

MAY 2024

**Submission to Australian
Human Rights Commission**
**Current and emerging threats to
trans and gender diverse human rights**

Submitted by ermha365

Acknowledgements

ermha365 acknowledges the contributions of staff who identify and/or work with people who identity as trans and/or gender diverse as well as Executive Management in the preparation of this submission.

Acknowledgment of Country

ermha365 acknowledges that our work in the community takes place on the Traditional Lands of many Aboriginal and Torres Strait Islander Peoples and therefore respectfully recognise their Elders, past and present, and the ongoing Custodianship of the Land and Water by all Members of these Communities.

Acknowledgment of Lived/Living Experience

We recognise and value people with lived and living experience, and those who love, support and care for them. We recognise their strength, courage and unique perspective as a vital contribution so that we can learn, grow and achieve better outcomes together.

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Background

ermha365 is pleased to have the opportunity to contribute to the Australian Human Rights Commission's consultation on Current and emerging threats to TGD human rights. We support the Australian Human Rights Commission conducting a national project mapping threats to trans and gender diverse (TGD) human rights in Australia.

About ermha365

At **ermha365** we believe in the potential of everyone. Our purpose is to empower individuals and communities facing life's toughest challenges to overcome adversity and thrive. We support people to live their best lives, find their purpose, a sense of belonging and a safe place in their community.

As a provider of specialist services for people with multiple and complex mental health and disability (and their carers) we are deeply concerned about discrimination and stigma that impacts a people's ability to live their best lives, find their purpose, a sense of belonging and a safe place in their community.

Over the last four decades, **ermha365** has provided intensive community-based and recovery-orientated wellbeing services to individuals, families and carers across mental health, co-occurring disabilities and complex care needs in Victoria and the Northern Territory. Originally founded by carers in 1982, **ermha365** now operates with revenue of over \$48M, employs 600+ staff and supports 2,200+ people, including transgender women, transgender men and gender diverse folk.

Our work with trans and gender diverse people

Trans and gender diverse people supported by ermha365

2022-23

8 non-binary, 2 intersex, 2 transgender men, 2 transgender women

2021-22

10 non-binary, 3 transgender men, 2 transgender women, 3 self-described as gender diverse

2020-21

10 non-binary, 4 transgender men, 2 transgender women

Our advocacy: Trans and gender diversity

Since 2020 **ermha365** has produced a podcast called [Get Real: Talking Mental Health and Disability](#) and has featured episodes relating to the mental health and wellbeing of transgender people and to share their living experiences.



[Transgender mental health](#)

[Parenting my transgender child](#)

[Why transgender and gender diverse inclusion matters](#)

The podcast was a finalist in the National Disability Awards 2023 Media category and a finalist in the 2021 Australia Podcast Awards Bullseye Category for exceptional listening for niche audiences and those underrepresented in the media. **Get Real** has, to date, had more than 100,000 downloads.

Social connection is one of the most influential factors in an individual's quality of life.

Stigma and discrimination and lack of support to participate in society is a determinant of mental and physical health and ability to participate in community as an equal.

ermha³⁵ is deeply concerned that the rights of transgender and gender diverse people are being negatively impacted and eroded because of the current climate of transphobic misinformation and disinformation on social media and through negative media commentary.

These coordinated misinformation and disinformation campaigns often drew on rhetoric of 'safeguarding children' or 'protecting women's rights' (access to bathrooms, gender-affirming care, self-identification, and participation in sport and recreation), and are having real-world effects that threaten the human rights of trans and gender diverse people in Australia.

These issues are regularly commented on by social media users, including women's rights activists, media commentators and politicians, with no care or responsibility as to the impact of these words on the mental health, wellbeing and safety of the TGD community.

ermha³⁶⁵ observes that anti-trans discrimination and hate – online and in person – is causing significant psychological to trans and gender diverse people and exacerbating marginalisation.

