'A'

LGBTI Legal Service Inc

Level 1, 20 Hockings Street, West End QLD 4101
P PO Box 3467, South Brisbane DC 4101
T 07 3124 7160 E mail@lgbtilegalservice.org
W lgbtilegalservice.org ABN 17 702 067 509

Our Ref: RH:EH

13 July 2022

Her Honour Judge Deborah Richards
Brisbane District Court
PO Box 12264
GEORGE STREET QLD 4003

By Email only: enquiries@qpsdfvinquiry.qld.gov.au

Dear Judge

Re: Submission - Commission of Inquiry into Queensland Police Service responses to domestic and family violence

The LGBTI Legal Service Inc ('the Service') is a non-for-profit community legal centre that began operation on 7 July 2010 and was officially launched on 1 December 2010 by former Justice of the High Court of Australia, the Hon Michael Kirby AC CMG.

The Service recognises the difficulties faced by the LGBTI community and seeks to assist the Queensland LGBTIQA+ community to gain access to justice. The Service provides legal assistance across a broad range of legal areas such as criminal, family, domestic violence, employment and discrimination law. The Service also has an active Law Reform division that seeks to advocate for LGBTIQA+-inclusive law reform and the protection of human rights in Australia.

This submission was compiled on the homelands of the Turrbal and Yuggera People. The Service accordingly acknowledges the Turrbal and Yuggera people as the Traditional Custodians of this land and recognises their ongoing connection to land, waters and community. This submission was prepared collaboratively by the Service's staff and volunteers all with diverse backgrounds.

The Review

The Service welcomes the opportunity to make a submission to the inquiry and wishes to thank her Honour for acting as Commissioner and leading the inquiry process. Guided by the experiences of clients that we assist with domestic and family violence matters we make this submission in consideration of the terms of reference in this inquiry and our knowledge of the unique experiences of the LGBTIQA+ community.

In commencing the Inquiry, the Service urges the Commissioner to consider that the LGBTIQA+ community is a diverse group that intersects with communities from culturally and linguistically diverse backgrounds, Indigenous and First Nation peoples as well as those with disabilities and impairments and they as a unified group are more likely to be subjected to acts of violence.

Discussion

The LGBTIQA+ Community and Domestic and Family Violence

Domestic and family violence experienced by members of the LGBTIQA+ community is underreported and often misunderstood. Stigma, discrimination and prejudice contribute to ongoing abuse faced by people in the LGBTIQA+ community and they can face additional layers of violence not experienced by other groups due to the rejection and abuse they receive from coming out to their families.[1] While there is direct acknowledgment that LGBTIQA+ people may be particularly vulnerable to experience domestic violence in the *Domestic and Family Violence Protection Act 2012* (Qld)[2] in the view of the Service the onus sits on the police as administers of the legislation to incorporate better ideals and values into their profession.

The largest national survey on the health and wellbeing of LGBTIQA+ people conducted by La Trobe University found that 45% of participants felt supported by police (including LGBTIQ liaison officers) in reporting intimate partner or family violence. Police being the lowest rated metric in this area compared to other professions such as counsellors, lawyers, telephone helplines, religious leaders and doctors.[3]

The Service has had the opportunity to engage with a diverse range of clients, stakeholders and other community groups that assist those experiencing domestic and family violence. Through these opportunities we have been exposed to several instances of discrimination and mistreatment performed by police on the LGBTIQA+ community. In the view of the Service, there is a systemic and cultural issue around how police and specifically the Queensland Police Service ("QPS") responds to domestic and family violence in the LGBTIQA+ community.

