



**IWD Brisbane Meanjin**  
INTERNATIONAL WOMEN'S DAY

Submission to the Legal Affairs and Safety Committee on the Bill to establish sex self identification in Qld via changes to the Births Deaths and Marriages Registration Act.

10 January 2023

*"Documenting why women and girls need sex segregated areas will retraumatise the body. Even decades later- the body remembers. Yes, now women have to knock on the door of their darkest moments, reliving the horror of what men have done so as to beg for recognition of our sex. The minister for women is xxxxxx or xxxxxx."*

unnamed Qld woman December 2022

This is a quote from a supporter of IWD Brisbane Meanjin (henceforth referred to as IWD BM) as she struggled with her memories of male violence, keen as she was to explain to the State Labor Government why single sex spaces are important to women and girls as they attempt to heal from the lasting impacts of male violence.

IWD BM is a feminist network which works to win women's liberation. Currently, and for the last five years, our focus has been to resist gender identity ideology which seeks to erase the rights, safety and dignity of women and girls. We are aware the ideology, while it is promoted by the State, big corporations, neoliberal universities (especially those funded by the big corporations), the mainstream media (especially the media funded by the public purse), it is not supported by the community. Further, it presents particular harm to women, girls, lesbians, gay men and children.

IWD BM is happy to provide further information verbally to the Parliamentary Committee.

#### Headings

1. Absence of Community Consultation including Refusal to Talk with Women
2. Convention on the Elimination of all Forms of Discrimination Against Women. 1979. CEDAW. Plus Refusal to talk with Women
3. The loss of Privacy, Comfort, Dignity, Rights
4. Misrepresentations and Untruths Presented to the Qld Parliament
5. Sex self identification promotes the objectification and hatred of women
6. The most vulnerable Women are Harmed First and Worst
7. The State Government has provided no evidence-based justification to replace single sex spaces with mixed sex spaces
8. Gender identity could be in addition to, rather than instead of, sex



## 1. ABSENCE OF COMMUNITY CONSULTATION AND REFUSAL TO TALK WITH WOMEN

This Bill has been proposed by the Qld Attorney General and Minister for Women and Minister for the Prevention of Domestic and Family Violence, Shannon Fentiman, who stated in Parliament:

“The changes will not significantly impact people who are opposed to them, but it will make real improvements to the lives of our LGBTIQ+ community”. (Hansard 2 December 2022, p 3936).

The statement is incorrect on both counts: the Bill will have serious adverse consequences on the lives of women and girls, in particular, including lesbians, as single sex spaces, become mixed sex spaces. The Bill will impact the rights, safety, dignity and comfort of women and girls in using public facilities such as swimming pool and gym changerooms. It will remove lesbian dating sites and turn them into heterosexual dating sites as men declare themselves to be ‘lesbians’. In fact, these things are happening already as service providers justify their changes by citing “government policy.” The Bill will make no improvements to the lives of the LGB community – gay men and lesbians have been advised by Government and Government-funded services, they are now ‘same gender’ attracted, not same sex attracted. The LGB community campaigned so hard over such a long time to win community acceptance for same sex attraction. Gender ideology erodes this acceptance. The acceptance of same sex attraction has been turned on its head as gender ideology, of which sex self identification law is an important part, has taken the community backwards to re establish outdated attitudes towards lesbians and gay men.

Sex self identification also harms children’s and young people’s well being because it gives the seal of legitimacy to children’s body dysmorphia. It is especially harmful to teenage girls who follow social trends in large numbers.

Legislation that overturns the rights of women, girls, children, lesbians and gay men ought to have been the subject of extensive and robust community consultation because it introduces such huge changes. These changes are the most significant the Qld State Government has ever introduced that affect women’s rights. They are more significant than abortion decriminalisation which was finally passed in 2018 after 40 years of women’s campaigns, consultations, meetings etc. During that 40 years the Government conducted at least three inquiries into abortion decriminalisation. The final inquiry, conducted by the Qld Law Reform Commission in 2017 - 2018, ran over a full year. Abortion decriminalisation advanced women’s rights while sex self identification sets back women’s rights. That is perhaps a major part of the reason the Government is rushing through the legislation with no community consultation. The Bill was introduced on 2 December 2022 and people have only until 11 January 2023 to put in their written submissions. A short period for submissions, over the Christmas holiday period, looks very much like a government rushing legislation through to minimise community input. The consultation vacuum is a dangerous development in our democracy. This huge legislative setback for women required a robust inquiry period but was denied one.

