

Brent Mackie,
Director Policy, Strategy and Research
ACON

27 Feb 2023

Dear Brent,

Please find responses to the ACON 2023 election policy questionnaire from the NSW Greens. We were grateful to have been able to join ACON members and organisational representatives to discuss these issues in person some weeks ago and look forward to our continuing engagement in the next parliament.

HIV, BBVS, AND STIS

1. Maintain strong funding commitments and partnerships across government, health, community organisations, key affected populations and researchers, both to achieve the goals of the current NSW BBV and STI Strategies, and to build on this commitment in future Strategies?

Yes

Comment: The Greens strongly support ACON's request for increased funding and government partnerships to achieve the current NSW Blood Borne Virus and Sexually Transmitted Infection strategies.

2. Commit to additional funding for innovative programs that are targeted toward improving access to testing, treatment and prevention for priority populations across all HIV, BBV and STI Strategies?

Yes

Comment: The Greens support increased funding for programs to improve testing, treatment and prevention for priority populations. As a recent example of the Greens commitment to this, in March 2022 the Greens passed [a motion](#) on 'Women Living with HIV Day' through the NSW Upper House calling on the New South Wales Government to commit to better supporting women living with HIV by raising awareness through medical staff training and community programs about the importance of early HIV testing and treatment.

3. In line with the National HIV, viral hepatitis and STI Strategies, recognise in current and future NSW HIV, viral hepatitis and STI Strategies the need to eliminate the negative impact of legal and human rights issues on people's health?

Yes

Comment:

4. Repeal the Mandatory Disease Testing Act 2021?

Yes

The Greens [strongly opposed](#) this legislation when the Mandatory Disease Testing Bill 2020 was introduced by the Liberal-National government. The Greens opposition led to a Parliamentary Inquiry, in which the vast majority of stakeholders voiced opposition to this Bill, and [moved amendments](#) to the Bill to tighten circumstances in which it could be used. We remain committed to repealing this harmful legislation in full.

5. Repeal s79 of the Public Health Act 2010, and if necessary, substitute it with non-stigmatising provisions that protect public health?

Yes

The Greens are committed to repealing s79 of the Public Health Act 2020 and also to a complete review of the NSW Crimes Act to remove all sections that prescribe different penalties for homosexuals as compared to heterosexuals.

6. Amend s61HJ(k)(3) of the Crimes Act 1900 (NSW) to clarify that fraudulent inducement does not include a misrepresentation about a person's health or disability, gender history or identity?

Yes

The Greens support this call. While we supported the intent of amended section 61HJ of the Crimes Act 1900 as passed as a part of the Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021, we also moved for a clarifying amendment to the Act to ensure that it cannot be weaponised as a tool of bigotry against transgender and gender diverse people and people with HIV positive status.

COMMUNITY ORGANISATIONS, PARTNERSHIPS, AND RESEARCH

7. Ensure that all funding agreements the NSW Government has with community organisations are indexed to appropriately match inflation and ensure community organisations do not incur a real loss of income?

Yes

The community sector has experienced a loss of real funding in recent years as governments do not match inflation, and community organisations and sector workers have been disadvantaged as a result. The Greens are committed to ensuring the community sector is appropriately funded and will ensure that all funding is consistently indexed across all sectors.

8. Bring together a senior level, cross portfolio standing committee, with community representation, that is tasked with coordination of efforts, enhanced investment in partnerships, and information sharing about programs and services that focus on key populations experiencing significant intersecting inequities?

Yes

The Greens agree that the intersectional nature of discrimination and inequity experienced by marginalised communities can only be addressed properly by the NSW government with such a body. Additionally, we acknowledge that frequently the reality of marginalisation means that people with marginalised identities are more likely to experience other forms of inequity. Their lived experience cannot and should not be siloed. We acknowledge the importance of streamlining the process which currently requires NGOs to interact with multiple government departments.

9. Increase the government investment in the peer workforce and specialist peer support services in all aspects of government health services, from planning and development to implementation and evaluation?

Yes

The Greens acknowledge the importance of specialist peer support workforce services and note that while the level of support for these services is well established in relation to the HIV community, there

is a crucial need for this support and investment to be extended in relation to the LGBTIQ+ community and particularly in regional areas.

