

Advocacy for Trans and Gender Diverse people in Australia

Federal Election 2022



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acknowledgement of country

Transgender Victoria acknowledges the traditional custodians of the land we are on, and pay our respects to their Elders past, present and emerging. Transgender Victoria operates across lands belonging to the Wurundjeri, Boonwurrung, Taungurong, Dja Deja Wurrung and Wathaurung peoples of the Kulin Nation. Transgender Victoria pays its respects to Elders past, present and emerging and acknowledges that sovereignty has never been ceded.

We respectfully acknowledge that lesbian, gay, bisexual, trans and gender diverse (including sistergirls and brotherboys), and intersex communities include many Aboriginal and Torres Strait Islander people and their families, and that in addition to homophobia, biphobia, transphobia, and intersex stigma and discrimination, our Aboriginal and Torres Strait Islander LGBTI+ community members also experience racially motivated prejudice which can compound their marginalisation.

Executive Summary

Transgender Victoria (TGV) is Victoria's leading body for trans, gender diverse and non-binary people (TGD). Operating for over 21 years, TGV works to achieve justice, equity and inclusive service provision for trans and gender diverse (TGD) people, their partners, families, friends, communities and allies.

Trans and gender diverse people are those whose gender identity or expression does not align with the gender they were assigned at birth. TGD Australians can and do suffer from discrimination in nearly all facets of their lives. While TGV's focus is on TGD Victorians the issues raised here are relevant to all TGD Australians. TGV wishes to work with all political parties to achieve a non-partisan position on issues relating to the human rights and service provision to TGD people. TGV invites dialogue with all political parties on the issues raised in this document.

The federal government plays a critical role in a number of important areas affecting trans and gender diverse people including:

- Legal and human rights
- Freedom from discrimination
- Health including both physical and mental health
- Employment
- Housing
- Social services
- Education
- Aged care

Trans and gender diverse Australians deserve the same rights and access to support and services as other members of the Australian community. While progress has been made to achieve equality with cisgender people, TGV wants to work with all Australian political parties and individuals running at the next federal election to implement the following:

- Establish a national body that represents all LGBTIQ+ Australians, including TGD Australians, within the federal government to oversee the workings of government. This body should function to ensure that all LGBTIQ+ Australians are free of discrimination and have equitable access to government funded services. The body should reside in the Department of Prime Minister and Cabinet and use a model similar to the Victorian government model to ensure oversight of all government departments and government funded programs including:
 - Ensuring that the government prevents discrimination against all LGBTIQ+ Australians, including TGD Australians
 - Appointing a Minister for Equality to oversee this body
 - Appointing an LGBTIQ+ Human Rights Commissioner with appropriate resources and funding
 - Review areas where TGD Australians are disadvantaged, establish the nature of these disadvantages and correct them
 - Establish a TGD Advisory Body to advise and guide appropriate consultative processes to ensure TGD voices are reflected in understanding the areas of concern and disadvantage.
 - Ensure better support for TGD staff and students in educational settings
 - Ensure that TGD Australians are included in a National Housing Strategy
 - Strengthen education migration pathways for LGBTIQ+ people
 - Better provision of health services covering the physical and mental health of TGD Australians. This requires active funding from the Commonwealth and support from states and territories
 - Inclusion of LGBTIQ+ people in the census with questions to count TGD people
 - Protecting the rights of TGD refugees and asylum seekers in Australia by developing procedures which are sensitive to the issues facing them. They are routinely subject to unnecessarily invasive questioning about their gender identity and sexual orientation.

Further details on the items listed for consideration by this body are included in the main part of this document.

The Victorian body on which this proposal is based has led to many advances in service provision and freedom from discrimination for TGD Victorians and is the foundation of a 10-year strategy for LGBTIQ+ Victorians which will further improve the lives of TGD Victorians.

We urge all Australian political parties and individuals contesting the 2022 federal election to work together to implement our recommendations for action in order to promote an Australia that is more equitable, welcoming, respectful, responsive and supportive of people from TGD communities and their families.

