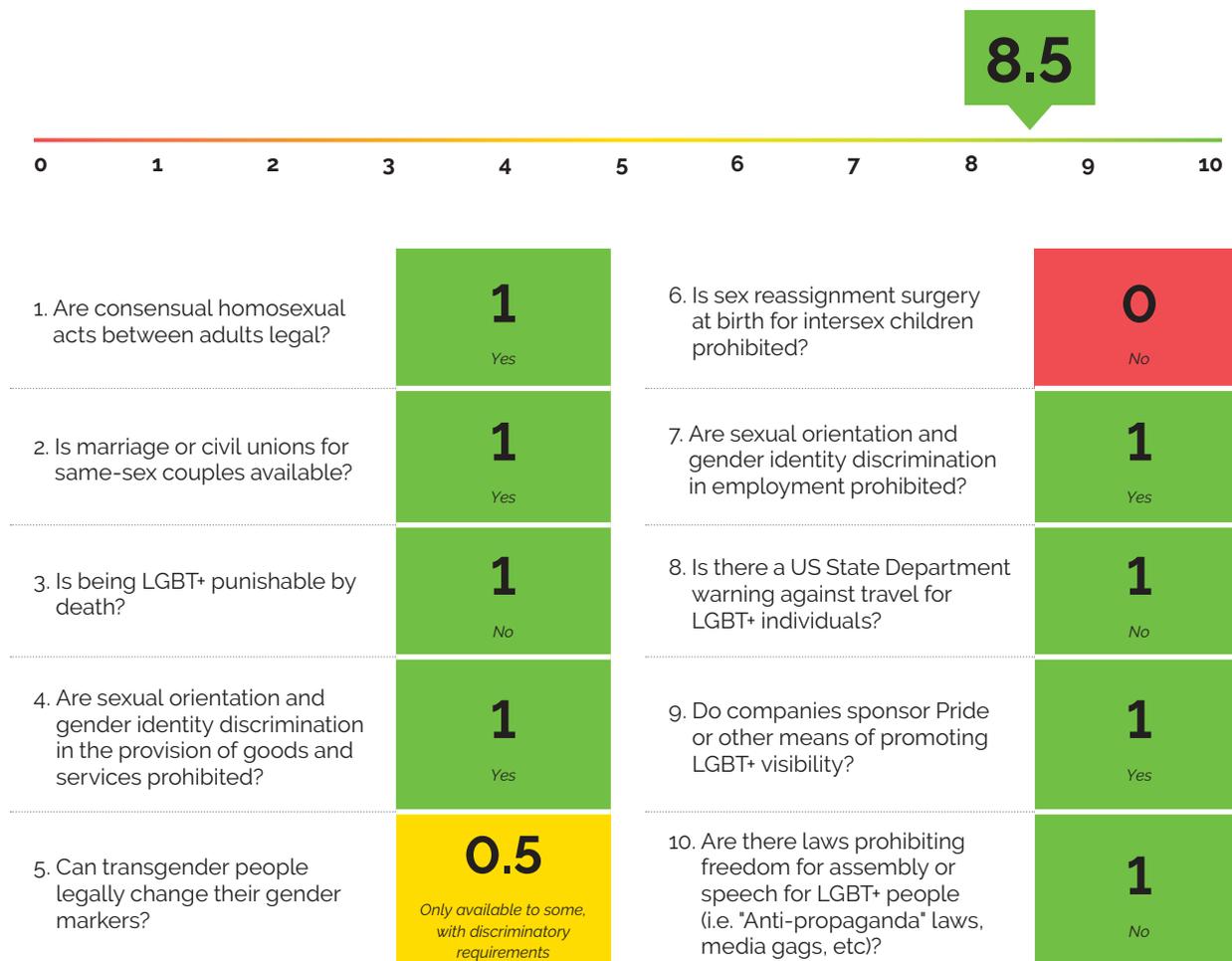




LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.



How to Use This Brief

As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

Internal Staff: Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

Government Leaders: In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

In-country Business Partners: In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

Talking Points

"Gay and lesbian households in Australia control an estimated annual disposable income of \$20 billion. This is an indispensable market for my company."

"Amending legislation to allow for transgender individuals to change their legal documents without discriminatory requirements would allow my company to build an inclusive workplace consistent with our operations in other countries."

"People who wish to transition in Australia are currently not able to do so while they are married – a lingering effect of previous legislation against same-sex marriage. The new same-sex marriage law will eliminate this anti-trans policy at the end of the year, but we're closely monitoring whether any Australian states pass local anti-trans laws in the interim, as a patchwork of state policy around gender transition will make it harder for my company to do business in Australia."



Current Legal Status of LGBT+ People

Legal Status of the Lesbian, Gay, and Bisexual Community

Adult consensual same-sex sexual behavior is no longer criminalized in Australia, with Tasmania being the last state to pass decriminalization legislation in 1997. Several states and territories have created schemes allowing people who were previously convicted for consensual same-sex acts to have their criminal records expunged.

After 61.6% of Australians voted in favor of marriage equality in a nonbinding nationwide referendum in fall 2017, the House of Representatives followed with their own vote in December, legalizing marriage equality starting the following month.

The availability of adoption by same-sex couples varies state by state. Surrogacy laws also vary by state, with commercial or compensated surrogacy being generally illegal.

As of 2013, there are strong federal anti-discrimination protections that prohibit discrimination based on sexual orientation, gender identity, or intersex status. Australia is the first country in the world to include intersex status in national anti-discrimination legislation.

