

**Submission  
No 37**

## **EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023**

**Organisation:** Australian Feminists for Women's Rights  
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## **Submission to the NSW Government Inquiry: Equality Legislation Amendment (LGBTIQA+) Bill 2023**

Australian Feminists for Women's Rights (AF4WR) is a national feminist group whose objective is research-based advocacy on women's and girl's sex-based rights. Our members are on the political left and our advocacy and research is centred on the experience of women and girls and the oppression of females on the basis of sex.

We thank the Committee for the opportunity to comment on a dangerous and regressive piece of legislation that should be rejected.

Our submission is in three parts:

- Overview of our concerns with the Bill
- Detailed analysis of the proposed amendments in the Bill
- Examples of the impacts of the proposals in the Bill and links to relevant research.

### **Overview of our concerns with the Bill.**

Our starting point in responding to this legislation is based on a simple fundamental fact: there are only two sexes, and people cannot change sex. AF4WR rejects the concept of an innate sense of 'gender identity' and we strongly assert that 'gender identity' should never override or replace the simple biological truth of sex, in law or in life.

This Bill also extends far beyond its stated aim of 'LGBTQIA+ Equality.' It reaches into areas covering women's sexual and reproductive exploitation, child safety, freedom of speech and belief, workplace rights and family dynamics. The Bill, if passed, will have serious consequences for women, gay and lesbian citizens, and children. It will have consequences for the accurate collection of data, making it impossible to track sex-based discrimination and inequality. It will allow children to have unfettered access to puberty blockers and cross-sex hormones despite the growing international evidence of the harm they cause.

### **The Bill redefines the concepts of sex and sexual orientation in law.**

*(Schedule 1 Amendment of Anti-Discrimination Act 1977 No 48; Schedule 2 Amendment of Births, Deaths and Marriages Registration Act 1995 No 62.)*

The Equality Bill amends the Anti-Discrimination Act and a number of other acts so that there is the legal possibility of belonging to any number of sexes. It seeks to amend the *Births, Deaths and Marriages Registration Act* to allow *any sex descriptor* to be registered.



This will have a profound effect on the provision of sex-segregated services, and will prevent collection of meaningful statistics to measure and monitor the effects of public policy including the pay gap, poverty statistics, violence against women and health outcomes.

This legalises the fiction that there are more than two sexes, that a legal sex can be a sex “that is not exclusively male or female”, or consist of “agender”, non-binary, genderqueer and other made-up sexes. Gender adjectives then replace sex in law. Sex needs to be separated from gender and connected only to biological sex, otherwise the meaning of woman can also mean its opposite. How can Parliaments protect the rights and welfare of women as a class, when that class no longer exists in law?

### **The Bill erodes the rights of women to single sex spaces, services and sport by introducing sex self-ID.**

*(Schedule 2: Amendment of Births, Deaths and Marriages Registration Act 1995 No 62)*

Under the proposed amendments people over 16 can change their legal sex through a simple administrative process. The only thing they will need to do is apply to the Births, Deaths and Marriages registrar and provide a statutory declaration from someone who has known them for 12 months, stating that they “live or intend to live” as the sex that they identified with. The word “opposite sex” is substituted by this bill to “another sex”. We note that it is not possible to change sex and therefore no one is able to ‘live as’ the opposite sex. The reality of this amendment is that any male, regardless of his ‘gender identity’ and without undergoing any medical treatment or even changing his appearance, can easily change his legal sex and have a right to access spaces and services provided for females.

This would remove all safeguarding for NSW women and girls and puts them at risk from predatory men. It means all spaces in NSW would be mixed-sex spaces.

### **It will allow minors to transition without the consent or knowledge of their parents/carers**

*(Schedule 2: Amendment of Births, Deaths and Marriages Registration Act 1995 No 62; Schedule 3 Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157)*

Children under 16 will be able to apply to the NCAT (NSW Civil and Administrative Tribunal) to change their legal sex. The only requirement to register a change of sex is for the child to provide ‘a statement from a person who has provided counselling’ to the child and ‘the counselling was provided by a person, chosen by the applicant, who the applicant considers has suitable qualifications, training or experience to provide the counselling.’