This is not only the ethically and morally responsible thing to do but there is overwhelming evidence that an environment that is equitable, welcoming, respectful, responsive and supportive of people irrespective of gender identity, sexual orientation, sex characteristics, ethnic or cultural origins creates a society that is stronger in economic terms and in terms of its social capital.

See:

- ***"Diversity Council of Australia Out at Work: From Prejudice to Pride"***
<https://www.dca.org.au/research/project/out-work-prejudice-pride> and Lee Badget et al.
- ***"The relationship between LGBT inclusion and economic development: Macro-level evidence"***
<https://economicimpact.net/wp-content/uploads/2021/05/The-relationship-between-LGBT.pdf>

These and other studies support the positive impact of improvement of LGBT inclusion on the economic and social cohesion of Australia.

Everyone deserves to feel safe, no matter where they live, work, or access support. Yet we know TGD people still experience harassment and violence and exclusion from vital support services. TGV wants to work with all parties and candidates in the upcoming federal election so that they adopt policies that will ensure that the Federal Government as a whole has legal frameworks and practices which will ensure that the disadvantage that trans and gender diverse people suffer because of their gender identity is corrected. The outcome that TGV seeks is that the resulting policies and legal frameworks ensure equitable treatment and service provision for of trans and gender diverse people with the resulting positive effect on both TGD communities and the whole of the Australian community.

Glossary

Bisexual people are attracted to people of more than one sex and/or gender.

Cisgender people are those whose gender is the same as that which was assigned at birth (contrast with transgender, trans, and gender diverse see below)

Gay Someone who is attracted to people of the same sex and/or gender as themselves.

Gender identity is the gender that a person identifies as, regardless of their biological sex.

Intersex people are born with physical sex characteristics that don't fit medical and social norms for female and male bodies.

Intersex traits arise from chromosomal, hormonal and other physiological variations. There are dozens of different intersex traits, and while some are apparent before or shortly after birth, others do not become apparent until puberty or adulthood.

The term 'intersex' is not applicable to situations in which individuals deliberately alter their own sex characteristics. Like non-intersex people, intersex people have a range of different sexual orientations and gender identities.

Lesbian refers to a woman who is attracted to other women

LGBTIQ+ Lesbian, gay, bisexual, trans and gender diverse, intersex, queer and other sex, sexuality, and gender diverse communities.

Non-binary people are those whose gender is not exclusively female or male.

Queer is an umbrella term for sexual and gender minorities who are not heterosexual or are not cisgender. In the late 1980s activists started using the term to reclaim it from its prior use as a pejorative term. In the 21st century, queer has become increasingly used to describe a broad spectrum of non-normative sexual and gender identities.

Trans and gender diverse people are those whose gender identity or expression is different from that which was assigned at birth or that which is expected of them by society.

Rainbow families is the term used to include families where one or more parent or carer who is LGBTI+.

They come in all different shapes and sizes, and exist within all cultural and faith groups.

The law often defines relationships within rainbow families as "same-sex", however, rainbow families take many diverse forms, such as those in which parents or carers are trans and gender diverse.

Children in Australia live in families with sole parents, two or more parents or carers and enjoy relationships with donors, siblings and step-family, kinship, surrogate, foster or adoptive family members who make up their rainbow family.

Introduction

Ahead of the upcoming federal election, Transgender Victoria (TGV) on behalf of its members, the trans and gender diverse (TGD) community, has produced this election booklet to advocate on a range of issues relevant to TGD Australians and by inference LGBTIQ+ Australians.

It is important to note that trans and gender diverse people not only have gender identities and/or expressions different to those with which they were assigned at birth but many also have sexual orientations different to the cisgender, heteronormative majority of Australians. Therefore, this booklet contains issues which are of relevance to all LGBTIQ+ Australians because within all the categories of that group there are significant numbers of individuals who identify as trans and gender diverse.

Although TGV's mission is chiefly to improve the lives and well-being of trans and gender diverse (TGD) Victorians, this document refers to all TGD Australians as the issues raised are relevant across Australia.

