



Submissions on the Second Action Plan to End Violence against Women and Children 2022-2032

12 August 2026

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About the Inner City Legal Centre

The Inner City Legal Centre is a not-for-profit community legal centre offering free legal services to residents of Sydney's inner city, eastern, and northern suburbs. It also provides specialised support to the LGBTQIA+ community, trans and gender diverse individuals, sex workers, and offers employment law advice across all of New South Wales.

The LGBTQIA+ Legal Service

The ICLC provides an inclusive, and affirming legal advice tailored to the unique needs of LGBTQIA+ people in NSW, including Sistergirls and Brotherboys. Our goal is to equip community members with the knowledge and clarity needed to make informed legal decisions.

The Trans and Gender Diverse Legal Service

The ICLC offers free, statewide access to legal assistance for transgender and gender diverse people. Our mission is to empower trans communities through advice and education. We provide essential legal guidance on matters such as how to legally change your name, update gender markers, and discrimination.

The Sex Worker Legal Service

At the ICLC, we believe that sex workers should be free to work without harassment, discrimination, or exploitation. Our sex worker-friendly solicitors provide free legal advice to sex workers across NSW regardless of migration status, employment status, or income.

The Employment Rights Legal Service

The ICLC offers free, confidential, employment-related legal advice to our local community and through the state-wide Employment Rights Legal Service. This service is provided as a collaboration between Kingsford Legal Centre, the ICLC and Redfern Legal Centre.

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The Inner City Legal Centre acknowledges the Gadigal people of the Eora nation, who's land our offices are based on. We pay respects to their Elders – past, present and emerging. Sovereignty was never ceded. Always was, always will be, Aboriginal Land.

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1. INTRODUCTION

The Inner City Legal Centre (ICLC) welcomes the opportunity to make a submission to the review of the Second Action Plan for the *National Plan to End Violence against Women and Children 2022-2032*.

The ICLC is a community legal centre originally founded in 1980 to serve those most in need in Sydney's inner city and inner east areas. In addition to catchment-based services, we also have several specialist legal services that are available statewide, including NSW's LGBTQIA+, Trans and Gender Diverse, and Sex Worker Legal Services.

Our solicitors and staff are highly experienced in serving the needs of LGBTQIA+ and sex worker communities, including the impacts of Domestic, Family and Sexual Violence (DFSV) and Gender-Based Violence (GBV) in the context of access to justice. We hope that our recommendations based on ICLC's case studies and expertise will help address critical shortcomings in the legal system for LGBTQIA+ individuals and sex workers in relation to more widespread patterns of DFSV and GBV across Australia.

There has been considerable discussion regarding the use of accurate, inclusive, and affirming language in the Second Action Plan during the consultation process, and ICLC would like to acknowledge and express gratitude to the other LGBTQIA+ organisations, researchers, and Commission members who have highlighted the fact that ending violence against women and children must also include the experiences of LGBTQIA+ people. We recognise that there are variations in word choice and terminology within different regions, institutions, and scholarship, so for the sake of clarity and concision, we have used Domestic, Family and Sexual Violence (DFSV) and Gender-Based Violence (GBV) to align with common Australian practice and policy, emphasising the importance of LGBTQIA+ and gender diverse experience within these terms. We wish to highlight the importance of using accurate, culturally safe, and affirming vocabulary while acknowledging that some language or labels do not always adequately reflect the nuance of unique experiences. We have done our best to use terms that are consistent with these values.

We note that the ICLC is an underfunded, frontline community legal service with no dedicated policy staff. Any errors or shortcomings in this submission are the result of us trying to balance our role in responding to our communities, who are often in crisis, with our commitment to supporting reform and improvement of the laws that impact our clients and our community. ICLC has not responded to all questions posed in the consultation paper. We have focused on questions relevant to our work as a Community Legal Centre and the services we provide.

We would warmly welcome increased funding from the NSW and Federal Governments that would support our capacity to fully and thoroughly participate in important reviews such as this one.

We would like to express our sincere thanks to and acknowledge all the volunteer lawyers, PLT students, and ICLC staff who contributed to this submission, in particular [REDACTED]. Without them this submission would not have been possible.

2. RECOMMENDATIONS

Recommendation 1

Provide sustainable, ongoing funding directly to LGBTQIA+ organisations and legal services.

Recommendation 2

Improve early identification and referral to LGBTQIA+ legal services and support resources through the establishment of a dedicated LGBTQIA+ duty service in the FCFCOA and state/territory courts, sustainable and ongoing LGBTQIA+ legal service funding in each State and Territory in Australia to ensure national coverage, and maintenance of specialists court lists to provide support through different stages of the legal process.

Recommendation 3

Improve court procedures and forms to avoid or prevent re-traumatisation, involuntary 'outing', and other harmful impacts to LGBTQIA+ individuals.

Recommendation 4

Provide ongoing professional training and education for legal practitioners, the judiciary, and police that is designed and delivered in collaboration with members of the LGBTQIA+ community and sex worker community and supporting organisations.

Recommendation 5

Improve accountability and transparency across the justice and legal system through national data collection and information-sharing, research and reporting, and oversight mechanisms.

3. Early Identification and Referral to Legal Services

Early access to LGBTQIA+ specialised, culturally safe legal advice and support is critical to improving outcomes for victim-survivors of DFSV and GBV. Victim-survivors of violence may share certain commonalities, however, LGBTQIA+ people frequently encounter unique barriers related to identifying trusted services and obtaining legal advice tailored to their needs or circumstances, particularly where mainstream services lack specialist knowledge or referral pathways. Delays in accessing support can allow violence, coercive control, and other forms of harm and/or abuse to escalate while increasing the likelihood that victim-survivors disengage with legal processes altogether.

Strengthening specialist LGBTQIA+ legal services, improving referral pathways, and embedding specialist expertise and support within the family law structure would enable earlier intervention, reduce barriers to accessing legal advice, and ensure individuals receive appropriate assistance at the earliest stage possible to prevent further exposure to violence.

3.1 Sustained funding for dedicated specialist LGBTQIA+ legal services, community outreach, and education

Sustained funding should be provided directly to specialised LGBTQIA+ legal services and community support organisations rather than as short-term or secondary initiatives sponsored by mainstream institutions and donors. Funding State and Territory based LGBTQIA+ legal services across all States and Territories in Australia, as well as a dedicated specialist duty service embedded in the Federal Circuit and Family Court of Australia (FCFCOA) would significantly improve early identification and intervention of DFSV and GBV, consequently addressing gaps in access to justice that enable its persistence.

People who identify as LGBTQIA+ or trans and gender diverse (TGD) face significant risk to their physical and psychological safety due to discrimination, bullying and harassment, and other forms of violence and abuse targeting the community¹. ‘Outing’, or the non-consensual disclosure of a person’s LGBTQIA+ identity², raises issues with personal privacy, autonomy or agency, and safety that can cause severe trauma or place someone in considerable danger³. Since 2025, the definition of ‘intimidation’ in the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) has included ‘intentionally disclosing or threatening to disclose’ a person’s sexual orientation, gender history, a variation of sexual characteristics, that they are living with HIV, or that they are (or have been) a sex worker. This means that threats of outing a person can be used as the grounds for issuing an ADVO, which reflects the level of risk associated with this type of behaviour.

