

Emergency management response and recovery plans in relation to sexual and gender minorities in New South Wales, Australia

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ABSTRACT

This paper undertakes a systematic critical review through a ‘queer lens’ of the emergency management response and recovery plans in New South Wales, Australia, in order to determine how the needs of sexual and gender minorities (LGBTI people) are considered and met. We also document the outsourcing by the NSW government of emergency response and recovery arrangements to third party, faith-based Christian institutions and explore how those institutions have been exempted from anti-discrimination protections under Commonwealth (Australian) and State (NSW) law. This enables us to explore the potential implications for LGBTI people in relation to the concepts of vulnerability and resilience. We find the needs of LGBTI people should in practice be met. However, due to anti-discrimination exemptions permitted by law to faith-based Christian institutions, LGBTI people are not being treated equally. We find a ‘blindness to difference’ in relation to the needs of LGBTI individuals and families. As such, we principally conclude that in NSW, Australia, the needs of LGBTI people in post-disaster response and recovery arrangements are inadequately addressed. We recommend further research at the intersection of religion, sexuality and disaster risk reduction to better understand the experiences and needs of LGBTI people (including those of faith) and how faith-based institutions might support LGBTI inclusive response and recovery.

Keywords: sexual and gender minorities, LGBTI, disaster risk reduction, emergency management plans, response, recovery

1. Introduction

Everyone experiences disasters differently due to variable vulnerability and resilience associated with social differences within communities and places [1] and as a consequence of existing processes of social, political and material marginalisation [2]. The United Nations International Strategy for Disaster Reduction (UNISDR) contends that social difference be recognised and that “*the needs and concerns of all social groups such as poor, rich, men, women, young, old, indigenous or non-indigenous must be necessarily integrated into the disaster reduction policies and measures because the level of vulnerability depends on these social aspects*” [3].

Vulnerability and resilience studies are manifold and explore differences due to gender, race, ethnicity, income, class and age [4, 5, 6, 7, 8]. Women [9], ethnic and racial minorities [10, 11], the poor [12], the old [13], the young [14] and those with disabilities [15] frequently exhibit higher vulnerability and lower resilience. However, this is not always the case [16, 17]. Until recently, sexual and gender minorities have been largely absent from such research.

A rapidly increasing body of new research (see below and Table 1) argues that lesbian, gay, bisexual, trans and intersex (LGBTI) people – groups consistently marginalised across many societies [43] – should be more widely encompassed in research and policy work. This is to (1) improve understanding of the specific experiences of LGBTI populations in disasters and to explore how vulnerability and resilience are manifest in disasters; and (2) achieve effective disaster risk reduction (DRR) that incorporates these groups as part of the whole population of a place [39]. Table 1 summarises the available work and notes the specific vulnerabilities based on existing social marginalisation that have emerged. These studies take in a range of sexual and gender minorities in both the Global North and the Global South. This scope is important to note as gender minorities in the Global South also include identities such as waria, bakla, aravani, natuwa and fa'afafine, *inter alia*, who embrace both masculine and feminine characteristics and are not always easily encompassed in the LGBTI nomenclature of the Global North. Nevertheless, the literature underscores common experiences of vulnerability and marginalisation across these sexual and gender minority groups, including:

- Heteronormative assumptions in government policies and NGO practices that exclude or marginalise same-sex families and LGBTI individuals in disaster response and recovery arrangements;
- Loss of safe personal and communal spaces, exposing LGBTI people to harassment; a related issue of
- Verbal and physical abuse in the confined spaces of emergency shelters; and
- Religious stigmatisation and abuse associated with concepts of divine retribution.

Table 1: Summary of existing scholarship on the experiences of LGBTI and other sexual and gender minorities in disasters

Disaster event	Study location	Sexual and gender minorities	Issues and experiences discussed	Reference
2004 tsunami (Indian Ocean)	Tamil Nadu, India	Aravanis ('third gender' group)	Issues facing gender minorities; access to emergency shelters; marginalisation; access to food and other services	[18, 19]
2005 hurricane (Katrina)	New Orleans, USA	LGBTI individuals, families and communities	Issues facing sexual and gender minorities; marginalisation; religious stigmatization; inequitable access to financial resources and housing; exclusion from support based on definition of family unit; material impacts of	[20, 21, 22, 23, 24]

			heteronormative assumptions	
2008 floods	Southern Nepal	Metis. natuwas ('third gender' groups)	Marginalisation; sexual and gendered violence; lack of access to resources; forced migration	[25]
2010 earthquake	Haiti	LGBTI individuals, families and communities	Issues facing sexual and gender minorities; sexual and gender violence directed at lesbians, gay men, bisexual men and trans/intersex persons; religious retribution; loss of safe spaces (individual and communal)	[26]
2010 volcanic eruption	Java, Indonesia	Warias ('third gender' groups)	Issues facing gender minorities; access to emergency shelters; marginalisation; resilience	[27]
2010 floods and extreme weather events	The Philippines	Baklas ('third gender' groups)	Issues facing gender minorities; access to emergency shelters; marginalisation; resilience	[28, 29]
2011 earthquake and tsunami	Japan	Trans and intersex individuals	Issues facing gender minorities; discrimination in emergency shelters; verbal violence	[30, 31]
2011 floods	Queensland, Australia (especially Brisbane)	LGBTI individuals, families and communities	Issues facing sexual and gender minorities; access to emergency shelters; access to support services; gay male privilege in LGBTI communities; relations between LGBTI communities and mainstream emergency services; occlusion in mainstream media and policies	[32, 33, 34, 35, 36]
2011 earthquake	Christchurch, New Zealand	LGBTI individuals, families and communities	Issues facing sexual and gender minorities; gay male privilege in LGBTI communities; occlusion in mainstream media and policies	[32, 37]
2013 bushfires	Blue Mountains, NSW, Australia	LGBTI individuals, families and communities	Issues facing sexual and gender minorities; access to emergency shelters; access to support services	[33, 37]

