



LGBTIQ+ EXPERIENCES OF POVERTY

SUBMISSION TO THE SENATE COMMUNITY AFFAIRS AND REFERENCES COMMITTEE INQUIRY INTO THE EXTENT AND NATURE OF POVERTY IN AUSTRALIA

FEBRUARY 2023

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CONTENTS

Executive summary	2
LGBTIQ+ poverty in Australia	3
1. LGBTIQ+ poverty: An overview	3
2. Discrimination	4
3. Poverty, violence and homelessness.....	7

ABOUT EQUALITY AUSTRALIA

Equality Australia is a national LGBTIQ+ organisation dedicated to achieving equality for LGBTIQ+ people.

Born out of the successful campaign for marriage equality and established with support from the Human Rights Law Centre, Equality Australia brings together legal, policy and communications expertise, along with thousands of supporters, to address discrimination, disadvantage and distress experienced by LGBTIQ+ people.

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We acknowledge that our offices are on the land of the Kulin Nation and the land of the Eora Nation and we pay our respects to their traditional owners.

EXECUTIVE SUMMARY

Everyone deserves secure housing and a decent standard of living. However, existing research indicates that LGBTIQ+ people in Australia disproportionately experience poverty, homelessness and unemployment. LGBTIQ+ people also face high rates of discrimination which serves as a barrier to accessing employment, housing and services, such as crisis accommodation, and this exacerbates experiences of poverty.

To better understand and address LGBTIQ+ experiences of poverty in Australia, we make the following recommendations:

1. **Count us in the Census.** Improve data collection on LGBTIQ+ people by including appropriate questions on sexual orientation, gender identity and sex characteristics in the Census and other national datasets.
2. **Include us in national strategies.** Include LGBTIQ+ people as a specific sub-group in national strategies to address poverty, homelessness and unemployment in Australia.
3. **Implement a strategy for trans and gender diverse employment.** In consultation with the trans and gender diverse community, formulate and implement an employment strategy to address barriers to employment for trans and gender diverse people. The strategy should include research into barriers to workplace participation for trans and gender diverse people and establish employment programs that support employment for trans and gender diverse people.
4. **Prohibit LGBTIQ+ discrimination.** Prohibit discrimination against LGBTIQ+ people in employment and service delivery by religious organisations by amending sections 23(b) and 37(d) of the *Sex Discrimination Act 1984* (Cth) and 153(2)(b), 195(2)(b), 351(2)(c) and 772(2)(b) of the *Fair Work Act 2009* (Cth).
5. **Require LGBTIQ+ training and expertise.** Make LGBTIQ+ cultural safety, training and expertise a contractual requirement for all service providers receiving government funding.
6. **Improve access to Youth Allowance.** Remove barriers for young people living in unsafe home environments accessing Youth Allowance by removing eligibility barriers such as the requirement for a young person to already be living out of home and for a parent to contribute to the application in circumstances where it would be unsafe for the young person to live at home. Provide LGBTIQ+ cultural safety training for social workers assisting with Youth Allowance applications, including the risk of outing a young LGBTIQ+ person when asking their parent for a response to a Youth Allowance application.

LGBTIQ+ POVERTY IN AUSTRALIA

1. LGBTIQ+ POVERTY: AN OVERVIEW

Everyone deserves secure housing and a decent standard of living. A lack of data on the LGBTIQ+ population makes it difficult to ascertain the extent and nature of LGBTIQ+ poverty in Australia. However, existing research indicates that LGBTIQ+ people in Australia disproportionately experience poverty, homelessness and unemployment. Cost of living/wages pressures are also front of mind for LGBTIQ+ people in Australia.

The Census does not properly count the LGBTIQ+ population in Australia.¹ As a result, we do not know the number of LGBTIQ+ people in Australia, nor where they are located. We are also unable to do population-wide comparisons of data points collected in the Census on housing, income or employment against the variables of sexual orientation, gender identity or sex characteristics. Equality Australia, along with a range of community organisations and government representatives called for the proper inclusion of LGBTIQ+ people in the 2021 Census, but this was not incorporated.² In the absence of population-level data, available data on the LGBTIQ+ population has most often come from researchers and community organisations conducting large surveys. These surveys provide some insight into levels of poverty, homelessness and unemployment among the LGBTIQ+ population.

