

Submission
No 60

**INQUIRY INTO EDUCATION LEGISLATION
AMENDMENT (PARENTAL RIGHTS) BILL 2020**

Organisation: National Civic Council and Australian Family Association

Date Received: 2 March 2021

Partially
Confidential

**Childhood is the ground zero of sexual politics –
Gender fluidity and queer theory, from
universities, into law, into schools**

“Childhood has been recognized as a crucial emblematic function in neoliberal sexual politics, and it has been duly regularized as a central queer concern: an arguable crucible or ground zero of all sexual politics.”

Diederik Janssen, “Queer theory and childhood”,
[*Oxford Bibliographies*](#).

**Submission to the NSW Portfolio Committee No. 3 - Education
Committee of inquiry into the**

Education Legislation Amendment (Parental Rights) Bill 2020

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Submission summary

The focus of the Education Legislation Amendment (Parental Rights) Bill 2020 is to:

- ban the teaching of gender fluid theory in schools and in the teacher training courses; and
- ensure the paramount right of parents to determine the core values taught to their children, with the right to withdraw children from classes to which parents object.

Gender fluidity is a core element of queer theory, embracing all that is not normative.

Gender fluidity is an unscientific, highly contested social theory. Because it has a legal and political agenda to radically transform society to regard sex/gender as fluid, it morphs into an ideology (a philosophy with a political agenda).

This ideology aims to use identity laws to reshape society, particularly through reshaping the K-12 curriculum.

This ideology has taken hold in the social science and law faculties of universities. From there it has shaped anti-discrimination laws, births, deaths and marriages registration acts and other laws, making a person's gender identity a protected attribute with rights, privileges, protections and access to services. For example, these laws have given natal males who identify as female access to female sports, toilets, showers and change rooms.

Gender fluid ideology:

- is heavily focused on influencing the education system to teach children that sex/gender identity is fluid, changeable;
- misrepresents the term intersex to imply there is other forms of sex other than male or female, when intersex is a biological disorder of sexual development (or disorders of sexual differentiation), not another sex/gender and not evidence of sex/gender fluidity;
- has led to the education system supporting children to socially and medically transition;
- pushes for changes to the curriculum and education department policy to include gender fluid teaching under the guise of anti-bullying programs;
- advocates giving minors – who cannot join the army, drink alcohol or drive a car – the final say in choosing experimental, life changing medical transitioning treatments;
- advocates for laws to make it a case of “domestic violence” for parents to counsel their gender confused child to “wait and see” until they are adults before deciding to undertake experimental, life changing medical transitioning treatments;
- aims to cancel the right of parents to determine the education of their children in accordance with their values; and
- aims at criminalising any form of “wait and see” counselling of gender confused children by medical practitioners, misnaming this form of counselling as conversion therapy.

After the Federal government discontinued funding of the ideologically based Safe Schools program in 2016, a review by the then NSW minister for education banned the teaching of gender theory in early 2017.¹ Subsequently, following controversy over gender fluid resources like the Gingerbread Person being used in some NSW schools, the 2020 NSW Curriculum Review Report did not contain any reference to teaching gender fluid theory/ideology in schools.

However, there have been cases of parents have complaining of teachers using gender fluid resources in schools, and in teacher training and masters of education courses, where gender fluidity is treated as a fact of life.

Yet surveys show the vast majority of Australians oppose the children being taught this highly contested ideology.

Of concern are:

- The acceptance of gender ideology in the university education of future teachers, presenting it as a matter of fact that there are trans students in schools and that trans issues should be supported uncritically;
- The NSW Education Department's *Legal Issues Bulletin No. 55* that leaves the Department open to claims of negligence in the duty of care for children.
- Attempts by activist organisations to push gender fluid ideology into NSW schools.

¹ PUBLIC SCHOOLS IN NSW BANNED FROM TEACHING GENDER THEORY, Star Observer, 10 February, 2017. <https://www.starobserver.com.au/news/national-news/new-south-wales-news/public-schools-gender-theory/155482>

Recommendations

Recommendation 1:

In the definition of “gender fluidity” (Clause 3(1)), clarify “disorders of sexual differentiation” i.e. intersex, and state that sex is determined by biology. This section be amended to read:

gender fluidity means a belief there is a difference between sex, male or female, (including the sex of people who are born with disorders of sexual differentiation) and human gender and that human gender is socially constructed rather than being equivalent to a person’s sex as determined by biology.

Recommendation 2:

To define sex in Clause 3(1).

“Sex” is determined by a person’s reproductive function.

Recommendation 3:

Define male and female in Clause 3(1).

- a) “Male” means a man who is a member of the male sex, regardless of age;
- b) “Female” means a woman who is a member of the female sex, regardless of age

Recommendation 4:

Clause 17B could read more clearly if it defines what “non-ideological” means: “In government schools the education is to consist of strictly non-ideological instruction (meaning instruction must not present or advocate only one view as correct) in matters of parental primacy.”

Recommendation 5:

Amend Clause 17D by adding the words “and request their child be exempt from attending classes in which such instruction will take place.”

Recommendation 6:

The Bill should be supported to ensure the state’s respect for the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions as required by the Article 18(4) of the *International Covenant on Civil and Political Rights* (ICCPR) and to preserve the academic standards of NSW school education and to protect the state education system from political and social activism and ideologies.

1. Polling: Australians overwhelmingly oppose fluid gender theory in schools

Polling 2016

The Sexton Marketing Group was commissioned by the National Civic Council to survey 2,500 randomly sampled adults (18+ years) to determine what Australians thought of gender fluid theory being taught in schools and of children transitioning. The survey was conducted in December 2016. (see Appendix A for further question details)

Below are the survey responses according to voting intentions. The views of Labor, Liberal and Greens voters represent a broad spectrum of political and societal values.

The results demonstrated remarkably consistent opposition to teaching gender fluidity in schools and to schools implementing gender fluid policies, like allowing boys who identify as girls to access girls' sports and toilets.

Summary of results of survey of gender fluidity, by political affiliation, Sexton Marketing poll of 2,500 people, December 2016

Question: Some people have expressed concerns about the direction and content of sex education programs and anti-discrimination programs in some Australian schools. When it comes to sex education in the school curriculum, please indicate whether you would very concerned, or somewhat concerned, or not concerned about any of the following:

Summary	Very concerned or somewhat concerned, per cent		
	Labor	Liberal	Greens
Boys to share the girls' toilets	75	87	61
Teaching kindy/primary school kids they can choose their gender	79	89	52
Schools supporting children to change their gender	82	94	74
Teaching children about sex change hormones and operations	78	92	65
Children to role play being a different gender	67	79	36
Gender education made compulsory in the curriculum	74	87	56
Parents no say on sex ed, no right to remove their children from classes	81	92	67
Sex ed heavily influenced by pro-transgender activists	85	94	78
Teachers sacked for not teaching controversial aspects of sex ed	83	91	62

Also, the poll asked if a child of five years of age should be allowed to transition?

- 76% said “no”;
- only 7% per cent said “yes”; and
- 17% were “undecided”.

There was marginally less opposition for six to 12 year olds transitioning. However, even for school age 13 to 17 year olds, more opposed it (46%) than supported it (30%), while 24% were undecided. The survey found that many people were unfamiliar and unclear at the very concept of a child changing their sex.

Polling May 2020.

In May 2020, the organisation, Binary, reported on a national survey it commissioned on the teaching of “gender fluidity” in schools.

The survey of 3,842 Australians found that 88% of Coalition supporters and 72% of Labor supporters agreed parents should have the right to know what is being taught and be free to pull children out of such classes.²

2. What is a woman? Gender fluid theory denies biological reality

2.1 The biological versus transgender world views

Ask the vast majority of parents and Australians “What is a woman?” and they will say that a woman is a person defined by her natural reproductive function, namely she has the potential to become pregnant and give birth to a child. Men can impregnate a woman, but they can’t become pregnant.

Ask queer theories and advocates of gender fluid theory “What is a woman?” and they will say that a woman is any person who identifies as a woman, regardless of chromosomes and reproductive function, and that biological males who identify as female should legally be recognised as a woman ... and have the same sex-based rights as biological women, such as the right to play in female sports.

These opposing views represent deep cultural and legal conflicts between two world view of human sexual identity, the biological world view and the gender fluid (or transgender) world view.

The biological world view is that sex is part of a person’s biological hardware and a core part of their identity. From this biological reality, women and men have a sex-based right to their own sports, toilets, showers and change rooms.

The gender fluid world view claims that a natal male who identifies as female have gender identity rights to access to female sports, toilets, showers and change rooms. It is a highly contested theory has become embedded in the social sciences. It says people can claim their own a subjective, self-defined gender identity in place of their birth sex and that they should be legally

² Parents want veto of trans lessons in schools, The Australian, 19 May, 2020.

<https://www.theaustralian.com.au/nation/parents-want-veto-of-trans-lessons-in-schools/news-story/d6e77644b535501b0209a8bdc217701a>

recognised by their gender identity in place of their sex. Gender identity is said to part of a person's social software and that it can replace their biological hardware.

The conflicts between these world views are mostly irreconcilable because, in most cases, gender identity rights cancel the sex-based rights of women.

3. The biological world view

The biological world view says that that human beings are male or female, distinguished by their reproductive function, that male/female sex is a biologically immutable, fixed, unchangeable part of a person's inherent "biological hardware", which defines a person's sexual identity.

Problem: Do biological girls have a right to their own sports, toilets showers and change rooms?

Or do natal boys who identity as girls have the same rights, privileges, protections and access to services as biological girls?

3.1 Defining sex

Lawrence Mayer and Paul McHugh produced a land mark paper, *Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences* (2016).³ McHugh is a professor of psychiatry and behavioural sciences at the Johns Hopkins University School of Medicine and was, for 25 years, the psychiatrist-in-chief at the Johns Hopkins Hospital. Mayer is a scholar in residence in the Department of Psychiatry at the Johns Hopkins University School of Medicine and a professor of statistics and biostatistics at Arizona State University.

Mayer and McHugh state that sex is defined by reproductive function:

The only variable that serves as the fundamental and reliable basis for biologists to distinguish the sexes of animals is their role in reproduction, not some other behavioral or biological trait.⁴

... the female gestates offspring and the male impregnates the female.⁵

3.2 Sex differences are profound

The extent of biological differentiation between males and females is profound. Not only are there some sex specific diseases and conditions – ovarian cancer and menopause in women, testicular and prostate cancer in women – in 2017 researchers at the Weizman Institute of Science⁶ found that of 20,000 protein-coding human genes, 6,500 were biased toward one sex or the other in at

³ Lawrence S. Mayer, M.B., M.S., Ph.D. Paul R. McHugh, M.D., "Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences", *The New Atlantis*, Number 50, Fall 2016. http://www.thenewatlantis.com/docLib/20160819_TNA50SexualityandGender.pdf

⁴ Ibid., pg. 90.

⁵ Ibid., pg. 89.

⁶ Moran Gershoni, Shmuel Pietrokovski, "The landscape of sex-differential transcriptome and its consequent selection in human adults", *BMC Biology* (2017) 15:7 DOI 10.1186/s12915-017-0352-z

least one tissue". For example, "Gene expression for muscle building was higher in men; that for fat storage was higher in women."⁷

The Weizman Institute is one of the world's leading multidisciplinary basic research institutions in the natural and exact sciences

The researchers found that genes expressed only in the left ventricle of the heart in women are related to calcium uptake. Because these genes showed very high expression levels in younger women that sharply decreased with age, it appears they are active in women up to menopause, protecting their hearts, but leading to heart disease and osteoporosis in later years when the gene expression is shut down.

Another gene expression in the liver in women that regulates drug metabolism, provides molecular evidence for the known difference in drug processing between women and men.

The differences between males and females are so profound, there is a whole new branch of science known as "sex-based biology".

The US National Academy of Medicine's Committee on Understanding the Biology of Sex and Gender Differences

Furthermore, the US National Academy of Medicine's Committee on Understanding the Biology of Sex and Gender Differences says that, as the importance of medical research and trials being carried out separately on men and women has become recognised, a whole new branch of science "known as sex-based biology"⁸ has been created.

The biological world view is based on the understanding biological sex is an intrinsic part the common human nature of all human beings.

Recommendation 2:

To define sex in Clause 3(1).

"Sex" is determined by a person's reproductive function.

Recommendation 3:

Define male and female in Clause 3(1).

- a) "Male" means a man who is a member of the male biological sex, regardless of age;
- b) "Female" means a woman who is a member of the female biological sex, regardless of age.