Specifically through the reports of our clients, review of body worn camera ("BWC") and direct engagement with the QPS the Service has noted the following experiences[4]:

- Open disregard or active mistreatment of LGBTIQA+ people;
- Widespread deadnaming and misgendering[5], both while attending to an investigation and in paperwork;
- Performing pat down searches without regard to a person's gender identity;
- Asking of invasive questions unrelated to an investigation at hand;

---

[1] Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A., 'Private Lives 3: The health and wellbeing of LGBTIQ people in Australia' (ARCSHS Monograph Series No. 122, Australian Research Centre in Sex, Health and Society, La Trobe University 2020) 70.
[2] See s4(d).
[3] Ibid.
[4] It must be noted that this experiences did not occur in isolation but from over the years that Service has operated as a community legal centre that services the LGBTQIA+ community.
[5] Deadnaming refers to the act of using a gender diverse person's previous name rather than their preferred name that aligns with their identity. Misgendering refers to using language or addressing someone using terms that does not match a person's gender identity.

- Conducting an investigation with a heteronormative lens.[6]

Addressing behaviour like the above begins with updating procedures and conducting targeted training and awareness initiatives for all levels of the QPS. The Victorian Police developed an LGBTI Inclusion Strategy and Action Plan[7] that provides guidance on addressing systemic cultural issues within their organisation that can be mirrored by the QPS. Some of the initiatives from the Victorian plan included engaging the Victorian Equal Opportunity and Human Rights Commission ("VEOHRC") to commence an assessment to address issues of discrimination and harassment internally in addition to taking part in continuing educational initiatives around LGBTIQA+ awareness.

Specifically, the Service recommends the following:

- Develop an action plan to address LGBTIQA+ awareness in areas of domestic and family violence and wider QPS operations;
- Update Chapter 6 of the QPS Operational Procedures Manual to include considerations of gender diversity and sexual minorities and how they be factored in while assessing vulnerability including situations where there may be intersectional factors with cultural needs and mental illness;
- Connect with LGBTIQA+ and relevant stakeholder organisations to develop resources on LGBTIQA+ related domestic and family violence such as Open Doors Youth Service.

In his report of the Police Response to LGBTI Domestic Violence, Senior Constable Ben Bjarnesen, Coordinator of the QPS' LGBT Liaison Officer Program, outlined the following recommendations amongst others for which the Service wishes to submit to the inquiry[8]:

- Introduce LGBTI awareness training for all recruits and police officers;
- Include LGBTI scenarios in different training packages (e.g. traffic stops, DV and mental health incidents);
- Engage with existing DV support agencies to determine if their service is inclusive;
- Establish a dedicated 24 hour contact for LGBTI members and police officers to reach an LGBTI police liaison officer;
- Introduce an online reporting system for private DV order applications and non-urgent DV breaches, which assists victims in making reports where they might have trauma associated with police or are concerned about institutionalised discrimination;
- Improve the awareness of the LGBTI police liaison service in every station, on social media and the wider community.

These recommendations assist in addressing the cultural issues within the QPS while also incorporating better processes to engage with the LGBTIQA+ community in domestic and family violence matters going forward.

---

[6] This may include making inferences about gender roles being taken at home based on a way a person presents their gender identity.

[7] See https://documents.parliament.qld.gov.au/tableOffice/TabledPapers/2021/5721T30.pdf

[8] Ben Bjarnesen, ' Police Response to LGBTI Domestic Violence' (2016) 30 <https://apo.org.au/sites/default/files/resource-files/2018-01/apo-nid130451.pdf>

The Service commends the work already performed by LGBTIAQA+ police liaison officers and the role they take within the QPS. In the experience of the Service, limitations such as regional location and lack of awareness is limiting the access to the program. In implementing any recommendation in targeting the awareness of LGBTIQA+ domestic and family violence the Service advocates for the support and development of the LGBTI Police Liaison Officer Program to engage with domestic violence issues directly and to also act as leaders and sources of guidance amongst the wider QPS framework on matters affecting the LGBTIQA+ community.

Our Clients

The Service continues to assist clients from a range of diverse backgrounds and identities who may experience domestic and family violence and will continue to advocate for changes to laws and procedures that promote principles of equality, fairness and non-discrimination.

Please, if you have any queries regarding the submissions outlined in this correspondence we encourage you to contact our office.

Yours faithfully

Renea Hart
Director | LGBTI Legal Service Inc.
T [redacted] | **E** [redacted]