

SUBMISSION TO THE FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE'S INQUIRY INTO ARRANGEMENTS FOR THE POSTAL SURVEY

INTERIM SUBMISSION – 5 SEPTEMBER 2017



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Introduction

The NSW Gay and Lesbian Rights Lobby ("GLRL") welcomes the opportunity to make a submission to the Finance and Public Administration References Committee ("the Committee") inquiry into Arrangements for the postal survey

Established in 1988, the GLRL is the peak organisation for lesbian and gay rights in NSW. Our mission is to achieve legal equality and social justice for lesbians, gay men and their families.

The GLRL has a strong history in legislative reform. In NSW, we led the process for the recognition of same-sex de facto relationships, which resulted in the passage of the *Property (Relationships) Legislation Amendment Act 1999 (NSW)* and subsequent amendments. The GLRL contributed significantly to reforms introducing an equal age of consent in NSW for gay men in 2003 and the equal recognition of same-sex partners in federal law in 2008.

The rights and recognition of children raised by lesbians and gay men have also been a strong focus in our work for over ten years. In 2002, we launched *Meet the Parents*, a review of social research on same-sex families. From 2001 to 2003, we conducted a comprehensive consultation with lesbian and gay parents that led to the reform recommendations outlined in our 2003 report *and Then* ...*The Brides Changed Nappies*. The major recommendations from our report were endorsed by the NSW Law Reform Commission's report, Relationships (No. 113), and were enacted into law under the *Miscellaneous Acts Amendment (Same Sex Relationships) Act 2008 (NSW)*.

In 2010, we successfully lobbied for amendments to remove discrimination against samesex couples in the *Adoption Act 2000* (NSW), and in 2013 we were instrumental in lobbying to secure the passage of anti-discrimination protections for LGBTI Australians, through amendments to the *Sex Discrimination Act (1984)*. We also campaigned successfully for the removal of the "homosexual advance" defence from the *Crimes Act 1900 (NSW)* and the extinguishment of historical homosexual sex convictions, both in 2014.



In 2016 GLRL gave evidence before a Senate Inquiry into the proposed Exposure Draft of a bill proposing to amend the *Marriage Act* to allow marriage equality, which led to a historic consensus report.

Recently, GLRL organised the "Sea of Hearts" event at Parliament House and is involved with Marriage Equality's campaign to support a yes vote.

Scope of Submission

GLRL notes the Committee has provided a deadline of 10 November 2017 to receive submissions. Given the developing nature of issues arising as part of the postal survey, the GLRL intends for this submission to be an interim submission only.

At this time, GLRL wishes to bring a number of relevant issues to the Committee's attention relating to term c), notably on "how matters such as advertising... will be regulated" and term d) "protections against offensive, misleading or intimidating material or behaviour, especially towards affected communities". As part of this submission GLRL has provided two annexures which detail examples of advertising material that has been distributed (Annexure 1) and examples of direct communication GLRL has received from members of the public (Annexure 2).

GLRL will leave many of the other issues for discussion in the Terms of Reference for a later date.

Current Situation

GLRL notes the government's intention to await the outcome of a High Court challenge before proposing any legislative regulation regarding advertising materials related to the postal survey¹. It is anticipated the hearings will be completed by 6 September, however it is unclear as to when a decision is to be handed down.

GLRL is concerned about any continued delay before such regulations are considered by the government and relevant stakeholder groups. We continue to be made aware of a number of pieces of advertising which would be considered misleading and intimidating, for which there may currently be not appropriate or effective legal avenue to have these matters dealt with.

Further, GLRL has been in receipt of offensive direct communication via email and social media.

Comments made by The Hon. Malcolm Turnbull, Prime Minister, relating to much of this advertising, in GLRL's view dismisses the significant impact this material has on communities. Mr Turnbull stated: "We're in a democracy, right, and people will often say

¹ R Baines, Same-sex marriage: Tighter advertising restrictions on hold until postal survey clears court, ABC, August 2017 <http://www.abc.net.au/news/2017-08-29/same-sex-marriage-advertising-restrictions-put-onhold/8854178>



things that are hurtful and unfair and sometimes cruel, but that is part of a debate," he said. "The only way to stop people saying things that you find hurtful is to shut down free speech."² Such comments continue to ignore the impact this material is having on a significant proportion of the community.

