



Australian Coalition for Equality Federal Election 2010 Party Survey

Socialist Alliance Responses

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.

Socialist Alliance activists initiated Sydney based actions against the homophobic ban on marriage of August 2004, and helped initiate and co-ordinate the National Day of Action for same-sex marriage from 2006 onwards. Through building a large, vibrant grass-roots movement that uncompromisingly demanded marriage – full equality for same-sex couples – but also supported the campaigns in the ACT and other states for registration schemes and civil unions, Socialist Alliance helped build the momentum and helped win civil unions in the ACT and registration schemes in Tasmania, Victoria, and NSW. Through the campaign, and with the help of trans and intersex activists, we formulated very advanced LGBTI policy. With one Socialist Alliance candidate elected to Fremantle council next year, we hope to use the policy formulated, to good 'formal' effect. We helped ensure the very marginalised voices within our community – the trans and intersex community – were represented within the marriage campaign. Socialist Alliance activists also championed queer refugee rights within the marriage campaign. We pledge to continue the grass roots campaign for marriage rights, trans and intersex rights.

LGBTI policy Socialist Alliance

<http://www.socialist-alliance.org/page.php?page=219>

Marriage and Civil Union policy

<http://www.socialist-alliance.org/page.php?page=895>

Intersex Policy

<http://www.socialist-alliance.org/page.php?page=896>

Transgendered people

<http://www.socialist-alliance.org/page.php?page=897>

Queer refugee campaigning

<http://www.greenleft.org.au/node/35375>

LGBTI rights candidate Rachel Evans

<http://www.socialist-alliance.org/sydney/>

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)?

Yes, if elected, in either local, state, or in a federal capacity our Party will commit to providing LGBTI Australians with comprehensive and effective protection from discrimination or incitement to hatred on the grounds of sexual orientation and sex or gender identity. The legislative forms that this protection would take, may vary. Advice from ACE, Australian Marriage Equality, Parents of Lesbian And Gays, and other state grass-roots and federal LGBTI rights groups would help with formulating this.

As our policy states we will

“ Enact enforceable anti-discrimination legislation to protect lesbians, gay men, bisexuals, people living with HIV and trans and intersex people. We will remove existing exemptions from anti-discrimination legislation in relation to employment for private schools, religious organisations, the insurance industry, the tax system, superannuation etc. The Socialist Alliance will legislate for the right of trans and intersex people to be issued with passports, drivers licenses and other documents specifying the gender (or non-gender) of their choice.

Legislate full social, legal, trade union and industrial recognition of same sex and gender variant relationships. This would include extending to same sex relationships equal status with heterosexual de factos in superannuation, immigration, taxation, family law, industrial relations and any other laws and regulations; ensure the right of gays, lesbians and gender variants to choose

to marry if they so wish; provide independent incomes [Newstart, Pensions, etc] for all regardless of relationship status

Legislate against use of non-violent homosexual “advance” as a defense of “provocation” in violent crime.- this will end state-enforced economic dependency.

Legislate against use of non-violent homosexual “advance” as a defense of “provocation” in violent crime. ”

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, again, advice from the abovementioned groups would help with the particulars of this legislation.

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?

Absolutely.

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?

This maybe necessary – however – there is a whole lot of expertise in the aforementioned groups. A national conference of grass roots/ campaign orientated groups that formulates a 20 point plan for LGBTI rights that includes a number of the policy points in the Socialist Alliance LGBTI policy. If that Conference calls for such a committee, and it would assist the implementation of concrete programs and legislation that will help combat homophobia and transphobia – then it would be good to establish. However, any functionaries within the committee should only receive an average workers wage, to reduce the tendency of conservatism that being a highly paid functionary illicit.

2.4 Training for Public Servants

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

As our policy stipulates

All public funding for education, youth, aged, health, employment and welfare to be directed though non-discriminatory government and/or secular non-profit community organisations. Education in schools to incorporate positive material on homosexuality, trans and intersex peoples.

Support Pride Marches, the Sydney Gay and Lesbian Mardi Gras, film and video festivals and other queer community events; defend and extend gay, lesbian trans and intersex programming on the ABC, SBS and community broadcasters; work vigorously for an end to the vicious and destructive portrayal of gay men, lesbians and trans people people in some sections of the media.

Mandatory sensitivity training and refresher courses for the police force in how to deal with LGBTI issues. This education and training must be developed

with and by the LGBTI community. The selection of LGBTI liaison officers should be under the control of the LGBTI community and recallable.”

