



6 September 2020

To: paec@parliament.vic.gov.au

CC: Martin Foley, Minister for Equality, via [REDACTED]

Ro Allen, Commissioner for LGBTIQ Communities, via [REDACTED]

Jayde de Bondt, Chair of the LGBTIQ Taskforce, via [REDACTED]

Dear Committee Chair,

Re: Submission to the inquiry into the Victorian Government's response to the COVID-19 pandemic

The Victorian Pride Lobby (formerly the Victorian Gay and Lesbian Rights Lobby) welcomes the opportunity to make a submission to the inquiry into the Victorian Government's response to the COVID-19 pandemic.

The Lobby is a community based advocacy group that works towards equality, social justice and advancing human rights for lesbian, gay, queer, bisexual and same sex attracted Victorians. We work constructively, cooperatively and respectfully with transgender, intersex and other organisations that support our organisation's mission and vision.

The COVID-19 pandemic has, like a tornado, wreaked devastation on Victoria's LGBTIQ community: our physical and mental health, our incomes, our businesses, our community venues and organisations, our lives and livelihoods. In this submission, we highlight the positive responses by the Victorian Government to the COVID-19 pandemic as well as recommendations for change. As we tentatively step out of lockdown, we must chart a way forward - a yellow brick road to recovery - that advances equality, social justice and human rights for all LGBTIQ Victorians.

As the Lobby, we stand ready to play our part in charting the road to recovery, and would welcome the opportunity to meet with the Committee to discuss our recommendations for change further.

Kind regards,

Nevena Spirovska and Maxim Thomas
Co-Convenors, Victorian Pride Lobby



Introduction

This submission is informed by Equality Australia's report, 'Inequality Magnified'. Through an online survey conducted between 24 April to 18 May 2020, Equality Australia consulted directly with LGBTIQ people regarding the impacts of COVID-19 and its associated restrictions on their lives. They received over 2,600 responses from LGBTIQ people across Australia, about 30% of which were from LGBTIQ people in Victoria.

Our submission recommends improvements to the Victorian Government's response to COVID-19 going forward, based on the voice of our communities expressed in the survey, and our views on what is needed to advance equality, social justice and human rights for LGBTIQ Victorians during the COVID-19 pandemic and beyond.

Consultation

LGBTIQ people and organisations must be directly consulted in the Government's formulation of COVID-19 policy responses. We are pleased to note that the Minister for Equality and the Commissioner for LGBTIQ Communities held a roundtable with LGBTIQ people and community organisations to discuss how best to support LGBTIQ Victorians during and after the COVID-19 pandemic, and believe this should be a regular event.

Recommendation: The Minister for Equality, in conjunction with the Commissioner for LGBTIQ Communities and the LGBTIQ Taskforce, should hold a monthly roundtable with LGBTIQ people and community organisations to discuss how best to support LGBTIQ Victorians during and after the COVID-19 pandemic.

Data

LGBTIQ people must be identified and included correctly in COVID-19 research and policy projects. We are also pleased to note that Respect Victoria is conducting a targeted research project to capture the experiences and impacts of, and the drivers of violence during, COVID-19 on LGBTIQ communities (discussed further below). However, we understand that, despite calls from stakeholders, Victoria Police has not released demographic data with regard to fines that have so far been issued. We are concerned that police may have been exercising their powers in a manner that disproportionately affects LGBTIQ people from diverse cultural and linguistic backgrounds, lower social-economic backgrounds, and Aboriginal and Torres Strait Islander people.



Recommendation: Victoria Police should release demographic data with regard to fines that have so far been issued under the *Public Health and Wellbeing Act 2008*.

Law and order

In times of crises, respect for and protection of human rights becomes more important than ever. We believe that COVID-19 restrictions must be subject to ongoing review to ensure they comply with Victoria's human rights obligations. Incursions on civil liberties must be strictly necessary and proportionate to the legitimate purpose of responding to the COVID-19 public health crisis.

While COVID-19 restrictions may enjoy some support and acceptance from a significant number of people,¹ they have also taken a heavy personal toll on many. Ongoing support for the restrictions will depend on them being clear and consistent, justified by public health concerns, and that they do not result in greater inequality or involve people being left behind.

