

DRAFT



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10 July 2023

Submission to Inquiry into Australia's Human Rights Framework – Parliament of Australia

ABOUT CoAL

Inception of the Coalition of Activist Lesbians (Australia) Inc (CoAL) in 1994 coincided with plans to represent Australian lesbians at the 1995 UN 4th World Conference on Women in Beijing. CoAL was the only Lesbian-specific NGO in the world at that time to be UN-accredited, both with the Economic and Social Council (ECOSOC) and with the Division for the Advancement of Women.

CoAL works towards ending discrimination against lesbians. It is the only national not-for-profit, community-based organisation that advocates specifically on behalf of Australian lesbians to all levels of government.

CoAL aspires to be part of a society where respect for differences, the rule of law, and the equal dignity of all humans are shared.

We operate within a human rights-based, women-centric, socio-ecological framework to protect lesbian human rights, and to support all Australian lesbians to participate equally in society in activities for positive social change.

To fulfil our United Nations accreditation obligations, CoAL monitors Australian, state, and territory legislation - and the public and private sectors - to ensure implementation of principles inherent in international covenants, including freedom of speech and rights to association, and networks internationally, nationally and locally, with other lesbian, women's, and general community groups.

FIRST NATIONS ACKNOWLEDGEMENT

We pay our respects to the Elders, past, present, and emerging of the various Country's upon which we live and work, including Lesbian Elders and emerging Lesbian Leaders, we acknowledge that *this land was never ceded*. We request the Australian Human Rights Commission be particularly cognizant of the specific disadvantages faced by First Nations peoples when drafting the *National Human Rights Act*.

RECOMMENDATIONS OF THIS SUBMISSION

1. All legislative and policy documents produced by the Australian government relating to human rights shall include and define the category 'woman' to mean adult human female; the category of 'lesbian' to mean an adult human female whose sexual orientation is towards other adult human females; and the category of 'mother' to mean a female parent. Men who claim to have a female or lesbian 'transgender' identity shall be excluded from these categories.



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2. CoAL believes that Australia needs a *National Human Rights Act* to ensure the rights of all people, including lesbians, are protected.
3. Any Australian Human Rights Act should use the following existing terminology found in the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* (12 Subsection 4(1)) (Australian Government Federal Register of Legislation, 2013) to define **sexual orientation** to mean a person's sexual orientation towards:
 - (a) persons of the **same sex**; or
 - (b) persons of a **different sex**; or
 - (c) persons of the **same sex** and persons of a **different sex**'.
4. The rights of older lesbians and other women with disabilities should also be protected by the excision of discriminatory clause 41(1)fba from the *Age Discrimination Act*.
5. The Australian government must acknowledge that polio survivors over 65 years are eligible for the NDIS as the Aged Care Packages do not deal with the health and emotional issues polio survivors experience, specifically those people who experience continual post-polio health issues.

6. Lesbians with disability

CoAL urges the Australian government to adopt the following recommendations to protect the human rights of all women with disabilities (including lesbians and girls), adapted from those made by WWDA (Women With Disabilities Australia 2022). Changes we have made to their recommendations were to remove influences of gender ideology.

- i. That the Australian Government establish and enact comprehensive, national, judicially enforceable human rights legislation that fully incorporates its international human rights obligations into domestic law.
- ii. That the Australian Government withdraw its Interpretive Declarations on the United Nations Convention on the Rights of People With Disabilities (CRPD) including Article 12 [Equal recognition before the law], Article 17 [Protecting the integrity of the person] and Article 18 [Liberty of movement and nationality] and that the Australian Government review and take action to withdraw its Reservations and Interpretative Declarations to the other human rights treaties to which Australia is a party. This is in accordance with the CRPD Committee's Assessment of Australia's Compliance in its Concluding Observations on September 2013 (McCallum 2020).
- iii. That the Australian and State and Territory independent National Preventive Mechanism (NPM) oversight bodies under the *Optional Protocol on the Convention Against Torture* (OPCAT), categorise group homes, residential aged care facilities (RACFs), closed mental health units, forensic disability units, hospitals, and broader residential facilities for people with disability as 'places of detention' under the OPCAT, and be monitored accordingly.
- iv. That Australia fully implements the recommendations from Australia's reviews under the seven human rights treaties to which it is a party.



