



Submission on Victorian LGBTIQ Strategy

St Kilda Legal Service

14 August 2020

To: equality@dpc.vic.gov.au

Dear Commissioner Ro Allen

We welcome the opportunity to provide input on the Discussion Paper for the Victorian LGBTIQ Strategy. We support the development of the LGBTIQ Strategy to remove discrimination and promote equality throughout Victoria. The LGBTIQ Legal Service is informed by our expertise as a legal service provider and the experiences of our clients and data from our legal needs survey. We recommend that the Government engages peer-led community groups, non-legal service providers and community members from multidisciplinary and diverse backgrounds in the consultation, development and implementation of the strategy.

We encourage the Government to centre the experiences and voices of Brotherboys and Sistergirls in developing and implementing the strategy. In addressing ongoing inequity in LGBTIQ communities, we encourage the strategy to move beyond consultation to including employment strategies with pathways to leadership, particularly for First Nations communities, multicultural and multifaith communities, TGD people, people living with HIV or AIDS, sex workers, people who have been to prison and people living with a disability.

We have drawn significantly from our recent Legal Needs Analysis in writing this submission. This report includes recommendations to address the unmet legal need in Victoria, including establishing a permanent and expanded LGBTIQ Legal Service, that includes immigration, family and employment law services. Our submission includes several recommendations that will improve the lives of LGBTIQ+ people in Victoria.

The LGBTIQ Legal Service welcomes the opportunity to discuss our recommendations and provide further assistance in the future.

Kind regards,

A handwritten signature in black ink, appearing to read "Mel Dye", written over a circular stamp or seal.

Mel Dye
Chief Executive Officer, St Kilda Legal Service

About the St Kilda Legal Service

St Kilda Legal Service (**SKLS**) provides free and accessible legal services to members of the community within Port Phillip, Bayside, Stonnington and parts of Glen Eira. The SKLS Legal Service is committed to redressing inequalities within the legal system through casework, legal education, community development and law reform activities.

We are a generalist community legal centre that provides legal advice and casework assistance on a broad range of legal issues, and often sees clients experiencing poverty, issues with drug use, mental illness and homelessness. SKLS operates four specialist programs: Community Outreach Programs, Family Violence Duty Lawyer Program, Family Law and Family Violence Program and an LGBTIQ Legal Service.

About the LGBTIQ Legal Service

The development of the service and establishment of various outreach services and partnerships, led to greater awareness within SKLS of the specific legal issues and barriers faced by the LGBTIQ community; and specifically the transgender and gender diverse (**TGD**) community. With funding from the Victorian Law Foundation and a private philanthropic donor, SKLS launched the LGBTIQ Legal Service, a health justice partnership with Thorne Harbour Health, as a specialist program to address these issues and needs; Australia's first LGBTIQ-specific health justice partnership with Thorne Harbour Health.

The LGBTIQ Legal Service commenced operation in 2018 as a state-wide service responsible for both the delivery of integrated legal services. The service has completed an LGBTIQ+ Inclusive Practice Toolkit for community legal centres, and LGBTIQ Legal Needs Analysis on the legal needs of Victorian LGBTIQ communities (**LNA**). The LGBTIQ Legal Service provides advice and representation to the LGBTIQ community on a wide-range of legal issues, including discrimination, tenancy, family violence, criminal law, employment and sexual harassment matters.

About the Roberta Perkins Law Project

In 2019, SKLS further developed its services for LGBTIQ communities by establishing the Roberta Perkins Law Project in partnership with Transgender Victoria (**TGV**); and funded by the City of Melbourne Social Innovations Partnerships program. The project established a two-year pilot program that comprised a specialist legal service for TGD people in Victoria, with the formal launch of this program being in mid-2020.

The recent launch of the Roberta Perkins Law Project recognised Ms Roberta Perkins; a prominent activist responsible for establishing Australia's first trans rights and sex worker movements. In addition to being a founding member of the Australian Transsexual Association, she also helped to found the Australian Prostitutes Collective and advocated heavily for the rights of sex workers, substance users and the LGBTIQ community during the peak of the HIV and AIDS epidemic.