The *Public Health and Wellbeing Act* enables the Chief Health Officer to exercise certain emergency powers under a state of emergency.² The Stay at Home Directions (Restricted Areas) (No 14) and Stay at Home Directions (Non-Melbourne) (No 4)³ make the wearing of face coverings mandatory. A person must not refuse or fail to comply with this direction.⁴ If they contravene this direction, they face a \$200 fine.⁵

We do not take issue with the wearing of a face covering when leaving the home. However, we are concerned that the associated fine for contravening this direction will invariably disproportionately impact those from lower socio-economic backgrounds, including LGBTIQ people. Authorised officers would be better placed to provide face masks rather than infringement notices. An authorised officer must, unless it is not practicable to do so, warn the person that a refusal or failure to comply without a reasonable excuse is an offence.⁶ A person is not guilty of an offence if they had a reasonable excuse for refusing or failing to comply with the direction.⁷ Clause 7 of the Directions provide exceptions. However, we are concerned about

¹ Katharine Murphy, 'Essential poll: Victorians overwhelmingly support harsh restrictions to curb Covid second wave', *The Guardian* (12 August 2020).

² *Public Health and Wellbeing Act 2008* s 199.

³ Given pursuant to the *Public Health and Wellbeing Act 2008* s 200(1)(d).

⁴ *Public Health and Wellbeing Act 2008* s 203(1).

⁵ *Public Health and Wellbeing Regulations 2019* sch 8 item 75.

⁶ *Public Health and Wellbeing Act 2008* s 200(4).

⁷ *Public Health and Wellbeing Act 2008* s 203(2).



the possible impact on right to privacy in having to reveal to an authorised officer any physical or mental illness, including disability, in order to avoid a fine for not wearing a mask.

Recommendation: The Chief Health Officer should review the Stay at Home Directions (Restricted Areas) (No 14) and Stay at Home Directions (Non-Melbourne) (No 4) and consider whether the current punitive approach for not wearing a face covering should continue.

For many people in the community, their first encounter with the justice system is their encounters with authorised officers, including police and Protective Services Officers (PSOs).

PSOs were originally employed to patrol metropolitan and regional trains and train stations, to engage with the community and foster a sense of safety. Additional powers were granted to PSOs during the COVID-19 pandemic that have seen PSOs patrolling the community at large.⁸ This has led to the arrest of over 400 people, including for offences as innocuous as being drunk in a public place - an offence the Government has committed to abolish due to its disproportionate impact on Aboriginal and other marginalised people.

We recognise that PSOs may provide a sense of safety for some people travelling on public transport late at night, but there is no evidence that they have had any material impact on crime. Instead, increasing PSO powers may result in further targeting and policing of marginalised communities, including LGBTIQ people, especially LGBTIQ people of colour, who have been subject to police brutality and misconduct. The increased reliance on, and deployment of, PSOs increases the risks of harmful interactions with vulnerable members of the community.

PSOs receive less training than police officers (12 weeks compared to about 33 weeks) but carry firearms and are given some of the powers of a police constable, including to arrest, to obtain personal information, to search and seize and to issue infringement notices. If PSOs are used as de facto police officers, they should receive the same level of training. They wear similar clothing as police officers, and it is not always readily apparent to members of the community that they are not dealing with a police officer.

PSOs have a history of predatory behaviour, including sexual harassment, documented in the Independent Broad-based Anti-Corruption Commission report, 'Transit Protective Services Officers – An exploration of corruption and misconduct risks.'⁹

⁸ *Victoria Police Amendment Regulations 2020*.

⁹ Independent Broad-based Anti-corruption Commission, 'Transit Protective Services Officers: an exploration of corruption and misconduct risks' (2016).



We have raised concerns about the Police and Emergency Legislation Amendment Bill. The Bill will expand the powers of PSOs to patrol 'any large area', including the Melbourne CBD and adjoining areas plus certain regional cities, in a bid to deter 'antisocial behaviour'. These expanded powers would potentially allow PSOs to patrol beats, pride marches and protests, policing what they deem to be 'antisocial behaviour', which is incredibly dangerous for our community.

