

**Submission
No 4**

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

Organisation: City of Sydney

Date Received: 5 April 2024



THE LORD MAYOR OF SYDNEY
CLOVER MOORE

5 APR 2024

Mr Clayton Barr MP
Chair
Legislative Assembly Committee on Community Services
By email communityservices@parliament.nsw.gov.au

Dear Mr Barr

Support for the Inquiry into the Equality Legislation Amendment (LGBTIQA+) Bill 2023

On 19 February 2024 Council unanimously endorsed the Equality Legislation Amendment (LGBTIQA+) Bill 2023 (the Equality Bill) introduced into the NSW Legislative Assembly by Alex Greenwich MP, Member for Sydney.

The provisions outlined in the Bill will provide much-needed legal protections, particularly for trans and non-binary individuals, and will ensure that they are treated with dignity and respect under the law. By explicitly prohibiting discrimination and hate speech based on sexual orientation, gender identity, variation of sex characteristics and other relevant factors, factors, and providing protections for sex workers, this legislation will help create a more inclusive society for all residents in New South Wales.

We support the current Inquiry by the Legislative Assembly Committee on Community Services into this Bill. We particularly welcome the fact that the Terms of Reference require the Committee to inquire into and report on additional ways of improving the safety and wellbeing of the LGBTIQA+ community beyond the Equality Bill.

Community safety, wellbeing and prevention of harm – recommendations

The City's work with the community indicates that the wellbeing of our local LGBTIQA+ community has been declining, and that their mental health is notably lower than that for the general community. Contributing to this decline is the increasing organised hatred directed towards people of diverse sexualities and genders in the public realm and online.

On 9 February 2024, the City of Sydney hosted an LGBTIQA+ Safety Summit (the Summit), in partnership with ACON, to consider these issues. My Lord Mayoral Minute, Progressing Action on Safety for Our LGBTIQA+ Communities, which I enclose, summarised the outcomes of the Summit. My Minute also made several recommendations arising from the Summit, which were unanimously endorsed by Council.

ACON's Pre-budget Submission to the NSW Government extensively references the Summit, the Minute, and the Council resolution arising from it. I have previously written to the Attorney

General, Treasurer and Police Minister urging the NSW Government to implement these recommendations.

These recommendations are:

- Increased funding for Anti-Discrimination NSW and Community Legal Centres in the 2024-2025 NSW State Budget to enable them to better respond to and assist with complaints of anti-LGBTIQA+ violence, discrimination, vilification, harassment and abuse;
- In co-design with community organisations, develop pathways to increase rates of reporting and the improved collection of information from LGBTIQA+ community members of acts of violence, discrimination, vilification, harassment and abuse in both the public domain and online;
- The provision of community based legal, social and emotional support for individuals who seek redress for acts of violence, discrimination, vilification, harassment or abuse against them – including funding for local community legal centres that support members of the LGBTIQA+ communities seeking redress for acts of violence, discrimination, vilification, harassment or abuse against them; and
- Community-led initiatives to keep LGBTIQA+ communities safe and supported.

In adopting these recommendations, Council noted that “in order to address violence, abuse and hatred directed towards LGBTIQA+ communities, governments at all levels must work in partnership with LGBTIQA+ communities and their allies”.

ACON’s Pre-Budget Submission requests the NSW Government to “Work with the City of Sydney to resource and implement the recommendations”. I welcome and endorse this request and confirm that the City is ready to engage in productive collaboration with the NSW Government.

A mechanism to report anti-LGBTIQA+ harassment and violence

I also note the following in ACON’s Pre-Budget Submission:

“One key recommendation from the Summit was to investigate community-led initiatives to keep LGBTIQA+ communities safe and supported, including facilitating third party or peer reporting of instances of violence, to maintain registers of violence, and to enhance community safety programs and community care services.”

“This recommendation is reminiscent of ACON’s former Anti-Violence Project, a program that collected reports on violence experienced by members of our community from 1991-2014. In 2014-15, due to changing community attitudes toward LGBTQ+ people, it was thought that such a registry of reports no longer needed active monitoring and resourcing. It is very disappointing to realise that ten years later, such a program is now, again, necessary. Such a program and associated community safety initiatives would cost ACON \$350,000 per year to effectively implement.”

