



# Pride in Law

## NSW CHAPTER

### FEATURE ARTICLE

## TASMANIA MAKES LEGAL HISTORY: FINANCIAL REDRESS FOR VICTIMS OF HISTORIC LGBTIQ+ LAWS

By Lauren Devine (she/her) Advocacy Officer

In a landmark development for LGBTIQ+ rights and legal redress in Australia, Tasmania has become the first Australian state to pass a financial compensation scheme for people who were historically charged, convicted, or imprisoned under its former anti-homosexuality and cross-dressing laws.

### What the Scheme Provides

Under the *Expungement of Historical Offences Amendment Bill 2025*, the state government has committed to redress payments tied to the successful expungement of criminal records. The compensation is tiered:

- \$15,000 for those who were merely charged under the old laws
- \$45,000 for those convicted
- \$75,000 for individuals who were fined, jailed, or otherwise sentenced under those laws

Tasmania's Attorney-General, Guy Barnett, framed the scheme as a gesture of "compassion and common sense" in acknowledging the suffering caused by these historical injustices.

## **Legal and Historical Significance**

From a legal standpoint, this reform represents a powerful example of state-led redress for discriminatory criminal laws. It goes beyond mere apology: by linking compensation to an expungement process, the law formally recognises that these convictions should not remain as criminal burdens on people's records.

Moreover, it addresses a dark chapter in Tasmania's legal history. Tasmania was the last Australian jurisdiction to decriminalise consensual homosexual acts (in 1997), and uniquely criminalised "cross-dressing" until 2001. The legacy of this discrimination included job losses, forced outing, broken families, exile, and deep psychological trauma.

Notably, many of those who suffered under these laws are no longer alive. Equality Tasmania has estimated that about 100 people were arrested under these historic statutes, but some will never benefit from the redress because they have passed away.

## **A Victim-Centred Legal Reform**

Key to the legislation is its victim-centred design:

- The Bill improves confidentiality by exempting applications, investigation material, and determinations from Freedom of Information requests.
- The law also broadens eligibility, allowing related historical offences to be expunged and redressed.
- Administrative improvements to the expungement scheme, recommended by independent review, are being implemented to streamline the process.

These features reflect careful legal drafting and a respect for the dignity of survivors, rather than simply a transactional remedy.

## **Legal Implications & Broader Significance for the Profession**

For legal practitioners and the judiciary, this scheme sets a precedent in statutory redress for LGBTIQ+ injustice. It demonstrates how modern legislatures can remediate historical criminalisation without resorting to purely symbolic measures — integrating expungement with compensation, confidentiality protections, and a trauma-aware framework.

For students and future lawyers, the Tasmanian model is a powerful case study of restorative justice in a legal system. It also underscores the importance of sustained advocacy, interdisciplinary review, and the role of independent inquiries in reforming archaic, discriminatory laws.

### Call to Action

- Other jurisdictions should take note. Equality Tasmania and others are calling on other Australian states and territories to follow Tasmania's lead.
- Legal community engagement is vital. Pride in Law members, from judiciary, government, academia, and private practice, can build on this moment to advocate for similar redress frameworks in other areas where LGBTIQ+ individuals have been historically criminalised or discriminated against.
- Support for survivors matters. Even as redress becomes available, many impacted people may need legal assistance, counselling, and support navigating the expungement process.

### Conclusion

Tasmania's new redress scheme is more than a legislative achievement, it's a meaningful reckoning with the law's past role in persecuting LGBTIQ+ people. For Pride in Law and its stakeholders, it represents both progress and a reminder: justice is not only about punishing wrongdoing, but about repairing harm, acknowledging history, and ensuring dignity for those whom the law once vilified.



# What's Going on In Aus?

## Landmark Legal Changes on Treatment of Intersex Youth

By Lauren Devine (she/her) Advocacy Officer

A new wave of momentum is building across Australia for the protection of the rights of the intersex community, highlighted by a landmark report, fresh legislation, and renewed calls from human-rights bodies demanding an end to non-consensual medical interventions on intersex children. For legal professionals, the developments underscore both a legal and ethical turning point.

Intersex people are a vital of the LGBTQIA+ community. The “I” reminds us that sex characteristics, like sexual orientation and gender identity, exist along natural spectrums, and that diversity of bodies is a normal part of human variation.

Intersex inclusion matters because intersex people have historically faced some of the most serious rights violations in the community, including non-consensual medical interventions, stigma, and lack of legal recognition.

Centring intersex experiences strengthens the entire LGBTQIA+ movement: it expands our understanding of bodily autonomy, challenges harmful gender norms, and grounds our advocacy in the principle that everyone deserves the right to define their own body, identity, and future.

### So What's New: The Equality Australia Report

On 1 December 2025, Equality Australia published a major new report titled *The Missing Voice* documenting decades of medical interventions on intersex children, many of which could have been safely deferred until the child could consent.

In summary:

- The study analysed 83 cases from hospitals across NSW and Queensland between 2018 and 2023, revealing that nearly half (47%) of the recorded interventions were justified on purely cosmetic grounds, rather than by medical necessity.
- Other justifications included attempts at “gender reinforcement” (17%), parental distress or confusion (63%), and risk assessments that were unbalanced or inadequately documented.
- The report concludes the current system lacks consistent oversight, transparent record-keeping, and proper safeguards to respect bodily autonomy. It demands urgent reform, namely: independent oversight bodies, properly resourced consent frameworks, and a presumption against irreversible interventions absent genuine medical need.

