



## **ELECTION SURVEY 2019**

We believe that it's vital you make an informed choice when you vote in the upcoming federal election. We've put the issues that you've told us matter to you to the major parties, so you know where they stand. Below are responses from the Government, the Labor Party and the Australian Greens on 18 questions covering a broad range of LGBTIQ+ rights issues.

We acknowledge and thank representatives from the Victorian Gay & Lesbian Rights Lobby, the National LGBTI Health Alliance, Intersex Human Rights Australia, ACON, NSW Gay & Lesbian Rights Lobby, Transgender Victoria, Sydney Gay & Lesbian Mardi Gras, Rainbow Families Victoria, Thorne Harbour Health and the Australian GLBTIQ Multicultural Council for their contribution and input into this survey.

### **A VOICE FOR LGBTIQ+ PEOPLE IN GOVERNMENT POLICY MAKING**

**How will your party develop policies and programs to meet the needs of LGBTIQ+ people and their families? Will you have a dedicated spokesperson, or Minister and branch or unit if elected to Government? Will you establish a community consultation mechanism such as an advisory council? Will you establish a Commissioner for LGBTIQ+ people?**

**MORRISON GOVERNMENT RESPONSE:** (see response to question 2)

**LABOR'S RESPONSE:** In Opposition, Labor has appointed a Shadow Assistant Minister for Equality, a first for a major party in the nation's Parliament. If Labor forms government, we will maintain this arrangement, to lead the development of policies and programs for LGBTIQ people and their families.

Labor believes the best way to promote the rights of LGBTIQ Australians and develop policies that recognise their needs is by listening to and consulting with LGBTIQ Australians.

That's why Labor will establish an LGBTIQ Ministerial Advisory Council. Once a quarter, we will convene the council to have input into policy development on issues that affect the rights and lives of LGBTIQ Australians and their families.

A Shorten Labor Government will also make history by appointing Australia's first full time LGBTIQ Human Rights Commissioner to advocate for and advance the rights of LGBTIQ Australians.

The Commissioner will be located within Australian Human Rights Commission to work across government for the removal of discrimination and structural impediments to full participation in society for LGBTIQ Australians.

**GREENS RESPONSE:** Too often, LGBTIQ+ communities are shut out of decisions that affect them. LGBTIQ+ issues need to be heard at the highest levels of government and implemented across portfolios. That's why the Greens would create an LGBTIQ+ Ministerial Advisory Group. This Group will sit within the Department of Prime Minister and Cabinet, and will provide strategic advice to ministers and ensure decisions affecting LGBTIQ+ communities are made only after meaningful consultation. The work of the group will be supported by working groups that will ensure a whole of government approach and diverse representation for LGBTIQ+ communities. The group will lead on the creation of a whole of government LGBTIQ+ strategy and will be resourced with public service secretariat support.

The Greens would also establish a Minister for Equality, which will ensure that issues affecting LGBTIQ+ communities are represented in cabinet. Having a minister responsible for LGBTIQ+ equality will raise the profile of the issues affecting LGBTIQ+ communities and will facilitate progress in the areas of legislative reform, community consultation and funding for LGBTIQ+ services and programs.

Finally the Greens would appoint an LGBTIQ+ Human Rights Commissioner. Appointing an LGBTIQ+ Human Rights Commissioner will ensure that LGBTIQ+ people are protected from discrimination on the basis of sex, sexuality, gender identity and intersex status. The LGBTIQ+ Human Rights Commissioner will work with communities and champion the rights of lesbian, gay, bisexual, intersex, trans and gender diverse Australians within the Government

## **SOCIAL INCLUSION FOR LGBTIQ+ PEOPLE**

**Will your party develop a whole-of-government LGBTIQ+ social inclusion strategy that identifies and addresses the specific needs of different parts of the community?**

**MORRISON GOVERNMENT RESPONSE:** The Coalition legalised same-sex marriage in 2017 to give effect to the wishes of the overwhelming majority of the Australian people to change the law to allow same-sex couples to marry.

The Morrison Government will continue to consult with the LGBTIQ+ organisations across the broad range of policy issues affecting LGBTIQ+ Australians within our existing frameworks. Government funding for community bodies, including LGBTIQ+ stakeholders, are subject to normal competitive grants processes.

Issues facing the LGBTIQ+ community are handled across government according to Ministerial responsibilities and administrative arrangements. Issues relating to LGBTIQ+ equality generally fall within the Attorney-General's portfolio.

The Attorney-General is responsible for the Australian Human Rights Commission which is the nation's independent human rights body and is tasked with identifying and building awareness around human rights issues faced by lesbian, gay, bisexual, trans and intersex people. In 2014, the Coalition appointed a full time Human Rights Commissioner, Tim Wilson, who was a strong advocate for the LGBTIQ+ community. When Tim was elected as the member for Goldstein in the Australian Federal Parliament in 2016, Ed Santow, continued this role, seeking to find practical and long-term solutions to the human rights issues facing the LGBTIQ+ community in Australia, and building greater understanding and respect for human rights in the community.

Issues relating to LGBTIQ+ abuses within the Human Rights Council and other forums such as the Organisation for Security and Cooperation in Europe (eg. the imprisonment and alleged torture of LGBTIQ+ individuals in Chechnya) have been raised by the Foreign Minister.

**LABOR'S RESPONSE:** A Shorten Labor Government will work collaboratively with the LGBTIQ community to develop a National LGBTIQ Health and Inclusion Strategy.

**GREENS RESPONSE:** One of the core responsibilities of the Ministerial Advisory Group will be to work with the Department of Prime Minister and Cabinet to develop a whole-of-government plan to address the specific needs of different communities within the LGBTIQ+ rainbow.

This would be supported by appointing a Trans Advisory Board to the Department of Health and an Intersex Advisory Board with both the Department of Health and the Attorney General's Department.

It is vital that the government engage with and better understand the needs of transgender and gender diverse people and people with variations of sex characteristics.