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- v That the Australian Government recognise, support and strengthen the role of women and girls, including lesbians, with disabilities in organisations, groups and networks in efforts to fulfil, respect, protect and promote their human rights, and to support and empower women with disability, both individually and collectively, to claim their rights. This includes the need to create an environment conducive to the effective functioning of such organisations, groups and networks, including adequate and sustained resourcing. Inherent in this, is the need for financial and political support to enable the establishment and recurrent funding of a peak Disabled People's Organisation (DPO) for women with disability in each State and Territory, such DPO to have mechanisms for adequate consultation with lesbian members and external lesbian organisations.
- vi That the Australian Government ensure that the Australian Disability Strategy (ADS) 2021-2031 develops specific data collection measures by **sex** to monitor and report on the sexual and reproductive rights violations experienced by people with disability, with particular attention to women and girls including lesbians, with disability.
- vii That, consistent with long-standing recommendations from the UN international human rights treaty monitoring bodies, the Australian Government commission and fund a comprehensive assessment of the situation of women and girls, including lesbians, with disability in order to establish a baseline of disaggregated data and information against which compliance with the UN treaties (to which Australia is a party) and national policy frameworks can be measured and monitored.
- viii That the Australian government, when it meets with state government representatives in the national cabinet, encourage NSW, SA and WA ministers to adopt the mandated levels of dwelling accessibility specified in the National Construction Code 2022.

INTRODUCTION

Language matters. We might even go so far as to say that if a thing cannot be named and defined, it does not exist.

Rarely is legislation devised, specifically, *to take away human rights from a particular class of people* except, perhaps, First Nations. More often, minorities' rights are simply overlooked, or not taken into consideration, when legislation is drafted. When it is realised that particular legislation is discriminatory, it *may* be changed—but not always.

One extremely important change to Australia's human rights legislation—since development of the 2010 *Human Rights Framework*—has been the 2013 excision of the definitions of 'woman' ('a member of the female sex irrespective of age') and 'man' ('a member of the male sex irrespective of age') from the original version of the Commonwealth *Sex Discrimination Act (1984)*:

'8 Subsection 4(1) (definition of *man*)



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Repeal the definition.'

'14 Subsection 4(1) (definition of *woman*)

Repeal the definition.'

(*Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* (12 Subsection 4(1)) (Australian Government Federal Register of Legislation, 2013).

By removing the definitions of 'man' and 'woman' from the original, 1984, version of the *Sex Discrimination Act*, the federal government has made it almost impossible for women to defend our sex-based human rights using federal, or state, laws. For instance, this is currently having serious legal ramifications, both for Australian women and lesbians, in the Tickle Vs Giggie case before the Federal Court.

Sex-based definitions are still valued widely despite the institutional creep of gender ideology. For example, Johns Hopkins University wanted to make LGBTQ students feel welcome and valued, so it posted a Glossary of Terms on its student website, including:

'Lesbian [sexual orientation]: **A non-man attracted to non-men.** While past definitions refer to 'lesbian' as a woman who is emotionally, romantically, and/or sexually attracted to other women, this updated definition includes non-binary people who may also identify with the label.' (Lavietes 2023).

After a furore, the definition was taken down, with the following explanation:

'Johns Hopkins strives to create a campus culture that is inclusive and welcoming for all gender identities, sexual orientations, experiences and viewpoints...where LGBTQ people feel supported.... while the glossary is a resource posted on the website of the Johns Hopkins University Office of Diversity and Inclusion (ODI), the definitions were not reviewed or approved by ODI leadership and the language in question has been removed pending review.' (Johns Hopkins n.d.)

Under the gender identity control of Victor Madrigal (UN Rapporteur) there is a push to erase lesbians even further with the following disgraceful definition of lesbians e.g., lesbians as non-men attracted to non-men (Johns Hopkins University)

A more satisfactory and accurate definition of 'lesbian' has not been uploaded.

In another instance, this time legislation **actively took away** women's and lesbians' human rights, (which is familiar to some members of CoAL), by **adding** the discriminatory clause, 41(1)fba, to the *Age Discrimination Act* to prevent people over 65 from taking action against the government for excluding them from the NDIS. So, they suffer from *intersecting* Disability and Age discrimination, contrary to the *Convention on the Rights of Persons with Disabilities (CRPD)* (Post-Polio Victoria, Oct 2021; Spinal Life Australia n.d.).

