



To:

Clayton Barr MP

Chair for the Inquiry Committee

Equality Legislation Amendment (LGBTIQA+) Bill 2023

Sent Via Email to: communityservices@parliament.nsw.gov.au

14/05/2024

Response to:

Equality Legislation Amendment (LGBTIQA+) Bill 2023.

Dear Mr Barr,

Please see below responses to the supplementary questions.

1. How could the proposed amendments better accommodate the diverse cultural identities of First Nations LGBTQI+ people, including Sistergirls and Brotherboys?

- Ensure that the proposed amendments explicitly recognize the diversity of cultural identities within First Nations communities, including Sistergirls and Brotherboys. This recognition can serve as a foundation for ensuring that the legislation is inclusive and respectful of Indigenous traditions and values.
- Include inclusive definitions of gender identity, sexual orientation, and Indigenous identity within the legislation. This could involve recognizing terms such as Sistergirls and Brotherboys and ensuring that the language used is culturally sensitive and respectful of First Nations perspectives.
- Prioritize meaningful consultation with First Nations LGBTQI+ individuals, organizations, and communities throughout the amendment process. This



ensures that their voices, experiences, and needs are taken into account and incorporated into the legislative changes.

- Strengthen legal protections against discrimination based on gender identity, sexual orientation, and Indigenous identity. This includes explicitly prohibiting discrimination against Sistergirls, Brotherboys, and LGBTQI+ individuals within the legislation and providing avenues for redress in cases of discrimination.
- Require that government agencies, service providers, and institutions adhere to culturally competent practices when serving First Nations LGBTQI+ individuals. This may involve providing training and resources to ensure that services are respectful of cultural identities and responsive to the needs of diverse communities.
- Ensure that First Nations LGBTQI+ individuals have access to culturally appropriate support services, including mental health support, healthcare services, and community resources. This may involve funding initiatives to expand access to support services tailored to the needs of Indigenous LGBTQI+ communities.
- Promote education and awareness initiatives within First Nations communities to foster understanding, acceptance, and support for LGBTQI+ individuals, including Sistergirls and Brotherboys. This could involve developing culturally relevant educational materials, workshops, and community events that promote dialogue and challenge stereotypes and prejudices.

2. What implementation issues should the Committee be mindful of when considering the effect of the proposed changes on First Nations LGBTQ+SB people?

- Recognize and address the intersectional identities of First Nations LGBTQ+SB people, who face discrimination and marginalization based on their Indigenous identity, sexual orientation, gender identity, and cultural background. Implementation efforts should consider the unique challenges and experiences of individuals at these intersections.
- Ensure that implementation efforts are culturally sensitive and respectful of differing Indigenous traditions, beliefs, and values. This may involve consulting with



First Nations communities and leaders to understand their perspectives and preferences, as well as incorporating culturally competent practices into service delivery and enforcement mechanisms.

- Address barriers to accessing justice for First Nations LGBTQ+SB individuals, including systemic discrimination, language barriers, geographic isolation, and lack of culturally appropriate legal services. Implementation efforts should aim to make legal processes more accessible and responsive to the needs of diverse communities.
- Invest in capacity building initiatives to support First Nations organizations, service providers, and community leaders in addressing the needs of LGBTQ+SB individuals. This may involve providing training, resources, and funding to enhance cultural competence, promote inclusivity, and build supportive networks within Indigenous communities.
- Improve data collection efforts to gather information on the experiences, needs, and outcomes of First Nations LGBTQ+SB people. Implementation efforts should prioritize inclusive data collection methods that respect privacy and confidentiality while providing valuable insights into the lived realities of diverse communities.
- Foster meaningful engagement with First Nations LGBTQ+SB communities throughout the implementation process. This includes consulting with community members, organizations, and leaders to ensure that their voices are heard, their concerns are addressed, and their priorities are reflected in decision-making processes.
- Establish mechanisms for monitoring and evaluating the impact of the proposed changes on First Nations LGBTQ+SB people. This includes collecting feedback, conducting periodic reviews, and adjusting implementation strategies as needed to achieve equitable outcomes and address emerging challenges.

3. You mentioned the importance of ensuring legislative reform is informed by First Nations voices. Do you have suggestions on how this could be respectfully done?

- Prioritize meaningful consultation with First Nations communities, organizations, and leaders throughout the legislative reform process. This may involve convening



community meetings, engaging in dialogue sessions, and seeking input through formal consultation processes that respect Indigenous protocols and decision-making structures. Alternatively utilise existing structures and communities of practise where First Nations participants already convene.

