

# Sexual Orientation, Gender Identity and Intersex (SOGII)

Australia has made considerable and commendable progress in strengthening LGBTIQ+ inclusion, including the launch of a National Action Plan for the Health and Wellbeing of LGBTIQ+ People 2025–2035 and the establishment of a grants program to enhance dedicated services and data collection. This benefits all of us, as LGBTIQ+ inclusion is a key condition for building and sustaining peaceful, productive and cohesive democratic societies.

Conversely, the rise of anti-LGBTIQ+ rhetoric and ideology-driven policy is both a warning of and accompaniment to rising authoritarianism. Now more than ever, we must ensure that the hard-fought rights of LGBTIQ+ people are safeguarded and we continue to progress towards a society where everyone is safe to be their authentic selves.

## Violence, Vilification and hate crimes against LGBTIQ+ individuals

### Equality and fairness

#### Urgent human rights issues

Transphobia and anti-LGBTIQ+ hate in Australia is rising, influenced by global trends.

Sexual orientation, gender identity and variations of sex characteristics (also referred to as Intersex) have been protected attributes under the *Sex Discrimination Act 1984* (Cth) since 2013.

While there is no official population benchmark, it is estimated that at least 4.5% of the Australian population is lesbian, gay, bisexual, transgender, intersex, queer and/or asexual (LGBTIQ+). Younger people are more likely to be LGBTIQ+ (9.5% of people aged 16 to 24, and 7.5% aged 25-34).

The majority of recent Australian, state and territory government actions to address vilification and hate crimes against marginalised populations, including legislation, taskforces and special envoys, have not fully considered impacts on LGBTIQ+ people or have excluded them entirely.

- LGBTIQ+ people are at elevated risk of physical and sexual assault, harassment, bullying, and hate crime victimisation throughout childhood, adolescence, and adulthood.
- One in two trans Australians have experienced some form of hate and one in 10 has experienced violence.
- 77% of LGBTQ young people have experienced workplace sexual harassment.
- 73% of LGBTIQ+ Aboriginal and Torres Strait Islander people reported experiencing discrimination in the past 12 months.

Violence against the LGBTIQ+ community is not a purely historical phenomenon. Since 2023, there has been rising reports of targeted attacks against gay and bisexual men, trans people and drag performers across the country. As a state special commission of inquiry identified: “in some ways, the trans and gender diverse community is now at a greater risk of violence than ever before.” There is also an increasing trend in media coverage that uses or repeats dehumanising language to describe trans and gender diverse people. This may be sustaining, normalising, and perpetuating prejudicial attitudes about transgender people in Australia.

There is an urgent need for clear messaging from the Australian Government via communications and legislation that vilification, violence and discrimination targeting LGBTIQ+ people has no place in Australia.

## **Data on LGBTIQ+ health status**

The inclusion of questions to capture LGBT population data for people 16 and over in the upcoming national Census in 2026, and the development of a National Action Plan for the Health and Wellbeing of LGBTIQ+ people (2025-2035), are encouraging steps.

There is an absence of data on LGBTIQ+ status in national health data sets. However, research consistently shows LGBTIQ+ populations are at higher risk of poorer health outcomes, including mental distress and suicidality. Better data is needed to better target services and funding, and to ensure Australia is complying with its human rights obligations regarding LGBTIQ+ people.

This especially impacts LGBTIQ+ communities that experience compounding marginalisation due to racism, ableism and ageism.

- 28.8% of LGBTIQ+ Australians rate their health as poor.
- 38.5% of LGBTIQ+ Australians report having a disability or long-term health condition, 10% report a severe or profound disability.
- 73% of LGBTIQ+ Australians have been diagnosed with a mental health condition at some point in their lives.
- 43.4% of LGBTIQ+ people feel accepted when accessing health or support services.
- 48% of LGB people have *seriously considered* suicide at some point in their lives. 43% of Trans and gender diverse people have *attempted* suicide.

### **Protect infants with innate variations of sex characteristics (VSC) from unnecessary surgical intervention**

The Australian Human Rights Commission's 2021 project, [\*Ensuring health and bodily integrity: towards a human rights approach for people born with variations in sex characteristics\*](#), focused on protecting the human rights of people born with variations in sex characteristics. These medical interventions can have profound effects, including physical scarring, loss of fertility, issues with incontinence, and the loss or reduction of sexual function and sensitivity.

People born with variations in sex characteristics in Australia have raised concerns about medical interventions conducted without the full and informed consent of the person involved with the Commission, the Australian Government and the UN for over a decade. Infants and children are at particular risk of these interventions.

Despite an Australian Government Senate inquiry in 2013, and the Commission's report in 2021, there has been no action taken at a federal level to end non-medically necessary surgeries on infants with innate variations of sex characteristics. The Australian Capital Territory and Victoria have passed legislation prohibiting these procedures.

### **Access to affirming healthcare, including gender affirming care**

Cost continues to be a significant barrier for gender affirming care.

- Gender affirming surgery can cost between \$20,000 to more than \$100,000 depending on the procedure. Due to limited numbers of surgeons, wait times can be extensive.
- Four surgeries are currently covered by the public health system if they are deemed medically necessary.
- The Australian Society of Plastic Surgeons Inc has requested 30 additional medical procedures to be added to the public health system for trans and gender diverse adults.