## **PROTECTING LGBTIQ+ PEOPLE FROM DISCRIMINATION**

**Will your party commit to introducing protections for trans, gender diverse and intersex people into the *Fair Work Act*? Will your party remove religious exemptions from the *Sex Discrimination Act* and *Fair Work Act*? Will your party reform the sports exemption in the *Sex Discrimination Act* that has an impact on trans, gender diverse and intersex sportspeople?<sup>1</sup>**

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<sup>1</sup> Currently the SDA protects against discrimination on the basis of sexual orientation, gender identity and intersex status and the FWA protects against discrimination on the basis of sexual orientation only.

**MORRISON GOVERNMENT RESPONSE:** As part of our response to the Ruddock Review, the Coalition has delivered on our commitment to refer the issue of religious exemptions to Commonwealth, state and territory discrimination laws to the Australian Law Reform Commission (ALRC) for inquiry and report. The ALRC inquiry is designed to ensure that legislative exemptions to discrimination based on a person's identity are limited or removed, while also protecting the right of religious institutions to conduct their affairs in a way consistent with their religious ethos.

The ALRC inquiry will address religious exemptions in the *Sex Discrimination Act*, the *Fair Work Act* and other Commonwealth, State and Territory laws.

Any potential changes to the *Fair Work Act* will require a formal process of engagement and consultation with the states and territories.

**LABOR'S RESPONSE:** When Labor was last in Government we made large strides towards ending discrimination against LGBTIQ people at a Federal level. We amended 85 federal laws to ensure all couples regardless of gender, and their children, were treated equally when it came to taxation, superannuation, health, social security, child support, aged care, immigration, citizenship and veterans' affairs. We also made sure all couples, including de facto couples could access the Family Court to resolve disputes.

But there are still areas of the law that discriminate against LGBTIQ people. For instance, there are still statutes containing outdated and discriminatory language. The Fair Work Act contains no protections against adverse action for trans or intersex employees, leaving them vulnerable.

As it currently stands, LGBTIQ students and staff at religious schools risk being discriminated against, sacked or expelled. This state of affairs prompted a community outcry in late 2018, and Scott Morrison promised to tackle the protection of LGBTIQ students late last year. However, he failed to put a bill to Parliament that would deliver on this promise and he subsequently gave up.

Labor will not give up. A Shorten Labor Government will amend the Sex Discrimination Act to remove the exemptions that permit religious schools to discriminate against students and staff on the basis of their sexuality or gender identity.

We do not believe that freedom from discrimination and religious freedom are mutually exclusive. We do not believe that the removal of these exemptions will hamper a religious school's capacity to continue to teach its religion and operate according to its traditions and beliefs. If elected, a Shorten Labor Government will consult with stakeholders on the best way forward to address this issue, and then legislate to make our commitment law.

Labor will continue to work to remove all discriminatory measures against LGBTIQ people from Commonwealth law.

**GREENS RESPONSE:** The Greens will continue working to remove existing exemptions for religious organisations within the Sex Discrimination Act and the Fair Work Act across all layers of service provision.

Our anti-discrimination laws currently include an unacceptable exemption for religious organisations. This means that a religious hospital can refuse to employ a gay doctor; a faith-based homelessness shelter can refuse to accept a transgender resident; and a faithbased school can sack a teacher who marries their same gender partner. Successive Coalition and Labor governments have maintained these discriminatory laws. The Greens would remove these exemptions, and enshrine anti-discrimination in a comprehensive charter of rights. Our anti-discrimination laws should apply to everyone.

Part of this work would include revisiting the existing provisions in the Fair Work Act (which are now out of alignment with other pieces of legislation and their coverage of protected attributes) and ensuring that our national employment laws prevent discrimination against a person's gender identity, sexual orientation and intersex status.

For LGBTIQ+ people, stigmatisation, exclusion and discrimination are still significant barriers to sports participation, particularly in women's sport. The Greens support the removal of discrimination against transgender, gender diverse and intersex athletes in competitive sport, and will continue to work with and consult the transgender, gender diverse and intersex community on the best way of pursuing this.

## **ANTI-LGBT CONVERSION THERAPY AND THE CONVERSION MOVEMENT**

**Will your party take a leadership role in tackling the harm caused by LGBT religious conversion therapy? For example, will your party raise the issue at inter-ministerial forums; improve regulation of counsellors and other health practitioners; ensure school chaplains are not engaging in conversion therapy; and regulate the publication of damaging conversion messages on radio and online?**

**MORRISON GOVERNMENT RESPONSE:** As the Prime Minister has said, the Morrison Government does not support LGBTIQ+ conversion therapy.

The use of conversion therapy has long been discredited with no scientific or medical evidence to support its use.

The Morrison Government remains committed to addressing the mental health of all Australians, including the LGBTI community, and this also relates to opposition to gay conversion therapy. The Government will work with the states, which have legal responsibility in this area, to ensure such practices are not supported or occurring.

**LABOR'S RESPONSE:** Labor is committed to ending the practice of so-called "LGBTIQ conversion therapy". Practitioners of conversion therapy insist, with no reliable evidence, that LGBTIQ people can be "cured" using a combination of physical and mental coercion. Medical experts and survivor

organisations, including the AMA, the Royal Australasian College of Physicians and the Royal Australian and New Zealand College of Psychiatrists, have condemned the practice as harmful and “a serious threat to the health and human rights of those so treated.” The Victorian Labor Government has already committed to banning the practice.

A Shorten Labor Government will work with survivor groups and coordinate with the States and Territories to develop strategies for tackling this practice, including a nationwide ban on “Gay Conversion Therapy”.

There is no place in modern Australia for this practice.

Labor knows LGBTIQ people are not broken and do not need fixing. It's high time this practice was consigned to the dustbin of history.

**GREENS RESPONSE:** The Greens would stamp out sexual orientation and gender identity change efforts (otherwise known as ‘conversion therapies’). We know from survivors that the ex-gay and ex-trans conversion movement extends further than formalised ‘therapies’ and that sexual orientation and gender identity change efforts pervade some religious communities, faith-based organisations, schools and the counselling industry in subtle and insidious ways. The Greens will support survivors of sexual orientation and gender identity change efforts to stamp out these practices and ensure that the specific needs of survivors are met.