Multiple events and places	All of the events listed above	All (or most) of the above	As detailed above	[38, 39, 40, 41, 42]
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In order to contribute to this developing work, we explore how sexual and gender minorities are considered within disaster response and recovery plans. We do this through a focused analysis of the emergency management response and recovery plans in the State of New South Wales (NSW) Australia – a place regularly affected by disasters and in which broader legislation generally affords equal rights and treatment to LGBTI people. Further, we focus on NSW since it has the largest LGBTI population among Australian jurisdictions (at least through the proxy measure of same-sex couple families, recorded in the Census), with specific localities also showing some of the highest concentrations in the country, including metropolitan (e.g. Inner Sydney), peri-urban (e.g. Blue Mountains) and regional (e.g. the North Coast) areas [44, 45, 46].

Our aims are to:

- 1) Conduct an author driven expert systematic critical review through a ‘queer lens’ – that is, a perspective attentive to non-normative sexuality and gender – of the NSW emergency management response and recovery plans in order to determine how the needs of LGBTI people are considered and met in light of the particular experiences of LGBTI people in disasters documented above; and to
- 2) Document the outsourcing by the NSW government of emergency response and recovery arrangements to third party, faith-based Christian institutions and how those institutions have been exempted from anti-discrimination protections under Commonwealth (Australian) and State (NSW) law. This enables us to explore the potential implications for LGBTI people in relation to the concepts of vulnerability and resilience.

We begin by providing an overview of the location of our study noting recent trends in disasters that affect NSW communities – including LGBTI people – and provide a short summary of the legislative context of LGBTI rights and approved anti-discrimination exemptions. This sets the scene for understanding how and where the needs of LGBTI people are considered and met within existing emergency management response and recovery plans in NSW. We then explore the concepts of vulnerability and resilience since these provide a conceptual framework to guide our analysis. Further, we highlight research that examines and complicates the relationship between religion and sexual and gender minorities. This acknowledges that there is an increased interest in the intersection of religion and sexuality from a geographical perspective and our work advances that through the sphere of disaster

and policy. We provide this overview as later we show how faith-based Christian institutions have been engaged by government to provide services to community (including LGBTI people) in post-disaster response and recovery arrangements.

2. Setting the context

2.1 NSW and its recent disaster history

NSW is located in the southeast of the country. NSW is regularly affected by events resulting in *Disaster Declarations* [47] and *c.* 90% of declared disasters are hydro-meteorological – that is weather and climate related, including bushfires, floods and storms [48]. Between 2004 and 2014, Local Government Areas (LGAs) were included in [natural] disaster declarations 905 times. Table 2 provides the total by financial year and disaster type. Figure 1 maps the disaster declarations noted in Table 1 and highlights the number of times disasters were declared in each NSW LGA.

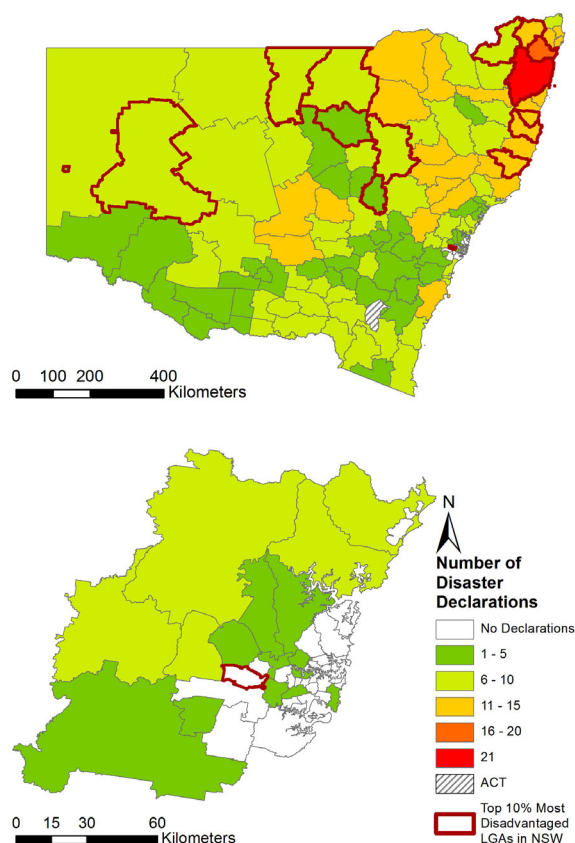


Figure 1: New South Wales and its Local Government Areas (LGAs). The map shows the number of times natural disasters were declared in each LGA. This map correlates with the disaster declarations listed in Table 2. Note that 46% of the most disadvantaged LGAs are also located in the northeast of the State where there is a statistically significant clustering of disaster declarations [48]

Financial Year	Bushfires	Floods	Storms	Total
2004 - 2005	2	16	21	39
2005 - 2006	23	9	27	54
2006 - 2007	34	0	24	58
2007 - 2008	15	9	24	47
2008 - 2009	15	38	6	54
2009 - 2010	56	55	10	121
2010 - 2011	0	150	55	160
2011 - 2012	2	113	11	123
2012 - 2013	119	57	62	181
2013 - 2014	53	0	15	68
TOTAL	319	447	255	905

Table 2: Total number of natural disaster declarations between 2004 and 2014 (by type)

Broadly speaking, the number of disaster declarations increased each year through the time series and the most recorded in any year was 181 in 2012-2013. 2004-2005 was the year with fewest disasters declared. A marked increase in the number of disasters declared occurred between 2008-2009 and 2009-2010 with the total number of events per financial year remaining high since 2009-2010. Between 2004 and 2014 floods generated the greatest number of disaster declarations ($n = 447$) and storms the fewest ($n = 255$). For bushfire disasters, 2012-2013 was the worst year with 119 events declared. For floods, 2010-2011 was the worst year with 150 events declared. For storms, 2012-2013 was the worst year with 62 events declared. There were no years without a disaster declaration of some type although there were occasional years in which no bushfire or flood disaster occurred (Table 2) (Sewell *et al.*, In Press).