Inadequacy of Current Law

Whilst there may be jurisdictions in which such material may be considered unlawful under human rights and anti-discrimination law legislation, this is not the case in all parts of the country, as laws vary across jurisdictions. Material that has been published may be considered to be vilifying, however at a Commonwealth level and in other states and territories, the publishing of material that vilifies people based upon gender identity or sexual orientation is not considered unlawful under anti-discrimination laws.³

Furthermore, there are a range of inconsistencies and inadequacies among vilification regimes that do exist. For example, in NSW, the law does not cover acts where a bisexual or intersex person is vilified.

Even in situations where the publishing of such material may be considered to be covered under vilification provisions, in many cases the author of the material is unknown, given that there is no obligation at this stage to publish the details of an authorising party.

In addition, the mechanisms for having such complaints resolved generally takes the form of an independent conciliation prior to any enforceable action being able to be taken. This can be timely, costly and involves significant effort on the part of the person bringing the complaint.

Other legislative protections contained in various aspects of the criminal law, consumer law and advertising regulation suffer similar inadequacies.

In the cases of material received by GLRL all has been referred to local Police where investigations are on-going. This again is a time-consuming effort on behalf of complainants and authorities.

There currently does not exist any positive obligation on anyone producing materials related to the postal survey to do anything which identifies the publisher and/or regulates the content.

³ For a sense of inconsistencies see: Australian Human Rights Commission, Section 9 - Protection from vilification and harassment on the basis of sexual orientation and sex and/or gender identity - Addressing sexual orientation and sex and/or gender identity discrimination: Consultation Report , 2011, < https://www.humanrights.gov.au/publications/section-9-protection-vilification-and-harassment-basis-sexualorientation-and-sex-andor>. The law as reported at that time may have changed, however significant inconsistencies and issues with the law exist today.



² J Elton-Pym, A Booth, Same-sex marriage plebiscite: Turnbull says 'cruel' comments are 'part of the debate', SBS, 22 Aug 2017 <http://www.sbs.com.au/news/article/2017/08/22/same-sex-marriage-plebiscite-turnbullsays-cruel-comments-are-part-debate>

Non-Application of Electoral Act Protections

As the current provisions contained within the Commonwealth Electoral Act 1918 (Cth) do not apply to the postal survey, there is no:

- Requirement to authorise all relevant material; •
- Restriction on the publishing of misleading or deceptive advertising material;
- Requirement for advertising to be 'truthful'
- Requirement to register certain election material with the Australian Electoral • Commission;
- Serious penalties and offence provisions for breach of the law.

It is GLRL's view that similar provisions must be enacted for the postal survey, given the analogous campaign currently running to that of an election or referendum.

Extent of Materials

Whilst GLRL has been made aware of a number of offensive publications distributed, the extent to which similar material is being published is unknown. There is likely to be other offensive, misleading and deceptive material being published online and within local community groups that is not known to organisations like GLRL.

Impact of this Material

Such material, as contained within Appendix 1 of this submission has significant impact on the mental health of so many LGBTIQ Australians. Young LGBTIQ people are at a six times greater risk of suicide⁴, and this material which perpetuates hateful and offensive comments is not likely to improve this situation.⁵

The rates of suicide among young trans and intersex people are even higher, with young trans people being 35% more likely to attempt suicide.⁶ In addition, young trans people are more likely than not to have self-harmed with nearly 80 percent having done so compared to just 11 percent of non-trans adolescents.

⁷ R Carmondy, Trans young people at alarmingly high risk of suicide and depression, report reveals, ABC, 1 September 2017, http://www.abc.net.au/news/2017-09-01/young-trans-people-at-higher-risk-of-suicidereport-finds/8861156



⁴ National LGBTI Health Alliance, The Statistics At A Glance: The Mental Health Of Lesbian, Gay, Bisexual, Transgender And Intersex People In Australia, National LGBTI Health Alliance, 2016 < http://lgbtihealth.org.au/statistics/>

