



Australian Government
Department of Health and Aged Care

Ministerial Submission – Standard
MS23-000468
Version (1)
Date sent to MO: 20 April 2023

To: Assistant Minister Kearney

cc: Minister Butler

Subject: LGBTQIA+ Health and Wellbeing 10 Year National Action Plan Expert Advisory Group

Critical date: 1 May 2023 - to allow the first meeting of the Expert Advisory Group to be held in June 2023.

Recommendation/s:

- | | |
|--|--|
| <p>1. Agree to the draft Terms of Reference for the LGBTQIA+ Health and Wellbeing 10 Year National Action Plan Expert Advisory Group (LGBTQIA+ EAG) at Attachment A.</p> | <p>1. Agreed/Not agreed/ Please discuss</p> |
| <p>2. Agree to the proposed LGBTQIA+ EAG membership at Attachment B.</p> | <p>2. Agreed/Not agreed/ Please discuss</p> |
| <p>3. Agree the draft invitation letter to LGBTQIA+ EAG members at Attachment C with the Department to work with your Office to finalise and distribute invites.</p> | <p>3. Agreed/Not agreed/ Please discuss</p> |
| <p>4. Agree the draft Agenda for the first meeting of the LGBTQIA+ EAG at Attachment D.</p> | <p>4. Agreed/Not agreed/ Please discuss</p> |
| <p>5. Note a date for the first LGBTQIA+ EAG meeting will be agreed with your office.</p> | <p>5. Noted</p> |

Signature

Date: 10/5/2023

Comments:

changes to attachment A, B, C are tracked & attached. also typos attachment C

Contact Officer:	Tiali Goodchild	Assistant Secretary, Health Equity Branch, Population Health Division	Ph: (02) 6289 s22 Mobile: s22
Clearance Officer:	Tania Rishniw	Deputy Secretary, Primary and Community Care	Ph: (02) 6289 s22 Mobile: s22

Issues:

1. On 1 March 2023, you announced the development of a 10 year National Action Plan for the Health and Wellbeing of LGBTIQ+ people (Action Plan) and to the establishment of an expert advisory group to guide development of the plan.
2. The role of the LGBTIQ+ EAG, chaired by you, will be to guide and inform the development of the Action Plan to provide a national framework for action to improve the health and mental health outcomes of LGBTIQ+ people and to address the disparities they experience.
3. Draft Terms of Reference (ToR) for the LGBTIQ+ EAG have been prepared and are at **Attachment A** for your agreement prior to being provided to invited EAG members for consideration.
 - a. National consultation partners LGBTIQ+ Health Australia (LHA) and the Australian Federation of AIDS Organisations (AFAO) have been consulted. Both are supportive of a model that focuses on LGBTIQ+ Health community controlled organisations driving the EAG and seeking expert advice on relevant health priorities going forwards.
4. A list of proposed LGBTIQ+ EAG members is at **Attachment B** for your agreement. The proposed membership comprises individuals with LGBTIQ+ health and wellbeing expertise and from organisations that represent or provide support on key aspects of LGBTIQ+ health and wellbeing (such as mental health, aged care, disability). The membership seeks to ensure representation of the range of LGBTIQ+ communities.
 - a. LHA and AFAO have contributed advice on the membership of the EAG to ensure appropriate coverage of the LGBTIQ+ population and their health priorities and as best possible geographical diversity. The proposed make up attempts to achieve that.
5. A draft letter of invitation to proposed LGBTIQ+ EAG members is at **Attachment C** for your agreement. The department will prepare letters of invitation to each of the members upon your approval of the membership.
6. While the frequency of EAG meetings will be subject to consideration of the membership, it is anticipated they would meet at least every two months with the first meeting occurring early June. The department will work with your office to confirm arrangements.
 - a. The department is also working with LHA and AFAO on a consistent stakeholder engagement approach which will include issue-based roundtables (e.g. Preventive health, mental health, access, safety) and an online submission and survey option.
7. If you approve the draft ToR and membership list the department will work with your office to identify a potential date in June 2023 for the first meeting of the LGBTIQ+ EAG. A draft Agenda for the first meeting is at **Attachment D** for your agreement.
8. The department is commencing the procurement process to engage a consultant to support the development of the Action Plan and associated consultations.

Background:

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The Government's October 2022 Budget measure for national consultation with LGBTIQ+ people will be utilised to ensure lived experience of the diverse LGBTIQ+ community and organisations that support them informs the National Action Plan and how to improve health care access and outcomes for LGBTIQ+ people.

Attachments:

- A: LGBTIQ+ EAG Terms of Reference
- B: LGBTIQ+ EAG membership
- C: Invitation letters to EAG members
- D: Draft agenda for first LGBTIQ+ EAG meeting

Budget/Financial Implications:

Costs to support the EAG will be met from within existing appropriations. The department is working with the Department of Finance to agree costs.