Summary of recommendations

Law and policy reform recommendations

1. The LGBTIQ strategy should include a commitment to undertake a broad legislative and policy review to ensure protection for all LGBTIQ communities, without the need for grass-roots campaigns and advocacy. Law and policy reform should particularly focus on ensuring protection for people with intersex variations, TGD people, sex workers, people living with HIV or AIDS, non-binary and asexual people, in consultation and/or partnership with peer-led community groups, community leaders and legal service providers.
2. The LGBTIQ strategy should include a commitment to reviewing the *Equal Opportunity Act 2010* (Vic) and consider removing exemptions that permit religious bodies and schools to discriminate on the basis of sexual orientation or gender identity and to include protections for people with variations of sex characteristics, non-binary and on the basis of HIV or AIDS status. This review should also ensure that the definition for gender identity is reviewed in consultation with the transgender and gender-diverse community.
3. The LGBTIQ strategy should consider how the Victorian State Government can advocate for law and policy review and reform at Commonwealth level, for example through the National Cabinet, and relevant associated committees, and require an 'impact statement' on how any proposed legislation will impact LGBTIQ communities.

Economic security recommendations

4. The LGBTIQ strategy should include a commitment to review administrative and regulatory frameworks, to impose positive duties on employers and effective enforcement, rather than an onus on individuals to bring complaints.
5. The LGBTIQ strategy should include a commitment to TGD employment strategies and programs in government bodies, services and agencies, including leadership pathways, in consultation and/or partnership with TGV.
6. The LGBTIQ strategy should include a commitment to funding a permanent and expanded LGBTIQ Legal Service, which includes increased specialised employment, family and immigration legal services to meet unmet legal need, as well as increasing ongoing funding to other services providing LGBTIQ specific services.
7. The LGBTIQ strategy should include a commitment of the Victorian State Government to advocate for the Commonwealth *Fair Work Act 2009* to be

amended to properly protect transgender, gender-diverse and intersex Australians from mistreatment and unfair dismissal.

8. The LGBTIQ strategy should recommend that the LGBTIQ Leadership Program and various working groups prioritise less established leaders and professionals, and maintain a network of established and up-and-coming leaders with mentoring and support opportunities.

Health and wellbeing recommendations

9. The LGBTIQ strategy must be properly representative of all LGBTIQ communities, and include diverse and multidisciplinary voices, allowing peer-led community groups to define their own experiences, goals and solutions for change.
10. The LGBTIQ strategy should include a commitment to advocate for criminal law prohibition of deferrable medical interventions on people born with variations of sex characteristics and transparent and accountable human rights-affirming oversight of relevant medical interventions and standards of care. As well as permanent resourcing and inclusion in all processes of affirmative, intersex-led peer support and systemic advocacy.
11. The LGBTIQ strategy should include a commitment to establishing a redress scheme for survivors of non-consensual, medically unnecessary interventions on people born with variations of sex characteristics.
12. The LGBTIQ strategy should include a commitment to advocate for gender affirming healthcare to be included in Medicare and increased funding to increase access and decrease wait times for all Victorians, including by ensuring that gender affirming surgeries are undertaken at public hospitals.
13. The LGBTIQ strategy should include a commitment to increased LGBTIQ specialised health services in regional and remote areas, including gender affirming and sexual health services, in partnership with peer-led community groups.
14. The LGBTIQ strategy should include a commitment to ensure people in prison have access to timely and appropriate gender-affirming and mental health care, including reviewing current barriers and issues, in partnership with people in prison and their advocates. This should include funding for advocates to facilitate peer support groups of TGD people in prison.

LGBTIQ inclusive services recommendations

15. The LGBTIQ strategy should include a commitment to increase funding for peer-led and community-controlled services that aim to provide inclusive and holistic care, and clearly outline measurable positive steps to increase visibility, research and advocacy for LGBTIQ communities. This requires

individual and specific funding for each community group, rather than grouping the needs of the whole community together, including specifically for TGD, intersex and bisexual communities.

16. The LGBTIQ strategy should include a commitment to review all policies, procedures and training across all government bodies, services and agencies, and introduce minimum workplace standards; to address institutional inequities, promote equality and address discrimination.
17. The LGBTIQ strategy should include a commitment to increase funding for advocacy organisations, health and support services and community groups to continue and expand existing specialist or targeted LGBTIQ services in response to local legal need.