- Cultural Protocols and Practices: Respect and adhere to Indigenous cultural protocols and practices when engaging with First Nations communities. This includes seeking permission from Elders or knowledge keepers, conducting ceremonies or offerings as appropriate, and honouring traditional ways of communication and decision-making.
- Partnership and Collaboration: Foster genuine partnerships and collaborations with First Nations organizations and leaders to ensure that their perspectives, expertise, and priorities are integrated into the legislative reform efforts. This may involve co-designing consultation processes, forming advisory committees, and sharing decision-making authority.
- Capacity Building and Support: Provide resources, training, and support to First Nations communities and organizations to enable meaningful engagement in the legislative reform process. This could include funding for participation, technical assistance in legal analysis, and capacity-building initiatives to enhance advocacy skills.
- Use inclusive and accessible communication methods to reach diverse First Nations communities, including those in remote or underserved areas. This may involve providing information in multiple languages, using traditional communication channels, and ensuring that materials are culturally relevant and easy to understand.
- Acknowledge and respect Indigenous knowledge systems, oral traditions, and storytelling practices as valuable sources of insight and wisdom. Incorporate Indigenous perspectives and narratives into the legislative reform discussions to enrich understanding and decision-making.



- Demonstrate a genuine commitment to reconciliation and Indigenous rights by actively listening to First Nations voices, acknowledging historical injustices, and prioritizing Indigenous self-determination and sovereignty in the legislative reform process.
- Foster long-term relationships and ongoing engagement with First Nations communities beyond the immediate legislative reform process. This includes following up on commitments, providing opportunities for continued dialogue and feedback, and building trust through sustained engagement.

4. Are there any changes that could be made to the proposed self-ID laws to accommodate the specific challenges First Nations people experience?

- Empower First Nations communities to develop and implement their own self-identification processes in accordance with their cultural traditions, governance structures, and community needs. This may involve providing support, resources, and guidance to communities to establish or solidify their own protocols for self-identification that align with their values and practices. Additionally, consider current methods of best practise in accommodating specific challenges to First Nations people who seek recognition of Indigenous status.
- Ensure that self-identification laws explicitly recognize Indigenous identity and acknowledge the right of First Nations individuals to self-identify their Indigenous status. This includes providing mechanisms for individuals to assert their Indigenous identity in a manner that respects their autonomy and cultural heritage, while also protecting against fraudulent claims.
- Ensure that First Nations individuals have access to culturally appropriate resources and support services when self-identifying their gender identity or Indigenous status. This may involve providing funding for community-based organizations, Indigenous-led support networks, and culturally competent service providers to assist individuals in navigating the self-identification process and accessing necessary supports.



- Strengthen legal protections against discrimination based on both gender identity and Indigenous identity within the self-identification laws. This includes ensuring that First Nations individuals are protected from discrimination and harassment on the basis of their Indigenous status, gender identity, or expression when asserting their self-identified identities.
- Promote education and awareness initiatives within First Nations communities to increase understanding and acceptance of diverse gender identities and self-identification processes. This may involve providing culturally relevant resources, workshops, and training programs to promote dialogue, challenge stigma, and foster acceptance within Indigenous communities.
- Prioritize meaningful consultation and collaboration with First Nations communities, organizations, and leaders throughout the development and implementation of self-identification laws. This includes actively engaging with Indigenous stakeholders to solicit feedback, address concerns, and incorporate Indigenous perspectives into the legislative process.

5. Could you please explain how the intersectional issues of disadvantage or discrimination experienced by First Nations LGBTQI+SB persons could be factored into the proposed amendments?

- Factoring in the intersectional issues of disadvantage or discrimination experienced by First Nations LGBTQI+SB (Lesbian, Gay, Bisexual, Transgender, Queer, Sistergirl, Brotherboy) persons into proposed amendments involves recognizing and addressing the compounding effects of multiple forms of marginalization based on both identity and cultural background. Here's how these issues could be addressed:
- Ensure that the proposed amendments explicitly recognize the intersectional experiences of First Nations LGBTQI+SB individuals, acknowledging that they face discrimination and disadvantage based on their Indigenous identity, sexual orientation, gender identity, and cultural background simultaneously.



- Strengthen legal protections against discrimination and harassment for First Nations LGBTQI+SB individuals within the proposed amendments. This includes explicitly prohibiting discrimination based on both sexual orientation/gender identity and Indigenous identity in areas such as employment, housing, education, healthcare, and access to services.
- Consider implementing affirmative action measures within the amendments to address the systemic barriers faced by First Nations LGBTQI+SB individuals in accessing opportunities and resources. This could include targeted policies to increase representation and inclusion within institutions and sectors where they are underrepresented.
- Require that government agencies, service providers, and institutions adopt culturally competent practices to better serve the needs of First Nations LGBTQI+SB individuals. This may involve providing training, resources, and support to ensure that services are respectful, inclusive, and responsive to the unique intersectional challenges faced by these communities.
- Improve data collection efforts to gather information on the intersectional experiences and needs of First Nations LGBTQI+SB individuals. This includes collecting disaggregated data on sexual orientation, gender identity, Indigenous identity, and other relevant factors to better understand the intersecting forms of disadvantage and discrimination they face. Tap into Aboriginal Data sovereignty work and experts establishing guidelines in this area, especially through Closing the Gap.