The rushed process is flawed and deliberate. Particularly since almost the only groups who were able to input in the 2 years leading to the Bill’s introduction were services funded by the State Government to advance gender ideology, groups that had been advocating for sex self identification and a group within the Labor Party that has an anti woman agenda.

Women were specifically excluded from consultations during the two years. All women’s groups that sought to meet with Shannon Fentiman, Premier Palaszczuk or their policy staff were denied a



hearing. The Premier advised us women's groups were not "a stakeholder" in the proposed legislation.

No community surveys have been conducted, no analysis or social impact study has been conducted into the consequences for women and girls of enabling men who call themselves women to legally falsify their birth certificates. The planned law is ill thought out and simply complies with the demands of the gender identity industry and, in particular, corporations, the medico pharmacological sector and corporation-funded universities.

Over the past 21 months IWD BM has conducted thirteen rallies or mini marches against sex self identification and the transing of children in the Brisbane CBD and Southbank. We have distributed a couple of thousand fliers to a population who, with very few exceptions, were completely unaware of their Government's plan to legislate for sex self identification. The typical response was of shock and disbelief when we explained the coming Bill. Again with very few exceptions most people we spoke with did not support the Government's plans. The lack of community knowledge (and support) is a clear reason to support a thorough robust inquiry before proceeding with this legislation. It is also a probable reason why the Government is operating without community consultation.

## **2. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN. 1979. CEDAW**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations in 1979 and ratified by Australia in 1983. Australia's Sex Discrimination Act (SDA), passed in 1984, represents Australia's commitment to implement the CEDAW articles. It was fiercely opposed at the time by those who opposed women's sex-based rights.

CEDAW defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

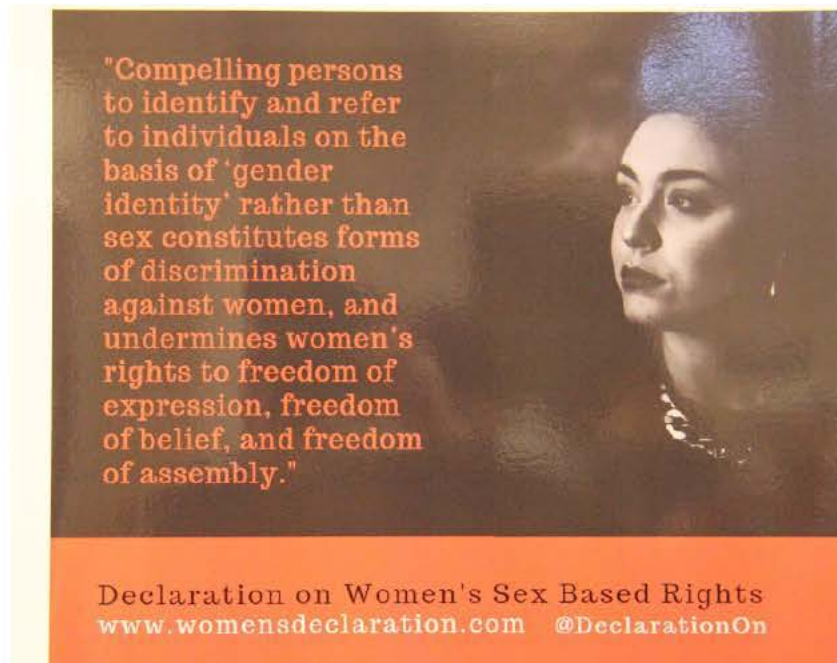
Less than 30 years after the Commonwealth Government passed the SDA 1984 a different group of people, also opposed to women's sex-based rights, achieved the goal in a different way by making almost meaningless society's shared understanding of women's rights and the definition of sex.

In 2013 the Labor Gillard Government undermined Australia's legal responsibilities to women and to CEDAW by turning Australia's SDA 1984 on its head with an amendment to include other groups under its coverage.

As Kath Deves writes "in the ultimate betrayal of Australian women and girls, she (Gillard) oversaw the erasure of the definition of 'woman' and with it, women, and girls, as a legal category worthy of protection". (Katherine Deves, "Gillard's Guilt: How our First Female Prime Minister cancelled women." The Spectator, 22 October 2022.

The impact on women's and girls' rights, safety, privacy and dignity was carefully avoided in all Committee considerations that oversaw the amended Act which took the stuffing from the SDA 1984.





