

# Section 3: From Tolerance to Inclusion, 1993–2018

Repealing the ban on LGB service meant an end to witch-hunts and the fear of being dismissed from the Australian Defence Force (ADF). It did not end homophobia, nor did it mean transgender members could openly serve or transition. The most obvious way that LGB Defence members still faced institutional discrimination was the ADF's unwillingness to recognise same-sex partners. Throughout the 1990s numerous LGB members lodged applications for their partners to be recognised, and consistently the ADF rejected them because the policy specifically defined a de facto spouse as someone of the opposite sex. Some LGB members lodged redresses of grievance that went as high as the Chief of the Defence Force. In 1997, then-Flight Lieutenant Mike Seah even wrote a letter to the Minister for Defence Industry, Science and Personnel, Bronwyn Bishop, stating: 'Although we are no longer discharged on the grounds of our sexual orientation (which I might add should not be relevant to one's employment in any case), ADF members who are in same-sex relationships are being actively discriminated against.' He did not receive a favourable response, and the redresses were all denied.

The push to extend benefits to same-sex partners essentially proceeded in two phases: one around 1994–97 led by the advocacy group G-Force, and one around 2002–2005 led by the successor organisation DEFGLIS. With the advent of active combat operations in East Timor (1999), Afghanistan (2001) and Iraq (2003), the new push from DEFGLIS gained some political traction. In December 2005, the ADF unexpectedly changed its policy on de facto recognition to be gender neutral, thus allowing same-sex couples access to full benefits such as travel allowances, housing and compassionate leave. It would not be until 2009 that the Department of Veterans' Affairs updated its policies to recognise same-sex couples as well.

The period between 1993 and 2005 is best viewed as an era of tolerance. Those men and women who did come out were pioneers who often endured taunts, bullying or gossip. Commanding officers often turned a blind eye to homophobia and sometimes treated LGB members more harshly. Those brave enough to come out were often in non-combat roles, and lesbians and bisexual women tended to be more accepted than gay or bisexual men. In 1994 RAAF members David Mitchell and Stacie Watson founded G-Force as a support group for LGB members of the ADF. The association printed a semi-regular newsletter, initiated the abovementioned advocacy, hosted social meet-ups and in 1996 organised the first Defence contingent at Sydney Gay and Lesbian Mardi Gras. G-Force never had a large membership base, but still it provided the first co-ordinated visibility of LGB service members.

Transgender members of the ADF did not fit into this period of tolerance. The first time the ADF formally addressed transgender service was in 1996 as part of the institution's submission to a Senate Legal and Constitutional References Committee inquiry into the proposed Sexuality Discrimination Bill. The ADF submission and committee testimony opposed transgender service because of the supposed confusion it created around gender roles, and using the same troop morale argument that had been espoused for decades to defend the LGB ban. The ADF spokesperson claimed that those members who wished to transition could discharge, have gender reassignment surgeries, and would be welcome to re-enlist under their new gender.

In 2000, the ADF adopted DI(G) PERS 16-16: 'Trans-gender Personnel in the Australian Defence Force'. This was the first formal policy on transgender service, codifying what had been longstanding practice. The summative statement in the policy said, 'Consistent with the current ADF medical and recruiting policy, a person undergoing or contemplating gender reassignment cannot be considered suitable for service in the ADF because of the need for ongoing treatment and/or the presence of a psychiatric disorder.' The directive said that the ADF could enlist candidates who had undergone gender reassignment surgery, but the policy was generally interpreted as a ban on transgender service. Moreover, the directive would preclude service for those transgender people who did not undergo gender reassignment surgery. Of course, there

were already **transgender** members of the ADF living with gender dysphoria, unable to retain their jobs if they transitioned.

In 2009, Army Captain Bridget Clinch revealed her intention to transition. The Army dismissed her in line with DI(G) PERS 16-16, but Bridget lodged a claim in the Australian Human Rights Commission. Like the HREOC case nearly 20 years earlier, this proved to be the spark that forced the ADF to reassess its ban on transgender service. A second, internal challenge from RAAF member Amy Hamblin compounded the pressure on the ADF. In September 2010, the ADF announced the repeal of DI(G) PERS 16-16, meaning that transgender members could now openly enlist, serve and transition within the ADF. Moreover, in line with policies guaranteeing health care to all of its members, the ADF would pay for all members' treatment for gender dysphoria, including gender reassignment surgeries.<sup>1</sup>

These two major turning points – the 2005 recognition of same-sex de facto partners, and the 2010 reforms to transgender service – marked the ADF's transition from passive tolerance to actively pursuing inclusion of diverse sexualities and gender identities. DEFGLIS began marching at Mardi Gras in 2008 and since 2013 they have marched in uniform. The ADF incorporates LGBT people into its Diversity and Inclusion strategies and has sent Defence Force Recruiting to major LGBT events such as Melbourne's Midsumma Carnival, Sydney's Fair Day and Feast Festival in Adelaide. The RAAF has published two diversity guides relating to LGB service and one titled 'Transitioning Gender in Air Force'. **The ADF has sent high-ranking members of the ADF have attended representatives to** the DEFGLIS-organised Military Pride Balls, including the Vice Chief of the Defence Force and the Surgeon General of the ADF. The ADF leadership's emphasis on inclusion accelerated dramatically after 2011, when the national media reported on an incident at the Australian Defence Force Academy (ADFA) where a male cadet secretly broadcast himself **over Skype** having sex with a female cadet **over Skype**. This one story set off a flurry of reports and government inquiries which exposed longstanding problems of physical and sexual abuse in the ADF. Though most of these reports focused primarily on women, they did include cases of abuse and harassment of LGBT members. Subsequently, the ADF leadership have

**Commented [NR1]:** Just changing this as not sure how official they were – whether they were 'sent'. It's an issue I don't want Bernard Gaynor and Miranda Devine picking up on!

pushed for cultural change within the ADF, and part of that cultural change has entailed taking a strong stand against homophobia, biphobia and transphobia.