In the largest study of its kind in Australia, *Private Lives 3* documented the experiences of 6,835 LGBTIQ+ people living in Australia.³ Almost one third (31.3%) of participants reported an income of less than \$400, below the Australian poverty line of \$457 a week at the time of the study.⁴ Trans and gender diverse participants were most likely to report an income below the poverty line at 46.5% for trans men, 46.3% for non-binary participants and 42% for trans women.⁵ This is significantly higher than the general population, with the latest research indicating that over one in eight people in Australia (13.4%) are living below the poverty line.⁶

One in five (22%) participants in the *Private Lives 3* study reported having ever experienced homelessness, including almost one in three trans and gender diverse people.⁷ 1.1% of participants reported experiencing homelessness at the time of completing the survey,⁸ compared with 0.5% of the general population at the time of the latest Census for which data is available.⁹ Other existing research suggests that LGBTQ+ people are overrepresented among those with experiences of homelessness in Australia.¹⁰

In 2020, Equality Australia surveyed 2,623 LGBTIQ+ people in Australia regarding the impacts of the COVID-19 pandemic. That research suggested disparities in employment for LGBTIQ+ people with an unemployment rate of 7.5% pre-COVID-19 (approximately 2% higher than the national unemployment rate of 5.2% in March 2020) and 12.7% post-COVID-19 (more than double the national unemployment rate of 6.2% in April 2020).¹¹ The survey also

¹ Australian Bureau of Statistics (2022) [Analysis of non-binary sex responses in the 2021 Census](#).

² Equality Australia (2022) [Equality Australia, rainbow family allege unlawful discrimination by former minister](#), ABS in 2021.

³ Hill et al (2020) [Private Lives 3: The health and wellbeing of LGBTIQ people in Australia](#), Australian Research Centre in Sex, Health and Society, La Trobe University, ('Private Lives 3').

⁴ Hill et al (2020) *Private Lives 3*, at 26.

⁵ Hill et al (2020) *Private Lives 3*, at 26.

⁶ Davidson et al (2022) *Poverty in Australia 2022: A Snapshot*, Australian Council of Social Services (ACOSS) and UNSW Sydney, at 9.

⁷ Hill et al (2020) *Private Lives 3*, at 34.

⁸ Hill et al (2020) *Private Lives 3*, at 14, 34.

⁹ Australian Bureau of Statistics (2018) [Estimating homelessness](#).

¹⁰ McNair et al (2017) [GALFA LGBTQ Homelessness Research Project – Final Report: LGBTQ Homelessness: Risks, Resilience, and Access to Services in Victoria](#), at 7.

¹¹ Equality Australia (2020) [Inequality Magnified: Submission to the Australian Senate Inquiry into Australia's Response to COVID-19](#), at 17-18.

indicated particularly high levels of unemployment amongst trans and gender diverse people with the unemployment rate jumping from 15.2% pre-COVID-19 to 20% post-COVID-19.¹²

Ahead of the 2022 federal election, Equality Australia also surveyed 5,578 LGBTIQ+ people currently living in Australia on the issues that mattered most to them when voting in the election. That research showed that LGBTIQ+ people are concerned about income and housing. Cost of living/wages was ranked as the fourth most important issue for LGBTIQ+ people overall, below environment/climate issues, LGBTIQ+ issues, and healthcare.¹³ Social security (e.g. pensions, entitlements) and housing ranked fifth and sixth respectively, below migration and refugee issues.¹⁴ Housing was particularly important to First Nations' LGBTIQ+ people and trans and gender diverse people, ranking as the fifth most important federal issue,¹⁵ while cost of living/wages ranked third for LGBTIQ+ people under 24 years of age.¹⁶ Social security (e.g. pensions, entitlements) ranked highest for LGBTIQ+ people aged 65 years and over as well as LGBTIQ+ people with disability as the fifth most important issue.¹⁷

RECOMMENDATION 1

Improve data collection on LGBTIQ+ people by including appropriate questions on sexual orientation, gender identity and sex characteristics in the Census and other national datasets.