This is viewed as discriminating against older people with disabilities and their needs, since, in Post-Polio Victoria's survey on '*Caring & Planning for the Future of Post Polio Syndrome*', when asked if they had 'Further needs to manage post-polio syndrome that you are not able



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to access?' 50% of those surveyed answered, 'Services under the NDIS' (Post-Polio Victoria, Oct 2021).

Lesbians do not seem to be mentioned in the Convention on the Rights of Persons with Disabilities (CRPD) – as if there is an assumption that every lesbian is sound in body and mind.

Medical faculties no longer teach about polio in Australia, since they believe that it 'has been eradicated'. This is far from the truth, with Toniolo's and others' evidence, with electron microscope slides, that the poliovirus persists in the brain. The Polio Health Australia (No date) website presents evidence of how polio myelitis, or infantile paralysis, is a bi-modal disease which attacks the motor neurons attaching the brain to the muscles and that it can return, backed up by Koopman et al's Cochrane Review (2015) and the Mayo Clinic's (No date) research. If over half the motor neurons to a particular muscle are infected, they die off, resulting in paralysis. But sometimes others replace them, although these are not as long-lived as the original motor neurons, resulting in 'post-polio syndrome' 30-50 years after the original diagnosis. This presents *major problems* for women and lesbians who try to access the NDIS because health professionals cannot understand that the polio has 'gone away' but then 'come back again' - which does not fit the NDIS definition of a significant disability that is not going to be cured.

One polio survivor decided to go so far as taking Prime Minister Scott Morrison to the United Nations for his government's dismal performance on disability (Spinal Life, 19 Oct 2021).

The UN, itself, is also not impressed with the Australian Government's performance on disability. Its *Concluding Observations on the Combined Second and Third Periodic Reports of Australia*, were scathing about the tardiness of reporting and lack of progress in instituting the *National Disability Strategy* and the *National Disability Insurance Scheme*. (Post-Polio Victoria, Oct 2021).

Continuing with the health theme, lesbians are not named as such in Women's Health documents as they are assumed to be the same as heterosexual women, when they often have significantly different health issues that are either ignored or glossed over. With the number of males identifying as trans-women, again the rights of lesbians to access appropriate health care are merged into what are often considered to be overall rights that in essence do not meet the needs of the lesbian population regardless of their age.

Accessibility in housing (Article 9, Convention on the Rights of Persons with Disabilities) is a particularly important issue to people, including lesbians, with disability. In a survey of 2,069 people with disability carried out on behalf of the Department of Social Services: 32% said that *safe and accessible housing and accommodation* was 'a severe issue'; 27% said it was 'a major issue'; and 16% 'somewhat an issue' (The Social Deck, Dec 2019:33) i.e., safety/accessibility was important to 75% of those surveyed.

Until this year there was *no mention of accessibility* in the National Construction Code (Australian Building Codes Board, 2022), which governs all building in Australia – including



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houses and flats. The Master Builders' Association has had a very lucrative market for retrofitting disability features into existing housing, which it is reluctant to give up. It has taken 20+ years of advocacy on the part of the Australian Network for Universal Housing Design, and other community-based organizations to get the Australian Government to agree to legally-mandate that new dwellings should have accessibility features built into them. They have now agreed to do so, and the 2022 edition of the *National Construction Code* (ABCB, 2022) provides technical specifications for the 'silver' level of accessibility, adapted from the Livable Housing Design Guidelines put out by Livable Housing Australia in 2017. The previous 'silver' level was by no means perfect for people with disabilities e.g., it did not specify room dimensions so that, for argument's sake, if you had a wheelchair, you could not be guaranteed that you would be able to turn it around in your bedroom. General feeling it is better than nothing.

In theory this means that all dwellings in Australia built from September this year should comply with the 'silver' level of accessibility. However, NSW, SA, and WA are arguing that their states will not comply with this standard, stating that it would be too costly to implement.