⁷ "6,500 genes expressed differently in men and women," Weizman Institute of Science, 7 May 2017. <https://weizmann.org.au/2017/05/6500-genes-expressed-differently-in-men-and-women/>

⁸ Katherine A. Liu and Natalie A. Dipietro Mager, "Women's involvement in clinical trials: historical perspective and future implications", *Pharm Pract (Granada)*. 2016 Jan-Mar; 14(1): 708. Published online 15 March 2016. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4800017/>

4. The origins queer and gender fluid (transgender) theories

Standing irreconcilably opposed to the biological world view, the gender fluid world view (and its ideological twin, queer theory) rejects the idea of all humans having a common human nature and any intrinsic nature to sex.

4.1 Origins

The grandfather of queer and transgender theories is French philosopher Michel Foucault. He asserted that the idea of a common human nature is just a cultural construct. Foucault says,

nothing in man – not even his body – is sufficiently stable to serve as the basis for self-recognition or for understanding other men⁹.

He says human nature is a term that has been constructed in “terms ... borrowed from our society”¹⁰, formed by social, political, economic and other forms of power. He claims that it does not reflect any common innate biological, metaphysical or spiritual essence between humans. Of concern, if there is no common human nature, there are no universal human rights.

Gender fluid theory is based on Foucault’s claim that if there is no human nature, there is no fixed sex. Just as human nature is said to be a social construct, so too is the idea of biological male and female, a claim which biological science contradicts.

4.2 Gender fluidity, transgenderism, queer theory

Gender fluidity, transgenderism

The term transgenderism was first used by Virginia Prince, a former transvestite, who used it as an umbrella term for transvestites, transsexuals, and ... transgenderists who moved between the sexes and genders and did not necessarily insist on specific medical treatment ...¹¹.

The American Psychological Association says that transgender refers to what is not typical, an umbrella term for persons whose gender identity, gender expression or behaviour does not conform to that typically associated with the sex to which they were assigned at birth ... The ways that transgender people are talked about in popular culture, academia and science are constantly changing, particularly as individuals’ awareness, knowledge and openness about transgender people and their experiences grow.¹²

⁹ Michel Foucault, “Nietzsche, Genealogy, History”, first appeared in *Hommage a Jean Hyppolite* (Paris: Presses Universitaires de France, 1971), pgs. 145-72. Sourced at <https://nohernandezcortez.files.wordpress.com/2011/04/nietzsche-genealogy-history.pdf> pg. 87.

¹⁰ Review of *Noam Chomsky and Michel Foucault, Human Nature: Justice vs Power. The Chomsky-Foucault Debate*, edited by Fons Elders (London: Souvenir Press, 2011), by Asger Sørensen, *Foucault Studies*, No. 16, pgs. 201-207, September 2013. <https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwitweD-kPbbAhVEkZQKHw59AzwQFggpMAA&url=https%3A%2F%2Ffrauli.cbs.dk%2Findex.php%2Ffoucault-studies%2Farticle%2Fdownload%2F4132%2F4539&usg=AOvVaw39tclM43BHhl0v2K1wOgfv>

¹¹ Friedemann Pfäfflin, “Medical/Psychological Views”, in *The Legal Status of Transsexual and Transgender Persons*, Ed Jens M. Sharpe, (Editor), Intersentia Ltd, Cambridge, 2015; pg.19.

¹² “Transgender”, American Psychological Association. <http://www.apa.org/topics/lgbt/transgender.aspx>

Queer theory

Queer theory loosely refers to opposing what is “normal”, being “outside the bounds of normal society”, and can be construed as “breaking the rules for sex and gender”¹³ in terms of gender identity, sexual orientation and sexual expression.

Queer theory is critical of, and stands in opposition to, normal sexuality, where “normal” means “that which functions in accordance with its design”.¹⁴ It opposes to laws, regulations and cultural practices that distinguish between the biological recognition of humans being male and female, to paraphrase Diederik Janssen (2015)¹⁵.

Queer embraces all that is not based on biology, not on male and female. In not referring to any sexual essence, queer is at odds not only with the heterosexual, but also the gay, lesbian and bisexual.

*The Stanford Encyclopedia of Philosophy*¹⁶ says queer theory argues that gender identity is socially constructed and that there is...

no ‘natural’ sexuality; all sexual understandings are constructed within and mediated by cultural understandings.

In contrast to gay or lesbian, ‘queer’ ... does not refer to an essence, whether of a sexual nature or not. Instead it is purely relational, standing as an undefined term that gets its meaning precisely by being that which is outside of the norm, however that norm itself may be defined.

As one of the most articulate queer theorists, puts it: ‘Queer is ... *whatever* is at odds with the normal, the legitimate, the dominant. *There is nothing in particular to which it necessarily refers.* It is an identity without an essence’ (David M Halperin, 1995, original emphasis)¹⁷.

Or, as Annamarie Jagose (1996) says,

what is being critiqued ... is the very notion of the natural, the obvious, the taken-for-granted¹⁸.

Queer describes all that is not based on biology, not on male and female. In not referring to any sexual essence, arguably, queer is at odds not only with the heterosexual, but also the gay, lesbian and bisexual, as these are defined as orientations between people based on their fixed biological sex.

It is a broad, loose, confused and conflicted theory, with its main concepts differently valued in

¹³ “Queer”, Wikipedia. <https://en.wikipedia.org/wiki/Queer>.

¹⁴ CD King, “The meaning of normal”, *Yale Journal of Biological Medicine* 1945;18:493501, pgs. 493-494. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2601549/pdf/yjbm00493-0064.pdf>

¹⁵ Diederik Janssen, “Queer theory and childhood”, *Oxford Bibliographies*, last modified 13 May 2015. <http://www.oxfordbibliographies.com/view/document/obo-9780199791231/obo-9780199791231-0022.xml?rskey=cd46Xp&result=121>

¹⁶ “Homosexuality”, *Stanford Encyclopedia of Philosophy*, 5 July 2015, Op. cit.

¹⁷ David M. Halperin, *Saint Foucault: Towards a Gay Hagiography*, New York: Oxford University Press, 1995; pg. 62, original emphasis, cited in “Homosexuality”, *Stanford Encyclopedia of Philosophy*, Ibid.

¹⁸ Annamarie Jagose, 1996, *Queer Theory: An Introduction*, Ibid., pg. 102.

different contexts by diverse theorists and advocates. As Jagose says:

... there is no generally acceptable definition of queer; indeed, many of the common understandings of the term contradict each other irresolvably.¹⁹

Jagose says that the purpose of queer is to disrupt society's understanding of sex

Nevertheless, the inflection of queer that has proved most disruptive to received understandings of identity, community and politics is the one that problematises normative consolidations of sex, gender and sexuality – and that, consequently, is critical of all those versions of identity, community and politics that are believed to evolve 'naturally'...

By refusing to crystallise in any specific form, queer maintains a relation of resistance to whatever constitutes the normal.²⁰

Transgenderism and queer theory

Transgenderism has come to be “emblematic” of queer theory and queer politics, argues Sheila Jeffreys²¹.

The two theories have inseparably blended and fused. As Susan Stryker (2008) argues:

By the early 1990s, primarily through the influence of Leslie Feinberg's 1992 pamphlet, *Transgender Liberation: A Movement Whose Time Has Come*, transgender was beginning to refer to something else – an imagined political alliance of all possible forms of gender antinormativity. It was in this latter sense that transgender became articulated with queer.²²

The twins: queer and gender theories

Stryker (2004) concluded that transgender theory and politics emerged as the twin of queer theory studies and politics in the 1990s.²³ They have become intertwined theories opposing the biological world view.

These theories have taken hold in the universities, have been incorporated into anti-discrimination, birth registration, marriage and conversion therapy laws, adopted into the codes of conduct of many institutions.

Once adopted in laws, trans/queer programs have been heavily funded by federal and state government health, community and education departments.

¹⁹ Ibid., pg. 97.

²⁰ Ibid., pg. 99.

²¹ Sheila Jeffreys, *Gender Hurts: A feminist analysis of the politics of transgenderism*, Routledge, New York, 2014, pg. 42.

²² Susan Stryker, “Transgender History, Homonormativity, and Disciplinarity”, *Radical History Review*, Vol. 100, 2008, pg. 146.

²³ Susan Stryker, “Transgender studies: Queer theory's evil twin”, *GLQ: A journal of lesbian and gay studies*, 10(2): 212–215. Cited in “Feminist Perspectives on Trans Issues”, *Stanford Encyclopedia of Philosophy*, 2014, <https://plato.stanford.edu/entries/feminism-trans/>

5. Yet, gender fluid theory is just that, a “theory” with sweeping, unsubstantiated claims

5.1 Sweeping claims

Gender fluid theory, or transgender world view, asserts that it is not based on science. It is a highly contested, contradictory, inconsistent, social “theory” from the social sciences. It aims to disrupt the normative, community held understanding of sex as immutably biological and binary.

All definitions of gender identity describe it as wholly a social construct, except for the false claims that intersex is biological evidence of people being other than male or female.

Even the UN special independent expert on sexual orientation and gender identity, Victor-Madrigal Borloz, said in a recent statement on LGBT issues,

Gender theory informed approaches recognize gender as inextricably linked with social construct - that the meanings attached to sex (and other) differences are socially created. They challenge the assumption that gender identity necessarily correlates with biological sex and recognize the validity of a wide range of sexual orientations and gender identities.²⁴ (my emphasis)

His statement says that gender theory is just that, a “theory” (a postulated set of ideas), and that it bypasses the reality of biological sex to focus on gender identity as “social construct”, and that even sex is also a “social construct”, not a biological fact.

This submission critiques six claims of gender fluid ideology:

- a) The sweeping claim that gender identity and sex are fluid;
- b) Intersex being conflated as biological evidence that of transgender;
- c) transsexual is conflated as transgender;
- d) opposition to “heteronormativity”;
- e) advocacy for political change to recognise gender fluidity in law and culture, which morphs it from a theory into an ideology;
- f) child agency, the idea that children can make their own sexual decisions;

All these aspects conflate to place a heavy emphasis gender fluid theory, or queer theory, being pushed into the K-12 curriculum.

5.2 Definitions of gender identity are ambiguous and contradictory

The claims of gender theorists about gender being fluid are broad sweeping and inconsistent. The theory claims that each person, can have a unique gender identity, but there is no consistency in how gender identity relates to the person’s sex.

²⁴ Call for input to a thematic report: Gender, sexual orientation and gender identity, UN Human Rights Office, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

<https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/GenderTheory.aspx>

- Some theorists claim that a person's gender identity is separate from, and coexists, with their birth sex. Hence, a person can be biologically male, but also be pangender.
- Others claim a person's gender identity replaces and erases their sex. Hence, a male person *becomes* pangender in place of their male sex. Indeed, some state birth certificates laws recognise a person's nominated gender identity, instead of their biological sex.
- Others claim that that gender is biologically based, misleadingly citing transsexuals and intersex people as examples (see below).
- Other contradict themselves by claiming that gender identity is both a social construct and is biologically based!

So, does gender identity coexist *beside* birth sex, or *replace* biological sex?

Is gender identity wholly a social construct or is it biologically based? How can it be both?

How can gender identity be both a social construct and be biologically based?

So, is gender identity fluid and free floating, socially constructed and so capable of being reconstructed, as leading queer theorist Judith Butler argues? Or, is gender identity a stable, coherent and abiding, "each person's *deeply felt* internal and individual experience of gender", as claimed by the Yogyakarta Principles?

The former definition claims gender identity is fluid and changeable, while the definition implies people are "born that way", born with and inherent gender identity. How can a person be "born that way" and at the same time have a free floating and fluid gender identity?

These almost polar-opposite claims about gender identity indicate that the concept is always, and in every way, ambiguous and contradictory.

Does gender identity "coexist" beside birth sex, or "replace" birth sex?

How can a person be "born that way" and at the same time have a free floating, fluid gender identity?

As Jagose says (1996), transgender theory, and identity politics, are

eviscerated not only by the array of different gender identities *between* subjects", that is, between people, "but also by the irresolvable difficulty *within* of each subject", that is, of each person's gender being fluid and changeable²⁵.

This makes transgender theory of its nature "always ambiguous", she says.²⁶

Even the Australian Human Rights Commission, which has driven many of the campaigns for the legal recognition of a person's gender identity in place of their sex, admits there is a "lack of consensus over the exact meaning and definition" of gender identity.²⁷

²⁵ Annamarie Jagose, *Queer Theory: An Introduction*, New York: New York University Press, 1996, pg. 83.

²⁶ *Ibid.*, pg. 96.

²⁷ *Sex Files: the legal recognition of sex in documents and government records*, Op. cit., pg. 14.