RECOMMENDATION 2

Include LGBTIQ+ people as a specific sub-group in national strategies to address poverty, homelessness and unemployment in Australia.

RECOMMENDATION 3

In consultation with the trans and gender diverse community, formulate and implement an employment strategy to address barriers to employment for trans and gender diverse people. The strategy should include research into barriers to workplace participation for trans and gender diverse people and establish employment programs that support employment for trans and gender diverse people.

2. DISCRIMINATION

Everyone deserves to be treated with dignity and respect. Yet LGBTIQ+ people face high rates of discrimination, serving as a barrier to accessing employment, housing and services and exacerbating their risk and experiences of poverty.

LGBTIQ+ people experience high rates of discrimination, which is sometimes also compounded by other personal attributes and characteristics. *Private Lives 3* found that:

- Almost three fifths (57%) of participants reported feeling treated unfairly to some degree because of their sexual orientation in the past 12 months, and 3 in 4 trans and gender diverse

¹² Equality Australia (2020) [Inequality Magnified: Submission to the Australian Senate Inquiry into Australia's Response to COVID-19](#), at 18.

¹³ Equality Australia (2022) [Rainbow Votes](#), at 14.

¹⁴ Equality Australia (2022) [Rainbow Votes](#), at 14.

¹⁵ Equality Australia (2022) [Rainbow Votes](#), at 16-17.

¹⁶ Equality Australia (2022) [Rainbow Votes](#), at 17.

¹⁷ Equality Australia (2022) [Rainbow Votes](#), at 17.

participants reported being treated unfairly to some degree because of their gender identity in the past 12 months.¹⁸

- 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.¹⁹
- 60.7% of respondents felt accepted 'a lot' or 'always' at work, meaning that 39.3% felt more limited acceptance or no acceptance at all. The proportion who felt accepted 'a lot' or 'always' in health or support services, in public, at non-LGBTIQ+ events/venues, or faith-based events or services was significantly lower, ranging from 43.4% to as low as 10.5%.²⁰

Focusing on the experiences of LGBTIQ+ people at work, 62% of the 1,390 respondents in the 2015 Australian Human Rights Commission *Resilient Individuals* consultation reported feeling unable to disclose their sexual orientation in the workplace despite wanting to.²¹ There is also evidence of:

- a wage gap between Australian workers doing the same job because of their sexual orientation;²² and
- higher rates of workplace sexual harassment being experienced by LGBTIQ+ people than those who identify as straight or heterosexual, or who are cisgendered or not intersex.²³

The Victoria by the Pride Foundation Australia (formerly GALFA) conducted research into LGBTQ homelessness including interviews with homelessness service providers and people with lived experience of homelessness.²⁴ That research indicated that discrimination was a common experience for LGBTIQ+ people accessing homelessness services and private rental accommodation, as was harassment and assault from other residents in accommodation facilities including public housing.²⁵ As a result, participants often felt unsafe accessing mainstream services.²⁶

DISCRIMINATION BY RELIGIOUS ORGANISATIONS

Discrimination laws in many parts of Australia, including the *Sex Discrimination Act 1984* (Cth), still provide exemptions for religious organisations to discriminate against LGBTIQ+ people in employment and service delivery. These exemptions limit employment opportunities and access to support services for LGBTIQ+ people, including those experiencing poverty.

Exemptions in discrimination laws in Australia allow religious organisations to discriminate against LGBTIQ+ people seeking work or accessing services. At the federal level, the *Sex Discrimination Act 1984* (Cth) provide broad exemptions that allows faith-based organisations to discriminate against LGBTIQ+ in employment and when providing services such as healthcare or disability care,²⁷ or accommodation services.²⁸ By contrast, religious

¹⁸ Hill et al (2020) *Private Lives* 3, at 40.