There must be real justification for increasing the power of PSOs, and we implore the Parliament to refer this Bill to the Legal and Social Issues Committee for review. There is no need to rush this massive expansion of PSO powers without proper consideration of the impact this increased policing will have on marginalised communities, assessment of the massive cost of the expansion of the police force, real improvements to the police complaints system, and greater investment in social services that support LGBTIQ communities.

Recommendation: The Parliament should:

- (a) refer the Police and Emergency Legislation Amendment Bill 2020 to the Legal and Social Issues Committee for review; and
- (b) refer the *Victoria Police Amendment Regulations 2020* to the Scrutiny of Acts and Regulations Committee for review.

There have been calls for urgent action to reduce the risk of transmission of COVID-19 in the criminal justice system,¹⁰ as highlighted in Liberty Victoria's submission. Corrections Victoria implemented an array of severe restrictions to address the risks associated with COVID-19. The efficacy of these measures is unknown, but they have made conditions in custody more onerous for all. This includes requiring all prisoners on entry to prison custody to undergo a period of quarantine for 14 days, where they experience significantly limited time out of their cell. The quarantine and isolation of prisoners has serious impacts on prisoners' mental health and wellbeing. We are very concerned about the physical and mental impact this will have on prisoners, in particular LGBTIQ prisoners who may be already vulnerable due to any existing health and mental health issues.

At the completion of their quarantine, prisoners are subject to further restrictions. This includes barring their ability to receive visitors (including lawyers and family). Furthermore, programs aimed at rehabilitation have ceased or been dramatically reduced – prisoners are unable to access mental health programs, anger management counselling, alcohol and drug counselling,

¹⁰ Nerita Waight, 'Urgent actions on prisons to avoid Covid-19 deaths', *Indigenous X* (12 August 2020).



and other courses. As recently observed by the Victorian Court of Appeal in *Freeburn v The Queen (No 2)*:¹¹

It is relevant to take into account the impact of the lockdown restrictions that have been imposed as a result of the COVID-19 pandemic, and that have been applicable to the appellant and indeed to other prisoners in Victoria. As a result of those restrictions, the appellant has not had the opportunity to have contact visits, and the COVID-19 restrictions have been an additional factor (apart from his placement in a management unit) limiting the time that he might be able to spend out of his cell each day. The appellant's placement, and the COVID-19 restrictions, have also meant that the appellant has had very limited opportunity to participate in courses directed to his rehabilitation, and to engage in meaningful work. Those circumstances, together with the appellant's psychological condition, have meant that his time in custody has been, and will, we apprehend, continue to be, more onerous than otherwise would be the case for a prisoner in normal health.

As the LGBTIQ Taskforce's Justice Working Group has noted, work needs to be undertaken to improve policy and services regarding LGBTIQ people across corrections and justice services. What needs to be developed is an overarching framework of best practice in this area. This should also include the provision of services to LGBTIQ prisoners and people in youth justice, including medical and counselling services. Restricting access to mental health and counselling services in prisons during COVID-19 will detrimentally affect LGBTIQ prisoners and prisoners living with HIV.

Recommendation: Corrections Victoria should urgently develop an overarching framework for guiding consistent best practice in the management and provision of services to LGBTIQ people and people living with HIV in prison and youth justice, including access to medical care and counselling.

Care

LGBTIQ people have stepped up to support and give care to family and friends through COVID-19. Some of these caregivers have been discouraged by the risk of infection and the fear of getting fined or being stopped by police due COVID-19 restrictions, including social

¹¹ [2020] VSCA 176 [61] (Kyrou, Kaye and Emerton JJA).



distancing measures, travel restrictions, school closures, border closures, and restrictions on access (for example, in aged care facilities).

Clause 7(1)(j) of the Stay at Home Directions enables people to leave the home 'to visit a person with whom they are in an intimate personal relationship.' There is concern that this does not include people in an asexual or aromantic relationship. There have been reports that the Stay at Home Directions could be amended to a 'friendship bubble' for single households.¹² This would help address social isolation and enable care to be provided to people living alone. We welcome the Government's recent announcement that, from 14 September, the Directions will enable 'social bubbles' for singles, single parents and people living alone. We will monitor implementation of this commitment.

Health, including mental health

COVID-19 and its associated restrictions, particularly around physical distancing, have increased barriers to accessing healthcare services for LGBTIQ people.

