

11 April 2024

Dear Australian Human Rights Commission (AHRC),

Per invitation for submission by AHRC, [Working It Out](#) (WIO) has prepared this summary for the *Current and emerging threats to TGD human rights* national project which is mapping threats to trans and gender diverse (TGD) human rights in Australia through known existing research.

WIO is Tasmania's only dedicated support, education and advocacy service for Tasmania's lesbian, gay, bisexual, transgender, intersex, and asexual (LGBTIQ+) population. Our mission is to create change through lived-experience based education, support and advocacy which enables LGBTIQ+ Tasmanians to live their best lives.

Our responses are shaped around questions provided by AHRC and linked to Tasmanian research.

1) What are some systemic barriers or challenges faced by TGD individuals in accessing essential services such as healthcare, housing, or legal support?

- The report *Knowledge, Autonomy, and Respect: Trans and nonbinary people's experiences of medical gender affirmation in Tasmania* (2023) identified the following healthcare issues:
 - TGD Tasmanians experience inconsistent service delivery for holistic gender affirming care with barriers often preventing timely and affordable access, despite clear evidence on recognised health benefits (Grant et al. 2023). Reported issues include service gatekeeping, pathologising trans and intersex experiences, assuming binary approaches to gender affirmation, misgendering, inappropriate questioning, and lack of affordable medical services.
- Tasmania's largest LGBTIQ+ community survey report *'Just listen properly, like with intent': LGBTIQ+ Tasmanians: Telling us the story* (2021), identified the following systemic healthcare issues: (note about the data: While we are unable to disaggregate data to show outcomes specifically for TGD Tasmanians, the vast majority of research shows TGD people experiences are worse than the overall LGBTIQ+ average)
 - Healthcare practitioners widely lack knowledge, understanding, and training about LGBTIQ+ specific issues.

- Experiences of discrimination and harassment from healthcare providers. Accounts included deadnaming female patients who are transgender.
 - 14% reported needing to educate the provider because of a lack of knowledge.
 - 9% identified being asked inappropriate questions.
 - 7% identified specific needs of the person were ignored.
- *'Tasmanian healthcare professionals' & students' capacity for LGBTI + inclusive care: A qualitative inquiry (2021)* research identified:
 - Clinicians and medical students report inadequate training to prepare them to treat LGBTIQ+ patients, poor awareness of LGBTIQ+ population needs, and a lack of understanding for appropriate referral pathways in regional Tasmania.
- *The Tasmania Project: What wellbeing means for LGBTIQ Tasmanians (2021)* survey found:
 - LGBTIQ+ respondents were highly represented in lower income brackets and are more likely to work casual jobs or be unemployed than the general sample.
 - More likely to experience life limitations due to their health.
 - Less likely to own their home and are more likely to experience housing stress.
 - COVID-19 had steeper economic, social, and health impacts on LGBTIQ+ respondents, particularly in terms of income and mental health.
- The Tasmanian Housing Strategy support document *'Housing support for Tasmanians in need – May 2023'* recognised a need for:
 - Ensuring safe emergency accommodation is available for TGD people.
 - Supporting for partnerships addressing causes of housing stress and homelessness adversely especially gender diverse and nonbinary young people, and those living in regional, rural and remote areas.
 - Providing sensitivity training to prevent discrimination and ensure the timely and appropriate delivery of services to meet the specific needs of LGBTIQ+ clients.
 - Ensuring that services are available without discrimination to LGBTIQ+ people escaping family violence.

2) How do existing laws or policies either protect or fail to protect the rights and dignity of TGD individuals?

- Gender identity is recognised and protected under *the Anti-Discrimination Act 1998 (tas)*. Discrimination on LGBTIQ+ people in faith-based services in hospitals, employment

agencies, family violence prevention and support services, and housing services is currently prohibited in Tasmania (this should be prohibited consistently nationally).

