



Transgender Victoria - Drummond Street Services Office

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To George Carrington Solicitor to the Victorian Coroner

By email: [REDACTED]

TGV Second submission to the CORONIAL INVESTIGATION INTO THE DEATHS OF 5 TRANSGENDER WOMEN TRANS AND GENDER DIVERSE SUICIDE CLUSTER

1 November 2023

Prepared by Michelle McNamara

Chair of Advocacy Committee, on behalf of

Transgender Victoria

Content Warning: This submission contains details of suicide and suicidality.

Please contact support services if you are affected.

Support services are

Emergency support

Switchboard (<https://www.switchboard.org.au>) & Rainbow

Door (<https://www.rainbowdoor.org.au/>) on 1800 729 367 or text 0480 017 246 or email support@rainbowdoor.org.au . Switchboard operates a national LGBTIQA+ help line from 3pm to midnight 7 days a week. If outside those hours try

Lifeline (<https://www.lifeline.org.au>) on 13 11 13 or text 0477 13 11 14

Beyondblue (www.beyondblue.org.au) on 1300 224 636.

General Support

Queerspace (www.queerspace.org.au) on 9663 6733

Thorne Harbour Health (<https://thorneharbour.org/lgbti-health/mentalhealth/counselling/>) on 1800 134 840

Resources specifically relating to suicide are also available through <https://www.charlee.org.au/>

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Summary

This document is our second submission to the Coroner following our submission dated 14 September 2023. All of the information in our earlier submission remains relevant to the Inquest.

In this submission, we address the following:

1. The relations between Victoria Police (Police) and the trans and gender diverse (TGD) community. These relations are at an all-time low following the critical incidents reported below, and in particular, the events of 18 March 2023. The various issues detailed below present a threat to the emotional and social wellbeing of TGD Victorians and their mental health.
2. The position of the TGD community and their relationships with the broader Victorian community, particularly, their emotional and social wellbeing supports. TGV discusses below the large potential to fill the unmet need for more emotional and social supports necessary for the mental health and wellbeing of TGD people.

TGV provides further detail on both these areas below in line with the draft scope for the Inquest confirmed by the Coroner at the directions hearing on 13 October 2023 (Draft Scope).

Recommendations

TGV's recommendations are set out below.

In relation to items 1 and 2 of the Draft Scope:

1. Ensure the Police devote adequate resources to improving their relationships with the TGD community and providing "safe inclusive and respectful policing" to TGD Victorians. Specific actions are described below.

In relation to items 3-6 of the Draft Scope, and in particular, item 6:

2. Ensure the provision and funding of peer support programs for TGD adults, adolescents and children, including ongoing core funding for the peer support program managed by TGV beyond 2024;
3. Develop a strategy to ensure the ongoing development of comprehensive programs of social and emotional support for TGD Victorians led by the Victorian and federal governments;
4. Specific support for TGD people with social issues, such as alcohol and other drug (AOD) issues, disability, neurodiversity, mental health, homelessness, employment, family violence and eating disorders;
5. Ensure TGD people input into the Victorian suicide prevention framework;
6. Ensure the cultural safety of TGD prisoners and support the development of culturally appropriate TGD rehabilitation programs.

Victoria Police and initiatives relating to the TGD community

TGV welcomes the examination of Police policies, procedures, training, and initiatives relating to the TGD community in the Draft Scope and appreciates the detail in the submission of the Deputy Commissioner of Victoria Police dated 8 September 2023 (Police Submission). We note that the Deputy Commissioner is preparing a second submission to the Coroner. We would like to reserve our option to update our position in this submission based on any new or further comments the Deputy

Commissioner may make. TGV notes that the Police Submission references the steps that the Police have taken to ensure that the Police is a “safe, inclusive and respectful workforce”. TGV believes that in relation to the TGD community, the Police have failed and will provide further detail on the reasons for that statement below.

Overall, TGV believes that parts of the Police would genuinely like to improve relations with the LGBTIQ+ community in general and the TGD community in particular and notes the efforts described in the Police Submission. TGV particularly acknowledges the Police LGBTIQ+ Reference Group (PRG) of which it has been an active member since its inception in 2014. TGV also acknowledges the work of the Priority Communities division and the LGBTQIA+ Liaison Officer (LLO) program.

The PRG provides a valuable forum for communication in relation to LGBTIQ+ inclusiveness in general and critical incidents, including the case of BF. However, the Police have often been slow to deliver meaningful actions in response to issues raised with the PRG. The Police have also been reluctant to communicate these publicly to the LGBTIQ+ community. Hence, TGV and other community organisations find participation in the PRG and its recently reconvened TGD subcommittee frustrating and not very productive. By way of example, in relation to BF, it was recognised at the 2021 Q1 PRG meeting immediately following BF's death that the missing persons process needed to change, and the list of people at risk of suicide when reported missing should be updated to include transgender people. The Police Submission suggests that these recommendations have not yet been actioned two and a half years later.

The TGD community has historically had low trust in the Police and recent events (particularly those of 18 March 2023) have almost totally destroyed that trust. TGV submits that many Police officers have a negative view of TGD people. This is evident most visibly in the events of 18 March 2023 and the Dani Laidley case¹ (where a former detective of the year discussed Dani as “full-blown tranny” and shared photos of Dani inside St Kilda Police Station). TGV submits that this negative view is most likely fuelled by one or all of systematic prejudice, conscious and unconscious bias in a significant proportion of Police officers. Improving the views of Police officers and decreasing the prejudice, conscious and unconscious bias of the Police against the TGD community is an important and necessary first step to improving relations between the TGD community and the Police. The question of bias in relation to the broader community is discussed in the second part of this submission.

