



# NSW and the “Equality” Bill

## What You Need to Know

An analysis of Alex Greenwich MP’s Equality  
Legislation Amendment (LGBTIQA+) Bill 2023

Prepared In October 2023 by representatives of Australian Feminists For Women’s Rights,  
Coalition of Activist Lesbians, LGB Alliance Australia and the Women’s Rights Network Australia.

# Executive Summary

The Equality Legislation Amendment (LGBTIQA+) Bill 2023 (the Bill) was introduced into the Parliament of NSW by the Independent MP for Sydney, Alex Greenwich, on 24 August. The cognate Bill seeks to amend 22 existing NSW Acts.

The Bill, if passed, will have serious consequences for women, lesbian and gay citizens, and children. It will have consequences for the accurate collection of data, making it impossible to track sex-based discrimination and inequality.

In summary, the Bill:

- Erodes the **rights of females to single sex spaces, services and sport** by introducing **sex self-ID** – any male can be legally recognised as a female simply by getting a friend to sign a statutory declaration. This removes basic safeguarding and puts females at risk from predatory males.
- Allows **minors to transition** without the consent or knowledge of parents/carers.
- **Redefines sex and sexual orientation** in law and legalises the fiction that there are more than two sexes.
- Encourages the **sexual exploitation** of women and girls by promoting prostitution.
- Encourages the **reproductive exploitation** of women by removing barriers to commercial surrogacy.
- Restricts **freedom of expression and association**.
- Infringes on the **rights of government employees** in the courts, prison and police systems.

- Infringes on the rights of prisoners **to same sex space**
- Impacts **government workplaces**.

The only elements of this Bill that can reasonably be supported are those that will end employment discrimination against gay, lesbian and bisexual people. We believe the current review of the *Anti-Discrimination Act* (NSW) is the appropriate way for these changes to be considered.

# Erosion of women's and girls' rights: The impact of Sex Self-ID

(Schedule 2: Amendment of Births, Deaths and Marriages Registration Act 1995 No 62)

The proposed amendments simplify the process for people aged 16 and older to change their sex descriptor on Birth Certificates. They simply need to submit an application to the Registry of Births, Deaths, and Marriages, accompanied by a statutory declaration from someone who has known them for at least 12 months, attesting to their intention to live as 'another sex'.

The reality of this amendment is that any male, regardless of his 'gender identity' *and* without undergoing gender affirmation (or, indeed, 'sex-reassignment' surgery), can change his sex and access spaces and services meant for females.

This removes all safeguarding for NSW women and girls:

- Women and girls will lose their right to **single-sex spaces and services**, including sports, healthcare, DV shelters, changing rooms, awards, scholarships.
- Vulnerable **women prisoners** will be forced to share space with violent males 'identifying' as women.
- Women from CALD backgrounds and faith communities will **avoid public places and sport** due to male presence.
- Elderly, disabled, and vulnerable women won't be able to request **female healthcare workers or carers**.
- Lesbians will not be able to meet socially in a **lesbian-only space**; this is already destroying lesbian culture that has taken decades to build.

The Bill allows 16- and 17-year-olds, who are not considered mature enough to drink, drive, vote, get married, or even get a tattoo, to legally change their sex by signing a form. This can lead to serious consequences, as evidence shows most young people who socially transition end up on harmful puberty blockers or cross-sex hormones.

There are many examples of sex self-ID harming women:

- Women are losing their places in sports teams, prizes and money, to men.
- Vulnerable female prisoners are forced to share facilities with violent male criminals, sexually harassed, raped and even have an unwanted child.
- Female-only services have lost funding for excluding males.

- Children are exposed to naked men in traditionally private and protected spaces for girls and boys.
- Lesbians are harassed & raped by males who insist they're lesbian.

The Bill could make it illegal for NSW women to gather without men claiming to be female. We've seen this in other states:

- The Lesbian Action Group was barred from hosting a female-only event in the Melbourne Pride Centre in 2023
- A lesbian group in Tasmania in 2022 was barred from holding an event that excluded 'people with penises'.
- Sapho's Party won their court case for a lesbian-only private event in South Australia in 2006 but were not awarded damages and had to pay \$10,000 court costs.

*These changes would place NSW in breach of Article 20 of the Universal Declaration of Human*

#### EXAMPLE

Bob is a 6'2 office worker and a keen footballer. He weighs 120 kg. On the inside, Bob feels he is really a woman named Sally.

After living as Bob for 47 years, he decides it is time to come out as Sally. A friend he met 12 months ago witnesses a stat dec for him and he pays \$140 to change his sex descriptor on his Birth Certificate from male to female.

Bob/Sally doesn't want to medically transition. He prefers to continue wearing jeans and t-shirts most days.

Everyone must treat Bob as female. He has immediate access to the female toilets at work.