As a Member of the NSW Parliament, I worked closely with the then Gay and Lesbian Rights Lobby in establishing the Anti-Violence Project. Its early reports on violence against lesbians and gay men were influential in achieving significant action in addressing this violence. I strongly support ACON’s proposal for a similar program and associated community safety

initiatives, and urge the Committee to explicitly recommend that the required funding to support these initiatives be provided.

Special Commission of Inquiry into LGBTIQ Hate Crimes

The Summit also considered the recommendations of the Special Commission of Inquiry into LGBTIQ Hate Crimes. The unanimous Council resolution of 19 February specifically called on the NSW Government to implement Recommendation 8 relating to mandatory and ongoing Police Training without delay.

I urge the Committee to make a similar recommendation in its report. I note also that the ACON Pre-Budget Submission calls upon the Government to “Implement in full, and adequately resource” all the recommendations of the Special Commission of Inquiry.

The Special Inquiry revealed significant shortcomings in Police investigations into LGBTIQ+ hate crimes, and particularly the deaths and possible murders of gay men. I was also deeply concerned by NSW Police’s interactions with the Special Inquiry as summarised by Justice Sackar. This conduct may have seriously eroded the LGBTIQ+ communities’ confidence in the NSW Police. Full and enthusiastic implementation of Justice Sackar’s recommendations would be a major contribution to restoring the communities’ confidence.

The need for reform beyond the Equality Bill

The legislative changes proposed by the Equality Bill will make a major contribution to ensuring equal treatment and protection is provided for everyone in the community. The provisions outlined in the Bill will provide much-needed legal protections, particularly for trans and non-binary individuals, ensuring that they are treated with dignity and respect under the law. By explicitly prohibiting discrimination and hate speech based on sexual orientation, gender identity, variation of sex characteristics and other relevant factors, this legislation will help create a more inclusive society for all residents in NSW.

Legislative changes alone will not be sufficient. At the Summit, Tuisina Ymania Brown, co-Secretary General of ILGA World and Chair of the TransEquality Council, said:

"The tapestry of human rights is woven with threads of diversity, acceptance, and respect for every life to be equal, and freedom. To deny one thread is to unravel the entire fabric of our humanity."

"In the symphony of life, every voice deserves to be heard, every note cherished. LGBTIQ rights are the melody that fills the air, reminding us that diversity is the key to harmony."

The law plays a major role in protecting human rights. However, law alone is not sufficient. Human rights are denied if government agencies and others treat people less equally. A failure to provide community safety, support for community wellbeing or protect from harm also adversely impact human rights. That is why implementation of the recommendations set out above are so important.

The City has long recognised this, and has a strong track record supporting people of diverse sexualities and genders over many years. This included in 2011, a campaign for marriage

equality with Council calling upon the Australian Parliament to amend the Marriage Act to enable same sex couple to marry. This support was reaffirmed in 2016 in the lead up to the marriage equality plebiscite in 2017.

I enclose information about several initiatives the City has taken within the community and our workplace for the Committee to consider. These initiatives may be models for the NSW Government and other Local Governments to adopt to create safe and inclusive public spaces and organisations for people of diverse sexualities and genders.

The City is a proud supporter of people of diverse sexualities and genders and would welcome further engagement with the Inquiry. The City is open to sharing our extensive expertise in this area to improve the safety and wellbeing of community members and workers of diverse sexualities and genders.

Yours sincerely

A handwritten signature in black ink that reads "Clover Moore". The signature is written in a cursive, flowing style.

Clover Moore AO
Lord Mayor of Sydney

Encl.

Resolution of Council

19 February 2024

Item 3.3

Progressing Action on Safety for Our LGBTIQ+ Communities

Minute by the Lord Mayor

To Council:

"The tapestry of human rights is woven with threads of diversity, acceptance, and respect for every life to be equal, and freedom. To deny one thread is to unravel the entire fabric of our humanity."