- People born in Tasmania can register their correct gender through *The Justice and Related Legislation (Marriage and Gender Amendments) Act 2019* (the JRL Act). This progressive reform was nation leading in offering gender optional on birth certificates and ending the requirement to have surgery. This legislation has had a profound positive impact on people's lives and has not created any significant unintended consequences.
- There are currently no Tasmanian laws to protect TGD Tasmanians from conversion practices. Proposed state legislation to ban conversion practices (currently going through consultation phases) does not adequately protect TGD people because of wide exemptions that enable conversion practices.
- Current health policies (federal and state) do not provide financial or comprehensive surgical access to gender affirming surgery, which is a recognised healthcare need but cost prohibitive and not available in the public system.

3) Have disinformation and misinformation and/or other forms of anti-trans discrimination affected TGD individuals' ability to access education, employment, healthcare, housing, migration, and legal rights and if so, how?

- Yes, TGD people who access WIO continue to report inadequate services provided in the described service domains above. Support workers provide advocacy for service access. Poor service delivery experiences or risk of rejection is a recognised barrier of access, and delays help-seeking behaviours.
- From WIO's recently launched Tasmanian inclusive health service database, 93% (n=13) of health services reported being '*aware of misinformation targeting trans and gender-diverse populations and its adverse effects on this community.*'

4) Have instances of discrimination, harassment, or violence targeting TGD individuals in public, private or online spaces been documented in your research or data gathering? If so, what trends or patterns have emerged?

In *Telling Us the Story (2021)* community survey, TGD safety was a major identified theme. Specific elements included identifying experiences of hate speech, being misgendered, and being targeted by anti-trans groups:

- '*Three groups of people were identified as perpetrating hate speech against LGBTIQ+ Tasmanians in the current moment. The most mentioned of the three was religious*

organisations. LGBTIQ+ Tasmanians hated how ‘the views of these church leaders are often expressed in local media and that is very upsetting’. They identified a range of different groups (such as the Australian Christian Lobby, Catholic leaders, the preachers in shopping malls) as perpetrating hate speech against them in public spaces. Second to religious groups was gender critical or TERF (trans exclusionary radical feminist) ideas and the people actively ‘campaigning against trans inclusion’ and publicised these ideas in the public realm, something they noted as enabling ‘a place for those of the community who could also be called hate-mongers to flourish’. Interestingly, a number of prominent gender critical speakers intersected with the third group of people identified as perpetrating hate speech against LGBTIQ+ Tasmanians: politicians. The most significant part of the conversations around these groups was the fact that they could openly speak these ideas, and indeed have them published in the media, and never face any form of punishment.’

5) Can you provide insights on anti-trans actions, organising, and/or extremist rhetoric in your community, public spaces or online platforms?

Anti-trans protests, rallies, events, and forums have occurred across Tasmania. Examples have included and linked to various news articles:

- Burnie: [Anti-trans forum](#),
- Campbell town: People approaching businesses to declare WIO as a radical fringe organisation for supporting TGD people.
- Hobart: [Anti-trans rally on Parliament lawns led by UK anti-trans rights activist Posie Parker](#), [Hobart Town Hall meeting seeking to exclude trans women from women’s sport](#), [vandalism of trans flag flown outside Town Hall](#), [anti-trans protests](#) and [attempted motions about Hobart Aquatic Centre](#), [anti-trans billboards](#), [trans memorial vandalised](#).
- Launceston: [Anti-drag storybook protests outside library](#), [newspaper publications about factitious trans change room incidents](#), [protests outside stores](#),
- These activities have advocated for the exclusion of TGD access to bathrooms, sport events, schools, swimming centres, shops, libraries, and healthcare access. This has included calls to remove legislative protections for TGD people. These events have involved international speakers coming to Tasmania to condemn TGD people. Some events have been organised by a local anti-trans lesbian, gay, bisexual (LGB) group. Similar groups such as LGB Alliance have been identified as a [far-right and extremist group](#) by the Global Project Against Hate and Extremism (GPAHE).
- Religious groups have sought exemptions to continue known harmful conversion practices.

