



Gay & Lesbian Rights Lobby

Lesbians and gay men are not equal

Important advances have been made in gay and lesbian rights in the last 20 years including the decriminalisation of male homosexuality; the introduction of antidiscrimination legislation and the recognition of relationships in NSW.

However, discrimination against lesbians and gay men is alive and well in NSW and throughout Australia. Governments do not regard us as equal citizens - continuing to deny us formal legal equality in areas such as relationships and age of consent. Perhaps following their lead, individuals and other institutions also frequently discriminate. Harassment and violence are common experiences. Some of the more important examples of unequal treatment are outlined below.

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Lesbians and gay men are victims of violence

Research done by the Lobby and the NSW Police Service has shown a high incidence of violence and verbal harassment against gay men and lesbians. Gay men are four times more likely to be assaulted than other men; lesbians are six times as likely as other women. Fear of discrimination or concerns about confidentiality can also make it less likely that lesbians and gay men will report violence to the Police.

Discrimination at work is widespread

Research done by the Lobby with the Australian Centre for Lesbian and Gay Research revealed that workplace discrimination and harassment is an all too common experience. Discrimination at work takes a variety of forms. This varies from dismissal to more subtle forms of ostracism and exclusion. Frequently it has serious effects on health, work performance and career opportunities. Harassment and violence also occurs in and around the workplace. Research into violence against lesbians has revealed that perpetrators are often work colleagues rather than strangers.

Lesbians and gay men who are dismissed or otherwise discriminated against at work are able to take legal action in many cases. However, exemptions in the Anti-Discrimination Act and failure to cover couple-based discrimination can limit this remedy. It can also be difficult to prove that dismissal or failure to get a job or promotion were due to discrimination if the employer has not been silly enough to say so.

We don't get the same deal from our super schemes

Federal superannuation laws do not recognise same sex partners as dependants. The most important effect of this unequal treatment is that when a lesbian or gay man dies, his or her partner is often denied access to death benefits. This can leave him or her extremely impoverished. A heterosexual in the same position would receive benefits. Children can also miss out.

An increasing proportion of wages is paid as superannuation. Denial of equal access to super and other employment benefits means that gay and lesbian workers are, in effect, subsidising the wages of their straight colleagues.

Our relationships are not always recognised

Same sex couples now enjoy many of the same rights as heterosexual couples in NSW. However, we are still not recognised in all areas of the law.

There is insufficient protection against discrimination

Discrimination on the basis of homosexuality has been prohibited in NSW under the Anti-Discrimination Act since 1982. However, the effectiveness of the legislation is undermined by a number of factors. Exemptions mean it does not breach anti-discrimination law for private schools to sack gay and lesbian teachers or treat gay and lesbian pupils unfairly. Couple-based discrimination is not specifically covered leading to denial of employment and other benefits. There is no federal anti-discrimination legislation at all.

Coverage in the media

Coverage of gay men and lesbians and our issues in the media is very uneven in Australia and elsewhere. Most frequently we are not included at all. When we are mentioned it tends to be in breathless and sensational reports of our sexual exploits or wealth or lobbying power. It is still common to read about the “powerful gay lobby” despite continued discrimination and legal inequality. We are still vilified at times – for example by suggestions that we are a threat to public health or are not fit parents. However, lesbian and gay characters are becoming more common on TV and at least Mardi Gras has ensured we are noticed for a short time in February.

The age of consent is different for gay men

The age of consent for heterosexual sex and sex between women in NSW is 16. However, a young gay man is not considered capable of consent until he reaches 18. This means that an 18-year-old man who has sex with a 17-year-old man can be charged with a criminal offence and go to prison for up to 10 years. Unlike his heterosexual friends and siblings, he can be convicted even if he made a genuine (and reasonable) mistake about the age of his partner. Perhaps the most profound effect of this is on the self-esteem of our young people.

Discrimination affects lesbian and gay youth

The most striking and tragic fact about gay and lesbian youth is their high rate of suicide and attempted suicide. Research, mostly done in the US, indicates 25% to 40% of young lesbians and gays have attempted suicide, with up to 85% feeling suicidal. Despite the high profile of the issue of youth suicide in Australia, there has been little official interest in young gays and lesbians. However, a 1996 Western Australian study of young gay men confirmed the extent of the problem - finding over half had attempted suicide.

Lesbian and gay youth are also known to have high rates of homelessness – generally related to lack of family acceptance. This is compounded by the fact that they are often subject to discrimination within services and excluded from accommodation. Harassment and violence at school is another all too common problem.

Fact sheets with more detail on individual issues are available on:

Relationships rights

Superannuation

Age of Consent

Workplace Discrimination

Parenting

Gay and lesbian youth

Discrimination needs to stop

The Lobby fights discrimination against lesbians and gay men. If you would like to help or make a donation to our work, please contact us.

You don't have to be experienced to get involved. You just have to want to make a difference.

For more information on issues affecting gay men and lesbians or to find out about the work of the Lobby, contact us at:

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