Grassroots feminist activists across the globe, however, have revived the importance and significance of CEDAW as a legal instrument to advance women's rights in a time of increasing erasure of same, by forming the Women's Declaration International and developing the Declaration on Women's Sex-Based Rights (<https://www.womensdeclaration.com/en/declaration-womens-sex-based-rights-summary/>). This is an important document based entirely on CEDAW. It has over 34,000 signatories from 160 countries in collaboration with over 470 organisations. It was launched in 2019 - in 2020 it was launched in both Sydney and Brisbane. The Brisbane event at which the Declaration was launched was the annual feminist conference hosted by IWD BM.

CEDAW, which is in stark contradiction of sex self identification, is not mentioned by the Qld Government in its policy documents. Yet CEDAW is an international legal document and Australia is a signatory. The document the Qld Government relies on, in its promotion of gender ideology and sex self identification, is the Yogyakarta Principles. This was developed in 2006, and then reaffirmed 10 years later, by a self-selected group of experts. The Yogyakarta Principles has no legal standing, it has not been approved by the UN. One of the original signatories of the Yogyakarta Principles, Professor Robert Wintermute, subsequently withdrew his support for the document and he was not invited to the meeting 10 years later to review the Principles. Wintermute has said he withdrew support because the original panel simply did not consider the impacts on women of the Yogyakarta Principles.

(Julie Bindel and Melanie Newman talked to Professor Robert Wintermute in The Critic 9th April 2021)

The panel didn't consider the impacts on women and reject them, they simply didn't consider them. This factor did not unduly bother the other panel members – and it does not bother the Qld Government.

The Yogyakarta Principles influenced other governments such as Argentina, Ireland, Denmark and Malta, and Canadian provinces to adopt self-ID. They also underpin the stance of organisations such as Amnesty International and Oxfam. They also are used by both the Victorian and Queensland Governments to take their States along the sex self identification path.



By contrast, the British Conservative Party eventually agreed to consultation with women before passing sex self identification. Their then Leader, Teresa May, was as committed to sex self identification as is Shannon Fentiman and as opposed to consultation with women as is Fentiman. But Teresa May's party eventually agreed to consult with women and this was the turning point. Through consultation, they were convinced sex self identification would damage women's rights. The British Government then rejected sex self identification

### 3. THE LOSS OF SINGLE SEX SPACES MEANS THE LOSS OF PRIVACY, COMFORT, DIGNITY, SAFETY, RIGHTS



*Dublin Airport women's toilets 2022*

The image above is becoming more and more common, even in places such as Queensland where sex self identification law has not yet been passed. Department stores, entertainment centres etc are anticipating the changed law and complying with Qld Government policy, with little allowance for the comfort and privacy of women and men. While centre managements of shopping centres are generally sympathetic to women's complaints regarding the loss of single sex toilets, they say their hands are tied because of Qld Government policy. Even apart from the reduction in safety, most women are simply not comfortable having to use mixed sex public toilets. And men too are not comfortable with mixed sex toilets.

IWD BM has heard from mothers of teenage daughters who will no longer use public toilets unless they are accompanied by a trusted adult, because they have experienced male sexual harassment in mixed sex toilets. A number of mothers have reported to us the response from the Qld Human Rights Commission and the Women's Legal Service when they have called for advice regarding what they can do to protect their daughters' right to use single sex toilets. They have been advised: "If a man says he's a woman, he's a woman".

This loss of women's rights has extended to young women in the paid workforce. IWD BM has been advised of concern from the staff and manager of a lingerie store who are uncomfortable when a particular large man has insisted on his right to try on women's lingerie. He comes out of the cubicle, parades around for staff and customers to view, then returns to the cubicle and ejaculates



into the female lingerie and doesn't buy it. Staff are required to destroy the soiled lingerie. Store management has called centre security and centre management to ask what can be done. They have been advised there is nothing to be done because support of the man's right to do what he does is "Qld Government policy".

IWD BM representatives have also spoken to a number of female Labor MPs who are privately opposed to sex self identification and appalled by the erasure of the rights of women and girls and especially the threat to women's safety. Why are these female MPs not allowed to have a view that supports women's and girls' rights within the Labor Party? The Labor Party used to be the party of progress regarding women's rights, your U turn suggests Party members are both fearful and cowardly.

MPs and community members know that predatory men will do anything to create conditions where they can easily access women and children. Predatory men have joined the priesthood with the clear intention of harming other human beings, they have become schoolteachers and scout leaders with the same intention. A simple statement that a man is a woman presents no barrier to predatory men, Everyone knows this.

