



**Draft**  
**Discussion Paper**

**Law**

Draft Discussion Paper – Law  
v1.2 – August 2006

Coming Out Proud Program  
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## Discussion Paper – COPP Kingborough/Huon Community Liaison Committee

### GLBTI Community and the Law Profile

#### *A COPP Management Plan and the Law*

The intent in establishing the Coming Out Proud Program is to develop a management plan in the local areas & regions of Tasmania to provide for strategies that will allow GLBTI people in the Region to ‘come out with pride’ and live in their community with dignity as fully respected and participating members. One of the major objectives of COPP is to ‘support the GLBTI Community create a climate where they are accepted and celebrated as full, contributing and proud members of the general community’.

One of the unique issues that the GLBTI Community experiences is the need to work together to achieve protection as a minority and marginalised group within the local Community. GLBTI legal and policing issues relate in large part to improved legislation, policy and service provision to ensure policing, enforcement and education measures are in place at local and regional level that will guarantee the GLBTI Community in the Huon/Channel region have access to the following;

- Government and GLBTI Service Organisations that have effective, efficient, appropriate and fully operational legal programs/strategies in place to ensure respect for the GLBTI Community as fully participating members of the general community in the Kingston, Huon/Channel region.
- The GLBTI Community itself can provide (standing together) the special and particular Para-legal support required for its members e.g. youth, older persons, indigenous, ethnic, and parents etc to participate as fully participating members of the general community.
- The special legal protection and special enforcement needs of the GLBTI Community in the Huon/Channel region are recognised by government and community organisations.

The issues that complicates of legal protection and education ‘about’ enforcement of general and special legislation as it applies to the GLBTI Community is the ‘fear factor’ of being disclosed as being gay or lesbian. This is especially true in most Tasmanian communities that have sections of ‘fundamentalist’ and homophobic groups to ‘deal with this section of the community’. This factor makes disclosure to authorities of hate and discrimination very difficult for most GLBTI people in the community. In turn a strong community education approach needs to be developed in all regions and localities, which has the approval and bi-partisan support of community leaders and all organisations. Local Government services and programs have a strong lead role to play in this respect as well as the more centralised programs.

## Case Studies

### Home is sometimes the Least Safe space

His father bashed Tony in front of his weeping mother after some 'disgusting gay' magazines were discovered under his bed. Tony went berserk and trashed the house and returned a beating to his father - then he locked himself in bathroom and refused to come outside.

Although reluctant eventually after six hours Tony's mother called the police for help.

The police asked for instructions from Tony's parents. While the parents refused to press charges they asked that Tony be removed from the house.

The Police removed Tony and took him to a regional shelter run by a religious organisation. After two days and realising that he was seen as a 'perverted oddity' by the shelter workers Tony left Tasmania bound for Sydney on the boat after being given money to get to Devonport.

In Sydney Tony was befriended by a worldlier man that took 'him in' after 'turning a trick' with him. After some time the relationship turned violent when Tony would not comply with bizarre sexual demands of his befriender.

Seven years later Tony returned to Tasmania with a faith full and loving companion both HIV positive. Tony is reconciled to his parents **but it was all so unnecessary**

### Pubs are Dangerous Places for some People

Janine (18) lives in a small southern Tasmanian Community and works in the local pub as a cook. Janine is a lesbian who has not 'come out to her parents' but has spoken to some friends one of which has betrayed her confidence and exposed her to a 'homophobic friend' who is now 'out to get her'.

One afternoon the 'homophobic friend' and drunken accomplices walk in to the Pub and call out for Janine to appear - when she does she has beer thrown all over her and is abused as a 'dyke slut'. Staff working behind the bar comes to her aid and order the drunken 'friends' out of the Hotel. The friend's loose 'face' as the other Hotel patrons abuse them as they leave the premises.

That night the windows of the Hotel are engraved with homophobic graffiti naming Janine. Local leaders of the GLBTI Community are confused as to how to support Janine without exposing her to her parents and the rest of the Community. Janine does not want to make a statement to the Police, as she is fear-full of a public appearance and the further violence she will be exposed to.

In the end the Hotelkeeper resolves the situation in his own way by calling in the suspected 'friends' tells them he knows what they have done and demands regular payments to replace the glass. Because the Hotelkeeper knows the drug involvement of the people concerned and tells them this regular payments are made and peace is somewhat restored. **But Janine still lives in constant fear of being publicly 'exposed' and decides to move to the mainland.**

### Even Our Dogs are not Safe

Peter and Michael with their two corgi dogs have moved to a rural southern township in Tasmania. They have both come to Tasmania to retire attracted by the slower and pleasant life style in the State.

They bought a heritage-listed house and in the first week the 60-year-old cypress hedge burns to the ground in the middle of the night. The fire brigade notify the local police as fire accelerants have been used. The case is never solved and Peter & Michael are too frightened to push the matter or to replant the hedge.

Life returns to normal after a while and friendly neighbours never comment on the burnt out hedge.

One day Peter is walking the dogs and when passing a house about a kilometre from home he is accosted by the neighbour apparently drunk swearing at him and abusing him in a loud voice as 'a f'ing poofter faggot --- I am going to kill you and your 'a f'ing poofter dogs'.