In their final evaluation, The Centre for International Economics recommended that policy- and decision-makers could 'weigh up factors, such as social justice for people with disability, supporting more inclusive communities, and ageing in place, as well as Australia's *future progress towards international human rights treaties*, against the net cost imposed on other members of the community' (Centre for International Economics p212). This aligned with Post-Polio Victoria's suggested socio-ecological framework by taking a broader perspective on disability and ageing, also including the needs of family, friends, carers, and health practitioners, was acknowledged to have merit because it 'accounts for the impact of an individual's social and environmental context on their health outcomes' (Duncan & Batliwalla, 2018:2). and takes equity and the human rights set out in the UN *Convention on the Rights of Persons with Disability* seriously. That is, it takes *who benefits* - and *who pays the price* - into account: something that politicians must, ideally, do when they legislate societal policies.

The immediate question to be addressed for this Inquiry is 'Should the Australian Parliament enact a federal *Human Rights Act*?'

The Coalition of Activist Lesbians (Inc) Australia (CoAL) recommends, with some trepidation, that the Australian Parliament should enact a federal *Human Rights Act*.

We have some major reservations because, for it to be successful, a consolidated *Human Rights Act* needs to protect the rights of at least two very different groups of people—namely *women*, including gender-critical (lesbian) feminists and 'transgender' people, including trans-activists—the former claim that their rights are grounded in their biological sex, while the latter claim that biological sex is irrelevant and that it is how they 'identify' that underpins their rights. Currently, it is hard to see how the human rights can be reconciled with both these groups—to say nothing of the increasing flood of resisters and detransitioners, such as Jay Langadinos (Szego 2022).



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This submission responds to the Terms of Reference of the Inquiry into Australia's Human Rights Framework (Parliament of Australia 2023) in three sections:

1. Elements that should be included in a federal Human Rights Act;
2. Inadequacies of existing mechanisms to protect human rights in the federal context; and
3. Ineffectiveness of existing human rights Acts/Charters in protecting human rights in the Australian Capital Territory, Victoria and Queensland, including relevant caselaw, and relevant work done in other states and territories

1. ELEMENTS THAT SHOULD BE INCLUDED IN A FEDERAL *HUMAN RIGHTS ACT*

We note that the AHRC position paper *A Human Rights Act for Australia* points out deficiencies, in that successive Australian governments have expressed a commitment to rights and freedoms by ratifying key international treaties, while failing fully to incorporate those obligations into our domestic laws. An overarching Human Rights Act or Constitutional Bill of Rights that does this would bring us more into alignment with all other liberal democracies (AHRC 2022:46). In this submission, we focus on a proposed Human Rights Act for Australia.

i. Participation Duty

CoAL agrees with the AHRC that an Australian Human Rights Act should include an overarching 'participation duty,' regarding decisions affecting the rights of First Nations peoples, children and persons with disability, which would be binding on public authorities with obligations under the Human Rights Act. This duty would include a *non-binding* requirement for proponents of legislation to facilitate participation during the law-making process and to reflect what participation measures, including names of groups consulted, were undertaken in statements of compatibility.

It is completely valid to include the under-served within a human rights framework. However, we submit that lesbians are another particularly under-served group with significant intersecting rights who are not being given adequate consultation rights. This is because the dominant position of LGBTQ+ organisations, such as ACON, do not allow for a diversity of views outside their closed 'Trans' umbrella. As a consequence, rapid legislative changes over the past ten years or so in Australia, as elsewhere, have eroded the rights of women, girls and lesbians by widespread uncritical adoption of gender ideology, which has allowed the term 'sex' to be equated with 'gender.'

The term 'gender ideology' is used by CoAL and radical feminists who have a gender critical understanding of the illogical system of ideas and ideals that support the concept of 'gender identity'. It is based on the term 'gender' produced by gender identity theory, which claims that sex is a limited and irrelevant concept and must be replaced with gender, where gender is fluid—and determined at will—and yet is a person's innate personality trait (an inner feeling) that can be performed across a spectrum of identities, independent of a person's biology. Thus, sexed biology becomes subservient to gender identity, which can be affirmed by dressing and acting according to sex stereotypes and cultural or socio-economic norms, and with help from medical interventions (hormones, surgery). However, gender identity still relies on sex categories of 'man' and 'woman' to mark out an imagined difference from



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a biological state ('transwoman,' 'transman') that is more powerful and true, or 'real,' than (so-called 'cis') biology.