Even the UN Special Rapporteur on Violence Against Women and Girls, Reem Alsalem, who in fact supports the view of UN Women that men can become women, warned Scotland against its own plans, now legislated, to enable men to identify as women. Ms Alsalem pointed out Scotland's plans "would potentially open the door for violent males who identify as men to abuse the process of acquiring a gender certificate and the rights that are associated with it". She added: "This presents potential risks to the safety of women ... " She urged caution which was ignored by Scotland.

<https://www.bbc.com/news/uk-scotland-63730621>

#### **4. MISREPRESENTATIONS AND UNTRUTHS PRESENTED TO THE QLD PARLIAMENT**

In presenting her sex self identification Bill to the Qld Parliament on 2 December, Shannon Fentiman has stated a number of untruths. These are now on the public record and need to be challenged.

No 1

Shannon Fentiman stated: "It is an unfortunate reality that trans and gender diverse people face much higher rates of discrimination, violence and social exclusion than their cis counterparts." End of quote.

This is not true. As Qld's Minister for Women and Minister for the Prevention of Domestic and Family Violence, the Minister knows very well that women face men's violence in epidemic numbers. She is also aware that 'trans' people enjoy broad community acceptance. Women and girls, on the other hand, are frequently at risk of sexual harassment, sexual assault and other forms of violence.

Also, no woman is 'cis' - we're just women.

No 2

Shannon Fentiman stated: "...I have met with many trans and gender diverse people who have shared their stories ...." End of quote

To be honest, Ms Fentiman ought to have added:



"I have refused to meet with all women's groups who have sought to meet with me to discuss their concerns. I have also refused them access to my Departmental advisors."

No 3

Shannon Fentiman stated: "Most of us take for granted that our birth certificate accurately reflects our lived identity ..." end of quote

This is untrue. We take for granted that our birth certificate is a legal record of our birth sex. The Attorney General is Qld's No 1 legal officer, she knows this. The Attorney General is enabling the legal falsification of birth certificates. Most of us don't even have a 'gender identity'.

No 4

Shannon Fentiman stated: "We also know that some groups will try to cloak their transphobia in the guise of women's safety— making claims about trans women accessing women's spaces, including change rooms or even domestic violence shelters." End of quote

Women who express concern about men accessing women's spaces such as changerooms, DV shelters, the women's estate in prison etc are not "transphobic". We are expressing valid evidence-based concern about women's and girls' safety, privacy, dignity, rights. The State of Victoria has sex self identification already - a Victorian woman has already been sexually assaulted by a trans identified man in a Vic women's prison. Does that woman count for nothing?

No 5

Shannon Fentiman stated: "I want to be clear: there is no evidence, domestically or internationally, to support these outrageous claims." end of quote

This is demonstrably untrue – the Attorney General and her policy advisors must be fully aware of the huge volume of evidence that shows sex self id harms women and children.

If the Attorney General had agreed to women's requests to discuss our concerns, we would have presented her with the evidence, domestically and internationally. As it is, many of us have sent it to the Attorney General via email.

In Victoria women are self excluding from rape survivor support groups because AGP men are now participating in them.

Even the Scottish First Minister so admired by our Attorney General, Nicola Sturgeon, admitted sex self identification would impact women's safety. Then she went ahead and introduced sex self identification anyhow.

It is shocking that the Minister for Women does not understand women's concerns, share them and be leading the fightback against sex self identification in Qld.

## 5. SEX SELF IDENTIFICATION PROMOTES THE OBJECTIFICATION AND HATRED OF WOMEN

The rise of gender identity ideology, which includes sex self identification, appeals to those men who objectify women, reduce us to our body parts or functions and incite violence against us. This is not a Left-Right political split, it is not a progressive-conservative political split. Men on both the Left and Right objectify women and threaten us with violence. The men who call us 'chest feeders', 'uterus havers', 'bleeders' come from all political persuasions. These particular men are united in their contempt for women. Sex self identification exacerbates their contempt.

**“Turning a human being  
into a thing is almost  
always the first step  
towards justifying  
violence against  
that person.”**

**Jean Kilbourne**  
Senior Scholar,  
Wellesley Centers for Women



mediamatters.org

These are the men who taunt women by insisting on their ‘right’ to use women’s gyms, women’s change rooms and fitting rooms. Most men, including transsexuals, do not insist on their right to use women’s spaces because they know it makes women uncomfortable and erodes our dignity and privacy. Predatory men, and those who aid them, are the men who insist on using women’s facilities. They are also the men who threaten violence against women who resist. They are the very reason we have single sex spaces.