The unsatisfactory nature of the relationship between the Police and the TGD community has been the subject of ongoing conversations with the Police at PRG and in various forums, including the TGD subcommittee of the PRG. These conversations have discussed surveys conducted in 2017 by the Victorian Pride Lobby (VGLRL) and TGV showing a deep distrust of the Police within the TGD community. The Police also commissioned an investigation by Gay and Lesbian Health Victoria (now Rainbow Health Victoria) into their relationship with same sex attracted and gender diverse young people. This investigation, which was completed in 2018, also indicated a deep distrust of the Police within that community, most of whom are TGD. Anecdotally, we are aware that many TGD people, in particular young adults and youth, are reluctant to call 000 even when their safety is threatened, or their lives are in danger.

Since 2018, Police relations with the broader LGBTIQ+ community and the TGD community in particular have deteriorated² despite statements by the Police that there have been attempts at improvement as detailed in paragraphs 35-38 of the Police Submission. TGV submits that:

¹2022 Detective sent offensive messages about Laidley to WhatsApp friends, court told. The Age online Feb 23, 2022 <https://www.theage.com.au/national/victoria/detective-sent-offensive-messages-about-laidley-to-whatsapp-friends-court-told-20220223-p59yvp.html>

² 2021 “Survey of Victoria's LGBTIQ+ community reveals distrust in police” ABC online posted 17 Nov 2021 <https://www.abc.net.au/news/2021-11-17/lgbtiq-community-survey-attitudes-towards-police/100608922>

- the events of 18 March 2023;
- the raid on Hares and Hyenas;
- the treatment of Dani Laidley in police custody in St Kilda Police Station;³ and
- the treatment of other marginalised groups, including the indigenous population and neurodiverse people,

have all contributed to increased levels of distrust.

This distrust increased enormously within the broader LGBTIQ+ community and in particular the TGD community in the aftermath of the events of 18 March 2023 when neo-Nazis gathered on the steps of the Victorian Parliament and shouted abuse with the phrase “kill TGD people”, clearly intended to provoke and incite the group of trans rights protesters present.

An independent monitoring group (MALS)⁴ reported:



Figure1 neo-Nazis Victorian Parliament steps

- a biased and discriminatory approach to crowd management by police
- the lack of any attempts by the Police to prevent, intervene in, or restrict the actions of the neo-Nazi group; and
- the Police not intervening in or preventing highly distressing, provocative, prejudice-motivated behaviours and messaging by anti-trans, neo-Nazi groups and individuals.

Several aspects of this event were distressing to the TGD community and the Police actions have caused great concern. These are detailed in the MALS report along with recommendations for an independent IBAC inquiry into the Police (in)actions on that day. This inquiry has not eventuated.

The lack of confidence of TGD people in the Police which was evident in 2017 is now worse, with many TGD people unwilling to contact the Police in the event of serious emergencies and threats of violence against persons, including intimate partner or family violence in the home, and threats to property. TGV is concerned about this lack of confidence in the Police, particularly in light of the serious threats against the TGD community by right wing organisations. TGV is concerned that if relationships deteriorate further, TGD people may not consult the Police where appropriate, for example, in cases of missing persons at risk of suicide or threats of imminent suicide. In a situation where threats of violence against TGD people and events involving them are increasing, it is critical that the TGD community has trust in the Police.⁵ It is conceivable that TGD people may take their defence against threats of violence into their own hands instead of relying on the Police and the justice system to protect them.

This is evident already with the formation of the “highly visible, peaceful, supportive” Rainbow Community Angels group⁶ who support events particularly targeting young TGD people. These events are designed to improve mental health and reduce social isolation and are increasingly under threat from far-right extremist violence. TGV supports this group and peaceful action but is concerned that TGD groups may resort to counter violence in their defence if they feel unable to

³2022 The Age online Feb 23, 2022 <https://www.theage.com.au/national/victoria/detective-sent-offensive-messages-about-laidley-to-whatsapp-friends-court-told-20220223-p59yvp.html>

⁴ 2023 Statement of Concern: Policing of opposing anti-trans & trans rights rallies Melbourne Activist Legal Support 20 March 2023 <https://mals.au/2023/03/20/statement-of-concern-policing-of-opposing-anti-trans-rally-trans-rights-rallies/>

⁵ 2023 What’s behind the ‘terrifying’ backlash against Australia’s queer community? The Guardian online March 25, 2023 <https://www.theguardian.com/australia-news/2023/mar/25/whats-behind-the-terrifying-backlash-against-australias-queer-community>

⁶ 2023 Rainbow Community Angels to Protect LGBT Community at Drag Storytime Events in Melbourne <https://www.starobserver.com.au/news/national-news/victoria-news/rainbow-community-angels-to-protect-lgbt-community-at-drag-storytime-events-in-melbourne/223702>

TGV also submits that if the Police genuinely want to build a safe, inclusive and respectful workforce, they need to commit to a more rapid response to critical events, including the events of 18 March 2023. It is now over 6 months since those events and all the Police have communicated to the PRG is that there is an inquiry by “an eminent King’s Counsel” in progress (2023 Q2 PRG) and an internal investigation in progress (2023 Q3 PRG).

access support from the Police. TGV is also concerned that the cancellation of events which support TGD young people will lead to poorer mental health and increase in suicidality and suicides.

