

**WONG, Ms Rachael, Chief Executive Officer, Women's Forum Australia**

**GROVER, Ms Sall, Founder and Chief Executive Officer, Giggle; and Petition Partner, Women's Forum Australia**

**CHAIR:** You may have heard me say earlier that the committee asks that you refrain from referring to a quote by someone else that may contain unparliamentary language. I do not know if you were going to do either of these things, but please also do not identify a person who may not wish to be identified in the public space. I am trying forewarn you against something like that. Can you make an opening statement of up to five minutes and then the committee will have some questions for you.

**Ms Wong:** Good morning and thank you for inviting us to appear today. My name is Rachael Wong and I am the CEO of Women's Forum Australia. With me I have Sall Grover, the CEO of women's networking app Giggle, who has herself experienced acute harm from laws that conflate sex and gender. She is here today to help represent all the Queensland women who have found themselves shut out of consultation on this bill. This bill has provoked strong emotions, with the Attorney-General outright dismissing women's concerns as transphobia. Not only do such comments embolden violence against women; I can assure you that if she had taken the time to actually meet and engage them in genuine dialogue without derision then it would be abundantly clear that there is no ill will towards trans people.

I believe those engaged in this process sincerely care about their fellow citizens' safety, wellbeing and dignity, that those who support this bill are truly wanting to improve the lives of transgender people, and that those who do not support this bill are deeply concerned about the harmful, far-reaching implications for all Queenslanders, but particularly for women and girls. While behind this bill may be the best of intentions, these implications have not been fully understood because if they had, this bill would not have been put forward in its current form.

With that said, I ask that you put yourselves in the shoes of our society's most vulnerable women who will be most adversely affected by this law. Opposition to this bill is not a face-off between women and trans people, but rather a universal recognition of the importance of single-sex spaces and the risks that biological males can pose to women and girls. The rationale for why we have single-sex prisons, bathrooms, changing rooms, sports and so on is based on an understanding of the biological sex differences between men and women and the value placed on protecting and progressing women's dignity, safety, fairness and equality. Single-sex spaces are particularly important for victims of male-induced violence and trauma.

Just because someone does not identify with their biological sex does not negate its existence. A law which allows anyone to change their legal sex because of a perceived gender identity is based on a falsehood. It enables any male to self-identify as a woman and access female-only spaces, services, sports, opportunities and even lesbian events, and undermines the very purpose of single-sex spaces. It disables critical sex-based data collection and it opens up loopholes for predatory men to exploit the system and gain unfettered access to vulnerable women and girls. This point was made recently by the UN in its critique of Scotland's similarly controversial bill which was deemed so problematic by the UK government, it has just used an unprecedented veto power to block it.

Despite the Attorney-General's claim that there is no evidence trans women pose an increased risk to biological women, the actual evidence tells a very different story. The reality is trans women are biological males, and in addition to data that they retain male patterns of violence, examples of women being harmed by them in female-only spaces abound. This past year we have heard of trans women raping women in female-only prisons, hospital wards and shelters. Sexual assaults by trans identified males in female-only spaces are becoming disturbingly more common, but even the violation of one woman should have been enough for self-ID laws worldwide to be abolished in an instant.

Self-ID laws affect the rights and safety of all women and girls. I have had mothers and fathers tell me their daughters hold on to go to the bathroom all day because they are too scared to use the school bathroom with boys. I have had women contact me saying that aged-care workers are required to dress biological men in female underwear and make-up as part of their sexual fetish, and I would strongly recommend that the committee read submission 273 in this regard. Then there are the mounting stories of female athletes who are losing out on places, awards and opportunities to biological males.

It is important to ensure that those who feel disconnected from their biological sex are treated with care and respect, but this cannot be achieved by removing hard-won rights and protections for women. Most of those deciding this bill will never be in a position of one of society's most disadvantaged

women, serving time in prison or seeking refuge in a shelter. They will likely never be at risk of being cornered by a sexual abuser in a place that was meant to keep them safe. However, they do have a responsibility to protect those women, and they also shoulder a responsibility for the consequences should they fail to do so.

I ask that the committee listen to the voices of women, that you take seriously the countless stories of harm, and that you have the courage to stand up against this ill-conceived legislation. Thank you.

**Mrs GERBER:** Thank you for your appearance today and for your written submission. I understand from both your oral submission then and your written submission that you are completely opposed to part 5 in the bill. Could you talk me through any other amendment or anything that could be incorporated in the bill that might allow for the LGBTI community to self-identify in relation to their gender? I will premise that by asking you to accept the concept of gender and sex as two different things, for the context of your answer.

