



## **Australian Coalition for Equality Federal Election 2010 Party Survey**

### **ALP Response**

#### **1.0 LGBTI equality achievements**

*The Australian Coalition is dedicated to achieving full equality for all LGBTI Australians. In doing so, we recognise that many parties (both major and minor) have introduced or supported legislation and policy directives that have progressed Australia towards greater equality for LGBTI Australians, than existed in the year 2000.*

#### **1.1 LGBTI Party achievements**

*As well as looking forward to what your party seeks to achieve in the future, we ask you to provide a list of your party's achievements. Please list these achievements here.*

#### **ALP**

Federal Labor has introduced reforms to remove discrimination from 84 Commonwealth laws. The reforms remove discrimination and equalise treatment for same-sex couples in areas of taxation, social security, health, aged care, superannuation, immigration, child support and family law.

These reforms extend to same sex couples the same entitlements and obligations that apply to opposite sex couples. Equal treatment means some same sex couples will get access to benefits they could not previously access.

#### ***Medicare and PBS safety net***

Same sex couples and their dependent children can now access the Medicare and Pharmaceutical Benefits Scheme (PBS) safety nets as a family. This means same sex families may have reduced medical costs once they meet the threshold.

#### ***Commonwealth superannuation schemes***

The reforms remove discrimination in Commonwealth superannuation schemes. The changes make death benefits available to the same sex partners of deceased scheme members and their children. The changes also make it easier for regulated superannuation funds to recognise same sex relationships.

#### ***Tax offsets***

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Same-sex couples have access to tax concessions previously denied to them, resulting in them having to pay less tax. A same sex couple may be eligible for the dependent spouse tax offset where previously they would have been denied eligibility.

A member of a same sex couple may also claim the net medical expense tax offset for medical expenses incurred by their partner and any dependent children.

Some older individuals will also benefit from the changes. Members of a senior same sex couple will now be able to transfer their unused Senior Australians tax offset to their partner.

### ***Immigration***

Same-sex couples and their children are considered 'members of the family unit' for visa purposes. Same-sex partners of Australian citizens, Australian permanent residents and eligible New Zealand citizens are able to apply for the same partner visa as opposite-sex partners.

### ***Aged care and social security***

The family home is now exempted from the assets test when one partner enters nursing home care and the other partner continues to reside there.

A young person can receive recognition as an independent for Youth Allowance if they are in a same-sex relationship for over 12 months.

Lesbian relationships are now recognised as a qualifying relationship for Widow Allowance.

### ***Family Law and Child Support***

Same-sex couples who have children using artificial conception procedures are now recognised as parents under Commonwealth law, on the same basis as opposite sex couples.

Same-sex couples are also able to apply for child support on separation.

### ***Other achievements***

The Gillard Labor Government has taken action to address a number of issues which particularly affect LGBTI communities.

Federal Labor has established a new Ministerial Advisory Committee on Blood Borne Viruses and Sexually Transmitted Infections. This Committee has assisted in the development of new National Strategies including on HIV/AIDS and on sexually transmitted infections, which have been endorsed by all governments. The National Strategies recognise gay men and men who have sex with men as priority groups.

In addition, as part of the Gillard Labor Government's \$276.9 million commitment to suicide prevention and mental health, Federal Labor has committed \$22.4 million for

community-led prevention activities targeted at groups and communities which are at high risk of suicide, including lesbian, gay, bisexual, transgendered and intersex people.

## 2.0 Anti-Discrimination

*Whilst many laws have been changed, (as is discussed below), many of the policies that public servants use to apply the law on a daily basis have not been changed. In addition to this, many of the public servants who administer the changed laws have not been adequately trained about the changes.*

*This results in institutionalised and widespread discrimination which impacts on the daily health and wellbeing of thousands of LGBTI Australians and their children by denying them access to the same benefits as everyone else and reinforcing stigmatisation and social exclusion.*

*When they do experience discrimination, there is no legal avenue for redress in the federal arena for discrimination on the grounds of sexual orientation, or sex or gender identity.*

### 2.1 Federal Anti-Discrimination Laws

*Will your party commit to introduce legislation similar to the other Commonwealth Anti-Discrimination Acts that would provide LGBTI Australians with comprehensive and effective protection from discrimination or incitement to hatred on the grounds of sexual orientation and sex or gender identity (or equivalent grounds)?*

*Will your party commit to introducing legislation to protect same-sex couples in defacto or registered relationships from discrimination on the basis of "relationship status" similar to that of the grounds of "marital status" provided in the Sex Discrimination Act?*

### 2.2 No exemptions

*Is your party committed to ensuring that this legislation has no exemptions for private clubs or religious or religious-based institutions which allow discrimination or incitement to hatred on the grounds of sexual orientation and sex or gender identity?*

The Gillard Labor Government supports the enactment of legislation prohibiting discrimination on the basis of a person's sexual orientation or gender status, and the removal of such discrimination from Commonwealth legislation

As part of Australia's Human Rights Framework, Federal Labor is committed to combining federal anti-discrimination laws into a single Act to remove unnecessary regulatory overlap and make the system more user-friendly.