10. Provide funding to expand the peer workforce across all aspects of health and community services, including and especially mental health, suicide prevention, ageing, alcohol and other drugs, sexual health, and service navigation?

Yes

The Greens acknowledge the crucial importance of peer workforces and the urgent need for adequate resourcing to increase this workforce across the health and community services sector. We want to see health and social support needs provided without discrimination of any kind, because everyone has the right to have their specific health and social support needs met with equity and respect.

11. Provide long-term investments to Aboriginal Community Controlled Organisations (ACCOs) to achieve sustainable, culturally-informed outcomes for Aboriginal and Torres Strait Islander LGBTQ communities including Sistergirls and Brotherboys (LGBTQ+SB), and people affected by viral hepatitis?

Yes

The Greens believe that Aboriginal Community Controlled Organisations are vitally important, and funding for ACCOs, including those working with LGBTIQ communities and with people affected by viral hepatitis, must be long-term to reduce the needless additional stress and disruption caused by short term funding contracts.

12. Continue to invest in quality research about our communities (particularly Aboriginal and Torres Strait Islander and culturally, ethnically and linguistically diverse members of our communities), including new investments in peer-led clinical and academic research on sex workers?

Yes

The Greens support this call and understand the crucial importance of quality research that focuses on the knowledge within individual communities as this research will be of most benefit to these communities.

The Greens support funding for peer-led clinical and academic research on sex workers .

13. Have a dedicated Minister or spokesperson for LGBTIQ+ communities?

Yes

The Greens support this call as articulated in our election policy plan, [Supporting LGBTIQ+ Communities](#) and have had dedicated portfolio and Party spokespersons on LGBTIQ+ issues in our state and federal party rooms for over a decade.

14. Establish an office, branch or unit of government dedicated to LGBTIQ+ issues?

Yes

The NSW Greens are committed to supporting and defending the civil liberties, human rights and democratic freedoms of all LGBTIQ+ people. Our [Sex Sexuality and Gender Identity](#) policy includes a commitment to the establishment of an adequately funded State Office for the Status of LGBTIQ+ People. The Greens support mandated standard, opt in LGBTIQ+ data collection across

all NSW Government departments so that the health, wellbeing and inclusion of LGBTIQ+ communities can be better understood and improved.

15. Establish an LGBTIQ+ advisory council to allow for ongoing community consultation and engagement?

Yes

The work done by ACON and its member organisations is exemplary in this area and shows the need for a formal advisory council to allow for ongoing community consultation and engagement to further inform the government.

16. Develop a whole-of-government LGBTIQ+ inclusion strategy?

Yes

The Greens support the implementation of a department within the DPC to ensure LGBTIQ+ inclusion in policy discussion across the whole of government. Such a department should have a direct role in developing policy and strategy, promoting LGBTIQ+ inclusion, conducting research, collecting and publishing data on key indicators of LGBTIQ+ equality, and providing advice across the NSW Government about issues affecting the LGBTIQ+ community.

HUMAN RIGHTS AND JUSTICE

If elected, will you:

17. Commit to a review and comprehensive reforms of the Anti-Discrimination Act 1977 (NSW), including to:

- ensure all LGBTIQ+ people and sex workers are protected from discrimination;
- remove exceptions allowing discrimination by private educational authorities and religious organisations in employment and service delivery (including adoption)?
- narrow exceptions allowing discrimination against trans and gender diverse people in sport?
- remove exceptions allowing discrimination against trans and gender diverse people in superannuation?

Yes

Comment

Reviewing and reforming the deeply flawed Anti-Discrimination Act is a priority for the Greens. The Greens [LGBTIQ+ Equality plan](#) outlines our commitment to putting forward legislation in the first 100 days of the next parliament to remove the exceptions and loopholes that allow for ongoing discrimination against LGBTIQ+ people.

In 2020, we introduced a [Bill](#) to protect sex workers from discrimination under the ADA, and are further committed to a wholesale overhaul of the ADA to ensure that sex workers, LGBTIQ+ people (explicitly including trans and gender diverse people), and people with disability are legally protected from discrimination in all contexts.