One of the major LGBTIQ health service providers, Thorne Harbour Health, has had to quickly adapt its service delivery, including by moving services to telephone or online instead of in-person or outreach, with some limited individual contact with workers using personal protective equipment and practicing social distancing. Notably, routine asymptomatic HIV/STI testing services have been paused until the end of lockdown.

COVID-19 and its associated restrictions have also had a significant impact on the mental health of LGBTIQ people. COVID-19 has exacerbated existing disparities in mental health outcomes for LGBTIQ people who already faced disproportionately high rates of depression, anxiety and suicidality.

According to research by Equality Australia, COVID-19 has led to LGBTIQ people reporting feelings of increased loneliness, particularly young people, trans and gender diverse people, First Nations people, and Asian people.

We welcome the Government's announcement of \$820,000 in funding for LGBTIQ mental health initiatives during the pandemic, including funding for counselling and support services, mental health support, and programs to increase community connectedness and reduce social

¹² Emily Olle, 'Victoria's Stage 3 COVID restrictions could include a 'friendship bubble' for singles', *7 News* (28 August 2020).



isolation. However, this elevated need for mental health support will need to be met with an adequate response from the Government.

Of major concern to us is that, to the best of our knowledge, the LGBTIQ Taskforce's Health and Human Services Working Group has not met at all during the pandemic, so there is limited input to the Department on the health and human services needs of LGBTIQ people.

Recommendation: The LGBTIQ Taskforce's Health and Human Services Working Group should call an urgent meeting to discuss the health and human services needs of LGBTIQ people during the COVID-19 pandemic.

Recommendation: The Government should, through its annual budget, provide year-on-year increases in funding of LGBTIQ community-controlled health services to enhance their capacity to provide services across Victoria, address barriers to LGBTIQ people accessing health services, and reduce the health inequities experienced by LGBTIQ people (including through health promotion activities).

Recommendation: The Department of Health and Human Services, in consultation with the LGBTIQ Taskforce's Health and Human Services Working Group, should:

- (a) renew the LGBTI Health and Wellbeing Action Plan;
- (b) develop a LGBTIQ mental health prevention framework;
- (c) conduct a pilot community mental health promotion campaign targeted at LGBTIQ people; and
- (d) fund an LGBTIQ health organisation to develop and publish an accessible online directory of LGBTIQ-inclusive doctors and mental health professionals across Victoria, including regional and rural areas.

Disability

According to research by Equality Australia, 34% of LGBTIQ people identify as having a disability or chronic health condition, and 9% of LGBTIQ people require someone to assist them with personal or domestic tasks. LGBTIQ people with disability and those who need personal or domestic care have been exceptionally and adversely affected by COVID-19. Of those who received personal or domestic care, 45.9% reported that COVID-19 and its associated restrictions, particularly around social distancing, had affected their ability to get the care they need from support workers and the like despite 44.3% reporting that COVID-19 and its associated restrictions had increased their care needs. Support for people with disabilities is an essential service.



One of the key care providers, Pride Disability Services, has ceased outreach to clients presenting with symptoms consistent with COVID-19 and instead provides phone contact, except for high priority clients. Peer support and advocacy group, Rainbow Rights, has been forced to cease their fortnightly meetings and members cannot meet socially. Some members do not have access to a mobile phone or computer to communicate with others. It is difficult for the group to apply for grants in the current circumstances.

Recommendation: The Minister for Disability should review whether adequate funding is provided to LGBTIQ disability care providers and peer support and advocacy groups.

Employment

Like many other people in Victoria, LGBTIQ people have experienced loss of work and income due to COVID-19 and its associated restrictions.

According to research by Equality Australia, unemployment and underemployment amongst LGBTIQ people has jumped from 7.5% pre COVID-19 to 12.7% post COVID-19, compared to the national unemployment rate of 6.2%. In particular, trans and gender diverse people report high rates of unemployment and underemployment both before and after COVID-19: 15.2% pre COVID-19 to 20% post COVID-19, both well above the national unemployment rate. COVID-19 alone is not sufficient in explaining employment disparities for LGBTIQ people. There is an underlying issue of unemployment in the LGBTIQ population, with trans and gender diverse people particularly affected.

