

Victorian Gay and Lesbian Rights Lobby

# Enough

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A REPORT ON  
DISCRIMINATION AND  
ABUSE EXPERIENCED  
BY LESBIANS,  
GAY MEN, BISEXUALS  
AND TRANSGENDER  
PEOPLE IN VICTORIA

**Enough is Enough**

**A Report on Discrimination and Abuse Experienced  
by Lesbians, Gay men, Bisexuals and Transgender People in Victoria.**

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# Contents

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Executive summary	1
Recommendations	5
Introduction	7
Survey Findings	
1 The Big Picture	11
2 Invisibility	25
3 Assault or Harassment in a Public Place	29
4 Provision of Medical Treatment or Services	33
5 Parenting	38
6 Employment	41
7 Education	46
8 Police / Other Law Enforcement	50
9 Provision of Goods and Services and Accommodation	54
10 Membership of Clubs & Religious or Sporting Organisations	58
11 Knowledge and Use of the Victorian Equal Opportunity Act	61
References	65
Appendix	67

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## List of Figures

Figure 1 Age of participants	12
Figure 2 Sexuality and gender of participants	13
Figure 3 Country of birth of participants by gender	14
Figure 4 Area of residence of participants by gender	15
Figure 5 Main occupation at the time of the survey by gender	16
Figure 6 Reported discrimination or abuse by gender	17
Figure 7 Discrimination reported by lesbian and bisexual women (1994 and 1999)	21
Figure 8 Discrimination reported by gay and bisexual men (1994 and 1999)	21
Figure 9 Types of public abuse and harassment experienced within the last five years by gender	31
Figure 10 Types of police-related discrimination or abuse by gender	52
Figure 11 Awareness of 'lawful sexual activity' attribute by level of education	62

## List of Tables

Table 1 Source of questionnaires	12
Table 2 Education achieved by gender	15
Table 3 Employment type by gender	16
Table 4 Incidence of harassment and assault in a public place	30
Table 5 Discrimination related to medical treatment	34
Table 6 Discrimination related to parenting issues	39
Table 7 Discrimination related to employment	42
Table 8 Discrimination related to education	48
Table 9 Discrimination/abuse related to police or other law enforcement	51
Table 10 Circumstances in which police contact was made	53
Table 11 Discrimination related to the provision of goods and services	55
Table 12 Discrimination related to tenancy	57
Table 13 Discrimination related to membership of a club and religious or sporting organisation	59

# Abbreviations

ABS	Australian Bureau of Statistics
EOCV	Equal Opportunity Commission, Victoria
FAR	Fertility Access Rights Lobby
GALPEN	Gay and Lesbian Police Employees Network
GLAD	Gays and Lesbians Against Discrimination
HIV/AIDS	Human Immuno-deficiency Virus/Acquired Immune Deficiency Syndrome
HREOC	Human Rights and Equal Opportunity Commission
ISOZ Vic	Intersex Society of Victoria
IVF	In-Vitro Fertilisation
LGBT	Lesbian, Gay, Bisexual and Transgender
MACGLH	Ministerial Advisory Committee on Gay and Lesbian Health
TGV	Transgender Victoria
VGLRL	Victorian Gay and Lesbian Rights Lobby

## Transcript notation and terminology

Quotations from survey participants are interspersed throughout the text of this report. Where material is quoted, it has been notated with brackets enclosing the gender, sexuality and age group of the participant and the id number of the participant's questionnaire e.g. (F, L, 19-29, 485).

M=male, F=female, T=transgender (mtf=male to female or ftm=female to male, where specified), L=lesbian, G=gay, B=bisexual.

The acronym LGBT (lesbian, gay, bisexual and transgender) is used, where logically appropriate, in recognition of our various communities. The VGLRL believes that despite the differences between the groups described by this acronym (which include race, ethnicity, social class, levels of ability etc. as well as sexuality/gender) moving outside of the accepted social boundaries of 'heterosexual', 'male' and 'female' affords some shared experiences of marginalisation, discrimination and abuse. This shared reality is borne out by the survey data.

# Executive summary

## Background and methodology

This report is based on questionnaire data collected by a working group of the Victorian Gay and Lesbian Rights Lobby (VGLRL) between January and June, 1999. Nine hundred and twenty nine members of the lesbian, gay, bisexual and transgender (LGBT) communities in Victoria (447 women, 458 men, 18 transgender, 6 no nominated gender) were surveyed. Participants were obtained via a range of community networks in the Melbourne metropolitan area and country Victoria, and represent a diverse cross-section of the LGBT population.

Participants were asked to report on their experiences of discrimination and abuse in relation to 'Employment', 'Education', 'Medical treatment', 'Police/other law enforcement', 'Parenting', 'Provision of goods and services', 'Tenancy' and 'Membership of clubs, religious and sporting organisations'. They were also asked to report on issues associated with the 'Invisibility' of their sexuality or gender identity, their knowledge of the 'lawful sexual activity' amendment to the *Equal Opportunity Act 1995* (Vic) (the Act), and to tell us what they thought were the most important social and legal priorities for our communities. Qualitative and quantitative information was obtained.

One aim of the survey was to compare results with those obtained by Gays and Lesbians Against Discrimination (GLAD), who published a similar report in 1994, based on data collected between 1990-1993 from 1002 gay men and lesbians. Other aims were to gather information as to knowledge and use of the 'lawful sexual activity' amendment to the Act among lesbians, gay men and bisexuals, and to establish a well-researched and up to date basis for future lobby work.

## Overview of discrimination and abuse 1999<sup>1</sup>

Eighty four percent of participants reported experience of at least one form of discrimination or abuse on the basis of their sexuality/gender identity.

Of those reporting discrimination or abuse, most had experienced it in relation to 'Assault or harassment in a public place' (79%), followed (in order) by 'Employment' (48%), 'Education' (31%), 'Provision of goods and services' (28%), 'Medical treatment' (27%), 'Police/other law enforcement' (20%), 'Parenting' (16%), 'Club membership' (14%) and 'Tenancy' (11%).

There were gendered trends in the data that were much stronger than those based on sexuality. Transgender participants were more likely than both other groups to report discrimination related to 'Police/other law enforcement'. In fact, transgender participants were twice as likely as other men and three times more likely than other women to report discrimination related to their dealings with the police (56% T, 24% M, 15% W). 'Provision of goods and services' (56% T, 34% W, 20% M) and 'Invisibility' (65% T, 58% W, 43% M) were other categories in which transgender participants, and also women were over represented in comparison with men. Women were far more likely than both other groups to report discrimination relating to 'Parenting' (22%W, 13%T, 11%M).

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1. Percentages in brackets represent a proportion of those who reported any type of discrimination or abuse, hence the discrepancy with percentages on pages 2 to 4 which represent a proportion of all participants.

Although there were few differences based on age of participant, those under 30 were more likely to report discrimination or abuse related to 'Education' and 'Assault or harassment in a public place' than those 30 and over. Differences based on area of residence were generally negligible, however, participants resident in country areas were more likely to report discrimination or abuse in the 'Parenting' category than those resident in the Melbourne metropolitan area. This indicates the relative isolation of gay and lesbian parents in country areas, when compared with their metropolitan peers.

## Comparison with 1994 data<sup>2</sup>

When the 1999 overview of discrimination was compared to the overview of results from 1994, it was found that reported discrimination in the area of 'Medical treatment' had increased and that in the areas of 'Police/other law enforcement' and 'Provision of goods and services' reported discrimination had decreased. Other comparable categories had stayed the same.

While VGLRL applauds this evidence of work done over the past several years within the police force to combat discrimination and abuse directed at lesbians, gay men and bisexuals and also feels cautiously optimistic that the 'lawful sexual activity' clause now contained in the Act has in part contributed to the decrease in reported discrimination in the 'Provision of goods and services' category, we emphasise that these levels of discrimination and abuse directed at members of our communities remain high, unacceptable and in need of immediate action.

## Other important findings

### Invisibility

(65% of all transgender participants, 58% of all women and 43% of all men)

Invisibility, as defined by participants included: practices of self-censorship; lack of legal recognition of their relationships and sexuality; lack of social recognition of relationships and sexuality and; a widespread lack of understanding about transgender issues. The consequences of invisibility included low self-esteem, depression, relationship break-down and in some situations contemplation of suicide.

### Assault and harassment in a public place

(66% of all participants)

Verbal abuse accounted for most reported incidents. Transgender participants were more likely to report having been threatened and bashed than other men and women. In the last five years, 6 % of the women who reported abuse in this category had experienced bashing, compared with 11% of men, and 21% of transgender participants. Figures for all gender groups were substantially higher than Australian Bureau of Statistics reports on public assaults experienced by Victorian residents.

### Medical Treatment

(23% of all participants)

'Receiving inadequate or inappropriate treatment' was the most common complaint and GPs, dentists and hospital staff were all frequently mentioned in relation to this issue. Participants from regional centres or rural areas were more likely to report 'Breach of confidentiality' by medical practitioners, than other groups. Women often raised the issue of being refused access to reproductive technology, particularly donor insemination services and many believed that having revealed their sexuality meant different and poorer treatment with regard to a range of gynecological services. Men were more likely to be affected by discriminatory policies and legislation which prevented them from giving blood and donating organs or bone marrow, the basis for which is the misconceived equation 'gay man equals HIV positive'.

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2. Transgender participants were not included in 1994.

## Parenting

(18% of all women, 11% of all transgender, 9% of all men)

Although women were more likely to have experienced discrimination in relation to parenting overall, men were more likely to have experienced discrimination in relation to access to children. One issue which frequently arose in the qualitative data was the lack of social acceptance for the alternative family structures being created within the LGBT communities, for example, families with children and two mothers rather than a mother and a father. This had legal, social and economic repercussions for participants.

## Employment

(40% of all participants)

Workplace-based harassment accounted for over one third of all reported incidents of discrimination. Reports of physical abuse in the workplace ranged from sexual harassment such as (male to male) bottom pinching, to threats with knives, bashings and rapes at the other end of the continuum of violence. Much of this had been neglected by management, even when reported. Many lesbians, bisexuals and gay men were involved in work related to children such as teaching, child care and protective services. For these participants, the threat of dismissal on disclosure or revelation of sexuality was feared owing to the 'Care of Children' exception contained within the Employment area of the Act.

## Education

(26% of all participants)

Harassment by teachers or other students was the most commonly cited type of incident. Men were more likely to report experiences of school-based harassment than women or transgender participants. These incidents ranged from non-directive homophobic comments aired in the course of classroom activities to serious verbal or physical assaults sustained over a number of years. In some instances, participants reported that the abuse occurred with the full knowledge, and even the involvement of teachers. The invisibility of LGBT issues in the sex education curricula of schools and the particular absence of education about lesbian sexuality or sexual practices was often raised in the qualitative data as a cause for concern.

## Police issues

(50% of all transgender, 21% of all men, 13% of all women)

Men and transgender participants were more likely than women to report incidents in this category, which included entrapment in parks and beats, and harassment in the line of police questioning. Transgender participants were three times more likely than other women and twice as likely as other men to report having experienced discrimination or abuse related to police matters. Although reported physical assaults at the hands of police were relatively few, those described by participants were very violent, and included rapes and severe bashings.

## Provision of goods and services and accommodation

(Goods and services 50% of all transgender, 29% of all women, 17% of all men; accommodation 9% of all participants)

Discrimination was most likely to occur in the course of service provision in a shop (22%), in a hotel/motel (19%), or in a bar (14%). Refusal of service often occurred when hotel/motel accommodation was sought by same sex couples whether male or female. While many participants suspected they had been refused rental accommodation after presenting as a same sex couple, the nature of the application process for rental flats and houses made it difficult to know if discrimination was based on sexuality or some other characteristic.

## **Membership of a club, religious or sporting organisation**

(12% of all participants)

Over one third of the reported discrimination in this category related to being pressured to leave a club or religious organisation. In the qualitative responses in this section, most participants chose to write about negative experiences they had encountered in the course of their involvement with religious groups and organisations.

## **Knowledge and use of the Equal Opportunity Act**

Sixty five percent of participants were aware of the 'lawful sexual activity' amendment to the Act. People under the age of 30 were less likely to be aware of this attribute than those 30 and over. Awareness of the 'lawful sexual activity' amendment was also greater among those who had attained higher levels of education. Twenty six participants had made a complaint to the Commission, and only two of these cases had reached settlement. Six were awaiting action and 18 people had withdrawn their complaints. Reasons for withdrawing complaints sometimes related to satisfactory settlement by other means. However, there was evidence as to some confusion among community members concerning complaint, conciliation and tribunal procedures. Some participants also disclosed suspicion and fear of the process of making a formal complaint and of the possible repercussions.

# Recommendations

VGLRL believes that immediate initiatives are required in relation to law reform, police issues, health issues, school-based education issues and public education campaigns.

VGLRL recommends:

## **That Victorian Parliament:**

1. Amends the *Equal Opportunity Act, 1995* (Vic) to include the clear and unambiguous attribute 'sexual orientation' in addition to the new attribute 'gender identity'.
2. Implements the recommendations of the EOCV (1998), in extending the legislative definition of 'de facto' to include same sex couples and the definition of 'de facto spouse' in the *Equal Opportunity Act, 1995* (Vic) to include same sex relationships.
3. Reviews the *Infertility Treatment Act, 1995* (Vic), so as to end the exclusion of lesbians and gay men from access to reproductive technology (including sperm donation programs and IVF), in conjunction with conducting further community consultation on this issue.
4. Develops legislation in the area of anti-vilification and hate language.

## **That the Attorney-General's Advisory Committee on Gay, Lesbian and Transgender Issues:**

5. Reviews and clarifies the exceptions in the *Equal Opportunity Act, 1995* (Vic) which pertain to 'Care of Children', 'Religious Bodies', 'Religious Schools' and 'Religious Beliefs' with a view to ensuring that these exceptions cannot be used lawfully to discriminate against gay men and lesbians.

## **That the Victorian Police Force:**

6. Increases the numbers of Gay and Lesbian Liaison Officers, with a view to establishing a state-wide network.
7. Collects data which monitors the incidence, prevalence of, and consequences related to hate crimes directed at members of LGBT communities.
8. Works in conjunction with EOCV and the LGBT community in initiating public campaigns targeting homophobia and hate crime against LGBT people, similar to those recently conducted in NSW.

## **That Religious leaders:**

9. Reflect deeply on the implications of their often very public proscription of homosexual behaviour and 'lifestyles'. Levels of public violence and discrimination directed against members of our communities will only decrease in a society in which leaders of all persuasions preach (at the very least) tolerance for all members of the populace.

## **That the Ministerial Advisory Committee on Gay and Lesbian Health prioritises:**

10. Drafting an action plan for professional development regarding lesbian and gay sexuality and transgender issues among generalist health service providers.
11. The development of initiatives regarding policy reform relating to access for gay men to blood and tissue donation programs.

12. Considering the specific professional development needs for health care providers in the area of lesbian sexual health.
13. Addressing mental health issues such as depression, suicide and low-self esteem among members of our communities.
14. The inclusion of transgender health within its terms of reference.

**That the Equal Opportunity Commission Victoria and WorkCover Authority:**

15. Prepare additional public education campaigns which inform members of our communities of all ages of their rights in relation to all forms of sexuality related discrimination and abuse, and of the processes involved with lodging a complaint.
16. Prepare campaigns aimed at informing health service providers of their responsibilities in relation to their gay, lesbian and bisexual clients.
17. Initiate campaigns targeting homophobic behaviour in the workplace.

**That the Department of Education, Employment and Training:**

18. Continues to support sexually diverse curricula reform, and commit resources to the professional development of those teachers who deliver sexuality education programs.

**That all Schools:**

19. Reflect on the moral and social benefits of supporting sexuality education programs which include positive representations of gay and lesbian sexuality and transgender issues and implement such programs.
20. Prioritise policy development and action in the area of homophobia, as a means of ensuring the unacceptably high levels of sexuality and gender identity-related abuse and harassment endemic in school environments are no longer tolerated. This is an issue of basic human rights for LGBT young people.

**That Australian Researchers:**

21. Acknowledge, in line with numerous overseas colleagues, the existence of LGBT families that include children. The needs and experiences of Australian LGBT families should be thoroughly researched and documented.
22. Seek funding for a range of projects which contribute to the increased visibility of lesbians, gay men, bisexuals and transgender people and reflect their needs and interests.

# Introduction

The Victorian Gay and Lesbian Rights Lobby (VGLRL) has been working since its formation in 1997 to raise the public profile of discrimination and abuse directed at lesbians and gay men. The VGLRL takes an active role in lobbying politicians as well as in contributing to community awareness of a range of legal, economic, employment and social issues. The work of the Lobby goes far beyond a narrow focus on law reform; rather, we see our role as one of gaining an ever-increasing public profile in all areas where lesbians and gay men continue to be denied basic human rights, and continue to experience discrimination and abuse related to sexuality in their public and private lives. Importantly, the VGLRL also works with the bisexual community and Transgender Victoria (TGV) and supports the latter group in their efforts to increase awareness of discrimination directed at transgender people, and achieve law reform related to transgender issues<sup>3</sup>.

Male homosexuality was decriminalised in Victoria in 1981, which was an important step towards public acknowledgement of our right to equality with heterosexuals, and increased visibility and acceptance of a diversity of sexualities<sup>4</sup>. It took a further 15 years for Victorians to gain any anti-discrimination legislation in relation to homosexuality. In 1995 (effective from January 1, 1996), the ambit of the *Equal Opportunity Act (Vic)* (the Act) was extended to include 'lawful sexual activity', in the areas of Employment; Education; Provision of goods and services and disposal of land; Accommodation; Clubs; and Sport. While it was the intention of this amendment to give all Victorians a means of redress when discrimination occurs on the basis of sexuality, a great deal of work remains to be done in the legal arena.

VGLRL is hoping to effect change with regard to further amendments to the Act and additionally, to many state laws which still perpetuate discrimination against members of our communities. Current priorities include lobbying to achieve:

- Extending the ambit of the Act to include 'sexual orientation' and 'gender identity';
- Legal recognition of same sex relationships (recently gained in NSW);
- Changes to Federal laws which would allow an extension of some superannuation benefits enjoyed by heterosexual couples to same sex couples; and
- Changes to the laws governing access to reproductive technology and adoption, which in Victoria, discriminate against same sex couples and single people.

Despite remaining deficits in current law, only some of which are outlined above, it needs to be acknowledged that at the time of writing this report, there are many reasons for Victorian lesbians, gay men, bisexuals and transgender people to feel hopeful. As we enter the new millennium, Victo-

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3. By transgender, we are referring to a range of possible gender positions and identities which include:

- Transsexuals (whether female to male or male to female), those who wish to permanently lead lives as members of the 'opposite' gender and generally have an interest in taking sex hormones and/or undergoing genital reassignment surgery;
- Transvestites (or cross-dressers), those who dress in the clothes of the opposite gender, for erotic or emotional satisfaction;
- Intersexed people or Hermaphrodites, those with physiological or hormonal attributes of male and female genders. Victorian Intersexed people have their own organisation, Intersex Society of Victoria (ISOZ Vic).

4. Although lesbianism per se has never been unlawful, it could hardly be argued that it has ever been socially acceptable. Historically, lesbians have also been victimised, although perhaps not as visibly as gay men. For example, throughout the 70s and into the 80s, lesbianism was sometimes used as a reason to award against women in custody hearings.

rian LGBT communities can expect a climate characterised by intense public debate concerning a range of legal and social issues and a number of local initiatives. The Attorney-General, Rob Hulls recently reiterated his intentions of implementing a number of recommendations from the EOCV report *Same Sex Relationships and the Law* (1998). That report proposed ending differential treatment for same sex couples in relation to property rights, rights upon a death of a partner, health related rights, including ability to make decisions for incapacitated partners and hospital visitation rights, entitlement of a partner to receive superannuation fund benefits upon the death of a partner and access to employment related benefits such as compassionate, carer or bereavement leave, travel packages and participation in health insurance schemes (EOCV, 1998).

The Labor government has also returned to the parliamentary agenda law reform related to gender issues, and has recently established an Attorney-General's Advisory Committee on Gay, Lesbian and Transgender Issues. The Department of Education is continuing to support the development of sexually diverse education curricula in government schools. Given the growing Australian evidence as to the link between same sex attraction and youth suicide (Brown, 1998; McDonald and Cooper, 1998; Nicholas and Howard, 1998) a financial commitment to further research into this areas has also been made.

Further to the above, the Department of Human Services has convened the first Australian Ministerial Advisory Committee on Gay and Lesbian Health (MACGLH), in acknowledgment of the need to look at issues such as discrimination-related depression, cancer and suicide and a range of other health issues which disproportionately affect members of our communities. The first Gay and Lesbian Police Liaison Officer has recently been appointed in Victoria, an initiative resulting from months of close consultation between members of our communities and the police hierarchy. The Fertility Access Rights Lobby (FAR), established in December 1999, is working hard to raise the public profile of discrimination related to access to reproductive technology and IVF, in order to bring Victorian law into line with the rights extended to same sex couples and single women in NSW.

## The 1999 survey

The precursor to the VGLRL was Gays and Lesbians Against Discrimination (GLAD), whose work was pivotal in achieving the 1995 Equal Opportunity law reform. GLAD's report entitled *Not a Day Goes By* (1994) chronicled Victorian lesbians' and gay men's collective experiences of discrimination and abuse (in the areas of Public violence and harassment, Medical treatment, Education, Employment, Provision of goods and services, Police issues, Tenancy, Custody of and access to children and Club membership). This report has been very influential and widely quoted because it obtained the first 'hard' evidence of the widespread victimisation of gays and lesbians, as well as legal discrimination faced by adult members of our communities in Victoria.

However, at a time when much positive change is occurring locally in Victoria, in other Australian states and abroad with regard to obtaining formal rights for LGBT people, it is easy to become complacent. For this reason, the VGLRL considered it timely to repeat the GLAD survey. Initiating work on the questionnaire in late 1998 coincided with the release of an influential report by La Trobe University, *Writing Themselves In*, which revealed the continuing prevalence of discrimination and abuse directed at Australian same sex attracted young people under the age of 21 (Hillier et al, 1998). The first half of 1999 was devoted to collecting new data, the analysis of which informs the following pages.

## About this report

### Gender

The VGLRL acknowledges that the lesbian, gay and bisexual communities share many areas of overlap with transgender communities with respect to experiences of discrimination and abuse. The 1999 questionnaire was designed to reflect this, in providing a separate category for transgender identity to be nominated, and specific questions related to transgender issues at various points throughout. The list of issues covered pertaining to transgender participants is by no means exhaustive, however, the questionnaire has made some attempt to redress the exclusion of transgender issues and concerns from the 1994 report. We must also note here that where transgender participants have chosen to identify as male or female (as many do), their responses are indistinguishable from other men and women.