From 2013–15, one of the most high-profile faces of the ADF was the Chief of Army’s speechwriter, Lieutenant Colonel (later RAAF Group Captain) Cate McGregor. As an openly transgender servicewoman, McGregor came to prominence after Lieutenant General David Morrison’s viral video message telling those soldiers who could not respect women to ‘get out’. She was first profiled on the ABC program *One Plus One*, and subsequently had appearances on *Q&A*, profile pieces in the LGBT and mainstream press, delivered a National Press Club address and was even nominated by Queensland for 2016 Australian of the Year (an honour which she subsequently requested to be rescinded). Since leaving the ADF in early 2016, McGregor has been a regular media speaker, a Fairfax newspaper columnist and ABC cricket commentator. [In April-May 2018 the Sydney Theatre Company even staged a biographical play titled \*Still Point Turning: The Catherine McGregor Story\*. ~~She~~ McGregor has](#) significantly raised the public profile of not only LGBT service members, but of transgender Australians more widely.

In many ways, though, what happened to McGregor is symbolic of the wider issues confronting LGBT Australians in the contemporary ADF. On the one hand, they are welcomed and have even been able to rise to prominent positions. On the other hand, they can be caught in the crossfire of the culture wars, targeted personally by trolls and bullies both within the ADF and civilian Australia. As the opening chapter revealed, conservative media have been keen to attack the ADF’s strong advocacy and support for LGBT diversity and inclusion. The comments attached to online news articles and on various ADF Facebook posts have contained numerous hateful remarks – sometimes from current or formerly serving Defence members.

Conservative attacks on the ADF have especially targeted the uniformed Mardi Gras march and transgender service. For instance, in July 2016, at the direction of the Attorney-General, the ADF updated its policies to allow members to identify their gender as male, female or ‘Indeterminate / Intersex / Unspecified (X)’. This is the first policy even to mention intersex members and has opened the door to non-binary Defence

members. In September 2017, *The Australian* reported that the ADF had ‘recruited personnel who don’t identify as male or female, including one of the nation’s first gender-neutral cadets.’<sup>2</sup> The story about ‘Cadet X’ – the first openly non-binary cadet at ADFA – prompted the Minister for Defence Personnel to instruct the Department of Defence to find a legal exemption from recognising non-binary members.<sup>3</sup>

The *Daily Telegraph* published its first beat-up article about taxpayer-funded gender reassignment surgeries in June 2015. This was shortly after the ADF coincidentally introduced a new policy on transgender healthcare that made it more difficult for members to access such surgeries. In October 2017, after more sensational headlines in the Murdoch press, some conservative politicians questioned the ADF’s continuing funding of gender reassignment surgeries. The Defence Minister, Senator Marise Payne, quickly quashed any suggestion to cut healthcare provision for transgender members, asserting: ‘Gender dysphoria is managed in accordance with best practice clinical guidelines, under the same principles as any other health condition ... If a member of the ADF is diagnosed or treated for gender dysphoria, Defence will fund the medical procedures or support as prescribed by the treating doctor’.<sup>4</sup>

The ADF has come a long way in the 25 plus years since lifting the ban on LGB military service. It is by no means a perfect institution, and change has come at a slow pace. Particularly in the first decade of open service, LGBT members continued to endure bullying and harassment that could leave significant mental scars. Yet, the ADF’s ability to adapt over the past two decades shows the ways that strong leadership can influence the organisation’s culture. Rather than recoil at criticism, the current ADF leadership has taken a strong stance to affirm its commitment to diversity and inclusion, regardless of race, gender, sexuality, gender identity, religion or other affiliation. Their reasoning is best articulated in an April 2016 letter to *The Australian* signed by the five service chiefs:

Diversity is not about identity politics it is about improving the quality of the workplace, it’s the antidote to group think – gaining a wider range of perspectives to make better decisions and, in the military context, enhancing our capability, that often intangible concept that is manifest in the conduct of military operations be that in combat or non-combat situations.<sup>5</sup>

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<sup>1</sup> Riseman, 'Transgender Policy in the Australian Defence Force', 141-54.

<sup>2</sup> Joe Kelly, 'Cadet X clears way for gender-neutral ADF', *The Australian* (22 September 2017): 1.

<sup>3</sup> Harley Dennett, 'Defence walks away from X-inclusive gender diversity', *The Mandarin*, 22 September 2017, <<https://www.themandarin.com.au/83956-defence-walks-away-x-inclusive-gender-diversity/>>, accessed 9 April 2018.

<sup>4</sup> Paul Karp and Joshua Robertson, 'Marise Payne defends ADF provision of gender reassignment surgery', *The Guardian*, 16 October 2017, <<https://www.theguardian.com/australia-news/2017/oct/16/marise-payne-defends-adf-provision-of-gender-reassignment-surgery>>, accessed 12 January 2018.

<sup>5</sup> Letter from MD Binskin, AC, Air Chief Marshal, Chief of the Defence Force; TW Barrett, AO, CSC, Vice Admiral, Royal Australian Navy, Chief of Navy; GN Davies, AO, CSC, Air Marshal, Chief of Air Force; RJ Griggs, AO, CSC, Vice Admiral, Royal Australian Navy, Vice Chief of the Defence Force; RM Burr, DSC, AM, MVO, Major General, Acting Chief of Army, to *The Australian*, 11 April 2016, <<http://www.defence.gov.au/FOI/Decisions/DisclosureLog.asp>>, accessed 29 June 2017. An edited version of the letter was published as a 'Letter to the Editor,' *The Australian* (13 April 2016): 13.