The Victorian Coroner's inquiry into the suicides of five young transgender people found significant barriers to access to health services, including mainstream health service, mental health services and gender affirming care, posed significant risk to the wellbeing of trans and gender diverse people.

Two Australian jurisdictions have paused access to gender affirming care through the public health system for people under 18. These pauses are scheduled to continue until at least 2031, despite condemnation from Australia's peak medical institutions.

### **Protection from conversion and suppression practices**

The UN has defined conversion and suppression practices as "interventions of a wide-ranging nature" that are "aimed at effecting a change from non-heterosexual to heterosexual and from trans or gender diverse to cisgender." These practises are ineffective in achieving change or suppression, cause significant harm and constitute cruel, inhuman or degrading treatment and torture.

- Around 10% of LGBTQA+ Australians are vulnerable to conversion practices.
- Nearly 1 in 20 LGBTQA+ Australian youth (aged 14-21) had attended counselling, group work, programs or interventions aiming to change their sexuality or gender identity.
- Those who have survived conversion practices are over three times more likely than their peers to self-harm, attempt suicide, and have a PTSD diagnosis.
- Transgender people as just as likely to experience conversion practices in secular medical settings as they are in religious ones.
- 19.6% of transgender people who had discussed their gender identity with a medical professional had been exposed to conversion practices.

Conversion and suppression practices are opposed by professional medical, psychological and human rights authorities in Australia and internationally.

Legislation in this area is also inconsistent across the country. Concerns have been raised that some jurisdictions refuse to engage in meaningful lived experience consultation and have proposed (Tasmania) or passed laws (South Australia and Queensland) that provide inadequate protection. The lack of federal law in this space, as with religious discrimination exemptions, detracts from clear messaging about the acceptance of LGBTIQ+ people as whole, unbroken, and not needing to (or able to) change.

### **Education and awareness raising to counter social discrimination**

Australia must not be complacent in addressing persistent social discrimination.

This discrimination creates barriers to education, employment, healthcare, legal support and housing, and can be compounded for LGBTIQ+ people experiencing intersecting forms of discrimination.

- 57% of LGBTIQ+ people have experienced discrimination on the basis of sexual orientation and 77.5% on the basis of gender identity.
- Around 1 in 4 LGBTIQ+ people experienced harassment (such as being spat at or offensive gestures) in the past 12 months because of their sexual orientation or gender identity. Just over 1 in 3 experienced being verbally abused or socially excluded.
- Up to 40% of LGBTIQ+ people live below the poverty line.
- 75% of LGBTIQ+ people do not report assaults due to mistrust and fear.
- Rates of unemployment for LGBTIQ+ people is at 12.7%, and 20% for trans and gender diverse people, more than double the national rate.
- 74.8% of LGBTIQ+ Australians have had suicidal ideation in the past 12 months.
- 25% of cisgender LGBTIQ+ Australians and 46% of transgender Australians have attempted suicide in the past 12 months.

## Priority Action

**The Australian Government should ensure comprehensive legislative protection for LGBTIQ+ individuals from discrimination, violence and vilification in all settings, including access to appropriate, affirming healthcare; protection from conversion and suppression practices; and increase education and awareness raising activities to counter discrimination.**

Victoria and the Australian Capital Territory have government departments that focus on LGBTIQ+ issues. New South Wales, Western Australia, the Australian Capital Territory, Victoria, South Australia and Tasmania governments have established LGBTIQ+ advisory committees and have launched inclusion strategies and action plans. However, there is no named department, Ministerial portfolio or LGBTIQ+ advisory to Australian Government. There is no Federal LGBTIQ+ inclusion strategy or action plan.

LGBTIQ+ training for public officials is not officially reported on.

## Priority Action

The Australian Government should establish mechanisms to ensure that LGBTIQ+ people with relevant expertise and lived experience are involved in the development and implementation of policy, projects, and legislation that affects them.

## Religious Discrimination Legislation

### Equality and fairness

#### Urgent human rights issues

There has been a lack of action to reform the Sex Discrimination Act to narrow the scope of exemptions for religious schools to protect LGBTIQ+ students and staff.

Religious educational institutions and faith-based service providers can legally discriminate against LGBTIQ+ people due to exemptions in both the federal [Sex Discrimination Act](#) and [Fair Work Act](#).

It is estimated that more than 70,000 students and 10,000 staff in religious schools in Australia are LGBTIQ+ and may be vulnerable to discrimination on this basis.

These exemptions not only allow religious organisations to legally discriminate but also foster a culture of exclusion.

The narrowing or removal of these exceptions has been called for by, and committed to by the successive Australian governments. Despite this, there has been no progress at a federal level. It is possible to limit religious exemptions in a way that respects

religious freedom while protecting the fundamental rights and dignity of LGBTQIA+ people.

The absence of federal protections also weakens the effectiveness of state and territory legislative protections. Some religious organisations have argued that because they are exempted under the federal law, they do not have to comply with state and territory protections.

## **Priority Action**

**The Australian Government should revise exemptions for religious bodies in the Sex Discrimination Act.**