Personal safety and violence recommendations

18. The LGBTIQ strategy should include a commitment to increased funding for legal and support services providing LGBTIQ-specific family violence assistance, with a particular focus on addressing risk factors.
19. The LGBTIQ strategy should include a commitment to fund the development of safe housing for LGBTIQ people experiencing homelessness as a result of family violence, including safe and responsive services for TGD, young and older people.
20. The LGBTIQ strategy should include a commitment to implementing the LGBTIQ Family Violence Applicant and Respondent Practitioner Services out in all magistrates' courts throughout the state.
21. The LGBTIQ strategy should include a commitment to partnering with a peer-led organisation, community leaders, legal service and/or advocacy organisation to deliver legal education and information, awareness-raising and capacity-building training to legal service providers, court staff, prison staff, Corrections Victoria and Victoria Police.
22. The LGBTIQ strategy should recommend Victoria Police implements compulsory training and culture change around their treatment of transgender and gender-diverse people, and when they have demonstrated measurable progress, to change the name 'Gay and Lesbian Liaison Officer (GLLO)' to 'LGBTIQ+ Liaison Officer' and change the acronym.
23. The LGBTIQ strategy should recommend that all Government databases, including Victoria Police, allow for appropriate recording of gender, sexuality and correct names and pronouns as requested by TGD people.

Law and policy reform

We welcome the commitment of the LGBTIQ strategy to continue ongoing law reform to achieve equality before the law for all LGBTIQ communities. We note that we have read and agree with the submissions provided by the Victorian Pride Lobby.

The LGBTIQ Legal Service recently wrote a joint submission with Liberty Victoria to the anti-vilification inquiry to seek to extend legal protections against vilification to Victorian LGBTIQ communities. LGBTIQ people experience high and unacceptable levels of vilification, and this experience is compounded for people who are also members of other minority groups, including Aboriginal and Torres Strait Islander communities, multicultural and multifaith communities and people living with a disability. We emphasise the importance of submissions made by individuals and organisations who represent people from these communities.

We recommend the Government reviews all Victorian laws and policies, to ensure equality before the law for all LGBTIQ communities and individuals, without the need for grass roots advocacy campaigns. We urge the state Government to advocate for the same at Commonwealth level through the Council of Australian Government (COAG) process and relevant associated committees.

Equal Opportunity Act 2010 (Vic)

The *Equal Opportunity Act 2010 (Vic)* (EOA) does not provide protection for people with variations of sex characteristics, non-binary and gender diverse, or people living with HIV or AIDS.

There are eighteen protected attributes set out in section 6 of the EOA. Relevantly to the LGBTIQ community, protected attributes include:

- Gender identity. This is defined to mean:
 - the identification on a bona fide basis by a person of one sex as a member of the other sex by:
 - by assuming characteristics of the other sex, whether by means of medical intervention, style of dressing or otherwise; or
 - by living, or seeking to live, as a member of the other sex; or
 - the identification on a bona fide basis by a person of indeterminate sex as a member of a particular sex (whether or not the person is recognised as such):
 - by assuming characteristics of that sex, whether by means of medical intervention, style of dressing or otherwise; or
 - by living, or seeking to live, as a member of that sex.

Due to the definition focusing on living as “one sex” or the “other sex”, it does not include non-binary or gender diverse people who do not identify as either male or female. The test focuses on the identification of the person who experiences discrimination, rather than the gender expression of that person.

- Lawful sexual activity;

- Sex;
- Sexual orientation; and
- An expunged homosexual conviction.

It is also unlawful to discriminate against a person based on their association with a person with one of those attributes.

The EOA does not prohibit discrimination, but rather defines and then prohibits it from certain defined areas of public life. These include employment, education, the provision of goods and services, accommodation, clubs, sport, and local government. Accordingly, discriminatory behaviour in public life, for example on public transport or from neighbours, is not covered by the EOA. There are a range of exceptions, including conduct engaged in by a religious body if that conduct is based on the doctrines, beliefs or principles of the religion, or is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion. This includes allowing a religious school to refuse entry to a prospective student, expel or refuse to employ someone, or otherwise treat someone differently based on their sexual orientation or gender identity.