The Greens will:

- Invest \$1 million in LGBTIQ+ faith organisations across Australia to build capacity for self advocacy;
- Invest \$500k into a public health and awareness campaign to explicitly target those at risk of the movement’s influence and to refute its key messages and assertions;
- Introduce regulatory and legislative enforcement of peak psychological and health bodies to prohibit the use of conversion ‘therapy’ by mental health professionals, including social workers, unregistered and registered health professionals, teachers and more. These regulatory enforcements will cover any attempts to change, suppress, cure, heal or repair the sexual orientation or gender identity of children or adults;
- Criminalise any attempt to remove a person from Australia for the purposes of conversion change efforts; and
- Consult the broader LGBTIQ+ community to determine whether criminal or civil penalties are appropriate for practitioners and referrers.

## **PROTECTING LGBTIQ+ PEOPLE BEYOND OUR BORDERS**

**Will you commit to increasing funding of international LGBTIQ+ human rights and development to levels comparable with like-minded countries (scaling up to \$15m per year by 2022) and fund the establishment of a network of civil society organisations in Australia to influence and guide Government foreign policy and work on LGBTIQ+ rights?**

**MORRISON GOVERNMENT RESPONSE:** The Coalition initiated Australia's candidacy for the 2018-20 term of the UN Human Rights Council (HRC) and, following a hard fought campaign, secured our HRC membership. A key focus of ours has included ending discrimination on the basis of sexual orientation and the protection of the rights of LGBTIQ+ people. The Morrison Government is committed to continue calling out abuses of LGBTIQ+ human rights in appropriate international forums. The Morrison Government will also continue to consult with LGBTIQ+ organisations, development agencies, human rights organisations, philanthropy and academia, given the value we place on the civil society's contribution to this international human rights discussion.

The Australian Human Rights Commission continues to work closely with LGBTIQ+ communities and key stakeholders to end discrimination and harassment against LGBTIQ+ people and to promote initiatives focused on reducing the unacceptably high rates of anxiety and depression experienced by LGBTIQ+ Australians.

The Morrison Government also recognises that HIV is a serious threat to the health and wellbeing of the Australian and global LGBTIQ+ community. We will continue to invest in regional and global efforts to combat HIV and AIDS, including investing in key multilateral, regional and bilateral programs to maximise health outcomes and strengthen health security. The Coalition also pledged \$220 million over 2017-2019 to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and will pledge to the Global Fund for 2020-2022.

We will continue to support UNAIDS, the global advocate for action on HIV and AIDS that guides and coordinates the programs of 11 United Nations agencies, as well as make targeted investments in the Indo-Pacific, including \$300 million in international development assistance for the Health Security Initiative for four years from 2018.

**LABOR'S RESPONSE:** A Shorten Labor Government will rebuild Australia's aid program. We will spend more on aid than the current Government, increasing Official Development Assistance as a percentage of Gross National Income every year that we are in office, starting with our first Budget.

Labor will work strategically to support and assist both local and international civil society organisations in promoting LGBTIQ human rights.

Labor will work first with our Pacific neighbours, our Indo-Pacific region and the nations of the Commonwealth to encourage the repeal of discriminatory laws, especially criminal laws against homosexual sexual conduct and most urgently against such laws where they impose the death penalty.

**GREENS RESPONSE:** The Greens have a plan to increase our aid and development budget to 0.7% of Gross National Income (GNI) by 2030, which would mean an additional \$10 billion over the next four years. As part of this program, the Greens would work specifically to ensure that funding for international LGBTIQ+ human rights and development work would match other OECD countries, and would be able to be scaled up to, at minimum, \$15 million per annum by 2022.

As part of our strategy for tackling HIV/AIDS, the Greens would also support the establishment of a network of LGBTIQ+ organisations, development agencies, human rights organisations, philanthropy and academia to promote and protect the rights of LGBTIQ+ people regionally and across the globe through an investment of \$200,000 per annum. While this body would be focused on fighting HIV/AIDS in our region, it would provide the platform for civil society to work together to guide Government foreign policy on LGBTIQ+ rights. Further funding could be made available via the Greens proposed \$70 million grants program.

## **HEALTH AND WELL-BEING FOR LGBTIQ+ PEOPLE**

**How will your party improve the health and well-being of LGBTIQ+ people? How will you address the health disparities between LGBTIQ+ people and other Australians including the alarming rates of suicide, self-harm and depression, particularly cohorts such as transgender young people and bisexual women? Will your party commit to developing a LGBTIQ+ Health Strategy?**

**MORRISON GOVERNMENT RESPONSE:** The Morrison Government is committed to continuing to build a 21<sup>st</sup> Century health system for all Australians, including LGBTIQ+ people and acknowledges the unacceptably high rates of anxiety and depression experienced by LGBTIQ+ Australians. The Morrison Government has committed a record \$1.45 billion over three years to 2021-22 for community mental health services and to change the funding model to strengthen mental health services. The Morrison Government understands the importance of mental health, including for LGBTIQ+ people. Given the challenges facing the LGBTIQ+ youth, this funding includes, \$617 million for youth mental health outlets, including headspace, which has one in five clients that identify as LGBTIQ+. The Morrison Government will continue to consult the LGBTIQ+ community to explore how to best support vulnerable Australians.

The National Mental Health Commission annually reports on the suicide prevention system through the Fifth National Mental Health and Suicide Prevention Plan.

The Fifth National Mental Health and Suicide Prevention Plan recognises the mental health needs of the LGBTIQ+ community and all jurisdictions are working on actions under the Plan.

The Morrison Government is providing an additional \$2 million to the National LGBTI Health Alliance and already funds programs specific to their needs:

- MindOUT! will receive \$36 million from 2019-21 for its project to improve mental health and prevent suicide in the community by working with mainstream organisations.
- The National LGBTI Health Alliance has received \$4 million over three years to provide LGBTI Awareness Training to ageing and aged care providers and workers.
- Black Rainbow has been funded to develop culturally appropriate Indigenous LGBTIQ information materials to support health care settings to become more culturally responsive to the community.
- eheadspace has received \$6.4 million in 2018-19 to provide telephone and web-based support services to 12-25 year olds, which includes the online peer support forum, Qheadspace.