After work, Bob visits a swimming pool and uses the female change rooms, where minor females change out of their wet swimmers and shower in the nude.

A mother complains to management – but she is told that Bob has every right to be in the female change rooms because he is legally female.

*Rights: "Everyone has the right to freedom of peaceful assembly and association."*

# Minors can transition without parental consent or knowledge

*(Schedule 2: Amendment of Births, Deaths and Marriages Registration Act 1995 No 62; Schedule 3 Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157)*

Children under 16 will be able to apply to the NSW Civil and Administrative Tribunal (NCAT) to change their legal sex. The sole requirement is providing 'a statement from a person who has provided counselling' to the child.

It's unclear how a child can assess the counsellor's qualifications, and there's no requirement for the counsellor to be a registered, trained child psychologist. Parental responsibilities are denied.



NCAT cannot notify parents/carers if the child believes this could 'adversely affect' them.

The proposed legislation also allows one parent to apply to NCAT to change the child's legal sex, even if the other parent or carer disagrees. The applicant's parent just needs to state that the child received counselling on the matter.

There is a lot of evidence on the risks of puberty blockers and cross-sex hormones.

**EXAMPLE**

Meet Ruby. Ruby is a 10 year old boy. He likes wearing dresses and has long hair.

Ruby uses a 'girly' name when his name is Ryan.

The gender clinic advises Ruby's parents to affirm Ruby's belief he is a girl.

Ruby's parents tell everyone he is a girl and he uses female-only toilets at school, wears the girls' uniform and goes to sleepovers with girls.

When Ruby starts puberty, he will be given an experimental drug called 'Lupron' that will prevent development of his healthy brain, bones and sex organs.

It is likely that Ruby will grow up to be infertile and never experience orgasm or other sexual functioning when he reaches adulthood.

Legislation removing safeguards and enabling minors to make such life-altering decisions without proper medical or psychological oversight is deeply concerning.

# Redefines sex and sexual orientation

*(Schedule 1 Amendment of Anti-Discrimination Act 1977 No 48; Schedule 2 Amendment of Births, Deaths and Marriages Registration Act 1995 No 62.*

Sex is binary – either male or female. Even variations of sexual development (intersex) fall within these categories. The Bill proposes significant changes to the meaning of sex and sexual orientation.

**Multiple sex descriptors:** The Bill amends various acts to legally recognise multiple sexes. It allows for any sex descriptor to be registered under the *Births, Deaths and Marriages Registration Act* (NSW) (BDM Act). This has far-reaching implications for sex-segregated services and data collection.

**Expanded sex descriptors:** Under the BDM Act (NSW), the Bill permits sex descriptors to include "male," "female," or "any other descriptor of sex" (except offensive terms). This allows people to legally register made-up sex descriptors, recognising nonsensical concepts "non-binary," "genderqueer" or brother boy/sister girl as examples of alternate legal sex.

**Change in terminology:** The Bill alters terminology in various acts, changing references from "opposite sex" to "another sex". For instance, "living as the opposite sex" becomes "living as another sex", implying the existence of more than two distinct sexes, which is factually incorrect.

**Redefined discrimination:** Part 4C of the *Anti-Discrimination Act* (NSW) (ADA Act), previously about "Discrimination on the basis of homosexuality," is renamed "Discrimination on the basis of sexuality." It replaces the definition of "homosexual" with a broader one encompassing homosexual, bisexual, and asexual orientations. The definition does not include "heterosexual".

These proposed changes have significant implications for legal definitions of sex, the provision of services, and anti-discrimination measures.

Governments need accurate data on sex to develop policies and allocate funding. This won't be possible with multiple

definitions of sex and by conflating sex with gender. The UK Government has recently announced a review of the way public organisations collect statistics and conduct research on sex and gender to ensure all data is accurate and reflects reality.

## Encourages the exploitation of women

*(Schedule 18 Amendment of Summary Offences Act 1988 No 25; Schedule 1 Amendment of Anti-Discrimination Act 1977 No 48; Schedule 6 Amendment of Crimes Act 1900 No 40; Schedule 19 Amendment of Surrogacy Act 2010 No 102)*

The Bill amends laws to make it easier for women to be coerced into sex work, and to remove barriers to commercial surrogacy.

The Bill amends the *Summary Offences Act* to remove all offences relating to prostitution. This includes the crime of living on the earnings of prostitution, causing or inducing prostitution, or coercing a sex worker to give up their earnings – in other words, pimping.

It is currently against the law for sex workers to solicit or work near or within view of homes, schools, churches or hospitals. These amendments would make it legal for sex workers to solicit for work near schools or in residential areas and for sex work to be conducted near or in these places.