### Homophobia

The VGLRL believes that discrimination and abuse of LGBT people is prevalent due to two related phenomena; 'heterosexism' and 'homophobia'. Knowledge of these two concepts informed the design of the questionnaire and the discussion which takes place within the pages of this report. It is important to emphasise that law reform takes place within a society which is both heterosexist and homophobic, which explains why there is no immediate flow on effect from law or policy making in the area of same sex relationships and other sexuality/gender based discrimination to what is commonly known as 'community opinion'.

Homophobia is the most well-known of the two terms. It refers to the fear and hatred of homosexuality prevalent within Australian society, which motivates the bullying of young LGBT people in schools, the public abuse and violence those even suspected of being LGBT are subjected to on the streets and (some would argue) anti-homosexual attitudes expressed by some leaders of the Catholic and Anglican churches (Marr, 1999). The aforementioned 1998 report based on the experiences of young same sex attracted people between 14 and 21 contained many examples of the prevalence of homophobic discrimination and abuse directed at this group, particularly within the school environment (Hillier et al, 1998).

### Heterosexism

Heterosexism is more subtle and describes the pervasive assumption of heterosexuality which is common to the law and other institutions of Australian society, e.g. the education system and the family. Assuming heterosexual sex and relationships are 'natural' and practised by all members of the community leads to legal and social invisibility for many lesbians, gay men and bisexuals. Heterosexist assumptions may be fuelled by homophobia or unintentionally perpetuated due to lack of knowledge and there are legal and social consequences.

To give just a few examples: Victorian people in same sex relationships are not covered within the definitions of 'marital status' under the Act; same sex couples cannot legally marry, and are not included in the legal definition of 'defacto' in many Victorian and also Federal statutes; biological or adoptive families may not acknowledge the partners or non-biological children of their lesbian, gay and bisexual sons and daughters, a very powerful form of social invisibility; sex education curricula in schools (especially religious schools) do not usually promote visible representations of gay and lesbian sexuality or relationships in the same way as they do heterosexuality; and the various media often choose to either omit representations of LGBT people entirely or to portray a narrow, stereotypic range of gay imagery with which many in our communities do not identify (Hillier et al, 1998).

Even though transgender people may identify as heterosexual, they are equally affected by homophobia, heterosexism and invisibility, given that the general community (and unfortunately, many in our own communities) are ignorant about the issues faced by transgender people and often confuse gender identity and sexuality issues. Further to this, what constitutes 'normal' gender identity is policed as diligently as 'normal' sexuality within medical settings, within families and in the schoolyard.

### Aims of this report

In view of the above discussion, the working group decided on the following aims for this report.

- To report on the contemporary picture of discrimination and abuse directed at members of Victorian LGBT communities with a view to informing current legislative, policy and social debates within Victoria and Australia.
- To monitor LGBT knowledge of the 1995 amendment to the *Equal Opportunity Act* (Vic) and consider how the amendment has impacted on official and unofficial responses to discrimination directed at members of our communities.
- To provide a basis for reflection on priorities for future lobby work which is informed by research evidence of the issues affecting LGBT communities.

### Structure of this report

The report is divided into eleven sections, the first of which provides a participant profile, an overview of results and a comparison with results from GLAD, 1994.

Each of the subsequent nine sections reports on results from the 1999 survey and deals with a distinct area of social life. Some sections are built around areas that are explicitly mentioned in the Act: 'Education', 'Employment', 'Membership of clubs and religious or sporting organisations', 'Provision of goods and services and accommodation'. Other sections are focused on areas of life not explicitly mentioned in the Act: ('Assault or harassment in a public place', 'Medical treatment', 'Parenting', 'Police/other law enforcement', 'Invisibility') where issues of discrimination and abuse are nonetheless relevant. The eleventh section considers 'Knowledge and use of the *Equal Opportunity Act*'.

Recommendations based on the research results can be found at the front of the report, immediately after the Executive Summary.

Each section is introduced by quotations from participants, a summary of the main findings and some background information. This is followed by discussion and tabulations of the results and conclusions that are linked, where possible, to the report Recommendations. Methodological information can be found at Appendix One.

# 1

## The Big Picture

### Summary

- Results are based on a sample of 929 men, women and transgender people, 84% of whom reported experience of at least one form of discrimination or abuse on the basis of their sexuality/gender identity.
- Of those reporting discrimination or abuse, most had experienced it in relation to 'Assault or harassment in a public place' (79%), followed (in order) by 'Employment' (48%), 'Education' (31%), 'Provision of goods and services' (28%), 'Medical treatment' (27%), 'Police/other law enforcement' (20%), 'Parenting' (16%), 'Club membership' (14%) and 'Tenancy' (11%).
- In addition to specific incidents of discrimination or abuse, 50% of participants reported issues associated with the invisibility of their sexuality/gender identity, which for some had led to an ever-present sense of social marginalisation and for others to the break up of intimate and long term relationships, to depression and to contemplation of suicide.
- Participants identifying as transgender and men were far more likely than women to report discrimination related to the category 'Police/other law enforcement'. Transgender participants were twice as likely as other men and three times more likely than other women to report discrimination or abuse in this category.
- Women and participants identifying as transgender were more likely than men to be affected by discrimination relating to the 'Provision of goods and services'.
- Although there were few differences based on age of participant, those under 30 were more likely to report discrimination or abuse related to 'Education' and 'Assault or harassment in a public place' than those 30 and over.
- Differences based on area of residence were generally negligible, however, participants resident in country areas were more likely to report discrimination in the 'Parenting' category than those resident in the Melbourne metropolitan area.
- While direct comparisons with the results of the 1994 GLAD Report need to be viewed with circumspection, 1999 reports of discrimination related to 'Medical treatment' were slightly higher than 1994 figures and discrimination in the areas of 'Provision of goods and services' and 'Police/other law enforcement' had decreased. Reported discrimination in other categories remained on a par with that reported in 1994, however, this is not to suggest that reported levels were by any means acceptable.

## Participant Profile

### Response to questionnaires

One thousand and nineteen completed questionnaires were collected and of these, 929 (90%) were able to be used in the data analysis. Official response rates could not be calculated, as we do not know how many of those exposed to the questionnaire were eligible to participate. Ninety questionnaires were invalid, largely because participants declined to complete the demographic information, or left substantial numbers of questions blank. The majority of valid questionnaires were completed at the 1999 midsumma carnival and at the Chill Out day held annually in Daylesford (see Table 1).

Table 1. Source of questionnaires

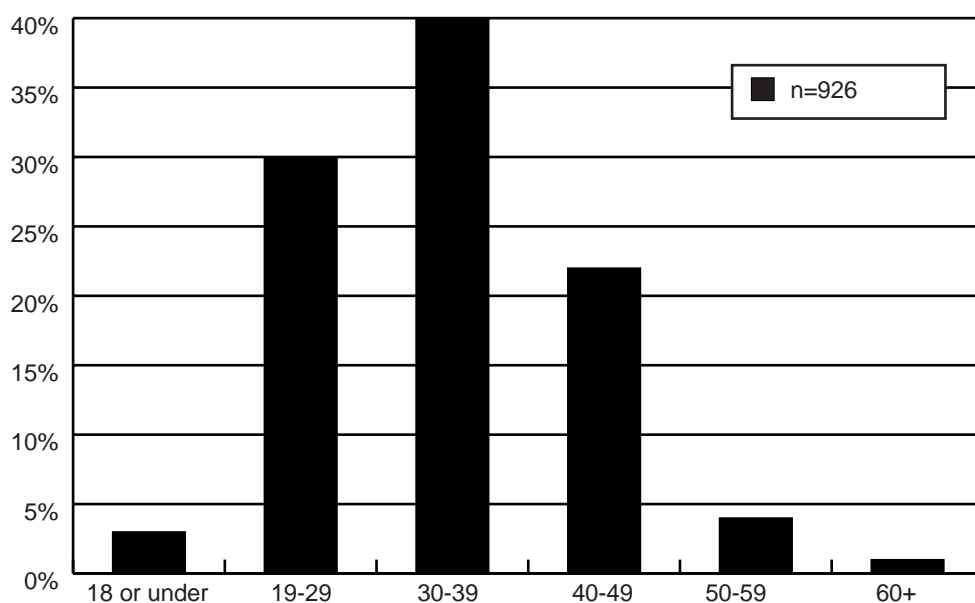
Where did you find out about the survey	n	%
midsumma event	581	57%
Chill out festival, Daylesford	222	22%
<i>Melbourne Star Observer</i> (newspaper)	57	6%
From a friend	42	4%
Hares and Hyenas (LGBT bookshop)	40	4%
<i>Brother Sister</i> (newspaper)	39	4%
Joy Melbourne (radio station)	31	3%
<i>Lesbiana</i> (magazine)	7	–

Total questionnaires received = 1019  
Total valid questionnaires = 929

### Age of participants

Forty percent of participants (374) were in the 30-39 year age group, thirty percent were aged between 19 and 29, and just under one quarter (199) were aged between 40 and 49. The smallest age groups were '18 and under', '50-59' and '60 +' which represented three percent, four percent and one percent of total participants (respectively). Relative to the general population, people between 30 and 50 are over represented, and those over 50 or under 18 are under represented. There were no gender differences with regard to the age distribution of participants (see Figure 1).

Figure 1. Age of participants



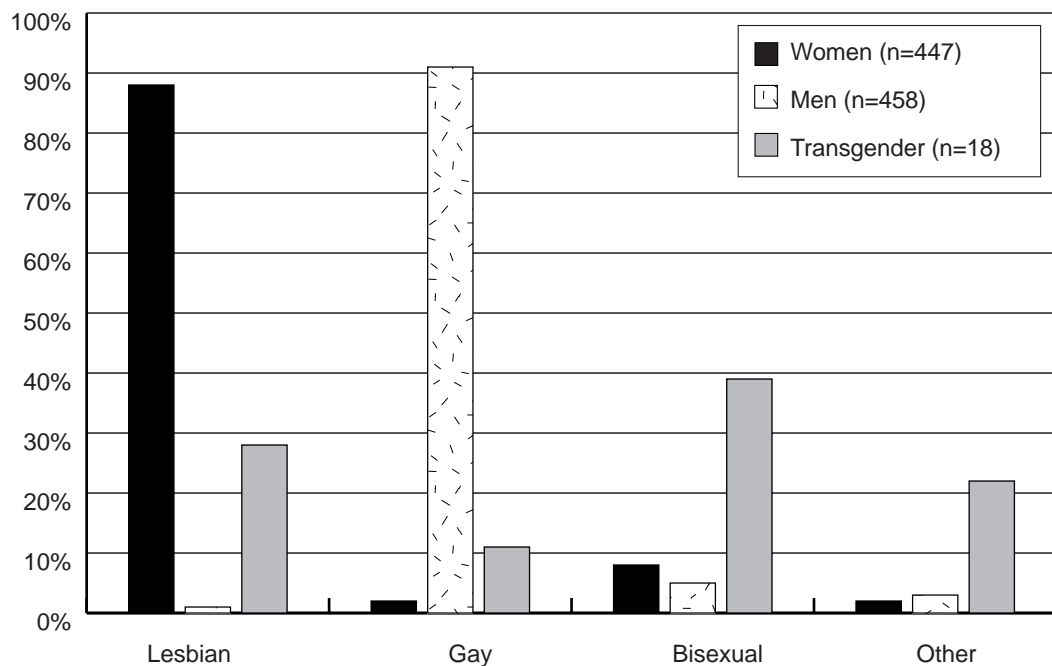
## Sexuality/gender

Participants were provided with three options with regard to gender: 'male', 'female' and 'transgender'.

Fifty percent of participants identified as male (458), forty eight percent of participants identified as female (447) and two percent nominated the category 'transgender' (18). Unfortunately, most transgender participants did not indicate whether they were 'female to male' or 'male to female'. Numbers of transgender participants were small in relation to the other categories yet were in line percentage-wise with other state-wide surveys of Australian LGBT communities. Given that transgender people often identify as either male or female, it is likely that transgender men and women are included within all three categories of gender.

In addition to these three categories of gender, participants were asked whether they considered themselves 'lesbian', 'gay', 'bisexual' or 'other'. Forty-four percent of participants considered themselves lesbians (404), including five men, forty six percent considered themselves gay (428), including 10 women, seven percent nominated bisexual (65), and the remaining three percent (30) considered another label more appropriate, e.g. 'queer', 'polymorphously perverse' or 'heterosexual'. A few participants wrote that they considered sexual identity labels inappropriate and inaccurate in relation to their own lives. Women and transgender participants were more likely than men to identify as 'bisexual' (see Figure 2).

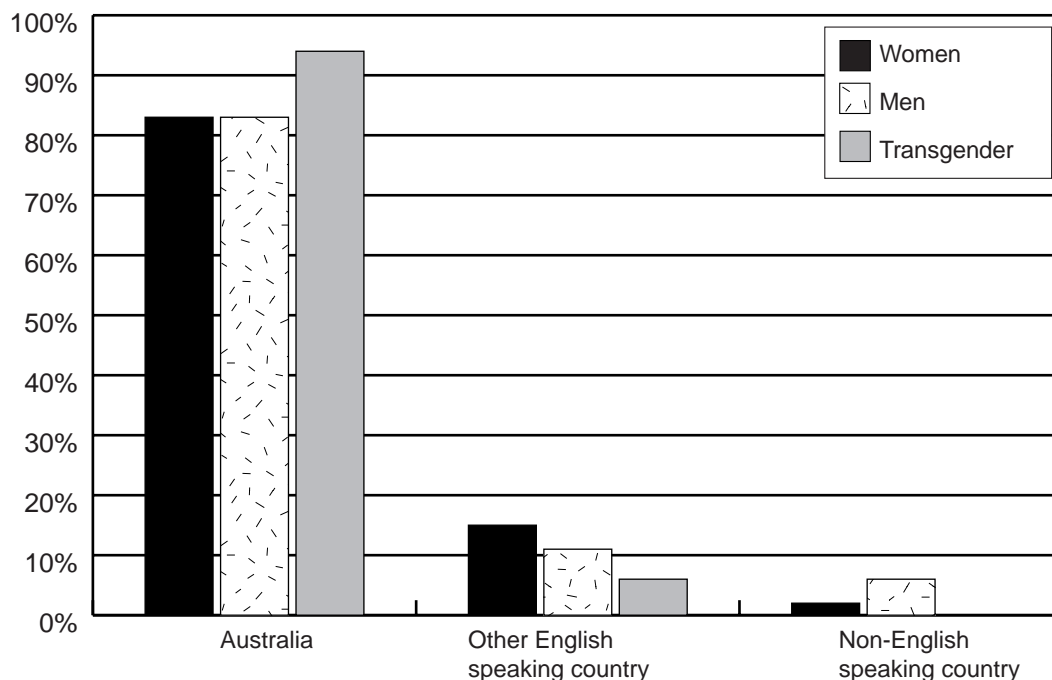
Figure 2. Sexuality and gender of participants



## Country of birth

Most participants were born in Australia (83% or 767). Thirteen percent were born in another English speaking country (117) and 4% (38) were born in a non-English speaking country. Men were more likely to have been born in a non-English speaking country than women and transgender participants (see Figure 3). In comparison with the general population, Australian-born and Other English speaking country-born participants are over represented and non-English speaking country born participants are under represented (ABS, 1997: 9).

Figure 3. Country of birth of participants by gender



### Parents' country of birth

Most participants (61% or 564) had parents who were both born in Australia. Almost one quarter (22%) reported that their parents were born in another English speaking country (201) and the remaining 17% (159) had at least one parent who was born in a non-English speaking country.

### Area of residence

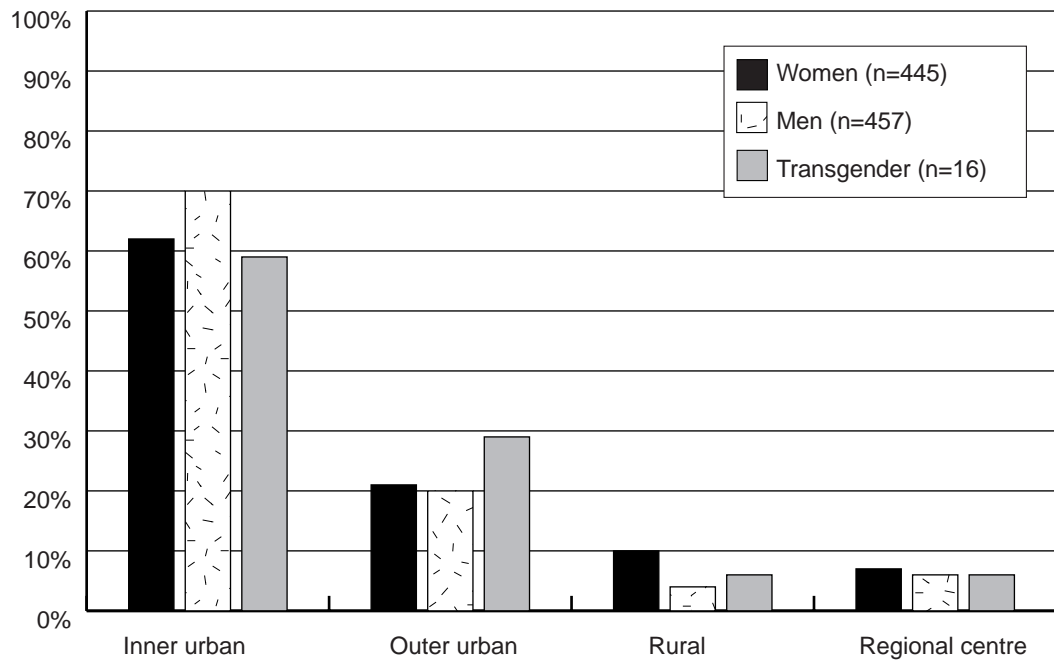
The survey privileged urban dwellers, although attempts were made to equitably distribute the questionnaire to rural and regional centre dwellers through LGBT friendly outlets/services in country Victoria. The majority of participants came from the Melbourne metropolitan area, with 66% (604) living in inner urban areas, and 21% (194) residing in the outer suburbs. Six percent of participants (58) reported living in a regional centre with a population of 5,000 or more, and seven percent (65) lived in a rural area.

Although all participants were equally likely to live in the outer metropolitan areas and regional centres, men were more likely than women and transgender participants to be inner urban dwellers, and women were much more likely than either of the other groups to live in a rural area (see Figure 4).

### Highest education achieved

Participants were, on the whole, a well-educated group, although the categories used were not directly comparable with those of the ABS. Over one quarter (27% or 248) had a university degree and an additional 25% had a postgraduate qualification (230). Twenty three percent of participants had at least some kind of tertiary diploma, trade certificate or university education. Fifteen percent (140) nominated year 12 or HSC as their highest educational achievement. The remaining ten percent (94) had completed primary school only, or some high school.

Figure 4. Area of residence of participants by gender



There were some gender differences with regard to education. Transgender participants were less likely than other women and men to have completed a postgraduate qualification, and more likely than other women and men to nominate 'Completed HSC/VCE' as their highest qualification (see Table 2).

### Current education/paid work status

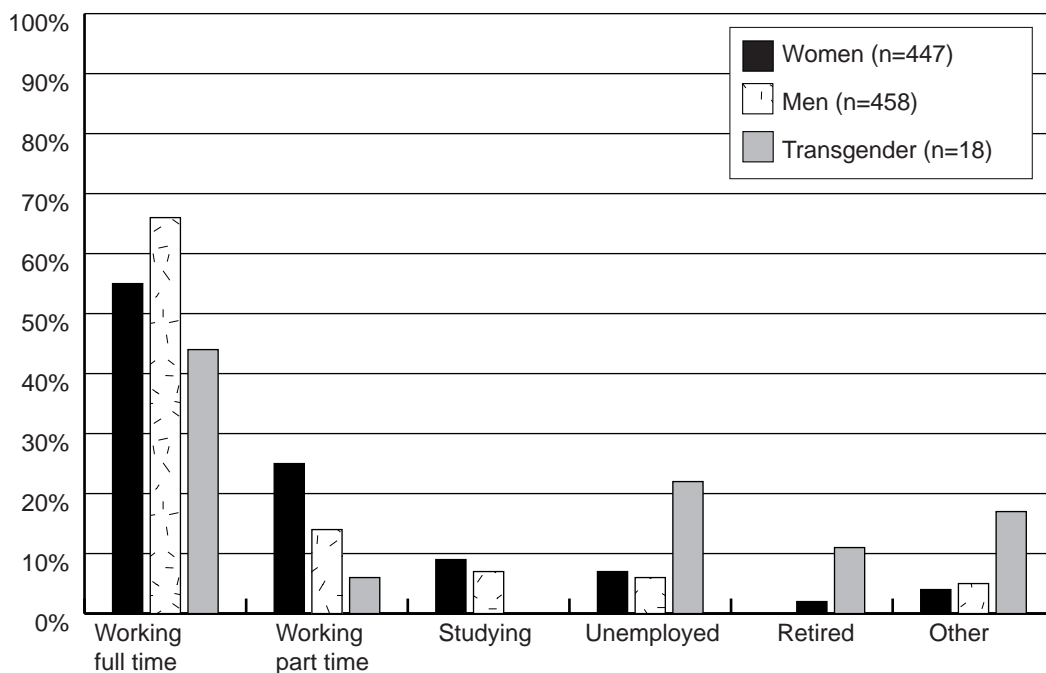
The next question concerned education/paid work status, the aim being to find out what participants were mainly doing at the time of the survey. Most participants were working full time, i.e. 60% (558), and about one fifth (19% or 177) nominated part time work as their main occupation. An additional eight percent (73) were studying, seven percent (64) were unemployed, and two percent (14) were retired. The remaining four percent of responses indicated other occupations (mostly voluntary work and primary care of children).

Men were more likely than women to be working full time, and women were far more likely than men to be working part time. With regard to 'Other' responses, more women wrote on their questionnaires that they were mainly involved in primary care for children.

Table 2. Education achieved by gender

Highest qualification achieved	Women n=447	Men n=458	Transgender N=17	Total n=922
Primary school only	–	1%	6%	1%
Some high school	10%	10%	11%	9%
Completed HSC/VCE	12%	17%	28%	15%
TAFE or tertiary diploma	26%	21%	17%	23%
University degree	27%	26%	22%	27%
Postgraduate qualifications	25%	25%	16%	25%

Figure 5. Main occupation at the time of the survey



Transgender participants were less likely than women and men to be working full time, more likely than other men and women to be unemployed, and no transgender participants reported 'Studying' as their main occupation. Although transgender responses were a large proportion of the 'Other' category, there was no information provided as to what this might mean (see Figure 5).