The Bill also seeks to amend the Children and Young Persons (Care and Protection) Act 1998 No 157 by inserting a new section giving children the right to decide their own medical treatment. This amendment is clearly designed to allow minors to access so-called 'gender-affirming care' without parental knowledge.

Given the growing evidence here and internationally about the dangers of puberty blockers and cross-sex hormones, and the lack of an evidence base for these treatments, it would be a gross violation of responsibility for the NSW Parliament to support these amendments.

**It encourages the sexual exploitation of women by promoting sex work.**

*(Schedule 18 Amendment of Summary Offences Act 1988 No 25; Schedule 1 Amendment of Anti-Discrimination Act 1977 No 48; Schedule 6 Amendment of Crimes Act 1900 No 40)*

The Bill seeks to *Amend the Summary Offences Act 1988 No 25* to delete all offences relating to prostitution. This includes the crime of living on the earnings of prostitution, causing or inducing prostitution, or coercing a sex worker to give up their earnings (e.g. pimping). Other offences cover advertising, mixed-use venues and solicitation.

The Bill also proposes changes to the ADA that will criminalise vilification against sex workers. It inserts into the ADA an entirely new section: Part 4H Discrimination on the grounds of sex work. The maximum penalty is three years imprisonment.

In effect, these amendments would legalise pimping, allow women to be coerced into a dangerous industry, and create a protected category that does not extend to other occupations.

**It encourages the reproductive exploitation of women by removing barriers to commercial surrogacy.**

*(Schedule 19 Amendment of Surrogacy Act 2010 No 102)*

The Surrogacy Act 2010 prohibits commercial surrogacy in NSW. The Equality Bill will make it legal to engage in commercial surrogacy outside NSW by removing a ban on commercial surrogacy arrangements outside of New South Wales and empowering the courts to issue parentage orders to intending parents of children born from these arrangements. These amendments encourage the exploitation of women and the removal of children from their birth mothers.

**The Bill will restrict freedom of expression and association.**



*(Schedule 8 Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80)*

The Bill would criminalise 'outing' someone's sexual orientation or gender identity. It introduces criminal personal violence for "outing" someone's "gender history.". This would apply to online communications such as X or Facebook – making it a criminal offence to correctly refer to a male person as a 'man' or a female person as a 'woman' on social media. This is a draconian overreach and fundamentally weakens freedom of speech in NSW.

### **It infringes on the rights of government employees in the courts, prison and police systems.**

*(Schedule 5 Amendment of Court Security Act 2005 No 1; Schedule 7 Amendment of Crimes (Administration of Sentences) Act 1999 No 93; Schedule 9 Amendment of Crimes (Forensic Procedures) Act 2000 No 59)*

The Bill seeks to make amendments to a number of Acts in order to allow transgender and intersex people to select the sex of a person carrying out a body search while in the court or prison system or while in the custody of police.

The law currently states that all searches on prisoners must be conducted by a person of the same sex. This Bill will amend that provision to allow a person who says they are transgender to select the sex of the officer who strip-searches them. Female officers may be placed in uncomfortable or difficult workplace situations if males elect a strip search by a female officer

Please see further information below on the many other impacts of Bill.

### **Conclusion**

**We urge MPs to reject this Bill** as the proposed changes pose an unacceptable risk to women and children in NSW. The legal and social ramifications of creating new categories of 'sex' would be profound and have not been risk-assessed or explored in any level of detail by the bill drafters. The attacks on freedom of speech and belief represent massive legislative overreach, severely limiting the rights of NSW citizens to speak freely, associate freely and hold the 'belief' that biological sex is real, binary and cannot be changed.

We note that sex self-ID and other elements of the Bill were not taken to the election by either major party and there is no mandate for it to be introduced. The Bill appears to have been written by a small group of inner-city activists whose regressive and unscientific views on sex and gender are not supported by the wider community – yet the changes in this bill would have a serious impact on every citizen in the state.