Under the Coalition's stewardship, the first HIV self-testing kit was approved for use by the Therapeutic Goods Administration (TGA). The test is a single-use rapid finger stick test for the detection of antibodies to HIV and will enable people to test for HIV in their own home.

This will make testing accessible and convenient especially for people that need to test frequently or have found attending a health service to test prohibitive.

**LABOR'S RESPONSE:** Services aimed at the general public often fail to understand or address the specific needs of LGBTIQ people. They can fail to reflect the needs of people with diverse bodies or know specific health risk factors present in the community. The consequences of that are worse health outcomes for a disproportionate number of people in LGBTIQ communities.

In collaboration with LGBTIQ community-controlled organisations, Labor will develop a National LGBTIQ Health and Inclusion Strategy, aimed at addressing a range of health issues including:

- Smoking, alcohol and other drugs.
- Mental health.
- Cancer.
- Trans and gender diverse people's health.
- Rights and health needs of people with intersex variations.
- Recognition of intersecting attributes such as disability, gender, ethnicity, race and age.

A Shorten Labor Government will also seize initiative and make HIV history.

Australia's policies, combined with recent developments in treatment, testing and prevention over the last 35 years have put us in a good position to be the first country to eradicate HIV.

Labor's commitment will see \$10 million a year to renew Australia's HIV response by restoring the funding and capacity that the Liberals have cut from HIV peak organisations. Labor's investment in

these groups and the National Aboriginal Community Controlled Health Organisation will allow them to undertake critical engagement and communications activity with at-risk populations.

We will also invest \$3 million a year to target hidden populations – including people who aren't diagnosed with or treated for HIV, Aboriginal and Torres Strait Islanders, and people from culturally and linguistically diverse backgrounds. We can do this by improving prevention, testing and treatment for these groups through:

- New health promotion campaigns.
- Expanding access to testing.
- Partnering with primary health care providers to ensure that people who are diagnosed with HIV are treated.

**GREENS RESPONSE:** LGBTQ+ people have health care needs which are not always met by the current system. The Greens will establish a national LGBTQ+ health strategy to ensure all LGBTQ+ people have access to holistic and comprehensive health services regardless of whether they live in a capital city or a rural town. It will include national standards and training for health professionals to ensure they can provide world class care to LGBTQ+ patients, particularly patients who are intersex or transgender.

In relation to mental health outcome, the Greens have a comprehensive plan to improve both the funding and accessibility of mental health services in Australia. This includes the provision of \$491 million in grant funding over the next decade for communities to implement assertive outreach programs, with guaranteed funding for programs targeting children and young people. We understand that specific models developed will depend on the needs of the community.

In addition to this, the Greens acknowledge that LGBTQ+ people, particularly within the trans and gender diverse and bi+ community, have far worse mental health outcomes than other communities. That's why the Greens will establish a specific \$3 million grants program for organisations working on trans-specific mental health and a specific \$3 million grants program for organisations working on bi+ mental health. This funding would be used to create services where they don't currently exist, and expand services that are unable to meet current demand.

## **HUMAN RIGHTS FOR PEOPLE BORN WITH INTERSEX VARIATIONS**

**Will your party end medically unnecessary surgery and medical treatment performed on infants, children and adolescents born with intersex variations? Will your party fund peer support, and personal and systemic advocacy for intersex people? Will your party support the development of standards of care and effective oversight of medical interventions with meaningful community participation?**

**MORRISON GOVERNMENT RESPONSE:** The Australian Human Rights Commissions is currently conducting an inquiry into medical interventions of children born with variations in sex characteristics, which will report later in 2019. The Morrison Government will respond after considering the report.

The substantive regulation of medical treatment is a matter for states and territories. The treatment of intersex infants and children is predominately within the scope of parental responsibility, with matters only progressing to the Family Court of Australia where the treatment is non-therapeutic and may result in sterilisation.

The Family Court of Australia has held that, in appropriate circumstances, young people with gender dysphoria can access medical treatment without involvement of the court.

Following decisions of the Family Court in *Re: Kelvin* and *Re: Matthew*, where there is agreement between the child, parents, and treating medical practitioners, young people can access treatment for gender affirmation without requiring court orders. The court noted advances in medical science and treatment for gender dysphoria, and the risks involved in undergoing, withholding or delaying treatment. Where there is controversy as to the proposed course of treatment, Family Court involvement will be required. The Government will continue to monitor this issue.

**LABOR'S RESPONSE:** Parents of intersex children can be pressured to hormonally or surgically intervene on their children if they don't receive medically correct advice, information or support about how to parent an intersex child. Labor will ensure deferral of non-necessary medical intervention on infants and children with intersex variations until such time as the person concerned can give their informed consent. Labor commits to promote and support a human rights-based patient consent model for accessing lifetime medical treatments and procedures. Labor will prohibit modifications to sex characteristics undertaken for social rationales without informed consent and ensure intersex persons' right not to undergo sex assignment treatment is respected.

**GREENS RESPONSE:** No one's body should be stigmatised, and the rights of people with variations of sex characteristics must be upheld. Intersex people have the right to bodily integrity, including personal consent to medical or surgical interventions.

The Greens will ensure that the rights of intersex people are protected in law by requiring fully informed personal consent before any deferrable medical interventions that alter sex characteristics can be performed.

We recognise the importance and benefits of affirmative peer support for people born with variations of sex characteristics and their families. Through the \$70 million LGBTIQ+ grants program, the Greens will invest in intersex-led peer support organisations to run in-person and online peer support programs so that no intersex person or their families need to feel like they are alone.

One of the roles of the Intersex Advisory Boards within the Department of Health would be to support the development of standards of care and effective oversight of medical interventions with meaningful community participation. This would work in complement with the Greens' plan to establish a national LGBTIQ+ health strategy.