### Type of employment

Of those who were in paid employment, over one third worked in the public sector (261), and almost another third (232) were employees of large private companies or businesses. Twenty percent (149) worked for a small private company or business, and thirteen percent (98) were self employed. Only two percent (11) were employed outside of these main categories. More transgender participants indicated self employment than the other groups (see Table 3).

Table 3. Employment type by gender

Employment type	Women n=358	Men n=377	Transgender n=12	Total n=747
Public sector	38%	33%	8%	35%
Large company	30%	32%	25%	31%
Small company	17%	22%	25%	20%
Self employed	13%	12%	42%	13%
Other	2%	1%	–	1%

## Overview of discrimination and abuse reported in 1999

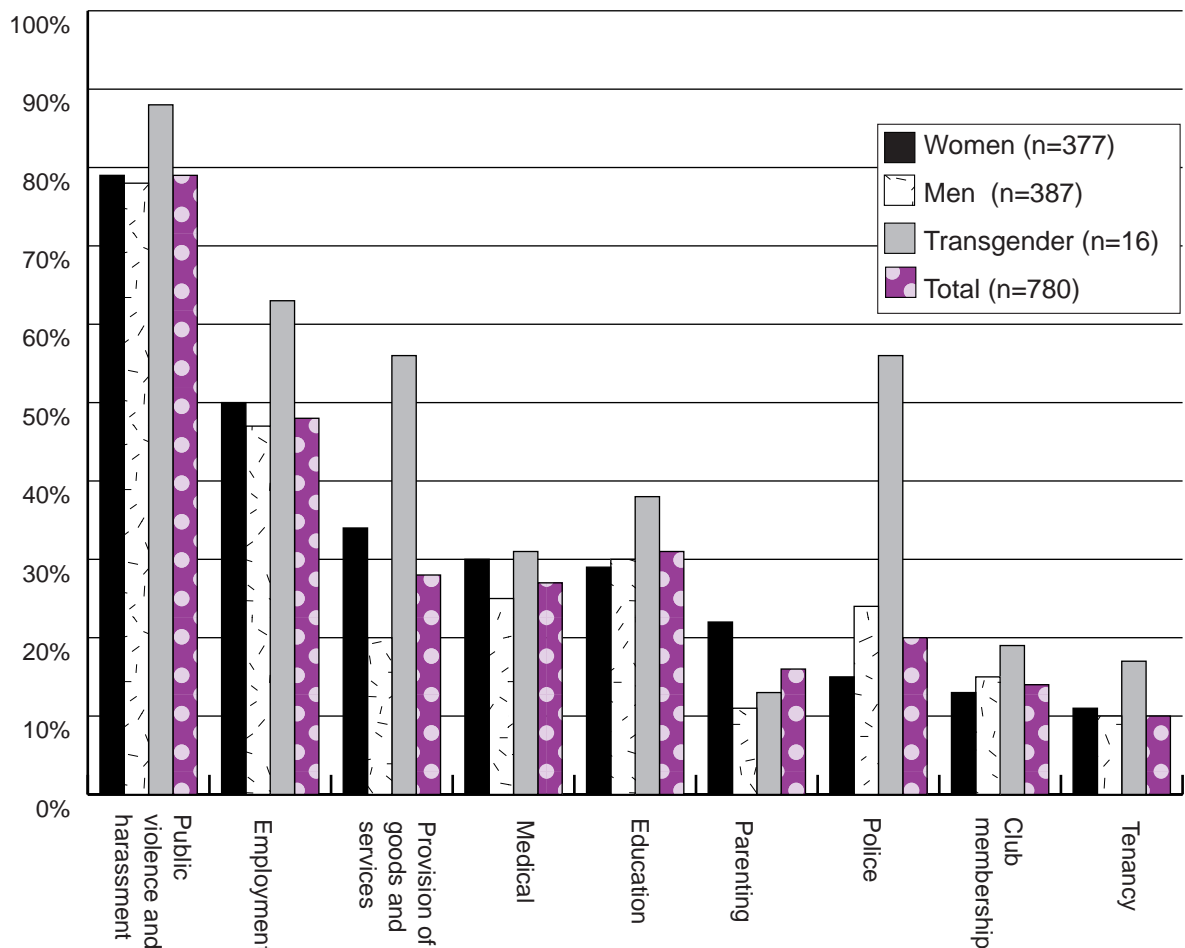
Eighty four percent of participants (780 out of a possible 929) had experienced at least one form of discrimination or abuse on the basis of their sexuality/gender identity. Multiple responses were possible.

Of those reporting any discrimination or abuse, most participants had experienced it in relation to 'Assault or harassment in a public place' (79% or 615), followed (in order) by 'Employment' (48% or 375), 'Education' (31% or 239), 'Provision of goods and services' (28% or 215), 'Medical treatment' (27% or 213), 'Police/other law enforcement' (20% or 159), 'Parenting' (16% or 127), 'Club membership' (14% or 109) and 'Tenancy' (11% or 86) (see Figure 6).

### Discrimination or abuse and gender

All genders were equally likely to report discrimination or abuse in the categories of 'Assault or harassment in a public place' and 'Employment'. Further down the list of discrimination categories, there was gender divergence. The next three biggest issues for lesbian and bisexual women were 'Provision of goods and services' (34% or 128), 'Medical treatment' (30% or 113) and 'Education' (29% or 110)

Figure 6. Reported discrimination or abuse by gender<sup>5</sup>



5. Percentages in Figure 6 are expressed as a proportion of total numbers of participants who had experienced any discrimination.

respectively, whereas for gay and bisexual men they were 'Education' (32% or 123), 'Medical treatment' (25% or 95) and 'Police/other law enforcement' (24% or 94). For transgender participants 'Police/other law enforcement' and 'Goods and services' were equal third (56% or 9) with 'Education' the fourth largest category of discrimination (38% or 6) (see Figure 6).

The main issues for women and for men are discussed below in comparison with GLAD, 1994 data. Those relevant to transgender participants (who were not represented in 1994) are discussed immediately below.

### **Transgender participants**

Numbers of transgender participants were small (n=18), and in many of the topic areas covered in this report there was a relative absence of qualitative responses in comparison with those provided by other women and men. However, enough quantitative information was obtained to conclude that discrimination experienced by transgender participants was at least as widespread as that experienced by other members of the LGBT communities in the areas of 'Employment', 'Education', 'Medical treatment', 'Tenancy', 'Membership of clubs and religious or sporting organisations' and 'Parenting' (see Figure 3). Areas where transgender participants particularly voiced concerns or were significantly more disadvantaged were 'Assault or harassment in a public place', 'Police and other law enforcement', 'Provision of goods and services' and 'Invisibility'.

#### **Assault or harassment in a public place**

Transgender participants were no more likely to report 'Assault or harassment in a public place' than other groups and verbal abuse directed at transgender participants was on a par with that directed at other groups, however, more transgender participants reported explicit threats of violence and experience of physical assault than other men or women. Transgender participants were also more likely to comment in the qualitative data that they had been repeatedly targeted for abuse (see Section 3).

#### **Police and other law enforcement**

Transgender participants were twice as likely as other men and three times more likely than other women to report discrimination related to their dealings with the police (56% transgender, 24% men, 15% women, see Figure 6). Further to this, accounts of repeated experience of harassment by and mockery from, police members characterised the qualitative data they provide (see Section 8).

#### **Provision of goods and services**

Transgender participants were more likely than other men or women to report discrimination or ill treatment in relation to the provision of goods and services (56% transgender, 34% women, 20% men, see Figure 6). Although there was little information provided in the qualitative data as to the circumstances of the discrimination, available responses suggested that transgender participants encountered rudeness and disrespect from a variety of service providers when failing to pass as their reassigned gender (See Section 9).

#### **Invisibility**

Despite the fact that most instances of explicit discrimination towards transgender participants were due to their highly visible difference, i.e. a failure to 'pass' as their reassigned gender, invisibility was reported as a highly significant issue. For transgender participants, invisibility tended to be defined as a lack of recognition of the difference between transgender and sexuality issues and the general ignorance among members of the LGBT as well as the mainstream communities as to what transgender identity was about (see Section 2).

## Discrimination or abuse and age

Analysis of the overview of responses in each category revealed few differences based on the age of participants. Age was irrelevant in terms of likelihood of reporting discrimination in the areas of 'Medical treatment', 'Employment', 'Parenting', 'Tenancy', 'Provision of goods and services', 'Police/other law enforcement' and 'Club membership'.

Age did have an impact on discrimination related to the 'Education' category, in that participants under 30 were more likely to report discrimination in this area than those 30 and over. This is likely to relate to a shorter passage of time since school days for the under 30 group, and also a greater likelihood of current enrolment in an educational institution.

Participants between the ages of 30 and 49 were more likely to report being affected by the invisibility of their sexuality than the other groups. This finding most likely represents a greater sense of entitlement to acknowledgment of the legitimacy of homosexual sex and relationships among this group than that of their older and younger peers, rather than any particular disadvantage.

Finally, participants under 30 were more likely than the older groups to report having experienced discrimination in the area of 'Assault or harassment in a public place'. This is understandable given that younger people tend to go out more, particularly to gay and lesbian venues, and much of the harassment or abuse which was reported was in the vicinity of gay venues.

## Discrimination or abuse and area of residence

Perhaps surprisingly, differences were slight between country and city dwellers in terms of the overview of discrimination and abuse in each category.

One exception to this general rule was in relation to the 'Parenting' category. Those parenting in rural areas or regional centres were more likely to report experiences of discrimination or abuse than those resident in the Melbourne metropolitan area (20% of city dwellers compared with 35% of country dwellers). This points to particular issues of isolation and lack of acceptance for gay parents in country areas (see Section 5).

## Comparisons between 1999 results and GLAD 1994<sup>6</sup>

### Significant increase since 1994

#### Medical Treatment

This was the only category in which reports of discrimination or abuse had significantly risen since 1994. In 1994, 17% of women and 16% of men reported discrimination in this area, whereas in 1999, the comparable figures were 25% and 21% respectively (see Figures 7 and 8).

In 1999, gay and bisexual men, and lesbian and bisexual women continued to emphasise a range of problems encountered with health care providers. These included (for both genders) inappropriate assumptions as to their heterosexuality and refusal of medical treatment on the basis of revealed (or suspected) homosexuality.

Women frequently raised the issue of inadequate gynecological care and a general reluctance to disclose their sexuality to health care providers for fear of censure. Being refused access to reproductive technology was also raised as a concern by women more often in 1999, compared to the emphasis this issue was given in 1994. This is a trend which reflects growing levels of interest among lesbians in becoming pregnant via access to donor sperm (see Section 4).

### No significant change since 1994

#### Assault or harassment in a public place

Discrimination reported in this category remained unacceptably high for all participants and on a par with data from 1994, where 70% of women and 69% of men reported abuse in this category. The comparable figures for 1999 were 66% and 67% respectively. Gendered patterns in the data were also similar to those obtained by GLAD. Women and men were equally likely to report having experienced public violence or abuse, and the most frequently reported form of abuse was verbal (see Section 3).

#### Invisibility

As was the case in 1994, women and men wrote at length about issues associated with the 'Invisibility' of their sexuality. Issues participants chose to write about fell into a number of categories, namely: the consequences of a lack of legal recognition of same sex relationships; the consequences of a lack of social recognition of same sex relationships; the practices of self-censorship which many were forced to adopt in order to protect themselves from harm; and other types of discrimination resulting from the general assumption that heterosexuality is the only legitimate form of sexuality.

In keeping with the GLAD findings, women were more likely than men to feel that there was a general lack of recognition of their relationships and their sexuality (1994 – 69% women, 52% men; 1999 – 58% women, 43% men). Lesbian and bisexual women felt they were often presumed to be heterosexual in a variety of settings, (e.g. medical and employment) and lesbian sexuality was considered a particular absence from school sex education curricula, from the media and from health provision agendas. As more women were affected by issues associated with 'Parenting', the invisibility of alternative family structures was more keenly felt by lesbians (See Section 2).

#### Employment

Reports of discrimination in relation to employment had remained constant when compared with 1994 results. GLAD found that 45% of women and 45% of men had experienced employment

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6. Although it was initially the intention to compare the entire 1994 survey with the 1999 data, ultimately, the original GLAD data set was not available for statistical analysis. For this reason, we did not have enough information to directly compare the sub-categories in each section, but we were able to calculate an overview of trends with regard to those reporting discrimination or abuse in each category. Where the qualitative data has indicated a different emphasis or trend in respect to 1994 and 1999, this is also commented on in the text.

Figure 7 . Discrimination/abuse reported by lesbian and bisexual women (1994 and 1999)<sup>7</sup>

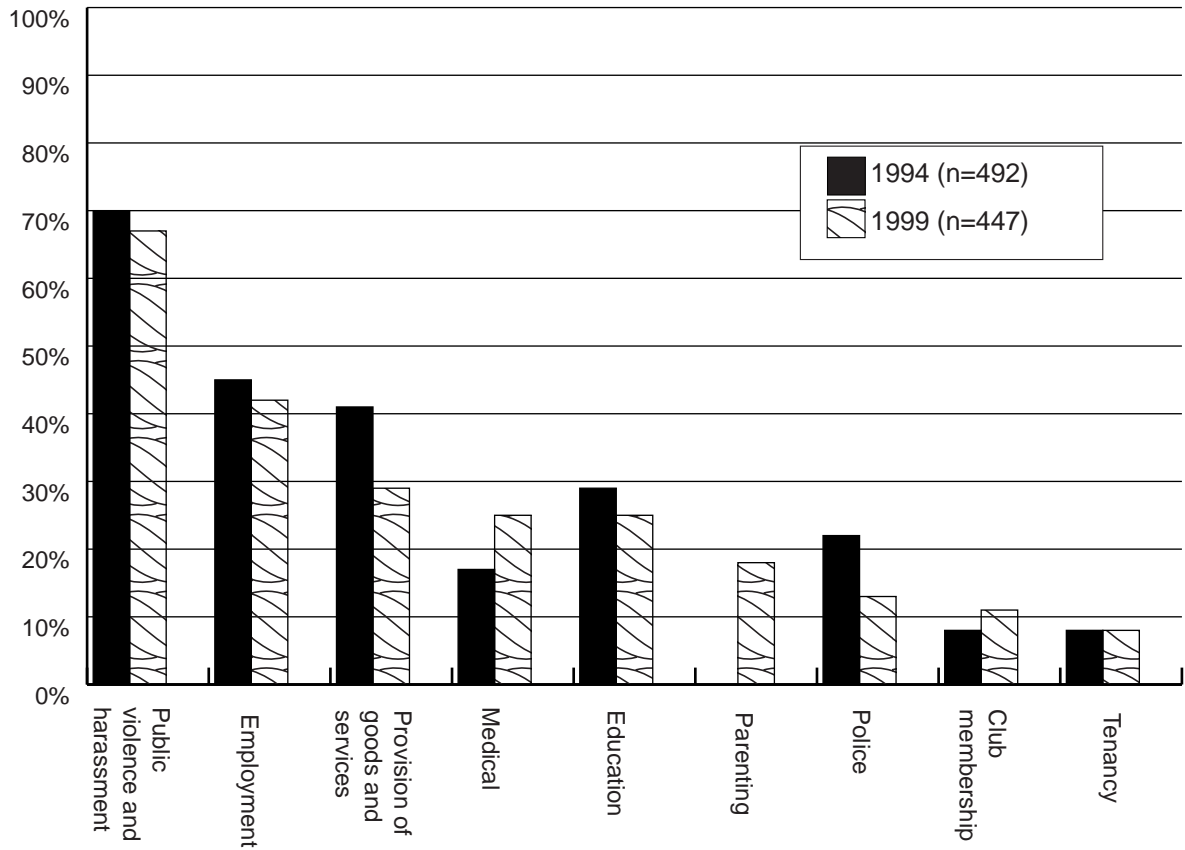
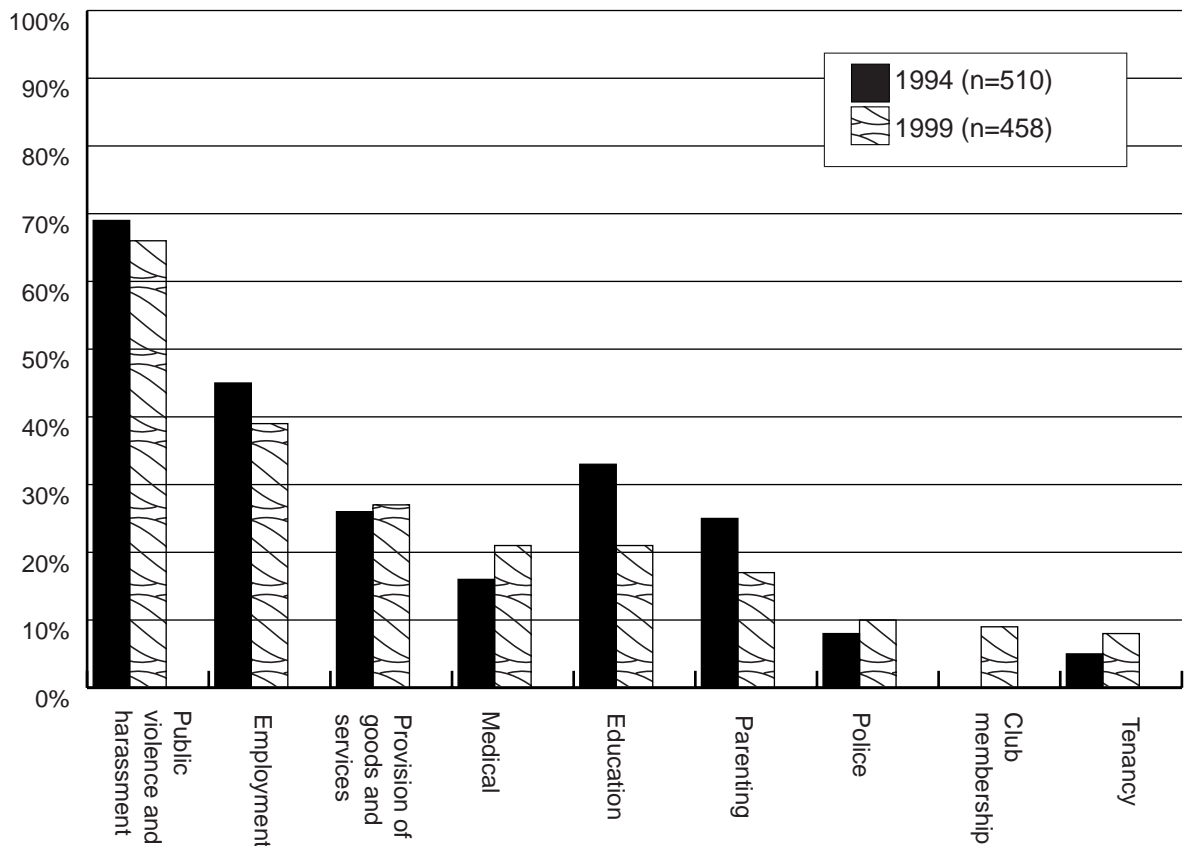


Figure 8. Discrimination/abuse reported by gay and bisexual men (1994 and 1999)



7. Percentages in Figures 7 and 8 are expressed as a proportion of total numbers of participants, not total numbers who reported discrimination, hence the discrepancy when compared with Figure 6.

related discrimination, and the 1999 data returned reports in the vicinity of 40% for each gender (42% women, 39% men). There was evidence in the qualitative data that despite the 1995 changes to the Act, many workplaces did not have policies in place which protected LGBT employees from homophobic bullying and, with few exceptions, it was young, heterosexual men perpetrating the violence and abuse.

Again, similarly to 1994, lesbians and bisexual women reported a number of discriminatory incidents in the 'other' category, which emphasised the subtle interplay between gender and sexuality in the workplace and the double burden experienced due to being lesbian or bisexual and a woman. Exposure to lewd jokes and pornography, being overlooked for promotions in favour of conspicuously heterosexual men and being expected to look or act like a certain kind of 'feminine' woman were all examples of this more ambiguous discriminatory treatment.

An issue which received more emphasis in the 1999 qualitative data was that of the ambiguity in the Act relating to work which involves the care of children and young people. Although there were no specific reports of direct discrimination, many women and men feared that the 'Care of Children' exception in the Act placed them at a legally sanctioned risk of being refused employment or sacked if their sexuality was disclosed (see Section 6).

### **Education**

Reported discrimination in the 'Education' category also indicated negligible change when compared with 1994 data. GLAD reported that 28% of women and 26% of men had experienced this type of discrimination, and the comparable figures for 1999 were 27% of men and 25% of women.

In both surveys it was reported that a lack of recognition of same sex relationships, homosexuality and gender identity issues within school and university curricula contributed to feelings of low self worth and invisibility among women and men. Further to this, a number of adults were still deeply affected by the bullying they had been subjected to in the school environment many years after completing their secondary education (see Section 7).

### **Tenancy**

Reports of discrimination related to tenancy had remained the same as those from 1994. Despite the existence of anti-discrimination legislation since 1996, 1999 survey results revealed that a small percentage of men and women were still denied access to rental premises on the grounds of their (assumed and/or explicitly stated) sexuality. This was not an area in which participants reported having pursued legal remedies to address the discrimination, as it was felt that it was difficult to prove that discrimination was related to sexual orientation (see Sections 9 and 11).

### **Membership of clubs and religious or sporting organisations**

Levels of reported discrimination in this category had also remained about the same when compared to 1994 results. However, 1999 responses highlighted the anxiety many participants continued to experience in relation to their involvement with religious organisations. A number of participants feared discrimination, including being barred or sacked from religious associations and workplaces on the grounds of their sexual orientation.

It was evident that the high profile anti-homosexual sentiments expressed by some prominent Christian Church leaders had had a direct impact on levels of fear among women and men, particularly those active in Church organisations and working in religious schools (see Section 10).

## Significant decrease since 1994

### Provision of goods and services

In 1994, GLAD found that 41% of women and 25% of men had experienced discrimination related to the provision of goods and services, whereas the comparable figures for 1999 were 29% and 17% respectively. This is a considerable decrease for both genders which can possibly be attributed to the increase since 1994 in consumer marketing aimed at the LGBT community, and also to the changes to the Act, which make discrimination in this category unlawful.

Despite this decrease, some things had not improved since 1994. Two unchanged trends in the qualitative data made it apparent that men and women continued to encounter discrimination when seeking accommodation as same sex couples outside of holiday destinations specifically geared to the LGBT community and also when they displayed affection to their partners in 'mainstream' shops, bars and restaurants. Similarly to 1994, discrimination was more likely to be reported by women than by men, and women clearly had less spending power, given that they were far more likely than their male counterparts to be part time earners. For this reason, some of the discrimination reported by lesbians and bisexual women could be attributed to a gender as well as a sexuality bias (see Section 9).