We support the elimination of exemptions currently provided in the Anti-Discrimination Act as well as the extension of existing anti-discrimination legislation to include bisexual, intersex and transgender people.

18. Amend government procurement requirements to require service providers to provide non-discriminatory services?

Yes

Comment

The Greens believe that public money should never support bigotry or discrimination, and are committed to ensuring all services provided wholly or partly with government funding should be non-discriminatory.

19. Introduce legislation to end conversion practices seeking to change or suppress a person's sexual orientation or gender identity?

Yes

The Greens advocate at state and federal levels for a complete ban on reparative, sexual orientation and gender identity conversion practices. The Greens categorically condemn the practise of "LGBTQ conversion therapy" and commit to working across party lines to ensure that it is banned in NSW as a priority in the next parliamentary term.

Efforts to change sexual orientation and gender identity and the ideology that drives the broader conversion movement is extremely harmful to LGBTIQ+ people, especially young people, and has potentially fatal consequences.

The Greens understand that banning these practices is just the first step. We also need to provide support to survivors through adequate counselling and redress and ensure that these practices aren't just pushed further underground but done away with altogether.

We believe that it is well past the time for these damaging practices to be stamped out and that it is completely unacceptable that NSW is lagging so far behind in banning such a dangerous practice based on bigotry and discrimination.

20. Reform the Births, Deaths and Marriages Registration Act to allow trans and gender diverse people to update their gender markers on birth certificates through a simple administrative mechanism, including without the need for surgical or medical interventions?

Yes

The Greens have advocated for self identification to be the key factor for those who wish to amend their identity documentation for many years..

Our [Supporting LGBTIQ+ Equality plan](#) includes amending Section 5A of the Births, Deaths and Marriages Registration Act 1995 No 62 to remove the clauses which relate to the requirement for proof of 'sex affirmation procedure' in order to amend a person's identity documentation.

Everyone must be able to alter their sex or gender on all official documents, consistent with who they are, how they live, and how they identify, without paternalistic and draconian requirements for proof of a 'sex affirmation procedure'. It is unacceptable that changing identity documentation is reliant on surgical intervention or medical assessment. We believe a change of sex in identity documentation should be able to be done by a statutory declaration.

Additionally, The Greens recognise that trans and gender diverse people experience high levels of discrimination, harrasment, violence and disadvantage leading to adverse mental health outcomes and high rates of suicide. The Greens are committed to ensuring ongoing funding for support

services, research, advocacy and health programs to ensure that trans and gender diverse people are fully supported in all aspects of their lives.

The Greens will do everything in our power to turn those statistics and health outcomes around.

21. Introduce legislation preventing so-called ‘normalising’ medical interventions on people with innate variations of sex characteristics without their personal consent?

Yes

The NSW Greens policy, [Sex Sexuality and Gender Identity](#) supports:

- Consensual-only hormone treatment of infants, adolescents and adults with sex chromosome variations only after being fully informed and having attained competence
- Administrative-only gender assignment of intersex newborns whose genitals vary from male or female ideals, until, having attained competence and having been fully informed by a team including intersex representatives, they may request genital surgery, hormone treatment or both; Newborns requiring life saving surgery should undergo that surgery.
- The cessation of experimental treatment of foetuses with hormones and other drugs with the intention of ensuring a desired gender identity or sexual orientation.
- An end to in-utero testing of foetuses for biological variations underlying intersex, and an end to the termination of those foetuses on that basis.
- The inclusion of intersex representative organisations in medical teams concerned with advising prospective parents of intersex newborns and with the treatment of intersex newborns, infants, adolescents and adults.

Our [Supporting LGBTIQ+ Equality plan](#) gave our commitment to end unnecessary medical intervention modifying sex characteristics without personal consent. The Greens have responded and committed to the 2023 election calls by Intersex Human Rights Australia.

22. Commit to a review and comprehensive reforms to parentage laws to ensure families created through surrogacy or with co-parenting arrangements are properly recognised?

Yes

Comment

- The NSW Greens support this ask and will work to ensure changes to parentage law. Our NSW Greens policy [Sex Sexuality and Gender Identity](#) supports equal rights and protections, including recognition of legal parentage, for members of families that include LGBTQIA+ individuals.

