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Re: submission on the Disability Inclusion Bill 2023

Dear Ms Lewis,

Please find below the joint Equality Tasmania / Working It Out submission to the Disability Inclusion Bill consultation. Please let us know if you have any questions or more information is required.

Best wishes,
Rodney Croome
Lynn Jarvis

1. Equality Tasmania and Working It Out

Working It Out (WIO) is Tasmania's only dedicated support, advocacy and education service for Tasmania's lesbian, gay, bisexual, transgender, intersex, and asexual (LGBTIQ+) population. Our mission is to create change through lived-experience based education, support and advocacy which enables LGBTIQ+ Tasmanians to live their best lives.

Equality Tasmania (formerly the Tasmanian Gay and Lesbian Rights Group) is Tasmania's leading advocacy group for LGBTI people and has been since it was formed thirty years ago. In that time we have advocated successfully for a range of reforms, including the decriminalisation of homosexuality, Tasmania's strong Anti-Discrimination Act, Tasmania's ground-breaking relationship laws, improved policies in schools, health and policing, and marriage equality. We regularly consult with the Tasmanian LGBTIQ community to determine our campaign priorities and to inform submissions like this one.

2. LGBTIQ+ people and disability

According to LGBTIQ+ Health Australia, Australian research shows:

"...there are higher rates of discrimination and reduced service access among LGBTIQ+ people with disability, compared with people with disability and LGBTI people without disability. Reduced social connection, including family, services, and support groups, across mainstream, disability and LGBTIQ+ communities, correlates to significantly reduced health and wellbeing for LGBTIQ+ people with disability."ⁱⁱⁱ

According to the national Writing Themselves In 4 (2020) survey of young LGBTIQ+ Australiansⁱⁱⁱ:

"Participants with disability or a long-term health condition reported experiencing greater levels of verbal (52.7%), physical (15.0%) and sexual (31.7%) harassment or assault based on their sexual identity or gender identity in the past 12 months than those without disability or a long-term health condition."

"Also, respondents with a disability reported lower levels of secondary education than those without. For example, 56% of respondents without a disability had completed year 12 compared with 41% of respondents with a disability."

"Not surprisingly, reported experiences of high/very high psychological distress were much more common among participants reporting disability or a long-term health condition (90.9%), compared to participants reporting no disability or long-term health condition."

According to the National LGBTI Health Alliance's EmployableQ Project (2020)^{iv}:

"LGBTI people with a disability experience worse employment outcomes. They are more likely to have no employment, less likely to have full employment and tend to have lower incomes. LGBTI people with disability experience higher rates of discrimination and reduced service access, compared with people with disability or LGBTI people without disability. Fear of discrimination and concealment of identities or disability is prevalent. The compounding impacts are associated with poorer health and wellbeing outcomes."

According to "LGBTIQ disability self-advocacy: A report on the results of a survey of LGBTIQ people living with disability in Victoria" (2020), there are barriers to LGBTIQ+ inclusion in disability services and the experience LGBTIQ+ people with disability have in accessing these services can be "inconsistent"^v.

The “Telling Us The Story Report” commissioned by the State Government and conducted by the University of Tasmania found that 21% of LGBTIQ+ Tasmanians live with a disability. Based on feedback from respondents the report recommended that the State Government:

“Build Tasmanian capacity for LGBTIQ-inclusive aged care and disability support services.”

Further indicators of the health and wellbeing of LGBTIQ+ people with disability can be found in the attached LGBTIQ+ Health Australia Response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

3. Intersecting attributes

We welcome the Government’s commitment in its Draft Disability Inclusion Bill Overview Paper to inclusion for people with disability. We particularly welcome its commitment to the following principle of intersectionality:

“recognition of the multiple disadvantage and discrimination which is created because of the intersection of disability with other personal characteristics including: cultural or linguistic diversity, Aboriginality, age, gender, sexuality and/or religious beliefs.”

We recommend the Government ensure that intersecting attributes are referred to in the Disability Inclusion Bill, either in a preamble, or preferably in the body of the Bill.

We also recommend the Government ensure that intersecting attributes referred to in the Bill reflect attributes in the Anti-Discrimination Act. These should include sexual orientation, gender identity, lawful sexual activity and relationship status.

4. Inclusion plans

According to the Government’s Draft Disability Inclusion Bill Overview Paper:

“The Act will set out the (Tasmanian Disability Inclusion) plan's purpose, responsibilities for development and implementation, consultation, reporting and publication requirements.”

We recommend the Bill set out that LGBTIQ+ people with disability and other intersectional groups are referred to in the legislation and/or a

schedule to the legislation, in regard to the plan's development, consultation and implementation.

The same should apply to Disability Inclusion Action Plans developed by defined agencies. Intersectional groups, including LGBTIQ+ people, should be referred to in the legislatively mandated, "Guidelines to assist Defined Entities with consultation, inclusion, and preparation of plans and reporting".

5. Disability Advisory Council

According to the Government's Draft Disability Inclusion Bill Overview Paper:

"Feedback through the consultation was that the Act should be a structure for the inclusion of people with disability in leadership through the creation of a Disability Advisory Council."

We recommend the Bill is also a structure for the inclusion of intersectional groups on the Advisory Council, including LGBTIQ+ people with disability.

6. Tasmanian Disability Inclusion Commissioner

We recommend that this official be required by legislation to consult with and consider the needs of all intersectional groups, including LGBTIQ+ people with disability.

Conclusion

LGBTIQ+ people with disability face greater disadvantage than other LGBTIQ+ people and people with disability.

We want to see the principle of intersectionality disadvantage for LGBTIQ+ people with disability others to be acknowledged and embedded in the Disability Inclusion Bill.

[End]

ⁱ LGBTIQ+ Health Australia, Response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Issues Paper

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https://d3n8a8pro7vhmx.cloudfront.net/lgbtihealth/pages/804/attachments/original/1623292331/LGBTIQ_Health_Australia-Response_to_Issues_paper_the_Royal_Commission_into_violence__abuse_and_neglect_of_people_with_disability.pdf?1623292331

ⁱⁱⁱ https://www.latrobe.edu.au/__data/assets/pdf_file/0010/1198945/Writing-Themselves-In-4-National-report.pdf

^{iv} <https://www.lgbtiqhealth.org.au/employableq>

^v https://pridefoundation.org.au/wp-content/uploads/2020/10/PFA_LGBTIQ_Disability-self-advocacy-survey-Report_2020.pdf