Sensitivities:

Other organisations may wish to be included in the LGBTIQ+ EAG membership. This can be managed by reinforcing that members were selected on the basis of individual expertise, organisation representation of different LGBTIQ+ communities and key LGBTIQ+ health and wellbeing topics. The national consultation with LGBTIQ+ people will provide opportunities for others to inform the National Action Plan.

Consultations:

Department of Finance to agree costs. National consultation partners LHA and AFAO were consulted on potential membership of the LGBTIQ+ EAG to ensure representative of diverse LGBTIQ+ communities and key LGBTIQ+ health and wellbeing issues.

Communication/Media Activities:

The department will work with your office on media opportunities for the establishment of the LGBTIQ+ EAG.

Minister	Assistant Minister Kearney
PDR Number	MS23-000468
Subject	LGBTIQA+ Health and Wellbeing 10 Year National Action Plan Expert Advisory Group
Critical Date	Monday, 1 May 2023
Contact Officer	Tiali Goodchild Ph: (02) 6289 s22 Mobile: s22
Clearance Officer	Tania Rishniw (02) 6289 s22 s22
Division/Branch	Primary and Community Care Population Health
Has Budget Branch been consulted if there are financial implications?	Not Applicable

Adviser/DLO comments:	Returned to Dept for: REDRAFT <input type="checkbox"/> NFA <input type="checkbox"/>
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Please complete
Quality Assurance Check (completed by line area) s22

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Australian Government

Department of Health and Aged Care

Attachment A

LGBTIQA+ Health and Wellbeing 10 year Plan Expert Advisory Group Terms of Reference

On 1 March 2023, the Minister for Health and Aged Care, the Hon Mark Butler and Assistant Minister for Health and Aged Care, the Hon Ged Kearney announced the development of a LGBTIQA+ Health and Wellbeing 10 year National Action Plan. The Plan development will be led by the Department with the assistance of national consultation partners LGBTIQ+ Health Australia (LHA), the Australian Federation of AIDS Organisations (AFAO) and a consultant for facilitation of the stakeholder consultations and drafting.

Purpose

The LGBTIQA+ Health and Wellbeing 10 year Plan Expert Advisory Group will oversee the development of the LGBTIQA+ Health and Wellbeing 10 Year National Action Plan (the Plan) to provide a national framework for action to improve the health and wellbeing of LGBTIQA+ people and address the disparities they experience.

Roles and Responsibilities

The LGBTIQA+ Health and Wellbeing 10 year National Action Plan Expert Advisory Group:

- provide expert advice on health and wellbeing issues related to the Australian LGBTIQA+ community and globally, relevant to the Plan;
- advise on consultation materials and attend workshop consultations, where necessary;
- advise on the development of the Plan and co-design process; and
- provide advice to the Government, Department and Consultant as needed.

Membership

The Expert Advisory Group membership is included at the end of this document. Members may nominate a proxy to attend any meetings provided details of the proxy are provided to the Secretariat at least 1 day prior to the Committee meeting. The term of membership will be for an initial period of eighteen months or until the Action Plan is finalised by Government.

Members are not to disclose confidential or sensitive material discussed or provided to the Expert Advisory Group, including meeting papers, to anyone outside the group. Members will strive to avoid any real or perceived conflicts of interest, should a conflict occur members must disclose this conflict prior to the meeting or at the commencement of meetings. Members will agree the appropriate course of action to deal with the conflict, this will be noted in the minutes.

Duties of the Chair

The Chair of the LGBTIQA+ Health and Wellbeing 10 year Nation Action Plan Expert Advisory Group will be the Hon Ged Kearney. Where the chair is absent, a suitable representative will be selected by the Chair as the Chair's representative.

The Chair and Chair's representative:

- approve the agendas for meetings
- directs business of the Expert Advisory Group meetings, and
- promotes participation by members during meetings.

Observers and attendees

- Observers are invited at the discretion of the Chair or Secretariat.

- Attendees may be invited to speak on a specific topic or item. It is expected community groups with particular geographic or intersectional expertise, as well as medical professional bodies will be invited as needed to provide advice to the advisory group.

Meetings

- The Expert Advisory Group will meet every 3 months, face to face or virtually, or as determined by the Chair.
- Out of session papers may be circulated with approval of the Chair or Secretariat, and shall be recorded in the minutes of the next scheduled meeting.
- Meeting papers will be circulated electronically 2-5 business days in advance of scheduled meetings, unless agreed by the Chair.

Secretariat

- The Department will undertake Secretariat functions unless otherwise directed by the Chair.
- The Secretariat will circulate Action Items and Meeting Outcomes to members and the Chair following the meeting, within seven business days of meetings.

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The Hon Ged Kearney MP
Assistant Minister for Health and Aged Care

Ref No: MS23-000468

Official Title and Name (Mr/Ms/The Hon/MP/Senator)
 Professional Title Delete if not relevant
 Organisation Delete if not relevant
 Postal Address Use PO Box if available
 SUBURB STATE POSTCODE Double space between each
 AND email@email Always include email address

Dear <Mr/Ms/Mrs/Dr <Surname>/Dear Professor/Minister/Senator

On 1 March 2023, the Minister for Health and Aged Care, the Hon Mark Butler MP, and I announced the development of a 10 year National Action Plan for the health and wellbeing of LGBTIQ+ people (Action Plan) and the establishment of an advisory group to guide development of the Action Plan.