Climate change is expected to generate an increase in the frequency and intensity of extreme hydro-meteorological events, and by association, disasters. However, the trends are different for each hazard type [48, 49]. The take home message is that for current and future communities, disasters will continue to occur regularly. Consequently, emergency management arrangements and DRR policies and response and recovery plans are vital for safe guarding communities and supporting them to respond and recover once disaster has occurred.

2.2 LGBTI legislation and discrimination

Differences exist in how jurisdictions around the world treat sexual and gender minorities in legislation [50]. These legislative differences mean that there are significant variations in the ways in which LGBTI needs are, or are not, incorporated into government policies. In Australia, LGBTI rights organisations have met with considerable success in a range of legislative areas [51]. Substantial reforms to Commonwealth and State legislation have seen the removal of most discriminatory laws and acknowledgement of the specific needs of LGBTI people within public policy domains. Table 3 provides a summary of the most significant legislative changes and gives a sense of the forward momentum of equality achieved.

Legislation change	Year of change	Reference
Amendment to the <i>Anti-Discrimination Act 1977</i> (NSW) to include discrimination on the basis of homosexuality	1983	<i>Anti-Discrimination (Amendment) Act 1983</i> (NSW); [51]
Amendment of the <i>Anti-Discrimination Act 1977</i> (NSW) to include protections for transgender individuals	1996	<i>Transgender (Anti-Discrimination and Other Acts Amendment) Act 1996</i> (NSW)
Changes in Federal government guidelines have ensured that personal records such as passports can be amended to reflect a gender identity other than male or female; individuals can identify as M (male), F (female) or X by providing documentary evidence witnessed by a doctor or psychiatrist	2013	[52, 53]
Amendment to the <i>Marriage Act 1961</i> (Commonwealth) by the Federal government to specifically define marriage as a union between a man and a woman to the exclusion of all others, and to ensure that foreign same-sex marriages were not recognised in Australia	2004	<i>Marriage Amendment Act 2004</i> (Commonwealth)
Federal legislative revision of the definition of ‘de facto partner’ in more than 100 areas of law to include same-sex couples, essentially allowing same-sex relationships equivalent status to that of cohabiting opposite sex couples	2008	[54]
Expansion of anti-discrimination protections to include the grounds of ‘sexual orientation’, ‘gender identity’, ‘intersex status’ and ‘marital or relationship status’ under the <i>Sex Discrimination Act 1984</i> (Commonwealth)	2013	<i>Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013</i> (Commonwealth)
In terms of same-sex relationship recognition, the definition of ‘de facto’ in the <i>Anti-Discrimination Act 1977</i> (NSW) changed to include same-sex couples	2008	<i>Miscellaneous Acts Amendment (Same Sex Relationships) Act 2008</i> (NSW); [55]

Table 3: Summary of changes to legislation in NSW and Australia in relation to the rights of LGBTI people

Yet a crucial issue in terms of anti-discrimination laws remains – namely, the conflict between LGBTI rights to equality and the desire of faith-based Christian institutions to discriminate against LGBTI people. While these institutions state that they do not intend to discriminate in the provision of services, they argue that their religious freedom is compromised if they are legally prevented from doing so and some exemptions are permitted [56]. Discussion about and approval for exemptions for faith-based Christian institutions were a controversial issue in the 2013 Commonwealth government’s proposed amendments to the *Sex Discrimination Act 1984* (Commonwealth) [57, 58]. Section 37 of the amended Act addresses the issue of aged care services, denying exemptions to faith-based Christian

institutions in terms of the provision of nursing homes and other forms of aged care to elderly LGBTI individuals and couples but allowing others in terms of employment. Specifically, faith-based Christian institutions can refuse to hire LGBTI staff or can legally dismiss employees whose LGBTI identities are discovered. Critically, the Act provides faith-based Christian institutions with exemptions in terms of employment of and provision of services to LGBTI people.

In summary, NSW is a jurisdiction in which LGBTI people have the right to live openly and are legally protected against discrimination in the majority of circumstances. Government agencies and most service providers are therefore legally required to provide equal treatment to LGBTI staff, volunteers and clients – although this does not occur in all areas of law or daily practice (see ongoing campaigns organised by the NSW Gay and Lesbian Rights Lobby at <http://glrl.org.au>). These legislative contexts are crucial to understanding how the needs of LGBTI individuals, couples and families are considered in DRR policy and associated emergency response and recovery plans.

3. Vulnerability, resilience, marginality and religion

Vulnerability and resilience are not separate categorical experiences, but interconnected. There is a spectrum of experiences that vary between and link these concepts [59]. A disaster may elicit experiences of vulnerability and resilience simultaneously in the same society or community, *dispersed in different* ways across the population according to social, cultural and economic resources, and geographical location [59, 60]. Having noted this, it is important to understand what vulnerability and resilience are.

3.1 Vulnerability

There is no singularly agreed definition of vulnerability but for us it is the structural conditions – including physical, social, cultural, economic and political systems – that render people and communities susceptible to the impacts of hazards [61], and which make it possible for a hazard to become a disaster [62]. Vulnerability underscores that disasters, as societal events, occur due to people's vulnerability to hazards [63, 64]. Disaster is a process that "occurs within society not nature", and vulnerability is central to understanding the effects of hazards [65].

