

**Submission
No 8**

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

Name: Mr Alex Greenwich

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Mr Clayton Barr, MP
Chair
Legislative Assembly Committee on Community Services
NSW Parliament House

Sent via: communityservices@parliament.nsw.gov.au

Dear Clayton

Equality Legislation Amendment (LGBTIQA+) Bill 2023 Inquiry

I write to make a submission on the inquiry into the provisions of the Equality Legislation Amendment (LGBTIQA+) Bill 2023 (the Equality Bill), which I introduced into Parliament on 24 August 2023.

The Legislative Assembly unanimously referred my bill to this inquiry to ensure that the parliament has sufficient information to understand its provisions and why they are so vital to the health and wellbeing of LGBTIQA+ people.

In 2024 all residents in New South Wales should be treated with dignity and respect, however sadly I regularly hear from LGBTIQA+ people from across the state about lawful discrimination that impacts on their health and wellbeing, particularly students and teachers at private schools, and trans and gender diverse people with inaccurate state documentation. In March 2022, the NSW LGBTIQ+ Health Strategy 2022-2027 was released, identifying significant poor health and wellbeing as a result of chronic exposure to discrimination and stigma. The evidence clearly showed an urgent need to remove legislative discrimination targeted at LGBTIQA+ people.

The piecemeal approach to reform of the past has been too slow and has not delivered the changes needed to eliminate the poorer outcomes experienced by LGBTIQA+ people. Continuing this bit-by-bit approach would only prolong suffering and prevent the state from achieving the important goals set out in the health strategy.

In March 2022 after release of the health strategy, I invited LGBTIQA+ stakeholders, experts and parliamentary colleagues to make submissions on modernising the entire directory of New South Wales law with the aim to reduce discrimination and make the state fairer and more inclusive. Over 20 organisations made submissions, including Equality Australia which made two comprehensive reports that were endorsed by 32 organisations, 22 of which had not made separate submissions.

The process showed how far New South Wales has fallen behind other states and territories in protections for LGBTIQA+ people, particularly around anti-discrimination and legal gender recognition. The process also showed strong consensus within the community for a wide range of reforms. Following close assessment of submissions, I sent drafting instructions to Parliamentary Counsel in October.

My bill to ban conversion practices was part of this package however the parliament has dealt with this reform through government legislation. Also included was a bill to establish a framework for consent for medical interventions performed on infants born with variations of sex characteristics however this is on hold pending work between NSW Health, intersex organisations and the medical profession. The legislation up for debate from this process is my Equality Bill.



Since introducing the Equality Bill, I have been working productively with the NSW government to address operational impacts of the legislation. Following discussions with NSW Health, I intend to withdraw provisions to the regulation of gender affirming care that would legislate Gillick competence due to potential unintended consequences. I await advice on whether amendments are needed to ensure Corrective Services NSW can continue to determine the appropriate accommodation for trans and gender diverse detainees on a case-by-case basis. I also await information on whether the government requires any further operational amendments.

I have discussed the provisions in my bill with faith groups including the Uniting Church, the Archbishop of Newcastle and the Better Balanced Futures, with unions, the NSW Australian Medical Association, disability advocates, Domestic Violence NSW, parliamentary colleagues, and large employers.

The bill is now before the committee to assess ahead of debate and vote in Parliament. It presents a clear pathway to improving the safety and wellbeing of LGBTIQ+ people and ensuring they can live their best lives. The provisions in my bill are detailed and explained in my introductory speech.

The bill seeks to ensure LGBTIQ+ people in New South Wales are treated with the same dignity and respect as LGBTIQ+ people in other states and territories.

In addition to my bill, there are a number of steps the NSW government could take to improve the safety and wellbeing of the LGBTIQ+ community including:

1. Implementing the recommendations of the Special Commission of Inquiry into LGBTIQ+ hate crimes;
2. Establishing an LGBTIQ+ whole of government advisory panel and a minister with portfolio responsibility for the community; and
3. Properly and recurrently funding organisations who provide support, services and advocacy for the LGBTIQ+ community.

I would be happy to present to the committee at a hearing and answer any questions you may have.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Alex Greenwich
Member for Sydney