TGV urges all Australian political parties and individuals running at the next federal election to work together with TGV to implement our recommendations for action in order to promote an Australia that is more equitable, welcoming, respectful, responsive and supportive of people from LGBTIQ+ communities, people and their families and particularly those from a TGD background. TGV would like to see all parties work with us to implement our recommendations for action to achieve this goal. This goal is not only the ethically and morally responsible thing to do but there is overwhelming evidence that an environment that is equitable, welcoming, respectful, responsive and supportive of people irrespective of gender identity, sexual orientation, sex characteristics, ethnic or cultural origins creates a society that is stronger in innovation, cohesion, in economic terms and in terms of its social capital.

We've come some way in advancing LGBTIQ+ equality in Australia – marriage equality was a long overdue step forward but there are many issues related to the Federal Government still adversely affecting LGBTIQ+ Australians particularly within TGD communities. Australia needs to have well- resourced and capable LGBTIQ+ led community organisations; embed structural change in Government; and improve recognition and representation of LGBTIQ+ Australians of all backgrounds including those from TGD communities.

TGD communities continue to experience high rates of stigma and discrimination, vilification, social isolation, family violence and because of these and other factors we experience poorer physical and mental health outcomes, higher unemployment and higher rates of homelessness than the general population. Some TGD Australians experience different and multiple forms of discrimination, which can have a cumulative impact on health and wellbeing, especially mental health.

For example, TGD people frequently experience racism, discrimination on the basis of religion or discrimination on the basis of disability in addition to prejudice on the basis of their LGBTIQ+ status. As TGD people our issues are not different to the rest of the LGBTIQ+ community but we experience extra challenges because of the nature of our TGD communities and the stigma and discrimination accorded to us because of our gender identity and/or expression.

TGD people live, work and play across every electorate in Australia. We have relationships, raise families, and contribute to society in many ways. We live in rural and regional communities, in outer urban areas and in the inner cities. We play sport, volunteer and work across all sectors of the economy. We live with disabilities, are neurodiverse, are carers, have parenting responsibilities or are children of LGBTIQ+ people.

TGD people are in every cultural and faith community, yet can be both invisible or, at other times, out, loud and proud. We live differing, intersectional lives every day and can be many or more of everything listed above. In short, TGD communities are not a homogenous group, but live in diverse communities, and policy responses to TGD issues need to be understanding and embracing of this diversity and how across the intersections of that diversity, multiple discriminations and stigmas can overlap and compound marginalisation.

A comprehensive, representative body to protect LGBTIQ+ Rights integrated across all of government

A critical initial step to improving the rights of LGBTIQ+ Australians is to have a body with broad and effective oversight on the effect of government activities and spending on all LGBTIQ+ Australians including TGD Australians. This body must have effective and senior representation across all government departments and activities and include effective representation from the LGBTIQ+ community including TGD people. LGBTIQ+ issues need to be heard at the highest levels of government and implemented across portfolios. Such an advisory group needs to have voices of TGD Australians included.

This Government Advisory Group will provide strategic advice to all ministers in the Australian Government and ensure decisions affecting LGBTIQ+ communities are made only after meaningful consultation. The consultative activities of the group will be supported by more specific working groups who will provide the details in specific areas that will ensure a comprehensive approach. The advisory group could model itself on the Victorian Government's approach which has created a whole of government LGBTIQ+ strategy. This body should be resourced with public service secretariat support.

The Victorian body on which this proposal is based has led to many advances in service provision and freedom from discrimination for TGD Victorians and is the foundation of a 10-year strategy for LGBTIQ+ Victorians which will further improve the lives of TGD Victorians.

The first action of this body should be to commission a review of discriminatory practices towards Australian LGBTIQ+ people particularly TGD Australians. There is also a need to develop and make readily available suitable LGBTIQ+ training and education which helps all government departments and service providers to better understand the issues faced by our community and ensure all services are provided in a safe, culturally-informed and appropriate way. A simple example of an action is that all Government and service provider data bases and practices need to be updated to ensure where information on sex and gender is relevant and collected, it allows choices other than M and F to reflect birth certificate changes at State and Territory level across Australia.

