

2 February 2023

Morgan Carpenter
Executive Director
Intersex Human Rights Australia

Sent via: morgan.carpenter@ihra.org.au

Dear Morgan

IHRA 2023 State Election Policy Platform

I refer to the Intersex Human Rights Australia (IHRA) priorities for the 2023 State Election Policy Platform to improve the human rights, health and welfare of people born with innate sex characteristics that don't fit medical norms for female or male bodies.

I share your concern that New South Wales does not protect intersex people from violations of bodily integrity or from discrimination and does not ensure intersex people and their families have access to advice and information independent of medical practitioners.

I have worked to keep the rights of intersex people on the agenda and challenge the assumption that unnecessary surgery and medical interventions on infants and children are in their best interests through speeches and questions in Parliament, and in discussions directly with ministers. I have also advocated for intersex reforms with other members of the NSW Parliament Friends of LGBTIQA+.

I am committed to significant reform in this area and outline responses to your nine calls to action below.

My omnibus Equality Bill will create a framework for consent of invasive and irreversible surgeries and treatments on people with innate variations of sex characteristics. I am considering following the ACT model which provides for an expert panel to approve non-urgent interventions in line with human rights principles that support consent and autonomy, however I will await the final version of the ACT bill before determining the best way forward. I will also consider any progress on Victorian legislation given consistency with border jurisdictions is preferable.

The NSW LGBTIQ+ Health Strategy that I advocated for identified limited support for families of intersex infants and children, as well as a lack of knowledge among health professionals about the health needs of intersex people. The strategy reported that 72 percent of intersex people in New South Wales felt that mainstream health providers are not familiar with their health needs. There is a clear need for expanded peer support and the strategy commits to partnering with peak organisations to this end.



Targeted mental health programs that recognise and respond to the needs of intersex people are urgently needed. The health strategy identified vulnerabilities in relation to mental health due to stigma and the need to engage with intersex led organisations to establish programs.

The importance of improving data collection for health and welfare across LGBTIQ+ communities was highlighted in the health strategy but it is especially important for intersex people given the lack of data has justified decades of medical interventions without consent.

If re-elected, I will use commitments in the health strategy to call for state government funding for IHRA and Intersex Peer Support Australia to expand their support services in addition to engaging them to develop intersex mental health programs and support better data collection.

The *Anti-Discrimination Act 1977* is archaic and no longer fit for purpose with outdated tests and no protections for a number of attributes including sex characteristics. I will push for an overhaul of the laws and use my Equality Bill to introduce interim changes aimed at extending protections to all LGBTIQ+ people, including people with variations in sex characteristics.

Certain settings create risks for people whose innate physical sex characteristics don't fit with medical or social norms for female or male bodies, including education and custodial settings.

I share your concern that schools fail to recognise or have policies to protect students with intersex variations from exclusion, discrimination, stigma and bullying. Language used by teachers can treat intersex students as needing medical treatment or assume that they identify as non-binary or have gender identity concerns, and teachers may not have the knowledge to appropriately address bullying from other students. The impacts on education and wellbeing can have lifelong effects and programs are needed to better support students and teachers. In partnership with intersex peak organisations, the state government should establish policies to educate all schools and ensure they are inclusive, accepting and affirming of all intersex students.

Custodial policies fail to appropriately respect people who are intersex and largely fall back on existing policies for people who are transgender, but these policies are often based on identity and transition which may not be relevant to most intersex people. Custodial policies established specifically for intersex people that recognise their diversity, protect them from harassment and stigma, and ensure they can access treatment and privacy are needed. The state government should work with intersex organisations to establish policies that protect the dignity of people who are intersex within the justice system.

New South Wales needs to better recognise and support people with intersex variations and I agree with the proposal for a whole of government advisory group representing the needs of LGBTIQ+ people with strong intersex representation. I have also repeatedly asked for a dedicated ministerial portfolio to ensure there is coordination of LGBTIQ+ matters across all New South Wales agencies.

My Equality Bill will include provisions to ensure someone who wants to change the gender marker assigned to them at birth can do so without medical interventions. While I understand most people born with variations in sex characteristics that do not fit the norm of male or female have no desire to change the sex marker assigned to them at birth, I hope that those who do will benefit from these changes.

I am committed to the Darlington Statement and hope to continue working with IHRA and my political colleagues to advance reforms that protect people born with variations in sex characteristics, with the focus on protecting their right to make decisions about their own bodies and their treatment.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AG', with a long horizontal stroke extending to the right.

Alex Greenwich
Member for Sydney