The consequence of this is that it is very difficult to formulate a material and stable definition of gender identity. Young lesbians can become confused when they are pressured for sex by (mainly heterosexual) men who identify as transwomen and claim that a woman can have a penis and be a lesbian (Wild, 2019a).

Soh (2017) found 11 studies following gender dysphoric girls over time showing the same finding: if they resisted social contagion among their peers, and did not transition, 60%-90% desisted at puberty and grew up to be gay. They often experienced other mental health problems, such as autism or borderline personality disorder, which required investigation, rather than immediate affirmation.

Examples will be discussed in Sections 2 and 3 on past and existing inadequacies and ineffectiveness of protecting lesbian rights in Federal, State and Territory mechanisms.

ii. Sexual orientation

Sexual orientation is a contested term. The definition in Federal laws, such as the *Sex Discrimination Act*, is at odds with the definitions used in the Conversion Practices Laws in QLD, ACT and VIC. CoAL supports the Federal laws' use of verifiable science-based language, and not the conversion laws of the States that use language devoid of references to sex and that is derived from fallacious transgender ideology.

Any *Federal Human Rights Act* should use the following existing terminology found in the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* (12 Subsection 4(1)) (Australian Government Federal Register of Legislation, 2013) to define **sexual orientation** to mean a person's sexual orientation towards:

- '(a) persons of the **same sex** (homosexual, lesbian or gay); or
- (b) persons of a **different sex** (heterosexual); or
- (c) persons of the **same sex** and persons of a **different sex** (bisexual)'.

2. INADEQUACIES OF EXISTING MECHANISMS TO PROTECT HUMAN RIGHTS IN THE FEDERAL CONTEXT

The Federal *Sex Discrimination Act 1984* (SDA) was a watershed for women's rights in Australia. Among other things, it provided for special measures to advance women's substantive equality.

In 2013 it was amended to protect sexual orientation, 'gender identity' and intersex status. Regrettably, the definitions of 'woman' and 'man' were removed from the revised *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* (as described above in the Introduction).

'Gender' was given the same status as 'sex', with neither term being defined; but 'gender identity' (even though it was given the circular definition of 'gender-related identity') was



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included, thus enabling 'gender self-identification' legislation. This pernicious about-turn has been the result of a concerted international movement to spuriously agitate for the rights of people who identify as transgender as an 'add-on' to LGB rights and without any consideration of how they might affect long fought for women's and lesbian rights.

A key turning point was a meeting at Jogjakarta of self-appointed experts who produced a document suitable for influencing international arenas, including the United Nations (*Yogyakarta Principles 2007*). This document has had widespread impact in legal and human rights circles and, indeed, the Australian Human Rights Commission cites it extensively in its position paper prepared for this Inquiry (AHRC 2022) and in an online statement on LGBTQI equality (AHRC n.d.).

CoAL rejects many of the Yogyakarta principles, including a later set (*The Yogyakarta Principles plus 10 (YP+10) 2017*) for a range of reasons, including their poor protection of women's and children's rights. Their widespread adoption indicates institutional capture by gender ideology (eg, the AHRC), which makes statements by those organisations immediately suspect as biased against the protections of women and lesbian rights. CoAL asserts that the Yogyakarta Principles were drafted by a group of activist LGBTQA+ people, following the insidious Dentons manual to the letter, which does **not** give them the UN standing of a Convention or a Covenant, nor equivalence to CEDAW, that these documents pretend to have.

In additional support of our misgivings, we draw your attention to criticisms by Robert Wintemute, one of the signatories to the original document and a Professor of Human Rights at Kings College London, who has stated he and the other members of the group of experts had not considered, let alone discussed, the conflict between 'gender identity rights espoused in that document and women's rights.' He is now a Trustee in LGB Alliance, the British organization that aims to represent homosexual people who no longer feel represented by LGBT+ organisations using the Yogyakarta Principles (Singer 2022).

