



## ALP RESPONSE LGBTIQ+ FEDERAL ELECTION POLICY SURVEY

Thank you for the opportunity to present Labor's position in response to the Equality Australia LGBTIQ election survey.

A Shorten Labor Government will deliver a fairer Australia for LGBTIQ people by tackling discrimination and giving a stronger voice to LGBTIQ Australians. These are all practical steps which take us further along the journey towards equality, providing a more inclusive and fairer Australia.

Labor has a proud record of promoting and defending the rights of LGBTIQ people. When Labor was last in Government we introduced an unprecedented number of reforms and rights protections for LGBTIQ Australians, ending legal discrimination in 85 pieces of Commonwealth legislation.

In Opposition, we appointed a Shadow Assistant Minister for Equality, a first for a major party in the nation's Parliament. We have also strongly pushed to end discrimination against LGBTIQ students and teachers in religious schools.

We were at the forefront of the struggle for marriage equality. After the Abbott-Turnbull-Morrison Government forced an expensive, unnecessary and harmful public vote on the country, Labor went all-out to campaign for the YES case. Labor's support and parliamentary work was crucial to the survey outcome and the enactment of marriage equality in 2017.

While the changes to the Marriage Act were a giant step towards greater equality, it wasn't the end of the road. People with diverse sexualities, gender identities and sex characteristics still face discrimination and structural impediments to full participation in society.

Given Labor's record, the community is looking to Labor to continue to stand up for the rights of LGBTIQ people and their children. Labor is committed to working with the LGBTIQ community to continue to make Australia a fairer and more equitable society.

We have taken some major steps forward over the past years, but we still have more to do to achieve equality.

In addition to our responses below we also commend to you Labor's 2018 National Platform, <https://www.alp.org.au/about/national-platform/>.

Please find our responses below.

**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 an advisory council? Will you establish a Commissioner for LGBTIQ+ people?**

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.

**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?**

A Shorten Labor Government will work collaboratively with the LGBTIQ community to develop a National LGBTIQ Health and Inclusion Strategy.

**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?**

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.

**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?**

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.

**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?**

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.

**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?**

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.

**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?**

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.

**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?**

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.

**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?**

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.

**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?**

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.

**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?**

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.

**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.**

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.

**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?**

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.

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

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.

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

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.

**16. 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?**

Labor will continually review documentation requirements to make sure they are inclusive of all Australians.

**17. 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?**

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.

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

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.