Michael & Peter have put their home up for sale and plan to get back to the anonymity of city life. The 'incident', which was repeated a few times, was never reported to police.

The local gay community offered to support the couple but **the threats were too real for Michael & Peter to believe that something further would not happen in the middle of the night.**

### A Local Safe Space Initiative

A couple of gay guys have moved into a rural southern Tasmanian town and notice that other gay guys are very hard to identify as there is 'go very quietly environment' in public spaces. How are we going to make friends is the issue. They go down town every day to have a 'cappuccino' in the local 'alternative green coffee shop and art gallery called GLO.

Nick and Granger contact the League of Gentlemen Chapter and suggest someone sets up a 'gay friendly' function at GLO. After a meeting in the Coffee Shop a Saturday 'brunch is quickly organised. **A start to GLBTI and friends affirming their space in town from an initial safety zone-great work guys & a lot of fun.**

### Issues

- GLBTI relationships and families are subject to the same tensions, disputes and incidents of abuse as all social groupings and victims need to be protected and offenders restrained and prosecuted.
- GLBTI Members have equal access to all legal programs and services to protect their rights.
- The GLBTI Community is often excluded from community cultural and diversity celebrations.
- Exclusion from employment opportunities is often subtle and hard to prove.
- Professional staff working in areas of all legal protection, security and equal access need to be well trained in the cultural and special issues of the GLBTI Community.
- Safe space is an important issue with special regard to commercial/retail, entertainment and recreational facilities.
- Training and educational programs to protect the well-being and safety of the GLBTI Community often exist at a central level this does not mean that they exist at local & regional level.
- Defamation and black mail are often used against GLBTI people to keep them hidden.

### **Matching Strategies**

As noted above given the special difficulties and dangers involved in ‘self disclosure’ when involved in legal investigations: education strategies may prove more beneficial in the long term to achieve community acceptance and full and equal participation by the GLBTI Community.

The strategies detailed below are matched to the methodology outlined in the COPP Management Plan for the Kingston/Huon Region as well as to the issues observed anecdotally.

Identification/Data Base of Local/State Organisations Service Providers & GLBTI Stakeholders Groups including GLBTI Reference/Focus Group re GLBTI Issues <b>“What is being done by who &amp; location of service ”</b>	
<ul style="list-style-type: none"> <li>• Police,</li> <li>• ADC</li> <li>• Lawyers</li> <li>• GLBTI Orgs GLRG, WIO, TasCAHRD etc</li> </ul>	
<ul style="list-style-type: none"> <li>• Design Questionnaire/Survey of all Stakeholder Groups re provision of local services (matched to issues) to the GLBTI Community Issues</li> </ul>	
Consultation with GLBTI Community <b>“What are the Issues”.</b>	
<ul style="list-style-type: none"> <li>• COPP Web Site registers questionnaire &amp; incident register</li> <li>• COPP Coffee morning forums with local GLBTI people re issues</li> </ul>	
Forum with Service Providers and GLBTI Stakeholders to discuss appropriate service provision to the local GLBTI Community <b>‘What are appropriate service provision responses, policing, enforcement and education’?</b>	
<ul style="list-style-type: none"> <li>• 24 hour GLBTI ‘sensitive’ counseling and advocacy service available to all in the local community</li> <li>• LOG informal social functions held in public places (restaurants, cafes etc) to establish safe space</li> <li>• Annual LOG Awards provide opportunity to acknowledge ‘best practice’</li> </ul>	
Special Programs matched to Local Issues Developed by the GLBTI Community	
<ul style="list-style-type: none"> <li>• Safe Space Celebrations eg LoG GLO Huon Brunch, LoG ‘Men’s Space</li> <li>• Public Space Observers recruited &amp; trained for ‘high incidence areas’</li> <li>• Local Hotel Licensees etc with local government and Tas Licensing Commission, Security officers Association requested to initiate cultural awareness training.</li> </ul>	
<ul style="list-style-type: none"> <li>• Self protection (non violent) training is initiated and promoted to the GLBTI Community</li> </ul>	

### **Resources/Services**

#### **Police**

Michael Brazendale	Commander of Southern District	GPO Box 308C, Hobart 7001	6230 2375
Mark Mewis	Kingston Huon	1 Hutchins St 7050	6211 8000
Chris Ellis	Huonville 7109	11-13 Sale St	6264 8700
	Allonah	Main Rd 7150	6293 2080
	Cygnets	Mary St 7112	6298 2022
	Dover	Huon Hwy 7117	6298 2022
	Geeveston	Huon Hwy 7116	6297 0011
	Woodbridge	Channel Hwy 7162	6267 5055

## **Anti Discrimination Commission**

## **GLBTI Service Organisations**

## **GLBTI Friendly Lawyers**

## **Legal Studies High School Curriculum**

### ***Covering Legislation***

- Tasmanian Anti- Discrimination Act 2000
- Tasmanian Partnership Legislation
- Local Government Planning Provision
- Tasmanian Licensing Acts
- Crimes Act
- Domestic Violence Legislation