5.3 Gender identity is a “social construct” entirely depending on the reality of biological sex

The Federal government’s 2013 *Australian Government Guidelines on the Recognition of Sex and Gender* say that a person’s gender identity is a social construct, (a person’s “social software”) based on feelings about their identity, as manifest by their “outward social markers, including their name, outward appearance, mannerism and dress”²⁸.

The Australian Human Rights Commission (AHRC) says in *Resilient Individuals* (2015) that gender identity is a social construct:

[‘G]ender identity’ refers to a person’s deeply held internal and individual sense of gender... [how] a person identifies or expresses their masculine or feminine characteristics. A person’s gender identity or gender expression is not always exclusively male or female and may or may not correspond to their sex²⁹ [recorded at birth].

Gender fluid theory says that, as gender identities are self-chosen,

- **a boy can identify as, or be, a girl**, i.e. boys and girls can be transsexuals and identify as opposite to their birth sex; or
- **children can be at a point on a spectrum** of between 100 per cent male and 100 per cent female, e.g. 81 per cent male and 19 per cent female; or
- **boys and girls can be non-binary**, meaning they can be neither male nor female, e.g. pangender, androgynous, bigender, gender questioning, gender queer, gender variant, other, two-spirit, etc.;³⁰ or
- **children can be genderless**, or “unspecified sex”, and “escape sex and gender categories”^{31,32}.

Such broad sweeping claims about a person’s emotional feelings of gender identity gives each person on earth the potential to have a unique gender identity.

It is based on the idea that the mind can ignore the reality of a person’s immutable, biological sex, and reimagine the body to be something other than its natal sex.

Problem 1: Paradoxically, the whole idea of a person having a gender identity as part of their social software relies entirely on the reality of sex, on the immutable biological hardware of all humans. There is no language to describe gender without reverting to the biological sex characteristics of males and females.

²⁸ *Australian Government Guidelines on the Recognition of Sex and Gender* (July 2013, Updated November 2015), Attorney General’s Department, pg. 9.

<https://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.PDF>

²⁹ *Resilient Individuals: Sexual Orientation, Gender Identity & Intersex Rights: National Consultation Report 2015*, Australian Human Rights Commission, 2015, pg. 5. <https://www.humanrights.gov.au/our-work/sexual-orientation-sex-gender-identity/publications/resilient-individuals-sexual>

³⁰ Russell Goldman, “Here’s a List of 58 Gender Options for Facebook Users”, American ABC News, February 13 2014. <http://abcnews.go.com/blogs/headlines/2014/02/heres-a-list-of-58-gender-options-for-facebook-users/>

³¹ *Australian Government Guidelines on the Recognition of Sex and Gender*, Op. cit.

³² Also, see a similar range of gender identities described by Friedemann Pfäfflin, “Medical/Psychological Views”, in *The Legal Status of Transsexual and Transgender Persons*, Ed Jens M. Sharpe, (Editor), Intersentia Ltd, Cambridge, 2015; pg.19.

- To have a “feeling” of being on a spectrum of male to female relies on the reality of humans being male or female in the first place.
- To “feel” non-binary, not male or female, has no meaning without knowing reality of binary, male and female.
- To “feel” genderless, having no gender, can only be understood if there are first biological genders, male and female, so that a person can say, “I don’t identify with my natal male/female sex.”
- “Transgender” presupposes biological sex, as it means a person fundamentally changing from their natal sex to a gender identity different from than their biological sex.

If a natal male identifies in his mind as being 60% female and 40% male, is this person still biologically male?

If a biological girl says she identifies in her mind as non-binary pangender of gender queer, does that negate her as a biological female?

If a girl says that in her mind she identifies as genderless, does this mean she is no longer a biological female?

Problem 2: This leads to a transgender conundrum.

To paraphrase feminist philosopher Rebecca Reilly Cooper, from the University of Warwick in the UK³³: if the law recognises citizens by their gender identity – on a spectrum between 100 per cent male and 100 per cent female, or non-binary or genderless – then everyone is trans. Alternatively, there are no trans people; we are all just male or female.

Transgender/queer theory has no scientific or theoretical imperative to resolve this conundrum, other than to assert that its theory is true.

Transgender theory has no scientific or theoretical imperative to prove it is true, other than to assert that the theory “is” true.

Problem 3: The concept of transgender begs an obvious questions: if a person can fundamentally change (trans) their immutable sex:

- can a person change their immutable age?
- can a person identify as physically disabled when they are not disabled?
- can a biological male self-identify as pregnant?

Of great concern, if a person can change immutable sex, can they change their species and be a sub-human, or super-human?

³³ Rebecca Reilly-Cooper, “Gender is not a spectrum”, *Aeon*, 28 June 2016. <https://aeon.co/essays/the-idea-that-gender-is-a-spectrum-is-a-new-gender-prison>

Problem 4: Queer theory dissolves the meaning of sex.

The most well-known queer³⁴ theorist, Judith Butler, says that a person's gender is no more than a free floating artifice, with the consequence that *man* and *masculine* might just as easily signify a female body as a male one, and *woman* and *feminine* a male body as easily as a female one³⁵.

Why would NSW education want to teach to children that man and masculine might just as easily signify a female body as a male one, and woman and feminine a male body as easily as a female one?

Mayer and McHugh refute Judith Butler's claim saying that a person's

gender identity could be defined in terms of sex-typical traits and behaviours, so that being a boy means behaving in the ways boys typically behave – such as engaging in rough-and-tumble play and expressing an interest in sports and liking toy guns more than dolls. But this would imply that a boy who plays with dolls, hates guns, and refrains from sports or rough-and-tumble play might be considered to be a girl, rather than simply a boy who represents an exception to the typical patterns of male behaviour ...³⁶

The ability to recognise exceptions to sex-typical behaviour relies on an understanding of maleness and femaleness that is independent of these stereotypical sex-appropriate behaviours"³⁷

Mayer and McHugh also point out that, as the numbers of gender identities are so unlimited, gender identity has little meaning,³⁸ to the point where the concept of gender identity dissolves the meaning of both sex and gender identity.

Gender identity is more akin to a personality trait, something individual to the person, and not an immutable characteristic like a person's biological sex.

Like Judith Butler, the Australian Human Rights Commission strips sex of its meaning in the *Sex Files* report of 2017, reducing it to historical and political interpretations. It says:

[S]ex ... based on *social and cultural* factors ... collapses the distinction between sex and gender by arguing that sex is historically and politically specific. This perspective sees sex as a variable concept and gender diversity is built into the very nature of sex³⁹ (author emphasis).

³⁴ Queer theory is critical of, and stands in opposition to, normal sexuality, where "normal" means "that which functions in accordance with its design". It involves opposition to laws, regulations and cultural practices that distinguish between normal male and female, to paraphrase Diederik Janssen.

³⁵ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, London, Routledge, 1990, pg. 10.

³⁶ Mayer and McHugh, "Sexuality and Gender", Op. cit., pg. 89.

³⁷ Mayer and McHugh, "Sexuality and Gender", Op. cit., pg. 89.

³⁸ Ibid., pg. 88.

³⁹ *Sex Files: the legal recognition of sex in documents and government records*, Australian Human Rights Commission, 2009, pgs. 13-14. <https://www.humanrights.gov.au/our-work/sexual-orientation-sex-gender-identity/publications/sex-files-legal-recognition-sex>

Question: Is this what should be taught in the curriculum, as gender ideology insists, that sex is “historically and politically” based, not based on biology?

Question: Why should the school sex education curriculum subject children to socially constructed theory that dissolves the meaning of sex, when it is supposed to be about sex?

The sweeping claims by gender fluid and queer theories that gender identity and sex are fluid are inconsistent, confused and contradictory, and are asserted without scientific or rational proof.

Why would NSW education teach that sex is “historically and politically” based and also teach biology?

As humans are members of the animal kingdom, is the sex of other animals also “historically and politically” based?

5.4 Conflating “intersex” as evidence against sex as binary

A further paradox arises from the claim of queer/gender fluid theorists, like Judith Butler, that intersex people⁴⁰ and transsexuals are evidence that humans can be gender fluid,⁴¹ while also claiming that gender and sex are wholly social constructs.

The Intersex Society of North America (ISNA) firmly disagrees with the claim that intersex is evidence of some humans being other than male or female.

ISNA has produced *Clinical Guidelines for the Management of Disorders of Sex Development in Childhood* (2006)⁴² which ISNA described as “an extraordinary collaboration” among 26 specialist paediatricians, psychiatrists, specialist medical clinicians caring for people with disorders of sex development (DSDs), parents of children with DSDs, adults with DSDs, and other patient advocates”. It involved and ISNA leaders.

ISNA prefers the more accurate term, disorder of sexual development, to intersex,⁴³ which is defined as “anomalies of the sex chromosomes, the gonads, the reproductive ducts, and the genitalia”⁴⁴.

ISNA opposes raising DSD/intersex children without a gender, or in a third sex/gender, saying:

... we’ve never advocated this ... How would we decide where to cut off the category of male and begin the category of intersex, or, on the other side of the spectrum, where to cut off the category of intersex to begin the category of female? ...

[W]e are trying to make the world a safe place for intersex kids, and we don’t think labelling them with a gender category that doesn’t exist would help them.⁴⁵ (my emphasis)

⁴⁰ Judith Butler, *Gender Trouble*, Op. cit., pgs. pg. xi.

⁴¹ Ibid., pg. xi.

⁴² *Clinical Guidelines for the Management of Disorders of Sex Development in Childhood*, Consortium on the Management of Disorders of Sex Development, Intersex Society of North America, 2006. <http://www.dsdguidelines.org/files/clinical.pdf>

⁴³ Ibid., pg. 3.

⁴⁴ *Clinical Guidelines for the Management of Disorders of Sex Development in Childhood*, Op. cit., pg. 2.

⁴⁵ “Does ISNA think children with intersex should be raised without a gender, or in a third gender?,” ISNA. <http://www.isna.org/faq/third-gender>

ISNA says it is “rare” for people with intersex conditions “to change genders at some point in their life [and to] identify themselves as transgender or transsexual”.⁴⁶ As evidence, ISNA cites a study of 334 adult intersex people, where 97.6 per cent identify with their sex recorded at birth and only 2.4 per cent changed their sex.

The researchers concluded saying, “self-initiated gender reassignment was rare. Gender dysphoria also appears to be a rare occurrence.” The best predictor of adult sexual identity in a DSD person “is initial gender assignment”⁴⁷ at birth.

“[W]e are trying to make the world a safe place for intersex kids, and we don’t think labelling them with a gender category that doesn’t exist would help them.”

The Intersex Society of North America

Rebecca Riley-Cooper says that intersex is a disorder of sexual development, a sexual anomaly. It is not evidence that humans can be other than male or female.

The fact that some humans are intersex in no way diminishes the truth of sexual dimorphism [sex being two distinct forms], any more than the fact that some humans are born missing lower limbs diminishes the truth of the statement that humans are bipedal.⁴⁸

Further, it is a contradiction for Judith Butler and queer theorist to argue that a person’s fluid gender identity is independent of biological sex, wholly a social construct, while also claiming that the anomalies of the DSD/intersex condition provide biological grounds for non-binary gender identities. How can it be both?

Recommendation 1:

In the definition of “gender fluidity” (Clause 3(1)), clarify “disorders of sexual differentiation” i.e. intersex, and state that sex is determined by biology. This section be amended to read:

gender fluidity means a belief there is a difference between sex, male or female, (including the sex of people who are born with disorders of sexual differentiation) and human gender and that human gender is socially constructed rather being equivalent to a person’s sex as determined by biology.

Note: reference to “chromosomes” is deleted from the description of disorder of sexual differentiation, as people with Swyer syndrome have XY chromosomes, but due to some dysfunction of the Y chromosome, typically these people have female external genitalia and are raised as female. A description of Sywer syndrome here:

<https://medlineplus.gov/genetics/condition/swyer-syndrome/>

⁴⁶ “What’s the difference between being transgender or transsexual and having an intersex condition?” ISNA FAQ. <http://www.isna.org/faq/transgender>

⁴⁷ Tom Mazur, “Gender Dysphoria and Gender Change in Androgen Insensitivity or Micropenis”, *Archive of Sexual Behaviour*, 2005;34: 411. <https://link.springer.com/article/10.1007%2Fs10508-005-4341-x?LI=true>

⁴⁸ Rebecca Riley-Cooper, “Sex and Gender: a beginner’s guide”. <https://sexandgenderintro.com/>

Added to the Clause is the phrase “, as determined by biology”, in order to further differentiate sex from “socially constructed” gender.