TGV appreciates the support of the Police LLOs. However, since 2008, the Police have mostly had only one or two full time officers working as LLOs. The other LLOs have been entirely voluntary and are not resourced to undertake effective programs to support the LGBTIQ+ community. In addition, it is difficult to identify a local LLO. Currently, the only way to identify a local LLO is by enquiring via “a police officer at your local police station,”⁷ but this may be problematic, especially if the officer might not be engaging in respectful policing of the LGBTIQ+ community. The MALS report notes that at the event on 18 March 2023, LLOs were either in plain clothes or indistinguishable from other Police officers. They were not wearing any rainbow flags or other insignia on their uniforms identifying their role. When asked by a legal observer why LLOs were not identifiable, they stated that protestors wanting to speak with an LLO could ask individual officers if they were an LLO. In the context of displays of hatred towards TGD people and reportedly heavy and aggressive policing, the suggestion that people go to individual officers until they find an LLO is obviously unrealistic and shows an indifference both to the wellbeing of queer and trans protestors and to the facilitation of a meaningful on-the-ground relationship with LLOs.



Figure2 Rainbow Angels at Eltham Library

TGV is advocating for visible evidence of change, communicated clearly to LGBTIQ+ communities, including:

- an increase in the number of full-time LLOs to ensure that there is at least one for each police region in the state (at least 4 FTEs for the state) and preferably one for each division;
- the development and maintenance of an accurate and up to date online public facing list identifying each LLO, whether full time or volunteer, indexed with their station;
- ensuring that volunteer LLOs have adequate time to devote to training and ensuring that the Police provide “a safe, inclusive and respectful workforce” in interactions with the TGD community; and
- ensuring that LLOs are visible at all times when in uniform, particularly at events such as those on 18 March 2023.

The Police should apologise publicly to the TGD community for these events and commit to urgent and public communication with the TGD community about the ways such biased and discriminatory policing will not occur again.

In relation to paragraph 39 of the Police Submission, TGV submits that the review of the Police's LGBTIQ+ cultural sensitivity training should be comprehensive and consider the effectiveness of the whole of force training in relation to priority communities. LGBTIQ+ community organisations should be involved in reviewing the training in order to improve its scope and effectiveness, and be

⁷ 2023 “LGBTIQ liaison officers” Victoria Police website accessed 31 Oct 2023 <https://www.police.vic.gov.au/LGBTIQ-liaison-officers>

remunerated for their consultation. At a minimum, LGBTIQ+ awareness training should be mandatory for all existing and new staff, and the process of community encounters with TGD people should be made mandatory for all serving Police officers and new recruits. Community encounters are a process whereby new recruits meet members of priority communities in their training at the Police academy.

As raised at the 2016 Q4 PRG meeting, training alone is not enough; although, having more widespread mandatory training is an essential component of effectively recognising the human rights of TGD people. Accountability is critical and suggestions made at the PRG since 2016 include:

- changing the Law Enforcement Assistance Program (LEAP) database to allow more than two genders be recorded (see below for further details);
- making performance pay or allowances dependent upon satisfactorily complying with LGBTIQ+ inclusion initiatives;
- making promotion dependent upon complying with these initiatives;
- introducing penalties for not complying with these initiatives;
- communicating actions to improve accountability to the LGBTIQ+ community;
- the need for more public communication of Police initiatives in the area of LGBTIQ+ relationships;
- the need for support of volunteers attending community encounter sessions;
- the need for more paid LLOs – volunteer LLOs report little or no supported Victoria Police capacity or hours to devote to LGBTIQ+ support; and
- better visibility of LLOs.

TGV is certain that competent managers in the Police could find many more.

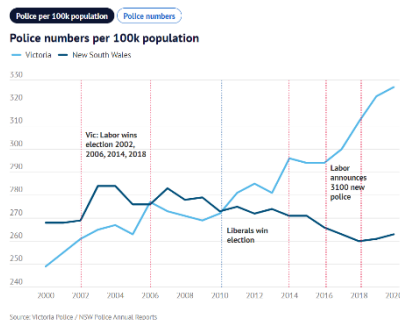


Figure 3 Police numbers - NSW and Vic

It appears that little to no action has been taken in the intervening 7 years to mandate force wide training and implement the accountability initiatives listed above. The Police often cite availability of resources as a reason for their inaction. However, the Police have not indicated the extent to which they have requested the resources required. The lack of resources devoted to these matters reflects a lack of concern or prioritisation of the human rights of core priority communities. We note the Police

Submission refers to the large increase in force numbers. TGV

further notes that funding provided to the Police over the last 10 years has reportedly grown to \$4 billion pa including in 2016 the provision of 3,100 extra police at a cost of \$2b.⁸ The Police is now the largest police force in Australia, outstripping even NSW with a larger population and larger area to police.

In relation to “safe inclusive and respectful policing” of TGD Victorians, the lack of commitment of the Police is indicated by their slowness to act on the LEAP database. The LEAP database is used as the primary means to record criminal incidents reported to Police for use in crime management. The Police upgraded this database, described as “notorious” and a “thorn in the side of the police”, in 2016.⁹ In 2017, the fact that this database only permits male and female genders to be entered was reported to a PRG, a critical issue for most TGD people. The Police undertook to change the database

⁸ 2021 “Thick blue line: Victoria builds the country’s biggest police force” The Age online posted 13 November 2021

<https://www.theage.com.au/national/victoria/thick-blue-line-victoria-builds-the-country-s-biggest-police-force-20211109-p59767.html>

⁹ 2016 Victoria Police extends life of 25-yr-old LEAP database IT News online Oct 28 2016 accessed 31 Oct 2023

<https://www.itnews.com.au/news/victoria-police-extends-life-of-25-yr-old-leap-database-440240>

to include other genders, recognising that TGD people may affirm genders other than male or female. The Police reported at a subsequent PRG that the database could not be altered in this way. Further investigation found that the replacement of the now ageing LEAP database would be expensive and that funds would be sought. Relevantly, a major upgrade to the database had been funded the previous year.



Figure 4 officer using LEAP database

At a recent meeting of the TGD subcommittee of the PRG, the Police commented that a pilot program to amend the LEAP database to include more genders or at least 'other' as a gender was underway. TGV submits that the Police have gained much extra funding in recent years and should have been able to either request more funds for necessary upgrades to its LEAP database or devote resources to a useful workable solution using the existing database.