The overrepresentation of LGBTIQ people in some industries which have been heavily impacted by COVID-19 may explain some of the differential impact of COVID-19 on LGBTIQ people's employment. When compared with Australian Bureau of Statistics estimates on the proportion of workers employed by industry, Equality Australia writes that:¹³

LGBTIQ+ [workers] may be overrepresented in some industries heavily impacted by COVID-19, such as arts and recreation and professional services, and underrepresented in some industries which have seen arguably lesser immediate impacts, such as primary industries, mining, construction and manufacturing. But LGBTIQ+ people also appear to be overrepresented in several industries which have not seen great job losses during COVID-19,

¹³ Equality Australia, 'Inequality Magnified' (2020) 18.



such as education, and healthcare and social assistance. So, while LGBTIQ+ people may be overrepresented in some industries which have been among the most significantly impacted by COVID-19 restrictions, these differences are not so pronounced as to explain the greater disparity in unemployment rates overall. This suggests that other factors – such as discrimination – may also be at play.

We welcome the Government's announcement of \$227,000 in funding for Fitted for Work's pilot Transgender Program to provide trans women and gender diverse jobseekers with tailored support to gain work or transition at work through services such as mentoring, outfitting services, work readiness workshops, resume support and networking. However, the findings from this pilot program should be built into a trans and gender diverse employment strategy.

Recommendation: Jobs Victoria should, in consultation with the trans and gender diverse community, formulate and implement an employment strategy to address barriers to employment for trans and gender diverse people, modelled off the 'Every opportunity' employment strategy for people with disability, that includes:

- (a) research into barriers to workplace participation for trans and gender diverse people; and
- (b) employment programs that support employment for trans and gender diverse people, similar to the WorkingOUT program for LGBTIQ job seekers with a disability.

Income support

According to research by Equality Australia, there is considerable apprehension among LGBTIQ people regarding financial issues, including a removal or reduction in government income support before the economy (and their job prospects and financial situation) fully recovers. As at April 2020, the percentage of LGBTIQ people receiving some form of government income support had risen from 14.3% pre COVID-19 to 17.9% post COVID-19. Only 10.6% of those who lost some or all of their income due to COVID-19 reported subsequently receiving some form of government income support, with some dipping into their superannuation to bolster their income. These figures are likely to be worse now in Victoria.

The Government has offered two major forms of income support during the COVID-19 pandemic: the \$1500 COVID-19 Worker Support Payment (now offered through the Commonwealth Government's Pandemic Leave Disaster Payment for Victoria) and the \$450 COVID-19 Test Isolation Payment, which has been accessed by more than 19,500 Victorians.



The Government has also established an International Student Emergency Relief Fund grants of \$1000 to support international students in Victoria who are experiencing financial hardship through lost wages and work as a result of the COVID-19 pandemic, and the Emergency Relief Support grants of \$400 for visa holders and undocumented migrants, administered through the Australian Red Cross. However, this may not go far enough to cover a vulnerable person's essential needs.

LGBTIQ organisations also provide income support. For example, the David Williams Fund was established to provide emergency financial assistance to people living with HIV who are experiencing financial hardship, and is reliant upon donations as well as community fundraisers.

Recommendation: The Government should review the level of support provided through its Test Isolation Payment, International Student Emergency Relief Fund grants and Emergency Relief Support grants to ensure that they adequately cover recipients' essential needs.

Recommendation: The Government should provide an immediate cash injection to the David Williams Fund.

Housing and homelessness

Unemployment and a lack of income can lead to housing insecurity and homelessness. According to our own research,¹⁴ 47.5% of LGBTIQ Victorians have experienced homelessness or housing insecurity or have been at risk of homelessness. 50% of Victorians with an intersex variation have experienced homelessness before (with 6% currently homeless or living precariously¹⁵). 78% of LGBTIQ Victorians with a disability or impairment had experienced homelessness to some degree before. 79% of trans and gender diverse Victorians have experienced homelessness in some form before.

Community organisations are doing good work to tackle LGBTIQ housing insecurity and homelessness: for example, Thorne Harbour Health's 'Housing Plus' is a statewide program for people living with HIV who are homeless or at risk of homelessness, delivered in partnership with Launch Housing; and Family Access Network's 'alsorts' program, which provides homelessness support services for LGBTIQ young people.