But other than that, I hope all the TERFs on your app die a horrible and painful death, and the CEO especially. [REDACTED] and arms and [REDACTED] like the [REDACTED] you are, you miserable [REDACTED]. Absolute waste of air. Please be useful and fertilize some flowers with your [REDACTED] so I can give them to some beautiful trans women who are more of a woman than any TERF ever will be.

You absolute [REDACTED] horrible [REDACTED]. You are not a woman and not human. You and your hateful little group deserve death. Science, history and sociology denying bigots is what you are. I cannot express to you how much hatred I have for you. I hope this email will suffice.

[REDACTED] Get your [REDACTED]

The message above was received recently by Sall Grover, resident of Qld and the CEO of Giggle a social media app for women and girls. Like many of us Sall has endeavoured, unsuccessfully, to meet with the Attorney General to discuss her concerns about sex self identification. The very act of hosting an app for women and girls is enough to enrage these men to the point where they spew hatred and threaten us. This is not an uncommon threat. They are all too common.

## 6. THE MOST VULNERABLE WOMEN ARE HARMED FIRST AND WORST

Women in prison who are forced to be housed with men, regardless of identity, are placed in an intolerable position. Men and women are imprisoned for different things, men are more likely to have been convicted of crimes involving violence while women are often imprisoned for unpaid



finances, soliciting and the like. Women in prison come from the most marginalised sections of our community. Domestic violence survivors, women with mental health issues and backgrounds of substance abuse, Aboriginal women, women from poverty are all over represented in the female prison population. Their well being has been callously discarded as they must now be put at risk by male rapists and other male prisoners who call themselves women. We know women in prison with men who claim to be women are at risk of sexual assault and rape because it has happened – in Victoria, Great Britain, Canada, the US. This is a cost Attorney General Fentiman is willing to pay (with other women's lives) to implement gender ideology. It is shameful that the Qld Government-funded services who are supposed to prioritise these women's interests have abandoned them.

Corrective Services are experienced in ensuring that vulnerable men in prison are protected: young men, gay men, effeminate men. The Qld Government knows very well the existing system can ensure men who call themselves women are safe. Allowing men to be housed in the women's estate is not about protecting a vulnerable group of men, it's about complying with their illogical view they are women, it's about validating men at the expense of women's safety.

The Qld Government has undertaken no assessment of the safety risks for women prisoners who have been forced to be housed with men who call themselves women. Other countries, however, have done this and the results are clear:

<https://committees.parliament.uk/writtenevidence/18973/pdf/?fbclid=IwAR1sl-BOuHv9EbN3LrrYcYY5f5w5ifT4X3foJZJBFL1GzYRy3obiAhBQryk>

"The Swedish study undertaken by Dhejne et al (2011) found: "The researchers state:

'male-to-females . . . retained a male pattern regarding criminality. The same was true regarding violent crime.'

MtF transitioners were over 6 times more likely to be convicted of an offence than female comparators and 18 times more likely to be convicted of a violent offence. The group had no statistically significant differences from other natal males, for convictions in general or for violent offending. The group examined were those who committed to surgery, and so were more tightly defined than a population based solely on self-declaration."

As we know, the proposed Qld legal change is based solely on self-declaration.

Male pattern violence does not change when men's identity changes. The Qld Attorney General has implied that male pattern violence is reduced or disappears when men self declare as women. The study provides strong evidence that policy makers cannot safely assume (a) that transwomen's offending patterns, including violent offending, will be significantly different than those of the general male population or (b) that they will be similar to those of the general female population.

Of concern to women and the community, but not the Government, is the evidence that trans identified men in prison are more likely than other men to have been convicted of sex related crimes. In fact, data obtained from the US Bureau of Prisons indicates that almost 50% of trans identified men in US prisons are there for sex offences compared to just 11% of the general male population. [https://4w.pub/50-of-trans-inmates-in-federal-custody-for-sex-offences/?fbclid=IwAR1wVAcraJmPf1nhwOmNI\\_EtGGfN1h2vIPnwEZi0jv5QCJ3dx19w9bunnYI](https://4w.pub/50-of-trans-inmates-in-federal-custody-for-sex-offences/?fbclid=IwAR1wVAcraJmPf1nhwOmNI_EtGGfN1h2vIPnwEZi0jv5QCJ3dx19w9bunnYI)



If this does not ring warning bells for the Qld Government it says reams about the Qld Government's views about female prisoners' right to safety.