### Police/other law enforcement

Reports of discrimination or abuse in this category had considerably decreased since 1994. In 1994, 22% of women and 33% of men reported discrimination or abuse in relation to their dealings with the police, whereas in 1999, these figures had fallen to 13% of women and 21% of men.

We could in part attribute this decrease to the review of police policies in relation to the LGBT community, a development which took place in the aftermath of the 1994 'Tasty' raid. The energy and activism of GALPEN (the gay and lesbian police employees network) in recent years is also likely to have made a positive impact on police treatment of members of the LGBT community (see Section 8).

## Category not comparable with 1994

### Parenting

The 1994 and 1999 Parenting categories were not directly comparable as different questions were asked. The differences reflect an historical shift within the LGBT community. In the past five years, increasing numbers of LGBT people, especially lesbian and bisexual women have been seeking conception or other parenting options within the context of LGBT identity, whereas at the time the GLAD data was collected, parenting commitments were more likely to be assumed as having resulted from prior heterosexual relationships.

In 1999, 14% of participants reported discrimination related to parenting, which represented 18% of women yet only 9% of men (see Figure 6). Many of the qualitative responses in this category related to the more historically familiar concerns of gay parents, i.e. custody and access issues, but greater numbers were concerned about a lack of social and legal acceptance for the alternative family structures being created within the LGBT communities, for example, families with two mothers rather than a mother and a father (see Section 5).

## Conclusions

At a time when much is being achieved in the Victorian public arena with regard to formal rights for members of the LGBT communities, this overview demonstrates (and we must emphasise) that reported levels of discrimination and abuse on the basis of sexuality/gender identity are still high and unacceptable.

On the one hand, we applaud the evidence of work being done within the police force to combat discrimination and abuse directed at lesbians, gay men and bisexuals. We also feel cautiously optimistic and hopeful that the 'lawful sexual activity' attribute now contained in the Act has contributed to the decrease in reported discrimination in the goods and services category, in that many providers now work with an awareness that they could be the recipients of a complaint of discrimination on the basis of sexuality.

However, it appears that many medical practitioners do not see themselves as obliged to provide equitable service to the LGBT communities. It is a cause for considerable concern that reported discrimination in the category of 'Medical treatment' has actually increased despite the fact that provision of medical services would fall (in many instances) within the parameters of 'service' covered by the 1995 amendment to the Act. In times of ill health, people are particularly vulnerable, and one would hope entitled to the best possible care.

It is one thing to say that discrimination and abuse relating to 'Assault or harassment in a public place', 'Employment' and 'Education' has not increased. It is another thing entirely to believe that this is a good outcome. It is a cause for great alarm that over two thirds of LGBT community members continue to experience harassment and assault on the streets and that nearly one half still report discrimination or ill treatment in the workplace. We may be well on the road to law reform, and to some changes in community attitudes, however, there are equally large obstacles to tackle as the more detailed analysis in the subsequent sections of this report reveals (See Recommendations).

# 2

## Invisibility

I suffer small blows everyday when I see countless images supporting and promoting heterosexuality and precious few which reflect my orientation (M, G, 30-39, 119).

People's lack of understanding about transgender people and confusion between transsexuals and cross dressers (T, B, 30-39, 547).

I think generally, we are all affected to some extent. Just not being able to do the same things in public that straight people do, like hold hands, kiss etc. (M, G, 50-59, 295).

In some ways I'd rather get yelled at than ignored. At least then I seem real (F, L, 40-49, 631).

### Summary

- 50% of participants reported they felt personally affected by issues associated with the invisibility of their sexuality or gender identity. Women and transgender participants were more likely to report this than men.
- Invisibility, as defined by participants included: practices of self-censorship; lack of legal recognition of their relationships and sexuality; lack of social recognition of relationships and sexuality; and, a widespread lack of understanding about transgender issues.
- The consequences of invisibility included low self-esteem, depression, relationship break-down and in some situations contemplation of suicide.
- Invisibility issues were reported in every section of the questionnaire. In particular, the Assault or Harassment in a public place, 'Education', 'Medical treatment', 'Employment' and 'Parenting' sections all contain discussion of the manner in which lack of recognition of same sex relationships and practices of self censorship affected many participants.

**I**nvisibility is a deeply felt issue within our communities and it takes many forms in day to day life. As more was written by participants in this section of the questionnaire than in any other, it was important to include responses in a prominent position. There is the ever-present issue of hiding one's sexuality for fear of censure and discrimination from others in the workplace, in public, at school and within the family. In 1994, GLAD found that there was a strong correlation between being open or 'out' about one's sexuality and the likelihood of experiencing discrimination or more overt abuse:

With only a few exceptions, participants classed as 'out' experienced higher levels of discrimination and violence than those who were not (GLAD, 1994: 29).

Practices of erasure, whereby LGBT people are largely hidden from history and statute, still characterise the culture of Australian institutions such as the law and the education system. For example, it is only since 1996 that gay and lesbian couples have been included in the Australian Census data, and this is only in a limited and indirect way.

### Survey results

We asked participants to indicate how they were affected by issues which come under the general umbrella of 'invisibility':

Apart from any particular experiences of discrimination or abuse, has a lack of recognition of your sexuality or transgender identity directly affected you?

Fifty percent of participants (443) answered 'yes' and 50% (439) answered 'no'.

As discussed in Section 1, women and transgender participants were more likely to report they were concerned about 'Invisibility' (65% transgender, 58% women and 43% men). Despite this difference qualitative responses from all genders fell into the categories discussed below namely: the consequences of a lack of legal recognition of same sex relationships; the consequences of a lack of social recognition of same sex relationships; the practices of self-censorship which many were forced to adopt in order to protect themselves from harm; and other types of discrimination resulting from the general assumption that heterosexuality is the only legitimate form of sexuality.

## Self censorship

As one man commented before he reached the 'Invisibility' section of the questionnaire:

A key issue always overlooked in surveys such as this is 'What do you do and how do you behave to avoid being seen as gay or lesbian or transgender' and so avoid discrimination. I've never been discriminated against, but I pay a high price for that (M, B, 40-49, 256).

The public expression of homophobic sentiments in the general community, not to mention the behaviour discussed in Section 3 of this report, leads many lesbians, gay men and bisexuals to hide their sexuality for fear of violence or other direct and indirect abuse or discrimination. Self-censorship, then, as a means of self-protection becomes a way of life for many. 'Invisibility' was defined by many participants as a consequence of the practices of self-censorship adopted in order to keep themselves safe, or employed or socially acceptable. As one woman wryly put it:

You can pick the lesbians at our local night club. They're the ones who don't dare to dirty dance together (F, L, 30-39, 1139).

Self censorship was a particular feature of many participants' behaviour in the workplace, where it was perceived there was pressure to keep same sex partners hidden, and in some circumstances, it was feared that disclosure of sexuality could lead to dismissal or damaged career prospects:

Due to teaching in a Catholic primary school, I cannot be honest about who I am. If I was out at work I would be sacked. I find this very difficult (F, L, 19-29, 751).

In a work environment as an architect I find it very difficult to come out without exposing myself to prejudice from both colleagues and building contractors (F, L, 30-39, 453).

Negative attitudes toward homosexuality were expressed overtly and covertly throughout my employment as a secondary school teacher. This continued to be a problem when I taught in the adult education sector, although not as consistently or intently (M, G, 40-49, 197).

## Consequences of invisibility

For many, negative emotions related to invisibility characterised everyday life, and went far beyond circumspect behaviour when in 'straight' nightclubs. Feelings of 'unreality', or a sense of denying a significant part of one's life and identity were expressed by some. Many participants of all ages and genders spoke of the low self esteem and depression which can result from having to lead a 'double' life:

Limits self confidence thereby limiting opportunities for personal development privately and publicly. Being invisible has affected my career development and my personal relationships (F, L, 30-39, 242).

Many years of being in the closet has taken its toll. I am undergoing therapy for the second time in 5 years (M, G, 30-39, 220).

Obviously, not being recognised and accepted leads to low self-esteem. Life is made up of constant battles to achieve a lifestyle others accept as their right because they are heterosexual (F, L, 40-49, 126).

There was a lack of understanding and no direction from authority figures while growing up. I have been dealing with an 18 year drug addiction related to this. It's not really a closet, it's a banishment (M, B, 30-39, 519).

Fear of disclosure or being found out often put people in the position of being silent witnesses to the homophobic comments and behaviours of others, particularly in the workplace where the threats to livelihood were considered greatest. It is easy to imagine how implicitly condoning bad behaviour through fear could erode self-esteem over time.

Some participants went as far as to make an association between invisibility and their own suicidal feelings:

The inhumanity of being invisible left me suicidal for a few years, the lack of communication about and denial of lesbianism in society deeply disturbed me. The fact that I felt programmed to not express myself freely and justifiably in public (F, B, 19-29, 876).

My confidence has been so low at times, especially in my adolescence and early twenties that suicide was seriously considered many, many times (M, G, 19-29, 275).

### **Lack of recognition by family members**

Many participants had been deeply affected by the lack of recognition of their sexuality/gender identity within their own and their partners' families. For some, this had led to being denied the economic support given to heterosexual couples, and for others the denial of emotional support when relationships broke down:

My boyfriend's mother doesn't wish to support our relationship. She has bought her other sons houses, but even when her son and myself were being evicted she wouldn't help us (M, G, 30-39, 046).

No recognition of break up of 7 year relationship by my family (F, L, 30-39, 626).

In some instances, participants reported that lack of relationship recognition by family and friends had actually led to the break up of long term partnerships:

My partner left me after a long term defacto relationship. We had been together 8 years, but ultimately our relationship could not stand the strain of her being unable to share it with family and friends, many of whom were Christians, and could not condone us being together (F, L, 30-39, 242).

### **Invisibility as discussed elsewhere in this report**

It is important to emphasise here that responses relating to invisibility appeared not only in this section of the questionnaire but in a number of others, notably: 'Assault or harassment in a public place', 'Education', 'Employment', 'Medical treatment', and 'Parenting'. A few examples of responses drawn from subsequent sections are previewed below.

#### **Assault or harassment in a public place**

In the last five years I have avoided abuse by modifying my behaviour in public at the risk of becoming invisible (F, L, 30-39, 139).

#### **Education**

At university, lesbianism doesn't exist. Everything we are taught is taught in heterosexual terms. Unless of course it's HIV or STDs, then 'gay men' are always mentioned (F, B, 19-29, 834).

#### **Employment**

I feel uncomfortable at work social functions. I am unwilling to take my female partner along and unable to discuss what I do in my free time with work colleagues (F, B, 30-39, 117).

#### **Medical treatment**

Assumption that 'partner' means male. As recently as late last year I went to a new female doctor for a pap smear and she assumed my partner was a male (F, L, 40-49, 869).

#### **Parenting**

Many people/organisations don't/can't accept that the two of us are both 'mother' to our children. The other 'mother' of my child is not recognised by all public institutions (F, L, 30-39, 435).

## Lack of legal recognition of same sex relationships

A number of participants gave examples of how they had been personally affected by being legally invisible as a same sex partner.

### Adoption

One consequence of the legal non recognition of same sex relationships is the ineligibility of non-biological parents to adopt the biological children of their partners. While Federal law does provide for some legal remedies for parents in this situation, these are more open to negotiation than the certainty of parenthood status afforded by adoption:

My relationship is not recognised by many of the laws in this state. The other mother of my child is not able to adopt her as she could if we were heterosexuals, nor is she recognised as a mother by all of the public institutions we have to deal with (F, L, 30-39, 435).

### 'Family' rights in medical/crisis settings

The fact that same sex relationships are not legally recognised in Victoria means that a same sex partner cannot automatically be recognised as next of kin without an Enduring Power of Attorney (EPA) being in force (*Medical Treatment Act, 1988* (Vic)). Clearly the need for this latter course of action is not always anticipated, and there are other medical situations where a formal Power of Attorney would not be necessary nor applicable. Some participants had experienced obviously distressing situations in which they had not been recognised as their partner's next of kin in medical settings. This ranged from examples of not being eligible to make decisions on behalf of an ill partner, to being ushered out of the treatment room in public hospitals. One extreme example given was that of a woman who reported she was charged with 'impersonating a family member' at the Coroner's Court after her partner committed suicide (F, L, 40-49, 472).

### Stamp duty

Another example given was payment of stamp duty when buying out of a jointly owned property or adding a partner's name to the title of a property:

When my partner and I separated (amicably) after 18 years, I was forced to pay the government land tax of \$14,000 (!) because I was buying the property off him and we weren't of opposite genders (M, G, 40-49, 103).

### Superannuation

Additionally, there were the Federal laws which prevent a same sex partner from being nominated as a beneficiary for superannuation in the event of death or permanent disability of a partner:

Legally, my long term relationship doesn't count in terms of Superannuation. If I were to die, my partner could not enjoy the benefits of my years of hard work (M, G, 40-49, 222).

## Conclusion

Whilst many in the general community may readily oppose visible forms of discrimination such as public assault and harassment, there is an equivalent need for recognition of the damaging and on going cost to LGBT people of invisibility. Although there are no immediate legal solutions to remedy many of the examples provided in this section, a number of responses do emphasise how important it is for the VGLRL to continue working towards the goal of the legal recognition of same sex relationships.

It is not surprising that lesbian and bisexual women continue to feel more invisible than gay and bisexual men. In the past two decades, the HIV/AIDS crisis and more recently, the increase in public awareness of the value of the pink dollar, have contributed to making gay male identity very public, if often negatively portrayed. Lesbians and bisexual women cannot be construed as a public health 'risk', nor do they have a particular consumer profile. Arguably, for these two reasons in particular their needs and concerns remain relatively absent from public scrutiny.

Results in this section point to the need to tackle homophobia and heterosexism in educational settings, workplaces, medical settings and the public arena, and additionally, a need for research which reflects the needs and concerns of LGBT people (See Recommendations).

# 3

## Assault or Harassment in a Public Place

So many insults, I don't have enough energy to list them all (T, 30-39, 564).

A young boy wrote 'fucking queer' on a bus ticket and gave it to me as he left the bus (F, L, 60+, 823).

I have been verbally abused and threatened each year several times for as long as I can remember (M, G, 19-29, 219).

'Fucking dyke, keep away from me' etc. I come from a small town community and these are people I've grown up with (F, L, 19-29, 535).

I have been beaten in the street on the way home from school, walking from my car to a gay hotel and while walking home from another gay venue (M, G, 30-39, 182).

### Summary

- Almost 70% of participants had experienced at least one form of public abuse, ranging from insults hurled from a passing car to severe beatings by one or more assailants.
- Verbal abuse accounted for most reported incidents.
- Transgender participants were more likely to report having been threatened than other men and women.
- Bashing was more likely to be reported by men and transgender participants. In the last five years, 6% of the women who reported abuse in this category had experienced bashing, compared with 11% of men, and 21% of transgender participants. Figures for all gender groups are substantially higher than Australian Bureau of Statistics reports on public assaults experienced by Victorian residents (ABS, 1997).

Violence and abuse directed at members of the LGBT communities comes under the definition of 'hate crime'; crime which targets people on the basis of an overt or presumed minority attribute e.g. race or sexuality. Hate crime is not solely directed at specific individuals; by its very nature, it also serves to intimidate other members of the communities who share the attribute which is singled out. As Gail Mason has observed: 'A powerful message of intolerance is sent to all gay men and lesbians whenever someone is attacked because of their sexual preference' (Mason, 1993: 2). A crime directed at one LGBT individual (we could extend Mason's observation to transgender and bisexual people) leads many others in our communities to live in fear.

In NSW alone, since 1990, there have been at least 12 murders which appear to have been motivated by homophobia. The killing of Don Gillies in NSW in 1993 was one high profile case in which the Australian legal system ultimately upheld 'homosexual panic' as a (to some extent) legitimate defence in a court of law (Marr, 1999).

Most of the offences which fall under the category 'Assault or harassment in a public place' fall short of the murders and assaults at the extreme end of the violence continuum, although there is ample Australian research to suggest that LGBT people are disproportionately affected by such crimes (NSW Gay and Lesbian Rights Lobby, 1990, 1992; Mason, 1993; NSW Police Service, 1995; Cuneen et al, 1997). Far more common are the insults and slurs; words like 'poofter', 'dyke' and 'leso' yelled from passing cars, not to mention the routine harassment and verbal abuse experienced by LGBT young people both in the schoolyard and on the streets (Hillier et al, 1998). Contrary to perceptions that support for, and tolerance of, LGBT people has greatly improved in the past decade, there remains contemporary local evidence of a public belief system which tolerates violence and abuse directed at our communities as it would towards no other group in society.

## Survey Results

Sixty-six percent of participants (615) had experienced public abuse, ranging from insults hurled from a passing car to severe beatings by one or more assailants. Relative to the total numbers of participants reporting any type of discrimination, almost 80% of women (300) and almost 80% of men (301) were affected by public abuse. Numbers of transgender participants affected were closer to 90% (14 out of a total of 18 participants). This form of discrimination was therefore, the most prevalent for all groups (see Figure 6).

Participants were asked about both actual and threatened abuse occurring in the last five years and more than five years ago. Specific categories provided were: 'Verbal abuse', 'Explicit threats', 'Bashing/Physical assault' and 'Other'. Multiple responses were possible. Verbal abuse accounted for most of the incidents of public harassment, both in the last five years (63% or 504) and more than 5 years ago (48% or 155). Explicit threats of violence were the next most common category in each time frame (25% or 200 incidents in the last five years compared with 28% or 91 more than five years ago), while bashings were comparatively rare (7% or 58 in the last five years compared with 19% or 62 more than five years ago). Interestingly (and thankfully) reports of physical abuse/public bashings experienced within the last five years were substantially lower than reports of those experienced more than five years ago (see Table 4). At the same time, it needs to be considered that each form of public abuse that was experienced by LGBT participants was at a rate much higher than would be expected in the general population, where under two percent of Victorian men and women have experienced actual or threatened assault in public (ABS, 1998:41).

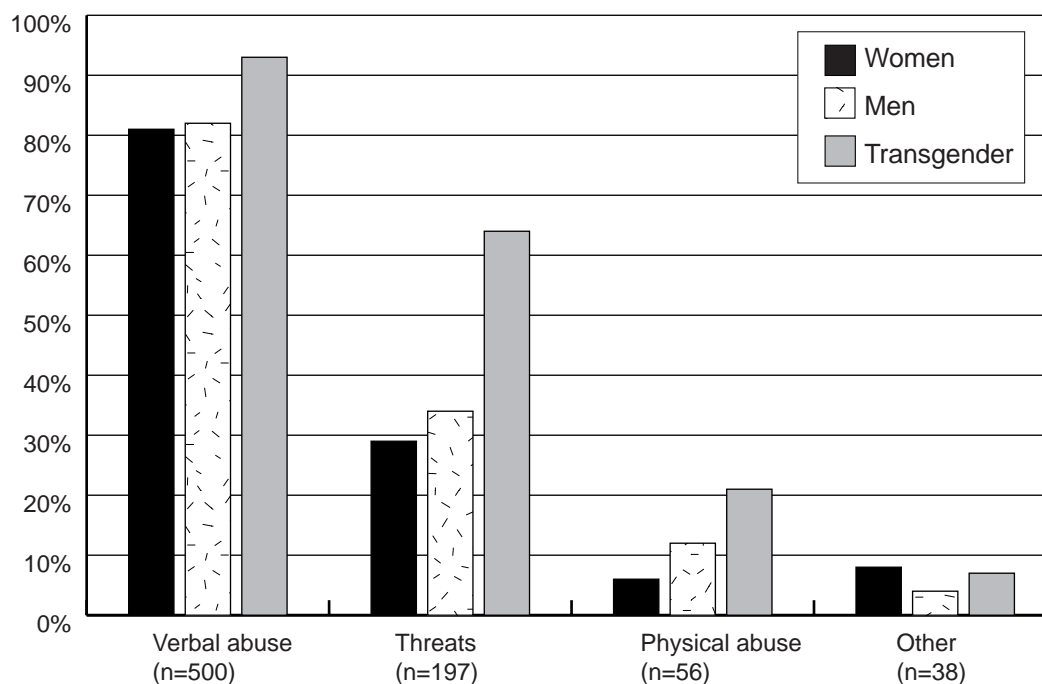
Table 4. Incidence of harassment and assault in a public place

Type of public abuse	Last five years		More than five years ago	
	n	%	n	%
Verbal abuse	504	63%	155	48%
Explicit threat	200	25%	91	28%
Bashing/Physical assault	58	7%	62	19%
Other	38	5%	15	5%

Totals and percentages in tables based on reported incidents of public abuse (multiple responses possible)  
 Total participants last five years =537  
 Total participants more than five years ago=203

In relation to the types of abuse experienced, some gendered differences emerged. With regard to abuse reported in the last five years, 6% of the women who answered this question had experienced bashing, compared with 11% of men, and 21% of transgender participants. This is quite a different finding from a NSW study (NSW police service, 1995) which found that men and women within the LGBT community experienced more comparable rates of physical violence. Transgender participants were more vulnerable to explicit threats of violence (64% or 9) when compared with other participants (34% or 103 men and 29% or 85 women). Overall, while each gender was equally likely to

Figure 9. Types of abuse experienced within the last five years by gender



report verbal abuse, or other non-specified types of abuse, men and transgender participants were more likely than women to report bashings, and transgender participants were more likely to report threats than men or women (see Figure 9).

### Verbal abuse and threats

The most frequently described form of verbal abuse was the obscenity shouted by young men from a passing car: ‘faggot’, ‘butt-fucker’, ‘AIDS spreader’ were common terms of abuse for men, while women reported insults such as ‘lemon’, ‘leso’, and ‘all you need is a good fuck’. This was usually in response to a visible display of (presumed) homosexuality, such as a kiss goodnight, or hand holding with someone of the same sex. Others reported verbal abuse related purely to their appearance, or to being in the vicinity of an LGBT community event:

I was told that faggots shouldn't be in this area and that I should be ashamed of myself. At the time, I didn't identify as gay or bisexual. The comment was based on my clothing (M, B, 19-29, 127).

I have been verbally abused, threatened for holding hands with my partner (F, L, 30-39, 429).

It was not uncommon for verbal abuse to be accompanied by some other form of threatening behaviour such as egg throwing, flashing or physical intimidation:

I was walking with my partner in the inner city after Reclaim the Night. Three young straight women were crowding us and calling us names. They followed us for several blocks and blocked our way when we tried to get past them ( F, L, 40-49, 651).

Constantly being called names from students when I was out of school with friends or by myself. Being chased and teased and pushed around (M, G, under 18, 76).

A number of participants commented that verbal abuse had caused them feelings of insecurity and fear when alone in public, and had also led to behaviour censorship such as never holding hands or being physically affectionate with someone of the same sex in any way when on the streets:

In the last five years I have avoided abuse by modifying my behaviour in public at the risk of becoming invisible (F, L, 30-39, 139).

