



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON EDUCATION  
AND COMMUNITY INCLUSION**

(Reference: [Inquiry into annual and financial reports 2020-2021](#))

**Members:**

**MR M PETTERSSON (Chair)**

**MR J DAVIS (Deputy Chair)**

**MS N LAWDER**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 24 FEBRUARY 2022**

**Secretary to the committee:**

**Mr J McAdam (Ph: 620 70524)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

## **APPEARANCES**

**Chief Minister, Treasury and Economic Development Directorate ..... 1**

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*Amended 20 May 2013*

## **The committee met at 5.02 pm.**

Appearances:

Barr, Mr Andrew, Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism

Chief Minister, Treasury and Economic Development Directorate

Mehrton, Mr Andrew, Executive Branch Manager, Social Policy Branch, Policy and Cabinet

**THE CHAIR:** Good afternoon, everybody. Welcome to the first public hearing of the Standing Committee on Education and Community Inclusion inquiry into annual reports for 2020-21. The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture, and the contribution they make to life in the city and in this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be watching or participating in today's proceedings.

The proceedings today will examine the annual reports and budget estimates for the Chief Minister, Treasury and Economic Development Directorate, in relation to government policy and reform in the Office of LGBTIQ+ Affairs.

Please be aware that the proceedings today are being recorded and transcribed, as well as broadcast and web streamed live. When taking a question on notice, it would be useful if witnesses used the words, "I will take that as a question taken on notice."

We will now go to questions. Chief Minister, what role did you and the ACT government have in the recent debate surrounding the Religious Discrimination Bill, and what is the ACT government doing to support LGBTIQ Canberrans, following the debate?

**Mr Barr:** Thank you, Mr Pettersson, for the question. The ACT government participated in multiple federal parliamentary inquiries into the various elements of the different pieces of legislation that could broadly be described as under the banner of the religious discrimination legislation debate. That included the specific bill, as well as some complementary—that might be one way to describe them—amendments to the Sex Discrimination Act and other pieces of legislation.

We participated formally by way of submissions. We made recommendations for specific amendments to the various pieces of legislation. We highlighted areas of inconsistency within the legislation, the impacts that the legislation, had it been progressed through both houses of federal parliament, would have had, by way of overriding particular state and territory law, including our own Human Rights Act and Discrimination Act. We advocated through the media. We worked with other like-minded individuals and organisations to seek to address areas of concern within pieces of legislation and proposed legislation, and to seek amendments to be moved when the legislation was debated in the House of Representatives.

Pleasingly, a number of those interventions were successful, in effect, in amending the bill to such a point that the government that sponsored it voted against it being referred to the Senate for further consideration. It would appear—at this point, anyway, noting that there are still several sitting days to go before the federal election—that the bill will not proceed any further in this parliamentary term. I would consider that to be both a policy and parliamentary tactical win on behalf of those who have advocated against the general policy direction that was contained within the legislation proposed by the Prime Minister.

**THE CHAIR:** Have Canberrans needed any extra support following the debate?

**Mr Barr:** It would be fair to observe that the ongoing nature of debate in this area—this is not just something over a week; there has been an entire parliamentary term of debate and discussion—has impacted on many in the community. It is fair to observe that there certainly has been increased anxiety and increased need for support. The ACT government has, on more than occasion, provided that additional support in partnership with community sector organisations in the ACT. I note that other state and territory governments have provided support for their communities as well—not all state and territory governments, but some.

**MR DAVIS:** Chief Minister, while we are on the subject of the federal government's continued attacks on queer people, I want to know what the government might be able to do to provide supports to trans people who just want to play sport, after the announcement today of a private member's bill trying to exclude trans Australians from playing sports.

**Mr Barr:** I understand that a Tasmanian senator is sponsoring, or has sponsored, such legislation, and that it received endorsement from the Prime Minister whilst he was in Tasmania. I note that the Tasmanian Premier expressed opposition to the legislation because it would impinge upon effective legislation in his state. Once again, we find ourselves at a state and territory level on unity tickets with conservative state governments in relation to legislation at a federal level seeking to override effective state and territory legislation in the discrimination-human rights space.

Firstly, the Senate should not support this legislation, and it should not find its way to the House of Representatives. I hope the Senate will do its job in the first instance. Secondly, we need to call it out for what it is—that is, an attempt to create division ahead of the forthcoming federal election. Thirdly, we need to acknowledge the significant engagement of sporting organisations, locally, nationally and internationally, to ensure that these issues are managed sensitively and effectively, noting that there are some sports in which these issues of even competition, in a binary-based sporting competition context, do require special consideration and assessment, particularly in the context of women's sport, around physical ability and otherwise, to ensure that there is a level playing field in that sporting context.

