

# The Treasury

## Prime Minister's Emerging Priorities Fund: Support for Rainbow Communities Information Release

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Office of the Prime Minister

Office of the Minister of Finance

Office of the Minister of Health

Chair, Cabinet Business Committee

## **PRIME MINISTER'S EMERGING PRIORITIES FUND: SUPPORT FOR RAINBOW COMMUNITIES**

### **Purpose**

1. This paper seeks agreement to use the Prime Minister's Emerging Priorities Fund to provide seed funding for a Rainbow Wellbeing Legacy Fund and to provide a one-off contribution towards the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) World Conference in Wellington (20-23 March 2019). The paper seeks agreement to commit \$1.070 million, funded from the Prime Minister's Emerging Priorities Fund.
2. In 2017 the Government proposed legislation to expunge wrongful convictions for homosexual acts prior to the decriminalisation in 1986. At the same time the Government issued an apology to these people. The decision was made not to offer compensation. We now seek, in agreement with the Prime Minister, to acknowledge these people through the establishment of a Rainbow Wellbeing Legacy Fund. It will contribute to better mental health and wellbeing outcomes for, in particular, young and marginalised rainbow peoples. It will mean that the indignities they suffered are now being met with a Fund that demonstrates more acceptance and support for rainbow communities.
3. The contribution towards the ILGA World Conference will enable the voluntary host organisations to deliver the event while breaking even. This global event promotes human rights and has not been held in New Zealand before. It presents a unique opportunity for LGBTIQ+ peoples in New Zealand and the Pacific Islands to participate in this important forum.

### **Rainbow Wellbeing Legacy Fund Trust**

4. Members of the rainbow community have proposed the creation of a private charitable trust, the Rainbow Wellbeing Legacy Fund Trust, and this paper proposes that the Government provide the Trust with a one-off endowment of \$1.000 million. The endowment will establish a base from which the Trust will administer the payment of annual grants to support organisations that enable better mental health and wellbeing outcomes in New Zealand rainbow communities, with a particular focus on organisations that support young people.
5. It is envisaged that the Rainbow Wellbeing Legacy Fund Trust will be established as a private charitable trust in the coming months and would register under the Charities Act 2005. The Minister of Finance and the Minister of Health (the Joint Ministers) expect the Trustees to prepare a fundraising and grant strategy for administering and sustaining the fund over time. For clarity, the strategy is envisaged to have a fundraising focus, not an investment growth focus. If these strategies are approved, and if Joint Ministers are satisfied that the Trust Deed

provides adequate assurance that the money will be spent as intended, then Joint Ministers will approve:

- the payment of the \$1.000 million endowment, and
  - upon review of any invoices relating to the establishment costs, then up to \$0.020 million (\$20,000) will be provided to cover any necessary legal costs related to the establishment of the Trust. We anticipate that the Trustees will be people with the skills to administer a fund of this size, create a strategy to grow the fund over time, and have connections to and within the rainbow communities.
6. Officials from the Treasury and the Ministry of Health will receive the strategies and invoices prior to September, and advise Joint Ministers in order for them to decide whether to approve the payment per the following indicative timetable:
- April to June 2019: Establishment of the private charitable trust and appointment of the Trustees
  - June to August 2019: Trustees develop a fundraising and grant strategy
  - September 2019: Joint Ministers receive the Trustee's fundraising and grant strategy and, if accepted, approve the payment of up to \$1.020 million.

### **Support for 2019 ILGA World Conference**

7. The Government will make a one-off contribution of \$0.050 million (\$50,000) to the Tīwhanawhana Trust (Tīwhanawhana) to support New Zealand hosting the 2019 World Conference of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA).
8. ILGA is a federation of member organisations dedicated to achieving equal rights for LGBTIQ+ people. The 2019 World Conference was hosted in Wellington between 20 and 23 March 2019. This has been an opportunity for New Zealand to lead important human rights discussions and to showcase our inclusive country, with up to 500 people from around the world coming to New Zealand to discuss issues affecting the rainbow community. In particular, this is the first time an ILGA conference has been held in New Zealand and therefore represented an opportunity for Takatāpui and LGBTIQ+ communities from New Zealand and the wider Pacific region to experience this international forum.
9. Organising an ILGA World Conference is a massive undertaking. The events are led by voluntary groups, including Tīwhanawhana, who have been working very hard to raise sufficient funds. They have received good support from Wellington City Council, Victoria University of Wellington, private sector and some philanthropic foundations. However they are short of what is needed to provide the manaakitanga expected for an international event. In addition, the organisers are committed to funding the participation of around 170 people from low income backgrounds including from the Pacific Islands.
10. In this context, the organisers have recently approached the Government for additional support to deliver the event without compromising the sustainability of the 2019 World Conference. This paper seeks to provide a one-off contribution of \$50,000 to Tīwhanawhana to enable the Conference to be delivered on a break-even basis. Without this funding, the voluntary organisations will fall into substantial deficits with few options to address them.
11. Tīwhanawhana is a national takatāpui community group based in Wellington that welcomes people of diverse sexualities and gender identity. Since its formation in 2001 as a group

preparing to represent Wellington Takatāpui at the Gay Games in Sydney, 2002, Tīwhanawhana became legally constituted as a Charitable Trust (2226813) in 2009. The kaupapa of the group is primarily for takatāpui to build their community, tell their stories and leave a legacy that will inspire others. The group gives meaning through kapa haka, advice, advocacy and support of the LGBTIQ+ community. The Chair is Dr Elizabeth Kerekere, the Deputy Chair is Kevin Haunui and the Treasurer is Heta Timu.