"In the symphony of life, every voice deserves to be heard, every note cherished. LGBTIQ rights are the melody that fills the air, reminding us that diversity is the key to harmony."

These inspiring words were delivered by Tuisina Ymania Brown, Co-secretary general of ILGA World and Chair, TransEquality Council at the LGBTIQ+ Safety Summit Sydney I hosted at Customs House on Friday 9 February 2024. Ymania reminded us that we will only be truly safe when recognise our common humanity and respect and ensure the rights of all.

Sydney has always been a beacon for LGBTIQ+ communities across NSW, Australia and the world. We are a City with a solid foundation for activism and community building, the home of Mardi Gras and the host of WorldPride in 2023. Sadly however, in the last shining days of WorldPride, we witnessed horrific attacks on our LGBTIQ+ communities both online and in public.

In June last year, Nicolas Parkhill AM, the Chief Executive Officer of ACON, wrote to me proposing a statewide LGBTIQ+ Safety Summit to understand and combat this rise in hatred, discrimination, and abuse. Council unanimously agreed to endorse and host a Summit in collaboration with ACON, and we funded ACON to deliver training for Local Government staff through online training seminars.

Out of this proposal, we hosted 120 people from the LGBTIQ+ communities, academic experts, allied organisations and all three levels of government came together for this important event.

We heard many accounts from community leaders of the pain, anguish and sense of abandonment they felt when dealing with homophobia, transphobia and discrimination in our communities. People spoke about the failure of police to respond to calls for help, and the community's resulting lack of trust in the police. We also heard about the over-policing of LGBTIQ+ communities, as well as serious criticisms of police training. It was deeply upsetting to hear about these failures when it comes to combating abuse and discrimination.

A key theme that emerges from the Summit was the need for governments to work with and support the community in ensuring LGBTIQ+ community safety. This must include institutional accountability, and recognition of the dignity and diversity of the LGBTIQ+ community.

Jackie Turner, Director of the Trans Justice Project, crystallised this in her closing speech providing a community response to the Summit. Stressing the community's resilience, she said "We need to make sure our communities are safer but governments also have a role. We need to be stronger and sharper. Together I think we can win."

The NSW Government's response to the recommendations of the Special Commission of Inquiry into LGBTIQ Hate Crimes conducted by Justice John Sackar will be crucial to addressing hate crimes. Professor Asquith described the Inquiry as "a landmark moment in our work to eliminate hate crimes." In addition to its specific recommendations, "it has directed the NSW Government and NSW Police Force to lift their game on responding to the needs of our communities today".

Justice Sackar recommended that additional mandatory and ongoing training should be provided to NSW Police Force officers concerning the LGBTIQ+ community, developed with input from LGBTIQ+ representatives and organisations, and potentially provided by an LGBTIQ+ organisation. I am asking Council to call on the NSW Government to implement Recommendation 8 relating to police training without delay.

Dr Ellis referred to Productivity Commission data which showed that public perceptions of police integrity are at 10-year lows nationally. He suggested one reason was targeted policing methods, such as the use of drug detection dogs, so-called 'decency checks' and strip-searching. He asked what could policing look like at Mardi Gras, in queer spaces, and at music festivals, without drug detection dogs. This Minute asks Council to reaffirm its opposition to the use of such practices.

There was also a need to develop critical community infrastructure and capacity. Professor Asquith pointed out that the LGBTIQ+ communities led the work on hate crimes in Australia. "We need to do so again, and collaboratively with other communities that experience targeted violence," she said.

The City can play a role in supporting initiatives which could contribute to this community infrastructure. This Minute asks the Chief Executive Officer to investigate:

- the development of pathways to increase rates of reporting and improve the collection of information from LGBTIQ+ community members of acts of violence, discrimination, vilification, harassment and abuse in both the public domain and online.