⁵ C Paine, Mental Health Experts Warn Government Against 'Very Damaging' Same-Sex Marriage Plebiscite, Huffington Post Australia, 10 August 2017 < http://www.huffingtonpost.com.au/2017/08/09/mental-healthexperts-warn-government-against-very-damaging-sa_a_23073012/>

^b National LGBTI Health Alliance, The Statistics At A Glance: The Mental Health Of Lesbian, Gay, Bisexual, Transgender And Intersex People In Australia, National LGBTI Health Alliance, 2016 < http://lgbtihealth.org.au/statistics/>

In addition, the offensive messages received by GLRL has significantly increased since the announcement of the postal survey (as seen in Appendix 2). For GLRL, an entirely volunteer run organisation, our board of management and co-convenor has to deal with this material as it comes through. The offensive material has been reported to the Police, however this has an impact on the health of our staff.

It is a requirement under the law⁸ that incorporated associations such as GLRL have the public officer's address published. Whilst this is a necessary governance requirement, this means the Lobby is required to continue to have both postal and office address made publically accessible. This means advocacy organisations continue to be accessible targets for this type of communications

Recommendations and Conclusion

GLRL recommends the following:

- As a matter of urgency, the Government release a proposal for stakeholder consultation on what measures it intends to put before Parliament to regulate advertising and promotional material relating to the postal survey;
- The same provisions relating to the regulation of advertising material and promotional material for a Commonwealth election be applied to this current postal survey;
- Increased funding and support be provided to frontline support and counselling organisations to assist clients impacted by the materials currently being distributed.

Thank you for the time to provide an interim submission to the inquiry. We are happy to provide any further information you require, including giving evidence at any public hearing you may be holding.

If you require any further information please contact Lauren Foy, Co-Convenor at <u>convenors@glrl.org.au</u>



⁸ Incorporated Associations Act 2009 (NSW)

Appendix 1: Examples of Advertising Submitted to GLRL



3% of the population 40% of the child predators

STOP THE THE FAGS



3% of the population 55% of HIV carriers 82% of syphilis cases 20% of HBV cases 37% of anal cancer 78% have an STD

S FAGS



The Centers for Disease G

ICDC

Evolutionist or Creationist? Do you believe in the Bible?

Gay, unloved, depressed? Are you prepared to take an interest in Scientology?

Send 20 'old school personalised' photocopies of this letter to friends for Christmas – not Facebook. Christmas is the time of the *Lord*.

Gay people can be normalised by reasoning with them.

The Bible tells that God created humans in the Garden of Eden and He intended them to be heterosexual beings free of mental illness. Or, if you are an evolutionist you will accept that God created animals. Therefore by this *reasoning* humans evolved from animals. There are no gay animals.

Creationist or Evolutionist something is wrong when people go after their own sex romantically or lustfully. With respect – homosexuality is a *dis-ease*; an illness.

Before 'political correctness' the definition of homosexuality was a mental illness.

Scientology cures mental illness through auditing and toning. Scientology holds that problem people were placed here on earth from outer space. Earth was a dumping ground for the galactic warrior *Lord Xemu*. Homosexuality is a past *life engram* from 75 million years ago. Your illness can be cured. You can be happy.

Scientology prevents gay suicides. Scientology has cured many gay people, including 'celebrities': Scientology Celebrity Centre International, Los Angeles.

There is much misinformation about Scientology in popular culture:

In 2012 a book was published about Sydney titled:

117 BPM Beats, Bashings and HIV Dementia.

The anti-hero, a former Scientologist Dark Damien leads a gang around Sydney. The story perpetuates stereotypes and myths about gays, HIV/AIDS, transsexuals, mental illness and Asians. 117 BPM claims Asians came from another planet – that's right – we all did! (Xenu.net)You can read the Bible or you can read Dianetics by L. Ron Hubbard. Homosexuality can be cured:

Dianetics is free to read at any library or call personally at 201 Castlereagh Street for a free personality test. Check Xenu.net. Scientology is building a new super centre at Chatswood. You are welcome. Start your real life and be happy.











呼吁国民投票反对同性婚姻合法化!

同性恋是断子绝孙的死亡诅咒! 同性恋的肛交性行为,是制造和传播艾滋病毒的根源! 同性恋是悲哀,是家族的坟墓、是绝后的咒诅!

