



RE: Election Survey – LGBTI Policy

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

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

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

LGBT Conversion Practices

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

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

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

Special Religious Exemptions

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

A re-elected McGowan Labor Government will respond to, and where appropriate, action the LRCWA recommendations that are due to be delivered after the March election.

Anti-vilification protections

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

Sex and Gender diverse people

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

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

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

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

Inclusive Education (Safe Schools)

In 2017, the Department of Education entered into a two year agreement with the WA Aids Council to provide tailored professional development - Inclusive Education - for those public secondary schools that sought it about how to provide inclusive school policies and practices for LGBTIQ students. However, only a small number of schools accessed the face to face service. In 2019 this was just 28 schools.

Through engagement with school leaders by the Department of Education about how to provide ongoing and relevant professional development, a majority of schools expressed a preference for online content, due to not wanting to take time out of the school day for face to face options. As a result in 2020 the program went to an online module only.

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

Yours sincerely



Mark McGowan MLA
PREMIER; WA LABOR LEADER

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