5.5 Conflating transsexuals as evidence for changing sex

While medical treatments can permanently disable a person’s reproductive functions and feminise or masculinise their appearances, they cannot *biologically* change a person’s reproductive function, or their inherited genetics, to the opposite to their birth sex.

Sex reassignment surgery and cross-sex hormones may allow for the *legal* recognition of a person as the opposite sex to their sex at birth, but do not provide grounds for claiming that people can biologically change their sex, or for leveraging the contested idea of non-binary gender identities.

Jazz Jennings is a transgender YouTube celebrity, who underwent male-to-female sex change surgery at 18. Jazz

admits that hormones and surgery won’t change chromosomes and biological sex, but that the idea of a gender identity allows for a biological male to “identify as a woman”.



5.6 Political agenda to oppose and replace “heteronormativity”

Gender fluid/queer theory is focused on opposing and changing what it calls “heteronormative” culture, which it says is the product of neoliberal laws that have conditioned children into stereotyped roles as males and females from the time they are born.

This oppressive conditioning is said to include:

- recording only male and female on birth certificates;
- dressing boys and girls differently from birth;
- giving different toys to boys and girls;
- providing separate male and female toilets and change rooms;
- sex-segregated sporting competitions;
- imposing male and female school dress codes.
- Laws, regulations and codes that protect the sex-based rights of biological girls/women, but deny biological males the same sex-based rights as biological women.

This theory says such “conditioning” forces children into sex-roles for the sake of heterosexual marriage and family.

Trans rights ignore and erase the sex-based rights of biological women.

The gender fluid political agenda stands in opposition to birth registration laws that recognise only males and females, marriages laws that restrict matrimony to one male and one female, and aim at using anti-discrimination and vilification laws to replace sex-based rights with rights based on a person's fluid gender identity.

The laws and regulations that bestow these sex-based rights on men and women are to be replaced by laws that bestow gender identity rights, even when they cancel sex-based rights of everyone else.

Trans rights ignore and erase the sex-based rights of biological women.

This comprehensive political agenda morphs fluid gender/queer theory into an ideology, "a form of social or political philosophy in which practical elements are as prominent as theoretical ones. It is a system of ideas that aspires both to explain the world and to change it"⁴⁹.

It particularly focuses on transforming laws that transform the school curriculum

Of critical importance to this agenda is the legal recognition of child agency, to give children the ability to determine their sexuality and gender independent of parents. Children are to be educated to make their own sexual decisions as mature minors.

5.7 Child agency on matters gender identity and of sexuality

At the core of gender fluid and queer theories is the concept of child agency.

The theory regards that the "'child' loosely coincides with the period before or early in 'adolescence'", says Diederik Janssen (2015)⁵⁰. "Agency" refers to the capacity of individuals to act independently and to make their own free choices.⁵¹ "Child agency" holds that a child is capable of acting independently and making their decisions around issues such as gender identity and sexual orientation.

Gender fluidity treats children just as small adults, capable of making their own decisions.

It argues that heteronormative laws, regulations and customs have to be changed to legally recognise a person by their gender identity, not their sex, in order to liberate children and adults from heteronormative conditioning. In this transgender world, laws and culture would allow children to be their own agents, making their own decisions about how they identify, their gender orientations and which schools, services, sports, etc. they access.

Diederik Janssen (2015) argues that "childhood," meaning child agency,

has been recognized as a crucial emblematic function in neoliberal sexual politics, and it has been duly regularized as a central queer concern: an arguable crucible or ground zero of all sexual politics.⁵²

⁴⁹ "Ideology", *Encyclopedia Britannica*. <https://www.britannica.com/topic/ideology-society>

⁵⁰ Diederik Janssen, "Queer theory and childhood", Op. cit.

⁵¹ Chris Barker, *Cultural Studies: Theory and Practice*, Sage, London, 2005; pg. 448.

⁵² Diederik Janssen, "Queer theory and childhood", Op. cit.

Making child sexual agency arguable the crucible, or ground zero, of all sexual politics, effectively:

- means children making their own decisions to change their sex and to medically transition.
- raises the queer theory's open question, can minors engage in intergenerational sex?
- involves winding back the state laws that have traditionally recognised the primary right of parents to raise their children in accord with their values.

Childhood (child agency) is “a central queer concern: an arguable crucible, or ground zero, of all sexual politics.”

Child agency is already required in the schools in gender fluid/transgender matters. The Safe Schools resource, *Guide to supporting a student to affirm or transition gender identity at school*, says that it is important to “Ensure it is a student led process”. It adds:

It may be possible to consider a student a mature minor and able to make decisions without parental consent.⁵³

The NSW *Legal Issues Bulletin 55 - Transgender students in schools* - says arrangements for gender fluid students to access sports, toilets, showers and change rooms is to accord with their gender identity. It is based on how the child identifies. The child has agency as to how they identify, i.e. according to their self-chosen gender identity. Effectively, it is a student led process.

Child agency for medical transitioning

Medical transitioning a child involves puberty blockers that prevent the biological sexual developmental process, then sex change hormones.

Persistent use of puberty blockers chemically sterilizes a child who would otherwise develop into a fertile adolescent.

These drugs also suppress teens sexual sensations.

In the case of biological girls, they can also seek double mastectomies to remove their breasts.

Progression to the final transitioning stage involves sex change surgery for biological males, which can leave the person deprived of sexual sensation. For females, hysterectomies complete the sterilisation process.

These are life changing interventions in normative human development and carry many medical risks. Some risks are recognised by gender clinics; others are only being discovered. Many are irreversible.

How can a child be considered mature enough to make life changing medical decisions that can leave them sterilised and seriously risk their

⁵³ *Guide to supporting a student to affirm or transition gender identity at school*, Safe Schools Coalition Australia.

https://studentwellbeinghub.edu.au/media/9548/guide-to-supporting-a-student-to-affirm-or-transition-gender-identity-at-school_oct-2015.pdf

health, when they are not considered developed enough to decide to drink alcohol, drive a car, marry or join the military?

Question: How can a child be considered mature enough to make life changing medical decisions that can leave them sterilised and seriously risk their health, when they are not considered developed enough to decide to drink alcohol, drive a car, marry or join the military?

Question: Do children even understand the complex biological, reproductive, emotional nature of sex and of the relationships that develop between the sexes?

Question: If a child can change their sex, can they change their age or their race?

5.8 Queer: no moral boundaries on sado-masochism, fetishism and paedophilia

No moral boundaries

The *Stanford Encyclopedia of Philosophy*⁵⁴ says that one of the most severe criticisms of queer theory is that in advocating and campaigning for all that is not “normative”, against all that functions according to biological design and community standards on sexuality, it has no internal framework to recognize and set crucial moral and societal boundaries.

For example, queer theorists usually argue that one of the advantages of the term ‘queer’ is that it thereby includes transsexuals, sado-masochists, and other marginalized sexualities. How far does this extend?

Is transgenerational sex (e.g., pedophilia) permissible? Are there any limits upon the forms of acceptable sado-masochism or fetishism?

While some queer theorists specifically disallow pedophilia, it is an open question whether the theory has the resources to support such a distinction.

Furthermore, some queer theorists overtly refuse to rule out pedophiles as ‘queer’ (Halperin, 1995, 62)

This is not just a theoretical comment about queer having no moral or societal bounds.

NSW’s education department’s experience of queer having no bounds

When the Safe Schools Coalition Australia program was active in NSW schools, before it was banned in 2017, the program’s teaching resource *All of Us*⁵⁵ directed students to twenty10, an LGBT organisation that works with people of all ages.

In January 2016 twenty10 hosted a “hands-on” sadomasochistic/sex toy workshop for youth⁵⁶ Another SSCA supporter organisation⁵⁷, the AIDS Council of NSW (ACON), co-hosted this workshop which was advertised in the “youth” section of the twenty10 website. (See poster advertising the event below).

⁵⁴ “Homosexuality”, *Stanford Encyclopedia of Philosophy*, 5 July 2015.

<https://plato.stanford.edu/entries/homosexuality/#QueTheSocConSex>

⁵⁵ All of Us Teaching Resource, <http://www.safeschoolscoalition.org.au/all-of-us#download-resources>

⁵⁶ <http://www.twenty10.org.au/youth>,

⁵⁷ <http://www.safeschoolscoalition.org.au/our-supporters/organisations>

Claude: Safe Play Workshop

ACON and the OutPatient Health Clinic present:

Safe PLAY WORKSHOP

twenty10 Tuesday January 19th
2:30pm - 4:30 pm

This workshop is a fun and safe space to come and ask the questions you have been dying to ask about sex and kink and staying safe. Some of the topics we will cover are:

- How to be safe while having sex or hooking up online
- Info about testing, STIs and HIV prevention
- An intro to Kink and BDSM
- Hands on exploration with toys, tools and safe sex devices

As part of our weekly health clinic, join the folks from ACON's Young Gay Men's Project, Claude and How Hard, to discuss how to stay safe while having sex and connecting with people online or via apps.

When: Tuesday, 19 January

What time: 2:30pm - 4:30pm

Where: Twenty10, Level 1, 45 Chippen St Chippendale

For more details email rebecca@twenty10.org.au

Figure 5. Screenshot from the "youth" section of the Twenty10 website.

Furthermore, in the guise of an anti-bullying campaign, Safe Schools resources linked students to

- adult online communities;
- sex clubs;
- pornographic websites;
- sex shops; and
- gay bars.

This was detailed in the AFA's 79-page submission (February, 2016) to the NSW Parliament's Committee on Children and Young People, Inquiry into Sexualisation of Children and Young People. The submission is available here:

<https://www.parliament.nsw.gov.au/ladocs/submissions/53009/Submission%2030%20Australian%20Family%20Association.pdf>

After a federal government inquiry into Safe Schools in 2016, future federal funding was withdrawn and the government required the removal of all external links to outside websites and

organisations for the resources to remain on the federal education department's Student Wellbeing Hub.⁵⁸

5.9 Abolishing age of consent laws

To repeat, a major criticism of queer theory is from the *Stanford Encyclopedia of Philosophy*.

While some queer theorists specifically disallow pedophilia, it is an open question whether the theory has the resources to support such a distinction. Furthermore, some queer theorists overtly refuse to rule out pedophiles as 'queer' (Halperin, 1995, 62)⁵⁹

Leading queer theorists have called for the abolition of age of consent laws, including the grandfather of queer theory, Michel Foucault. Judith Butler has justified incest.

Michel Foucault, regarded as the grandfather of queer theory, was a French philosopher, historian of ideas, writer, political activist, and literary critic.

Foucault defended or promoted the practice of sex with minors, signing a 1977 petition to the French parliament calling for the decriminalization of all "consensual" sexual relations between adults and minors below the age of fifteen, the age of consent in France.⁶⁰

In a 1978 radio interview, Foucault condemned France's age of consent laws saying,

to assume that a child is incapable of explaining what happened and was incapable of giving his consent are two abuses that are intolerable, quite unacceptable.⁶¹

Gayle Rubin is an American cultural anthropologist best known as an activist and theorist of sex and gender politics. She has written on a range of subjects including feminism, sadomasochism, prostitution, paedophilia, pornography and lesbian literature, as well as anthropological studies and histories of sexual subcultures.

Her 1984 essay, *Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality* (1984), is regarded as the founding document of queer theory. In it she wrote:

Like communists and homosexuals in the 1950s, boylovers are so stigmatized that it is difficult to find defenders for their civil liberties, let alone for their erotic orientation. Consequently, the police have feasted on them. (pg. 147)

The law is especially ferocious in maintaining the boundary between childhood 'innocence' and 'adult' sexuality. Rather than recognizing the sexuality of the young, and attempting to

⁵⁸ <https://studentwellbeinghub.edu.au/students/>

⁵⁹ "Homosexuality", *Stanford Encyclopedia of Philosophy*, 5 July 2015.

<https://plato.stanford.edu/entries/homosexuality/#QueTheSocConSex>

⁶⁰ Open letter to the French Parliament, "Lettre ouverte à la Commission de révision du code pénal pour la révision de certains textes régissant les rapports entre adultes et mineurs", 1977 <http://www.dolto.fr/fd-code-penal-crp.html>

Also, see: <http://www.dolto.fr/fd-code-penal-crp.html>

⁶¹ "The Danger of Child Sexuality", Foucault's dialogue with Guy Hocquenghem and Jean Danet, was produced by Roger Pillaudin and broadcast by France Culture on April 4, 1978. It was published as "La Loi de la pudeur" in RECHERCHES 37, April 1979. First published in English in *Semiotext(e) Magazine* (New York): Semiotext(e) Special Intervention Series 2: Loving Boys / Loving Children (Summer 1980), in a translation by Daniel Moshenberg.

<http://www.ipce.info/ipceweb/Library/danger.htm>

provide for it in a caring and responsible manner, our culture denies and punishes erotic interest and activity by anyone under the local age of consent. The amount of law devoted to protecting young people from premature exposure to sexuality is breath-taking.

The primary mechanism for insuring the separation of sexual generations is age of consent laws. These laws make no distinction between the most brutal rape and the most gentle romance. (pg. 158)

Similarly, in a 2007 article⁶⁹ Angelides plays down the seriousness of teacher-student sex. In describing a sexual encounter between a male student and a teacher, in which he implies the student was actively enticing the teacher, Angelides seems to use this case to promote adult-adolescent sex:

Despite strident child protection efforts in our society, what the Karen Ellis affair demonstrates, in my view, is that in the realm of adolescent sexuality and the law, we are often just as adept at policing, punishing, and disempowering competent adolescents as we are at protecting them from harm. (pg. 358, Angelides 2007).

Referring to the “Bill Henson scandal,” in which an image of a naked 13 years old child was displayed in an art exhibition, Angelides argue⁷⁰ that the sexual “agency” of children should be

⁶⁹ Angelides, S., Subjectivity Under Erasure: Adolescent Sexuality, Gender, and Teacher-Student Sex, *The Journal of Men's Studies*, Vol. 15, No. 3, Fall 2007, p347-360.

⁷⁰ Angelides, S., Subjectivity Under Erasure: Adolescent Sexuality, Gender, and Teacher-Student Sex, *The Journal of Men's Studies*, Vol. 15, No. 3, Fall 2007, p347-360.

respected and that the public outcry surrounding child sex scandals was somehow masking a fear of child sexuality:

Herein lies one of the major bugbears, as I see it, of this scandal (and other child sex scandals like it): What to do with the fact that the sexual child, such as N, is not the passive recipient of the adult gaze or adult sexuality. Often she looks back, speaks back, touches back, and indeed initiates and colludes with adults, not to mention often strips for them or has sex with them voluntarily (with or without parental consent). (pg. 115)

These queer theorists show that there the short slope from queer theory into paedophilia, because by embracing all that is not normative, queer theory has no ethical framework by which to reject intergenerational sex.

It erases the strong community held line against sex between children and adults.

5.10 Queer theory abolishes the difference between child and adult

In embracing all that stands in opposition to what the community regards as normative sexuality (i.e. opposition to the heteronormative), and making child sexual agency the ground zero of sexual politics⁷¹, queer theory corrodes the strongly held community view that children are not developmentally prepared, physically or cognitively, to give consent to changing their sex or to sexual activity with other minors or adults.

Child agency ignores and erases the power imbalance between adults and children, i.e. the power adults have to influence the behaviour and decision making of vulnerable children.

Rather, child agency treats the adult-child relationship as symmetrical, as equal.

To that end, the writings of pro-paedophile queer theorists, like those above, romanticise children as “clear-thinking, endowed with volition and discernment.” Therefore, they deserved the same “rights” to sexual freedom as adults. Hence, the notion of child protection is denounced as heteronormative – the idea that people are socially conditioned from childhood into being heterosexual and children being treated as minors needing the protection of age of consent laws – and declared as a danger to the child’s personal integrity. These claims effectively reduce paedophilia to a sexual orientation.

As children are developmentally unprepared to give informed consent and to discern on sexual matters, it can be extremely difficult for them to argue with, or say “no”, to people in positions of authority, or those they trust.

The World Health Organization (WHO)’s guidelines on the care for victims of sexual violence, defines sexual abuse as

the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society.⁷²

While the WHO’s definition is aimed at acts of adult-on-child sex, its concerns that children cannot “fully understand” or “give consent” equally applies to adults abusing their power in the classroom

⁷¹ Chris Barker, *Cultural Studies: Theory and Practice*, Sage, London, 2005; pg. 448.

⁷¹ Diederik Janssen, “Queer theory and childhood”, Op. cit.

⁷² GUIDELINES FOR MEDICO-LEGAL CARE FOR VICTIMS OF SEXUAL VIOLENCE, World Health Organisation.

https://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap7.pdf

to tell children they have sexual agency to change their sex, to consent to chemical sterilisation and the risk of losing sexual sensation and other life changing treatments, and to have sex with others, be they around the same age or adults.

This romanticising of children's capacity for mature decision making, masks the serious problems some children face that cause them to want to change their sex and transition. In cases where a child's gender dysphoria is associated with autism or sexual abuse, or where it results from the influence of transgender activists on YouTube and social media, queer theory emphasises celebrating their state of "diversity" rather than seeking treatment to resolve the child's problems or confusion

Queer theory corrodes the strongly held community view that children are not developmentally prepared, physically or cognitively, to give consent to changing their sex or to sexual activity with other minors or adults.

Yet, queer theory claims child agency empowers children to find happiness in changing their sex or in sexual relationships. Their ability to consent to such changes is taken as a foregone conclusion.

This is exemplified in both queer theory's claim that children need to be liberated from society's conditioning them to believe humans are immutably male or female, and in the statement of the above queer theories arguing for age of consent laws being abolished, as exemplified in Michel Foucault's statement that

to assume that a child is incapable of explaining what happened and was incapable of giving his consent are two abuses that are intolerable, quite unacceptable.⁷³

Not only does paedophilia revolt all bar its few advocates, the vast majority of Australians of all political persuasions are concerned about children changing their sex and do not want this taught in schools, as shown in the Sexton Marketing survey of attitudes to gender fluidity in schools (see Section 1 of this paper).

Making childhood the ground zero of all sexual politics targets the school curriculum as a major focus for pushing the gender fluid world view onto children.

⁷³ "The Danger of Child Sexuality", Foucault's dialogue with Guy Hocquenghem and Jean Danet, was produced by Roger Pillaudin and broadcast by France Culture on April 4, 1978. It was published as "La Loi de la pudeur" in RECHERCHES 37, April 1979. First published in English in Semiotext(e) Magazine (New York): Semiotext(e) Special Intervention Series 2: Loving Boys / Loving Children (Summer 1980), in a translation by Daniel Moshenberg.

<http://www.ipce.info/ipceweb/Library/danger.htm>

6. Gender fluid theory targets schools

6.1 Schools the battle ground

If childhood and child agency are the central concern of gender fluid ideology, then schools become the ground zero battle ground between the gender fluid world view and the biological world view of human sexuality.

Teaching gender fluidity has been justified on the basis of untested claims that federal, state and territory jurisdictions have adopted the gender identity laws that have require gender fluid school policies. The most significant was the 2013 changes to the federal *Sex Discrimination Act 1984*, which makes gender identity a protected human attribute, while removing from the Act the definitions of man, a member of the male sex regardless of age, and woman, a member of the female sex regardless of age. The removal of the definitions of “man” and “woman” was to underscore the new reality, that legal priority will be given to recognising and protecting Australians by their gender identity in place of their sex.

Subsequently, governments and education authorities have asked the question: if a child believes they are in the “wrong body” and identifies as the opposite to their birth sex, then what services and facilities is the child legally entitled to access in a government school, and what are the obligations of state education departments in this respect?

Their policy responses have had serious implications for students, teachers, principals, and parents, while gender fluid theorists have set out the objective of gender fluidity in the curriculum.

6.2 Applying queer theory to schools

In education literature, academics and researchers from the Australian Research Centre for Sex, Health and Society (ARCSHS) at La Trobe University, which created the now banned Safe Schools program, have describe how gender fluid/queer theory can be applied in education. Elizabeth Smith, Roz Ward, Jennifer Dixon, Lynne Hillier, Anne Mitchell and Dr Tiffany Jones co-wrote “School experiences of transgender and gender-diverse students in Australia” (2016). They say that queer/transgender theory is interested in “(de)constructions of sex and gender”⁷⁴; that is, in deconstructing the idea that people are inherently male or female.

In “Saving rhetorical children: sexuality education discourses from conservative to post-modern”, Tiffany Jones (2011)⁷⁵ says that queer (transgender) education

Aims to disrupt/destabilise the structures (sex, gender, orientation) that uphold the illusion of heteronormativity through revealing their performative nature. This can be achieved through deconstruction and (re)creation of texts, including the self or others as texts.⁷⁶

Jones says that the aim is to

develop in students an oppositional position in relation to the dominant order ...⁷⁷

⁷⁴ Tiffany Jones, Elizabeth Smith, Roz Ward, Jennifer Dixon, Lynne Hillier and Anne Mitchell, “School experiences of transgender and gender-diverse students in Australia”, *Sex Education*, 2016, Volume 16, No. 2, pgs.156–171. <http://dx.doi.org/10.1080/14681811.2015.1080678>

⁷⁵ Tiffany Jones, “Saving rhetorical children: Sexuality education discourses from conservative to post-modern”, *Sex Education: Sexuality, Society and Learning*, Vol. 11, Issue 4, August 12, 2011: pgs. 369–387. <http://www.tandfonline.com/doi/abs/10.1080/14681811.2011.595229#.Vy7IIGR962w>

⁷⁶ *Ibid.*, pgs. 379-80.

⁷⁷ *Ibid.*, pg. 376.

Students can both de-construct and co-construct sexual ‘truths’ and systems, as all knowledge is seen as constructed and relational. Students are placed in an oppositional subject position through which they can interrogate constructions of ‘reality’ and intervene in their reconstitution.⁷⁸

This approach encourages students to stand in opposition to the biological definition of a person as male or female and to critique “constructions” of the family.

6.3 NSW education department policies

The NSW education department, along with departments in other states, has issued policies requiring school authorities to negotiate with transgender students as to which toilets, other facilities, and services they can access at school.

The departments say that these policies flow from the definition of, and protections for, “gender identity” inserted into the federal *Sex Discrimination Act 1984* (the SDA) in 2013 and apply regardless of age. Section 21 covers all government-run schools in Australia and says that a school cannot discriminate against a student on the basis of their gender identity or sexual orientation, by, in part, “denying the student, or limiting the student’s access, to any benefit” the school provides, or by “subjecting the student to any other detriment”⁷⁹.

It appears that, if a child regards their gender identity as being other than their sex at birth, their gender identity is legally recognised and protected under the SDA and, in some cases, under state anti-discrimination laws.

The *Australian Government Guidelines on the Recognition of Sex and Gender* (2013, 2015), which followed the recognition of gender identity being defined in the SDA in 2013, say that “[s]ex-reassignment surgery or hormone therapy are not prerequisites” for legal recognition.⁸⁰ The threshold for recognition of a change of sex is low, requiring only

- a statement from a registered medical practitioner or psychologist,
- a passport or Australian government travel document,
- an amended birth certificate, or
- a state or territory Gender Recognition Certificate or Recognised Details Certificate.⁸¹

A school student can easily obtain some of these and claim new rights by self-identifying as any gender other than their natal sex.

6.4 Question: What happened to sex?

The complementary biological nature of men and women provides the gametes necessary for human reproduction and sex, is the basis of deep and profound human relationships. Sex is defined by reproductive male and female functions.

⁷⁸ Ibid., pgs.372-73.

⁷⁹ Federal *Sex Discrimination Act 1984*, Section 21, as compiled 1 July 2016.
<https://www.legislation.gov.au/Details/C2016C00880>

⁸⁰ *Australian Government Guidelines on the Recognition of Sex and Gender* (July 2013, Updated November 2015), Attorney-General’s Department, Australian Government, pg. 5.
<https://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.PDF>

⁸¹ Ibid.

Yet, in the gender fluid academic writings discussed in section 6.2 above, reproduction and pregnancy are not mentioned or considered. It appears to treat reproduction as disconnected from sex.

Tiffany Jones (2016) says that among the top issues identified by students as missing from sexuality education are “how to make sexual activity enjoyable for both partners ... dealing with relationship break-ups, and understanding the emotions in relationships”⁸². Ironically, these very issues are indicative of a person yet to develop intellectually and emotionally, and yet to comprehend the responsibilities that accompany pregnancy and child rearing.

Gender fluid theory does not deal with the deep emotional and relationship issues associated with reproduction. Perhaps this is not surprising, given that gender fluid and queer theories deals with opposing all that is “normative”; that is, what are other than normative sexual identities and what are other than normative relationships that lead to pregnancy, childbirth and the rearing of children. Rather, it stands in opposition to defining humans as male or female, critiquing all that is based on the biological understanding of male and female.⁸³

Removing reproduction from consideration of “sexuality” ignores one of the fundamental purposes of sex, while the focus on a person’s fluid gender identity, at the expense of their inherent sexual identity, risks desexualising sex, as discussed above. (See 5.2 above)

6.5 What of teachers’ rights?

What of a teacher’s right to reflect the biological world view that sex is immutable and not participate in gender fluid education or to follow education department policies to let biological males who identify as female play in girls’ sports or use their change rooms out of a duty of care for the safety and protection of female students?