23. Commit to an audit and comprehensive reforms of NSW laws that discriminate or disadvantage LGBTIQ+ people?

Yes

The Greens are committed to auditing and reforming NSW laws and funding in relation to the LGBTIQ+ community to remove all discrimination from laws and policies in NSW as articulated in our [Supporting LGBTIQ+](#) election policy plan.

OUR COMMUNITIES’ HEALTH AND ACCESS TO SERVICES

If elected, will you:

24. Support and actively monitor implementation of the LGBTIQ+ Health Strategy for the entire term of government, including evaluation reporting, and embedding the goals of the Strategy across all other health Strategies? These goals include:

- Deliver high-quality, safe, inclusive and responsive healthcare, including:
- Education and training
- Mental health and suicide prevention • System responsiveness
- Respond to the health needs of transgender and gender diverse people in NSW
- Respond to the health needs of intersex people in NSW
- Capture data on sexuality, gender and intersex variations at the point of care and population level.

Yes

- The Greens are committed to ensuring access to a full range of publicly-funded health services for people with needs related to their sex, sexual orientation, gender identity or intersex status.
- We are committed to increased funding to establish and expand gender clinics at hospitals and health services.
- We support adequate funding for services to address the whole-of-life health and welfare needs of people with diverse sexualities, gender identities and intersex variations
- We support making available relevant training to service providers involved in the delivery of health, mental health, community and aged care services to people with diverse sexualities, gender identities and intersex variations and their families.

25. Implement reforms to ensure transgender young people are allowed to legally consent to gender affirming medical treatment with the consent of one parent or on their own when they have the maturity to do so?

Yes

Young trans and gender diverse young people need to be empowered and supported to consent to gender affirming medical treatment, with self-determination and the health and well-being of the young person being the primary concern.

The Greens are committed to ensuring access to a full range of publicly-funded health services for people with needs related to their sex, sexual orientation, gender identity or intersex status.

We recognise the need to fully fund speciality health, community, housing and support services for trans and gender diverse young people and their families.

26. Ensure that NSW continues its world-leading commitment to innovative, evidence-based responses to infectious diseases that are grounded in partnership with affected communities and researchers, in light of the evolving MPXV and COVID-19 climates?

Yes

The Greens support evidence-based responses to Covid-19 and potential future pandemics. We also support reviewing the lessons learnt in the current pandemic and the development of strategies to prepare for potential future pandemics.

The Greens also support measures such as funding for local councils and health and education departments to improve ventilation and air filtration in all health facilities and public buildings.

The Greens also support domestic manufacturing of essential medicines, vaccines and PPE to prevent shortages due to overseas supply chains and increased funding for research into existing and emerging pathogens, vaccines, and post-acute infection syndromes like long COVID and myalgic encephalomyelitis.

Finally, the Greens believe only NSW Health should be placed in charge in response to a pandemic, not the NSW Police Force.

27. Commit to the development of an Aboriginal and Torres Strait Islander LGBTQ+SB Health Strategy to ensure there is a framework to improve the physical, social, and emotional wellbeing of First Nations people?

Yes

The Greens support this call.

- We note that the previous national partnership agreement concerning sexual health funding for First Nations community-controlled organisations ended 7 years ago and all the First Nations workers in this program lost their jobs overnight. The NSW Greens will liaise with our federal colleagues to ensure that there is a significant funding commitment for a dedicated Aboriginal and Torres Strait Islander LGBTQ+ health strategy.

The NSW Greens policy [Aboriginal and Torres Strait Islander People](#) includes the following commitments:

- that all Aboriginal and Torres Strait Islander peoples have equitable and appropriate access to essential government services such as health, education, training, housing, community infrastructure, welfare and policing within a framework that acknowledges the different aspirations of Aboriginal and Torres Strait Island communities.
- Support skills, leadership and capacity development among members of Aboriginal and Torres Strait Island communities who wish to work in, manage or run community services and/or serve on representative bodies.

28. Ensure that there is always a focus on, and consultation with, Aboriginal and Torres Strait Islander LGBTQ+SB peoples when developing government strategies, and evidence based frameworks for health provision?

Yes

The Greens will support security of funding for successful community-based and culturally safe and secure programs administered by, and for, Aboriginal and Torres Strait Island communities.

