

Morgan Carpenter
IHRA executive director
Intersex Human Rights Australia

Feb 23, 2023

Dear Morgan,

Re Intersex Human Rights Australia 2023 NSW election calls

Thank you for your email outlining the 2023 NSW election calls by Intersex Human Rights Australia.

The NSW Greens have a strong commitment to enabling and protecting the rights of people with innate variations of sex characteristics.

1. Enact legislation to protect the human rights of people with innate variations of sex characteristics in medical settings, including the provision of effective rights-based oversight.

The Greens are committed to ensuring access to a full range of publicly-funded health services for people with needs related to their intersex status. The NSW Greens policy, [Sex Sexuality and Gender Identity](#) supports:

- Consensual-only hormone treatment of infants, adolescents and adults with sex chromosome variations only after being fully informed and having attained competence
- Administrative-only gender assignment of intersex newborns whose genitals vary from male or female ideals, until, having attained competence and having been fully informed by a team including intersex representatives, they may request genital surgery, hormone treatment or both; Newborns requiring life saving surgery should undergo that surgery.
- The inclusion of intersex representative organisations in medical teams concerned with advising prospective parents of intersex newborns and with the treatment of intersex newborns, infants, adolescents and adults.

2. Provide resourcing for peer and family support and advocacy services for people with innate variations of sex characteristics and our families, including a dedicated helpline.

The Greens acknowledge the importance of specialist peer support workforce services and note that there is an urgent need for adequate resourcing to increase this workforce across the health and community services sector.

3. Ensure that mental health programs respond to the needs of our population.

The Greens want to see health and social support needs support and investment extended in relation to the intersex community and particularly in regional areas. We believe that this support must be provided without discrimination of any kind, because everyone has the right to have their specific health and social support needs met with equity and respect.

4. Update statistical standards and birth registration categories in line with the Australian Bureau of Statistics standard on sex, gender, variations of sex characteristics and sexual orientation.

The Greens support mandated, standard, opt-in data collection across all NSW Government departments so that the health, wellbeing and inclusion of intersex communities can be better understood and improved.

5. Update anti-discrimination to implement protections for people with innate variations of sex characteristics on the ground of 'sex characteristics', and replacement of comparator tests.

The Greens are committed to reviewing and reforming the deeply flawed Anti-Discrimination Act to ensure that intersex people are legally protected from discrimination in all contexts. We will work for the elimination of exemptions currently provided in the Anti-Discrimination Act as well as the extension of existing anti-discrimination legislation to include bisexual, intersex and transgender people.

6. Ensure policies in relation to education provide protections for people with innate variations of sex characteristics, and are not inappropriately based on matters of identity.

The Greens support an education system that provides age-appropriate information to students, and training and resources to teachers, about respectful relationships and the diversity of sexuality, gender identity, intersex variations and family structures.

The Greens will work to reform and update the education curriculum to provide clear, accurate, human rights affirming information about innate variations of sex characteristics. Additionally we will make schools safer by removing exemptions from anti-discrimination laws, and provide funding and inclusion training for teachers and redirect funding from chaplains to inclusive secular programs.

7. Ensure policies in relation to detention provide protections for people with innate variations of sex characteristics, and are not inappropriately based on matters of identity.

The Greens support Intersex Human Rights Australia's position that policies focused on identity are of limited relevance to people with particular sex characteristics that do not share those identities. But policies designed to safely accommodate people with many different kinds of innate sex characteristics and gender identity will benefit detainees with non-normative identities as well as detainees with intersex variations.

The Greens will work to reform the policies within the NSW prison system so that people with innate variations of sex characteristics are protected when in detention and not kept in isolation which is often the case. This is due to the high levels of violence that people with innate variations of sex characteristics are subject to in the prison system. The Greens will seek to ensure that NSW prisons policies are guided by international treaty obligations in relation to all people with intersex variations in places of detention.

8. Ensure that the subset of people with innate variations of sex characteristics who need to update the sex marker on their birth records are not required to undergo surgical and other medical interventions.

The Greens have advocated for self identification to be the key factor for those who wish to amend their identity documentation since 2015. It is unacceptable that changing identity documentation is reliant on surgical intervention or medical assessment. We believe a change of sex in identity documentation should be able to be done by a statutory declaration. In June 2018, NSW Greens MP and LGBTIQ+ spokesperson Jenny Leong made a commitment in the NSW Parliament to work across party lines to achieve these important amendments.

9. Establish a whole-of-government advisory group to advise in relation to policy and practice affecting people with innate variations of sex characteristics and LGBT people.

The Greens support a community led and whole-of-government LGBTQIA+ strategy to guide policy on LGBTQIA+ issues across government.

The NSW Greens [Sex Sexuality and Gender Identity](#) policy includes a commitment to the establishment of an adequately funded State Office for the Status of LGBTIQ+ People.

At the federal level The Greens will:

- Appoint a Minister for Equality, to ensure issues affecting LGBTQIA+ communities are represented in cabinet.



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- Appoint an LGBTIQ+ Human Rights Commissioner, to ensure LGBTIQ+ people are protected from discrimination on the basis of sex, sexuality, gender identity and intersex variations.

Do feel free to contact us if you have any further queries or comments.

Yours sincerely,

Jenny Leong MP
Member for Newtown
NSW Greens spokesperson
Sex, Sexuality and Gender Identity / LGBTIQ+