**Ms Wong:** The comments that I think Sandy made via videoconference just before is something that we could accept as an appropriate compromise in this situation: to keep the very important concept of a birth record which is a factual document that is very important for obviously data collection and for keeping a record of that person's biological sex, but there could be, for example, a certificate which acknowledges a gender identity which, as we understand, is obviously subject to change and is not something that is immutable and based in biology or science.

**Ms BOLTON:** You did recommend the creation of gender-neutral spaces as a way forward and that was on page 8. Could you elaborate on this a bit more?

**Ms Wong:** Yes. The idea there is that, as I have said today and in my submission, keeping female single-sex spaces and also male single-sex spaces is incredibly important for the functioning of our society and for the rights, safety and dignity of women and girls in particular. However, I see no reason why there cannot be gender-neutral spaces, so spaces where someone who does not feel comfortable going into a sex-based facility that they do not identify with—it may be their biological sex, but it will not be congruent with the gender they identify with—I do not see an issue why there cannot be a gender-neutral space for people who fall along that gender identity spectrum that they can access and feel more comfortable in.

**Ms BOLTON:** You wanted to remove part 5 at the very least and that part 12 should also be removed; that was on your page 8. Can you quickly reiterate why?

**Ms Wong:** Part 5 is the part of the bill that deals with self-identification. That is quite clear in the sense that we believe it is very important to be able to continue to record a person's sex on their birth certificate, and not allowing that to be conflated with gender in practical situations is incredibly important. Part 12, from memory, was in relation to—

**Ms BOLTON:** I think it was to do with amending the Anti-Discrimination Act.

**Ms Grover:** That is a really important point, the Anti-Discrimination Act. My ultimate issue with this law is that it is asking all Queensland residents to potentially ignore what they see with their own eyes; to ignore reality. Is that going to become illegal? I can correctly sex every single person sitting in this room right now. It is an instinctive, evolutionary, important biological skill. Is that going to be illegal? What is the punishment if we say, 'This person standing in front of me is male, not a woman'? This has not been covered in any way, not even a substantial way. We are constantly being asked to provide evidence of harm and what could possibly go wrong. There has been no evidence given that men are women. It did not even start. The conversation is over. There. It is just absurd that it has even gotten to this stage. If you want to have a gender recognition certificate, fine, it is your life, it is your identity, you are welcome to it, but there needs to be exemptions in this law that says gender does not exceed the rights of sex because it is just obliterating reality for every single Queensland resident.

**Ms BUSH:** Thank you for attending and your submission and for giving voice to certainly a cohort of people who have those views. I was interested in whether you had the opportunity to read the response from the department to submissions around some of the issues that you have raised and what your thoughts were along their response.

**Ms Wong:** Were there particular areas you would like us to comment on?

**Ms BUSH:** The issues that you have spoken to, particularly to where I am struggling which is the reference to evidence that risk of harm will elevate and their very clear response, and certainly the research I have undertaken myself prior to these hearings which has not really unearthed any peer

reviewed critical evidence—certainly media reports and hypothesis, but no tangible evidence that that risk has increased when we accept that predatory people are out there in every domain.

**Ms Grover:** Yes, but predatory men are out there in every domain; that we have had single-sex spaces to protect women from them. Fair Go for Queensland Women's submission detailed the rising number of male inmates who are identifying as women. In 2021, it was 42. In 2022 as of 30 June, it was 63. We are in 2023 right now. It is growing. There are only 800-and-something female inmates in prison. If you put 80 males into that prison, you have 10 per cent of the women's prison population that is male. How does the Queensland women's prison system plan on handling that? Do you think that all of those men who are in prison for crimes are telling the truth? Or maybe they have ulterior motives.

**Ms BUSH:** Have you read the submissions and—

**Ms Grover:** Yes.

**Ms BUSH:**—the department's response around—

**Ms Grover:** Yes, it is nonsense.

**Ms BUSH:** Sorry, I am still going—from services that, without this legislation, they are already interacting in a space of gender fluidity in that they have risk assessment procedures already established to support this, and that they are not capturing the evidence of harm, and that is not just in Australia; that that is across hundreds of millions of people who are living in countries where this legislation has been in place for some time?

**Ms Grover:** In New Jersey last year, two women inmates were impregnated by a male who claims to be a woman.

**Ms Wong:** To that point, I would like to add that, I agree, there are definitely jurisdictions where there are not formal self-ID laws yet, where males are already identifying as women and accessing women's spaces, and there are definitely problems with that in itself. There have been the stories I mentioned of sexual assaults occurring and other kinds of harm stemming from that as well. Self-ID laws make it even easier.