- Anti-trans commentary has been reported by community coming from elected local government area councillors and politicians, [REDACTED]

[REDACTED]. Example included below:

- *'I'm still amazed at how gender ideology has managed to infect our society. Something so baseless, dangerous, unfair and completely removed from reality has been welcomed (by some) with open arms. The ideology is built on lies, deceit, forced speech, and punishing those who stand by fact and the truth. It preys on the young and vulnerable. It takes advantage of people with mental conditions and those looking for an easy fix, distraction or sense of community. It captures people when they're at their peak of self-consciousness and susceptibility. Organisations are getting bucketload of taxpayer money to push propaganda. To tell lies, to say there is nothing to worry about, and to simply believe their gospel. And our governments, councils, public institutions and schools have signed up, unquestioningly, and are too afraid to speak out even if they wanted to. It's the ultimate men's rights movement. It's child abuse.'* – [REDACTED]

The known impacts were identified in the *Telling Us the Story* (2021) community survey*:

- *'The issue discussed most often [on trans inclusion] was the impact of gender critical/TERF groups and the need for their views to be considered hate speech at the very least. While religious groups were also flagged as engaging in forms of demonisation of transgender and gender diverse people in Tasmania, concerns about gender critical/TERF groups were stated throughout the data. These comments again came from both transgender and gender diverse people and cisgender people and were reiterated repeatedly. They were substantially concerned about the harm these groups were doing to the lives of transgender and gender diverse people by making them feel they did not belong in public spaces. Most importantly, they were very distressed that these groups were being provided with a public platform to discuss their views, sometimes by government services. The government was urged to 'not engage in strawman debates, such as "saving women's sports" as a guise for promoting TERF ideologies' and to 'actively working against TERF propaganda and graffiti / posters'. LGBTIQ+ Tasmanians requested that 'there need to be real consequences for hate speech and discrimination from our schools, workplaces, police force, and our politicians'.*

*Please note that this community survey occurred in 2021, and there has been an increase of anti-trans rhetoric since then.

6) Drawing on your expertise, what measures or initiatives could effectively address root causes of anti-trans sentiment and discrimination within society? What existing initiatives, programs or policies have shown promise?

A need for greater acceptance of TGD people was commonly acknowledged by participants in the 2021 community survey *Telling Us the Story*.

Leadership challenging anti-trans commentary is needed. Successful change requires consistent and active leadership support across all levels of any system.

Existing Tasmanian Initiatives that are shown to help improve outcomes:

- Workplace training and community education on inclusive language and practices.
- Training implementing Rainbow Tick organisational accreditation readiness training.
- Workplace inclusive policies – e.g. gender affirmation policies and guidelines.
- TGD community groups, events, and initiatives (both support and social). Supported by government grants to run community events.
- LGBTIQA+ Government Department Reference Groups – Justice, Education, Emergency Services, Health, Whole of Government.
 - Department LGBTIQA+ specific action plans and strategies.
- Gender recognition laws.
- Anti-Discrimination legislation that protects gender identity (without broad exemptions).
- Specific activities and recognition of LGBTIQA+ as a priority population in strategies including housing, mental health, alcohol tobacco and other drug, youth and wellbeing.
- Represented TGD people and their families in affirming advertising and health promotion imagery and messaging - including in 'non-LGBTIQA+' issues/topics (e.g. Dept of Health, TasPolice).
- Tasmanian public services participating in community events (TasPride parade).
- Meaningful consultation with TGD community and LGBTIQA+ organisations in the development and delivery of health services, training, and promotion.

With Regards,

[Redacted]

[Redacted]

References

- Dwyer, A, Grant, R, Mason, R, & Barnes, A 2021. 'Just listen properly, like with intent': LGBTIQ+ Tasmanians: Telling us the story – Final Report, December 2021.
- Grant, R, Smith, A, Newett, L, Nash, M, Turner, R & Owen, L 2020, 'Tasmanian healthcare professionals' & students' capacity for LGBTI + inclusive care: A qualitative inquiry', *Health & Social Care in the Community*, vol. 29.
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- Grant R, & Pisanu N, 2021, *The Tasmania Project: What wellbeing means for LGBTIQ Tasmanians*, University of Tasmania, Australia.

Appendix:

