

Greens NSW

Sex, Sexuality, and Gender Identity Policy



Revised May 2014

Principles

The Greens NSW:

1. Uphold and defend the dignity and humanity of LGBTI (lesbian, gay, bisexual, transgender, and intersex) people;
2. Believe that all people have the right to their self-identified sex and gender, which is integral to any person's lived experiences;
3. Do not tolerate a person being harassed, abused, vilified, stigmatised, discriminated against, disadvantaged or exploited because they are, or are perceived to be, intersex, transgender, bisexual, gay or lesbian;
4. Believe that the civil liberties, human rights and democratic freedoms of all people including lesbian, gay, bisexual, transgender and intersex people must be supported and defended;
5. Acknowledge the diversity of lesbian, gay, bisexual, transgender and intersex people, their specific needs as disadvantaged communities, the strength and durability of their aspirations, and their unique and valuable contribution to society;
6. Believe that the health and social support needs of all Australians should be provided for without discrimination of any kind, so that everyone has the right to have their specific health and social support needs met with equity and respect;
7. Believe in the need to educate the public about the history of discrimination against LGBTI people, the continuing existence of discrimination in society, and the need to end that discrimination permanently.

Aims

The Greens NSW will work towards:

Representation and consultation

8. Formal and regular LGBTI community liaison by relevant government agencies;
9. LGBTI community representation on relevant government advisory and consultative committees;
10. The establishment of an adequately funded State Office for the Status of LGBTI People;

Criminal law and the judiciary

11. A complete review of the NSW Crimes Act to remove all sections that prescribe different penalties for homosexuals as compared to heterosexuals;
12. Overturning laws that remove LGBTI people and issues from public life, including inappropriate censorship laws;
13. The true status of transgender people being assessed before appropriation to men's or women's prisons;
14. Legislative action to remove the offence of incitement in respect of offensive and indecent behaviour;
15. The removal from legal records of convictions for homosexual acts between consenting adults so that charges pertaining to acts that are now legal should be removed from the criminal record of persons charged with those acts in the past;
16. A parliamentary apology to all LGBTI people for the suffering inflicted on them in the past because of state-based legislation;

Protection from discrimination and vilification

17. Amending existing state anti-discrimination and anti-vilification legislation to fully protect the rights of LGBTI people, without any exceptions;
18. Supporting the elimination of exemptions currently provided in the Anti-Discrimination Act;

19. Supporting the extension of existing anti-discrimination legislation to include bisexual, intersex and transgender people;
20. Prohibiting discrimination against LGBTI people in accommodation, facilities and services delivered by aged care, nursing home and retirement facilities;
21. Maintaining equality of the age of consent for consensual sexual acts;

Workplace reform

22. An immediate review of all industrial agreements and awards, as well as agency agreements and departmental policies;
23. The development of education and training programs directed at eliminating homophobia, biphobia, transphobia and intersexphobia from the workplace;
24. The removal of discriminatory provisions in State Government employee superannuation schemes;
25. The development of policies and programs aimed at ensuring equal opportunity for LGBTI people in all private and public employment;

Relationship equality

26. All consenting adult relationships regardless of the sex, gender, or intersex status of the partners being recognised as equal under the law;
27. The legal recognition of same-sex relationships and relationships involving transgender people and intersex people through the passage of Civil Union and Same-Sex Marriage Acts;
28. The legal recognition of same-sex relationships and relationships involving transgender and intersex people through the amendment of the NSW De Facto Relationships Act and the amendment of other relevant existing legislation;

Parenting and families

29. LGBTI people being given equality of access to adoption and fostering procedures;
30. Measures to prevent discrimination on the grounds of sexual orientation, gender identity or intersex status in child custody cases;

31. Equal access to artificial insemination and in-vitro fertilisation procedures, regardless of sexual orientation, gender identity or intersex status.

