



HEALTH & GENDER
AFFIRMATION IN NSW

RIGHTS & JUSTICE

A guide for trans &
gender diverse people
in NSW



It is against the law in NSW to treat you unfairly because you are trans, or because you have a relative, friend, associate or work colleague who is trans.

Anti-Discrimination NSW





TRANS RIGHTS = HUMAN RIGHTS

Your rights

Protections against discrimination

Commonwealth and NSW anti-discrimination laws protect trans people against discrimination in certain areas, such as employment, education, and when accessing goods, services, facilities and accommodation.

In many cases these laws operate regardless of your gender or appearance, if your birth certificate accurately reflects who you are, or whether you have medically affirmed your gender in any way, or not.

In healthcare

If a health professional has given you poor advice, or treated you unfairly when providing you with healthcare services, you can make a complaint. The NSW Health Care Complaints Commission resolves or assists in the resolution of complaints, but generally does not have powers to order compensation or refunds of fees.

In public and on the street

Vilification on the basis of being trans is prohibited in NSW. Vilification means a public act (such as public statements in the media, on social media or in the street) that could incite hatred, serious contempt or ridicule towards trans people. Public acts that threaten or incite violence on the basis of gender identity are also criminal offences.

Breaches of your privacy

Government agencies and many large organisations that hold your personal information have obligations regarding your privacy.

If an organisation or agency has mishandled your personal information, such as information about your gender or trans experience, name, deadname or pronouns, you may be able to lodge a complaint.

Seeking justice

If you have been discriminated against, harmed or wronged because of your trans experience or status, you can seek justice.

Recognising that interacting with law and justice organisations can be intimidating, it is a good idea to seek advice from a supportive organisation like the Inner City Legal Centre (ICLC) before you proceed with a complaint, so you understand the pros and cons of pursuing any particular pathway.

Laws generally protect you when engaging with public authorities, such as government agencies, and you are entitled to be treated with dignity and respect.

Learning more about the possibilities and limitations of legal systems also ensures you can make the best decision about the path that is right for you. In many cases you can share your experience and speak on your own terms, without needing to engage in any legal process.

Legal recognition

At some point in our lives, and to varying degrees, all trans and gender diverse people, just like cis people, will need to engage with government systems and legal processes. You may want to update your name or gender marker on ID, eg. your Birth Certificate, Drivers License, Passport, or for another reason, eg. at work, at school, or with the ATO.


Updating your name

Updating your legal name on a NSW birth certificate is done through an administrative process with the [NSW Registry of Births, Deaths and Marriages](#). You don't need to legally change your name to use a preferred name from the one on your ID or the first name you were given, or to use a nickname, and to request others to use it.

Updating your gender marker

You can update your gender marker on some forms of identity documents without requiring surgery. In NSW, however, surgery and medical oversight is currently required to update your NSW Birth Certificate.

You don't need to have legally changed your gender to exist day-to-day as the gender you are though, including using facilities like bathrooms, and requesting that people use your pronouns or other affirming language.



Gender affirmation for under 18s

Trans young people – those who are under the age of 18 – may have different or additional rights and restrictions to trans adults.

This includes not having the same freedom to make decisions under the law. There are always ways to affirm your gender and stay safe.

Your identity is real and valid. You are loved.

For more information about our rights and seeking justice as trans people, please visit www.transhub.org.au/rights-justice





This resource was created in partnership with Equality Australia, ICLC, & Anti Discrimination NSW.

TransHub is ACON's digital information and resource platform for all trans and gender diverse people in NSW, their loved ones, allies and health providers.

For more information and resources, visit:

www.transhub.org.au



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