

HOW WE SCORED THE PARTIES

Giving a score to the parties on their commitment to equality for lesbians, gay men and their families was a difficult job. In making the decision, we took into consideration a range of criteria. To give a fair opportunity for the parties to comprehensively answer each question, we expressly told the parties the criteria against which we would be rating their responses.

These criteria included the:

- Party policy commitment,
- Understanding of the issues,
- Nature of the commitment – specific deliverables, rather than general statements,
- Failure to answer the questions, respond to the survey or to answer questions fully, and
- Track record on the issue.

The answers of the parties are available in full on our website so that every voter can make up their own mind on the issues important to them. Following are the individual reasons that informed our rating for each party policy in every category.

1. GENERAL COMMITMENT TO EQUALITY

The ALP, Coalition, The Greens and the Australian Democrats all made general statements regarding party commitments to equality or non-discrimination. These statements were not individually rated, but were considered in light of specific policy commitments.

The Democrats, The Greens and the ALP made strong specific commitments to equality for lesbians and gay men.

The Coalition made a general commitment to tolerance and respect for diversity, and the right for all Australians to participate in the community without fear of discrimination.

Despite making follow up calls and providing an extended deadline, Family First did not respond to this survey. Therefore, we do not individually rate their policies. We invite gay and lesbian voters to consider the statements made by Family First on their website and in a survey response to the Australian Christian Lobby.

2. DE FACTO RECOGNITION

The ALP, Greens and Democrats showed strong support for removing discrimination against same-sex couples in financial and legal rights and entitlements currently only

Gay and Lesbian Rights Lobby

available to heterosexual de facto couples. The Coalition showed limited support for removing discrimination against same-sex couples in financial and legal rights and entitlements on a case-by-case basis, by recognising same-sex couples under a new category of 'independent' relationships.

The ALP, Greens and Democrats commitments were particularly strong because they supported comprehensive de facto reform over piecemeal reform. The Democrats response was strong as it showed evidence of implementing their commitment with the introduction of their Same Sex Entitlements Bill in August, 2007. The Greens response was particularly strong as it committed to prioritising de facto reform, by pushing hard to see discrimination removed in the first session of the new parliament.

The Coalition response highlighted some improvements that have been made in the last eleven years to address discrimination against same-sex couples in superannuation, immigration and defence force entitlements. Points were given for this and we welcomed the announcement of the Coalition to extend superannuation death benefits to the partners of public sector employees. The Coalition also committed to giving 'serious consideration' to the recommendations of the Human Rights and Equal Opportunity Commission's *Same-Sex: Same Entitlements – National Inquiry Into Discrimination Against People in Same-Sex Relationships*. The Coalition's position however was not as strong as the other parties because it did not advocate comprehensive reform and sought to recognise same-sex relationships only as interdependent relationships, rather than as de facto couples in the same way that unmarried heterosexual couples are recognised. Interdependency definitions which have been introduced in the past have not delivered full equality, because they are tougher to prove and mischaracterise same-sex partners as akin to carers rather than lovers. Unlike de facto definitions which have been interpreted broadly by the courts, the interdependency definitions we have seen in the law to date require establishing a level of financial and/or other interdependence, or satisfying additional criteria, which may not cover the diverse ways people in same-sex relationships organise their finances and other aspects of their lives. Importantly a piecemeal approach to reform will increase the level of uncertainty and confusion around which laws recognise same-sex couples and which do not, and make the approach at a federal level inconsistent with the approach at the state level.

FORMAL RELATIONSHIP RECOGNITION

The Greens and Democrats stood out as the only parties to support same-sex marriage and civil unions. Both minor parties had attempted to bring attention to the discrimination against same-sex couples by introducing bills in parliament.

The ALP supported a system of nationally consistent state-based relationship registers, but not marriage or civil unions. Registers may assist same-sex couples in more easily accessing

Gay and Lesbian Rights Lobby

relationship-based rights, especially if they are recognised by all states, territories and the Commonwealth. However, these registers will not formally include symbolic and ceremonial features that are important to a significant proportion of our community. Implementing registers in all jurisdictions across Australia will be a long and involved process. For these reasons, the registers were given one quarter of a pink heart.

The Coalition did not support any formal recognition, and said that civil unions and relationship registers was a matter for the states and territories. However, the Coalition has previously overruled the Australian Capital Territory when it passed civil union legislation. The Coalition said its inclusion of a definition of marriage which excluded same-sex couples was:

'not an expression of discrimination. The changes do not prevent people from entering into same sex relationship. The amendments are about the special status of marriage.'

We felt this was a particularly offensive statement because it diminished the equal love and commitment shown by people in same-sex relationships and showed little regard for the deep offence taken by many people in our community to the *Marriage Amendment Act*. This led to awarding an empty heart to the Coalition on formal relationship recognition.

RECOGNITION OF GAY AND LESBIAN FAMILIES

The Greens and Democrats showed strong support for ensuring co-mothers and co-fathers of children in same-sex families would be recognised under federal law as parents. Both parties showed strong support for ensuring adoption requirements did not discriminate against same-sex couples.

The ALP committed to equality for lesbians, gay men and same-sex couples. The ALP said that adoption was a state issue, and there were no plans to change current arrangements. This means that where states currently allow same-sex couples to adopt (e.g. Western Australia and the ACT) a Labor government would not interfere. The key shortcoming of this response was the absence of a stronger commitment to showing support for gay and lesbian families and speaking out against discriminatory adoption laws. However, equality for co-parents and adopting parents (where states recognized them) gave the ALP a three quarter-filled heart.

