

Rights of Gay, Lesbian, Bisexual, Transgender & Intersex people

AUSTRALIAN DEMOCRATS ACTION PLAN
GLBTI RIGHTS
ATTORNEY GENERAL & JUSTICE

Our Policy

“The Democrats believe Government policies need to reflect today’s society, rather than an outdated 1950’s approach.”

Senator Andrew Bartlett
Democrat Spokesperson
on Sexuality Issues

Since our inception as a political party in 1977, the Australian Democrats have championed the cause of gay, lesbian and bisexual people and more recently, that of transgender people and those with intersex conditions.

The Democrats believe that all Australians have a right to equality under the law and in dealings with government, and should be protected from discrimination and vilification on the grounds of sexuality, transgender identity or intersex status.

We believe that all relationships should be treated equally and that people in same-sex relationships and their children should be able to access the same range of benefits available to those in opposite-sex relationships.

In areas such as superannuation, industrial relations, taxation, immigration, welfare, access to the family court, public service entitlements including within the Federal Police and the defence forces, same-sex couples do not have the same rights as other couples.

Until very recently, both Labor and the Coalition consistently refused to support attempts in the Senate to improve equality for same-sex couples, often voting together to block attempts by the Democrats to remove discrimination.

When it comes to legislative change in the Senate, the Australian Democrats are the only party to have consistently moved amendments, advocated and voted for equal rights for GLBTI people, and we’ve been doing it for nearly three decades.

Our record

The Australian Democrats:

- lobbied for and supported the lifting of a ban against gay men and lesbians in the military
- successfully amended industrial relations law to prohibit discrimination in the workplace on the grounds of sexual orientation
- were pivotal in bringing about the introduction of an interdependency category to allow a direct immigration opportunity for same-sex couples and opposed the Howard Government’s downgrading and capping of this immigration category
- voted to overturn Tasmania’s anti-gay laws
- moved for the removal of gender specific language in all legislation and regulations



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www.democrats.org.au

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GLBTI Rights

- supported and continue to achieve same-sex couple recognition at State and Federal levels
- introduced the Sexuality and Gender Identity Discrimination Bill in 1995 to outlaw discrimination, harassment and vilification, and equalise same-sex relationships.
- initiated the first national inquiry into sexuality and gender status discrimination in 1996
- were the first party to adopt a comprehensive GLBTI policy

What are we doing now?

In 2003 the Sexuality and Gender Identity Discrimination Bill was updated and re-introduced to the Senate. It was first introduced in since 1995, but while debate in the Bill has occurred periodically – most recently in October 2006 - it has still yet to be able to be brought to a vote in the Senate.

“Homophobia as exhibited in the Senate today is as morally repugnant as racism or anti-Semitism.”

Senator Brian Greig
former Spokesperson
for Sexuality and
Gender Issues

In May 2004, Democrat Leader Andrew Bartlett announced that the Prime Minister had finally agreed to Democrat demands to extend superannuation property rights to same sex couples and others in interdependent relationships in respect of private superannuation funds, removing the need for partners to go through an expensive and uncertain legal process and pay up to 30 per cent extra tax upon the death of their partner. The government has still to act on its promise to extend the same rights for same sex couples under public superannuation schemes.

In 2004, John Howard introduced legislation to prevent same sex couples from marrying and adopting children from overseas. The Democrats opposed this Bill, and successfully referred it to a Senate inquiry for a full examination of its impact. However, the Bill was recalled from Committee and the anti-marriage measures components were guillotined through the Senate on 13 August 2004, with the support of the Labor & Liberal Parties. In June 2006, Democrat Senators Natasha Stott Despoja and Andrew Bartlett introduced legislation into the Senate aimed at reversing this discriminatory measure.

In March 2006, the government responded to repeated Democrat concerns about the impact of sexuality discrimination on our ability to recruit skilled migrants by recognising same sex partners of skilled and student visa applicants.

Over the last few years, the Democrats have continued to move amendments to a wide range of laws to try to remove sexuality based discrimination, including in the areas of taxation, Medicare, veterans and citizenship. The Human Rights and Equal Opportunity Commission (HREOC) has just completed a major inquiry into discrimination against same sex couples under federal law, the first full national inquiry since the Democrat initiated Senate Inquiry, which tabled its report in December 1997.

The Democrats will use the findings and recommendations in the HREOC report to redouble our efforts to eliminate all discrimination against same sex couples under federal law, as we first sought to do through introducing comprehensive legislation into the Senate on 29 November, 1995.



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