



Rainbow Communities Tasmania Inc. President's Annual Report 2023

Introduction

I am happy to report that the work in the past year has been substantial for a small but significant organisation and has achieved its objectives as a LGBTIQA State peak advocacy organisation. This is significantly achieved by the efforts of our members initiating through their areas of particular interest, compatibly diverse social change strategies.

Thank you to the committee of management and the friends group for all their work. The political alignment of L G B T I Q A + with its particular and special sexual or non-sexual preferences do not fit easily together and must emerge from the sexual denominations. Respect for diversity is the order of the day and fundamentalism is not acceptable.

Our membership has substantially increased, and the Secretary Brian Doran has established an active group of Friends who support our active pursuit of issues that oppose any discrimination and improve our position as acknowledged, respected and celebrated members of our local, national and international communities.

We are very grateful to Jo Goodman who as a dedicated volunteer with her considerable commercial skills has restored and renewed the Rainbow Communities Tasmania (RCT Inc.) Website at <https://www.rainbowtas.org/>. Jo has been a longstanding executive member of RCT Inc. Her restoration of the website has been a major work. Thank you, Jo.

Thank you also to Patrick Shaw, who as the Public Officer has kept us on the straight path, for his contribution to advocacy for trans and intersex people.

We need to acknowledge that we have evolved and been funded from a very active period of the League of Gentlefellows where we ran safe, social functions in our homes because that was the best way for people to meet in safety given the hostility and hostile laws that we faced at the time.

Now LGBTIQA+ communities are still requiring law changes, but we are acknowledged, respected, and celebrated as a rich part of the international, national, regional, local diversity global paradigms.

Hate Crime Law Reform

Julian Punch and his partner Brian Doran experienced severe physical hate and verbal abuse for seven years when they walked their dogs on Huon Road. They issued restraint orders to no affect or engagement of protection from the police. Finally, when the bashing and driving cars at them got so bad they made a complaint to the Anti-discrimination Commissioner which went to the Tasmanian Anti-Discrimination (TAD) Tribunal under Magistrate Justice GA Hay.

After a long hearing, Justice Hay ordered the respondent to pay \$6,000 compensation to the couple. When this did not get paid in the required time, the case was registered in the Supreme Court and a covenant registered on the respondent's land and house. While this was a test case followed by many other complainants, the magistrate noted that it was only ordered under hate speech legislation with no provision for hate crime. Julian & Brian worked with Attorney General Vanessa Goodwin before and after her death, and former Attorney-General Elise Archer. As one of her last actions before she resigned Parliament, hate-crime became law. This has been a significant law reform change for our communities. Tasmania has caught up with other states and this has lead to significant compensation for victims.

RCT Inc. Submission to UN SOGI Independent Expert Victor Madrigal-Berloz

An example of this is RCT Inc., through the President Julian Punch In conjunction with the work of the Oxford University Refugees Centre on Forced Migration, Review Issue 42 - April - Sexual Orientation Gender Identity (SOGI) and the Protection of Forced Migrants <http://www.fmreview.org/sogim>, details that while LGBTIQ+ people form on average 10% of the population; in the forced migration populations it may reach twice this figure. It also details the post-traumatic health disorder in the population caused by the significant mental health pressure of their situation.

RCT Inc. has developed a national involvement in the 72 countries that execute, imprison, torture, and persecute sexual orientation and gender identity diverse SOGI people. The 1951 Refugee Convention and its 1967 Protocol Guidelines on International Protection No. 9: based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention relating to the Status of Refugees, are the key legal documents that form the basis of our work, but Australia is ignoring in its Refugee Detention (also known as 'boat people') Program.

Following an invite from a SOGI Bangladeshi "you be my friend" person, and seven visits to Bangladesh to learn of the situation and an understanding of the issues that these people face and how to work with SOGI forced immigrants from these countries and the daily contacts supporting people, it is noted that they are in constant fear for their lives, unable to escape their country of origin nor able to openly share a relationship with another person of the same sex.

