

LGBTIQ+ Legal Program Strategy

July 2021 – December 2022





1. Strategy overview

“We are excited to share our Strategy for our LGBTIQ+ legal program for July 2021 to December 2022. This strategy continues St Kilda Legal Service’s long standing commitment to assisting and empowering communities who are disadvantaged to access justice. Our work to support the LGBTIQ+ community would not be possible without our valued partnerships with Thorne Harbour Health and Transgender Victoria, as well as the many other people and organisations that we collaborate with. We are grateful to everyone who has contributed to this strategy and our broader efforts to support the dignity and legal rights of LGBTIQ+ people in Victoria.”

Mel Dye, CEO, St Kilda Legal Service

Hilary Knack, Manager, LGBTIQ+ Legal Program

About this strategy

In late 2020, the St Kilda Legal Service (SKLS) Board committed to a strategic planning process for our services for the LGBTIQ+ community through a participatory process, with the goal of ensuring appropriate and targeted legal services are provided to the LGBTIQ+ community in Victoria. The strategic planning process involved engagement with our staff and clients, Thorne Harbour Health, Transgender Victoria, government, legal services and LGBTIQ+ organisations.

This strategy identifies the vision, mission, strategic priorities and enablers of our LGBTIQ+ legal services. It responds to and is informed by the legal needs of the LGBTIQ+ community, the views of key stakeholders, and the broader evidence-base related to LGBTIQ+ legal services. The strategy seeks to build on our achievements and lessons learned to date and focus our efforts on where we can have the greatest impact for the LGBTIQ+ community.

While the strategy is for July 2021 to December 2022, our vision and mission reflect our longer-term commitment to supporting the LGBTIQ+ community. We will evaluate our progress using the success measures identified in this document mid-way through the strategy (i.e. March 2022) and at the end of the strategy (i.e. December 2022) we will work with the community to revisit the strategy.

This strategy reflects the current resources of the LGBTIQ+ Legal Program. With additional resources, we could expand both the scope of legal practice, notably in the areas of family law and migration, as well as a monitoring, evaluation and learning (MEL) focus, which would include investigating the non-evidence legal need in Victoria. We could also provide LGBTIQ+ inclusion training to the legal assistance sector, raising awareness of LGBTIQ+ identified legal needs and increasing the LGBTIQ+ community’s access to the legal system.

History and achievements

SKLS has provided free legal services for people experiencing vulnerability or disadvantage for close to 50 years. This includes a strong history in legal assistance to the local LGBTIQ+ community members. Since mid-2018, SKLS has operated a state-wide LGBTIQ Legal Service (LLS) as a health justice partnership with Thorne Harbour Health. SKLS has subsequently expanded its legal services for LGBTIQ+ people through the establishment of the ‘Roberta Perkins Law Project’ in partnership with Transgender Victoria and the provision of family violence support for LGBTIQ+ people.

SKLS now provides free legal assistance on general and LGBTIQ+ specific legal issues to a range of LGBTIQ+ people across Victoria. Over the last three years we have seen growing demand for our



LGBTIQ+ services, as evidenced by a 260% increase in client numbers. In addition to direct legal service delivery, we have supported community and private legal services to be more inclusive, including through the development of the 'LGBTIQ+ Inclusive Practice Toolkit' (the Toolkit) and face-to-face training.

This contribution was recognised by the Law Institute of Victoria, who named the LLS the 2019 Community Organisation of the Year. This success has been possible due to our partnerships with Thorne Harbour Health and Transgender Victoria, valued connection to the Victorian legal assistance sector, the experience and dedication of our staff (many of whom are part of the LGBTIQ+ community), and our expertise in family violence and legal assistance for trans and gender diverse people.

Legal needs of the LGBTIQ+ community in Victoria

While there have been significant advances in law reform which have improved the lives of LGBTIQ+ people, the community continues to face higher rates of discrimination, harassment, violence and social exclusion, which increases their need for legal services. Within the LGBTIQ+ community, there are people who are at greater risk of experiencing legal issues. This includes (but is not limited to) people experiencing mental illness, Aboriginal and Torres Strait Islander people, trans and gender diverse people and people living in regional areas.

