

**Submission
No 12**

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

Organisation: Parents, Family and Friends of Lesbians and Gays

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Parents, Family and Friends of Lesbians and Gays

PFLAG NSW Incorporated Y 2696735
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To Members of Parliament

12/4/2024

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

There have been many laws created over the years against the LGBTIQA+ community. The tide is changing in both the Australian and New South Wales populace with regard to the acceptance of the LGBTIQA+ community. This change was particularly evident in 2017, when same-sex marriage became legal, with the passing of the Marriage Amendment (Definition and Religious Freedoms) Act 2017 in Australian Parliament on 7th December 2017. The road is long toward true equality for our LGBTIQA+ community (both on a federal and state/territory level) and there is still so much to be done.

PFLAG NSW (Parents, Families and Friends of Lesbians and Gays) who have been working on the LGBTIQA+ community's behalf over the last 30 years, wholeheartedly supports the introduction of the Equality Legislation Amendment (LGBTIQA+) Bill into NSW Parliament.

The LGBTIQA + community is now being recognized and it is acknowledged the community has been suppressed. They are struggling with most of their human rights, to have the same rights as the heterosexual community and be protected by law.

It is a well-known fact that the LGBTIQA+ community has significantly poorer outcomes in terms of mental health and heightened levels of stress (which can manifest in terms of suicidality and hospital admissions), when compared to their heterosexual counterparts.

It has been noted in the Australian Bureau of Statistics (ABS) 'National Study of Mental Health and Wellbeing, 2020-2022', that nearly 3 in 4 LGBT+ people (74.5%) have experienced a mental health disorder at some point in their lives, as opposed to 41.7% of heterosexual Australians. Almost half of all LGBT+ Australian noted high or very high levels of psychological distress compared with 1 in 7 heterosexual Australians, and 47.8% of LGBT+ people had seriously thought about taking their own life at some point in their lifetime. Lifetime self-harm levels amongst LGBT+ people were nearly 6 times higher than those found in the heterosexual population (41.2% vs 7.4%).

Rates of distress are extremely high amongst non-binary and transgender individuals.



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The recent AIHW (Australian Institute of Health and Welfare) report, which drew on data from the 3rd Private Lives Survey conducted by the Australian Research Centre in Sex, Health and Society (ARCSHS) at La Trobe University, shows that trans and gender diverse participants appear to experience a greater risk of suicidal thoughts and behaviours, compared with cis-gendered participants. An example of this from the report's participants, shows that the lifetime prevalence of suicidal thoughts ranged from 64% among cisgender men to 90% among non-binary participants and 91% among trans men. Another example highlights that more than half of trans men reported having attempted suicide in their lifetimes (53%), in contrast to around one-fifth of cisgender men (22%) (<https://www.aihw.gov.au/suicide-self-harm-monitoring>).

As you can see from the above statistics, there is an urgent need for supportive bills that assist in giving equality to members of our NSW LGBTIQIA+ community, especially the heavily marginalised non-binary and transgender communities. This is long overdue and requires immediate support.

Better protection for all LGBTIQIA+ people from discrimination

PFLAG NSW supports this Bill which if passed would ensure better protection of LGBTIQIA+ people from discrimination at work, school and when accessing disability or aged care services. PFLAG NSW believes wholeheartedly that students and staff at religious schools should not be able to be terminated, expelled or discriminated against simply because of their sexuality or gender identity, and that faith-based providers need to treat LGBTIQIA+ people equally when providing healthcare, accommodation and disability support services.

PFLAG NSW cites a very specific example of such discrimination:

Regarding LGBTQ+ teachers facing discrimination in religious schools, we could quote the example of the experience of our own PFLAG member, (Maria's* son). When he attended our PFLAG meetings, he was in the process of applying for his first high school teaching appointment. When I enquired about where he was applying, he said "Catholic Schools", as he was passionate about teaching Religion. His other teaching subject was music. He was thrilled to get a position in a Catholic Co-educational high school teaching Religion and Music. In the latter half of his first year of teaching, the Principal commended him highly on the quality of his teaching. However, when he posted on social media that he was intending to go to a certain hotel, a parent reported him to the Principal, as the particular hotel was deemed to be a gay- friendly establishment. This young man was suspended from teaching and left in limbo for several months, then, after intervention by the teaching union, he was given a part-time position in a Girls' School. This young man was an exemplary teacher, yet he faced appalling



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discrimination from the Catholic Education Department, through no fault of his own.

*(name has been changed for privacy and confidentiality purposes).

This must never be allowed to happen again!