Under such gender fluid school policies, the SA Department for Education and Child Development procedure for “Transgender and intersex student support” has warned principals and teachers that

[f]ailure to provide transgender students [with access to appropriate toilet and change facilities may breach anti-discrimination legislation.⁸⁴

Does this also mean that a teacher or principal would face disciplinary action by state education authorities responsible for the registration of teachers, if they fail to allow a biological boy who identifies as a girl access to the female facilities? Would this mean that their professional qualifications could be revoked, or that future state teacher employment contracts could be in jeopardy?

⁸² Tiffany Jones, “Saving rhetorical children: Sexuality education discourses from conservative to post-modern”, Op. cit., pg. 385.

⁸³ “Homosexuality”, *Stanford Encyclopedia of Philosophy*, 5 July 2015.
<https://plato.stanford.edu/entries/homosexuality/#QueTheSocConSex>

⁸⁴ “Transgender and intersex student support”, SA Department for Education and Child Development.
<https://www.decd.sa.gov.au/sites/g/files/net691/f/transgender-and-intersex-support-procedure.pdf>

6.6 What of parents' rights?

What of the right of parents to expect a high-level duty of care for their children? What of parents having “a prior right to choose the kind of education that shall be given to their children”, as set down in the *Universal Declaration of Human Rights* (1948)?⁸⁵

This parental right is also recognised in the *International Covenant on Civil and Political Rights* (1966) Article 18 (4) which says the liberty of parents “to ensure the religious and moral education of their children in conformity with their own convictions”⁸⁶ must be respected.

Australia is a signatory to the Covenant.

6.7 What of the rights of other students?

What of the right of other students to privacy in toilets, showers and change rooms? What of the right of girls to fair play in sports? What of the right of girls to safety from on average stronger, faster, heavier males?

Far from biological girls having the right to privacy and to enjoy facilities without fear of intimidation, under gender identity laws and education department policies, girls now have a duty to share such facilities with boys who identify as girls.

Far from biological girls having the right to privacy and to enjoy facilities without fear of intimidation, under gender identity laws and education department policies, girls now have a duty to share such facilities with boys who identify as girls.

7. The consequences of teaching children gender fluidity

7.1 NSW education department policies

The NSW education department’s policy on transgender students in schools is set out in the Education and Communities NSW *Legal Issues Bulletin No 55*, titled “Transgender students in schools – legal rights and responsibilities” (2014) (here after referred to *Bulletin No 55*)⁸⁷.

The NSW *Bulletin No 55* polices flow from the claim that gender identity – a highly contested, ambiguous, conflicted and contradictory concept of identity, completely dependent on the reality of biological sex – is real and that gender identity rights take priority over sex-based rights. The logic is as follows:

⁸⁵ *Universal Declaration of Human Rights*, Article 26 (c), United Nations, 1948.
<http://www.un.org/en/universal-declaration-human-rights/>

⁸⁶ *International Covenant on Civil and Political Rights*, United Nations, (1966)
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

⁸⁷ “Transgender students in schools – legal rights and responsibilities”, *Legal Issues Bulletin No 55*, December 2014, Education and Communities, NSW Government.
<https://education.nsw.gov.au/about-us/rights-and-accountability/media/documents/public-legal-issues-bulletins/LIB-55-Transgender-students-in-schools-legal-rights-and-responsibilities.pdf>

- Transgender students are in some schools, and, by some counts, numbers are rising for cultural and social reasons.
- To avoid bullying and to make a trans student comfortable and accepted by peers, the curriculum needs to teach about transgender issues. Hence, all students need to be taught about gender fluidity to avoid bullying. To that end, *Bulletin No 55* says: “Review PDHPE curriculum Stage 4/5 to ensure that issues related to difference; gender; prejudice and discrimination are highlighted and addressed.”⁸⁸
- Federal and NSW anti-discrimination laws say that a student cannot be treated “less favourably” than other students⁸⁹, which is interpreted to mean that a boy who identifies as female must be able to access female sports, toilets, girls only schools, attend female school camps etc. This assumed legal imperative has not been legally tested.
- Glossed over are the irresolvable conflicts created by these policies. The conflicts arise from a mind-body perception/conflict, as young people are led to believe from social media and other sources that they can have a socially constructed gender identity. School policies and laws prioritise recognising what the mind perceives of the body (a gender identity), regardless of biological reality. Schools affirm gender fluid identity over biological identity.
- Ignored is that fact that these policies treat biological girls “less favourably”. Girls are expected to suffer the consequences and be counselled to accept the loss of their sex-based right to their sports, safe spaces, etc. (see 7.3.1 below)

So, for the sake of trans students not being bullied, schools conform to gender fluid theory against the reality of sex as understood through biological science. All students are to be taught that gender identity is a reality, coexisting with, or in place of, biological sex; every student is taught they can choose their own gender identity; and biological girls are required to accept transgenders in their safe space and sports, thereby being treated “less favourably”, i.e. being discriminated against on the basis of their sex.

Question: How would a complaint of discrimination by natal females students against a natal male who identifies as female sharing the girls’ showers and change rooms be decided? Whose rights will be prioritised?

7.2 Policies and risks

The gender fluid conforming policies of *Bulletin No 55*, identifies an array of conflict areas, sets down policies and assess the risk of each policy.

However, it only assesses the risk to the transgender student, not the risks other students, particularly girls.

⁸⁸ Ibid.

⁸⁹ Ibid.

7.3 Girls' toilets, showers, change rooms, overnight excursions, camps: teachers as toilet police

Bulletin No 55 says that transgender

Students should not be required to use the toilets and change rooms used by persons of the sex they were assigned at birth if they identify as a different gender. Alternative arrangements may include using staff toilets or unisex toilets where possible. The exclusion of students who identify as transgender from the toilet or change rooms of their identified gender must be regularly reviewed to determine its continuing necessity.

If other students indicate discomfort with sharing single-sex facilities (toilets or change rooms for example) with a student who identifies as transgender, this should be addressed through the school learning and support team.⁹⁰

Counselling girls to accept natal males in their toilets or change rooms treats girls "less favourable." To paraphrase one feminist writer on these issues: it's the transgenders' job to create their own safes spaces where male-to-female people go. It's not a girl's job to avoid biological males who identify as female in the safe spaces of girls and women.

The policy sets out how teachers are to manage the risk.

Doors provided to change room cubicles of their identified gender.

Student must change in cubicle.

Staff to monitor length of time in change room.

Staff and student to report any incidents in the change room to Principal.

Zero tolerance to "skylarking" in change rooms.

"Staff to monitor length of time in change room" puts teachers in an invidious position. Are teachers to be rostered outside toilets? What happens to a male teacher's reputation if he finds it necessary to intervene in a female toilet, shower or change room? Following the findings made in the Royal Commission into Institutional Sex Abuse about incidents in certain educational institutions, teachers may feel inhibited in entering change rooms to "monitoring length of time in [a] change room".

To paraphrase one feminist writer on these issues: it's the transgenders' job to create their own safes spaces where male-to-female people go.

It's not a girl's job to avoid biological males who identify as female in girls' and women's safe spaces.

7.4 Child safety

This policy comes at a time when there is serious community concern over child-on-child sexual abuse in schools. In 2013, there were almost 1,000 reported cases of children abusing other

⁹⁰ "Transgender students in schools – legal rights and responsibilities", *Legal Issues Bulletin No 55*, December 2014, Education and Communities, NSW Government.

<https://education.nsw.gov.au/about-us/rights-and-accountability/media/documents/public-legal-issues-bulletins/LIB-55-Transgender-students-in-schools-legal-rights-and-responsibilities.pdf>

children. Criminologist Dr Wendy O'Brien, a senior research fellow with the Australian Crime Commission, says that this figure is just the tip of the iceberg and that the problem is under-reported.⁹¹

It is baffling that an organisation charged with a having a duty of care for children would issue a legal document that admitted the policy of allowing natal boys accessing girls' toilets showers and change rooms was "high risk". An 18 year old natal male could be accessing these facilities while being used by 12-18 year old girls by declaring that he is a girl. Suggesting that students unhappy with this arrangement should get help form "the school learning and support team, indicates that other students face not just "discomfort", but potentially more serious issues, like sexual abuse.

Doesn't such a policy leave school authorities open to accusations of negligence in their duty of care for children?

Bulletin No 55 says that schools should, where possible, provide alternative facilities to transgender students. Are all schools to be outfitted with separate toilets, showers, change rooms?

If the sex-based rights of biologically female students include girls having their own safe spaces, then shouldn't trans students always be provided with their own safe spaces?

7.5 Girls' sports

Bulletin No 55 says, "A student who identifies as transgender should be permitted to participate in most school based sports as their identified gender." Risk assessment looked only at the risk to the transgender from being identified according to their biological sex.

What of the right of girls to their own sports, for reasons of fairness, safety and protection?

Dr John Whitehall⁹² assessed the advantage of biological males in sport as against biological females, based on an analysis of 175 track, field and swimming records published by the NSW Department of Education.⁹³

It found only 6 records of girls to have exceeded achievements by boys in age specific events from 8 to 17 years.

With regards to sex differences in times, lengths or heights of performances,

- at age 8, there was an average of 2% superiority of males (0.2% in swimming and 3.2% in athletics);
- at 9, it was 1% (0.3 and 2.2%);
- at 10, 2% (-0.6 and 3.8%);
- at 11, it was 4% (0.6 and 6.2%);
- at 12, it was 4% (1.9 and 5.4%);
- at 13, it was 10% (6.3 and 13.3%);

⁹¹ "Data reveals allegations of children sexually abusing peers at school, experts call for action", ABC News, 31 July 2014. <http://www.abc.net.au/news/2014-06-03/calls-for-action-to-halt-child-on-child-sex-abuse/5497196>

⁹² Guidelines for the destruction of female sport, Dr John Whitehall, Quadrant, 3 October, 2019. <https://quadrant.org.au/magazine/2019/09/guidelines-for-the-destruction-of-female-sport/>

⁹³ <https://lansw.com.au/wp-content/uploads/sites/3/2018/11/Current-LANSW-State-Records.pdf>

- at 14, it was 11% (6.3 and 14.6%);
- at 15, it was 13% (7.35 and 16.4%);
- at 16, it was 13% (9.7 and 14.5%);
- at 17, it was 17%.

Similarly, the State Records of Little Athletics NSW, as of 2018, show that from the under 7 to under 17 years, boys have run faster, jumped higher and longer, and thrown things further than girls, except in only two events. In the 1994 under 12 years 1500 metre walk, a girl finished in 6.38.7 minutes compared to a boy in 2000 who took 6.45.2 minutes; and in the under 7s, 70 metre running race, in which girls and boys shared the time of 11.04 seconds.⁹⁴

In explaining its rules for lowering the testosterone levels for transgender male-to-females in athletics, the International Association of Athletics Federations (IAAF) report, *Eligibility regulations for the classification* (2018)⁹⁵, argued why there are separate male and female sports. The Explanatory Notes/Q&A (2018) accompanying the report cited the Court of Arbitration for Sport *Chand v IAAF & AFI* decision, which summarised the evidence based science showing the advantage male athletes have from testosterone. It said:

[M]en have significant advantages in size, strength and power over women, due in large part to men's much higher levels of circulating testosterone from puberty onwards. Because of the impact that such advantages can have on sporting performance, it is generally accepted that competition between male and female athletes would not be fair and meaningful, and would risk discouraging women from participation in the sport.

Therefore, in common with many other sports, the IAAF has created separate competition categories (or 'classifications') for male and female athletes ...⁹⁶.

To the best of our knowledge, there is no other genetic or biological trait encountered in female athletics that confers such a huge performance advantage.⁹⁷

Question: How is it fair to girls to have natal males who identify as female competing and beating girls in their sports?