Key members of this body should be an LGBTIQ+ human rights commissioner and a Minister for Equality. Establishing these roles will be critical to the success of this body.

Appoint an LGBTIQ+ Human Rights Commissioner

TGV requests that all political parties and individuals running for federal election commit to appointing and adequately fund an LGBTIQ+ Human Rights Commissioner to the Australian Human Rights Commission. This role will assist with ensuring that LGBTIQ+ people are protected from discrimination on the basis of sex, sexuality, gender identity and intersex status. The LGBTIQ+ Human Rights Commissioner will work with communities and champion the rights of lesbian, gay, bisexual, intersex, trans and gender diverse Australians within the Government and in the broader Australian community. The commissioner should be a part of this representative government body and monitor the effectiveness of its activities.

Appoint a Minister for Equality

TGV asks that all political parties and individuals running for federal election commit to appointing a Minister for Equality covering LGBTQ+ Australians. Appointing a Minister for Equality covering LGBTQ+ Australians will ensure that issues affecting LGBTIQ+ communities are represented in cabinet. Having a minister responsible for LGBTIQ+ equality will raise the profile of the issues affecting LGBTIQ+ communities and will facilitate progress in the areas of legislative reform, community consultation and funding for LGBTIQ+ services and programs. The Minister for Equality should be part of this representative body and advise the Prime Minister of the actions required to ensure all LGBTIQ+ Australians are treated equitably by the federal government and in particular on actions required to remove roadblocks to this occurring.

Our anti-discrimination laws currently include an unacceptable exemption for religious organisations.

This exemption means that a religious hospital can refuse to employ a transgender doctor; a faith-based homelessness shelter can refuse to accept a transgender or gender diverse resident; and a faith-based school can sack a transgender teacher who is married to their same gender partner. These services are funded by government in Australia and such funding should not be used to support discrimination. In 2017, a teacher was fired from a Baptist school in Perth after disclosing that he was in a long-term relationship with a man (see article [here](#)). Successive Coalition and Labor governments have maintained these discriminatory laws.

TGV wants a commitment from all political parties and individuals running for federal parliament to commit to removing these exemptions, and enshrine anti-discrimination in a comprehensive charter of rights. Our anti-discrimination laws should apply to everyone. The present provisions allowing discriminatory statements and other discriminatory acts should be removed from the proposed Religious Discrimination bills.

Conversion practices should be outlawed.

TGV is concerned that research has shown that faith-based organisations have attempted to convert the gender identity or sexual orientation of their LGBTIQ+ members in Australia. LaTrobe and Macquarie Universities' research funded by the Australian Research Council and with the support of survivor networks demonstrates the harm caused by conversion ideology practices and the need to ban them (for details see [here](#)). TGV is asking that all political parties and individuals running for election to federal parliament commit to banning these practices across federal jurisdictions and to promote the adoption of laws similar to the Victorian legislation in all states (see [here](#)).

TGV notes that research with survivors shows that the ex-gay and ex-trans conversion movement extends further than formalised 'therapies' and that sexual orientation and gender identity change efforts pervade some religious communities, faith-based organisations, schools and the counselling industry in subtle and insidious ways (details see [here](#)). It is important to remove the exemptions to discrimination law in the religious discrimination bills currently passed by the house of representatives in the federal parliament to prevent the conversion practices being conducted under the legal protection of the religious discrimination laws.

TGV requests all political parties and individuals running for federal election to support survivors of sexual orientation and gender identity change efforts to stamp out these practices and ensure that the specific needs of survivors are met. Specifically commit to:

- Investing \$1 million in LGBTIQ+ faith organisations across Australia to build capacity for self- advocacy;
- Investing \$500k into a public health and awareness campaign to explicitly target those at risk of the conversion practices movement's influence and to refute its key messages and assertions
- Introduce regulatory and legislative enforcement of peak psychological and health bodies to prohibit the use of conversion 'therapy' by mental health professionals, including social workers, unregistered and registered health professionals, teachers and more. These regulatory enforcements will cover any attempts to change, suppress, cure, heal or repair the sexual orientation or gender identity of children or adults;
- Criminalise any attempt to remove a person from Australia for the purposes of conversion change efforts
- Consult the broader LGBTIQ+ community to determine whether criminal or civil penalties are appropriate for practitioners and referrers.
- Remove provisions from the religious discrimination bills before the last parliament which will facilitate conversion practices occurring

Other areas of concern

Other areas of concern where LGBTIQ+ rights need to be protected include:

- Developing a family law system including a Family Court system that is inclusive of and responsive to diverse family forms including rainbow families and LGBTIQ+ people in diverse relationships;
- Amending the Sex Discrimination Act to remove the discrimination faced by transgender and intersex sportspeople
- Legislating to protect LGBTIQ+ people from vilification
- Accelerating the implementation of the [2013 Australian Government Guidelines on the Recognition of Sex and Gender](#) (as amended in 2015) across departments and agencies and review the implementation of the guidelines in consultation with trans and gender diverse, and intersex groups. In particular, TGV observes that there are regular reports where these guidelines are breached in relation to LGBTIQ+ refugees and in particular TGD refugees
- Update the [Australian Government Guidelines on the Recognition of Sex and Gender](#) to use the term 'non-binary' and allow for the use of other descriptors for gender to accommodate changes in birth certificate laws such as the 2019 Victorian changes
- Including LGBTIQ+ rights as a core part of the nation's foreign policy agenda and appoint an Ambassador for the Human Rights of LGBTIQ+ Persons
- Reinstating Australian Defence Force's IDAHOBIT events and support diversity programs
- Tying diversity competency in law enforcement in the ADF and security forces to officer's pathways to promotion
- Training National Security Hotline employees in diversity and intersectionality training

2026 Census to Include Questions on Sexuality, Gender Identity and Sex Characteristics

TGV calls on all political parties to commit to including questions on sexuality, gender identity and sex characteristics using the Australian Bureau of Statistics 2020 Standard "[Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables, 2020 | Australian Bureau of Statistics](#)".

The questions should include

- A question on sexuality
- A question on sex characteristics
- And use the two-question approach to ask about an individual's gender identity

as detailed in the ABS 2020 standard.

The LGBTIQ+ community and especially the TGD community has needs in the areas of health, housing, education, social services, employment as detailed in this document. These needs require a detailed understanding of the demographics of the community which only can be effectively obtained from a census. The intersectionality that TGD people who are multicultural, multifaith, disabled or have other marginalised identities in addition to being TGD further amplifies these needs and so a detailed understanding of their demographics with links established between their sex, gender, variations of sex characteristics and sexual orientation and their faith, ethic and cultural background is needed to ensure that services are provided to them in an effective and efficient way where they are needed.

The ABS is conducting the Intergenerational Health and Mental Health Study using the methodology for collecting information about gender, sexual orientation and sex characteristics as described in their 2020 standard. This large (60,000 person) study will enable the feasibility of collecting this information in the next national census to be established.

A National LGBTIQ+ Health Strategy

The LGBTIQ+ community and especially TGD people have physical and mental health care needs which are not always met by the current system. TGV asks political parties and all individuals running for federal parliament to commit to establishing a national LGBTIQ+ health strategy to ensure all LGBTIQ+ people have access to holistic and comprehensive health services covering both physical and mental health regardless of whether they live in a capital city or a rural town and have access to support in their own language. TGD people in particular struggle to get their specialised health care needs met.

This strategy will include national standards and training for health professionals to ensure they can provide world class care to all LGBTIQ+ patients particularly patients who are trans and gender diverse. The mental health of LGBTIQ+ people is among the poorest in Australia and trans and gender diverse people have the highest rates of anxiety and depression of any group in the Australian community and have a great need for mental health support.

