

WELCOME TO THE THIRD EDITION OF OUR

MONTHLY NEWSLETTER

LGBTI LEGAL SERVICE INC



BIG GAY DAY 2021!

Brisbane's biggest and best rainbow festival will be returning in 2021 for its 21st instalment on Sunday 2nd May! Featuring musical acts, drag extravaganzas and so much more rainbow love all in support of local LGBTQIA+ charities. Our service is lucky enough to be having a stall at this event to support the LGBTIQ Community.

Look out for our next edition for an update of this event!

The 28th of May 2021 is
LGBTIQ Domestic Violence Awareness day

**To end Domestic
and Family Violence in
LGBTQ communities,
victims and survivors
must be**

#SeenAndBelieved



**LGBTQ DOMESTIC VIOLENCE
AWARENESS DAY**
DVAFoundation.org

THE THEME FOR THE 2021 EVENT IS #SEENANDBELIEVED. WORKPLACES, EDUCATIONAL INSTITUTIONS AND THE COMMUNITY, ARE ENCOURAGED TO START A CONVERSATION ABOUT WHAT THEY CAN DO TO ENSURE ALL PEOPLE, INCLUDING OUR LGBTQ+ COMMUNITIES, ARE SUPPORTED IF THEY EXPERIENCE DOMESTIC OR FAMILY VIOLENCE.

DOMESTIC AND FAMILY VIOLENCE IN AN LGBTI CONTEXT: OUR WEBINAR AT ASK NOLA

BRIGID DAVIS



On the 27th of this month our in house Solicitor Polly and our Social Worker Brigid presented a Webinar discussing Domestic and Family Violence (D&FV) in a LGBTI context. This was hosted through the North Queensland Women's Legal Service as part of their Ask Nola (North Queensland Online Legal Access) project, where they host a range of webinars discussing diverse topics.

The narrative of the webinar aimed to highlight the difficulties and barriers the LGBTIQ community face in their experiences of D&FV. In our experience and through our research we have found that historically, attempting to conceptualize and define intimate partner violence in LGBTIQ communities has not been acknowledged, therefore data and research in this area has been limited. This was highlighted as a significant barrier for the LGBTIQ community.

D&FV is historically framed as a heterosexual issue where women are viewed as the victim, and men the perpetrators of the violence. This has left a large gap of data into how D&FV affects LGBTIQ Communities, and how to best respond from a service delivery perspective.

The power of language is a vital key in breaking down the stigma around D&FV in LGBTIQ communities. We noted in our presentation that the power of language has vast implications on the LGBTIQ community and how D&FV is framed through heteronormative terms, excluding anyone outside of these terms and further discriminates LGBTIQ individuals.

Additional Barriers that were highlighted in the webinar:

- LGBTIQ communities and identifying individuals may not recognize they are in a domestically violent relationship. This is partly due to the lack of acknowledgment and recognition of D&FV in LGBTIQ relationships.
- D&FV is seen in LGBTIQ relationships as mutual.
- There is a lack of awareness of specific needs/issues of the LGBTIQ population and how D&FV explicitly affects this population.
- Stigma. Fear of seeking help due to sexual orientation.
- Experiences of discrimination and fear of reporting D&FV due to negative experiences from criminal and justice systems.

Recommendations made by **Outwatch (Ourwatch, 2017)** to prevent Domestic and Family Violence against people from LGBTIQ Communities, suggest:

- Ongoing legislative reform to remove lawful grounds for discrimination against LGBTIQ people, and to remove all barriers that prevent or hinder people from LGBTIQ communities from accessing publicly-funded services, including family violence services.
- Design specific public campaigns aimed to reduce homophobia, biphobia and transphobia, and that positively promote sexual and gender identity diversity.
- Engage and include LGBTIQ people in the planning, design and implementation of all prevention efforts.
- Address the structural drivers of violence against LGBTIQ people. This requires addressing gender structures, and heterosexism

Support and fund primary research projects to better understand the drivers of violence against people from LGBTIQ communities, with a view to obtaining greater empirical data.

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 LGBTIQ Community Legal Service

 @LGBTILegalService

 @LGBTILegal

A MESSAGE FROM OUR TREASURER

DREW LAUCLAND



Welcome to the third edition of our newsletter. I have been asked to provide an insight into what it means to me to be a volunteer for the service. In order to do so, I need to tell a little story.

I came out as a gay man in the early 1980's. Nothing much about that. However, I was a lawyer and at that time the legal profession in Queensland was extremely homophobic – but that is another story.

Anyway, it was around 1983, and I was at the Alliance Hotel in Spring Hill, at a bar underneath the hotel, which Bjelke Petersen and his cohorts referred to as a 'subterranean deviate nightspot'. It was one of the few bars in Brisbane we could gather without too much interference from the authorities.

That particular night, I was with a group of friends and at one point looked across the room. In a scene similar to a Bette Davis movie, my eyes locked on a gorgeous man. We continued to glance at each other, until finally he sauntered across the room, came up to me and said 'hello counsellor'. I was dressed in a three piece suit so he got it right.

That was Jonathan. I fell madly, passionately and hopelessly in love with him – and he with me. We spent 11 years together and our love and adoration for each other grew and grew.