¹⁴ Victorian Pride Lobby, Submission to Legislative Council Legal and Social Issues Committee's Inquiry into Homelessness.

¹⁵ Tiffany Jones et al, *Intersex: Stories and Statistics from Australia* (Open Book Publishers, 2016) 76.



We welcome the Government's recent announcement of \$80,000 in funding for Thorne Harbour Health and Drummond Street Services' 'Rainbow Connection' program that provides support to LGBTIQ people experiencing housing insecurity, unemployment and other financial difficulties due to COVID-19. However, we are concerned about the delays in implementing the \$3 million LGBTIQ homelessness grants program announced in the last state budget. Discussions are necessary to ensure the best service model, but it is important that this is resolved soon.

Recommendation: The Department of Premier and Cabinet should expedite the opening of applications for the \$3 million LGBTIQ homelessness grants program announced in the last state budget.

Domestic and family violence

According to research by Equality Australia, COVID-19 restrictions have added to the fears of LGBTIQ people who do not feel safe at home, including those who fear or have experienced domestic violence. 7.2% of LGBTIQ people currently do not feel safe at home. First Nations' LGBTIQ people are particularly overrepresented among those who do not feel safe at home. LGBTIQ people who reported mental health issues are also less likely to feel safe at home.

8% of LGBTIQ people have experienced violence, abuse, harassment or controlling behaviour in the last year from someone they currently live with, and 5.4% of LGBTIQ people currently live with someone they fear may be violent, abusive or controlling towards them. LGBTIQ young people and trans and gender diverse people are overrepresented among those who fear or have experienced violence from someone they live with.

Family violence against LGBTIQ people is just as likely to come from family members as it is a spouse or partner, demonstrating that a lack of acceptance of sexuality, gender diversity and sex characteristics continues to cause some of the family violence experienced by LGBTIQ people. Addressing family and domestic violence against LGBTIQ people requires a sustained plan which goes beyond the immediate response to COVID-19. As we noted above, Respect Victoria is conducting a targeted research project to capture the experiences and impacts of, and the drivers of violence during, COVID-19 on LGBTIQ communities. However, research needs to be met with action.

Recommendation: Respect Victoria should develop an expert advisory group to guide and support all future work pertaining to the primary prevention of violence against people from LGBTIQ communities.



Recommendation: The Government should fund Rainbow Health Victoria's:

- (a) LGBTI Family Violence Forum on an annual basis;
- (b) LGBTIQA+ Family Violence Network to oversee the design, implementation and evaluation of future programming in this space, advise policy-makers, and further conceptualise, enhance and refine the understanding of family violence against LGBTIQ people.

Recommendation: The Government should fund WithRespect to:

- (a) develop and publish resources for LGBTIQ community members experiencing family violence, including reporting and support information; and
- (b) develop an LGBTIQ community education campaign across media and other outlets to raise awareness of family violence and available services and supports.

Recommendation: The Department of Premier and Cabinet should:

- (a) include LGBTIQ family violence within the proposed whole of government family violence research agenda; and
- (b) significantly improve the collection of data around family violence in LGBTIQ relationships.

Recommendation: The Government should fund specialist LGBTIQ services, including perpetrator programs such as Thorne Harbour Health's ReVisioning program, to enable participation from LGBTIQ people from regional areas.

Recommendation: Family Safety Victoria should expedite the release of their Inclusion and Equity Blueprint.

Aged care

Perhaps most alarming has been the impact of the COVID-19 pandemic on people living in aged care, particularly private aged care facilities. Some private aged care providers have denied all visits to elderly residents without implementing ways for friends and relatives to visit their loved ways in a safe and suitably distant way, cutting off LGBTIQ older people from familial and social connections and providing limited oversight into what is going on in these facilities.

Alarming, the Royal Commission into Aged Care Quality and Safety has heard that the sector's regulator, the Aged Care Quality and Safety Commission, did not have an appropriate aged care sector COVID-19 response plan.¹⁶

¹⁶ Michelle Grattan, 'Federal departments had no specific COVID plan for aged care: royal commission counsel', *The Conversation* (10 August 2020).



