

Chapter 14

Lesbian, gay and/or transgender people and the law

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Chapter summary

While laws in Australia have increasingly become inclusive of lesbians, gay men and/or transgender people, this is only a relatively recent development in Australian law, and there is a much longer history of the law endorsing the marginalisation of these populations. For social workers, this means that historically many in the social work profession may have been complicit with the marginalisation of lesbians, gay men and/or transgender people.

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able to take up such protection. Social workers can play a vital role in providing evidence to court cases to support lesbian, gay and/or transgender clients, in addition to undertaking advocacy work to support the work of law reform.

Questions for consideration

1. What are some of the important differences between the protection offered by the law to lesbians and gay men in Australia (including those who are transgender) and the protections offered to heterosexual transgender people? How do issues of gender and sexual orientation complicate the needs of these different groups?
 2. What are some of the factors that prevent people enacting the rights that they have? How do factors such as age, income, race and ability mean that some people are more likely to be able to access legal resources or take up the opportunities provided by state protection than may other people?
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Websites

No claim is made as to the accuracy or authenticity of the content of the sites suggested in this chapter. Site addresses change – if the address is no longer accurate, search using keywords or the title of the organisation concerned.

Australian Gay and Lesbian Law Blog <<http://lgbtlawblog.blogspot.com.au>>

Australian Human Rights Commission <<http://www.humanrights.gov.au/our-work/sexual-orientation-sex-gender-identity>>

Fair Work Australia <<http://www.fairwork.gov.au/leave/parental-leave/pages/paid-parental-leave.aspx>>

Family Court <www.familycourt.gov.au> particularly Annual Reports

Gay and Lesbian Immigration Task Force Australia <www.glitf.org.au>

Gay and Lesbian Rights Lobby <<http://www.glr.org.au>>

Gender Identity Australia <www.genderidentityaustralia.com>

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Notes

- * This chapter is based in part on the chapter by Emeritus Professor Jude Irwin in the third edition.
- 1 There is no reliable demographic data on what percentage of the Australian population identify as gay or lesbian. In the 2006 Australian Census 33,700 couples recorded their relationship as being gay or lesbian – see Australian Bureau of Statistics, 4102.0 Australian Social Trends, July 2013.
 - 2 See also the explanatory memorandum regarding the new legislation entitled 'Same Sex Reforms – overview of the Australian Government Same-Sex Law Reform' available at <www.ag.gov.au>.
 - 3 For further information see the Australian Passport Office <<https://www.passports.gov.au/web/sexgenderapplicants.aspx>>.
 - 4 See 'Surrogacy: The Emerging Alternative to Starting a Family' by Nicholes Family Lawyers at <<http://www.nicholeslaw.com.au/articles/Surrogacy.pdf>> (Boers in press).