

## **ACON, BlaQ, Equality Australia, GLRL, Hepatitis NSW, HALC, Positive Life NSW, SWOP NSW & Twenty10 Coalition Survey: Labor Response**

### **HIV, BBVS, AND STIS**

#### *1. If elected, will you:*

*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?*

**Labor response:** Yes. A Minns Labor Government will deliver more job security and funding certainty for our community and health services sector by introducing longer-term five-year funding arrangements for providers.

Labor will also review funding arrangements to make grants more efficient and provide greater certainty for LGBTIQ+ organisations.

#### *2. If elected, will you:*

*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?*

**Labor response:** Labor supports innovative programs for HIV, BBV and STI strategies. We will review current funding arrangements to make sure grants are going to the right places and provide greater certainty for LGBTIQ+ organisations.

#### *3. If elected, will you:*

*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?*

**Labor response:** NSW Labor supports the objectives of the *NSW LGBTIQ+ Health Strategy 2022-2027* to enable people of diverse sexualities and genders, and intersex people, to achieve health outcomes that matter to them. Labor recognises that the health outcomes of LGBTIQ+ people cannot be separated from the legal and human rights issues they face.

#### *4. If elected, will you:*

*Repeal the Mandatory Disease Testing Act 2021?*

**Labor response:** NSW Labor will ensure community consultation through the statutory review of the *Mandatory Disease Testing Act 2021 (NSW)*. NSW Labor supports an evidence-based approach to developing legislation.

*5. If elected, will you:*

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

**Labor response:** Labor supports reasonable precautions existing within the NSW legislative and policy framework that work against the spread of infections, including blood borne viruses and other sexually transmitted infections. This work includes framing sexual health and STI prevention as a mutual responsibility between sexual partners and working to destigmatise STIs and BBVs to facilitate a culture of prevention, regular sexual health testing and early treatment in NSW.

*6. If elected, will you:*

*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?*

**Labor response:** These provisions were inserted into the *Crimes Act 1900* (NSW) in 2021 via the Crimes Legislation (Sexual Consent Reforms) Bill 2021 which Labor supported. The bill provided for a review of the new provisions after 3 years. Notwithstanding the legislated review timetable, if elected, Labor always be more than willing to meet with ACON representatives to discuss the operation of any laws to ensure they operate in an efficient and fair way.

## **COMMUNITY ORGANISATIONS, PARTNERSHIPS, AND RESEARCH**

*7. If elected, will you:*

*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?*

**Labor response:** Labor will deliver more job security and funding certainty for our community and health services sector by introducing longer-term five-year funding arrangements for providers.

Labor will also review funding arrangements to make grants more efficient and provide greater certainty for LGBTIQ organisations.

*8. If elected, will you:*

*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?*

**Labor response:** Yes.

*9. If elected, will you:*

*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?*

**Labor response:** Labor values peer health services and strategies. We will review funding arrangements to assess the needs of current programs and plan for future needs.

10. *If elected, will you:*

*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?*

**Labor response:** Labor values peer health & community services and strategies. We will review funding arrangements to assess the needs of current programs and plan for future needs.

11. *If elected, will you:*

*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?*

**Labor response:** Yes. NSW Labor will provide funding to Aboriginal community-controlled services for targeted prevention and early intervention initiatives for Aboriginal communities.

Labor has also announced it will commit \$5 million to a 12-month consultation process with First Nations communities on a treaty process for New South Wales which will influence the role of Aboriginal Community Controlled Organisations in delivering services to First Nations communities.

12. *If elected, will you:*

*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?*

**Labor response:** Yes. Labor is committed to taking action based on good quality research. We will review funding arrangements to assess the needs of current programs and plan for future needs.

## **INCLUSION IN GOVERNMENT DECISION-MAKING AND DELIVERY**

13. *If elected, will you:*

*Have a dedicated Minister or spokesperson for LGBTIQ+ communities?*

**Labor response:** If elected, Labor will consider this.

14. *If elected, will you:*

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

**Labor response:** Labor will ensure that issues that affect the LGBTIQ+ community will be coordinated across government. We will work with an LGBTIQ+ advisory council as part of this work.

15. *If elected, will you:*

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

**Labor response:** Yes.

16. *If elected, will you:*

*Develop a whole-of-government LGBTIQ+ inclusion strategy?*

**Labor response:** Yes.

## HUMAN RIGHTS AND JUSTICE

*17. If elected, will you:*

*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?*

**Labor response:** NSW Labor supports strong anti-discrimination laws but the existing laws are old and no longer fit for purpose. NSW Labor will refer the *Anti-Discrimination Act 1977 (NSW)* to the NSW Law Reform Commission for review. The review will involve wide public consultation on the best way to modernise the law to ensure all people have the right to live free of discrimination.

NSW Labor expects any recommended changes to be fair, respectful and reflect the diversity of the population of New South Wales.