Furthermore, the Police should have made this a priority. The Victorian Labor government flagged its intent to change the birth certificate legislation to allow TGD people to change their birth certificate to genders other than male or female in 2014, and succeeded in doing so 4 years ago in 2019. The inadequacies of the Police's primary database in relation to TGD people is now not only disrespectful of the TGD community, but also legally and materially inaccurate. This example shows why TGV is frustrated with the Police and the PRG process to provide "safe inclusive and respectful policing" to TGD Victorians.



Figure 5 TGD demonstrators report that the large police presence was intimidating

TGV submits that the critical incidents occurring in relation to the raid on Hares and Hyenas, the treatment of Dani Laidley in police custody in St Kilda Police Station¹⁰ and the demonstration on 18 March 2023 with arrests of TGD protestors and the lack of action in relation to neo-Nazis who were advocating for their murder, while vilifying TGD people in the process, has totally eroded TGD people's confidence in the Police. MALS legal observers at the 18 March

2023 protest expressed concern about the vulnerability of some protesters who were TGD, who could find the large Police presence unsettling and difficult.

In light of these incidents, it is unlikely that TGD people will have any confidence in any Police initiatives to improve relationships with the TGD community. TGD people are unlikely to contact the Police in cases such as attempted suicide, domestic or intimate partner violence, and/or risk of serious harm to physical safety.

The lack of confidence in the Police which was evident in 2017 is now worse with many TGD people unwilling to contact the Police in the event of serious emergencies and threats of violence against persons and threats to property. Of great concern is the willingness of the Police to rely on the TGD community to take care of its own without Police support, as shown in the BF case. TGV is concerned that this combined with the threats the TGD community is facing may lead to the TGD community developing a vigilante culture to defend itself rather than relying on the Police and the justice system.

An immediate apology and a public commitment to action all items listed in the MALS report might enable the start of the long journey needed to develop the trust of the TGD community in the Police.

¹⁰2021 "Survey of Victoria's LGBTIQ+ community reveals distrust in police" ABC online posted 17 Nov 2021 <https://www.abc.net.au/news/2021-11-17/lgbtiq-community-survey-attitudes-towards-police/100608922>

This apology and commitment would need to be followed up in the short term with tangible substantial action regularly communicated publicly to the TGD community.

TGV notes that the Police Submission at paragraph 35 outlines some of the approaches to improving relations between the Police and the TGD community. TGV submits that the fundamental issue with Police relations with the LGBTIQ+ community is to be found in the outright prejudice, explicit bias and implicit bias against TGD people as discussed in the next section of this submission. Police are not different from the broader Victorian community and acknowledging and addressing this issue is fundamental to progressing the acceptance of TGD Victorians and will underpin improvement in their mental health and reduction in suicidality.

Social and emotional wellbeing of TGD community and their social status in Victoria

In the Draft Scope, the Coroner included availability of and issues concerning the provision of culturally appropriate gender affirming:

- care to TGD people in Victoria;
- suicide prevention and postvention supports; and
- social and emotional wellbeing supports to TGD people in Victoria,

with a view to identifying prevention opportunities. TGV has dealt with at length the issues of gender affirming care and suicide prevention in the TGD community and defers to Switchboard on the question of postvention supports.

For social and emotional wellbeing support initiatives to be effective, the social status of TGD people needs improvement. TGV is acutely aware of the need to improve the social and emotional wellbeing supports to TGD people in Victoria as well as their access to care services. As described in our first submission, TGV has as its core strategic imperative

“Working towards a world where trans and gender diverse (TGD) people are welcomed, valued and celebrated as full participants”¹¹.

TGV acknowledges the support of the Victorian government, including through legal, health care and social support for TGD Victorians, which has substantially improved the lives and mental wellbeing of many TGD Victorians. This support has led to an unprecedented number of Victorians openly affirming their gender and demand for support has grown exponentially in recent years. This increase has been accompanied by an inability of the support services (including our own) to meet the demand. The State government provided more funding in the various recent budgets, but more is needed and the Federal government needs to step in to address what is a national as well as a state issue. To date, TGV has no core ongoing funding to depend on, and we are perpetually dependent on pulling together resources from donations, fundraising and project-based initiatives supported by state government on contingent 2-to-4-year cycles.

In this section of the submission, we first discuss the social status of the TGD community, which TGV believes underpins the historical and ongoing neglect of the provision of gender affirming care to TGD people, and also underpins the lack of social and emotional wellbeing supports available to the TGD community. This relatively poor status is derived from outright prejudice against TGD people, as

¹¹ 2020 TGV Strategic Plan 2020-2023

well as conscious and unconscious bias, which determines the response to TGD people by major parts of society affecting all parts of TGD people's lives.

Impact of Media on the Social and Emotional Wellbeing of TGD people

Of particular importance in the social and emotional wellbeing of TGD people is the overwhelmingly negative framing of TGD people in the media and the growing amount of deliberately and inadvertently spread misinformation about them. The press is a powerful force, capable of breaking down prejudice and social divisions and giving voice to otherwise marginalised and vulnerable populations when properly serving the public interest. Unfortunately, TGD people are significantly under-represented and largely voiceless in Australian media about transgender topics.

A recent report on the depiction of TGD people in the media¹² indicates that over 90% of the 1317 articles analysed "framed transgender people and issues negatively" and that the introduction of Press Council guidelines for reporting TGD people had minimal, if any, impact. Sadly, others have reported that research indicates that "reporting standards about transgender people in News Corporation mastheads have been regressing, with increasing rates of hostility, ridicule, and demonisation of transgender people from 2016 through 2023"¹³.

