

AHRC SUBMISSION

Active Watchful Waiting Inc. (AWW) appreciates the opportunity to contribute to the Australian Human Rights Commission's (AHRC) inquiry into the threats to trans and gender diverse (TGD) individuals in Australia. This submission challenges the prevailing narrative portraying TGD individuals as uniquely vulnerable to widespread societal and systemic abuse. AWW contends that the legal and social frameworks currently in place in Australia provide robust protections for TGD rights, often extending beyond the measures available to other demographic groups.

AWW contends there is no systemic issue of abuse against the TGD community that is unaddressed by existing laws or societal norms. The narrative of disproportionate victimisation lacks empirical support and detracts from the significant legal and societal advances that have been made in favour of TGD rights in Australia.

AWW's Expertise

AWW is a collective association comprised of a diverse group of members including parents of transgender youth, detransitioners, mental health professionals, lawyers, as well as members of the LGB and transsexual communities. Our representatives are based nationwide and extend to New Zealand. AWW has actively participated in government inquiries, providing evidence on the topic of gender-affirming care, its potential harms and risks, and the tension between the rights of TGD, Lesbian, Gay, Bisexual communities (LGB), Transsexuals, and women. AWW is also actively engaged with:

Educational Workshops and Seminars

AWW organises workshops and seminars to provide educators, healthcare providers, and policymakers with evidence-based information on the complexities of gender identity development and the implications of early medical interventions.

Collaborations with organisations, mental health professionals, and politicians

Our collaborations help foster a scholarly environment that supports balanced and diverse perspectives on TGD, LGB, Transsexual, and women issues.

Community Outreach and Support

AWW actively engages with communities through our website, social media platforms, and participation in public discussions and legislative reviews. We offer resources and support for families, educators, and individuals navigating these complex issues and advocate for policies that protect the rights and well-being of children.

Mission

Our core mission is to advocate for children's rights to receive a factual, science-based education. We aim to ensure their natural growth and development and protect them from premature and irreversible medical interventions. We believe that childhood should be a time of natural exploration, free from the pressures of undergoing unnecessary medical treatments or being pushed to adopt unevidenced identities. We promote a cautious, ethical, and psycho-social approach that prioritises long-term wellbeing over immediate interventions.

Perceived Threats to Transgender Rights in Australia

AWW asserts that the narrative of widespread threats and discrimination faced by TGD individuals in Australia is disingenuous and unsupported by empirical evidence. Transgender rights organisations frequently highlight issues without fully acknowledging the significant legal protections and societal acceptance already afforded to transgender individuals in Australia. AWW points to the continuous portrayal of victimhood,¹ which we argue detracts from a balanced discussion about the impact of TGD policies on other societal groups. AWW contends that minority status does not inherently confer vulnerability on a particular cohort. The AHRC's suggested sociological approach lacks a clear formula to measure "vulnerability," which can only lead to misrepresentations and subjective assertions of the conditions faced by the TGD community.

Assessing "Threats"

AWW raises serious concerns about the data and methodologies the AHRC intends to use to assess "threats." Any reliance on the e-Safety Commissioner to gauge alleged threats appears misguided and misaligned with the original purposes of the e-Safety Commission. It is crucial to acknowledge that while online content may be offensive, seeking out such content to claim discrimination does not constitute a threat. Moreover, the e-Safety Commissioner's focus has disproportionately targeted those critical of gender identity politics.²

Other real-world examples starkly illustrate the dangers of setting subjective standards based on personal feelings within legal frameworks.³ Such standards invariably open the floodgates to vexatious, frivolous, and baseless complaints. These are often lodged not against those who pose a real or serious "threat", but against individuals who merely hold differing

¹ <https://www.amnesty.org.au/transgender-people-face-casual-discrimination-up-to-60-times-a-day/>;
<https://pursuit.unimelb.edu.au/articles/why-have-nearly-half-of-transgender-australians-attempted-suicide#:~:text=https://equalityaustralia.org.au/lgbtiq-groups-celebrate-new-laws-that-will-change-the-lives-of-trans-and-gender-diverse-queenslanders/>

² For example, many women have had online content removed for simply stating "men don't breastfeed" or "men are not women". Additionally, individuals such as 'Billboard Chris', is currently appealing an injunction sought by the e-safety Commission, through the Administrative Appeals Tribunal.