Daily we are hearing/sharing the distress of the fear and reality of forced arranged marriages of SOGI people to an 'opposite' sex person and the honour killings by family members of their SOGI relatives following failure. It has also led to understanding the development of a *code of safety and security* for anyone working in this area. We have seen breaks in this practice lead to the execution and honour killing beheadings by careless workers.

Every SOGI person from these countries observes a total secrecy about their personal or family details. It also means that they are unable to form open relationships or to meet for social purposes, and given life-threatening retaliations, it is impossible to process humanitarian or protection visas in their home countries. From the start of our visits UN Commissioner Chris Sidoti and UN Commissioner Brian Burdekin have supported us and our fundamental commitment to this international endeavour.

The failure by Australia to recognise our international commitment to the UN Human Rights Convention on Asylum Seekers and the particular protocol for SOGI people has meant no support for SOGI asylum seekers, the denial of them receiving permanent protection visa, punishing and placing them in detention and then later having them transferred to overseas detention centres on Christmas, Nauru and Manus Islands.

Our unique involvement and work with SOGI people is as follows:

- Assist them as SOGI people in their country of origin to develop and understand their sexuality
- Assist with humanitarian visas to Australia
- Assist them to flee their country of origin (pathway to freedom) as required for their situation as refugees e.g. UN humanitarian visas, student visas, partnership visas etc.
- Assist them if they reach Australia to gain protection visas.

This work has, over the last two years, developed into an international group of country representatives from the 76 Countries that are with caution, able to inform the law and changes that need to occur in their countries to achieve gay and lesbian people as equal members of their countries. Again, thank you to Rick Van Grinsven.

All this work and the lessons learned have led to developing and supporting our submission to the to UN SOGI Independent Expert (IE) Victor Madrigal-Berloz. It is underpinned by our contacts in the 76 countries appointing peak consultants who developed detailed proposals as follows. (You may support our submission to the UN IE by email to: OHCHR-IE Sexual Orientation and Gender Identity ohchr-ie-sogi@un.org)

This work of RCTI was seriously set back by the Mardi Gras Board of Management in the Sydney International Pride Year, when initially the board invited the country representatives and a convenor to make a presentation at the Pride Human Rights Festival on the concerns about the failure of UN to represent their interests and needs in the Countries concerned.

The granting of visas to these country representatives would not only have given them a voice, it would have established them in safety in Australia as an active advocacy group.

Our work has unfortunately been turned upside down by the International Pride Festival Human Rights Conference Committee, who initially expressed an interest in a presentation of our work in the 76 Countries supported by scholarships for our country representatives to the HR Conference in support of the presentation. Unfortunately despite the interest and our work, the selection panel turned down the offer but accepted a major presentation by the UN Independent Expert (UN IE). So much for their stated goals of access and equity.

Unfortunately, after the country representatives had applied on the template provided and Julian Punch had prepared a session to tell their stories, the Mardi Gras Board reversed their invite and invited the UN Independent SOGI Adviser, Victor Madrigal Berloz, who failed completely to respond to our submission.

UN Provision Now

After this setback, our need to achieve the objectives of the national SOGI representatives is as follows:

1. RCT Inc. first basic request is that ***the UN Independent Expert (IE) recommends that every UN Country Team has a designated SOGI focal point (Officer) who is named and promoted on the UN country website, with contact details provided***

2. From our growing experience, we also want to request that ***the IE devote one of his periodic reports to the Human Rights Council or to the General Assembly on the issue of international protection for persons who experience, or are at risk of, persecution on the basis of their SOGI. The report could draw on the experiences of those SOGI people who are in touch with RCT Inc. The report could examine:***

- Why international protection is required
- What the responsibilities of UN entities, like UNHCR, are
- What the responsibilities of individual States are.

3. Understanding that the IE also has a function of following up on individual complaints. He 'transmits *urgent appeals and letters of allegation* to States with regard to cases of violence and discrimination against persons on the basis of their sexual orientation or gender identity'.

We understand that this is a subject of dangerous and life-threatening implications for the complainant, given that the IE can't transmit an urgent appeal or letter of allegation without naming the person at risk and yet naming the person, and can increase the risk immeasurably.