## Detailed analysis of the Bill

### Schedule 1 Amendment of Anti-Discrimination Act 1977 No 48

#### Re-defining the concept of biological sex

The Equality Bill amends the Anti-Discrimination Act and a number of other acts so that there is the legal possibility of belonging to any number of sexes. This will have a profound effect on the provision of sex-segregated services, and will prevent the collection of meaningful statistics to measure and monitor the effects of public policy including the pay gap, poverty statistics, violence against women and health outcomes.

The Bill proposed will allow:

- a sex descriptor to be male, female or “any other descriptor of sex” (except offensive or unpronounceable terms). This means people can legally register a made-up description of their sex.
- non-binary to be recognised as a legal sex.
- legislation would be amended to change any references to ‘opposite sex’ to ‘another sex.’ For example, it changes ‘living as the opposite sex’ to ‘living as another sex.’ This legally implies that there are more than two distinct sexes, which is factually incorrect. Schedule 1 (3)-(5) for example provides that a ‘transgender person is a person who lives as a member of another sex. This introduces the concept into law of there being an innumerable number of sexes, when the reality is that sex is binary and immutable.

The Bill also removes the heading from Part 4C of the ADA ‘Discrimination on the basis of homosexuality’ and replaces it with ‘Discrimination on the basis of sexuality.’ Schedule 1 also removes the definition “homosexual means male or female homosexual” and replaces it with a definition of sexuality that includes homosexual, bisexual and asexual - which is not a sexuality

Sex is binary - either male or female. Even variations of sexual development (intersex) apply to either males or females. Yet the bill will introduce into law the concept that people can be neither female or male, and it would be illegal for anyone to treat them as anything other than the ‘sex’ they choose for themselves.

The female sex is defined as the adult phenotype that produces or has the capacity to produce large gametes (ova or eggs); the male sex is defined as the adult phenotype that



produces or has the capacity to produce small gametes (sperm). See definitions at <https://www.theparadoxinstitute.com/read/biology-of-sex-definitions>

Sex is [determined at fertilisation](#) and can become apparent in utero at around 6 weeks. It is not randomly 'assigned at birth.' See [this paper](#) which explains the chromosomal sex of every human embryo is established at conception. It is not possible for any person to change sex.

According to the [Endocrine Society](#), an organisation of over 18,000 of the world's most renowned clinicians and researchers who are experts in hormone disorders and disease processes, there are exactly two sexes ([Bhargava et al. 2021](#)).

This Bill ignores the science in favour of feelings and ideology, with little apparent thought on what this means for areas such as women's health care and accurate data collection.

### *Why this matters*

Accurate data collection on sex is being undermined by the conflation of sex, gender and gender identity. The principle of self-ID has been accepted by many public bodies, replacing sex with self-identified gender when recording crimes and organisational pay gaps, on medical records and in the census.

- Census data in England and Wales was [plagued by inaccuracy](#) as people with limited English skills misunderstood the questions on gender identity.
- Spanish men are [changing their gender to 'female'](#) to get higher pay and other benefits reserved for women

The replacement of sex with 'gender' in many situations such as healthcare information, data collection and provision of services is causing serious issues. Activists have managed to confuse the language around sex and gender and to peddle misinformation to the point where people's safety is at risk. Effective health care relies on research and solid data on the different risks and responses in male and female bodies.

- For example, a trans-identified female [lost her unborn baby](#) during a hysterectomy because she didn't realise she could still get pregnant

The use of 'inclusive' terminology relating to gender rather than sex is affecting women's healthcare and wellbeing. Terms such as 'cervix-owner' 'chest-feeder' and 'people with a uterus' are not only [demeaning to women](#) but are inaccurate and have been introduced



without consultation. This language has the potential to confuse people whose first language is not English.