Despite recent changes to the legal framework that have strengthened certain protections for LGBTQIA+ people, they must first know and understand their rights, as well as where they can access legal support to exercise or enforce them. In small communities, asking for help when a person is experiencing DFSV or GBV can mean involuntarily outing themselves to police, acquaintances working in public service roles, or other members of the community while trying to access services or support. Fear of private personal information being

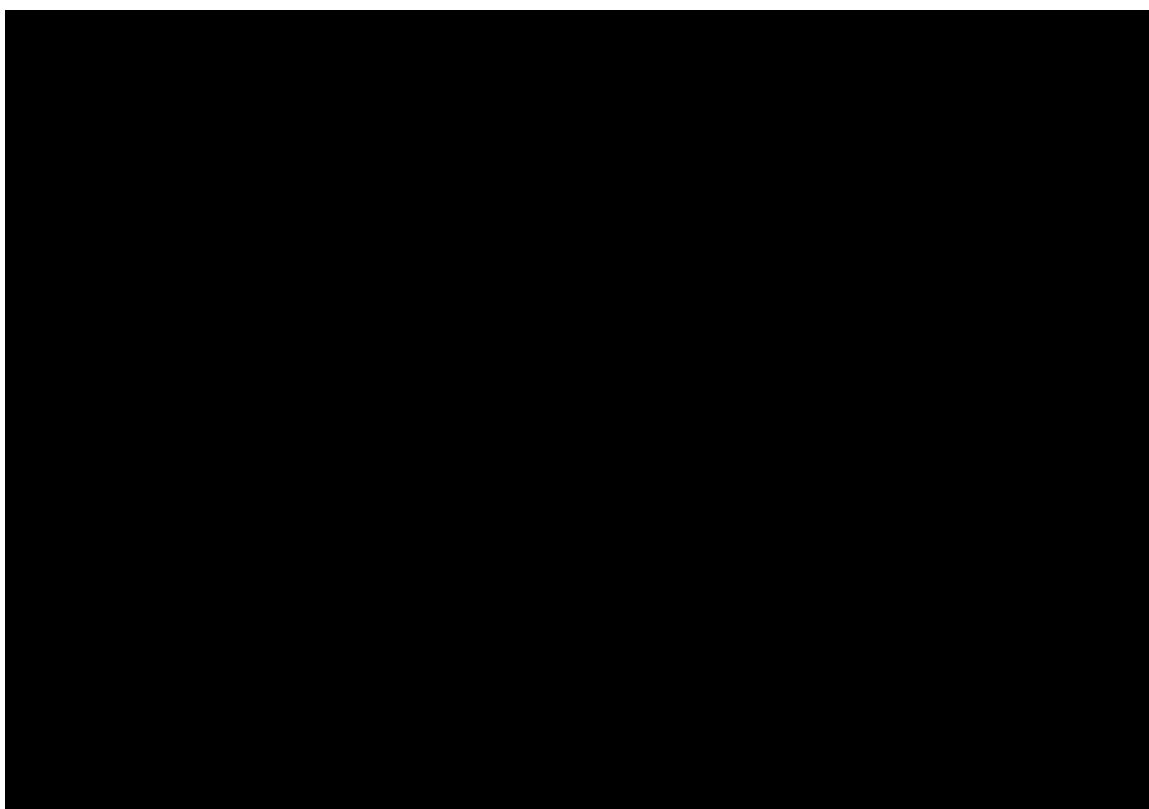
¹ Australian Human Rights Commission, *Equal Identities: A Human Rights Review of the Experiences of Trans and Gender Diverse People in Australia* (Report, March 2026) 8-9.

² *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 7(1)(a).

³ ACON and Inner City Legal Centre, ‘Understanding Outing and What You Can Do’ *SayItOutLoud.org.au* (Fact Sheet, 15 December 2025) <https://sayitoutloud.org.au/wp-content/uploads/2026/02/SIOL-Fact-Sheet_Outting2.pdf>

exposed or shared with others creates extra barriers for LGBTQIA+ people, which means they are much less likely to seek legal support from mainstream providers who are not already proven to be safe and trustworthy. They may also avoid requesting legal assistance because of personal connections to the small pool of trusted practitioners in their locality who are often part of the LGBTQIA+ community themselves. Even seemingly innocuous processes, such as filing identification documents with government agencies, can expose LGBTQIA+ people to privacy violations or danger.

In addition, distrust of police and the justice system based on lived experiences and entrenched histories of dismissed complaints, use of harmful or stigmatised language, mistreatment, and harassment by those employed to protect the public, means that LGBTQIA+ people are less likely to ask for help through traditional avenues. This fear is justified considering the disproportionately high rate of misidentification of LGBTQIA+ people in AVO scenarios⁴. Trans women especially are regularly (incorrectly) assumed to be the primary aggressor, and therefore the defendant, despite in many cases being the party to call for help⁵. Clients of ICLC who have been misidentified in these situations consistently report not being directly interviewed by the officer who has written the AVO application, and sometimes not being interviewed at all before their arrest. Each of these examples supports the need for State/Territory-wide LGBTQIA+ legal services across Australia to ensure members of these communities have access to trustworthy, confidential, and specialised legal assistance where other systems have failed.



⁴ 'Working With Misidentified Victim Survivors' *SafeandEqual.org.au* (Guide) <https://safeandequal.org.au/wp-content/uploads/MisID_SurvivorAdvocateResource_A4_FINAL.pdf> 3.

⁵ Ellen Reeves and Ben Scott, 'Can't You Girls Work This Out?': *LGBTQ+ Victim-Survivors' Experiences of Victoria's Family Violence Intervention Order System* (Report, 7 December 2022) 9.

3.1.1 State and Territory based Specialist LGBTQIA+ Legal Services

ICLC has provided frontline legal support and advocacy for the LGBTQIA+ community, sex workers, and other residents of the inner-city experiencing vulnerability since the 1980s. The centre's LGBTQIA+ and Trans and Gender Diverse Legal Services (TDLS) offer free, statewide legal advice to members of these communities in-person and over the phone via web-based teleconferencing, which means being able to reach rural or remote areas where safe, private legal assistance is not available. Because of the lack of funding for statewide LGBTQIA+ services across all of the Australian States and Territories families navigating the federal court system are often left without any comparative options and vulnerable individuals fall through the gaps.

As a means-tested community legal centre, we are often unable to assist clients if they do not meet specific criteria, or their matter falls outside the scope of the centre's expertise or capacity. In these situations, we do our best to facilitate referrals to other available legal or support services, but this does not guarantee they will receive assistance elsewhere.

Frequently, we must turn away people whose average income is over our means criteria but still do not earn enough to pay for a private solicitor. Finding private legal practitioners with sufficient expertise or willingness to accept referrals to assist LGBTQIA+ people on a pro bono basis creates additional obstacles that may be prohibitive, especially for particularly vulnerable people. Implementation of specialist LGBTQIA+ legal services in each State and Territory and sustainable long-term investment in these specialist legal services would ensure that more members of the community can access advice and/or advocacy at both the state or territory and Commonwealth levels. This would greatly increase the scope of practice areas and jurisdictions serviced, expand and strengthen referral pathways, and reach more people in small or remote communities.

Ensuring the existence of free-standing specialist legal services rather than simply including LGBTQIA+ programs within mainstream organisations is crucial for many reasons. Firstly, legal practitioners must be able to assist clients with trauma-informed, culturally safe, and affirming expertise that is conscious of the legal, social, and historical contexts underscoring the LGBTQIA+ community's experiences and relationship with the justice system. Funding a designated LGBTQIA+ legal services encourages the community to engage with the justice system more readily when more practitioners are available who understand a client's circumstances based on their specialist knowledge or personal experiences. This builds trust and facilitates open communication between lawyers and clients, ensuring better legal outcomes.

Further, there are many barriers to help-seeking for the LGBTQIA+ community, having a named and specialist LGBTQIA+ legal service can provide a trusted 'landing' for community members seeking help. Many of ICLC's clients recount ignoring or avoiding seeking legal assistance until they found out about our dedicated LGBTQIA+ services which they felt (to a degree) guaranteed that they would not face discrimination, stigma or misunderstanding of their LGBTQIA+ status or related family, sexual and domestic violence experiences.

Proper funding of LGBTQIA+ specialist legal centres also supports increased capacity to contribute important legal perspectives to law reform projects and community education or engagement initiatives. This subsequently strengthens support networks and referral pathways through consultation and collaboration with peer organisations, which enhances the possibility of identifying and responding to DFSV and GBV much earlier.