From our experience we would request ***the IE seek additional guidance as to how this function can be exercised in the context of SOGI where the risks are so great if persons are identified.***

- What avenues are there to perform this function without identifying individuals at risk?
- What re-assurance can be given to complainants that complaining to the IE will not make their situation worse?
- A guidance note that addresses these issues would be of assistance to the individuals concerned and would also assist the IE to perform his mandate more effectively. In normal life the issue of 'sanctuary' is critical.
- We would also add that this is the situation that all SOGI people seeking humanitarian or protection visas face in their home countries as well as 'honour' killings' in their planning and execution cross over national boundaries.
- It is also an issue of importance in the training and credentialing of anybody working with SOGI people from the 76 countries in question. In our organisation I am responsible independently and secretly for the SOGI work in the 76 Countries. We have had some instances where information on SOGI people has leaked out of 'diplomatic' International organisations with terrible consequences.

4. We have discussed in detail the Position and Mandate of the Independent SOGI Expert as defined on his website and the video to SOGI people we are in contact with, that they are of necessity legalistic and the video western stylised, that are very difficult, if not impossible, to comprehend for the standard SOGI person. ***They need some shorter, more readable version that people from different language bases can understand in their required pathway to freedom.***

Project Maintenance

During 2023 our normal community maintenance projects have been sustained especially by the Coming Out Proud Program representation to the many local councils that we have made representation to. These include the following:

- Suicide prevention.
- Racist based homophobia
- Support for SOGI international communities
- LGBTI+ Youth and Elderly communities
- Engaging councils and organisations in LGBTIQ+ cultural awareness and anti-discrimination training and local programs of support
- Safe space social functions and sponsorship
- Ending the terrible abuse of conversion therapy (thanks to Peter Confeggi).

During covid we increased our activities through virtual meetings and advocacy activity. This included the following activities:

- Rural Week LGBTI+ Cultural Awareness Training for second year medical students in five regions, developing a “gay-friendly” medical model
- Reviving the Coming Out Proud Program in several municipal areas commencing in Kingborough and the Huon Valley Area

Tasmanian University Students Association

The work of RCT Inc. in this nationally significant work has been assisted and supported by the Pride Foundation in Sydney, with offered funding to establish a peer support group. Following this offer Rainbow Communities Tasmania (RCT) and the Tasmanian University Student Association (TUSA) proposed to collaborate to create a peer-led support group for LGBTQIA+ refugees and international students at the University of Tasmania.

Unfortunately the TUSA Students Association limited the potential group to students who openly identified as SOGI which, given the fear of honour killings for students from their ex-patriate communities whilst in Australia and their connections back to the 76 countries was totally unrealistic, the group has not emerged from a welfare-only arrangement with Working It Out to provide counselling to overseas students as requested. We note that although international students are a broad category, in practice it would be difficult to differentiate students who have come to Australia under a student visa to flee persecution from those who have only come to study.

We also note the gravity of privacy to students whose families and home authorities are importantly not aware of their LGBTQIA+ identity. As a result of this, the seriousness of informed consent and autonomy of students to choose to what level they are involved will be imperative. The student-led peer-support group would need to be established in consultation with Working It Out Tasmania, Hobart Migrant Centre, Refugee Legal Service and any other relevant community organisations, to ensure cultural sensitivity and privacy. Depending on the amount of student interest found in Stage One (see below), TUSA will facilitate RCT in identifying interested students, as well as identifying potential facilitators for the peer-led support group. Again this has not eventuated. We also note the extraordinary support of Senior Barrister Kim Heap at WPM Lawyers for visa advice and assistance.

Kingborough Council LGBTQIA+ Survey and Plan

In mid-2022 Kingborough Council, in the interest of creating a community which is inclusive, safe, and respectful for all, called for nominations for a LGBTQIA+ engagement working group to help us plan for, undertake, and analyse the feedback from engagement to better inform council about the issues and needs faced by members of our LGBTQIA+ communities. and concerns.

