



# Pride in Law

## NSW CHAPTER

### FEATURE ARTICLE

## IT'S NOT JUST A PHASE

**How parental reluctance and/or disregard toward gender diversity of children is being considered in parenting matters**

By Caitlin Walker (she/her), The Family Law Co.

Despite recent legislative reform and the many variations to the definitions and sections contained in the *Family Law Act 1975* (Cth), contested parenting proceedings have largely been determined by one overarching principle: What serves and promotes the best interests of the subject child. Over recent years, the Federal Circuit and Family Court of Australia has had to rapidly adapt to the changing world that these subject children find themselves in. Whether that be assessing the effect of over-usage of TikTok and Snapchat (determined by Judges who have often never personally used either), whether the influence of new and enhanced illicit substances by parents poses an unacceptable risk of harm to children in their care, or how to determine whether a child should receive a COVID-19 vaccination where each parent's view is resolute and opposing. The pace at which the scope of what serves a child's best interests is expanding has never been more challenging for the legal system to keep up with.

One of the many contemporary factors that has progressed and become more widely accepted in society in recent times is gender affirmation and identity. With this greater acceptance, children and young people are finding their voices to openly convey and express how they identify more freely to their families, friends and communities. However, like any new dispute that arises between separated parents, the Court (and therefore, legal practitioners) have been required to broaden their scope of assessment to gender affirmation and identity of children, inclusive of the effect of an openly unsupportive parent's view upon that child.

In a matter previously before the court, a young person who was assigned female at birth identified as male and used they/them pronouns. One parent demonstrated consistent support for the child's identity and self-expression, while the other parent took the view that the child's gender identity was a transient phase, anticipating they would eventually "grow out of it". Although the parent gave some level of reluctant acknowledgment, it lacked genuine affirmation.



Over time, the child became increasingly emotionally distant from the non-supportive parent, ultimately refusing to spend time with them. During lawyer-assisted mediation, the child's decision to reside solely with the more affirming parent was examined. It was put forward that the non-supportive parent's attitudes had contributed to significant emotional and psychological distress for the child.

An agreement was eventually reached for a psychological assessment to be undertaken by the child's treating psychologist, with all parties, including the child, to engage in family therapy informed by that report. The recommendations from the psychologist and the structure of therapeutic support assisted the non-resident parent in developing greater understanding and acceptance, ultimately paving the way for a more positive relationship with the child.

This case was compelling evidence for me that pleading ignorance is no longer sufficient in today's society, and it is certainly has no place as an excuse for identity or gender discrimination toward a child if their safety and best interests are to be the paramount consideration. It is my view that continual education about LGBTQIA+ communities is essential to provide strong and quality legal advocacy for clients and/or children from minority groups in parenting proceedings.

*Caity (She/Her) is a solicitor who grew up, lives on and works on Awabakal land in Newcastle/Muloobinba. Since her admission to the Supreme Court in 2022, Caity has practiced exclusively in family law with a keen interest in assisting vulnerable families and victims of domestic violence and/or abuse find their brighter futures. Caity recognises that more covert forms of parental abuse such as emotional, psychological and gender/sexual discrimination can have a detrimental effect upon subject children to parenting proceedings, and is committed to expanding the precedent case law in this area to ensure the best interests of all children are served.*



**Thank you Caity for a phenomenal article and your allyship work in the Family Law space!**  
Want to write a piece? Send submissions to [communications.nsw@prideinlaw.org](mailto:communications.nsw@prideinlaw.org)

# *Want to join the team?*

## **We are expanding our team!**

The NSW Chapter of Pride in Law is looking for a passionate and dedicated new members of our Executive Team, in the Community and Communication Officer roles!

We are seeking two **Communications Officers** who will assist with our social media, newsletter and making sure we are talking with our community! This is a dynamic role that requires a creative spirit and eye for detail.

We are also seeking a **Community Officer**, who will be our eyes and ears with other organisations and our allies across NSW. The Community Officer works with the rest of the team to be a representative voice and advocate for marginalised groups within the LGBTIQ+ community, including connecting with regional professionals, and bringing together other community groups to collaborate with Pride in Law.

**Email [president.nsw@prideinlaw.org](mailto:president.nsw@prideinlaw.org) to express your interest!**









Pride in Law is proud to be supporting the LGBTIQ+ Leadership Summit 2025, a landmark event dedicated to empowering LGBTIQ+ leaders, driving workplace inclusion, and breaking down barriers across industries.

This year's summit features inspiring keynotes, honest conversations, and practical workshops that go beyond talk and into real change. Whether you're an established leader or just starting your journey, this is your chance to connect, learn, and grow alongside an incredible community of advocates and allies.