Questions: What of the risks to girls in contact sports from natal males who are stronger, heavier, faster and capable of doing more significant damage to female players? In 2020, World Rugby banned natal males who identify as female from playing in the elite world competition, citing

⁹⁴ <https://lansw.com.au/wp-content/uploads/sites/3/2018/11/Current-LANSW-State-Records.pdf> =

⁹⁵ *Eligibility regulations for the female classification (athletes with differences of sex development)*, IAAF, 23 April 2018. [https://www.iaaf.org/download/download?filename=2ff4d966-f16f-4a76-b387-f4eeff6480b2.pdf&urlslug=IAAF%20Eligibility%20Regulations%20for%20the%20Female%20Classification%20\(Athletes%20with%20Differences%20of%20Sex%20Development\)%20in%20force%20as%20from%201st%20November%202018](https://www.iaaf.org/download/download?filename=2ff4d966-f16f-4a76-b387-f4eeff6480b2.pdf&urlslug=IAAF%20Eligibility%20Regulations%20for%20the%20Female%20Classification%20(Athletes%20with%20Differences%20of%20Sex%20Development)%20in%20force%20as%20from%201st%20November%202018)

⁹⁶ *Eligibility regulations for the female classification (athletes with differences of sex development): Explanatory Notes/Q&A*, IAAF, 23 April 2018, pg. 1, citing *Chand v IAAF & AFI* (CAS 2014/A/3759), pg. 1.

<https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwiY8pKogZHcAhXHY7wKHWzdBRAQFggtMAA&url=https%3A%2F%2Fwww.iaaf.org%2Fdownload%2Fdownload%3Ffilename%3Dc402eb5b-5e40-4075-8970-d66fccb10d41.pdf%26urlslug%3DExplanatory%2520Notes%253A%2520IAAF%2520Eligibility%2520Regulations%2520for%2520the%2520Female%2520Classification&usg=AOvVaw27XDESdCzgYQ818vhuESu>

⁹⁷ *Ibid*, pg. 6.

safety fears from players who are biological women. Are such risks to be ignored in school contact sports?

Questions: As boys run faster, jump higher and longer, and throw things further because of their inherent biological strength than girls, doesn't allowing natal males who identify as female into girls' sports mean treating biological girls "less favourably"? Isn't this discrimination against girls on the grounds of their sex?

7.6 Other risks

Bulletin No 55 assesses risks in a total of 11 policies, including in the playground, overnight excursions, peer group, staff, etc.

In all areas, the policy affirms the student's gender identity. It only assesses the risk to that student, not to other students or staff.

What of other risks:

- Confusing children about their sex by teaching gender fluidity?
- Will school face legal action for supporting a child transitioning, should they later decide that taking life changing drugs and treatment was a mistake and cause them serious damage, as seen in the recent Kiera Bell case against the UK Tavistock gender centre. Bell accused the centre of serious harm to her for medically transitioning her at an age when she was incapable of giving consent to the medical procedures she underwent. The UK High Court agreed with her complaint.⁹⁸ (Appendix 2 discusses outcome of children with gender dysphoria, children desisting and people regretting and detransitioning).
- Excessive focus on the issue of sex risks sexualising children. This was extensively outlined in the Australian Family Association's 79-page submission to the 2016 NSW Parliament's Committee on Children and Young People, Inquiry into Sexualisation of Children and Young People. The submission is available here:
<https://www.parliament.nsw.gov.au/ladocs/submissions/53009/Submission%2030%20Australian%20Family%20Association.pdf>
- Alternatively, excessive focus on gender fluidity and the possibility of each person on earth having their own gender identity, runs the risk of desexualising sex and leaving children confused about their sexual identity.

7.7 Conclusion

Activists claim that transgender students are bullied more than others, requiring the raft of school policies set out in *Bulletin No 55*.

There are two issues here.

First, the most effective anti-bullying program focuses on teaching respect for everyone, not singling out particular groups for protection.

⁹⁸ "NHS gender clinic 'should have challenged me more' over transition", BBC News, 1 March, 2020.
<https://www.bbc.com/news/health-51676020>

Second, *Bulletin No 55* goes far beyond prevention of bullying. Its policies make those claiming gender identity rights cancel the sex-based rights, privileges, protections and access to services of female students. In the array of conflicts between the gender fluid and biological world view, the NSW *Bulletin No 55* policies entirely support the gender fluid view.

- Again, why would the NSW education curriculum want to teach a confusing, ambiguous and contradictory theory like gender fluidity?
- Why would the NSW education department want to continue to expose female students to the risks inherent in allowing natal male students who identify as female to share female toilets, showers and change rooms?
- Why would the NSW education department risk a discrimination complaint from female students who are treated “less favourably” on the grounds of their sex than a natal male student who identifies as female and demands to use the female toilets?
- Why would the NSW education department want to risk prosecution for failing to protect a female student from rape or sexual assault in a school toilet, shower or change room that she had to share with a natal male student who identifies as female?

8. Curriculum conflicts

8.1 Women’s rights vs transgender rights that cancel women’s rights.

Various parts of the NSW curriculum teach equal opportunity for women and men, encourage girls into once male areas like football and other sports, as well as respect for girls and women.

Question: As transgender rights cancel out the inherent sex-based rights of girls and women, why would NSW schools teach gender fluid theory to students and at the same time teach students about the inherent sex-based rights of girls and women?

8.2 Science and biology

Question: How can NSW schools teach the scientific, biological reality of sex and at the same time teach that sex is a social construct, and that gender is also a social construct that replaces the biological reality of sex?

9. The Bill and further recommendations

1. The Bill seeks to do two main things:

To prohibit teaching of “gender fluidity” in NSW schools (Clause 17A). See Recommendations 1, 2 and 3 above.

To require that instruction on matters of “parental primacy” in NSW schools be “strictly non-ideological” (Clause 17B).

Recommendation 4:

Clause 17B could read more clearly if it defines what “non-ideological” means: “In government schools the education is to consist of strictly non-ideological instruction (meaning instruction must not present or advocate only one view as correct) in matters of parental primacy.”

2. The Bill also seeks to:

Allow parents to object to their child receiving any instruction in matters of “parental primacy” (Clause 17D). What is to happen if parents object to their child receiving such instruction? Does that mean those matters cannot be taught to any students? Or is the intention to allow parents who object to request their child be exempt from such classes just as they can if they object on religious grounds? (see Section 26 of the Education Act)

Recommendation 6:

Amend Clause 17D by adding the words “and request their child be exempt from attending classes in which such instruction will take place.”

Require schools to consult with parents about any instruction in relation to matters of “parental primacy” (Clause 17E)).

Recommendation 6:

The Bill should be supported to ensure the state’s respect for the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions as required by the Article 18(4) of the International Covenant on Civil and Political Rights (ICCPR) and to preserve the academic standards of NSW school education and to protect the state education system from political and social activism and ideologies.

10. Critiquing Equality Australia’s criticisms of the Bill

A good illustration of why the Bill should be supported comes from an analysis of Equality Australia’s paper, entitled, “ONE NATION NSW IGNORANCE IN EDUCATION BILL”.⁹⁹

10.1 EA supports instruction on ideologies at the expense of parental rights

Equality Australia (EA) claims the Bill “attacks” teachers, students and all those who believe in a strong education system. On the contrary the Bill simply seeks to establish evidence-based instruction and avoid presenting only one view on topics on which there are differing views. That is what is meant by “non-ideological instruction.”

Rather than restricting a student’s education non-ideological instruction will give students a well-rounded view of an issue and evidence on which to make some judgement on where the truth lies. For example, if, as well as climate change computer modelling students are given information on the effect of the oceans on climate, of solar sunspot activity on climate, on natural climate cycles and other forces in nature affecting climate, then surely they will have a more evidence-based fund of knowledge on which to form their view rather than one ideologically, dogmatic view on the issue.

“Non-ideological instruction” does not mean only presenting one view – it is the exact opposite – it requires the presenting of all the evidence.

EA claims the Bill attacks a “strong education system that supports every child, no matter who they are or may grow up to be, or what family they come from.” On the contrary the education system will not support “every child no matter who they are or who they may grow up to be or what family they come from ...” if it allows ideological teaching, if it only allows “acceptable” or “politically correct” views to be taught.

What about children from families that have views or have religious or cultural beliefs that are not politically correct, for e.g. that marriage is the union of a man and a woman, that sex is for marriage? Are those children not to be supported? Or are they to have their religious beliefs and values ignored or denigrated?

These are matters of parental primacy in accordance with the international covenant, which says a child must not be taught or have it implied that his family’s religion or culture is unacceptable. It should be neutral – all in or all out. The ban on ideological teaching should avoid such conflicts.

10.2 Hearing different views, discussing contemporary issues

Equality Australia claims that the Bill “will deprive a child from hearing different views on issues such as climate change, Australian history, the experience of people with different religious beliefs or cultures and LGBTIQ+ people.”

The Bill is directed to requiring education to consist of “strictly non-ideological” instruction. It does not seek to prohibit providing balanced presentation of information on these or any other issues. It only prohibits presentation of information on one view only and in a way that presents it as proven fact if it is only a theory and presents any alternative view as wrong. That is what is meant

⁹⁹ “ONE NATION NSW IGNORANCE IN EDUCATION BILL, Equality Australia.
https://equalityaustralia.org.au/wp-content/uploads/2021/01/One-Nation-NSW-Ignorance-in-Education-Bill-Fact-Sheet_compressed-1-1.pdf

by “ideological.” If all views are presented in a balanced way then that would not contravene the proposed law.

Equality Australia claims that the Bill would gag discussion on contemporary topics thus depriving children from hearing “perspectives” on important issues simply because of a complaint from a parent with different views no matter how “isolated” or “isolating” those views may be.

Equality Australia did not express concern that the Bill would deprive children from hearing “all” perspectives”, just it would deprive them from hearing “perspectives”. Again, the point is the Bill seeks to prohibit “ideological” teaching i.e. presenting “perspectives” from only one viewpoint and censoring all others. The Bill would allow all perspectives on say climate change or Australian history, but prohibit teaching only perspectives from the global warming or invasion viewpoint.

As for other contentious issues on which views are divided, the Bill does not seek to, and would not, gag discussion of those issues. The Bill seeks to ensure that all perspectives are presented, not just perspectives on one view. That is what is meant by ideological teaching and it is ideological teaching that deprives children of hearing all perspectives on important issues.

Contrary to Equality Australia’s Submission, it is not the Bill, which seeks to prohibit ideological teaching, rather it is ideological teaching on contentious issues that deprives children from hearing all perspectives.

10.3 Re transgender and gender diverse students

Equality Australia claims that the Bill prohibits providing support to trans and gender diverse students. That is not so. The Bill is directed to teaching “gender fluidity”, that is “a belief there is a difference between biological sex and human gender and that human gender is socially constructed rather than being equivalent to a person’s biological sex.”

Supporting a trans or gender diverse student does not need to involve teaching all students that gender may differ from your biological sex and that they must believe that as a scientific fact. Different views about sex and gender don’t mean the teacher, the school or the other students can’t support trans or gender diverse student, just as schools support any minority student. The Bill does not “prohibit recognising their existence”. It just means not teaching gender fluidity as scientific fact that all students must believe.

The Bill would not, as claimed by Equality Australia, mean teachers would risk losing their accreditation if they “respectfully recognise the gender and sex diversity of students...”. A teacher can use a student’s requested name and pronouns and call out any teasing or unkind or negative remarks from other students without teaching that a person can be a different gender to their biological sex.

10.4 Intersex students

Equality Australia also claims that intersex students (described as those with sex characteristics that do not align with norms for male or female bodies) are “deemed disordered” by the Bill.

That is not so. The Bill does not say persons who are intersex are disordered.

It refers to people who are born with “disorders of sexual differentiation”, which is how intersex conditions are described in medical texts. Most people who are born with the condition identify as male or female though some, as with some born male or female, come to identify as opposite to their sex recorded at birth.

Intersex does not “prove” gender fluidity, does not show that no one is definitely or permanently male or female but fluid and may identify as they feel. As Patrick Byrne writes in his book *Transgender: one shade of grey*: “The fact that some humans are born intersex does not negate binary sex, any more than a person born blind negates the reality that humans are sighted beings.” (Chapter 5, page 53)

Claims that the intersex condition provides biological evidence for transgenderism involve the contradiction of claiming that gender identity is independent of biological sex while also claiming that the physical anomalies of the intersex condition provide biological evidence of non-binary gender identities. One can’t hold both positions.

Either transgender is based on biological evidence, or it is a social construct – it can’t be both. Evidence from the intersex population itself show that, overwhelmingly, most people born with an intersex condition identify with their birth sex.

10.5 Contemporary issues discussed in schools

EA claims that the Bill will not encourage students to ask questions and to think for themselves on “contemporary issues”. On the contrary the Bill simply seeks to ensure that teaching on such matters is not ideological, presenting only one view point.

