



Anna Brown & Tom Snow  
Equality Australia  
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Dear Anna & Tom

Thank you for engaging WA Labor on LGBTIQ+ issues ahead of the March State Election.

The McGowan Government understands the challenges faced by LGBTIQ+ people and has a strong record in supporting the LGBTIQ+ community in Western Australia. The Government is committed to righting past injustices and continues to seek equality for LGBTIQ+ Western Australians. Some recent examples of the Government's achievements include:

- the *Historical Homosexual Convictions Expungement Act 2018 (WA)*, in force since 2018, which enables certain convictions for historical homosexual offences to be expunged from a person's criminal record;
- changes to the *Gender Reassignment Act 2000 (WA)* made in 2019 to allow a gender recognition certificate to be issued to person who is married;
- ensured the Bentley Hospital and Royal Perth Hospital Inpatient mental health services become WA's first public health services to gain Rainbow Tick accreditation;
- worked with the community to ensure that trans people who commit crimes are incarcerated in the prison of which they identify their gender;
- the ongoing review of the *Equal Opportunity Act 1984 (WA)* by the Law Reform Commission of Western Australia; and
- in 2019, WA Health released the WA Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) Health Strategy 2019 – 2024, the first strategy of its kind, which sets out clear priorities and outcomes for the health system over the next five years.

The following outlines WA Labor's position on matters raised within your letter.

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## **Gay Conversion Practices**

The McGowan Government is opposed to gay conversion therapy as a cruel and misinformed practice and has made it clear that it has no place in Western Australia.

The Deputy Premier; Minister for Health, the Hon Roger Cook MLA, has publicly warned that public and private psychiatrists may be in breach of their professional code of ethics and code of conduct for undertaking any practices that attempt to change sexual orientation, and has strongly encouraged members of the public to report such breaches to the relevant authorities.

A re-elected McGowan Government will ban the practise of conversion therapy through the implementation of the National Code of Conduct for unregulated healthcare workers including the introduction of legislation and/or regulations necessary to give affect to the Code.

## **Special Religious Exemptions**

The Attorney General announced a review into the *Equal Opportunity Act 1984 (WA)* by the Law Reform Commission of WA (LRCWA) in October 2018. The terms of reference are available on the LRCWA's website at [www.lrc.justice.wa.gov.au/P/project-111.aspx](http://www.lrc.justice.wa.gov.au/P/project-111.aspx) and include considering reforms to enrolment and employment practices of religious schools. The LRCWA inquiry is expected to provide comprehensive recommendations for reform, taking into account Australian and international best practice.

A re-elected McGowan Government will respond to, and where appropriate, action the LRCWA recommendations that are due to be delivered in the future.

## **Anti-vilification protections**

The McGowan Labor Government provided the Law Reform Commission of Western Australia with Terms of Reference to review the *Equal Opportunity Act 1984 (WA)*, including examination of 'the inclusion of vilification, including racial, religious, sexual orientation and impairment vilification.' The Commission's final report is due after the State Election and will be considered and, where appropriate, actioned by a re-elected McGowan Government.

## **Response to the Allan Report: The Review of the Reproductive Technology Act 1991 and the Surrogacy Act 2008**

While there is an undeniable need to update WA's regulation around these practices, it is imperative that any changes we adopt are workable, serve the best interests of all involved and give precedence to the welfare of individuals born as a result of such practices. A re-elected McGowan Government will consider the recommendations of the Allan Report and look to introduce contemporary legislation.

## **Sex and Gender diverse people**

On 6 December 2018, the LRCWA Project 108: Final Report 'Review of Western Australian legislation in relation to the recognition of a person's sex, change of sex or intersex status' was tabled in the WA Parliament. At the time of the tabling of the report, the WA Government provided an interim response confirming that it would not be supporting Recommendations 5 and 6, which were to remove and expressly prohibit the recording of sex or gender on birth certificates.

The Project 108 Final Report is a significant and forward-looking body of work containing recommendations and implications of importance to the community. As such, it requires careful consideration. To date, the Department of Justice and the State Solicitor's Office have put considerable effort into considering the recommendations. However, as you are aware the State Government has not been in a position to fully respond to the report.

The current state of emergency has led to significant resources being directed to the health and economic impacts of COVID-19. The Premier announced on 26 March 2020 that key Government priorities including the public sector reform program had been deferred. Against that backdrop all agencies have been adjusting their work program and, accordingly, the Department of Justice's finite resources have been largely directed to assisting the State in its response to the COVID-19 pandemic.

A re-elected McGowan Government remains committed to LGBTIQ+ law reform commenced in Government, including consideration of the LRCWA's 'Project 108: Final Report 'Review of Western Australian legislation in relation to the recognition of a person's sex, change of sex or intersex status'.

### **LGBTIQ+ Community Organisations**

The WA Government (through the Mental Health Commission) currently funds more than \$2 million worth of services that support the LGBTIQ+ community.

The Department of Communities also provides grants and annual funding of nearly \$30 million to more than 130 community sector organisations and local governments to deliver a range of services and programs throughout Western Australia. Many of these, Youth Futures for example, proudly support the LGBTIQ+ community.

WA Labor acknowledges that LGBTIQ+ people face unique structural challenges when accessing mental health services, ranging from prejudice in the workforce, a lack of sensitive, appropriate, and knowledgeable services, and omissions in policy, service contracts, and data collection.


A re-elected McGowan Labor Government will continue to support LGBTIQ+ community organisations, including the WA AIDS Council's Freedom Centre and peer-based support and education weekend workshops as part of our commitment to mental health.

### **LGBTIQ+ voice to government**

Equality Australia will be pleased to know that the McGowan Government now proudly fund a dedicated advocacy body for young LGBTIQ+ people, the Youth Pride Network. The Network aims to improve understanding of young LGBTIQ+ people's needs by government and by service providers, and advises the Minister for Youth on LGBTIQ+ matters. These young people will provide a wealth of support to government, and I look forward to continuing to work with them.

I appreciate the opportunity to respond to your letter, and look forward to working with you on these important matters should the McGowan Government be re-elected.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark McGowan', with a long horizontal flourish extending to the right.

Mark McGowan MLA  
**PREMIER; WA LABOR LEADER**

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