TGV supports the Murdoch Media Inquiry Bill currently before the Senate, which seeks to establish a parliamentary commission of inquiry into the current state of media diversity in Australia and the conduct of media outlets operating in Australia¹⁴. It is well established that the exposure of TGD people to negative news stories adversely affects their mental health by provoking experiences of depression, anxiety, and/or fear.¹⁵ Rainbow Rights Watch in its submission to the Senate inquiry into the Murdoch Media Inquiry Bill reported that:

"... several hundred unethical articles (from News Corp) ... have been employed by hate groups to recruit and justify intimidation, violence, and harassment of transgender individuals ... (and) tracked numerous articles published by News Corp Australia mastheads to the organised online hate groups CWCKi and KiwiFarms which targets vulnerable transgender individuals for multi-year harassment, defamation, swatting, and isolation campaigns. This link supporting social media hate is particularly damaging to the mental health and emotional and social wellbeing of TGD people. The KiwiFarms community considers it a goal to drive its targets to suicide, and has celebrated such deaths with (a) a counter on the website, and (b) email messages taunting family members of suicide victims. In addition to relentless harassment campaigns, members of the Kiwifarms community have also been successful in using robodialing services to congest LGBTI suicide hotlines such that they become inaccessible to at-risk individuals."

The Rainbow Rights Watch submission speaks powerfully to the real-world consequences of mainstream media attacks on TGD people and to the spillover effects in social media. Some of Kiwi Farms' activities are detailed in a recent case in the Victorian Supreme Court, where a transgender woman has just been awarded an interlocutory judgement in a defamation case against the

¹² 2020 Transgender people in the Australian press: "Bombarded by outright harassment"

<https://sydneycorpuslab.com/transgender-people-in-the-australian-press-bombarded-by-outright-harassment/>

¹³ 2023 Senate Murdoch Media Inquiry Bill 2023

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/MurdochMediaBill2023/Submissions Submission 22 by Rainbow rights watch

¹⁴ 2023 Senate Murdoch Media Inquiry Bill

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/MurdochMediaBill2023/Submissions see TGV submission 4

¹⁵ 2022 "Yes, words can harm young trans people. Here's what we can do to help" The Conversation Feb 15, 2022 <https://theconversation.com/yes-words-can-harm-young-trans-people-heres-what-we-can-do-to-help-176788>

registered owner of IP blocks which allow the hosting of the Kiwi Farms website.¹⁶ A US organisation, the Southern Poverty Law Center, links Kiwi Farms to several hate groups and describes Kiwi Farms on its website as “[a] forum with roots in 4Chan culture that has become notorious for engaging in extreme trolling, harassment, and even stalking”¹⁷

Impact of other areas in TGD peoples’ emotional and social wellbeing

Other areas where TGD people experience opposition and discrimination are:

- law enforcement (see section 1 of this submission);
- healthcare (see our first submission to this Inquest);
- social and wellbeing support (the Peer Support program administered by TGV is the first substantive initiative in this space, addressing the fact that some services actively exclude TGD Victorians – see discussion below);
- sport;
- education;
- faith communities; and
- housing.

Addressing barriers to social affirmation of gender and improving TGD peoples’ emotional and social wellbeing

In its first submission TGV pointed to the value of gender affirming support, especially health care, in improving the mental health of TGD Victorians and reducing suicidality. In this submission, we want to focus on:

- the barriers TGD people face in affirming their genders across all dimensions of their life;
- how these barriers might be addressed; and
- further initiatives to improve emotional and social wellbeing supports to TGD people.

Barriers to TGD people Affirming their Gender

TGV in its first submission pointed to the opposition that TGD people can experience in affirming their gender across all dimensions of their life. One of the critical barriers that TGD people face is the lack of emotional and social support required to affirm their gender. TGD people need to overcome opposition rooted in prejudice, conscious and unconscious bias initially and on an ongoing basis, sometimes daily¹⁸. Surveys show that the majority of people explicitly support transgender rights and LGBTIQ+ rights, including the Marriage Equality plebiscite. However, there is a significant portion in Australia and Victoria (around one third) who explicitly oppose TGD and LGBTIQ+ rights¹⁹.

US studies have confirmed that both explicit and implicit attitude measures show robust preference for cisgender (over transgender) people²⁰. However, it must be recognised that even where cisgender people are explicitly supportive of TGD people, implicit transgender attitudes show bias,

¹⁶ 2023 Defamation in the internet age: could a \$400,000 Australian court ruling silence the notorious online forum Kiwi Farms? The Guardian online Oct, 23, 2023. <https://www.theguardian.com/society/2023/oct/23/defamation-in-the-internet-age-could-a-400000-australian-court-ruling-silence-the-notorious-online-forum-kiwi-farms>

¹⁷ 2023 Southern Poverty Law Center See for example <https://www.splcenter.org/fighting-hate/extremist-files/group/atomwaffen-division>

¹⁸ 2023 “Fuelling Hate” Victorian Pride Lobby and TransJustice project <https://transjustice.org.au/fuelling-hate-report-blog/>

¹⁹ 2016 Public Support for Transgender Rights: A 23 Country Survey UCLA School of Law Williams Institute Dec 2016 <https://williamsinstitute.law.ucla.edu/publications/trans-rights-23-country-survey/>; 2017 Australian Marriage Law Postal Survey, 2017 Australian Bureau of Statistics <https://www.abs.gov.au/ausstats/abs@.nsf/mf/1800.0>

²⁰ 2021 Implicit Transgender Attitudes Independently Predict Beliefs About Gender and Transgender People Pers Soc Psychol Bull. 47(2):257-274 doi: 10.1177/0146167220921065. Epub 2020 Jul 1

including transphobia, negative attitudes to public policy support, and general gender-related beliefs, such as sexism and gender essentialism, which are antithetical to TGD identities.

