

ITEM 3.3. SUPPORTING OUR GLBTIQ COMMUNITIES**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

This Saturday, 5 March, the City of Sydney will again participate in the annual Sydney Gay and Lesbian Mardi Gras, the largest night time celebration of GLBTIQ pride in the world.

The international symbol of GLBTIQ pride, the rainbow flag, has flown from the Town Hall since Friday 19 February and will continue to be seen until the conclusion of the 2016 Mardi Gras Festival. This is the seventh year the Rainbow Flag has been flown and now other councils have joined the City in also flying the rainbow flag.

Taking part in Mardi Gras, flying the rainbow flag and the 200 rainbow banners flown along Oxford and Flinders Streets which I introduced in 2005 - are highly visible examples of the City's support for the gay, lesbian, bisexual, transgender, intersex and queer communities.

We also show our support in other practical ways such as our grants programs, by providing GLBTIQ resources in our library network and working closely with other government agencies and community organisations.

ACON Accredited Safe Place Program

Sydney Town Hall and the City's customer service centres, one stop shops, aquatic centres and community centres have been accredited as Safe Places in ACON's Safe Places Program. The process of gaining similar accreditation for our libraries is underway.

Being accredited recognises that the City's services and facilities welcome and support GLBTIQ communities and are places that are free from discrimination and prejudice. GLBTIQ people are also able to seek help from accredited safe places if they are being harassed, abused or threatened with violence. Over 450 venues in NSW, including shops, cafes, entertainment venues and service providers, are ACON accredited safe places.

Supporting GLBTI staff

The City has long been an inclusive equal opportunity employer. To support this, the City has become a member of Pride in Diversity, Australia's national employer support program for GLBTIQ workplace inclusion. An ACON social inclusion initiative, Pride in Diversity offers advice and training services, provides accreditation to employers who meet standards for GLBTIQ inclusion and publishes an annual guide to GLBTIQ inclusive employers and the Australian Workplace Equality Index, which benchmarks GLBTIQ workplace inclusion.

In support of its Pride in Diversity membership, the City is launching its own GLBTIQ Staff Network with a forum on Mardi Gras Eve, Friday 4 March. This forum will celebrate the contributions made by our GLBTIQ workforce, while also discussing goals and challenges for 2016.

These initiatives will help ensure the City continues to be an inclusive supportive employer and an employer of choice for the GLBTIQ communities.

Apology to the '78ers

On 27 April 2015, Council unanimously resolved to seek a formal NSW Parliamentary apology for the treatment of the 78ers, the participants in the first Mardi Gras, and from the NSW Police and Fairfax Media. On 25 February, both Houses of the NSW Parliament noted the events of the first Mardi Gras on 24 June 1978, and:

- *Commended the tireless advocacy of the 78ers and their supporters as the upsurge of activism following the first Mardi Gras led to the 1979 repeal of the Summary Offence Act, decriminalisation of homosexuality in 1984 and contributed to an effective community response to the HIV epidemic.*
- *Acknowledged that the Sydney Gay and Lesbian Mardi Gras has as its foundation the violence and struggles of 24 June, subsequent and related protests in 1978 and that Mardi Gras now attracts worldwide attention as a beacon of positive social change.*
- *Commended the work done by the 78ers for their advocacy around ensuring discrimination of this kind is not repeated, as well as raising awareness of the events of 1978.*
- *Affirmed an ongoing commitment to an inclusive society and full respect for the rights of all LGBTIQ citizens protected in law.*
- *Placed on record an apology to each and every one of the 78ers from the Legislative Assembly for the harm and distress the events of 1978 have had on them.*

The day before, Darren Goodsir, editor-in-chief of The Sydney Morning Herald, issued an apology on behalf of Fairfax Media:

"In 1978, The Sydney Morning Herald reported the names, addresses and professions of people arrested during public protests to advance gay rights. The paper at the time was following the custom and practice of the day.

"We acknowledge and apologise for the hurt and suffering that reporting caused. It would never happen today."

Fairfax Media has also made contact with representatives of the 78ers so that an apology can also be made in person.

Several Members speaking in the parliamentary debate on the apology debate referred to the brutal way in which the police broke up the first Mardi Gras and the violence and abuse meted out to those arrested. The Police have yet to apologise for the shameful conduct of police officers and at events arising from the first Mardi Gras.

Safe Schools Inquiry

The practical work of achieving “an inclusive society and full respect for the rights of all LGBTIQ citizens protected in law” is being carried out in many ways. This includes the Safe Schools Program, funded by the Commonwealth government with the aim of creating safe and supportive school environments for GLBTIQ youth. Close to 500 schools participate in the program, and over 15,000 teachers use its resources. Participation in the program is voluntary and schools may select which resources they use.