On behalf of RCT Inc. members in the municipality, I applied to be a member of the working group as we identified as an LGBTIQ+ advocacy body to the LGBTIQ+ communities. There were about four meetings during 2023 at which we reviewed the issues and needs in the municipality as well designing a survey and a resulting plan to Kingborough Council.

I explained at the start that RCT Inc. had an arrangement with over 20 Tasmanian councils and the approval of the Coming Out Proud Program COPP by the Local Government Association (LGAT). In Kingborough COPP very successfully appointed a liaison councillor and developed and evaluated an anti-discrimination plan for the municipality which would together develop strategies that will enable gay, lesbian, bisexual, transgender and intersex people in this region to live in their community with dignity as fully respected and participating members.

It was agreed that this project has been the first major engagement with the Kingborough LGBTIQ+ community since the establishment of the Kingborough/Huon Valley Coming Out Proud Program Liaison Committee and appointment of a liaison councillor. Council has committed to work with the community to ensure items on the action plan are achieved, and to investigate the formation of a diversity and inclusion reference group to inform Council on matters to ensure inclusion and access, including the implementation of the LGBTIQ+ action plan.

At the Council meeting to endorse the plan as developed, Liberal-endorsed Councillor Antolli and his Liberal colleague opposed the plan and denigrated it in both planning and concept. As being the only LGBTIQ+ member and person at the meeting, I complained and asked for a meeting with the mayor and Councillor Antolli. At the meeting I explained that I was distressed at the councillor's comments and requested that he apologise to Kingborough Council and to our community. As no apology by Councillor was forthcoming, Mayor Paula Wriedt graciously apologised to our communities, but in the absence of a voice, we will not have much participation in the plan.

We have however submitted a submission for the rainbow flag to be flown from the council flagpole and submitted a diary of respective dates for the community sections. We have stated that we would be prepared to purchase the respective flags but suggested that it would be appropriated and less discriminatory if council purchased the flags as it had already arranged a few years ago to do this for the aboriginal communities in the municipality.

I would also suggest that we need to request local LGBTIQ+ representatives also be involved in the cultural awareness training of councillors and staff by Working It Out, as this will ensure that the training is along the needs and aspiration of our local communities. The whole exercise indicated a strong lack of understanding about anti-discrimination legislation, but there was strong resistance to engage the Tasmanian Commissioner of Anti-Discrimination office in this regard.

Conversion Therapy

RCT Inc. has supported several people in their meetings with Tasmanian Archbishop Julian Porteous. Despite supporting these people in their matters of concern including sexual abuse by the clergy, we have raised the issue of conversion therapy that he supports for LGBTIQ+ people. It has been explained to him that our suicide rates because of his evil are six times the national average. We have stated to him the terrible damage including cases of self-harm and suicide caused in our communities by the archbishop's protection and subsidy of the practice, including his enforced moral code in all Catholic schools that that our sexuality is immoral, unnatural, and decadent.

Archbishop Julian Porteous has pushed back against the Tasmanian Law Reform Institute (TLRI) who published a 300-page report that suggested a ban on conversion therapy in the Australian island state of Tasmania. Advocates argued that if the practice is not banned Tasmania will become a magnet for those who use these discredited techniques, and called for a ban on conversion therapy in Tasmania, which is causing a disagreement between the archdiocese and human rights experts. As well, it is being resisted by students and their parents in planned protests against the archbishop and his lectures against same sex love and marriages. We are engaged with a colleague, Peter Confeggi, in our endeavours in this area.

Finally

I commend this Annual Report to the members and friends of Rainbow Communities Tasmania Inc. for endorsement at the AGM on Thursday, April 4, 2024 followed by a morning tea at Willie Smith's restaurant.

I also want to thank the number of members & friends who have been a vital part of the important advocacy projects being reported on to day. They are reliant on the self-determination and initiative of people committed to the survival and progress of our communities, sometimes in desperate situations that still exist from organisations and ideologies that resist our community's full inclusion and equity.

A handwritten signature in blue ink that reads "Julian S. Punch". The signature is written in a cursive, flowing style.

Julian S. Punch – President, RCT Inc.



Senator Catryna Bilyk



Mike Gaffney MLC



Kim Heap - WPM Lawyers