If re-elected, Labor will harmonise and consolidate anti-discrimination laws.

As part of this, Federal Labor will include protections against discrimination on the basis of a person's sexual orientation or gender status.

All States and Territories currently include sexual orientation and gender status as a grounds for discrimination, with various levels of protections. There is merit in harmonising

protections under federal and state anti discrimination law. The Government will undertake consultation with stakeholders, including States and Territories, on the proposed single anti-discrimination law.

### **2.3 Ministerial Advisory Committee**

*Will your party support the establishment of a ministerial advisory committee located in and resourced by the Attorney-General's Dept to co-ordinate a whole of government response to LGBTI issues?*

Labor believes that governments have a particularly important role to play in building an inclusive Australia and should ensure that all people can access the resources and support they need to participate fully in our economic and social life.

The Gillard Government is committed to working with LGBTI communities to address the health and well being needs of LGBTI Australians. This means:

- Helping people overcome disadvantages based on gender status or sexual orientation; and
- Working together to include LGBTI Australians in the life of our community—whether at school, in work, at home, or in care

The Gillard Labor Government is committed to using the full range of policy instruments to help create an inclusive Australia, including mechanisms to facilitate consultation and collaboration with LGBTI communities.

The Gillard Labor Government will continue to work with a range of interest groups on issues which are of interest and relevance to them. As part of Australia's Human Rights Framework, the Government has established a new whole of government Non-Government Organisations Forum which includes representatives from the LGBTI community. If re-elected, the Gillard Labor Government will also consult with stakeholders, including the LGBTI community, on a number of measures under the Human Rights Framework.

For some issues that particularly affect LGBTI communities, the Gillard Labor Government has established mechanisms for close consultation. For example, in 2009 Federal Labor established a new Ministerial Advisory Committee on Blood Borne Viruses and Sexually Transmissible Infections that enables the Gillard Labor Government to work closely with affected communities.

### **2.4 Training for Public Servants**

*Will your party commit to ensuring proper training of public servants in LGBTI diversity programs?*

As part of Australia's Human Rights Framework, the Gillard Labor Government allocated \$3.8 million for Commonwealth public sector education and training package to raise awareness and understanding of human rights obligations and strengthen the capacity of policy and legal officers to develop policies, programs and legislation that are consistent with human rights. It will also provide guidance to administrative decision-makers on relevant human rights considerations to take into account.

The Gillard Labor Government expects public sector officials to act consistently with human rights. We believe this is an important obligation bearing on their conduct and professionalism. The education and training package will ensure that public servants have appropriate information and knowledge about human rights. This will have a positive impact on the development and implementation of Commonwealth policies, programs and services.

### **3.0 Relationships and families**

*The recent amendments to federal legislation to recognise same-sex relationships in areas such as public sector superannuation, Medicare and PBS safety nets, immigration, aged care, workplace entitlements and social security following the inquiry by the Australian Human Rights Commission have been a mixed blessing for many and the changes have been left not fully implemented.*

*Whilst major legislation was amended, a promised review of the estimated 37,000 pieces of subordinate legislation has never come to fruition.*

*In 2008 Victoria and in 2010 New South Wales referred the issue of adoption for same-sex couples to the Community and Disability Services Ministers' Conference. This follows recommendations by the Victorian Law Reform Commission (2007) and NSW Legislative Council Committee (2009) that same-sex couples should be allowed to be assessed as potential adoptive parents on the same basis as heterosexual couples. For many people equality under Federal law will never be achieved until formal recognition afforded by the Marriage Act is allowed.*

#### **3.1 Audit of Subordinate Legislation**

*Will your party commit to a comprehensive audit of all relevant Commonwealth subordinate legislation to ensure that same-sex relationships are appropriately recognised?*

*If so, please indicate when this is anticipated to be completed.*

As part of Australia's Human Rights Framework, the Government is committed to a fairer, more inclusive Australia. To achieve this, the Government will, over time, review legislation, policies and practices to ensure that they appropriately reflect human rights.

If re-elected, the Gillard Labor Government will maintain its commitment in the Framework to review legislation, policies and practices for compliance with the seven core UN human rights treaties to which Australia is a party.

The review of legislation will incorporate a number of key elements, including:

- identification of priority areas within portfolios particularly relevant to human rights for review.
- ensuring that human rights obligations are considered as part of legislation reviews proposed in other contexts.

