



Equality Tasmania's 2021 State Election LGBTIQ+ Survey

Tasmania has some of the world's strongest and fairest relationship, discrimination and gender-recognition laws.

But we are trailing behind in other areas of law reform, and still have not adequately addressed LGBTIQ+ inclusion in education and higher rates of stigma-related mental health problems amongst LGBTIQ+ people.

This survey asks you, or your party, to commit to some of the key reforms and funding initiatives required to ensure LGBTIQ+ Tasmanians are equal and included.

You are welcome to answer the questions as you see fit, and to add further commitments if you wish.

Best wishes,
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1. Committing to urgent reforms

Conversion practices

Background:

A growing number of states are prohibiting LGBTIQ+ conversion practices. Our concern is that Tasmania may become a haven for these practices if we do not act soon.

Question:

Will you vote for legislation to prohibit efforts to change or suppress sexual orientation or gender identity, including criminal penalties for persistent change or suppression efforts?

Conversion practices have caused unspeakable damage for generations. It is known that Tasmanians have been forced into these damaging practices both here and on the mainland. The fact that the practices are delivered in quite a secretive hidden way makes them increasingly dangerous.

Labor welcomes the TLRI shining a spotlight on the damaging practice of conversion 'therapy'. In government, Labor would consult with LGBTIQ+ people and others who have been subjected to conversion 'therapies'. In government we would welcome a final report and recommendations for legislation that prohibits and criminalises these dangerous practices.

Intersex surgeries

Background:

The Tasmanian Law Reform Institute has recommended a ban on non-essential (that is, other than life-saving) surgeries or medical interventions on infants and children with variations of sex characteristics.

Question:

Will you vote for legislation to prohibit non-medical surgeries on infants and children with variations of sex characteristics?

Labor understands that there are instances where surgeries on intersex infants are required for physiological medical reasons, for example if the infant is unable to urinate or for other physical medical reasons.

However Labor does not support the use of non-medical surgeries intended to decide the gender of an intersex infant where the surgery is not required on medical grounds.

A Human Rights Act

Background:

LGBTIQ+ people have often experienced the violation of our basic civil and human rights, including the right to privacy, the right to equality and the right not to face discrimination. Unfortunately, Tasmania has no comprehensive protection for human rights.

Question:

Will you vote for a Human Rights Act to protect the human rights of all Tasmanians including LGBTIQ+ Tasmanians?

Yes! The work on establishing a Human Rights Act for Tasmania began under Labor Attorney General Judy Jackson in 2006. Since then, Labor Members have continued to engage with the local campaign for a Human Rights Act and we are committed to continuing this work and legislating when in government.

2. Protecting existing reforms

Discrimination and bullying

Background:

There have been attempts locally and nationally to water down Tasmania's much-praised Anti-Discrimination Act, despite this Act promoting inclusion and equity in Tasmanian society. The focus has been on section 17 which is the state's strongest anti-bullying law and which has been incorporated into many state government anti-bullying policies.

Question:

Do you support the retention of the Anti-Discrimination Act in its current form, including

- a) the prohibition of discrimination against LGBTIQ+ people in faith-based schools, hospitals and other services, and
- b) section 17 which prohibits bullying conduct such as humiliating, intimidating, ridiculing, insulting others?

Will you speak out against any further attempt by the Federal Government to weaken section 17 or any other section of the Tasmanian Anti-Discrimination Act?

Yes! The Tasmanian Anti-Discrimination Act was another Labor reform by Attorney-General Judy Jackson. Labor is committed to the Act and will always defend it. It should only be altered to strengthen protections, not weaken them.

State Labor has spoken out against the Federal Government's attempts to weaken Section 17 of the Act in their federal laws. Labor Shadow Attorney-General Ella Haddad wrote to the ALP Federal Caucus to describe the protections and obligations created by the Tasmanian Act and to urge Federal Labor to ensure no weakening of the protections in the Tasmanian Act.

Gender recognition

Background:

There have been calls to roll back Tasmania's ground-breaking gender recognition laws despite these laws having a positive impact on the lives of trans and gender diverse people. The laws have been endorsed by the Tasmanian Law Reform Institute. It found they have none of the feared "unintended consequences".

Question:

Do you support the retention of Tasmania's 2019 gender reforms in their current form, including the choice available to

Tasmanian parents to include or remove gender on their child's birth certificate?

Yes! Labor led these reforms with the crossbenches and would not support repeal or weakening of them.

3. Enhancing deficient legislation

Expungement of historical convictions

Background:

An independent review has recommended a number of amendments to legislation regarding the expungement of historical criminal records in an effort to encourage victims of those convictions to seek expungement

Question:

Will you implement the recommendations of the review into the expungement of historical LGBTIQ+ criminal records, including compensation for those who were convicted?