※.如果同性婚姻被合法化.对女性的人生安全将会造成极大的恐慌和危害。因为公共女厕和女浴室再没有男女之分,变性假女人受到法律的保护,可以合法使用,包括学校。这样就会让社会上的不法之徒强奸犯有机可乘,假扮成变性人混入男性禁地。

可想而知,公共女顾和女浴室将会成为女士被强暴的场地了。 世界上通过了同性婚姻合法化的国家,发生女性在公共女顾和浴 室被强暴的案例惊人。

务要投票坚决反对同性婚姻合法化! 切勿招惹断子绝孙的咒诅!

请注意:政府在 2017 年 9 月 12 号开始寄出对同性婚姻立法的 公投选票,请投票人在 2017 年 11 月 7 号前必须寄回!

(请把这信息放在微信群转发,呼吁华人同心合力捍卫一男一女的婚姻家庭,以投反对票保护我们的下一代!)

Urging Australian to cast a vote and say "NO" to Same Sex Marriage Legislation !!!

Homosexuality is a curse of death in terminating the family line and without decedents!

16

12

The sexual behaviour of anal sex among some homosexuals is one of the main source of HIV/AIDS transmission !

Homosexuality is a tragedy of a family, a grave to the family bloodline, a curse of family sonlessness!

**. If Same Sex Marriage legislation is passed, it would be a threat to the safety of women, creating great fear and harm to them. For by then, there would be no separate public toilets, change rooms or shower rooms for the male and female, the transexual "counterfeit" women will be protected under the law, to enter the female toilets including those at schools legally. This may give rise to the rapists who may masquerade as a "transexual woman" sneaking into the public "forbidden land" for men, these places may then become easy sports for rapists to target a woman victim. The number of victims being raped in public female changing rooms and bathrooms in those countries that has passed the Same Sex Marriage Legislation is a stunning fact to all!

Please be firm and vote "NO" to the Same Sex Marriage Legislation!

Provoke not the curse of terminating the family bloodline and without decedents!

Please note : The government will start sending the plebiscite ballot paper for Same Sex Marriage legislation on September 12, 2017, Your vote must be returned before November 7, 2017

同性婚姻合法與平權沒有關係

同性婚姻的支持者們選用"婚姻平等"一詞,讓 人看起來覺得同性伴侶是歧視的受害者。 而事實根本不是這樣。在2008年,澳大利亞政府 修改了85項法律,以確保同性伴侶與其他任何已 婚或未婚的長期伴侶有著同等的權利。在澳大利 亞,無論是醫療保健,金融或財產權利,或者親 屬身份等方面,法律沒有任何對同性伴侶的不公 歧視。

現在是"沉默大多數"發聲的時候了。為了我們 的子孫後代,請對同性婚姻投"不"。 訪問www.acfam.org.au以獲取更多中文信息, 并可訂閱我們的免費郵件新聞。

For English information, visit the official website of the "No" campaign: www.coalitionformarriage.com.au

如果您想成爲志願者,請發郵件到admin@ acfam.org.au與我們聯繫。



澳洲华人家庭守护联盟 Australian Chinese for Families acfam.org.au admin@acfam.org.au

重新定義婚姻將使我們的 社會承擔嚴重的後果。爲 了我們的子孫後代, 请向同性婚姻合法化投 "不"。

問題:

"我們是否應當修改法律來允許同性伴侶結婚?" 是

否 (🗸)

"Should the law be changed to allow same-sex couples to marry?"

YES NO

關鍵日期與重要信息: 1.從9月12日起·本次郵政公投的選票將 會被郵寄到您網上登記的地址。所有選票 的寄達可能需要好幾天的時間。

2. 盡可能多的人投反對票是非常關鍵的。

3. 填好的選票需要在11月7日前寄回。

我們都有權知道

同性婚姻合法化 的真正後果



有不少人覺得,同性婚姻合法化只影響小部分爭取結婚的同性戀者,不會影響其他任何人。 其實並非如此。 當我們改變幾千年來人類社會的基石 - 婚姻與家庭的定義,這對社會的影響將是巨大的。