Reviews will be designed to suit the particular circumstances. For example, a review at the time of introducing substantial amendments to an Act may be appropriate. In some cases, the Government may ask the new Joint Committee on Human Rights to review particular legislation, while in others, a review team may be established or existing bodies may undertake a review. All Commonwealth Departments and agencies have been reminded to consider when reviewing or updating delegated legislation to ensure that same-sex relationships are appropriately recognised and to consider amendments as needed.

### **3.2 Superannuation**

*Will your party support an audit of all retail and industry superannuation funds to determine level of adoption of recognising same-sex couples in their product disclosure statements as a de facto partner?*

*Will your party support amendment of the Superannuation Industry Supervision (SISS) Act to make it mandatory for all superannuation funds to recognise same-sex relationships?*

The Gillard Labor Government's reforms to remove discrimination in Commonwealth laws have removed discrimination in Commonwealth superannuation schemes.

The changes make death benefits available to the same sex partners of deceased scheme members and their children. The changes also make it easier for regulated superannuation funds to recognise same sex relationships.

There are no plans to amend the Superannuation Industry Supervision (SISS) Act to make it mandatory for all superannuation funds to recognise same-sex relationships.

### **3.3 Formal Relationship Recognition**

*Will your party support reform of the Marriage Act to allow same-sex couples to marry?*

*Will your party allow Australians intending to enter into legal same-sex marriages overseas the same access to Certificates of Non-Impediment to Marriage as Australians intending to enter opposite-sex marriages?*

Federal Labor believes that couples who have a mutual commitment to a shared life should be able to have their relationships recognised.

Federal Labor supports a nationally consistent framework for relationship recognition to be implemented by the States and Territories.

Victoria, the ACT, New South Wales and Tasmania have established relationship recognition schemes and relationships registered under these schemes are also now recognised in a wide range of Commonwealth laws.

Federal Labor will continue to encourage other jurisdictions to develop such schemes. For example, the Attorney General has written to State and Territory Attorneys-General and raised the issue at the Standing Committee of Attorneys-General.

The Gillard Government looks forward to the further development of a nationally consistent framework that provides the opportunity for all couples who have a mutual commitment to a shared life to have their relationship officially recognised. There is no proposal at this stage to change our policy on Certificates of Non-Impediment.

### **3.4 Surrogacy Arrangements**

*Will your party support the introduction of arrangements to facilitate the recognition of both Australian parents when a child is born via an overseas surrogate?*

States and territories have responsibility for surrogacy laws. Federal Labor supports States and Territories working together to create nationally consistent laws as far as this is possible. The Standing Committee of Attorneys-General has agreed to model provisions and model principles for jurisdictions to apply in this area. These principles and provisions are gender neutral. This means that it is up to individual jurisdictions to determine how to regulate surrogacy by same sex couples, which the commonwealth believes is appropriate.

### **3.5 Adoption**

*Will your party commit to advocating for the inclusion of lesbian mothers and gay fathers within the relevant ongoing discussions of the Ministerial Council of Community Services Ministers?*

Domestic adoptions are the responsibility of State and Territory Governments.

In relation to intercountry adoptions, the Attorney-General's Department is the Australian Central Authority under the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption*. It has responsibility for ensuring that Australia, as a whole, meets its obligations under the Convention. State and Territory Central Authorities are responsible for processing individual adoption applications including assessment, approval and allocation services. The criteria against which applicants are assessed is determined by both the relevant State or Territory authority and the country of origin.

States and Territories vary in their approach to allowing same sex couples to adopt, and even when an applicant may be found eligible and suitable to adopt by a State or Territory authority, the applicant may not meet the eligibility criteria stipulated by the country of origin. Currently, no countries with which Australia has an intercountry adoption program accept same sex couples or homosexual individuals as applicants.

#### **4.0 Aged Care and LGBTI people**

*Older LGBTI Australians face considerable legal and social discrimination when accessing aged care and health services in this country. Many hide their identities and life histories.*

*There is considerable evidence to suggest that once reliant on formal services provided by the aged care sector, LGBTI Australians are at best, not adequately cared for because of a lack of understanding of their particular health needs, and at worst, are subject to systemic discrimination because of their sexual orientation, and/or sex or gender identity. This problem is exacerbated by the fact that the first generation of LGBTI Australians to have lived openly about their sexual orientation, and/or sex or gender identity throughout their lives are only now beginning to rely on aged care services that are unprepared to meet their needs.*

##### **4.1 Research**

*Will your party ensure that all government funded research investigating older people includes questions about sexual orientation, and sex and gender diversity?*

*Will your party ensure that there is adequate dedicated funding for a national study of the needs of older LGBTI people in Australia?*

Federal Labor is committed to preserving the independence of the National Health and Medical Research Council and the Australian Research Council in assessing and funding research projects.