Vulnerability is often predicated on social marginality. As Gaillard argues [28], "marginalised groups within society may be more vulnerable than others because they are deprived access to resources which are available to others with more power". This may be experienced in various ways, such as limited economic, material and political resources, or unsafe residential location [63, 66]. Marginality requires us to pay attention to groups already vulnerable in society, which are made more susceptible to hazards.

However, vulnerability is also about how social and cultural positions and subjectivities contribute to incapacity. Vulnerability, as suggested above, is based upon social inequality [35, 67]. As noted, "persons at the same level of income do not suffer equally in disaster situations nor do they encounter the same handicaps during the period of recovery" [61]. Lack of political rights and social recognition, and power differences based on ethnicity, race, age, health, disability, gender and sexuality are relevant in terms of how individuals and communities experience vulnerability.

Interestingly, DRR policies rarely take account of the needs of individual social groups, even when they are recognised as vulnerable [1, 68]. Indeed, [69] argues that social stigmatisation (in his discussion related to disability, homelessness, mental illness and old age) increases vulnerability by intensifying separation and isolation from ‘mainstream’ society, and thus from ‘mainstream’ disaster planning. It is also important to consider the effect of the stigmatisation of non-normative sexual and gender identities (i.e. LGBTI people) in relation to the policies, practices and processes of disaster planning [70, 71, 72].

3.2 Resilience

Resilience is also widely contested [73]. Resilience encompasses those components of individual, group and social functioning that reduce susceptibility to hazards, resist damage and change, absorb disruption, and/or foster recovery and rebuilding [74]. It relates to the ability of individuals and communities to maintain relatively stable psychological and social functioning in highly disruptive events, and ‘bounce back’ – or even ‘rebuild better’ [75, 76]. Thus, resilience is linked to agency, or ‘capacity’ [63, 77].

While vulnerability highlights the external structural conditions that expose different, often marginalised social groups to hazards, capacity focuses on the knowledge, resources, skills and networks of solidarity that are internal to social groups or communities, that are mobilised as coping strategies during crisis [63]. Capacity is the accumulated and ongoing social learning of individuals, groups or communities that become a source of resilience, realised through agency and the ability to make decisions in and during disasters [77]. In relation to capacity, resilience is determined by the ways in which a community is equipped to anticipate, cope with and recover from the uncertainty and change triggered by disaster. But this certainly does not mean a given social group or community should be left to its own devices in and through policy and planning. Capacity is constrained by structural boundaries and can therefore be enabled and enhanced by the provision of resources by relevant stakeholders [77]. Consequently, according to the UNISDR, resilience is the extent to which a community “has the necessary resources and is capable of organizing itself both prior to and during times of need” [76].

3.3 Religion and sexuality

Researchers are increasingly attending to the interrelationships between religion, sexuality and gender identity across numerous disciplines, including geography and the social sciences [78, 79]. This is a significant consideration for the present paper because, as we will soon show, the provision of post-disaster resources and support by faith-based Christian institutions is embedded in contemporary DRR practice in NSW (and Australia). While the intersection of religion and sexual and gender identity may be positive or at least ambivalent in some instances, we must also consider the persistent tensions between some Christian beliefs and LGBTI communities [80]. Some Christian organisations continue to stigmatise sexual and gender minorities, which may amplify marginality and hence vulnerability, in post-disaster contexts [72].

There are four relevant issues we want to acknowledge. The first issue is spatial exclusion/inclusion and the imperative to find or create safe spaces. Geographical “work has drawn attention to a range of spaces encountered, constructed, experienced and used by

sexual and gender minorities, often focusing on exclusions in particular spaces” [80]. The issue of exclusion, or indeed, inclusion in an ostensibly safe space – for example, an emergency shelter, operated by a faith-based Christian institution – becomes a critical consideration in a post-disaster setting.

The second issue concerns the politics of belonging, often at the national scale [81]. In this instance, researchers have explored the changing parameters of sexual citizenship, that is, how sexual and gender minorities are placed or accommodated (or not) in legislation, structures of governance and notions of national belonging [82]. In terms of disaster settings, these experiences manifest in relation to the displacement or forced relocation of disaster-affected people (temporarily or permanently), and the degree to which their familial structures are recognised and protected both under law and social convention. For instance, in the post-Katrina context in New Orleans, legislation and policy failed to recognise same-sex couples and families, often forcing the separation of couples and family members during displacement, and negating their citizenship rights and sense of belonging [83].

The third issue concerns the actual intersection of geographies of religion and belief and geographies of sexual and gender minorities, from the personal to the global scale. A contemporary example that has garnered scholarly attention is the ongoing debate over the inclusion (or not) of ‘homosexuals’ in the global Anglican Communion and the effect this has on the everyday lives of practicing Anglicans who are sexual and/or gender minorities [84]. [85] explore contestation and accommodation between people of faith and sexual and gender minorities. They argue that “encounters in public spaces [we add: such as emergency shelters] are framed and approached through complex intersectional personal identities rather than ‘group’ positions”, so that the enactment of interpersonal empathy and compassion means that “individuals with divergent values, interests and beliefs can *in practice* live with difference despite competing groups rights claims in the public sphere” (p. 490). In this way, co-existence (although not mutual acceptance) may be achieved, and this opens up avenues for exploring how religious organisations and LGBTI communities might navigate shared spaces in post-disaster contexts.

The fourth issue, then, is the role that faith-based Christian institutions increasingly play in the provision of government welfare services to communities. The unintended consequence of the downsizing of the welfare state associated with neoliberal policies including the growth of faith-based organisational involvement of social and community welfare service provision, which may have consequences for recipients are unpacked by [86]. As we soon show, this is applicable in the context of DRR policy in NSW specifically and Australia generally, with capacity to further marginalise sexual and gender minorities.