³ The complaint made against Hobart City Councillor Louise Elliott for her views on biological sex, which was ultimately withdrawn.

opinions.⁴ This misuse of the complaint process undermines the legitimacy of genuine grievances and silences essential, legitimate discussions on contentious issues like gender identity.

Lack of Reliable and Comprehensive Data on “Threats”

There is a stark lack of robust data from police forces and the Office of the Director of Public Prosecutions nationwide regarding 'threats' or 'crimes' perpetrated against the TGD community. This absence undermines the legitimacy of claims that 'anti-trans hate' constitutes a significant real-world threat. The AHRC must avoid equating heated online or in-person disagreements with severe forms of violence such as male violence against women or historic discrimination and hate crimes against LGB individuals. To preserve its credibility, the AHRC must insist on systematic reviews and require that data collection be disaggregated by sex, gender identity, and transgender status. This rigorous approach is essential for accurately assessing actual threats rather than those merely perceived or reported by individuals, ensuring that policy responses are grounded in empirical evidence rather than subjective interpretations.

Current Framework is Adequate

The agenda pursued by TGD activists often pushes for expanding rights without thoroughly evaluating broader societal impacts, which includes policies related to sports, prisons, and educational settings.⁵

We contend that the legal and social frameworks, plus the financial support in place, not only safeguard the TGD community but, in many instances, elevate the rights of TGD individuals, often to the detriment of other demographic groups, notably women, girls, and LGB.

Comprehensive Legal Framework

Australia's legal framework, including the *Sex Discrimination Act 1984* (Cth) and various state laws providing legislative protection for sex self-identification, conversion therapy bans, anti-discrimination and Human rights Acts,⁶ provides robust protections against discrimination for TGD individuals. These laws ensure that TGD individuals have the right to live their lives freely, access healthcare, and live free from discrimination. This legislative environment has

⁴ Ibid.

⁵ <https://equalityaustralia.org.au/world-athletics-blanket-trans-exclusionary-sports-ban-risks-human-rights-violations/>

⁶ See, for example: *Births, Deaths and Marriages Registration Act* (VIC) and (Qld); *Conversion Practices Ban Bill 2024* (NSW), *Change or Suppression (Conversion) Practices Prohibition Act 2021* (VIC), *Health Legislation Amendment Act 2019* (Qld); *Equal Opportunity Act 2010* (VIC), *Anti-Discrimination Act 1977* (NSW), *Human Rights Act 2004* (ACT).

led to instances where the rights of other marginalised groups such as women and LGB have been compromised.⁷

AWW is concerned that the AHRC – an independent body – is advocating for special privileges for the TGD community within legal frameworks. This does not align with the principles of equality and justice. The AHRC's focus on transgender issues, to the exclusion of investigating sexism, racism, and homophobia, suggests a biased approach, undermining a broader mission of addressing all forms of discrimination and maintaining fairness across all demographic groups.

Robust Financial Support

Significant funding is directed towards transgender advocacy groups in Australia. For instance, the Department of Foreign Affairs and Trade has allocated \$15 million per year to support LGBTIQ+ human rights in the Asia-Pacific region, as part of Australia's commitment to promoting these rights internationally.⁸ This funding is aimed at addressing social stigma and legal discrimination, which Equality Australia celebrates as a crucial support for the community.⁹

Organisations like ACON continue to receive substantial funding, with ACON securing significant state and federal governmental funding for its various programs.¹⁰ Such substantial financial backing raises questions regarding the necessity and allocation of these resources, given the robust legal protections already in place for TGD individuals in Australia.

