



EQUALITY PORTFOLIO

Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI)
equality in Victoria

Martin Foley MP

19 May 2015

EQUALITY PORTFOLIO ESTABLISHMENT

Why equality?

In 2015, discrimination and bi, trans and homophobia still exist, and can have a significant impact on the lives of LGBTI Victorians, creating poorer health and wellbeing outcomes.

The Victorian Government is committed to standing with LGBTI Victorians as we strive for equity, fairness and decency in our community.

The Government has made significant commitments to LGBTI Victorians, including:

- *an Equality portfolio, supported by DPC;*
- *a LGBTI Ministerial Advisory Committee;*
- *a dedicated Gender and Sexuality Commissioner;*
- *A program of law reform and review.*

LGBTI Victorians have high expectations of the Government and it is important we deliver on these commitments.

EQUALITY PORTFOLIO

FUNDING

The Equality Portfolio will receive \$3.2 million over four years.

LGBTI TASKFORCE

The Government is establishing a LGBTI Taskforce with a Health and Human Services Working Group and a Justice Working Group.

- The Taskforce will provide practical advice on the implementation of the Government's LGBTI agenda.
- It will consist of LGBTI community representatives and senior public servants.
- DPC will provide secretariat support for the Taskforce and the Working Groups with assistance from DJR and DHHS.

GENDER AND SEXUALITY COMMISSIONER

The Government is allocating approximately \$1.3 million over four years for a Gender and Sexuality Commissioner. The Commissioner will:

- Promote understanding and acceptance of LGBTI people in the community;
- Champion LGBTI-inclusive practice across government and in the community.

REPEAL OF SECTION 19A OF THE CRIMES ACT

What is Section 19A, and why repeal it?

- Section 19A of the *Crimes Act 1958* is the only criminal offence in Australia that applies only to people living with HIV.
- Since it was enacted in 1993, no prosecution for intentional transmission of HIV under 19A has succeeded.
- The Government has introduced legislation to repeal section 19A on the basis that it discriminates against people living with HIV.

What remaining laws will cover the intentional transmission of HIV?

Alternative criminal offences for intentional transmission of HIV

- If someone was found to be intentionally infecting people with HIV, they may still be prosecuted under existing laws that cover intentionally causing serious injury.

Public health powers to manage risk of HIV transmission

- Under the *Public Health and Wellbeing Act 2008*, the Victorian Chief Health Officer has the power to issue a public health order that can include a range of restrictions, ranging from participating in counselling to being detained or isolated, against anyone allegedly putting others at risk of HIV transmission.

SAME-SEX ADOPTION REVIEW

Same sex adoption

The Government is committed to removing discrimination against same-sex couples and their children in relation to both known-parent adoption and adoption generally.

- Mr Eamonn Moran PSM QC was commissioned in February 2015 to conduct a review to examine the legislative changes required to permit adoption by same-sex couples.
- The review only considered how best to legislate, not whether or not it should occur.
- 83 submissions were made to the review from academics, LGBTI stakeholder groups, adoption interest groups, religious bodies, and the general public.

Progress of the reform

- The final report, including proposed legislative changes, has been provided.
- The legislative changes will be subject to Government consideration prior to being introduced to Parliament.
- The best interests of the child will remain paramount.

OTHER PROPOSED REFORMS

A number of other law reforms will be carried out by the Government, including:

- Amending the *Equal Opportunity Act 2010* to restore greater balance to the right to be free from discrimination and the right to religious freedom by reinstating the ‘bona fide occupational requirement’ limitation on religious exemptions.
- Amending the *Relationships Act 2008* to provide that only one person in a domestic partnership needs a connection with Victoria, and to provide registration for equivalent same-sex relationships from other jurisdictions.
- Removing barriers to new birth certificates for trans, gender diverse and intersex Victorians.
- Providing a formal State repudiation of, and apology for unjust convictions for homosexual acts prior to decriminalisation in 1981, to coincide with the introduction of an expungement scheme for these convictions.