At the moment, I think in some jurisdictions without the legislation, there are policies and guidelines in place which allow this to happen. For example, in the UK there are no self-ID laws, but there is that story of the single-sex hospital ward where that woman was raped by a transgender patient who was biologically male, and for an entire year after that she was disbelieved because—'Well, no, she could not have possibly been raped because there was no man on the ward', when actually there was a biological male who identified as a woman. There was no self-ID law, but there were obviously guidelines and policies that the hospital followed to say that if someone identified as transgender, as a trans woman, they could access that hospital ward, and that has obviously had devastating consequences for that particular woman. However, actually creating a law which says, 'Legally speaking, this is a female,' that makes it even easier for those people to access those spaces.

To be very clear, this is not to say that trans people are predators; this is to say that biological men have patterns of criminality where they are more likely to commit sexual assault, as opposed to women. Trans women are biologically male. There is absolutely no evidence to suggest that because a biological male identifies as a woman that those patterns of male criminality change in any way. In fact, there has been data that has come out of the UK which suggests that trans women who are biological males, who have gone to prison and have committed sexual offences, there is actually a more concentrated number of those as opposed to the general male population, which is quite interesting.

To your point in terms of the data not being available and so on, there is data that is available. But I also think that it has been quite difficult to collect data because a lot of the time it is not collected accurately which is obviously a big part of this in that once certain guidelines or laws are allowed to conflate sex and gender, then we do not have the ability to collect accurate data which shows that this is actually a biological male's crime and so on.

**Mr HUNT:** Given all the limitations you have just talked about with the collection of data, within Australian jurisdictions—the states that have already done work in this space—how many incidents have you narrowed down of a transgender person committing a sexual assault in a designated safe space?

**Ms Grover:** One is enough.

**Mr HUNT:** How many?

**Ms Grover:** The problem is that when you allow anybody to change their sex marker it is being recorded as a female crime. It is not being recorded as a trans crime; it is being recorded as a female crime, so where is your data collection.

**Mr HUNT:** Just to go back to the question: how many do we know of at the moment?

**Ms Wong:** I am uncertain as to how many there are because it is very difficult to get that data. There have certainly been allegations in Victoria of, for example, a trans identified male who was a transwoman raping a woman in a prison. That has happened multiple times, but, again, it is very difficult to collect that data.

To that point, obviously sexual assault is one of the most extreme forms of harm that can come from this legislation, but there is obviously a very wide spectrum of harm to particularly women and girls which ranges from the very extreme of rape but goes right down to not feeling comfortable to go and use what should be a single sex space and then being excluded from society in that sense because you do not want to face that kind of intimidation.

**Mr HUNT:** That is an excellent answer. Just to confirm: at this point in time—and it may well be due to difficulties in data collection—we do not have a concrete example that we can point to that at this time at this place X offence transpired? Is that currently the situation?

**Ms Grover:** We are happy to send through the information to you.

**Ms Wong:** At this point in time I do not know of an exact number, but certainly we can try to send through more examples of specific occurrences. One interesting point that I will note is that last year, I think it was, a freedom of information request was done in relation to a women's prison in Victoria—obviously Victoria has self-ID laws—and what came back from that is that they are not actually recording the sex of the prisoners who go into a female prison. We know that there is at least one trans identified male—so a transwoman—who is in a women's prison there. We are pretty sure there are more because we have seen media reports on that. They are not recording the sex of those people so if that person was to rape or assault a female prisoner there would be no record of that being a male crime or that being a transgender crime because those details are not being recorded, which is obviously extremely concerning.

**Mr HUNT:** So there could conceivably be dozens or zero because we do not know?

**Ms Wong:** It is unlikely to be zero because there are already stories of it happening. We do not know how many exactly; it could be dozens or more.

**Mr HUNT:** Is there a contention that an offender would go through the process—and they are not insignificant processes—of changing their gender identity specifically to commit an offence? Could they not commit the offence without going through the process?

**Ms Grover:** Predatory men have always gone to great lengths to get close to victims. They used to dedicate their lives to theology to do it. Going and getting a piece of paper to say that you are a female is essentially nothing in comparison to what has historically been known to happen. They can train as police officers and a bunch of different things. To try to mitigate the harm of that, we have had single sex spaces. This takes away that and allows the predatory men into the single sex spaces that were a protection from the predatory men.

**Ms Wong:** Exactly. To your point, obviously a man could go into those spaces but there is at least the understanding that they are not meant to be there. It makes it a lot easier if they are legally able to claim that that is their space as well.

**CHAIR:** That brings to a conclusion this part of the hearing. I understand that you have taken a question on notice on the data in relation to offences committed. Would you be able to provide that information to the secretariat by 31 January at 5 pm?

**Ms Wong:** No problem. On that note, Chair, could we also mention some statistics to do with prison data that have been collected by Fair Go for Queensland Women? Some of that may be in her submission, but we might like to provide a little extra data in relation to that as well.

**CHAIR:** Yes, anything to do with the data question will be welcomed by the committee.