Disproportionate Allocation of Resources

The focus of funding and advocacy on TGD issues overshadows the needs of other groups within the LGBTQIA+ community, particularly LGB, whose needs differ significantly from those being prominently advocated for.¹¹

Influence on Public Policy and Legislation

The substantial funding enables these organizations to effectively lobby for changes in laws and policies that predominantly support TGD rights, often at the expense of other marginalized groups. Notably, this includes LGB individuals and groups, whose voices are

⁷ For example, the Lesbian Action Group and Jessica Hoyle, both faced legal challenges for attempting to exclude biological men who identify as women, from women-only events. Additionally, Sally Grover, the founder of a female-only app, is currently awaiting a decision from the Federal Court regarding whether she discriminated against a man claiming to be a woman who was denied access to her online platform. In all instances, the rights of men who claim a trans gender identity were elevated over the sex-based rights of women.

⁸ <https://equalityaustralia.org.au/australia-asia-and-the-pacific-welcome-announcement/>

⁹ *Ibid.*

¹⁰ <https://www.lgbdefence.org/acon>; <https://aconexposed.org/wp/blog/2022/06/13/acon-exposed/>
<https://www.hospitalmanagement.net/news/acon-lgbtq-health-centre-nsw/?cf-view>
https://www.health.nsw.gov.au/news/Pages/20220419_01.aspx

¹¹ <https://scopeni.nicva.org/article/the-end-for-lgbt-why-trans-issues-should-be-separate>

less prominently heard in public discourse.

Ongoing Demands Despite Legal Protections

Despite Australia's comprehensive legal frameworks that protect TGD rights, funded organisations continue to campaign for more resources, citing ongoing discrimination and the need for more extensive societal changes. This continuous push for funding raises questions about the efficiency and effectiveness of the expenditures in achieving tangible improvements, and whether these funds would be more impactful if distributed to address a broader range of social issues affecting various marginalised communities.

Impact on LGB

The heavy tilt towards TQ advocacy has created divisions within the LGBTQIA+ community itself, as members who feel underrepresented view the predominant focus on TGD issues as unbalanced.¹² LGB who openly acknowledge their needs as distinct from trans and “queer” cohorts have become targets for simply recognising the conflict of rights that arise between same sex and gender identity.¹³ This effectively continues to embed the cycle of discrimination against LGB people in social and political spheres.

Given the level of support and resources dedicated to TGD advocacy in Australia, it becomes increasingly difficult to substantiate claims that the TGD community is marginalised or victimised. The considerable public and private investment, coupled with significant legal protections and the influence on policy, underscores a community that is not only well-supported, but also possesses a notable ability to shape public discourse and policy. This narrative of extensive victimisation does not hold when weighed against the actual protections afforded to TGD individuals in Australia, suggesting a need for a more nuanced and balanced approach in discussing *true* marginalisation and victimhood.

Media Representation

The media's focus on TGD issues is invariably disproportionate. Equality Australia's active media presence and campaigns, such as those pushing for changes in birth certificate laws and anti-discrimination protections, receive considerable attention, often framing religious groups as enemies of the entire LGBTQIA+ equality.¹⁴ This strong media footprint helps shape public perceptions and policies, overshadowing other pressing societal concerns and

¹² <https://www.lgballiance.org.au>

¹³ <https://www.lgballiance.org.au>

¹⁴ https://theqldr.com.au/queensland-news/2022/12/02/transgender_qld-3/

<https://www.smh.com.au/politics/nsw/greenwich-to-introduce-long-overdue-equality-bill-as-nsw-trails-country-20230821-p5dy5z.html>

<https://www.starobserver.com.au/news/equality-bill-introduced-in-nsw-parliament-by-sydney-independent-mp-alex-greenwich/225853>

<https://www.starobserver.com.au/news/tell-your-mp-to-pass-alex-greenwichs-equality-bill-equality-australia-launches-campaign/226705>

contributes to a narrative that portrays TGD individuals as perpetually under threat, skewing public perception away from a more balanced view of the actual societal reality.¹⁵

Public broadcasters such as the Australian Broadcasting Corporation (ABC) play a significant role in framing national discussions around TGD issues. The ABC has demonstrated a marked bias in how it reports on these topics, invariably presenting narratives that align closely with the interests and perspectives of advocacy groups like ACON.¹⁶ Notably, the ABC participates in ACON's Australian Workplace Equality Index (AWEI),¹⁷ which influences corporate policies to adopt identity politics, with a heavy and biased perspective of TGD issues. The propaganda that ABC invariably broadcasts of trans content cannot be perceived as anything other than favourable to the TGD community.