I am pleased to formally invite you to join me as a member of the LGBTIQ+ Health and Wellbeing 10 Year National Action Plan Expert Advisory Group (LGBTIQ+ EAG).

The Australian Government recognises the health disparities experienced by LGBTIQ+ people and is committed to delivering better outcomes for the LGBTIQ+ community. The LGBTIQ+ EAG will provide a mechanism for individuals with LGBTIQ+ health and wellbeing expertise and representatives of organisations providing support to LGBTIQ+ people to inform and guide the development of a National Action Plan that will provide a framework of action to drive improvements in health and wellbeing for LGBTIQ+ communities.

Please note involvement in the LGBTIQ+ EAG will not be ~~renumerated~~ remunerated and participation in meetings will be at your or your organisation's expense. Support will be provided towards travel costs associated with face to face meetings in accordance with the Department of Finance Domestic Travel Policy at www.finance.gov.au/publications/resource-management-guides/domestic-travel-policy-rmg-404.

Should you wish to accept my offer please email ^{s47E(d)} [redacted] @Health.gov.au by **XX May 2023**. If you require any further information please contact Ms Tiali Goodchild, Assistant Secretary of the Health Equity Branch on (02) 6289 ^{s22} [redacted]

I sincerely hope you will ~~accept my offer and~~ join me on the LGBTIQ+ EAG as ~~Look forward to working with you~~ we work to develop Australia's first National Action Plan ~~to and~~ drive reforms to improve the health and wellbeing of LGBTIQ+ people in Australia.

Yours sincerely

Ged Kearney

/ /2023

Encl (1) Draft Terms of Reference: LGBTIQ+ Health and Wellbeing 10 Year National Action Plan Expert Advisory Group

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Australian Government

Department of Health and Aged Care

Attachment D

Proposed LGBTIQ+ Expert Advisory Group Agenda

1. Welcome and Acknowledgment of Country
2. Conflict of Interest Declarations
3. Terms of Reference Endorsement
4. Scene Setting
 - a. What are we here for?
 - b. What does the data say?
 - c. Where is the Research heading?
5. Updates from LHA and AFAO on national consultation projects
6. Agree National Consultation Approach
7. Public Consultation - Marketing and Communications
8. Facilitator Partner Update
9. Next Steps
10. Close of Business

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Australian Government

**Department of Health
and Aged Care**

LGBTIQA+ Health and Wellbeing 10 Year National Action Plan Expert Advisory Group

Member Guidelines

06 June 2023

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25. Appendix 5: Committee Member Onboarding Form	Error! Bookmark not defined.
26. Appendix 6: Tax File Number Declaration Form	Error! Bookmark not defined.

1. Introduction

The LGBTIQ+ Health and Wellbeing 10 Year National Action Plan Expert Advisory Group (hereafter the EAG) was established on 11 May 2023 by the Assistant Minister for Health and Aged Care, the Hon Ged Kearney MP. The EAG provides advice to the Australian Government on issues relating to the health and wellbeing of Australian LGBTIQ+ people to guide and inform development of an LGBTIQ+ Health and Wellbeing 10 Year National Action Plan (Action Plan).

The EAG Secretariat in the Department of Health and Aged Care provides administrative support for the EAG.

2. Role of the EAG

Improving health and wellbeing outcomes for LGBTIQ+ people is a priority for the Australian Government. The EAG will oversee the development of the Action Plan to provide a national framework for action to improve the health and wellbeing of LGBTIQ+ people and address the disparities they experience.

The EAG will provide advice to the Australian Government, the Department of Health and Aged Care and the consultant engaged to support development of the Action Plan, as needed.

3. Terms of Reference

The draft EAG Terms of Reference will be provided at the first meeting of the EAG for agreement and will form an Appendix to these Guidelines.

4. Composition of the EAG

The EAG has 17 members comprising a Chair, and 16 other members.

The members bring with them a wide range of expertise and experience on LGBTIQ+ health and wellbeing and are from organisations that represent or provide support on key aspects of LGBTIQ+ health and wellbeing such as mental health, aged care and disability.