There is always the fear that ‘something’ will happen if in certain situations people perceive you to be gay (M, G, 40-49, 69).

Verbal abuse has been used against me on a number of occasions in the street, particularly at night. This makes me feel unsure about being out at night alone (M, G, 40-49, 197).

## **Bashings and assaults**

The specific nature of bashings and other kinds of physical assaults were described by men and women. These had occurred in parks, on the streets, in and near the home and also at school. Most of the assaults described were clearly motivated by homophobia. Physical violence was often accompanied by threats and name calling which made explicit the intent of the attacker.

A number of men, particularly those over the age of 40, described violent encounters in parks and at 'beats'. It was not uncommon to be physically attacked by men masquerading as potential sexual partners:

Once I was punched in the face and lost two teeth by a pick up in a public toilet. On another occasion, I was thrown into the river by a man and his accomplice who was hiding in the park beside the river (M, G, 60+, 278).

Bashed by young tough who tried to lure old homos to public toilets in order to rob them and bash them. Hit on another occasion by youngster holding a big block of wood, in front of his 'teacher' and fellow students in a park because a young criminal and liar had told him I was a paedophile! (I am not!). The 'teacher' took no action, so they doubtless learned their lesson. It's OK to hit a gay (M, G, 50-59, 120).

Among the most chilling were descriptions of repeated abuse in the school environment, often endured over a number of years. Men were more likely to describe this type of sustained abuse to which teachers and school authorities had often turned a blind eye:

I was bashed on a daily basis for being gay during the two years I attended a church school, with no support from staff despite regular reports being made. Sometimes the attacks were so bad, I required medical attention (M, G, 19-29, 219).

Women had also experienced serious assaults which were motivated by homophobic hatred. For example, one woman reported being bashed by a neighbour who found out she was a lesbian (F, L, 20-29, 753), and another was set upon outside a gay pub, by a group of men who thought she was a gay male. When they found out she was a woman, they continued the assault on the grounds that she was 'too butch' (F, L, 40-49, 754).

## **Conclusion**

These results demonstrate, in line with other recent Australian and overseas research, that levels of public abuse directed at Victorian gay men, transgender people, lesbians and bisexuals remain high and are clearly unacceptable. Homophobic abuse of this nature cannot easily be stopped by introducing new laws and tougher penalties for offenders, given the circumstances of many incidents. However, there is ample evidence in these results that the development of anti-vilification and/or hate language legislation should be a priority.

We can also take steps toward raising public awareness of the consequences of homophobia and the prevalence of hate crime in order to ensure that the issue of public violence directed at LGBT people remains on various media, health promotion, law enforcement and other policy making agendas (see Recommendations).

# 4

## Provision of Medical Treatment or Services

My GP made me swab my own penis when he suspected I had gonorrhoea (M, G, 19-29, 396).

The doctor refused to acknowledge I was in a gay relationship and did not see my partner as my next of kin (M, G, 30-39, 372).

My partner and I are not permitted to access reproductive technologies despite the sympathy and compassion of our GP and gynaecologist (F, L, 30-39, 824).

When I was admitted to hospital with tonsillitis and dehydration, the doctors assumed I had HIV, Hep B and Hep C (M, G, 30-39, 367).

Under the Act, it is unlawful to sexually harass or discriminate against someone while providing or receiving goods and services. It does not matter whether or not the goods or services are provided for payment (EOCV, 2000).

### Summary

- 23% of participants reported experience of at least one discriminatory act relating to medical treatment.
- 'Receiving inadequate or inappropriate treatment' was the most common complaint and GPs, dentists and hospital staff were all frequently mentioned in relation to this issue.
- Participants from regional centres or rural areas were more likely than other groups to report 'Breach of confidentiality' by medical practitioners.
- Women often raised the issue of being refused access to reproductive technology and many believed that having revealed their sexuality meant different and poorer treatment with regard to a range of gynaecological services.
- Men were more affected by discriminatory policies and legislation which prevented them from giving blood or donating organs and bone marrow, the basis for which is the equation 'gay man equals HIV positive'.
- The absence of qualitative responses from transgender participants in this section indicates the need for more research.

**L**GBT health is often assumed to be about the treatment and prevention of HIV/AIDS and sexually transmissible diseases to the neglect of other pressing concerns. Yet there is substantial health and medical literature that considers the needs of lesbian and bisexual women, gay and bisexual men and transgender people (including the intersexed, those seeking gender reassignment from biological male to female and biological female to male and cross-dressers), without even venturing into the HIV/AIDS and STD literature.

According to the American Centre for Lesbian, Gay, Bisexual and Transgender Health, concerns can be summarised under a number of headings. To take just a few examples: mental health issues stemming from homophobia, prejudice and discrimination; delayed medical treatment and reluctance to obtain medical treatment due to fear of disclosure of sexuality; parenting and insemination issues; cancer; substance abuse; gender identity disorder and the problem of access to equitable health care insurance coverage; in addition to the more commonly discussed risks associated with sexual behaviour and transmission of HIV/AIDS and other STDs. Many health care providers are ill informed about the breadth of issues (Dean et al, 2000).

Transgender health concerns are specialised and under researched. A belief that transgenderism is pathological (it is still defined as a mental disorder by the American Psychiatric Association, whereas homosexuality is not) is a barrier to adequate care in many health and medical settings (Dean et al, 2000). Not much is known about the long term effects of hormone therapy, nor of the ongoing need for gynaecological services by female to male transsexuals. Most health care providers lack knowledge about transgender issues, which makes ongoing support throughout the gender reassignment process inadequate. One study found that it is often up to transgender clients to educate their doctors (Bockting et al, 1998).

There is evidence locally and from the USA that lesbians are particularly marginalised. In comparison with gay men, they receive relatively little attention in the health literature, as their sexual practices do not constitute enough of a public health 'risk'. It has often been argued that lesbians do not have specific health needs (documented in Horsley and Tremellen, 1995). Contrary to such assertions, an American study of over one thousand lesbians indicated that many failed to seek medical care for fear of ill treatment by health care providers. Others who sought treatment failed to disclose their sexual orientation when it may have been relevant to the presenting problem (National Health Care Survey of Lesbians, 1988). Locally, there is evidence that invisibility similarly affects Australian lesbians. A survey conducted with clients at the Carlton Clinic in Melbourne in 1998 found that 47% of lesbian and bisexual women had never discussed sexuality issues with their GP, and nearly one third did not have a GP they consulted regularly (McNair and Dyson, 1999).

## Survey Results

In this section of the questionnaire, participants were asked about their experiences with general practitioners, dental services, hospital and paramedical services. Reported instances of discrimination

Table 5. Discrimination related to medical treatment

Type of Discrimination	In the last five years		More than five years ago	
	n	%	n	%
Receiving inadequate or inappropriate treatment	95	40%	35	43%
Other	54	23%	15	19%
Refused access to reproductive technology	36	15%	8	10%
Breach of confidentiality	31	13%	14	17%
Refused medical treatment	22	9%	9	11%

Totals and percentages in table based on incidents of discrimination (multiple responses possible)

Total participants last five years n=171

Total participants more than five years ago n=54

were high, with 23% of participants (213) answering 'yes' to at least one discriminatory act. Multiple responses were invited. Women, men and transgender people were, overall, equally likely to report medical discrimination.

One hundred and seventy one people noted discrimination occurring within the last five years, and fifty four referred to incidents which happened more than 5 years ago. The categories of discrimination participants were specifically asked about were: 'Receiving inadequate or inappropriate treatment', 'Refusal of access to reproductive technology', 'Breach of confidentiality', 'Refusal of medical treatment' and additionally, there was an opportunity to write about other types of discrimination.

Gendered differences were statistically significant in relation to only one of the categories represented in Table 5, where more women reported being 'Refused access to reproductive technology'.

Participants from rural areas or regional centres were more likely to report 'Breach of confidentiality' than metropolitan dwellers. It also emerged in the qualitative data that 'Breach of confidentiality' was particularly an issue for participants from rural areas, where it was perceived that less care was taken with the need for privacy:

I had an AIDS test and was told there was no cost, but had to argue about payment to the pathology service in a public part of the clinic. This raised unnecessary anxiety and concerns of confidentiality as I live in a rural town where everyone is aware of your private business. The HIV antibody test form was then stapled to the outside of my file (M, G, 40-49, 122).

### **Inadequate or inappropriate treatment**

Examples of inappropriate treatment tended to be related to phobia about HIV/AIDS or perceptions of promiscuity. General discomfort on the part of the practitioner because gay, lesbian or bisexual identity had been disclosed also featured:

I contracted scabies from one of the kids in my classroom. Five doctors in a row couldn't diagnose it (eventually a school nurse did) but the clinic sent me off for an AIDS test because I wasn't responding to anti-histamines (M, G, 30-39, 103).

Dr asked if I was gay (it was in my records) then asked if I was promiscuous. I went to the clinic with a sore throat (M, G, 40-49, 296).

Hesitation and confusion was noted in a doctor's actions recently as she found it difficult to concentrate on what she had to do once she found out I was a lesbian (F, L, 30-39, 831).

### **Medical issues affecting women**

#### **Access to fertility treatment**

Not surprisingly, women were more likely to claim discrimination with regard to attempting to access IVF or donor insemination services from hospitals and clinics. In some instances the discrimination was not directly experienced, rather, the woman was aware that same sex couples and single women were forbidden access to reproductive services so those services were not sought:

As a lesbian, I would not have equal access to alternative donor insemination. Lesbians should not have to lie about their sexuality in order to have children (F, L, 30-39, 429).

I guess you make decisions on what is possible. I wanted to have a child, but I knew I would be refused reproduction tech. So I didn't ask for it (F, L, 40-49, 595).

Other women had directly experienced the difficulties associated with attempting to access fertility treatment in Victoria. One spoke of being presumed medically infertile without appropriate examination, then having to travel interstate in order to receive the donor insemination which is legally available to lesbians and single women in other parts of Australia:

My path to pregnancy was difficult. I was refused artificial insemination in Melbourne and had to travel to Canberra to get access. In some of the hospitals I went to, the doctors just presumed I was an infertile heterosexual and they wanted to do invasive surgery (F, L, 30-39, 825).

## Gynaecological services

Gynaecological issues appeared fraught for many lesbians and bisexual women. There were instances where women spoke of being presumed heterosexual, and repeatedly counselled to be on the pill when taking certain kinds of medication. They were then faced with the option of revealing their sexuality and potentially risking censure, or keeping quiet and coming up with a reason why they shouldn't opt for contraception.

Many women believed that having revealed their sexuality meant different and poorer treatment with regard to pelvic examinations:

Nightmare gynaecological exam (pap smear). It was very rough and painful whereas the previous one (before she knew I was gay) was very gentle. The result is that I've never told any doctors anything about my sexuality since then (F, L, 19-29, 758).

I attended a GP to receive treatment for a sexual injury and obtain a referral to a gynaecologist. Upon learning that I was a lesbian, the doctor made a series of offensive comments and explained why I did not need to attend a gynaecologist. I must have been affected by all of this, because I still haven't seen one (F, L, 30-39, 817).

In these above two examples, the consequences of poor treatment had led to a lack of trust in doctors, and a reluctance to discuss sexuality or medical conditions related to sex. It was also apparent that some lesbians were avoiding doctors wherever possible so as to not risk embarrassment or censure when the topic of sexuality arose. This means that many lesbians may not be accessing checkups or screening services, e.g. pap smears as often as they should.

Pregnancy was a contentious issue. On the one hand, a number of women resented doctors' assumptions they could be pregnant as this implied heterosexual activity:

You tell them you are gay and they still ask if you are sure you are not pregnant. Like with two girls, that's going to happen! They don't listen (F, L, 19-29, 498).

On the other hand, many lesbians desired or were actively seeking pregnancy, so it is a relevant and responsible avenue for medical questioning. There are however, ways of investigating pregnancy which do not assume heterosexuality or employ heterosexist language, as one participant pointed out (F, L, 30-39, 425).

Other women felt that GPs who were otherwise sympathetic to lesbian sexuality were ill-informed about lesbian sexual health. Pap smears were again an example. A number of lesbians had experienced being told (inaccurately) that they did not require pap smears as they were not sexually active with men. Several lesbians had felt pressured to give explicit details about their sex lives in order for their GPs to consider them eligible for an HIV test.

## Medical issues affecting men

Men were more likely than women to report that they had been refused medical treatment (from general practitioners, hospitals and dental surgeries) once their sexuality had been disclosed. In some situations, doctors had refused treatment because of their own squeamishness with regard to sexually transmissible diseases, when the diseases were thought to have been contracted as a result of male to male sexual behaviour. For example, one man wrote that a GP in his home town had made him swab his own penis when it was suspected that he had contracted gonorrhoea (M, 19-29, 396).

It needs to be noted that in addition to reports of ill treatment by individual doctors or health outlets, discrimination against homosexually active men is enshrined in some Victorian health policy. For example, the *Health (Infectious Diseases) (Donation Statement) Regulations 1999* contains the question 'Have you had male to male sex in the past 12 months?' Men who answer 'yes' to this question are ineligible to donate blood. This relates to the belief that any sort of homosexual male to male behaviour is to be equated with high risk for HIV transmission. A number of participants also spoke of their experiences of discriminatory medical policies which had unfairly prohibited them from assisting family members in need:

My mum had Leukemia. I couldn't donate bone marrow on the basis of having had sex with another man in the last 7 years (M, G, 19-29, 1132).

I was refused as a potential donor of bone marrow for a child I love who required a transplant. This was a very devastating experience, particularly as I had been in a monogamous relationship for years (M, G, 40-49, 283).

Dental surgeries were often mentioned in relation to discriminatory medical treatment for gay men. One man reported that the form he was asked to complete at a new surgery asked if he was a homosexual and another reported his file was labelled with a 'high risk' sticker after disclosing his sexuality (M, G, 40-49, 253). Both participants reported being treated rudely after these disclosures were made. Interestingly, women were not exempt from these experiences at dentists, despite the trouble they often had in convincing doctors they could be at risk for HIV:

At the dentist I was asked to fill out a form which asked if I was a homosexual. I was refused treatment after I declined to fill it in, feeling that it was irrelevant to the treatment I was seeking (F, L, 30-39, 875).

### 'Other' responses

There were many 'Other' responses regarding discriminatory medical treatment, and a number of participants wrote at length. Several people had experienced preaching or moralising from GPs on disclosure of their sexuality:

I went to the GP and he asked me whether I was gay. I asked why. He started to moralise about my sexual behaviour. Told me not to go to places like Club 80, all irrelevant to the presenting condition (M, G, 30-39, 115).

I was told by my doctor that my lesbianism was a phase and that it wouldn't last. I was likened to a man, then told to look elsewhere for treatment (F, L, 19-29, 479).

The issue of health cover for LGBT families also arose here. The refusal of health insurers to recognise alternative family structures can mean additional expenses, and much negotiating in order to get a fair deal:

I was denied family cover for myself, partner and our two children. I was instructed to take out family plus single to ensure everyone was covered. On approaching another health insurer, our individual case had to be considered by a board before we were granted the family cover. We did get the cover, but how many other 'alternative' families have to have their individual particulars examined by the board to get this? (F, L, 40-49, 126).

## Conclusion

These results demonstrate a need for input of LGBT content into the training curricula and the ongoing professional development of a range of health care providers including dentists, GPs and hospital staff. Initiatives already exist in Victoria to this effect (McNair and Dyson, 1998). There is some evidence that LGBT people are successfully challenging discriminatory treatment by health insurers (see Section 11), and there is scope for encouraging members of our communities to continue resisting such discrimination via the EOCV. The provision of medical treatment is a service, and there is no reason why in many circumstances discriminatory treatment by doctors should not be followed up with the EOCV. Law and policy reform is also called for in relation to access to reproductive technology and to blood and tissue donation programs.

One important gap in the data obtained in this section of the report was the lack of specific information pertaining to transgender participants. The international literature would suggest the health issues transgender people face are specialised and varied, and there is no reason to expect that this would not be true for those resident in Victoria. More data is needed on the local needs and concerns of transgender people.

The recently convened Ministerial Advisory Committee on Gay and Lesbian Health (MACGLH) is the appropriate body to deal with a number of the issues raised by responses in this section of the questionnaire (see Recommendations).

# 5

## Parenting

My wife refuses access because she feels as a gay man, I may sexually assault my child (M, G, 30-39, 070).

Comments are often made about my daughter growing up with a lesbian mother such as 'she'll get teased' (F, L, 30-39, 684).

People assume I'm het because I have children. I'm discriminated against by other parents. Schools, childcare, heaps of issues! (F, L, 19-29, 688).

The Commission believes that further consideration of, and community consultation on, the issues of access to reproductive technology and adoption for people in same sex relationships would be appropriate before changes are proposed in these two areas.

— Victorian Equal Opportunity Commission, *Same Sex Relationships and the Law*, 1998

### Summary

- 14% of total participants reported discrimination in relation to parenting.
- Women were twice as likely as men and transgender participants to report discrimination in this category.
- Although women were more likely to have experienced discrimination in relation to parenting overall, men were more likely to have experienced discrimination in relation to access to children.
- Participants from rural areas and regional centres were more likely than metropolitan dwellers to report discrimination in relation to parenting.
- One issue which frequently arose in the qualitative data was the lack of social acceptance for the alternative family structures being created within the LGBT communities, for example, families with children and two mothers rather than a mother and a father. This had legal, social and economic repercussions for participants.

One of the most commonly believed myths about LGBT people is that they neither have nor want children. The reality is somewhat different. Many members of our communities have children from previous heterosexual relationships, and in the past two decades a considerable number of Australian lesbians, gay men and bisexuals have become parents as singles, within same sex couples, and through negotiating other types of extended family arrangements (Borthwick and Bloch, 1993; Wakeling and Bradstock, 1995). Victorian lesbians and single women have travelled interstate to become pregnant via legal access to public donor insemination and IVF services, and others have negotiated their own private donor arrangements, frequently with gay male friends. Other LGBT people are involved in foster care. A recent reader survey conducted by national magazine *Lesbians on the Loose* found that more than one in five lesbians have children, and almost as many intend to get pregnant within the next five years (reported in Saltau, 2000).

Although there has been negligible Australian research on the effects of gay parenting, American and British studies conducted from the mid-70s onwards have demonstrated that children of lesbian parents are at least as well adjusted as those from heterosexual families (Tasker and Golombok, 1991; Patterson, 1992; Chan et al, 1998). Despite fears that children of LGBT parents will have poor

mental health, lack appropriate 'masculine' and 'feminine' role models, and suffer unduly from stigma, empirical research performed in a variety of academic disciplines has consistently failed to return any such findings. Children growing up in gay, lesbian or transgender homes are no more likely to share their parents sexuality/gender identity than those brought up in heterosexual families (Green, 1977). Tasker and Golombok (1995) emphasised one positive difference between children of lesbians and those brought up in heterosexual families in that the former group were less likely to display homophobic attitudes, and were more likely to include same sex relationships as part of their world view of acceptable behaviour.

Studies have also been conducted on the effectiveness of gay male parenting. According to one recent and comprehensive review:

In the main, studies suggest that being gay is compatible with effective parenting and that fathers' sexual orientation is of little importance in defining the overall parent/child relationship (Weeks et al, 1996).

Contemporary attitudes in Victoria, however, remain oblivious to this substantial international body of expert knowledge and support for the alternative families created within our communities, and also remain out of step with more progressive legal developments in other parts of Australia (FAR, 2000). The practice of self or assisted insemination (whereby semen is introduced into the vagina via means other than heterosexual intercourse) is illegal in Victoria and can potentially incur severe penalties, i.e. up to four years imprisonment for those performing or assisting with insemination with the exception of 'Registered Fertility Specialists' (*Infertility Treatment Act 1995* (Vic)). Further to this, the same piece of legislation denies access to IVF programs to single women and those in same sex couples, despite a recent Human Rights and Equal Opportunity Commission (HREOC) ruling that indicates the laws in this state contravene Federal anti-discrimination legislation (HREOC, 1999). Surrogacy arrangements (which are legally utilised in the USA by increasing numbers of gay male couples), whether altruistic or for profit, are also unlawful in this State.

Several recent and well publicised cases have emphasised the degree to which local 'community opinion' is out of step with a belief in the rights of LGBT people to have children. In 1999, a gay man and a lesbian were charged with allegedly posing as a heterosexual couple in order to obtain access to a Victorian IVF program. Despite the fact that these charges were later dismissed, *The Age* newspaper has twice released an editorial opinion in support of the ban on access to reproductive technology by lesbians and gay men (*The Age* 18.11.99:18, editorial and 28.2.00:16, editorial). Clearly in Victoria, we have a long way to go with regard to widespread acceptance of the rights and the competence of LGBT parents.

## Survey results

Sixty three percent of participants (586) responded to at least one question relating to parenting/families. This indicates that a sizeable proportion of the LGBT community considered issues relating to children were relevant to their lives, although we cannot determine from this number how many participants actually had children of their own. Fourteen percent of participants had experienced at least one form of discrimination pertaining to parenting issues. As reported in Section 1, participants from rural areas and regional centres were more likely than metropolitan dwellers to report discrimination in relation to parenting. Of those reporting any discrimination, 11% of men (43), 22% percent of women (82) and 13% of transgender people (2) reported discrimination, which means women were significantly more likely to be affected.

Eighty six participants noted a specific form of discrimination which had occurred in the last five years, and twenty

Table 6. Discrimination related to parenting issues

Type of discrimination	Last five years		More than five years ago	
	n	%	n	%
Other	37	38%	9	27%
Access to children	23	24 %	9	27%
Discrimination suffered by children	23	24%	10	30%
Custody of children	9	11%	4	13%
Discrimination children transgender	1	3%	1	3%

Totals and percentages in table based on incidents of discrimination (multiple responses possible)

Total participants last five years n =86

Total participants more than five years ago n =26

six noted an instance of discrimination which occurred more than five years ago. Multiple responses were possible. Options supplied were: 'Access to children', 'Custody of children', 'Discrimination suffered by children because of your sexuality', 'Discrimination suffered by children because of transgender identity' and 'Other' (see Table 6). Although the terms 'access' and 'custody' have been superseded in Australian family law by 'contact' and 'residence' (respectively), the older terminology was used under the assumption that it was more likely to be understood and still in common usage.

Although women were more likely to nominate discrimination overall in this category, men were significantly more likely to claim discrimination in relation to access to children.

### **'Other' responses**

Responses in the 'Other' category were quite numerous for this question, and the qualitative data provides some indication of the types of issues participants considered relevant here. One issue which arose was the lack of social acceptance for the alternative family structures being created within the LGBT communities. For example, families with two mothers rather than a mother and a father. Some participants felt this was a problem within the general community and the LGBT communities where children were still not the 'norm':

Many people/organisations don't/can't accept that the two of us are both 'mother' to our children. They regard our family in very straight/heterosexual terms, i.e. the 'natural mother' and her partner who really isn't related to the children (F, L, 30-39, 648).

