

20 September 2023



Dear Office of the Secretary - Department of Justice,

Working It Out has prepared this submission for the *Expungement of Historical Offences Amendment Bill 2023* public consultation. This submission will address the following areas:

- (1) LGBTQ+ Tasmanians were unfairly discriminated against by targeted law and community because of anti-homosexual and cross-dressing legislation.
- (2) LGBTQ+ Tasmanians with a charge or record are likely to have encountered discrimination arising from this record on grounds of prejudice towards homosexuality, and of holding a criminal record or charge.
- (3) Research identifies present day disparity in health outcomes for LGBTIQ+ Tasmanians which reflects the impacts of historic and ongoing discrimination.
- (4) A redress scheme proposed by the independent review would acknowledge the impacts and effects of the unjust law and criminal record imposed on affected Tasmanians.

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. WIO emerged out of the campaign to decriminalise male homosexuality in Tasmania in the 1990s. The widespread community vitriol and backlash against the decriminalisation (and acceptance of homosexuality) led to a spike in suicides amongst young, gay Tasmanians. A number of concerned community members formed a group to address this growing problem, eventually commissioning a needs-based analysis report of sexual minority youth in North-west Tasmania, which called for the provision of specialist services to support Tasmania's LGBTIQ+ people.

The negative impacts of the enforced law that criminalised consensual homosexual conduct and cross dressing is recognised by the Tasmanian Government to have been unjust, caused harm, and resulted in some people experiencing discrimination and disadvantage (Bartlett & Ketelaar-Jones 2020).

Discrimination, abuse, and violence against LGBTIQ+ people continue to occur towards Tasmanians (Dwyer et al. 2021), and the ongoing impacts of discrimination and life-time disadvantage for LGBTIQ+ populations are reflected in present day data on disparities in health and wellbeing, income and work, and housing. For example, research identifies that while LGBTIQ Tasmanians report similar rates of working full-time (when compared to general population), they are more likely to experience housing and income instability with a greater income gap (Grant & Pisanu 2021). The independent review into the *Expungement of Historical Offences Act 2017* identified that Tasmanians with a charge or record are likely to have encountered discrimination arising from this record on grounds of societal prejudice towards homosexuality and of holding a criminal record or charge.

Because of the ongoing life-time disparities and disadvantages, WIO advocates for implementation of a redress scheme to acknowledge the historic barriers for any person having lived through societal discrimination and personal distress because of enforced unjust anti-homosexual law which resulted in recorded criminal record or charge. This position of redress aligns with the findings in the *Independent Review of Expungement of Historical Offences Act 2017* (Bartlett & Ketelaar-Jones 2020).

With Regards,

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References:

Grant R, & Pisanu N, 2021, *The Tasmania Project: What wellbeing means for LGBTIQ Tasmanians*, University of Tasmania, Australia.

Bartlett M, & Ketelaar-Jones T, 2020, *Independent Review of Expungement of Historical Offences Act 2017*, Tasmanian Government, Australia.

Dwyer A, Grant R, Mason R, & Barnes A, 2021, *LGBTIQ+ Tasmanians: Telling Us the Story*, Tasmanian Government and University of Tasmania, Australia