Criminalisation of homosexuality is a shameful part of Tasmania's history. Labor supports legislation to expunge historic criminal records and compensation for those convicted.

The Coroner's Act

Background:

In 2015, Ben Jago was denied senior next-of-kin status by the Coroner, despite having that status under the Relationships Act. There was a similar case in 2011.

Question:

Will you amend the Coroner's Act to ensure there is a clear process for determining senior-next-of-kin and that same-sex partners are not treated differently to other partners in determining senior next of kin?

The way Ben Jago was treated after the tragic death of his partner was shameful. Labor is committed to reviewing the Coroner's Act to ensure the same situation cannot occur again.

4. Ensuring equal opportunity in education and health

State schools

Background:

Research shows LGBTIQ+ young people experience high rates of discrimination, exclusion and bullying at school. Tasmanian schools are currently benefitting from the state government-funded Valuing Diversity program which trains teachers in LGBTIQ+ issues and support LGBTIQ+ students and their families. However, funding does not meet demand.

Question:

Will you ensure there is sufficient funding to allow all teachers in state schools to have professional learning in LGBTIQ+ issues, and so all state schools can ensure their LGBTIQ+ students are supported?

Tasmanian Labor celebrates diversity among our students, knowing that diversity deepens learning for everyone. Equality Tasmania can be assured that Tasmanian Labor will work towards meeting demand for professional learning so that LGBTIQ+ students and their families are supported in all schools.

Independent schools

Background:

There is a growing number of reports about discrimination against LGBTIQ+ students in independent schools, despite the clear requirement under the Anti-Discrimination Act for schools to eliminate that discrimination.

Question:

Will you ensure that all independent schools are meeting their legal obligation not to discriminate against LGBTIQ+ students?

Tasmanian Labor has a proud history legislating to stamp out discrimination. LGBTIQ+ students, parents and teachers can be assured that a Labor Government would require independent schools to practise their beliefs within the framework of the law.

Mental health

Background:

Research shows LGBTIQ+ people experience high rates of mental ill-health due to discrimination and stigma. The state's Rethink Mental Health strategy has identified LGBTIQ+ people as one of three priority population groups. But there is insufficient funding to foster improvements. Research also shows mental health services to LGBTIQ+ people are best delivered by LGBTIQ+ specific organisations.

Question:

Will you ensure there is sufficient funding for address the much higher than average levels of stigma-related anxiety, depression and suicide ideation in the LGBTIQ+ community, with a focus on prevention and support?

Will you also ensure the bulk of this funding goes to LGBTIQ+ specific organisations?

Labor is acutely aware of the additional mental health risk factors experienced within the LGBTQI+ community, especially by young people. Labor's Health Action Plan delivers a preventative approach to mental health with the embedding of mental health workers to all 195 Tasmanian state primary and high schools. A Labor Government will liaise with the LGBTQI+ sector to explore future service delivery funding options.

Health care

Background:

Research shows many LGBTIQ+ people face discrimination in health care and have problems accessing adequate health care. Discrimination in health care can have devastating consequences.

Question:

Will you ensure there is professional development for all health care workers in Tasmania so they are able to meet the health needs of LGBTIQ+ people?

Will you also ensure health care facilities have a gender affirming health care policy?

Labor's Health Action Plan is explicitly designed to ensure that all Tasmanians receive the standard of care they deserve, inclusive of gender and sexual orientation. All public health care facilities will be guided a gender affirming health care policy under a Labor Government.

5. Policy-making and representation

Government reference groups

Background:

Several government agencies have LGBTIQ+ reference groups allowing them to consult on policies and programs that impact on the LGBTIQ+ community. Most of these have existed for over twenty years and have strong track records when it comes to ensuring our community communicates to government about the impact of laws, policies and programs. There are reference groups in education, justice, health, police and across the whole of government.

Question:

Do you support retaining these groups and ensuring they are adequately resourced?

Yes. These reference groups are a vital component of how public service agencies operate and should be retained.

LGBTIQ+ Framework

Background:

The current state government has an LGBTIQ+ framework and has launched a survey of the LGBTIQ+ community to have input into updating the framework.

Question:

Do you support having an LGBTIQ+ Framework, updating it based on the findings of the current survey, and ensuring the Government response to the findings of the survey is properly funded?

Yes. Labor is committed to listening to the results of the survey once released and strengthening the Framework.

Peak body funding

The LGBTIQ+ community is one of the few minority communities that does not receive government funding for a peak body to develop policy and represent it.

Do you support funding for an LGBTIQ+ peak body?

Peak bodies play a vital role in advocating for service providing organisations as well as cohorts of the community. Labor is committed to working with the LGBTQI+ community, existing advocacy groups and service organisations to establish the groundwork for a peak body to represent the needs of the community at a systemic level. Labor is committed to researching what models exist for this in other jurisdictions to ensure a Tasmanian approach reflects best practice.