## **HEALTH AND WELLBEING FOR TRANS AND GENDER DIVERSE PEOPLE**

**Will your party ensure access to gender affirmation treatment for trans and gender diverse people through Medicare? Will your party commit to developing a Trans and Gender Diverse Health Strategy?**

**MORRISON GOVERNMENT RESPONSE:** The Morrison Government continues to support Medicare funding at record levels and takes the advice of medical experts (the Medical Services Advisory Committee) regarding what medical treatments are listed under Medicare.

**LABOR'S RESPONSE:** Many gender affirmation treatments for trans and gender diverse people are covered by Medicare. Labor will ensure that Medicare and the Pharmaceutical Benefits Scheme continue to implement anti-discriminatory policies for LGBTIQ Australians and that same sex couples and their families are not discriminated against in their access to or use of Medicare or the PBS.

The health needs of trans and gender diverse Australians will be given specific consideration as part of Labor's National LGBTIQ Health and Inclusion Strategy.

**GREENS RESPONSE:** We acknowledge the diverse healthcare needs of transgender and gender diverse people. The Greens will invest \$1.7 million in the LGBTI Health Alliance and its partner organisations to facilitate health programs and initiatives that will benefit trans and gender diverse people in Australia. These programs will include training for medical professionals, so they can offer improved care pathways to trans and gender diverse patients.

We acknowledge the importance of accessing client-centred, high standards of healthcare regardless of whether you live in an urban centre or a regional town. We will ensure that these programs have a regional focus and will invest a further \$600,000 in funding for programs that prioritise First Nations transgender and gender diverse people.

Transgender and gender diverse people are best placed to determine their own transition pathways, which may include gender-affirming medical treatments such as hormones and surgical interventions. Under the current healthcare model, gender-affirming treatments are approved at the discretion of medical professionals which can lead to transgender, gender diverse and intersex people being unfairly denied the right to access these treatments.

The Greens will provide a way to appeal these determinations by ensuring that all people can access a dedicated complaints body to review medical decisions regarding gender-affirming treatments and surgeries.

Finally, as part of the Greens plan to establish a national LGBTIQ+ health strategy, the Department would be tasked with investigating access to gender affirmation treatment for trans and gender diverse people, including whether such treatments could be funded through Medicare.

## **SUPPORTING LGBTIQ+ COMMUNITY ORGANISATIONS AND CULTURAL EVENTS**

**How will you support and build the capacity of the LGBTIQ+ community including specific populations, Indigenous, multicultural and multi-faith LGBTIQ+ people? Will you introduce grants and funding opportunities for LGBTIQ+ (including population specific) community organisations?**

**MORRISON GOVERNMENT RESPONSE:** (see response to question 10)

**LABOR'S RESPONSE:** Labor believes LGBTIQ organisations have a key role to play in supporting and ending discrimination against LGBTIQ people and their families. That's why a Shorten Labor Government will commit \$3 million in grants of up to \$300,000 each over three years for capacity building, community cohesion and/or advocacy to LGBTIQ organisations.

In January, it was revealed the Liberals had cut \$310,000 in funding from Switchboard, a service which provides support to LGBTIQ older Australians in aged care. Labor will restore that funding. We will also support Joy FM, Australia's first and only LGBTIQ radio station, through a \$600,000 grant for its ongoing operations.

Labor will also provide \$10 million to the ground-breaking Victorian Pride Centre – the first of its kind in Australia. The building will be home to ten proposed major residents: the Victorian AIDS Council, JOY 94.9 FM radio station, the Australian Lesbian and Gay Archives, Switchboard, Midsumma Festival, Melbourne Queer Film Festival, Minus 18, the Australian GLBTI Multi Cultural, Multi Faith Advocacy Group, and Team Melbourne, a peak organisation representing over 20 LGBTIQ sporting groups.

There will also be up to 40 other LGBTIQ local and national organisations that will regularly use or meet at the VPC including bisexual and transgender groups. The Centre represents a promising blueprint for the future of LGBTIQ community organisations in Australia.

**GREENS RESPONSE:** The Greens would establish a \$70 million grants scheme for LGBTIQ+ community organisations to self-organise and advocate. Community organisations do vital work investing in the wellbeing of LGBTIQ+ people and their families, celebrating LGBTIQ+ culture and advocating for LGBTIQ+ rights. The Greens will establish a grants scheme that would enable funding of community organisations. There will be dedicated funding available to intersex organisations; LGBTIQ+ Aboriginal and Torres Strait Islander organisations; organisations working to fill the current gaps in data collection and research into LGBTIQ+ communities; advocacy organisations; organisations supporting rainbow families, and organisations supporting the resettlement of LGBTIQ+ refugees in Australia.

**Will your party provide funding and other support to Sydney Gay and Lesbian Mardi Gras to enable Australia to host World Pride in 2023, including funding support for their bid in October 2019?**

**MORRISON GOVERNMENT RESPONSE:** The Coalition provided \$60 million in funding over three years from 2018-19 for our Mutual Understanding Support Tolerance and Engagement (MUSTER) grants program to fund the kinds of activities that improve 'community resilience' or 'social cohesion' or 'social inclusion', which will benefit groups including LGBTIQ+ groups.

Grants are available under the following areas and can be accessed by any group:

- Representation and diversity: activities that encourage diverse communities to come together around a shared opportunity or challenge, and in turn help build understanding and trust.
- Community environment: activities that provide opportunities for spaces such as schools, libraries, new parents' groups, parks and shopping centres to bring people together in ways that strengthen their shared identity as members of the local community.
- Immersive programs (especially sports and arts programs): projects that attract and support disadvantaged and marginalised people and connect them through activities that promote a shared sense of belonging, and immersive experiences (for example through art, theatre, story telling, and sports).
- Other initiatives that build strong, socially cohesive communities including those that increase social contact, a sense of belonging and the satisfaction of contributing and supporting others.

Various states and territories also have available grant rounds. Earlier this year, the NSW Coalition Government committed funding to support the 2023 World Pride bid.