*These changes would place NSW  
in breach of Article 6 of United Nations*

*Convention on the Elimination of all forms of Violence Against Women: “Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”*

The Bill also proposes changes that will criminalise vilification against sex workers. The maximum penalty is three years imprisonment. Under these proposed changes, sex workers are the *only* occupation to be protected.

Sex work is a dangerous occupation for women, with long-term impacts on their mental and physical health. Many women are trafficked into the industry and suffer horrendous abuse and loss of freedom. This Bill seeks to normalise and indeed encourage sex work as a viable career choice for women, while at the same time treating sex work as something to be protected under anti-discrimination law.

The *Surrogacy Act* prohibits commercial surrogacy in NSW. The Equality Bill will make it legal to engage in commercial surrogacy by removing a ban on commercial surrogacy arrangements outside of NSW and allowing courts to issue parentage orders to intending parents of children born from these arrangements.

Commercial surrogacy is an affront to the rights of children and

encourages the exploitation of women's bodies – most commonly low-income and disadvantaged women The [United Nations has warned](#) that children risk becoming 'commodities' due to the growth in this unethical practice and is an area of concern for the rights and protection of the child.

# Restricts freedom of expression

*(Schedule 8 Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80)*

The Bill would criminalise ‘outing’ someone’s sexual orientation or gender identity. This would apply to social media – making it a criminal offence to correctly refer to a male person as a ‘man’ or a female person as a ‘woman’. It could criminalise a person whose partner has told them they are transgender and who wants to discuss this development with a trusted friend, relative or counsellor.

Apprehended Violence Orders would be made against anyone making public statements that ‘outed’ someone’s gender history, leaving open the potential for anyone who refuses to call a male person a woman, to have AVOs brought against them.

We are already seeing [women being targeted](#) for stating biological facts. For example:

- Feminist philosopher [Holly Lawford Smith](#) at Melbourne University has reportedly been harassed and allegedly defamed for her gender critical beliefs, to the point where she needs security while on campus.
- Jillan Spencer, a senior psychiatry specialist at Queensland Children’s Hospital, reports she was [stood down for raising concerns about puberty blockers](#).

- Julie Szego, journalist, was sacked from a major media outlet, [allegedly for her gender critical beliefs](#).
- Sall Grover and her online service for women and girls, Giggle for Girls is fighting an expensive landmark constitutional court case (Tickle vs Giggle), to challenge inconsistencies in the Sex Discrimination Act (2013) that was amended to include ‘gender’ and made it legally difficult to create a female only space.

## Infringes government workers’ rights

*(Schedule 5 Amendment of Court Security Act 2005 No 1; Schedule 7 Amendment of Crimes (Administration of Sentences) Act 1999 No 93; Schedule 9 Amendment of Crimes (Forensic Procedures) Act 2000 No 59)*

The Bill amends a number of Acts to allow “transgender” and intersex people to select the sex of a person carrying out a body search while in the court or prison system or while in the custody of police.

The [law currently states](#) that all searches on prisoners must be conducted by a person of the same sex. This Bill will amend that provision to allow a person who says they are transgender to select the sex of the officer who strip-searches them. Female officers may be placed in uncomfortable or difficult workplace situations if males elect a strip search by a female officer.

The transgender person doesn't need to have altered their sex descriptor, or fulfil any other requirements. They can simply assert that they 'seek to live' as a member of the opposite sex at that moment of the search and will then have the right to be treated as such.



# Impacts government workplaces

*(Schedule 12 Amendment of Government Sector Employment Act 2013 No 40;  
Schedule 13 Amendment of Government Sector Employment (General) Rules 2014)*

The Bill proposes diversity targets and quotas for all NSW public sector agencies. There are already some targets in place in the NSW public service relating to women in leadership roles, Aboriginal and Torres Strait Islander employment, and employment of people with disability. There is no need for targets relating to the sexual orientation of employees and there is certainly no need for affirmative action policies for males who say they are females.

The Bill encourages government departments to provide leave for 'gender affirming care' – in other words, taxpayers would be paying for leave for men to receive breast implants. This leave is *not* available for any other form of cosmetic surgery.

## Find out more and take action

Write to your NSW MP to let them know you oppose the Bill. Tell them why it's a bad law. Go to [www.respectoursex.org](http://www.respectoursex.org) for a step-by-step guide to help writing to your MP to request a meeting.

Share your concerns on social media using **#ThisIsNotEquality**

Follow us on X and visit our websites:

Australian Feminists For  
Women's Rights

@Ozwimmsrights  
[www.AF4WR.org](http://www.AF4WR.org)

Womens Rights Network

Australia

@WRNAustralia

[www.wrnaustralia.au](http://www.wrnaustralia.au)

LGB Alliance Australia

@lgballiance\_au

[www.lgballiance.org.au](http://www.lgballiance.org.au)

Coalition of Activist Lesbians

[www.coal.org.au](http://www.coal.org.au)