



# People who identify as LGBTQI+

LGBTQI+ encompasses a diverse group of people based on sexual orientation, gender identity, sex characteristics and intersex status.<sup>1</sup> The use of the '+' at the end of the acronym allows for the inclusion all current and future identities.<sup>2</sup>

Approximately 11% of the Australian population and 3% of the Queensland population identify as LGBTQI+.<sup>3</sup> Same sex couples account for 0.9% of all Australian couples. Of that, 17.9% of same sex couples live in Queensland, most often in inner city areas.<sup>4</sup>

The LGBTQI+ community represents an extremely diverse population, comprised of people from different geographical regions, ethnic backgrounds and socio-economic status.<sup>5</sup> However, there are some key characteristics of the LGBTQI+ community which may influence legal need.

The most common areas of legal need for members of the LGBTQI+ community are related to medical treatment, end of life planning, family and domestic violence, family law and administrative law.<sup>6</sup> Due to historic injustices or the expectation that engagement with the legal system will be met with discrimination and prejudice, many members of the community do not report crimes to the police.<sup>7</sup> Further, it has been identified that there is a lack of knowledge in the community about their legal rights.<sup>8</sup>

- 1 LGBTQI+ stands for Lesbian, Gay, Bisexual, Transgender, Intersex or Queer. See: The Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.
- 2 Michael Gold, 'The ABCs of L.G.B.T.Q.I.A. +' (7 June 2019) *The New York Times* (online) <<https://www.nytimes.com/2018/06/21/style/lgbtq-gender-language.html>>.
- 3 Queensland Health, *The Health of Queenslanders: Report of the Chief Health Officer Queensland* (2018) <[https://www.health.qld.gov.au/\\_data/assets/pdf\\_file/0032/732794/cho-report-2018-full.pdf](https://www.health.qld.gov.au/_data/assets/pdf_file/0032/732794/cho-report-2018-full.pdf)> 5; Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.
- 4 Australian Bureau of Statistics, *Same Sex Couples in Australia* (2016) <<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Same-Sex%20Couples~85>>; Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.
- 5 National Domestic and Family Violence Bench Book, *People who are gay, lesbian, bisexual, transgender, intersex and queer* (2019) <<https://dfvbenchbook.aija.org.au/vulnerable-groups/people-who-are-gay-lesbian-bisexual-transgender-intersex-and-queer/>>.
- 6 Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.
- 7 Ibid.
- 8 Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.



Discrimination based on sexual orientation and gender diversity is common. 61% of young people have reported experiencing verbal abuse due to their gender identity or sexuality. Additionally, 18% have experienced physical abuse, with 80% of that reported abuse experienced in school. Approximately 24% of verbal and physical abuse has been experienced at home.<sup>9</sup>

## Domestic violence

Intimate partner violence within the LGBTQI+ community has only recently been acknowledged as an issue, and as a result has not been adequately addressed at government policy levels. Data is also scarce, with the majority of the nationwide family and domestic violence surveys focusing on heterosexual couples and violence against women.<sup>10</sup> A study conducted in 2006 found that 41% of male respondents and 28% of female respondents had experienced intimate partner violence in a same sex relationship and 25% of respondents had experienced sexual assault.<sup>11</sup> Research indicates that the abusive partner often uses homophobia or heterosexism to instil fear in their partner, for example that they will be outed or they will release their HIV status if a report is made to the police or another service provider.<sup>12</sup>

While there is a dearth of research about the prevalence of domestic and family violence in the LGBTQI+ community, available research indicates that the LGBTQI+ community experience similar rates of domestic and family violence as the wider community. Private Lives, an Australian wide study of the health and wellbeing of LGBTQI+ people, reported that 33% of respondents had experienced intimate partner violence.<sup>13</sup> However, it must be noted that there are several key differences between those experiencing intimate partner violence in the LGBTQI+ community and the general population. There are higher rates of male victims and female perpetrators and victims are less likely to seek assistance, for fear of being outed by the system or due to a history of negative responses from police.<sup>14</sup> The Private Lives study found that only 20% of those injured as a result of forced sex reported this to the police.<sup>15</sup>

## Family law

In recent years there has been a rapid increase in the number of same sex couples choosing to have children, which has seen a corresponding increase in the need for targeted family law services. The LGBTI Legal Service in Brisbane reported that 33% of their clients require advice on family law matters.<sup>16</sup> This can include legal issues relating to surrogacy, adoptions and legal guardianship.<sup>17</sup> Additionally, property and asset division post separation has become a key area of legal need.<sup>18</sup> Due to the complexity of these issues, self-representation can be difficult. Therefore targeted, specialist services are required to be appropriately funded to provide support to LGBTQI+ people.

