



The Secular Party of Australia
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Secular Party of Australia Response to the Australian Coalition for Equality Federal Election 2010 Party Survey

1. 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. 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.

The Secular Party of Australia is a new party, having been formed in late 2005. This is the first Federal election which is being contested, so no achievements can be listed here. However I urge all to visit <http://www.secular.org.au> to gain an understanding of the policy directions of the Secular party, with particular regard to LGBTI issues.

2. 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.

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.

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?

Yes

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?

Yes.

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?

Yes.

4. **Training for Public Servants**

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

Yes.

3. **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.

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?

Yes.

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

This will be completed within 12 months of the Secular Party being able to wield sufficient influence to ensure its completion.

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?

Yes.

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?

Yes.

3. **Formal Relationship Recognition**

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

Yes.

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.

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.

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.

4. **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.

1. **Research**

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

Yes.

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

Yes.

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.

3. **Programs relating to older LGBTI Australians**

Will your party support the development of a National Aged Care Plan which would include increased funding 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?

Yes.

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 association and consultation with advocacy and representative groups for older members of the LGBTI community.

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?

There are already comprehensive measures listed above. However it should be said that any action that is undertaken without the backing of scientific research is likely invalid. The Secular Party recognises the primacy of scientifically based policy and action.

5. **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.

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.

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.

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?

Medicare correctly covers medical services which are clinically necessary. To broaden its scope beyond that would put further strain on an already overstretched system. Rather medical practitioners should have the discretion to classify certain treatments as clinically necessary.

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?

Yes.

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

Yes.

6. 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.

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.

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.

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?

Research indicating that LGBTI people form a recognisable minority who have an identifiable need for specific attention will be highlighted. Policies will be formulated on the basis of such research.

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.

7. 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.

1. Inclusion in anti-bullying programs

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

Yes.

2. National curriculum

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

Yes.

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?

Yes.

4. Consultation

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

Yes.

8. 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.

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?

Yes.

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.

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?

Yes.

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?

Yes.

9. **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 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.

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.

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?

Yes.

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.

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?

Yes.