¹⁹ Hill et al (2020) *Private Lives* 3, at 40.

²⁰ Hill et al (2020) *Private Lives* 3, at 37.

²¹ Australian Human Rights Commission (2015) [Resilient Individuals: Sexual orientation, gender identity and intersex rights](#), National Consultation Report, at 19.

²² La Nauze (2015) 'Sexual orientation-based wage gaps in Australia: The potential role of discrimination and personality', *The Economic and Labour Relations Review* 26:1.

²³ Australian Human Rights Commission (2018) [Everyone's business: Fourth national survey on sexual harassment in Australian workplaces](#), at 8, 21-23, 26.

²⁴ McNair et al (2017) [GALFA LGBTQ Homelessness Research Project – Final Report: LGBTQ Homelessness: Risks, Resilience, and Access to Services in Victoria](#).

²⁵ McNair et al (2017) [GALFA LGBTQ Homelessness Research Project – Final Report](#), at 24-27.

²⁶ McNair et al (2017) [GALFA LGBTQ Homelessness Research Project – Final Report](#), at 40.

²⁷ See, eg, *Sex Discrimination Act 1984* (Cth) s 37(1)(d).

²⁸ *Sex Discrimination Act 1984* (Cth) s 23(3)(b). Cf *Fair Work Act* (2009) ss 351(2)(c), 772(2)(b).

organisations are prohibited from discriminating in the provision of Commonwealth-funded aged care services (although they can discriminate against aged care workers).²⁹

These exemptions limit the work opportunities available to LGBTQ+ people and allow them to be lawfully denied access to services which are commonly provided by faith-based organisations. Although available data is limited, religious charities account for approximately one in three reporting charities in Australia and are the largest single category of charity in the country.³⁰ Even where service providers do not take advantage of these exemptions, the perception that a service may be discriminatory can be enough to prevent LGBTQ+ people who are experiencing poverty from seeking assistance.³¹

Unfortunately, we know that these exemptions have been recently used by religious organisations to discriminate against LGBTQ+ people, and the people who affirm them. Among the cases that Equality Australia has provided assistance to or been made aware of are:

- **Steph Lentz** is a lesbian and committed Christian who was fired from her job as an English teacher at a Christian school in Sydney in 2021 because she would not affirm the ‘immorality’ of homosexuality, which the school argued was an ‘inherent, genuine occupational requirement’ of her role.
- **Karen Pack** is a committed Christian who was fired from her role as a lecturer at a Baptist tertiary college in Sydney in 2020 because she became engaged to a same-sex partner.
- **Nathan Zamprogno** is a gay man who lost his job as a teacher at a Christian School in Sydney in 2020 after 20 years’ service because the school discovered his sexuality.
- **Rachel Colvin** is a teacher, committed Christian and mother of three married to a male partner who was constructively dismissed from a Christian School in Ballarat in 2019 after 10 years’ service. Rachel was forced to resign after she refused to agree to and abide by an amended statement of faith, contrary to her own religious beliefs, that marriage ‘can only be between a male and a female’.
- **Harley*** sought accommodation at a refuge provided by a faith-based organisation after fleeing intimate partner and family violence in 2015. They were counselled against disclosing their sexuality or wearing rainbow items of clothing and told they were ‘going to hell’ by a staff member who said they would ‘pray for God to show them the way’. Harley left the refuge and spent three nights sleeping on the streets. In 2021, Harley and their wife (a trans woman) sought emergency accommodation from a different faith-based organisation. Harley’s wife was told she would need to go to a men’s shelter rather than access the same facility as Harley.