*18. If elected, will you:*

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

**Labor response:** See answer to question 17.

*19. If elected, will you:*

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

**Labor response:** Yes. A Minns Labor Government will ban LGBTIQ+ conversion and suppression practices in New South Wales. Labor will work with survivors and all other stakeholders to develop the legislation that works in NSW. We will do this through a joint working group of NSW Health and the NSW Department of Justice to draft the laws.

*20. If elected, will you:*

*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?*

**Labor response:** Labor will review these provisions in consultation with the community and trans and gender diverse communities.

*21. If elected, will you:*

*Introduce legislation preventing so-called 'normalising' medical interventions on people with innate variations of sex characteristics without their personal consent?*

**Labor response:** Labor will work with intersex organisations and other stakeholders to review current practices.

22. *If elected, will you:*

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

**Labor response:** Yes. Labor recognises the economic and legal insecurity faced by families created through surrogacy or with co-parenting arrangements. Labor does not support commercial surrogacy, however, we support a review of the *Surrogacy Act 2010* (NSW) and the *Status of Children Act 1996* (NSW).

A NSW Labor Government will consult and work with the Commonwealth, as well as LGBTIQ+ family organisations and advocacy groups to best understand the complexities of these parenting arrangements under law and how reform can be enacted.

23. *If elected, will you:*

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

**Labor response:** Yes. NSW Labor recognises that the law has historical inequities. NSW Labor will conduct a review of the impact of current legislation and consult and work with women's organisations, peak bodies and stakeholders for youth, older Australians, multicultural, LGBTIQ+, disability and mental health communities, as well as other groups and organisations to identify inequities and make recommendations where appropriate.

## **OUR COMMUNITIES' HEALTH AND ACCESS TO SERVICES**

24. *If elected, will you:*

*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.*

**Labor response:** Yes.

25. *If elected, will you:*

*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?*

**Labor response:** NSW Labor believes in the importance of confidential access to health care facilities for young people and we also recognise the important role that parents and carers have in relation to the wellbeing of children. We support the current approach.

26. *If elected, will you:*

*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?*

**Labor response:** Yes.

27. *If elected, will you:*

*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?*

**Labor response:** Yes. Labor recognises that intersectional approaches to public health are essential in promoting and delivering best practice outcomes. A NSW Labor Government will be guided by Aboriginal and Torres Strait Islander communities in developing any new public health strategies and approaches that will affect their lives.

28. *If elected, will you:*

*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?*

**Labor response:** Yes, see answer to question 27.

29. *If elected, will you:*

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

**Labor response:** Yes. Labor recognises the unique challenges experienced by older people in the LGBTIQ+ community, including social isolation and a lack of access to housing. Labor will continue to support programs and services that identify and seek to address their unique needs.

30. *If elected, will you:*

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

**Labor response:** Yes. NSW Labor will also ensure that a diverse range of housing stock is available to meet the needs of all sections of the community and will continue to support the public housing sector as a viable and positive housing alternative for those with lower and moderate incomes.

31. *If elected, will you:*

*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?*

**Labor response:** Yes. NSW Labor believes all Australians have the right to accessible, affordable health care and will seek to protect, maintain, and improve the health and wellbeing of all people in NSW no matter where they live or what their circumstances are.

## ALCOHOL AND OTHER DRUGS

*32. If elected, will you:*

*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?*

**Labor response:** Labor will hold a drug summit in its first term to bring together health and medical experts, police, drug user organisations, families, and other stakeholders to build consensus on the way NSW deals with drug misuse.

A Labor Government will listen to the experts and take a whole-of-government approach to issues relating to drug use, abuse, supply, law enforcement, and treatment.

*33. If elected, will you:*

*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?*

**Labor response:** See answer to question 32.

*34. If elected, will you:*

*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?*

**Labor response:** NSW Labor will provide inclusive support to government and non-government agencies aimed at preventing drug and alcohol abuse. We will also ensure the close coordination and cooperation between agencies involved in the prevention and treatment of drug abuse and alcoholism.

## SAFETY

*35. If elected, will you:*

*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*

**Labor response:** Yes. Labor will review the current provision of services as part of our DV strategy to ensure all people experiencing violence can get the support they need.

*36. If elected, will you:*

*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?*

**Labor response:** Yes. Labor will review the current provision of services as part of our DV strategy to ensure all people experiencing violence can get the support they need.

*37. If elected, will you:*

*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?*

**Labor response:** A NSW Labor Government will adopt a whole-of-government multifaceted sustainable approach to stop family and domestic violence, and support the safety and well-being of survivors and those living with domestic and family violence.

*38. If elected, will you:*

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

**Labor response:** Labor will review the *Summary Offences Act 1988* (NSW) as part of the ongoing review of crime legislation. Examination of Part 3 would be included any review.

*39. If elected, will you:*

*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?*

**Labor response:** Yes. Labor supported the Special Commission of Inquiry into LGBTIQ hate crimes.

A Labor Government will ensure a timely Government response is provided to the outcomes of the Special Commission of Inquiry into LGBTIQ hate crimes following the delivery of its report in June 2023.