The members appointed to the EAG are:

Name of Member	Type of Membership	Organisation
The Hon Ged Kearney	Chair	Assistant Minister for Health and Aged Care
Ms Nicky Bath	Representative	CEO, LGBTIQ+ Health Australia (LHA)
Adj Professor, Darryl O'Donnell	Representative	CEO, Health Equity Matters (Formerly AFAO)
Mr Nicolas Parkhill AM	Representative	CEO, ACON
Ms Carolyn Gillespie	Representative	Acting CEO, Thorne Harbour Health

Members Guidelines

Mr Morgan Carpenter	Representative	Executive Director, Intersex Human Rights Australia
Mr Joe Ball	Representative	Chief Executive Officer, Switchboard Victoria
Mr Milo Bronleigh	Representative	Chair, Trans Folk of WA
Mr Jeremy Wiggins	Representative	CEO, Transcend Australia
Mr Shane Sturgiss	Representative	CEO, BlaQ Aboriginal Corporation
Ms Kedy Krystal	Representative	Executive Officer, GLBTI Rights in Ageing Inc. (GRAI)
Professor Ashleigh Lin	Representative	Co-Head, Youth Mental Health, Telethon Kids Institute
Dr Clara Tuck Meng Soo	Individual	Practice Principal, East Canberra General Practice
Professor Adam Bourne	Individual	Australian Research Centre in Sex, Health & Society (La Trobe University)
Dr Ruth McNair	Individual	University of Melbourne, Chairperson of Pride Foundation Australia
Mr Alexander Teh	Representative	President Australian GLBTIQ Multicultural Council
Jax Brown OAM / Ricki Spencer (Member position shared)	Representative	Co-Chairs, Inclusive Rainbow Voices,

Other attendees may be invited to speak on a specific topic or item. It is expected community groups with particular geographic or intersectional expertise, as well as medical professional bodies will be invited as needed to provide advice to the EAG.

Observers will be invited at the discretion of the Chair or the Secretariat.

5. Terms of Appointment

Each member is appointed on the basis of their individual skills, knowledge and expertise and holds their appointment at the discretion of the First Assistant Secretary, Population Health Division.

Committee member appointments will be for an initial period of 12 months effective from date of acceptance to 30 June 2024 and may be extended until Action Plan is finalised by Government.

Members may resign from the EAG at any time by providing a letter stating the intention to resign is presented to the First Assistant Secretary, Population Health Division (copied to the Chair and Secretariat) at least four weeks prior to the date of resignation.

The First Assistant Secretary, Population Health Division will consider appointments to

vacancies in consultation with the Chair, as appropriate.

The First Assistant Secretary, Population Health Division retains the discretion to terminate a member's appointment to the EAG in consultation with the Chair at any time and for whatever reason.

6. Proxies

Where an EAG member is unable to attend a meeting, they should advise the Secretariat at the earliest possible opportunity. Proxies will **not** be allowed to attend the meeting unless the absent member is a representative of an organisation. Representative members may nominate a proxy to attend any meeting provided details of the proxy are provided to the Secretariat at least 1 day prior to the EAG meeting. If proxies are to attend a meeting in person, additional notice is required for the Secretariat to facilitate this.

7. Confidentiality

EAG members may, on occasion, be provided with confidential material. Members are not to disclose this material to anyone outside the EAG and are to treat this material with the utmost care and discretion and in accordance with terms of their confidentiality agreement.

8. Conflict of Interest

Conflict of interest is defined as any instance where a EAG member, partner or close family friend has a direct financial or other interest in matters under consideration or proposed matters for consideration by the EAG. A member must disclose to the Chair any situation that may give rise to a conflict of interest or a potential conflict of interest and seek agreement from the First Assistant Secretary, Population Health Division and the EAG Chair to retain the position giving rise to the conflict of interest. Where a member gains agreement to retain their position on the EAG, the member must not be involved in any related discussion or decision making process.

An EAG member is not to participate in EAG business until the Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll form has been completed (**Attachment C**).

Proxies may only attend a meeting when they have signed a Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll form (**Attachment C**).

9. What conflicts should be declared?

Actual conflicts of interest, where an individual has an interest (whether financial or non-financial) or an affiliation that **affects or will affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- directly benefits from the Commonwealth accepting the person's advice;
- directly receives funding from the Department under another agreement; or
- is advising on an arrangement, or assisting formulating policy relating to an industry or business, in which they have a financial interest or on which they sit on a board.

Potential conflicts of interest, where an individual has an interest (whether financial or non-

financial) or an affiliation that **may affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- is appointed as an EAG member but is also an industry representative of a relevant industry;
- conducts work for other organisations who work for the Department;
- is involved in a selection process in which a relative or friend is an applicant; or
- has previously worked for, or received funding or gifts from, a company being recommended for a contract

Perceived conflicts of interest, where an individual has an interest (whether financial or non-financial) or an affiliation that **could be perceived to affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- partakes in recreational activities which could be perceived to be at odds with the Department's agenda or objectives under the Appointment; or
- has a reasonably close friendship with a sitting member of the Parliament of Australia and they are regularly seen in public together.

A Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll form **MUST** be completed by all Members on an annual basis, however, this can be updated at any time as required.

10. Official Business

An EAG member will be deemed to be undertaking official EAG business:

- during travel to and from and while attending meetings of the EAG, and
- while undertaking a task at the request of the Chair, including representing the EAG on other committees, sub-committees or forums approved by the Chair.

Note: Formal speeches and papers to be delivered by a member on behalf of the EAG should be cleared with the Chair and the Secretariat prior to presentation. A copy is to be provided to the Secretariat.

11. Insurance

The Department's insurance coverage for legal liabilities extends to EAG members who act in an official capacity on behalf of the Department.