The intensity of anti-trans rhetoric and fear-mongering in Australia has intensified with the platforming of high-profile people (e.g. the *Let Women Speak* tour of Australia and New Zealand by Kellie-Jay Keen in March 2023 that attracted the presence of neo-nazis) and has emboldened public figures with particular agendas to push anti-transgender views, informed by unreliable and bad faith evidence. The Trans Justice Project's 2023 report [Fuelling Hate: Abuse, Harassment, Vilification and Violence Against Trans People in Australia](#) found that hate toward trans people spiked during the period coinciding with Keen's tour. Similarly, through our work supporting TGD community members, we have observed significant violence and discrimination towards TGD people.

Access to Services

The current climate of negative media and social media commentary and emboldened transphobia in Australia threatens to make it even harder for transgender and gender diverse people to access essential services including health care, mental health support, employment and housing.

ermha365 believes that access to **secure housing, appropriate healthcare and community participation opportunities** are human rights and form the foundation of enabling the people we support to reach their full potential.

We know that homelessness is an issue for transgender and gender diverse Australians, including young people, and it is caused by a number of factors including low income and unemployment and under-employment, stigma and discrimination, strained family relationships and alienation, lack of affordable rental accommodation, and the rising cost of living.

The [Private Lives 3 survey](#) of 6,835 LGBTIQ+ people living in Australia found that trans and gender diverse participants were most likely to report an income below the poverty line and that 1.1% of participants reported experiencing homelessness at the time of completing the survey, compared with 0.5% of the general population at the time of 2021 Census.



A place in the community and living the life you want, and you're able to, is probably the number one thing to feel connected, to feel that you belong, to feel that you are safe.

Rosemary Taylor, Practice leader of the **ermha365** Pathways Program

We also share concerns of our sector about the **threat to accessibility of appropriate gender-affirming healthcare** in Australia. In particular services for young people that are being scrutinised and put under pressure through misinformation, disinformation and blatant transphobia by organisations and politicians in Australia seeking to ban these services.

For example, in late 2023 the [Childhood Gender Transition Prohibition Bill 2023](#) was introduced by Senators Alex Antic (Liberal Party), Malcolm Roberts (One Nation), Ralph Babet (UAP) and Matt Canavan (National) to Federal Parliament that would ban common forms of gender affirming care for young people and cancel the registration of health care providers if they deliver that care, including doctors, pharmacists and psychologists.

Whether or not this Bill has any real likelihood of being passed, its introduction enables these politicians to engage (in bad faith) in more concerning transphobic speech that will be on public record, commented on in the media/social media platforms and will cause more distress for TGD people and their families.

Furthermore, we are extremely concerned about other factors limiting the access to gender-affirming care, such as [MDA National](#), a major medical insurer, informing GPs that they will not longer be insured if they provide gender-affirming treatment to young people under 18 years of age.

Reliable data to support the needs of Trans and Gender Diverse people in Australia

Countering the misinformation and disinformation about trans and gender diverse people is crucial to ensure that their human rights are protected. **Reliable data is required to do this.**

Organisations including The Trans Justice Project and Equality Australia have conducted some research specific to the prevalence anti-LGBTIQ+ hate and, alarmingly, the Trans Justice Project's [Fuelling Hate Report](#) concluded "It is clear that transphobia wields a broad social licence and that it remains a common experience for many trans people."

Reliable information about the diversity of the Australian community, including trans and gender diverse people, will provide data to work towards countering transphobia and crucially, enable Australia's Federal and State Governments to plan services and inform policy. **ermha365** supports [Equality Australia's Count Us In submission](#) to the consultation on the 2026 Census.

In our March 31, 2024 **Get Real** Podcast episode ["Why transgender and gender diverse inclusion matters"](#) guest Tara Laursen, **ermha365** Chief Operations Officer said:



At the time of the last census, the decision was made to go against the expert advice from the ABS and indeed there were no questions around gender identity included... so hopefully that'll change, because if we're not asking these questions, we don't actually know anything about the community... If we don't have that macro level look at the community and the Australian population then it's much easier to dismiss the health and social needs of a community that you refuse to count or to make count...

ermha365 thanks the Commission for this submission opportunity and wholeheartedly supports its national project mapping threats to trans and gender diverse (TGD) human rights in Australia.