The most significant legal issues for LGBTIQ+ people identified in the research and consultations for the strategic planning process included discrimination, harassment and violence, family violence, family law, immigration law, and unique civil law issues related to LGBTIQ+ status (i.e. change of identity documents).¹

There is a lack of data on the legal needs of LGBTIQ+ people and demand for legal services from LGBTIQ+ people in Victoria, however data that is available points to significant and growing unmet demand. LGBTIQ+ people in Victoria face significant lack of access to legal services and can be reluctant to engage with the legal system due to fear of discrimination and lack of confidence that their complaint will be successful.²

Best practice legal service delivery, as identified in our Toolkit and emerging from other LGBTIQ+ organisations and legal services, highlights the need for safe, inclusive, and respectful services that address the holistic and intersectional needs of the LGBTIQ+ community, recognise the diversity of the LGBTIQ+ community and the importance of providing culturally safe referral pathways.

St Kilda Legal Service acknowledges that we work on the land of the Boon Wurrung and Wurundjeri people of the Kulin nation. We pay respect to their Elders – past, present, and emerging – and acknowledge the important role Aboriginal people continue to play in our community.

¹ LGBTIQ Legal Service (2020). *LGBTIQ Legal Needs Analysis – Reflections on legal need and future planning from our two-year pilot program*. Retrieved via <https://lgbtiqlegal.org.au/wp-content/uploads/2020/07/LGBTIQ-Legal-Needs-Analysis.pdf>; LGBTIQ Legal Service (2021). *S04.1 Services by High Level Problem Type (01/01/2018 – 14/04/2021) (internal purposes only)*; Consultations with LLS staff and clients, Thorne Harbour Health, government stakeholders, other legal services and other LGBTIQ+ organisations.

² Victorian Department of Justice and Regulation (2016). *Access to Justice Review: Volume 1 Report and recommendations*; LGBTIQ Legal Service (2020). *LGBTIQ Legal Needs Analysis – Reflections on legal need and future planning from our two-year pilot program*. Retrieved via <https://lgbtiqlegal.org.au/wp-content/uploads/2020/07/LGBTIQ-Legal-Needs-Analysis.pdf>.

Strategy July 2021 – December 2022

Vision

A fair, safe and inclusive Victoria where every LGBTIQ+ person is treated with dignity and respect before the law

Mission

To improve the lives of LGBTIQ+ people in Victoria by providing safe and inclusive legal services and addressing systemic inequality

Priority communities*

Trans and gender diverse people

LGBTIQ+ people impacted by family violence

People who have experienced discrimination, harassment and/or violence on the basis of their LGBTIQ+ identity

Strategic priorities

1. Deliver legal services to those most in need*

With a focus on our priority communities

- Update our intake, eligibility and casework processes to focus on our priority communities
- Update our website and develop materials to increase awareness of our services for priority communities
- Improve data collection and analysis processes

2. Support other organisations to address LGBTIQ+ legal issues

With a focus on community legal centres and family violence services

- Provide training and support to 10 organisations to increase their awareness of LGBTIQ+ legal issues and referral pathways
- Update the LGBTIQ+ Inclusive Practice Toolkit
- Develop 2-3 information resources on specific LGBTIQ+ legal issues
- Contribute to advisory, advocacy and consultation activities to increase awareness of LGBTIQ+ legal issues

3. Strengthen referral pathways

With a focus on the LGBTIQ+, legal and family violence sectors

- Strengthen intake/referral pathways, including:
 - agreements with referral partners
 - developing an intake and referral database
 - sharing information about the service to clients and referral partners

Enablers

1. Support the wellbeing and capabilities of our staff

- Ensure staff have access to appropriate supervision, briefing and counselling
- Monitor and evaluate staff workloads to avoid over-resourcing staff
- Ensure our culture, policies and work environment support a diverse and inclusive workforce
- Ensure staff have a professional development plan

2. Increase the voice of the community

- Establish an LGBTIQ+ advisory committee to inform service planning and future director
- Send regular client feedback surveys to clients
- Conduct 1-2 focus groups per year with former/current clients
- Work with other LGBTIQ+ organisations to raise awareness of LGBTIQ+ legal need and experiences in accessing the legal system

3. Diversify funding sources

- Engage with government to share insights, understand their priorities and pursue funding opportunities
- Develop 1-2 proposals for high impact projects
- Develop relationships with potential private funders who are aligned to our strategy, including corporations and philanthropic trusts and foundations

Key partners

We will work together with key partners and stakeholders to achieve our strategic priorities. This includes other community legal centres, LGBTIQ+ health, wellbeing and support organisations, family violence and other social and support services, Victoria Legal Aid and government and other funders.

*We recognise there are many other legal needs in the LGBTIQ+ community and will continue to support all LGBTIQ+ people who ask for help through advice or referral to other services.

2. Priority communities

Our commitment to the LGBTIQ+ community

We are committed to ensuring all LGBTIQ+ people in Victoria can access safe, inclusive and quality legal services. We do this by providing direct legal service where possible and by referring to other inclusive legal services, LGBTIQ+ organisations and social supports that can meet the holistic and intersectional needs of LGBTIQ+ people.

We recognise that there is significant unmet demand for specialised legal services in the LGBTIQ+ community. While we do not have the resources to support everyone, we have chosen three priority communities to focus on in this strategy who face significant legal challenges in areas where SKLS has specialised expertise and there are few, or no, other specialist services.

We will continue to provide a safe and inclusive access point for all LGBTIQ+ people who contact us and will refer to appropriate services if we do not have the capacity or capability to meet their needs.

Our priority communities

Trans and gender diverse people

Trans and gender diverse people are at greater risk of experiencing legal need, including discrimination and harassment, family violence, and civil law issues related to change of identity documents.³ Through the 'Roberta Perkins Law Project', SKLS has built the trust of the trans and gender diverse community and has demonstrated specialised expertise in addressing their legal needs, as evidenced by the successful 'Change your ID day' and our work with trans and gender diverse people in prisons.

LGBTIQ+ people impacted by family violence

LGBTIQ+ people are more likely to experience family violence but are less likely to receive appropriate support due to distrust of mainstream services and fear of discrimination.⁴ Family violence is the second most common legal issue we see from LGBTIQ+ clients and we have growing expertise in this area. People impacted by family violence often have related legal issues such as parenting arrangements or tenancy which we will also seek to support.

People who have experienced discrimination, harassment and/or violence on the basis of their LGBTIQ+ identity

This is the most significant legal issue for LGBTIQ+ people reported by our stakeholders, particularly in school and employment settings. Demand for legal services is expected to increase with more community awareness and further discrimination protections coming into effect in the next few years.

We recognise there are many other legal needs in the LGBTIQ+ community and will continue to support all LGBTIQ+ people who ask for help through advice or referral to other services.

We will focus on people in our priority communities who are experiencing vulnerability or disadvantage, are unable to afford legal services and/or face other barriers that mean they cannot access the legal assistance they need.

Across all our priority communities we will support people living in regional areas⁵, recognising that they face additional legal needs and barriers to accessing legal services.

³ LGBTIQ Legal Service (2020). *LGBTIQ Legal Needs Analysis – Reflections on legal need and future planning from our two-year pilot program.*; Zoe Hyde et al (2014). *The First Australian National Trans Mental Health Study: Summary of Results.* School of Public Health, Curtin University; Australian Human Rights Commission (2014).

⁴ O'Halloran, K (2015). *Family violence in an LGBTIQ context.* DVRCV Advocate, 2 (Spring Summer), pp.10-13.

⁵ Regional areas include all 48 regional and rural council areas in Victoria – see <https://www.rdv.vic.gov.au/victorias-regions>

3. Vision and mission

Our vision reflects our long-term dream of the future:

Our Vision

A fair, safe and inclusive Victoria where every LGBTIQ+ person is treated with dignity and respect before the law

Our mission articulates the overarching reason why we exist:

Our mission

To improve the lives of LGBTIQ+ people in Victoria by providing safe and inclusive legal services and addressing systemic inequality



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