People in Australia and elsewhere who resist gender ideology find themselves censored, attacked, ostracised, and sacked from their workplaces. Examples are too numerous to recount them all but include:

- the extensive vilification of the English children's author J.K. Rowling, who continues to fearlessly confront gender ideology;
- the protracted trans-activist campaign against University of Melbourne Associate Professor of Political Philosophy, Holly Lawford-Smith (reminiscent of that which caused Professor of Philosophy, Kathleen Stock's departure from the University of Sussex in 2021). The campaign against Professor Lawford-Smith included invasion of her speeches, boycotting lectures, campus rallies, pamphlet and stickering campaigns, office disruption, petitions against her, her being subjected to a university disciplinary process (which was dismissed), and requiring security guards to escort her to and from her lectures (Feminist Legal Clinic, 2023; Finlay 2021; Lawford-Smith, 2023);



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- the recent sacking of the Australian journalist, Julie Szego, from *The Age* newspaper for writing articles that her colleagues considered biased and supporting gender critical views she was reporting (Szego 2023).

The amended SDA offers no guidance concerning legal procedures if there is a conflict between gender-based and sex-based rights claims, and many have become apparent. For example, in *Tickle v Giggle* lesbians' and other women's sex-based rights are currently being defended in the Federal Court, enabled only via crowdfunding, over a discrimination claim by Tickle (a trans-identified male) against the lesbian online dating app company and its owner, who refused to accept his claim to be a woman.

Another example of inadequacies is the abortive attempt made to entrench 'gender' in the 2021 Census: the 'Sex' question included 'Male', 'Female' and 'Non-Binary', with a text box for elaboration. Later, the Australian Bureau of Statistics stated it did:

'not believe results from the 2021 non-binary sex category provide data of high enough quality to be used... the concept of non-binary sex was not consistently understood and was perceived in different ways by different people. Results cannot be used as a measure of gender diversity, non-binary genders or trans populations' (ABS 2022)

3. Ineffectiveness of existing human rights Acts/Charters in protecting human rights in the Australian Capital Territory, Victoria and Queensland, including relevant case law, and relevant work done in other states and territories

As we saw, 'gender' has either replaced 'sex' in law and policy or has been granted equivalence to it. The issue has entered political debates about equality, human and civil rights, freedom of expression and 'hate speech'; illustrating the ineffectiveness of existing laws to protect the human rights who resist policy capture by gender ideology.

In June 2022, the Australian Greens party's acute internal divisions over gender identity ideology have become highly public, with debates over freedom of speech, democratic process and conflicts of rights after the elected (female) Victorian Convenor was dis-endorsed by the Greens' Victorian leader before she took up her position. The party leader frequently states 'trans rights are non-negotiable'.

The then Prime Minister Scott Morrison personally picked Katherine Deves, co-founder of Save Women's Sports Australasia, to stand for Liberal election. She prioritised safeguarding women's sports in her campaign - which turned the issue of women's single-sex-based sports versus 'trans rights' claims into a political football. Deves herself suffered intense vilification, including death threats. She was not elected.

Despite positive developments internationally (e.g. the FINA decision barring adult men who identify as transgenders from women's competitions), Australian sporting decisions have not prioritised women. In May 2022, 'Sasha Jane Lowerson' boasted of winning a WA surfing championship as a woman three years after he had won it as a man. Despite multiple protests, Surfing Australia reaffirmed its 2021 ruling that 'transgender surfers are free to enter any contest in Australia' ('Update to members' 2022)



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In her submission to the NSW Government on parental rights, Professor Dianna Kenny wrote that she feared gender ideology 'is leaking into school classrooms ... from numerous sources ... e.g. by politically active teachers on their own initiative ... placing unvetted ... materials before children and adolescents' (Kenny n.d.). Parents of primary-school children who attend after-school care in Sydney were alarmed that they were being taught radical gender identity ideology, colouring in 'progressive pride flags' and learning words such as 'gender-fluid', 'nonbinary', and 'asexual'. One parent was interviewed by police after the childcare centre laid a complaint, saying: 'My child is five, I don't understand what possible justification there is for exposing them to sexual identities like this' (Morrow 2022). Police interviewing this citizen for exercising free speech equates to the politicisation of the police force which goes against the Constitution's 'separation of powers'. Police commanders should be reminded of this, so they do not continue to act outside of their scope.

CoAL commends the Prime Minister, Anthony Albanese, who, in 2022 undertook that Australian Federal legislation will be made to take precedence over (Queensland) state law by re-inserting the word 'mother', which had been replaced by 'birthing parent', into birth registration forms, after an outraged woman asserted her right to motherhood status and language use.