<u>Percent of U.S. federal inmates in for "SEX OFFENSES"</u>	
General population	11.2%
Trans-identified male to female	48.47%
Trans-identified female to male	4.71%
#KeepPrisonsSingleSex	

The assumption that these things are happening in other countries but not here is erroneous. Women in Australian prisons are terrified of the prospect of men who say they are women being housed with the women and, in particular, if the men have been convicted of violence and sex crimes. As Stassja Frei says "Men in women's prisons is a human rights violation."

<https://www.spectator.com.au/2022/10/men-in-womens-prisons-is-a-human-rights-violation/?fbclid=IwAR3lgE58usfmVUYa-7O3VFlgkFNfX3MbR8eZk1JxK-5OrG1gCQwjzBrL4Hw>

Some of the issues for women in prison apply also to women in domestic violence shelters. Women who are housed in domestic violence shelters and women who participate in rape survivor support groups need to receive the support they require, with sensitivity and awareness. Every worker in a domestic violence shelter is aware that many, if not most of their clients require male-free accommodation. Women have been forced to leave DV shelters if they have objected to men being housed with them. Every worker in a rape crisis centre who facilitates a rape survivors support group knows the 'inclusion' of men can be traumatic for the rape survivors who will self select out.

#### 7. THE STATE GOVERNMENT HAS PROVIDED NO EVIDENCE-BASED JUSTIFICATION TO REPLACE SINGLE SEX SPACES WITH MIXED SEX SPACES

Acceptance of the need for certain spaces and activities to be single sex has been established previously eg in sport and in places where women (and men) may be in a state of undress such as in changerooms and in public toilets. This has occurred on the grounds of respect for people, for our rights and our dignity. In our society women and men, girls and boys mix freely in most activities and spaces – but not all. It is these areas of single sex space that some men wish to access. For such a radical change in societal norms, the onus is on the Qld Government not only to engage in robust community consultation but to provide evidence of why the changes are needed. No such evidence has been provided and no community consultation has been conducted.

Instead the Qld Government is relying on a faith-based ideology that says humans can change sex. In the entire history of people there has never been an example of a human changing sex – across all countries, societies, centuries. While most of us are happy to accept that some people follow a faith, we live in a secular society where faith/religion is not imposed on others. What this proposed law seeks to do is impose a belief system or religion/faith on the whole of society. In modern times, this is simply not acceptable. It was done in Europe in previous centuries with horrific consequences for the populations. The Qld Government ought not to seek to impose any religion or faith onto our community today.



It is important to note this particular faith-based move is designed to benefit not 'trans' people, which is the cloak under which it hides, but particular men. There is no clamour from women, regardless of their identity, to be able to access male changerooms. Nor is there a clamour from male transsexuals to be able to access female fitting rooms. The clamour comes from a particular subset of men. And clearly the Attorney General and the Government have not introduced legislation that will benefit 'trans' people, they have introduced legislation that will benefit men. Fentiman's Bill enables any man to access women's single sex spaces.

If Attorney General Fentiman were genuinely interested in improving conditions for 'trans' people, she would legislate for initiatives to address any identified discrimination in housing, education, employment etc. She has done none of these things, she has instead championed male access to female single sex spaces. The AG has not introduced improvements in material conditions for a subset of men, she has complied with a predator's dream.

#### 8. GENDER IDENTITY COULD BE IN ADDITION TO NOT INSTEAD OF SEX

There may be an argument for gender identity to be recorded for those who want it or need it. This submission takes no position on this question. What is clear is that birth certificates, as the legal record of people's birth sex, must remain. Feminists have sometimes asked authorities why gender identity can't simply be recorded, in addition to sex, if gender identity is considered significant. The Qld Govt has provided no evidence for why gender identity can't be recorded as an addition rather than a replacement for sex. Gender identity is not the same as sex. Sex is biology and it is based in material reality, gender and therefore gender identity is performative – it refers to things like clothes and mannerisms, stereotypes. The imposition of particular clothing, particular appearance and particular behaviours on someone depending on their sex is deeply regressive. Because a female toddler pulls the ribbon from her hair does not mean she is not a girl. A boy who likes ballet is still a boy. To assume gender identity and sex are the same is to impose rigid and outdated gender stereotypes onto women and men.

We propose that if gender identity is regarded as important enough to be recorded it needs to be recorded in addition to, not instead of, sex.

Anna McCormack

IWD Brisbane Meanjin

