



Ecological Sustainability - Social Justice - Peace and Non-violence - Grassroots Democracy

AUSTRALIAN COALITION FOR EQUALITY FEDERAL ELECTION 2010

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.

- Supporting the removal of legislation that discriminated against same-sex couples
- Introducing the *Marriage Equality (Amendment) Bill* into the Senate – this went to Senate inquiry before being debated and voted upon in February this year (a historic step in the road towards equality). The Greens remain the only party committed to marriage equality and will move to reintroduce this bill in the new parliament
- Campaigning for sexual orientation and gender identity to be included in nationally consistent anti-discrimination legislation
- Campaigning against human rights abuse of LGBTI people overseas (including in Uganda and Iran)
- Campaigning for a peak LGBTI body to advocate for the rights and interest of LGBTI Australians
- Moved the first ever Senate motion in recognition of the Transgender Day of Remembrance
- Campaigning to remove state-based legislation that discriminates against LGBTI Australians, in areas including adoption and access to IVF
- Campaigning for the Government to action the recommendations of the Sex File project
- The Greens remain the only party with a dedicated portfolio that deals with issues facing LGBTI Australians

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.

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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)?

Yes, the Greens are the only party in the parliament committed to protecting the rights of LGBTI Australians in this way.

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?

The Greens believe that all relationships between consenting adult couples should receive equal legal and social status. We support legislation to achieve that end.

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?

All Australians should be afforded equal protections before the law and membership of a private organisation or religious institution should not be basis to circumvent this.

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?

The Greens support the creation of a Government funded, LGBTI peak to act as an interface between the LGBTI community and the Government. The body would be responsible for advancing the interests, health and welfare of LGBTI Australians at a domestic and international level.

2.3 Training for Public Servants

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

The Greens support funding anti-homophobia programs and programs that encourage greater understanding of gender and sexual difference. Training of public servants is a key aspect of this.

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 the 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.

Yes, the Greens will continue to lobby Government to consider the implications of Government legislation for LGBTI Australians. We have proposed that the human rights implications of all legislation be considered by committee, under the Governments Human Rights Framework, and consider that the above issues will be examined in that context.

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 Greens are committed to removing discrimination against LGBTI Australians at a state and national level. Amending these laws with respect to superannuation may be part of this agenda in the next parliament. Anti-discrimination laws with respect to sexuality and gender identity is also relevant in ensuring superannuation funds don't discriminate.

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?

Yes. In February Senator Sarah Hanson-Young's *Marriage Equality (Amendment) Bill* was debated on and voted on in the Senate. The Bill would have removed discrimination against same-sex couples, under the

Marriage Act. Unfortunately the Bill was voted down by the old parties. Senator Hanson-Young will move to reintroduce her Bill in the next Parliament.

The Greens are also campaigning to remove discrimination against same-sex couples who marry overseas.

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?

Yes.

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?

Yes – the Greens are in favour of same-sex adoption and have been advocating for this at a state and federal level.

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 fear persecution, given their 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?

The Greens are committed to ensuring that LGBTI Australians have a seat at the table when Government is developing policy. The Greens have proposed a nationally funded LGBTI peak body, to advocate for the rights and interests of LGBTI Australians and act as a conduit between government and the community.

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?

Yes – we support such training.

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?

The Greens foresee the LGBTI National Peak will play a key role in shaping public policy regarding LGBTI people in aged-care. This includes the development of training and tailoring programs to meet the specialist needs of LGBTI people in aged care facilities.

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?

We believe the Government has a responsibility to provide information and education including training for the staff and managers of aged care facilities.

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?

Yes, the Greens have been campaigning for the recommendations of the Sex Files Report to be implemented.

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'?

Yes, the Greens support people who are sex or gender diverse receiving appropriate medical treatment and surgery under Medicare and hormone treatment under the PBS. We oppose outright the need for any person to be labelled sexually deviant before receiving appropriate publicly funded healthcare.

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?

As above.

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?

We believe that individuals should have an opportunity to develop their gender and sexual identities and adults should have the right to make their choices in relation to these. We support the provision of training to medical professionals to encourage this.

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?

Yes, the Greens support funding a national peak body to advocate for LGBTI Australians. The organisation's brief will include advising

government on LGBTI health and wellbeing, so as to achieve public policy outcomes that better meet the needs of the community.

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?

Yes. The Government should work in partnership with the LGBTI community and the LGBTI representative sector to address this.

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?

Sexual orientation should be included as criteria in the census.

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?

Yes – the Greens continue to argue for adequate health funding to meet the diverse needs of the community.

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, under-achievement and early school leaving, homeless 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?

Yes, the Greens are supportive of anti-homophobia and transphobia programs. We have been calling for these to be a key part of education.

7.2 National curriculum

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

As above.

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?

As above.

7.4 Consultation

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

The Greens envisage that the LGBTI National Peak would provide advice to government on these issues.

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?

Yes, the Greens consider such data would be beneficial in informing policy development.

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 Greens consider increased data on LGBTI health would be of benefit to future policy development.

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?

As above.

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

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United Nations, and our influence in bilateral relationships in the Asia-Pacific Region 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?

Yes. As the Greens Spokesperson for Sexuality and Gender Identity Senator Hanson-Young has been a vocal advocate against the criminalisation of homosexuality overseas. Over the last 12 months she has initiated Senate motions dealing with human rights abuses of LGBTI people in Uganda and Iran.

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?

The Greens encourage the Government to advocate for the rights of LGBTI people domestically and internationally. CHOGM provides an important forum to do this.

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?

Yes, as above.

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 national peak body would play an important role in advocating for discussions of these.

6 August 2010