Accessing legal assistance is extra difficult for LGBTQIA+ children and young people who are subject to parental control or consent, which can have serious consequences where DFSV or GBV are present. With the recent implementation of social media bans for children and teens,⁶ young people who identify as LGBTQIA+ have lost a crucial source of connection to others in the community, as well as affirming information, support resources, and the means to safely communicate with advocates. Widespread availability of legal services for the LGBTQIA+ community would increase the capacity to deliver community education and outreach programs early and reach children outside of the home more easily. Ending DFSV and GBV requires accounting for the diverse experiences of all LGBTQIA+ people, especially children in their own right who have less agency to seek legal assistance on their own. Therefore, considering the unique needs of children and young people should inform the development of LGBTQIA+ specialist services in state/territory and federal jurisdictions.

As of 2025, the National Access to Justice Partnership 2025-2030 (NAJP) formally recognised the LGBTQIA+ community as a priority group for legal services, with an additional uplift in funding being announced in August 2026 to fund ICLC's LGBTQIA+ Legal Service in NSW, which we hope will create momentum for sustainable and long-term funding for LGBTQIA+ specialist services across Australia. However, without strategic and specific direction for funding, as well as strong, cohesive partner networks, many of the critical programs relied upon by LGBTQIA+ people will suffer. Though creating and maintaining partnerships with mainstream organisations are important to expand access to support and encourage widespread acceptance of diversity, LGBTQIA+ initiatives are often included (and funded) as 'add on', ancillary, or temporary programs, controlled and usually limited by the primary needs of the mainstream organisation. Lack of direct participation by LGBTQIA+ peers in mainstream programs can be detrimental to a partnership's efficacy, especially where access to necessary resources is inconsistent, causing loss of trust and disengagement with support services by vulnerable individuals.

Annexed here to as '**ANNEXURE B**' is the report titled 'Blueprint for Equality' released in August 2025. This report was commissioned by the ICLC (supported with funds provided by Rainbow Giving Australia) and assesses nationwide LGBTQIA+ legal needs and funding requirements.

Recommendation 1: Provide sustainable, ongoing funding directly to LGBTQIA+ organisations and legal services.

3.1.2 Dedicated LGBTQIA+ Duty Service at the Federal Circuit and Family Court of Australia (FCFCOA) and State Courts

ICLC solicitors currently facilitate a weekly duty service at Downing Centre Local Court in Sydney where they provide free, one-time legal advice and make appearances on behalf of eligible LGBTQIA+ clients for summary criminal matters, Apprehended Domestic and/or Personal Violence Orders (ADVO and APVO). Having an embedded clinic at the court alongside Legal Aid, the Women's Domestic Violence Court Advocacy Service (WDVCAS),

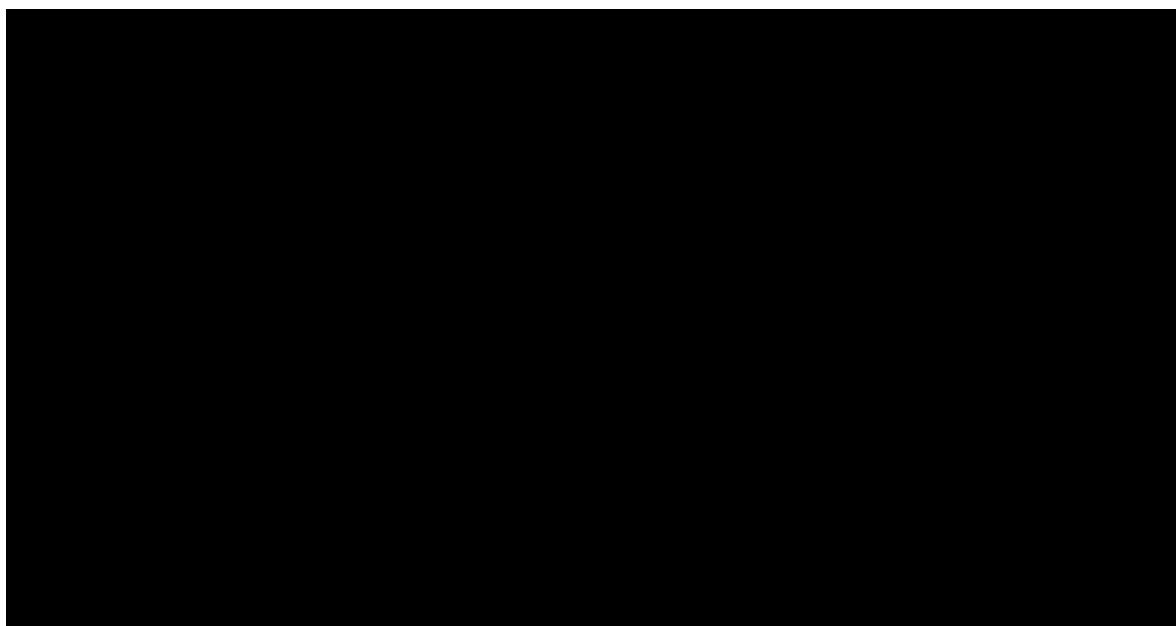
⁶ eSafety Commissioner, 'Social Media Age Restrictions' [eSafety.gov.au](https://www.esafety.gov.au/about-us/industry-regulation/social-media-age-restrictions) (Web Page, 21 July 2026) <<https://www.esafety.gov.au/about-us/industry-regulation/social-media-age-restrictions>>.

and Aboriginal Legal Service (ALS) allows for immediate referrals to other legal services, which helps distribute heavy caseloads or enable clients to receive assistance from an organisation better suited to their needs. The physical presence of ICLC's duty service at court improves early access to legal services by providing advice and representation to walk-in clients, connecting them with other support resources where needed, and increasing visibility for ICLC's work within the community. A court-based service also improves accessibility since clients can receive advice in the same place they are required to attend court.

Despite the success of the Downing Centre Local Court LGBTQIA+ duty service, it is not separately funded—the Centre allocates a portion of its budget to its operation, which is already severely limited. Regardless, the duty service has become a trusted source of legal support for LGBTQIA+ people who would otherwise be self-represented. Self-representation causes significant delays to proceedings since many people may not know or understand court procedures, rules of evidence, or how to make a successful appearance to achieve their desired outcome⁷. This can lead to confusion, frustration, and unsatisfactory results for both clients, judges, and prosecutors. In circumstances involving an ADVO or APVO, a self-represented person may also be required to make an appearance while the other party is present in the room, causing additional distress or re-traumatisation. The success of ICLC's LGBTQIA+ duty service at the Downing Centre since its implementation in 2013 is proof that embedded services available at court are crucial to improving access to justice.

Embedding LGBTQIA+ legal services directly into courts—especially the FCFCOA where victim-survivors may be voicing details about their experiences with DFSV or GBV for the first time—would significantly improve early identification and intervention of DFSV and GBV by presenting LGBTQIA+ families a safe, trusted place to receive specialised legal advice, connections or referrals to other support resources, and knowledgeable advocacy.

The ICLC has prepared a **Confidential Annexure** marked '**ANNEXURE A**' which sets out the approximate costing for the ICLC to provide an LGBTQIA+ duty solicitor to provide specialist services at the FCFCOA Registry in Sydney.



⁷ John Faulks, 'Self-Represented Litigants: Tackling the Challenge' *Handbook for Judicial Officers* (Judicial Commission of New South Wales, October 2021) 975-6.

3.1.3 LGBTQIA+ Specialist Court Lists, Navigators, and Liaisons

Embedding a specialist LGBTQIA+ duty service in the FCFCOA would be the most effective means of addressing access to justice shortcomings and minimising the harmful effects of DFSV and GBV long-term. Additional recommended support mechanisms are recommended, and these include maintaining court lists of vetted specialist LGBTQIA+ legal practitioners, court navigators, family safety officers, and liaisons at different stages of the legal process. Specialist support personnel must be able to recognise specific risks to LGBTQIA+ and gender diverse families to effectively address domestic and gender-based violence. At minimum, these support workers should:

- understand diverse family structures and complex patterns of violence experienced by LGBTQIA+ people;
- be able to recognise and respond to individuals experiencing thoughts of suicide or other mental health difficulties
- use appropriate, gender-affirming, culturally safe, and inclusive language; and
- be a powerful tool to signal inclusion and a point of disclosures of LGBTQIA+ specific forms of DFSV.

