

22 April 2019

Ms Anna Brown
Chief Executive Officer
Equality Australia
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Dear Ms Brown,

Thank you for the opportunity to provide the views of the Coalition on important issues facing your members. A response to your questions is attached.

This election will have real consequences for Australia's economy and our future.

Despite global headwinds, our economy is strong. This year, for the first time in more than a decade, the Government will deliver a Budget surplus.

A stronger economy means we can deliver on our plans to:

1. Create 1.25 million more jobs over the next five years.
2. Maintain budget surpluses and pay down debt.
3. Deliver tax relief to encourage and reward hard working Australians.
4. Guarantee increased investments for schools, hospitals and roads.
5. Keep Australians safe and our borders secure.

The alternative at this election is Mr Shorten. Labor's risky agenda includes \$387 billion of higher taxes – on retirees, housing, incomes, investments, family businesses, electricity and cars.

Thank you for communicating our response to your members.

Yours sincerely,



Andrew Hirst
Federal Director

MORRISON GOVERNMENT RESPONSE TO EQUALITY AUSTRALIA

1. **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 advisory council? Will you establish a Commissioner for LGBTIQ+ people? (see response to question 2)**
2. **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?**

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.

3. **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 impacts on trans, gender diverse and intersex sportspeople?**

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.

4. **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?**

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.

5. **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?**

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.

6. 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?

The Morrison Government is committed to continuing to build a 21st 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.

7. **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?**

The Australian Human Rights Commission 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.

8. **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?**

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.

9. **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?** (see response to question 10)
10. **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?**

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.

11. **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?**

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.

12. **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.**

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.

13. **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?**

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.

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

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.

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

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.

16. 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?

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.

17. 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?

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.

18. 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?

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.