I think that sports are managing these issues very well, and there is no need for a blunt instrument and a political wedge to be driven by a particular senator, just to stoke up further division in the community and create an issue where one does not really exist. I condemn it; I oppose it; and I thank all of the sports that have done an outstanding

job in being inclusive, because sport should be inclusive, and it should be for everyone. People should not be excluded from participating in sport. Particularly for people who may be in transition or have transitioned, it is incumbent upon the community, particularly the sporting community, to embrace people from all backgrounds. Sport will be better for it and our community will be better for it.

**Mr Davis:** Chief Minister, I want to ask about supports we are providing to intersex people, particularly at the Canberra Hospital. I will give you a case study here. If your family gives birth to a child with an intersex variation that is identifiable at birth, at the Canberra Hospital, for example, can you talk me through the process of how the family and child are supported outside the clinical setting? Specifically, what work does the office do to ensure that the psychosocial and peer supports are strengthened as we start the transition away from medical interventions for intersex people?

**Mr Barr:** Thank you for the question. I do not feel equipped to give you a detailed answer in relation to the family experience. I will ask officials whether they are able to provide anything further there; otherwise we will consult with our Health colleagues and provide some more detailed written information. I must confess that this is an area where I do not have a detailed personal knowledge, so I do not think I could accurately describe the process. I will ask officials in the room if they are able to assist. If not, we will take the question on notice.

**Mr Mehrton:** The detail of that question is probably best dealt with by Health officials. I am happy to talk about the work that we are doing around new regulation or protections for intersex young people. The detail of the current clinical practice is probably a little bit beyond what I can talk to.

**MR DAVIS:** How much do you imagine your office would be liaising with Health in the government's ongoing work to transition away from medical interventions for intersex people? Would it be your expectation that the office would provide a lot of the supports, or at least the framework for the supports, particularly on psychosocial and peer supports, for when a family has an intersex child?

**Mr Mehrton:** Some of the detail of that is still being worked through as the draft bill is prepared and some of the model of care is being looked at. It is fair to say that the Office of LGBTIQ+ Affairs will have a close role in making sure that it is operating in order to achieve the outcomes that the legislation is meant to achieve. The expertise that will be brought in to support that process will sit outside the office, whether that is the non-government sector, human rights advocates or other peer support services. The office may play a role in helping to identify who those different stakeholders might be. I do not think that we will necessarily be involved in the day-to-day administering of the scheme per se.

**MS LAWDER:** Chief Minister, I am interested in the First Action Plan for the Capital of Equality Strategy. Last year in estimates the Office of LGBTIQ+ Affairs said they were engaging with the Education Directorate on diversity education in ACT schools. Could you provide the committee with an update on the education programs in schools?

**Mr Barr:** I will invite officials to provide that update.

**Mr Mehrton:** That is mainly occurring through the Safe and Supportive Schools program that the Education Directorate runs. We are looking at gender-affirming measures that may be able to be taken forward in addition to that, as part of the second action plan. A range of discussions are occurring, but we are not at the point of finalising or releasing that next action plan just yet

Last year we held some events in conjunction with the Education Directorate, particularly around the release of the *Writing themselves in 4* report, which was a nationwide survey that collected quite a range of data in the ACT on the experience of LGBTIQ+ young people in schooling. There was an event held in conjunction with one of the colleges in Belconnen, I believe, including participation from students. It was a great opportunity to highlight some of the findings of that report and build a connection to education.

**MS LAWDER:** In the first action plan there was also an objective to identify barriers to adequate health care. In a ministerial statement on 1 December 2021, the Chief Minister pointed to some studies that had been done. Can you give a bit more information on some of the barriers that were identified, and any progress on removing those?

**Mr Mehrton:** Yes, I can speak to that. One of the actions from the first action plan was a health scoping study. There was some funding provided for that. That report is completed. It was completed not long ago, and it is publicly available, so I am happy to provide a reference to that, if it would be useful.

**MS LAWDER:** Thanks.

**Mr Mehrton:** That project is run by the Health Directorate. The office has some involvement in and supports that work but is not the day-to-day manager. It has moved into a new phase now, where there is work being done on one of the recommendations, in particular, around a gender-focused health service. There is a jurisdictional scan and a co-design process that are just kicking off now, with some stakeholder engagement, I believe, to take place over the next few months. That will help to inform how that work goes forward.

**MS LAWDER:** Who did you consult with in relation to that targeted health care? With respect to the accessible and inclusive healthcare practices that you just referred to, is there an opportunity for being, or will we be, at the forefront of these accessible and inclusive healthcare practices with respect to LGBTIQ+ people?

**Mr Mehrton:** That is certainly the ambition. It is probably more appropriate for Health officials to speak to the detail of who was on that reference group and what the time frames would be.

**MS LAWDER:** Do you have an anticipated launch date for the second Capital of Equality action plan?

**Mr Barr:** Yes, in the not-too-distant future. The strategy is for 2019-23, with two action plans. It will be launched in the first half of this year, and potentially in the first

quarter. It would be fair to observe that, in the first six weeks of the year, the Omicron wave has taken the attention of government. It has not been the usual quiet start to the year that you would anticipate. Several things are several weeks behind. I would anticipate within the next few months being able to publicly launch that second action plan.