At this point in the discussion, it is important to note that the relationship between religion, disaster and DRR is, in itself, an area in need of more attention. In 2010 a special issue of the journal *Religion*, on ‘Religion, natural hazards, and disasters’, began to catalyse this work [87]. The work explored how religious practices and organisations contribute to DRR in important ways, through community work and provision of relief services [88, 89] – as they do in NSW disaster planning. But some papers also examined how “religion further intermingles with structural causes of vulnerability and often serves as a factor of marginalisation that leads some groups to be discriminated against. Discrimination may lead

to great vulnerability and unequal access to aid in the aftermath of disasters” [87, 90]. In the context of NSW, it is reasonable to suggest that sexual and gender minorities may face stigmatisation and marginalisation in the context of some Christian beliefs and organisations. It is therefore vital to consider the possible tensions around religion and sexuality “so we can continue to improve disaster risk reduction in various religious settings” [87].

Having noted these difficulties at the intersection of religion and sexual and gender identity, we observe with interest new work that explores the experiences of LGBTI people of faith in disaster contexts, and on the role of LGBTI religious organisations in disaster settings. [24] has begun this work in her PhD research, examining the role of a LGBTI religious organisation (Caravan of Hope) in providing support and enhancing resilience for LGBTI populations in post-Katrina New Orleans. No such work has yet been undertaken in Australia, yet we know that there are LGBTI people of faith in mainstream churches, and that there are LGBTI religious organisations, perhaps most notably the Metropolitan Community Church (MCC), which has a specific mission to serve LGBTI communities and their allies [80].

4. Approach and analysis

Before describing our approach and analysis in relation to the aims of the present study, we provide a brief overview of the wider project of which it is a part. We are undertaking a three-year study funded by the *Australian Research Council* that explores the experiences and needs of LGBTI people in disasters affecting both Australia and New Zealand. Our primary field sites are Brisbane (2011 Queensland floods), Christchurch (2011 earthquake) and the Blue Mountains (2013 NSW bushfires). We have also generated data sets from far north Queensland (tropical cyclones) and regional Victoria (bushfires and floods). Our methodological approach involves analysis of mainstream media coverage following the Brisbane and Christchurch events; 31 semi-structured interviews with LGBTI people across the field sites and an online survey of 200 respondents across all locations and events. The focus in the present paper on NSW plans and policies extends the scope of our research within this State.

For this paper, to address our aims, we conducted two separate online searches. First, we searched through the NSW government web pages for those legislative Acts, policies and emergency management plans specifically related to guiding emergency management operations in the State of NSW. We used key word searches that combined “*emergency management, disaster management, emergency response, emergency planning, disaster response and disaster planning*”. We did this since we wished to identify the explicit documents and sources of information legislatively laid down to guide emergency management planning and practice. Second, we conducted an online Google Scholar and Web of Science search to supplement and extend the initial search to identify reports and publications that dealt with emergency management and sexual and gender minorities in NSW and Australia produced by any other researcher or organisation. We used key word searches that combined “*emergency management, disaster management, emergency response, emergency planning, disaster response and disaster planning, New South Wales, NSW, Australia AND, sexuality, gender minority, gender identity, transsexual, transgender, intersex, bisexual, lesbian, gay, homosexual, LGBT, LGBTI and queer*”. From these two searches we created an ‘inventory’ of documents that would be the subject of the analysis.

In order to explore for inclusivity within the government legislation and associated plans, we conducted keyword searches and recorded the number of times those words appeared. Specifically, we searched the following combinations:

- “couple, family, de facto, partner(s), same-sex relationship(s)” WITH “disaster management, emergency management, disaster response, emergency response, planning, recovery”;
- “disaster management, emergency management, disaster response, emergency response, planning, recovery” WITH “sexuality, gender, identity, minority, lesbian, transsexual, transgender, bisexual, gay, homosexual and queer”; and
- “couple, family, de facto, partner(s), same-sex relationship(s)” WITH “sexuality, gender, identity, minority, lesbian, transsexual, transgender, bisexual, gay, homosexual and queer”.

Next, for each document, we conducted an expert systematic critical review to understand the context of the use of these keyword combinations and undertook this review through a ‘queer lens’ to explicitly consider where and how these documents take account of the needs of LGBTI people and who has responsibility [91].

5. Results and discussion

5.1 Documents relating to NSW emergency management response and recovery arrangements and analysis of their inclusion of LGBTI people

Table 4 summarises those sources our two online searches identified. In relation to the Google Scholar and Web of Science search the only sources we identified were authored by us. However, whilst both deal with sexual and gender minorities in disasters and Australia neither relate to emergency management response and recovery arrangements and are not considered further in this analysis and discussion.

Search 1: NSW government legislation, policy and emergency response and recovery plans	Search 2: Google Scholar and Web of Science documents
• NSW State Emergency and Rescue Management Act 1989 No 165 • NSW State Emergency Management Plan (EMPLAN) (incorporating six hazard specific sub-plans) • NSW Welfare Services Functional Area Plan • NSW Recovery Plan	• Gorman-Murray et al., (2014) [34] • Gorman-Murray et al., (2014) [40]

Table 4: Legislative and policy frameworks, plans and strategies used to inform and coordinate emergency management in Australia and NSW

In relation to the government sources, we identified four key sources: the NSW *State Emergency and Rescue Management Act 1989 No 165* (SERM Act) that ensures NSW has a

system to cope with emergencies; the NSW State Emergency Management Plan (EMPLAN) which is the over arching master plan that describes the NSW approach to emergency management, its governance, coordination arrangements and roles and responsibilities of agencies; the NSW Welfare Services Functional Area Plan; and the NSW Recovery Plan.