The provision of identification (ID) that better reflects how LGBTIQ+ people self-identify

PFLAG NSW is appalled that NSW is the only jurisdiction in Australia where sex reassignment surgery is required in order to change one's sex on their birth certificate and driver's licence. This is extraordinarily barbaric. Not only is the cost of sex reassignment surgery incredibly cost prohibitive (running into the tens of thousands of dollars in terms of out-of-pocket costs), and some facets are only covered by Medicare if certain criteria (such as the confirmed diagnosis of gender dysphoria) are met, but some people who are transgender or identifying as non-binary, might not want to have any surgery at all to affirm their gender identity. They should not be forced to undergo this invasive surgery, in order to have their felt identity confirmed.

Self-ID is considered important for respecting an individual's dignity and autonomy. It acknowledges that each person is the best authority on their own gender identity and that their self-identification should be honoured and respected by others.

The current mismatch between NSW identification documents (birth certificates and driver's licences) and those issued by the federal government (such as passports and Medicare cards, which only require a letter from a registered medical practitioner or registered psychologist) imposes a massive logistical and emotional burden on people who are transgender or non-binary, and might lead to them not being able to receive the services and benefits that they are rightly entitled to.

Better protection of the LGBTIQ+ community from violence

PFLAG NSW supports this Bill which if passed would make threats to out a person's sexual orientation, gender history, HIV diagnosis, variations in sex characteristics or sex work a form of domestic abuse for the purposes of making an apprehended violence order or apprehended personal violence order, if one is in a violent or abusive relationship. No-one deserves to be threatened in this way.



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Fairer access to healthcare

PFLAG NSW supports this Bill which if passed would standardise laws on medical consent, enabling most young people aged 16 and over to consent to their own medical care, including gender affirming care, in same way that adults currently can. This new Bill would enable people under 16 years of age who are seeking medical care, to have the approval of one parent, saving families from having to go to court, which would reduce economic burdens and alleviate mental stress.

A member of PFLAG NSW recently received a call from the social worker from Parramatta Sexual Health, where the parent of a transgender child was seeking a suitable GP, where her child could receive hormone treatment. This example highlights the difficulties that parents of transgender children and the transgender child themselves face when seeking suitable and appropriate treatment.

Better recognition of rainbow families

PFLAG NSW supports this Bill which if passed would allow a court to be able to grant parental recognition to the parents of children born through overseas surrogacy. This Bill would also allow surrogates to have more concrete protections to manage their pregnancies and births, and parents who go overseas legally to undertake surrogacy won't be criminalised back home.

LGBTIQA+ persons may wish to be parents and shouldn't be denied this right. At PFLAG NSW, we believe that the recognition of Rainbow families is vitally important. There are many members of the extended PFLAG NSW family who have become beautiful Rainbow families due to overseas surrogacy, and their families are no less deserving of recognition, care, love and respect just because they weren't conceived through standard heterosexual relationships.

Equal protection under the law

PFLAG NSW supports this Bill which if passed will fix discrimination against LGBTIQA+ people by ensuring transgender and intersex people are protected under hate crimes sentencing laws and can choose the person they feel most comfortable with when searches are concluded on their bodies. Trans, intersex and non-binary identifying individuals have every right to feel safe.

PFLAG NSW also endorses the removal of legal stigma against people with HIV and sex workers.



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Society has moved beyond the incredibly unfair (and very inaccurate) stereotypes of the 1980's of people who are infected with HIV as belonging to the so-called '4H' club – Haitians, Homosexuals, Hemophiliacs and Heroin Users. HIV/AIDS does not discriminate, transmission lines for the disease are better understood now and medications such as PrEP and PEP are more readily available and accessible. People living with HIV/AIDS shouldn't be feared and must be seen.

Likewise, sex workers should not be judged for the occupation that they work in and also deserve to feel safe, valued and have their opinions heard.

Better government data collection

PFLAG NSW supports this Bill which if passed would ensure that government schools must have forms that are suitable and acceptable for students with two mums or two dads and to ensure that a transgender person can accurately describe their gender in a hospital intake form. Rainbow families that have two same-gendered parents are normal, natural variations of families within society, and similarly transgender people are normal and natural. Health outcomes for transgender individuals are demonstrably better, when they receive the care and respect that they deserve within a hospital setting.

This report has been approved by the Board of PFLAG NSW Pty Ltd

Board Members ; Les and Sue Mico, Narelle Phipps, Deb Peel, Pamela & Arthur Garske, Ray & Judy Brown, Susana Moris and Carol McCance

Thank you for this opportunity to support

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023
CONVERSION PRACTICES PROHIBITION BILL 2023

Les Mico President

M: [REDACTED]