同性婚姻合法化剝奪家長的權利

在同性婚姻已經合法化的國家,政府會強 制廣泛推行像"安全學校計劃"一類的教 育,家長並沒有權力阻止。

從婚姻法中移除性別,會導致性別在社會中 被廣泛地重新定義。

安全學校計劃對孩子們進行不適齡的性教 育,教導未成年孩子探索他們的性取向, 還灌輸毫無科學根據的性別理論——告訴 孩子們他們的性別與生理毫無關係。

同性婚姻合法化威脅言論和信仰自由

在同婚合法的國家,有員工僅僅因為表達了自 己"婚姻屬於一男一女"的個人信念而被大公 司或政府部門解僱。 小營企業則因為個人信仰阻止他們選擇參加同 性婚禮而被拖到法庭上,為繼續生存苦苦掙

퀴,。

可靠的數據。

同性婚姻倡導者已經告訴我們:他們並不關心 其他人的平等。他們想用"反歧視法"控告每 一個因個人、文化、或宗教理由支持一男一女 婚姻的人。 同時,數十年來的高標準研究證明,由自 己的親生、已婚父母養育,最有利於孩子 的發展。

讓我們傾聽來自同性家庭孩子的心聲:

"這是一種奇怪而讓人迷惑的感覺——你 在人世間行走,內心深處帶著難以磨滅的 痛——對擁有一個父親的渴望……" Heather Barwick,兩位女同性戀者的女兒 (Barwick, Heather. "Dear Gay Community: Your Kids Are Hurting." The Federalist, 17 March 2015. http://thefederalist.com/2015/03/17/dear-gaycommunity-your-kids-are-hurting/



的權利 事情。 然我們 種慘痛 子們失 協查研 表現與 充明的在主 "(同性婚姻合法化)……告訴 兒童 · 他們無權擁有自然家庭或者親生父 母 · 他們的存在僅僅是爲了滿足成人欲望 的需要。"

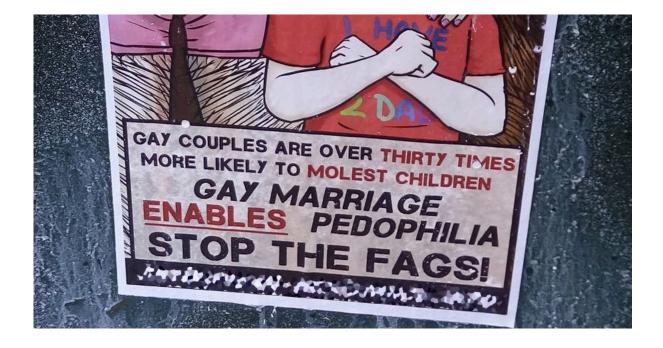
Faust: Katy. "Case 14-50196 - Amicus Brief of Katy Faust in support of Defendants". United States Court of Appeals, 15 August 2014. https://www.scribd.com/document/240312274/Katy-Faust-Amicus-Briefs)



Education







Appendix 2: Examples of Direct Communication to GLRL and Posts on GLRL Social Media Pages

Message Subject: Gay rights to marriage.

Enter Your Message: What a BUNCH OF ARSE HOLES YOU ARE. Threatening the church. Leave the churches alone. THEY SHOULD HAVE A CHOICE just Like You. A Man and a Woman in Marriage is the way it is supposed to be. This has been going on for THOUSANDS OF YEARS. What you are PUSHING FOR IS WRONG.

MAN and WOMAN is a MARRIAGE. Not Michael fits Patrick and Patrick fits Michael. You deserve whatever HAPPENS TO YOU. If You Go ANYWHERE Near My Daughters School YOU SHOULD START LOOKING OVER YOUR SHOULDERS BECAUSE OF WHAT MIGHT HAPPEN.

Time: August 28, 2017 at 7:49 pm IP Address: Contact Form URL: <u>https://glrl.org.au/contact/</u> Sent by an unverified visitor to your site.



Stop and ban the aids infested faggots stop sucking cock you filth bags and you wont be faggots and stop sticking your filthy cocks up assholes their meant for shit to come out faggots and dikes make me sick in the stomach get back in your diseased toilet bowl closet

9:41PM

Thanks for taking the time to message, Your hate speech has been reported to the police.