Funding for a research project on older LGBTI would be subject to the competitive processes of these bodies.

##### **4.2 Education & Training**

*Will your party ensure that all aged care workers, including Aged Care Assessment Team staff, providers of home based services, and staff in residential care facilities are required to undertake training awareness and sensitivity training in relation to sexual orientation, and sex and gender diversity?*

As more LGBTI people, many of whom have been out their whole lives, reach retirement age and need aged care services, LGBTI people need to know they can rely on all providers to deliver non judgmental care.

The Gillard Government has provided nearly \$400,000 to improve the way the aged care

sector delivers appropriate and responsive care to older LGBTI people:

- Working with LGBTI stakeholder organisations to remove gender specific language from aged care legislation and to make changes to aged care assessment forms to include language that encompasses LGBTI relationships; and
- Funding the development of a training package that will assist aged care providers dealing with LGBTI people.

The training package is being developed through a partnership with ACON, Australia's largest community-based LGBTI health and HIV organization, and the Aged and Community Services Association of NSW and the ACT. It will work to:

- raise awareness of LGBTI issues among service providers and the broader community;
- facilitate social inclusion;
- decrease discrimination;
- ensure older LGBTI people are visible in an aged care setting; and
- improve sensitivity amongst aged care service providers.

Funding of \$394,900 has been provided to pilot the training package in a range of urban and regional aged care centres.

The Gillard Government will continue to work with LGBTI stakeholders to ensure that LGBTI seniors receive high-quality services in health and aged care.

#### **4.3 Programs relating to older LGBTI Australians**

*Will your party support the development of a National Aged Care Plan which would include increased for initiatives relating to older LGBTI people, in the context of formally recognising LGBTI older people as a special needs group for aged care purposes?*

*How will your government engage with older LGBTI Australians and their representatives, LGBTI advocacy and health organisations, as well as academic experts in shaping, delivering and monitoring programs and measures aimed at addressing the needs of older LGBTI people?*

In developing the training package for aged care providers to assist them in meeting the needs of LGBTI people, Federal Labor is working closely with ACON, Australia's largest community-based GLBT health and HIV organisation.

#### **4.4 Discrimination experienced by older LGBTI Australians**

*What measures will your party support being taken to address the discrimination faced by older LGBTI people in the aged care sector?*

Federal Labor has amended the Aged Care Act 1997 to enable same-sex couples to enjoy the same entitlements and obligations as other families for health and ageing programs.

As well as changing the law, the Gillard Labor Government is working to change attitudes through its aged care training package, which will help decrease discrimination and improve sensitivity amongst aged care service providers.

A re-elected Gillard Labor Government will create a standalone Age Discrimination Commissioner as a dedicated advocate for the rights of older Australians in the community and industry and to handle complaints under the Age Discrimination Act. From 1 July 2011, we will provide \$3 million over the forward estimates in additional funding to the Australian Human Rights Commission to support this position.

## **5.0 Sex and Gender Diverse Australians**

*One of the key concerns for people who are sex or gender diverse is that they are not able to change the sex markers in official documents or government records. These concerns are detailed in the Australian Human Rights Commission (AHRC) report “Sex Files: the legal recognition of sex in documents and government records” but few of the recommendations have been implemented.*

*Health policy and practice, and access to health services are also important issues for people who are sex and gender diverse. This is because many people who are sex and gender diverse may require hormone therapy, undergo surgery and/or counselling services. Some of the health related issues raised with the AHRC during the consultation, include: sex affirmation treatment and surgery is not covered by Medicare; people receiving hormonal treatment (such as Androcur) must be noted as ‘sexual deviants’ in order to receive the drugs on the Pharmaceutical Benefits Scheme; lack of choice of appropriate health services for people who are sex and gender diverse, especially children and young people; and genital surgery on children born with intersex conditions.*

### **5.1 Implement Recommendations of ‘Sex Files’ Report**

*Will your party commit to recognising the sex and gender identity of transgender and intersex Australians on relevant official documents including passports by implementing the recommendations of the ‘Sex Files’ Report?*

The Report of the Australian Human Rights Commission (AHRC): Sex Files: the legal recognition of sex in documents and government records was launched by Labor Senator Louise Pratt in 2009. It contains a series of recommendations that aim to make the legal recognition of sex for gender diverse individuals simpler, more consistent and fairer. Given the considerable difficulties faced by many gender diverse people who have lacked the legal and social security of having their gender identity appropriately recognized, the AHRC is to be commended for undertaking work in this important area.

The recommendations in the Commission's Report cover a number of areas of responsibility at both the Federal and State and Territory level.