Other major networks like SBS are also participants in ACON's Pride Inclusion program,¹⁸ indicating a widespread media commitment to promoting a trans-positive narrative. This alignment underscores a media landscape that consistently supports and amplifies transgender advocacy, often at the expense of a more varied discourse. In addition to broadcast media, print and mainstream news outlets frequently exhibit biases in reporting incidents involving TGD individuals, particularly in sports and criminal reporting. When trans-identified males displace women in sports or commit acts of violence or sexual assault, these incidents are invariably reported with the individuals incorrectly sexed as females.¹⁹ This misreporting misleads the public and paints a distorted picture of the impact of transgender policies on women's rights and safety. Moreover, the rarity of reports on TGD issues that do not fit the victimhood or advocacy narrative suggests a protective bias within the media. Stories that might cast a critical light on the consequences of transgender policies or actions are seldom reported, contributing to a public discourse that overwhelmingly favours a singular, advocacy-driven narrative. This skewed reporting effectively shields the TGD

¹⁵ <https://qnews.com.au/nsw/mps-told-to-skip-mardi-gras-until-equality-bill-is-passed/>
https://tasmaniantimes.com/2023/03/turf-war-whats-really-behind-recent-attacks-on-trans-tasmanians/#google_vignette
<https://www.smh.com.au/national/nsw/hate-crime-safety-concerns-after-sydney-s-latest-anti-lgbtq-attack-20230831-p5e0wf.html>
<https://www.thepinknews.com/2023/09/03/sydney-pride-event-lgbtq-attack/>
<https://www.theguardian.com/australia-news/2023/mar/29/australian-lgbtq-advocates-call-for-stronger-legal-protection-after-anti-trans-incidents>
<https://www.theguardian.com/australia-news/2023/mar/25/whats-behind-the-terrifying-backlash-against-australias-queer-community>

<https://www.abc.net.au/news/2023-05-01/lgbtq-community-concerned-over-anti-transgender/102289770>

¹⁶ <https://www.youtube.com/watch?v=sN52gWHujw8>

<https://www.abc.net.au/news/2023-05-03/oxford-street-anti-lgbtq-attacks-police-harrassment/102291422>

<https://iview.abc.net.au/show/transblack/series/0/video/IP1706H004S00>

<https://www.abc.net.au/pacific/programs/pacificbeat/poli-kefu-murder-case-sparks-lgbtqi-debate-pacific/13328100>

<https://www.abc.net.au/news/2017-11-18/advocacy-groups-say-killings-of-transgender-people-are-rising/9164370>

¹⁷ <https://www.pid-awei.com.au/2021-lgbtq-inclusion-awards-results/>

¹⁸ <https://www.prideinclusionprograms.com.au/members-list-2/>

¹⁹ <https://www.abc.net.au/news/2019-01-18/evie-amati-jailed-for-nine-years-over-7-eleven-axe-attack/10725862>

<https://www.abc.net.au/news/2024-03-23/vic-protesters-clash-with-police-outside-victorian-parliament/103624208>

narrative from critique and presents an imbalanced view, again making it very difficult to make a cogent argument claiming attacks on the TGD community.