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, when we are in a position to do so. In the meantime, we will campaign on the streets to expose the injustices and discrimination within state and federal legislation.

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?

Yes. As our policy says

“Enact enforceable anti-discrimination legislation to protect lesbians, gay men, bisexuals, people living with HIV and trans and intersex people. We will remove existing exemptions from anti-discrimination legislation in relation to employment for private schools, religious organisations, the insurance industry, the tax system, superannuation etc. The Socialist Alliance will legislate for the right of trans and intersex people to be issued with passports, drivers licenses and other documents specifying the gender (or non-gender) of their choice.”

3.3 Formal Relationship Recognition

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

Yes! Absolutely! As our policy stipulates

“The Socialist Alliance supports the right to marry regardless of gender or sexual orientation. In other countries civil unions have been offered to the LGBTI community to placate the movement for equal marriage rights. This is not the situation in Australia, where even civil unions have been suppressed by the federal government because they “mimic marriage”. It is for this reason that the Socialist Alliance supports civil unions but will continue the campaign for marriage . Civil unions are not a substitute for marriage rights.

The Socialist Alliance stands for:

- 1. Immediate equal marriage rights for LGBTI people.**
- 2. Civil unions legislation in each State and Territory, as well as on the federal level. Civil unions legislation should allow official, legally recognised ceremonies, and it should be open to everyone regardless of gender or sexuality. “**

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.

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. Policy - “Guarantee the right of gay men and lesbians to adopt or foster children and to access free, safe reproductive technology like IVF. End discrimination against gay men, lesbians, trans and intersex people in child custody cases.”

4.0 Aged Care and LGBTI people <Awaiting comments from Jo>

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?

Yes. As our policy stipulates

“Provide full state funding for gay, lesbian, bisexual, trans people and intersex youth programs including refuges and housing services, health services, coming out, self-esteem and suicide prevention programs;

□ All public funding for education, youth, aged, health, employment and welfare to be directed through non-discriminatory government and/or secular non-profit community organisations. Education in schools to incorporate positive material on homosexuality, trans and intersex peoples.”

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.

4.3 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?

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?

Meetings, plans, support, funding, society wide programs, secular nursing homes.

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?

Massive funding to secular nursing homes, LGBTI rights training of all medical staff.

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.

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! As our trans policy stipulates

“Governments have to ensure that services and laws are in place that provide for those who do not fit prevailing ideas of sex and gender binaries and by unshackling the community from the need to conform to and enforce those ideas, allow each individual to participate in society as themselves.

Trans people are a diverse group of identities, including transsexual, transgendered, crossdressers, gender queers, and gender variants of all kinds. Their common ground is that they do not conform to society's expectations of how someone of their physiological sex assigned at birth is supposed to be in the culture they live in. Most trans people do not seek sex reassignment surgery, although many seek hormone therapy.

Trans people suffer hate crimes, murder, being sacked from jobs, discrimination in renting and buying houses, and high rates of suicide because of the bigotry they face.

In Australia, trans people face barriers in changing their sex. To access any medical transition technologies, such as hormone therapy or surgeries, on Medicare they have to be diagnosed with “gender identity disorder”. This is a psychological disorder according to the Diagnostic and Statistical Manual of Mental Disorders (DSM IV). This pathologising terminology is rejected by the trans movement.

Free, quality surgery is unavailable in Australia. Therefore trans people are forced to access expensive surgeries in the private sector. Hormone therapy is only free to people on the pension. Otherwise, it is very expensive.

Trans people are not granted legal recognition of their gender without surgery. This is a major problem for many trans people who either cannot afford surgery or do not want it. Potential loss of sexual function is one reason why some people do not want surgery. A major problem with the requirement of surgery is that it coerces trans people into sterilisation.

Even after hormones and operations trans people are not granted automatic government recognition of their sex. Expensive passport and birth change processes add to the trauma and humiliation trans people are forced to endure. The Socialist Alliance supports the work of transgender and transsexual rights organisations in their campaigns.

The Socialist Alliance stands for:

- 1. Free access to hormones, if requested, without being diagnosed with 'gender identity disorder'.**

2. Free, quality sex change operations and access to other medical needs such as electrolysis.
3. Full legal recognition of gender identity regardless of whether or not a person gets surgery. This includes but is not limited to passports and birth certificates. A person's legal identity should be "male" or "female" as they choose, or they should also have the option of marking an "X" or "trans", or something else, if they choose.
4. Anti-discrimination laws that support trans people in fighting off discrimination in jobs, housing, schooling.
5. Affirmative action in public housing and employment, including crisis accommodation to cater specifically for the needs of trans people.
6. Anti-bigotry campaigns in schools and wider society that teach people about trans rights.
7. The repeal of all legislation discriminating against trans people.
8. Government funding for services run by and for the trans community, such as Gender Centres. There should be a Gender Centre in every capital city at least.
9. Specific units in hospitals to cater to the needs of trans people."

