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Australian Human Rights Commission
TGD Human Rights Enquiry
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SYDNEY NSW 2001

Via email: TGD.Submissions@humanrights.gov.au

TO WHOM IT MAY CONCERN

I welcome this call for submissions and the chance to offer the vast nature and amount of my experience and insight re the current climate of intense threats to trans and gender diverse (TGD) human rights in Australia.

I am Sally Goldner AM (pronouns she/her). I am a trans bi/pan neurodivergent woman who has survived various aspects of medium-level trauma. I experience 3 hidden disabilities, 2 physical and one psychological, the latter being cyclothymia. I began to be my authentic self in relation to my gender identity in 1995 before my 30th birthday.

I am a founding member of Transgender Victoria Inc (TGV), Bisexual Alliance Victoria Inc (BAV), Zoe Belle Gender Collective (ZBGC) and have been involved in a number of other organisations across the LGBTIQA+ (queer) communities.

I was awarded an Order of Australia in 2019, inducted into the Victorian Women's Honour Roll in 2016 (the first trans and first known bi woman to receive the honour), awarded LGBTI (sic) Victorian of the Year in 2015 and was noted in The Age's Top 100 most creative and influential people in Melbourne in 2011.

I am a life member of ZBGC, Seahorse Club of Victoria Inc (both TGD-specific organisations) as well as being a life member of Polyvic and the Victorian Pride Lobby.

My involvement includes advocacy, law reform, media representation, policy, diversity education and support within queer communities. My paid employment includes diversity educator, public speaker, life coach, MC and accountant. I am also an occasional performer across various genres. Finally, I have presented on community radio for the last 25 years, 19 of those on 3 CR Melbourne. All of these parts of my identity, roles and experiences inform my perspectives in this submission.

The three key areas of my submission are:

Issues including sources of hate
Lack of addressing issues including the "elephant in the room"

Solutions

Issues including sources of hate

In my opinion the vast majority of Australians are down-to-earth, fair-minded people who believe and practice human values such as fairness, respect and kindness. Sadly, this majority is countered by a loud minority promoting what, whether using lay or legal terms is hate and vilification i. e. ideas that increase “hate, contempt, revulsion or severe ridicule” (1)

The problem lies in that the sources of hatred have access to power and money that are hugely disproportionate to their numbers. I note the ideas and their sources are the “same old same old.” Whilst some might simplistically blame the internet/social media for increased hate, these are *means of transmission*; every source of hate starts with a human being and I will outline the groups of people below.

The ideas often boil down to:

deny the existence of TGD people or understate the numbers of TGD people;
deny our issues exist or blame these issues on TGD people rather than take responsibility for creating hateful beliefs.

The ideas are combined with wilful calculated exaggerated emotion, particularly fear but sometimes greed e. g. mentioning “taxpayer funds.” Similarly, combining two or more emotive concepts e. g. TGD and young people, TGD and custody further distorts facts, doubles the emotion and pushes debate further away from fairness and logic. Another emotive tactic using incomplete, one-sided emotive phrases e. g. “freedom of speech” while denying the other side of the coin to freedom, namely *responsibility*.

The usual suspects fanning this hate include:

elements of mainstream media;
elements of politics;
elements of religion;
gender-critical (sic) approaches;
those exploiting gender critical approaches; and
elements of police

a) Media

The sensationalist, simplistic approach of large chunks of mainstream media means Australians do not get balanced coverage regarding TGD issues. Further, when TGD people are approached, it is largely on issues we consider to be beat-ups e. g. sport rather than issues WE know are the true priorities (which I will outline in the solutions section). Further, these elements of medial rarely “grill” those with anti-trans views to the same degree as compared to the aggressive cross-examinations faced by TGD people e. g. TGD people being asked to prove our existence when cisgender people are never asked to prove theirs.

Unsurprisingly, I believe Newscorp to be the worst offender over time. The constant spewing of exaggerated emotion, particularly in “The Australian” includes dubious tactics, e. g. quoting health practitioner Professor John Whitehall as being authoritative despite him never having seen a TGD client (2), instantly extrapolating exaggerations from overseas into Australian circumstances when there is no comparison. Other Newscorp outlets may differ in intensity but this is small comfort to us.

Sadly, the standards of Nine (formerly in part Fairfax Media) have declined. I and others experienced disingenuous approaches from a writer from “The Age” but the paper repeatedly ran her articles. I have witnessed and experienced bias from a former commercial radio presenter (re asking irrelevant technical questions, wilful misgendering) and one-sidedness from a still current presenter on different occasions. In June 2019, the latter’s

producer contacted me for an interview re birth certificate laws and stated bluntly “[presenter x] knows your issues, but only wants to talk about bathrooms.” On another occasion after carefully discussing talking points re a trans situation with a producer, presenter x’s first question was “does this mean we’ll have to build 3rd toilet blocks?”

I massively condemn the Seven Network’s “Sunday Night” program in 2023 on trans for particular condemnation. How anyone involved in creating this putridity can sleep at night is beyond me.