### Extending the ADA protection to sex workers

Schedule 1[39] inserts proposed Part 4H to provide for discrimination on the ground a person is or has been a sex worker. proposed part and sets out what constitutes discrimination on the ground a person is, or has been, a sex worker. This creates an entirely new section of the ADA. The maximum penalty is three years imprisonment. Under these proposed changes, sex worker is the only occupation to be protected – the legislation places being a sex worker in the same legal category as race or sexual orientation.

It is unclear why a bill about 'LGBTQIA+' equality includes provisions for protecting sex workers from discrimination in a manner not afforded to any other category of worker.

## **Schedule 2: Amendment of Births, Deaths and Marriages Registration Act 1995 No 62**

### **Sex self-ID**

Under the proposed amendments people over 16 can change their legal sex through a simple administrative process. The only thing they will need to do is apply to the Births, Deaths and Marriages registrar and provide a statutory declaration from someone who has known them for 12 months, stating that they “live or intend to live” as the opposite sex.

We note that it is not possible to change sex and therefore no one is able to ‘live as the opposite sex.’ The reality of this amendment is that any male, regardless of his ‘gender identity’ and without undergoing any medical treatment or even changing his appearance, can easily change his legal sex and have a right to access spaces and services provided for females.

We refer the Committee to a recent example from the Federal Court in the case [Tickle vs Giggie](#) when the applicant, a man with his legal sex changed, gave evidence and was asked what “living as a female” meant. The answer was the effort undertaken to appear like a woman (by hormones, surgery, depilation, clothes), and change sex in official documents. That’s the opposite of how a woman lives. What they prove is that the person is not a woman. He also claimed a social component: the intrusion into women's spaces (changing rooms and sport). The abuse of women’s rights was used in Court to impose a





fantasy about the possibility of changing sex. The safety, comfort, privacy and dignity of women seem less important.

With this Bill, self-ID doesn't mean exclusively changing from one sex to the other. The concept of sex is expanded with the "third sex category" and has introduced a door to any gender, a sex "that is not exclusively male or female", or consist of "agender", non-binary, queergender, etc. All these gender adjectives replace sex in law which in practice means that the opportunities for biological males to oppress women are multiplied.

#### This would remove all safeguarding for NSW women and girls

- Women and girls will lose their right to single-sex spaces and services including sport, health care, domestic violence shelters, change rooms, awards, scholarships, and many others.
- Vulnerable women prisoners will be forced to share space with often violent male prisoners who 'identify' as women.
- Women and girls from CALD and faith communities will begin to self-exclude from sport and public places because of the presence of males.
- Elderly women, women with disabilities and vulnerable women will no longer have be able to request a female healthcare worker, carer or therapist without risking that the carer will be a male who 'identifies' as female – an affront to their dignity, privacy and safety.

The proposed amendment does not provide one sector of the community with equality, as purported. In reality, it elevates the rights of a dominant class and it takes away the existing rights and freedoms and consent from marginalised groups, notably girls, women, religious and ethnic communities, people with disabilities, aged care, all of whom will no longer be permitted to refuse men of any kind, who self-identify as a woman.

If men need to be protected in some cases from oppression and violence from other men other solutions must be found because there is no way to tell who will be the perpetrator. Otherwise, the effect is the elimination (or suspension) of the rights of the oppressed class "woman" by a member of the oppressor class. This is in contradiction with international law. International treaties (including CEDAW) do not allow to apply an exception to the obligation of non-discrimination on the ground of sex (biological sex) in any circumstance, not even a public emergency. See analysis on [the definition of "woman" in international human rights treaties](#) of UN Special Rapporteur, Reem Alsalem.)

The Bill would allow 16- and 17-year-olds – who are not considered mature enough to drink, drive, vote, get married or even get a tattoo – to be able to legally change their sex by signing a form. This creates serious consequences as the evidence shows that socially



affirming young people as the opposite sex almost always leads to cross-sex hormones and irreversible surgery with lifelong side effects.

### *Why this matters*

There are many examples of the negative impact of self-ID on women and girls nationally and internationally.