Unfortunately, and unbeknown to Jonathan, he had been infected with the HIV virus some time before we met. It didn't raise its ugly head until about 1988. We had tickets to see Whitney Houston at the Ultimate Event at Sanctuary Cove. However, the afternoon before we were due to leave Jonathan developed shingles, a warning sign of the virus. We didn't make it to see Whitney.

This was the early days of the AIDS epidemic. Fortunately, we were referred to Dr Richard Kemp at the Infectious Diseases Unit at Royal Brisbane and Women's Hospital – an amazing individual. In those days, the medications available were more often than not experimental. Nevertheless, Jonathan continued to receive expert care and our lives continued as normal.

However, around 1992, Jonathan advanced to the AIDS stage of the disease. This was devastating for both of us – obviously more so for Jonathan, but he being the person he was, battled on, particularly with good humour. I remember at one stage we were at Wattlebrae (the Infectious Diseases Ward at the RBWH). Jonathan was receiving an intravenous injection. Dr Patterson said to him 'this will be a little prick' to which he retorted 'that's what got me into this situation doc'.

Jonathan succumbed to AIDS on 18 February 1994. I lost my partner in life and love of my life.

However, during those awful years before his passing, we were supported by amazing people. The doctors and nurses at Wattlebrae, volunteers from the Queensland Aids Council (as it then was), Queensland Positive People, the Blue Nurses and the Sisters of Mercy. Amazing people who gave me strength to cope with the fact that my life partner was going to die, but more importantly gave support to Jonathan to ensure that he could leave his life with courage and dignity.

I am forever in debt to all those people who are too numerous to mention.

So, why did I tell this story. Because, after this occurred I had always searched for a way that I could personally give back to the LGBTI Community. So much had be done for Jonathan and I by all these beautiful people.

That was it. That was how I could repay the LGBTI Community. I immediately contacted Julie Howes, the founding coordinator of the Legal Service, and was soon inducted as an Evening Coordinator. Apart from Matilda Alexander, our current President, I have been the longest serving member of the Legal Service. I have become a member of the Management Committee and currently I am Treasurer of the Service.

The service itself has moved from being a totally unfunded organisation, relying totally on private donations, to a Community Legal Service with a budget of around \$260,000 (thanks to Queensland Government funding). My involvement with the Service has fulfilled my wish to 'give back'. My involvement, along with the myriad of other volunteers, has seen the delivery of legal services to the needy and most vulnerable of the LGBTI Community.

It's been over 10 years now since I started with the Service and I have no intention of stepping back. There is so much more that I want to achieve for the Service. I can thoroughly recommend to anyone who is thinking of volunteering and who wants to advance and protect the rights of members of our LGBTI Community, to do so.

To Jonathan, I continue to love and adore you, and hope that my service does justice to your memory.

AN EXAMPLE OF HOW WE HAVE HELPED OUR CLIENTS

POLLY RICHARDSON

The LGBTI Legal Service recently advocated on behalf of Alex*, a transgender woman, who was charged by the Queensland Police Service (QPS) with stealing and fraud.

The Service, together with one of our volunteer solicitors, made submissions to the Police Prosecutor about both the fraud charge and the stealing charge. The submissions were accepted by the Prosecutor in relation to the stealing charge, but not the fraud charge.

The fraud charge related to Alex attending a beauty clinic for a prepaid treatment package. Parts of the treatment for which she had pre-paid could not be performed. As an alternative, given Alex had pre-paid for the treatment, she requested it be conducted on other parts of her body instead, which was done. As Alex was leaving the clinic, she was told by staff that there was an additional charge for the 'other' treatment she had received. Alex left the clinic without paying the additional charge. Alex was subsequently charged with fraud in relation to the unpaid additional charge.

The fraud charge continued and a solicitor from our Service appeared at Court on Alex's behalf to have a date set for a Trial as Alex did not agree to plead guilty.



Our Service together with one of our volunteer barristers, once again made submissions to the Police Prosecutor more than 3 weeks from the date of the Trial, arguing that the charge be withdrawn. Despite multiple attempts to confirm with the Prosecutor whether the submissions were accepted, it was not until 4.00pm the day before the Trial that the Prosecutor confirmed they would offer no evidence on the charge to the Court, meaning the charge was effectively 'dropped'.

This is not the first time that our Service has been involved in a matter where at the 11th hour Prosecutions indicated that they will offer no evidence at the Trial. Such a situation is very stressful for the person and their close supports in the period leading up to the Trial, only to be informed that there is 'no case to answer' on the day of the Trial.

Our Service also raised repeatedly with the Prosecutor, and with the Magistrate in Alex's matter, that our client's name was entered incorrectly on all material prepared by the police (QPS), this included reference to Alex's 'dead name'. The inclusion of her dead name was unnecessarily distressing for Alex and we requested that the errors be immediately corrected. Unfortunately, on a number of occasions Alex continued to be referred to with the incorrect name.

The Service continues to work closely with organisations including the QPS to ensure that their understanding of issues faced by the LGBTI community, including the distress 'dead naming' can cause to people identifying as transgender, is ever evolving and continually improves.

*not the client's real name

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