



Women's Human Rights Campaign

Monday 22 February 2021

Protests about McIver's Ladies Baths are attacking human rights of vulnerable women

The recent protests directed at McIver's Ladies Baths constitute an attack on the human rights of the women who use the pool, many of whom have nowhere else they can swim, according to Anna Kerr, Principal Solicitor of Feminist Legal Clinic.

McIver's Ladies Baths is an ocean pool near Sydney's Coogee Beach, carved out of the sandstone rocks at the bottom of the cliffs in 1866, and has historically been reserved for women. Prior to colonisation the natural pools were also frequented by Aboriginal women of the Eora nation who used the waters for bathing and as a sacred birthing place.

According to Kerr *“Regular patrons of the pool include women of faith such as Orthodox Jewish and strict Muslim women who are prohibited by the rules of their religion from disrobing with males present, as well as other vulnerable women, such as those who have been victims of sexual assault and do not feel safe under the male gaze.”*

In 1995 the facility was granted a formal certification pursuant to section 126A of the NSW *Anti-Discrimination Act 1977* to operate for the exclusive use of women and girls as well as boys under 13 years of age. This exemption was granted in recognition that the Baths service the special needs of women. Section 23 of the *Anti-Discrimination Act 1977* defines woman as *a member of the female sex irrespective of her age*. There is also a specific exception from transgender discrimination provisions for sport under section 38P of the Act.

McIver's Ladies Baths is unique; it is the only remaining women's and children's Baths in the Southern Hemisphere. It is celebrating its 100th year of operation.

According to a [petition](#) circulating which is entitled *“Keep McIver's Ladies Baths Women & Children Only”*: *“McIver's is the only one that operates as a single-sex pool, allowing women of all cultures and body types to swim freely without men present. Wylie's Baths is one of the other 34 mixed-sex pools available to the public and is only a short stroll from McIver's. It is three times the size of the ladies baths, with many more facilities than the very basic ones available at the smaller ladies pool.*

McIver's Ladies Baths is not operated by the Randwick Council, but by the Randwick & Coogee Ladies Swimming Association (R&CLSA) which is a not-for-profit organisation and falls under exceptions to the discrimination legislation for voluntary bodies.

Contact for further comment:

Anna Kerr, Principal Solicitor, Feminist Legal Clinic Inc., Tel: 0402 467 476, office@feministlegal.org;

Melinda Jones, President of the National Council for Jewish Women, Tel: 0411 039 976 melindajones613@gmail.com