## Government decisions

Issues arise when government bureaucracy is not set up to cater for the needs of LGBTQI+ people. This includes issues with documents limiting gender identity to male or female, and occasionally 'other'.<sup>19</sup>

Additionally, there is a general reluctance in the LGBTQI+ community to report crimes to the police. The Speaking Out study reported that 75% of respondents did not report abuse to the police or seek any form of assistance.<sup>20</sup> This was due to systemic discrimination from government providers, or a belief that they will be discriminated against.<sup>21</sup>

## Other risk factors

In addition to experiencing high levels of legal need, there are also issues of intersectional disadvantage within LGBTQI+ the community. This refers to a variety of interrelated issues such as mental health, substance use, discrimination and homelessness. This intersectionality can increase the likelihood of a person experiencing a legal problem.<sup>22</sup> Due to this intersectional disadvantage, mainstream services may not be able to appropriately cater for LGBTQI+ people and an increase in specialist services are required.<sup>23</sup>

Additionally, stigma is a prevalent problem in the LGBTQI+ community. This includes stigma related to discrimination or abuse,<sup>24</sup> as well as not wanting to be seen entering an LGBTQI+ specialist service.<sup>25</sup>

9 Australian Institute of Family Studies, *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities* (December 2015) <<https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtqi-communities>>.

10 Ibid.

11 Ibid.

12 Ibid.

13 Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>; Victorian Government, Royal Commission into Family Violence: Summary and recommendations (March 2016) <[https://www.braininjuryaustralia.org.au/wp-content/uploads/RCFV\\_Full\\_Report\\_Interactive.pdf](https://www.braininjuryaustralia.org.au/wp-content/uploads/RCFV_Full_Report_Interactive.pdf)>.

14 National Domestic and Family Violence Bench Book, *People who are gay, lesbian, bisexual, transgender, intersex and queer* (2019) <<https://dfvbenchbook.aija.org.au/vulnerable-groups/people-who-are-gay-lesbian-bisexual-transgender-intersex-and-queer/>>.

15 Victorian Government, *Royal Commission into Family Violence: Summary and recommendations* (March 2016) <[https://www.braininjuryaustralia.org.au/wp-content/uploads/RCFV\\_Full\\_Report\\_Interactive.pdf](https://www.braininjuryaustralia.org.au/wp-content/uploads/RCFV_Full_Report_Interactive.pdf)>.

16 Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.

17 Ibid.

18 Ibid.

19 Ibid.

20 <http://www.austlii.edu.au/au/journals/QUtLawJJI/2012/17.pdf>

21 Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.

22 National Domestic and Family Violence Bench Book, *People who are gay, lesbian, bisexual, transgender, intersex and queer* (2019) <<https://dfvbenchbook.aija.org.au/vulnerable-groups/people-who-are-gay-lesbian-bisexual-transgender-intersex-and-queer/>>.

23 Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>.

24 World Health Organisation, *Gender, Equity and Human Rights. FAQ on Health and Sexual Diversity: An introduction to key concepts* (2017) <<https://www.who.int/gender-equity-rights/news/20170329-health-and-sexual-diversity-faq.pdf>>.

25 Mental Health First Aid, *Considerations when providing mental health first aid to an LGBTQI+ person* (2016)

## Barriers to accessing services

Barriers to accessing services include fears of being outed by the police or the wider legal system. Other barriers include:

- A history of discrimination, particularly in the older LGBTIQI community.<sup>26</sup>
- Outward displays of homophobia and heterosexism.<sup>27</sup>
- A feeling of indifference by the police.<sup>28</sup>
- Domestic violence perpetrators using threats of a homophobic system or that the police will out them, as a method of control.<sup>29</sup>
- Concerns about privacy and confidentiality, which increases as the region becomes more remote.<sup>30</sup>
- Lack of inclusive services.<sup>31</sup>
- The use of incorrect pronouns or asking probing/inappropriate questions.<sup>32</sup>
- A presumption of heteronormativity in mainstream services.<sup>33</sup>
- Inappropriate intake forms, particularly for transgender or intersex people.<sup>34</sup>
- An inability of support services to look at intimate partner violence outside of a heterosexual framework.<sup>35</sup>
- An assumption of mutual intimate partner violence.<sup>36</sup>
- Stigma.<sup>37</sup>
- Making services more appropriate for LGBTIQI+ people

## The following provides additional information about making services more appropriate for people who identify as LGBTIQI+.

### Pathways and problem noticers:

- Friends, family
- Social workers, general practitioners and other health care services
- Peak bodies for LGBTIQI+ people, such as the Queensland Aids Council
- LGBTIQI+ legal services

### Technology

- High use in younger people
- Low use for older people

### Service delivery

- Amend intake forms to provide for transgender and intersex people.
- Multi-disciplinary strategies, such as health justice or lawyer-social worker partnerships

<<https://mhfa.com.au/sites/default/files/considerations-when-providing-MHFA-to-an-LGBTIQI-person.pdf>>.

26 Law Council of Australia, *The Justice Project – Final Report, Part One: LGBTI+ People* (August 2018) <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>>. <https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtiq-communities>

27 Ibid.

28 Ibid.

29 Ibid.

30 Ibid.

31 Ibid.

32 Ibid.

33 Ibid.

34 Ibid.

35 Australian Institute of Family Studies, *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities* (December 2015) <<https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtiq-communities>>.

36 Ibid.

37 Ibid.