This simplistic all-or-nothing sensationalism might bring mainstream media ratings points, clickbait and what’s left of newspaper sales, but it does so at the expense of TGD health and wellbeing – possibly TGD lives.

b) Politics

(My focus is Victorian and federal; much of this commentary would apply Australia-wide).

Victoria is fortunate re having a supportive ALP government for 21 of the last 25 years which has been highly beneficial for TGD people (and others) re social justice. However, the continuing growth of far-right influence in the Liberal (and possibly National) parties is of concern. This became evident during the birth certificate reform debates of 2016, when some Liberal MPs, while misusing the shield of parliamentary privilege, spewed out highly transphobic statements and also refused to meet with trans people or our supporters – a refusal in complete breach of their duty as democratically elected representatives. That the state Liberal party refused to condemn transphobia following events outside state Parliament on 17 March 2023 is of grave concern. (3)

The federal situation is worse than Victoria. While the LNP is equally as poor overall as its state counterpart, the federal ALP’s gutlessness in the past 5 years has left TGD people feeling hugely abandoned. Examples include Anthony Albanese’s response of “no” when asked “can men have babies?” prior to 2022 election, thereby abandoning trans men. It is all very well to undertake cunning stunts like walking across Sydney Harbour Bridge during glitzy World Pride celebrations; the lack of substantive policy action has been appalling and galling. Since the 2022 election, the federal ALP has collectively failed to recognize of Trans Day of Remembrance and Trans Day of Visibility four times. I acknowledge individual ALP MPs e. g. Ged Kearney for positive efforts. I note USA President Joe Biden put out a statement of support for TDoV 2024, yet our Prime Minister was silent.

It is not enough to “stop the culture wars.” There is no such thing as culture wars; that is simply another emotive far right term. We urgently need positive proactive leadership and allyship. While the current hate is “screams of a dying animal, the noise will subside soon;” the noise is overwhelming. To simply not engage at all means trans people feel abandoned, only increasing the mental health problems we face.

c) Gender critical approaches

The gender critical approach (despite the rhetoric of supporters) simply denies the existence of trans people e. g. using terms such as “biological men” to describe trans women and bringing in largely abstract theoretical debates that are hugely bereft of logic, fact, kindness, decency and win-win solutions. Trying to engage with those spouting rigid ideology and experiencing emotional blockage is utterly pointless.

It is also hugely disconcerting these approaches may take the form of blatantly anti law-and-order attitudes e. g. aiming to record sex assigned at birth on official documents and forms, thereby breaching federal law and regulations

The approach clearly is vilification e. g. stating a whole group of people don't know our lives is ridicule, implying trans people are a threat to women and/or children will inevitably increase hate and contempt. It is hate-speech, yet it is discussed casually as if acceptable, causing significant damage to trans people (and families).

d) Exploitation of gender critical approaches

While acknowledging the pain of those cisgender women whose sense of self has been violated by cisgender men, it is my reasonable opinion people who are not of this experience are exploiting the gender critical approach. Evidence offered in a UK court case, whereby the LGB alliance (sic) admitted only 7% of its UK members identified as lesbian, gives a strong clue to this presumption. That some people exploit vulnerable cis women **and** trans people is a disgrace and if true, needs to be utterly condemned and eradicated.

e) Police

While acknowledging much work has been done in Victoria, right-wing attitudes in police are of concern, especially following the approach shown on 17/3/2023 after the far-right displays outside the Victorian Parliament.

I also find the attacks/threats on drag events AND the lack of police support/protection horrifying. While drag and trans are not the same (acknowledging of course some drag performers are trans), it is all an attack on any form of sex, gender identity and/or gender expression that varies from stereotypical expectations of male/man/masculine and female/women/feminine.

Lack of addressing issues including the "elephant in the room"

Problems for trans people worsened from around 2016. The anti-queer types realised they had lost the marriage equality battle and turned their focus onto trans people. While the transphobia of these groups is a root cause of our problems, two other factors must be brought out from under a rock. (3)

Sadly, in my opinion, careerist, corporate and/or party-politically-motivated advocates with little to no understanding of the community sector and little genuine regard for diversity who claimed to be "on our side" made things worse. The resulting, pathetic small-target, "middle-class picket-fence" approach of the "yes" campaign during the 2017 postal survey threw trans (and others) under the bus. This short-sighted approach failed to defend trans people, created a deeper feeling of abandonment and resulted in "give bigots a millimetre and they'll take an Earth's circumference." Trans people have been paying for it in many ways ever since. A stronger stance in consultation with trans (and others) could have minimised damage to trans people both then and since. (4)

The other problem is the increasing domination in policy of the shallow corporate, Sydney "gay-stream" (mainstream gays and lesbians who want to assimilate into society) and see trans and others as "too different." This internalised oppression and assimilationism continually sells out trans and others (5) e. g. bi+, intersex. Further, the corporate and political careerists who dominate discourse in politics and advocacy while claiming to represent trans people often silence trans and progressive voices and/or tell cisgender heterosexual powers what those powers want to hear - **not what they need to hear**.

