

**Submission
No 55**

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

Organisation: Public Service Association of NSW

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Public Service Association of NSW
General Secretary Stewart Little **President** Nicole Jess

160 Clarence Street, Sydney NSW 2000 GPO Box 3365, Sydney NSW 2001
☎ 1300 772 679 📠 (02) 9262 1623 ✉ psa@psa.asn.au 🌐 www.psa.asn.au 📄 ABN 83 717 214 309

15 April 2024

Mr Clayton Barr MLA
Chair, Legislative Assembly Committee on Community Services
Parliament House
Macquarie St
Sydney NSW 2000

Dear Mr Barr, *Clayton*

Inquiry into Equality Legislation Amendment (LGBTIQA+) Bill

Thank you for the opportunity to submit to this Inquiry.

The Public Service Association (PSA) represents state public servants from across all government Clusters, Departments and State-Owned Corporations, including the tertiary education sector within NSW. Our primary role is to represent our 40,000 members and protect their Industrial rights. Within the PSA, the Pride Council has been formed; this council contains members who are part of the LGBTQI+ community and are elected by their peers.

In terms of the Bill:


- We broadly support both the intention and content of the Bill, noting these changes are long overdue, and align NSW with other Australian jurisdictions.
- We strongly support proposed amendments to the *Government Sector Employment Act 2013 No 40* (Schedule 12) and *Government Sector Employment (General) Rules 2014* (Schedule 13) to:
 - Include sexual orientation and variations of sex characteristics in the definition of workforce diversity, which would enable the public service to address issues relating to sexual orientation and variations of sex characteristics in workforce planning.
 - Publish a diversity and inclusion standard, setting targets and quotas for workplace diversity to drive increases in diversity within public service workplaces.
 - Include provisions for leave for gender-affirming care, noting this provision is not included in any current NSW Government sector award or industrial instrument, despite inclusion in comparable awards in states such as

Victoria and Tasmania – and call on the NSW Government to include an entitlement in our Awards.

- Minimise barriers to intersex and transgender persons seeking employment in a government sector agency, given the systemic disadvantages transgender and intersex people face.
- We strongly support proposed amendments to the *Anti-Discrimination Act 1977 No 48* (Schedule 1) to require government forms to allow a person's sex to be described in a non-binary way, and relationships to be described without indicating either person's sex, given this minor administrative change will ensure the public service better reflects the diversity within our community.

We expect the PSA, as the leading public sector trade union, and other government sector unions, will be consulted on the implementation of these changes, particularly in relation to the *Government Sector Employment Act 2013 No 40* and *Government Sector Employment (General) Rules 2014*.

The Bill should also address faith-based not-for-profit organisations funded by the NSW Government to provide child protection and out-of-home care services who discriminate against same-sex couples. This has resulted in Aboriginal children being placed outside of their own community, as family members who were willing to provide a home for these children were in same-sex relationships and so were deemed to be unacceptable by the faith-based organisation involved.

Please do not hesitate to contact our President, Nicole Jess  should you wish to follow up on this submission.

Yours sincerely, 


Stewart Little
General Secretary