My partner has no legal rights to our child (F, L, 30-39, 615).

There was inadequate support for my relationship. It seemed so impermanent and then there was no support for my children in the wider community. I think generally, there is inadequate support and recognition for gay parents within the gay community (F, L, 30-39, 857).

Another issue commented on was the creation of tension within family groups, when one partner was consistently more recognised as a parent, and the other's role was largely invisible (see Section 2). This social and legal invisibility became particularly relevant when same sex relationships broke down, and the non-biological parent sought contact with her child through the legal system:

I believe I have been given less access to my ex-partner's child than if we had been a heterosexual couple – she knows that it would be difficult to gain legal acceptance of my right to access, etc. (F, L, 40-49, 016).

Other participants spoke of being denied contact with their own children or with nieces and nephews due to homophobic assumptions, notably, the equation of homosexuality with paedophilia. It was more common for gay men to report this type of attitude, from ex-wives with whom they had parented children and also from other family members.

A number of participants, men and women, also wrote about their desire for children in this section of the report, and their experiences of being denied access to reproductive technology to assist them with this goal (see page 35, Section 4).

## **Conclusions**

The VGLRL believes it is time for more open and informed public discussion in Victoria of issues relating to the conception of children and parenthood within LGBT communities. We will continue to take an active role in raising public awareness of the needs and rights of gay parents and their children.

Part of this awareness raising involves continuing to work towards the goal of legal recognition of same sex relationships, which will assist in legitimating LGBT family groups and will also serve to raise the public profile of issues pertaining to gay families. Further to this, in conjunction with groups such as FAR, we will continue in our efforts to effect legislative change in the area of access to reproductive technology and IVF services for members of our communities.

Given the effective absence of Australian research into the needs and the experiences of children from LGBT families, and their parents, we would also encourage family research institutes to take a broader view of what constitutes a family in Australian society. Gay and lesbian families with children are a well established section of the community and deserve to become more visible and supported (see Recommendations).

# 6

## Employment

My supervisor picked up on the fact that I was gay. In the coffee break, he walked in and announced 'Don't bend over, Ray is a poof' (M, G, 40-49, 353).

A male colleague continuously made suggestive and offensive comments, culminating in public comments about what he thought my girlfriend and I might do in bed (F, L, 19-29, 748).

I work with children in a large organisation. Because of the discrimination laws, I have had to lead a double life for the 18 years I've worked there (M, G, 60+, 125).

Although I was good at my job, my employer had difficulty dealing with the gender issues. She made life with her and the customers miserable (T, B, 19-29, 563).

Under the Act, it is unlawful to sexually harass or discriminate against job applicants, employees, co-workers and contract workers. An employer must not discriminate against a person in determining who should be offered employment:

- in the terms on which employment is offered
- by refusing or deliberately omitting to offer employment
- by denying access to a guidance program, an apprenticeship training program or other occupational training or retraining program
- denying or limiting access to opportunities for promotion, transfer or training or any other benefits connected with the employment
- dismissing the employee or otherwise terminating her/his employment
- by subjecting the employee to any other detriment, due to an attribute contained in the Act (EOCV, 2000).

### Summary

- 40% of all participants had experienced discrimination related to their employment.
- Workplace based harassment accounted for over one third of all reported incidents.
- Reports of physical abuse in the workplace ranged from sexual harassment such as (male to male) bottom pinching, to threats with knives, bashings and rapes at the other end of the continuum of violence. Much of this had been neglected by management, even when reported.
- Many lesbians, bisexuals and gay men were involved in work related to children such as teaching, child care and protective services. For these participants, the threat of dismissal on disclosure or revelation of sexuality was feared owing to the 'Care of children' exception contained within the *Equal Opportunity Act 1995 (Vic)*.
- Although there were no significant gender differences in this section in relation to the type of discrimination experienced, in the qualitative data, women were likely to report incidents which suggested gender-based as well as sexuality-based discrimination in the workplace.

Since the early 70s, international research conducted in both activist and academic settings has documented prejudicial treatment, overt discrimination and abuse encountered by LGBT people in the course of their work. Exposure to homophobic harassment or ridicule, undermining of career prospects, and sackings due to disclosure or discovery of sexuality are some of the themes in this literature (Palmer, 1993; Ostenfeld, 1996; Greasley, 1986).

Anti-discrimination legislation provides recourse to dispute settlement and other legal measures in many instances for Australian (including Victorian) LGBT workers, however legal remedies appear to have had little impact on overall levels of workplace based discrimination and abuse.

A NSW based study released in 1999, *The Pink Ceiling is Too Low*<sup>8</sup> found that discrimination directed at Australian LGBT people was common to 'all industries, occupations and organisations'. However, it was more likely to be experienced within organisations traditionally opposed to homosexuality such as those funded and operated by religious groups and the defence forces (Irwin, 1999:66). Irwin also found that the recently conducted Wood Royal Commission had made an impact on increasing fears about the link between homosexuality and paedophilia, which had a particular effect on teachers and those in other categories of work involved with the care of children. For some participants in Irwin's study, this had resulted in choosing not to work with children for fear of being considered a paedophile. For others, particularly teachers, there was the ever-present dilemma of whether or not to come out in the workplace.

For transgender participants in Irwin's study, much of the discrimination took place while they were seeking work. It was also noted that transgender people had less choice than lesbians, gay men and bisexuals about being open at work about their identity, as they often underwent gender transition or reassignment while keeping up paid employment.

## Survey results

Forty percent of participants (375) had experienced discrimination relating to their employment. Two hundred and ninety two people reported an incident of workplace discrimination which had occurred in the past five years, and 116 people noted an incident which took place more than five years ago. The options provided on the questionnaire with regard to types of discrimination were: 'Refused a job', 'Refused a promotion', 'Refused a raise', 'Harassed by an employer or fellow worker', 'Pressured out of a job or sacked', 'Breach of confidentiality' and 'Other'. Participants could nominate more than one type of discrimination. Workplace based harassment was the most commonly reported employment related issue for all genders in each time frame (38% or 174 incidents in the last five years, 35% or 67 incidents more than five years ago). This was followed by being pressured out of a job

Table 7. Discrimination relating to employment

Type of discrimination	Last five years		More than five years ago	
	n	%	n	%
Harassed by employer/fellow worker	174	38%	67	35%
Pressured out of a job or sacked	73	16%	34	18%
Breach of confidentiality	69	15%	28	15%
Other	62	12%	12	6%
Refused a job	45	10%	23	12%
Refused promotion	33	7%	18	10%
Refused a raise	7	2%	8	4%

Totals and percentages based on number of incidents reported (multiple responses possible)

Total participants last five years= 292

Total participants more than five years ago=116

8. 37% of respondents to this study were LGBT people from Victoria.

(16% or 73 responses in the last five years, 18% or 34 more than five years ago) and breach of confidentiality (15% or 69 in the last five years, 15% or 28 more than five years ago). No differences based on gender or age were significant. More details are reported in Table 7.

### **Harassment and pressure to resign**

Some of the examples provided of harassment in the workplace included verbal abuse from co-work-

## Working with children and young people

### Care of children

An employer may discriminate if the employment involves the care, instruction or supervision of children; and

the employer genuinely believes that the discrimination is necessary to protect the physical, psychological or emotional well-being of the children; and

having regard to all the relevant circumstances, including, if applicable, the conduct of the employee or prospective employee, the employer has a rational basis for that belief.

— *Equal Opportunity Act, 1995* (Vic)

Kids need role models, but some of the most vulnerable kids in our society are denied the reassurance of knowing that the ordinary men and women who teach French and metalwork are gay and living useful lives.

— David Marr, *The High Price of Heaven*, 1999

Survey results highlighted the significance for many of the 'Care of Children' exception in the Act. Many of our participants feared old and unsubstantiated prejudices all too eager to link homosexuality and paedophilia.

Gay men working in primary schools and those in the Catholic education system felt particularly vulnerable with regard to their continuing employment should their sexuality become known, although lesbians and bisexual women also disclosed such fears. Some participants who were teachers were 'out' to other staff or management at their schools, yet described great pressure placed upon them from above to keep their sexuality hidden from the students. The emotional costs of this were high, and had resulted for some in leaving the profession:

The very strong taboo against gay educators being out means that teachers are frequently forced to resign and their sexuality is forced back into the closet. This was particularly the case for me as a secondary teacher (M, G, 40-49, 197).

I was told in my job as a teacher that I was not to ever let the students know about my 'lifestyle'. I was expected to attend school functions without my partner. When straight teachers got engaged, there were announcements at assembly. Yet I was not allowed to use the words 'we' or 'she' I knew the law did not protect me. I left the job (F, L, 30-39, 475).

This type of pressure to hide placed teachers in a particular double bind when it came to supporting students. It was described by one as 'very difficult to be an adult role model for a young LGBT person struggling with sexuality/gender issues when faced with possible dismissal or sanctions yourself' (see Section 7). Sometimes the homophobia came from parents rather than school authorities, however, and it was encouraging to see evidence that some schools were supporting their openly gay teachers when unsubstantiated allegations arose:

It is well known in the school that I am gay and generally I enjoy enormous support from colleagues and the principal. Last year, the parents of one of my students constructed allegations that I molested their daughter. I don't think they could handle my sexuality and when I made the fatal error of giving their daughter a hug for using the right expression in an ESL class (she had been really struggling with her English) they used it to try and make a case against me. All this came to nothing, and in the end my solicitor and I agreed that the motivation was pure homophobia (M, G, 40-49, 147).

The EOCV reports that there have been no cases of actual dispute settlement relating to lesbian, gay or bisexual employees where the 'Care of children' exception has been invoked (personal communication, 27.04.00). At the time of writing this report, there is no available case law to turn to in order to evaluate likely outcomes in the event of a legal challenge on the basis of sexuality on the grounds of this exception. However, as many of the above examples illustrate, there is evidence that (similarly to the infamous 'Section 28' clause in British law), the existence of this exception within the Act effectively polices the disclosure of homosexual identity or behaviour among those involved with occupations such as childcare, teaching and child protection.

## Gender or sexuality?

As stated towards the beginning of this section, there were no significant differences between the genders with regard to quantifiable incidents of work-based harassment or abuse. However, the qualitative data strongly suggested that for lesbian and bisexual women, it was often difficult to assess whether discrimination or abuse in the workplace was taking place for reasons related to gender or sexuality, or indeed both. For men and transgender participants, the issues behind the discrimination or abuse were easier to clarify.

Working in a video shop, I was made to watch X rated pornographic videos with two older males, one a staff member, with them making sexual innuendoes (F, B, 19-29, 581).

Performed job on higher duties on a temporary basis for over 18 months, but was then overlooked for a permanent position. When a new person (a male) took leave, I was given temporary higher duties again (F, L, 40-49, 738).

I was considered unfeminine, so was not given positions dealing with the general public (F, L, 19-29, 753).

There was no promotion because I would not play up to the boss' flirtations (F, 30-39, 740).

## Conclusion

Harassment and other forms of violence in the workplace were among the most pressing concerns for our participants, and there was evidence that many workplaces did not have policies in place which protected LGBT employees from being targeted for this sort of treatment. With few exceptions, it was young, heterosexual men perpetrating the violence and the abuse. Many pages have by now been devoted to attempting to understand the motives behind such acts and the arguments are far too complex to raise in a report such as this. However, that such acts are tolerated in any workplace is an indictment of where we are at as a civilised society, and a justification for formal workplace specific mechanisms through which complaints can be made and participants can be compensated, in addition to EO legislation. Results in this section of the survey are also testimony to the need for community education campaigns which address homophobia in the workplace, and changes to legislation which would extend a range of workplace entitlements to same sex couples.

Many examples above also demonstrate that a number of female participants recounted incidents which illustrated the subtle inter-relationship between gender and sexuality; the double burden they experienced due to being lesbian or bisexual and a woman. Exposure to lewd jokes and pornography, being overlooked for promotions in favour of conspicuously heterosexual men and being expected to look or act like a certain kind of 'feminine' woman were all examples of this more ambiguous discriminatory treatment.

Given that Transgender Victoria estimate that 95% of their members have experienced job loss directly related to undergoing gender reassignment, it is surprising that more detailed responses were not obtained from transgender participants. However, the demographic information in Section 1 clearly shows that transgender participants were far more likely to be unemployed than other men and women, which gives some indication of their relative disadvantage.

Ambiguity regarding rights and the levels of fear which LGBT people working with children and young people experienced, with regard to job security, calls for immediate action on a number of fronts. This can be tackled in both legal and educational arenas (see Recommendations).

It is very difficult not being able to be myself, to talk about my partner or invite her to work functions. Working in a kindergarten and being a lesbian is very difficult. I have 60 sets of straight parents to deal with weekly and my management group is a group of parents. I am lucky that I have a supportive co-worker. Not writing down my partner's name on my Superannuation form was difficult. I didn't want to risk it. I had to inform the fund directly that I wanted her to be my beneficiary. I suppose a lot of this is about being afraid of the outcome if I come out at work. I fear losing my job (which I love) and the thought of confrontation with a strong body of parents. I am on my own (F, L, 30-39, 828).

# 7

## Education

As a teacher, I feel very strongly that young people should get off to a better start than the crappy time I had in the 60s. The AIDS crisis hit young gay people really hard in the 80s. We need positive high profile role models in schools (M, G, 40-49, 103).

At school I am isolated and made to feel like I am nobody. I was being called 'dirty faggot' so much that I almost left school. My mother and some close friends are helping me stay. I have to finish my VCE and I hope I have the strength to get through (M, G, under 18, 076).

The problem has not involved being given explicitly homophobic material but rather, the exclusion of any homo-positive material in courses at all levels of the education system, from primary to postgraduate tertiary (M,G, 40-49, 197).

I was harassed on countless occasions both in class and in the school yard in the course of working as a secondary teacher. This abuse contributed to my decision to abandon teaching as a career (M, G, 30-39, 109).

Under the Act, discrimination is unlawful when practiced by educational authorities or in educational institutions. Educational authority means the person or body administering an educational institution. Educational institution means a school, college, university or other institution at which education or training is provided. An educational authority must not discriminate against a person in deciding who should be admitted as a student by refusing, or failing to accept the person's application for admission as a student in the terms on which the authority admits the person as a student. An educational authority must not discriminate against a student by denying or limiting access to any benefit provided by the authority, by expelling the student or by subjecting the student to any other detriment (EOCV, 2000).

### Summary

- 26% of participants reported discrimination or abuse related to their education.
- Harassment by teachers or other students was the most commonly cited type of incident.
- Men were more likely to report experiences of school-based harassment than women or transgender participants.
- These incidents ranged from non-directive homophobic comments aired in the course of classroom activities to serious verbal or physical assaults sustained over a number of years. In some instances, participants reported that the abuse occurred with the full knowledge, and even the involvement of teachers.
- The invisibility of LGBT issues in the sex education curricula of schools was often raised in the qualitative data as a cause for concern.

Much recent academic writing has critiqued the Australian education system for fostering heterosexual and homophobic attitudes (Laskey and Beavis, 1996; Hillier et al, 1998; Hillier et al., 1999; Wyn, 1999). Sex education programs in schools are often directed at the prevention of teenage pregnancy and sexually transmissible diseases which leads to an emphasis on heterosexual intercourse as the 'natural' and the ubiquitous form of sex to the exclusion of all others. Where gay identity or behaviour is discussed, it is often in the context of HIV/AIDS prevention (Harrison and Hillier, 1999). Few Australian children and young adults are allowed in the course of their schooling to openly observe or explore other ways of being in the world, apart from that which will see them one day in a relationship with a member of the 'opposite' sex, and preferably married with children. Those brought up in families with same sex couple role models are the rare exception to this general rule.

Behaviour which actively punishes teachers, children and young adults who are 'different' (either openly or presumed to be 'gay' or gender inappropriate) often goes unreported, unpunished and is even rewarded in some school settings (Hillier et al, 1999; Mills, 1999). Fear and hatred of homosexuality and those who display such behaviour is institutionalised within the official and unofficial curricula of many Catholic schools (Marr, 1999).

Clearly the education system in Victoria is not monolithically repressive when it comes to the formal and less formal aspects of sexuality curricula. Many government schools are beginning to explore curricula which incorporate teaching on sexual and gender diversity, and the Victorian Department of Education has funded the production of materials and professional development for teachers to this effect (Department of Employment, Education and Training Victoria, 2000). In some schools, teachers are able to be openly gay without fear of being sacked or otherwise victimised. Further to this, a number of schools have policies and practices which serve to support students who are being harassed, or feeling isolated, depressed or suicidal due to same sex attractions or uncertainty with regard to gender identity.

Concurrent with these developments however, the school-based abuse of LGBT young people continues. A recent Victorian report emphasised the fact that school is still the place where many young same sex attracted people are most victimised, and also denied the information to make decisions about their sexuality responsibly and safely (Hillier et al, 1998). For many of the (young and not so young) participants in this research, discrimination relating to education came in the form of harassment they had experienced in the school environment, whether as a student, or as a teacher. Indeed, school was often spoken of as the principal site where institutionalised heterosexism and homophobia was learned, produced and experienced.

## Survey results

Twenty-six percent of participants (239) reported discrimination in the area of education. Options provided for participants to comment on were: 'Being refused entry to a course or institution', 'Being harassed by teachers or students', 'Being pressured out of a course or institution', 'Being given homophobic material as part of a course' and 'Other'.

One hundred and thirty seven participants described instances of discrimination which occurred within the last five years, and 125 described one or more incidents happening more than five years ago. Multiple responses were possible. 'Harassment by teachers or other students' was the most commonly cited type of incident (45% or 81 in the last five years; 55% or 96 more than five years ago). This was followed by 'homophobic course content' (33% or 60 in the last five years; 23% or 40 more than five years ago). In the last five years time frame, the next most frequent response was the 'other' category, whereas in the 'More than five years ago' time frame 'Pressured out of a course' was the third largest category. 'Refused entry' drew the fewest responses in each time frame (see Table 8).

There were no gender differences with regard to most types of reported discrimination, however men were more likely to report 'Harassment by teachers or students' than women and transgender participants in each time frame.

Table 8 Discrimination related to education

Type of Discrimination	Last five years		More than five years ago	
	n	%	n	%
Harassment by teachers or students	81	45%	96	55%
Homophobic course content	60	33%	40	23%
Other	24	13%	17	10%
Pressured out of a course	13	7%	18	10%
Refused entry to a course	3	2%	4	2%

Totals and percentages in tables based on reported incidents of discrimination (multiple responses possible)

Total participants last five years = 137

Total participants more than five years ago = 125

## Harassment and abuse

Many participants gave examples of harassment or abuse from members of the school community. These ranged from non-directive homophobic comments aired in the course of classroom activities to serious verbal or physical assaults sustained over a number of years. In some instances, participants reported that the abuse had occurred with the full knowledge, and even the involvement of teachers:

I was hassled for many years by girls at my high school. There was jeering, taunting and lemon lollies thrown at me. Once, I was bashed by a group of them when at a party on the weekend (F, L, 19-29, 630).

School was a far from pleasant experience for me, the details of which are too long to go into. Never bashed, but verbal abuse every day (M,G, 19-29, 232).

Throughout high school I was severely bullied by other students and teachers. I was identified as a 'fucking poofter' and verbally and physically assaulted every day for years which included threats with knives and severe bashings. This misery had a severe effect on my school work and led to constant thoughts of suicide and a suicide attempt. In all that time, I had no assistance from the school authorities. Several teachers actively participated in the abuse and the school view was that it was all my own fault (M, G, 30-39, 182).

Sometimes the problem was related to lecturers and teachers 'turning a blind eye' when class members displayed derogatory attitudes towards LGBT issues or participants. This had the effect of implicitly condoning displays of ridicule or disrespect which would not have been tolerated in other contexts.

## Heterosexist curricula

A number of participants also commented on heterosexist or explicitly homophobic course content, not only in secondary school education but in a number of tertiary disciplines as diverse as Chinese medicine and Law. Despite the fact that homosexuality has not officially been considered pathological within the disciplines of psychology and medicine since the 1970s, some participants reported having to use old textbooks which contained references to homosexuality as a disease. For others, there was the ever-present issue of invisibility, apart from the gay equals disease equation which was often applied to male homosexuality. One medical student commented:

At university, lesbianism doesn't exist. Everything we are taught is taught in heterosexual terms. Unless of course it's HIV or STDs, then 'gay men' are always mentioned (F, L, 19-29, 834).

Participants often raised issues associated with the absence of homosexuality from their course curricula in the 'Invisibility' section of the questionnaire (See Section 2). And other participants were

careful to make the distinction between material which is explicitly hate-mongering and that which is affirming of the range of sexual and gender diversity common to much of humanity:

The problem has not involved being given explicitly homophobic material but rather, the exclusion of any homo-positive material in courses at all levels of the education system, from primary to postgraduate tertiary (M, G, 40-49, 197).

## Conclusion

Issues raised in this section of the questionnaire echoed many of the findings of Hillier et al, (1998). Problems for LGBT people with regard to education centred around ill treatment when enrolled in schools and tertiary courses, rather than refusal of entry upfront. A lack of affirmation of same sex relationships, homosexuality and gender identity issues within school and university curricula contributed to feelings of low self worth and invisibility among LGBT people. Further to this, a number of adults were still deeply affected by the bullying they had been subjected to in the school environment many years after completing their secondary education. There is no reason to believe the numerous reports about violence experienced at school were exaggerated or uncommon. Hillier et al. found that 70% of the homophobic abuse experienced by young people occurred in the school setting, which made school a more dangerous place than the streets for many.

There is evidence that schools need to pay far more attention to policy development in the area of homophobia. There are serious consequences of homophobic abuse in schools (which includes suicide among young gays and lesbians) and anti-homophobic initiatives are a human rights issue. Steps should also be taken to remedy the erasure of gay and lesbian sexuality and transgender issues from sex education classes, and ensure that this is discussed positively, rather than entirely in the context of disease prevention (see Recommendations).

## 8

# Police/Other Law Enforcement

Myself and my partner were approached by police in a public place and told to stop kissing or we could be arrested for disturbance of the peace (T-ftm, B, 19-29, 557).

Called police/CIB around because of a series of house intrusions by a stalker. The police were more interested in who slept where and my lesbian posters and dismissed the threat, making a number of sexual comments (F, L, 40-49, 829).

I was physically assaulted at a train station and requested police assistance. When the police arrived they assumed that I was gay and that the assault must have been related to a sexual pick up at the train station toilets. In reality, I was at the station to catch a train home from work. My assault was not taken seriously because of the police's incorrect assumption that it was a beat user (M, G, 19-29, 219).