As a valued member of the Pride in Law network, you can receive 20% OFF your ticket using the code: **PRIDEINLAW**

 Use the code PRIDEINLAW at checkout for 20% off

 Sydney

 11-14 November 2025

Learn more and register now: <https://www.theleadershipinstitute.com.au/lgbtqa-leadership-summit/>

# Upcoming Events!

## ***Lunchtime Information Session: Discrimination and LGBTQA Conversion Practices Ban***

**Online event**

**Wednesday 13 August 2025**

Anti-Discrimination NSW is hosting a free online information session with Pride in Law.

This is an opportunity for Pride in Law members and sponsors to learn more about Anti-Discrimination NSW and the services it provides under the Anti-Discrimination Act 1977.

The session will also cover the Conversion Practices Ban Act 2024, which prohibits LGBTQA conversion practices in NSW and creates criminal offences for delivering or arranging conversion practices and a civil complaints scheme which will be administered by Anti-Discrimination NSW. Conversion practices - sometimes referred to as 'gay conversion' practices or 'conversion therapy' - are harmful practices which seek to change or suppress an individual's sexual orientation or gender identity.

We will have a fireside chat on the new civil complaints scheme and pose questions that organisations and legal professionals may have about the legislation.

Join Jackie Lyne (A/Executive Manager, Anti-Discrimination NSW), and Claire Williams (Community Engagement Officer) from Anti-Discrimination NSW for this session.

**Register today:**



**Anti-Discrimination  
New South Wales**





# What's Going on In Aus?

## The NSW Equality Bill has just begun!

By Lauren Devine (she/her), Pride in Law NSW Advocacy Officer

In October 2024, the NSW Parliament enacted the *Equality Act 2024*, representing the State's most comprehensive legal update on LGBTQIA+ issues in decades. Half of these reforms took effect on 1 December 2024, with the rest commencing 1 July 2025.

### Gender Recognition vs Self-Declaration

A milestone change removes the outdated mandatory surgery requirement for altering legal sex on birth certificates. Adult NSW-born individuals (18+) can now update their legal sex through a statutory declaration, supported by a confidant who has known them for at least 12 months. Young people under 18 benefit from a framework involving parental consent and/or qualified counsellor input, with decision-making allocated to the Courts should parents not consent.

Approved sex descriptors now include female, male, non-binary, or non-specified, with scope for future additions via regulation. Pride in Law is excited for the legal recognition of a person's gender identity to now be reflected on the ID they carry every day and regularly need to provide to strangers.

### Enhanced Recognition of Rainbow Families

Amendments to the *Surrogacy Act 2010* introduce a pathway for overseas commercial surrogacy. Previously, children born through such arrangements faced no guarantee of legal parentage recognition in NSW. Under the new regime, limited surrogacy contracts may be validated with Supreme Court approval if it is found to be in the child's best interests.

Although commercial surrogacy remains illegal in NSW, the Australian Law Reform Commission is currently reviewing this *Act* and has published an Issue Paper on this in June 2025:

<https://www.austlii.edu.au/au/other/lawreform/ALRCIP/2025/52.pdf>

## **Protections Against Identity-Based Violence**

The *Act* amends the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) to ensure that threats to 'out' (i.e. disclose without consent) a person's sexual orientation, gender history, HIV+ status, variations of sex characteristics or sex work are a potential form of violence for the purposes of making an apprehended violence order (AVO) or apprehended personal violence order (APVO).

For legal practitioners, this amendment creates a powerful new avenue to protect clients experiencing coercive control, blackmail, or emotional abuse rooted in the threat of public disclosure. It expands the legal understanding of "domestic and personal violence" to better reflect the lived experiences of LGBTQIA+ individuals.

## **Cohesion and Equality Across Legislation**

The *Act* also provides equal protections to the LGBTQIA+ community by:

- ensuring crimes motivated by hatred or prejudice towards transgender and intersex people are treated in the same way as other hate crimes;
- ensuring a child's gender identity and intersex variations can be relevantly taken into account in decisions that significantly affect them under the *Children and Young Persons (Care and Protection) Act 1998* (NSW);
- ensuring young people who have obtained court approval for gender affirming care (where necessary) do not also need the approval of the NSW Civil and Administrative Tribunal;
- removing pressure from parents by extending the timeframe for registering a child born with variations of sex characteristics from 60 days to 180 days;
- ensuring that a person's gender identity or expression is not reason alone to consider them 'mentally ill or disordered' under the *Mental Health Act 2007* (NSW); and,
- removing stigmatising provisions affecting people with HIV or AIDS.

Pride in Law recognises the importance of repealing historical and harmful legislation and regulations that undermine and criminalise the lives of LGBTQIA+ people.