An interdepartmental working group has been established by the Federal Attorney-General to consider the issues highlighted by, and to develop a consistent Commonwealth position in response to, the *Sex Files* Report.

The working group will sit under the Human Rights Interdepartmental Committee and will consist of federal departments and agencies with a particular interest in, or responsibility for, the recording of gender in government documents.

If re-elected, a priority for the working group under the Gillard Labor Government will conduct an audit of current requirements for the recording of gender in federal government documents and records.

The Federal Attorney-General has also raised these recommendations which concern State and Territory Governments with State and Territory counterparts for their consideration.

The Government has already demonstrated its commitment to reform in this area, as evidenced by the changes made to passport policy designed to address the challenges confronting gender diverse people seeking recognition of their affirmed sex.

## **5.2 Amending PBS**

*Will your party commit to amending the Pharmaceutical Benefits Scheme (PBS) so that people who are sex or gender diverse can receive hormonal treatment (such as Androcur) on PBS without having to be labelled as 'sexual deviants'?*

Federal Labor is committed to ensuring that all Australians have access to affordable medicines through the Pharmaceutical Benefits Scheme.

Medicines are listed on the PBS following a recommendation from the independent expert advisory Pharmaceutical Benefits Advisory Committee, which comprises doctors, other health professionals and a consumer representative.

PBAC assesses whether medicines are safe, effective and cost effective, and advises on the criteria for their use. Any listing or change to the criteria for the use of hormonal treatment would need to be recommended by PBAC before it can be considered by the government.

## **5.3 Amending Medicare**

*Will your party commit to amending the guidelines so that people who are sex or gender diverse can receive sex affirmation treatment and surgery under Medicare?*

Federal Labor is committed to ensuring that Medicare provides all Australians with affordable access to safe, effective and cost effective medical services. Federal Labor is establishing a Quality Framework for Medicare that will establish new listing, pricing and review mechanisms

that ensure that prospective and already listed items are effective and safe, likely to lead to improved health outcomes for patients and represent value for money.

Changes to Medicare arrangements for sex affirmation treatment and surgery would need to be assessed through this Quality Framework.

#### **5.4 Surgery on Minors**

*Will your party direct the Department of Health to create guidelines for medical professionals educating medical staff about the impact of unnecessary surgery on minors with intersex conditions?*

*Will your party support a ban on unnecessary surgery on minors with an intersex condition?*

The National Health and Medical Research Council provides high quality evidence based health advice to government and the community, through the development of high quality clinical practice and public health guidelines, and approving clinical practice guidelines developed by external groups. Federal Labor considers that it is important for health and medical guidelines to be developed through rigorous, independent processes, informed by expert clinical and ethical advice, and consumer perspectives.

### **6.0 Strategic Approaches to LGBTI Health & Welfare**

*With the exception of HIV/AIDS, there is no policy or funding structure in place nationally to address the specific health or welfare needs of LGBTI Australians. Despite growing evidence which suggests that LGBTI people are subject to a number of poorer health and welfare compared to the general population, LGBTI people are not recognised as a population group within population health or as a group that should be prioritised (ie a targeted population) in general health or welfare programs.*

*Consequently, specific programs targeting LGBTI people are not adequately funded nor are these groups adequately targeted within mainstream programs. Significant gaps exist in the areas of drug and alcohol use, mental health, violence prevention, domestic violence, housing & homelessness, suicide prevention, youth programs.*

#### **6.1 Government engagement**

*Will your party support the establishment and resourcing of a ministerial advisory committee (or other appropriate body) on LGBTI health and well being, to advise the government on the specific health issues faced by the LGBTI community?*

The Gillard Labor Government is committed to consulting with lesbian, gay, bisexual, transgendered and intersex peak bodies on key issues that affect these communities.

Here, as in other areas of service delivery, Labor recognises the need to work with LGBTI communities in order to develop preventative health strategies and other health policies and programs that address the needs of LGBTI Australians.

Labor understands the need to tailor communications to specific communities and has a track record of working with communities to develop specific campaigns, such as a longstanding commitment to HIV/AIDS campaigns and the 'Wear it With Pride Campaign'.

Federal Labor established a new Ministerial Advisory Committee on Blood Borne Viruses and Sexually Transmissible Infections in 2009. The Committee includes a number of individuals with links to LGBTI peak community based organisations.