Importantly, ICLC strongly recommends that LGBTQIA+ specialist support workers recognise denial of gender-affirming care or gender bias within a family as a risk factor in assessing escalating behaviour associated with domestic violence and coercive control. In this regard, support workers should be required to undergo supplemental training that is co-designed and delivered by the LGBTQIA+ community, properly vetted for quality, and consistently updated to maintain trust and safety for already vulnerable clients.

Recommendation 2:

Improve early identification and referral to LGBTQIA+ legal services and support resources through the establishment of a dedicated LGBTQIA+ duty service in the FCFCOA and state/territory courts, sustainable and ongoing LGBTQIA+ legal service funding in each State and Territory in Australia to ensure national coverage, and maintenance of specialists lists to provide support through different stages of the legal process.

4. Formal Processes and Procedures

Court processes should protect victim-survivors from further harm rather than inadvertently compounding the impacts of violence. However, for many LGBTQIA+ families and individuals, engagement with the legal system may involve repeated exposure to discrimination, misgendering, unnecessary ‘outing’ of their gender identity or sexuality, or procedural requirements that force continued interaction with perpetrators. For example, existing family law processes do not always recognise the unique manifestations of coercive control experienced by LGBTQIA+ people, such as abuse involving gender identity, denial of gender-affirming care, or threats of involuntary outing. Procedural reforms that recognise these experiences and reduce unnecessary barriers would help create a more accessible, trauma-informed and equitable justice system.

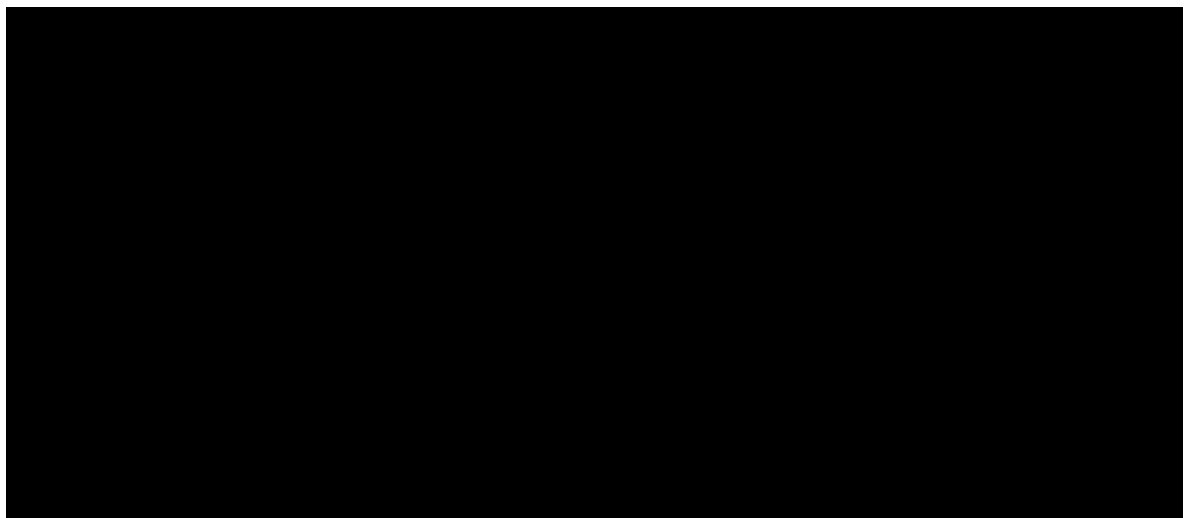
4.1 Official recognition of gender bias as a form of DFSV and GBV

A significant number of matters handled by ICLC's Trans and Gender Diverse Legal Service (TGDLS) involve situations where a child or young person has been formally diagnosed with gender dysphoria by a qualified health professional but does not have the requisite consent from one or both parents to commence gender-affirming medical treatment. Based on ICLC's work through TGDLS, solicitors consistently find that where a child or young person is denied gender-affirming care by parents or guardians, other forms of domestic violence or abuse are highly likely to exist as well. This can manifest as neglect (such as inadequate food being available in the home), verbal abuse, psychological or emotional abuse, and physical violence, often pre-dating the young person 'coming out' as trans or gender diverse.

In contrast, it is rare in ICLC's experience with clients, for a young person to report to ICLC experiences of DFSV from a parent who does support their gender identity and is open to exploring access to GAMT.

In many cases, LGBTQIA+ identity is additionally used by perpetrators of DFSV or GBV to shame, control, and isolate victim-survivors from support networks⁸. Access to gender-affirming care (as well as trans-affirming social support) is known to decrease anxiety, depression, and risk of suicide in trans children and young people, but where gender bias is weaponised or gender-affirming care is denied, the consequences can be devastating to the child or young person's physical and psychological wellbeing long term.

Formally recognising gender bias as a form of domestic violence or coercive control would improve early identification of risks and escalation signs common in patterns of abuse. Flagging gender bias or neglect in instances where gender-affirming care has been denied by parents contrary to medical professional opinion in existing risk assessment mechanisms (such as the Family DOOR Triage screening for Evatt's List matters) would enable external support and protection providers to respond sooner to DFSV and GBV. This would also provide for more effective court orders that account for a child's gender-identity needs at earlier stages (for example, when making parenting orders). Formally recognising gender bias and denial of gender-affirming care as potential types of, or risk factors for, DFSV and GBV so that orders properly reflect LGBTQIA+ and TGD children's circumstances would greatly mitigate the possibility of re-traumatising families through protracted court proceedings for medical treatment authorisation later.



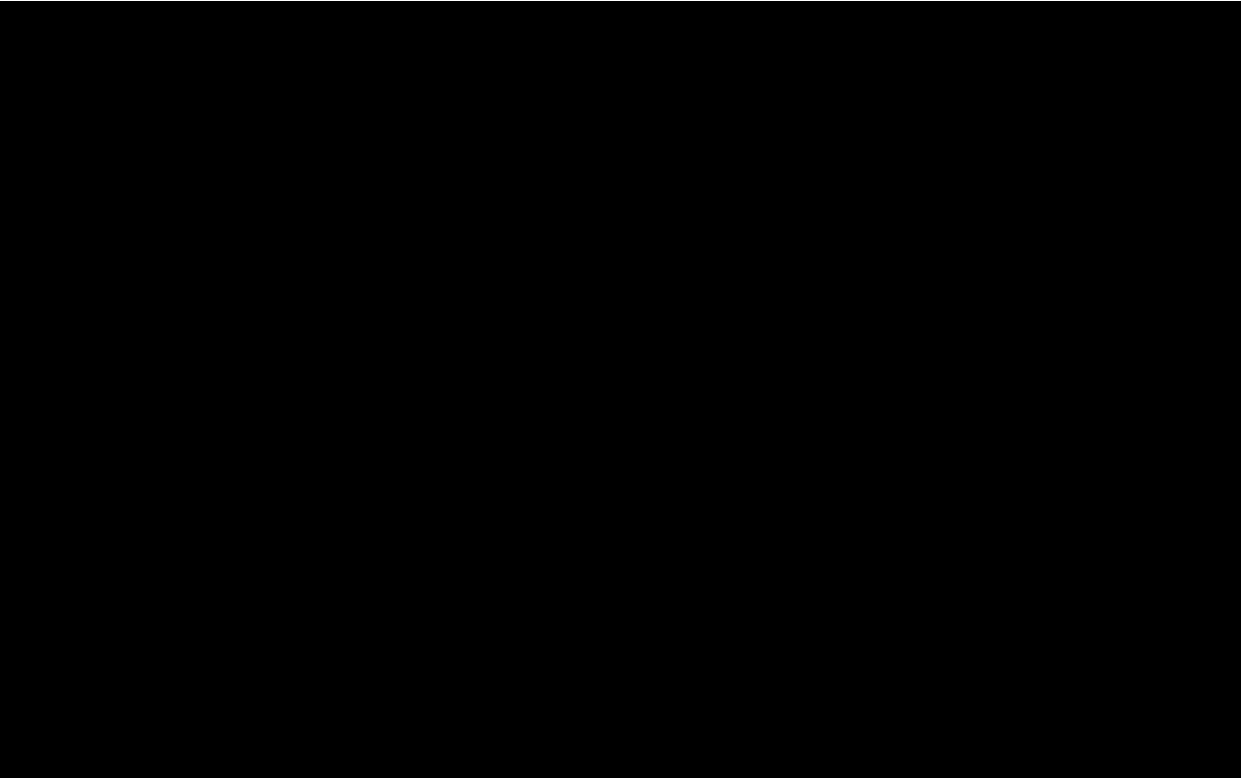
⁸ 'Domestic Violence' *TransHub.org.au* (Web Page) <<https://www.transhub.org.au/our-health/domestic-violence/>>.