Combatting the explicit and implicit biases towards TGD people in Victoria is a long-term goal for TGV and many other TGD organisations. There is a need for the government to show more leadership in this area, noting the Victorian government's proposal to reduce discrimination in the Pride in our future: Victoria's LGBTIQ+ Strategy 2022–32 and discussed further below.²¹

Social and emotional wellbeing

Social and emotional wellbeing is critical to TGD mental health. Social and emotional wellbeing emphasises the importance of

- individual, family and community strengths and resilience;
- feelings of cultural safety and connection to the TGD community; and
- the importance of realising aspirations and experiencing satisfaction and purpose in life.

Importantly, social and emotional wellbeing is a source of resilience, which can help protect TGD people against external stressors and mitigate the risks of poor mental health. For TGD people, this area has largely been neglected, with self-help volunteer peer support groups working with little to no funding, which significantly impacts the support they can provide to TGD people. Often it is difficult to link these small groups with TGD people in need of their support.

Models for social and emotional wellbeing can be found in the following documents:

- Aboriginal Victorians Balit Murrup: Aboriginal social and emotional wellbeing framework 2017–2027.²²
- The National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing refresh of the framework 2017-2023²³.

Both frameworks were developed with deep indigenous engagement and address important dimensions of social and emotional wellbeing. The Victorian framework describes the rationale for such support in the following terms:

“Aboriginal people and communities are more likely than the general population to face risk factors for poor mental health and barriers to emotional and social wellbeing. This includes mental illness; drug and alcohol abuse; family violence; self-harm and suicide; all of which are experienced by Aboriginal Victorians at significantly higher rates than non-Aboriginal Victorians”

Although the discrimination and stigma experienced by TGD Victorians is different to Aboriginal Victorians, the statement above could easily apply to TGD people. The outcomes for TGD people in terms of poor mental health and lack of access to culturally safe services have great similarity. The levels of disadvantage and poor mental health experienced by many TGD Victorians is also similar to that experienced by Aboriginal Victorians and similar initiatives are needed for TGD Victorians to

²¹ 2022 Pride in our future: Victoria's LGBTIQ+ strategy 2022–32 Dept of Families, Fairness and Housing, Victorian Government <https://www.vic.gov.au/victorian-lgbtqi-strategy>

²² 2017 Aboriginal Victorians Balit Murrup: Aboriginal social and emotional wellbeing framework 2017–2027. Victorian Department of Health and Human Services <https://www.health.vic.gov.au/priorities-and-transformation/supporting-the-social-and-emotional-wellbeing-of-aboriginal-and>

²³ 2023 The National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing <https://www.niaa.gov.au/indigenous-affairs/closing-gap/implementation-measures/national-strategic-framework-aboriginal-and-torres-strait-islander-peoples-mental-health-and-social-and-emotional-wellbeing>

reduce poor outcomes. In the following sections, we first address the barriers to gender affirmation and then some of the further emotional and social supports needed.

Addressing barriers to gender affirmation in Victoria

The initiatives TGV will discuss in this section are:

- initiatives aimed at addressing discrimination against TGD people in Victoria;
- the provision of cultural safe services across all 3 levels of government and in other organisations;
- peer support services; and
- government led social service support.

Addressing discrimination against TGD people in Victoria

TGD people face hate speech and discrimination, many on a daily basis²⁴. Addressing this discrimination is a long- term cultural change process. The Victorian government has committed to eliminating discrimination as part of its LGBTIQ+ Strategy²⁵. Without providing details on how it will achieve this aim, it has said:

“By targeting LGBTIQ+ discrimination, stigma and abuse before it happens, we can remove the influences that we know lead to poorer health and wellbeing outcomes for LGBTIQ+ people. Addressing stigma and discrimination would begin to enable equal access to all parts of society and create a stronger, more cohesive community.”

Such an ambitious cultural change program will take time to achieve. To progress this cultural change program, TGV recommends that the Victorian government applies the principles described in the Diversity Council of Australia's (DCA) report on their research into LGBTIQ+ inclusion at work,²⁶ which demonstrates that LGBTIQ+ inclusive workplaces with a higher percentage of ‘out’ LGBTIQ+ employees have the positive characteristics listed in Figure 6.

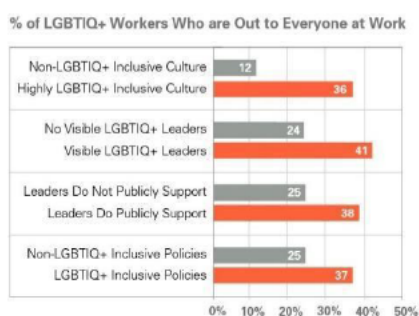


Figure6: The characteristics of LGBTIQ+ inclusive organisations

TGV recommends that the Victorian government apply these principles in its workplaces, ensuring that government funded organisations, such as the Police, also apply these principles, and promote their application to the other two levels of government. The Victorian government could also promote the application of these principles to organisations and corporations outside of the government sector and apply pressure to any organisation that receives funding from the Victorian government. It should also promote the application of these principles to the Federal government for their use nationwide.

The DCA research shows that employees in organisations which are highly LGBTIQ+ inclusive are at least twice as likely to achieve, innovate and provide excellent customer service than employees in organisations with non-inclusive cultures (see Figure 7). Other research shows that across all dimensions of diversity and inclusion, more diverse workplaces, in addition to being more positive places to work, are more productive and have an improved economic output. For example, having 10% more women at the top tier of businesses could add 6.6% to the value of ASX listed companies

²⁴ 2023 “Fuelling Hate” Victorian Pride Lobby and TransJustice project <https://transjustice.org.au/fuelling-hate-report-blog/>

²⁵ 2022 Pride in our future: Victoria's LGBTIQ+ strategy 2022-32 Victorian Government <https://www.vic.gov.au/victorian-lgbtqi-strategy>

²⁶ 2018 Out at Work: From Prejudice to Pride Diversity Council of Australia <https://www.dca.org.au/research/lgbtiq-out-at-work>

equating to \$105 million in market value.²⁷ Other studies have shown similar positive effects of more inclusion of CALD people at the top tier of businesses. If Victoria and/or Australia was more inclusive, we posit that this could improve the economic performance and productivity in the state and/or country.