The Coalition highlighted that it had responsibility for the management of inter-country adoption programs. Although omitted from their response, the Coalition has listed a proposed a ban on same-sex adoption since 2004. No legislation has been introduced into parliament to implement this proposal, however the Coalition restate their position which is 'all children should have the opportunity to be raised by a mother and father wherever possible'. This statement reinforces discriminatory attitudes about same-sex

Gay and Lesbian Rights Lobby

families and is not in the best interests of the thousands of children who live in same-sex families in Australia. Therefore the Coalition was given an empty heart for the recognition of gay and lesbian families category.

EQUAL ACCESS TO IVF

The Democrats and Greens both supported equal access to fertility services for lesbians couples and single women. The Democrats and Greens were given full hearts.

The ALP said it had no intention to amend the Sex Discrimination Act which would allow fertility services to discriminate on the basis of marital status, however it did not propose to improve access by removing a distinction between 'medical' and 'social' infertility in Medicare subsidies. The ALP was therefore given three-quarters of a heart.

The Coalition did not respond to this question. However, the Coalition has previously introduced proposed amendments to the Sex Discrimination Act to give an exemption to fertility services which would allow them to discriminate against lesbians and single women. The proposed amendments were never passed. The Coalition was therefore given an empty heart.

PROTECTION FROM DISCRIMINATION

The Greens and Democrats had strong policies supporting federal anti-discrimination legislation which would make discrimination on the basis of sexual orientation and gender identity unlawful at the federal level. The Democrats in particular showed a consistent commitment to anti-discrimination legislation over many years with attempts to introduce an anti-discrimination bill since 1995. The Greens were supportive of equity and diversity training for commonwealth service providers and the Democrats supported regulating service delivery to ensure publicly-funded private sector providers did not discriminate on the grounds of sexuality. Both were given full hearts.

The ALP supported federal anti-discrimination legislation in principle, but had no plans to introduce such legislation in the first term of parliament. The ALP pledged to work cooperatively with private sector providers of public services to ensure services would be provided without discrimination on the basis of sexual orientation. The ALP was therefore given a three-quarter filled heart.

The Coalition did not specifically answer the question, however stated that they supported the right of all Australian to participate in society without discrimination. They noted that the Workplace Relations Act prohibited an employer from terminating a person's employment on the basis of their sexual preference. However, the Coalition made no

Gay and Lesbian Rights Lobby

commitment to general federal anti-discrimination legislation outlawing discrimination on the basis of sexuality in federal areas. Therefore the Coalition was given a quarter-filled heart.

The Greens and Democrats committed to a Bill of Rights for Australia, whilst the ALP committed to comprehensive community consultation on the best way of better protecting human rights in Australia.

EDUCATION – NATIONAL CURRICULA

The ALP stood out in its commitment on addressing homophobic bullying and harassment in schools. The ALP proposed to condition funding to schools on the basis of a school's commitment to the National Safe Schools Framework; an anti-bullying program which also includes bullying based on sexuality. Tying funding to anti-bullying programs is important in asserting their fundamental importance. The ALP were given a full heart.

The Democrats pushed for inclusive sexual health and relationships education as part of sexuality education in schools. We were impressed with the level of detail in the policy, and gave the Democrats a full heart.

The Greens supported deferring a decision on curricula to state-based boards of studies or a national curriculum body. Although the Greens would encourage and support any decision by such boards to implement anti-homophobia and inclusive sexuality education, their response did not commit to providing pro-active, explicit direction on the inclusion of such teaching materials in a national curriculum. This left the opportunity for anti-homophobia education to be discretionary. We gave The Greens a half-filled heart.

HIV IMMIGRATION REFORM

The Democrats pushed for reforming Ministerial discretion in general, to allow immigration departments and the Migration Review Tribunal to have more discretion to make decisions on the basis of compassionate grounds to potential migrants who were HIV positive. The understanding of the issues and the specific details of the Democrats policy gave them a full heart.

The Greens were also committed to removing barriers to immigration for people who were HIV positive, but showed less understanding of the reasons for why they were denied a visa in the first place: people were not denied visas because of their HIV status, but because of an outdated formula which does not accurately calculate the health costs associated with HIV treatment, which therefore denies HIV-positive migrants the opportunity to pass the health assessment. The Greens were given a three-quarters heart.

Gay and Lesbian Rights Lobby

The ALP showed a very detailed understanding of the issue relating to immigration for people who are HIV positive, but did not commit to any reform. We gave the ALP a quarter-heart for their knowledge of the issue. Knowing the keys reasons for why the ALP would not support reform gives us the tools to address these concerns with research which may hopefully lead to a changed position.

The Coalition gave an answer on funding for HIV programs, rather than specifically on HIV immigration. We could not give them any points as they failed to answer the question. We also noted recent comments by the Prime Minister on the issue of HIV-positive migrants which restated the current law, that prima facie, HIV-positive people will generally not be successful in getting a visa unless there are compassionate grounds.

SELF-DETERMINATION AND PARTICIPATION IN DECISION-MAKING

We gave all the parties some recognition for their consultation with the GLBT community. The chief difficulty in rating this category was that parties consult in different ways: some consult internally with their GLBT membership, whilst others approach gay and lesbian community organizations and experts in the field.

We gave the Democrats, Greens and the ALP three-quarters of a heart for consulting with the GLBT community. The Democrats hosted an ad hoc parliamentary enquiry into same-sex discrimination and approached gay and lesbian organizations to give feedback on their proposed Same Sex Entitlements Bill. The Greens consulted their membership in the formulation of their Sexuality and Gender Identity Policy and have provided various forums for consulting with the broader GLBT community.

We noted efforts by the ALP to proactively consult gay and lesbian organizations on gay and lesbian issues, particularly on same-sex relationship recognition before the announcement of the HREOC report.

The Coalition were awarded points particularly for the efforts of key individuals within the government, notably Warren Entsch and Malcolm Turnbull, to meet with gay and lesbian organisations and push for change.