When we conducted the combined keyword searches within the four government sources listed in Table 4, there were absolutely no (zero) hits. As such, neither the State level SERM Act nor any of the operational plans that detail and guide actual response and recovery arrangements in NSW contain any reference to sexual and gender minorities at all.

We now turn to the outsourcing by the government of the NSW Welfare Services Functional Area Supporting Plan to third party, faith-based Christian institutions and consider the plan in relation to the needs of LGBTI people.

5.2 The NSW Welfare Services Functional Area Supporting Plan

The NSW Welfare Services Functional Area Supporting Plan (WSFASP) describes arrangements for the provision of welfare services during all stages of the disaster cycle. When an evacuation is ordered during the response phase, Welfare Services establish and manage evacuation shelters and recovery centres through partnership arrangements outsourced to third party faith-based Christian institutions. In the following, we explain and review the provision of these services to ‘individuals, couples and families’ in affected communities and critique them in relation to the needs of LGBTI people. This is the most important plan as it is the one that results in direct contact between survivors of disasters and the authorities that support and care for them.

5.2.1 Welfare Services activity at an evacuation centre during the ‘response’ phase

Under the WSPASP, six functions are provided including: immediate financial assistance; the provision of emergency accommodation; the provision of catering; the provision of clothing and personal items; personal support; and the provision of disaster relief grants. The first and last functions are coordinated by the NSW government Department of Community Services but all others are outsourced to faith-based Christian institutions.

5.2.1.1 Provision of emergency accommodation

Emergency accommodation must be provided to those who are no longer able to reside in their home (including LGBTI people) and this service is outsourced to the Adventist Development and Relief Agency (ADRA). ADRA describes itself as “*the official humanitarian heart of the Seventh-day Adventist Church and is committed to being a literal representation of Jesus’ hands and feet all around the world*”.

The Seventh-day Adventist Church benefits from exemptions under the *Anti-Discrimination Act 1977* (NSW) and the *Sex Discrimination Act 1984* (Commonwealth) and continues to demand the right to discriminate against LGBTI people. In a submission to a Federal government discussion paper on reforms to Anti-Discrimination Laws in 2012, the Seventh-day Adventist Church argued that “*In consolidating Commonwealth anti-discrimination legislation, exceptions and exemptions for religious bodies and institutions operated by religious organisations in accord with their religious beliefs should be fully preserved ... Such rights and freedoms must be accorded all religious organisations no matter the service,*

whether education, aged care, counselling, health, or any other” [92]. The submission further argued, “*The proposed addition of sexual orientation and gender identity as a protected attribute, with all the implications that arise from such protection, raises the need for far more fundamental human rights that should be placed within Commonwealth anti-discrimination legislation as protected attributes, such as freedom of religion and belief*”. The Church’s position is that faith-based discrimination against LGBTI people must be legally permitted and that such permission must cover the provision of care by faith-based institutions “no matter the service” – including for provision of accommodation in post-disaster situations.

5.2.1.2 Provision of refreshments, meals and food hampers

The provision of emergency food must be made to those that are made homeless. This function is outsourced to The Salvation Army. The Salvation Army is a faith-based institution that describes itself thus: “*The Salvation Army, an international movement, is an evangelical part of the universal Christian Church. Its message is based on the Bible. Its Ministry is motivated by the love of God. Its Mission is to preach the gospel of Jesus Christ and to meet human needs in His name without discrimination*”.

The Salvation Army offers a message of inclusivity by stating ‘without discrimination’ but does not explicitly include LGBTI people. The Australian Salvation Army supports the prioritisation of religious faith over other rights in Australian legislation, and in 2013 submitted such arguments to the Senate Legal and Constitutional Affairs Committee on draft Anti-Discrimination legislation [93]. They argued that the right of freedom of religion should not be dealt with through exemptions in legislation but “*would be better protected by a general definition of discrimination that specifies action carried out in pursuance of another human right (including the right to religious freedom) in good faith is not discrimination*”. They argue that refusal of service to LGBTI populations is not discrimination if that service is provided as an act based on religious faith.

5.2.1.3 Provision of clothing and personal items and the provision of general support services

Anglicare, also a faith-based institution, has responsibility to provide clothing and personal effects for those people that have lost personal possessions or who are unable to return home, and to supply additional volunteers to “provide additional support to other Participating Organisations that require increased capacity during emergency operations” (p12). Anglicare NSW describes itself as: “*... the urban mission and community care arm of the Sydney Anglican Church. In response to the gospel of the Lord Jesus Christ, ANGLICARE seeks to provide care for all people by addressing emotional, social and physical needs and by bringing the gospel message of Jesus that alone meets spiritual needs*”.

In terms of anti-discrimination legislation, in a 2012 submission to the Federal government on proposed amendments, Sydney Anglicare responded to questions regarding sexual orientation and gender identity by arguing that exemptions for religious institutions must remain. Sydney Anglicare stated: “*Any prohibition of unlawful discrimination must be drafted in such a way as to make it clear that there is no unlawful discrimination in circumstances where a right to freedom of religion, association or cultural expression is*

being legitimately exercised". Furthermore, "religious exceptions/exemptions should apply to the provision of goods and services as well as to the field of employment" [94].