Recommendation: The Premier should, through the National Cabinet, advocate for consistent and effective oversight of aged care facilities, including mandatory infection control training.

Recommendation: The Government should fund a community-controlled aged care facility for LGBTIQ Victorians.

Discrimination

The impact of COVID-19 on LGBTIQ people is compounded by laws that allow service-providers to discriminate based on sexual orientation and gender identity, and provide no protection for people with an intersex variation, people living with HIV/AIDS or people with criminal records, including those that have been convicted under laws that criminalised homosexual conduct. We have been lobbying for these laws to change for years, but the COVID-19 pandemic underscores the need for urgent reform.

Recommendation: The Attorney-General should urgently table a Bill in Parliament to reform the Equal Opportunity Act to:

- (a) include 'sex characteristics' as a protected attribute, to protect people with an intersex variation from discrimination;
- (b) include 'HIV or AIDS status' as a protected attribute, to explicitly protect people living with HIV or AIDS from discrimination;
- (c) update the definition of 'sexual orientation', to protect asexual people from discrimination;
- (d) update the definition of 'gender identity', to protect non-binary people from discrimination;
- (e) include 'irrelevant criminal record' as a protected attribute, to protect LGBTIQ people that have been convicted under laws that criminalised homosexual conduct;
- (f) restore the power of the Equal Opportunity and Human Rights Commission to investigate systemic discrimination, conduct public inquiries, issue compliance notices and enter into enforceable undertakings; and
- (g) repeal the provisions that enable discrimination by faith-based employers and service providers against LGBT Victorians.

Businesses and venues

LGBTIQ businesses and venues are important cultural and commercial institutions that provide a place for connection, support, pride and community. Many of these institutions give LGBTIQ people and organisations places to meet, fundraise and host events. They are our communities' town halls and squares, our places of congregation, and our cultural and sporting gathering



grounds. These safe and affirming queer spaces and businesses are critical to the LGBTIQ community. While COVID-19 shuts down these venues, their income streams and the opportunity for fundraising events, LGBTIQ community organisations will face uncertain economic futures notwithstanding the increased demand for their services as a result of COVID-19.

There are very few LGBTIQ businesses and venues in Victoria, and their ongoing viability is a key concern for the ability of LGBTIQ people to re-emerge, as a community, from COVID-19. LGBTIQ institutions and businesses need a strategy, supported by the government, to ensure key cultural and community meeting places and organisations survive the crisis.

Above, we noted the recent roundtable held by the Minister for Equality with LGBTIQ people and community organisations. We also strongly encourage the Minister to hold a roundtable with LGBTIQ businesses and community venues that have been impacted by the COVID-19 pandemic.

Recommendation: The Minister for Equality, in conjunction with the Minister for Small Business, should hold a roundtable with LGBTIQ businesses and community venues that have been impacted by the COVID-19 pandemic.

Refugees, asylum seekers and visa-holders

Despite the unique and unprecedented challenges that COVID-19 presents, the Government must ensure that refugees, asylum seekers and visa-holders are afforded the dignity and support extended to all Victorians.

Unfortunately, to date, many vulnerable Victorians have fallen through the gaps, including people in immigration detention, those seeking asylum, temporary visa holders including bridging visa holders, people facing visa cancellation or refusal, and other vulnerable groups engaging with the migration system. These cohorts are often particularly vulnerable, facing barriers including language, health, means, and backgrounds of torture and trauma.

The impact on these groups has been severe, from psychological harm, financial distress including loss of livelihood and homelessness, and loss of access to crucial support services. This is not an individual problem: it has a ripple effect on families, communities, and businesses. It is in nobody's interests to leave behind a group of people whose contribution to Victoria is extremely valuable, and whose suffering threatens not only their own health but Victoria's long-term recovery.



Recommendation: The Government should fund a pilot program in partnership with an already established LGBTIQ legal service to provide accessible legal and related support services to LGBTIQ people seeking asylum or residency, including:

- (a) free legal assistance, including assistance with obtaining documents;
- (b) reimbursements for medical checks required as part of a refugee determination process;
- (c) counselling support; and
- (d) access to LGBTIQ-friendly interpreters.