### **Consultation**

12. This paper was prepared in consultation with the Treasury, the Ministry of Health, and Inland Revenue.

### **Financial Implications**

13. The Prime Minister has decided that she wishes to make these contributions from her Emerging Priorities Fund through Vote Health. As Minister of Finance, I can confirm there are sufficient resources in the Fund to do this.
14. The costs are anticipated to consist of a payment of up to \$1.020 million for the Rainbow Wellbeing Legacy Fund endowment (including up to \$0.020 million to meet any costs of establishment for the Rainbow Wellbeing Legacy Fund Trust) and \$0.050 million as a one-off contribution to the Tīwhanawhana Trust in relation to the ILGA 2019 World Conference, totalling \$1.070 million exclusive of GST.

### **Legislative Implications**

15. This paper has no legislative implications.

### **Impact Analysis**

16. An impact analysis is not required as this paper does not propose legislative or regulatory changes.

### **Human Rights**

17. The proposals in this paper are not expected to be inconsistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### **Gender Implications**

18. This paper is intended to support rainbow communities through the establishment of a Charitable Trust focussed on providing funding to organisations that support improved mental health and wellbeing among the LGBTIQ+ communities, particularly young people. These communities include women, trans and gender-diverse New Zealanders who I anticipate will be benefited from the Rainbow Wellbeing Legacy Fund.

### **Disability Perspective**

19. None.

### **Publicity**

20. I do not propose any announcement prior to the establishment of the private Charitable Trust. The Prime Minister may announce the establishment of the Rainbow Wellbeing Legacy Fund after Joint Ministers have approved the payment, in honour of the people who received an apology from the House of Representatives and had their convictions expunged in 2017. There may be further announcements when the Trustees are appointed and when the Trust provides its first Rainbow Wellbeing Legacy Fund grants.

21. I do not propose any significant announcements relating to the ILGA contribution. The appropriation change will be recorded in the 2018/19 Supplementary Estimates within Vote Health.

## Recommendations

1. **Note** that the Prime Minister's Emerging Priorities Fund was established in 2016 and its use is at the discretion of the Prime Minister.
2. **Note** that the Prime Minister wishes to use the resources from the Emerging Priorities Fund to support these two initiatives for the rainbow community.
3. **Agree** to draw down from the Emerging Priorities Fund up to \$1.070 million for:
  - 3.1. A one-off endowment of the Rainbow Wellbeing Legacy Fund following the private establishment of a Charitable Trust (up to \$1.000 million);
  - 3.2. Covering the legal costs associated to the establishment of the Rainbow Wellbeing Legacy Fund Trust (up to \$0.020 million); and
  - 3.3. A one-off contribution towards the 2019 World Conference of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (up to \$0.050 million).
4. **Note** that the charitable trust should register under the Charities Act 2005, if it is to be exempt from income tax.
5. **Note** that any payment will be subject to Minister of Finance and the Minister of Health (the Joint Ministers) being satisfied that the terms of the Trust Deed are sufficient to ensure that the money will be spent as intended, and that a sustainable fundraising and grant strategy are in place.
6. **Note** that the Rainbow Wellbeing Legacy Fund is intended to support organisations that work with the rainbow community, in particular young people, to improve mental health and wellbeing outcomes, and as a means to honour those who went through the shame and stigma associated with wrongful convictions prior to the 1986 Homosexual Law Reform.
7. **Note** that Government's endowment will be a one-off contribution and that the Trust will become responsible for growing the fund and allocating grants.
8. **Authorise** the Minister of Finance and the Minister of Health (the Joint Ministers) to take decisions in relation to the payment of the endowment, and any establishment expenses.
9. **Approve** the following changes to appropriations to give effect to the decisions in recommendations 1-7 above, with a corresponding impact on the operating balance and net core Crown debt:

Vote Health Minister of Health	\$m – increase/(decrease)				
	2018/19	2019/20	2020/21	2021/22	2022/23 & Outyears
Non-Departmental Output Expense: <i>Public Health Services Purchasing</i>	0.060	1.010	-	-	-
<b>Total Operating</b>	<b>0.060</b>	<b>1.010</b>	-	-	-
<b>Total Capital</b>	-	-	-	-	-

10. **Agree** that the changes to appropriations for 2018/19 above be included in the 2018/19 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply;
11. **Agree** that the expenses incurred under recommendation 9 above be charged against the Emerging Priorities Fund established as part of Budget 2016.
12. **Invite** the Minister of Finance and the Minister of Health to report back to Cabinet within twelve months of the payment of the Rainbow Wellbeing Legacy Fund endowment on the impact on improving mental health outcomes among rainbow communities.

Authorised by:

Rt Hon Jacinda Ardern  
Prime Minister

Hon Grant Robertson  
Minister of Finance

Hon Dr David Clark  
Minister of Health