

ANZSOG CASE PROGRAM – TEACHING NOTE

Please cite this Teaching Note as: *Nichols, S. (2022). LGBTIQA+ and the Law: The Importance of Partnership in Improving Inclusion for the LGBTIQA+ Youth Community of Western Australia. [Teaching Note] Australia and New Zealand School of Government, John L. Alford Case Library: Canberra.*

LGBTIQA+ and the Law: The Importance of Partnership in Improving Inclusion for the LGBTIQA+ Youth Community of Western Australia

An ANZSOG Teaching Note by Susannah Nichols for the Institute of Public Administration Australia (WA)

Keywords: Stakeholder partnership, LGBTIQA+ rights, empowerment, inclusion, LGBTIQA+ representation, Western Australia public sector, Legal Aid WA, discrimination, Youth Pride Network

This Teaching Note references and provides a guide to:

Nichols, S. (2022). LGBTIQA+ and the Law: The Importance of Partnership in Improving Inclusion for the LGBTIQA+ Youth Community of Western Australia. [Case] Australia and New Zealand School of Government, John L. Alford Case Library: Canberra.

Summary

At the beginning of 2020, Legal Aid WA was approached for help by a LGBTIQA+ youth advocacy group (the Youth Pride Network). With LGBTIQA+ young people facing exclusion in education and employment settings and struggling to navigate the laws that protect their rights, Jessica Baynes, senior solicitor, and her team at Legal Aid WA, was drawn to help. However, with no resources readily available to devote to the project yet recognising the importance of providing the requested help, Baynes and her team found themselves in a tricky situation of purpose versus practice. Being driven by their core purpose, to serve the community of Western Australia through legal education and representation, having the opportunity to empower the LGBTIQA+ youth was not something Baynes could turn away from. With the decision to help made, Baynes had several considerations: a timeframe for the project that was feasible but not too long that it reflected a lack of importance back to the Youth Pride Network; the project needed

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resources for development and distribution (people and budget); and they needed to determine how to produce a resource that would be relevant to the LGBTIQ+ youth community.

Intended audience

The audience for this case study may include:

- Postgraduate students enrolled in a Masters (or other postgraduate course) in public policy, management, government, public administration, and related areas
- Final year undergraduate students in any of the above areas
- Public sector employees on relevant training courses (i.e. diversity and inclusion).

How the case can be used

This case can be used to facilitate critical and strategic thinking with regards to enhancing inclusion of marginalised groups within the community. Specifically, this can be used to examine and discuss the partnership between public sector entities and non-government organisations and how this can enable the public sector to respond to community-initiated projects. This case should encourage discussion on:

- From the perspective of a public servant, internal advocacy for a project outside of a team/department's assigned workload
- Bottom-up implementation strategies
- Developing relationships with non-government organisations in priority areas
- The role of legislation in promoting or constraining marginalised groups in the community
- The role of partnership between the public sector and non-government organisations in the development of targeted resources
- Considerations when engaging with marginalised groups
- Individual vs organisational responsibility in upholding legal rights

While this case engages with the rights of LGBTIQ+ young people, the discussion can be extended to other marginalised groups within the community (i.e. CALD, people with a disability, Indigenous people etc.). While this case discusses the development of a resource to enhance the inclusion of the LGBTIQ+ youth community, discussion can also expand to how partnership with non-government organisations can assist in the development/implementation of policy or legislative reform.

Learning objectives

- Critically examine the role of partnership in the development of targeted resources
- Consider and discuss the development of legislation (and/or policy) and how it intersects with its intended target to achieve an outcome.
- Critically discuss the role of public sector agencies in translating legislation to ensure the benefit to the intended end users (i.e. marginalised groups including LGBTIQ+).
- Consider and discuss the tension between the responsibility of employers/organisations to ensure compliance with legislation (i.e. antidiscrimination laws) and the need for individuals (i.e. people who identify as LGBTIQ+) to understand their rights and ensure they are equipped to protect their access to opportunities.
- Understand the benefits and limitations of community-initiated projects within the public sector

Suggested Teaching Activities

Activities	Instructional strategy	Duration
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Watch the short video which provides an overview of LGBTIQ+ terminology. • What Does LGBTIQ+ Mean to You? (Published by Headspace Australia) [1.50 mins] 	Class video (Facilitator-led)	~2 mins
Watch the video below, which provides an example of LGBTIQ+ youth discrimination and the importance of the law. • Australian Transgender Youth Reveal What The Religious Discrimination Bill Means For Them (published by the Project) [6.48 mins] 	Class video (Facilitator-led)	~7 mins
Based on viewing the video above (by the Project) – organise into small groups and discuss the following: • Identify and critically discuss the role of legislation and its potential impact on marginalised people • Identify the key stakeholders involved in the debate on LGBTIQ+ rights and examine the power dynamics that exist between these groups • Discuss how these dynamics might impact LGBTIQ+ young people • Discuss what an understanding of their legal rights could achieve for LGBTIQ+young people	Small group activity	~20 mins
Organise into small groups and do the following: • Assign a public sector department to each group (i.e. education, health, justice, employment and training, communities etc...) • Each group is to choose a marginalised group within the community and think of an issue that impacts them, within the context of their assigned government department (i.e. homelessness for transgendered men) • Each group is required to put themselves in the position of a public servant working within a department who is advocating for a new project to help their chosen marginalised group. • Each group is required to consider the requirement and implications for their department and develop a strategy on how the would approach their advocacy. • Facilitator to lead a group discussion on the findings and feasibility of internal advocacy within the public sector	Small group activity	~30 mins