4.1.2 Alternatives to parental consent requirements for gender-affirming medical treatment

Unfortunately, the current legal framework for GAMT access is commonly a source of additional harm rather than a solution for children and young people experiencing gender-based violence in the home. For most young people under eighteen to receive Stage 2 gender-affirming care, they must have consent from both parents. Where there is disagreement between parents (i.e. one does not consent), an application must be made to the Family Court for an order authorising care. Frequently, this requires a supportive parent who, in our experience, often has escaped a perpetrator of domestic violence and may have already endured stressful, expensive, and traumatising family court processes, to re-engage with their abuser and brave additional court proceedings so that their child can receive what is often life-saving medical care.

In addition to officially designating gender bias and denial of gender affirming care as forms of harm associated with DFSV and GBV, creating clear alternatives for victim-survivors to attain court authorisation for gender-affirming care lessens the likelihood of re-traumatisation. This could include:

- Improved access to ex-parte applications where there is an established history of family violence or serious risk to the health and safety of the parties.
 - Recognising that there is inherent urgency where a child experiencing gender dysphoria is unable to access gender-affirming care.
 - Reform of legislation to clarify that additional court approval is not required for young people seeking gender affirming care.
- 

It is extremely rare for a child to initiate Family Court proceedings in their own standing, and this is often not, in practical terms, a viable option for young people. Where neither parent consents to gender-affirming care (even when used as an instrument of coercive control or gender-based violence), children and young people have very few options. In some situations, children might receive support from court-appointed Independent Legal Representatives (ILR), but are dependent on the ILR to act according to their best interests as a trans person, which is not always the case even if well-intentioned. In the Care and Protection Jurisdiction, an individual between twelve and eighteen years might be assigned a Direct Legal Representative (DLR)—whom they can instruct—but the DLR can still apply to the Children’s Court to be an ILR if they do not believe the child to be capable of providing proper instructions. Both situations require that the legal representative has adequate training and expertise in LGBTQIA+/TGD matters.

Without the support of a representative, children and young people must generally wait until they turn eighteen to access care⁹, which can cause extreme distress if they begin to develop physical characteristics contrary to their gender identity¹⁰. A possible solution is to have known LGBTQIA+ and TGD specialist ILRs or a designated unit within the child advocacy areas of the various State and/or Territory departments that have carriage of Care and Protection matters, to advocate on behalf of children and young people who have been officially diagnosed with gender dysphoria but lack the consent of their parents. By specifically designating the ILR or Department advocate’s purpose as supporting an LGBTQIA+ child or young person, it is more likely that the child’s gender identity needs will be met while ensuring they have as little interaction with family members who have subjected them to violence or abuse.

As such, we recommend that any LGBTQIA+ Family Law Duty Solicitor or ILR & DLR gain specific training, funding and support to advise LGBTQIA+ young people.

⁹ ‘Under-18’s Rights’ *TransHub.org.au* (Web Page) <<https://www.transhub.org.au/legal/under-18s-rights/#Medical-consent,-competence,-&-privacy>>.

¹⁰ Australian Human Rights Commission, *Trans and Gender Diverse Young People’s Rights* (Explainer, 19 January 2026) 5, 7.

4.2 Court forms and documents

There has been some progress with the inclusion of an option 'X' on documents where a person's gender identity is required, however, further steps are needed. The limited options available in formal court or legal documentation often creates confusion and extra difficulty for these families, making court processes for diverse family structures more challenging to navigate and worsening an already stressful experience.

We note that three options – Male, Female and X – align with the gender/sex marker options available on Birth Certificates across the different State and Territories in Australia. An open text box would be preferable.

This is particularly the case for trans parents whose chosen gender identity is often not the same as what appears on their children's birth certificates. For example, a trans man listed as 'mother' under a different name that does not match their current identity documents creates difficulties where court forms do not allow for additional explanation or include gender-affirming options, which creates extra roadblocks that do not exist for cis- or hetero-families. Delays because of paperwork can leave victim-survivors exposed to DFSV and GBV longer than necessary and could be easily remedied either by providing court practice notes or adding more gender-affirming language to documents used in court proceedings.

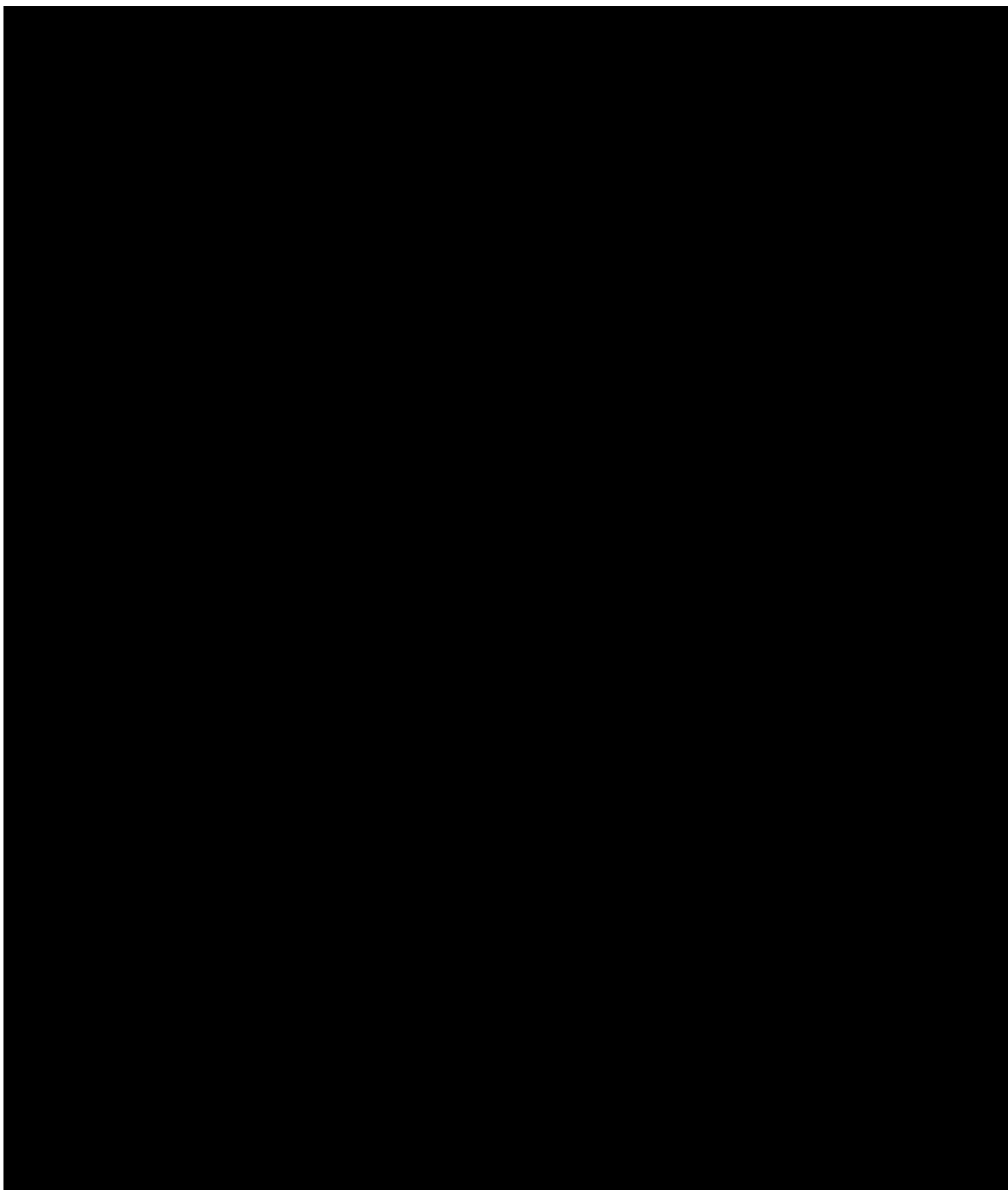
The effect of using gender-affirming language beyond the umbrella designation 'X' would be more accurate and greatly improve the collection of useful data regarding DFSV and GBV since information related to LGBTQIA+ individuals and families frequently becomes subsumed into broader categories, erasing significant data points that provide proper insight into family and gender-related violence.

