

**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE
REFERENCES COMMITTEE**

**INQUIRY INTO RECRUITMENT & RETENTION
OF DEFENCE PERSONNEL**

SUBMISSION

Submission No: 77

Submittor: Tasmanian Gay & Lesbian
Rights Group

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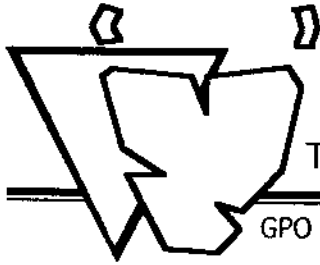
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No. of Pages: 8

Attachments: No

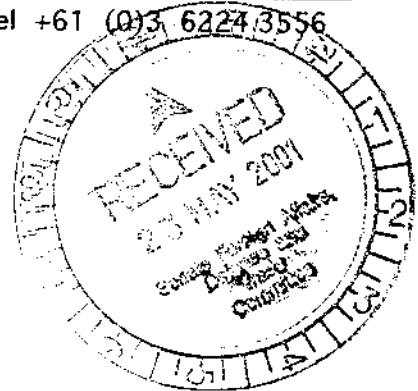


TASMANIAN GAY & LESBIAN RIGHTS GROUP

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Mr Paul Barsdell
Secretary
Senate Foreign Affairs, Defence and Trade References Committee
C/o Parliament House
Canberra, 2600



Re: Inquiry into the recruitment and retention strategies of the Australian Defence Force

Dear Mr Barsdell,

The Tasmanian Gay and Lesbian Rights Group has been concerned with the recruitment and retention of defence personnel since it, along with Australia's other gay and lesbian advocacy organisations, successfully advocated for the lifting of the ban on lesbian and gay service personnel in 1992.

Our current concern is that the Australian Defence Force's recruitment and retention of lesbian and gay service personnel is compromised by a range of flawed or discriminatory policies. These policies can be divided into two areas.

1. Policies on spousal recognition, and
2. Anti-harassment and anti-discrimination policies

These concerns come within point 2 (b), (c) and (f) of the terms of reference of the Senate Foreign Affairs, Defence and Trade References Committee's inquiry into the recruitment and retention strategies of the Australian Defence Force.

Spousal recognition

The Australian Defence Force (ADF) recognises the opposite sex partners of service personnel for a range of benefits including relocation, on and off base accommodation, leave and holiday entitlements, and benefits in the case service-related injury or death.

None of these benefits are extended to the same sex spouses of service personnel.

This has been a contentious issue both inside and outside the ADF, with numerous gay and lesbian service personnel taking issue with the ADF's discriminatory policy through the ADF's own complaint mechanisms, before the Human Rights and Equal Opportunity Commission and in the Federal Court. The related issue of the failure of the Department of Veteran's Affairs to recognise the same sex spouses of former service personnel is currently being examined by the United Nations Human Rights Committee.

The ADF's discrimination against service personnel in same sex relationships, as well as increasing public discussion of this discrimination, has a direct effect on recruitment and retention.

Fewer lesbian and gay people will seriously consider a career in the ADF if its workplace benefits and conditions fall below that of alternative employers. In this respect it is important to note that an ever increasing number of Australian public agencies and private companies, including most relevantly, Australia's police services, have removed discrimination against same sex relationships in key areas such as relocation, accommodation, and leave and holiday entitlements.

Fewer lesbian and gay service personnel will decide to make a long term career of military service if they feel their employment conditions are well below the standard of their fellow personnel. Again, it is worth noting that alternative employers, including other uniformed services, increasingly offer employment conditions that are less discriminatory and therefore more appealing.

- We therefore urge the Committee to recommend that all benefits and entitlements currently available to service personnel in opposite sex relationships be extended to service personnel in same sex relationships.

Anti-harassment and anti-discrimination policies

Please find attached a submission made by the Australian Council for Lesbian and Gay Rights to personnel managers in the ADF in 1993. This submission raises a number of issues related to anti-harassment and anti-discrimination policies. These include,

- a. the failure of the ADF to disseminate accurate and detailed information about the then recently altered status of lesbian and gay service personnel,
- b. the absence of examples of harassment on the grounds of sexual orientation within anti-harassment policies,
- c. the absence of education programmes and anti-discrimination policies aimed at eliminating prejudice on the grounds of sexual orientation as recommended by the 1992 ALP Caucus Committee on Homosexuality in the ADF.

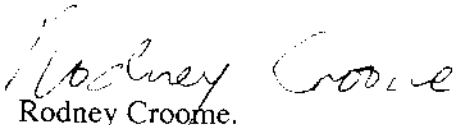
Harassment and discrimination against lesbian and gay service personnel has an obvious and direct impact on recruitment and retention of these service personnel. Again it is important to note that if the ADF does not actively address sexuality-

related harassment and discrimination within its ranks it will lose current and potential employees to the increasing number of employers who do take bias and bullying seriously.