Policing and anti-violence

32. Cultural awareness and procedural training in LGBTI issues for police at all levels, based on consultation with, and also involving, LGBTI communities;

33. Greater funding for community-based anti-violence campaigns;

34. Statistics on hate-motivated crime against LGBTI people being maintained by the relevant agencies and regularly made public;

Education

35. Age-appropriate provision of factual and affirming materials about sex, sexuality, gender identity and intersex status at all levels of the education system;

36. The facilitation of peer support groups for lesbian, gay, bisexual, transgender and intersex students;

37. The mandatory development and implementation of anti-homophobia, anti-biphobia, anti-transphobia and anti-intersexphobia policies and practices in all schools;

38. The mandatory establishment of adequate grievance procedures for lesbian, gay, bisexual and transgender and intersex students;

39. The development of services to support and protect LGBTI youth, including suicide prevention programs, counselling, peer support programs and support programs for homeless people;

Health and welfare services

40. The provision of fully LGBTI-inclusive telephone and face-to-face counselling services across NSW;

41. The provision of accommodation services and projects to meet the needs of homeless LGBTI youth and adults, LGBTI people with physical and intellectual disabilities, and older LGBTI people;

42. Development of anti-violence projects to reduce hate-based violence and to support and advocate for the victims of such violence;

43. The provision of LGBTI-friendly general health, sexual health and drug and alcohol services, including health clinics;

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44. Training all health care professionals and resourcing all health services to ensure that the professionals and services are sensitive to, and can cater for, the needs of all LGBTI people;
45. Developing an improved commitment by the state government to the fight against HIV/AIDS, including better funding of HIV/AIDS services, a renewed focus on HIV prevention among men who have sex with men, greater provision of public housing, and enhanced measures to address HIV-related poverty;
46. Recognition of the specific health needs for transgender and intersex people and the equity issue of access to public health services;
47. Full funding of consensual medical treatment for gender assignment and re-assignment services;
48. Administrative-only gender assignment of intersex newborns whose genitals vary from male or female ideals, until, having attained competence and having been fully informed by a team including intersex representatives, they may request genital surgery, hormone treatment or both; Newborns requiring lifesaving surgery should undergo that surgery;
49. Consensual-only hormone treatment of infants, adolescents and adults with sex chromosome variations only after being fully informed and having attained competence;
50. The cessation of experimental treatment of fetuses with hormones and other drugs with the intention of ensuring a desired gender identity and sexual orientation;
51. An end to in-utero testing of fetuses for biological variations underlying intersex, and an end to the termination of those fetuses on that basis;
52. The inclusion of intersex representative organisations in medical teams concerned with advising prospective parents of intersex newborns and with the treatment of intersex newborns, infants, adolescents and adults;

Cultural and community services

53. The involvement of LGBTI community groups in the provision of cultural and community services in NSW;
54. State and local government support for LGBTI cultural and community festivals, events and other affirmative programs;

55. Developing greater recognition of, and support for, LGBTI tourism;
56. The development of LGBTI media throughout NSW;
57. Screening processes in blood donation services that ensure the safety of donated blood but without discriminating unnecessarily on the basis of sexuality, gender identity or intersex status;
58. Educational programs and materials designed to enable LGBTI inclusion in multicultural Australia. Such programs and materials are to be produced in collaboration with LGBTI people from Indigenous, Australian and migrant communities;
59. The elimination of homophobia, biphobia, transphobia and intersexphobia in the sporting community, and giving encouragement and support to LGBTI sportspeople who choose to come out or publicly reveal their status;
60. The right for intersex people to participate in sports in their legal, lived sex regardless of perceived sex and gender characteristics and endocrine status, without the requirement that they undergo genital surgery and hormone treatment;

Training and research

61. The inclusion of LGBTI issues in the training of health and welfare workers, educators and teachers, staff in government departments who have contact with the public, and law enforcement officers;
62. The provision of adequate funding for research into LGBTI cultural, community, social, health and welfare issues;

Recognising diversity

63. The option of declaring oneself as other than male or female, man or woman, when providing personal information and for the provision of goods and services;
64. Recognition of the needs and circumstances of LGBTI people within special groups, including youth, Indigenous Australians, people of non-English speaking backgrounds, people with disabilities, the aged, people in rural and remote areas, people in prison and asylum seekers;

Federal issues

65. Similar reforms at a federal level where appropriate and extension of federal reforms to state level.