More importantly, representation of diverse LGBTQIA+ and gender diverse family structures is a meaningful signal to those whose chosen identity has been weaponised by perpetrators of DFSV or GBV that they are seen and valued. Recognition of diverse identities in official court forms and procedures makes clear that LGBTQIA+ and gender diverse people are supported and acknowledged by the justice system.

Recommendation 3: *Improve court procedures and forms to avoid or prevent re-traumatisation, involuntary 'outing', and other harmful impacts to LGBTQIA+ individuals.*

5. Professional Training and Education

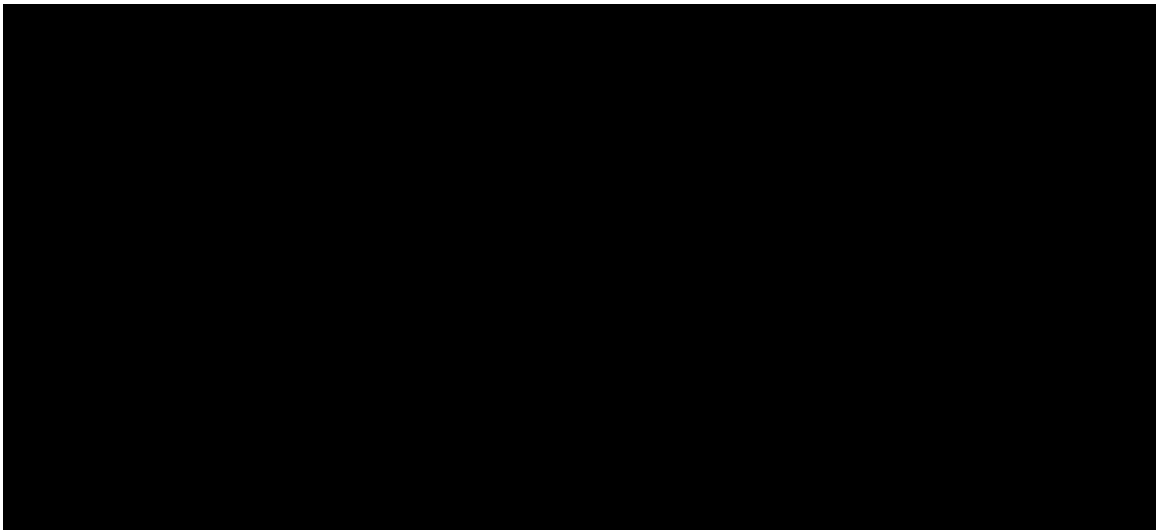
Effective responses to family, domestic and sexual violence depend not only on legal frameworks but also on the knowledge, skills, and cultural awareness of the professionals responsible for implementing them. While many legal sector professionals strive to provide respectful and equitable services, inconsistent understanding of LGBTQIA+ experiences can contribute to harmful assumptions, inappropriate language, inadequate risk assessments, and diminished confidence in the justice system. Ongoing education that is co-designed and delivered in partnership with LGBTQIA+ communities would strengthen institutional capability, promote culturally safe and trauma-informed practice, and improve the consistency and quality of responses across policing, courts and the legal profession.



5.1 Continuous professional education, training, and accountability

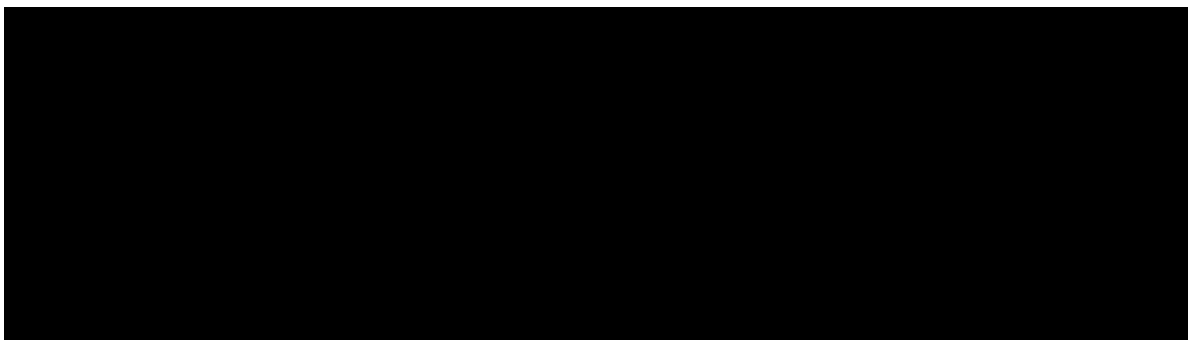
For victim-survivors of DFSV and GBV, knowing who to trust and how to access help presents significant risk. All victim-survivors should be able to rely on assistance or protection from local police when needed, yet LGBTQIA+, trans and gender diverse people, and sex workers too frequently encounter additional mistreatment by those employed to ensure public safety. Distrust of police has been deeply instilled through historic and ongoing over-policing, harassment, and discriminatory targeting of certain vulnerable or marginalised groups, which may compound where several identities intersect (e.g. LGTBQIA+ people in the sex industry, or who identify as First Nations Sistergirls or Brotherboys). Fear of being dismissed or facing additional mistreatment by police discourages people experiencing DFSV or GBV from making reports or calling for help, which can already be extremely

difficult to do because of a perpetrator's threats of harm, isolation, shame, or other tools of coercive control and domestic violence.



Experiences like Mary's are far too commonplace and exacerbate distrust between police and the LGBTQIA+ and trans and gender diverse communities and the sex worker communities. Despite increased public attention to cases involving victimisation, discrimination, and misuse of power by police (such as trans woman Melissa Yarnold's successful settlement for sexual harassment and discrimination in 2024)¹¹, mistreatment by police of LGBTQIA+ and trans or gender diverse people continues to be reported to ICLC's solicitors at concerning rates. ICLC's clients frequently report that during interactions with police, officers have refused to use the LGBTQIA+ person's current pronouns or name (even where they have been legally changed on identity documents) and engage in questioning or other acts that are either intentionally or inadvertently humiliating.

In addition, ICLC consistently assists trans women who have been misidentified as the defendant in ADVO/APVO matters despite being the person in need of protection from a violent perpetrator. Police statements taken while responding to calls for intervention regularly contain inadequate or vague explanations as to why a particular party has been identified as the victim or defendant, and also why misidentified victims have been determined to be 'at threat' or even 'at serious threat'. Rather than receiving necessary protection from a perpetrator of violence, trans victim-survivors find themselves fighting false claims or facing serious consequences of breaching AVO terms because the original abuser has continued a pattern of harassment without repercussion.



¹¹ Justice and Equity Centre, 'Transgender Woman Settles Discrimination and Sexual Harassment Complaint Against NSW Police and Corrective Services' (Media Release, 30 November 2024) <<https://jec.org.au/focus-areas/civil-rights/discrimination/transgender-woman-settles-discrimination-and-sexual-harassment-complaint-against-nsw-police-and-corrective-services/>>.