- Vulnerable female prisoners in NSW have had to share a facility with [violent male criminal Evie Amati](#). In Victoria, a [male sex offender is currently housed with women](#) in the Dame Phyllis Frost Centre.
- Women are losing their places in sports teams, and competitive earnings, to males. This includes [soccer](#), [weightlifting](#), [swimming](#), [cycling](#), [surfing](#) and [skateboarding](#).
- Female-only services have lost funding for excluding males, including the [Vancouver Rape Relief Centre](#). In other places, women who have been raped are being forced to access services used or managed by trans-identified males, such as the [Edinburgh Rape Crisis Centre](#).

Please see more examples provided in part 3 of this submission.

The Bill will make it illegal for NSW women to gather together in person or online without the presence of men claiming to be female. We have seen this play out already in states that have introduced self-ID:

- The Lesbian Action Group has been denied the right to hold [a female-only lesbian event](#) at the Melbourne Pride centre.
- A lesbian group in [Tasmania was barred from holding an event](#) that excluded 'people with penises' by the state's Anti-Discrimination Commissioner.

These represent breaches of Article 20 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of peaceful assembly and association."

It is worth noting that other countries are pulling back from self-ID laws. For example, the UK Labour Party has backflipped on its policy of self-ID and its leader Keir Starmer has confirmed that a woman is an adult female (the same view expressed by Australian Prime Minister Anthony Albanese in 2022.) Neither major party in the UK now supports self-ID.

We remind Committee members that Australia has a legal obligation to protect women's rights under the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).



Article 1 of that Treaty states: “For the purposes of the present Convention, the term “discrimination against women” shall mean 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.”

Australia is in breach of its CEDAW obligations by failing to make clear in our legal frameworks the right of women to access and receive services and support specific to our sex.

### **Allowing minors to change their sex**

These amendments will allow children under 16 to apply to the NCAT (NSW Civil and Administrative Tribunal) to change their legal sex. The only requirement to register a change of sex is for the child to provide ‘a statement from a person who has provided counselling’ to the child and ‘the counselling was provided by a person, chosen by the applicant, who the applicant considers has suitable qualifications, training or experience to provide the counselling.’

It is not clear how a child has sufficient experience and knowledge to be able to assess if a person is suitably qualified to provide counselling, and there is no requirement that this counselling be provided by a registered, trained child psychologist.

NCAT cannot notify parents/carers if the child believes this could ‘adversely affect’ them.

The proposed legislation will also allow one parent to make an application to the NCAT to change the legal sex of their child *even if the other parent or carer disagrees*. The applicant parent needs only to provide a statement that the child has received counselling about the implications of registering a change of sex.

### *Why this matters*

Given the growing and alarming evidence about the dangers of puberty blockers and cross-sex hormones, there are profound concerns about any legislation that removes safeguarding and allows minors to make such serious decisions with no appropriate medical or psychological supervision.

We urge Committee members to read the [recently released Cass Report](#) into the provision of gender medicine to children in the UK. Among the key findings:

- The rationale for early puberty suppression remains unclear, with weak evidence regarding the impact on gender dysphoria, mental or psychosocial health. The effect on cognitive and psychosexual development remains unknown.
- The use of masculinising / feminising hormones in those under the age of 18 also presents many unknowns, despite their longstanding use in the adult transgender population. The lack of long-term follow-up data on those commencing treatment at an earlier age means we have inadequate information about the range of outcomes for this group.
- Clinicians are unable to determine with any certainty which children and young people will go on to have an enduring trans identity.
- For most young people, a medical pathway will not be the best way to manage their gender-related distress. For those young people for whom a medical pathway is clinically indicated, it is not enough to provide this without also addressing wider mental health and/or psychosocially challenging problems.

Please see a comprehensive list of resources regarding the dangers of gender-affirming care in part 3.

