

**Submission  
No 9**

## **EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023**

**Organisation:** Inner City Legal Centre (ICLC)

**Date Received:** 11 April 2024

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Mr Clayton Barr, MP  
Chair, NSW Legislative Assembly Committee on Community Services  
Via email: [communityservices@parliament.nsw.gov.au](mailto:communityservices@parliament.nsw.gov.au).

Dear Mr Barr

**RE: Inquiry into the provisions of the Equality Legislation Amendment (LGBTIQA+) Bill 2023**

We are pleased to make the following submission on behalf of the Inner City Legal Centre (**ICLC**). The ICLC is a community legal centre based in Kings Cross which has provided free legal advice to people on low incomes from our catchment areas of the Sydney, Woollahra and Waverley local government areas since 1980.

The Centre also provides statewide legal services to lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) clients. These services include:

- the LGBTIQ+ Legal Advice Service, which provides advice on issues including discrimination, homophobic or other violence and vilification, neighbourhood disputes, domestic violence and employment;
- the Safe Relationships Project at the Downing Centre Local Court, which provides court assistance and other support for people who are gay, lesbian or bisexual; people who are transgender; and people who are intersex and are experiencing or escaping an abusive relationship. The Project can assist clients in accessing legal representation and to apply for Apprehended Domestic Violence Orders (ADVO) or Apprehended Personal Violence Orders (APVO) to help put an end to the violence they are experiencing. This ensures that a person's right to safety is protected through the legal process no matter what their sexual orientation is;
- the LGBTIQ+ Family Law Service, which provides advice on family law issues, including divorce, separation, de facto couples, same sex couples, parenting issues, family mediation, property disputes, child support and court procedure;
- the Trans and Gender Diverse Legal Service. This service provides free legal advice for trans and gender diverse people living across NSW in relation to changes of name and birth records, discrimination, employment, family law, employment and criminal law. As a dedicated service, our Trans and Gender Diverse Legal Service

responds to the unique needs of trans and gender diverse people, and ensures that this important part of our community has access to appropriate support and assistance; and

- The Sex Worker Legal Service, which provides free legal advice across NSW in relation to discrimination, sexual assault, work place rights and criminal law.

The ICLC also engages in advocacy and strategic litigation and undertakes law reform work to promote and protect the rights of LGBTIQ+ people across NSW. We actively engage with LGBTQIA+ people through a range of community activities including Mardi Gras, Fair Day, NAIDOC, Reconciliation Week, Invasion Day, Trans Day of Visibility, Remembrance and Resistance, Wear it Purple Day, World Aids Day and World Pride.

**Drawing on our extensive experience working with LGBTQ+ clients across NSW, the ICLC strongly supports the proposals included in the Equality Legislation Amendment (LGBTQIA+) Bill 2023 (the Bill). We would urge the Committee and the NSW Parliament to support the provisions of the Bill and ensure its commencement as soon as possible.**

LGBTQIA+ people evidently continue to experience discrimination, harassment, vilification and unfair treatment based on their sexual orientation and gender identity. More than 20% of our clients at ICLC in the last year were members of the LGBTQIA+ community and this number continues to increase, year on year. While of course this Bill will not resolve every legal issue facing the diverse experiences of LGBTQIA+ people in NSW, it represents an important step forward in addressing key areas of law which impact on the capacity of LGBTQIA+ to experience equality under the law and live with dignity and respect.

In that regard, we note that the Bill as drafted proposes changes to 20 laws across areas that we believe are critical to improving protections for members of the LGBTQIA+ community and for sex workers in relation to improved protection from discrimination, identity documentation, protections from violence, access to non-discriminatory health care, better recognition of diverse families and equality of protection before the law. We strongly urge the Committee and NSW Parliament to progress each proposed amendment as a matter of urgency.

We note that the terms of reference for this inquiry also include consideration of additional ways of improving the safety and wellbeing of the LGBTQIA+ community.

Our LGBTQIA+ programs provide independent, holistic, and trauma informed services that help to keep people safe, protect their legal right to non-discrimination and prevent them from ending up in jails, hospitals and on the streets. However, we receive little support from the State Government, and Federal Government funding has failed to keep up with increasing costs over a number of years. This reality has left the ICLC facing an overwhelming demand for services and workforce challenges including recruiting and

retaining skilled staff. This issue, and how it affects our Centre, has recently received media attention.<sup>1</sup>

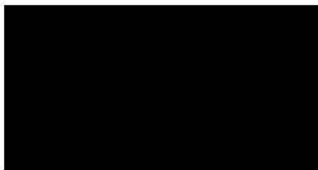
Our Trans and Gender Diverse Legal Service in particular has seen significant success in an area of law experiencing steep increases in demand, aiding clients in relation to matter including changing their name and gender on identification documents, dealing with discrimination, family and criminal law matters, and navigating complex legal procedures for vulnerable clients. But while this service, the first of its kind in Australia, has continued to grow in profile and awareness within the community, the Centre has no dedicated funding for this work. At a time in which trans and gender diverse people are experiencing continuing public attention, properly funded specific services grounded in knowledge of trans related legal issues, and that offer safe spaces where the experiences of trans folk are understood, represented, and advocated, for is vital. Providing these services without commensurate resourcing, means our reach – particularly into regional and remote NSW – is limited, and we sometimes need to turn away people who are in need.

A National Review of the legal assistance sector as a whole is underway through a periodic review of the National Legal Assistance Partnership, which governs State and Commonwealth funding of Legal Aid, Aboriginal Legal Services and Community Legal Centres.

We urge the Committee to recognise the importance of properly funding this vital work and urge the Commonwealth and State Attorney's General to support us to build upon our well established and trusted reputation as leaders of this important work.

Thank you for your consideration of our submission, and please feel welcome to contact us if you would like any further information.

Kind Regards,



**Katie Green**  
**Managing Principal Solicitor**  
**INNER CITY LEGAL CENTRE**



**Olivia Ronan**  
**Chair**  
**INNER CITY LEGAL CENTRE**

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<sup>1</sup> See, for example, Justice Dennis, "Lawyers are leaving the community legal sector due to low pay, creating an experience gap", *ABC News* (online, 9 Apr 2024), available at <<https://www.abc.net.au/news/2024-04-09/qld-community-legal-sector-young-lawyers-leaving-call-for-funding/103638270>>.