Another common circumstance experienced by ICLC's clients is the harmful assumptions about intimate partner violence within LGBTQIA+ relationships, such as the unfounded view that such violence within gay partnerships is mutual, and a more general inability to view relationships outside cis- or heterosexual structures. In the most extreme cases, police are the perpetrators of harmful behaviour and extreme violence, as in the cases of Colin Burling (an LGBTQIA+ person killed in police custody after a mental health-related call in 2025), and Anya Bradford (a trans woman assaulted in 2021 by a Senior Constable who admitted to targeting her because she did not make eye contact with him) ¹².

Assumptions made about LGBTQIA+ and TGD individuals in these situations (which often intersect with racial or socioeconomic factors) suggest deeply ingrained systemic biases that facilitate DFSV and GBV more broadly. When a victim-survivor fears additional victimisation by the institutions meant to keep them safe, the number of trusted options available for LGBTQIA+ people, and also to sex workers, to escape domestic violence are few. At ICLC, the clients who are able to reach our services often request support of a solicitor to file reports with police because they fear the type of treatment they will receive if they attend alone, but there are many more victim-survivors who also do not feel safe enough to ask for help at all.

The ICLC solicitors and other staff spend an unprecedented amount of time accompanying our LGBTQIA+ clients and our sex worker clients to the police station, in order to make reports of DSFV or harm they have experienced. This is because the clients understandably fear mistreatment or discrimination because they are LGBTQIA+ or because they are sex workers, when they go to report to police, and because our clients report often being refused assistance. This is both indicative of substantial issues with NSW Police, and highlights the need for fully funded LGBTQIA+ specialist legal services for community, as well as the need for specialist sex worker legal services.

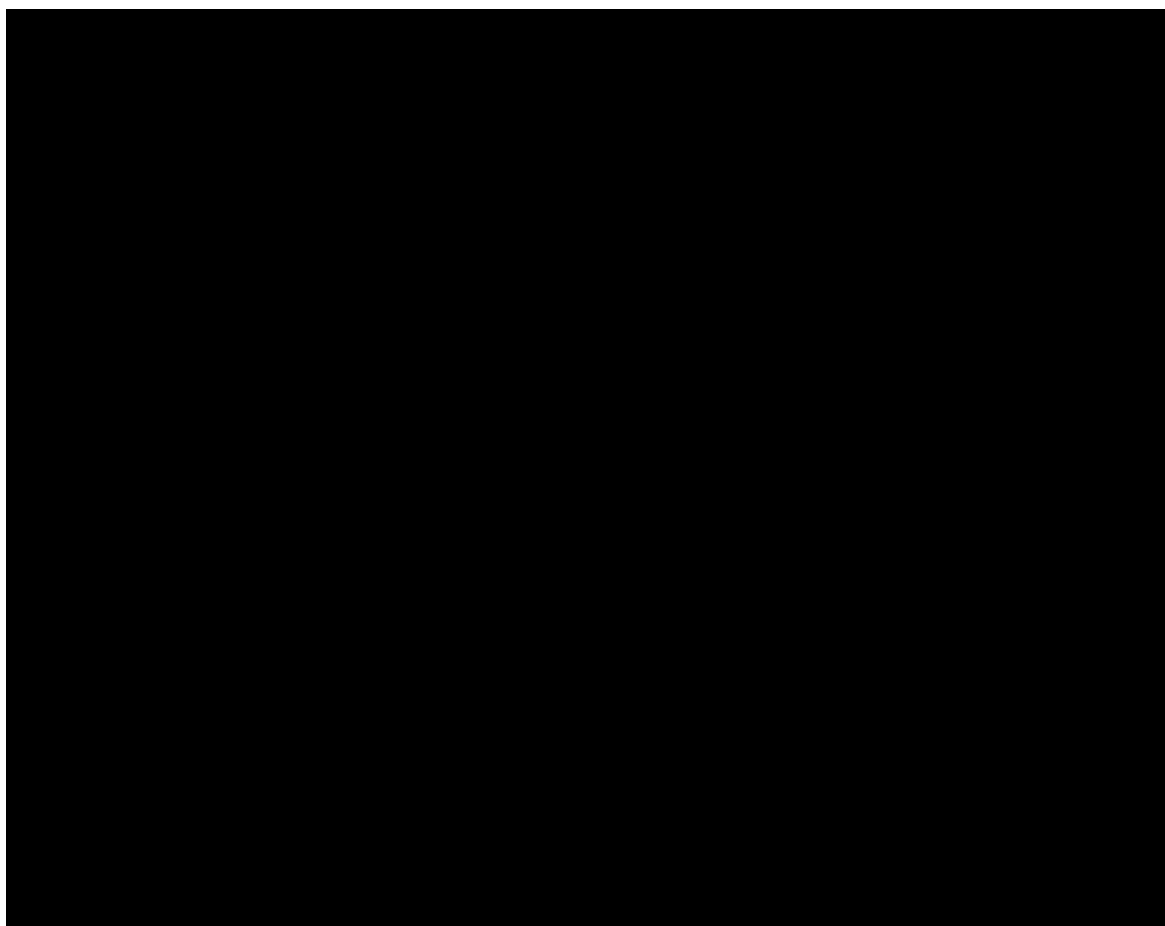
Despite recent efforts by the New South Wales Police Force (NSWPF) to address systemic biases and develop more inclusive institutional policies, the prevalence of reports to ICLC's solicitors from LGBTQIA+ people and sex workers alleging harmful, discriminatory, or humiliating treatment by police officers remains high. The Sexuality, Gender Diversity and Intersex Plan 2023-2026 (which includes mention of sex workers) indicates a positive starting point for driving institutional change within NSWPF but must be expanded and bolstered to drive any significant and permanent change.

Sex workers report to ICLC Lawyers that their complaints of sexual assault and other serious crimes (by both clients and intimate partners or family members) are being dismissed or ignored by police, allowing perpetrators to continue patterns of violence. Damaging and unfounded stigmas related to sex workers (especially the conflation of sex work with

¹² Trans Justice Sydney, Response to Supplementary Questions to Committee on Law and Safety, Parliament of New South Wales, *Inquiry into Measures to Combat Right-wing Extremism* (13 March 2026) 6.

exploitation and trafficking, which ignores the possibility of sex work as a legitimate profession) have been weaponised by agencies such as the Australian Border Force (ABF) to conduct migration raids, which are described by sex workers as 'being extremely aggressive and intimidatory'. These raids further impress views within the sex worker community that police and other government institutions are a source of antagonism rather than help, and place migrant sex workers at significantly higher risk by disincentivising reporting of violence (especially domestic and sexual violence) for fear of visa-related repercussions.

Scarlet Alliance, a sex worker led advocacy group, has recommended that employment and work health and safety regulatory bodies implement 'firewalls' into their practices to prevent police and border authorities from accessing information that could be used for migration enforcement to provide migrant sex workers a safe means of reporting potential offences without risking their visa status. In addition, mandatory and consistent training led by sex worker peer organisations must be implemented across police institutions to ensure sex workers are not ignored, disrespected, or discriminated against during interactions with police.



DFSV and GBV cannot be addressed until active, ongoing, and specialist-guided education exists to reform harmful ideologies within police forces. Weaponised ignorance within institutions that are publicly funded to keep communities safe is unacceptable. Violence within families, between intimate partners, or that is sexually-based remains unaddressed when LGBTQIA+ people and sex workers hesitate to contact police because they apprehend being dismissed, discriminated against, harassed, or subject to other forms of abuse. Training and continuous professional development that is designed and led by members of

the LGBTQIA+ and sex worker communities should be mandatory across public services, and especially within police departments who interact with diverse communities experiencing a wide variety of vulnerabilities.

LGBTQIA+ or gender identity-related biases do not exist solely within police departments and can be found at every level of the justice system. Negative intent does not need to exist for harm to occur, and better understanding of diverse family structures and LGBTQIA+ related experiences by legal practitioners and the judiciary would decrease instances of both intentional and inadvertent discrimination or harmful stereotyping. Suggested concepts to cover in training and continuing professional education include:

- the importance of LGBTQIA+/gender-affirming language;
- the detrimental effects of harmful biases and stereotypes (especially in police-involved incidents); and
- best practices for respectful, inclusive, and culturally safe engagement with these communities.