An important quality of allyship is humility and the willingness to be guided by others beyond one's experience. Unfortunately, too many cisgender people, including gay and lesbians who believe they are allies, do not follow this and think they have the right to speak for trans (and groups like bi+ as well). Quite frankly, these people need to borrow the philosophy of "The Rock" in WWE, namely, "know your role...and shut your mouth."

The Sydney factor is relevant given NSW has the worst LGBTIQ+ laws of any state/territory, including re trans (and more). Large corporate-style organisations have great resources including the ability to market themselves as leaders but offer little substance underneath. While I can understand that it may be convenient for the AHRC to consult with organizations nearby, the fact the AHRC is based in Sydney means it is probably missing out on best-practice advice from other parts of Australia.

I condemn most self-proclaimed queer Sydney-based organisations and note numerous poor experiences in my dealings with senior management in those organisations re diversity. I also note in one organisation that there has been high level of trans staff turnover and believe that issue needs investigation. To give one example, a cisgender gay man from one of these organisations proclaimed to me in writing in 2018 - five years AFTER the passing of federal laws protecting gender identity - that “you can’t put gender expression in a definition of trans otherwise if I [the cis gay man] wear a pink shirt I’ll be told I’m transgender.” If these organisations don’t get the “trans 101” right, how will they be true allies?

Finally, I condemn some self-proclaimed LGBTIQ+ organisations for barging into trans and other spaces when having little to no expertise beyond their original focus of cis gay men and not undertaking relevant cultural change in their own organizations.

Many of these organizations import corporate, toxic masculinity approaches to values, governance, strategy and operations that are not trauma or neurodivergent informed and their “selectively woke” approach creates further problems for trans people. As well, these models are also corporate results-driven models rather than being community grass roots and values driven, thereby entrenching hierarchy and trauma.

Solutions

The overarching aims of these solutions is the need to BOTH strongly communicate support and practically end systemic issues to enable greater strength for trans people. We must directly address the sources of hate so as to cut those sources off at the roots.

Solutions include (by no means are limited to):

The urgent joint commitment by all state, territory and federal governments to fully fund a national trans-specific, trans-led community-driven advocacy group

All jurisdictions to update anti-vilification laws to comprehensively cover gender identity (and other protected attributes e. g. sexual orientation, variation of sex characteristics, etc) **and** all jurisdictions to urgently upgrade definition of gender identity to achieve best practice and uniform definitions by 20 November 2025 (Trans Day of Remembrance).

An independent investigation into right-wing/Nazi influence in all police forces and similar authorities e. g. prison staff. Compulsory training for all new and existing police in all aspects of diversity including gender identity. Successful completion of training and ongoing improved performance in diversity to be a material factor in promotion of all police.

All police to uphold the law and ensure full safety for all drag events to proceed.

All jurisdictions to follow the Tasmanian lead from 2005 and eliminate exemptions re sport for TGD (and variations of sex characteristics)

A Royal Commission or investigation with equivalent powers to investigate media as relates to trans and public funding to be made available for trans people to fight specific cases of poor media representation.

A Royal Commission or investigation with equivalent powers to investigate known hate groups e. g. Australian Christian Lobby, LGB Alliance (sic), Lesbian Action Group and full resourcing for TGD people (and others) to monitor hate via an institution similar to Southern Poverty Law Centre in the USA.

Stop imported hate: trans people to advise immigration minister on known non-citizen transphobes entering Australia and minister to always follow advice.

Full funding for trans-specific health care e. g. surgeries, hormones including emergency funding for those in poverty and facing greater marginalisation e. g. refugee, Aboriginal and Torres Strait Islander including sistergirls and brotherboys. Reimbursement for superannuation plus interest to those who have withdrawn from super to cover surgery in the last 25 years.

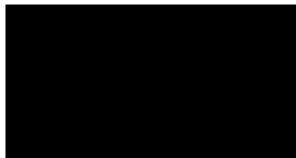
Religious service providers e. g. welfare, housing wanting to discriminate on the basis of gender identity to have reduced funding; funding then diverted to trans-led or other services, especially in regional and rural areas.

Government funded roundtable of trans (and parents/guardians) to create uniform model birth certificate laws and uniform model regulations for recording gender (update sex and gender guidelines) followed by urgent adoption across jurisdictions.

Follow lead of Argentina in paying compensation to trans people for past suffering.

I am happy to be contacted if there are any queries and thank you again for the opportunity to submit.

Yours sincerely



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- 1) Definition adopted <https://www.legalaid.vic.gov.au/racial-vilification-and-acts-racial-hatred>
- 2) <https://www.outinperth.com/professor-john-whitehall-says-he-has-never-seen-a-transgender-patient/>
- 3) <https://mals.au/2023/03/20/statement-of-concern-policing-of-opposing-anti-trans-rally-trans-rights-rallies/>
- 4) The following video complied by Drummond Street Services explores in depth concerns about the yes campaign <https://ds.org.au/its-more-complex-than-yes/>
- 5) Articles such as these and others by Jillian T. Weiss https://www.researchgate.net/publication/254367173_Reflective_Paper_GL_Versus_BT_The_Archaeology_of_Biphobia_and_Transphobia_Within_the_US_Gay_and_Lesbian_Community