- We urge the Committee to inquire into the current state of anti-harassment training and anti-discrimination policy within the ADF, in order to ascertain firstly if anything has changed since 1993, and secondly whether any changes which have occurred have been sufficient to effectively tackle sexuality-based harassment and discrimination.
- In either case we urge the Committee to recommend that the ADF adopt anti-discrimination policies and anti-harassment training which directly, specifically, comprehensively and effectively tackle bias and unfair treatment on the grounds of sexual orientation.

If you require any further information please contact me at the address or on the numbers listed above.

Yours Sincerely,


Rodney Croome.
18.5.01

**AUSTRALIAN COUNCIL FOR
LESBIAN AND GAY RIGHTS**
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**INTEGRATING LESBIAN AND GAY
SERVICE PERSONNEL INTO THE
AUSTRALIAN DEFENCE FORCE**

1. After the ban, is there still a problem?

On Monday November 23rd 1992 the Federal Government lifted the ban on lesbians and gay men serving in the Australian Defence Force.

The debate proceeding the lifting of this ban focussed exclusively on the elimination of work place discrimination through the removal of Defence Instruction 15-3 'Homosexual Behaviour in the Australian Defence Force'. The debating points - Australia's international human rights obligations versus the morale and cohesion of the ADF - were emotive but generally abstract. The welfare of Australia's lesbian and gay service personnel, either as a reason for lifting the ban or as an issue to be considered after the removal of the offending Instruction, was discussed infrequently. For these reasons many people wrongly believe that the lifting of the ban was the end of the debate on homosexuality in the ADF and have failed to examine how to successfully integrate gay men and lesbians into the ADF.

Over a year has elapsed since the ban was lifted and now it is time to ask whether the ADF desires to fully integrate lesbian and gay service personnel, and what needs to be done to ensure that such integration is successful.

As we show below the successful integration of lesbian and gay service personnel into the ADF is in the interests of the ADF. However we also show that such integration has not occurred, and if the ADF is to effectively pursue this objective it must modify its personnel and management strategies.

2. What is integration and is it desirable for the ADF?

The integration of lesbian and gay service personnel into the ADF will be achieved when every homosexual member of the ADF is taken on his or her merits as an individual and not treated differently from heterosexual service personnel in any way because of his or her homosexuality. To achieve such a goal requires:

1. *equal treatment* through the elimination of the kind of discrimination, harassment and intimidation that is inspired by the stereotyping of, prejudice against, and homophobia (irrational fear and hatred) toward lesbians and gay men, while, at the same time
2. *ensuring the welfare and well being of lesbian and gay service personnel* through a greater sensitivity to the detrimental effects of discrimination, prejudice and homophobia on lesbian and gay service personnel.

The integration of lesbian and gay service personnel is advantageous to the ADF because it creates the kind of military monoculture upon which high morale and effective discipline is based. As long as the differences between heterosexual and homosexual service personnel are accentuated by prejudice and discrimination against the latter, military morale and discipline are threatened.

3. Is integration occurring?

The short answer is 'no'.

Concern about this issue first arose when the media highlighted reports of continuing sexuality based discrimination and harassment in the military.

On Friday May 14th 1993, in an article entitled '*US officer tells of diggers' gay bias*', the Age reported that,

'A top-ranking US marine officer, Colonel Frederick Peck, has told the US Senate armed services committee of the dangers of being gay in the Australian Army.'

'Colonel Peck, who served with Australian troops in Somalia, said Australians had told him that gays in the services were treated with "intimidation". And although the ban on homosexuals in the armed forces had been lifted, "no gays would dare assert themselves where they were and it would be barracks justice and a very inhospitable environment for anyone to step forward".'

After stressing that the new ADF policy targets inappropriate sexual behaviour rather than homosexuality, ADF spokesman, Brigadier Adrian D'Harge responded to the above claims by stating that,

'... just because the Australian Defence Forces had changed their policy, it does not mean the problems would be solved'

Reports in the gay and lesbian media re-iterate mainstream reports. In a report in the Melbourne Star Observer of October 15th 1993 a lesbian serving in the RAN stated that it would be impossible for her to come out as gay to those she worked with, and that none of the lesbians she knew would consider coming out in the present climate.

The lesbian service woman was quoted directly as saying that

'there is still hostility to gays and anti-gay jokes and behaviour, despite the new policy. If I came out as a lesbian it would certainly jeopardise my employment here.'

The MSO feature acknowledges that lesbians and gay men are no longer denied employment in the ADF because of their sexuality. However, it also cites official recognition that there have been no attempts to directly address the issue of homophobia in the military.

'Elizabeth Tout, a spokesperson for the Minister for Defence Personnel, Senator John Faulkner, confirmed that there were no specific programs designed to combat homophobia in the ADF or encourage acceptance of gay men and lesbians. She said there were programs in all three services to discourage harassment and abusive behaviour, and that these programs had among their purposes the improvement of the situation of gay men and lesbians. Tout said that the Navy program was called the Better Relations Project.'

But the report goes on to state that the lesbian interviewed by the MSO said she had seen no evidence of this program.

Separate interviews with gay and lesbian service personnel by the Australian Council for Lesbian and Gay Rights corroborate these media reports.

Two lesbian officers in the RAAF stated that they had been harassed and then ostracised by their peers when they formed a relationship. They claimed that when they

complained to their superiors about this treatment they had been 'told to keep their mouths shut'.