Equality Australia’s call is clear: “We can and must do better ... for future generations of intersex children.”

### **From Calls for Reform to Legislation**

Recent years have seen a surge in concrete legislative progress:

- In 2023, the Australian Human Rights Commission (AHRC) publicly welcomed the passage of new intersex-rights laws in the Australian Capital Territory (ACT), which establish protections for people born with variations of sex characteristics (VSC).
- On 1 December 2025, the Victorian Government introduced a bill into the state parliament to ban “deferrable, irreversible procedures” on intersex children, making informed consent a legal requirement before such interventions.
- Under the proposed legislation, non-urgent interventions would require review by an independent oversight panel. Urgent life-saving procedures remain unaffected. Parents would retain a role, but only in the context of fully informed consent supported by transparent information, psychosocial support and clinical guidance.

Advocates view Victoria’s bill, following the ACT’s lead, as a “turning point”: a recognition that past practices violated bodily autonomy and human rights.

## Spotlight on NSW: The Legal Gap Remains

Despite the growing momentum, NSW remains a glaring exception. The data in The Missing Voice overwhelmingly includes cases from NSW. NSW's current position is as follows:

- There is currently no statewide law or oversight mechanism in NSW to prohibit or regulate non-urgent, irreversible medical interventions on intersex infants and children.
- The lack of updated legislation means that many intersex people in NSW remain vulnerable to decisions made, often under pressure or distress, by clinicians and parents alone.
- Legal professionals and human-rights advocates continue to call on NSW legislators to match other jurisdictions: to enact robust protections, ensure independent review processes, and enshrine bodily autonomy and consent as fundamental rights.

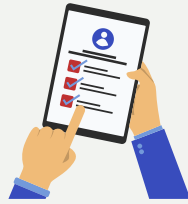
Pride in Law NSW urges legal practitioners, advocates, those with lived experience, and students to contribute to ongoing legal analysis, policy submissions, and evidence-based proposals for law reform.

## Why It Matters to our Community

The reforms unfolding in ACT and Victoria, along with the call for nationwide action, are profoundly relevant to anyone committed to justice, human rights, and equality under the law.

- They confront deeply entrenched practices that alter intersex bodies without consent, sometimes for purely cosmetic or social reasons, raising serious questions about consent, autonomy, and best interests.
- They shift medical decision-making from clinicians/parents alone to a legally regulated system with transparent oversight.
- They may influence future litigation, equality law, human-rights jurisprudence, and health-law policy, potentially contributing to national standards, legal protections and better access to justice for intersex people.

In short, as other jurisdictions begin to enshrine protections for intersex people's bodily autonomy, NSW lags behind. For legal professionals and law students committed to human rights and equality, now is the time to raise our voices, to ensure that intersex Australians are entitled to the same respect for self-determination, dignity, and legal protection enjoyed by others.

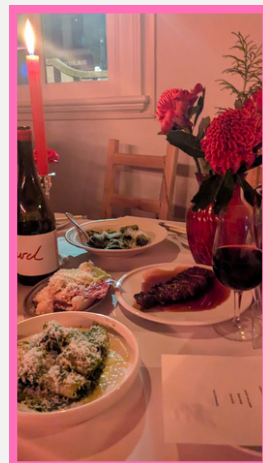


# Upcoming Events

## Pride in Law Supper Club

The Pride in Law Supper Club is a recurring event series, aimed at bringing together people with shared stories and experiences from different parts of our rainbow community.

To be the first to hear about each exclusive dinner first sign up to our mailing list [here](#), or email [events.nsw@prideinlaw.org](mailto:events.nsw@prideinlaw.org)



## Mardi Gras 2026

The NSW Chapter of Pride in Law are starting to tease our Mardi Gras 2026 season events, including a fabulous *drag brunch*!

***Saturday 31 January - Save the date!***

To ensure you don't miss out on the latest and greatest, and to make sure you get tickets on time, sign up to our mailing list [here](#)!





# End of Year Event

Pride in Law and College of Law are so thrilled to have been joined by so many of our fabulous friends, sponsors, and allies at our recent 'Year in Review' event!

A special thank you to our distinguished guests and speakers, Joseph Catanzariti AM (Chairman, College of Law) and Zann Maxwell (Deputy Lord Mayor, City of Sydney) for their incredible contributions to the evening.





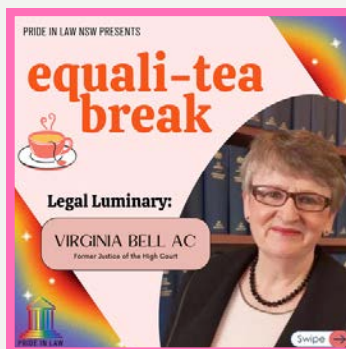
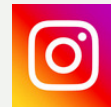
# Happy End of Year!

Happy December from Pride in Law! Thank you for standing with us, uplifting one another, and continuing the work toward a more inclusive legal community. Wishing you a wonderful festive season and a vibrant start to the new year.



# Want more Pride in Law?

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## 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)