We welcome the Commonwealth Government’s commitment to removing exemptions that currently allow religious schools to discriminate against students and staff, and we look forward to the Australian Law Reform Commission’s report in this regard. However, this commitment does not address the wide range of employment opportunities and services provided by religious organisations apart from educational institutions. This includes a wide range of organisations that employ people and provide healthcare, disability care, accommodation, family violence, financial assistance and other support services. These organisations are permitted to discriminate because of sections 23(b) and 37(d) of the *Sex Discrimination Act 1984* and 153(2)(b), 195(2)(b), 351(2)(c) and 772(2)(b) of the *Fair Work Act 2009*, which are not being addressed by the Australian Law Reform Commission’s inquiry terms of reference. The Commonwealth is now falling behind a range of states and territories that have narrowed exemptions or committed to narrowing exemptions allowing religious organisations to unfairly discriminate against LGBTQ+ people in employment or the provision of services, including Victoria, the Australian Capital Territory, Tasmania and the Northern Territory.

²⁹ *Sex Discrimination Act 1984* (Cth) s 23(3A).

³⁰ Knight and Glichrist (2015) [Australia’s Faith-based Charities](#), Australian Charities and Not-for-profits Commission; Australian Charities and Not-for-profits Commission (2018) [Australian Charities Report](#), at 6.

³¹ See McNair et al (2017) [GALFA LGBTQ Homelessness Research Project – Final Report](#), at 26, 41.

Of course, not all faith-based organisations wish to discriminate. But even among those faith-based organisations that do not wish to discriminate, these exemptions affect their reputation among LGBTIQ+ communities. These exemptions mean that the entire faith-based community sector is perceived by LGBTIQ+ people as potentially discriminatory, robbing these faith-based organisations of talent, fundraising revenue and the ability to reach out to people who need their services.

INCLUSIVE SERVICES

Everyone should have access to appropriate and inclusive support services. Yet LGBTIQ+ people are often unable to access culturally safe services, including crisis accommodation, because of discrimination or a fear that they will be turned away or treated unfairly.

A national consultation conducted by the Australian Human Rights Commission which surveyed over 1,500 LGBTIQ+ people found that almost one in four had been refused a service because of their sexual orientation, gender identity or intersex status.³² The report also found that LGBTIQ+ people face challenges accessing healthcare services due to unconscious bias and interpersonal discrimination.³³

Organisations that we work with have indicated that LGBTIQ+ inclusivity, training and awareness in organisations serving people experiencing poverty can vary. For example, some crisis accommodation providers misgender trans and gender diverse people or have unduly onerous requirements for identity documents, which can leave people more likely to sleep rough.

The Victorian Government have taken steps to address the lack of LGBTIQ+ inclusive services by requiring government funded service providers in areas such as domestic and family violence to achieve Rainbow Tick accreditation.³⁴ Organisations wishing to obtain this accreditation are assessed against the Rainbow Tick Standards to determine whether the organisation is culturally safe for LGBTIQ+ staff, volunteers and service users.³⁵

RECOMMENDATION 4

Prohibit discrimination against LGBTIQ+ people in employment and service delivery by religious organisations by amending sections 23(b) and 37(d) of the *Sex Discrimination Act 1984* (Cth) and 153(2)(b), 195(2)(b), 351(2)(c) and 772(2)(b) of the *Fair Work Act 2009* (Cth).

RECOMMENDATION 5

Make LGBTIQ+ cultural safety, training and expertise a contractual requirement for all service providers receiving government funding.

3. POVERTY, VIOLENCE AND HOMELESSNESS

Everyone deserves to feel safe at home in a welcoming community. LGBTIQ+ people experience comparable, if not greater, rates of intimate partner and family violence than the general population and the risk is greater

³² Australian Human Rights Commission (2015) [Resilient Individuals: Sexual Orientation, Gender Identity and Intersex Rights](#), National Consultation Report, at 17.

³³ Australian Human Rights Commission (2015) [Resilient Individuals: Sexual Orientation, Gender Identity and Intersex Rights](#), National Consultation Report, at 32-34.

³⁴ See State of Victoria (2016) [Royal Commission into Family Violence: Summary and Recommendations](#), at 90; Victorian Government (2021) [All funded family violence services achieve Rainbow Tick accreditation](#).