Political parties and all individuals running for federal parliament should commit to:

- Fund Headspace services to expand their service provision to include adults
- Provide full Medicare coverage for gender affirmation treatment and ensure necessary hormones and hormone blockers are included in the Pharmaceutical Benefits Scheme
- Increase Commonwealth funding to address and alleviate trans and gender diverse
- Australians' social, mental and physical issues Continue funding for the National LGBTI Health Australia and its programs including Silver
- Rainbow and the national LGBTI+ telephone support helpline, QLife
- Replicate and fund the successful Victorian Rainbow Door program across Australia to enable access to safe peer led referral services and help
- Work with the Australian Medical Council, Allied Health Professions Australia and the
- Community Services and Health Industry Skills Council to ensure the inclusion of LGBTI+ issues and particularly TGD health within the courses for all health professionals
- Ensure the response to the Royal Commission into Aged Care Quality and Safety addresses the barriers experienced by LGBTIQ+ people in accessing safe and culturally appropriate aged care services.
- Invest in a LGBTIQ+ National Aged Care Volunteer Visitors Scheme for LGBTIQ+ organisations to recruit, train and support volunteers who provide assistance to older people.
- Add action to address non-consensual, medically unnecessary interventions on intersex children to the Council of Australian Governments' Health Council and Council of Attorneys- General agendas as recommended by the Australian Human Rights Commission (<https://humanrights.gov.au/intersex-report-2021>)

Education Support for LGBTIQ+ Students in All Schools

Education, support and acceptance improves the mental wellbeing and lives of LGBTIQ+ young people and whole school communities (<https://www.lgbtiqhealth.org.au/strategy>). TGV calls on all political parties and individuals running for election to commit to

- Address the exemptions in the Sex Discrimination Act allowing religious schools to discriminate against LGBTIQ+ students including TGD students
- Limit the exemptions in the Sex Discrimination Act allowing religious schools to discriminate against LGBTIQ+ teachers unless it can be demonstrated that the teacher's sexuality or gender identity is in conflict with the requirements of the position.
- Reinstate the safe schools programme nationwide (<https://studentwellbeinghub.edu.au/educators/resources/safe-schools-do-better>).
- Invest the money currently invested in the School Chaplains program in secular, unbiased and inclusive support for students through counsellors and antibullying initiatives such as the Safe Schools Program. TGV is particularly concerned that the School Chaplains Program does not meet the needs of multifaith communities and particularly of those students who are LGBTIQ+ or in particular TGD.
- Review the national curriculum, particularly the National Health and Physical Education Curriculum, to ensure it is LGBTIQ+ inclusive.

Address the Crisis in Housing and Homelessness For LGBTIQ+ People

Housing is a human right. Yet approximately 300,000 people will be homeless at some stage this year, with LGBTIQ+ people and TGD people in particular being at greater risk of homelessness than the general population (<https://chp.org.au/lgbtq-Australians-twice-likely-face-homelessness>). TGV requests that all political parties to commit to

- A national housing strategy increasing funding for general crisis and temporary housing services, including those for
- LGBTIQ+ people, to \$500 million per year,
- and guarantee this funding for ten years to provide certainty to service providers.

Ensure the rights of LGBTIQ+ refugees are protected

The TGV asks that all political parties and individuals running for federal election commit to ensuring the rights of LGBTIQ+ refugees are protected and to modifying the government processes to ensure that LGBTIQ+ refugees are treated with respect for their sexual orientation or gender identity. LGBTIQ+ refugees are frequently denied refugee status on the basis of their sexual orientation or gender identity and face extreme difficulties when forcibly returned to their country of origin including imprisonment and death (<https://www.tandfonline.com/doi/full/10.1080/07256868.2017.1341394>).

TGV has reports of trans and gender diverse asylum seekers being asked inappropriate and disrespectful questions about their gender identity during the process of being assessed for refugee status. TGV submits that all trans and gender should be treated with respect during this process.

All parties and individuals running for federal election should commit to the following

- Expedite the resettlement of LGBTI+ refugees and people seeking asylum being held in offshore detention facilities in regions that cannot guarantee their safety, namely in Nauru.
- Ensure that people involved in the assessment of refugee claims are trained on best practice in determining refugee status based on LGBTI+ status



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