Regarding gender, it is preferable to make the protected attribute 'gender identity or gender expression', and to adopt the definitions contained in the *Tasmanian Anti-Discrimination Act 1998* (Tas), which are as follows:

gender expression means any personal physical expression, appearance (whether by way of medical intervention or not), speech, mannerisms, behavioural patterns, names and personal references that manifest or express gender or gender identity;

gender identity means the gender-related identity, appearance or mannerisms or other gender related characteristics of an individual including gender expression (whether by way of medical intervention or not), with or without regard to the individual's designated sex at birth, and may include being transgender or transsexual;

These definitions are inclusive of people who are non-binary and gender non-conforming, which would protect someone who does not necessarily identify as transgender or non-binary. The EOA should be amended to provide protections for people with variations of sex characteristics, non-binary and gender diverse, and people living with HIV/AIDS.

Investigative powers of VEOHRC

There is currently an under-utilisation of anti-vilification laws. In 2018/19, Victorians raised the issue of racial discrimination in only 47 enquiries to VEOHRC, and the issue of religious discrimination was raised on 24 occasions. Of 1,877 complaints made to VEOHRC, only four related to racial vilification and five related to religious vilification. These figures represent less than 0.5% of the total number of complaints received by VEOHRC. The expansion of the range of people who are protected by the laws will likely go some way to addressing the effectiveness and usefulness of anti-vilification laws. The expansion of the test for vilification beyond the current incitement test will also arguably make it a much more useful piece of legislation for people who experience vilification. In addition to the expansion of the

legislative definitions, though, we also support measures to reduce the burden placed on individuals who suffer vilification and discrimination to enforce the law and thus bring normative change.

The Victorian Government should amend the *Equal Opportunity Act 2010* (Vic) to extend the full range of the Victorian Equal Opportunity and Human Rights Commission's functions and powers to the regulation of vilification, including to issue practice guidelines, undertake research, conduct legal interventions, undertake compliance reviews, prepare action plans and conduct investigations.

The Victorian Government should amend the *Equal Opportunity Act 2010* (Vic) to reinstate and strengthen the Victorian Equal Opportunity and Human Rights Commission's functions and powers, including to:

1. undertake own-motion public inquiries
2. investigate any serious matter that indicates a possible contravention of the Act:
 - a. without the need for a reasonable expectation that the matter cannot be resolved by dispute resolution or the VCAT
 - b. with the introduction of a 'reasonable expectation' that the matter relates to a class or group of persons
3. compel attendance, information and documents for any purposes of an investigation or public inquiry without the need for an order from VCAT
4. seek enforceable undertakings and issue compliance notices as potential outcomes of an investigation or a public inquiry.

These reinstated functions and powers should also apply to the regulation of vilification under the *Equal Opportunity Act 2010* (Vic).

Other legal reforms needed

While we commend the government on the recent birth certificate reform; we believe this reform should have occurred without the need for a divisive and traumatic law reform campaign. We recommend that the legislation be amended to require parental consent for people younger than 16 years of age (rather than 18).

We highlight the recent submissions of St Kilda Legal Service and Vixen Collective on the sex work decriminalisation inquiry, particularly the suggested law and policy reforms to achieve better outcomes for sex workers in Victoria, which is a community with a high number of LGBTIQ people.

We endorse the submissions of Thorne Harbour Health and the Victorian Pride Lobby regarding conversion therapy.

Law and policy reform recommendations

1. The LGBTIQ strategy should include a commitment to undertake a broad legislative and policy review to ensure protection for all LGBTIQ communities, without the need for grass-roots campaigns and advocacy. Law and policy reform should particularly focus on ensuring protection for people with intersex variations, TGD people, sex workers, people living with HIV or AIDS, non-binary and asexual people, in consultation and/or partnership with peer-led community groups, community leaders and legal service providers.
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3. The LGBTIQ strategy should consider how the Victorian State Government can advocate for law and policy review and reform at Commonwealth level, for example through the National Cabinet, and relevant associated committees, and require an 'impact statement' on how any proposed legislation will impact LGBTIQ communities.

Economic security

As noted in the Discussion Paper, LGBTIQ communities experience high levels of homelessness. In addressing social and structural inequalities, which lead to issues such as unemployment and homelessness, we encourage the strategy to prioritise long term employment strategies. In addressing ongoing inequity in LGBTIQ communities, we encourage the strategy to move beyond consultation to include a Government employment strategy with pathways to leadership, particularly for Aboriginal and Torres Strait Islander communities, various multicultural and multifaith communities, TGD people, people living with HIV/AIDS, sex workers, people who have been to prison and people living with a disability.