My apologies for that message that was sent to you my sent son got into my phone that kind of language is unacceptable and i support marriage equality as i said iam deeply sorry for that message that was sent to you









Like · Reply · Message · August 22 at 1:30am

to bestiality or incest is misguided being gay is normal now but never used to Patrick Daniels Thank you Raylene Herrington... I am an avid watcher be so it can change the way it has for gays of the Bolt report..I remember this story where some guy posted Like · Reply · Message · 🙆 2 · August 20 at 5:40pm something for the NO side and FB took his post down..now that is bias when FB should be taking a neutral stance and giving everyone a say ∧ Hide 28 Replies and a voice..for sure my vote will be NOOO!!! not for anything else..just Matthew White But it won't in itself make any change. One can't say simply because 11% of the population have tried to bully and brow beat the majority 89% Like · Reply · Message · 🕜 1 · August 22 at 3:37am Damian Herrington Joey Law which human rights are being denied? Because the fundamental human right to both a mother & a father will be denied if the definition of marriage is mutated to include same sex unions. Why are your rights more important than other people's? Like · Reply · Message · August 22 at 6:56am Tristan Butler Patrick, I'm sorry you felt my reply was long-winded. I thought it best to go into some detail since I wasn't sure which rights of yours you thought were being challenged. I see you haven't engaged with that part of what I said so I can only assume you... See More Like · Reply · Message · 🕜 2 · August 22 at 7:07am Tristan Butler Damian, firstly, there is no fundamental human right to both a mother and a father. If there were, we would have to legislate against single parents, not to mention divorce. Secondly, allowing any two legally consenting adults to marry regardless of ge... See More Like · Reply · Message · 🕜 3 · August 22 at 7:14am 🐹 Taylor Bartels Joey Law and Tristan Butler, you're my heroes 🤎 Like · Reply · Message · August 22 at 8:11pm Jim Paliouras Matthew Meinema no such thing as winning the popular vote in the US,! Myth! Like · Reply · Message · August 25 at 10:17pm Sharran Franklin Patrick Daniels I have no idea where they get the idea that the majority will vote yes!! All the comments I hear locally is NO! Like · Reply · Message · August 25 at 10:28pm Write a reply.. Steve Dawes Voting no will have no affect on future laws so to say it wont lead to bestiality or incest is misguided being gay is normal now but never used to be so it can change the way it has for gays

Like · Reply · Message · 🙆 2 · August 20 at 5:40pm

society won't ever change in a particular way, but one can say a particular action won't change it. You could get those things without gay marriage, for example. Like · Reply · Message · 🙆 2 · August 20 at 6:18pm Steve Dawes But my point is being gay was totally unacceptable and now its openly accepted so why wont that happen to other things Like · Reply · Message · 🕜 2 · August 20 at 6:22pm Matthew White Why won't it? It might, it might not. But this won't cause it. Like saying voting no on gay marriage will lead to insider trading being legalised. Like · Reply · Message · 🚹 3 · August 20 at 6:42pm Steven Benbrook Perhaps people realised that loving someone with the same private part as yourself wasn't such a big deal? To compare beastiality and incest to marriage equality is just a reflection on your lack of intelligence. Those are issues that will never be acceptable, or ethical. TWO ADULTS who wish to gain legal rights and recognition is in no way wrong, or comparable to your claims. Fucks sake. Like · Reply · Message · 🙆 9 · August 20 at 7:53pm · Edited Troy Young Steven Benbrook But incest is "TWO ADULTS who wish to gain legal rights and recognition" Like · Reply · Message · August 20 at 11:36pm · 🥝

Steve Dawes Voting no will have no affect on future laws so to say it wont lead

Joey Law Cause that's exactly what happened to all the other countries that have legalised it. You're an idiot Steve. Like · Reply · Message · 🕒 3 · August 21 at 12:06am

Matt Fisher The no side always says it will lead to bestiality. And it never, ever does. Canada, the U.K., the US...is bestiality legal in any of those places?

Like · Reply · Message · 🙆 1 · August 21 at 12:22am

Idiot.

Damon Macdonald Hold on. If two consenting adults want to get married is that not marriage equality?

If so why are we saying love is love and equal rights for marriage and ate for the lighti community why is that support not the same for an