The Department's insurance does not extend to cover the member's private travel arrangements for example private motor vehicle or passengers.

12. Support for EAG

The work of the EAG is supported by the Secretariat located within the Men's, LGBTIQ+, Children and Young People's Health Section, Health Equity Branch of the Department of Health and Aged Care.

Staff members of the Secretariat have good knowledge of LGBTIQ+ health and wellbeing issues, and of the Department's programs and organisational structure. A list of staff members

to contact within the Secretariat is available at **Appendix 1**.

The Secretariat is responsible for:

- providing support to the EAG,
- providing policy advice to the EAG,
- developing, in consultation with the Chair, agendas for EAG meetings and other business involving the Department and the EAG,
- distributing of agenda and associated material,
- ensuring all members are kept informed of issues and information relevant to the work of the EAG,
- arranging venues and catering for meetings,
- arranging appropriate travel and accommodation and
- carrying out annual conflict of interest checks.

The Department will not provide a fax, computer or other equipment on personal issue to a member to undertake business of the EAG.

13. Operation of the EAG

The Chair is ultimately responsible to the First Assistant Secretary, Population Health Division for the operations of the EAG. The Chair will preside at all meetings at which they are present. If the Chair is absent from a meeting, a suitable representative will be selected by the Chair to preside as the Chair's representative.

The EAG normally holds 4 meetings each year face to face or virtually, and members may also undertake related work between meetings to support development of the Action Plan.

A quorum for a meeting is half the EAG membership plus 1 further member present at a meeting. Any vacancy on the EAG will not affect its power to function.

A draft agenda will be prepared by the Secretariat and cleared prior to each meeting by the Chair. In developing the agenda, consideration will be given to the EAG terms of reference.

The agenda and related papers are normally circulated to members electronically 2-5 business days in advance of scheduled meetings unless agreed by the Chair. Out of session papers may be circulated with approval of the Chair or Secretariat and shall be recorded in the minutes of the next scheduled meeting.

The minutes of the meeting will be prepared by the Secretariat. They will provide a concise and focused report of decisions and actions taken. Minutes will be made available to members after they have been cleared by the Chair. This will usually be within 7 business days after the meeting.

14. Business between Meetings

The Chair may write and sign letters and conduct business between meetings on behalf of the EAG. The Secretariat must be provided with copies of all correspondence.

Members are expected to advise the Chair and the Secretariat when they have completed agreed actions arising from previous meetings.

Any material that is considered to be of particular importance and requiring immediate action will be circulated by E-mail.

15. Remuneration

EAG members will not be remunerated for participation in EAG meetings or for other EAG related business and will be at the expense of the member or the member's organisation. Support will be provided towards travel costs associated with face to face meetings as set out under Section 17. Travel Arrangements.

16. Personal Information

The personal information an EAG member provides is required to enable the Department to contact the member and to undertake any necessary financial and administrative transactions.

The general information retained by the Department may include:

- members' names,
- contact phone numbers,
- address,
- places of employment,
- curricula vitae,
- cultural background,
- correspondence to members, or
- details of submissions from the Department.

Sensitive information retained by the Department may include:

- tax file numbers,
- financial information,
- culturally sensitive issues, and
- conflict of interest details (e.g. previous employment with a particular entity).

Staff members have access to this information on a "needs to know" basis. Access is restricted to management and the Secretariat staff servicing the EAG.

Generally, the records are retained as per the [Administrative Functions Disposal Authority](#).

Members may contact the Freedom of Information Unit on (02) 6289 1666 or by calling the toll-free number 1800 020 103 (extension 1666) to obtain advice regarding access to their personal information.

17. Travel Arrangements

Travel Allowance Rates

EAG members travelling for face to face EAG meetings may receive support towards travel costs.

Where the EAG member receives travel allowance or reimbursement of travelling expenses from any other source for the same travel, the Department will not make a payment of travel allowance or expenses to the member.

Where travel on official business does not require an overnight absence, the Department will not make a payment of travel allowance.

EAG members attending an event where meals are provided will not receive the component of the travel allowance in respect of those meals.

EAG members will be paid travel allowance in accordance with the [Remuneration Tribunal \(Official Travel\) Determination 2022](#) (date of effect 28 Aug 2022).

The level of travel allowance is at the Tier 2 rate.

Current rates of travel allowance as determined by the Remuneration Tribunal are at **Appendix 2**.

Air Travel

All EAG business related flights will be booked by the Secretariat through the Department's travel management company, Qantas Business Travel. When booking travel, the Department is to comply with the Government's 'Best Fare of the Day' policy. The Best Fare of the Day is "the cheapest fare which suits official requirements". Members for this EAG are entitled to fly economy class. Where practicable, EAG members should travel on the day of the meeting.

The Department does not belong to a frequent flyer scheme and members will not accrue frequent flyer points for air travel undertaken in conjunction with EAG related business.

The Department will not pay any additional costs incurred for the member's private business.

The Department will not pay airline lounge membership for EAG members.