LGBTIQ communities report high rates of discrimination in the workplace, including being subjected to inappropriate and intrusive comments and questions from managers and colleagues, being forced to use a toilet they do not feel comfortable using, or simply not being hired at all. Organisational transition policy and leave entitlements, in collaboration with compulsory staff training, would contribute to safer and more diverse work places. All organisations, and particularly those who receive government funding, should be required to ensure their policies, forms and practices are safe, inclusive, and responsive for all genders and sexuality identities. It is important that there is also a safe and responsive workplace culture, beyond policies and procedure.

Discrimination and harassment reduce the ability of Victorian LGBTIQ communities to fully participate in and contribute to society. This affects their social outcomes, as experiences of discrimination and harassment in settings such as healthcare facilities, schools, and housing providers contribute to poor health and socio-economic outcomes, and overall social exclusion. It also means that the Victorian community loses the opportunity for societal contribution from a diverse range of people and impacts economic security. Past experiences and fear of discrimination is a barrier to accessing employment, legal assistance, other services and accessing public spaces. TGD communities are subject to more discrimination and violence because of transphobia that stems from structural gender binary expectations. These communities are therefore more vulnerable to poorer mental health outcomes, poverty and unemployment, than lesbian, gay and bisexual communities. The LGBTIQ Legal Service gathers data at intake, which showed that 78 per cent of our clients were unemployed at that time, and 73 per cent earned less than \$400 per week. This may suggest that in addition to discrimination within the workplace, LGBTIQ communities face significant challenges and complex barriers when seeking employment.

The LGBTIQ Legal Service legal needs survey revealed that the most prevalent issues facing the LGBTIQ community were employment law, followed by discrimination law. At the LGBTIQ Legal Service and Roberta Perkins Law Project, we frequently receive enquiries that relate to discrimination, unfair dismissal and/or sexual harassment in the workplace due to sexual orientation and/or gender identity. Similar findings have been echoed in Victoria Legal Aid's (VLA) Midsumma survey, which found that 45 per cent of participants had been treated badly by a current or potential employer on the basis of their gender/sexual identity.²

Thirty-five per cent of the LGBTIQ Legal Service legal needs survey participants reported experiencing an employment law issue in the last five years. The LGBTIQ Legal Service predominantly assists with general protections involving dismissal complaints where our client had been terminated in their employment due to an alleged discriminatory reason, such as their sexual orientation or gender identity. The LGBTIQ Legal Service represents clients at Fair Work Commission conciliation proceedings by telephone, and negotiating confidential deeds of settlement with respondent lawyers prior to or post conciliation. The LGBTIQ Legal Service only provides legal services in matters involving discrimination, and would benefit from expanding to assist with all employment law matters to meet unmet legal need.

Economic security recommendations

4. The LGBTIQ strategy should include a commitment to review administrative and regulatory frameworks, to impose positive duties on employers and effective enforcement, rather than an onus on individuals to bring complaints.
5. The LGBTIQ strategy should include a commitment to TGD employment strategies and programs in government bodies, services and agencies, including leadership pathways, in consultation and/or partnership with TGV.

6. The LGBTIQ strategy should include a commitment to funding a permanent and expanded LGBTIQ Legal Service, which includes increased specialised employment, family and immigration legal services to meet unmet legal need, as well as increasing ongoing funding to other services providing LGBTIQ specific services.
7. The LGBTIQ strategy should include a commitment of the Victorian State Government to advocate for the Commonwealth *Fair Work Act 2009* to be amended to properly protect transgender, gender-diverse and intersex Australians from mistreatment and unfair dismissal.
8. The LGBTIQ strategy should recommend that the LGBTIQ Leadership Program and various working groups prioritise less established leaders and professionals, and maintain a network of established and up-and-coming leaders with mentoring and support opportunities.

Health and wellbeing

The LGBTIQ Legal Service was established as a health justice partnership between St Kilda Legal Service and Thorne Harbour Health. We highlight the ongoing law and policy reform advocacy of Thorne Harbour Health and we endorse their LGBTIQ strategy submission and recommendations.

Over 80 per cent of LGBTIQ Legal Service clients self-reported experiencing mental illness at intake when they accessed the service. Heterosexist harassment and abuse impacts the physical and mental health and wellbeing of LGBTIQ communities. The impact is more significant for TGD people, and/or people who belong to other minority communities and experience cumulative forms of systemic inequities and discrimination. People with mental illness and disability are over-represented in the justice system. A Closer Look at Private Lives 2 (2015) found that 31 per cent of respondents had experienced depression in the last 3 years and 22 per cent experienced anxiety. The highest reported instance of experiencing mental illness was trans women (57.4%) and trans men (55.3%), in the last three years.