- community-based legal, social and emotional support for individuals, in particular, the most marginalised and vulnerable LGBTIQ+ community members such as asylum seekers and sex workers, who seek redress for acts of violence, discrimination, vilification, harassment or abuse against them. Pursuing such action is often challenging and potentially traumatising. Many people may not do so, or give up without this support. Community legal centres are often the only support available to this community, and I am asking Council to support additional funding for our local Community legal centres targeted to support our LGBTIQ+ community, as well as advocacy for the NSW Government to increase their funding as well.
- support for community-led initiatives to keep LGBTIQ+ community members safe and supported. We heard several accounts at the Summit from attendees such as Dykes on Bikes about how it was often up to the LGBTIQ+ community to protect themselves from violence and abuse, and that governments need to do more to support these initiatives.

There was also a need to combat the misinformation, disinformation and prejudice which fuels transphobia and homophobia. Dr Ellis suggested that “pre-bunking” is one such strategy. He described it as a form of “attitudinal inoculation” to equip people with the knowledge to challenge misinformation through pre-exposure to accurate information. There was existing source material and infrastructure which could be used to develop LGBTIQ+ pre-bunking campaigns.

The opening of Qtopia, Sydney’s own centre of history and culture, on 23 February 2024 presents one such opportunity. Qtopia’s education and exhibition program is vital in contributing to a pre-bunking strategy.

Qtopia Sydney will also help realise one of the suggestions Justice Sackar made in the conclusion of his report. He suggested that the history recorded in his Report, and the broader historical context in which it takes place, should be the subject of “a comprehensive queer heritage project”.

Qtopia Sydney has written to me asking whether it would be possible for the City of Sydney to fund free entry to Qtopia on Sundays for 12 months. I propose that Council support this proposal and request the Chief Executive Officer to investigate a grant to enable this to happen. Doing so would not only enable more people to enjoy Qtopia, as well as attract more people to the Oxford Street precinct. It would also contribute to the implementation of a pre-bunking strategy and will align with the proposal in Justice Sackar’s report.

I would like to extend my sincere appreciation and thanks to those who attended and spoke at the Summit, particularly community leaders who shared their sincere and personal experiences with attendees. It is through these accounts that we have been able to better understand the urgency for action needed out of the Summit.

Progressing these actions requires the commitment of the community and government. If we succeed, we can all claim the Polynesian wisdom identified by Ymania Brown: “Tautai A’e!” “We Did It!”

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Attachments

Attachment A. Recommendation 8 of the Special Commission of Inquiry into LGBTIQ Hate Crimes Relating to Mandatory Police Training

Moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

It is resolved that:

- (A) Council note that in order to address violence, abuse and hatred directed towards LGBTIQ+ communities, governments at all levels must work in partnership with LGBTIQ+ communities and their allies;
- (B) the Chief Executive Officer be requested to:
 - (i) investigate the following actions, in consultation with LGBTIQ+ community organisations and report back to Council about how the City can support:
 - (a) the development of pathways to increase rates of reporting and the improved collection of information from LGBTIQ+ community members of acts of violence, discrimination, vilification, harassment and abuse in both the public domain and online;
 - (b) the provision of community based legal, social and emotional support for individuals who seek redress for acts of violence, discrimination, vilification, harassment or abuse against them - including funding for local community legal centres that support members of the LGBTIQ+ communities seeking redress for acts of violence, discrimination, vilification, harassment or abuse against them; and
 - (c) community-led initiatives to keep LGBTIQ+ communities safe and supported; and
 - (ii) report to the next meeting of Council on the recommended response to Qtopia Sydney's request for funding to enable free entry on Sundays for a period of 12 months, noting that it would:
 - (a) increase community access to Qtopia Sydney;
 - (b) advance the implementation of a pre-bunking strategy as outlined in this Minute; and
 - (c) align with Justice Sackar's proposed establishment of a "comprehensive queer heritage project" in his report arising from the Special Commission of Inquiry into LGBTIQ hate crimes;
- (C) Council endorse the Equality Legislation Amendment (LGBTIQ+) Bill 2023 introduced into the NSW Legislative Assembly by Alex Greenwich MP and encourage people to lobby their Members of Parliament to support the Bill;
- (D) Council call on the NSW Government to implement Recommendation 8 relating to mandatory and ongoing Police Training without delay;