Accommodation

Where required, the Secretariat will book accommodation for EAG members up to the Tier 2 rate of travel allowance in accordance with [Remuneration Tribunal \(Official Travel\) Determination 2022](#) at the discretion of the delegate, the First Assistant Secretary, Population Health Division.

Use of Private Vehicle

While air travel is the preferred means of transport, alternative means of travel may be approved when it is considered to be in the best interests of the Department.

Members may claim motor vehicle allowance if they travel by their own vehicle to/from a meeting. Motor vehicle allowance is paid according to the [Remuneration Tribunal \(Official Travel\) Determination 2022](#) (date of effect 28 Aug 2022) a flat rate of 78 cents per kilometre.

Prior to travel the Expenditure Approver has a duty of care to sight a copy of the member's driver licence, insurance and registration documentation.

The member will receive the lesser of the calculated motor vehicle allowance or the amount the Department would have to pay for the flights (where an airline service is not in operation the motor vehicle allowance is payable).

Any traffic or parking infringements sustained by the member will be the responsibility of the member.

18. Payment Arrangements

General Information

Payment of members' travel allowance and additional expenses will be made:

- within one week following the month in which the expenditure is acquitted,
- by electronic funds transfer into a financial institution account of the member's choice.

No EAG payments will be made until a completed EAG Member Onboarding form (**Appendix 5**) has been provided by the member to the Secretariat.

The Department will not pay an organisation for the services of an individual on the EAG.

Business between meetings

A EAG member may be invited to participate in seminars, working parties or other representations between formal meetings. Such participation will be at the member's own expense unless the Chair gives approval for the member to attend in the capacity of the business of the EAG.

The Secretariat must be advised of the participation of a member in such events to enable travel arrangements to be made and payments processed.

The Chair may write and sign letters and conduct business between meetings on behalf of the EAG. The Secretariat should be provided with copies of all correspondence. No daily fees or travel allowance are payable for consultation between meetings.

Additional costs incurred by the member

An incidental component is included in the domestic and overseas travel allowance received by EAG members. The incidentals component provides the member with assistance for costs associated with private telephone calls, extra food or drink, mini-bar, dry cleaning and newspapers.

The Department may reimburse reasonable and legitimate EAG related expenses not covered by the incidental component.

Members may claim additional expenses such as taxi fares, parking fees and EAG related phone calls. Reimbursement for expenses valued at \$82.50 (GST incl) and above, must be accompanied by a tax invoice and all other expenditure should be evidenced by an original invoice or receipt.

Where the EAG member has lost an invoice valued below \$82.50, it is at the discretion of the Department's Expenditure Approver to approve the reimbursement of the unreceipted expenditure. However, in accordance with the Taxation legislation the Department must have the Tax Invoice for goods and services valued \$82.50 (GST incl) and over to claim the input tax credit.

19. Media Contact

All contact with the media will require consultation with the Chair and Secretariat. Any

information to be released to the media will need to be cleared through the Department's Communications Branch.

20. Forms to be Completed

EAG members will need to complete and return the following forms to the Secretariat electronically to §47E(d) [@health.gov.au](mailto:§47E(d)@health.gov.au) or to the following postal address:

LGBTIQA+ Expert Advisory Group Secretariat
Health Equity Branch

§22

Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

In addition to these Member Guidelines (**Attachment A**), attached to your Letter of Offer, you will receive:

- Instrument of Appointment and Acceptance of Appointment Form (**Attachment B**),
- Personal Details Form (**Attachment C**), and
- Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll (External Committee Members) (**Attachment D**).

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21. Appendix 1: List of Secretariat Staff Members

s22	Director, Men's, LGBTIQA+, Children and Young People's Health Health Equity Branch	s22 @health.gov.au	02 6289 s22
s22	Assistant Director, Men's, LGBTIQA+, Children and Young People's Health, Health Equity Branch	s47E(d) @health.gov.au	02 6289 s22

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22. Appendix 2: Travel Allowance Rates

The travel allowance rates (inclusive of accommodation, meals and incidentals) per overnight absence are set out in Part 6: Rates of Travel Allowance in the [Remuneration Tribunal \(Official Travel\) Determination 2022](#) (date of effect 28 Aug 2022). The level of travel allowance EAG members may be reimbursed is up to the Tier 2 rate. Please note the maximum rate members may be reimbursed for accommodation is the travel allowance rate specified in Part 6A or 6B (per the relevant location) of the determination less the meal and incidental rates listed in Part 6C and 6D (per the relevant location).

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Appendix 3: Conflict of Interest Guidance Document (includes scenario examples at the end of this document)

What is a conflict of interest?

A conflict of interest can be defined as '... a conflict between the public duties and personal interests of an employee that improperly influences the employee in the performance of his or her duties.'

"Personal interests" are matters connected to an individual's personal circumstances. They may cover financial (e.g. shareholdings, small business ownership, company directorships or partnerships) and non-financial private interests (e.g. personal or family relationships or associations), as well as the private, professional or business interests of individuals or groups with whom the person has a close association (e.g. spouse or partner, relatives or close friends).