29. Provide support and services that recognise the unique needs of older people in our communities, including social isolation programs and social housing initiatives?

Yes

Comment

The Greens believe housing is a human right, and recognise that in order to ensure access to housing older people, including LGBTQ+ older people, require tailored support and services. In 2022, we initiated an [Inquiry](#) into experiences of homelessness among older people aged 55+, which made 40 substantive recommendations to address the growing crisis of homelessness among older

people, including to develop support and services specifically for older people experiencing or at risk of homelessness.

Additionally, Recommendation 29 recommended the development and funding of strategies tailored specifically towards older LGBTQ+ community members who are at higher risk of homelessness, and in particular people who are living with HIV and Transgender people.

30. Commit to safe and inclusive crisis accommodation and social and affordable housing across NSW?

Yes

The Greens' housing plan includes a massive investment in the creation of public, social, accessible and affordable homes to end homelessness and to provide safe, sustainable and long term homes for everyone who needs a home they can afford. The LGBTIQ+ community is disproportionately at risk of homelessness along with other key groups, and as such there is a crucial need for targeted programs and specialised housing and services.

Our [Housing and Homelessness](#) policy includes:

- Ensuring funding for secular women's-only services, refuges and shelters that specifically include trans women and disabled women.
- Removing arbitrary caps on length and availability of crisis and temporary accommodation for people who are homeless.
- Increasing the provision of early intervention, support services and programs for people at risk of homelessness, as well as for people to exit homelessness and secure ongoing housing.

31. In committing to the improvement of health services in rural, remote and regional NSW, will you commit to specific measures that target the needs of our communities in these areas as an important aspect of this work?

Yes

The Greens support evidence-based increases in regional health funding and resourcing. The Greens were active participants in the NSW Parliamentary inquiry into regional, rural and remote healthcare and saw first hand the devastating impact that decades of underfunding and mismanagement of rural health has had on regional communities.

The Greens plan for rural healthcare includes:

- Open 12 public primary care services where you can see a GP and allied health professionals for free
- Retain skilled health workers with a 15% pay rise for nurses, midwives and paramedics working in the public system
- Replace expensive and inefficient private locum agencies with a statewide service to effectively coordinate the deployment of health workers for temporary contracts
- Establish outreach programs so that you can see a specialist closer to home
- Expand the Isolated Patients Travel and Accommodation Assistance Scheme to cover the full cost of travel upfront and get you home after a hospital admission
- Tackle the GP shortage by removing barriers for junior doctors to choose a career in general practice, and recognising the expertise of doctors with specialist post-graduate qualifications in general practice and rural and remote medicine.
- Establish a Rural and Remote Health Commissioner

The Greens believe that the quality of healthcare you can access should not depend on your postcode. The Greens rural health policy platform for the 2023 state election can be [found here](#).

ALCOHOL AND OTHER DRUGS

If elected, will you:

32. Commit to reforms that ensure drug use is seen as a health and social issue, rather than a criminal one, such as the reforms contained within the Report of the Special Commission of Inquiry into crystal methamphetamine and other amphetamine-type stimulants?

Yes

The NSW Greens know that the two greatest barriers to people seeking help are the stigma caused by criminalisation and a lack of access to treatment. Our 2023 election policy platform - [End the War on Drugs](#) includes the following commitments:

- End the war on drugs by removing criminal penalties for personal drug use or possession and focusing on a health-based harm reduction approach.
- Implement all of the recommendations of the Special Commission of Inquiry into the Drug Ice and the Inquest into deaths at NSW music festivals by the end of 2023
- Establish a Drug Harm Reduction Commission to develop and urgently implement a whole-of-government Drug Action Plan with \$1 billion in funding over 4 years.
- Create a network of Alcohol and Other Drug treatment centres that make treatment accessible within 48 hours for those who need it, wherever they live.
- Expand Alcohol and Other Drug treatment services including for women, pregnant women and women with children, to meet demand.
- Invest in the peer Alcohol and Other Drugs harm reduction workforce.

33. Develop an evidence-based whole-of-government Alcohol and Other Drugs Strategy that prioritises health initiatives, commits funding to harm reduction and early intervention programs for priority populations, and is produced in co-design with people with lived experience of drug use?