In another interview a young gay airman complained about the lack of information about the status of homosexuals in the ADF. He stated that '*no-one talks about it (homosexuality). It's a taboo like it doesn't exist*'.

He claimed that compulsory sexual harassment courses and the RAAF Airman's Handbook fail to explain the status of lesbians and gays in the ADF and fail to address harassment on the grounds of sexual orientation.

'No-one knows what's going on. Some people say it's still illegal or condemned and the only difference is that we're not actively hunted. It'd be good to see something in writing making it clear what's going on to everyone and not just the top knobs. We got a notice saying the DI was gone and there's been nothing since.'

Before the lifting of the ban on lesbian and gay service personnel proponents of the ban claimed that there was overwhelming rank and file opposition to homosexuals in the ADF. While these claims may well have been overstated, there can be no doubt that there are still significant barriers to the successful integration of lesbian and gay service personnel in the form of homophobic harassment and discrimination as well as misinformation and confusion about the status of homosexuals.

The removal of these barriers is the next consideration of this paper.

4. The elements of successful integration

a. Basic information:

As indicated by the above interviews the first priority for Defence Department officials concerned about the integration of lesbian and gay service personnel must be the dissemination of accurate and detailed information about the current status of lesbian and gay service personnel, and current policies on anti-lesbian and anti-gay harassment to all members of the ADF.

This information will help to eliminate what appear to be unacceptably high levels of confusion about the effect of lifting the military ban and the impact of the Instruction on Unacceptable Sexual Behaviour.

b. Anti-discrimination policies and education:

The ALP Caucus Committee which last year recommended the lifting of the ban on gay and lesbian personnel also called for

"a policy which eliminates discrimination on the grounds of sexual preference" adding that an "... education program is to be given priority by the ADF over the next eighteen months".

The above reports and interviews indicate that no such policies or programme have yet been developed or implemented, either in their own right or in the context of existing strategies against sexual harassment.

It is interesting to note that comparable countries have adopted such policies and programmes with apparent success.

As an attachment we have enclosed an extract from the Royal Dutch Navy's "Policy Plan on Homosexuality".

This policy plan was adopted in 1990 and remains unchanged since that time. It stresses the encouragement of greater tolerance toward lesbian and gay service personnel.

Similar policies and programmes have been adopted in Canada. According to a report in the International Herald Tribune of July 7th 1993, entitled 'In Canada Forces, Easy Transition to New Gay Policy',

'The nine months since a court case induced Canada's military leaders to open the ranks to homosexuals have been virtually casualty-free. No resignations, violence or harassment have been reported. Gay soldiers, while remaining discreet about their private lives, say they feel more comfortable. The other soldiers - not only those who have concerns about homosexuals, but also those who do not - say they have accepted the change.'

"It takes commitment from the top", said John de Chastelain, who was chief of the Canadian Defence Staff at the time of the policy change and now is the Canadian Ambassador to the United States. Under him, the military revised all its harassment guidelines; began attitudinal training programs; set up new mechanisms to handle complaints and directed supervising officers down the line to follow the new rules.

'At Canadian Forces Base Toronto, 300 men and women recently completed training sessions in recognizing and dealing with harassment. While the meetings did not focus on gay issues any more than on others requiring sensitivity, the base commander said they were just another way of making the policy hold.'

"It allows people to see that this is the military programme, that it's not just a nice thing to do", said Colonel Edward Nurse, the commander. "We have zero tolerance for harassment, whether it's sexual, gender or ethnic."

Given the apparent success with which gays and lesbians have been integrated into the Dutch and Canadian defence forces following the adoption of effective anti-discrimination policies and training programmes we recommend that the ADF adopt the above Caucus Committee recommendation and implement similar policies.

In particular we recommend,

- a. that all sexual harassment training materials and courses directly and explicitly address the elimination of prejudice and intolerance on the grounds of sexual orientation and that such training programmes must be mandatory and must be designed in consultation with the lesbian and gay community, and
- b. that any anti-discrimination policies developed by the ADF address the recognition of lesbian and gay relationships for the purposes of service benefits, as well as discrimination in employment and employment opportunity.

5. Recommendations

We recommend

- 1. The dissemination of accurate and detailed information about the current status of lesbian and gay service personnel, and current policies on anti-lesbian and anti-gay harassment to all members of the ADF,**
- 2. The review of existing policies to provide examples of harassment on the grounds of sexual orientation and explain or remove terms such as 'public flaunting or advocacy of a particular sexual preference' and 'sexual activity which may endanger other personnel', and**

3. The implementation of education programmes and anti-discrimination policies concerned with sexual orientation as recommended by the ALP Caucus Committee on Homosexuality in the ADF.

In particular we recommend,

a. that all sexual harassment training materials and courses directly and explicitly address the elimination of prejudice and intolerance on the grounds of sexual orientation and that such training programmes must be mandatory and must be designed in consultation with the lesbian and gay community, and

b. that any anti-discrimination policies developed by the ADF address the recognition of lesbian and gay relationships for the purposes of service benefits, as well as discrimination in employment and employment opportunity.