The Gillard Labor Government has provided funding to key community based organisations and peak bodies, including:

- About \$880,000 for the National Association of People Living with HIV/AIDS in Australia in 2009-10
- About \$2.2 million for the Australian Federation of AIDS Organisations in 2009-10
- About \$350,000 for ACON in 2009-10
- About \$1.5 million for the Australasian Society for HIV Medicine
- About \$134,000 for Youth Empowerment Against HIV/AIDS

## **6.2 Comprehensive National Strategy**

*Will your party support the development of a comprehensive national strategy on improving the health and welfare outcomes for LGBTI Australians?*

The Gillard Government recognises that special effort is required to address the complex and diverse health needs of LGBTI people, including in relation to:

- Preventative health;
- Violence, in particular homophobic violence, and same sex domestic violence;
- Drug and alcohol problems;
- Women's health;
- Specific health needs of young people; and
- Parenting support.

Here, as in other areas of service delivery, Labor recognises the need to work with LGBTI communities in order to develop preventative health strategies and other health policies and programs that address the needs of LGBTI Australians.

For example, the Gillard Labor Government has worked in partnership with community stakeholders and States and Territories on new national strategies for sexually transmissible infections and blood borne viruses.

These strategies:

- were developed in close consultation with community organisations representing affected groups and priority populations, including gay men and other men who have sex with men;
- provide for a unified national response that combines the efforts of the Australian Government, the States and Territories, community-based services, and people living with HIV, STIs and other blood borne viruses;
- will work to reduce the stigma and discrimination that people living with HIV, STIs and other blood borne viruses can face in their lives, and recognise that people living with HIV, STIs and other blood borne viruses are often best placed to help reduce transmission rates; and
- recognise that effective HIV, STI and viral hepatitis health promotion action facilitates the active participation of affected communities and individuals, including peer education and community ownership, to increase their influence over the determinants of their health.

The HIV strategy, in particular, recognises that the effectiveness of peer-based responses has been clearly demonstrated in gay communities, and states that affected communities should lead upgraded prevention programs.

In addition, the Gillard Government has recognised that LGBTI seniors have particular needs to relation to aged care and seniors policy.

### **6.3 Recognising LGBTI populations**

*What actions will your party take to ensure that LGBTI people are recognised as a population group or target population in government funded health and welfare programs?*

The Gillard Labor Government has recognised LGBTI people as target populations in a number of areas:

- Federal Labor recognises LGBTI people as being at higher risk of suicide, as part of its \$276.9 million commitment to suicide prevention and promoting mental health.
- Gay men and men who have sex with men have been identified as priority groups for new national strategies on HIV/AIDS and sexually transmissible infections which have been developed in close partnership with affected communities.

#### **6.4 Funding of specialist LGBTI programs**

*Will your party support the adequate funding of programs to address the health and welfare needs of LGBTI people especially in the areas of drug and alcohol use, mental health, violence prevention, domestic violence, housing & homelessness, suicide prevention, and youth programs?*

##### ***Mental health and suicide prevention***

A re-elected Gillard Labor Government will invest in a comprehensive package of measures to tackle the cases of suicide and promote better mental health in our community. This will redouble our national efforts to prevent suicide in order to reduce the tragic toll it imposes on individuals, families and communities.

Labor will provide \$276.9 million over four years to:

- Boost frontline services for people at greatest risk – including more psychology and psychiatry services, as well as community support.
- Invest more in direct suicide prevention and crisis intervention, including boosting the capacity of counselling services such as Lifeline.
- Provide more services and support for men – who are at greatest risk of suicide, but least likely to seek help – including increased help for *Beyondblue*.
- Promote good mental health and resilience in young people, to prevent suicide later in life, such as expanding the successful Kidsmatter initiative in primary schools.

These investments build on Federal Labor's recent investments in mental health, including \$175 million committed in the 2010 budget to further improve our mental health system as part of the National Health and Hospitals Network reforms. This funding doubles the current number of *headspace* services for young people, and provides more funding for co-ordinated care for people with serious mental illness.

The Gillard Labor Government recognises that LGBTI people are at greater risk of suicide. In response to this issue, Federal Labor will provide \$22.4 million to support community-led prevention activities targeted at groups and communities which are at high risk of suicide, including lesbian, gay, bisexual, transgendered and intersex people.

### ***Violence and Domestic Violence***

The Gillard Labor Government believes that Australia's system of justice must provide security for all Australians, including the victims of homophobic and transphobic violence and hate crime.

Labor supports a charter of rights for the victims of crime, based on the United Nations Charter of Victims Rights, and laws providing for victim impact statements, the provision of witness support and information, and standards for the treatment of victims by the criminal justice system.

The Gillard Labor Government is committed to a zero tolerance approach to domestic violence, and is taking action to reduce its incidence.

The Gillard Labor Government is in the final stages of the development of the National Plan to Reduce Violence against Women. The National Plan will coordinate a national violence prevention agenda across all States and Territories and improve the services provided to women who are victims of violence.

The National Plan will cover a wide range of relationships, including de facto and same sex partners.