Risk and escalation factors specific to LGBTQIA+ families and individuals experiencing DFSV or GBV should be emphasised, especially the psychological and physical harm caused by outing, misgendering, or deadnaming LGBTQIA+ people and how these behaviours are commonly used by DFSV and GBV perpetrators to shame, harass, and control victim-survivors.

Mandatory continuing professional education led by members of the LGBTQIA+ community would help to define standards of respectful, affirming, and safe treatment between clients and practitioners, as well as between fellow practitioners and others working in the legal profession and court system. Where a well-defined and widely accepted standard exists, oversight and mechanisms to hold people accountable for harmful behaviour are clearer and more effective. Judges and other court officers familiar with LGBTQIA+ related issues and diverse family structures can recognise and respond more appropriately to the needs of such families when making orders or conducting proceedings. Ultimately, both LGBTQIA+ clients and legal professionals would benefit from more inclusive attitudes across the justice system.

Recommendation 4: Provide ongoing professional training and education for legal practitioners, the judiciary, and police that is designed and delivered in collaboration with members of the LGBTQIA+ community and sex worker community and supporting organisations.

6. Data Collection, Information-sharing, and Transparency

Meaningful reform requires a detailed and well-maintained evidence base, as well as mechanisms for accountability. At present, there is limited national data regarding the experiences of LGBTQIA+ people within the family law and broader justice systems, making it difficult to identify systemic barriers, evaluate reforms, and monitor whether outcomes are improving over time. Greater transparency, consistent data collection, and strengthened oversight would support evidence-informed policymaking while increasing public confidence in the justice system. Improved collaboration between legal services, researchers and

LGBTQIA+ organisations would further strengthen understanding of emerging issues and ensure future reforms are informed by lived experience as well as empirical evidence.

Data collection must be inclusive of LGBTQIA+ identities and gender diversity, or their unique circumstances will remain undetected despite the prevalence of DFSV and GBV experienced by these communities. A better understanding of who is interacting with the court system will also shed light on trends within the judiciary in terms of how decisions (especially orders) are made that may impact LGBTQIA+ people differently than other parts of the population.

Improved data collection results in better information-sharing. Where there is increased funding for research and reporting, collaboration between LGBTQIA+ organisations nationwide becomes more streamlined, accessible, and focused. There is a lack of clarity regarding existing partnership structures and the costs associated with collaborative projects. Improved availability of collected information (e.g. through a national database or delegated body) could potentially lessen some of the burdens placed on underfunded organisations by providing a central research and reporting archive from contributing member organisations directly embedded in the court structure. This would also allow peers to identify other groups within their network for future collaboration. Through the work of our CEO, Katie Green, ICLC has already started the process of building a network of LGBTQIA+ community legal service providers (and with organisations who wish to start providing LGBTQIA+ legal services), but without more support, this will remain a challenge.

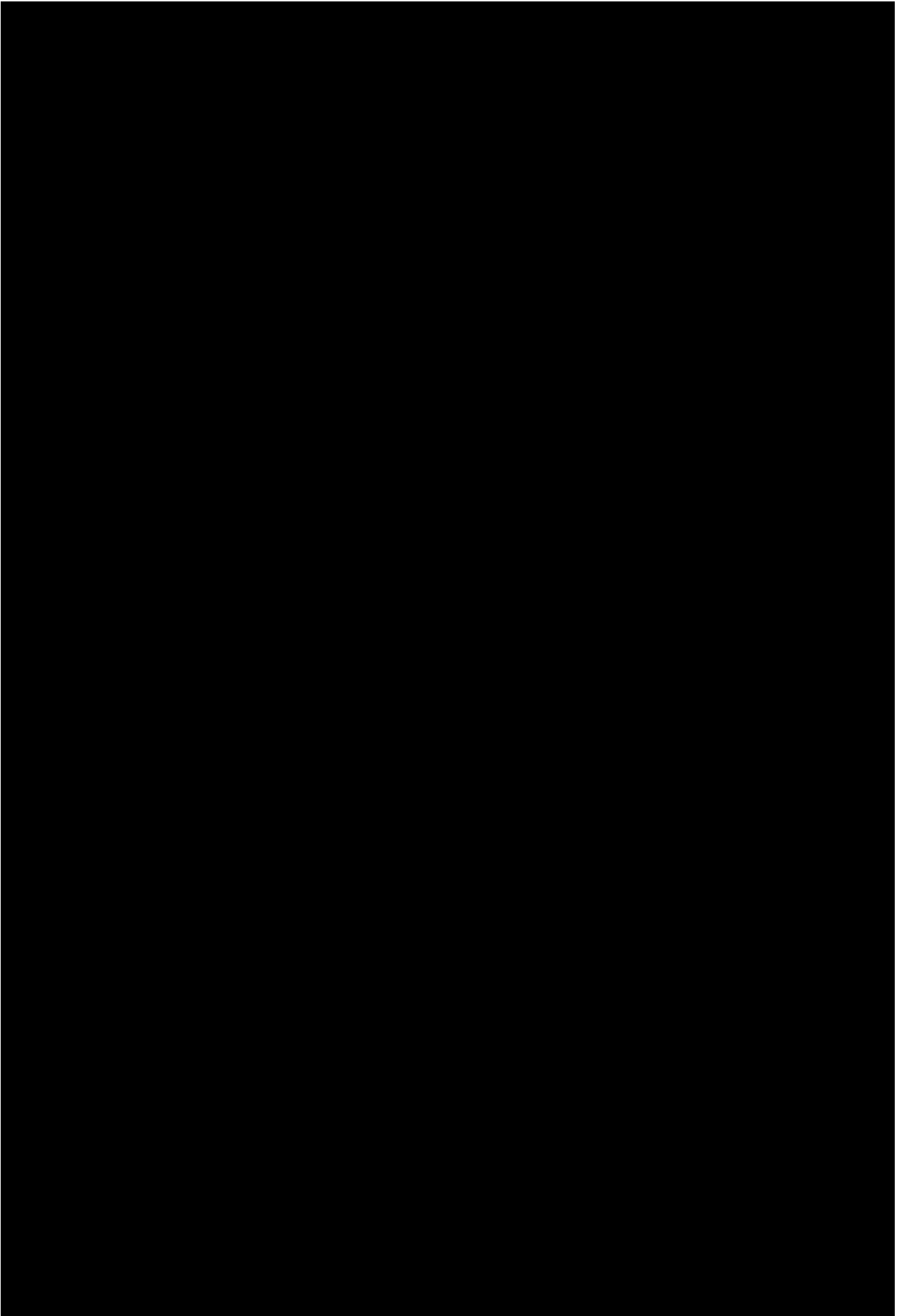
During recent community consultations, a recommendation was made for a National Judicial Commission to provide better oversight and accountability, which ICLC also supports. Though most States and Territories have independent bodies with a complaints process, no such oversight exists at the federal level. Even if data compilation and analysis on judicial decisions and their impacts is increased, there must also be a mechanism to review and address complaints to ensure public trust in the justice system.

A national commission could also function as an influential and centralised research, education, and training body. Ending DFSV and GBV requires a multi-disciplinary approach and long-term cooperation between institutions and organisations. Sustained direct funding for LGBTQIA+ inclusive data aggregation, research, and reporting in combination with proper accountability mechanisms at the federal level are changes that will help eliminate DFSV and GBV across Australia.

Recommendation 5: Improve accountability and transparency across the justice and legal system through national data collection and information-sharing, research and reporting, and oversight mechanisms (e.g. by establishing a National Judicial Commission).

Thank you for taking the time to consider our submissions for the Second Action Plan for the *National Plan to End Violence against Women and Children 2022-2032*. We appreciate your time and expertise in considering our submissions. We are also grateful for the participation and contributions by our peer organisations in the LGBTQIA+ and sex worker communities. Ending DFSV and GBV in Australia is not possible without investment in longstanding community partnerships and we look forward to continuing this important work as part of a consistently growing network of LGBTQIA+ and sex worker support services and advocates.

We would be delighted to attend further consultations to discuss or clarify our position on any of our above recommendations.



ANNEXURE B – BLUEPRINT FOR EQUALITY