



Review of Qld Anti Discrimination Act 1991

Submission from IWD Brisbane Meanjin, 24 February 2022

1. The sole focus of IWD Brisbane Meanjin's interest in the review is to ensure the Qld Government does not erase 'sex' as a ground for discrimination and replace it with terms like 'gender', to ensure that any non material ground for discrimination such as 'gender identity' or 'gender' does not take priority over 'sex' and to support the right of lesbians to choose same sex relationships without discrimination including bullying and being called 'transphobic'.
2. Recent policy changes across Qld Government departments plus the passing of the conversion therapy Bill, August 2020 (often called the 'trans the gay away' Bill or the 'born in the wrong body' Bill by feminists, are indicative that No 1. is a real threat. A majority of Qld Government MPs, and Qld Government Departments, are now denying the material reality of biological sex and would like to see either the erasure in law of 'sex' as a ground for discrimination or the prioritisation of 'gender' or 'gender identity' over sex under the law. Either of these moves would do a huge disservice to women, who are the largest cohort in our community to experience both direct and indirect discrimination, often resulting in violence, sexual assault, abuse, threats etc that are dismissed by many law enforcers, public servants and politicians simply because they are inflicted against women rather than another discriminated group which attracts more sympathy or which may be 'flavour of the month' for politicians.
3. We recommend that future reviews of this nature be conducted by an independent body rather than a body such as the Qld Human Rights Commission which itself prioritises 'gender identity' over 'sex' as a ground for discrimination. Reference the QHRC production of the Trans @ School Guides (2020) which prioritise the needs of 'trans' students over schoolgirls' need for safety and privacy.
4. We also recommend that future reviews of discrimination legislation need to include feminist women as part of the Reference Group. Women as a class have not been recognised as a stakeholder group in the Reference Group composition. Yet women are by far the largest cohort of people discriminated against.
5. Currently, 'gender identity' and 'gender' are being conflated with 'sex' across government departments, community groups, MPs, law enforcement agencies, universities, big corporations. 'Gender identity' and 'gender' are entirely different from 'sex'. Sex is biological reality and 'gender' is a social hierarchy based on sex role stereotypes. Gender identity is an inner feeling that some people claim to have. Indeed they go further, they insist, without evidence, that we all have this inner feeling. The conflation is being used to deny women's and girls' sex-based rights. Feminists largely are not bothered by 'gender identity' or what 'gender' people identify as, unless it is used to deny our sex-based rights.

This is currently happening by law and by policy change. You would be aware, however, of a recent win in the Scottish court system where a feminist organisation For Women Scotland won against the Scottish Government which was insisting on its right to include 'transwomen' as women for the purpose of increasing numbers of women on Boards. The court found the inclusion of 'transwomen' as women was unlawful.

<https://www.bbc.com/news/uk-scotland-60435954> We recommend, therefore, that the Anti Discrimination Act includes clear definitions of 'woman', 'man', 'biological sex', 'gender', 'gender identity', 'same sex attraction' etc so that everyone speaks with the same understanding. To not include material definitions will further disadvantage women and girls, including lesbians in particular.

6. Political belief concerning the rights of women to acknowledge sex class as a ground of discrimination and to organise and associate in support of women's sex-based rights need to be protected. This protection is being eroded in Qld in both Government Departments and in community organisations. Threats of loss of employment, threats of workplace discipline and the fear of both are evident in the Qld public and community sector. Several dozen people, mostly Qld public servants, have reported to IWD Brisbane Meanjin they are fearful of attending our protest actions in support of women's sex-based rights because of likely workplace repercussions. Specific examples include one woman who was dismissed from her job in a Qld community organisation because she questioned data provided by trainers from the Qld Council of LGBTI Health, delivered in compulsory training for staff. Another woman, who made a comment about how she admired JK Rowling in the staff kitchen at morning tea time, was disciplined and bullied by management at another community organisation, and resigned because of it. A third woman who had been offered casual work during semester for several years (liaising with tertiary students) was offered no further work when she stated a defence of women's sex-based rights. These are examples of discrimination on the ground of political view and they need to be outlawed.
7. The Anti Discrimination Act needs to protect women's and girls' single sex spaces – in sport, public bathrooms, change rooms, fitting rooms, workplace toilets and change rooms, prison accommodation, domestic violence shelters etc To abandon this protection is to put women and girls in difficult, uncomfortable, unfair and frequently unsafe situations.
8. Breastfeeding is currently a ground for discrimination recognised by the Act. Please do not remove this or change it to 'chestfeeding'. This terminology dehumanises women and denies that women are a specific sex class. The use of terminology such as 'uterus havers', 'cervix havers', 'bleeders' etc reduces women to our body parts and further dehumanises us. This language should never be used by government departments or community organisations. Removal or deprioritisation of 'sex' as a ground for discrimination will further spread dehumanising language used against women.
9. The Anti Discrimination Act must be able to be used to protect women's right to meet, to assemble and to organise as women. In 2018 the IWD Brisbane Meanjin rally was disrupted by trans ideologues and our march was taken over by their loud male voices. Without Police presence, we would have been in greater physical danger. If the Act is used to de prioritise sex-based protections, the Government will be providing clear approval of these kinds of actions.
10. Basic women's sex-based rights are outlined in CEDAW, the UN Convention on the Elimination of all Forms of Discrimination Against Women. Australia is a signatory. We recommend the inclusion of CEDAW into Qld's Anti Discrimination Act. Governments of all levels frequently breach CEDAW principles, their inclusion in Qld legislation would be a reminder that government cannot continue to trample women's rights.