**LABOR'S RESPONSE:** In March 2019, Bill Shorten committed that if elected, he will be the first Australian Prime Minister to walk the full Mardi Gras March. Labor will work constructively with the Sydney Gay and Lesbian Mardi Gras on how to secure a successful bid.

**GREENS RESPONSE:** The Sydney Gay and Lesbian Mardi Gras will be able to bid into the Greens proposed \$70 million grants scheme, and assessment of any bid could be expedited to ensure that this be processed by October 2019.

## **LGBTIQ+ REFUGEES AND ASYLUM SEEKERS**

**Will your party commit to removing all LGBTIQ+ refugees from offshore detention and support ongoing training of decision makers to ensure best practice in deciding LGBTIQ+ asylum claims?**

**MORRISON GOVERNMENT RESPONSE:** The Coalition believes that all officers dealing with applications for onshore protection and offshore humanitarian visas should receive appropriate training to ensure that they can properly assess those applications against the criteria set out in *the Migration Act 1958* (the Act) and the Migration Regulations. All such claims should be assessed individually on their own merit, by taking into consideration the particular circumstances of the applicant and conditions in the country from which they seek protection, which may include the LGBTIQ+ identification status.

There is currently no one held in detention offshore. However, regional processing is one of the three pillars of the Coalition's strong border protection policies and re-elected Morrison Government will continue to maintain this policy.

**LABOR'S RESPONSE:** Australians understand our nation can be strong on borders and still treat people humanely.

For close to six years, the Liberals have treated asylum seeker issues – as well as genuine refugees – as a political tool.

Nauru and Manus Island were set up as temporary regional processing centres but have become places of indefinite detention because of the failure of successive Liberal Governments to negotiate other third country resettlement options.

Labor supports offshore processing and third country resettlement because we know it stops vulnerable people risking their lives at sea. If elected, a Labor government will prioritise third country resettlement of genuine refugees who remain in PNG and Manus. Labor will also progressively increase Australia's humanitarian intake to 27,000 a year and increase funding by \$500 million over five years to the UNHCR to assist its important work of addressing migrant flows in the region.

Labor believes that when assessing asylum claims where the fear of persecution arises from a person's lesbian, gay, bisexual, transgender, intersex and queer status, the fact that the country the person is fleeing has criminal penalties for engaging in consensual homosexual sex is sufficient of itself to establish that fear of persecution is well-founded. Any assessment of the asylum seeker's

identity and fear should take account of the very different manifestations of lesbian, gay, bisexual, transgender, intersex and queer identity that other cultures, especially ones profoundly hostile to lesbian, gay, bisexual, transgender, intersex and queer people, necessarily engender.

Labor will ensure asylum seekers who self-identify as lesbian, gay, bisexual, transgender, intersex and queer will be assessed by officers who have expertise and empathy with anti-discrimination principles and human rights law. Officers, translators and interpreters at all levels of the assessment process will have specific lesbian, gay, bisexual, transgender, intersex and queer cultural awareness training to ensure the discrimination asylum seekers face in their country of origin or transit are not replicated.

**GREENS RESPONSE:** The Greens support ending Australia's offshore detention regime in its entirety. Australia's offshore detention and transit centres on Manus Island and Nauru are places of misery, death and torture that destroy innocent people and are a stain on Australia's national conscience. People have died, been assaulted and endured psychological torment, because Labor and the Liberals have refused to act with basic humanity by locking people up in indefinite detention. Australian governments have locked up refugees, stateless persons, and people seeking asylum on Manus Island and Nauru for an average of 826 days. Many have been there for more than five years. By ending offshore detention, and bringing every person detained on Manus Island and Nauru to safety and freedom in Australia, we will create a fairer and safer system that helps more people and meets our obligations under international law.

There are also many reports of applications for people seeking asylum based on LGBTIQ+ persecution being rejected because decision-makers don't believe the applicant. There are cases of rejection on the grounds that applicants didn't look or act in line with stereotypes associated with their sexuality; they couldn't name western gay 'icons'; they had been married or had children; or they didn't frequent gay clubs.

False assumptions of how an LGBTIQ+ person 'should' behave or the knowledge an applicant 'should' have about western LGBTIQ+ culture should have no influence over an applicant's success. The Greens will ensure adequate and appropriate training for departmental staff so they are equipped to appropriately assess applications from LGBTIQ+ people seeking asylum. The Greens will also ensure adequate training and guidelines for the refugee review tribunal.

## **INCLUSIVE GOVERNMENT SERVICES FOR LGBTIQ+ PEOPLE**

**What will your party do to ensure that all government funded services are inclusive of LGBTIQ+ people including, for example, LGBTIQ+ people with disability accessing the NDIS and rainbow families accessing early childhood services? Potential actions include contractually requiring service providers to provide non-discriminatory services and to undertake LGBTIQ+ culturally competency training?**

**MORRISON GOVERNMENT RESPONSE:** The Morrison Government is committed to ensuring that all services are provided in a non-discriminatory way, including access to the NDIS and to childcare services.

The Morrison Government has commenced consultation on a new National Disability Strategy for beyond 2020. This consultation provides the opportunity to reflect on the current National Disability Strategy and consider the specific needs of LGBTIQ+ people with disability into the future.

We are also supporting the National Disability Insurance Agency (NDIA) to roll-out a new participant pathway for National Disability Insurance Scheme (NDIS) participants. As part of this new pathway, the NDIA are making a number of changes so that participants from a variety of backgrounds receive a service tailored to their requirements. Specific service enhancements for participants identifying as LGBTIQ+ are currently being developed and deployed. This follows consultation with 16 sector specialist organisations.

The NDIA has also partnered with disability organisations to raise awareness of the right to inclusion and sexual expression for people with disability at the Sydney Gay and Lesbian Mardi Gras.

**LABOR'S RESPONSE:** Labor believes no faith, religion or set of beliefs should ever be used as an instrument of division or exclusion. Condemning anyone, discriminating against anyone or vilifying anyone is a violation of the values we all share, a violation which can never be justified by anyone's faith or belief. All government funded services should be inclusive of LGBTIQ people.