Conflicts of interest may be real or apparent. A real conflict of interest occurs when there is an actual conflict between the public duty and personal interests of an employee that improperly influences the employee in the performance of his or her duties. An apparent conflict of interest occurs where it appears that an employee's personal interests could improperly influence the performance of his or her duties, but this is not in fact the case. A real or apparent conflict of interest for contractors and consultants is any matter, circumstance, interest or activity affecting them (including their personnel) which impairs their ability to provide services to the department fairly and independently, or could be perceived or appear to do so.

The personal interests of an employee's partner or spouse, family members or close personal friends can also present a real or apparent conflict of interest for an employee, when those interests may be furthered or advantage gained through departmental policies, activities or decisions which the employee has knowledge of, or has direct and substantive influence over. Examples of situations in which the personal interests of a partner or spouse, family member or close personal friend can represent a real or apparent conflict of interest for an employee could include:

- the employee is assessing tenders from a company or organisation in which their partner or spouse, family member or close personal friend has an interest (e.g. is the business owner/partner or a company director)
- the employee is responsible for undertaking or determining regulatory activities which apply to a business or organisation in which their partner or spouse, family member or close personal friend has an interest
- two employees are in a close personal relationship or friendship, where one is able to advantage the other by influencing decisions or exercising delegations to favour them in workplace opportunities, or access to conditions, benefits or other entitlements.

The appearance of a conflict of interest is as important as any real conflict of interest. Both these situations have the potential to undermine the credibility of a project, process or decision. In situations of close personal relationships at work, real or perceived patronage or favouritism may impact on morale and productivity, as well as the credibility and professionalism of the individuals.

What needs to be disclosed?

Both section 13(7) of the [PS Act](#) and section 29 of the [PGPA Act](#) require employees to disclose 'material' personal interests relating to their employment with the department. To be 'material', the employee's personal interest must be such that a reasonable person would draw a connection between the interest and the employee's duties (i.e. there needs to be a real or reasonable possibility of conflict with the employee's duties and not simply a remote or theoretical possibility of a conflict occurring).

There is no standard list of items which must be disclosed. Employees need to consider their personal circumstances and disclose those personal interests or relationships which would reasonably be considered as 'material'. Relevant factors in determining what needs to be disclosed include:

- the department's functions and responsibilities and its particular probity concerns and
- the employee's specific role and responsibilities.

Personal interests which could be 'material' and which may need to be disclosed are not limited to financial interests and could include:

- small business ownership
- company directorships or partnerships
- shareholdings
- trusts or nominee companies
- previous employment for employees undertaking specific roles (e.g. regulatory, investigative or compliance)
- real estate investments
- gifts and benefits
- participation on boards or committees
- memberships or affiliations with associations, community groups and other organisations (either past or present)
- paid, unpaid or voluntary outside employment
- personal and family relationships or associations (either past or present)
- hostile relationships with other persons or organisations.

When can a conflict of interest occur?

A conflict of interest resulting from the interaction of an individual's personal interests, relationships or associations (either past or present) with their duties can occur in a wide range of circumstances during the course of their APS career. Without limiting the situations and circumstances where a conflict of interest may arise, the following are some of the more common situations in which employees will need to be aware of real or apparent conflicts of interest.

Participation on committees

The department has a large number of committees. Some comprise a chair and/or members appointed by the Minister. The way in which conflict of interest should be managed for committees will vary depending on:

- the nature of the committee
- the method by which the members have been selected or appointed and
- the extent to which the committee influences decision making, rather than receiving information or providing general advice.

The following model should be applied when the committee is formal, and has significant influence on decision making. This model can be modified as necessary to suit the circumstances of each particular committee, and any specific legislative requirements on the handling of conflict of interest issues (e.g. requirements contained in the [National Health and Medical Research Council Act 1982](#)).

If the appointment is made by the Government, within a month of being appointed, the chair of the committee must give to the Minister, and members of a committee must give to the chair, a written declaration of interests the member has that may relate to any activity of the committee. Chairs of other committees where members are appointed by the department should provide similar information to the Secretary.

In any situation that gives rise to a real or apparent conflict of interest, the member should immediately declare that conflict of interest to the chair of the relevant committee and seek the chair's agreement to retain their position.

In assessing the appropriate response if a conflict of interest has arisen, the chair of the committee should consider both the real or apparent conflict. The department should also be notified of the real or apparent conflict of interest.

If the appearance of conflict may undermine or lead to questions about the credibility of the committee of particular project, the chair should take appropriate action to avoid or minimise that impact. Ideally the person involved should step down from any involvement with that committee or particular project. This, for example, could entail not attending meetings when the committee considers the matter or not taking part in any discussion of the committee in relation to the matter.

If this is not possible because that person is the most suitable, or the only person with the required expertise, the chair should consider ways in which any actual or perceived bias can be overcome (e.g. seeking references, declaring the potential interest in documentation relating to the project). Where relevant, the public consultation process may also minimise the impact of any actual or perceived bias.

