

I'd like to begin my remarks by dealing with the elephant in the room. I told my children that I was asked to speak at this event this evening and they were bemused that someone they described as a white, cisgendered, straight, catholic woman would have anything to say at the launch of WA's chapter of Pride in Law. The truth is, I was not the first choice of speaker this evening. The Chief Justice, was asked to do so, but he is on a well-deserved holiday. The Chief Justice sends his best wishes for tonight and wishes the organisation every success.

I've been asked as an alternative because I am currently the President of the State Administrative Tribunal, which is the WA jurisdiction which resolves complaints of certain forms of discrimination which are unable to be resolved via conciliation in the Equal Opportunity Commission. It is my honour to be here with members of the legal community who identify as LGBTQIA+, with members of their families and with their allies at this important function.

In preparing to speak this evening I did a lot of reading. I read the very informative LGBTQIA+ dictionary entitled 'The Queen's English' which was gifted to me by a former Associate who is here tonight. It was very educational. I read a lot about inclusion, diversity, intersectionality, mental health and the law. I read the published speeches of others who have spoken at Pride in Law functions around Australia. Many of the people who spoke at those functions spoke as members of the rainbow community and about their own lived experiences working in the closet, fearful of losing clients, of not being briefed if their authentic selves were to be revealed and about the benefits of belonging to a community such as Pride in Law. They also spoke about changes they have observed and still wish to see come to pass in our community. I have no such stories to tell. However, I do speak as an ally.

I was raised in the Christian tradition which has as one central tenant: "Do to others as you would have them do to you". And I was educated at a school which has as its motto: "Seek Justice". So perhaps being here tonight is not such an unusual fit for me after all. For although the aims of the Pride in Law don't necessarily come from a Christian perspective, in my view, those two things are, at their core, what Pride in Law is all about, and are the very core of the members of the LGBTQIA+ community are really seeking to achieve: Justice and inclusion for all.

The law serves many purposes. Principally it serves the purposes of establishing standards, maintaining order, resolving disputes and protecting liberties and

rights. The law is a tool by which society is regulated and shaped. In some respects it leads and in others it reflects how we perceive ourselves as a society.

The law can be both a shield and a sword. Over time, the law has been used to exclude members of the LGBTQIA+ community and has been a means of oppression. I was at university when the Western Australian Parliament passed the *Law Reform (Decriminalisation of Sodomy) Act* in 1989. To me, that does not feel so very long ago.

Yet the law has also served as a pathway to equality and recognition and the protection of fundamental human rights. Homosexual expressions of love were decriminalised with the enactment of the *Acts Amendment (Gay and Lesbian Reform) Act 2002 (WA)* and since the early 2000s the *Equal Opportunity Act 1954 (WA)* has made it unlawful to discriminate on the basis of a person's sexual orientation or gender history in certain areas of life. Marriage equality was achieved at the end of 2017.

The word 'pride' used often to be used with a negative connotation – meaning 'to have an excessively high opinion of oneself and one's importance'. But is also means being possessed of a feeling that you respect yourself and deserve to be respected by others. As a society we have come a long way in moving people's attitudes, and yet nowhere near far enough to ensure a fair go for every member of society. And that is the case in respect of all sorts of people; inclusion of our First Nations people, people of colour, people with disability. But importantly tonight we are concerned particularly with an organisation whose aim is to seek to erase homophobia, gender inequality and other affronts to individuals, families and communities by educating the legal community about LGBTQIA+ issues.

Pride in Law has been established since 2017. It, and now your Chapter of the organisation serves three important functions.

First, as an organisation you provide support to each other; a safe place where you can share your experiences in the law. Where you are free to celebrate your differences and be yourselves. Where there are visible role models who can help create and foster a sense of belonging.

Secondly, as a group you can advocate for changes to the law which can advance equality and you can communicate with the judiciary and the profession on behalf of your members and the LGBTQIA+ community more generally. The thing about being a lawyer is that we are generally pretty good at mounting

persuasive arguments and doing so in a way which is respectful of difference and which brings others along with us. And so you are very well placed to advance inclusion and equality through rational, civil and reasoned argument, which is often lacking in our public and political discourse today. And the recent debate about whether to ask questions about sexuality and gender identity in the next census is but one example of the fact there is still a great deal to be discussed.

Thirdly, as lawyers you can advocate in the courts in matters of concern to LGBTQIA+ members of the community.

And people like me, as fellow members of the profession and the judiciary can walk with you in solidarity, listen to your concerns, engage with the issues and ensure that we afford all people, regardless of their gender or sexual identity, basic human dignity and respect.

We can all do that in many small ways by doing things like being respectful and using a person's preferred pronouns, by ensuring equality in our workplaces and in our courts and by calling out injustice and intolerance when we see it. As people who make the law, and interpret and apply the law we have a responsibility to ensure that the law is not just a series of rules but a living instrument that safeguards the rights and freedoms of all individuals who have been historically marginalised. So that everyone can live with pride.

For as Mahatma Ghandi said 'our ability to reach unity in diversity will be the beauty and the test of our civilisation' and as the great Ruth Bader Ginsburg said:

We will all profit from a more diverse, inclusive society, understanding, accommodating and even celebrating our differences, while pulling together for the common good.

I feel confident in saying that when this Supreme Court Building was first opened in 1903, none of the members of the Court and none of the people who attended the ceremony to mark the occasion would ever have contemplated it being used to host a function of this kind. Although, when it was opened the Chief Justice said, among other things:

We wish that the building might contribute in the minds of all, a care for justice and a feeling of security in the parity of its administration.

And I think those words are a fitting expression of the sentiment that lies behind Pride in Law and perhaps demonstrate how the law is, within its guiderails, able to adapt and evolve and reinterpret what justice and equality means.

So, returning to my children's concern, my response to them was that perhaps the organisers of Pride in Law are, by having a straight white, catholic, cisgendered woman speak today, serving as an example of what they are, through their organisation, hoping to achieve: inclusion, acceptance and full participation for everyone in the legal profession in which they choose to work and in the community more generally.

For that example and leadership, I thank you. I wish the WA Chapter of Pride in Law all the best with its future endeavours.

Justice Kate Glancy

President, State Administrative Tribunal

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