5.2.1.4 Provision of personal support

For those affected by disaster, personal support is provided to those in need. This function is outsourced to the Australian Red Cross. Personal support refers to care and comfort, information, referral, interpersonal help and other measures such as outreach. The Australian Red Cross describes itself as a humanitarian organisation that "*makes no discrimination as to nationality, race, religious beliefs, class or political opinions*" [95]. The principle of neutrality adopted by the organisation means that it does not "*engage at any time in controversies of a political, racial, religious or ideological nature*". As a result, the Australian Red Cross has taken no public stance on the issue of anti-discrimination laws. That said, in Australia, the Australian Red Cross continues to ban blood donations from sexually active gay men. This refusal has led to accusations of discrimination and homophobia [96].

5.3 Implications

We do not believe that the NSW government, its SERM Act nor the plans formulated to support communities prepare for, respond to and recover from disasters are explicitly intended to be discriminatory or exclusionary in relation to the needs and experiences of LGBTI individuals, couples and families. Australian LGBTI people have achieved great progress towards equality under law. Supported by successive governments, this march towards equality continues but, we argue, is still a work in progress.

In critically reviewing the EMPLAN through a queer lens that is attentive to non-normative sexuality and gender, we seek to understand its inclusivity and recognition of the needs of LGBTI people. We do this by considering the meaning of its text and how this relates to the core issues we have raised in this paper about vulnerability, resilience and marginality. The EMPLAN contains statements about partnerships with communities and families and shared responsibility. It talks of consultation with all and recognition of the differential needs of different community members. It correctly notes that engagement with all community members, means knowledge about and preparedness for hazards and their accompanying disasters increases.

As evident, the terms 'community' and 'communities', which implicitly encompass individuals, couples and families, are key in relation to cooperation and partnership between government, the emergency services and community for preparedness and in the provision of care and support through the EMPLAN during response and recovery. However, these terms remain undefined. Throughout, the word 'community' is used in the singular suggesting there is just one/a community rather than recognising that there are multiple, simultaneous communities within a geographic place in which a disaster occurs. The EMPLAN does not explicitly acknowledge 'multiple communities'. The question becomes whether individuals and families within a 'geographically bounded community' consider themselves part of, or excluded from, that community, and whether they feel they belong, are valued, are treated equally and have equal access to the resources they require? Whilst we do not believe this omission is deliberate, it does mean that already marginalised individuals and communities, such as LGBTI people, can be further isolated, separated and marginalised [69]. It remains

important to critically engage with the use of terms such as ‘community’ in order to ensure they are used inclusively and not restricted within a heteronormative framework. Exclusion may act through subtle forms of omission rather than overt discrimination.

Similar to the EMPLAN, the NSW Recovery Plan describes the strategic intent, responsibilities, authorities and mechanisms for disaster recovery in NSW. Recovery begins immediately after the impact of a disaster and runs parallel to response. Recovery lasts longer than the response phase. Disaster recovery is defined as including “physical, environmental and economic elements, as well as psychosocial wellbeing” (p5). Highlighted in the Recovery Plan as elements of success are factors such as “recognising complexity”, “using community-led approaches” and “employment of effective communication” (p5). As already noted in Section 5.1, the NSW Recovery Plan makes no mention of LGBTI people.

In relation to the NSW Recovery Plan, we highlight two areas through which LGBTI needs may be positioned as important. First, recovery outlines a “needs assessment” as a “critical element in the management of an effective recovery within community” (p26). This assessment includes acknowledgement that “the demographics of the community also greatly affect needs, as does the availability of local resources and the psychological state within the community”. To date, LGBTI populations have not been considered within any assessment of demographics and of the psychological state of a community. Second, recovery also highlights the recognition of “complexity” as a critical factor in disaster recovery. This includes the acknowledgement that “conflicting knowledge, values and priorities among individuals, communities and organisations may create tensions”. As noted in the Introduction, evidence from disasters in a range of locations suggests that LGBTI populations experience vulnerability through heterosexist violence and abuse in disaster recovery. LGBTI experiences should be highlighted as an element of the complexity of disaster recovery and of the possibilities of tensions within recovering populations.

There is potential for exclusion of LGBTI populations in the implementation of recovery. This exclusion may occur through a heteronormative construction of the community served by the plan that may ignore or fail to consider the specific needs of non-heterosexual and/or non-normatively gendered individuals, couples and families. Although designed as an inclusive document that acknowledges complexity, this inclusive intent may better be served through more specific definition of terms, and through ensuring that the community constructed and served by recovery is a truly diverse one.

Potentially more problematic than the EMPLAN or Recovery Plan is the outsourcing of government services to third party, faith-based Christian institutions as part of the Welfare Services Functional Area Supporting Plan.

Whether faith-based Christian institutions do or do not actively discriminate against LGBTI people in relation to provision of post-disaster services is less important than the perceptions LGBTI people have of how they will be accommodated or accepted or treated. Whilst this paper is conceptual in its focus, elsewhere we are reporting the empirical experiences of LGBTI people in disasters. For example, [35] noted that research participants reported significant concerns in relation to accessing emergency services, shelters and other types of official relief and recovery assistance provided by faith-based Christian institutions.

Importantly, half the participants indicated (in survey and interview data) they were fearful of, or actually experienced, discrimination and prejudice when attempting to access emergency services.

What these experiences demonstrate is that for LGBTI people caught up in disasters, existing marginalisation and various vulnerabilities were perpetuated, reducing their resilience and eroding their capacity to respond. These include a lack of political rights in relation to religious rights [61], enhanced social stigmatisation and isolation [69, 72], deprivation of access to resources [28], denial of access to safe spaces [97] and compromised sexual citizenship [81].

We contend that the prioritising of religious rights over anti-discrimination rights carries the potential to marginalise LGBTI populations, whether through the denial of services and employment or through fear that services and employment may be denied. Although faith-based Christian institutions may not intend to discriminate, the possibility that they can and that they demand the right to, may leave LGBTI people uncertain and cautious in seeking assistance – something especially concerning in the moment that disaster occurs [35]. In jurisdictions in which an ethos of equal rights for LGBTI populations is enacted into legislation, absence of LGBTI needs in DRR policy and practice is something that should be reconsidered and presents as a ‘tension’ between DRR policy and practice and other areas of legislation that are more equal.