## Summary

- 17% of participants had experienced discrimination or abuse in the course of their dealings with police members.
- Men and transgender participants were more likely than women to report incidents in this category, which included entrapment in parks and beats, and harassment in the line of police questioning. Transgender participants were three times more likely than other women and twice as likely as other men to report having experienced discrimination or abuse related to police matters.
- Although reported physical assaults at the hands of police were relatively few, those described by participants were very violent.
- Transgender participants were more likely to supply qualitative details in this section of the questionnaire than in any other. Although one person made a point of commenting on police courteousness and respect for transgender identity, most reported taunts and frequent harassment, based on appearance.

Historically, relations between the police and the LGBT communities have been poor. This has been documented both locally and in the overseas literature (Mason, 1993; Cox, 1990; UK National Advisory Group, 1999). A recent study conducted by the National Advisory Group on Police/Gay and Lesbian Relations in the UK found that only 18% of homophobic attacks are reported to police, mainly through fear of officers' reactions, which has serious implications for safety given the rate at which LGBT people are targeted for hate crime.

One powerful reason for a less than satisfactory relationship between police members and gay and bisexual men in Victoria is the relatively recent decriminalisation of male homosexuality. It is only 20 years since homosexual activity between consenting adult males was unlawful in this state, which licensed police intervention and even violence in the eyes of many. It is only six years since the infamous 'Tasty' raid in Victoria, during which a nightclub full of LGBT patrons was strip-searched by police, and later duly compensated for their ordeal.

However, February 2000 marked the appointment of the first Victorian Gay and Lesbian Police Liaison Officer, Senior Constable Melinda Edwards, and if the applause she received at a recent VGLRL midsumma festival event was any indication, many support and welcome moves in this state which further the cause of improved police/LGBT relations. NSW has already paved the way, in

implementing a strategic response to anti-LGBT violence and appointing a substantial number of liaison officers, deployed throughout inner and outer urban Sydney and also country areas (NSW Police Service, 1995).

The liaison officer appointment was the result of many months of work by members of VGLRL, the EOCV and Victoria Police. In recent months, VGLRL has had representatives on the EOCV/Victoria Police Working Group, with a view to fostering better relationships between members of the Police and the LGBT communities and has now decided to extend this work in establishing a Police Working Group to look at further policy development and liaison initiatives. Despite evidence that those at the most senior levels of Victoria Police have a ‘...genuine and wide-ranging commitment to non-discriminatory policing, and to working constructively with lesbians, gay men and transgender people’ (Gardiner, 2000), old attitudes and prejudices die hard on both sides.

## Survey Results

Seventeen percent of participants (159) had experienced some form of discrimination or abuse in relation to their involvement with the police. Of those reporting any discrimination, 15% (56) of women, 24% (94) of men and over 50% of transgender people (9) answered ‘yes’ to least one instance of discrimination or abuse at the hands of the police. Transgender and male participants were far more likely than women to both have had contact and to have had negative contact in their dealings with police.

One hundred and thirteen participants noted a specific form of discrimination/abuse occurring within the last five years, and 125 noted incidents which happened more than 5 years ago. The options provided on the questionnaire were: ‘Dealing with police on matters not directly related to your sexuality’, ‘Inadequate or inappropriate response’, ‘Harassment’, ‘Physical assault’, ‘Being charged because of your sexuality’, ‘Being charged because of your transgender identity’ and ‘Other’. Multiple responses were possible.

One quarter of the responses in each time frame concerned ‘Dealing with the police regarding matters not related to sexuality’. This means that sexuality/gender identity had arisen as an issue during the police interaction for a large number of participants even though it was not related to the reason they had had contact with the police. The next largest categories in each time frame were ‘Inadequate/inappropriate response’, and ‘Harassment’. Considerably fewer responses related to ‘Physical assault’ or charges due to sexuality/gender identity (see Table 9).

With reference to specific forms of discrimination, male and transgender participants were more likely to have dealt with police harassment and ‘Other’ forms of abuse at the hands of the police. Entrapment at beats, taunting and inappropriate questioning were examples given here. Men and women were equally affected by physical assault by police, an unexpected finding given that men tended to be more affected by physical assault in the ‘Public violence’ category, and discrimination overall in the police category. Also surprising, given the levels of police harassment reported by transgender participants, was the fact that none of this group reported assaults by police (see Figure 10).

Table 9. Discrimination/abuse related to police or other law enforcement

Type of police discrimination	In the last five years		More than five years ago	
	n	%	n	%
Inadequate or inappropriate response	64	33%	23	20%
Matters unrelated to sexuality/gender identity	51	26%	32	26%
Harassment	44	23%	32	26%
Physical assault	9	5%	15	12%
Charged because of sexuality	9	5%	9	7%
Charged because of gender identity	2	1%	3	3%
Other	16	7%	7	6%

Totals and percentages in table based on incidents of harassment/abuse (multiple responses possible)  
Total participants last five years = 113. Total participants more than five years ago=125

## Inadequate or inappropriate response

Qualitative responses which related to inadequate or inappropriate response were various. One example given was police trivialising a serious assault, 'because those sort of things happen to you people' (455, M, L, 40-49). Others spoke of police focusing on the sexuality of victims rather than dealing with the crime, as in the following examples:

I went to the aid of a gay guy who was being severely verbally abused and I was attacked with a broken bottle. The police response was to question me about my sexuality (F, L, 30-39, 850).

While being questioned, I was told that I 'looked' like a dyke and was 'asking for trouble' (F, B, 19-29, 526).

## Issues affecting transgender participants and men

Male and transgender participants gave a number of examples of harassment by police when walking in the vicinity of parks or public toilets:

I was stopped by police while walking in a park and questioned about what I was doing there, if I was gay etc. They assumed I was doing the beat when in fact I walk purely for health reasons (M, G, 40-49, 016).

I was accused of sexual offenses in a park with NO PUBLIC TOILETS or trees to hide behind. Yeah, sure! (T, B, 30-39, 562).

Specific incidents of entrapment were reported, whereby police officers had initiated sexual behaviour and subsequently arrested men who responded:

A guy who turned out to be a policeman started masturbating in front of me and then charged me with 'loitering to commit an offence'. The charge was dismissed but it is still recorded on my police file (M, G, 40-49, 075).

Transgender participants were more likely to supply details in this section of the questionnaire than in any other. Although one person made a point of commenting on police courteousness and respect for transgender identity, most reported taunts and frequent harassment, based on appearance:

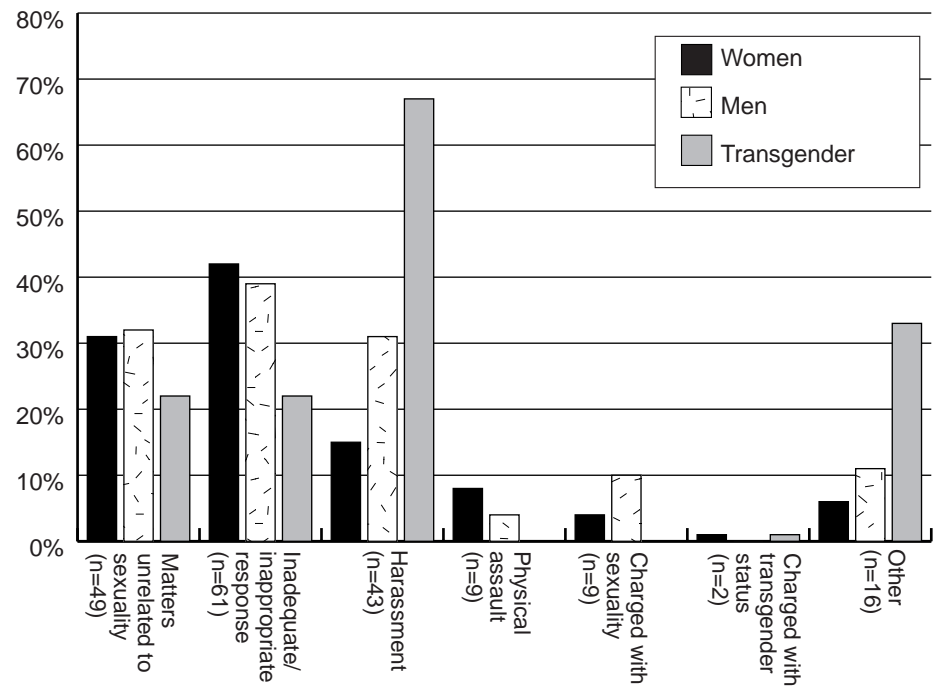
When I was stopped for a license check, the police shone a torch on my legs, refused to acknowledge me as female and asked inappropriate questions (T-mtf, 40-49, 556).

I was walking back to my car after going to an ATM. A policewoman and man in a divvy van made me walk in front of their car, then sounded the horn and shone the lights at high beam while I did so (T-mtf, B, 30-39, 558).

I have been stopped 14 times in 12 months for 'random security checks', resulting in one ticket for 'crossing road improperly' (T-mtf, B, 30-39, 593).

I was approached by police at a shopping centre and asked what toilets I would be using in a shop full of people (T-mtf, L, 30-39, 561).

Figure 10. Types of police-related discrimination or abuse by gender.



## Physical assaults

Although reported physical assaults at the hands of police were relatively few, those described by participants were serious. One man spoke of an assault which had resulted in charges against the Federal Police. He reported having been harassed not to give evidence at the trial by associates of the charged officers (M, G, 30-39, 147). One woman reported having been raped in police custody to teach her a lesson for 'being a dyke' (F, L, 30-39, 813) and one ex-member of Victoria Police reported having been bashed and threatened by fellow workers because of his sexuality. This latter incident was allegedly covered up by senior officers, and resulted in the gay police officer's subsequent resignation.

## Circumstances of the police contact

Participants were also asked to nominate the circumstances which had led to the police contact. One hundred and forty-two people answered this question and again, multiple responses were possible. One third of responses related to being approached by police for questioning, nearly one fifth involved a request for attendance at a crime, and the third largest category (13%) was entrapment by police in a park or at public toilets. Table 10 contains more information regarding circumstances.

The severity and frequency of the incidents described in this section of the report give some clue as to why some members of the LGBT community view moves toward formalised police liaison with suspicion, particularly those who have experienced police brutality first hand. In the words of two more cynical gay men:

Police don't sincerely want to know about abuse of gays. And some incidents cannot be reported to them because of the context. How can a conservative, conformist, homophobic brotherhood with a track record of spying on gays and provoking them with agents undercover be expected to deal even handedly with their concerns? Their police gay liaison committees etc. are all PR and window dressing (M, G, 50-59, 120).

As it stands today, no Victorian gay man can trust the police. NSW seems a lot better, and I would not report a gay bashing to Victoria police (M, G, 30-39, 003).

## Conclusion

Attitudinal and behavioural change within Victoria Police should continue to be a priority for action within our communities. This will be dependent on the willingness of LGBT people to challenge their own attitudes to the police and also on the goodwill and commitment of police members at all levels of the hierarchy.

The decrease in numbers of reported incidents since 1994 (see Section 1 of the report) demonstrates that we can be hopeful of continuing improvement relating to police discrimination and abuse. However, the gravity of many responses in this section indicates that police liaison is one area in which we cannot afford complacency. These results must be read in the context of the large amount of hate crime which is directed at members of the LGBT communities (see Section 3). It is disturbing to contemplate the thought that similarly to the UK, over 80% of homophobic violence may go unreported to police members because LGBT people do not expect to be treated well by the police (see

NAG, 1999). Levels of cynicism regarding the sincerity of moves toward police liaison suggest that many gay men and transgender people (in particular) would think twice before reporting a range of crimes to the police.

Members of our communities are as deserving of good policing as anyone else. Work needs to continue on building up levels of trust and effective liaison measures. Victoria Police also need to demonstrate they are serious about tackling the unacceptable levels of public violence inflicted on gay men, lesbians, bisexuals and transgender people in this state (see Recommendations).

Table 10. Circumstances in which police contact was made

Circumstances in which discrimination occurred	n	%
Approached by police for questioning	61	30%
Requested attendance at a crime	34	17%
Police entrapment (at a beat)	26	13%
Other	24	12%
Lodged a complaint against member of public	20	10%
Requested intervention in domestic dispute	15	7%
Lodged a complaint against police	13	6%
Request for attendance at an accident	10	5%

Totals and percentages in table refer to incidents (multiple responses possible)  
Total participants = 142.

# 9

## Provision of Goods and Services and Accommodation

I hired a motel room with my lover and the management accused us of being prostitutes (less than half an hour after hiring the room) and that we were going to have male clients attending (F, L, 40-49, 869).

My girlfriend and I were told by a cafe proprietor in a rural town 'We don't serve your kind here' (F, B, 30-39, 525).

Buying a bed, looking for cars, etc. etc. etc. (F, B, 19-29, 821).

Under the Act, it is unlawful to sexually harass or discriminate against someone while providing or receiving goods and services. It does not matter whether or not the goods or services are provided for payment (EOCV, 2000).

Under the Act it is unlawful to discriminate against someone in the area of accommodation. It is also unlawful for providers of accommodation to sexually harass tenants. Accommodation is defined widely and includes both permanent and temporary accommodation, residential accommodation and business premises. This covers houses, flats, offices, hotel /motel rooms etc. (EOCV, 2000).

### Summary

- 23% of participants had experienced inadequate or unfair treatment relating to the provision of goods and services.
- Discrimination was most likely to occur in the course of service provision in a shop (22%), in a hotel/motel (19%), or in a bar (14%).
- Women and transgender participants were more likely than men to report discrimination relating to the provision of goods and services.
- Refusals of service often occurred when hotel/motel accommodation was sought by same sex couples.
- 9% of participants reported tenancy related discrimination.
- While many participants suspected they had been refused rental accommodation after presenting as a same sex couple, the nature of the application process for rental flats and houses made it difficult to know if discrimination was based on sexuality or some other characteristic.

The ascendancy of the so-called pink dollar has drawn much attention to our communities in the 90s. Telecommunications companies clamour for sponsorship of high profile LGBT events, such as the midsumma festival, evidence of how in the past decade, the corporate world has tuned in to (and assisted in the creation of) the needs and desires of LGBT consumers. Ten years ago, the gay press did not attract full page advertisements from telecommunication companies containing openly gay, lesbian and transgender imagery, nor did we see the likes of Vanessa Wagner (the transgender persona of Sydney-based HIV/AIDS educator Tobin Saunders) promoting electronic mail services in the mainstream press. There is little doubt that some providers of goods and services now acknowledge and support a lucrative market connected with the gay community, whose members purportedly have higher disposable incomes than their heterosexual peers.

Leaving behind the world of corporate sponsorship, telecommunications promotions and alcohol marketing reveals continuing evidence of discriminatory treatment and inadequate service outside of geographical areas we could nominate as 'gay ghettos'.

## Survey Results

Twenty-three percent of participants had experienced inadequate or unfair treatment related to the provision of goods and services.

Options provided as to types of discrimination were: 'Refused service', 'Given inadequate service', and 'Other'. Multiple responses were possible. 'Inadequate service' accounted for 64% (139) of incidents in the last five years and 48% of incidents (28) more than five years ago). This was followed by 'refusal of service' (26% or 57 incidents in the last five years, 43% or 25 incidents more than five years ago) and other instances of discrimination (10% or 21 in the last five years, 9% or 5 more than five years ago) (see Table 11).

Participants were also asked to nominate where the discrimination had occurred. In 22% of incidents (86) it occurred in a shop. Hotels or motels were the culprit in 19% of incidents (74), and bars were the site of 14% of discriminatory acts (56). These were followed by: banks/financial institutions (12% or 48), clubs (12% or 47), government agencies (12% or 46), and other service providers (9% or 32).

### Inadequate service and refusal of service

Descriptions of inadequate service in the qualitative data mostly related to problems same sex couples had encountered in obtaining double beds in mainstream hotel/motel accommodation. A number of participants had had to argue with management regarding their right to a double room, and several had been refused service when they would not settle for single beds. One man reported that he was questioned as to why he wanted the double bed when he was with another man (M, 40-49, 290).

Table 11. Discrimination related to the provision of goods and services

Type of discrimination	Last five years		More than five years ago	
	n	%	n	%
Inadequate service	139	64%	28	48%
Refused service	57	26%	25	43%
Other	21	10%	5	9%

Totals and percentages based on reported incidents of discrimination (multiple responses possible)

Total participants last five years = 184

Total participants more than five years ago=46

It was also common for participants to report poor service in restaurants when there as part of an openly gay or lesbian group of people. Outward appearance assumed to be 'gay' or 'lesbian' was an issue here. A number of participants commented that judgements were made by service providers on the basis of appearance, assumption or an affectionate gesture rather than an open disclosure of sexuality:

In a cafe we were given a warning about our (very tame) kissing (F, L, 19-29, 431).

I was told to refrain from public affection with my partner so that other patrons would not be offended (F, L, 19-29, 432).

Having staff snigger behind the counter while speculating that we were lesbians. (F, L, 30-39, 799).

My girlfriend and I were told by a cafe proprietor in a rural town, 'We don't serve your kind here' (F, L, 30-39, 525).

## Gender Issues

Women and transgender participants were more disadvantaged in this area than men. Of those reporting any discrimination, 34% of women, 20% of men and 56% of transgender participants were affected by discrimination related to the provision of goods and services.

With regard to women, this poor service could be related to the fact that lesbian and bisexual women are more likely to seek goods or services outside of established 'gay' precincts, e.g. when taking holidays. More women lived in rural areas where looking or acting 'different' is more likely to draw comment or discriminatory treatment than in inner-urban areas. The quotes above, all provided by women, certainly indicate that women were seeking service in areas which were definitely not gay friendly. However, given that men and women were equally likely to live in outer-suburban areas and regional centres outside of the inner urban gay 'ghettos' (See Section 1), and that many incidents occurred in the course of conducting day to day life in the city, locale can only partly explain the discrepancy.

Banks were implicated in 12% of discrimination and women were more disadvantaged here. In the first instance, women were more likely than other participants to be working part time (see Section 1), which means they had less access to income and probably also less secure employment than gay and bisexual men. This is a clear disadvantage when applying for personal loans and home loans. Women (heterosexual, lesbian or bisexual) presenting for loans or increased credit facilities in banks without husbands or male partners do not generally receive the warm welcome extended to couples with at least one male earner.

With regard to transgender participants only one specific example was given: 'called "he" in spite of clear requests to be called "she"' (T, B, 30-39, 562). It is easy to imagine that those who fail to 'pass' as their chosen gender are subject to much disrespect and ridicule in the general community, which would be exacerbated when having to interact with a range of service providers.

## Tenancy

The estate agent could give no legitimate reason for the owner refusing us tenancy for an [inner Melbourne] flat. We met all the criteria and suspect we were refused on the basis of (assumed) sexuality. We were a male couple applying for a one bedroom flat. The flat remained empty for a while subsequent to our inspection (M, G, 30-39, 015).

Despite the existence of anti-discrimination legislation, survey results revealed that LGBT people are still denied access to rental premises on the grounds of their (assumed and/or explicitly stated) sexuality.

Nine percent of participants reported discrimination relating to tenancy.

Sixty one participants reported incidents occurring in the last five years, and 27 referred to incidents occurring more than five years ago. Most of the reported discrimination involved being refused a

Table 12. Discrimination related to tenancy

Type of tenancy discrimination	Last five years		More than five years ago	
	n	%	n	%
Refused a lease	36	59%	11	41%
Tenancy other	18	30%	10	37%
Evicted	7	11%	6	22%

Totals and percentages in tables based on incidents of tenancy discrimination (multiple responses possible)

Total participants last five years =58

Total participants more than five years ago=25

lease, (59% or 36 incidents in the last five years, 41% or 11 incidents more than five years ago). Evictions accounted for 11% or 7 incidents within the last five years and 22% or 6 incidents more than five years ago. Participants also nominated 'Other' forms of discrimination relating to tenancy arrangements such as sexual harassment and verbal abuse by landlords (30% or 18 in the last five years, 37% or 10 more than five years ago) (see Table 12).

Some of the discrimination experienced in rental agencies was overt, for example, one woman reported that when she and her partner walked into one agent and asked to look at one bedroom flats, they were immediately told by the receptionist, 'We wouldn't have anything here to suit you two' (F, L, 30-39, 867).

In other cases, it related to a lack of knowledge on the part of the agent as to the existence of same sex couples. Another woman reported:

I was discouraged by a Real Estate Agent from applying with my partner for a one bedroom flat due to 'lack of privacy' (F, L, 19-29, 763).

## Conclusion

As we also emphasised in Section 1, this was an area of discrimination more likely to be experienced by women and transgender people, and we have explored above some of the reasons why this may be the case. There is evidence that the 'pink dollar' is gendered. It is highly likely that gay and bisexual men are less subject to discrimination because they are more likely to enjoy the benefits of secure employment, (in common with men generally) and additionally, to enjoy public perceptions as to gay men's greater access to financial resources. Whatever service providers may believe personally about homosexuality, in some instances, wealth (real or assumed) can buy respect. Same sex male couples may well have two full time earners, whereas same sex female couples were more likely to be living on two part time incomes. Transgender people were far more likely than either group to be unemployed. This represents a big discrepancy in terms of the distribution of wealth and buying power within our communities, which may well impact on experiences of discrimination.

At the same time, it needs to be remembered that all same sex couples were equally disadvantaged when it came to discrimination related to seeking accommodation. There is scope for improving knowledge among members of our communities in relation to their rights under the Act, and the processes involved in making a complaint when discrimination occurs (see Recommendations).

# 10 Membership of Clubs & Religious or Sporting Organisations

I was refused communion at a Catholic church service (M, G, 19-29, 002).

Having to deal with all the poisonous and negative images fed to me over 12 years in the Church (M, G, 40-49, 341).

I was spoken to by officials at the cricket club. They asked me to refrain from appearing 'too lesbian' as it offended the junior members and parents (F, L, 19-29, 243).

In some matters of social justice – Aborigines, refugees, the poor and unemployed, alcoholics and the sick and dying – the churches have an admirable record of defending human rights. They stand up like heroes. But in other matters – the role of women, the predicament of drug-dependent people and sexuality – they have a long way to go.

— the Hon. Justice Michael Kirby to the Senior School of St. Ignatius College Sydney, February 24, 2000.

## Summary

- 12% of participants reported having experienced discrimination relating to membership of clubs, religious groups or sporting organisations.
- Over one third of the reported discrimination related to being pressured to leave a club or religious organisation.
- In the qualitative responses in this section, most participants chose to write about negative experiences they had encountered in the course of their involvement with religious groups and organisations.