### **Schedule 3 Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157)**

The Bill also seeks to amend the Children and Young Persons (Care and Protection) Act 1998 No 157 by inserting a new section giving children the right to decide their own medical treatment. This section appears to pertain to the 'Gillick competence' test which is already a doctrine in Australian law under a High Court ruling. Under the test a 'mature minor' can consent to their own medical treatment without parental/carer consent if the treating doctor is satisfied as to their ability to understand the consequences. It is unclear why an existing principle of law relating to minors needs to be inserted into an Act that purports to be related to LGBT equality – unless it is to strengthen the ability of children to consent to puberty blockers and cross sex hormones without parental consent.

### ***Schedule 5 Amendment of Court Security Act 2005 No 1; Schedule 7 Amendment of Crimes (Administration of Sentences) Act 1999 No 93; Schedule 9 Amendment of Crimes (Forensic Procedures) Act 2000 No 59***

The Bill seeks to make amendments to a number of Acts in order to allow transgender and intersex people to select the sex of a person carrying out a body search while in the court or prison system or while in the custody of police.



The law currently states that all searches on prisoners must be conducted by a person of the same sex. This Bill will amend that provision to allow a person who says they are transgender to select the sex of the officer who strip-searches them. Female officers may be placed in uncomfortable or difficult workplace situations if males elect a strip search by a female officer.

The transgender person doesn't need to have altered their sex descriptor, or fulfil any other requirements. They can simply assert that they 'seek to live' as a member of the opposite sex and will then have the right to be treated as such.

In reality this means that a male prisoner, who has never 'identified' as a woman, can assert a trans identity at the time of being searched and demand the right for that search to be conducted by a female officer. That officer would be in breach of the law if she refused to contact the search. It is difficult to see the need for such legislative changes which assert the primacy of the 'identity' of criminals or suspected criminals over the feelings and safety of female workers.

### **Schedule 6 Amendment of Crimes Act 1900 No 40**

This amendment creates new criminal offence making it illegal to threaten or incite violence against someone on the grounds of them being a sex worker. Again, it is unclear how this relates to 'LGBTQIA+ Equality' or why one category of worker needs extra protection in law. Sex workers, like all citizens, are covered under existing legislation against threats or incitement of violence.

### **Schedule 8 Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80**

The section of the Bill would criminalise 'outing' someone's sexual orientation or gender identity. It introduces criminal personal violence for "outing" someone's "gender history.". This would apply to online communications such as X or Facebook – making it a criminal offence to correctly refer to a male person as a 'man' or a female person as a 'woman' on social media. It could criminalise a person whose partner has told them they are transgender and who wants to discuss this development with a trusted friend, relative or counsellor.

Apprehended Violence Orders would be made against anyone making public statements that 'outed' someone's gender history, leaving open the potential for anyone who refuses to call a male person a woman, to have AVOs brought against them by vexatious litigants.



Under these changes, a male sex offender could leave prison after serving his sentence, move to a new community, and 'transition' to a woman – and if anyone in his new community raised awareness of his status as a registered sex offender, they would be breaking the law.

We are already seeing [women being targeted](#) for stating biological facts, and these amendments will open the door to further legal harassment. For example:

- Feminist philosopher [Holly Lawford Smith](#) at Melbourne University has been harassed and defamed for her gender critical beliefs, to the point where she needs security while on campus.
- Jillan Spencer, a senior psychiatry specialist at Queensland Children's Hospital, was [stood down for raising concerns about puberty blockers](#)

Please see Part 3 for more examples.

In fact, the silencing of women's voices has become such an issue that Reem Alsalem, UN Special Rapporteur on violence against women and girls, expressed her serious concern in a statement in May 2023. She said:

"I am concerned by the shrinking space in several countries in the Global North for women and feminist organisations and their allies to gather and/or express themselves peacefully in demanding respect for their needs based on their sex and/or sexual orientation.

"Of particular concern are the various forms of reprisals against women, including censorship, legal harassment, employment loss, loss of income, removal from social media platforms, speaking engagements, and the refusal to publish research conclusions and articles. In some cases, women politicians are sanctioned by their political parties, including through the threat of dismissal or actual dismissal."

