersex (LGBTIQ) communities. It states that Council will strive to ensure that its services are accessible and appropriate to the needs of our LGBTIQ residents and visitors.

This policy gives precedence to specific groups which are recognised as being at greatest risk of exclusion from social, economic and political life because of access barriers and discrimination. These are:

- Aboriginal and Torres Strait Islander communities;
- Migrant and refugee communities;
- People with disability;
- Women; and,
- Gay, lesbian, bisexual, transgender, intersex and queer (GLBTIQ) communities.