Trans Pathways is the largest study ever conducted on the mental health of TGD young people (aged 14 – 25) in Australia. Of the 859 participants, 80 per cent reported to have self-harmed, compared to 11 per cent of adolescents (aged 12-17 years) in the Australian general population. Almost half (48.1%) reported attempting suicide, which is 20 times higher than adolescents (aged 12-17 years) in the Australian general population and 14.6 times higher than adults (aged 16-85 years) in the Australian general population. Trans Pathways found that 72 per cent of trans young people have been diagnosed with anxiety, which is 10 times higher than adolescents (aged 12-17 years) in the Australian general population. Trans Pathways recommended increased and improved services for trans adults and young people. Trans Pathways recommends improving access to gender affirming healthcare so that it is affordable and covered by Medicare and the Pharmaceuticals Benefits Scheme, which would encourage private health insurance companies to include trans health needs in their policies. Improving access to gender affirming healthcare and counselling would improve trans mental health outcomes, which is particularly important given the high rates of self-harm and suicide in the trans community. Suicide is a particular

risk factor in Aboriginal and Torres Strait Islander LGBTIQ communities due to the compounding impact of racism and structural inequity. Partnering with Aboriginal and Torres Strait Islander communities, community leaders and peer-led groups is integral to the success of a health and wellbeing strategy that is properly representative.

Health and wellbeing recommendations

9. The LGBTIQ strategy must be properly representative of all LGBTIQ communities, and include diverse and multidisciplinary voices, allowing peer-led community groups to define their own experiences, goals and solutions for change.
10. The LGBTIQ strategy should include a commitment to advocate for criminal law prohibition of deferrable medical interventions on people born with variations of sex characteristics and transparent and accountable human rights-affirming oversight of relevant medical interventions and standards of care. As well as permanent resourcing and inclusion in all processes of affirmative, intersex-led peer support and systemic advocacy.
11. The LGBTIQ strategy should include a commitment to establishing a redress scheme for survivors of non-consensual, medically unnecessary interventions on people born with variations of sex characteristics.
12. The LGBTIQ strategy should include a commitment to advocate for gender affirming healthcare to be included in Medicare and increased funding to increase access and decrease wait times for all Victorians, including by ensuring that gender affirming surgeries are undertaken at public hospitals.
13. The LGBTIQ strategy should include a commitment to increased LGBTIQ specialised health services in regional and remote areas, including gender affirming and sexual health services, in partnership with peer-led community groups.
14. The LGBTIQ strategy should include a commitment to ensure people in prison have access to timely and appropriate gender-affirming and mental health care, including reviewing current barriers and issues, in partnership with people in prison and their advocates. This should include funding for advocates to facilitate peer support groups of TGD people in prison.

LGBTIQ inclusive services

The LGBTIQ Legal Service legal needs survey found that 80 per cent of participants would rather get help from a specialised LGBTIQ service, rather than a mainstream service. It is vital that LGBTIQ specialised services can continue in a stable and ongoing way without the need to continuously highlight their collective trauma to gain proper funding. The temporary, cyclic and grants-based funding model is tiring for advocates in this space and reduces their capacity to focus on essential services.

The LNA specifically addressed and supported the idea of inclusive and expanded service design and delivery to LGBTIQ communities. The LNA identified multiple areas that lacked specialist support for the LGBTIQ community; including employment law, immigration and family law. The implementation of these services was recommended to be peer-led and informed, with a specific focus on the holistic care of clients. The SKLS health-justice partnership with Thorne Harbour Health highlights the need for holistic service delivery for clients with complex needs who may require ongoing psychological, health and family violence support in addition to legal services.

In addressing inclusive service design, it is prudent to note that many sources (including the Discussion Paper for the Victorian LGBTIQ Strategy) acknowledge the substantial lack of research as to the needs of the LGBTIQ community, and more specifically the TGD community. As such the design of inclusive services should consider similar approaches to that employed by the LGBTIQ Legal Service design, where the delivery of inclusive services incorporates a needs analysis component. Through the implementation of services that focus on assessing the unique and complex needs of clients, it is possible for services to be client focussed and simultaneous gather and analyse the needs of LGBTIQ communities; informing both understanding and service delivery.