Claims of High Suicide Rates

AWW contends that claims regarding high suicide rates among transgender individuals are frequently cited to influence public opinion and legislative decisions, and do not withstand closer scrutiny. These rates are often derived from surveys and studies that may not meet rigorous scientific standards. For instance, surveys might have small sample sizes or lack control groups, which leads to generalisations that don't accurately represent the broader TGD population.²⁰ There is currently no reliable national data concerning the prevalence of suicide and self-harm within the TGD community in Australia.²¹

Use of Anecdotal Evidence

Media and advocacy groups sometimes base claims of systemic violence and discrimination on anecdotal evidence rather than comprehensive data. For example, isolated incidents of discrimination or violence involving the trans community are either conflated with attacks on LGB or highlighted as though they are frequent, despite the lack of robust statistical evidence to support such a conclusion as a widespread issue.²²

Questionable Survey Methodologies

Surveys used to support claims about the TGD community's experiences may have methodological weaknesses. These surveys might rely on self-selection sampling or include participants who are not trans and who identify as “queer” or are LGB. This leads to biased results due to the participants not belonging to the specific cohort of the TGD population.²³

²⁰ https://mentalhealth.bmj.com/content/ebmental/27/1/e300940.full.pdf?utm_source=substack&utm_medium=email

Ruuska S-M, et al. *BMJ Mental Health* 2024;27:1–6. doi:10.1136/bmjment-2023-300940

<https://econtent.hogrefe.com/doi/suppl/10.1024/1422-4917/a000972>

The findings from community surveys such as *Private Lives 3* and *Writing Themselves In 4* consistently reveal higher rates of mental health issues, suicidal thoughts, and self-harm within the LGB and TQ+ communities compared to the general population (Hill et al., 2020; 2021; Marchi et al., 2022; Swannell et al., 2016; Zwickl et al., 2021). Experiencing poor mental health does not inevitably lead to completed suicide. Further, *Private Lives 3* and *Writing Themselves In 4*, along with other focused community surveys of LGBTQ+ individuals, do not employ probability sampling methods and therefore fail to yield representative data for the transgender population.

²¹ There is currently no segregated data available for suicide rates among TGD individuals in NSW. Only data categorised by sex at birth have been documented for suicide and self-harm indicators. The Australian Institute for Health and Welfare relies on two primary datasets—the National Mortality Database (NMD) and the National Hospital Morbidity Database (NHMD)—to track rates of suicide and hospital admissions due to self-harm. However, these datasets do not capture information on trans status. The Victorian Suicide Register (VSR) and the Queensland Suicide Register (QSR) are the sole state suicide registries to disclose data concerning suicide fatalities among LGBTIQ+ individuals. However, the figures in each state are insufficient to segregate by sex and sexual orientation. Consequently, there is no substantiated evidence indicating significantly elevated suicide rates among transgender individuals.

²² <https://www.abc.net.au/news/2023-05-01/lgbtiq-community-concerned-over-anti-transgender/102289770>

<https://www.abc.net.au/news/2023-05-03/oxford-street-anti-lgbtiq-attacks-police-harrassment/102291422>

<https://www.smh.com.au/national/nsw/hate-crime-safety-concerns-after-sydney-s-latest-anti-lgbtq-attack-20230831-p5e0wf.html>

²³ Australian studies about transgender individuals have indicated that 43% to 48% have made suicide attempts (Zwickl et al., 2021; Bretherton et al., 2021; Strauss et al., 2019). However, these studies are unreliable due to their reliance on self-selecting community surveys, which represent the weakest form of qualitative data. Strauss et al utilised the anonymous online cross-sectional survey

Influence on Legislation and Policy

Claims about (often) unsubstantiated²⁴ widespread threats to TGD individuals have led to legislative changes, such as conversion laws, anti-discrimination laws and inclusion policies in sports and public accommodations. While these changes aim to protect TGD individuals, AWW argues that they do not consider potential impacts on other groups, particularly women and girls in single-sex spaces.

Advocacy Tactics

AWW is critical of some advocacy tactics that use emotionally charged narratives to drive policy changes. These narratives often emphasise victimhood and vulnerability without providing a balanced view of the actual advancements and protections that have been achieved for transgender individuals in Australia.

AWW raises concerns about instances where women's rights and safety are compromised due to the aggressive actions and violent acts of some TGD activists and the application of policies favouring self-identification of sex.