Consider the following statement: ‘The issues that affect LGBTI people largely stem from social and cultural beliefs and assumptions about gender and sexuality, including systemic discrimination at an individual, social, political and legal level.’ (Commissioner for Children and Young People, 2018). Discuss this statement with regards to the case study in small groups, and consider the responsibility of individuals (LGBTIQA+ youth) versus employers (i.e. schools and other workplaces) to uphold legal rights.	Small group discussion	~10 mins
The Ottawa Charter for health promotion (see additional resources below) discusses the importance of social justice in achieving a higher standard of health outcomes. - Sort class into small groups and have each group discuss the benefits and limitations on social justice as an approach to improving health outcomes for marginalised groups - Come together as a class and the facilitator to lead a group discussion on the findings of the smaller groups	Small group activity	~20 mins
Legal Aid WA identified the importance of their partnership with the Youth Pride Network in the development and dissemination of the factsheets (particularly in consulting with LGBTIQA+ young people) - Are there any implications for a public sector entity entering this type of arrangement? - Could Legal Aid have approached the consultation on LGBTIQA+ youth legal requirements differently?	Class discussion	~15 mins
The case study highlights the tension between community-initiated projects and government priorities within the workload of the public sector - Critically discuss the role of the public sector in responding to community needs – is their scope for flexibility and/or advocacy within the public sector? - Under what conditions (if any) should public sector agencies advocate for the inclusion of community-initiated projects? - Discuss the potential for any conflict between community-initiated projects with the legitimacy of government assigned workload priorities within the public sector?	Class discussion	~20 mins

Further Resources

Academic literature

Ceatha, N., Koay, A. C., Buggy, C., James, O., Tully, L., Bustillo, M., & Crowley, D. (2021). Protective factors for LGBTI+ youth wellbeing: A scoping review underpinned by recognition theory. *International Journal of Environmental Research and Public Health*, 18(21), 1-50. doi:10.3390/ijerph182111682

Grant, R., Beasy, K., Emery, S., & Coleman, B. (2021). Teachers and school staff approaches to LGBTI-inclusion in Tasmanian schools. *International Journal of Inclusive Education*, 25(3), 394-410. doi:10.1080/13603116.2018.1555866

Lee, D., & Carpenter, V. M. (2015). "What would you like me to do? lie to you?" Teacher education responsibilities to LGBTI students. *Asia-Pacific Journal of Teacher Education*, 43(2), 169-180. doi:10.1080/1359866X.2014.932331

Lister, R. (2007). From object to subject: Including marginalised citizens in policy making. *Policy and Politics*, 35(3), 437-455. doi:10.1332/030557307781571579

Rasanathan, K., Posayanonda, T., Birmingham, M., & Tangcharoensathien, V. (2012, 2011). Innovation and participation for healthy public policy: The first national health assembly in Thailand. *Health Expectations, An International Journal of Public Participation in Health Care and Health Policy*, 15(1), 87-96. doi:10.1111/j.1369-7625.2010.00656.x

Sabatier, P. (1993). Top-down and bottom-up approaches to implementation research. *The Policy Process: A Reader*, ed. M. Hill, 266-93. New York: Harvester Wheatsheaf.

Additional resources

Youth Pride Network. (2021). Legal Aid Factsheets. <https://www.youthpridenetwork.net/legalaidfactsheets>

Youth Pride Network. (2021). Submission to the law reform commission project 111: Review of the Equal Opportunity Act 1984. https://www.youthpridenetwork.net/files/ugd/34ec50_3280c6dc92f64ce3b2ca11ca06434a87.pdf

Youth Pride Network. (2021). Submission on the Religious Discrimination Bill 2021 (Cth). https://www.youthpridenetwork.net/files/ugd/34ec50_bf71896b1085404e9a469bfe2c7_60bab.pdf

World Health Organisation. (2012). Ottawa charter for health promotion. <https://www.who.int/publications/i/item/ottawa-charter-for-health-promotion>

Feedback on Teaching Note use

To assist with continual improvement, if you've used this Teaching Note, we'd greatly appreciate your feedback and suggestions for improvement. To do so, please email caselibrary@anzsog.edu.au with the name of the case and your comments. Many thanks in advance.

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