Other committees and negotiations

From time to time the department will create time-limited committees, or negotiate with external parties in order to reach agreements. For participants in such committees or negotiations, there remain personal obligations for all involved individuals to recognise and manage any conflict of interest or the appearance of such conflict.

Notwithstanding the personal obligation of each participant, departmental employees must:

- raise and document the real or apparent conflict of interest
- determine how the department should respond to any such conflicts and
- report to the Minister or Secretary as appropriate.

Managers in all forums are expected to remain alert to the possibility of a conflict of interest arising, and to raise it with the committee or other relevant body if deemed necessary. However, the actual method of dealing with a conflict of interest needs to fit the situation. The above principles apply equally to internal committees in the department where there are no or few external members. However due to the nature of the committee and the issues discussed, conflicts of interest may arise less frequently.

Regardless of the situation, it is essential that:

- any conflict of interest disclosed during a committee meeting is recorded in the minutes
- a conflict of interest disclosed to the chair outside meeting times is recorded in the minutes of the next committee meeting and
- copies of any declarations of interest are kept on file.

If minutes are not generally kept of a committee's proceedings, then the chair of the committee is responsible for documenting in a file note the declaration and subsequent decision on resolving the conflict.

Insider trading

Insider trading is the trading of securities or a wider set of financial products (as defined in s.1042A of the [Corporations Act 2001](#)) while in possession of information which is not generally available; and if it were, would be likely to have a material effect on the price or value of the security. Insider trading is prohibited under the [Corporations Act 2001](#) and has significant criminal penalties. Insider trading by a member would also be a breach of the APS Code of Conduct requirements to:

- Behave honestly and with integrity in connection with their APS employment
- Comply with all applicable Australian laws when acting in connection with their APS employment
- Not improperly use inside information to gain, or seek to gain, a benefit or an advantage for the employee or any other person and
- Behave at all times in a way that upholds the [APS Values](#) and [APS Employment Principles](#); and the integrity and good reputation of the department and the APS.

Members should be aware that any information they access as a result of their employment with the department may potentially be considered as 'inside' or commercially sensitive information and, as such, they must not trade in shares or other financial products or induce others to do so on the basis of that information. Members must make an assessment of whether any information they have access to in the course of the duties would be considered to be inside information for this purpose, with key considerations being that:

- the information is not 'generally available' (as defined in s.1042C of the [Corporations Act 2001](#)) and
- if it was generally available, a reasonable person would expect it to have a 'material effect' (as defined in s.1042D of the [Corporations Act 2001](#)) on the price or value of financial products.

Scenario examples

Situations in which ‘conflict of interest’ (actual, potential or perceived) may arise in relation to external committee members

We further note the template at Appendix 4 also provides general examples of the circumstances where a member should provide a conflict of interest declaration. We consider those examples more broadly reflect the circumstances in which a conflict of interest may arise than the examples below.

Example 1

Person A is appointed to an advisory group tasked with reviewing the efficacy of various medicines that receive government subsidies. The advisory group’s recommendations will be provided in a Report to the Minister and could potentially inform whether the medicines being reviewed will continue to be subsidised. Person A holds shareholding in a pharmaceutical company that manufactures a medicine being reviewed by the advisory group. Their spouse is the CEO of a pharmaceutical company which manufactures medicines being reviewed by the advisory group. Person A must disclose their shareholding because they have a financial interest in a medicine being reviewed by the advisory group. There is also a risk of a conflict (potential or perceived) in relation to their spouse’s work. Therefore, Person A should also disclose information about the nature of their spouse’s work.

Example 2

Person B is a member of an independent panel that reviews applications for the supply of a particular type of test kit. The panel provides its recommendations (including in relation to performance of the kit) to the relevant drug authority, who determines whether the test kit can be approved for supply based on the statutory requirements. The panel’s recommendation can also be used to inform government decision on which supplier’s test kit should be purchased for the national stockpile. While Person B predominately works as a medical researcher, through a consultancy arrangement, Person B occasionally collaborates with a testing company to develop and potentially commercialise test kits, that may be reviewed by the panel. Person B should disclose information about their consultancy arrangement with the testing company as there is a conflict with Person B’s role on the panel. This conflict arises even though there is no testing kit currently commercialised and being considered by the panel.

Example 3

Person C is a member of a panel that assesses proposals for research funding and makes recommendations to an Agency’s board as to which proposals should be awarded funding. One of the proposals, is from an organisation that Person C had recently provided consultation services in relation to an unrelated project. Person C does not know the individuals who submitted the proposal from the organisation in question and members of the panel are not aware of Person C’s previous work with that organisation. There is a risk that assessment of the proposal by Person C could give rise to a reasonable apprehension of bias on the basis that Person C is directly or indirectly affiliated with the organisation seeking the grant. As a matter of caution, after becoming aware of the conflict, Person C should immediately disclose their affiliation with the organisation and not assess the relevant proposal unless the potential conflict can be otherwise appropriately managed.