Both federal and state anti-discrimination laws contain broad exemptions for religious organizations, schools and in some cases, individuals.

Since 2016, each jurisdiction has an equal age of consent for all sexual acts. In the Australian Capital Territory, New South Wales, Northern Territory, Queensland, Victoria and Western Australia, the age of consent is 16 and 17 in Tasmania and South Australia. Queensland was the final Australian jurisdiction to equalize its age of consent for all forms of sexual activity at 16 years, after reducing the age of consent for anal sex from 18 years. Most jurisdiction now offer expungement schemes to clear the criminal records of people charged or convicted for consensual sexual acts that are no longer illegal.

LGBT+ people can serve openly in the military in Australia.

Legal Status of the Transgender and Gender-Diverse Communities

Transgender people can have their gender recognized by the Federal Government (including on passports) without requiring any surgery or hormone therapy. However, a doctor's endorsement is still required.

Transgender people in Australia can also have their gender legally recognized in all states and territories, but are often burdened with discriminatory surgical requirements. Since birth certificates and driving licenses are governed by state and territory law, this creates significant barriers to legal gender recognition.

Alongside male and female genders, the federal government recognizes an "X" (indeterminate/unspecified) gender marker option.

Aside from the Federal Government, the Australian Capital Territory is the only jurisdiction that provides for legal gender recognition without requiring gender affirmation surgery.

Transgender people are legally protected against discrimination based on gender identity or expression in both employment and the provision of goods and services.

Legal Status of the Intersex Community

Intersex people in Australia are legally protected from discrimination based upon their intersex status.

Australia does not prohibit involuntary surgery on intersex children.

Current Legal Status of LGBT+ People

Government Statements and Actions

In early 2016, the Federal Government reduced the scope of the Safe Schools Coalition Australia (a national network of organisations working with school communities to create safer and more inclusive environments for homosexual, intersex and gender diverse students, staff and families) and removed funding for it beyond 2017. The education minister, Simon Birmingham, said this was a "strong but measured response" to the concerns raised by Christian groups and conservative MPs, including former PM Tony Abbott, who demanded the program be defunded.

The center-left Tony Briffa is the world's first openly intersex mayor. Because of legal issues presented by Briffa's non-specific birth certificate, Briffa cannot lawfully marry in Australia.

In October 2013, the Australian Senate published a report, "Involuntary or coerced sterilization of intersex people in Australia," which recommended ending cosmetic genital surgeries on infants and children.

Socio-cultural Environment of LGBT+ People

Status of LGBT+ Organizing and Community

Australia boasts a well-established LGBT+ movement, including Australian Marriage Equality, Organization Intersex International Australia, Transgender Victoria, Bisexual Alliance, Australian GLBTI Multicultural Council Inc., Gay Lesbian Health Victoria, Victorian Aids Council, Rainbow Network, National LGBTI Health Alliance, Kaleidoscope Human Rights Foundation.

Sydney is home to the three-week Gay and Lesbian Mardi Gras Festival, where the pride parade draws over 500,000 attendees annually.

Major companies, both domestic and international, have a track record of sponsoring Mardi Gras.

The second largest pride celebration, Midsumma Festival, is held for 3 weeks in Melbourne each year since 1989.

Cultural Views of the LGBT+ Community

A 2013 Pew Research study found that 79% of Australians believe homosexuality should be accepted by society, making it the 5th most supportive country in the world.

In 2015, Dameyon Bonson established Black Rainbow as a mental healthy support and suicide prevention service for LGBTI indigenous Australians. Gender diverse and transgender indigenous Australians often suffer dual discrimination through both racism and homophobia/transphobia.

A poll from August 2016 showed that 62% of Australians support marriage equality.

Impact of LGBT Discrimination on Business & Talent



BRAND RISK **NONE**

There is negligible brand risk related to supporting the LGBT+ community in Australia.

CLIENT RISK **NONE**

There's virtually no risk of LGBT+ clients moving their patronage away from companies that do business in Australia.

TALENT RISK **NONE**

Now that Australia has passed a nationwide marriage equality law, there are no significant risks or barriers to relocating talent there.

MARKETING CHALLENGES **NONE**

With widespread public acceptance, corporations can and do broadcast LGBT+ inclusive marketing without provoking an uproar.

Local Leaders Advocating for LGBT Equality

There are many openly LGBT+ activists and experts in Australia. Out Leadership recommends that you contact:

Raymond Roca
Director, Kaleidoscope Human Rights Foundation

Dawn Hough
Director, Pride in Diversity

Dameyon Bonson
Founder, Black Rainbow

Purpose

Multinational companies face operational and reputational risk when they do business in countries where the legal and/or social atmosphere makes it difficult for LGBT+ people to live openly. Discrimination against LGBT+ people creates serious challenges for talent mobility, retention, and development.

Out Leadership's LGBT+ CEO Business Briefs seek to help C-Suite leaders understand and respond to these risks. Secondly, these Briefs seek to inform and empower corporate executives to engage in conversations with trade officials and other local stakeholders about why discrimination against LGBT+ people negatively impacts their ability to do business.



Additional Resources

2016 International Gay and Lesbian Association State Sponsored Homophobia Report

This report contains a country-by-country analysis of anti-LGBT laws and policies around the world.

2016 Human Rights Watch World Report

This report contains a country-by-country analysis of human rights concerns for 2014, and includes specific information pertinent to LGBT issues.

Special Thanks

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Pro Bono Legal Partner

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