Yes

The NSW Greens believe that the Government must immediately develop an Alcohol and Other Drugs strategy that drastically increases access to Alcohol and Other Drugs services. The NSW Greens also believe these programs should be co-designed with people with lived experience of drug use.

34. Provide funding for tailored, community-led programs for people of diverse genders and sexualities that:

- provide early interventions into alcohol and other drug use
- respond to chronic and long-term use of alcohol and other drug use; and
- seek to address the modifiable risk factors for cancer, such as alcohol and tobacco use?

Yes

The NSW Greens commit to the provision of LGBTI-friendly general health, sexual health and drug and alcohol services, including health clinics and to funding for adequate research into LGBTI cultural, community, social, health and welfare issues.

The NSW Greens support the inclusion of LGBTI issues in the training of health and welfare workers, educators and teachers, staff in government departments who have contact with the public, and law enforcement officers.

We believe that the specific health needs and early intervention strategies for transgender and intersex people should be addressed with properly funded community-led programs.

CONTINUED SAFETY

If elected, will you:

35. Ensure that NSW based responses to sexual, domestic and family violence be inclusive of the needs and experiences of people in our communities, by:

- **building the knowledge base, capacity and capability of specialist SDFV and community organisations to provide services and support to people in our communities experiencing and using violence**
- **commit to primary prevention initiatives that address the cisgenderism and heteronormativity that drive violence against people in our communities**
- **invest in community-led service delivery, research, policy and legal change, and improvements in data collection**

Yes

The Greens are committed to ending sexual, domestic and family violence using tailored, evidence-based methods appropriate for the communities they service. This includes ensuring specialist SDFV services meet the needs of the LGBTIQ+ community and are community led.

Service delivery must be community led and informed by appropriate and quality research and policy frameworks which focus on and are sensitive to the unique needs and experiences of people with marginalised identities.

36. Commit to a whole-of-government approach to developing and implementing intersectional and inclusive sexual, domestic and family violence policy in NSW, in line with the Seven Calls to Action to End Gendered Violence?

Yes

The Greens are committed to ending sexual, domestic and family violence, and have signed onto all recommendations of the Women's Alliance Action to End Gendered Violence 2023 State Election Platform.

37. Amend the Crimes (Domestic and Personal Violence) Act 2007 (NSW) to improve protections for sexuality and gender diverse people and sex workers; and recognise conversion practices and threats to out, disclose or publish a person's sexuality, gender experience, HIV status or sex work as a form of family or personal violence?

Yes

Comment

The Greens support amending the Crimes(Domestic and Personal Violence) Act 2007 (NSW) to improve protections for sexuality and gender diverse people and sex workers.

Additionally, we support undertaking a review and comprehensive reform of the Anti-Discrimination Act 1977 (NSW) to ensure all LGBTQIA+ people are protected from discrimination.

In 2020 we sought to amend the Anti-Discrimination Act via a [Private Members' Bill](#) to protect sex workers against discrimination, including by outing or publicly disclosing a person's status as a sex worker.

We support a ban on conversion practices and recognise that threats to disclose or publish a person's sexuality, gender experience, HIV status or sex work is a form of family or personal violence.

38. Repeal the entirety of 'Part 3 Prostitution' of the Summary Offences Act 1988 (NSW)?

Yes

The Greens are committed to full decriminalisation of sex work, including through the repealing of 'Part 3 Prostitution' of the Summary Offences Act 1988. We are committed to listening to the experts - that is, sex workers and sex worker peer organisations - on the best way to advance sex worker rights.

39. Commit to a transparent process and timely government response to the Special Commission of Inquiry into LGBTIQ hate crimes that reflects the importance of this historical redress?

Yes

The Greens participated in the Parliamentary Inquiry into Gay and Transgender hate crimes between 1970 and 2010 which led to the Special Commission's establishment. The NSW Greens call on the Government to develop an adequate and timely response to the commission's report.

Yours sincerely,

Jenny Leong MP

NSW Greens spokesperson on Sex, Sexuality and Gender Identity and LGBTIQ+

Abigail Boyd MLC

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NSW Greens spokesperson, Health, Mental Health and Wellbeing
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