Provision of culturally safe services in all 3 levels of government and in other organisations

TGD people encounter difficulties in accessing services in a culturally safe way across all 3 levels of government and in organisations both private and public in Victoria. The measures to reduce discrimination and improve inclusiveness suggested above could lead organisations to provide culturally safe services.

The approach adopted by the Coroner in the directions hearing in welcoming TGD people, ensuring respectful use of preferred names, affirmed gender, preferred pronouns and the avoidance of pathologizing language is a great first step in developing a culturally safer space for TGD people.

However, the development of cultural safety requires a comprehensive approach as envisaged for Indigenous people in Australia and often applied to first nations people in other countries. It involves a 4-step model²⁸ involving progression from cultural awareness, to cultural sensitivity, though cultural competence and arriving at cultural safety. Cultural awareness or sensitivity is not enough to develop true cultural safety. True cultural safety involves:

- a systematic change in organisational cultural mindset;
- removing prejudice, explicit and implicit bias; and
- a systemic outcome that requires organizations to review and reflect on their own policies, procedures, and practices in order to remove barriers to service delivery.

TGV helps organisations develop true cultural safety for LGBTIQ+ communities and TGD communities in particular through its bespoke and off the shelf training packages and consultancy on culturally sensitive policies, procedures and practices. TGV has supported a large range of organisations, including all 3 levels of government, statutory authorities, companies and not for profit organisations in this way. We are consequently highly alert to the lack of capacity of most services to accommodate the needs of non-binary and/or gender-fluid people who often have no space in which to be visible let alone healthy. Erasure is manifest in many binary gendered systems and symbols, from intake forms to bathroom access.

Peer support services

TGV has managed the TGD peer support project that the Victorian Government has funded since its inception in 2019. It is currently in its second iteration with a new round of funding from 2022-2023. Often, the term ‘peer support’ is used to refer to mental health services provided by an individual of a shared identity. In the TGV context, peer support is the sharing of skills or experiences in an environment which is led by fellow TGD individuals/organisations.



Figure 7 How LGBTIQ+ cultures drive performance

²⁷ 2020 Gender Equity Insights 2020 BCEC/WEGA Gender Equity series <https://www.wgea.gov.au/newsroom/more-women-at-the-top-proves-better-for-business>

²⁸ <https://www.aihw.gov.au/reports/indigenous-australians/cultural-safety-health-care-framework/contents/background-material>

This project is an important source of social and emotional wellbeing support for TGD Victorians and has supported over 70 individual support programs in its first edition. Previously supported programs have included a wide range of TGD led activities, including writing circles, community choirs, arts workshops, support for incarcerated TGD people, physical health activities, providing free access to binders, podcasts, support groups, practical tool skills workshops, and more. Modest funds are provided to TGD led organisations, with up to \$1,800 for seed or grassroots programs and up to \$7,000 for programs that are larger, collaborative and sustainable or scalable. These organisations depend largely on volunteer efforts to leverage the small amount of funding that they receive to have great impact. In addition to funds, TGV can provide support in the form of networks, promotion, resources, and training.

At Transgathering in March 2019 – an historic and landmark event, and the largest known coordinated and organised gathering of TGD people – TGD community members under the guidance of the Commissioner for Equality (Ro Allen, themselves a TGD community member) met to provide the foundation of shared vision and focus for the first iteration of the project. The vision was articulated in an agreed aspiration statement: “All TGD people in Victoria feel a sense of belonging and safety in their communities and participate fully as a valued member of society.” This vision and focus has been maintained in the second iteration of the project and has extended to offer employment skills and capacity building, expanding the value of the project to the emotional and social wellbeing of the Victorian TGD community.



Figure 8 Transgathering March 2019
Melbourne

The project is managed and administered by TGV but is independently governed by committees of wholly TGD people. Proposals for funding are reviewed and approved by a TGD led application selection community steering committee with oversight from the office of the Commissioner for LGBTIQ+ communities. A report on the first edition of the project, which ran from 2018-2021, is available²⁹. The first iteration of the project ran during the COVID pandemic creating additional challenges for the program as articulated in this statement from a participant: “the COVID-19 pandemic has strongly highlighted the importance of community connections, and detriment isolation can have on wellbeing, especially for already marginalised groups such as trans and gender diverse people. With this in mind the aim to bring people together in whatever ways possible at these times has become even more important.”- Zara Jones (Spark & Big Ideas facilitator – TGD Bendigo & Beyond).

A further new initiative is TGV’s Affirmation Station. TGV, with some crisis support funding from the Victorian government, will shortly be opening its Affirmation Station in Melbourne. This is an important initiative for the social and emotional wellbeing of TGD Victorians. It will be an inclusive space for community care, affirmation and strength-building, where TGD people can connect, empower one another, and celebrate happy and healthy lives.