Our sense is that the absence of specific LGBTI needs from emergency management plans results more from inadvertent omission or occlusion rather than specific exclusion or discrimination or from a belief that LGBTI populations are undeserving of equal treatment. NSW government emergency management agencies seem, wherever possible, determined to provide equal treatment to LGBTI people. It is possible, however, that agencies are currently attempting to provide equal treatment whilst being “blind to difference” and adopting policies through which LGBTI populations are treated the same as everyone else. While this is commendable in its goal, it is problematic in its understanding of the distribution of power in society. Equal treatment does not equate with *identical treatment*, but should instead seek *equity*, which recognises that not every social group has the same access to social, political and material means, and attempts to redistribute rights and resources in order to provide a ‘level playing field’. An acknowledgement of difference is thus necessary in order to address the specific needs of diverse populations, and is in fact a requirement of local government community strategic planning (if not emergency planning) in NSW legislation and regulatory frameworks [98, 99].

We set out to examine the degree to which LGBTI needs were being met in existing NSW policies and plans in relation to emergency and disaster management and to explore the potential impact of outsourcing government functions to third party faith-based Christian institutions. In a general sense, as citizens of the State, LGBTI people are members of the ‘wider community’, and as emergency management policy does not actively discriminate, we acknowledge that from that sense, the needs of LGBTI people will be met. However, a more nuanced reading of the actual situation reveals that LGBTI people and their needs are actually invisible and have not been considered as different or needing of particular consideration. In relation to the impact of outsourcing, the situation is complex. Active discrimination is occurring because faith-based Christian institutions at the forefront of

service provision in post-disaster settings are permitted to actively discriminate when hiring paid or volunteer staff. Such discrimination can result in a person not being able to reach their full potential as a member of society and to fulfil activities that would bring them personal satisfaction. Passive discrimination arises where an LGBTI individual, couple or family chooses not to seek official government support because they fear they may be discriminated against on the basis of sexual and/or gender identity since they have to liaise with representatives of faith-based Christian institutions that they know have a ‘license to discriminate’.

6. Recommendations

In light of the results and discussion, we make the following recommendations:

- Since faith-based Christian institutions operating aged care facilities were denied exemptions to refuse service to elderly LGBTI people, we advocate a clear statement from government is required to prohibit, before any requests are made, faith-based Christian institutions exemptions from providing services and care after disasters. This would avoid ambiguity that might emerge, especially in post-disaster settings;
- As outlined in the NSW EMPLAN, consultation with the LGBTI community and representative organisations (e.g. NSW Gay and Lesbian Rights Lobby, AIDS Council of NSW, Twenty10, Gay and Lesbian Counselling Service, The Gender Centre) would go a long way towards building constructive relations and partnerships between the emergency service organisations and the LGBTI community – one in line with the ethos of the *National Strategy for Disaster Resilience* [100]. Such consultation would both empower the LGBTI community and provide better insights for the emergency service organisations in respect to the experiences and needs of LGBTI people in disasters. Such consultation would align with Paragraph 121 of the EMPLAN which states “*The nexus between community and government to achieve resilience will vary, but should as much as possible be via the existing channels that work for each community*”;
- We advocate that formal government Acts, policies and associated plans (e.g., the EMPLAN, the NSW Recovery Plan etc) explicitly define concepts such as ‘community’ and ‘family’ to include LGBTI couples and families in order to recognise the complexity and diversity of these terms in order to ensure they are truly inclusive;
- More research is necessary to fully realise the experiences and needs of LGBTI people in disasters, but also for representatives of service providers, including faith-based Christian institutions, to unpack their precise positions in relation to LGBTI people in disaster situations;
- More work is also needed on the experiences of LGBTI people of faith, and on LGBTI religious institutions (such as the MCC), which may provide insights that help redress wider tensions between faith-based service provision and sexual and gender minorities in disaster contexts; and last
- Additional work should explore the complications for LGBTI people of faith and how they manage relations between their faith and the wider secular setting – especially in the context of disaster.

7. Conclusions

In this paper, we set out to do two things. First, conduct an author driven expert systematic critical review through a ‘queer lens’ of the NSW emergency management response and recovery plans in order to determine how the needs of LGBTI people are considered and met in light of the particular experiences of LGBTI people in disasters. Second, we wished to document the outsourcing by the NSW government of emergency response and recovery arrangements to third party, faith-based Christian institutions and how those institutions have been exempted from anti-discrimination protections under Australian Federal and NSW State law. This enables us to explore the potential implications for LGBTI people in relation to the concepts of vulnerability and resilience.

In a broad sense we find the needs of LGBTI people should in practice be met. However, due to anti-discrimination exemptions permitted to third-party faith-based Christian institutions that are contracted to provide response and recovery arrangements, LGBTI people are not being treated equally. We do not believe that government or the emergency services intend to be discriminatory but at present, there is a ‘blindness to difference’ in relation to the needs of LGBTI individuals and families. As such, we principally conclude that in NSW, Australia, the needs of LGBTI people in post-disaster response and recovery arrangements are inadequately addressed.

As we noted in the recommendations above, more work is needed on both the experiences of LGBTI people of faith in disaster contexts, and on the role of LGBTI religious organisations in disaster settings and how they might support governments, emergency service organisations and communities respond to and recovery after disasters. We see this as critical future work and echo Gaillard and Texier’s [87] argument: “It further opens up the debate on how to continue to improve disaster risk reduction in various religious settings.”

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