### ***Homelessness***

Federal Labor has made tackling homelessness a national priority.

The Gillard Government is committed to halving overall homelessness and providing accommodation to all rough sleepers who seek it by 2020. As a Government, Federal Labor has invested \$4.9 billion in new funding to address homelessness, with an additional \$400 million provided from the States and Territories.

The Gillard Government has increased funding to homelessness services by 55 per cent and committed to building more than 80,000 affordable homes across Australia. This includes almost 20,000 homes built through the National Building Economic Stimulus Plan – half of which will be directed to people experiencing homelessness.

Federal Labor has also:

- Introduced weekly government support payments for people at risk of homelessness (payments used to be fortnightly).
- Invested \$80.4 million for Emergency Relief and financial counselling in recognition of the impact of the global economic downturn on vulnerable people.

- Delivered a \$10 million boost to the Personal Helpers and Mentors program, to give homeless Australians with a severe mental illness greater access to one-on-one support.
- Funded services with specialist skills in helping homeless people get work within Job Services Australia, Jobs Fund and Innovation Fund.

Reducing homelessness is a shared responsibility that will take a sustained effort by all levels of government, business, charities and the community.

In February, the Coalition walked away from a bi-partisan approach to homelessness by refusing to support the White Paper targets.

The former Coalition Government didn't even consider housing an issue worthy of its own Minister.

They did nothing new or bold to help homeless Australians, and funding for subsidised housing declined under the former Coalition Government.

### ***Young people***

Many of the initiatives outlined above help young LGBTI. In addition, the Reconnect service provides early intervention support for young people 12–18 years who are homeless or at risk of homelessness. Services include counselling, group work, mediation and practical support to both the young person and their family. This includes a number of specialist Reconnect providers including LGBTI.

## **7.0 Strategic Approaches to LGBTI Issues in Education**

*Research has shown that students who identify as, or who are perceived to be, LGBT or I, face higher levels of bullying, harassment and discrimination in the school environment. Research shows this is directly related to higher levels of risk-taking and self-harming, conflict with peers and parents, underachievement and early school leaving, homelessness and suicide. Research shows homophobia and transphobia in the class room also reduces the academic outcomes for all boys regardless of their sexual orientation or gender identity. LGBTI teachers also face discrimination. However, there is no consistent approach to these issues between the states and territories.*

### **7.1 Inclusion in anti-bullying programs**

*Will your party support the inclusion of LGBTI issues in national anti-bullying programs and policies?*

Federal Labor supports programs to make schools safer places for students and to combat bullying. This includes homophobic and transphobic bullying.

The Ministerial Council for Education, Early Childhood Development and Youth Affairs agreed in November last year that all States, Territories and the Commonwealth will work together to

promote student safety and prevent all forms of bullying in schools through sharing successful approaches and best practice.

Cyber safety is particularly important as bullying can now follow students into their homes with the increase in social networking sites and the prevalence of mobile phones. Cyber bullying can also be strongly linked to physical bullying.

The Government has committed \$125.8 million over four years for a Cyber-Safety Plan through the Dept of Broadband, Communication and the Digital Economy. This program tackles the issue of cyber-safety from a number of directions to help protect Australian children from the dangers of the internet.

## **7.2 National curriculum**

*Will your party support the inclusion of LGBTI issues in the national curriculum where appropriate?*

The Gillard Labor Government has established the Australian Curriculum, Assessment and Reporting Authority (ACARA) to develop a rigorous and world-class Australian Curriculum from Kindergarten to Year 12, beginning with the learning areas of English, mathematics, science and history. Federal Labor strongly believes that the curriculum should be developed by experts, not politicians. In its work to date to develop the Australian Curriculum, ACARA has drawn upon the considerable curriculum expertise in the States and Territories. ACARA has also engaged in extensive consultations with the education community, including parents, teachers, principals, professional organisations, academics and representatives from business and industry.

## **7.3 Funding for affirming sexual and gender diversity programs**

*Will your party support the adequate funding of programs to challenge homophobia and transphobia and affirm sexual and gender diversity?*

Federal Labor believes that all schools should be safe schools where students are free from discrimination.

The Gillard Labor Government is investing more than \$63.7 billion in school education funding from 2009-2012, compared to \$33.5 billion the Coalition invested in 2005-2008. We have almost doubled funding for schools in less than three years.

Decisions on specific programs delivered in schools with this funding are a matter for state governments and responsible education authorities.

## 7.4 Consultation

*Will your party establish a Ministerial Advisory Committee on LGBTI issues in Education?*

The Gillard Labor Government works with states and territories on school and education issues through the Ministerial Council for Education, Early Childhood Development and Youth Affairs.

Federal Labor is committed to consulting with education stakeholders on matters relevant to them.