Teaching only one view point does not encourage students to ask questions and think for themselves. It encourages students to think that only the view presented is to be considered correct and to only ask questions that are critical of any other view. Take Example 1 of the EA paper that, in response to a complaint about climate change being taught in class, a teacher begins the class by saying “there are some who deny that climate change is real, or is induced by humans. What we are learning today is one view of the cause of climate change, but there may be other views.”

What is wrong with a teacher acknowledging that “there may be other views” on climate change? Acknowledging that there are other views opens up the discussion. It doesn’t shut it down. This example really illustrates why the Bill should be supported in seeking to require instruction in education to be “non-ideological”.

10.6 Resolving conflicts

EA claims that the Bill would require teachers to spend time resolving conflicts among parents with different political or social views. On the contrary the Bill would minimise any such conflicts. If only non-ideological teaching is allowed, then the views of all parents can be reflected and no one could complain and if they did the explanation would be that the school cannot present only one view.

10.7 Teaching differences

Equality Australia claims that if a teacher invited students to write about a favourite thing and a student wrote about going to the park with their two mummies and another parent complained that this “normalised” same sex relationships, the Bill would mean the teacher wouldn’t have any way of reconciling the different views of the parents.

It would not amount to ideological teaching contrary to the Bill to explain to the students and the parents that people have different family arrangements without giving their views on the issue.

There would be no “ideological teaching” involved. The matter would have to be resolved as many other such disputes are by diplomacy. The teacher does not have to reconcile different views to the parents – just state fact that the student is being raised by two mummies which would be apparent to all the students anyway. The teacher would not be guilty of “ideological teaching” in such circumstances.

A teacher explaining to a student that it is not true to say “All Muslims are terrorists”, and therefore they are not to say that at school, would not be prohibited by the Bill. It would be easy to show that not all Muslims are terrorists. It is not ideological to say that is not the truth and to explain to the parents complaining that their child is not to say that at school as it is untrue. The Bill would not prevent the teacher being able to deal with the complaint.

10.8 Objecting to content

Equality Australia says that parents can already object to their children being taught particular content. [Section 26 of the NSW Education Act](#) does allow parents to object, but only on religious grounds, to their child being taught a particular part of a course of study.

Regarding Clause 17D, objecting to teaching on matters of parental primacy, it is not clear how the clause is meant operate. Does it mean the child is automatically exempt from such instruction? Or should Section 26 be amended to include allowing parents to request an exemption on the grounds of “parental primacy” as it does on “religious grounds”?

Further, is Clause 17D only meant to allow parents to object if the teaching on these matters of “parental primacy” is ideological?

The Bill ensures gender fluidity will not be taught at all and that in matters of “parental primacy” all teaching will be “non ideological”.

The Bill is needed to give the greatest support to parent’s rights in relation to the education of their children in accordance with their convictions.

10.9 Anti-bullying

The Bill would not, as claimed by Equality Australia, prevent a teacher from enforcing an anti-bullying policy which may conflict with the views of parents on women or LGBT people or those from different religious or cultural backgrounds. Doing so would not be “ideological teaching.”

Bullying is a separate issue. Bullying should not be tolerated for any reason. Bullying is teasing, being unkind, excluding a person for no valid reason, saying negative things to another person. A student does not have to accept another student’s religious or cultural beliefs and should not be taught they must do so. But for a teacher to ask a student to be kind and refrain from saying negative things to another student because of that student’s religion or cultural beliefs is not something anyone would disagree with and would not be prohibited by the Bill.

APPENDIX 1

Summary of results of survey of gender fluidity, by political affiliation, Sexton Marketing poll of 2,500 people, December 2016

Question: Some people have expressed concerns about the direction and content of sex education programs and anti-discrimination programs in some Australian schools. When it comes to sex education in the school curriculum, please indicate whether you would very concerned, or somewhat concerned, or not concerned about any of the following:

Key questions	Very concerned or somewhat concerned, percent		
	Labor	Liberal	Greens
Allowing boys who identify themselves as girls to share the girls' toilets, showers and change rooms at school	75	87	61
Teaching children as young as those in kindy or primary school that they can choose whatever gender they want	79	89	52
Schools supporting children as mature minors to change their gender identity without parental consent	82	94	74
Teaching young children about the availability of sex change operations and sex change hormones that can be used to change their gender if that is what they want	78	92	65
Encouraging children at school to role play being a different gender from their biological gender	67	79	36
Making this type of education about gender compulsory in the school curriculum, and every child, with or without parental consent, being required to attend these sex education classes	74	87	56
Parents having no say on what is or is not included in sex education classes at their children's school, and no right to take their children out of those classes if they do not agree with the content	81	92	67
If the sex education curriculum was heavily influenced by pro-transgender activists pushing their own cause	85	94	78
If teachers were sacked for refusing to teach the more controversial aspects of the sex education curriculum	83	91	62

APPENDIX 2

Young people transitioning, desisting and detransitioning

According to the American Psychiatric Association's *DSM 5 (the 5th Diagnostic and Statistical Manual of Mental Disorders – 2013)*,¹⁰⁰ the prevalence of gender dysphoria in males of all ages is between five and 14 in every 100,000 males and two to three in every 100,000 females.¹⁰¹

A subset of those with gender dysphoria includes children and adolescents. How many of these children identify as transgender in adulthood and how many desist from transitioning to the opposite sex?

Korte et al (2008)¹⁰² found that

Multiple longitudinal studies provide evidence that gender-atypical behaviour in childhood often leads to a homosexual orientation in adulthood, but only in 2.5% to 20% of cases to a persistent gender identity disorder¹⁰³. Even among children who manifest a major degree of discomfort with their own sex, including an aversion to their own genitalia (GID in the strict sense), only a minority go on to an irreversible development of transsexualism.¹⁰⁴

Korte et al also found that there were no

valid diagnostic parameters to be identified with which one could reliably predict ... whether transsexualism will develop with ... a high degree of probability.¹⁰⁵

Transgender literature emphasises the risks transgender students face if they are not allowed to socially and medically transition. Is the answer to support transitioning or to counsel them to wait until they are adults, given that a high proportion is likely to desist and not require intrusive medical intervention?

Further evidence for encouraging desistance in young people comes from those who detransition; that is, they return to identifying with their biological sex. There have been no formal studies on detransitioning. Rather, when James Caspian, a psychotherapist working with transgender people, became concerned at the numbers detransitioning and proposed a research project on

¹⁰⁰ *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*, 2013, American Psychiatric Association, <https://psicovale.files.wordpress.com/2014/06/dsm-v-manual-diagnostico-y-estadisticos-de-los-trastornos-mentales.pdf>

¹⁰¹ Ibid.

¹⁰² Korte, A., Goecker, D., Krude, H., Lehmkuhl, U., Grüters-Kieslich, A., & Beier, K. M., "Gender Identity Disorders in Childhood and Adolescence: Currently Debated Concepts and Treatment Strategies". *Deutsches Ärzteblatt International*, November 2008, 105(48), 834–841. <http://doi.org/10.3238/arztebl.2008.0834>

¹⁰³ Green R, Roberts CW, Williams K, Goodman M, Mixon A. Specific cross-gender behaviour in boyhood and later homosexual orientation. *Br J Psychiatry*. 1987; 151:84–88.

<https://www.ncbi.nlm.nih.gov/pubmed/3676630>

Zucker KJ. Gender identity disorders in children and adolescents. *Annu Rev Clin Psychol*. 2005; 1:467–492.

<https://www.ncbi.nlm.nih.gov/pubmed/17716096>

Cohen-Kettenis PT, van Goozen SH. Pubertal delay as an aid in diagnosis and treatment of a transsexual adolescent. *Eur Child Adolesc Psychiatry*. 1998; 7:246–248. <https://www.ncbi.nlm.nih.gov/pubmed/3676630>

All cited in Alexander Korte, et al, Ibid.

¹⁰⁴ Korte, A., et al, "Gender Identity Disorders in Childhood and Adolescence: Currently Debated Concepts and Treatment Strategies", Op. cit.

¹⁰⁵ Ibid.

detransitioning, the UK Bath Spa University initially approved the application. Caspian is a trustee of the Beaumont Trust charity, which provides support to transgender, transsexual and cross-dressing people.

His preliminary findings indicated growing numbers of young people, particularly women, regretting gender reassignment. The university ethics committee rejected his research proposal. On a BBC Radio 4 interview, he said

[t]he fundamental reason given was that it might cause criticism of the research on social media, and criticism of the research would be criticism of the university. They also added it's better not to offend people.¹⁰⁶

Nevertheless, an informal survey of female-to-males who detransitioned was conducted by Cari Stella, who describes herself as a detransitioned lesbian.¹⁰⁷ In 2017, she conducted a two-week survey on Survey Monkey and received 203 responses. These are women who transitioned, whether socially and/or medically, and subsequently detransitioned, as well as individuals who still identify as non-binary or gender fluid, but have desisted from medical or social transition. The survey was shared on Tumblr, Facebook, and by the blog, 4thWaveNow.

Stella said she was surprised at the sheer number of respondents in two weeks, and suggested that “detransitioners are not quite as rare as some would like to have us think”. The key findings were that the average age of transitioning was 17.09 years and, of detransitioning, 21.09 years, making the average transgender duration of this group four years.

Of the 13 options to indicate why they detransitioned, the most common were

shifting political/ideological beliefs, at almost 63%, and finding alternative coping mechanisms for dysphoria, at 59%.¹⁰⁸

Stella was criticised on the Transgender Health Facebook page, which is a page for the World Professional Association for Transgender Health (WPATH) members and others involved in trans health. She was asked: “Show me a study of 12,000 trans men followed for 20 years, please?” The question cannot be answered if universities are refusing proposals for such studies?

Stella responded, saying:

I created this because there is almost NO data on detransitioned women, or research being done into alternative treatments, other than what basically amounts to conversion therapy. We don't need conversion therapy, we need trauma-informed care. The women surveyed did not receive that. Only 6% of the women surveyed felt they received adequate counselling or information about transition, and 75% said their dysphoria had improved since detransition. 60% said that they had completely negative feelings towards their transition, and only 17% felt positive or even neutral about it. That is unacceptable. We deserve to have options presented for the treatment of dysphoria.¹⁰⁹

¹⁰⁶ “University ‘turned down politically incorrect transgender research’”, *The Guardian*, 26 September 2017. <https://www.theguardian.com/education/2017/sep/25/bath-spa-university-transgender-gender-reassignment-reversal-research>

¹⁰⁷ Cari Stella, *Female detransition and reidentification: Survey results and interpretation*, 3 September 2017. <http://guideonragingstars.tumblr.com/post/149877706175/female-detransition-and-reidentification-survey>

¹⁰⁸ Ibid.

¹⁰⁹ Cari Stella, response on Transgender Health, Facebook page for WPATH members and others involved in trans health.

The ambiguity of gender identity is underscored by the fact that most children with gender dysphoria do not transition to the opposite sex in adulthood and there is a sizeable, but unknown and unstudied group, who detransition.

So, why the recent spike in the number of young people wanting to transition?

In Australia, the number of children referred to Melbourne's Royal Children's Hospital for gender dysphoria increased from one in 2003¹¹⁰, with 300 referrals expected in 2017.¹¹¹

In the UK, the number of children and adolescents transitioning has risen from 51 in 2009 to 1,766 in 2016. Over this period, the average year-on-year increase in referrals for children under age 12 was 48.6 per cent for boys and 92.7 per cent for girls; in adolescents, the corresponding rates were 54.9 per cent and 88.6 per cent.¹¹²

Has the push for gender identity laws, in schools and culture created a transgender cultural phenomenon?

Has transgender become the new black?

https://www.facebook.com/groups/WPATH/permalink/1294043013973455/?comment_id=1295521843825572&comment_tracking=%7B%22tn%22%3A%22R%22%7D

¹¹⁰ "Transgender children: what's behind the spike in numbers?", *The Australian*, 18 July 2015, pgs. 12-16. <https://www.theaustralian.com.au/life/weekend-australian-magazine/transgender-children-whats-behind-the-spike-in-numbers/news-story/10ccc515ef67b73a76e4e01aad92e54a>

¹¹¹ "First regional gender clinic opens at Gateway Health Wodonga", *The Border Mail*, 21 April 2017, <http://www.bordermail.com.au/story/4611243/first-regional-gender-service-clinic-opens-on-the-border/>

¹¹² Nastasja M. de Graaf, Guido Giovanardi, Claudia Zitz, Polly Carmichael, "Sex Ratio in Children and Adolescents Referred to the Gender Identity Development Service in the UK (2009–2016)", *Archives of Sexual Behaviour*, 25 April 2018. <https://doi.org/10.1007/s10508-018-1204-9>