As stated above, all organisations, and particularly those who receive government funding, should be required to ensure their policies, forms and practices are safe, inclusive, and responsive for all gender and sexuality identities, in combination with compulsory staff training. It is important that there is also a safe and responsive workplace culture, beyond policies and procedure.

LGBTIQ inclusive services recommendations

15. The LGBTIQ strategy should include a commitment to increase funding for peer-led and community-controlled services that aim to provide inclusive and holistic care, and clearly outline measurable positive steps to increase visibility, research and advocacy for LGBTIQ communities. This requires individual and specific funding for each community group, rather than grouping the needs of the whole community together, including specifically for TGD, intersex and bisexual communities.
16. The LGBTIQ strategy should include a commitment to review all policies, procedures and training across all government bodies, services and agencies, and introduce minimum workplace standards; to address institutional inequities, promote equality and address discrimination.
17. The LGBTIQ strategy should include a commitment to increase funding for advocacy organisations, health and support services and community groups to continue and expand existing specialist or targeted LGBTIQ services in response to local legal need.

Personal safety and violence

The LGBTIQ Legal Service legal needs survey asked participants whether they agreed with the statement 'If I had to report a crime where I was the victim, I feel confident the police at my local station would assist me'. Of those surveyed, 35 per cent either disagreed or strongly disagreed and 43 per cent either agreed or strongly agreed. Many people mentioned police not taking reports from sex workers seriously. Participants provided comments including:

- 'I'm a sex worker and have seen police turn away victims'
- 'Historically the police have been perpetrators of violence against the LGBTIQ community and I would feel uncomfortable as a queer person'
- 'If I was reporting something transphobic or sexual assault, or I had to disclose my gender identity, I would feel uncomfortable and would want a lawyer or trans advocate with me'
- 'I am white and cis-passing so I would report to the Police station'.

LGBTIQ people frequently feel anxiety in their interactions with police, due to their lived experience or knowledge of homophobic and transphobic police responses. This reduces their likelihood to report incidents to police and also to seek victims of crime assistance. LGBTIQ Victorians have a long history of experiencing police brutality, including the Tasty nightclub raid in Melbourne in 1994 and more recently the Hares and Hyenas violent botched raid and treatment of a gender non-conforming ex-football player with the unlawful leaking of photographs. A recent NSW study found that of the participants who had experienced family violence, only 15 per cent (12.9% to NSW Police and 2.1% to another state) reported it to the police. Aboriginal and Torres Strait Islander people are less likely to report to police in an effort to protect the perpetrator from police brutality and racism within the justice system. Further, LGBTIQ communities are more likely to seek help from a LGBTIQ specialised legal service, which supports the ongoing need to properly fund services providing LGBTIQ-specific legal and support services.

Ten per cent of the LGBTIQ Legal Service legal needs survey participants reported experiencing a family violence law issue in the last five years. Family violence is a significant area of legal need. We worked with Thorne Harbour Health to cross refer and support clients together, obtain supporting letters for Court and liaising with Victoria Police. The LGBTIQ Legal Service was often unable to provide the level of service clients requested, namely in court representation at multiple hearings in relation to family violence proceedings. We generally briefed the duty lawyer services provided by other community legal centres at magistrate courts to provide support, however on at least one occasion, the client felt that their legal representative did not understand the nuance of their personal situation due to a lack of understanding around inclusive service delivery for TGD clients and community and emotional forms of family violence. An expanded LGBTIQ Legal Service would include a more comprehensive family violence legal service, including the ability to represent people in all courts and tribunals throughout their legal matter.

The LGBTIQ Legal Service recommends the Government strategy prioritises addressing risk factors, increasing economic security for LGBTIQ communities, ensuring equality before the law and focusing on care and service delivery, rather than a Police response to LGBTIQ

family violence. Due to recent further erosions of trust between LGBTIQ communities and Victoria Police, it will take a long time to build trust, and the onus should be on Victoria Police to outline a plan and strategy to promote that, in partnership with organisations and individuals representing LGBTIQ communities.

Personal safety and violence recommendations

18. The LGBTIQ strategy should include a commitment to increased funding for legal and support services providing LGBTIQ-specific family violence assistance, with a particular focus on addressing risk factors.
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