- (E) the Lord Mayor be requested to write to the NSW Treasurer and NSW Attorney-General provide increased funding for Anti-Discrimination NSW and Community Legal Centres in the 2024-2025 NSW State Budget to enable them to better respond to and assist with complaints of anti-LGBTIQA+ violence, discrimination, vilification, harassment and abuse;
- (F) the Chief Executive Officer be requested to write to the Office of Local Government requesting the introduction of mandatory training for all Council officials as defined in the Model Code of Conduct to ensure they are aware of their statutory obligations to ensure community safety for all, including the LGBTIQA+ communities; and
- (G) Council note that the Lord Mayor and Alex Greenwich MP, Member for Sydney, will write to the Minister for Police and the NSW Police Commissioner requesting action on the matters raised at the LGBTIQA+ Safety Summit, including police response to calls for help, trust in the police, over-policing, police training and the use of drug detection dogs.

Carried unanimously.

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City of Sydney LGBTIQ+ community initiatives

Within the City of Sydney community

City of Sydney and ACON LGBTIQ+ Safety Summit

In February 2024, the City, with ACON, hosted a summit on addressing organised hatred and violence against individuals of diverse sexualities and genders.

The LGBTIQ+ social and cultural Place Strategy for Oxford Street

An Australian first, the LGBTIQ+ social and cultural Place Strategy for Oxford Street demonstrated our commitment to the LGBTIQ+ history of Oxford Street, maintaining contemporary LGBTIQ+ character, increasing visibility and spaces for LGBTIQ+ culture, and keeping the community connected and safe.

Development of pathways to increase rates of reporting

City staff are working with the Australian Government eSafety Commissioner to provide social media defence (pre-bunking) training programs for LGBTIQ+ communities to address violence, discrimination, vilification, harassment, and abuse.

Safe spaces and community programs

City libraries, aquatic, recreation and community centres participate in the ACON Welcome Here Project and host events such as Drag Story Time and Trans and Gender Diverse swim days to provide safe and inclusive spaces for community members.

Pride Care Safe Space

In partnership with Kirketon Road Centre and Sydney Medically Supervised Injecting Centre, the City hosted a Pride Care Space for queer young people at the Sydney Gay and Lesbian Mardi Gras parade.

Bathroom identification and use

Commencement of a review of toilet signage across City facilities to ensure inclusivity for the trans and gender diverse community.

Grants and sponsorships

The City supports LGBTIQ+ community groups through our grants and sponsorship program. Since 2017, the City has granted nearly \$5.2 million in cash to 158 projects where LGBTIQ+ communities are a primary or secondary beneficiary. This includes support of the annual Sydney Gay and Lesbian Mardi Gras Parade and Festival, support of Sydney WorldPride in 2023 and for the newly opened Qtopia Sydney queer museum in Darlinghurst.

Within the City of Sydney workplace

The City values and respects individual differences and lived experiences, including people of diverse sexualities and genders. The following outlines initiatives that the City has, and will, implement to support an inclusive workplace for people of diverse sexualities and genders.

City Pride Network

The City's Pride Network and Committee was established in 2016. The Network advocates for an inclusive, diverse, and equal workplace. It aims to build an organisation where all employees feel welcome and safe through celebration, advocacy, and ongoing education and awareness.

Inclusive language and pronouns

The City has adopted best practice inclusive language use and the opportunity for staff to include pronouns in their email signatures. Pronouns play a crucial role in fostering a respectful, inclusive, and supportive workplace environment. By acknowledging and using individuals' pronouns, the City and other government, business, and community organisations, can promote diversity, enhance employee wellbeing, and create a more positive and productive workplace culture.

Self-identification

Within the City's HR system, staff can voluntarily choose to self-identify their sexuality, gender, religion, disability or whether they are Aboriginal or Torres Strait Islander. This data is not shared with managers or staff. Responses to this question help the City better measure progress towards diversity and inclusion and better develop policies and programs to support a diverse workplace.

LGBTIQA+ inclusion training for staff and business

The City recently developed LGBTIQA+ inclusion training. This training is provided free of charge to members of the Oxford Street Pride Business Charter and City staff to assist with awareness and understanding of people of diverse sexualities and genders and how to be an inclusive business.