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?

YES! See 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?

Yes! Intersex Policy "Intersex people are people born with physiological differences that may be seen as being both male and female at once, not wholly male or female or as neither male nor female.

Intersex people are subjected to discrimination in employment, in housing, in the provision of medical services, and the provision of government services.

There are no laws preventing discrimination against intersex people.

Intersex children may be subjected to non-consensual surgery so that their bodies conform to dominant ideas of what constitutes a 'male' or 'female' body. Non-consensual genital surgery is particularly controversial and where there is little debate against prohibitions on female circumcision, similar procedures on intersex people happen with little community comment.

The Socialist Alliance rejects pathologising definitions of intersex such as "disorders of sexual development". The difficulty for Intersex is not differences in anatomy but rather how those differences are perceived by the community.

Social prejudice against non conforming bodies such as intersex, are the issues that needs attention. Intersex people should not be compelled to change their bodies, their behavior, or themselves to meet mainstream social expectations.

The Socialist Alliance stands for:

- 1. All non-consensual surgery on children, where the child is denied the informed and cognizant right to consent or reject) ceasing immediately save for those cases where surgery is life preserving.**
- 2. Children being able to declare their sex, even if that is none, when they are fully informed and able to understand those concepts.**
- 3. Any individual having their passport marked with X rather than sex or gender if they so desire.**
- 4. An affirmative action policy in public housing, work opportunities, education, and the provision of medical and government services.**
- 5. Education campaigns to be conducted in schools and wider society to debunk the myth of sex and gender binaries, informing individuals about sex and gender diversity, and opposing bigotry because of perceived sex and gender differences.**
- 6. Intersex athletes like Caster Semenya not being publicly outed. That there are no compulsory sex testing procedures in sport.**
- 7. Legislation that provides protection against discrimination and vilification and promotes equal opportunities for intersex people.**
- 8. Access to appropriate medication and surgery when and if required based on the needs of the individual and not on the expectations of diagnostic protocols. This includes the abandonment of the diagnosis of “gender dysphoria” for those intersex who reject their birth assignment.**
- 9. All people, particularly legislators and medical professionals, acknowledging that sex and gender is more than men and women , male and female.”**

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?

Again, this maybe necessary – however – there is a whole lot of expertise in ACE, AME, PFLAG, ACON, Victoria Lobby, Tasmanian Gay and Lesbian rights group, Community Action Against Homophobia, etc. A national conference of grass roots/ campaign orientated groups that formulates a 20 point plan for LGBTI health, that includes a number of the policy points in the Socialist Alliance LGBTI policy. If that Conference calls for such a committee, and it would assist the implementation of concrete programs and legislation that will help combat homophobia and transphobia – then it would be good to establish. However, any functionaries within the committee should only receive an average workers wage, to reduce the tendency of conservatism that being a highly paid functionary illicit.

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. As above.

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?

Yes,

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?

Policy “All public funding for education, youth, aged, health, employment and welfare to be directed through non-discriminatory government and/or secular non-profit community organisations. Education in schools to incorporate positive material on homosexuality, trans and intersex peoples.

Provide full state funding for gay, lesbian, bisexual, trans people and intersex youth programs including refuges and housing services, health services, coming out, self-esteem and suicide prevention programs;”

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.

7.2 National curriculum

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

Absolutely! Yes!

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?

Absolutely! Yes!

7.4 Consultation

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

Yes, again, this maybe necessary – however – there is a whole lot of expertise in ACE, AME, PFLAG, ACON, Victoria Lobby, Tasmanian Gay and Lesbian rights group, Community Action Against Homophobia, Vic Lobby, in Western Australia etc. A national conference of grass roots/ campaign orientated groups that formulates a 20 point plan for LGBTI health, that includes a number of the policy points in the Socialist Alliance LGBTI policy. If that Conference calls for such a committee, and it would assist the implementation of concrete programs and legislation that will help combat homophobia and transphobia – then it would be good to establish. However, any functionaries within the committee should only receive an average workers wage, to reduce the tendency of conservatism that being a highly paid functionary illicit.

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!

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?

Yes.

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?

Indeed, yes, sounds like a good idea. Would be very good to see.

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?

Yes.

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?

Yes.

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.

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?

Yes.