## 8.0 Research into LGBTI

*There is currently no routinely collected national or state-wide population data to accurately reflect the proportion, and geographical concentration, of people by sexual orientation and/or sex or gender identity within the population. Further to this, there are only a few routine national surveys that provide an understanding as to whether LGBTI Australians are affected by specific health issues.*

*Collection of data will assist in monitoring trends in health and social wellbeing, health determinants and a whole range of factors currently poorly understood. It is also of valuable assistance in determining priorities for investment to improve the health and wellbeing of LGBTI people.*

### 8.1 Census and other data collection activities

*Will your party support the inclusion of a question on sexual orientation in the Census and other government funded population data collection activities?*

*Will your party explore the appropriateness of including a question on sex and gender identity in the Census and other government funded population data collection activities?*

The census is conducted every five years. The next census is planned for August 2011, and its content has been announced by the Australian Bureau of Statistics.

Since the 1996 census the ABS has included information regarding same sex couples.

### 8.2 NHMRC grants

*Will your party support the implementation of the requirement for all future research into health conducted through NHMRC grants to include specific questions on sexual orientation, and sex and gender identity in the demographics of each project?*

The Gillard Labor Government is committed to protecting the independence of health and medical research through the National Health and Medical Research Council, to ensure that funded research is of the highest quality and grounded in the best evidence.

In this context, Federal Labor considers that it is appropriate for the independent NHMRC Council to set the requirements for NHMRC grants.

### 8.3 Funding for national LGBTI research project

*Will your party support the funding of a one-off national LGBTI health and welfare research project to scope the needs of LGBTI Australians, in order to inform future investment in health and welfare programs and service delivery?*

Federal Labor is committed to preserving the independence of the National Health and Medical Research Council and the Australian Research Council in assessing and funding research projects. Funding for an LGBTI health and welfare research project would be subject to the competitive processes of these bodies.

### 9.0 Australia's International Leadership Role

*Australia has historically been seen as a leader on human rights issues in many international forums including the Commonwealth, especially at CHOGM, the United Nations, and our influence in bilateral relationships in the Asia-Pacific Regional particularly with those countries with which we have a donor relationship.*

*The extent to which this influence has been used further the human rights of LGBTI people has been limited in the past but would be particularly timely now as many of Australia's near neighbours now contemplate increasing HIV epidemics and are forced to acknowledge the LGBTI populations within their own countries.*

#### 9.1 Oppose Criminalisation

*Is your party committed to multi-lateral and bi-lateral advocacy against persecution on the grounds of sexual orientation, and sex or gender identity?*

Federal Labor believes that people are entitled to respect, equality, dignity and the opportunity to participate in society free of hatred or harassment and receive the protection of the law regardless of their sexuality or gender identity.

Australia, under the leadership of a Federal Labor Government, has made a number of representations to promote and protect the human rights of all persons, regardless of their sexual orientation and gender identity. Sexual orientation or gender identity must never be the basis for discrimination, abuse, criminal action and penalties, detention or imprisonment, or deprivation of any human right.

Australia's representations have included encouraging all states to ensure adequate protection of human rights defenders, and remove obstacles which prevent them from carrying out their work on issues of human rights and sexual orientation and gender identity.<sup>[1]</sup>

If re-elected, the Gillard Labor Government would continue to support this position at the international level.

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<sup>[1]</sup> Item 8 , CANZ Statement Delivered by Angela Robinson, Australian Permanent Mission on behalf of Canada, New Zealand and Australia 23 March 2010 at <http://www.geneva.mission.gov.au/gene/statement98.html>

## **9.2 Advocacy in the Commonwealth**

*Will your party support the Federal Government advocating for the equal rights of LGBTI people throughout the Commonwealth including through the use of the CHOGM and meeting of the Commonwealth law officers forum process?*

If re-elected, the Gillard Labor Government will continue to make representations, where appropriate and relevant to discussions at international forums, on these issues.

## **9.3 Advocacy in the United Nations**

*Will your party support the Federal Government advocating for the equal rights of LGBTI people through United Nations processes?*

If re-elected, the Gillard Labor Government will continue to make representations, where appropriate and relevant to discussions at international forums including the United Nations, on these issues.

## **9.4 Funding Civil Society Participation**

*Will your party support the Federal Government adequately funding the participation of LGBTI civil society organisations in Commonwealth and UN discussions of LGBTI issues?*

The Gillard Labor Government is committed to engagement with civil society and welcomes their involvement, where appropriate, in discussions of interest to their organisation. If re-elected, the Gillard Labor Government will continue to consult and engage with a range of representatives from civil society including those who represent the LGBTI community. Issues of funding for separate representation of organisations will need to be considered on a case by case basis.