³⁵ Jones et al (2020) [Rainbow Tick Standards: A framework for LGBTIQ+ cultural safety](#), Rainbow Health Victoria.

for those experiencing economic hardship. When LGBTIQ+ people seek communities which are safe and inclusive for them to live, these are often located in areas where housing is particularly unaffordable.

Equality Australia and the Centre for Family Research and Evaluation surveyed 2,631 LGBTIQ+ people across Australia regarding violence, abuse and harassment experienced in the last 12 months. The results showed that more than one in ten (12.2%) LGBTIQ+ people were at risk of domestic or family violence. The risk for LGBTIQ+ people who were unemployed or looking for work was 2.2 times higher than those who were employed.³⁶

Young LGBTIQ+ people were at the greatest risk of domestic and family violence. People under 25 years were 4.5 times more likely to be at risk of domestic and family violence than those over 25 years. More than one in two LGBTIQ+ people under 25 years who were at risk of domestic and family violence lived with others who did not know about their sexuality, while two in five were unemployed or looking for work.³⁷

ACCESSING YOUTH ALLOWANCE

Without financial independence, young LGBTIQ+ people may remain in homes which are unsafe for them. Young people who are living at home will generally be considered dependent for the purposes of accessing Youth Allowance and will therefore be unable to access payments if their parents' income is too high. Although there is a pathway for young people to show they are independent and access Youth Allowance payments because it is unreasonable for them to live at home (such as due to risk of domestic and family violence), this is not available until the young person has moved out of home.³⁸ This creates a significant financial barrier to leaving an unsafe home environment and puts young people at risk of further harm.

For young people who have moved out of an unsafe home environment, proving their independence in order to access Youth Allowance may require obtaining a form from a parent detailing why they have left home.³⁹ Contacting a parent may be uncomfortable or unsafe for LGBTIQ+ young people, and social workers are not always aware of the risks of outing a young person to their family when asking for a response to their application for Youth Allowance.

ACCESSING ACCOMODATION

As discussed above, organisations providing services to people who are at risk of homelessness may not be inclusive of LGBTIQ+ people. Research suggests a fear of discrimination or being sent back to family environments in which they are at risk of violence may also prevent LGBTIQ+ young people from accessing mainstream support services for people experiencing homelessness.⁴⁰

Increasing rental unaffordability and low vacancy rates also provide a barrier for people seeking affordable tenancies after leaving an unsafe home or crisis accommodation. This is placing strain on service providers and leading to more people experiencing longer periods of homelessness.⁴¹ Rental unaffordability is particularly acute in inner city areas where LGBTIQ+ people often migrate to in order to obtain greater access to LGBTIQ+ inclusive communities and services. Moving away from urban areas to find affordable housing contributes to isolation for LGBTIQ+ people and creates geographic and social barriers to accessing inclusive services, such as healthcare.

³⁶ Gibson et al (2020) [There's no safe place at home: Domestic and family violence affecting LGBTIQ+ people](#), Equality Australia and the Centre for Family Research and Evaluation Drummond Street Services, at 25.

³⁷ Gibson et al (2020) [There's no safe place at home: Domestic and family violence affecting LGBTIQ+ people](#), Equality Australia and the Centre for Family Research and Evaluation Drummond Street Services, at 22.

³⁸ Services Australia (2022) [If it's unreasonable for you to live at home](#).

³⁹ Services Australia (2022) [If it's unreasonable for you to live at home](#).

⁴⁰ See McNair et al (2017) [GALFA LGBTQ Homelessness Research Project – Final Report](#), at 41.

⁴¹ Australian Government, Productivity Commission (2022) [In need of repair: The National Housing and Homelessness Agreement: Study Report](#), at 6.

RECOMMENDATION 6

Remove barriers for young people living in unsafe home environments accessing Youth Allowance by removing eligibility barriers such as the requirement for a young person to already be living out of home and for a parent to contribute to the application in circumstances where it would be unsafe for the young person to live at home.

Provide LGBTIQ+ cultural safety training for social workers assisting with Youth Allowance applications, including the risk of outing a young LGBTIQ+ person when asking their parent for a response to a Youth Allowance application.