Labor will ensure all Federal Government agencies and associated supply chains respect and defend human rights, labour and environmental standards and support the elimination of discrimination in procurement.

In 2012, Labor introduced the National LGBTIQ Ageing and Aged Care Strategy and removed the right of religious affiliated aged care organisations to discriminate against LGBTIQ people in service delivery. Labor will ensure LGBTIQ people with disability fully benefit from the National Disability Insurance Scheme.

**GREENS RESPONSE:** Access to government funded services is often selective, with many LGBTIQ+ people being denied access on the basis of nothing but their identity. This is because our anti-discrimination laws currently include unacceptable exemptions for religious organisations. The Greens will remove these exemptions, and enshrine anti-discrimination in a comprehensive charter of rights. Our anti-discrimination laws should apply to everyone.

Additionally, further training and competency is required within both Government departments and government funded service providers. A key part of the role of the Minister for Equality and the Ministerial Advisory Group would be in supporting Government to identify competency gaps within different service provision frameworks and generating action plans to mitigate them.

## **LGBTIQ+ FAMILY VIOLENCE SERVICES**

**Will your party ensure that family violence programs are inclusive of the specific needs of LGBTIQ+ people including young LGBTIQ+ people experiencing rejection and violence in the family home? Will your party commit to specific LGBTIQ+ family violence programs and services to address gaps in service delivery?**

**MORRISON GOVERNMENT RESPONSE:** The Coalition has funded many key initiatives to demonstrate its strong commitment to addressing the scourge of family violence. Existing programs are inclusive however, to ensure the need of Australians continue to be met, the Morrison Government will continue to consult with stakeholders and the community.

**LABOR'S RESPONSE:** Addressing family violence must be a national priority. Labor will ensure our policies and programs work for victims and survivors with special vulnerabilities, including LGBTIQ victims and survivors.

We will deliver specific support to LGBTIQ people through our family violence commitments and seek to address existing service delivery gaps. We will have more to say about our family violence commitments in the lead up to the election.

**GREENS RESPONSE:** The Greens will fully fund frontline crisis response service and primary prevention for domestic violence, at \$5.3 billion over ten years. This will allow for specialist services which are responsive to the needs of all people who are at risk of family violence, including LGBTIQ+ people. Part of this commitment includes increasing long-term secure funding support for organisations such as Our Watch, who focus on primary prevention and cultural change.

We will legislate to double domestic violence leave from five to ten days. Further, we will provide an additional \$200 million over four years to a Survivor Grant Fund, giving up to 50,000 survivors grants of up to \$4000 to minimise financial hardship when leaving an abusive scenario. The grants would be prioritised for people at highest risk of domestic violence, including LGBTIQ+ people.

The Greens plan to prevent family violence includes funding for crisis and temporary housing services, and would also be responsive to the particular needs of LGBTIQ+ people. The Greens' plan would provide dedicated, secure, long-term funding for specialist family and domestic violence services across the country to deliver outreach, crisis response, crisis accommodation, legal support, advocacy and post-crisis support to people who need it.

## **PROTECTING AND SUPPORTING RAINBOW FAMILIES**

Will your party commit to reforming the *Family Law Act* to better protect and respect the diversity of rainbow families?

**MORRISON GOVERNMENT RESPONSE:** In May 2017, the Coalition asked the Australian Law Reform Commission to undertake a comprehensive review of the family law system to consider whether, and if so what, reforms to the family law system are required to meet the needs of Australian families into the future, including the greater diversity of LGBTIQ+ family structures in contemporary Australia.

The Morrison Government is carefully considering the 60 recommendations finalised in March 2019 by the ALRC - including many recommendations that suggest amendments to the *Family Law Act*. The Morrison Government will engage with key stakeholders, including LGBTIQ+ organisations, to develop options for reform that best ensure that the family law system delivers just, effective and safe outcomes for all Australian families, including LGBTIQ+ families.

**LABOR'S RESPONSE:** Last time Labor was in Government we made sure all couples, including de facto couples, could access the Family Court to resolve disputes.

The best interests of children and their safety should be the paramount consideration in resolving Family Law disputes. Children should not be disadvantaged by the structure of their family or by the circumstances of their conception – children come from diverse families.

Labor will continue to work to remove all discriminatory language and measures against LGBTIQ people from Commonwealth law and improve the operation of the Family Court.

**GREENS RESPONSE:** The Family Law Act in its current form insufficiently protects rainbow families and their rights and reforming the Family Law Act will be a key part of any development of the Greens proposed Charter of Rights. A Charter of Rights would have the additional benefit of ensuring that LGBTIQ+ communities have robust and clearly defined rights and protections from discrimination rather than piecemeal and inconsistent protections spread across a number of different acts.

## **SUPPORTING LGBTIQ+ STUDENTS IN SCHOOLS**

Will your party commit to developing and supporting curriculum and programs in schools that are inclusive of LGBTIQ+ children and children from rainbow families?

**MORRISON GOVERNMENT RESPONSE:** *The Melbourne Declaration on Educational Goals for Young Australians* articulates nationally consistent future directions and aspirations for Australian

schooling, thereby providing the policy framework for the Australian Curriculum. It includes two goals:

- Goal 1: Australian schooling promotes equity and excellence.
- Goal 2: All young Australians become successful learners, confident and creative individuals and active and informed citizens.

While the Australian Curriculum sets the expectations for what is taught in schools and the Morrison Government supports inclusive curriculums, the Australian Curriculum does not specify how it should be taught, as that is a responsibility of the state government or school system operator. Any changes to the Australian Curriculum require the endorsement of state and territory Education Ministers.

The states and territories operate schools and have responsibility for specific programs that are delivered in state government schools, Catholic and Independent schools.

**LABOR'S RESPONSE:** Schools must be safe environments for students to learn and for teachers to teach – including same sex attracted, intersex and gender diverse students and teachers. Labor will continue working with teachers, students and schools to stop bullying and discrimination, ensuring a safe place for LGBTI students and children from rainbow families to learn by properly resourcing inclusion and anti-bullying programs and resources for teachers. Labor will continue to support national programs to address homophobia, biphobia, transphobia and anti-intersex prejudice in schools.