The Act offers members of the LGBT communities limited redress in the event of discrimination relating to membership of clubs and sporting organisations. Although discrimination perpetuated by private groups on the grounds of sexual orientation may raise ethical issues, it is not unlawful in Victoria. Organisations must be in receipt of public funding or resident on Crown land in order to be covered by the ambit of the Act. Many gay men, lesbians and bisexuals also fear that the Act serves as only limited protection against discrimination on religious grounds, notably for those who belong to or work in Christian organisations. Part 4, clauses 75-77 of the Act allow certain exceptions to 'religious bodies', 'religious schools' and on the grounds of 'religious beliefs of principles'.

In recent months, leaders of the Catholic and Anglican churches in Australia have frequently aired very public pronouncements against homosexual behaviour and 'lifestyles'. *The Age* reported in January 2000 (after the announcement of the formation of the Ministerial Advisory Committee on Gay and Lesbian

Health) that a spokesman for the Catholic Archdiocese of Melbourne embraced a ‘responsible community dialogue’ on gay health issues, but warned against supporting gay and lesbian lifestyles:

[A Taskforce] is a good idea, so long as it is not a prelude to embracing gay and lesbian relationships as the moral equal of the family unit (Schubert, 2000).

Several weeks after this, the Catholic and Anglican archbishops joined forces in criticising the Sydney Gay and Lesbian Mardi Gras for its ‘highly erotic and gross way of promoting a homosexual lifestyle’ (Murphy, 2000).

Other sources confirm the opposition of some Christian church leaders in Victoria to the spread of the so-called ‘gay agenda’. David Marr tells the story of the reception with which Archbishop Pell greeted the Rainbow Sash movement at the St Patrick’s Pentecost service in 1999. He recounts excerpts from the Archbishop’s audience with the media after refusing communion to Rainbow Sash supporters, including the mother of a young gay man whose experiences of being bullied had driven him to suicide. Pell announced:

We respect all people, [and deplore the high rate of youth suicide] but don’t encourage and will never condone that sort of activity ... We will do nothing to allow the spread of the gay agenda in Catholic schools. We will do everything we can to oppose it (Marr, 1999:276).

The official position of the Catholic and Anglican Churches is that they object to homosexual *acts*, not homosexuality *per se*, and that celibate homosexuals are welcome and supported within Anglican and Catholic church communities. While the expectation that homosexuals should remain celibate is problematic in itself, the Church’s stand against homosexuals actually exceeds demanding their celibacy. As the examples provided above demonstrate, the reality is somewhat different and more damaging than the rhetoric. This stance cannot help but influence and to some extent legitimate disparagement of gays, lesbians and bisexuals.

## Survey results

Twelve percent of participants reported having experienced discrimination relating to membership of clubs, religious groups or sporting organisations.

Sixty three participants had experienced discrimination within the last five years, and 36 had experienced it more than five years ago. Options provided regarding the type of discrimination experienced were: ‘Refused membership’, ‘Pressured to leave a club or organisation’, ‘Refused services’ and ‘Other’. In each time frame, pressure to leave was the category with the largest number of responses. Table 13 supplies more information.

Table 13. Discrimination related to membership of a club and religious or sporting organisation.

Type of discrimination	Last five years		More than five years ago	
	n	%	n	%
Pressured to leave	31	39%	16	36%
Other discrimination	21	27%	10	22%
Refused services	16	20%	10	22%
Refused membership	11	14%	9	20%

Totals and percentages in table refer to incidents of discrimination (multiple responses possible)

Total participants last five years = 63

Total participants more than five years ago = 36

## Experiences within religious groups/organisations

Unfortunately, not many participants chose to write qualitative responses in this section of the questionnaire. Those who did spoke mostly of feeling pressured to leave religious groups, due to the homophobic sentiments expressed by those around them:

I felt uncomfortable by homophobic comments expressed by members of my Church group, so I ended up leaving, even though I was closeted (F, L, 40-49, 822).

I was forced to leave my religion once my sexuality became publically known (M, G, 19-29, 309).

I left due to pressure to change and find myself a nice girl (in the Catholic church) (M, G, 19-29, 090).

Most of the 'other' responses were variations on the themes expressed in the quotes above and related to negative attitudes towards gays, lesbians and bisexuals perpetuated within Christian church organisations. For example one man spoke of his memories of an encounter with the Church in his youth:

I remember being given totally hideous advice in a Catholic confessional at the tender age of 15 that I would 'grow out of it' (M, G, 40-49, 103).

## Conclusion

Many of the (albeit limited) responses in this section of the questionnaire were related to discrimination perpetuated within religious groups and organisations. As David Marr reminds us, it is false to equate the publically expressed opinions of some Church leaders with those of the entirety of the religious community, and there are many within the Anglican, Catholic and Uniting churches who continue to work for change. It is difficult to deny, however, that religious leaders have enormous power over the attitudes of large numbers within the Victorian community. What incentives can there be to show support and tolerance for LGBT people when some Christian leaders, by their words and deeds, fail to do just that? (see Recommendations).

# 11 Knowledge and Use of the Victorian Equal Opportunity Act

If sexuality is added to the ambit of the *Equal Opportunity Act*, it would be most likely those who were most open about their sexuality who would make use of its provisions. Their openness may make them more susceptible to harassment and unfair treatment, but it also enables them to more confidently seek redress. Society is coming to recognise more explicitly that sexuality is not a valid ground for discrimination and lesbians and gay men who are publically open about their sexuality both advance and directly profit from that recognition (GLAD, 1994: 30).

## Summary

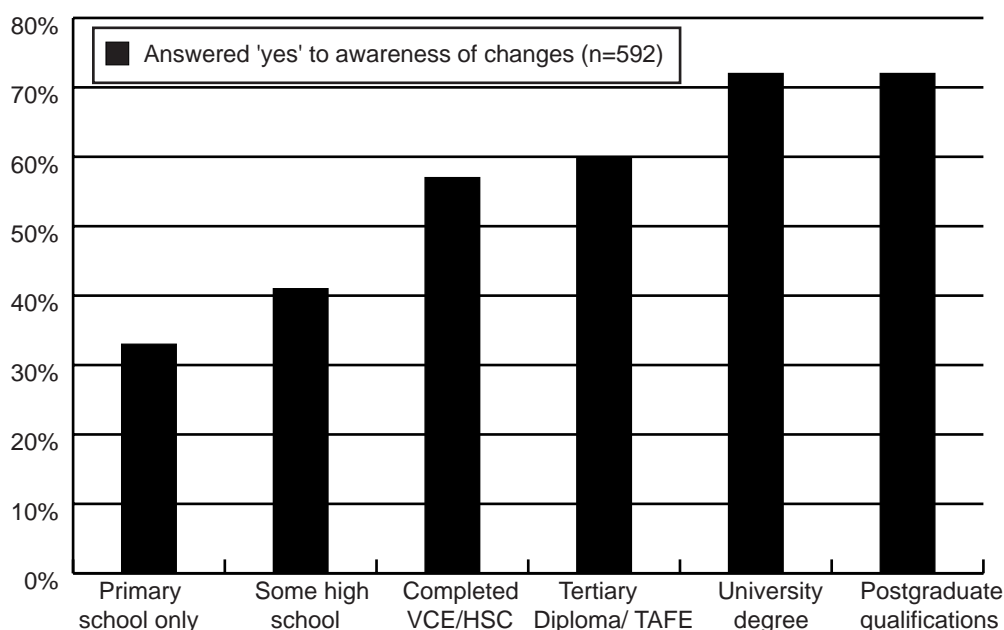
- 65% of participants were aware of the 'lawful sexual activity' amendment to the *Equal Opportunity Act 1995* (Vic).
- People under the age of 30 were less likely to be aware of the amendment than those 30 and over.
- Awareness of the amendment was greater among those who had attained higher levels of education.
- Twenty six participants had made a complaint to the Commission, and only two of these cases had reached settlement. Six were awaiting action and 18 people had withdrawn their complaints.
- Reasons for withdrawing complaints sometimes related to satisfactory settlement by other means. However, there was evidence of some lack of clarity among community members as to how the complaint, conciliation and tribunal process unfolded.
- Participants chose not to pursue formal complaints for a variety of reasons, but mostly because they felt it would be too daunting. Others did not want the invasion of their privacy.
- A number of participants expressed fears about discrimination on religious grounds, and also related to the 'Care of Children' exception in the area of Employment.

Quoted above is the closing paragraph of *Not a Day Goes By*, the forerunner to this report. It provides an interesting frame through which to view responses to the last question in the 1999 survey, which related to knowledge and use of the *Equal Opportunity Act 1995* (Vic). In 1994, the inclusion of 'lawful sexual activity' within the ambit of the Act was not yet a reality, and the authors of the GLAD report hoped that such amendments would both pave the way to more openness about homosexuality, and a road to compensation when discrimination occurred. But has it? And how have LGBT participants taken up the new provisions?

According to the EOCV, complaints to the Commission which relate to the attribute 'lawful sexual activity' are a small number of those received overall (around 2%), but have increased steadily since the attribute was enacted in 1996. Forty two complaints were made in 1995/96, rising to 61 in the next year, and 75 in the 1998/99 financial year. In the 1998/99 financial year, most complaints made under the 'lawful sexual activity' attribute related to discrimination in the area of Employment, and men made twice as many complaints as women (EOCV, 1999).

We asked our participants about their knowledge of the Act, the uses to which they had put it and also about reasons why they had and had not made complaints.

Figure 11. Awareness of 'lawful sexual activity' attribute by level of education.



## Survey results

### Awareness of the Act

Sixty five percent of participants were aware that it was no longer legal in Victoria to be discriminated against on the grounds of 'lawful sexual activity', and 35% were not. There were no differences between the genders or country and metropolitan residents in terms of knowledge of the Act.

One significant difference related to the age of participant. People under 30 were less likely to know about the 'lawful sexual activity' attribute than those 30 and over. Given the levels of harassment that young people are subjected to in the school environment and the workplace, this was a cause for some concern.

Another significant difference related to the level of education attained by the participant. Awareness of the amendment was far greater among those who had tertiary qualifications in comparison with those who had completed secondary education or primary only. Only 32% of those with primary school education were aware of the 'lawful sexual activity' attribute, compared with 72% of those with a university degree or postgraduate qualification (see Figure 11).

### Complaints to the Commission

Most complaints are settled through conciliation, where both parties are brought together with a conciliator from the Commission to discuss the problem and try to work out a solution. Negotiated outcomes may include job reinstatement, an apology, policy changes and compensation. If conciliation is not successful, the person making a complaint may have the matter referred to the Victorian Civil and Administrative Tribunal (VCAT). This Tribunal has the power to hear evidence and make an order to redress the situation (EOCV, 2000).

Twenty six participants had made a complaint to the Equal Opportunity Commission. Only two clear victories were reported, the first of which had been referred to VCAT, and the second of which had been settled via conciliation. One gay man reported he had successfully challenged a health insurer who would not issue him with family cover; and two lesbians reported having received an apology from a cafe owner who had evicted them from his premises for kissing. Six cases relating to Employment and the Provision of Goods and Services were still in process and participants did not want to furnish details.

### Withdrawal of Complaints

Others had subsequently withdrawn their complaints, and gave the following reasons for doing so:

I also dealt with the issue through my employer's Equal Opportunity group, and dropped my Commission complaint when the offender was disciplined (F, L, 19-29, 748).

The motel owner would not come to conciliation with us, so the case had to be dropped as we couldn't afford a lawyer (M, G, 30-39, 262).

Variations on the above two scenarios formed the bulk of responses regarding complaint withdrawal. In the first example, alternative measures were taken at the workplace level which resulted in a satisfactory outcome for the complainant. However, the second example above suggests this participant was unclear about alternative processes which could be followed up by the EOCV, i.e. a tribunal hearing, in the event that conciliation was unsuccessful. There was evidence as to some lack of clarity among community members as to how the complaint, conciliation and tribunal process unfolded.

### **Reasons for not making a complaint**

Participants were also asked why they had not complained in the event of having experienced unlawful discrimination. There were a number of qualitative responses in this section, which largely fell into the following categories:

#### **Not serious enough**

Many participants had experienced subtle discrimination in a variety of settings, and had felt that it was not worth pursuing:

The only discrimination has been harassment and I didn't find it necessary to make a complaint as the only inconvenience caused was humiliation (M, G, 19-29, 244).

It didn't seem a big deal and I got over it fairly quickly (M, G, 19-29, 390).

Not serious enough. I can't complain about my own self-censorship (F, L, 30-39, 706).

#### **I'd rather deal with it myself**

For other participants, dealing with issues personally as they arose was considered more important than pursuing legal avenues. This was particularly relevant when the issue concerned verbal harassment by workmates. Challenging the offender on an individual basis was seen by some men and women as a more beneficial way of preserving their dignity and self-esteem:

In work situations, I have chosen to work on the relationships with the individuals who displayed homophobic attitudes. It just feels better that way (M, B, 30-39, 587).

You hear it and wear it. Then for my own self respect, I have to deal with it in the present (F, L, 30-39, 882).

#### **Too daunting**

In most situations, however, participants indicated that anxiety or fear about the process or consequences of following up a complaint was the sticking point. Taking formal action invited an invasion of privacy, repercussions in terms of future work and could even seem worse than putting up with the discrimination.

Making a formal complaint would have been too revealing of my intimate feelings and vulnerability (F, L, 40-49, 844).

I was afraid of the repercussions at work, even if I had won the case (F, L, 19-29, 481).

The fear of taking it further was worse than the actual discrimination (M, B, 30-39, 593).

I am worried about the negative publicity that may be created for myself and my child due to the nature of the work that I am employed in (F, L, 30-39, 860).

#### **Too difficult to prove**

Others felt the odds were against them, in that discrimination would be too difficult to prove.

There is little support and encouragement to pursue a formal complaint. It would be my word against a HUGE organisation (F, L, 30-39, 866).

It would have been too difficult to prove that the discrimination took place on the basis of sexuality as I would expect most Real Estate Agents would be sufficiently aware of the legislation to cover themselves (F, L, 30-39, 699).

## Participants' fears regarding the Act

Section 3 of this report highlighted the 'Care of children' exception in the area of Employment and it was clear that a number of childcare workers, youth workers and teachers believed that the Act afforded them no protection owing to the existence of this clause:

I work with children. Enough said! (F, L, 40-49, 490).

Concerns were also raised by participants that religious beliefs could be used as another way of by-passing the 'lawful sexual activity' attribute:

Church organisations can be exempt and intimidate employees (M, G, 40-49, 112).

The EOCV reports that there have been no cases of actual dispute settlement relating to lesbian, gay or bisexual employees due to the 'Care of children' exception having been invoked, and indeed there is doubt as to whether religious convictions constitute reasonable grounds to discriminate against gay men, lesbians or bisexuals (Personal communication, 27.04.00)<sup>9</sup>. However, many of our participants, in light of their knowledge of exceptions to the Act, feared old and unsubstantiated prejudices all too eager to link homosexuality and paedophilia, and discredit or remove homosexuals from religious groups and organisations. There is evidence that (similarly to the infamous 'Section 28' clause in British law), the existence of exceptions within the Act effectively polices the disclosure of homosexual identity or behaviour among those involved with occupations such as childcare, teaching and child protection and those involved in work within religious organisations.

## Conclusion

Given the levels of overt discrimination reported within these pages, it is highly problematic that over one third of the participants in this survey were unaware of the 'lawful sexual activity' provisions in the *Equal Opportunity Act*. It is a particular cause for concern that same sex attracted young people were less likely to be aware of their rights than other groups in the community, especially when one considers the ill treatment many experience in the school environment. Victorian LGBT people of all ages and education levels could greatly benefit from becoming more aware of their own rights. The EOCV, as the body responsible for disseminating information and fostering community awareness as to the uses and abuses of the Act should take this on as a priority (see Recommendations).

To consider GLAD's quote which opened this section, there are still many barriers faced by lesbians, gay men and bisexuals, particularly with regard to their employment, when it comes to pursuing the legal remedies against discrimination that necessitate being publically open about one's sexuality. While there was little evidence from research results that the exception 'Care of children' had resulted in direct discrimination of lesbians, gay men or bisexuals, or that religious convictions had been actively invoked in employment settings as a means of discriminating, there were high levels of anxiety expressed about employment in childcare, teaching and religious settings which led to practices of self-censorship about sexuality. This is in itself an argument for revisiting the legislation and the 'Care of Children' exception in particular (see Recommendations).

There was also evidence that for a number of men and women in the LGBT community, a sense of personal well-being was more of an issue than political activism or taking a stand. For many who contemplated taking action, other priorities eventually prevailed, for example, a desire to preserve their privacy and reduce their levels of stress.

This final section of the report is a firm reminder that we cannot eradicate discriminatory attitudes and practices by legislation alone. In many instances, it was impossible for participants to prove that discrimination had taken place because of their sexuality. In others, the discriminatory or abusive act was not covered by any enforceable legislation. It is difficult to take formal action based on a feeling, or a look or a comment that no one else overheard. Tackling homophobia and discrimination is an educative as much as a legal process, as we have emphasised many times throughout the report (see Recommendations).

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9. When the Catholic Archbishop of Melbourne sees fit to refuse communion (see Section 10) on the grounds of the churchgoers being associated with a gay and lesbian organisation, it is easy to understand why this type of discrimination is feared by gay men, lesbians and bisexuals.

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# Appendix One

## Methodology

### Questionnaire content

Data presented in this report were collected via a short (10 page) questionnaire, the cover of which appears below:

<p style="text-align: center;">VICTORIAN GAY AND LESBIAN RIGHTS LOBBY SURVEY 1999</p> <p style="text-align: center;">HAVE YOU EVER BEEN DISCRIMINATED AGAINST BECAUSE OF YOUR SEXUALITY/GENDER IDENTITY?</p> <p style="text-align: center;">HAVE YOU NEVER BEEN DISCRIMINATED AGAINST BECAUSE OF YOUR SEXUALITY/GENDER IDENTITY?</p> <p style="text-align: center;">WE WANT YOU</p> <p>It's five years since Gays and Lesbians Against Discrimination (GLAD) released their survey report 'Not a Day Goes By'. The Victorian Gay and Lesbian Rights Lobby (VGLRL) are undertaking an updated version of the survey in 1999.</p> <p>The survey is designed to gather information on the extent and type of discrimination experienced by lesbian, gay male, transgender and bisexual communities in Victoria.</p> <p>The VGLRL will use the data collected to help us with our work in achieving equality and social justice for our community.</p> <p>The VGLRL will produce a report later in 1999 outlining the findings of the survey.</p> <p>To fill in this survey, you are not required to give us your name or contact details.</p>
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## Categories in the questionnaire

The first nine categories in the questionnaire were taken (almost) directly from *Not a Day Goes By*, the report produced by Gays and Lesbians Against Discrimination (GLAD), a precursor to the VGLRL, in 1994. These categories were closely based on the areas of public life mentioned in the *Victorian Equal Opportunity Act*.

Section A consisted of a number of demographic questions relating to age, employment status, area of residence, country of birth, sexuality and gender identity of participants. Section B comprised twelve categories, nine of which related to experiences of discrimination in different areas of public and private life :

1. Discrimination in Employment
2. Discrimination in Education
3. Membership of a Club, Religious or Sporting organisation
4. Medical (including GP, Dental, Hospital and Paramedical services)
5. Parenting/families
6. Tenancy
7. Harassment or Assault in a public place
8. Police or other law enforcement
9. Provision of goods and services

In each of categories 1-9, participants were asked a yes/no question as to whether any discrimination or abuse had been experienced.

A breakdown of specific types of discrimination in each category was then provided, and there was the option of multiple yes/no responses. Participants were asked about discrimination or abuse occurring 'In the last five years' and 'More than five years ago'.

The remaining three categories in Section B were devoted to the following associated issues:

### **Invisibility**

The VGLRL is aware that many members of our communities avoid discrimination by attempting to hide (or at least avoid drawing attention to) their sexuality/gender identity. This section of the questionnaire aimed to find out how this kind of invisibility impacted on participants.

### **Equal Opportunity Law**

The *Equal Opportunity Act* in Victoria has changed since the GLAD survey was conducted. Since 1996, discrimination on the basis of 'lawful sexual activity' (which includes male homosexual activity) has been unlawful in Victoria (with several notable exceptions). While continuing to lobby for more changes to a range of existing discriminatory legislation (see EOCV, 1998), the VGLRL wanted to gauge the impact of the changes already made.

### **What's important to you**

In this last section, participants were able to nominate the issues which they felt were relevant to their lives in order to assist the VGLRL in shaping future campaigns against discrimination. This section was primarily for planning purposes and does not appear in the report.

All categories of the questionnaire provided opportunities for participants to write their own responses, in addition to the tick-the-box questions. These more qualitative contributions have been used in each section of the report to enhance the quantitative results.

### **Sampling and data collection**

The 1999 data were collected between January and August 1999. Every attempt was made to reach wide cross sections of the various LGBT communities, hence the range of media and venues chosen for distributing the survey. The VGLRL set up a stall at the midsumma Carnival and at the annual Chill Out day at Daylesford. Anecdotally, both events are considered to attract a diverse range of people of all genders and interests. Questionnaires were made available in Melbourne's LGBT bookshop, Hares and Hyenas and advertised in a number of LGBT newspapers and magazines. They were also distributed by mail to VGLRL members, and to members of associated LGBT organisations.

The composition of the sample recruited appears in the 'Participant profile' section of the report. While we have successfully obtained a large number of participants from a diverse range of settings, the sample is not random and we make no claim that the results of the survey can be generalised to the LGBT communities at large whether in Victoria, or in other states of Australia.

### **A note on gender as a comparative category**

Results are described with reference to gender rather than sexuality differences. In the first instance, this allows for the comparison of results between male, female and transgender participants as three separate groups, where relevant. It was also found upon initial analysis of the data that gender was the major axis of difference with regard to the research results, not sexuality. That is, for the purposes of this questionnaire and these questions, women were more likely to be different from men, rather than lesbians from bisexual women, or gay men from bisexual men etc.

It is generally (but not always) the desire of transgender people (particularly transsexuals) to 'pass' as a member of their reassigned gender, and this poses some difficulties for data analysis. In the first instance, some transgender participants may not have chosen to identify as 'transgender', but rather, as male or female. In this case their responses in the quantitative data will be indistinguishable from those of other men and women.

Further to this, in comparing the responses of those who identified as 'transgender' with those who identified as 'male' and 'female' it is difficult not to imply that transgender people are not 'real' men and women. No disrespect to transgender participants is intended.

### **Data analysis**

Quantitative data was analyzed using SPSS version 6 (Macintosh). Qualitative data was analyzed thematically.

Basic descriptive statistical procedures were used in this report (cross tabulations, chi-square analyses and frequency counts). Where significant differences are reported between categories of participants,  $p < .05$ . To ensure clarity and readability for a diverse audience, the finer details of these analyses do not appear in the report.