#### **Schedule 12 Amendment of Government Sector Employment Act 2013 No 4; Schedule 13 Amendment of Government Sector Employment (General) Rules 2014)**

The Bill seeks to amend the *Government Sector Employment Act 2013 No 40* by inserting a new section into this act that proposes diversity targets and quotas for all NSW public sector agencies. There are also some targets in place in the NSW public service relating to women in leadership roles, Aboriginal and Torres Strait Islander employment, and employment of people with disability. There is no need for targets relating to the sexual orientation of employees and there is certainly no need for affirmative action policies for males who say they are females.



The amendments would also encourage government departments to provide leave for 'gender affirming care' – in other words, taxpayers would be paying for transgender identifying public sector employees to have paid leave for men to receive breast implants. This leave is not available for any other form of cosmetic surgery.

The Bill also seeks to make changes to the current 'eligible person' category of identified jobs for people who belong to a particular group by adding intersex and transgender people as categories. Currently the NSW public service can offer identified roles for Aboriginal people, people with a disability, refugees and people aged 25 years or younger, to overcome historic discrimination against these categories. This change would mean there would potentially be roles in the public service only open to transgender-identifying people. There is no evidence presented as to the need for this change, including any evidence that trans-identifying people are under-represented in the public service.

### **Schedule 18 Amendment of Summary Offences Act 1988 No 25**

This section would remove all offences relating to prostitution from the Summary Offences Act. This includes the crime of living on the earnings of prostitution, causing or inducing prostitution, or coercing a sex worker to give up their earnings. In other words, it legalises pimping. Other offences cover advertising, mixed-use venues and solicitation.

It is currently against the law for sex workers to solicit for clients, or engage in acts of prostitution, near or within view of homes, schools, churches or hospitals. These amendments would make it legal for sex workers to solicit for work near schools or in residential neighbourhoods and for sex work to be conducted near these places. These amendments would also mean it would no longer be illegal to use premises such as massage studios, photography studios or saunas for the purposes of sex work.

These changes would place NSW in breach of Article 6 of CEDAW:

*“Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”*

Sex work is a dangerous occupation for women, [with long-term impacts](#) on their mental and physical health. Many women are trafficked into the industry and suffer horrendous abuse and loss of freedom. This Bill seeks to normalise and indeed encourage sex work as a viable career choice for women while at the same time treating sex work as something to be protected under anti-discrimination law. It encourages the sexual exploitation of women with no regard for the consequences.



AF4WR encourages Committee members to listen to exited women such as Rose Hunter, Sophie Hayes and Andrea Heinz, who speak bravely about the dangers of the sex industry and the damage it did to them.

Further, we believe the NSW Government should not only be opposing these changes, but should give serious consideration to the introduction of the [Nordic model](#) of legislation, which protects the welfare of sex workers, while discouraging the buying and selling of women's bodies. [South Australia](#) has [a pending law](#) that introduces the Nordic mode

Women's bodies are not commodities to be bought and sold. 'Sex work is work' is a vacuous slogan intended to conceal or minimise the damage prostitution causes in our society.

### **Schedule 19 Amendment of Surrogacy Act 2010 No 102**

The Surrogacy Act 2010 prohibits commercial surrogacy in NSW. The Equality Bill will make it legal to engage in commercial surrogacy outside NSW by removing a ban on commercial surrogacy arrangements outside of NSW and empowering the courts to issue parentage orders to intending parents of children born from these arrangements.

Commercial surrogacy is an affront to the rights of children and encourages the exploitation of women's bodies – most commonly low-income and disadvantaged women who risk their health by becoming 'gestational carriers' for wealthy, privileged people. The [United Nations has warned](#) that children risk becoming 'commodities' due to the growth in this unethical practice. We strongly oppose any measure that would loosen restrictions in NSW.

## **Part 3: Examples of the impact of self-ID and gender medicine, links to research.**

Below are just some of the many examples from Australian and around the world of the impact of sex-self ID and transgender medicine on women and children including in sport, loss of single-sex spaces, gender medicine and freedom of speech.