In the same week that the NSW Parliament delivered a bipartisan apology to the 78ers, a small minority of Liberal MPs launched an attack on this vital program, initially in the Liberal Party Room and later in Parliament. Not surprisingly, they were primarily MPs who have consistently opposed marriage equality or indeed any advances in the rights and wellbeing of GLBTIQ people.

One senator claimed the program was being used to “indoctrinate children into a Marxist agenda of cultural relativism” while another likened it to paedophiles grooming children. Rather than defend it, the Prime Minister ordered a review of the program. While he failed to challenge the absurd claims, he requested MPs to use “measured language” and consider very carefully the impact that their words had on young people and their families.

We must ensure that this review is not a precursor to defunding this essential program. The review must acknowledge the undoubted benefits of the program and its importance in ensuring that schools are inclusive and respectful of GLBTIQ people and they are safe places for GLBTIQ youth.

Marriage Equality

Council endorsed the GLBTIQ communities’ demands for relationship equality and relationship certainty in August 2005. In November 2011, Council called upon the Australian Parliament to amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia.

While the City and the NSW Parliament continue to take steps to improve the wellbeing of GLBTIQ people, our national Parliament continues to resist taking the next step that would guarantee certainty, security and equality – legislating to enable same-sex couples to marry.

Instead, the Government plans to proceed with a costly plebiscite, a course of action which the Prime Minister once opposed and which Father Frank Brennan has warned would be “*a waste of time and risks turning very nasty*”.

The dangers of holding a plebiscite are becoming increasingly apparent. Already, two Liberal Senators who pushed for a plebiscite have said they will not respect the outcome if it shows majority support for marriage equality. How many other Liberal and National Party MPs and Senators hold similar views?

The Australian Christian Lobby, which campaigns against marriage equality, has called for anti-discrimination laws to be suspended so people opposed to same-sex marriage “*can speak their mind*”. Taking this step would include suspending the homosexual anti-vilification provisions of the NSW Anti-Discrimination Act, which result from a Bill I successfully introduced into Parliament in 1994. These provisions make it unlawful for a person

“... by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.”

The provisions also exempt public acts:

“... done reasonably and in good faith, for academic, artistic, religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.”

The demand for these provisions to be suspended supports the fears of GLBTIQ people that a plebiscite would result in their being attacked, denigrated and vilified.

These concerns are shared by people of faith. A group of 40 Buddhist, Baptist, Anglican and Uniting church leaders have written to the Prime Minister asking him to abandon plans for a plebiscite saying it would “*provide a platform for disparaging*” GLBTIQ people in a “*highly politicised moral debate*”.

If the Government insists on proceeding with a plebiscite, it should ensure that a national vote in support of marriage equality results in same-sex couples being able to marry without delay. The legislation enabling the plebiscite should also set out the amendments to the *Marriage Act 1961* which would allow same-sex marriage while respecting religious freedom. Voters would be asked whether they supported the amendments. If the majority formal vote is “yes”, the amendments would automatically become law.

RECOMMENDATION

It is resolved that:

- (A) Council note that the City’s facilities are accredited Safe Spaces within the ACON Safe Places Program, and commend the work of City staff in achieving this outcome;
- (B) Council note that the City of Sydney has joined Pride in Diversity in keeping with its commitment to being an inclusive and supportive employer;
- (C) Council commend the initiative of staff in establishing a City Staff GLBTIQ Network and wish it every success in providing support for and helping to address issues facing GLBTIQ identifying employees;
- (D) Council again request the NSW Policy Commissioner, Andrew Scipione, to formally apologise on behalf of the NSW Police for the conduct of police officers on the night of the first Mardi Gras and at subsequent events arising from the first Mardis Gras, including:
 - (i) the treatment of persons arrested at the first Mardi Gras and subsequent marches in support of the right of public assembly; and
 - (ii) the blocking of the entrance of Central Court denying public access on the first day persons arrested during the first Mardi Gras were due to appear;
- (E) Council make a submission in support of the Safe Schools program to the Commonwealth Government’s review of this program;

- (F) Council call upon the Australian Parliament not to proceed with a costly and potentially destructive plebiscite on same-sex marriage and instead to legislate forthwith to amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia; and
- (G) in the event that the Commonwealth Government proceeds with a plebiscite, Council
 - (i) request that the legislation enabling the plebiscite sets out the amendments to the Marriage Act 1961 which would allow same-sex marriage, with these amendments automatically becoming law if supported by a majority formal vote; and
 - (ii) agree to work with organisations supporting marriage equality in promoting the case for same-sex marriage including:
 - (a) promoting marriage equality through the City's media outlets and online presence; and
 - (b) making the City's banner poles available, where practicable, for the flying of banners in support of marriage equality.

COUNCILLOR CLOVER MOORE

Lord Mayor