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The Hon Marise Payne
Senator for NSW
Minister for Women
PO Box 1420
Parramatta, NSW, 2150

Attn: Kathryn Mandla, Assistant Secretary

19 January 2020

Via email only: ministerforwomen@pmc.gov.au

Dear Minister

Re: The impact of aggressive trans activism on the human rights of women & girls

We refer to the letter from Ms Kathryn Mandla, Assistant Secretary dated 30 October 2019 and sent on your behalf in response to our letter to you of 29 August 2019.

We fully agree that all people are entitled to safety, respect, dignity and the opportunity to participate in society and receive the protection of the law regardless of their sexual orientation, gender identity or intersex status. However, we do not agree that this requires that males should be able to demand that they be treated as if they were women. Taken to its logical conclusion this would require that males who identify as women should be entitled to receive pap smears and other gynaecological services as claimed by the notorious Jessica Yaniv in Canada. Should they also be prescribed female contraceptive at risk to their health?

We believe this is a misinterpretation of the relevant provisions in the *Sex Discrimination Act* 1984 (the Act) in which it is rendered unlawful to treat a person *less favourably* on the grounds of their gender identity than a person with a different gender identity. It also prohibits imposing a condition, requirement or practice *that will disadvantage* people of that gender identity. This is not the same as requiring that male and female individuals should be treated identically for purposes in relation to which their biological sex is relevant. Recognising physical differences between individuals does not necessarily mean treatment is less favourable. For example, a failure to acknowledge a physical disability could result in greater inequity than making provision for it by providing wheelchair access. So too, a failure to acknowledge the physiological differences between men and women is likely to create inequity rather than further equality.

In addition Section 7B of the Act states that “a person does not discriminate against another person by imposing, or proposing to impose, a condition, requirement or practice that has, or is likely to have, the disadvantaging effect . . . if the condition, requirement or practice is reasonable in the circumstances.” Section 7D also provides that special measures for

achieving substantive equality do not constitute discrimination. We would suggest therefore that spaces, services and opportunities that have been exclusively reserved for women to counter the effects of sex-based inequality do not constitute discrimination.

Section 42 of the *Sex Discrimination Act* 1984 also makes a specific exemption in the case of sport. The Guidelines issued by the Australian Human Rights Commission (AHRC) are therefore significantly misleading and were formulated with inadequate public consultation. They should be withdrawn from circulation immediately as they are unfair to women and girls and may directly result in sporting organisations putting them at significantly increased risk of injury. Even one of Australia's highest profile members of the trans community, Cate McGregor, has protested the AHRC's process on trans inclusion in sport and says that "trans activists are dangerous".

In her letter, Ms Mandla also states that legislative or policy reform relating to the issuing of birth certificates is primarily a matter for state or territory governments. However, this is ignoring the Federal Government's international human rights obligations, including under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). We represent a growing number of individuals who are concerned at extensive human rights abuses taking place as a direct result of government's failure to intervene.

In response to demand, we are hosting regular meetings of a support group for distraught parents who travel from around the state to share experiences of how their teenage children (the majority of whom are girls) are being harmed by damaging medical interventions, increasingly administered without parental consent. We are also briefed by many lesbians who have taken to meeting in closed and secret groups having found that this is the only way they can be free of male sexually predatory behaviour and violence and can talk freely about a topic on which they otherwise silenced for fear of ostracism and losing their employment.

Ms Mandla states that she is not aware of evidence that suggests transgender women pose an inherent risk to others in women's only spaces. We would suggest that this lack of awareness is due to the extensive censorship of our media in relation to stories on this topic, with a transgender lobby group called Rainbow Rights Watch being responsible for almost half of all complaints lodged with Australian Press Councils against the nation's major media outlets. Despite this, for those of us involved in the operation of women's services there is no shortage of evidence. I attach a copy of a submission made over a year ago by our office to the Western Australian Law Reform Commission which provides both international and local examples of the negative impacts on women. Many other examples can be accessed through links on this page: <https://womenshrc.org.au/links-resources/>.

We again implore you and other members of government to give this matter your urgent consideration before irreparable harm has been done to many women and children. Please do not hesitate to contact me on 0402 467 476 if you would like to organise a meeting or if any further information is required.

Yours faithfully



Anna Kerr
Principal Solicitor