**MR DAVIS:** You raised your relationship with the Education Directorate and some of the supports your office provides there. The committee, tangentially to this, is running its inquiry into school infrastructure and maintenance, which means we have been out visiting schools. We have seen a couple of great ACT public schools running gay-straight alliances. One school calls it a “unicorn club”. What supports does the office provide to either the Education Directorate or schools specifically, on a case-by-case basis, to facilitate those programs?

**Mr Mehrton:** Generally speaking, I do not think we have that granular relationship around the program of work that they do. At the strategic level we work with them to help guide where we think more attention may or may not be needed. The Education Directorate has a fairly large internal program around diversity and inclusion for their students. I do not think we are engaged on the detail of the school-level projects or some of those groups.

**MR DAVIS:** Is there anything in the second action plan, or any intent in the second action plan, around those kinds of programs in schools? I am wondering by how much the Capital of Equality plan intersects with some of that stuff that is happening.

**Mr Barr:** At this point we would be somewhat pre-empting. There is certainly capacity for shared resources and material, and obviously policy direction and content that emerges out of action plans 1 and 2, that flow through into other directorate-driven programs across community settings, whether that is schools, the health system or otherwise. The office is not generally in the business of producing every single resource for every single directorate. Certainly, it is consulted on content, and there are opportunities to share resources and particular areas of focus; that is part of intergovernmental discussion.

**MR DAVIS:** Chief Minister, the ACT government’s prohibition on conversion practices came into force in March last year. The legislation that brought in that prohibition is due for review next year, which will culminate in a report to the Assembly. Can you talk me through how you expect that review will be undertaken?

**Mr Barr:** I will invite officials to provide some detail on that.

**Mr Mehrton:** We are not yet at the point of having commenced the preparation for that review. The types of things that we would look at would include engagement with the HRC and ACAT around the formal complaints. We would also look to engage with the community. The number of complaints that come through that scheme, which I understand has not been very high, does not necessarily indicate the impact that the piece of legislation has had on the community. I anticipate there would be a strong qualitative research element to that, to understand the extent to which people might feel safer or supported as a result of that legislation, as well as a general awareness in the community of the existence of that legislation. As I say, we have a little bit of time

before that review will kick off, so there will be an opportunity to refine that a little bit more in the next few months or over this year.

**MS LAWDER:** The Office of LGBTIQ+ Affairs is listed as a supporter on the Hands Across Canberra website. Can you provide a bit more information about what that entails? Does it involve a financial contribution? If so, what is that figure?

**Mr Mehrton:** The office does not have a financial relationship with Hands Across Canberra. To be honest, I am not entirely sure what that would be referring to, other than the support for LGBTIQ+ people and the advocacy that the office might do in general. But there is no financial relationship there.

**Mr Barr:** Ms Lawder, under the Chief Minister's Charitable Fund—Hands Across Canberra has a role in the administration of it—there is an annual statement of priorities. In the past, that statement of priorities has included particular work that Hands Across Canberra and the Chief Minister's Charitable Fund would undertake regarding priority around LGBTIQ issues, and particularly work with community sector organisations who would be the recipients of some of the grant moneys emerging from Hands Across Canberra and the Chief Minister's Charitable Fund annual grant rounds. There would also be some context for that listing.

**MS LAWDER:** Will there be SpringOUT and Yes!Fest this year?

**Mr Barr:** I hope so. The only barrier would be any COVID restrictions at that time. Given that it is traditionally in November, we are many months away from that. It is not in the winter period, which is certainly causing us the most medium-term concern. So I hope so. I am very cautious, because I do not know what will happen next in the pandemic, other than that there will continue to be waves and clusters of infections for months and years to come—hopefully, not to the point of severity that would impact on the running of events like SpringOUT and Yes!Fest. Obviously, some components are large and outdoors; others might be in the higher risk category. You could not be absolutely certain whether every single event within SpringOUT could occur, depending on COVID restrictions at the time.

**MS LAWDER:** I guess we will wait—

**Mr Barr:** “Let's Dance” would be one such example.

**MR DAVIS:** Chief Minister, if the organisations that run both SpringOUT and Yes!Fest determine, in line with public health restrictions, that they could still run a variation of their event, but it would incur costs in order to be run in a COVID-safe way, would the government be in a position to provide those supports?

**Mr Barr:** Potentially. It would depend on the extent, I would suspect. I am not signing a blank cheque this afternoon; I will put it that way.

**MR DAVIS:** I got very excited there for a minute!

**THE CHAIR:** On behalf of the committee, I would like to thank you, Chief Minister, for being here, as well as the officials that have appeared today. The secretariat will

provide you with a copy of the proof transcript of today's hearing, when it is available.  
The hearing is now adjourned.

**The committee adjourned at 5.28 pm.**