Physical Assaults at Rallies

In recent years, women have been physically assaulted at women's rights rallies,²⁵ they have faced online harassment and threats, they have faced disruptions to events which aim to prevent the events from proceeding, effectively silencing women's voices on these critical public policy issues. This pattern suggests a targeted approach to intimidate and silence women from expressing concerns about policies that may affect women-only spaces and rights.²⁶

'Trans Pathways' (2016), which contained flawed methodology and analytical criteria, rendering its data unreliable. The authors of the Zwickl subsequently study amended their skewed data and revised their conclusions after publication.

<https://bmcpsy psychiatry.biomedcentral.com/articles/10.1186/s12888-021-03491-w>

²⁴ <https://www.outinperth.com/tasmania-premier-jeremy-rockliff-backs-conversion-therapy-ban/>

²⁵ <https://www.nzherald.co.nz/nz/crime/posie-parker-protest-activist-pleads-guilty-to-punching-elderly-woman-at-heated-auckland-trans-rights-protest/A5RG2HY2TJFLFKAP4OT7JLGIGU/>

<https://www.spiked-online.com/2023/07/10/punch-a-terf-the-violent-misogyny-of-the-trans-movement/>

<https://www.dailymail.co.uk/news/article-12528949/Trans-rights-activists-clash-radical-feminist-terf-conference-San-Francisco-Hilton.html>

<https://www.dailymail.co.uk/news/article-13230121/Melbourne-protest-Violence-breaks-CBD-anti-trans-demonstration-police-battle-control-opposing-groups-shocked-diners-watch-on.html>

²⁶ <https://www.theage.com.au/politics/victoria/liberal-women-demand-dumped-mp-moira-deeming-be-reinstated-20230616-p5dh54.html>

<https://www.skynews.com.au/opinion/rita-panahi/serious-political-influence-trans-activists-silencing-womens-rights/video/1eafb9af2b4a10e71f9390f4b5bcc68c>

A culture of victimhood

The claim that the TGD community is disproportionately targeted for abuse is problematic when considering the broader context of public discourse. For example, acts such as misgendering - often perceived by some as violent or equivalent to genocide - are entirely disingenuous. This discrepancy between perception and reality highlights a troubling trend: subjective interpretations are being elevated to the level of objective truths without consistent standards. Just because an individual or group perceives an action as harmful does not inherently make it so. The tendency to label straightforward disagreements or factual statements as extreme forms of violence does not foster constructive dialogue. Instead, it stifles open communication and debate. Ensuring a balanced and rational discourse requires recognising the difference between actual harm and perceived offence and addressing the former without excessively amplifying the latter. It is crucial for a democratic society to maintain this distinction to prevent the erosion of reasoned debate by hyperbolic responses. The constant victimhood claimed by the TGD community needs to be very seriously and objectively assessed.²⁷

Conclusion

AWW contends that the current narrative around widespread victimisation does not accurately reflect the reality of the TGD community within Australia's legal and societal frameworks. AWW advocates for policies and public discourse that are informed by empirical data and objective analysis. We caution against policy changes driven by anecdotal evidence or heightened emotional appeals that lead to unintended consequences for other marginalised groups, particularly women, children and LGB. As the AHRC moves forward with its project to "map threats," AWW remains committed to contributing to a dialogue that respects the diversity of experiences and viewpoints. We hope that our submission will serve as a valuable resource in shaping policies that are just, equitable, and reflective of the needs of all Australian citizens.

Prepared By Research & Legal Committee,
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https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fcommentary%2Fhow-our-leaders-have-joined-with-radical-activists-to-silence-feminists%2Fnews-story%2Fb7c55c6424cc7049e52a0b19f17475da&memtype=anonymous&mode=premium&v21=GROUPA-Segment-2-NOSCORE&V21spcbehaviour=append

<https://www.spectator.com.au/2023/05/the-silencing-and-vilification-of-women-and-girls/>

²⁷ <https://www.dailymail.co.uk/news/article-12114965/Starbucks-manager-ranted-woman-transphobic-claims-victim-hate-crime.html>