Applying the term 'conversion therapy' to treatment of children who think they may be 'trans' is a complete misnomer, which plays into the Dentons handbook. (Bilek, 2020; Kirkup, 2019; Thomson Reuters et al, no date). The Dentons manual recommended that less popular causes should be snuck into legislation by piggybacking them on more popular causes (Kirkup, 2029).

Prohibition of conversion therapy, which endeavoured to change gay and lesbian people into straight people has gained popularity. Although trans-activists have referred to trying to stop children who think they may be trans from taking puberty blockers, cross-sex hormones and having surgery to remove their genitals and breasts as 'conversion therapy, it is, in fact, exactly the opposite. It is trying to prevent confused, often autistic, young people - with the fastest-growing cohort being young girls – from vain attempts to change their sex (Barnes, 2023; Joyce, 2021).

So-called 'conversion therapy bans' have become law in Queensland, Australian Capital Territory and Victoria. Although they ban gay conversion therapies—decades too late—they also ban any approach to gender dysphoria among minors other than 'affirmation', which is now questioned or outlawed in numerous countries (Kenny n.d.). Medical and psychological healthcare practitioners, or parents, who follow a standard-practice psychotherapeutic 'watchful waiting talking therapy' approach, can now be penalised by up to 10 years' jail, plus \$20,000+ fines. This legislative doublethink perfectly follows the methodology recommended in Dentons' 'trans rights activists' manual. It sneaks less-desirable issues—enabling chemical, and sometimes surgical, harm by 'transing' minors, so they fit a heterosexist mode—into law by piggybacking them on more acceptable issues like 'gay conversion', or gay marriage. This often leaves comorbid psychological conditions or disabilities untreated. CoAL is alarmed that NSW and other jurisdictions are considering following suit. However, we are somewhat reassured that the psychiatrists' professional



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body is reasserting its right to 'do no harm' and to conduct mental health evaluations of people with 'gender dysphoria' (McCall 2021).

Following the amendment to the SDA, a number of state jurisdictions have adopted, or are proposing, pro-'gender identity' laws. These will continue to threaten women's sex-based rights even if the SDA amendments are overturned. In 2019, Tasmania was the first state to allow citizens to retroactively change their birth certificates to reflect their chosen gender. As a result, in July 2021, the Tasmanian Anti-Discrimination Commissioner refused to grant an exemption to LGB Alliance for a lesbian social function where organisers wanted to exclude men who identify as lesbians ('Tribunal says' 2022). Angela C Wild, a lesbian businesswoman in Wales, has described this as a clash of incompatible rights over women's spaces, in which the women-only spaces whose access is being debated is that of lesbian bodies. Participants in a small survey she carried out reported that lesbians who defined lesbianism as "same-sex attraction at the exclusion of people who have or had penises" were considered to be using a form of hate speech and were violently punished by exclusion, intimidation or threats (Wild 2019b).

Sharing of bathrooms/restrooms with Trans Women/Men is an unacceptable invasion of women, girls and lesbian spaces. There are numerous cases of abuse occurring in these situations and when this objected to those who do so are labelled 'trans-phobic' with swift retribution from those within the Trans lobby who think it is acceptable to take over women's spaces.

The Australian Newspaper (10/07/2023) and The Daily Mail (09/07/2023) both reported that in Australia, female children as young as thirteen were able with one psychiatric visit able to present to have double mastectomies. When these young people were questioned, they believed that their breast tissue would grow back and that they could discontinue puberty blockers and other drug therapies without experiencing health consequences. Clearly there is not enough oversight of how children and young people are being given information that leads to significant confusion about what they are agreeing to. CoAL sees this as a significant human right that must be covered appropriately under any changes to legislation.

That no organisations other than CoAL collects or recognises violence against lesbians is of grave concern to members of CoAL. It is as if lesbians are invisible and that if they are not noticed then there is no need to consider their rights as human beings. Any Human Rights legislation must speak with lesbians to ensure that their issues are heard and that they are then included in whatever form legislation may take.

As has been outlined in this submission CoAL believes that a National Human Rights Act could be beneficial if the issues raised above are treated seriously and investigation of how lesbians can be heard. This submission was developed by members of CoAL Committee, in particular work by Viviane Morigan and Barbary Clarke.

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