²⁹ 2021 Building towards a future - peer support report TGV
chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://uploads-ssl.webflow.com/5f3c97a8bba3c916ae4c1402/63352658d83159ed3295d661_psp-report-web.pdf

TGV has no ongoing core funding from governments and delivers projects, including the peer support, mental health support and other programs and training, with support we receive on a project basis from state government programs with some limited support for our training from the Federal government. We rely on donations and fee for service consultation and training to fund our programs and particularly rely on the support of unpaid volunteers to undertake many activities, such as the writing of this submission. Keeping the doors of our new Affirmation Station open will be challenging without core ongoing support and TGV believes that governments should provide this support. However, TGV is also innovative in seeking ways to fund its activities beyond government support. TGV believes that emotional and social support for TGD Victorians is vital for their mental health and protects them against suicidality and sees all of its actions through this lens. TGV is nevertheless struggling to meet the challenges of an onslaught against the TGD community, currently at an unprecedented level.

TGV particularly believes that the peer support project is vital to the emotional and social well-being of TGD people in Victoria and should not end in 2023 but be funded by the Victorian and/or Federal government as a program on a longer term or ongoing basis. Placing the provision and funding of peer support programs for TGD adults, adolescents and children on a sound foundation with ongoing funding for the peer support program managed by TGV is urgently needed for the social and emotional wellbeing of TGD Victorians. This important suite of programs, if given sustainability on a long-term basis, has the reach to support the more difficult to access and marginalised sectors of the TGD community, such as multicultural and multifaith TGD people, TGD people with disabilities, incarcerated TGD people, rural and regional TGD Victorians and others who particularly need the support. In addition, all TGD people need social and emotional support in these difficult times, with the very identities and existence of TGD communities under attack from an unholy coalition of far-right extremists, conservative people and politicians and a minority of feminists including trans exclusionary feminists. This attack has taken the form of verbal abuse, vilification and physical violence in the past year, including attacks on TGD people in Sydney and Melbourne and threats of violence at TGD events³⁰. The TGD community needs this project and other social and emotional wellbeing support projects to be formed into a cohesive program and placed on a firm ongoing sustainable basis. Doing so will allow TGV to take a proactive role in seeding organisations and groups of TGD people to work with their TGD communities. These organisations and groups will then be able to create resilience and sustain their mental health and social and emotional wellbeing in the face of such attacks.

Government led social service support

The Victorian and Federal governments need to provide targeted programs to supplement peer led initiatives, such as the peer support project described above. Neither government has specific strategies for social and emotional support of TGD people specifically. The Victorian government does have a LGBTIQ+ strategy and a whole-of-government LGBTIQ+ Task force (initiatives the Federal government lacks) which are important in the TGD context. However, TGV believes both governments need to do more specific programs targeted at TGD people, as we experience more targeted abuse, hatred and psychological abuse and violence than the LGB part of the LGBTIQ+ community. To focus their efforts in this area, we would recommend that both governments classify TGD people as vulnerable people and include a special program of social services for the TGD

³⁰ 2023 online media reports see: <https://www.abc.net.au/news/2023-02-23/park-assault-trans-women-port-melbourne/102012564>; <https://www.theguardian.com/australia-news/2023/mar/22/videos-urged-counter-protesters-to-attack-lgbtq-activists-outside-sydney-church>; <https://www.theguardian.com/australia-news/2023/mar/25/whats-behind-the-terrifying-backlash-against-australias-queer-community>

community. In this context, the indigenous frameworks cited above provide a model for a TGD social and emotional wellbeing framework.

TGV proposes that both governments co-develop frameworks in an initiative led by TGD people for addressing support at all stages of TGD people affirming their gender to ensure ongoing development of comprehensive programs of social and emotional support for TGD Victorians, including (but not limited to):

- specific support for TGD people with social issues such as AOD issues, disability, neurodiversity, mental health, homelessness, employment, family violence and eating disorders;
- ensuring TGD people input into the Victorian suicide prevention framework; and
- ensuring the cultural safety of TGD prisoners and support the development of culturally appropriate TGD rehabilitation programs.

The governments could employ the Transgathering approach to guide the development of the process and appoint steering committees to guide the development of frameworks under the oversight of peak TGD bodies such as TGV.

Concluding Statement

TGV again expresses its sadness at the loss of the 5 community members who were the reason this inquest is being held. We extend our condolences to the families and friends of these young transgender women. The exact frequency of suicide in the TGD community is unknown but based on the incidence of suicidality and attempted suicidality, we expect that it will be very high in comparison to the broader Victorian community and more attention should be paid to the issue of TGD suicides.

TGV is grateful that the Coroner has made improvement for the lives of TGD people as the aim of the inquest and hopes that we have been able to make a contribution to assist the Coroner with this aim by writing both submission and by giving evidence at the inquest hearing. TGV strongly believes that we must reduce the rate of these tragedies in the lives of our TGD members, their families and friends.

In relation to items 1&2 of the Draft Scope, TGV submits that the Police must devote more resources to being rapidly responsive to critical incidents and devote substantial resources to repairing relationships with the TGD community. We need the support of a Police force that can deliver “safe inclusive and respectful policing” to TGD Victorians in the face of threats to our safety which we see on an increasingly frequent basis.

In relation to items 3-5 TGV submits that the basis for delivering support to the TGD community is known, but that many more culturally appropriate support facilities and healthcare professionals need to be adequately funded to meet the increasing numbers of Victorians affirming their gender (as discussed in our first submission). In this submission we explored the dimension of social and emotional wellbeing support which is critical for TGD Victorians at all stages of their lives. TGV is grateful for the support the Victorian Government has provided especially the peer support project, but to meet and sustain the greater demand, we are in need of greater levels of financial support from the Victoria and Australian Governments.

While the core long-term issue for TGD Victorians is reducing the prejudice, and explicit and implicit bias which underpins the discrimination we experience, the proper resourcing of TGD led peer support organisations with core funding for ongoing staff is critical to providing social and emotional wellbeing support. In addition, the Victorian and Federal Governments need to develop a framework in partnership with the TGD community to ensure that comprehensive social and emotional wellbeing support is available to all TGD Victorians and Australians.