**Why It Matters for LGBTQIA+ Legal Professionals:**

- *Streamlined identity affirmation:* Removing surgical prerequisites marks a substantive shift towards self-determination.
- *Holistic legal protection:* The reforms intersect with family law, child protection, anti-violence mechanisms, and health-related de-stigmatisation.
- *Refuge for those in transnational surrogacy:* Legal coherence now exists for parents and children born outside Australia.
- *Urgent advocacy required:* Legal practitioners should engage in the Anti-Discrimination Act reform, track the LRC's recommendations, and support extensions in birth registration and search protections.

**Next Steps for Lawyers:**

- Prepare to guide adult and minor clients through the new statutory declaration process and parental/court consent procedures.
- Integrate these reforms into family law and surrogacy advice, especially those involving international contexts.
- Champion the closure of discrimination loopholes in ongoing reforms.
- Inform clients about the new harassment measures under AVO/APVO legislation.

The Act represents a landmark advance in legal recognition, safety, and equality for NSW's LGBTQIA+ communities—but its full potential hinges on proactive legal engagement and continuous reform momentum.





# Coastal Twist Fair Day at risk

By Lauren Devine (she/her), Pride in Law NSW Advocacy Officer

Coastal Twist Fair Day is a family-friendly LGBTQIA+ arts and culture festival that is held annually at Umina, featuring live music, cabaret, and drag story time.

The annual LGBTQIA+ festival held over the October long weekend on the NSW Central Coast may be forced to cancel its 2025 celebrations due to a geographically distant sporting event.

Central Coast Council has rejected the event's development application, arguing that it coincides with the NRL Grand Final in Sydney, nearly 80 km away, and poses "unacceptable traffic and parking impacts" to the Umina area.

Festival producer Juan Iocco described the decision as baffling, noting the NRL Grand Final traditionally falls on the same date as Coastal Twist every year and that the community is devastated over the loss of this important day, particularly in light of recent global events and attitudes towards LGBTQIA+ peoples.

Creative director Glitta Supernova added that relocating the event to smaller local venues would diminish the festival's visibility and undermine its mission: to foster inclusion in public, highly visible spaces rather than "tucking away" into backyard sites.

Organisers are poised to commission expert traffic analysis and may challenge the council's decision via judicial review or administrative appeal—depending on statutory avenues within the local planning framework.

For LGBTQIA+ legal professionals, this case underscores critical precedents to monitor: whether councils apply consistent planning standards, whether visible LGBTQIA+ events are implicitly penalised, and how legal frameworks protect freedom of expression and assembly.

Should the event relocate or resubmit with amended traffic data, the outcome may serve as a bellwether for how regional councils nationwide engage with LGBTQIA+ public events versus mainstream or sporting gatherings.

# Proud Pets

*With paws, purrs and pride... Pride in Law NSW is embracing diversity in our furry, feathered and scaly friends!*



## INTRODUCING... **ANDY**

**Paw-rent:** Mary Whelan-Little  
(she/her)

Andy is our almost-2-year-old bundle of fluff and love! A city pup at heart, Andy thrives on the hustle and bustle of urban life—but nothing beats the comfort of home and snuggling up with his favourite people.

He's got two kids to keep an eye on, and bedtime cuddles are his specialty. Andy's also a big fan of walks, chasing his ball at full speed, and making friends—whether they have two legs or four.

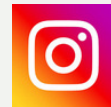
Andy has grown beautifully into his role at work, becoming an essential part of the office team. He makes sure everything runs smoothly by offering friendly chats (or tail wags) and snuggles to anyone in need. Andy has a special way of putting clients at ease the moment they walk through the door—his calming presence and warm welcome are just part of what makes him so special.

With his playful energy, gentle heart, and growing professional charm, Andy brings joy and comfort wherever he goes! 🐶💛

*Do you have a Proud Pet (or two)?  
Introduce them to us with some photos  
and fun facts! Send submissions to  
[communications.nsw@prideinlaw.org](mailto:communications.nsw@prideinlaw.org)*

# Want more Pride in Law?

FOLLOW @PRIDEINLAW ON



OR VISIT OUR WEBSITE: <https://www.prideinlaw.org/>

## Write for us!

This newsletter is a place for you, our members and sponsors!  
We accept all kinds of submissions, including:

- Feature articles about LGBTIQ+ news or issues
- Spotlight on legal professionals, students or organisations doing great things for LGBTIQ+ people
- Letters from our sponsors or members, about your work, aspirations or journey
- Proud Pets (incl. photos!)
- Any other ideas you might have!

Send submissions to [communications.nsw@prideinlaw.org](mailto:communications.nsw@prideinlaw.org)