**GREENS RESPONSE:** Education, support and acceptance improves the mental wellbeing and lives of LGBTIQ+ young people and whole school communities. The Greens will scrap the the School Chaplains Program and invest the money in secular, unbiased and inclusive support for students through counsellors and anti-bullying initiatives such as the Safe Schools Program.

## **EXISTING LGBTIQ+ HEALTH AND AGED CARE PROGRAMS**

**Will your party continue to fund existing LGBTIQ+ health programs and LGBTIQ+ aging and aged care programs? Will your party fund the National LGBTIQ+ Health Alliance?**

**MORRISON GOVERNMENT RESPONSE:** The Morrison Government is committed to ensuring equal access to high-quality, culturally appropriate aged care for all LGBTIQ+ people. In early 2019, the Morrison Government released the Aged Care Diversity Action Plan for senior LGBTIQ+ Australians to address barriers and challenges they face in accessing aged care services and to ensure that the aged care workers and support staff are resourced to understand the perspectives of LGBTIQ+ people. The National LGBTI Health Alliance has received \$4 million over three years to provide LGBTIQ+ Awareness Training to ageing and aged care providers and workers.

**LABOR'S RESPONSE:** In 2012, Labor introduced the National LGBTIQ Ageing and Aged Care Strategy and removed the right of religious affiliated aged care organisations to discriminate against LGBTIQ people in service delivery. The Liberals have since replaced the Strategy with the broader Aged Care Diversity Framework. The Aged Care Sector Committee Diversity Sub-Group is developing three action plans, one of which will be for LGBTIQ people.

Labor will ensure this action plan, and any future plans, prioritise the rights and dignity of LGBTIQ people in services.

Labor will deliver a National LGBTIQ Health and Inclusion Strategy and will provide \$3 million in grants funding to LGBTIQ organisations. The National LGBTI Health Alliance will be consulted on the development of the strategy and have the opportunity to apply for grants under the program.

**GREENS RESPONSE:** The Greens would ensure that funding for existing LGBTIQ+ health and aging programs is preserved. As part of our development of a national LGBTIQ+ health strategy, the Greens would identify which programs need to be extended beyond current allocations and where new programs are needed to cover the many existing gaps in health and aging programs.

The Greens will also commit to invest \$1.7 million in the LGBTI Health Alliance and its partner organisations to facilitate health programs and initiatives that will benefit trans and gender diverse people in Australia. These programs will include training for medical professionals, so they can offer improved care pathways to trans and gender diverse patients.

## **RECOGNITION OF SEX/GENDER ON GOVERNMENT DOCUMENTS**

**Will your party commit to conducting a review of the Australian Government Guidelines on the Recognition of Sex and Gender across departments and agencies in consultation with trans, gender diverse and intersex people? As part of this review, will your party ensure that intersex people are no longer treated as a third sex/gender and that medical evidence is no longer required for change of sex/gender?**

**MORRISON GOVERNMENT RESPONSE:** The Coalition commenced an evaluation of the Guidelines in March 2017, which is currently ongoing. Updated guidelines should be available mid-2019, following careful consideration of a range of issues raised during the evaluation and following further targeted discussions with the LGBTIQ+ stakeholders. The evaluation has included informal discussions with intersex, transgender and non-binary clients of government services, consultations with LGBTIQ+ stakeholders, as well as a broad cross-section of public facing Australian Government agencies.

**LABOR'S RESPONSE:** Labor will continually review documentation requirements to make sure they are inclusive of all Australians.

**GREENS RESPONSE:** The Greens have been questioning and challenging the Department's on both the design and implementation of the Australian Government Guidelines on the Recognition of Sex and Gender for the life of the 45th Parliament, particularly in relation to the treatment of intersex people as a third sex/gender and the status of trans and gender diverse changing gender or affirming a non-binary gender. Further work is clearly necessary, and part of the role of both the Ministerial Advisory Group and the Intersex Advisory Board within the Attorney General's Department will be to ensure that the Guidelines on the Recognition of Sex and Gender are in line with global best practice and effectively address the needs and concerns of trans and gender diverse people and people with variations in sexual characteristics.

## **IMPROVING DATA COLLECTION FOR LGBTIQ+ POPULATIONS**

**What action will your party take to improve data collection, including the census, on LGBTIQ+ population groups including families? Will your party commit to consulting with LGBTIQ+ community groups as part of taking this action?**

**MORRISON GOVERNMENT RESPONSE:** The Morrison Government is supportive of statistical collection relating to sexual orientation, gender identity and intersex status where these factors are relevant to the health and welfare of the LGBTIQ+ community. Decisions on data collection are ultimately the responsibility of agencies such as the Australian Bureau of Statistics and the Australian Institute of Health and Welfare.

**LABOR'S RESPONSE:** Statistical information about the Australian LGBTIQ community is important for service and policy planning. Labor recognises the importance of collecting information in a way that respects privacy, does not inadvertently place people at risk, and does not lead to unintended consequences. Labor will work with expert statisticians within the ABS to ensure statistics are collected sensitively and to the extent appropriate to assist in informing service and policy planning. Labor's LGBTIQ Advisory Council will have the opportunity to consult on this work.

**GREENS RESPONSE:** Although we know that LGBTIQ+ Australians lead diverse lives, come from a range of backgrounds and experience unique social and health challenges, currently there is a distinct lack of research into LGBTIQ+ communities and their families. Current and accurate data is necessary in order to ensure services are meeting the needs of these diverse populations. The Greens will ensure that organisations working to fill current gaps in research, evaluation and data

collection have access to funding through the \$70 million LGBTIQ+ grants scheme.

The Greens acknowledge that the Australian census is currently not up to scratch when it comes to collecting appropriate data about LGBTIQ+ Australians. Further data would prove extremely useful for both service providers and the research community. Because of the importance of this data and the range of justifiable privacy concerns, the Greens would consult with LGBTIQ+ communities before adopting any changes for the 2021 census.